



CITY OF KIRKLAND CITY COUNCIL

Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Doreen Marchione
Toby Nixon • Jon Pascal • Penny Sweet • Kurt Triplett, City Manager

Vision Statement

Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY Relay Service 711 • www.kirklandwa.gov

AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, February 7, 2017 6:00 p.m. – Study Session 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.kirklandwa.gov. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

EXECUTIVE SESSIONS may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

PLEASE CALL 48 HOURS IN ADVANCE (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

ITEMS FROM THE AUDIENCE provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
 - a. Totem Lake Urban Center Projects Briefing
4. *EXECUTIVE SESSION*
 - a. To Discuss Property Acquisitions
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
8. *CONSENT CALENDAR*
 - a. *Approval of Minutes:*
 - (1) January 17, 2017
 - (2) January 23, 2017
 - (3) January 23, 2017

***QUASI-JUDICIAL MATTERS**

Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

- b. Audit of Accounts:*
 - Payroll* \$
 - Bills* \$
- c. General Correspondence*
- d. Claims*
- e. Award of Bids*
 - (1) Neighborhood Safety Program (NSP) - 2016 Projects, WS Contractors, Buckley, WA
- f. Acceptance of Public Improvements and Establishing Lien Period*
 - (1) Juanita Creek Rockery Replacement Project, Razz Construction, Inc., Bellingham, WA and Approve Budget Adjustment
- g. Approval of Agreements*
- h. Other Items of Business*
 - (1) Ordinance O-4555 and its Summary, Establishing the Amount of Property Taxes to be Levied for the Year 2017, the First Year of the City of Kirkland’s 2017-2018 Fiscal Biennium and Repealing Ordinance 4543.
 - (2) Juanita Quick Wins – Authorization to Bid
 - (3) Surplus Vehicles
 - (4) Report on Procurement Activities

ORDINANCES are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City’s official newspaper.

RESOLUTIONS are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

PUBLIC HEARINGS are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

9. PUBLIC HEARINGS

- * *a. Resolution R-5234, Affirming the Planning Director Decision Approving the Scramlin Gardens North and Scramlin Gardens South Short Plats in the Planning and Building Department File Nos. SUB16-01315 and SUB16-01316.*

10. UNFINISHED BUSINESS

- a. Resolution R-5235, Authorizing the City Manager to Enter into a Memorandum of Understanding With Holy Spirit Lutheran Church and Salt House to Work Together With Other Non-Profit Entities to Secure a Site for a Permanent Shelter for Homeless Women and Families in Kirkland.*
- b. City Hall Renovation Update*
- c. 2017 State Legislative Update #2*
- d. Juanita Beach Park Bathhouse Replacement Project - Supplemental Funding Request*

NEW BUSINESS consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

CITY COUNCIL COMMITTEE agendas and minutes are posted on the City of Kirkland website, www.kirklandwa.gov.

ITEMS FROM THE AUDIENCE
Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

- * e. Ordinance O-4553 and its Summary, Relating to Land Use, Approval of a Preliminary (and final) PUD as Applied for by Larry Scrivanich/Little Lion LLC in the Planning and Building Department File No. SUB15-02157, and Setting Forth Conditions of Said Approval

11. NEW BUSINESS

- a. Resolution R-5236, Naming a City Open Space as Bud Homan Park.
- b. City Council Policies and Procedures – Board and Commission Term Limits

12. REPORTS

- a. *City Council Regional and Committee Reports*
- b. *City Manager Reports*
 - (1) Calendar Update

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathy Brown, Public Works Department Director
Eric Shields, Planning and Building Department Director
Lynn Zwaagstra, Parks and Community Services Department Director

Date: January 26, 2017

Subject: TOTEM LAKE URBAN CENTER DEVELOPMENT COORDINATION

RECOMMENDATION:

It is recommended that the City Council receive a briefing and provide guidance on the following:

- An overview of development activities in the Totem Lake Urban Center;
- A more focused update on major private developments, City Capital Improvement Program (CIP) Projects, along with State and Regional transportation projects;
- The City's interdepartmental development coordination efforts; and,
- Staff's approach to grasping the opportunity to shape current development plans to create a vibrant and cohesive urban center.

There is no formal Council action requested as a result of this Study Session.

BACKGROUND DISCUSSION:

The attached memo to City Manager Kurt Triplett, dated January 12th, 2017, was written in preparation for the City Council's February 3rd, 2017 retreat. The memo provides background information regarding Totem Lake Urban Center development activities, along with specific project information. The brief overview planned for the retreat will provide a preliminary introduction to this topic for a more in-depth discussion in the Study Session planned for the February 7th meeting of the City Council.

Attachment – January 12th, 2017 memo to Kurt Triplett, with attachments



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathy Brown, Director of Public Works
Dave Snider, PE, Capital Projects Manager
Joel Pfundt, AICP CTP, Transportation Manager
Rod Steitzer, PE, Capital Projects Supervisor
Brian Baker, Capital Projects Coordinator

Date: January 12, 2017

Subject: TOTEM LAKE PROJECTS – 2017 FEBRUARY COUNCIL RETREAT

The Totem Lake Business District is experiencing a level of private and public investment not seen in the area in the last 30 years. The resulting projects will leave a lasting mark on the area and will determine how successful the City and its partners are in transforming this area into “a thriving center of residential and commercial activity”.

Design and implementation of these projects will be guided by existing and ongoing planning efforts. Many of the projects will be publicly funded and are included in the 2017-2022 Capital Improvement Program (CIP), including the Totem Lake Park project which is central to the City’s plans for the Totem Lake Business District.

Background

Totem Lake Business District Planning

A new Totem Lake Business District Plan was adopted on December 8, 2015 as part of the final adoption of the 2013-2015 Comprehensive Plan Update. The Totem Lake Business District Plan was developed based on an extensive outreach process involving property owners, businesses, residents, boards and commissions, and City Council. The Business District Plan is also supported by other City planning documents, including the Transportation Master Plan and Parks, Recreation and Open Space Plan.

The Totem Lake Business Plan is an update and renaming of the Totem Lake Neighborhood Plan which was adopted in 2002. The 2002 Plan identified the Totem Lake area as the economic engine for the City of Kirkland with a dense, walkable, mixed-use core; and a surrounding area providing a wide variety of services, as well as housing and employment opportunities. The 2002 Plan was also used as the basis to formally designate Totem Lake as one of 29 Regional Growth Center. Regional Growth Centers are areas identified for housing and employment growth, along with receiving regional funding.

2017-2022 Capital Improvement Program

On December 13, 2016, Council approved the adoption of the 2017-2022 Capital Improvement Program (CIP) which included the development of the Totem Lake Park as well as several transportation and utility projects to support growth in the Totem Lake area.

Totem Lake Park Project

Totem Lake Park is a 17-acre site located in the heart of the Totem Lake Urban Center. The lake has been known by several names over the years, but became known as Totem Lake in 1973 after the opening of the nearby shopping mall. In 1995 the City partnered with the King Conservation District to create trails and boardwalks in the park, as well as historical and ecological interpretive features.

In 2011, the Urban Land Institute, a non-profit organization comprised of land use and real estate experts, recommended to the City that Totem Lake Park be developed as a catalyzing strategy to help create a “sense of place” in Totem Lake. Their report said “the Lake itself can become the heart of a redeveloping neighborhood and a place with which Totem Lake residents, existing and new, can truly identify.” In 2013 the City Council directed the City’s Parks and Community Services Department to create a Totem Lake Park Master Plan. The City Council formally adopted the [Totem Lake Park Master Plan](#) in December 2013. The Plan will guide site development over time.

Update

Totem Lake Business District Planning

The City now has clear planning policy in place to support and encourage growth in the Totem Lake Business District. This has resulted in the redevelopment of the Totem Lake Mall moving forward, as well as many other development projects being proposed in Totem Lake. In order to support this growth, City Council has placed a priority in the six-year CIP in investing in the Totem Lake Business District. This has resulted in a sizable investment in the public realm in Totem Lake, which primarily consists of transportation infrastructure and parks.

City staff has identified a critical next step that needs to be done in order to ensure that new privately and publicly funded transportation infrastructure supports the vision articulated in the Totem Lake Business District Plan. A significant portion of this effort was identified by the Planning and Building Department when they included the Totem Lake Business District Enhancement Plan Service Package in the 2017-2018 City Budget. This service package is focused on improving the district’s appeal by identifying urban design wayfinding elements which would create an interconnected system of public spaces, improve intersections and streetscapes, and provide public amenities. The work involved in the service package would also be coordinated with existing urban design plans associated with the Village at Totem Lake, Cross Kirkland Corridor and Totem Lake Park.

The remaining element which needs to be explored in detail is to ensure the pedestrian and bicycle realm of the transportation infrastructure in Totem Lake is designed in such a way that it supports the area’s land use vision. Ensuring this is the case is consistent with one of the four principles on which the TMP is based – “Link to Land Use, Ensure consistency between land use, transportation planning and implementation.”

Current pedestrian and bicycle infrastructure are based on a combination of the following design standards:

- *Suburban Commercial Design Standards* – Consistent with historic land use patterns
- *Downtown Kirkland Design Standards* – Based on Downtown’s urban form, land use patterns and location

Neither of these approaches are particularly supportive of the Totem Lake Business District vision.

- *Suburban Commercial Design Standards* – Result in places where people don’t walk, bike and take transit which is inconsistent with the City’s approach to transportation outlined

in the TMP. They also do not support the dense, mixed-use development envisioned in the plan.

- *Downtown Kirkland Design Standards* – Do not work for Totem Lake because it has a very different context. Totem Lake has higher traffic volumes and speeds on a more limited and wider arterial street grid than in Downtown. The proximity to I-405 also results in higher vehicle speeds and noise, as well as further limiting the connectivity of the neighborhood. This means that the 8-10 foot sidewalks and 5 foot on-street bike lanes in downtown that seem very comfortable, may not be wide enough to create an inviting environment for walking and biking.

The importance of getting the design of the transportation infrastructure right is very important and difficult because the projects that are being built are as much about serving the Totem Lake of the future as they are about serving the Totem Lake of today.

To that end Public Works is proposing to work with Planning to expand the scope of the Totem Lake Business District Enhancement Plan Service Package to include the following, in addition to urban design elements:

- Comprehensive pedestrian and bicycle network
- Street typology which can be used to develop new street design standards and policies
- Project prioritization and implementation phasing plan

This would be done on two tracks, one would assist with the projects currently underway, and the other track would focus on future network segments not currently in design.

2017-2022 Capital Improvement Program

The adoption of the CIP represents a planned commitment of nearly \$143 million in the Totem Lake area. Funded projects represent \$55.9 million of that amount with contributions of \$27.7 million from local sources and \$5.2 million secured from external sources, \$8.8 million in developer improvement in the right-of-way, leaving under \$15.2 million in additional external funding still being sought. There is on the order of \$87 million currently shown on the *Unfunded Projects* CIP list. Any changes in assumptions regarding funding sources will affect the scope and/or schedule of planned projects.

Attachment A is a map representing both City CIP Projects and significant private developments in the Totem Lake vicinity (including major projects in the north Juanita area). An associated list of all related projects, funded and unfunded in the CIP, together with a current funding plan and project timelines is shown on the Totem Lake and Area CIP Projects Table (Attachment B). This Table represents the assumptions that went into the 2017-2018 CIP; again, any changes in revenue assumptions will change the funding plan and project timelines.

To facilitate the coordinated and timely delivery of the 23 funded CIP projects, staff has put together a multi-departmental coordination and review team. The review team will also provide input and guidance necessary for compliance of local critical area and surface water requirements. A total of four (of the 23) funded projects are scoped for design only: the 124th Avenue NE Roadway Improvements (ST0059 101); the 100th Avenue NE Roadway Improvements (ST0083 102); the NE 124th Street/124th Avenue NE Pedestrian Bridge (NM0086 100); and the NE 124th St/124th Ave NE Intersection improvements (TR0091 101). Staff and City consultants are actively pursuing external funding opportunities for construction funds for all of these project.

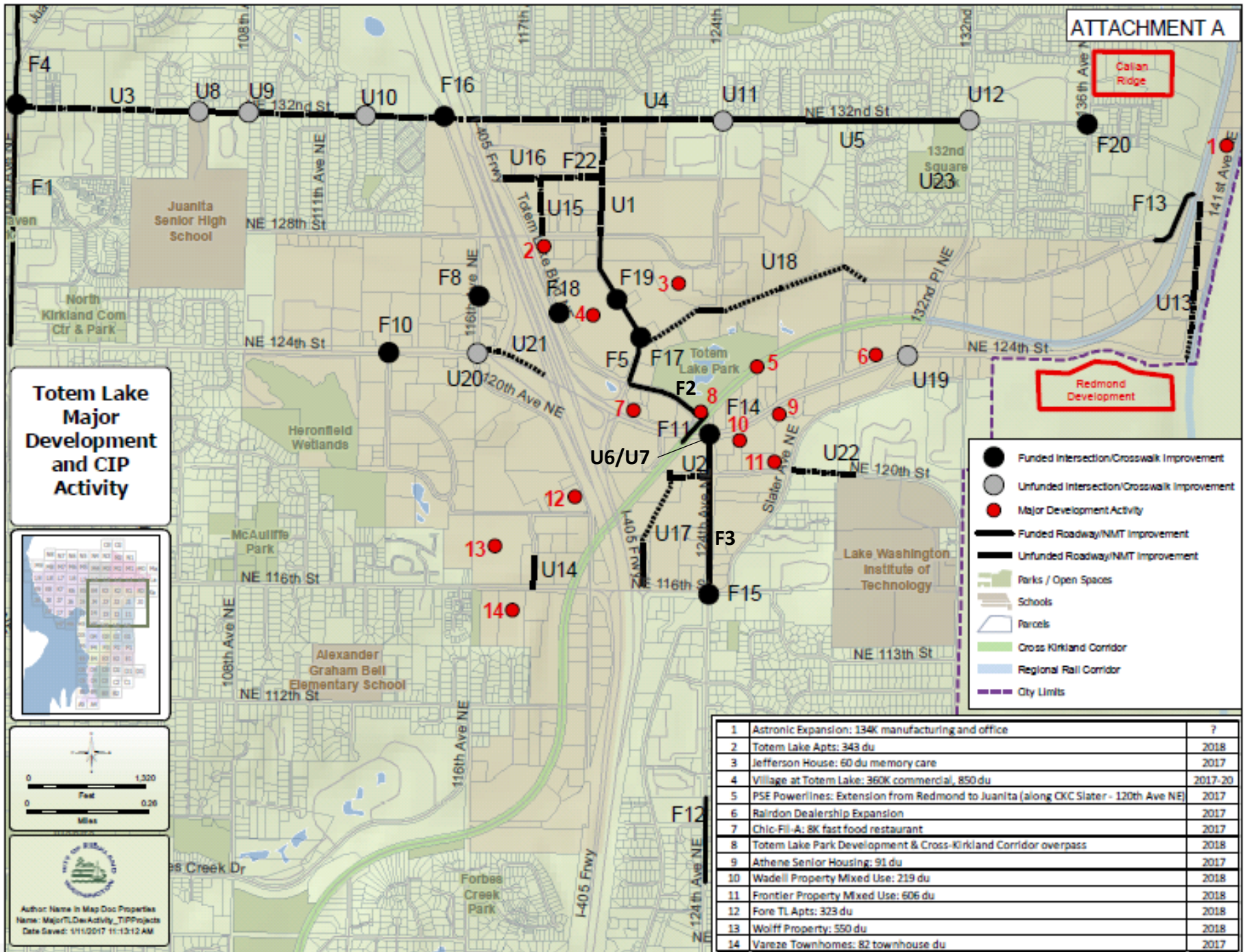
Totem Lake Park Project

The City will be officially acquiring the park property from the King Conservation District in 2017. The City's recently-adopted Capital Improvement Program provides funding of over \$7

million to begin implementation of the park master plan. Initial work will include redevelopment of the adjacent, City-owned "Yuppie Pawn" site into a park gateway and focal point, as well as improved trail connections to the nearby [Cross Kirkland Corridor](#). Construction of park improvements is anticipated to occur in 2018 and 2019.

Attachment A - Totem Lake Major Development and CIP Activity Map

Attachment B - Totem Lake and Area CIP Projects Table

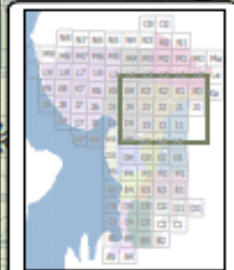


ATTACHMENT A

Callan Ridge

Redmond Development

Totem Lake Major Development and CIP Activity



Author: Name In Map Doc Properties
 Name: MajorTLDevActivity_TIPProjects
 Date Saved: 1/11/2017 11:13:12 AM

- Funded Intersection/Crosswalk Improvement
- Unfunded Intersection/Crosswalk Improvement
- Major Development Activity
- Funded Roadway/NMT Improvement
- Unfunded Roadway/NMT Improvement
- Parks / Open Spaces
- Schools
- ▭ Parcels
- Cross Kirkland Corridor
- Regional Rail Corridor
- City Limits

1	Astronic Expansion: 134K manufacturing and office	?
2	Totem Lake Apts: 343 du	2018
3	Jefferson House: 60 du memory care	2017
4	Village at Totem Lake: 360K commercial, 850 du	2017-20
5	PSE Powerlines: Extension from Redmond to Juanita (along CKC Slater - 120th Ave NE)	2017
6	Rairdon Dealership Expansion	2017
7	Chic-Fil-A: 8K fast food restaurant	2017
8	Totem Lake Park Development & Cross-Kirkland Corridor overpass	2018
9	Athene Senior Housing: 91 du	2017
10	Wadell Property Mixed Use: 219 du	2018
11	Frontier Property Mixed Use: 606 du	2018
12	Fore TL Apts: 323 du	2018
13	Wolff Property: 550 du	2018
14	Vareze Townhomes: 82 townhouse du	2017

Totem Lake and Area CIP Projects (Funded and Unfunded)

Funded Projects			Funding					Year
Map #	Project Number	Project Title	Local Secured	External Secured	External Developer	External Sought	Total	
F1	ST 0006	Annual Street Preservation Program - 100th Ave NE	120,000				120,000	'16-'17
F2	ST 0006 005	Totem Lake Blvd Roadway Repair	720,000				720,000	'16-'17
F3	ST 0059 101	124th Ave NE Roadway Improvements (North Section) Design	161,500	1,033,900			1,195,400	'17-'18 design/'19-'20
F4	ST 0083 101	100th Avenue NE Roadway Improvements Design	589,200	2,620,000			3,209,200	'16-'17
F4	ST 0083 102	100th Avenue NE Roadway Improvements - Construction	2,551,000			7,934,000	10,485,000	'16-'17 design/'19-'20
F5	ST 0070	120th ave NE/Totem lake Plaza Roadway Improvements			3,000,000		3,000,000	'16-'17
F6	NM 0006 100	Street Levv-Safe School Walk Routes	450,000				450,000	'17
F7	NM 0006 200	Street Levv-Pedestrian Safety	900,000				900,000	'17
F8	NM 0006 201	Neighborhood Safety Program Improvements	1,200,000				1,200,000	'17
F9	NM 0012 001	NE 116th Street Crosswalk Upgrade	430,000				430,000	'17
F10	NM0012 002	132nd Avenue NE Crosswalk Upgrade	80,000				80,000	'16-'17
F11	NM 0086 100	NE 124th St/124th Ave NE Ped Bridge Design & Construction	6,480,100			6,379,900	12,860,000	'16-'17 design/'18-'19
F12	NM 0095	124th Avenue NE Sidewalk Improvements	1,500,000			500,000	2,000,000	'16-'17
F13	NM 0118	NE 128th Street / 139th Avenue NE Non-Motorized Imps	296,000	504,000			800,000	'17
F14	TR 0091 101	NE 124th St/124th Ave NE Intersection Improvements Design	53,900			344,600	398,500	'17-'18 design/'19-'20
F15	TR 0092	NE 116th St / 124th Ave NE Dual Left Turn Lanes	585,000	790,000			1,375,000	'16-'17
F16	TR 0098	NE 132nd St/ 116th Way NE (I-405) Intersect'n Imp	300,000				300,000	'17-'18
F17	TR 0099	120th ave NE/Totem lake Plaza Intersection Improvements			2,845,500		2,845,500	'16-'17
F18	TR 0109	Totem Lake Blvd Intersection Improvements			1,500,000		1,500,000	'16-'17
F19	TR 0110	Totem Lake Plaza / 120th Ave NE Intersection Improvements			1,500,000		1,500,000	'16-'17
F20	TR 0127	NE 132nd Street Roundabout	54,000	266,000			320,000	'17
F21	PK 0139 200	Totem Lake Park Master Plan & Development (Phase I)	7,059,225				7,059,225	'16-'20
F22	PS 3003	Fire Station 27 Property Acquisition	2,500,000				2,500,000	'17
F23	SD 0088	Comfort Inn Pond Modifications	716,100				716,100	'18
Total Funded Transportation Projects			26,746,025	5,213,900	8,845,500	15,158,500	55,963,925	

Unfunded Projects

u1	ST 0063	120th Avenue NE Roadway Improvements					4,500,000	
u2	ST 0072	NE 120th Street Roadway Improvements (West Section)					15,780,600	
u3	ST 0077	NE 132nd St Rdwy Imprv.-Phase I (West Section)					1,348,000	
u4	ST 0078	NE 132nd St Rdwy Imprv-Phase II (Mid Section)					316,000	
u5	ST 0079	NE 132nd St Rdwy Imprv-Phase III (East Section)					1,119,000	
u6	TR 0091 102	NE 124th St/124th Ave NE Intersection Improvements ROW					55,300	
u7	TR 0091 103	NE 124th St/124th Ave NE Intersection Improvements Construction					1,144,200	
u8	TR 0093	NE 132nd St/Juanita H.S. Access Rd Intersect'n Imp					916,000	
u9	TR 0094	NE 132nd St/108th Avenue NE Intersect'n Imp					618,000	
u10	TR 0095	NE 132nd St/Fire Stn Access Dr Intersect'n Imp					366,000	
u11	TR 0096	NE 132nd St/124th Ave NE Intersect'n Imp					5,713,000	
u12	TR 0097	NE 132nd St/132nd Ave NE Intersect'n Imp					889,000	
u13	NM 0081	CKC to Redmond Central Connector					2,800,000	
u14	ST 0060	118th Avenue NE Roadway Extension					6,440,000	
u15	ST 0061	119th Avenue NE Roadway Extension					5,640,000	
u16	ST 0062	NE 130th Street Roadway Improvements					10,000,000	
u17	ST 0073	120th Avenue NE Roadway Extension					16,392,000	
u18	NM 0043	NE 126th St Nonmotorized Facilities					4,277,200	
u19	TR 0123	Slater Avenue NE (132nd Avenue NE)/NE 124th Street					2,124,000	
u20	TR 0124	116th Avenue NE/NE 124th Street Intersection Improvements					1,081,000	
u21	NM 0088	NE 124th Street Sidewalk					376,000	
u22	NM 0102	NE 120th Street Sidewalk					548,000	
u23	SD 0107	132nd Square Park Stormwater Retrofit Project					4,510,000	
Total Unfunded Transportation Projects							86,953,300	
Total Funded and Unfunded Projects							142,917,225	



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
January 17, 2017

1. CALL TO ORDER

Mayor Walen called the study session to order at 6 p.m. and the regular meeting to order at 7:30 p.m.

Motion to Suspend Council's rules to provide for Councilmember Marchione's remote attendance at this evening's meeting.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Dave Asher

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

2. ROLL CALL

ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Members Absent: None.

3. STUDY SESSION

- a. Houghton/Everest Neighborhood Center & 6th Street Corridor Study
- b. Joining Councilmembers for this discussion were City Manager Kurt Triplett, Public Works Director Kathy Brown, Transportation Engineering Manager Joel Pfundt, Planning and Building Deputy Director Paul Stewart, Senior Planner Angela Ruggeri, and consultants Jeff Arango with Berk Consulting and Jeanne Acutanza with TranspoGroup.

4. EXECUTIVE SESSION

- a. Closed Session to Discuss Quasi-judicial Matter

Mayor Walen announced that Council would enter into a closed session to discuss a quasi-judicial matter and would return to regular meeting at 7:30 p.m., which they did. Also in attendance at the session were City Attorney Kevin Raymond, City Manager Kurt Triplett, Deputy City Managers Marilynne Beard and

Tracey Dunlap, Planning and Building Deputy Director Paul Stewart, Associate Planner David Barnes, and Public Works Engineering Manager Rob Jammerman.

Councilmember Pascal recused himself from the discussion of the issue for the appearance of fairness.

5. HONORS AND PROCLAMATIONS

- a. None.

6. COMMUNICATIONS

- a. Announcements
- b. Items from the Audience

Sandy Helgeson
Anna Rising
Seth! Leary
David Greschler
Paula White
Rik Deskin

- c. Petitions

7. SPECIAL PRESENTATIONS

- a. King County Councilmember Claudia Balducci

King County Councilmember Claudia Balducci provided the council with an update on the activities of the King County Council.

8. CONSENT CALENDAR

- a. Approval of Minutes: January 3, 2017
- b. Audit of Accounts:
Payroll \$2,969,382.03
Bills \$4,627,840.64
run #1587 checks #607913 - 607956
run #1588 check #607957
run #1589 check #607958
run #1590 check #607960
run #1591 checks #607987 - 608074
run #1592 checks #608076 - 608201
- c. General Correspondence

d. Claims

A claim received from Bufford Evans was acknowledged via approval of the Consent Calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

- (1) 2016 Annual Striping Program, Specialized Pavement Marking Inc., Tualatin, OR

Council accepted the work on the 2016 Annual Striping Program as completed by Specialized Pavement Marking, Inc., thereby establishing the statutory lien period, via approval of the Consent Calendar.

g. Approval of Agreements

- (1) Resolution R-5232, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF TUCSON AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

h. Other Items of Business

- (1) Remittance of Duck Dash Raffle Tax Receipts to Selected Agency

Council authorized the remittance of the 2016 Duck Dash raffle receipts in the amount of \$628.00 to Friends of Youth's New Ground Kirkland program as requested by the Kirkland Rotary Club and recommended by staff and the Human Services Advisory Committee, via approval of the Consent Calendar.

- (2) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

- a. Resolution R-5233, Authorizing the City Manager to Execute a Real Property Purchase and Sale Agreement for Totem Lake.

Deputy City Manager Tracey Dunlap presented an overview of the agreement and responded to Council questions.

Motion to Approve Resolution R-5233, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR TOTEM LAKE."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold
Vote: Motion carried 7-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Doreen Marchione, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

- b. 2017 State Legislative Update #1

Intergovernmental Relations Manager Lorrie McKay reviewed the current status of the City's 2017 legislative priorities.

Motion to Approve the support agenda as presented.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet

Vote: Motion carried 6-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

- c. Ordinance O-4553 and its Summary, Relating to Land Use, Approval of a Preliminary (and final) PUD as Applied for by Larry Scrivanich/Little Lion LLC in the Planning and Building Department File No. SUB15-02157, and Setting Forth Conditions of Said Approval.

Councilmember Pascal recused himself from the discussion on the issue for the appearance of fairness since prior to becoming a Councilmember he had been acting as a neighborhood leader with a background in land use regulations and had been contacted by individuals who eventually became challengers in this matter.

Motion to Take the matter under advisement until the next council meeting on February 7, 2016, and to reopen the council's closed record hearing on that date, not to gather new facts or evidence but for the sole limited purpose of inviting the applicant and the challenger to update the council on the status of any discussions between the applicant and the challenger related to the challenge,

and to share with the council any perspectives either party may have on the adequacy of public benefits associated with the application.

Moved by Councilmember Penny Sweet, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 5-0

Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Toby Nixon, Councilmember Penny Sweet, and Mayor Amy Walen.

11. NEW BUSINESS

a. Public Disclosure Semi-Annual Report

City Clerk Kathi Anderson and City Manager Kurt Triplett provided an update on public disclosure activity and responded to questions from the Council.

b. 2017 Board and Commission Interview Process

City Clerk Kathi Anderson drew names; the interview selection committee members chosen were Deputy Mayor Arnold and Councilmembers Pascal and Marchione.

12. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding the East King County Chambers of Commerce Legislative Coalition breakfast; a Moss Bay Neighborhood Association meeting; a Kirkland Business Roundtable meeting; the Sound Cities Association Public Issues Committee meeting; the Greater Kirkland Chamber of Commerce luncheon where Mayor Walen delivered the annual State of the City address; the King County Metropolitan Solid Waste Management Advisory Committee; the Juanita Neighborhood Association meeting; a King County Regional Transit Committee meeting; a King County Mental Illness and Drug Dependency Steering Committee meeting; the Kirkland Alliance of Neighborhoods meeting; an upcoming Sound Cities Association orientation for newly elected officials; the Economic Development Council of Seattle and King County economic forecast conference; several meetings with King County Councilmember Balducci; the memorial service for Dr. Duane V. Hurst; and the upcoming City of Kirkland Police Department promotions ceremony. Deputy Mayor Arnold requested and received Council support to have staff prepare a report on the Planning, Housing and Economic Development Committee recommendation that the Council fund \$50,000 from the Council Contingency fund for seismic retrofits to the Kirkland Arts Center in the historic Peter Kirk building.

(1) Final 2017 City Council Committee Appointments

Motion to Approve the final 2017 City Council Committee Appointments as recommended by Mayor Walen and Deputy Mayor Arnold.

Moved by Councilmember Toby Nixon, seconded by Councilmember Penny Sweet
Vote: Motion carried 6-0
Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

b. City Manager Reports

(1) February 3 Retreat Final Agenda

City Manager Kurt Triplett reviewed the final agenda for the February 3 Retreat with the Council.

(2) Calendar Update

City Manager Kurt Triplett provided an update on a joint project with the Lake Washington Institute of Technology and the City of Kirkland for a King County Metro Alternative Services Project.

13. ITEMS FROM THE AUDIENCE

14. EXECUTIVE SESSION

a. To Discuss Potential Litigation

Mayor Walen announced that Council would enter into executive session to discuss potential litigation and would return to the regular meeting at 10:15 p.m. Council required an additional ten minutes for the session and returned at 10:25 p.m. Also in attendance for the executive session were City Attorney Kevin Raymond, City Manager Kurt Triplett, Deputy City Manager Marilynne Beard, Deputy City Manager Tracey Dunlap, and Planning and Building Department Deputy Director Paul Stewart.

15. ADJOURNMENT

The Kirkland City Council regular meeting of January 17, 2017 was adjourned at 10:28 p.m.

City Clerk

Mayor

CITY OF KIRKLAND CITY COUNCIL

Council Meeting: 01/23/2017
Agenda: Approval of Minutes
Item #: 8. a. (2).



Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Shelley Kloba
Doreen Marchione • Toby Nixon • Penny Sweet • Kurt Triplett, City Manager

Vision Statement

*Kirkland is an attractive, vibrant and inviting place to live, work and visit.
Our lakefront community is a destination for residents, employees and visitors.
Kirkland is a community with a small-town feel, retaining its sense of history,
while adjusting gracefully to changes in the twenty-first century.*

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY Relay Service 711 • www.kirklandwa.gov

AGENDA KIRKLAND CITY COUNCIL For the Love of Cities Luncheon SPECIAL MEETING

City Hall, Council Chamber
123 Fifth Avenue

Monday, January 23, 2017
11:30 a.m. – 1:00 p.m.

**PLEASE CALL 48 HOURS
IN ADVANCE** (425-587-
3190) if you require this
content in an alternate
format or if you need a sign
language interpreter in
attendance at this meeting.

- 11:30 a.m. 1. Meet and Greet
- 12:00 p.m. 2. For the Love of Cities – Presentation by Peter Kageyama
- 12:30 p.m. 3. Questions and Answers

The January 23, 2017 Kirkland City Council Special Meeting/Luncheon opened at 11:30 a.m. Deputy Mayor Jay Arnold, Councilmembers Dave Asher, Toby Nixon, and Penny Sweet were present. Mayor Amy Walen and Councilmembers Doreen Marchione and Jon Pascal were absent. The Kirkland City Council Special Meeting closed at 1 p.m.

City Clerk

Mayor

CITY OF KIRKLAND CITY COUNCIL

Council Meeting: 02/07/2017
Agenda: Approval of Minutes
Item #: 8. a. (3).



Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Shelley Kloba
Doreen Marchione • Toby Nixon • Penny Sweet • Kurt Triplett, City Manager

Vision Statement

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AGENDA KIRKLAND CITY COUNCIL For the Love of Cities NEIGHBORHOOD FORUM SPECIAL MEETING

**Google Campus
451 7th Avenue South, Building D**

**Monday, January 23, 2017
5:30 – 8:45 p.m.**

**PLEASE CALL 48 HOURS
IN ADVANCE** (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

- 5:30 – 6:00 p.m. 1. Neighborhood Table Conversations
- 6:00 – 6:15 p.m. 2. Welcome and Introductions
- 6:15 – 8:45 p.m. 3. For the Love of Cities Presentation – Peter Kageyama
- 8:45 p.m. 4. Closing Remarks

The January 23, 2017 Kirkland City Council Special Meeting opened at 5:30 p.m. Deputy Mayor Jay Arnold, Councilmembers Dave Asher, Toby Nixon, Jon Pascal and Penny Sweet were present. Mayor Amy Walen and Councilmember Doreen Marchione were absent. The Kirkland City Council Special Meeting closed at 8:45 p.m.

City Clerk

Mayor



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: January 26, 2017
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

It is recommended that the City Council acknowledges receipt of the following Claim(s) for Damages and refers each claim to the proper department (risk management section) for disposition.

POLICY IMPLICATIONS

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.040).

BACKGROUND DISCUSSION

The City has received the following Claim(s) for Damages from:

- (1) Hagen, Jenson
1498 Union St. #405
Seattle, WA 98122

Amount: \$846.74

Nature of Claim: Claimant states damage to vehicle resulted from an unseated water cap at Kirkland Way and Kirkland Ave. intersection striking the oil pan.

Note: Names of claimants are no longer listed on the Agenda since names are listed in the memo.



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lane Kawaoka, Project Engineer
Kari Page, Neighborhood Outreach Coordinator
Rod Steitzer, P.E., Capital Projects Supervisor
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: January 26, 2017

Subject: NEIGHBORHOOD SAFETY PROGRAM - 2016 PROJECTS - AWARD CONTRACT

RECOMMENDATION:

City Council to:

- Award the construction contract for the Neighborhood Safety Program (NSP) - 2016 Projects to WS Contractors, of Buckley, Wash., in the amount of \$224,726.00; and,
- Receive a NSP update and approve the Funding Matrix for moving the Project forward (Attachment B).

By taking action on this memo during approval of the consent calendar, City Council is authorizing the award of a construction contract for the subject Project and approving the overall Project funding.

BACKGROUND DISCUSSION:

In support of the City Council's 2013-2014 Work Program, City staff, neighborhood leaders and the Kirkland Alliance of Neighborhoods embarked on a multitude of initiatives to re-energize Kirkland neighborhoods. The NSP is the cornerstone of these initiatives with a base NSP funding of \$200,000 per year (until 2021) plus an ongoing \$150,000 per year from the Streets Levy. After a successful pilot program in 2014, City Council authorized the continuation of the NSP (indefinitely) with the following program goals:

- Revitalize neighborhoods through partnerships on capital project implementation;
- Provide an incentive for neighborhood participation;
- Address safety needs;
- Foster neighborhood self-help and building a sense of community;
- Increase collaboration within and between neighborhoods, and with City government;
- Leverage funding with match contributions and/or other agency grants;
- Collaborate with businesses, schools, and other organizations including the Parent Teacher Student Associations (PTSA's), Cascade Bicycle, Feet First, and Kirkland Greenways; and,
- Create an equitable distribution of improvements throughout the City.

The 2016 NSP began in the fall of 2015 with all but one (Lakeview) of Kirkland's neighborhoods identifying prospective projects. In May 2016, [City Council approved 14 projects](#) prioritized by NSP Panel Representatives and City Public Works staff (Attachment A) with preliminary budget

estimates. Of the 14 projects, two were completed by City crews, one will be completed through Job Order Contracting and three were studies that have been completed for two future NSP proposals and one private development mitigation project. The seven remaining projects are the subject of this contract award memo.

The design contract for the seven remaining projects began in May and was complete in December, 2016. The Project was first advertised for contractor bid on December 8 and on December 22, 2016, six contractor bid were opened with the results summarized in Table 1 below. The bid price of \$224,726 submitted by WS Contractors represents the lowest responsive bid received.

Table 1: Bidder List

Contractor	Total*
<i>Engineer's Estimate</i>	<i>\$197,915</i>
WS Contractors	\$224,726
NPM Construction Co.	\$267,713
Agostino Construction	\$289,315
Trinity Contractors	\$298,673
Kamins Construction	\$330,199
RCNW	\$341,174

* Construction Costs Only

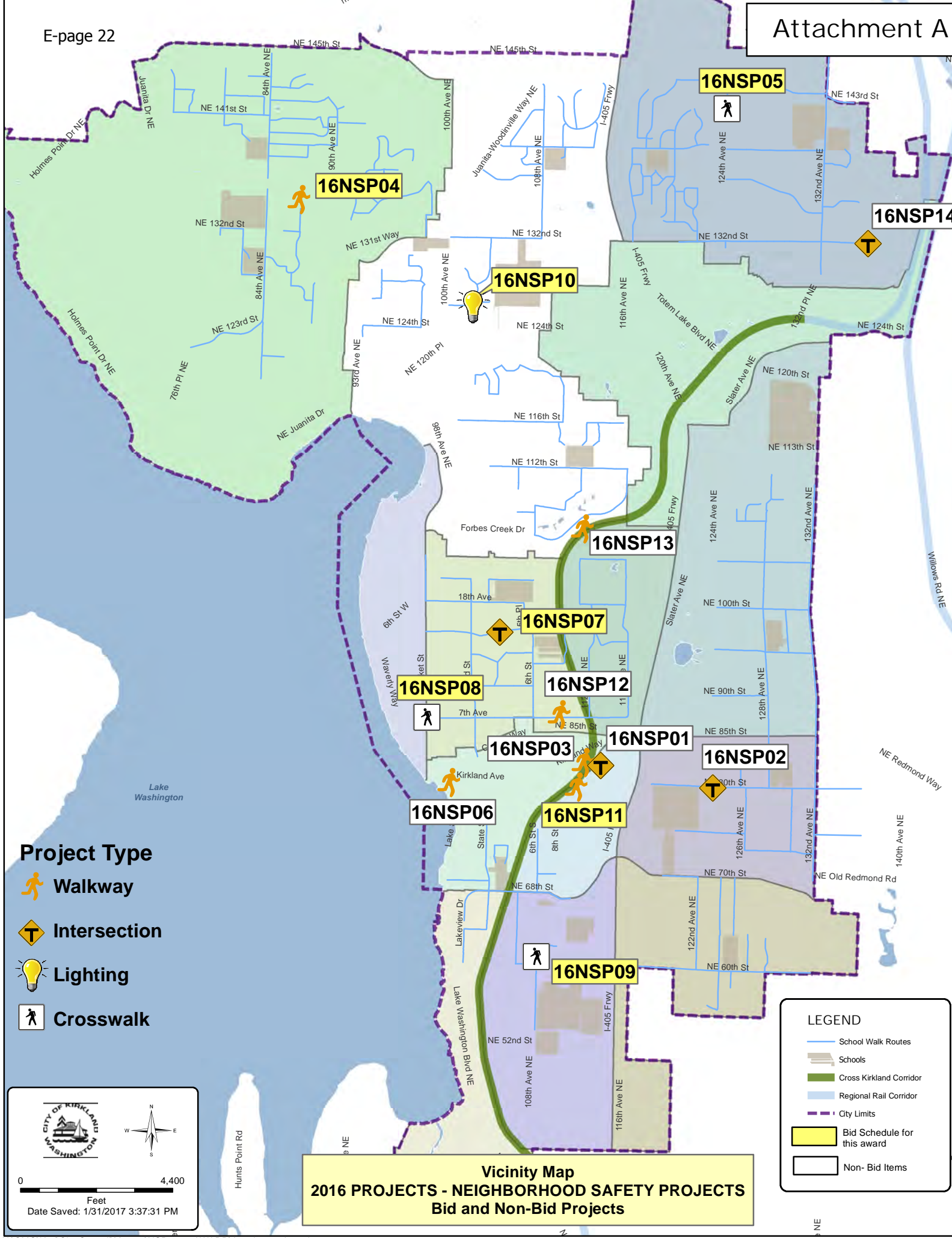
With a contract award of \$224,726, plus a recommended 10% construction contingency together with all known and anticipated soft costs, the total estimated cost for the seven projects is \$398,185. Combining the subject projects with the non-bid projects (\$60,735), the estimated total cost for the 2016 Program is \$458,920. Approved funding for the 2016 Program is \$350,000 (\$200,000 Walkable Kirkland plus \$150,000 Street Levy). However, as shown in Attachment B, contributions from the Sidewalk Maintenance Program (\$6,600), from Neighborhood Traffic Control (\$25,000), Public Works Maintenance (\$1,320) and Development Services (\$76,000 bond/fee-in-lieu), results in total available 2016 Program funding of \$458,920. Project budget adjustments to reflect the receipt of the bond/in-lieu monies will be implemented upon City Council award of the contract, and incorporated formally in the June budget adjustment process. The 2016 NSP has spent \$129,667 to date for project engineering and construction of other non-bid projects.

With an award of the contract by City Council, construction would start as soon as February 2017 with an anticipated completion by June 2017. In advance of the work, staff will update all [Project information on the City's website](#), including a regularly updated construction timeline.

Continuous NSP Improvement

Each year the NSP project team refines and improves the NSP process. This year the ongoing challenges of design costs and bid estimates for so many small but complicated projects have been highlighted. Without the alternative funds identified, some of the promised NSP projects would have been deferred to future years since total costs (i.e., engineering, permitting, construction) exceeded preliminary estimates. Staff is evaluating changes to the way projects are designed, estimated and bid and will recommend further improvements and efficiencies during the 2017 NSP project.

Attachment A – Vicinity Map
Attachment B – Funding Matrix



Project Type

Walkway

Intersection

Lighting

Crosswalk

LEGEND

- School Walk Routes
- Schools
- Cross Kirkland Corridor
- Regional Rail Corridor
- City Limits
- Bid Schedule for this award
- Non- Bid Items

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Vicinity Map
2016 PROJECTS - NEIGHBORHOOD SAFETY PROJECTS
Bid and Non-Bid Projects

Funding Matrix for 2016 Neighborhood Safety Program Projects

Attachment B

2016 Bid-Projects (this award memo)		Estimates		Estimated or Actual Costs by Funding Source (including soft costs)						
NSP # Bid Schedule	Description	Original Estimate	Current Estimate (after bid)	Walkable Kirkland [NM 6-201]	Levy - Ped Safety [NM 6-200]	Sidewalk Maint. Program [NM1557000]	Neighborhood Traffic Control [CTR0117-003]	PW Maint.	Development Services	Total Project
A 16NSP04	Extruded curb along 87th Ave NE	55,760	78,263	68,263					10,000	78,263
B 16NSP05	Crosswalk island on 124th Ave NE	34,000	49,927	11,290	12,637				26,000	49,927
C 16NSP07	Sight distance improvement at 15th Ave	21,250	44,640	19,640			25,000			44,640
16NSP08	Rapid Flashing Beacon on Market Street	59,983	53,071		53,071					53,071
16NSP09	Rapid Flashing Beacon on 108th Ave NE	80,638	84,292		84,292					84,292
F 16NSP10	Trail lighting and gravel on walkway to NE 126th Street	22,500	45,831	13,331					32,500	45,831
G 16NSP11	Gravel walkway along 8th Street South	36,307	42,160	42,160						42,160
BID-PROJECT ESTIMATE SUBTOTAL		310,438	398,185	154,685	150,000		25,000		68,500	398,185
SPENT TO DATE (Soft Costs)				28,685	66,467					

2016 Non-Bid Projects		Estimates		Estimated or Actual Costs by Funding Source (including soft costs)						
NSP #	Description	Original Estimate	Current Estimate (after bid)	Walkable Kirkland [NM 6-201]	Levy - Ped Safety [NM 6-200]	Sidewalk Maint. Program [NM1557000]	Neighborhood Traffic Control [CTR0117-003]	PW Maint.	Development Services	Total Project
16NSP01*	Intersection study for Kirkland Way	7,500	7,500	7,500						7,500
16NSP02*	Intersection study for 124th Ave NE	7,500	7,500	7,500						7,500
16NSP03*	Stair connection near 2nd Ave	12,600	19,515	19,515						19,515
16NSP06	New crosswalk with ramps on Kirkland Ave	6,600	6,600			6,600				6,600
16NSP12	Asphalt walkway along 7th Ave	10,800	10,800	10,800						10,800
16NSP13*	Trail connection at the end of 111th Ave NE	1,320	1,320					1,320		1,320
16NSP14**	Intersection study at NE 132nd Street	7,500	7,500						7,500	7,500
NON-BID PROJECT ESTIMATE SUBTOTAL		53,820	60,735	45,315	-	6,600	-	1,320	7,500	60,735
2016 PROGRAM ESTIMATE TOTAL		364,258	458,920	200,000	150,000	6,600	25,000	1,320	76,000	458,920
FUNDING				200,000	150,000	6,600	25,000	1,320	76,000	458,920
SPENT TO DATE (Completed Projects)				34,515				1,320	7,500	

* Completed projects

** Study resulted in roundabout design to be constructed by development mitigation.



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Aparna Khanal, P.E., Project Engineer
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: January 26, 2017

Subject: JUANITA CREEK ROCKERY REPLACEMENT – ACCEPT WORK

RECOMMENDATION:

City Council to:

- Accept the work on Juanita Creek Rockery Replacement Project, as completed by Razz Construction, Inc. of Bellingham, WA, thereby establishing the statutory lien period, and,
- Approve a budget increase of \$3,205 using Surface Water Construction Reserves needed to close out the Project.

By taking action on this memo during approval of the consent calendar, City Council is accepting the contract work completed for the Juanita Creek Rockery Replacement Project and approving a budget adjustment needed for Project close-out.

BACKGROUND DISCUSSION:

The Juanita Creek Rockery Project replaced a failing rockery embankment with a mechanically stabilized earth (MSE) wall - a product that is more stable and requires less maintenance than more typical rockery installations. The MSE wall is approximately 90 feet in length and its above-grade height ranges from 2 feet to 10 feet.



Before – Former Rockery w/ Culvert

The Project scope included removal and disposal of the existing rockery, placement of large woody debris in the stream, and restoration of vegetated areas to improve in-stream habitat complexity, as shown above in the before – after pictures. The Project is supported by City surface water funding of \$247,600 and a King County Flood Control Grant in the amount of \$237,900, for a total Project budget of \$485,500 (Attachment B).



After – New MSE Wall w/Culvert &
Woody Debris in Stream

On June 2, 2015, City Council pre-authorized the City Manager to sign a Public Works construction contract for the Project provided the lowest responsive bidder submitted a bid price not greater than \$305,800 (or 110% of the engineer's estimate of \$278,000). Pre-authorization was critical on this Project to allow construction to occur within the Washington State Department of Fish and Wildlife (WDFW) construction work window for in-water work.

Bids were opened on June 15, 2015, and the City contracted with RAZZ Construction, Inc., in the amount of \$289,502.50. The construction began on July 12, 2015 and was substantially complete on October 29, 2015. The contractor was also responsible for plant establishment for one full year after the plants were installed and on October 31, 2016, at the conclusion of the plant establishment period, the construction was deemed physically complete.

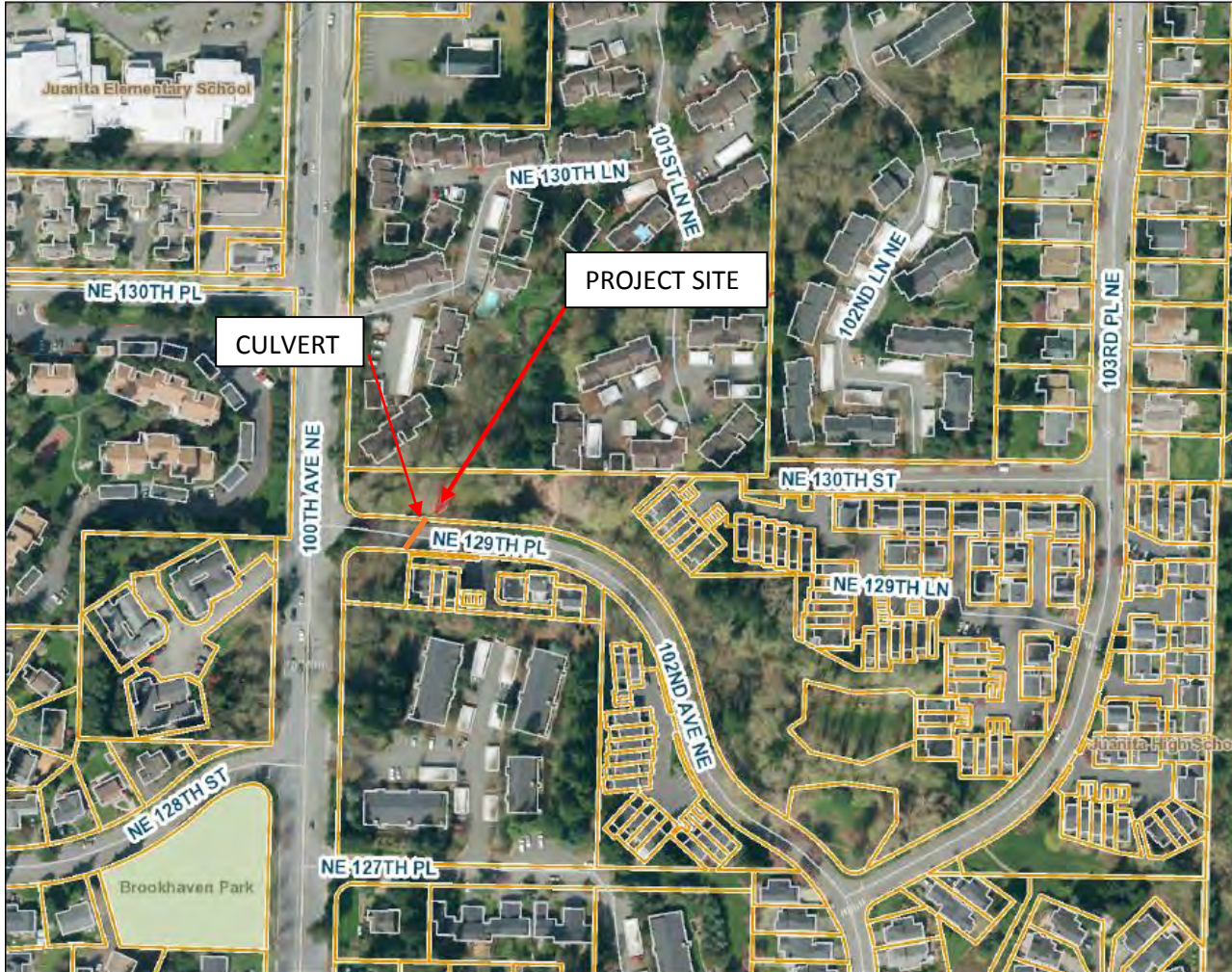
Over the course of the construction phase, one change order issued for additional work on subgrade preparation due to higher than the anticipated groundwater level. With a revised contract amount and with payments made for actual measured quantities and the extended unit contract prices, the final amount earned by the contractor amounts to \$291,634.43.

The total for all Project expense, including soft costs for engineering, project management inspection and permitting cost is \$488,705. With a total approved budget of \$485,500, the Project budget is in need of additional funding in the amount of \$3,205 (0.66%) and staff recommends the use of surface water reserves for project close-out (Attachment C).

Attachment A – Vicinity Map
Attachment B – Project Budget Report
Attachment C – Fiscal Note



ATTACHMENT A



AREA MAP

Legend

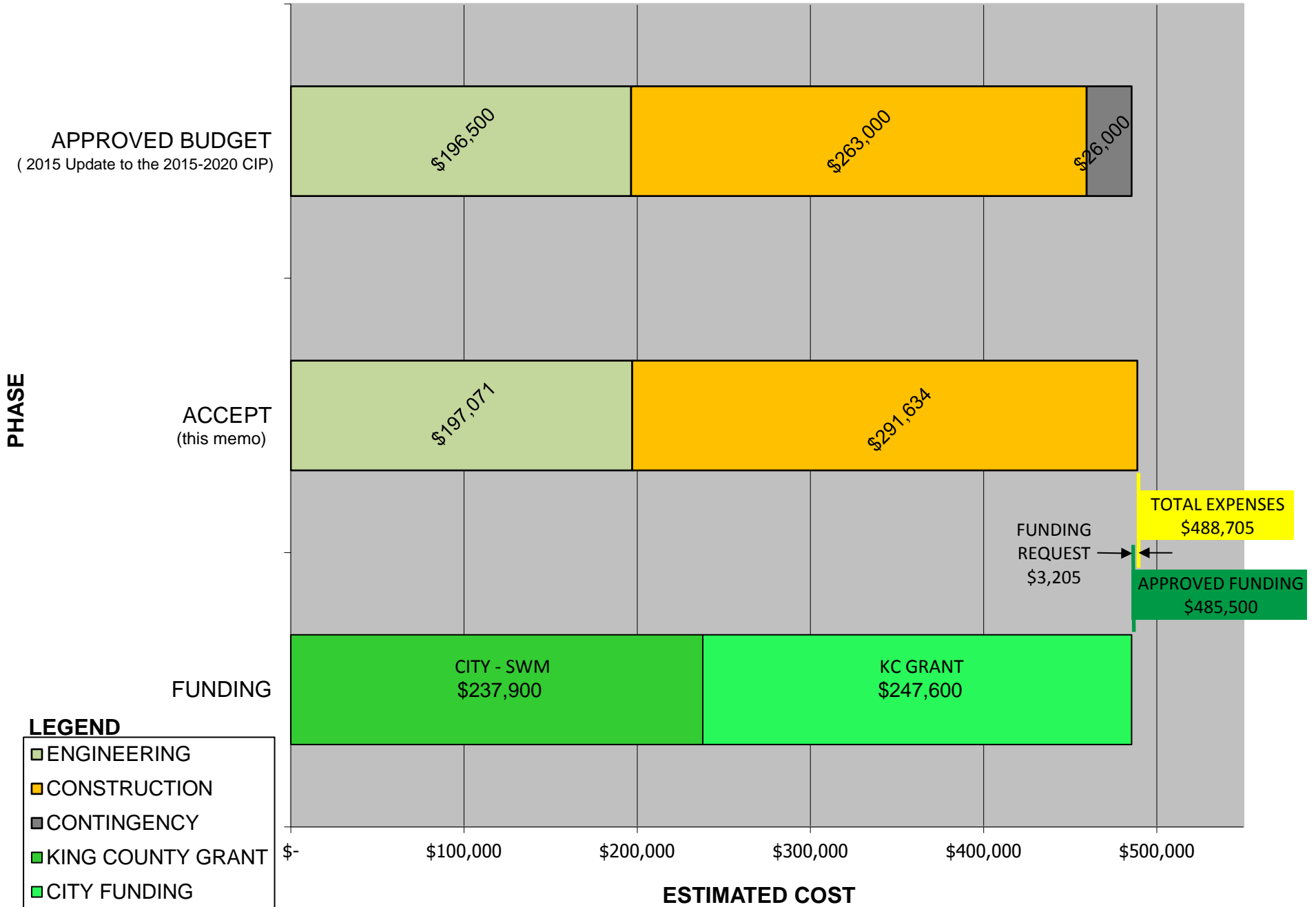
- - City Limits
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- ▭ Parcels
- ▭ Buildings
- ▭ Lakes
- ▭ Parks
- ▭ Schools

VICINITY MAP
JUANITA CREEK RETAINING WALL
ADJUSTMENT

JUANITA CREEK RETAINING WALL ADJUSTMENT
(CSD - 0067)

PROJECT BUDGET REPORT

Attachment B



FISCAL NOTE

CITY OF KIRKLAND

Source of Request							
Kathy Brown, Public Works Director							
Description of Request							
Additional funding of \$3,205 for Juanita Creek Rockery Replacement project CSD 0067 from the Surface Water Construction Reserve as part of the acceptance of work process to close this project.							
Legality/City Policy Basis							
Fiscal Impact							
One-time use of \$3,205 from Surface Water Construction Reserve. This reserve is able to fully fund this request.							
Recommended Funding Source(s)							
<i>Reserve</i>	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
	Surface Water Construction	4,125,424	0	0	3,205	4,122,219	N/A
	No prior activity						
<i>Revenue/Exp Savings</i>							
<i>Other Source</i>							
Other Information							

Prepared By	Neil Kruse, Senior Financial Analyst	Date	January 23, 2017
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CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Tom Mikesell, Financial Planning Manager
Doug Honma-Crane, Budget Analyst

Date: January 23, 2017

Subject: **FINAL 2017 PROPERTY TAX LEVY**

RECOMMENDATION:

Council approves the attached ordinance, which repeals and replaces Ordinance 4543 approved on November 15, 2016 and establishes the final regular and excess property tax levy for the City of Kirkland for the 2017 fiscal year.

There is also a separate levy associated with Fire District 41 debt, which was adopted by Ordinance 4544 on November 15, 2016. That levy is unchanged and so Ordinance 4544 does not need replacement.

BACKGROUND DISCUSSION:

The attached ordinance reflects the final property tax levy data received from King County on January 4, 2017. This ordinance replaces the interim ordinance that was approved on November 15, 2016 in order to meet the County's deadline for 2017 levy information. As noted in the preliminary 2017 property tax levy memo, the initial levy was set intentionally high to ensure that the City would capture any additional new construction and state assessed valuation that was not recorded at the time of the preliminary levy.

The property tax levy needs to be established annually even though the Council adopts a budget for both years of the 2017-2018 biennium. Accordingly, the attached ordinance relates to 2017 only.

The following discussion explains how the final levy numbers were calculated for each of the variable factors in the City's levy.

1. REGULAR AND EXCESS LEVY FOR THE CITY OF KIRKLAND:

There are two components to the City's property tax levy – the regular levy, which funds operating costs, and the excess levy, which funds debt service on voter-approved bonds (which does not apply in the areas annexed in 2011).

Regular Levy for City

For 2017, there are three factors impacting the amount of the regular levy – the optional levy increase, re-levies for prior year refunds and corrections, and the new construction levy.

Optional Levy Increase

The 2017-2018 Budget assumes the optional increase of one percent in 2017, so the 2017 final levy includes the one percent increase. Each one percent increase in the regular levy equates to about \$178,766 in new revenue to the General Fund; \$28,008 in new revenue to the Street Operating Fund; \$13,123 in new revenue to the Parks Maintenance Fund; \$31,216 in new revenue to the 2012 Street Levy Fund; and, \$24,483 in new revenue to the 2012 Parks Levy Fund for a total of \$275,595.

Levy Corrections

In some years, corrections to the previous year's levy are made and the King County Assessor's Office re-levies these refunds by adding the amount refunded to the upcoming year's levy. These refunds are in addition to the one percent increase (RCW 84.69.020). In 2017, the Assessor will be re-levying \$31,046 in refunds making the levy plus one percent amount for the City equal to \$27,866,135.

New Construction

New construction represents additional property taxes to be received from the construction of new buildings and additions to existing structures. The new construction levy increases revenue to the City but does not increase the tax levy on existing taxpayers. The new construction levy is calculated by dividing the new construction valuation by \$1,000 and multiplying the result by last year's (2016) regular levy tax rate¹ (\$1.36409 per \$1,000 of assessed valuation). The final new construction valuation for the 2017 levy is \$350,977,503 which translates into a new construction levy of \$478,765 ($\$350,977,503 \div \$1,000 \times \1.36409). Over the past several years, the increase in new construction levy as a percentage of each year's total base regular levy has ranged between 0.34 percent and 4 percent. The estimated 2017 new construction levy of \$478,765 is 1.7 percent of the total base regular levy for 2017.

As the final property tax levy cannot exceed the amounts stated in the preliminary levy, the initial levy was set intentionally high to ensure that the City would capture any additional new construction and state assessed valuation that was not recorded at the time of the preliminary levy.

	Preliminary Levy (11/15/16)	Final Levy (2/7/17)	Difference
2016 Regular Levy	27,559,494	27,559,494	-
Optional 1 Percent Increase	275,595	275,595	-
Levy Corrections	31,046	31,046	-
New Construction Levy	477,093	478,765	1,672
<i>Total Regular Levy Without Artificially High New Construction Increment</i>	<i>28,343,228</i>	<i>28,344,900</i>	<i>1,672</i>
Artificially High New Construction Increment	954,186	n/a	n/a
Total Regular Levy	29,297,414	28,344,900	(952,514)

Without this practice, the City would have been unable to collect \$1,672 (0.35 percent) of the final new construction levy. The table above shows how Ordinance O-4555 will reduce the regular levy in order to match the final levy amounts provided by King County.

Excess Levy for City

The total excess levy for the City, which relates to voted debt, is increasing from \$574,065 in 2016 to \$582,795 in 2017 based on the payment schedule for the outstanding voted debt. Annexation voters did not approve the assumption of voted bond indebtedness, therefore the excess levy will only be applied on the taxable assessed value of properties within the pre-annexation boundaries of the City. This translates to a rate of \$0.03658 per \$1,000 assessed value.

¹ Levy rate per the Final Levy Limit Worksheet from the King County Assessor's Office dated, January 4, 2017.

Trends in Assessed Valuation

Assessed valuation is composed of new construction and revaluation of existing properties. Final figures from King County dated January 4, 2017, indicate that compared to 2016, total assessed valuation increased by 9.67 percent (\$1,958,940,822). Of the total increase, 7.94 percent was from revaluations of existing properties (\$1,607,963,319) and 1.73 percent was due to new construction (\$350,977,503).

The change in valuation does not in itself generate additional revenue for the City. If the Council took no optional increase in the levy and the assessed valuation increases, it would have the effect of lowering the rate applied to each \$1,000 of assessed valuation. Conversely, if the assessed valuation decreases, it results in an increase in the rate applied to each \$1,000 of assessed valuation, since the levy is set as a total dollar amount, which is divided by the assessed valuation.

Based on the final levy worksheet data for new construction (\$478,765) and the 1 percent optional increase, the regular levy tax rate for the City would decrease from \$1.36409 per \$1,000 of assessed valuation in 2016 to \$1.27609 in 2017. The rate per \$1,000 decreases because the total assessed valuation (AV) for the City has increased by 9.67 percent over the same period. This rate applies to all parcels in Kirkland.

The excess levy rate, which only applies to properties within the pre-annexation City boundaries, is decreasing from \$0.04004 to \$0.03658 based on both the reduction in annual debt payment and the increase in assessed valuation in the pre-annexation portion of the City.

2. CONSOLIDATED FIRE STATION DEBT SERVICE LEVY

When annexation of the Juanita, Finn Hill, and Kingsgate neighborhoods became effective on June 1, 2011, Fire District 41, which served a majority of that area, was assumed by the City. The District's outstanding debt remains in place until it is retired. With the assumption of the District, the City Council has assumed the role of governing body with the authority to levy taxes to pay the outstanding debt service. For 2017, the City needs to collect \$470,572 to pay the debt service. King County as a whole has a 98 percent collection rate on tax levies, therefore, the City has set a levy of \$480,176 ($\$470,572 \div 98$ percent) to pay debt service in 2017 by adopting Ordinance 4544 on November 15, 2016. This levy amount remains unchanged, therefore a new ordinance is not necessary.

Based on the King County Assessor's final levy worksheet dated January 4, 2017 for Fire District 41, the total assessed valuation for the areas previously served by the District is \$4,986,786,807. Therefore, the District's debt service levy of \$480,176 translates to a rate per \$1,000 assessed value of \$0.09629 on the properties within the North Juanita, Finn Hill and Kingsgate areas previously served by Fire District 41. Annexation area residents previously served by Fire District 41 will pay 2017 property taxes at the City of Kirkland regular levy rate (excluding voted debt service) plus the District's levy rate required to repay the District's outstanding debt.

3. SUMMARY

Since the annexation was approved by less than a 60 percent majority of voters, the residents of the annexation area did not assume the existing City's voted indebtedness and therefore will not pay the excess levy rate. In fact, tax payers within the City's current boundaries will have three separate levy rates based on their location:

1. Property owners within the existing (pre-annexation) City will pay the regular levy rate of \$1.27609 and the excess levy of \$0.03658 for a total of \$1.31266;
2. Property owners within the annexation area previously served by Fire District 41 will pay the regular levy rate of \$1.27609 and the excess levy of \$0.09629 to repay the District debt for a total of \$1.37238; and,
3. Property owners within the annexation area previously served by Fire Districts 36 (Woodinville) and 34 (Redmond) will pay the regular levy rate of \$1.27609 only.

The table below summarizes the changes in property tax rates between the preliminary and final property tax ordinances:

Comparison of Preliminary and Proposed Final Levy Rates	Pre-Annexation City	New Neighborhoods Previously Served by FD-41	New Neighborhoods Previously Served by Woodinville or Redmond
Est. Prelim. Levy Rate (11/15/16)	\$ 1.35519	\$ 1.41481	\$ 1.31852
Est. Final Levy Rate (2/7/17)	\$ 1.31266	\$ 1.37237	\$ 1.27608
Difference	\$ (0.04253)	\$ (0.04244)	\$ (0.04244)

Final Levy Recap:

<u>Ordinance O-4555</u>	<u>Amount</u>
2016 Regular Levy	27,559,494
Optional 1 percent Increase	275,595
New Construction	478,765
Other Adjustments ²	31,046
Total Regular Levy	28,344,900
Excess Levy	582,795
Total 2017 Final Levy	28,927,695

² Other adjustments include re-levy for prior-year refunds and any levy corrections or omissions.

ORDINANCE O-4555

AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2017, THE FIRST YEAR OF THE CITY OF KIRKLAND'S 2017-2018 FISCAL BIENNIUM AND REPEALING ORDINANCE 4543.

1 WHEREAS, the City Council previously held a public hearing on
2 November 15, 2016, to consider amendments to the 2017-2018 Biennial
3 Budget; and

4
5 WHEREAS, the City Council and the City Manager have considered
6 the anticipated financial requirements of the City of Kirkland for the
7 fiscal year 2017; and

8
9 WHEREAS, pursuant to RCW 35A.33.135, the City Council is
10 required to determine and fix by ordinance the amount to be raised by
11 ad valorem taxes; and

12
13 WHEREAS, on November 15, 2016 the City Council passed
14 Resolution 5221, which made a finding of substantial need under RCW
15 84.55.0101, which authorizes a limit factor of 101 percent for the
16 property tax levy for 2017; and

17
18 WHEREAS, on November 15, 2016, the City Council passed
19 Ordinance 4543 which was the preliminary property tax levy; and

20
21 WHEREAS, the City Council wishes to repeal the preliminary
22 property tax levy and pass the final tax levy based upon the most recent
23 property tax levy data provided by King County; and

24
25 WHEREAS, RCW 84.55.120 requires that the increase in the levy
26 over the prior year shall be stated both as to dollars and percentage;

27
28 NOW, THEREFORE, the City Council of the City of Kirkland do
29 ordain as follows:

30
31 Section 1. Ordinance 4543 passed November 15, 2016, is
32 hereby repealed.

33
34 Section 2. The regular property tax levy for the year 2017 is
35 fixed and established in the amount of \$28,344,900. This property tax
36 levy represents a dollar increase of \$275,595 and a percentage increase
37 of 1.0 percent from the previous year, excluding the addition of new
38 construction, improvements to property, any increase in state-assessed
39 property, and administrative refunds as shown below:

	Amount
2017 Regular Levy	28,344,900
Less 2016 Levy	27,559,494
Less New Construction	478,765
Less Refunds	31,046
Total Increase	275,595
Percent Increase	1.00%

40 Section 3. There is levied for 2017 upon all property, both
41 real and personal, within the City of Kirkland, Washington, and within
42 the area subject to tax levies for the principal and interest of all general
43 obligation bond issues, a total voted property tax of \$582,795 on the
44 total of assessed valuation for such property.

45
46 Section 4. This ordinance shall be in force and effect five
47 days from and after its passage by the Kirkland City Council and
48 publication pursuant to Section 1.08.017, Kirkland Municipal Code in the
49 summary form attached to the original of this ordinance and by this
50 reference approved by the City Council.

51
52 Passed by majority vote of the Kirkland City Council in open
53 meeting this ____ day of _____, 2017.

54
55 Signed in authentication thereof this ____ day of _____,
56 2017.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4555

AN ORDINANCE OF THE CITY OF KIRKLAND ESTABLISHING THE AMOUNT OF PROPERTY TAXES TO BE LEVIED FOR THE YEAR 2017, THE FIRST YEAR OF THE CITY OF KIRKLAND'S 2017-2018 FISCAL BIENNIUM AND REPEALING ORDINANCE 4543.

SECTION 1. Repeals Ordinance 4543 passed November 15, 2016.

SECTION 2. Fixes and establishes the regular property tax levy for the fiscal year 2017.

SECTION 3. Levies a voted property tax for fiscal year 2017.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2017.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Aparna Khanal, P.E., Project Engineer
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: January 26, 2017

Subject: JUANITA QUICK WINS - AUTHORIZATION TO BID

RECOMMENDATION:

City Council to authorize staff to advertise for contractor bids for the Juanita Quick Wins Project, as is required on this and all federally funded projects.

By taking action on this at the February 7 meeting, City Council is authorizing staff to advertise for contractor bids.

BACKGROUND DISCUSSION:

The City of Kirkland's (City) Juanita Drive Corridor Master Plan identified vehicular, pedestrian, and bicycle safety concerns from 98th Avenue NE to NE 143rd Street that present safety hazards throughout the corridor. This corridor is used annually by thousands of cyclists completing the Lake Washington bicycling loop plus other cyclists and pedestrians traveling north or south between the communities, urban commuter centers, and public spaces along the east side of Lake Washington. The Juanita Quick Wins Project improves safety by installing pedestrian facilities (sidewalks and crosswalks), dedicated bike lane features, lighting, and signage.

The Project also widens sidewalk on west side of 98th Avenue NE, from the Juanita Bay Park Causeway (Old Market Street Bridge) at the North end of Juanita Bay Park to Juanita Drive/NE 116th Street. The improvement at this location will add bike lanes to help complete the bicycle network in the area. Application for a Shoreline Variance was submitted on October 20, 2016, and the final decision on the application is scheduled to be published by March 28, 2017, with no additional special permitting requirements being imposed. This permit is only necessary for the work on the west side on 98th Avenue NE, south of NE 116th Street.

Authorization to Advertise

Federal Highway Administration (FHWA) authorized construction funds for this Project effective January 9, 2017 and the Project's final design is complete, pending final plans and specifications approval from the Washington State Department of Transportation (WSDOT) Local Programs Office. With WSDOT approval, now expected to occur the week of January 30, the Project will be ready to advertise for construction bids and, as is required on all federally funded projects, City Council authorization to advertise for contractor bids is a necessary step.

Project Funding

The Project is funded by Federal Highway Safety Improvement Program (HSIP) and State Funding as shown in table below:

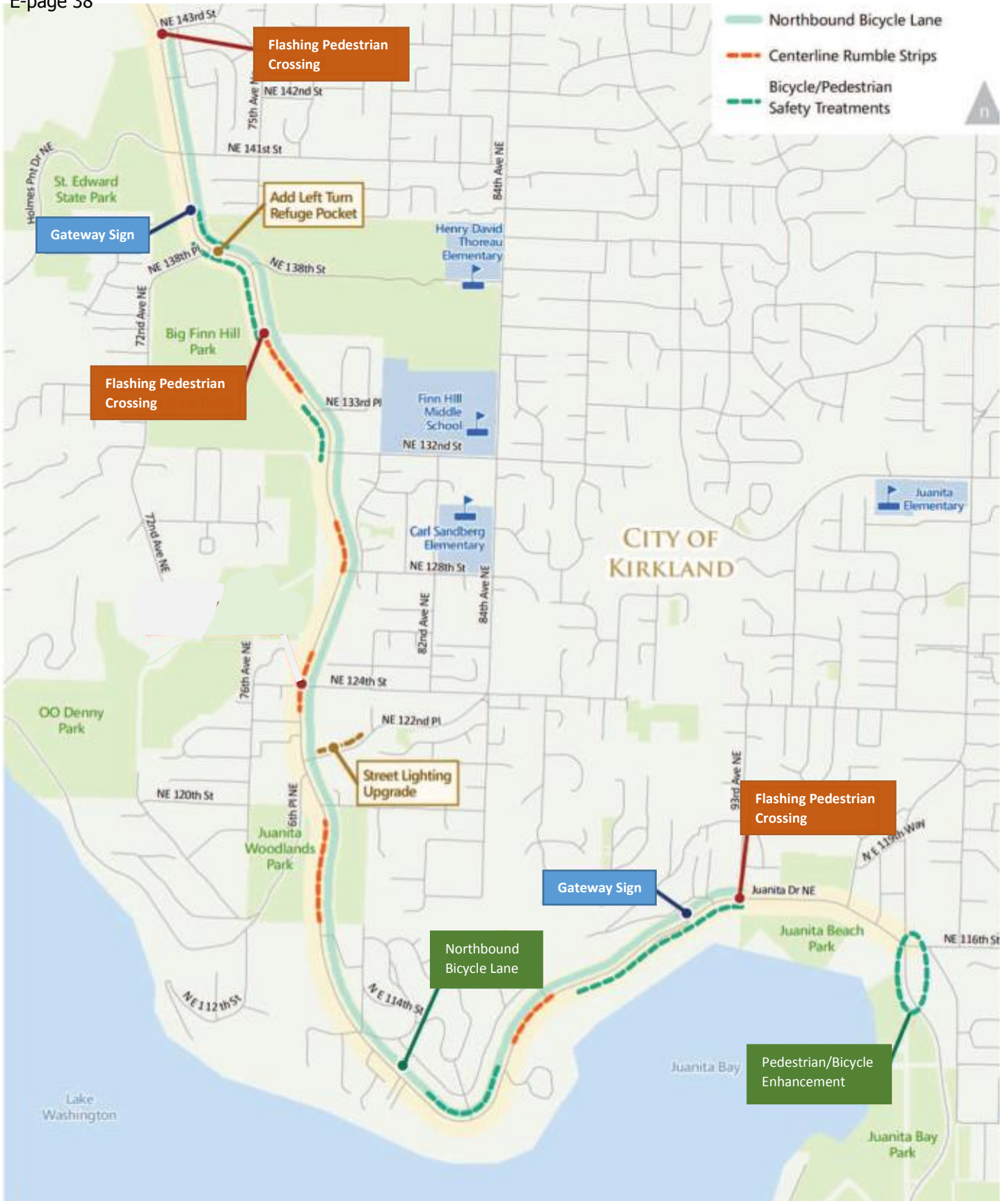
Table 1 – Funding

SOURCE	Amount
Federal Highway Safety Improvement Program (FHWA)	\$1,287,395
State Funding - Pedestrian and Bicycle Safety Selection	\$62,605
Local/City Funds	\$62,600
Total Funding	\$1,412,600

The engineer's estimate for this Project for construction is \$834,000 (Attachment B). Given its importance to the City, overall community expectations, and the significant amount of external funding available for the Project, staff recommends City Council approval to proceed with the bidding process for the Project. The bid opening would then be scheduled for the beginning of March, with a City Council Award action currently anticipated for April 2017 meeting -- construction would begin as soon as May, 2017.

Attachment A – Vicinity Map

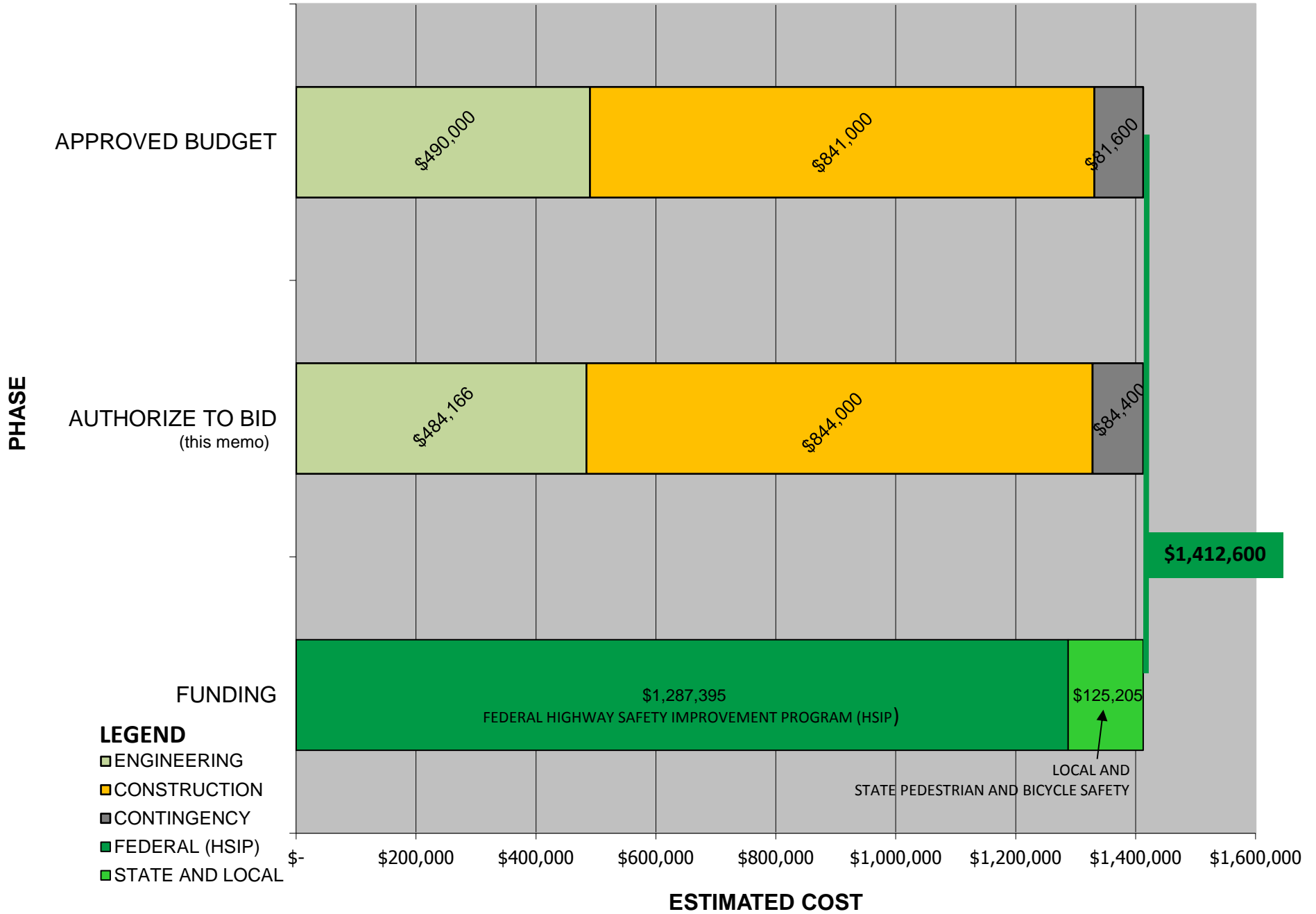
Attachment B – Project Budget Report (PBR)



VICINITY MAP – JUANITA QUICK WINS

**JUANITA Quick Wins
(CNM - 0090)
PROJECT BUDGET REPORT**

Attachment B





CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tim Llewellyn, Fleet Supervisor
Kathy Brown, Public Works Director

Date: January 20, 2017

Subject: SURPLUS OF EQUIPMENT RENTAL VEHICLE/EQUIPMENT

RECOMMENDATION:

It is recommended that the City Council approve the surplus of the Equipment Rental vehicles/equipment identified in this memo and thus remove them from the City's Equipment Rental Replacement Schedule.

Approval of the consent calendar will authorize these vehicle surplus actions.

BACKGROUND DISCUSSION:

The surplus of vehicles and equipment which have been replaced with new vehicles or equipment, or which no longer meet the needs of the City, is consistent with the City's Equipment Rental Replacement Schedule Policy. Under this policy, if approved by City Council, vehicles or equipment are sold or disposed of in accordance with the Kirkland Municipal Code, Chapter 3.86, Sale and Disposal of Surplus Personal Property.

The criteria for replacement are reviewed annually for each vehicle by Fleet Management prior to making a recommendation. Among the replacement criteria considered are the following:

- wear and tear on the engine, drive train, and transmission
- condition of the structural body and major component parts
- the vehicle's frequency and nature of past repairs
- changes in the vehicle's mission as identified by the Department which it serves
- changes in technology
- vehicle right-sizing
- the impact of future alternative fuels usage
- specific vehicle replacement funding accrued

The decision to replace a vehicle requires the consensus of the Fleet Management staff (currently representing more than 120 years of experience among its six members) and the Department which it serves. Vehicles should be replaced close to the point to where major repairs and expenses occur in order to maximize their usefulness without sacrificing resale value with consideration given to the vehicle's established accounting life.

The accounting life of a vehicle is the number of years of anticipated useful life to City operations. It is determined by historical averages and replacement cycles of actual City vehicles. The accounting life provides a timeline basis for the accrual of vehicle Replacement

Reserve charges, and, at the end of which, there should be sufficient funds in the Replacement Reserve Fund to purchase a similar replacement vehicle. The accounting life is a guideline only, and the actual usage of vehicles typically vary from averages.

The City of Kirkland standard accounting life for a vehicle, which is also consistent with the industry standard, is 8 years or 80,000 miles, whichever comes first. This life is also supported by FleetAnswers.com which recently published Municipal Vehicle Replacement Trends. Among cities, the average age of replacement for cars is 6.7 years, for class 1-5 trucks it is 7.7 years, and for police vehicles it is 4 years. The City's standard for Fire Engines/Pumpers and for Fire Ladder/Aerial apparatus is 18 years.

The following equipment is recommended for surplus with this memo:

<u>Fleet #</u>	<u>Year</u>	<u>Make</u>	<u>VIN/Serial Number</u>	<u>License #</u>	<u>Mileage</u>
98P-40	1998	Dodge Grand Caravan SE	2B4GP44G9WR796333	24422D	58,639
F-12X	2004	Chevrolet Silverado 3500 4x4	1GBHK34U24E302981	36161D	84,861
H20	2006	ERIDE NEV (Electric Vehicle)	SN1E9EA15S36BB63105	31116D	n/a
TL-08A	1997	Garland Trailer	1B9U31219VM005273	23989D	n/a
TR-09	2003	John Deere 4710 Ballfield Tractor	LV4710P275008	n/a	3860 hrs.

98P-40 is a 1998 Dodge Grand Caravan which was originally assigned to Police Administration for 8 years, and was then re-assigned to the Public Works Maintenance Center for use as an Administration vehicle. 98P-40 has exceeded its anticipated useful life of 8 years by 11 years.

F-12X is a 2004 Chevrolet 3500 (1 Ton) flatbed truck. It was assigned to the Sign Shop for 10 years. It then was reconfigured to carry spray equipment for snow and ice conditions for 3 more years. F-12X has exceeded its anticipated useful life of 8 years by 5 years.

H20 is a 2006 ERIDE Neighborhood Electric Vehicle (similar to a golf cart configured as small truck). It was utilized as a Public Works Meter Reader vehicle for 2 years. As its battery charge declined, so did the speed it was capable of. H20 was reassigned as a Public Works Yard and Peter Kirkland Parking Garage maintenance vehicle. As an electric vehicle, it also serviced the Cross Kirkland Corridor the last 2 years. H20 exceeded its normal anticipated life of 8 years by 3 additional years.

TL-08A is a 1997 Garland Landscape Trailer which was assigned to Public Works Grounds. It has exceeded its anticipated useful life of 10 years by an additional 10 years of service.

TR-09 is a 2003 John Deere 4710 Ballfield Tractor assigned to Parks Maintenance. TR-09 exceeded its anticipated useful life of 10 year by an additional 4 years of service.

Cc: Erin Devoto, Deputy Director
Ray Steiger, P.E., Operations Manager



CITY OF KIRKLAND

Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Greg Piland, Purchasing Agent

Date: January 18, 2017

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF FEBRUARY 7, 2017.

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of \$50,000. The "Process" column on the table indicates the process being used to determine the award of the contract.

The City's major procurement activities initiated since the last report dated January 4, 2017 are as follows:

	Project	Process	Estimate/Price	Status
1.	Engineering and environmental feasibility study for the Kirkland Marina Pier Expansion Study.	A&E Roster Process	\$78,912.00	Contract awarded to Reid Middleton, Inc. of Everett, WA based on qualifications per RCW 39.80.

Please contact me if you have any questions regarding this report.



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

MEMORANDUM

To: Kurt Triplett, City Manager **Quasi-judicial**
From: Allison Zike, Planner
Eric Shields, Planning Director
Date: February 7, 2017
Subject: Scramlin Gardens North and South Short Plat Appeal Hearing,
SUB16-01315 and SUB16-01316

RECOMMENDATION

Staff recommends that the City Council consider the Appeal of the Planning Director’s Approval filed by Sharon Plotkin and direct staff to return to the February 21, 2017 Council meeting with a resolution to either:

1. Affirm the decision of the Planning Director;
2. Reverse the decision of the Planning Director; or
3. Modify the decision of the Planning Director.

Staff recommends that the City Council affirm the decision of the Planning and Building Director.

The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the appeal at this meeting. In the event the City Council votes to affirm the Director’s decision at this meeting, a draft resolution is enclosed.

BACKGROUND DISCUSSION

City Council Rules of Procedure

Under the Council Rules of Procedure, the City Council shall consider a Process I appeal at one meeting and vote on the application at the next or a subsequent meeting. The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting. The Council vote shall occur within 90 calendar days of the date on

which the letter of appeal was filed. In this case, the appeal was filed on December 6, 2016, and 90 calendar days is March 6, 2017.

City Council Consideration

Pursuant to Chapter 145 of the Zoning Code, the City Council must consider the appeal in an open record appeal hearing. The scope of the appeal is limited to the specific elements of the Planning Director's decision disputed in the letter of appeal, and the City Council may only consider comments, testimony and arguments on these specific elements.

The appellant, applicant, and any person who submitted written comments or information to the Planning Director on the application during the comment period established in the Notice of Application may participate in the appeal hearing; except that a party who signed a petition may not participate in the appeal unless such party also submitted independent written comments or information. The applicant may submit a written response to an appeal filed by an appellant. Further, the City Council, in its discretion, may ask questions of the appellant, applicant, parties of record or staff regarding facts in the record, and may request oral argument on legal issues. The City Council may reasonably limit the extent of the oral testimony to facilitate the orderly and timely conduct of the hearing. For instance, the Council may limit each side (proponents and opponents) to speak for a maximum of ten minutes each.

After considering all arguments within the scope of the appeal submitted in writing and given as oral testimony at the hearing by persons entitled to participate in the appeal, the City Council shall, by motion approved by a majority of its total membership, take one of the following actions:

- If City Council determines that the disputed findings of fact and conclusions of the Planning Director are the correct findings of fact and conclusions, the Council shall affirm the Planning Director's decision.
- If City Council determines that the disputed findings of fact and conclusions of the Planning Director are not correct and that correct findings of fact and conclusions do not support the decision of the Planning Director, the Council shall modify or reverse the decision.

Project Proposal

The proposal is to divide two existing parcels (totaling 1.78 acres) through two short plats (file nos. SUB16-01315 and SUB16-01316), creating a total of 9 separate lots in the RSX 7.2 zone. See Enclosure 1 for the site plans for the two proposals. The RSX 7.2 zone is a single-family residential zone with a minimum lot size of 7,200 square feet. Access to Lots 1 to 8 will be via a new through,

right-of-way, road connecting NE 101st Place to 132nd Avenue NE. Lot 9 will access off of 131st Place NE.

Planning Director Decision

On November 21, 2016, the Planning Director approved both applications subject to the conditions outlined in each staff report (see Enclosures 2 and 3).

Appeal of Planning Director's Decision

On December 6, 2016, lead appellant Sharon Plotkin and additional parties of record filed a timely appeal of the Planning Director Approval Decision (see Enclosure 3). The appellants are contesting the proposed extension and connection of NE 101st Place to 132nd Avenue NE. The applicant, Merit Homes, has submitted written testimony in response to the appeal (see Enclosure 5).

Kirkland Municipal Code section 22.20.245 states that the Council will decide on an appeal of the Planning Director's decision on a short plat when the short plat would result in the dedication of a new through public right-of-way, including a right-of-way designed for future connection. In this case, the new public road is proposed to be constructed with development of the short plats.

Staff Analysis of Appeal

The appellants contest the proposed extension and connection of NE 101st Place to 132nd Avenue NE. KZC Section 145.80 requires that staff prepare an analysis of the specific factual findings and conclusions disputed in the letter of appeal. The appellant's four points of contention are listed below followed by an analysis by Thang Nguyen, Transportation Engineer and Joel Pfundt, Transportation Engineering Manager both with the City of Kirkland Public Works Department.

1. Appellant Comment: Through traffic on our residential street will increase due to non-residents using the new extension to bypass traffic on 132nd Avenue NE, predominantly during peak hours.

Staff Response: NE 101st Place does not, and will not, provide a direct connection between two arterials. The street ends at 128th Avenue NE (not connecting up with additional north-south arterials) and after a jog to the north it dead-ends to the west. As shown in the figure below, there are two other direct connections (NE 104th Street and NE 100th Street, shown in yellow) that provide through traffic between north-south arterials 124th Avenue NE and 132nd Avenue NE that are less than three blocks away from NE 101st Place. 128th Avenue NE dead-ends to the north at NE 108th Place and connects to NE 85th Street to the south with a

traffic signal. There are multiple speed humps on 128th Avenue NE that discourage pass-through traffic. Therefore, the NE 101st Place connection to 132nd Avenue NE should not create significant alternative east-west or north-south bypass routes for vehicle traffic on 132nd Avenue NE.



2. Appellant Comment: We are concerned that through traffic will encourage speeding on our street and will create safety problems for the large number of children who play on the street and use it as a route when they walk to and from Mark Twain Elementary School.

Staff Response: As discussed above, because the new road connection will not provide a direct connection between two arterials, there will not be through traffic from 132nd Avenue NE other than possibly those residences located on NE 101st Place and possibly a few from 128th Avenue NE between NE 100th Street and NE 102nd Place. NE 101st Place will operate similar to the parallel street NE 102nd Place located one block to the north which also provides a connection between 132nd Avenue NE to 128th Avenue NE. Both streets are similar in design and character. There have been no reports of speeding or traffic safety concern on NE 102nd Place and staff believes that NE 101st Place will operate similarly.

There are sidewalks on both sides of NE 101st Place for safe pedestrian access. Therefore, staff does not believe the street connection will

jeopardize pedestrian safety. The new connection will have a pavement width of 24 feet. This street width will provide parking on one side and help to slow traffic. Staggering on-street parking can also help to slow traffic.

3. Appellant Comment: The City has not provided or undertaken any traffic studies to support their argument that traffic will not increase significantly.

Staff Response: The street connection does not trigger an environmental impact study or SEPA review. Based on staff experience with similar street connections throughout the City and for the reasons stated in the previous sections, there are no indications that traffic will increase significantly on this street.

4. Appellant Comment: The increased traffic throughout the day will impact the character and integrity of the neighborhood in contravention with the following policies:

Policy T-1.2 of the City of Kirkland Comprehensive, IX. Transportation, page IX-8 which states:

Mitigate adverse impacts of transportation systems and facilities on neighborhoods. Transportation systems and facilities can have adverse impacts on neighborhoods such as:

- *Safety problems due to speeding vehicles and increasing traffic volumes;*
- *Increased traffic resulting from drivers seeking alternate routes to congested arterials; and/or*
- *Air and noise pollution*

Further, Policy T-1.3 of the City of Kirkland Comprehensive, IX. Transportation, page IX-9 states:

Establish a street system that promotes and maintains the integrity of neighborhoods.

The street system is more than a circulation route; it is a major land use that exerts a strong influence on neighborhood integrity. Too often, this influence is seen as disruptive and intrusive. The street system can, however, be a strong positive force in promoting neighborhood integrity. As an example, streets can:

- *Allow for local and internal circulation;*
- *Contribute to a sense of safety and security;*

- *Have urban greenery and take advantage of opportunities for scenic views;*
- *Provide recreational opportunities for bicyclists and pedestrians; and*
- *Be a place for special events and street block parties.*

To promote neighborhood integrity, streets should be classified, designed, and developed in a manner that recognizes and respects the surrounding neighborhood.

Staff Response: The new connection does promote neighborhood integrity, and is classified, designed, and developed as a neighborhood street that recognizes and respects the surrounding neighborhood. The street connection meets the following Comprehensive Plan Policies:

- T-1.4: Ensure that there is sufficient right-of-way.
Dedication of land may be required to construct, install or extend the transportation system, such as streets, sidewalks, or bicycle lanes. Dedication may be for, among other purposes, alternative ingress and egress routes, emergency vehicle and police access, safe turning movements, through road connectivity and any other improvement needed to ensure an adequate, safe and efficient transportation system.
- Policy T-4.3: Maintain a system of arterials, collectors, and local access streets that forms an interconnected network for vehicular circulation.
*Traffic spread over a "grid" of streets, which is designed appropriate to neighborhood and system needs, flows smoothly. Kirkland has a number of existing cul-de-sacs, which help to create quiet and private residential areas. **At the same time, however, cul-de-sacs and dead ends result in uneven traffic distribution and benefit some at the expense of others. Valuable emergency response time can also be lost when connections between arterials are missing.** Pedestrian and bicycle traffic is also interrupted. Future street connections should be considered when the City reviews its City wide road network system. (emphasis added)*
- Policy T-4.5: Maintain and improve convenient access for emergency vehicles.
Emergency vehicles need to access sites using the shortest route possible. Providing an interconnected street network is the best way to achieve direct access.

Furthermore, the street connection meets other city adopted policies and plans:

- The Transportation Master Plan Policy T-5.6 states: Create a system of streets and trails that form an interconnected network.
- The Action Plan T-5.6.1: Develop a plan for connections between street ends and complete those connection.
- This connection is consistent with the North Rose Hill (NRH) Street Connection Plan. The NRH Street Connection Plan shows street connections in the NRH that could occur as a result of redevelopment. One of the street connections identified is NE 101st Pl, between 131st Pl NE and 132nd Ave NE. The Transportation Commission and the NRH Neighborhood Committee reviewed and approved the connections. Section V.B.1.b(3) of the enclosed Director's decision (see Enclosures 2 and 3) includes a further discussion of the North Rose Hill Neighborhood Plan adoption.

Appellants' Proposal

As part of the appellants' appeal letter, they have proposed an alternative to the vehicular road extension of NE 101st Place to 132nd Avenue NE. Their proposal is as follows:

Our proposal would be to connect the existing section of NE 101st Place to the new development via a bike and pedestrian path wide enough to accommodate emergency vehicles. The two houses currently on the proposed lots already have driveways situated on 132nd Ave NE. Non-emergency vehicles entering and existing the new development would do so through 132nd Ave NE, but would not be able to use it for through traffic into the existing neighborhood.

Our proposal is in accordance with the North Rose Hill Plan, which states:

Policy NRH 22.2: Consider alternative design to conventional "grid patterned" streets to address topographic and sensitive area constraints, aesthetics, and safety of children and pedestrians/bicyclists, while at the same time considering emergency vehicular access. Street design should address these physical constraints while minimizing impacts to emergency response vehicles.

Policy NRH 22.3: Map where anticipated street connection locations could be considered with future infill development in order to provide predictability in the development process and for the neighborhood. While the North Rose Hill Street Connection Plan Map (Figure NRH-6 5 and Table NRH-1) indicates and describes the potential locations of street connections for future infill development, the

exact location will be determined at the time of development. The development permit process should ultimately determine these locations. When new street connections are not required or not feasible, pedestrian and bicycle connections should still be pursued.

Staff Response: There are no topographic and/or sensitive area constraints, aesthetic issues, or safety of children and pedestrians/bicyclists concerns that necessitate an alternative design to a preferred street conventional "grid system". The street connection will be designed in accordance to the City of Kirkland's neighborhood street standard for safe motorized and non-motorized travel. There is adequate safe sight lines for drivers on the new street and street connection.

ENCLOSURES

1. Site Plans
2. SUB16-01315, Scramlin Gardens North Planning Director Decision and Attachments
3. SUB16-01316, Scramlin Gardens South Planning Director Decision and Attachments
4. Appeal Letter filed by Sharon Plotkin
5. Written Testimony submitted by Merit Homes, applicant



SHORT PLAT
CITY OF KIRKLAND
FILE NO: SUB16-

VOLUME/PAGE

REFERENCES

- R1) PLAT OF LA ROSE PARK NO 2, RECORDING NO. 196210095490577
- R2) RECORD OF SURVEY, RECORDING NO. 198802239002
- R3) PLAT OF ROSE HILL WOODS, RECORDING NO. 198811301231
- R4) RECORD OF SURVEY, RECORDING NO. 198905099001
- R5) RECORD OF SURVEY, RECORDING NO. 9205019005
- R6) LOT LINE ALTERATION, RECORDING NO. 20020207002279
- R7) MAPLE LANE SHORT PLAT, RECORDING NO. 20050308900007
- R7) CROSSWINDS SUBDIVISION, RECORDING NO. 20140604900005

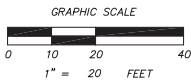
RECORDS OF KING COUNTY AUDITOR'S OFFICE

NE 104TH ST

CATCH BASIN
RM=329.15'
IE=326.35(N,12°)PP
IE=326.32(S,12°)PP
IE=327.12(W,12°)PP
IE=326.94(NW,12°)PP

LEGEND

- SET REBAR & CAP, EMV LS#44651
- ⊙ CALCULATED POSITION
- ⊕ FOUND CASED MONUMENT
- ⊙ SANITARY SEWER MANHOLE
- ⊙ SANITARY SEWER CLEAN OUT
- ⊙ STORM DRAIN CATCH BASIN
- ⊙ WATER METER
- ⊙ WATER MARKER POST
- ⊙ WATER VALVE
- ⊙ FIRE HYDRANT
- ⊙ TELEPHONE PEDESTAL
- ⊙ NATURAL GAS VALVE
- ⊙ POWER POLE W/LIGHT
- ⊙ POWER POLE W/LIGHT, TRANSFORMER
- ⊙ YARD LIGHT STANDARD
- ⊙ MAILBOX
- ⊙ DECIDUOUS TREE
- ⊙ DOUGLAS FIR TREE
- ⊙ TREE, LEGALLY REMOVED
- ⊙ CHAIN LINK FENCE
- ⊙ WOOD FENCE
- ⊙ OVERHEAD UTILITY LINE
- ⊙ SANITARY SEWER LINE
- ⊙ STORM DRAIN LINE
- ⊙ WATER PAINT LINE



NE 101ST PL

SSMH
RM=315.18'
IE=304.30(N,8°)PVC
IE=304.35(E,10°)PVC
IE=304.30(S,10°)PVC
IE=304.25(W,10°)PVC

SSMH
RM=326.81'
IE=317.22(NE,8°)PVC
IE=317.17(E,8°)PVC
IE=317.27(W,10°)PVC

DATUM

THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD83/91 WSPC NORTH ZONE, PER TIES TO CITY OF KIRKLAND MONUMENT #31 FOUND AT THE INTERSECTIONS OF 124TH AVE NE & NE 100TH ST AND CITY OF KIRKLAND MONUMENT #30 FOUND AT THE INTERSECTIONS OF 104TH AVE NE & 132ND AVE NE..

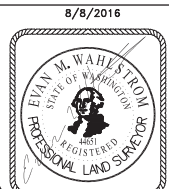
THE VERTICAL DATUM FOR THIS SURVEY IS NAVD88, PER TIES TO CITY OF KIRKLAND MONUMENT #30 ELEVATION 316.33 FEET AT 132ND AVE NE & NE 100TH ST

UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	52°31'	127.00'	12.12'
C2	23°10'	122.00'	51.43'
C3	27°08'	72.50'	36.67'
C4	90°00'	25.00'	39.27'

LINE	BEARING	DISTANCE
L1	S 6°03'11" E	15.28'
L2	S 6°03'11" E	2.58'
L3	S 87°09'46" E	14.88'
L4	S 87°09'46" E	26.79'

TREE ID	NAME	DBH	ACTION
115	APPLE	19.20	RETAIN
116	CHERRY	10.50	REMOVE
117	CEDAR	38.80	RETAIN
118	CEDAR	30.90	RETAIN
119	CEDAR	28.50	RETAIN
120	CEDAR	14.40	RETAIN
121	CEDAR	23.30	RETAIN
122	CEDAR	27.60	RETAIN
123	CEDAR	15.60	REMOVE
124	ASH	9.40	REMOVE
125	CEDAR	29.20	RETAIN
126	CEDAR	8.60	RETAIN
127	CEDAR	33.40	RETAIN
128	CEDAR	33.20	RETAIN
129	MAPLE	29.50	RETAIN
130	CEDAR	29.50	LEGALLY REMOVED
131	PINE	19.60	RETAIN
132	FIR	22.20	RETAIN
133	MAPLE	26.00	REMOVE
134	MAPLE	26.40	REMOVE
135	MAPLE	14.50	RETAIN
136	FIR	34.00	RETAIN
137	MAPLE	13.10	REMOVE
138	MAPLE	14.10	RETAIN
139	FIR	36.00	LEGALLY REMOVED
140	DOGWOOD	7.50	REMOVE
141	CEDAR	19.90	RETAIN
142	BIRCH	7.40	REMOVE
149	CHERRY	26	REMOVE
150	CHERRY	15.20	REMOVE



informed land survey

PO Box 5137
Tacoma, WA 98415-0137

Phone: 253-627-2070
Fax: 253-627-9175
www.landsurvey.com

LAND SURVEYING, MAPPING, & GIS

SCRAMLIN GARDENS NORTH

CHECKED:EW
FIELD CREW: BA,AJ
DRAFTED: SB
SCALE: 1"=20'

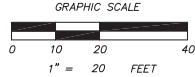
JOB NO.: MERIT-151112
NO. OF PARCELS: 2
DATE: 8/8/2016
SHEET 2 OF 2

IN SE 1/4 OF THE SE 1/4 OF SECTION 33, T26 N, R05 E, W.M.

CITY OF KIRKLAND, KING COUNTY, WASHINGTON

NE 100TH ST

124TH AVE NE



VOLUME/PAGE

IN SE 1/4 OF THE SE 1/4 OF
SECTION 33, T26 N, R05 E, W.M.
CITY OF KIRKLAND,
KING COUNTY, WASHINGTON



SHORT PLAT
CITY OF KIRKLAND
FILE NO: SUB16-

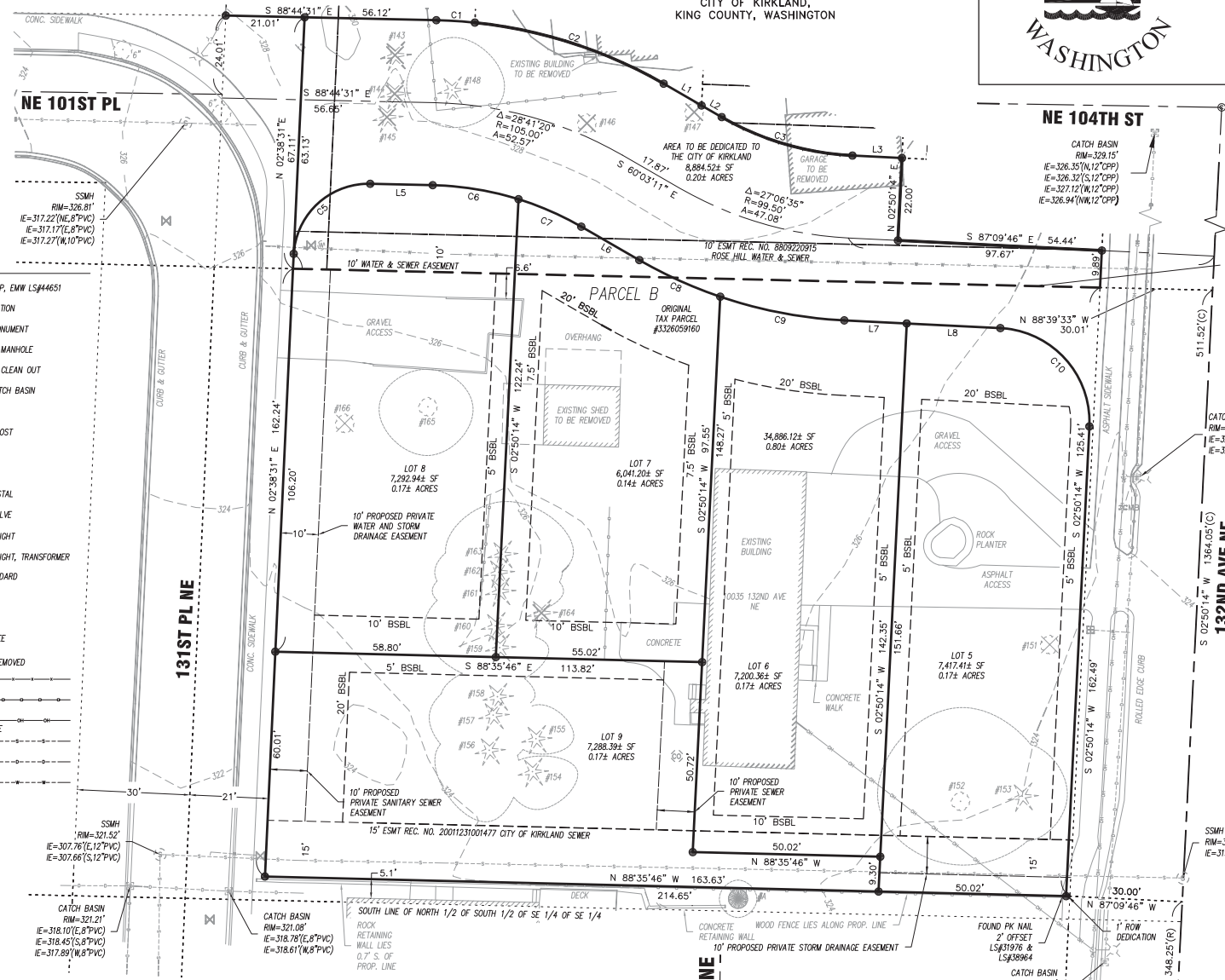
LINE	BEARING	DISTANCE
L1	S 60°03'11" E	11.67'
L2	S 80°03'11" E	6.20'
L3	S 87°09'46" E	13.23'
L4	S 87°09'46" E	28.44'
L5	S 88°44'31" E	16.66'
L6	S 80°03'11" E	17.87'
L7	S 87°09'46" E	18.66'
L8	S 87°09'46" E	25.00'

TREE ID	NAME	DBH	ACTION
143	FIR	12.00	REMOVE
144	FIR	10.30	REMOVE
145	FIR	14.70	REMOVE
146	APPLE	12.30	REMOVE
147	APPLE	12.40	REMOVE
148	HEMLOCK	20.30	RETAIN
151	DOGWOOD	12.00	LEGALLY REMOVED
152	MAPLE	47.90	RETAIN
153	CYPRESS	16.70	RETAIN
154	CYPRESS	22.30	RETAIN
155	CYPRESS	14.40	RETAIN
156	FIR	18.00	RETAIN
157	FIR	25.60	RETAIN
158	FIR	16.40	RETAIN
159	FIR	17.00	RETAIN
160	FIR	25.50	RETAIN
161	FIR	13.50	RETAIN
162	FIR	30.00	RETAIN
163	FIR	16.80	RETAIN
164	HEMLOCK	18.40	REMOVE
165	WALNUT	9.50	RETAIN
166	MAPLE	27.30	LEGALLY REMOVED
A	MAPLE	7.00	RETAIN

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	4°58'44"	127.00'	10.30'
C2	24°32'35"	127.00'	53.29'
C3	27°06'35"	77.50'	36.67'
C4	90°00'00"	25.00'	39.27'
C5	87°7'08"	20.00'	36.53'
C6	16°03'40"	83.00'	23.27'
C7	12°37'40"	83.00'	18.29'
C8	11°17'08"	121.50'	23.72'
C9	15°52'29"	171.50'	33.77'
C10	90°00'00"	25.00'	39.27'

LEGEND

- SET REBAR & CAP, ENW LS#44651
- ⊙ CALCULATED POSITION
- ⊕ FOUND Cased MONUMENT
- ⊕ SANITARY SEWER MANHOLE
- ⊕ SANITARY SEWER CLEAN OUT
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- ⊕ YARD LIGHT STANDARD
- ⊕ MB MAILBOX
- ⊕ DEODIOUS TREE
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LAND SURVEYING, MAPPING, & GIS

SCRAMLIN GARDENS SOUTH

CHECKED-EW
FIELD CREW: BA, AJ
DRAFTED: SB
SCALE: 1"=20'

JOB NO.: MERIT-151112
NO. OF PARCELS: 2
DATE: 5/27/2016
SHEET 2 OF 2

FOUND Cased MONUMENT CITY OF KIRKLAND #31

FOUND Cased MONUMENT CITY OF KIRKLAND #30

NE 100TH ST

5/27/2016



CITY OF KIRKLAND NOTICE OF DECISION

NOVEMBER 23, 2016

Permit application: Scramlin Gardens North Short Plat, File No. [SUB16-01315](#)

Location: [10045 132nd Avenue NE](#)

Applicant: Mike Smith, Merit Homes Inc.

Project description: Subdivide one 29,612.74 SF lot into four parcels of 7,035.6 SF each in the RSX 7.2 zone. The short plat will create a new through road connecting 132nd Avenue NE and NE 101st Place.

Decisions Included: Short Plat (Process I)

Project Planner: Allison Zike, Planner

SEPA Determination: Exempt

Department Decision: **Approval with Conditions**

Eric Shields, Director
 Planning and Building Department

Decision Date:	November 21, 2016
Appeal Deadline:	December 7, 2016

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. An appeal must be in writing and delivered, along with fees set by ordinance, to the Planning Department by **5:00 p.m., December 7, 2016**. For information about how to appeal, contact the Planning and Building Department at (425)587-3600. An appeal of this project decision would be heard by the City Council.*

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

- A. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. Attachment 3, Development Standards, 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.
- B. Prior to recording the short plat, the applicant shall:
 - 1. Record the submitted Lot Line Alteration (File No. LLA16-01451) which affects the property line between the subject property and Parcel #3326059160 to the south (see Section II – Property Size and Proposed Lot Size).
 - 2. Show on the short plat map sufficient land dedication to develop:
 - a. The NE 101st Place road connection between 131st Place NE and 132nd Avenue NE to the specifications indicated by the Public Works Official in Attachment 3 (see Conclusion V.B.2)
 - b. The required half-street improvements in the 132nd Avenue NE right-of-way (see Conclusion V.B.2).
 - 3. Obtain the appropriate permits and demolish the existing single-family residence and shed on the subject property (see Section II – Current Land Use).
- C. As part of the applications for Building Permits within the development, the applicant shall submit:
 - 1. A completed shared driveway easement form (see Attachment 11) for Lots 3 and 4 to be recorded with King County (see Section V.B.2).
 - 2. Site plans showing shared access from NE 101st Place for Lots 3 and 4 via a shared driveway easement centered on the common property line (see Section V.B.2).

II. SITE AND NEIGHBORHOOD CONTEXT

Zoning District	RSX 7.2, Low Density Residential
Comprehensive Plan Designation	LDR 6, Low Density Residential
Property Size	Existing: 38,906 Square Feet / 0.592 Acres After LLA Recording: 29,612.74 Square Feet / 0.67 Acres After ROW Dedication: 28,142.43 Square Feet / 0.646 Acres Per King County records, the current lot size is 38,906 Square Feet (0.592 Acres). The applicant has submitted a Lot Line Alteration application (File No. LLA16-01451, Attachment 4) to adjust the south boundary line of the subject property with the adjacent property to the south, Parcel #3326059160, which will result in an adjustment to the lot size, decreasing it to 29,612.74 Square Feet.

Current Land Use	<p>The subject property is currently developed with one single-family residence and a detached garage (see Attachment 5).</p> <p>Staff Analysis: Retention of the existing structures would not comply with the development and use standards relative to the proposed lot line and access easement configuration. Therefore, applicant should demolish the existing structures prior to recording the short plat.</p>
Proposed Lot Sizes	<p>Lot 1: 7,035.61 Square Feet Lot 2: 7,035.61 Square Feet Lot 3: 7,035.61 Square Feet Lot 4: 7,035.60 Square Feet ROW Dedication: 1,470.31 Square Feet</p>
Lot Size Compliance	<p>The minimum lot size for the RSX 7.2 zone is 7,200 square feet. However, if a property is smaller than that required for subdivision, a subdivision may still proceed if the lot size flexibility provisions of Kirkland Municipal Code 22. 28.030 have been met. The proposed lot sizes comply with this provision. See Section V.A below for a compliance analysis.</p>
Terrain	<p>The lot is relatively flat, with a slight incline of 4 feet across approximately 237 feet from east to west (see Attachment 5).</p>
Trees	<p>There are 37 significant trees on the site and 0 significant trees located off site that may be affected by the proposed development. Attachment 6 shows the location, tree number, and general health of the trees, as assessed by the applicant's arborist. The applicant is proposing a phased tree retention review with the short plat pursuant to KZC 95.30.6.a. See Attachment 3, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements.</p>
Access	<p>Access for Lots 1-4 is proposed from a new, east-west, dedicated right-of-way connecting NE 101st Place to 132nd Avenue NE (see Attachment 2). See Section V.B for analysis.</p>
Neighboring Zoning and Development	
<ul style="list-style-type: none"> • North 	RSX 7.2, Single-Family Residential
<ul style="list-style-type: none"> • South 	RSX 7.2, Single-Family Residential
<ul style="list-style-type: none"> • East 	Unincorporated King County, Single-Family Residential
<ul style="list-style-type: none"> • West 	RSX 7.2, Single-Family Residential

III. PUBLIC NOTICE AND COMMENT

- A.** The public comment period for this application ran from July 19, 2016 to August 6, 2016. Twenty-three public comment emails/letters were received (see Attachment 7). Below is a summary of public comments followed by a brief staff response. Complete responses to public comments and concerns regarding the road connection have been provided in a Public Works Memo found as Attachment 8 (enclosed).
- Comment/Concern: The road connection will greatly increase traffic through the neighborhood; vehicles will use the new through road to cut through the neighborhood and avoid traffic.

Staff Response: Public Works has estimated that there may be additional traffic on NE 101st Place from the cul-de-sac at the west end of the street using the new through road to travel east out to 132nd Avenue NE. The maximum number of additional trips was estimated to be 13 peak hour trips in the AM and PM. The City's Traffic Engineer has determined this amount of additional traffic is an insignificant volume increase on the existing development in the neighborhood. Additionally, while the traffic volume on NE 101st Place may insignificantly increase, the connection will provide residents along NE 101st Place a short and more direct access to 132nd Avenue NE and lessen the traffic impacts to 131st Place NE. Reference Attachment 8 for a complete response.
 - Comment/Concern: The road connection will adversely affect the safety of children and pedestrians, quality of life, and property values in the neighborhood.

Staff Response: Public Works staff does not believe the street connection will jeopardize safety. The new connection will have a pavement width of 24 feet. This street width will provide parking on one side and help to slow traffic. Since NE 101st Place will not serve as a pass-through route, staff anticipate that all the traffic using the new connection will be from residents living along NE 101st Place and maybe a few from 131st Place NE.

The street connection will provide better emergency response to the neighborhood, better connection for cyclists and pedestrians. In addition, it will shorten the connection to an arterial for motor vehicles which will lessen the travel distance and as a result car emissions which are the City of Kirkland transportation goals to enhance air quality and improve quality of life. Traffic calming measures to prevent speeding can be considered with the construction of the connection. Reference Attachment 8 for a complete response.
 - Comment/Concern: Was an alternative, such as a cul-de-sac, to the road connection considered?

Staff Response: Public Works staff has determined that the proposed road connection fulfills several Comprehensive Plan policies, is reasonable to install with the proposed development, and is feasible given the existing site and surrounding conditions. A cul-de-sac was not determined to be an adequate alternative to the connection, as informed by Comprehensive Plan policy T-4.3 which states that cul-de-sacs can result in uneven traffic distribution, benefit some at the expense of others, and greater emergency response time, as well as interruption of traffic flow, including pedestrian and bicycle flow. Reference Attachment 8 for a complete response.
 - Comment/Concern: Was any traffic study conducted in relation to this change?

Staff Response: A traffic study was not required for the street connection, and was not required as part of the short plat process. The connection was

identified through the Rose Hill neighborhood plan with public involvement. Since NE 101st Place is currently not a through street and when the road connection is installed it will not provide a direct pass-by route between two arterials with the new connection to 132nd Avenue NE, the amount of traffic expected to increase along NE 101st Place and the associated traffic impact will be insignificant.

5. Comment/Concern: What traffic calming measures can be considered on the new through road?

Staff Response: If excessive speeding occurs after the connection is constructed and traffic has normalized, the Public Works Department can undertake an analysis to determine what traffic calming measures may alleviate the issue. Reference Attachment 8 for a complete response.

6. Comment/Concern: Is adequate parking being planned for the new houses?

Staff Response: The Kirkland Zoning Code (KZC) requires that each new, single-family home provide a minimum of 2 parking spaces on site. These parking spaces may be provided within a garage or on a parking pad/driveway in an approved location. Additionally, the homes will be required to provide a minimum 20 foot by 20 foot parking pad between the garage and access easement, tract, or right-of-way providing access to the garage. The required width of the new through road will allow for parking on one side of the street.

7. Comment/Concern: The Comprehensive Plan policies do not *require* the road extension, and the connection of NE 101st Place to 132nd Avenue NE doesn't contribute to the creation of a grid system layout because of the lack of connectivity to the west.

Staff Response: The Public Works Department has determined that the proposed road connection, while not completing the grid system layout, contributes to the overall grid system as directed by the Comprehensive Plan policies. Dedication and construction of the road connection has been deemed reasonably necessary as a result of the combination of the subject short plat and the Scramlin Gardens South short plat (File No. SUB16-01316). Reference Attachment 8, item #1, for a complete response.

IV. CRITERIA FOR SHORT PLAT APPROVAL

- A.** Facts: Municipal Code section 22.20.140 states that the Planning Director may approve a short subdivision only if:

1. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
2. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning and Building Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code section 145.45 states that the Planning and Building Director may approve a short subdivision only if:

3. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
4. It is consistent with the public health, safety, and welfare.

- B.** Conclusions: The proposal complies with Municipal Code section 22.20.140 and Zoning Code section 145.45. It is consistent with the Comprehensive Plan (see also Section V.B in regards to the through road connection). With the recommended conditions of

approval, it is consistent with the Zoning Code and Subdivision regulations and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because it will add housing stock to the City of Kirkland in a manner that is consistent with applicable development regulations.

V. DEVELOPMENT REGULATIONS

A. The following is a review, in a checklist format, of compliance with the design requirements for subdivisions found in KMC 22.28. All lots comply with the minimum lots sizes for this zone.

Complies as proposed	Complies as conditioned	Code Section
KMC 22.28.030: Lots – Size		
<i>If property is smaller than required for subdivision by less than or equal to 10% of the minimum lot size for the zoning district, subdivision may proceed subject to the following regulations.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Shortage distributed evenly over all lots; OR <input type="checkbox"/> Existing structure or physical feature makes even distribution difficult (KMC 22.28.030) <u>Staff Analysis:</u> A four lot short plat in the RSX 7.2 zone requires a minimum of 28,800 square feet (7,200 square feet per lot). The subject property contains 28,142.43 square feet (after LLA and ROW dedication, see Section II – Property Size), and is short 657.57 square feet. Each lot is proposed to contain an area of 7,035.6 square feet. The shortage is distributed evenly between the four lots (164.4 square feet each).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The property is smaller than that required for subdivision by an amount less than or equal to 10% of the minimum lot size for the zoning district as shown on the Kirkland zoning map. <u>Staff Analysis:</u> A four lot short plat in the RSX 7.2 zone utilizing this lot flexibility provision requires a minimum of 28,080 square feet. The subject property contains 28,142.43 square feet and therefore complies with this requirement.
Complies as proposed	Complies as conditioned	Code Section
KMC 22.28.050 – Lots - Dimensions		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lots are shaped for reasonable use and development

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimum lot width is 15' where abutting right-of-way, access easement, or tract
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B. Access

1. Facts:

a. Kirkland Municipal and Zoning Code Provisions

- 1) Municipal Code section 22.28.020 states that the City may require dedication of land for school sites, parks and open space, rights-of-way, utilities infrastructure, or other similar uses if this is reasonably necessary as a result of the subdivision.
- 2) Municipal Code Section 22.28.090 requires the applicant to comply with the requirements of Chapter 110 of the Zoning Code with respect to dedication and improvement of adjacent right-of-way.
- 3) KZC Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property.
- 4) Zoning Code section 110.60 states that the Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.

b. Comprehensive Plan Policies

- 1) Comprehensive Plan Policy T-4.3 states the City should "maintain a system of arterials, collectors, and local access streets that forms an interconnected network for vehicular circulation."
- 2) Comprehensive Plan Policy T-4.5 states that the City should "maintain and improve convenient access for emergency vehicles."
- 3) Comprehensive Plan Policy NRH 22.3 states: "Map where anticipated street connection locations could be considered with future infill development in order to provide predictability in the development process and for the neighborhood."
 - a) Comprehensive Plan Chapter XV.F North Rose Hill Neighborhood adopted the North Rose Hill Street Connection Plan (see Attachment 9) which mapped anticipated street connection locations to be considered with infill development.
 - b) The North Rose Hill Neighborhood chapter of the Comprehensive, and the Connection Plan, was adopted in May 2003. The Plan was adopted by the City Council upon recommendation of the Planning Commission, who was advised by the North Rose Hill Citizen Advisory Committee (CAC). The CAC was composed of 18 neighborhood stakeholders, and held monthly meetings during plan composition and hosted two neighborhood open houses to gather public comment regarding the North Rose Hill Neighborhood Plan.
 - c) The adopted North Rose Hill Connection Plan (see Attachment 9), item #5 shows a future connection of NE 101st Place between 131st Place NE and 132nd Avenue NE.

c. Right-of-Way Dedication

- 1) The proposed site design includes proposals for the below detailed right-of-way dedications:

- a) Approximately 1,300 square feet in the southeast corner of the site to partially accommodate the new NE 101st Place right-of-way. The connection will create a through road that runs east-west and is designated as a Neighborhood Access street per the standards of Kirkland Zoning Code (KZC) 110.20.
 - b) Approximately 170 square feet along the eastern 1 foot of the subject property, adjacent to the existing 132nd Avenue NE right-of-way to accommodate required right-of-way improvements.
- d. Right-of-Way Improvements
- 1) The Public Works official has determined the new, NE 101st Place right-of-way be constructed with the following improvements:
 - a. Paved road measuring 12 feet from the centerline of the right-of-way to the face of the curb on both sides of the road;
 - b. On both sides of the street: vertical curb with gutter, a 4.5 foot wide planter strip with street trees spaced 30 feet on center, and a 5 foot wide sidewalk;
 - c. Parking on one side of the street;
 - d. Crosswalk ramps; and,
 - e. Roadway drainage with conveyance to the public storm drainage system (see Attachment 3).
 - 2) The Public Works official has determined that the existing 131st Place NE right-of-way be improved with the following:
 - a) Removal and replacement of any existing substandard half-street improvements including curb and gutter, sidewalk, and storm conveyance;
 - b) Street trees planted 30 feet on center in the existing landscape strip;
 - c) Replacement crosswalk ramp; and,
 - d) Removal of any driveway entrances no longer utilized.
 - 3) The Public Works official has determined the existing 132nd Avenue NE right-of-way be improved with the following:
 - a) Road pavement widened to 22 feet from the right-of-way centerline to the face of the curb;
 - b) On west side of street, vertical curb with gutter, and an 8 foot sidewalk with street trees (in wells) spaced 30 foot on center; and,
 - c) Replacement crosswalk ramp.
- e. Project Details
- 1) The applicant for the subject short plat has also applied to concurrently short plat the property directly south of the subject property (File No. SUB16-01316, see Attachment 10). These two short plats propose infill development that encompasses the proposed road connection shown in the North Rose Hill Connection Plan.
 - 2) Lots 1 to 4 of this short plat application will have direct access onto the new NE 101st Place right-of-way. Per Public Works development standards (Attachment 3), Lots 3 and 4 should share access from NE

101st Place via a joint driveway centered on the common property line between the respective lots.

Lots 5 to 8 of the short plat to the south will also have direct access onto the NE 101st Place. Only Lot 9 will have direct access to 131st Place NE.

- 3) Direct access to individual lots from 132nd Avenue NE is not being allowed by Public Works.

2. Conclusion:

- a. The proposed NE 101st Place road connection, as shown in the North Rose Hill Connection Plan, is entirely encompassed by the subject property and adjacent short plat proposal and is reasonably necessary as a result of these subdivisions.
- b. The proposed NE 101st Place road connection will promote policies T-4.3 and T-4.5 of the Comprehensive Plan because it will improve the interconnected road network in the North Rose Hill Neighborhood and maintain and improve convenient access for emergency vehicles. All four homes in this short plat will have direct access to the new NE 101st Place road. When viewed in conjunction with the short plat to the south, the new road connection will provide eight of the nine new homes direct access to NE 101st Place which in turn connects to 132nd Avenue NE. As a result, traffic to/from the new homes would not be dependent on the existing portions of NE 101st Place NE and 131st Place NE. Traffic levels associated with the new homes on these existing streets are anticipated to be lower than if the road connection were not constructed.
- c. Pursuant to Municipal Code section 22.28.020 and Zoning Code section 110.60, the Public Works Official determines that prior to recording the short plat, and in conjunction with development of the Scramlin Gardens South project (File No. SUB16-01316), the applicant should dedicate adequate land to install the required improvements in the new NE 101st Place right-of-way and the required half-street improvements in the 132nd Avenue NE right-of-way.
- d. As part of the applications for Building Permits within the development, the applicant should submit:
 - (1) A completed shared driveway easement form (see Attachment 11) for Lots 3 and 4 to be recorded with King County.
 - (2) Site plans showing shared access from NE 101st Place for Lots 3 and 4 via a shared driveway easement centered on the common property line.

VI. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

SHORT PLAT DOCUMENTS – RECORDATION – TIME LIMIT (KMC 22.20.370)

- VII.** The short plat must be recorded with King County within five (5) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated,

the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

VIII. APPENDICES

Attachments 1 through 10 are attached.

1. Vicinity Map
2. Applicant Proposal
3. Development Standards
4. Lot Line Alteration Map (File No. LLA16-01451)
5. Survey
6. Arborist Report
7. Public Comments
8. Public Works Road Connection Memo
9. North Rose Hill Connection Plan
10. Scramlin Gardens South Site Plan
11. Shared Driveway Easement Template

IX. PARTIES OF RECORD

Applicant: Mike Smith, Merit Homes
Parties of Record
Planning and Building Department
Department of Public Works

**SCRAMLIN GARDENS NORTH
SHORT PLAT
SUB16-01315**

E 103rd PI

E 102nd PI

E 101st PI

SUBJECT PROPERTY

131st PI NE

132nd Ave NE





SHORT PLAT
CITY OF KIRKLAND
FILE NO: SUB16-

REFERENCES

- R1) PLAT OF LA ROSE PARK NO 2, RECORDING NO. 196210095490577
- R2) RECORD OF SURVEY, RECORDING NO. 198802239002
- R3) PLAT OF ROSE HILL WOODS, RECORDING NO. 198811301231
- R4) RECORD OF SURVEY, RECORDING NO. 198905099001
- R5) RECORD OF SURVEY, RECORDING NO. 9205019005
- R6) LOT LINE ALTERATION, RECORDING NO. 20020207002279
- R7) MAPLE LANE SHORT PLAT, RECORDING NO. 20050308900007
- R7) CROSSWINDS SUBDIVISION, RECORDING NO. 20140604900005

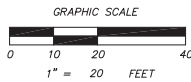
RECORDS OF KING COUNTY AUDITOR'S OFFICE

NE 104TH ST

CATCH BASIN
RM=329.15'
IE=326.35(N,12°)PP
IE=326.32(S,12°)PP
IE=327.12(W,12°)PP
IE=326.94(NW,12°)PP

LEGEND

- SET REBAR & CAP, EMV LS#44651
- ⊙ CALCULATED POSITION
- ⊕ FOUND CASED MONUMENT
- ⊖ SANITARY SEWER MANHOLE
- ⊖ SANITARY SEWER CLEAN OUT
- ⊖ STORM DRAIN CATCH BASIN
- ⊖ WATER METER
- ⊖ WATER MARKER POST
- ⊖ WATER VALVE
- ⊖ FIRE HYDRANT
- ⊖ TELEPHONE PEDESTAL
- ⊖ NATURAL GAS VALVE
- ⊖ POWER POLE W/LIGHT
- ⊖ POWER POLE W/LIGHT, TRANSFORMER
- ⊖ YARD LIGHT STANDARD
- ⊖ MAILBOX
- ⊖ DECIDUOUS TREE
- ⊖ DOUGLAS FIR TREE
- ⊖ TREE, LEGALLY REMOVED
- ⊖ CHAIN LINK FENCE
- ⊖ WOOD FENCE
- ⊖ OVERHEAD UTILITY LINE
- ⊖ SANITARY SEWER LINE
- ⊖ STORM DRAIN LINE
- ⊖ WATER PAINT LINE



NE 101ST PL

SSMH
RM=315.18'
IE=304.30(N,8°)PVC
IE=304.35(E,10°)PVC
IE=304.30(S,10°)PVC
IE=304.25(W,10°)PVC

SSMH
RM=326.81'
IE=317.22(NE,8°)PVC
IE=317.17(E,8°)PVC
IE=317.27(W,10°)PVC

DATUM

THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD83/91 WSPC NORTH ZONE, PER TIES TO CITY OF KIRKLAND MONUMENT #31 FOUND AT THE INTERSECTIONS OF 124TH AVE NE & NE 100TH ST AND CITY OF KIRKLAND MONUMENT #30 FOUND AT THE INTERSECTIONS OF 104TH AVE NE & 132ND AVE NE..

THE VERTICAL DATUM FOR THIS SURVEY IS NAVD88, PER TIES TO CITY OF KIRKLAND MONUMENT #30 ELEVATION 316.33 FEET AT 132ND AVE NE & NE 100TH ST

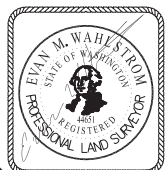
UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	52°31'	127.00'	12.12'
C2	23°10'	122.00'	51.43'
C3	27°08'	72.50'	36.67'
C4	90°00'	25.00'	39.27'

LINE	BEARING	DISTANCE
L1	S 60°31'11" E	15.28'
L2	S 60°03'11" E	2.58'
L3	S 87°09'46" E	14.88'
L4	S 87°09'46" E	26.79'

TREE ID	NAME	DBH	ACTION
115	APPLE	19.20	RETAIN
116	CHERRY	10.50	REMOVE
117	CEDAR	38.80	RETAIN
118	CEDAR	30.90	RETAIN
119	CEDAR	28.50	RETAIN
120	CEDAR	14.40	RETAIN
121	CEDAR	23.30	RETAIN
122	CEDAR	27.60	RETAIN
123	CEDAR	15.60	RETAIN
124	ASH	9.40	REMOVE
125	CEDAR	29.20	RETAIN
126	CEDAR	8.60	RETAIN
127	CEDAR	33.40	RETAIN
128	CEDAR	33.20	RETAIN
129	MAPLE	29.50	RETAIN
130	CEDAR	29.50	LEGALLY REMOVED
131	PINE	19.60	RETAIN
132	FIR	22.20	RETAIN
133	MAPLE	26.00	REMOVE
134	MAPLE	26.40	REMOVE
135	MAPLE	14.50	RETAIN
136	FIR	34.00	RETAIN
137	MAPLE	13.10	REMOVE
138	MAPLE	14.10	RETAIN
140	DOGWOOD	7.50	REMOVE
141	CEDAR	19.90	RETAIN
142	BIRCH	7.40	REMOVE
149	CHERRY	26	REMOVE
150	CHERRY	15.20	REMOVE

8/8/2016



informed land survey

PO Box 5137
Tacoma, WA 98415-0137

Phone: 253-627-2070
Fax: 253-627-9175
www.landsurvey.com

LAND SURVEYING, MAPPING, & GIS

SCRAMLIN GARDENS NORTH

CHECKED:EW
FIELD CREW: BA, AJ
DRAFTED: SB
SCALE: 1"=20'

JOB NO.: MERIT-151112
NO. OF PARCELS: 2
DATE: 8/8/2016
SHEET 2 OF 2

IN SE 1/4 OF THE SE 1/4 OF SECTION 33, T26 N, R05 E, W.M.
CITY OF KIRKLAND,
KING COUNTY, WASHINGTON

124TH AVE NE

FOUND CASED MONUMENT CITY OF KIRKLAND #31

FOUND CASED MONUMENT CITY OF KIRKLAND #30

NE 100TH ST





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

SHORT PLAT DEVELOPMENT STANDARDS LIST

File: SUB16-01315, Scramlin Gardens North

This application must comply with all applicable standards. The listing below outlines those standards in a typical development sequence.

KMC refers to Kirkland Municipal Code, KZC refers to Kirkland Zoning Code

TREE PLAN SUMMARY

KMC 22.28.210 & KZC 95.30 Significant Trees.

A Tree Retention Plan was submitted with the short plat. During the review of the short plat, all proposed improvements were unknown. Therefore KZC Section 95.30 (6)(a) – Phased Review applies in regards to tree retention. There are 37 significant trees on the site, of which 25 are viable. These trees have been assessed by staff and the City's Arborist. They are identified by number in the following chart.

Significant Trees:	High Retention Value	Moderate Retention Value	Low Retention Value (V) – viable (NV) – not viable
115			Not viable
116		X	
117		X	
118		X	
119		X	
120		X	
121		X	
122		X	
123		X	
124		X	
125		X	
126			Viable
127		X	
128		X	
129		X	
130		X	
131	X		
132			Not viable
133			Not viable
134			Not viable

135		X	
136		X	
137			Not viable
138		X	
139		X	
140			Not viable
141		X	
142			Not viable
143			Not viable
144			Not viable
145			Not viable
146			Not viable
147			Not viable
148		X	
149		X	
150		X	
151		X	

The arborist report is fairly accurate, in addition:

- Tree #129 was girdled but may survive because the girdling cuts were not very deep into the bark.
- Tree #129 is side pruned to provide clearance for overhead power lines.
- Tree #136 was not girdled but #139 was, therefore the note stating "owner plans to legally remove this tree belongs associated with tree #139 rather than 136.
- Tree #147 is dead as of my site visit on June 22, 2016.

Tree #131 is a high retention value tree. Trees #116 through 125, 127 through 130, 135, 136, 138, 139, 141 and 148 through 151 are moderate retention value trees. Trees #115, 132, 133, 134, 137, 140 and 142 through 147 are not viable low retention value trees. Tree #126 is a viable low retention value tree in that it is likely to continue living for decades if allowed to remain but will not contribute significantly to the urban forest canopy of Kirkland if allowed to remain. I recommend not awarding any density credits to tree #126 if it is retained.

ROW trees: No concerns at this time but a note about future street trees along 132nd Ave NE – Overhead power is along the west side of the road and trees should be selected to accommodate the clearance needed by the energized lines.

Neighbor's trees: no concerns at this time.

No trees are to be removed with an approved short plat or subdivision permit. Based on the approved Tree Retention Plan, the applicant shall retain and protect all viable trees throughout

the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements with an approved Land Surface Modification permit. Subsequent approval for tree removal is granted for the construction of the house and other associated site improvements with a required Building Permit. The Planning Official is authorized to require site plan alterations to retain High Retention value trees at each stage of the project. In addition to retaining viable trees, new trees may be required to meet the minimum tree density per KZC Section 95.33.

PRIOR TO RECORDING

KMC 22.20.362 Short Plat - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the short plat documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.

KMC 22.20.366 Short Plat - Lot Corners. The exterior short plat boundary and all interior lot corners shall be set by a registered land surveyor. If the applicant submits a bond for construction of short plat improvements and installation of permanent interior lot corners, the City may allow installation of temporary interior lot corners until the short plat improvements are completed.

KMC 22.20.390 Short Plat - Improvements. The owner shall complete or bond all required right-of-way, easement, utility and other similar improvements.

KMC 22.28.110-130 Vehicular Access Easements. Municipal Code sections 22.28.110 and 22.28.130 establish that if vehicular access within the plat is provided by means other than rights-of-way, the plat must establish easements or tracts, compliant with Zoning Code Section 105.10, which will provide the legal right of access to each of the lots served.

KMC 22.32.010 Utility System Improvements. All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

KMC 22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

KMC 22.32.030 Stormwater Control System. The applicant shall comply with the construction phase and permanent stormwater control requirements of the Municipal Code.

KMC 22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.

KMC 22.32.050 Transmission Line Undergrounding. The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code.

KMC 22.32.080 Performance Bonds. In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one year to ensure completion of these requirements within one year of plat/short plat approval.

LAND SURFACE MODIFICATION AND/OR BUILDING PERMIT REQUIREMENTS

KZC 85.25.1 Geotechnical Report Recommendations. A written acknowledgment must be added to the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations and incorporated these recommendations into the plans.

KZC 85.45 Liability. The applicant shall enter into an agreement with the City, which runs

with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property (see Attachment ____).

KZC 90.155 Liability. The applicant shall enter into an agreement with the City which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the stream, minor lake, or wetland (see Attachment ____).

KZC 95.35.2.b.(3)(b)i 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.

KZC 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 4 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.

KZC 95.45 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.

KZC 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.

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

KZC 105.10 Vehicular Access Easements or Tracts. The access easement or tract shall be ____ feet wide and contain a paved surface ____ feet in width. The access easement or tract shall be screened from the adjacent property to the ____ with a minimum five-foot high sight-obscuring fence; or vegetation that will provide comparable screening to a five-foot fence within two years of planting; along the entire easement or tract outside the required front yard.

105.10.2 Pavement Setbacks. The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from it. Screening standards are outlined in this section.

KZC 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.

KZC 105.47 Required Parking Pad. Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing

access to the garage.

KZC 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.

KZC 115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

KZC 115.42 Floor Area Ratio (F.A.R.) Limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

KZC 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other exceptions to these requirements.

KZC 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.

KZC 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.

KZC 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.

KZC 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.

KZC 115.115.3.g Rockerries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

KZC 115.115.3.n Covered Entry Porches. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

KZC 115.115.3.o Garage Setbacks. In low density residential zones, garages meeting

certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

KZC 115.115.3.p HVAC and Similar Equipment: These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

KZC 115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

KZC 115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

KZC 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.

PRIOR TO OCCUPANCY

KZC 90.145 Bonds. The City may require a bond and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of the Drainage Basins chapter or any decision or determination made under this chapter. A ___ is required for ___. (see Attachment ___).

KZC 95.40 Bonds. The City may require a maintenance agreement or bond to ensure compliance with any aspect of the Landscaping chapter. A ___ is required for ___ (see Attachment ___).

KZC 95.50.2.b Tree Maintenance. For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

KZC 110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

KZC 110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter. A ___ shall be submitted for ___.

(((Shorelines)))

24.05.135 Public Access. Project must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property at or close to the high waterline. Developments should be designed to visually and physically separate the public pedestrian access from adjacent private spaces.

24.05.135.6 Public Access Easements. All owners of the subject property must record an easement approved by the City Attorney establishing the right of the public to the pedestrian access (see Attachment ___).

24.05.135.7 Public Access Signs. Sign(s) shall be installed, obtained from the City, designating the public pedestrian access.



DEVELOPMENT STANDARDS SUB16-01315

FIRE DEPARTMENT

FIRE DEPARTMENT COMMENTS

Contact: Grace Steuart at 425-587-3660; or gsteuart@kirklandwa.gov

ACCESS

All lots front on Road A. The Fire Department has no additional requirements for access.

HYDRANTS

Existing hydrants in the area are adequate to provide coverage for the proposed project. The hydrant across the street on 132nd Ave NE shall be equipped with a 5" Storz fitting. The closest hydrant on NE 101st Place is already equipped with a Storz fitting.

FIRE FLOW

Fire flow in the area is approximately 1500-2000 gpm, which is adequate for development.

SPRINKLER THRESHOLD

Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. Included are single family homes, duplexes, and zero lot line townhouses where the aggregate area of all connected townhouses is greater than 5,000 square feet; garages, porches, covered decks, etc, are included in the gross square footage. (This comment is included in the short plat conditions for informational purposes only.)

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS CONDITIONS

Permit #: SUB16-01315 and SUB16-01316

Project Name: Scramlin Garden Short Plat (North 4 Lots, South 5 Lots)

Project Address: 10035 and 10045 132 Ave NE, North Rose Hill

Date: June 22, 2016

Public Works Staff Contacts

Land Use and Pre-Submittal Process:

Building and Land Surface Modification (Grading) Permit Process:

Tuan Phan, Development Engineer

Phone: 425-587-3843 Fax: 425-587-3807

E-mail: tphan@kirklandwa.gov

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site.
2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The applicant should anticipate

the following fees:

- o Water, Sewer, and Surface Water Connection Fees (paid with the issuance of a Building Permit)
- o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
- o Water Meter Fee (paid with the issuance of a Building Permit)
- o Right-of-way Fee
- o Review and Inspection Fee (for utilities and street improvements).
- o Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the project. The credit amount for each demolished building will be equal to the most currently adopted Fee schedule.

3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit, including the required LSM Checklist.

4. Submittal of Building Permits within a subdivision prior to recording:

- Submittal of a Building Permit with an existing parcel number prior to subdivision recording: A Building Permit can be submitted prior to recording of the subdivision for each existing parcel number in the subject project, however in order for the Building Permit to be deemed a complete application, all of the utility and street improvements for the new home must be submitted with application. However, the Building Permit will not be eligible for issuance until after the Land Surface Modification Permit is submitted, reviewed, and approved to ensure the comprehensive storm water design required by the subdivision approval is reviewed and approved, and then shown correctly on the Building Permit plans to match the Land Surface Modification Permit.
- Submittal of a Building Permit within a standard subdivision (non IDP): If this subdivision is not using the IDP process, the Building Permits for the new houses can be applied for after the subdivision is recorded and the Land Surface Modification permit has been submitted, reviewed, and approved.
- Review of Expedited or Green Building Permits: A new single family home Building Permit within a subdivision can only be review on an expedited or green building fast track if submitted electronically through MBP and the Land Surface Modification permit has been submitted, reviewed, and approved.

5. Subdivision Performance and Maintenance Securities:

- The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. This security amount will be determined by using the City of Kirkland's Improvement Evaluation Packet (available in either Excel or PDF). Contact the Development Engineer assigned to this project to assist with this process.
- If a recording Performance Security has not yet been posted, then prior to issuance of the LSM Permit a standard right of way restoration security ranging from \$10,000.00 to 30,000.00 (value determined based on amount of ROW disruption) shall be posted with Public Works Department. This security will be held until the project has been completed.
- Prior to Final Inspection of the Land Surface Modification improvements, there will be a condition of the permit to establish a two year Maintenance security.

6. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy G-7, Engineering Plan Requirements. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

7. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.

8. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are

based on the King County datum only (NAVD 88).

9. A completeness check meeting is required prior to submittal of any Building Permit applications.
10. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.
11. All subdivision recording documents shall include the following language:

o Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer, storm water stub, rain garden, permeable pavement, or any infiltration facilities (known as Low Impact Development) from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer, surface water stub, rain garden, permeable pavement, or any infiltration facilities, which jointly serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

o Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the maintenance of the vegetation within the abutting landscape strip. The maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

If the lots have on-site private storm water facilities, include this language on the subdivision recording document:

o Maintenance of On-site Private Stormwater Facilities: Each Lot within the Subdivision has a stormwater facility (infiltration trench, dry wells, dispersion systems, rain garden, and permeable pavement) which is designed to aid storm water flow control for the development. The stormwater facility within the property shall be owned, operated and maintained by the Owner. The City of Kirkland shall have the right to ingress and egress the Property for inspection of and to reasonable monitoring of the performance, operational flows, or defects of the stormwater/flow control facility.

If the City of Kirkland determines related maintenance or repair work of the stormwater facility is required, the City of Kirkland shall give notice to the Owner of the specific maintenance and/or repair work required. If the above required maintenance or repair is not completed within the time set by the City of Kirkland, the City of Kirkland may perform the required maintenance or repair, or contract with a private company capable of performing the stormwater facility maintenance or repair and the Owner will be required to reimburse the City for any such work performed.

The Owner is required to obtain written approval from the City of Kirkland prior to replacing, altering, modifying or maintaining the storm water facility.

If the project contains LID storm improvements that will be installed as a condition of the new home Building Permit, then include this condition on the Short Plat recording documents:

o Installation of Low Impact Development (LID) storm drainage improvements with Building Permits: All LID storm drainage features depicted on Sheet ____ of ____ of issued permit LSM1X-0XXXX shall be installed in conjunction with the construction of each new home on lots X to X. The LID improvements include, but are not limited to the rain gardens and the pervious driveways. The Building Permit for the new signal family home on lots X to X will not receive a final inspection until said LID improvements are installed. The pervious access road/Tract serving lots X and X shall be constructed or secured by a performance bond prior to recording of the short plat

Sanitary Sewer Conditions:

1. Extend the sanitary sewer main from NE 101st PL into the dedicated street to serve Lots #1 through #4. Due the unavoidable location of the stormwater detention vault in the ROW, the sewer main may be terminated with a manhole in the planter strip in front of Lot #2. Private side sewers for lots 3 and 4 will need to run inside an easement to access the sewer stub in front of Lot #2.
2. The existing sanitary sewer main in the easement across Lot #10035 is adequate to serve Lots #5 through #9

as proposed.

3. Provide a 6-inch minimum side sewer stub to each lot. Side sewers serving the property shall be PVC gravity sewer pipe per Public Works Pre-Approved Criteria. Remove and replace any substandard pipes. Verify existing pipe condition by video inspection if the pipe is to remain.

Water System Conditions:

1. As proposed, Lots #1 through #8 may be served by the water main across the existing property, provided that the new water meters are placed in the planter strip of the new dedicated street. As proposed, Lot #9 shall receive water service from the new main extension on 131st PL NE.

2. Extend the 8" ductile iron water main on 131st PL NE, starting from the shut-off valve south of lot #10035 and connect to the existing 8" at the crossing south of NE 101st PL. The existing dead-end blow-off shall be abandoned. The shut-off valve east of the connection shall be removed and replaced with a sleeve.

3. Provide a separate 1" minimum water service from the water main to the meter for each lot; City of Kirkland will set the water meter. The water size is determined when the Building Permit is submitted and is sized per the Uniform Plumbing Code. A ¾" meter is the typical size for new single-family home, unless otherwise required by the City.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and the Kirkland Addendum (Policy D-10). See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. The drainage review levels can be determined using the Drainage Review Flow Chart. Anticipate a Full Drainage Review for this project:

- Full Drainage Review

- A full drainage review is required for any proposed project, new or redevelopment, that will:
- Adds 5,000ft² or more of new impervious surface area or 10,000ft² or more of new plus replaced impervious surface area,
- Propose 7,000ft² or more of new pervious surface or,
- Be a redevelopment project on a single or multiple parcel site in which the total of new plus replaced impervious surface area is 5,000ft² or more and whose valuation of proposed improvements (including interior improvements but excluding required mitigation and frontage improvements) exceeds 50% of the assessed value of the existing site improvements.

2. A preliminary drainage report (Technical Information Report) must be submitted with the subdivision application. This must include a downstream analysis for all projects (except small project Type 1).

3. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 or L-2 (depending on drainage review) for more information on this requirement. If Low Impact Development (LID) is determined to be infeasible, a Surface Water Adjustment is required for the project. Also, if LID is not feasible, pervious pavement cannot be used to reduce overall impervious lot coverage.

4. Special inspections may be required for Low Impact Development (LID) on this project. Provide documentation of inspections by a licensed geotechnical engineer that LID will function as designed.

5. Soil Amendment per Pre-Approved Plan CK-E.12 is recommended for landscaped areas.

6. If a storm water detention system is required, it shall be designed to Level II standards. Historic (forested) conditions shall be used as the pre-developed modeling condition.

7. The project will create more than 5,000 square feet of new impervious area that will be used by vehicles (PGIS - pollution generating impervious surface). Provide storm water quality treatment per the 2009 King County Surface Water Design Manual.
8. Provide collection and conveyance of right-of-way storm drainage.
9. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system or utilize low impact development techniques. The tight line connections shall be installed with the individual new houses.
10. Provide an erosion control report and plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.
11. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts NE 101st PL, 131st PI NE, and 132nd Ave NE. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

NE 101st PL (Neighborhood Access):

- A. Dedicate adequate right-of-way to connect NE 101st PL to 132nd Ave NE, and for the installation of associated public improvements.
- B. The road shall be paved, measuring 12 feet from the ROW-CL to the face of curb.
- C. Install on both sides of the street: vertical curb with gutter, a 4.5-ft wide planter strip with street trees spaced 30-ft on-center, and 5-ft wide sidewalk.
- D. Install crosswalk ramps; use WSDOT standards for ADA-compliance.
- E. Install roadway drainage with conveyance to the public storm drain system.

131st PI NE (Neighborhood Access):

- A. Remove and replace any existing half-street improvements that are broken or in substandard condition, including curb and gutter, sidewalk, and storm conveyance. Remove any driveway entrances that are no longer needed, and replace with above described frontage improvements.
- B. Plant street trees spaced 30-ft on-center in the landscape strip behind the sidewalk.
- C. Replace crosswalk ramp; use WSDOT standards for ADA-compliance.

132nd Ave NE (Minor Arterial):

- A. Install half-street improvements for 132nd Ave NE in accordance with the build-out requirements prescribed by Roadway Pre-Approved Policy R-12A.
- B. Determine from survey and dedicate adequate right-of-way to install the required public improvements.
- C. Widen the roadway pavement to 22 feet from ROW-CL to face of curb.
- D. Install vertical curb with gutter and an 8-ft wide sidewalk with street trees (in wells) spaced 30-ft on-center.
- E. Replace crosswalk ramp; use WSDOT standards for ADA-compliance.

2. Access Requirements (KZC Chapter 105.10):

- A) All lots will receive direct access from NE 101st PL (dedicated street), except for Lot #9 which will receive access from 131st PL NE.
- B) The driveway for each lot shall be long enough so that parked cars do not extend into any easement, tract, or right-of-way (20' minimum). The parking pad shall measure 20' by 20'.
- C) As proposed, the driveway cuts for Lots 4 and 5 are too close to the intersection with 132nd Ave NE. Design a joint driveway cut (24' wide), centered on the property line to serve lots 3/4 and lots 5/6, respectively.

D) When two adjacent driveway cuts are right next to one another, the driveways may be combined into one single 40-ft wide driveway cut, thus eliminating the inside wings.

3. Meet the requirements of the Kirkland Driveway Policy R-4.

4. Meet the requirements of the Kirkland Intersection Sight Distance Policy R.13. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle.

5. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.

- Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
- Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.

6. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections.

7. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.

8. Underground all new and existing on-site utility lines and overhead transmission lines.

9. Underground any new off-site transmission lines.

10. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on 132nd Ave NE is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include the following note:

Local Improvement District (LID) Waiver Agreement. Chapter 110.60.7.b of the Kirkland Zoning Code requires all overhead utility lines along the frontage of the subject property to be converted to underground unless the Public Works Director determines that it is infeasible to do so at the time of the subdivision recording. If it is determined to be infeasible, then the property owner shall consent to the formation of a Local Improvement District, hereafter formed by the City or other property owners. During review of this subdivision it was determined that it was infeasible to convert the overhead utility lines to underground along the frontage of this subdivision on 132nd Ave NE. Therefore, in consideration of deferring the requirement to underground the overhead utility lines at the time of the subdivision recording, the property owner and all future property owners of lots within this subdivision hereby consent to the formation of a Local Improvement District hereafter formed by the City or other property owners

11. New LED street lights may be required per Puget Power design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

Brynja Myren
Account Sales Manager, Intolight
PUGET SOUND ENERGY
Tel 425-462-3833 | Cell 206-604-3348
Fax 425-462-3149 | Email brynja.myren@pse.com
Website: www.intolight.com



LOT LINE ALTERATION
CITY OF KIRKLAND
FILE NO: LL16-

IN SE 1/4 OF THE SE 1/4 OF SECTION 33, T26 N, R05 E, W.M.
CITY OF KIRKLAND,
KING COUNTY, WASHINGTON

DATUM

THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD83/91 WSPC NORTH ZONE, PER TIES TO CITY OF KIRKLAND MONUMENT #31 FOUND AT THE INTERSECTIONS OF 124TH AVE NE & NE 100TH ST AND CITY OF KIRKLAND MONUMENT #30 FOUND AT THE INTERSECTIONS OF 104TH AVE NE & 132ND AVE NE.

UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.

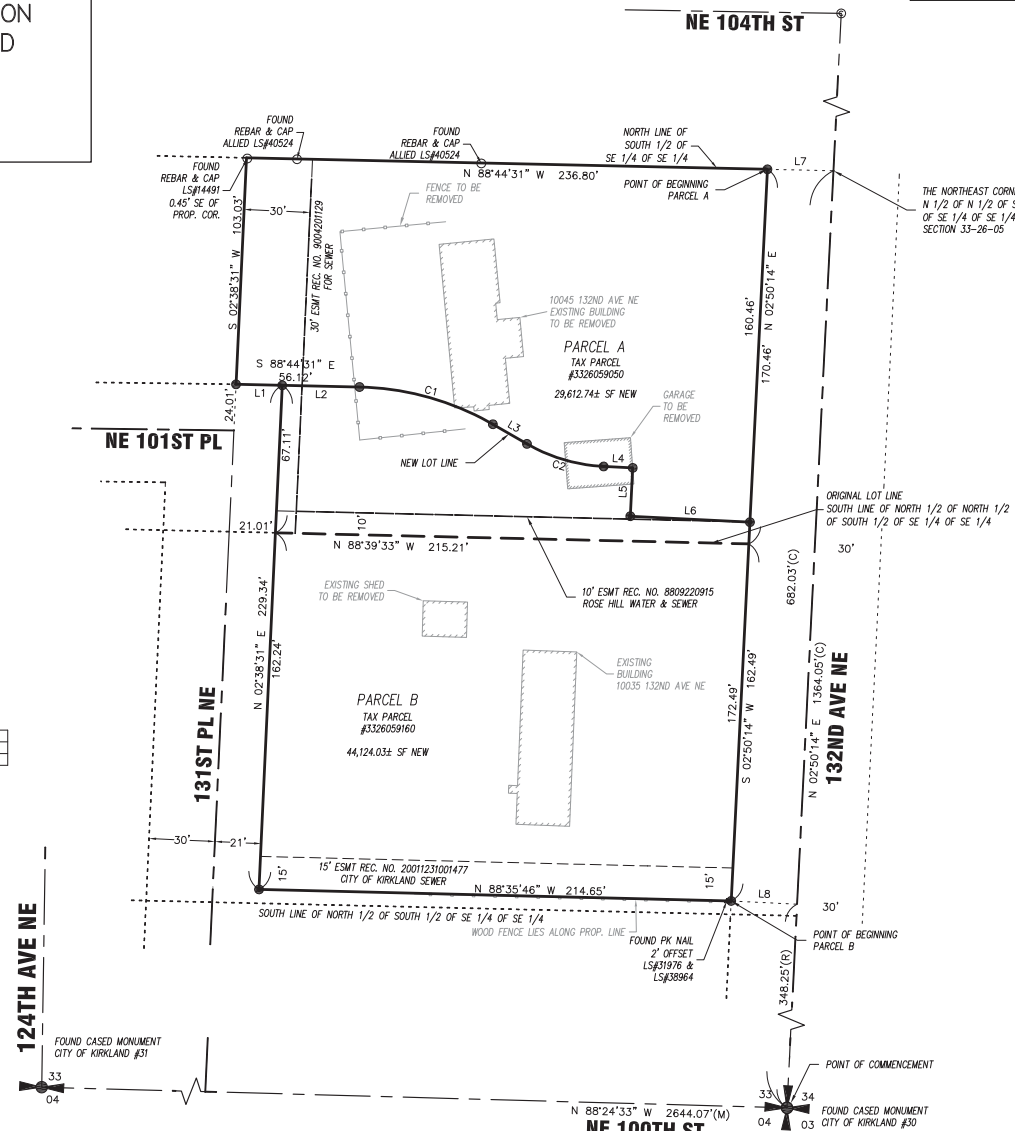
REFERENCES

- R1) PLAT OF LA ROSE PARK NO 2, RECORDING NO. 196210095490577
- R2) RECORD OF SURVEY, RECORDING NO. 198802239002
- R3) PLAT OF ROSE HILL WOODS, RECORDING NO. 198811301231
- R4) RECORD OF SURVEY, RECORDING NO. 198905099001
- R5) RECORD OF SURVEY, RECORDING NO. 9205019005
- R5) LOT LINE ALTERATION, RECORDING NO. 20020207002279
- R6) MAPLE LANE SHORT PLAT, RECORDING NO. 20050308900007
- R7) CROSSWINDS SUBDIVISION, RECORDING NO. 20140604900005

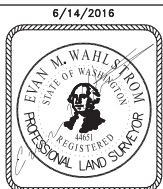
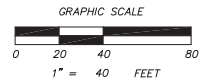
RECORDS OF KING COUNTY AUDITOR'S OFFICE

LINE	BEARING	DISTANCE
L1	S 88°44'31" E	21.01'
L2	S 88°44'31" E	35.12'
L3	S 60°03'11" E	17.87'
L4	S 87°09'46" E	13.23'
L5	S 02°50'14" W	22.00'
L6	S 87°09'46" E	54.44'
L7	N 88°44'31" W	30.01'
L8	N 87°09'46" W	30.00'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	63.59'	127.00'	28°41'23"	N 74°23'52" W	62.93'
C2	36.67'	77.50'	27°06'35"	S 73°36'29" E	36.33'



- LEGEND**
- SET REBAR & CAP, ENW LS#44651
 - ⊙ CALCULATED POSITION
 - ⊕ FOUND CASED MONUMENT



informed land survey

PO Box 5137
Tacoma, WA 98415-0137

Phone: 253-627-2070
Fax: 253-627-9175
www.handsurvey.com

LAND SURVEYING, MAPPING, & GIS

SCRAMLIN LLA

CHECKED: EW
FIELD CREW: BA, AJ
DRAFTED: SB
SCALE: 1"=20'

JOB NO.: MERIT-151112
NO. OF PARCELS: 2
DATE: 6/14/2016
SHEET 2 OF 2



SHORT PLAT
CITY OF KIRKLAND
FILE NO: SUB16-

REFERENCES

- R1) PLAT OF LA ROSE PARK NO 2, RECORDING NO. 196210095490577
- R2) RECORD OF SURVEY, RECORDING NO. 19880239002
- R3) PLAT OF ROSE HILL WOODS, RECORDING NO. 198811301231
- R4) RECORD OF SURVEY, RECORDING NO. 198905099001
- R5) RECORD OF SURVEY, RECORDING NO. 9205019005
- R6) LOT LINE ALTERATION, RECORDING NO. 20020207002279
- R7) MAPLE LANE SHORT PLAT, RECORDING NO. 20050308900007
- R7) CROSSWINDS SUBDIVISION, RECORDING NO. 20140604900005

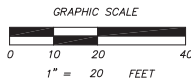
RECORDS OF KING COUNTY AUDITOR'S OFFICE

NE 104TH ST

CATCH BASIN
RM=329.15'
IE=326.35(N,12°)PP
IE=326.32(S,12°)PP
IE=327.12(W,12°)PP
IE=326.94(NW,12°)PP

LEGEND

- SET REBAR & CAP, EMV LS#44651
- ⊙ CALCULATED POSITION
- ⊕ FOUND CASED MONUMENT
- ⊖ SANITARY SEWER MANHOLE
- ⊖ SANITARY SEWER CLEAN OUT
- ⊖ STORM DRAIN CATCH BASIN
- ⊖ WATER METER
- ⊖ WATER MARKER POST
- ⊖ WATER VALVE
- ⊖ FIRE HYDRANT
- ⊖ TELEPHONE PEDESTAL
- ⊖ NATURAL GAS VALVE
- ⊖ POWER POLE W/LIGHT
- ⊖ POWER POLE W/LIGHT, TRANSFORMER
- ⊖ YARD LIGHT STANDARD
- ⊖ MAILBOX
- ⊖ DECIDUOUS TREE
- ⊖ DOUGLAS FIR TREE
- ⊖ TREE, LEGALLY REMOVED
- ⊖ CHAIN LINK FENCE
- ⊖ WOOD FENCE
- ⊖ OVERHEAD UTILITY LINE
- ⊖ SANITARY SEWER LINE
- ⊖ STORM DRAIN LINE
- ⊖ WATER PAINT LINE



NE 101ST PL

SSMH
RM=315.18'
IE=304.30(N,8°)PVC
IE=304.35(E,10°)PVC
IE=304.30(S,10°)PVC
IE=304.25(W,10°)PVC

SSMH
RM=326.81'
IE=317.22(NE,8°)PVC
IE=317.17(E,8°)PVC
IE=317.27(W,10°)PVC

DATUM

THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD83/91 WSPC NORTH ZONE, PER TIES TO CITY OF KIRKLAND MONUMENT #31 FOUND AT THE INTERSECTIONS OF 124TH AVE NE & NE 100TH ST AND CITY OF KIRKLAND MONUMENT #30 FOUND AT THE INTERSECTIONS OF 104TH AVE NE & 132ND AVE NE..

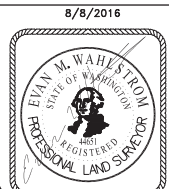
THE VERTICAL DATUM FOR THIS SURVEY IS NAVD88, PER TIES TO CITY OF KIRKLAND MONUMENT #30 ELEVATION 316.33 FEET AT 132ND AVE NE & NE 100TH ST

UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	52°31'8"	127.00'	12.12'
C2	23°1'02"	122.00'	51.43'
C3	27°08'55"	72.50'	36.67'
C4	90°00'00"	25.00'	39.27'

LINE	BEARING	DISTANCE
L1	S 6°03'51" E	15.28'
L2	S 6°03'51" E	2.58'
L3	S 87°09'46" E	14.88'
L4	S 87°09'46" E	26.79'

TREE ID	NAME	DBH	ACTION
115	APPLE	19.20	RETAIN
116	CHERRY	10.50	REMOVE
117	CEDAR	38.80	RETAIN
118	CEDAR	30.90	RETAIN
119	CEDAR	28.50	RETAIN
120	CEDAR	14.40	RETAIN
121	CEDAR	23.30	RETAIN
122	CEDAR	27.60	RETAIN
123	CEDAR	15.60	RETAIN
124	ASH	9.40	REMOVE
125	CEDAR	29.20	RETAIN
126	CEDAR	8.60	RETAIN
127	CEDAR	33.40	RETAIN
128	CEDAR	33.20	RETAIN
129	MAPLE	29.50	RETAIN
130	CEDAR	28.50	LEGALLY REMOVED
131	PINE	19.60	RETAIN
132	FIR	22.20	RETAIN
133	MAPLE	26.00	REMOVE
134	MAPLE	26.40	REMOVE
135	MAPLE	14.50	RETAIN
136	FIR	34.00	RETAIN
137	MAPLE	13.10	REMOVE
138	MAPLE	14.10	RETAIN
140	DOGWOOD	7.50	REMOVE
141	CEDAR	19.90	RETAIN
142	BIRCH	7.40	REMOVE
149	CHERRY	26	REMOVE
150	CHERRY	15.20	REMOVE



informed land survey

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LAND SURVEYING, MAPPING, & GIS

SCRAMLIN GARDENS NORTH

CHECKED:EW
FIELD CREW: BA,AJ
DRAFTED: SB
SCALE: 1"=20'

JOB NO.: MERIT-151112
NO. OF PARCELS: 2
DATE: 8/8/2016
SHEET 2 OF 2

IN SE 1/4 OF THE SE 1/4 OF SECTION 33, T26 N, R05 E, W.M.

CITY OF KIRKLAND, KING COUNTY, WASHINGTON

NE 100TH ST

124TH AVE NE

Project No. TS-5237

Arborist Report

TO: S. Michael Smith, Merit Homes

SITE: 10035 and 10045 132nd Ave NE

RE: Tree inventory

DATE: May 18, 2016

PROJECT ARBORIST: Sean Dugan , Registered Consulting Arborist #457
ISA Board Certified Master Arborist #PN-5459B
ISA Qualified Tree Risk Assessor

Katherine Taylor
ISA Certified Arborist #PN-8022A
ISA Qualified Tree Risk Assessor

Summary

We identified 52 trees significant sized trees existing on the job site totaling a 316 tree credits. According to the Kirkland Zoning Code Definitions (95.10), I interpret that 16 trees are not Viable due to being in a less than good health condition. I calculated the potential tree density credits for the interpreted Viable trees to be **252 credits**.

The total area of the site is 77,347 square feet. The Kirkland Zoning Code (95.33) requires a minimum tree density of **53.3 tree credits**. Site development plans will need to be created to determine which trees can be preserved.

Trees located in the required setbacks may be considered by the city of Kirkland to be "High Retention Value" trees and will require being retained to the maximum extent feasible. The city makes this determination.

There is a small diameter columnar maple tree on the adjacent site to the south that has a canopy that slightly overhangs the site.

Assignment & Scope of Report

This report outlines the site inspection of 10035 and 10045 132nd Ave NE by Sean Dugan and Katherine Taylor, of Tree Solutions Inc., on February 16, 2016. We were asked to evaluate the significant trees on site. We were asked to document the species, size, health condition, and viability of each tree. S. Michael Smith, of Merit Homes, requested these services to acquire information for project planning in accord with requirements set by the City of Kirkland.

A Survey Map with tree locations can is attached. Specifics for each tree can be found in the attached Table of Trees. Photographs, Glossary and References follow the report. Limits of assignment can be found in Appendix A. Methods can be found in Appendix B. Additional assumptions and limiting conditions can be found in Appendix C.

Observations and Discussion

Site

The 77,347 square foot site is comprised of two properties that front 132nd Ave NE in the North Rose Hill neighborhood of Kirkland. The property at 10035 132nd Ave NE is 38,441 square feet and the property at 10045 132nd Ave NE is 38,906 square feet, totaling 77,347 square feet. There is currently a home and detached garage at 10045 132nd Ave NE and a home with an attached garage and a separate carport shed structure at 10035 132nd Ave NE existing on the project site.

The landscape is largely comprised of maintained lawn with some landscape beds of trees and shrubs. There are no environmental critical areas or sensitive areas listed for the property.

A few invasive plant species are growing on site including fruiting invasive ivy (*Hedera* spp.) which is covering the ground and climbing trees in the northwest corner, Himalayan blackberry (*Rubus bifrons*), Holly (*Ilex* sp), and yellow archangel (*Lamium galeobdolon*).

Trees

There are currently 52 significant trees existing on site. All but eight of the trees fall within three separate groves. According to the Kirkland Zoning Code Definitions, I interpret that (95.10) 16 trees are not Viable due to fair or poor health condition.

The majority of tree species found onsite are conifers including western redcedar (*Thuja plicata*), Douglas-fir (*Pseudotsuga menziesii*), blue Atlas cedar (*Cedrus atlantica*), Sawara cypress (*Chamaecyparis pisifera*), Lawson cypress (*Chamaecyparis lawsoniana*), western hemlock (*Tsuga heterophylla*), Lodgepole pine (*Pinus contorta*). Deciduous tree species found onsite include bigleaf maple (*Acer macrophyllum*), apple (*Malus* sp.), bitter cherry (*Prunus emarginata*), European mountain ash (*Sorbus aucuparia*), European white birch (*Betula pendula*), English walnut (*Juglans regia*) and eastern dogwood (*Cornus florida*), and ornamental cherries (*Prunus* sp.) trees. Information specific to each tree can be found in the attached Table of Trees.

The owners of the property are planning to legally remove two trees on each property. The trees being removed are:

- 10035 132nd Ave NE – trees 152 and 166
- 10045 132nd Ave NE – trees 136 and 129

Trees located in the required setbacks may be considered by the city of Kirkland to be “High Retention Value” trees and will require being retained to the maximum extent feasible.

There are three groupings of trees that have contiguous canopy and meet the City’s definition of a Grove including Trees 116 through 130; Trees 132 through 150 excluding Tree 149; and Trees 154 through 164. The City considers these to be high retention value trees.

One small red dissected Japanese maple was found onsite behind the house at 10045 132nd Ave NE. It had excellent form and should be considered for transplanting.

Tree Density Credits

The Kirkland Zoning Code (95.33) requires tree density to satisfy 30 tree credits per acre. The property is 77,347 sq. ft., or 1.78 acres. Therefore, a tree density worth **53.4 tree credits** ($1.78 \times 30 = 53.4$) is required in order to meet the minimum requirement. Using what I interpreted to be Viable trees, I calculated the tree credit potential to be **316 credits**.

Adjacent Site Trees

There is a small diameter columnar maple tree on the adjacent site to the south that has a canopy that slightly overhangs the site.

Recommendations

- Create a site development plan that shows the location of all improvements and basic tree protection measures for preserved trees.
- Obtain all necessary permits and approval from the City prior to commencement of site work.

Photographs



Photo 1: Trees in north east corner forming Grove 1.

Glossary

co-dominant stems: stems or branches of nearly equal diameter, often weakly attached (Matheny *et al.* 1998)

Critical Root Zone: The area surrounding a tree at a distance from the trunk, which is equal to one (1) foot for every inch of trunk diameter measured at 4.5 feet from grade or otherwise. determined by a qualified professional (example: one (1) foot radius per one (1) inch DBH). (KZC 95.10)

crown/canopy: the aboveground portions of a tree (Lilly 2001)

DBH: diameter at standard height; the diameter of the trunk measured 54 inches (4.5 feet) above grade (Matheny *et al.* 1998)

Grove: A group of three (3) or more significant trees with overlapping or touching crowns. (KZC 95.10)

Hazard Tree: A tree that meets all the following criteria:

- a. A tree with a combination of structural defects and/or disease which makes it subject to a high probability of failure;
- b. Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and
- c. The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed. (KZC 95.10)

ISA: International Society of Arboriculture

included bark: bark that becomes embedded in a crotch between branch and trunk or between co-dominant stems and causes a weak structure (Lilly 2001)

Limit of Disturbance: The boundary between the protected area around a tree and the allowable site disturbance as determined by a qualified professional measured in feet from the trunk. (KZC 95.10)

Retention Value: The Planning Official's designation of a tree based on information provided by a qualified professional that is one (1) of the following:

- a. High, a viable tree, located within required yards and/or required landscape areas. Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards pursuant to KZC 95.32:
 - 1) Specimen trees;
 - 2) Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC 95.51(3);
 - 3) Trees on slopes of at least 10 percent; or
 - 4) Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, sensitive area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize; (KZC 95.10)

significant size: a tree measuring 6" DBH or greater.

structural defects: flaws, decay, or other faults in the trunk, branches, or root collar of a tree, which may lead to failure (Lilly 2001)

Viable Tree: A significant tree that a qualified professional has determined to be in good health, with a low risk of failure due to structural defects, is windfirm if isolated or remains as part of a grove, and is a species that is suitable for its location. (KZC 95.10)

References

- ANSI A300 (Part 1) – 2008 American National Standards Institute. American National Standard for Tree Care Operations: Tree, Shrub, and Other Woody Plant Maintenance: Standard Practices (Pruning). New York: Tree Care Industry Association, 2008.
- Dunster & Associates Environmental Consultants Ltd. Assessing Trees in Urban Areas and the Urban-Rural Interface, US Release 1.0. Silverton: Pacific Northwest Chapter ISA, 2006.
- Kirkland Zoning Code Chapter 95.
<http://www.codepublishing.com/WA/Kirkland/?KirklandZ95/KirklandZ95.html> (accessed March 3 2016).
- Lilly, Sharon. Arborists' Certification Study Guide. Champaign, IL: The International Society of Arboriculture, 2001.
- Matheny, Nelda and James R. Clark. Trees and Development: A Technical Guide to Preservation of Trees During Land Development. Champaign, IL: International Society of Arboriculture, 1998.
- Mattheck, Claus and Helge Breloer, The Body Language of Trees.: A Handbook for Failure Analysis. London: HMSO, 1994.
- Purcell, Lindsey. Purdue University Extension – Tree Appraisal Pamphlet, FNR-473-W. West Lafayette, IN. 2012.

Appendix A - Limits of Assignment

Unless stated otherwise: 1) information contained in this report covers only those trees that were examined and reflects the condition of those trees at the time of inspection; and 2) the inspection is limited to visual examination of the subject trees without dissection, excavation, probing, climbing, or coring unless explicitly specified. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the subject trees may not arise in the future.

Tree Solutions did not review any reports or perform any tests related to the soil located on the subject property unless outlined in the scope of services. Tree Solutions staff are not and do not claim to be soils experts. An independent inventory and evaluation of the site's soil should be obtained by a qualified professional if an additional understanding of the site's characteristics is needed to make an informed decision.

Appendix B - Methods

I evaluated tree health and structure utilizing **visual tree assessment (VTA)** methods. The basis behind VTA is the identification of symptoms, which the tree produces in reaction to a weak spot or area of mechanical stress. A tree reacts to mechanical and physiological stresses by growing more vigorously to re-enforce weak areas, while depriving less stressed parts (Mattheck & Breloer 1994). An understanding of the uniform stress allows me to make informed judgments about the condition of a tree.

I measured the diameter of each tree at 54 inches above grade, **diameter at standard height (DSH)**. If a tree has multiple stems, I measured each stem individually at standard height and determined a single-stem equivalent diameter by using the method outlined in the Guide for Plant Appraisal, 9th Edition, published by the Council of Tree and Landscape Appraisers.

Tree health considers crown indicators including foliar density, size, color, stem shoot extensions, decay, and damage. We have adapted our ratings based on the Purdue University Extension Formula Values for health condition. These values are a general representation used to assist in arborists in assigning ratings. Tree health needs to be evaluated on an individual basis and may not always fall entirely into a single category, however, a single condition rating must be assigned.

Excellent - Perfect specimen with excellent form and vigor, well-balanced crown. Normal to exceeding shoot length on new growth. Leaf size and color normal. Trunk is sound and solid. Root zone undisturbed. No apparent pest problems. Long safe useful life expectancy for the species.

Good - Imperfect canopy density in few parts of the tree, up to 10% of the canopy. Normal to less than $\frac{3}{4}$ typical growth rate of shoots and minor deficiency in typical leaf development. Few pest issues or damage, and if they exist they are controllable or tree is reacting appropriately. Normal branch and stem development with healthy growth. Safe useful life expectancy typical for the species.

Fair - Crown decline and dieback up to 30% of the canopy. Leaf color is somewhat chlorotic/necrotic with smaller leaves and "off" coloration. Shoot extensions indicate some stunting and stressed growing conditions. Stress cone crop clearly visible. Obvious signs of pest problems contributing to lesser

condition, control might be possible. Some decay areas found in main stem and branches. Below average safe useful life expectancy

Poor - Lacking full crown, more than 50% decline and dieback, especially affecting larger branches. Stunting of shoots is obvious with little evidence of growth on smaller stems. Leaf size and color reveals overall stress in the plant. Insect or disease infestation may be severe and uncontrollable. Extensive decay or hollows in branches and trunk. Short safe useful life expectancy.

Appendix C - Assumptions & Limiting Conditions

1. Consultant assumes that any legal description provided to Consultant is correct and that title to property is good and marketable. Consultant assumes no responsibility for legal matters. Consultant assumes all property appraised or evaluated is free and clear, and is under responsible ownership and competent management.
2. Consultant assumes that the property and its use do not violate applicable codes, ordinances, statutes or regulations.
3. Although Consultant has taken care to obtain all information from reliable sources and to verify the data insofar as possible, Consultant does not guarantee and is not responsible for the accuracy of information provided by others.
4. Client may not require Consultant to testify or attend court by reason of any report unless mutually satisfactory contractual arrangements are made, including payment of an additional fee for such Services as described in the Consulting Arborist Agreement.
5. Unless otherwise required by law, possession of this report does not imply right of publication or use for any purpose by any person other than the person to whom it is addressed, without the prior express written consent of the Consultant.
6. Unless otherwise required by law, no part of this report shall be conveyed by any person, including the Client, the public through advertising, public relations, news, sales or other media without the Consultant's prior express written consent.
7. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a specific value, a stipulated result, the occurrence of a subsequent event or upon any finding to be reported.
8. All photographs included in this report were taken by Tree Solutions Inc. during the documented site visit, unless otherwise noted.
9. Sketches, drawings and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys. The reproduction of any information generated by architects, engineers or other consultants and any sketches, drawings or photographs is for the express purpose of coordination and ease of reference only. Inclusion of such information on any drawings or other documents does not constitute a representation by Consultant as to the sufficiency or accuracy of the information.
10. Unless otherwise agreed, (1) information contained in this report covers only the items examined and reflects the condition of the those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, climbing, or coring. Consultant makes no warranty or guarantee, express or implied, that the problems or deficiencies of the plans or property in question may not arise in the future.
11. Loss or alteration of any part of this Agreement invalidates the entire report.



Table of Trees
 10045 10035 132nd Ave NE
 Kirkland, WA 98033

Tree ID	Scientific Name	Common Name	DBH (inches)	CRZ - ft	Health Condition	Structural Condition	Limits of Disturbance	Drip line Radius (feet)				Interpreted Viability	Proposed Action based on Interpreted Viability	Credits	Notes
								North	East	South	West				
115	<i>Malus sp.</i>	Apple	19.2	Drip line	Fair	Fair	up to 40% of CRZ	10	12	14	14	Not viable - health	Remove	0	pockets of decay, previously topped, lots of sprouting. Multiple stems 16, 10.7.
116	<i>Prunus emarginata</i>	Bitter cherry	10.5	Drip line	Good	Fair	up to 40% of CRZ	6	3	3	7	Viable	Retain	1	Co-dominant from base, stems crossing and rubbing. Part of a grove. Multiple stems 3, 9, 4.4.
117	<i>Thuja plicata</i>	Western redcedar	38.8	Drip line	Good	Good	up to 40% of CRZ	15	10	8	16	Viable	Retain	15	Part of a grove shared canopy.
118	<i>Thuja plicata</i>	Western redcedar	30.9	Drip line	Good	Good	up to 40% of CRZ	13	13	13	10	Viable	Retain	11	Part of a grove shared canopy.
119	<i>Thuja plicata</i>	Western redcedar	28.5	Drip line	Good	Good	up to 40% of CRZ	1	10	14	14	Viable	Retain	10	Part of a grove shared canopy.
120	<i>Thuja plicata</i>	Western redcedar	14.4	Drip line	Good	Fair	up to 40% of CRZ	7	0	0	13	Viable	Retain	3	Part of a grove shared canopy, suppressed, swept base, old wound with good response wood, some bird activity.
121	<i>Thuja plicata</i>	Western redcedar	23.3	Drip line	Good	Good	up to 40% of CRZ	12	10	0	6	Viable	Retain	7	Part of a grove shared canopy.
122	<i>Thuja plicata</i>	Western redcedar	27.6	Drip line	Fair	Fair	up to 40% of CRZ	13	14	6	5	Not viable - health	Remove	0	Part of a grove shared canopy, bird activity, crack with good response wood, decay column, good candidate for snagging.
123	<i>Thuja plicata</i>	Western redcedar	15.6	Drip line	Good	Fair	up to 40% of CRZ	6	7	7	6	Viable	Retain	3	Part of a grove /shared canopy, wound mid-trunk on west side, bulge at base.
124	<i>Sorbus aucuparia</i>	European mountain ash	9.4	Drip line	Fair	Fair	up to 40% of CRZ	0	0	0	13	Not viable - health	Remove	0	Part of grove, phototropic lean/form to west. Multiple stems 5, 7.4, 3.
125	<i>Thuja plicata</i>	Western redcedar	29.0	Drip line	Good	Good	up to 40% of CRZ	16	10	9	6	Viable	Retain	10	Part of grove, crack in stem with good response wood, tree stump directly to south.
126	<i>Thuja plicata</i>	Western redcedar	8.6	Drip line	Good	Fair	up to 40% of CRZ	7	10	5	5	Viable	Retain	1	Part of grove, large reiterative branch.
127	<i>Thuja plicata</i>	Western redcedar	33.4	Drip line	Good	Good	up to 40% of CRZ	17	6	6	17	Viable	Retain	12	Part of grove, slight phototropic lean to west.
128	<i>Thuja plicata</i>	Western redcedar	33.2	Drip line	Good	Good	up to 40% of CRZ	5	12	14	14	Viable	Retain	12	Part of grove.



Table of Trees
 10045 10035 132nd Ave NE
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Tree ID	Scientific Name	Common Name	DBH (inches)	CRZ - ft	Health Condition	Structural Condition	Limits of Disturbance	Drip line Radius (feet)				Interpreted Viability	Proposed Action based on Interpreted Viability	Credits	Notes
								North	East	South	West				
129	<i>Acer macrophyllum</i>	Bigleaf maple	29.5	Drip line	Good	Good	up to 40% of CRZ	21	20	25	27	Viable	Retain	10	Part of grove, co-cominant stem from base, one large stem removed, driveway directly to north, large structural root runnig along drive to west. Owner plans to legally remove this tree.
130	<i>Thuja plicata</i>	Western redcedar	29.5	Drip line	Good	Good	up to 40% of CRZ	9	15	13	13	Viable	Retain	10	Part of grove, directly south of driveway.
131	<i>Pinus contorta</i>	Shore pine	19.6	Drip line	Good	Good	up to 40% of CRZ	10	11	13	12	Viable	Retain	5	
132	<i>Pseudotsuga menziesii</i>	Douglas-fir	22.2	Drip line	Good	Good	up to 40% of CRZ	13	13	13	13	Viable	Retain	7	Part of a grove, raised crown, blackberry and invasive ivy at base.
133	<i>Acer macrophyllum</i>	Bigleaf maple	26.0	Drip line	Fair	Fair	up to 40% of CRZ	15	15	12	13	Not viable - health	Remove	0	A lot of mature invasive ivy covering trunk and canopy, 30 percent live crown. Part of a grove.
134	<i>Acer macrophyllum</i>	Bigleaf maple	26.4	Drip line	Fair	Poor	up to 40% of CRZ	18	22	20	8	Not viable - health	Remove	0	Cluster of stump/root sprouts, decay columns on all stems, invasive ivy on all stems, phototropic, canopy all to east. Part of a grove. Multiple stems 15, 13, 7, 9, 13.1.
135	<i>Acer macrophyllum</i>	Bigleaf maple	14.5	Drip line	Good	Good	up to 40% of CRZ	13	13	13	13	Viable	Retain	3	Invasive ivy on trunk, part of a grove.
136	<i>Pseudotsuga menziesii</i>	Douglas-fir	34.0	Drip line	Good	Good	up to 40% of CRZ	16	13	16	15	Viable	Retain	13	Part of a grove. Owner plans to legally remove this tree.
137	<i>Acer macrophyllum</i>	Bigleaf maple	13.1	Drip line	Fair	Poor	up to 40% of CRZ	10	18	16	10	Not viable - health	Remove	0	Decay cavity at base, wounds on trunk with some response wood. Yello archangel (<i>Lamiastrum galeobdoba</i>). Part of a grove.
138	<i>Acer macrophyllum</i>	Bigleaf maple	14.1	Drip line	Good	Good	up to 40% of CRZ	8	8	16	18	Viable	Retain	3	Co-dominant stems. Part of a grove. Multiple stems 10, 10.
139	<i>Pseudotsuga menziesii</i>	Douglas-fir	36.0	Drip line	Good	Good	up to 40% of CRZ	13	13	15	14	Viable	Retain	14	Invasive blackberry, ivy, and yellow archangel at base. Part of a grove.
140	<i>Cornus florida</i>	Eastern dogwood	7.5	Drip line	Fair	Fair	up to 40% of CRZ	9	9	9	9	Not viable - health	Remove	0	Large old wound from base to first branch, tagged down low. Part of a grove.
141	<i>Cedrus atlantica</i>	Blue atlas cedar	19.9	Drip line	Good	Good	up to 40% of CRZ	18	14	13	15	Viable	Retain	5	Somewhat swept to west at base. Part of a grove.



Table of Trees
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Tree ID	Scientific Name	Common Name	DBH (inches)	CRZ - ft	Health Condition	Structural Condition	Limits of Disturbance	Drip line Radius (feet)				Interpreted Viability	Proposed Action based on Interpreted Viability	Credits	Notes
								North	East	South	West				
142	<i>Betula pendula</i>	European white birch	7.4	Drip line	Fair	Fair	up to 40% of CRZ	6	6	6	6	Not viable - health	Remove	0	Lost top, bronze birch borer holes. Part of a grove.
143	<i>Pseudotsuga menziesii</i>	Douglas-fir	12.0	Drip line	Fair	Poor	up to 40% of CRZ	10	10	10	10	Not viable - health	Remove	0	Previously topped at 5.5 feet, 4 reiterations also topped. Part of a grove.
144	<i>Pseudotsuga menziesii</i>	Douglas-fir	10.3	Drip line	Fair	Poor	up to 40% of CRZ	8	8	8	8	Not viable - health	Remove	0	Previously topped at about 6.5 feet, 3 reiterations also topped. Part of a grove.
145	<i>Pseudotsuga menziesii</i>	Douglas-fir	14.7	Drip line	Fair	Poor	up to 40% of CRZ	11	11	11	11	Not viable - health	Remove	0	Previously topped at about 6.5 feet, 3 reiterations also topped. Part of a grove.
146	<i>Malus sp.</i>	Apple	12.3	Drip line	Fair	Fair	up to 40% of CRZ	12	11	10	10	Not viable - health	Remove	0	Leans to south. Multiple stems 8.8, 8.6.
147	<i>Malus sp.</i>	Apple	12.4	Drip line	Poor	Poor	up to 40% of CRZ	7	7	7	7	Not viable - health	Remove	0	Co-dominant stems, breaking apart at base. Multiple stems 5.1, 7, 6.6, 6.
148	<i>Tsuga heterophylla</i>	Western hemlock	20.3	Drip line	Good	Good	up to 40% of CRZ	14	14	10	12	Viable	Retain	6	Slight root damage on west side, small amount of wooly adelgid. Part of a grove.
149	<i>Prunus sp.</i>	Ornamental cherry	26	Drip line	Fair	Fair	up to 40% of CRZ	14	13	16	16	Not viable - health	Remove	0	Surface roots, cankers, symptoms of blossom brown rot, pruning wounds.
150	<i>Prunus sp.</i>	Ornamental cherry	15.2	Drip line	Fair	Fair	up to 40% of CRZ	12	18	20	12	Not viable - health	Remove	0	Slow growth, dieback in canopy, blossom brown rot, ganoderma at base. Multiple stems 10, 11.5.
151	<i>Cornus florida</i>	Eastern dogwood	12.0	Drip line	Good	Good	up to 40% of CRZ	12	10	10	10	Viable	Retain	2	Cavity at base, good response wood.
152	<i>Acer macrophyllum</i>	Bigleaf maple	47.9	Drip line	Good	Good	up to 40% of CRZ	25	24	17	22	Viable	Retain	19	Low density of moderate sized deadwood. Owner plans to legally remove this tree.
153	<i>Chamaecyparis pisifera</i>	Sawara cypress	16.7	Drip line	Good	Good	up to 40% of CRZ	14	12	12	10	Viable	Retain	4	Some twig dieback. Multiple stems 7.1, 15.1
154	<i>Chamaecyparis lawsoniana</i>	Lawson cypress	22.3	Drip line	Good	Good	up to 40% of CRZ	4	12	10	7	Viable	Retain	7	Part of a grove, measured at narrowest point below union, co-dominant stems at approximately 6 feet.
155	<i>Chamaecyparis lawsoniana</i>	Lawson cypress	14.4	Drip line	Good	Good	up to 40% of CRZ	9	10	4	6	Viable	Retain	3	Part of a grove, three stems from base.
156	<i>Pseudotsuga menziesii</i>	Douglas-fir	18.0	Drip line	Good	Fair	up to 40% of CRZ	5	7	19	14	Viable	Retain	5	Part of a grove. Multiple stems 13, 10, 17.5.



Table of Trees
10045 10035 132nd Ave NE
Kirkland, WA 98033

ATTACHMENT 6
ARBORIST REPORT
Date of Inventory: 2.16.2016
Table Prepared: 2.19.2016
Table Updated: 5.18.2016

Tree ID	Scientific Name	Common Name	DBH (inches)	CRZ - ft	Health Condition	Structural Condition	Limits of Disturbance	Drip line Radius (feet)				Interpreted Viability	Proposed Action based on Interpreted Viability	Credits	Notes
								North	East	South	West				
157	<i>Pseudotsuga menziesii</i>	Douglas-fir	25.6	Drip line	Good	Good	up to 40% of CRZ	10	11	14	17	Viable	Retain	8	Part of a grove.
158	<i>Pseudotsuga menziesii</i>	Douglas-fir	16.4	Drip line	Good	Good	up to 40% of CRZ	8	10	4	15	Viable	Retain	4	Part of a grove.
159	<i>Pseudotsuga menziesii</i>	Douglas-fir	17.0	Drip line	Good	Good	up to 40% of CRZ	4	13	10	13	Viable	Retain	4	Part of a grove, netting around base to support Ionicera vine.
160	<i>Pseudotsuga menziesii</i>	Douglas-fir	25.5	Drip line	Good	Good	up to 40% of CRZ	12	11	14	19	Viable	Retain	8	Part of a grove, invasive ivy on trunk.
161	<i>Pseudotsuga menziesii</i>	Douglas-fir	13.5	Drip line	Good	Good	up to 40% of CRZ	8	17	7	18	Viable	Retain	2	Part of a grove.
162	<i>Pseudotsuga menziesii</i>	Douglas-fir	30.0	Drip line	Good	Good	up to 40% of CRZ	10	17	10	17	Viable	Retain	11	Part of a grove.
163	<i>Pseudotsuga menziesii</i>	Douglas-fir	16.8	Drip line	Good	Good	up to 40% of CRZ	14	19	9	15	Viable	Retain	4	Part of a grove, kink in leader (stress riser) in top third of tree.
164	<i>Tsuga heterophylla</i>	Western hemlock	18.4	Drip line	Fair	Fair	up to 40% of CRZ	15	15	15	7	Not viable - health	Remove	0	Part of grove, tip die back, lots of cones at top, co-dominant stems at about 25 feet with narrow angle.
165	<i>Juglans regia</i>	English walnut	9.5	Drip line	Good	Good	up to 40% of CRZ	10	12	13	13	Viable	Retain	1	Sap sucker activity in bark.
166	<i>Acer macrophyllum</i>	Bigleaf maple	27.3	Drip line	Good	Good	up to 40% of CRZ	15	16	18	16	Viable	Retain	9	Owner plans to legally remove this tree.
Total Potential Tree Credits													252		
Adjacent Site Trees															
A	<i>Acer rubrum</i>	red maple	~7	Drip line	Good	Good	Drip Line	5	5	5	5	Viable	Retain		

Additional notes:

DSH (Diameter at Standard Height) is measured 4.5 feet above grade.

Multi-stem trees are noted, and a single stem equivalent is calculated using the method defined in the Guide for Plant Appraisal 9th Ed.

Drip line is measured from the center of the tree to the outermost extent of the canopy

DIRECTOR'S DECISION & STAFF REPORT - SCRAMLIN GARDENS NORTH (SUB16-01315) TOPOGRAPHIC SURVEY

LEGAL DESCRIPTION

PARCEL A:
THAT PORTION OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EAST A LINE WHICH BEGINS AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION WHICH IS 266.22 FEET WEST OF THE SOUTHWEST CORNER THEREOF AND EXTENDS TO A POINT ON THE NORTH LINE OF SAID SUBDIVISION WHICH IS 266.81 FEET WEST OF THE NORTHEAST CORNER THEREOF.
EXCEPT THE EAST 30 FEET THEREOF FOR ROAD.
ALSO EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND UNDER RECORDING NUMBER 2011007001258.

PARCEL B:
BEGINNING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W. M., KING COUNTY, WASHINGTON;
THENCE NORTH 25° 20' EAST ALONG THE EAST LINE OF SAID SECTION 33, 348.25 FEET, THENCE AT RIGHT
ANGLES NORTH 87° 09' 40" WEST, 30.00 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 88° 35' 40" WEST, 214.65 FEET;
THENCE NORTH 2° 38' 37" EAST, 162.12 FEET;
THENCE SOUTH 88° 40' 44" EAST, 215.20 FEET;
THENCE SOUTH 2° 50' 20" WEST, 162.45 FEET TO THE TRUE POINT OF BEGINNING.
(ALSO KNOWN AS LOT 2 OF LOT LINE ADJUSTMENT NO. LL--00-10 RECORDED UNDER RECORDING NUMBER 20020207002279).

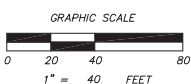
SSMH
RIM=315.18'
IE=304.30(N,8°PVC)
IE=304.35(E,10°PVC)
IE=304.30(S,10°PVC)
IE=304.25(W,10°PVC)

CATCH BASIN
RIM=316.14'
IE=314.02(N,6°CPP)
IE=313.55(12°CONC)

CONC. DRIVEWAY
CONC. DRIVEWAY
CONC. SIDEWALK
CURB & GUTTER
CURB & GUTTER

SURVEYOR'S NOTES

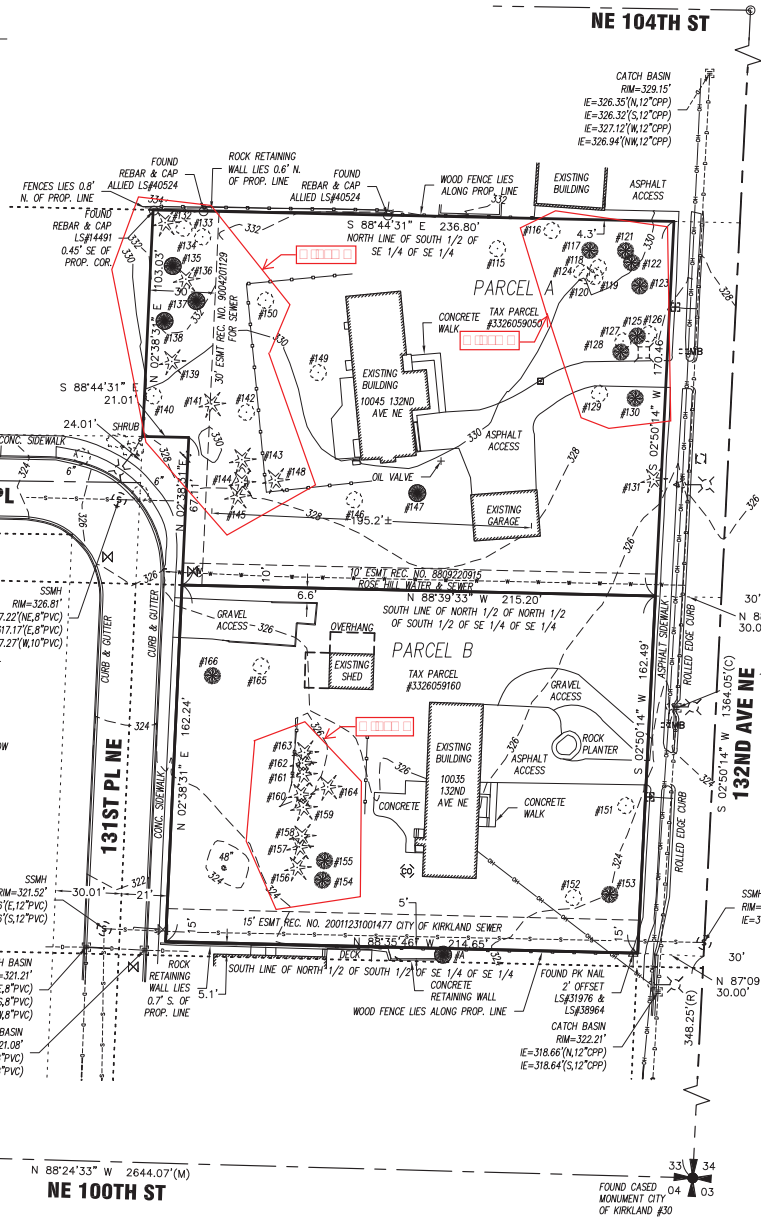
1. THE PURPOSE OF THIS SURVEY IS TO PROVIDE MAPPING OF THE ADJACENT RIGHT-OF-WAY AND A MAP SHOWING THE BOUNDARY LINES. NO FIELD SURVEY OF THE SITE WAS PERFORMED.
2. THIS SURVEY WAS MADE BY FIELD TRAVERSE USING A LEICA 1203 3" ROBOTIC TOTAL STATION AND GSI4RTK OPS WITH RESULTING CLOSURES EXCEEDING THE MINIMUM ACCURACY STANDARDS AS SET FORTH BY WAC 332-130.
3. THE BOUNDARY CORNERS AND LINES DEPICTED ON THIS MAP REPRESENT DEED LINES ONLY. THEY DO NOT PURPORT TO SHOW OWNERSHIP LINES THAT MAY OTHERWISE BE DETERMINED BY A COURT OF LAW.
4. THE LEGAL DESCRIPTION WAS PROVIDED BY CHICAGO TITLE INSURANCE COMPANY, REFERENCE NO. 00584421-ETU, DATED 11/05/2015.
5. FIELD WORK FOR THIS PROJECT WAS PERFORMED ON 02/11/2016 AND IS THEREFORE A REFLECTION OF THE CONDITIONS AT THAT TIME. ALL MONUMENTS WERE VISITED OR SET ON 02/11/2016. THIS SITE CONTAINS IMPROVEMENTS NOT LOCATED OR SHOWN AS A PART OF THIS SURVEY.



124TH AVE NE

FOUND CASED MONUMENT
33 CITY OF KIRKLAND #31

NE 100TH ST



DATUM

THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD83/91 WSPC NORTH ZONE, PER TIES TO CITY OF KIRKLAND MONUMENT #31 FOUND AT THE INTERSECTIONS OF 124TH AVE NE & NE 100TH ST AND CITY OF KIRKLAND MONUMENT #30 FOUND AT THE INTERSECTIONS OF 104TH AVE NE & 132ND AVE NE.

THE VERTICAL DATUM FOR THIS SURVEY IS NAVD88, PER TIES TO CITY OF KIRKLAND MONUMENT #30 ELEVATION 316.33 FEET AT 132ND AVE NE & NE 100TH ST
UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.

REFERENCE SURVEYS

- R1) PLAT OF LA ROSE PARK NO 2, RECORDING NO. 196210095490577
 - R2) RECORD OF SURVEY, RECORDING NO. 198802239002
 - R3) PLAT OF ROSE HILL WOODS, RECORDING NO. 198811301231
 - R4) RECORD OF SURVEY, RECORDING NO. 198905099001
 - R5) RECORD OF SURVEY, RECORDING NO. 9205019005
 - R6) LOT LINE ALTERATION, RECORDING NO. 20020207002279
 - R7) MAPLE LANE SHORT PLAT, RECORDING NO. 2005030890007
 - R8) CROSSWINDS SUBDIVISION, RECORDING NO. 20140604900005
- RECORDS OF KING COUNTY AUDITOR'S OFFICE

LEGEND

- ⊙ CALCULATED POSITION
- ⊕ FOUND CASED MONUMENT
- ⊙ SANITARY SEWER MANHOLE
- ⊙ SANITARY SEWER CLEAN OUT
- ⊙ STORM DRAIN CATCH BASIN
- ⊕ WATER METER
- ⊕ WATER MARKER POST
- ⊕ WATER VALVE
- ⊕ FIRE HYDRANT
- ⊕ TELEPHONE PEDESTAL
- ⊕ NATURAL GAS VALVE
- ⊕ POWER POLE W/LIGHT
- ⊕ POWER POLE W/LIGHT, TRANSFORMER
- ⊕ YARD LIGHT STANDARD
- ⊕ 3MB MAILBOX
- ⊕ TREE STUMP
- ⊕ SHRUB
- ⊕ DECIDUOUS TREE
- ⊕ CEDAR TREE
- ⊕ DOUGLAS FIR TREE
- CHAIN LINK FENCE
- WOOD FENCE
- OVERHEAD UTILITY LINE
- SANITARY SEWER LINE
- STORM DRAIN LINE
- WATER PAINT LINE

informed land survey

PO Box 5137
Tacoma, WA 98415-0137
Phone: 253-627-2070
Fax: 253-627-9175
www.handsurvey.com

LAND SURVEYING, MAPPING, & GIS

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORING ACT AT THE REQUEST OF MERIT HOMES LLC ON THIS _____ DAY OF _____, 20____.

Evans Wahlstrom

EVAN MARK WAHLSTROM, LS#44651 EXP 10/04/16

RECORDING CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF MERIT HOMES LLC
THIS _____ DAY OF _____, 20____ AT _____ PAST _____ O'CLOCK
AND RECORDED UNDER KING COUNTY AUDITOR'S NUMBER _____ FEE _____

RECORDS OF KING COUNTY, WASHINGTON

AUDITOR: DRAFTED: SB CHECKED: EW
DATE: 5/4/2016 JOB NO.: MERIT-151112
SCALE: 1"=40' FIELD CREW: BA/AJ

INDEX DATA: SE 1/4 OF THE SE 1/4 OF SECTION 33, T26 N, R05 E, W.M. KING COUNTY, WA

FOR: MERIT HOMES LLC
SITE: 10035 & 10045 132ND AVE NE
KIRKLAND, WA

MERIT-151112, TOPO/BOUNDARY

SHT. 1
OF 1

Allison Zike

From: Sharon Plotkin <sharonplotkin3d@gmail.com>
Sent: Monday, July 11, 2016 11:16 AM
To: Allison Zike
Cc: tphan@kirklandwa.gov; Dave Asher
Subject: SUB 16 - 01315, SUB 16 - 01316

Follow Up Flag: Follow up
Flag Status: Flagged

Re:
SUB 16 - 01315
SUB 16 - 01316

Hi Allison Zike,

I am writing to you because you are the planning reviewer for the referenced proposals. The referenced proposals would extend our quiet street so that it connects directly to a major arterial. My neighbors and I are strongly opposed to this extension.

Background:

I live on NE 101st Place in North Rose Hill, which is about 2 blocks long, and has no direct egress to major arterials. It runs east-west, terminating in a cul de sac at the west end and at 131st NE at the east end, where the road bends 90 degrees. NE 101st Place intersects 128th NE, but does not directly connect to either 124th NE or to 132nd NE, the major arterials in our area. To access those arterials, traffic on our street must turn on to NE 100th (via 128th NE or 131st NE).

****The resulting low traffic volumes have kept the street very quiet, relatively safe and very kid and pedestrian friendly.****

The reference redevelopment plans for the two properties that sit at the eastern end of NE 101st Place propose extending the street to connect with 132nd NE. The two homes that currently sit on the large lots would be razed and replaced by 9 homes on short plats. (I am not happy about the change in density at the end of our street, either, but that is a secondary concern.)

My neighbors and I are extremely worried that the extension of NE 101st Place to 132nd NE will greatly increase traffic through our neighborhood, and adversely affect safety, quality of life and property values.

I understand that my neighbors and I have until July 25, 2016 (18 days from July 7 when the formal notice was posted by the city) to provide you with written notice of our concern, and in turn, making us a formal party of record. We can each provide written notice by sending you an email referencing the file numbers. I also understand that the decision to extend the street was made by the Public Works Department. The Public Works reviewer is Tuan Phan, who may be reached at (425) 587-3843 and tphan@kirklandwa.gov.

Thanks,

Sharon Plotkin
13201 NE 101st Place
Kirkland WA 98033
(425) 576-0308

Allison Zike

From: Sandra Kawamura <S.Kawamura@F5.com>
Sent: Monday, July 11, 2016 1:03 PM
To: Allison Zike; Tuan Phan
Cc: Dave Asher
Subject: RE: SUB 16 - 01315, SUB 16 - 01316

Follow Up Flag: Follow up
Flag Status: Flagged

Re:
SUB 16 - 01315
SUB 16 - 01316

Hello Allison Zike and Tuan Phan,

By forwarding this email, I am adding my name to Sharon's email requesting you reconsider the proposal to extend NE 101st Place thru to 132nd Ave NE. I also live on this street and in all the years I've been here, I have never heard ANY of the neighbors say that they wished we could have a thru street to 132nd Ave NE. If you've ever been in this neighborhood, you would have seen the neighborhood children playing with each other in the afternoons and weekends out in the cul-de-sacs and in the yards fronting NE 101st Place. Opening up the street will make it very dangerous for children and pedestrians on our street. The volume of traffic on NE 100th and NE 104th is not heavy enough to warrant opening up another thru street from 132nd Ave NE. If you look at the overall development of his neighborhood, it was designed to sit between the 2 thru streets – if this was not the case, then there would be a thru street south of 128th NE and NE 101st Pl that opens up to 124th Ave NE.

I strongly oppose the extension of NE 101st Place thru 132nd Ave NE. Our street terminates at 128th Ave NE and one would still need to turn left or right to get to a "main" street that connects thru to 124th Ave NE. I fail to see the logic. Perhaps Public Works, Tuan Phan, could explain what the improvement would be for our neighborhood. I hope the decision was made with the neighborhood in mind and not just for the development of additional houses.

Sandra Kawamura
13015 NE 101st Place
Kirkland WA 98033
425-822-8564

From: Sharon Plotkin [mailto:sharonplotkin3d@gmail.com]
Sent: Monday, July 11, 2016 11:16 AM
To: azike@kirklandwa.gov
Cc: tphan@kirklandwa.gov; dasher@kirklandwa.gov
Subject: SUB 16 - 01315, SUB 16 - 01316

Re:

Hi Allison Zike,

I am writing to you because you are the planning reviewer for the referenced proposals. The referenced proposals would extend our quiet street so that it connects directly to a major arterial. My neighbors and I are strongly opposed to this extension.

Background:

I live on NE 101st Place in North Rose Hill, which is about 2 blocks long, and has no direct egress to major arterials. It runs east-west, terminating in a cul de sac at the west end and at 131st NE at the east end, where the road bends 90 degrees. NE 101st Place intersects 128th NE, but does not directly connect to either 124th NE or to 132nd NE, the major arterials in our area. To access those arterials, traffic on our street must turn on to NE 100th (via 128th NE or 131st NE).

The resulting low traffic volumes have kept the street very quiet, relatively safe and very kid and pedestrian friendly.

The reference redevelopment plans for the two properties that sit at the eastern end of NE 101st Place propose extending the street to connect with 132nd NE. The two homes that currently sit on the large lots would be razed and replaced by 9 homes on short plats. (I am not happy about the change in density at the end of our street, either, but that is a secondary concern.)

My neighbors and I are extremely worried that the extension of NE 101st Place to 132nd NE will greatly increase traffic through our neighborhood, and adversely affect safety, quality of life and property values.

I understand that my neighbors and I have until July 25, 2016 (18 days from July 7 when the formal notice was posted by the city) to provide you with written notice of our concern, and in turn, making us a formal party of record. We can each provide written notice by sending you an email referencing the file numbers. I also understand that the decision to extend the street was made by the Public Works Department. The Public Works reviewer is Tuan Phan, who may be reached at (425) 587-3843 and tphan@kirklandwa.gov.

Thanks,

Sharon Plotkin
13201 NE 101st Place
Kirkland WA 98033
(425) 576-0308

Allison Zike

From: gerald.kaufman@comcast.net
Sent: Wednesday, July 13, 2016 12:27 AM
To: Allison Zike
Subject: Sub16-01315/01316 - Scramblin Gardens

Follow Up Flag: Follow up
Flag Status: Flagged

Allison,

I wanted to submit comments to the two cases listed above. I am the neighbor immediately adjacent to the West of the North Short Plat.

1) I'm curious as to why the plans call for the addition of a street that connects directly to 132nd Ave; and am not in favor of this. My concern is the addition of traffic on what is currently a quiet residential street.

North Rose Hill is in the middle of the North-South commute and traffic routinely cuts across the community. Many streets that connect directly to 132nd Ave already have speed bumps in place due to this. The intersection at 132nd Ave and 100th street (down the street from the new proposed street) is almost impossible to make a left turn (when coming East of 100th) during evening commute hours. I am concerned that traffic might divert to this new street to bypass that intersection.

2) As mentioned above, I am not in favor of the new "through" street, but would like to inquire on what "traffic calming" designs are/can be considered to prevent it from bringing an increased level of traffic to the street which currently has a very low level of traffic.

3) I would also like to inquire if adequate parking is being planned for Scramblin Gardens so that the large number of added houses don't create parking congestion in the current neighborhood. Is parking on 132nd ave, adjacent to Scramblin Gardens, being considered? (This assumes a through road)

Thank you

Gerald Kaufman
13036 NE 101st Pl
Kirkland WA 98033
425-968-2159
gkauf23@gmail.com

Allison Zike

From: Tania Buga <tatianabuga@gmail.com>
Sent: Thursday, July 14, 2016 11:21 AM
To: Allison Zike; tphan@kirklandwa.go; Dave Asher
Subject: SUB 16 - 01315, SUB 16 - 01316

Follow Up Flag: Follow up
Flag Status: Flagged

Re:

SUB 16 - 01315

SUB 16 - 01316

Hi Allison Zike,

I am writing to you because you are the planning reviewer for the referenced proposals. The referenced proposals would extend our quiet street so that it connects directly to a major arterial. My neighbors and I are strongly opposed to this extension. We are extremely worried that the extension of NE 101st Place to 132nd NE will greatly increase traffic through our neighborhood, and adversely affect safety, quality of life and property values.

Background:

I live on NE 101st Place in North Rose Hill, which is about 2 blocks long, and has no direct egress to major arterials. It runs east-west, terminating in a cul de sac at the west end and at 131st NE at the east end, where the road bends 90 degrees. NE 101st Place intersects 128th NE, but does not directly connect to either 124th NE or to 132nd NE, the major arterials in our area. To access those arterials, traffic on our street must turn on to NE 100th (via 128th NE or 131st NE).

****The resulting low traffic volumes have kept the street very quiet, relatively safe and very kid and pedestrian friendly.****

The reference redevelopment plans for the two properties that sit at the eastern end of NE 101st Place propose extending the street to connect with 132nd NE. The two homes that currently sit on the large lots would be razed and replaced by 9 homes on short plats.

E-page 98
Thanks,

Tatiana Buga

13202 NE 101st Place

Kirkland WA 98033

206-304-4457

Allison Zike

From: Connie Huang <takoch03@gmail.com>
Sent: Friday, July 15, 2016 11:58 AM
To: Allison Zike
Subject: opponent to SUB16-01315 and SUB16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Allison,
I strongly disagree the SUB16-01315 and SUB16-01316- 1. connecting NE 101st PL and 132nd Ave NE. and 2. build 5 houses on the land.

This is a young neighbor which almost all the families have kids from 1 month- 10 years old. The proposal especially the connecting NE 101st PL and 132 nd Ave NE will generate a lot traffics which will be danger to the kids and make more noises.

Name: Connie Huang
Mailing address: 10024 131st PL NE Kirkland WA 98033
Email: takoch03@gmail.com
Permit Number: SUB16-01315 and SUB16-01316

Please let me know what else info you need. I sincerely hope our voices can be heard.

Best regards,
Connie Huang

Allison Zike

From: Vivian & Roland <vidor@nwlink.com>
Sent: Saturday, July 16, 2016 12:55 PM
To: Allison Zike
Subject: Oppose street Extension pertaining to SUB16-01315 and SUB16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

July 16, 2016

azike@kirklandwa.gov

Hi,

Allison Zike,

Re: SUB 16 - 01315 and SUB 16 - 01316

Street Extension of 101st Place out to 132nd Ave. NE, North Rose Hill of Kirkland

We strongly oppose and wish to be on the Comment List of Record so as to be able to participate in the on-going meetings concerning this issue.

We have lived at the below address since 1988 and are very much opposed to the proposal of the City Of Kirkland Master Plan.

Sincerely,

Vivian and Roland Strolis
13002 NE 101st Place
Kirkland, WA 98033

email: vidor@nwlink.com
phone: 425-827-9967

Allison Zike

From: Chris and Christina Meyers <themeyershome@gmail.com>
Sent: Sunday, July 17, 2016 6:45 PM
To: Allison Zike
Subject: SUB16-01315 and SUB16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

I'm writing in concern to the extension of NE 101st Pl to connect to 132nd Ave NE planned based on proposals SUB16-01315 and SUB16-01316, as this will turn NE 101st Pl into a through street attached to a major thoroughfare, and likely change the traffic pattern and increase through traffic of what is currently a quiet residential street.

It would be interesting to know whether an alternative of having the new construction's create a cul-de-sac attached to only one of the two roads was considered.

Chris Meyers
12823 NE 101st Pl
Kirkland, WA 98033

Allison Zike

From: Peng Li <pli_cn@yahoo.com>
Sent: Wednesday, July 20, 2016 12:18 AM
To: Allison Zike
Subject: Kirkland SUB 16-01315, 16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I'm a resident in the Kirkland North Rose Hill neighborhood. I'm concerned about the proposed through road connecting 132nd Avenue NE and NE 101st Place in the following proposals.
<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Public+Notices/Scramlin+Gardens+North+Short+Plat+REVISED+Notice+of+Application+SUB16-01315.pdf>
<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Public+Notices/Scramlin+Gardens+South+Short+Plat+REVISED+Notice+of+Application+SUB16-01316.pdf>

The neighborhood is a very safe and quiet neighborhood. My daughter plays around NE 101st PL a lot. Many other kids play in the area too. The proposed through road will add traffic and bring safety risks to the families. This e-mail is to express our concerns.

Our address is:
Peng Li
10020 131st PL NE
Kirkland, WA 98033

Thanks for your consideration
Peng

Allison Zike

From: Dan Iatco <daniatco@gmail.com>
Sent: Wednesday, July 20, 2016 11:10 AM
To: Allison Zike
Cc: tphan@kirklandwa.go; Dave Asher
Subject: Re: SUB 16 - 01315, SUB 16 - 01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

Re:

SUB 16 - 01315

SUB 16 - 01316

Hi Allison Zike,

I am writing to you because you are the planning reviewer for the referenced proposals. The referenced proposals would extend our quiet street so that it connects directly to a major arterial. My neighbors and I are strongly opposed to this extension. We are extremely worried that the extension of NE 101st Place to 132nd NE will greatly increase traffic through our neighborhood, and adversely affect safety, quality of life and property values.

Background:

I live on NE 101st Place in North Rose Hill, which is about 2 blocks long, and has no direct egress to major arterials. It runs east-west, terminating in a cul de sac at the west end and at 131st NE at the east end, where the road bends 90 degrees. NE 101st Place intersects 128th NE, but does not directly connect to either 124th NE or to 132nd NE, the major arterials in our area. To access those arterials, traffic on our street must turn on to NE 100th (via 128th NE or 131st NE).

****The resulting low traffic volumes have kept the street very quiet, relatively safe and very kid and pedestrian friendly.****

The reference redevelopment plans for the two properties that sit at the eastern end of NE 101st Place propose extending the street to connect with 132nd NE. The two homes that currently sit on the large lots would be razed and replaced by 9 homes on short plats.

E-page 104
Thanks,

Dan latco

13202 NE 101st Place

Kirkland WA 98033

[206-913-8196](tel:206-913-8196)

Allison Zike

From: Bryan Wang <klander333@gmail.com>
Sent: Wednesday, July 20, 2016 3:22 PM
To: Allison Zike
Cc: sharonplotkin3d@gmail.com; Angela Wang
Subject: Concerns Over SUB 16-01315 & SUB 16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

Hi,

My family have lived on Ne 101st Place since 1992. The quietness and little traffic have been very important factors for our decision to select this place for our home.

I believe the proposed projects SUB 16-01315 & SUB 16-01316 would dramatically change the street layout, therefore bring significant impacts in our daily life, as well as to all living on NE 101st Place. We have serious concerns over expected deterioration in traffic, safety, security and property values as a result of these proposed projects.

Please keep us updated on the process.

Thanks,
Bryan Wang &
Angela Wang

Allison Zike

From: Sharon Plotkin <sharonplotkin3d@gmail.com>
Sent: Wednesday, July 20, 2016 5:15 PM
To: Allison Zike
Subject: RE: Road extension proposal for 101st Place/SUB 16 - 01315 Update

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

Hi Allison,

Thanks for your response. I am a little puzzled by the last paragraph:

" Planning and Public Works Departments do not have the authority to remove the road connection requirement from the decision because it is a requirement based on the North Rose Hill Street Connection Plan in the City's Comprehensive Plan. "

Looking at the Comprehensive Plan

(<http://www.kirklandwa.gov/Assets/Kirkland+2035/North+Rose+Hill+Neighborhood+Plan+Existing.pdf>)

"Policy NRH 22.3: "Map where ANTICIPATED street connection locations COULD be CONSIDERED with future infill development . . ." and "POTENTIAL locations of street connections for future infill development, the exact location will be determined at the time of development. The development permit process should ultimately determine these locations. When new street connections are NOT REQUIRED OR NOT FEASIBLE, pedestrian and bicycle connections should still be pursued."

The language does not suggest the road extension is set in stone. More to the point, I don't see where the road extension is required. One could argue convincingly that this particular connection of 101st Place to 132nd Ave. contributes next to nothing to creation of a grid system layout because of the lack of connectivity to the west, since that end of 101st ends in a developed cul de sac. (And keep in mind that 101st Place is just two blocks long.) I think everyone would be better served by a pedestrian and/or bicycle path instead.

In regards to your statement, "The road connection is not my specific area of review..." When I spoke to Mr. Phan in Public Works, he suggested the road project was within your purview. So if it is not, then to whom do my neighbors and I address our concerns and opposition?

And finally, to your offer to meet, yes, please! How do my neighbors and I arrange a neighborhood meeting with you?

Sharon Plotkin

From: Allison Zike [mailto:AZike@kirklandwa.gov]
Sent: Wednesday, July 20, 2016 11:28 AM
To: 'Sharon Plotkin'
Subject: RE: Road extension proposal for 101st Place/SUB 16 - 01315

For your information, the updated Notice of Application was posted yesterday, and as I had described last week, the comment deadline is August 6, 2016. I will continue to log any comments received in order to provide a thorough response in the staff report for each plat. After the comment period lapses, the City will work to complete our review and compile a staff report that will go to the Planning Director for their decision on the plats. I can provide informal updates if contacted throughout the process but the next formal communication to parties of record will be an emailed or mailed copy of the decision and corresponding staff report when it is issued.

To explain the process a bit more: the City's Zoning Code sets a specific review window for Process I short plats of 120 days. This window started on the date the application was deemed complete (June 29, 2016), and ends on October 27, 2016. The Director's decision will be issued by this date, and the comment period runs within the 120 day review period. After the decision is issued, there is a 14 day appeal period. The appeal process is detailed in [Kirkland Zoning Code \(KZC\) 145.60](#). Because this short plat decision includes a new through road, any appeals will be heard by City Council.

In regards to the road, as we previously detailed, the Planning and Public Works Departments do not have the authority to remove the road connection requirement from the decision because it is a requirement based on the North Rose Hill Street Connection Plan in the City's Comprehensive Plan. The applicant included the road proposal because it is required by the Comprehensive Plan, and staff's recommendation to the Director cannot remove that portion of the proposal. The Public Works Department may be able to provide more background as to why that location was designated as a connection point. The road connection is not my specific area of review, but I am happy to meet with you to describe my review items or the general process if you would like. Feel free to contact me if you have additional questions.

Thank you,

Allison Zike | Planner
Planning and Building Department
City of Kirkland
p: 425.587.3259

From: Sharon Plotkin [mailto:sharonplotkin3d@gmail.com]
Sent: Monday, July 18, 2016 2:49 PM
To: Allison Zike <AZike@kirklandwa.gov>
Subject: Road extension proposal for 101st Place/SUB 16 - 01315

Hi Allison,

My neighbors and I canvassed the residents on our street regarding
SUB 16 - 01315
SUB 16 - 01316

We found 100% opposition to the 101st Place road extension. You should be receiving emails from my some of my neighbors requesting an assignment as a Party of Record.

What are the next steps?

Most of us live outside the 300ft radius. How will you keep us informed of activity?

Would you be willing to schedule a neighborhood meeting or, perhaps, speak at the next North Rose Hill Neighborhood Association meeting? Instead of a through street, can we propose a pedestrian or bike path, as an alternative -- or nothing at all?

E-page 108
Thanks,

Sharon Plotkin

Allison Zike

From: Mohamed Odah <modah@modamira.com>
Sent: Wednesday, July 20, 2016 7:06 PM
To: Allison Zike
Cc: Amira M
Subject: Register as a Party of Record

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

Hi Allison

My wife and I would like to register our concern over the plans to connect NE 101st Pl with 132nd Ave NE. This is in relation to the following proposed development plans:

The Scramlin Gardens Short Plat development
SUB 16 - 01315
SUB 16 - 01316

Name: Mohamed Odah & Amira Moraby
Address: 13011 NE 101st Pl Kirkland
Email address: modah@modamira.com & amiramoraby@gmail.com
Contact Number: 206-446-4401

Our concern is the potential increase in traffic coming from 132nd Avenue into our kinds friendly neighborhood. We are willing to accept allowing traffic out from 101st pl to 132nd ave but not the other way around. This can be achieved by limited the connection between the two to be one way outlet from 101st to 132nd.

We require further clarification about the plans and the impact it has on our community. Was any traffic study conduct in relation to this change? If so can you please share with us the results of this study?

Kind regards
Mohamed Odah and Amira Moraby

Allison Zike

From: Bill Chea <billchea@gmail.com>
Sent: Thursday, July 21, 2016 8:21 PM
To: Allison Zike
Subject: SUB 16-01315 and SUB 16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

I wish to register my concern over the plans to connect NE 101st with 132nd ave NE,
ref : SUB16-01315.

Bill Chea
10016 131st PL NE
Kirkland, WA. 98033

Allison Zike

From: Susan Davis <susandavis@live.com>
Sent: Friday, July 22, 2016 12:02 PM
To: Allison Zike
Subject: Concerns with NE 101st Place on North Rose Hill

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

Hi, I have lived on NE 101st Place for over 12 years. I was attracted to this street because of how it is tucked into a low traffic area, and we knew one of these days we would have children. Now we have two young children and they enjoy playing outside, riding their bikes, and I am comfortable because our street does not currently entice commuters to cut through our neighborhood. Most people driving on this street live on the street.

Side note of traffic issues in our area that I believe will spill into NE 101st Place.

Off of NE 100 this is a big issue with commuters cutting through neighborhoods especially with the new 405 tolls, added traffic to surface streets as well as the growth of homes in and around Kirkland. If the city decides to make changes I believe they will need to add more signage, speed bumps, etc.

I already think NE 100th needs to have more signs, a red flashing light at the 4 way stop at NE 100th and 128th Ave - many people do not stop at this 4 way or do a quick stop. This is a busy intersection for kids waling to/from school, as well as to the park. During the school year especially in the morning these commuters are very impatient, and often speed or do not obey the school crossing guards.

I do believe drivers will skip the NE 100th school zone and 4 way stop and cut thru NE 101st Place to avoid the 128th/Ne 100th intersection. 9 months out of the year this 4 way stop is very slow during the morning and afternoon when the school guards are directing kids across the intersection. The drivers that do not live in the neighborhood have no patience to wait for the 4 way stop.

This project is being referred to as the Scramlin Gardens Project to build 9 new homes (Merit Homes) SUB16 - 01316. The short plat will create a new through road connecting 132nd Avenue NE and NE 101st Place.

I think the street being changed to direct access onto 132nd is part of Kirkland's master plan?

I would like to be on record that I am against extending NE 101st Place to 132nd Ave NE.

Thank you for your time.
Susan Davis

Allison Zike

From: Aaron Crossley <abcrossley@gmail.com>
Sent: Monday, July 25, 2016 12:31 PM
To: Allison Zike
Subject: SUB 16-01315 & SUB 16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin, PUBLIC COMMENT

I'm concerned about the traffic increase and other impacts the proposed new connection of NE 101st Place with 132nd Ave NE will have on my neighborhood (SUB 16-01315 & 16-01316). We currently enjoy very little traffic through our neighborhood, making it ideal for our young children to play outside. If our street is connected with 132nd Ave NE, we will undoubtedly see a substantial and unnecessary increase in the number of cars passing through our neighborhood. The developers of these 9 new homes on our street should be able to add these homes without connecting our quiet street with one of the busiest streets in Kirkland.

Regards,

Aaron Crossley
12920 NE 101st Pl
Kirkland, WA 98033

Allison Zike

From: Pinky Saki <pinkysaki@gmail.com>
Sent: Monday, July 25, 2016 10:38 PM
To: Allison Zike
Cc: Sachin Saki
Subject: SUB 16 - 01315 and SUB 16 - 01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin, PUBLIC COMMENT

Hi Alison,

This email is regarding the concern over the plans to connect NE 101st PI with 132nd Ave NE.

I wish to register my concern over the plans of connecting to road as said above. I strongly NOT support the plan connecting these roads. This very short and quite street where kids play outside and people walk. Connecting this road will not help as it would not directly connect to 124th Ave it will only increase traffic on this short street for drivers to take quick short cuts.

I'm Pinky Saki and resident of 12810 NE 101st PI Kirkland, WA 98033

Expecting you will consider our request and concerns.

--Thanks
Pinky Saki

Allison Zike

From: Shbou <shbou@aol.com>
Sent: Tuesday, July 26, 2016 9:56 AM
To: Allison Zike
Subject: SUB 16-01315 and SUB 16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin, PUBLIC COMMENT

Dear Sir/Madam:

I live at 12915 NE 101st Place, Kirkland WA 98033.

I want to register my grave concern over the plan to connect NE 101st PI with 132nd Ave NE, ref: Sub 16-01315. As a registered civil engineer with Seattle Department of Transportation (SDOT), I am wondering if there was any evaluation on the EIS or SEPA about adverse transportation impact study for these two subdivision.

The proposed connection will potentially increase traffic in this relatively quiet neighborhood. I had lived here since 2004 and noted that due to the close proximity to Mark Twain Elementary School this section have a lot of young school age kids that live here. Also, there are a number of rental properties which rotates in family with young kids who like to play in the street. This connection will increase the potential of vehicle accidents with young children.

There are currently a number of east west connection to 132nd Ave NE like 100th, 102nd, and 104th St which connects 128th Ave NE to 132nd Ave NE. Unless you create speed bumps or other traffic calming system along this section of roadway, I am against this connection.

Thank you for your consideration.

William Bou, P.E.
206-255-6393

Allison Zike

From: Tammy <mi3guis@frontier.com>
Sent: Tuesday, July 26, 2016 3:33 PM
To: Allison Zike
Cc: Sharon Plotkin
Subject: SUB16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin, PUBLIC COMMENT

Dear Ms. Zike,

I am very concerned about the proposal to extend NE 101st Place so that it connects with 132nd Ave. NE. Please add me as a party of record regarding SUB16-01315 and SUB16-01316.

Regards,

Tammy Guisness
12928 ne 101st pl
Kirkland, WA 98033

Allison Zike

From: Bridgette Payne <payneseattle@yahoo.com>
Sent: Wednesday, August 03, 2016 3:34 PM
To: Allison Zike
Subject: SUB 16-01315 and SUB 16-01316

Follow Up Flag: Follow up
Flag Status: Completed

> I wish to register my concern over the plans to connect NE 101st PL with 132nd Ave NE.
> This would make our road much more dangerous for the many children that live on it. Please use an alternate plan that wouldn't make this quiet residential road a thorough fare.
> Sincerely,
>
> Bridgette Payne
> 12829 NE 101st Pl
> Kirkland, WA 98033
>
> Sent from my iPhone

Allison Zike

From: Brandi Comstock <brandi@brandicomstock.com>
Sent: Friday, August 05, 2016 6:53 PM
To: Allison Zike
Subject: Public Comment RE: Permit #SUB16-01315

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I am writing regarding the Proposed Application on Scramlin Gardens South and Scramlin Gardens North Short Plats with a comment period ending, August 6, 2016. Specifically, I would like to write to express my opposition to the proposed new road connecting 132nd Avenue NE and NE 101st Place. Building this road will have a negative effect on the residents and homes in this neighborhood.

Currently this portion of NE 101st Place is a street with three small cul de sacs along it. Multiple children play in this area and ride their bikes along this road. This is a destination neighborhood that does not, and will not, support through traffic. The families and children that live on this street are used to living in a safe and relatively traffic free neighborhood.

Creating a through street from 132nd Ave. NE to NE 101st Place will have far-reaching consequences. Currently, the other through street in this neighborhood is NE 100th Street. NE 100th Street is an arterial that directly impacts the safety of our children as they walk to and from school. One of my concerns with this through street, to serve only nine houses, is that it will soon become a mini-arterial. This street will effectively connect 132nd Ave. NE, with 128th Ave. NE, through the middle of a destination neighborhood, where children literally play in the streets. The issue is one of boxing this neighborhood in with four arterial lines, two major and two minor. The additional traffic, noise and pollution will be a detriment to the safety and well-being of our children.

This street proposal is absolutely not in the best interest of our city, our citizens, our neighborhood, or our children. The street proposal may very well comply with Kirkland's Zoning Code and other applicable codes, however, a city is more than zoning and regulations. Please do not approve the through street for the continued safety and security of our community.

Thank you for your attention,
Brandi Comstock

10025 131st Pl. NE
Kirkland, WA 98033
brandi@brandicomstock.com
Permit#SUB16-01315

Allison Zike

From: comstock <samuel@samuelcomstock.com>
Sent: Friday, August 05, 2016 7:42 PM
To: Allison Zike
Subject: Public Comment on Permits #SUB16-01315 and #SUB16-01316

Hello Allison Zike,

I'm opposed to the newly proposed through road connecting 132nd Ave NE and NE 101st PL.

While the 9 lot development of Scramlin Gardens North and South will add some lovely new homes to our neighborhood, the addition of a through street will fundamentally change the traffic flow.

Today, 131st PL NE and NE 101st PL forms a destination neighborhood. People only pass over our streets when visiting a house on this corridor.

Kids learn to ride their bikes here before they are ready for the "big" streets. A street hockey game is only interrupted by an occasional "Game off!" and "Game on!" when a car does roll through at a reasonable speed.

I don't need to convince you that there is increased traffic and speeding that is occurring on NE 100th. There has been a radar sign there thought the summer reminding people it is only 25 MPH. I usually see people recording speeds in the 30s, but I've seen people record speeds in the 40s, even with the radar sign.

Even if the new through street is curved or a single lane, people will still treat it as their new favorite short cut. I'm especially concerned because NE 101st PL is a steep hill, so it will be really easy to speed west bound and present a clear danger to our children.

To be clear, I'm not opposed to the 9 lot development; if part of the road is necessary so all 9 lots can be accessed, then that is fine too. The creation of a through street that would open up the neighborhood to being a shortcut would fundamentally and permanently change our neighborhood. I think if future home owners could choose, they would not want a stream of cars cutting in front of their houses either.

Regards,
Samuel Comstock

10025 131st Pl. NE
Kirkland, WA 98033
sam@samuelcomstock.com
Permit#SUB16-01315
Permit#SUB16-01316

Dear Ms Zike,

I am currently nine years old and will be ten in about two weeks. I'm going into fifth grade, and I am writing about the new road you're planing to put in because I think it is a bad idea. The reason I think it's a bad idea is because it will connect a bussy road into a neighbor- hood street adding traffic to a place were me and my friends play, ride our bikes, or were people take walks and run in genrk.

Sincerely,
Anna

Anna L. Comstock
10025 131st PL NE

Kirkland WA 98033
Comstockgirls@yahoo.com
Permit # SUB 16-01315

Permit # SuD16-01316

Dear Ms. Zike,

I would like to let you know that I am strongly opposed to the idea of putting in a new street. The street my sister and I live on generally has light traffic, and is a nice place to take a walk or ride your bike. A through street would dramatically change all this. Many people would use this street as a shortcut, greatly increasing the traffic. Riding bikes to school would become a serious consideration with all of the new cars.

I love our street because I am allowed to ride alone and my mom doesn't need to worry about cars or traffic. I understand that we may need the street, to make the new houses accessible, but if it isn't necessary, why put it in? I am sure the people in the new houses would like to have their kids play in a safe area just as much, if not more, than the kids do. I appreciate your consideration on this issue and hope you decide not to build the street.

Sincerely,

Ella Comstock; age 12

10025 131st PL NE
Kirkland, WA 98033
comstockgirls@yahoo.com
Permit # SUB16-01315
Permit # SUB16-01316



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Allison Zike, Planner

From: Tuan Phan, Development Engineer
Thang Nguyen, Transportation Engineer

Date: October 4, 2016

Subject: Public Comment Response, File No. SUB16-01315 /-01316 (Scramlin Gardens)

The Public Works Department has received the public comment letters related to the Scramlin Gardens Short Plats, File No. SUB16-01315 (North) and SUB16-01316 (South). After reviewing the letters and summarizing the questions and comments, we can offer the following responses:

1. Why is the street connection necessary?

Response:

The Comprehensive Plan and Subdivision Ordinance promote a "grid" pattern which is described as an interconnected neighborhood street network allowing for a connected neighborhood with multiple accesses for the public and emergency vehicles. These regulations allow the City to require the installation of street improvements that provide for orderly development of the grid pattern transportation system.

The Comprehensive Plan policies describe and why the grid pattern was adopted:

- Policy T-4.3 describes that cul-de-sacs should serve isolated pockets of new development where no other choice is available. The benefits of interconnected neighborhood street networks are many and have been discussed at length. Cul-de-sacs can result in uneven traffic distribution, benefit some at the expense of others, and greater emergency response time, as well as interruption of traffic flow, including pedestrian and bicycle flow. The new connection will provide alternative access in case of an emergency road closure on NE 101st Place and 131st Place NE. Utilities are also easier to locate and maintain in street settings, rather than in 'backyard' easements.
- Policy T-4.5 states that interconnected street networks aid emergency vehicles in faster response times.

- The Transportation Master Plan Policy T-5.6 states: Create a system of streets and trails that form an interconnected network.
 - The Action Plan T-5.6.1: Develop a plan for connections between street ends and complete those connection.
- Subdivision Ordinance Section 22.28.060 states that "The plat must be designed to allow for reasonable subdivision and use of adjoining properties. While the plat should generally conform to the grid pattern, innovative layouts will be considered based on the general requirements of this chapter."
- The North Rose Hill (NRH) Street Connection Plan show street connections in the NRH that could occur as a result of redevelopment. One of the street connections identified was NE 101st Pl, between 131st Pl NE and 132nd Ave NE. The Transportation Commission and the NRH Neighborhood Committee reviewed and approved the connections.

2. Was a traffic study required for the street connection?

Response: No, a traffic study was not required for the street connection. The connection was identified through the Rose Hill neighborhood plan with public involvement. Since NE 101st Place is not a through street and will not provide a direct pass-by route between two arterials with the new connection to 132nd Avenue NE, the amount of traffic expected to increase along NE 101st Place and the associated traffic impact will be insignificant.

3. Does the street connection trigger an Environmental Impact Study (EIS) or SEPA review?

Response: No, the subject short plat is exempt from SEPA review. Since the street connection doesn't have environmental impacts that trigger SEPA, it is also exempt from SEPA review.

4. How will the proposed street connection impact traffic volumes along NE 101st Place?

Response: There may be additional traffic from the cul-de-sac at the west end of NE 101st Place (at the maximum, 13 Peak hour trips during the AM and PM peak hours) but there will be no pass-by traffic since NE 101st Place is not a through street to the west and does not provide a direct pass-by route between two arterials. The amount of traffic (maximum 13 peak hour trips) expected to increase along NE 101st Place is negligible. The connection will provide residents along NE 101st Place a shorter and more direct access to 132nd Avenue NE and lessen the traffic impacts to NE 102nd Place, 131st Place NE and NE 100th Street.

5. Will the street connection jeopardize safety?

Response: No, staff does not believe the street connection will jeopardize safety. The new connection will have a pavement width of 24 feet. This street width will provide parking on one side and help to slow traffic. Since NE 101st Place will not serve as a pass-through route, staff anticipate that all the traffic using the new connection will be from residents living along NE 101st Place and maybe a few from 131st Place NE. Staggering on-street parking can also help to slow traffic.

6. Does the connection provide value to the street network since NE 101st Place stops at 128th Avenue NE?

Response: Yes, a street network of interconnected streets has value to all modes of transportation regardless of the length of the connection and it helps to create a better street grid than currently exist.

6. Will the street connection impact property values, quality of life, or neighborhood security?

Response: The street connection will provide better emergency response to the neighborhood, better connection for cyclists and pedestrians. In addition, it will shorten the connection to an arterial for motor vehicles which will lessen the travel distance and car emission which are the City of Kirkland transportation goals to enhance air quality and improve quality of life. The Public Works Department does not have the expertise to comment on matter of property values.

7. Can traffic calming measures be installed along the street connection?

Response: The design of the street (width and alignment) should provide the necessary traffic calming.

8. Can the street be designed to be one-way?

Response: No, one-way streets has negative impacts to street accessibility as it can create confusion and does not create efficient travel.

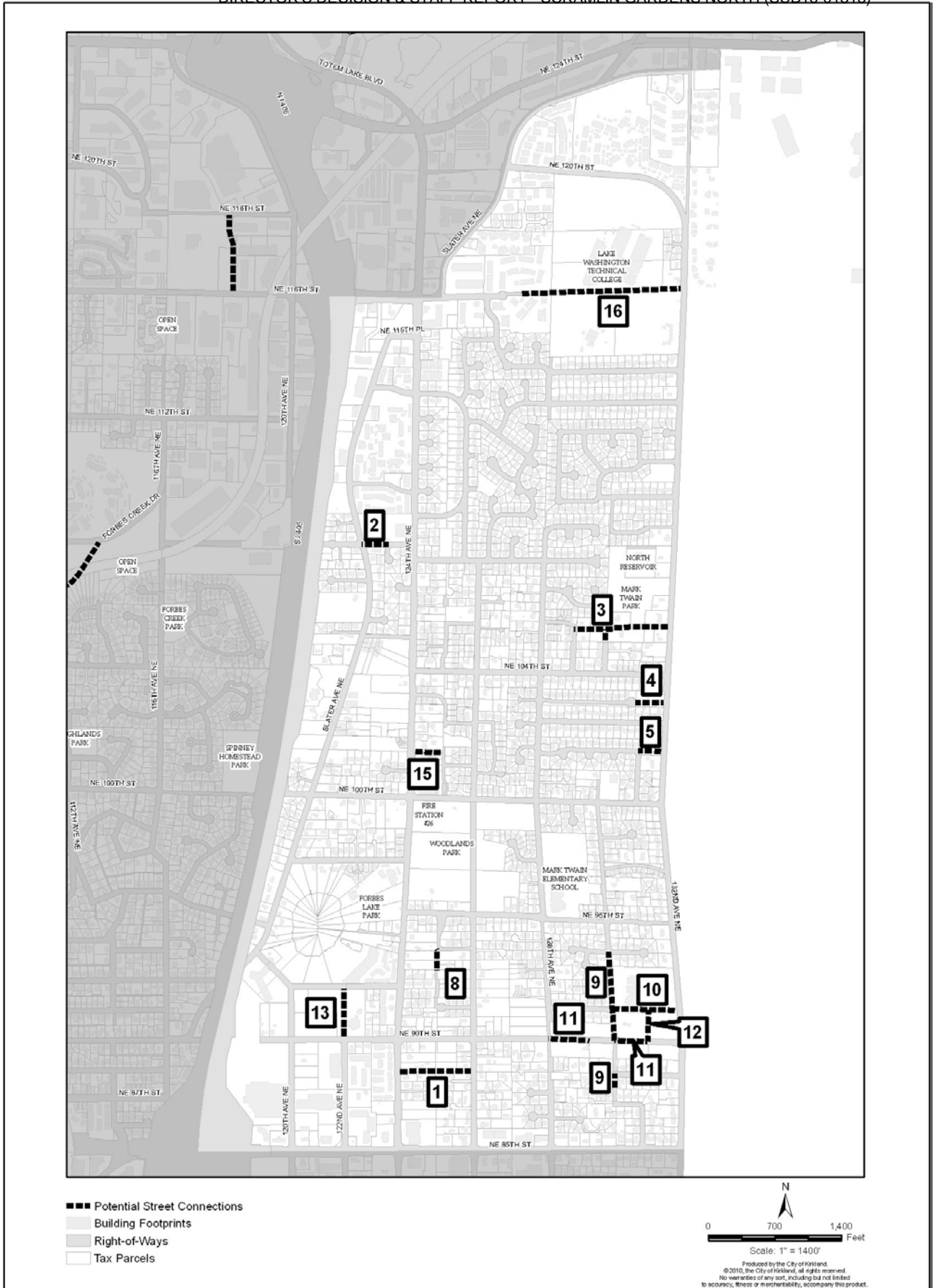


Figure NRH-6: North Rose Hill Street Connection Plan

XV.F. NORTH ROSE HILL NEIGHBORHOOD

Table NRH-1: North Rose Hill Street Connection Plan Description List

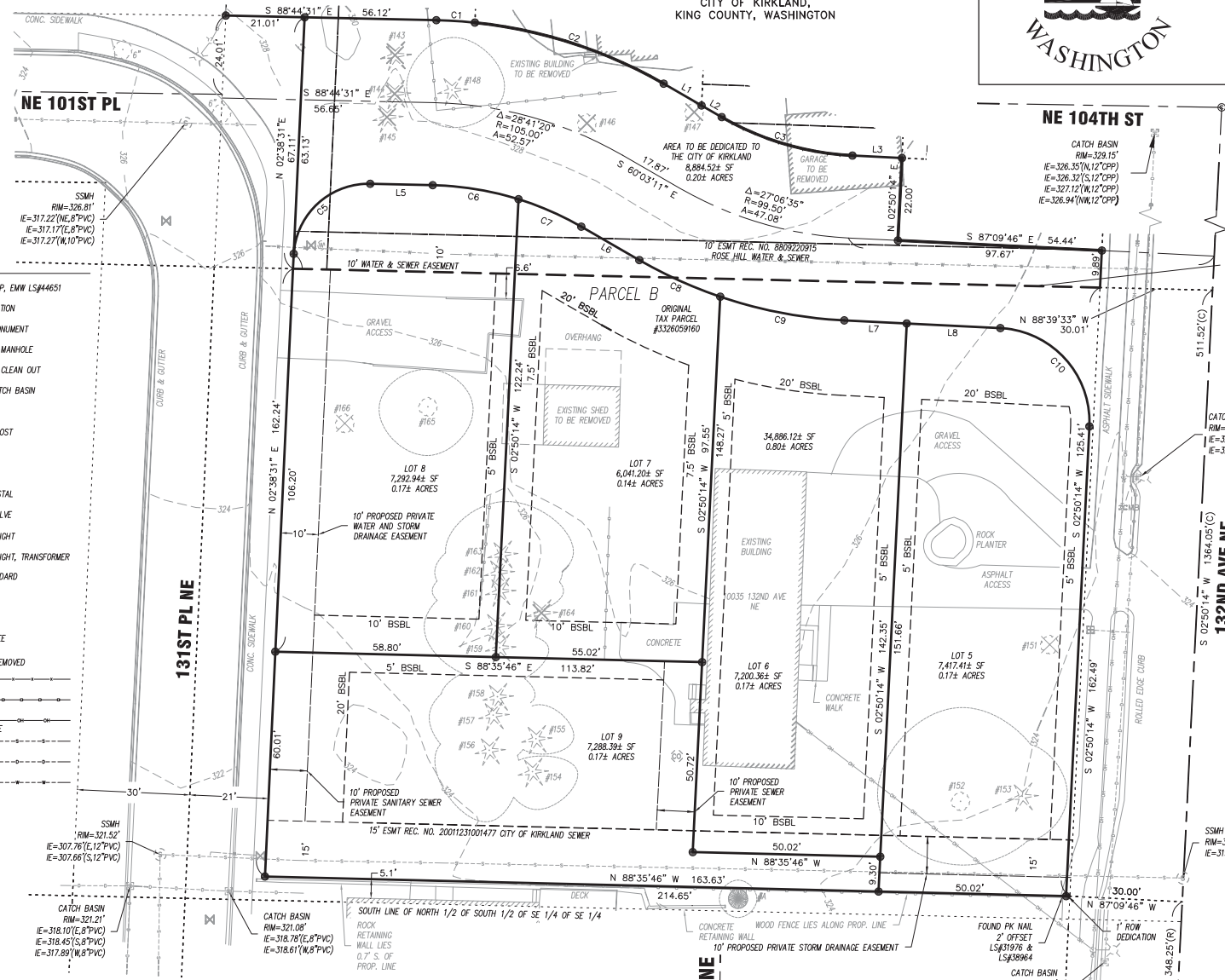
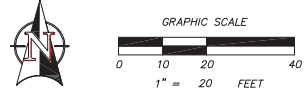
1. NE 88TH STREET BETWEEN 124TH AVENUE NE AND 126TH AVENUE NE
2. NE 108TH STREET BETWEEN SLATER AVENUE NE AND 123RD AVENUE NE
3. NE 105TH STREET BETWEEN 129TH AVENUE NE AND 132ND AVENUE NE
4. NE 103RD PLACE BETWEEN 132ND AVENUE NE AND EXISTING CUL-DE-SAC END
5. NE 101ST PLACE BETWEEN 131ST PLACE NE AND 132ND AVENUE NE
6. NE 97TH STREET BETWEEN 130TH AVENUE NE AND 132ND AVENUE NE
Completed
7. *Deleted by Ord. 4212.*
8. 125TH AVENUE NE BETWEEN NE 94TH STREET AND NE 95TH STREET
9. 130TH AVENUE NE BETWEEN NE 87TH STREET AND NE 94TH STREET
10. NE 91ST STREET BETWEEN 130TH AVENUE NE AND 132ND AVENUE NE – Sections are completed
11. NE 90TH STREET BETWEEN 128TH AVENUE NE AND 132ND AVENUE NE – Sections are completed
12. 131ST AVENUE NE BETWEEN NE 90TH STREET AND NE 91ST STREET
13. 122ND AVENUE NE BETWEEN NE 90TH STREET AND NE 92ND STREET
14. 126TH PLACE NE BETWEEN NE 102ND PLACE AND NE 100TH PLACE
Completed
15. NE 101ST PLACE BETWEEN 124TH AVENUE NE AND 125TH AVENUE NE
16. NE 116TH STREET BETWEEN 127TH AVENUE NE AND 132ND AVENUE NE
17. NE 109TH PLACE BETWEEN SLATER AVENUE AND 124TH AVENUE NE
Completed

DIRECTOR'S DECISION & STAFF REPORT - SCRAMLIN GARDENS NORTH (SUB16-01315)



SHORT PLAT
CITY OF KIRKLAND
FILE NO: SUB16-

IN SE 1/4 OF THE SE 1/4 OF
SECTION 33, T26 N, R05 E, W.M.
CITY OF KIRKLAND,
KING COUNTY, WASHINGTON

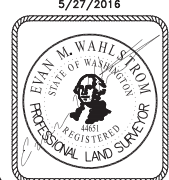


LINE	BEARING	DISTANCE
L1	S 60°03'11" E	11.67'
L2	S 80°03'11" E	6.20'
L3	S 87°09'46" E	13.23'
L4	S 87°09'46" E	28.44'
L5	S 88°44'31" E	16.66'
L6	S 80°03'11" E	17.87'
L7	S 87°09'46" E	18.66'
L8	S 87°09'46" E	25.00'

TREE ID	NAME	DBH	ACTION
143	FIR	12.00	REMOVE
144	FIR	10.30	REMOVE
145	FIR	14.70	REMOVE
146	APPLE	12.30	REMOVE
147	APPLE	12.40	REMOVE
148	HEMLOCK	20.30	RETAIN
151	DOGWOOD	12.00	LEGALLY REMOVED
152	MAPLE	47.90	RETAIN
153	CYPRESS	16.70	RETAIN
154	CYPRESS	22.30	RETAIN
155	CYPRESS	14.40	RETAIN
156	FIR	18.00	RETAIN
157	FIR	25.60	RETAIN
158	FIR	16.40	RETAIN
159	FIR	17.00	RETAIN
160	FIR	25.50	RETAIN
161	FIR	13.50	RETAIN
162	FIR	30.00	RETAIN
163	FIR	16.80	RETAIN
164	HEMLOCK	18.40	REMOVE
165	WALNUT	1.50	RETAIN
166	MAPLE	27.30	LEGALLY REMOVED
A	MAPLE	7.00	RETAIN

LEGEND

- SET REBAR & CAP, ENW LS#44651
- ⊙ CALCULATED POSITION
- ⊕ FOUND CASED MONUMENT
- ⊕ SANITARY SEWER MANHOLE
- ⊕ SANITARY SEWER CLEAN OUT
- ⊕ STORM DRAIN CATCH BASIN
- ⊕ WATER METER
- ⊕ WATER MARKER POST
- ⊕ WATER VALVE
- ⊕ FIRE HYDRANT
- ⊕ TELEPHONE PEDESTAL
- ⊕ NATURAL GAS VALVE
- ⊕ POWER POLE W/LIGHT
- ⊕ POWER POLE W/LIGHT, TRANSFORMER
- ⊕ YARD LIGHT STANDARD
- ⊕ MAILBOX
- ⊕ DEODOROUS TREE
- ⊕ DOUGLAS FIR TREE
- ⊕ TREE, LEGALLY REMOVED
- CHAIN LINK FENCE
- WOOD FENCE
- OVERHEAD UTILITY LINE
- SANITARY SEWER LINE
- STORM DRAIN LINE
- WATER PAINT LINE



informed land survey

PO Box 5137
Tacoma, WA 98415-0137

Phone: 253-627-2070
Fax: 253-627-9175
www.HandsSurvey.com

LAND SURVEYING, MAPPING, & GIS

SCRAMLIN GARDENS SOUTH

CHECKED-EW
FIELD CREW: BA, AJ
DRAFTED: SB
SCALE: 1"=20'

JOB NO.: MERIT-151112
NO. OF PARCELS: 2
DATE: 5/27/2016
SHEET 2 OF 2

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	4°58'44"	127.00'	10.30'
C2	24°32'35"	127.00'	53.29'
C3	27°06'35"	77.50'	36.67'
C4	90°00'00"	25.00'	39.27'
C5	87°7'08"	20.00'	36.53'
C6	16°03'40"	83.00'	23.27'
C7	12°37'40"	83.00'	18.29'
C8	11°17'08"	121.50'	23.72'
C9	15°52'29"	171.50'	53.77'
C10	90°00'00"	25.00'	39.27'



SHARED DRIVEWAY EASEMENT

AGREEMENT CREATING EASEMENT

_____, as the owner(s) of real property described in Section A (hereafter referred to as the _____ Property) and _____, as the owner(s) of real property described in Section B (hereafter referred to as the _____ Property) hereby enter into the following Agreement declaring and creating an Easement.

REPRESENTATIONS

- A. WHEREAS, _____ (is) (are) the owner(s) of the following real property located in King County, Washington; See Exhibit A
- B. WHEREAS, _____ (is) (are) the owner(s) of the following real property located in King County, Washington; See Exhibit B
- C. WHEREAS, the _____ Property and the _____ Property share a common boundary upon which an existing driveway access of approximately _____ feet in width can and will provide convenient vehicular access to serve both of said properties;
- D. WHEREAS, both parties desire to declare and create an easement for driveway purposes in order to allow each party a mutual use of said common driveway, and to jointly share in the cost and maintenance of said driveway in order to benefit both the _____ Property and the _____ Property;

NOW, THEREFORE, it is hereby declared and agreed as follows:

- 1. _____ hereby grants and conveys to _____ a non-exclusive easement for ingress, egress, and utilities, over, under, and across the following described portion _____ of _____ the _____ Property: Easement Description _____
- 2. _____ hereby grants to _____ a non-exclusive easement for ingress, egress, and utilities, over, under, and across the following described portion _____ of _____ the _____ Property. Easement Description _____
- 3. Said easements conveyed by and from the _____ Property and the _____ Property shall be for the purpose of constructing,

maintaining, and/or repairing a common driveway of approximately _____ feet in width which will be used as vehicular access to and from any residence which is or will be located on each of said properties (hereafter referred to as the "driveway area").

4. The driveway area may also be used for water, gas, sewer, storm sewer, electricity, and public utilities to serve either the _____ Property or the _____ Property, so long as such use does not materially interfere with the primary purpose as a common driveway.
5. The owner(s) of the _____ Property and the _____ Property shall be responsible for, and shall share equally in the expense of maintaining and/or repairing the driveway area, except that any such expense related to any utility shall be borne solely by the Property being served by said utility, and any such expense arising solely from the misuse or negligent use of the driveway by the owner or owner's agents or invitees shall be borne solely by such owner. The driveway area shall be maintained in a way so as to provide continual and convenient access to each of said properties. The road surface shall be kept clear of leaves, hanging trees or shrubbery branches, debris, and foliage.
6. Any dispute under this Agreement shall be settled by binding arbitration in accordance with the rules for arbitration in RCW Title 7. The prevailing party shall be entitled to an award for reasonable attorneys' fees and costs, including reasonable attorneys' fees and costs on any appeal.
7. The easement created herein shall be perpetual and non-exclusive. This Agreement and the covenants and obligations contained herein shall run with the land and be binding upon and inure to the benefit of the parties, their heirs, successors and assigns.

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

(Individuals Only)

STATE OF WASHINGTON)
) SS.
County of King)

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

_____ to me known to be the individual(s) described herein and who executed the Shared Driveway Easement and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

(Partnerships Only)

STATE OF WASHINGTON)

) SS.

County of King)

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

_____ to me, known to be general partners of _____, the partnership that executed the Shared Driveway Easement and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary

(Corporations Only)

STATE OF WASHINGTON)
County of King) SS.

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

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

that executed the Shared Driveway Easement and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____



CITY OF KIRKLAND NOTICE OF DECISION

NOVEMBER 23, 2016

Permit application: Scramlin Gardens South Short Plat, File No. [SUB16-01316](#)

Location: [10035 132nd Avenue NE](#)

Applicant: Mike Smith, Merit Homes Inc.

Project description: Subdivide one 44,124.03 lot into five parcels ranging in size from 6,041 SF to 7,417 SF in the RSX 7.2 zone using the small lot single-family provisions of KMC 22.28.042. The short plat will create a new through road connecting 132nd Avenue NE and NE 101st Place.

Decisions Included: Short Plat (Process I)

Project Planner: Allison Zike, Planner

SEPA Determination: Exempt

Department Decision: **Approval with Conditions**

Eric Shields, Director
Planning and Building Department

Decision Date:	November 21, 2016
Appeal Deadline:	December 7, 2016

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. An appeal must be in writing and delivered, along with fees set by ordinance, to the Planning Department by **5:00 p.m., December 7, 2016**. For information about how to appeal, contact the Planning and Building Department at (425)587-3600. An appeal of this project decision would be heard by the City Council.

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

- A. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. Attachment 3, Development Standards, 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.

- B. Prior to recording the short plat, the applicant shall:
 - 1. Record the submitted Lot Line Alteration (File No. LLA16-01451) which affects the property line between the subject property and Parcel # 3326059050 to the north (see Section II – Property Size and Proposed Lot Size).
 - 2. Show on the short plat map sufficient land dedication to develop:
 - a. The NE 101st Place road connection between 131st Place NE and 132nd Avenue NE to the specifications indicated by the Public Works Official in Attachment 3 (see Conclusion V.B.2)
 - b. The required half-street improvements in the 132nd Avenue NE right-of-way (see Conclusion V.B.2).
 - 3. Obtain the appropriate permits and demolish the existing single-family residence and shed on the subject property (see Section II – Current Land Use).
 - 4. Show on the face of the plat a floor area ratio restriction and accessory dwelling unit restriction for Lot 7 pursuant to Kirkland Municipal Code (KMC) Section 22.28.042(d) and KMC 22.28.042(f) (see Conclusion V.A).
 - 5. Place a Preserved Grove Easement over the grove of trees located on the subject property using the Preserved Grove Easement language in Attachment 12 (see Conclusion V.C.2).

- C. As part of the applications for Building Permits within the development, the applicant shall submit:
 - 1. A completed shared driveway easement form (see Attachment 11) for Lots 3 and 4 to be recorded with King County (see Section V.B.2).
 - 2. Site plans showing shared access from NE 101st Place for Lots 5 and 6 via a shared driveway easement centered on the common property line (see Section V.B.2).

II. SITE AND NEIGHBORHOOD CONTEXT

Zoning District	RSX 7.2, Low Density Residential
Comprehensive Plan Designation	LDR 6, Low Density Residential
Property Size	Existing: 38,441 Square Feet / 0.882 Acres After LLA Recording: 44,124.03 Square Feet / 1.013 Acres After ROW Dedication: 35,239.51 Square Feet / 0.809 Acres

	Per King County records, the current lot size is 38,441 square feet (0.882 Acres). The applicant has submitted a Lot Line Alteration application (File No. LLA16-01451, Attachment 4) to adjust the north boundary line of the subject property, increasing it to 44,124.03 Square Feet.
Current Land Use	The subject property is currently developed with one single-family residence and a detached shed (see Attachment 5). <u>Staff Analysis:</u> Retention of the existing structures would not comply with the development and use standards relative to the proposed lot line and access easement configuration. Therefore, applicant should demolish the existing structures prior to recording the short plat.
Proposed Lot Sizes	Lot 5: 7,417.41 Square Feet Lot 6: 7,200.36 Square Feet Lot 7: 6,041.20 Square Feet (utilizing small-lot single-family provision) Lot 8: 7,292.94 Square Feet Lot 9: 7,288.39 Square Feet ROW Dedication: 8,884.52 Square Feet
Lot Size Compliance	The minimum lot size for the RSX 7.2 zone is 7,200 square feet. The small lot single-family provisions of KMC 22.28.042 allow up to half of the lots in a short plat to be a minimum of 5,000 square feet. All the lots meet the minimum lot size for the zone using the small lot single-family provisions. See Section V.A below for a compliance analysis.
Terrain	The lot is relatively flat, with less than 4 feet of variation in grade across approximately 215 feet from east to west (see Attachment 5).
Trees	There are 16 significant trees on the site and 1 significant tree located off site that may be affected by the proposed development. Trees #159, 160, 161, 162, and 163 constitute a grove and will be placed in a Preserved Grove Easement, see Section V.C for analysis. Attachment 6 shows the location, tree number, and general health of the trees, as assessed by the applicant's arborist. The applicant is proposing phased review of the short plat pursuant to KZC 95.30.6.a. See Attachment 3, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements.
Access	Access for Lots 5-8 is proposed from a new, east-west, dedicated right-of-way connecting NE 101 st Place to 132 nd Avenue NE (see Attachment 2). See Section V.B for analysis. Access to Lot 9 is proposed from the existing 131 st Place NE right-of-way.
Neighboring Zoning and Development	

• North	RSX 7.2, Single-Family Residential
• South	RSX 7.2, Single-Family Residential
• East	Unincorporated King County, Single-Family Residential
• West	RSX 7.2, Single-Family Residential

III. PUBLIC NOTICE AND COMMENT

A. The public comment period for this application ran from July 19, 2016 to August 6, 2016. Twenty-three public comment emails/letters were received (see Attachment 7). Below is a summary of public comments followed by a brief staff response. Complete responses to public comments and concerns regarding the road connection have been provided in a Public Works Memo found as Attachment 8 (enclosed).

1. Comment/Concern: The road connection will greatly increase traffic through the neighborhood; vehicles will use the new through road to cut through the neighborhood and avoid traffic.

Staff Response: Public Works has estimated that there may be additional traffic on NE 101st Place from the cul-de-sac at the west end of the street using the new through road to travel east out to 132nd Avenue NE. The maximum number of additional trips was estimated to be 13 peak hour trips in the AM and PM. The City's Traffic Engineer has determined this amount of additional traffic is an insignificant volume increase on the existing development in the neighborhood. Additionally, while the traffic volume on NE 101st Place may insignificantly increase, the connection will provide residents along NE 101st Place a short and more direct access to 132nd Avenue NE and lessen the traffic impacts to 131st Place NE. Reference Attachment 8 for a complete response.

2. Comment/Concern: The road connection will adversely affect the safety of children and pedestrians, quality of life, and property values in the neighborhood.

Staff Response: Public Works staff does not believe the street connection will jeopardize safety. The new connection will have a pavement width of 24 feet. This street width will provide parking on one side and help to slow traffic. Since NE 101st Place will not serve as a pass-through route, staff anticipate that all the traffic using the new connection will be from residents living along NE 101st Place and maybe a few from 131st Place NE.

The street connection will provide better emergency response to the neighborhood, better connection for cyclists and pedestrians. In addition, it will shorten the connection to an arterial for motor vehicles which will lessen the travel distance and as a result car emissions which are the City of Kirkland transportation goals to enhance air quality and improve quality of life. Traffic calming measures to prevent speeding can be considered with the construction of the connection. Reference Attachment 8 for a complete response.

3. Comment/Concern: Was an alternative, such as a cul-de-sac, to the road connection considered?

Staff Response: Public Works staff has determined that the proposed road connection fulfills several Comprehensive Plan policies, is reasonable to install with the proposed development, and is feasible given the existing site and surrounding conditions. A cul-de-sac was not determined to be an adequate alternative to the connection, as informed by Comprehensive Plan policy T-4.3 which states that cul-de-sacs can result in uneven traffic distribution, benefit

some at the expense of others, and greater emergency response time, as well as interruption of traffic flow, including pedestrian and bicycle flow. Reference Attachment 8 for a complete response.

4. Comment/Concern: Was any traffic study conducted in relation to this change?

Staff Response: A traffic study was not required for the street connection, and was not required as part of the short plat process. The connection was identified through the Rose Hill neighborhood plan with public involvement. Since NE 101st Place is currently not a through street and when the road connection is installed it will not provide a direct pass-by route between two arterials with the new connection to 132nd Avenue NE, the amount of traffic expected to increase along NE 101st Place and the associated traffic impact will be insignificant.

5. Comment/Concern: What traffic calming measures can be considered on the new through road?

Staff Response: If excessive speeding occurs after the connection is constructed and traffic has normalized, the Public Works Department can undertake an analysis to determine what traffic calming measures may alleviate the issue. Reference Attachment 8 for a complete response.

6. Comment/Concern: Is adequate parking being planned for the new houses?

Staff Response: The Kirkland Zoning Code (KZC) requires that each new, single-family home provide a minimum of 2 parking spaces on site. These parking spaces may be provided within a garage or on a parking pad/driveway in an approved location. Additionally, the homes will be required to provide a minimum 20 foot by 20 foot parking pad between the garage and access easement, tract, or right-of-way providing access to the garage. The required width of the new through road will allow for parking on one side of the street.

7. Comment/Concern: The Comprehensive Plan policies do not *require* the road extension, and the connection of NE 101st Place to 132nd Avenue NE doesn't contribute to the creation of a grid system layout because of the lack of connectivity to the west.

Staff Response: The Public Works Department has determined that the proposed road connection, while not completing the grid system layout, contributes to the overall grid system as directed by the Comprehensive Plan policies. Dedication and construction of the road connection has been deemed reasonably necessary as a result of the combination of the subject short plat and the Scramlin Gardens South short plat (File No. SUB16-01316). Reference Attachment 8, item #1, for a complete response.

IV. CRITERIA FOR SHORT PLAT APPROVAL

- A.** Facts: Municipal Code section 22.20.140 states that the Planning Director may approve a short subdivision only if:

1. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
2. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning and Building Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code section 145.45 states that the Planning and Building Director may approve a short subdivision only if:

3. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
4. It is consistent with the public health, safety, and welfare.

B. Conclusions: The proposal complies with Municipal Code section 22.20.140 and Zoning Code section 145.45. It is consistent with the Comprehensive Plan(see also Section V.B in regards to the through road connection). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because it will add housing stock to the City of Kirkland in a manner that is consistent with applicable development regulations.

V. DEVELOPMENT REGULATIONS

A. The following is a review, in a checklist format, of compliance with the design requirements for subdivisions found in KMC 22.28. All lots comply with the minimum lots sizes for this zone.

Complies as proposed	Complies as conditioned	Code Section
KMC 22.28.042: Lots – Small Lot Single Family <i>For subdivisions not subject to KMC 22.28.30 or .040 or .048, minimum lot size is met if at least 50% of the lots meet the minimum lot size and the remaining lots meet the following requirements.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	In RSX 7.2 zones, substandard lots are at least 5,000 square feet <u>Staff Analysis:</u> A five lot short plat in the RSX 7.2 zone utilizing the small lot single-family provisions may contain up to 2 substandard lots and requires a minimum of 31,600 square feet (7,200 square feet per lot for 3 lots; 5,000 square feet per lot for 2 lots). The subject property contains 35,239.51 square feet (after LLA and ROW dedication, see Section II – Property Size), and is of sufficient size for a five lot short plat utilizing the small lot single-family provisions. Four lots contain at least 7,200 square feet, and one lot is a substandard lot containing at least 5,000 square feet.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAR is restricted on face of plat to: <input checked="" type="checkbox"/> Maximum of 30% of lot size; OR <input checked="" type="checkbox"/> Maximum of 35% of lot size with the following restrictions: <ul style="list-style-type: none"> • Primary roof form of all structures peaked with minimum pitch of 4:12; and • All structures set back at least 7.5' from side property lines
Complies as proposed	Complies as conditioned	Code Section

KMC 22.28.050 – Lots - Dimensions		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lots are shaped for reasonable use and development
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimum lot width is 15' where abutting right-of-way, access easement, or tract

B. Access

1. Facts:

a. Kirkland Municipal and Zoning Code Provisions

- 1) Municipal Code section 22.28.020 states that the City may require dedication of land for school sites, parks and open space, rights-of-way, utilities infrastructure, or other similar uses if this is reasonably necessary as a result of the subdivision.
- 2) Municipal Code Section 22.28.090 requires the applicant to comply with the requirements of Chapter 110 of the Zoning Code with respect to dedication and improvement of adjacent right-of-way.
- 3) KZC Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property.
- 4) Zoning Code section 110.60 states that the Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.

b. Comprehensive Plan Policies

- 1) Comprehensive Plan Policy T-4.3 states the City should "maintain a system of arterials, collectors, and local access streets that forms an interconnected network for vehicular circulation."
- 2) Comprehensive Plan Policy T-4.5 states that the City should "maintain and improve convenient access for emergency vehicles."
- 3) Comprehensive Plan Policy NRH 22.3 states: "Map where anticipated street connection locations could be considered with future infill development in order to provide predictability in the development process and for the neighborhood."
 - a. Comprehensive Plan Chapter XV.F North Rose Hill Neighborhood adopted the North Rose Hill Street Connection Plan (see Attachment 9) which mapped anticipated street connection locations to be considered with infill development.
 - b. The North Rose Hill Neighborhood chapter of the Comprehensive, and the Connection Plan, was adopted in May 2003. The Plan was adopted by the City Council upon recommendation of the Planning Commission, who was advised by the North Rose Hill Citizen Advisory Committee (CAC). The CAC was composed of 18 neighborhood stakeholders, and held monthly meetings during plan composition and hosted two neighborhood open houses to gather public comment regarding the North Rose Hill Neighborhood Plan.
 - c. The adopted North Rose Hill Connection Plan (see Attachment 9), item #5 shows a future connection of NE 101st Place between 131st Place NE and 132nd Avenue NE.

c. Right-of-Way Dedication

- 1) The proposed site design includes proposals for the below detailed right-of-way dedications:

- a. Approximately 8,760 square feet in the north portion of the site to partially accommodate the new NE 101st Place right-of-way. The connection will create a through road that runs east-west and is designated as a Neighborhood Access street per the standards of Kirkland Zoning Code (KZC) 110.20.
 - b. Approximately 125 square feet along the eastern 1 foot of the subject property, adjacent to the existing 132nd Avenue NE right-of-way to accommodate required right-of-way improvements.
- d. Right-of-Way Improvements
- 1) The Public Works official has determined that the new, NE 101st Place right-of-way should be constructed with the following improvements:
 - a. Paved road measuring 12 feet from the centerline of the right-of-way to the face of the curb on both sides of the road;
 - b. On both sides of the street: vertical curb with gutter, a 4.5 foot wide planter strip with street trees spaced 30 feet on center, and a 5 foot wide sidewalk;
 - c. Parking on one side of the street;
 - d. Crosswalk ramps; and,
 - e. Roadway drainage with conveyance to the public storm drainage system (see Attachment 3).
 - 2) The Public Works official has determined that the existing 131st Place NE right-of-way be improved with the following:
 - a. Removal and replacement of any existing substandard half-street improvements including curb and gutter, sidewalk, and storm conveyance;
 - b. Street trees planted 30 feet on center in the existing landscape strip;
 - c. Replacement crosswalk ramp; and,
 - d. Removal of any driveway entrances no longer utilized.
 - 3) The Public Works official has determined that the existing 132nd Avenue NE right-of-way should be improved with the following:
 - a. Road pavement widened to 22 feet from the right-of-way centerline to the face of the curb;
 - b. On west side of street, vertical curb with gutter, and an 8 foot sidewalk with street trees (in wells) spaced 30 foot on center; and,
 - c. Replacement crosswalk ramp.
- e. Project Details
- 1) The applicant for the subject short plat has also applied to concurrently short plat the property directly north of the subject property (File No. SUB16-01315, see Attachment 10). These two short plats propose infill development that encompasses the proposed road connection shown in the North Rose Hill Connection Plan.
 - 2) Lots 5 to 8 of this short plat application will have direct access onto the NE 101st Place right-of-way. Per Public Works development standards (Attachment 3), Lots 5 and 6 should share access from NE 101st Place via a joint driveway centered on the common property line between the respective lots. Only Lot 9 will have direct access to 131st Place NE.

Lots 1 to 4 of the short plat application to the north will also have direct access onto the new NE 101st Place right-of-way

- 3) Direct access to individual lots from 132nd Avenue NE is not being allowed by Public Works.

2. Conclusion:

- a. The proposed NE 101st Place road connection, as shown in the North Rose Hill Connection Plan, is entirely encompassed by the subject property and adjacent short plat proposal and is reasonably necessary as a result of these subdivisions.
- b. The proposed NE 101st Place road connection will promote policies T-4.3 and T-4.5 of the Comprehensive Plan because it will improve the interconnected road network in the North Rose Hill Neighborhood and maintain and improve convenient access for emergency vehicles. Four of the five new homes in this short plat will have direct access to the new NE 101st Place right-of-way. When viewed in conjunction with the short plat to the north, the new road connection will provide eight of the nine new homes direct access to NE 101st Place which in turn connects to 132nd Avenue NE. As a result, traffic to/from the new homes would not be dependent on the existing portions of NE 101st Place NE and 131st Place NE. Traffic levels associated with the new homes on these existing streets are anticipated to be lower than if the road connection were not constructed.
- c. Pursuant to Municipal Code section 22.28.020 and Zoning Code section 110.60, the Public Works Official determines that prior to recording the short plat, and in conjunction with development of the Scramlin Gardens South project (File No. SUB16-01315), the applicant should dedicate adequate land to install the required improvements in the new NE 101st Place right-of-way and the required half-street improvements in the 132nd Avenue NE right-of-way.
- d. As part of the applications for Building Permits within the development, the applicant should submit:
 - (1) A completed shared driveway easement form (see Attachment 11) for Lots 5 and 6 to be recorded with King County.
 - (2) Site plans showing shared access from NE 101st Place for Lots 5 and 6 via a shared driveway easement centered on the common property line.
- e.

C. Grove Preservation

1. Facts: Chapter 95 of the Kirkland Zoning Code requires the preservation of groves of trees when a property is proposed to be developed.
 - a. The property is proposed to be divided into 5 parcels and has an existing group of trees which are consistent with the grove definition in Kirkland Zoning Code (KZC) 95.10.6.
 - b. The grove is located along the proposed property line between proposed Lot 7 and 8. The grove consists of Trees #159, 160, 161, 162 and 163 (see Attachment 7).
 - c. The applicant has submitted an arborist report prepared by a qualified professional that identifies the trees within the grove as viable and in good health (see Attachment 5).

- d. The City of Kirkland Urban Forester has completed a peer review of the submitted independent arborist report and confirmed the health as proposed (see Attachment 3).
 - e. Pursuant to KZC 95.51, the City can require dedication over the portion of the property that includes the existing grove areas and establish grove easements to ensure the preservation of the groves and associated vegetation in perpetuity.
2. Conclusion: As part of the short plat recording, the applicant should identify the Preserved Grove Easement on the face of the short plat, and place a note on the face of the short plat that includes the Preserved Grove Easement language shown in Attachment 12.

VI. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

SHORT PLAT DOCUMENTS – RECORDATION – TIME LIMIT (KMC 22.20.370)

- VII.** The short plat must be recorded with King County within five (5) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

VIII. APPENDICES

Attachments 1 through 8 are attached.

1. Vicinity Map
2. Applicant Proposal
3. Development Standards
4. Lot Line Alteration Map (File No. LLA16-01451)
5. Survey
6. Arborist Report
7. Public Comments
8. Public Works Road Connection Memo
9. North Rose Hill Connection Plan
10. Scramlin Gardens North Site Plan
11. Preserved Grove Easement Language
12. Shared Driveway Easement Template

IX. PARTIES OF RECORD

Applicant: Mike Smith, Merit Homes
 Parties of Record
 Planning and Building Department
 Department of Public Works

**SCRAMLIN GARDENS SOUTH
SHORT PLAT
SUB16-01316**

E 103rd PI

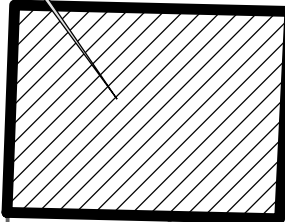
E 102nd PI

SUBJECT PROPERTY

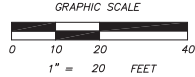
E 101st PI

131st PI NE

132nd Ave NE



DIRECTOR'S DECISION & STAFF REPORT - SCRAMLIN GARDENS SOUTH (SUB16-01316)



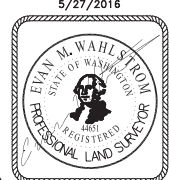
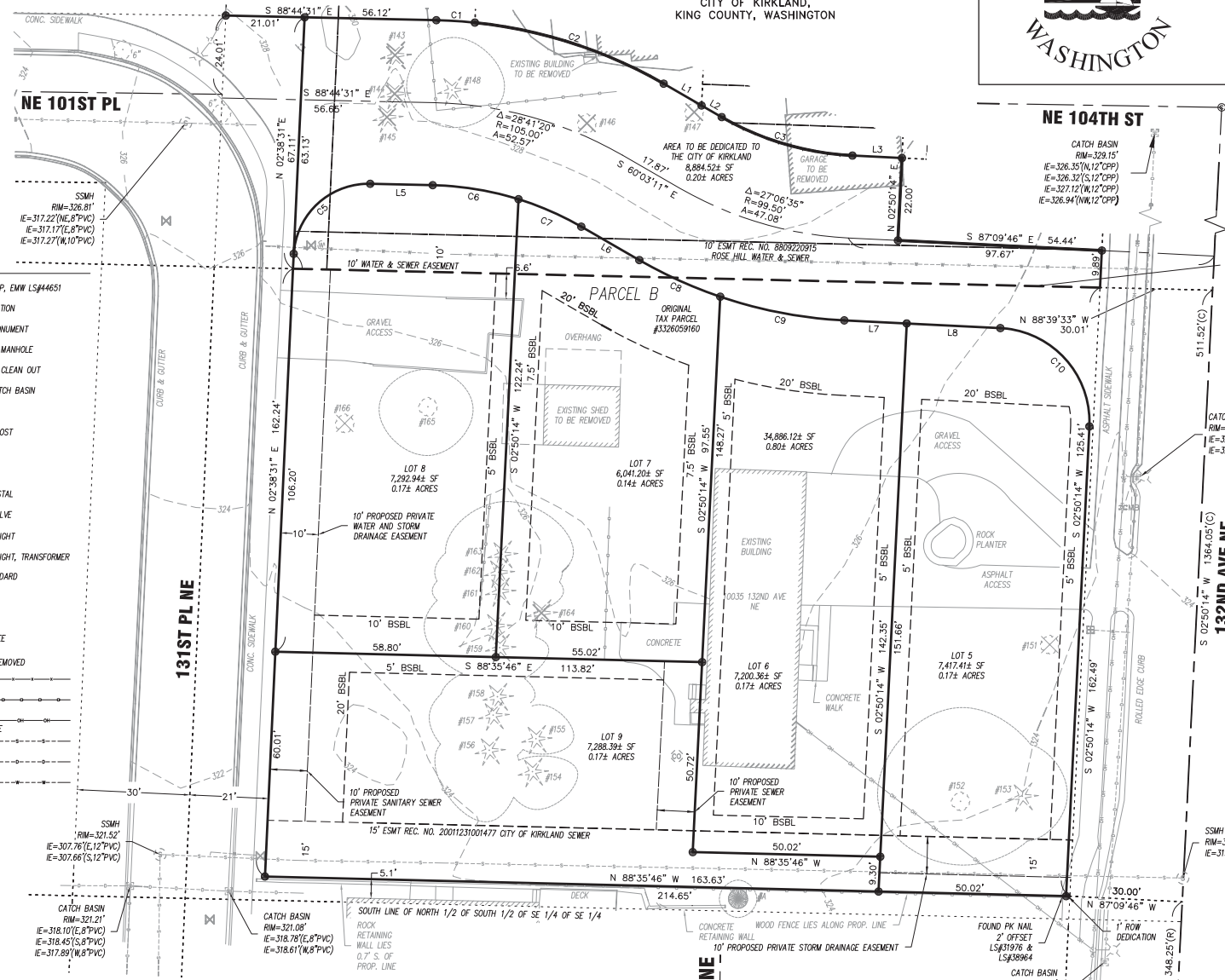
SHORT PLAT
CITY OF KIRKLAND
FILE NO: SUB16-

IN SE 1/4 OF THE SE 1/4 OF
SECTION 33, T26 N, R05 E, W.M.
CITY OF KIRKLAND,
KING COUNTY, WASHINGTON

LINE	BEARING	DISTANCE
L1	S 60°03'11" E	11.67'
L2	S 80°03'11" E	6.20'
L3	S 87°09'46" E	13.23'
L4	S 87°09'46" E	28.44'
L5	S 88°44'31" E	16.66'
L6	S 80°03'11" E	17.87'
L7	S 87°09'46" E	18.66'
L8	S 87°09'46" E	25.00'

TREE ID	NAME	DBH	ACTION
143	FIR	12.00	REMOVE
144	FIR	10.30	REMOVE
145	FIR	14.70	REMOVE
146	APPLE	12.30	REMOVE
147	APPLE	12.40	REMOVE
148	HEMLOCK	20.30	RETAIN
151	DOGWOOD	12.00	LEGALLY REMOVED
152	MAPLE	47.90	RETAIN
153	CYPRESS	16.70	RETAIN
154	CYPRESS	22.30	RETAIN
155	CYPRESS	14.40	RETAIN
156	FIR	18.00	RETAIN
157	FIR	25.60	RETAIN
158	FIR	16.40	RETAIN
159	FIR	17.00	RETAIN
160	FIR	25.50	RETAIN
161	FIR	13.50	RETAIN
162	FIR	30.00	RETAIN
163	FIR	16.80	RETAIN
164	HEMLOCK	18.40	REMOVE
165	WALNUT	1.50	RETAIN
166	MAPLE	27.30	LEGALLY REMOVED
A	MAPLE	7.00	RETAIN

- LEGEND**
- SET REBAR & CAP, ENW LS#44651
 - ⊙ CALCULATED POSITION
 - ⊕ FOUND CAGED MONUMENT
 - ⊕ SANITARY SEWER MANHOLE
 - ⊕ SANITARY SEWER CLEAN OUT
 - ⊕ STORM DRAIN CATCH BASIN
 - ⊕ WATER METER
 - ⊕ WATER MARKER POST
 - ⊕ WATER VALVE
 - ⊕ FIRE HYDRANT
 - ⊕ TELEPHONE PEDESTAL
 - ⊕ NATURAL GAS VALVE
 - ⊕ POWER POLE W/LIGHT
 - ⊕ POWER POLE W/LIGHT, TRANSFORMER
 - ⊕ YARD LIGHT STANDARD
 - ⊕ MB MAILBOX
 - ⊕ DEODOROUS TREE
 - ⊕ DOUGLAS FIR TREE
 - ⊕ TREE, LEGALLY REMOVED
 - CHAIN LINK FENCE
 - WOOD FENCE
 - OVERHEAD UTILITY LINE
 - SANITARY SEWER LINE
 - STORM DRAIN LINE
 - WATER PAINT LINE



informed land survey

PO Box 5137
Tacoma, WA 98415-0137

Phone: 253-627-2070
Fax: 253-627-9175
www.HandsSurvey.com

LAND SURVEYING, MAPPING, & GIS

SCRAMLIN GARDENS SOUTH

CHECKED-EW
FIELD CREW: BA, AJ
DRAFTED: SB
SCALE: 1"=20'

JOB NO.: MERIT-151112
NO. OF PARCELS: 2
DATE: 5/27/2016
SHEET 2 OF 2

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	4°58'44"	127.00'	10.30'
C2	24°32'35"	127.00'	53.29'
C3	27°06'35"	77.50'	36.67'
C4	90°00'00"	25.00'	39.27'
C5	87°7'08"	20.00'	36.53'
C6	16°03'40"	83.00'	23.27'
C7	12°37'40"	83.00'	18.29'
C8	11°17'08"	121.50'	23.72'
C9	15°52'29"	171.50'	53.77'
C10	90°00'00"	25.00'	39.27'



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

SHORT PLAT DEVELOPMENT STANDARDS LIST

File: SUB16-01316, Scramlin Gardens South

This application must comply with all applicable standards. The listing below outlines those standards in a typical development sequence.

KMC refers to Kirkland Municipal Code, KZC refers to Kirkland Zoning Code

TREE PLAN SUMMARY

KMC 22.28.210 & KZC 95.30 Significant Trees.

A Tree Retention Plan was submitted with the short plat. During the review of the short plat, all proposed improvements were unknown. Therefore KZC Section 95.30 (6)(a) – Phased Review applies in regards to tree retention. There are 16 significant trees on the site, of which 14 are viable. These trees have been assessed by staff and the City's Arborist. They are identified by number in the following chart.

Significant Trees:	High Retention Value	Moderate Retention Value	Low Retention Value (V) – viable (NV) – not viable
151		X	
152		X	
153		X	
154		X	
155		X	
156			Not viable
157		X	
158		X	
159	X		
160	X		
161	X		
162	X		
163	X		
164			Not viable
165		X	
166		X	

Trees #159-163 constitute a grove that should be preserved under a Natural Grove Protection Easement.

No trees are to be removed with an approved short plat or subdivision permit. Based on the approved Tree Retention Plan, the applicant shall retain and protect all viable trees throughout the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements with an approved Land Surface Modification permit. Subsequent approval for tree removal is granted for the construction of the house and other associated site improvements with a required Building Permit. The Planning Official is authorized to require site plan alterations to retain High Retention value trees at each stage of the project. In addition to retaining viable trees, new trees may be required to meet the minimum tree density per KZC Section 95.33.

PRIOR TO RECORDING

KMC 22.20.362 Short Plat - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the short plat documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.

KMC 22.20.366 Short Plat - Lot Corners. The exterior short plat boundary and all interior lot corners shall be set by a registered land surveyor. If the applicant submits a bond for construction of short plat improvements and installation of permanent interior lot corners, the City may allow installation of temporary interior lot corners until the short plat improvements are completed.

KMC 22.20.390 Short Plat - Improvements. The owner shall complete or bond all required right-of-way, easement, utility and other similar improvements.

KMC 22.28.110-130 Vehicular Access Easements. Municipal Code sections 22.28.110 and 22.28.130 establish that if vehicular access within the plat is provided by means other than rights-of-way, the plat must establish easements or tracts, compliant with Zoning Code Section 105.10, which will provide the legal right of access to each of the lots served.

KMC 22.32.010 Utility System Improvements. All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

KMC 22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

KMC 22.32.030 Stormwater Control System. The applicant shall comply with the construction phase and permanent stormwater control requirements of the Municipal Code.

KMC 22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.

KMC 22.32.050 Transmission Line Undergrounding. The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code.

KMC 22.32.080 Performance Bonds. In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one year to ensure completion of these requirements within one year of plat/short plat approval.

LAND SURFACE MODIFICATION AND/OR BUILDING PERMIT REQUIREMENTS

KZC 85.25.1 Geotechnical Report Recommendations. A written acknowledgment must be added to the face of the plans signed by the architect, engineer, and/or designer that he/she

has reviewed the geotechnical recommendations and incorporated these recommendations into the plans.

KZC 85.45 Liability. The applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property (see Attachment ____).

KZC 90.155 Liability. The applicant shall enter into an agreement with the City which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the stream, minor lake, or wetland (see Attachment ____).

KZC 95.35.2.b.(3)(b)i 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.

KZC 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 4 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.

KZC 95.45 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.

KZC 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.

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

KZC 105.10 Vehicular Access Easements or Tracts. The access easement or tract shall be ___ feet wide and contain a paved surface ___ feet in width. The access easement or tract shall be screened from the adjacent property to the ___ with a minimum five-foot high sight-obscuring fence; or vegetation that will provide comparable screening to a five-foot fence within two years of planting; along the entire easement or tract outside the required front yard.

105.10.2 Pavement Setbacks. The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from it. Screening standards are outlined in this section.

KZC 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.

KZC 105.47 Required Parking Pad. Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage.

KZC 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.

KZC 115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

KZC 115.42 Floor Area Ratio (F.A.R.) Limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

KZC 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other exceptions to these requirements.

KZC 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.

KZC 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.

KZC 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.

KZC 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.

KZC 115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

KZC 115.115.3.n Covered Entry Porches. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this

section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

KZC 115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

KZC 115.115.3.p HVAC and Similar Equipment: These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

KZC 115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

KZC 115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

KZC 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.

PRIOR TO OCCUPANCY

KZC 90.145 Bonds. The City may require a bond and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of the Drainage Basins chapter or any decision or determination made under this chapter. A ___ is required for ___. (see Attachment ___).

KZC 95.40 Bonds. The City may require a maintenance agreement or bond to ensure compliance with any aspect of the Landscaping chapter. A ___ is required for ___ (see Attachment ___).

KZC 95.50.2.b Tree Maintenance. For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

KZC 110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

KZC 110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter. A ___ shall be submitted for ___.

((Shorelines))

24.05.135 Public Access. Project must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property at or close to the high waterline. Developments should be designed to visually and physically separate the public pedestrian access from adjacent private spaces.

24.05.135.6 Public Access Easements. All owners of the subject property must record an easement approved by the City Attorney establishing the right of the public to the pedestrian access (see Attachment ___).

24.05.135.7 Public Access Signs. Sign(s) shall be installed, obtained from the City, designating the public pedestrian access.



DEVELOPMENT STANDARDS

SUB16-01316

FIRE DEPARTMENT

FIRE DEPARTMENT COMMENTS

Contact: Grace Steuart at 425-587-3660; or gsteuart@kirklandwa.gov

ACCESS

All lots front on Road A or on the 131st Place NE ROW. The Fire Department has no additional requirements for access.

HYDRANTS

Existing hydrants in the area are adequate to provide coverage for the proposed project. The hydrant across the street on 132nd Ave NE shall be equipped with a 5" Storz fitting. The closest hydrant on NE 101st Place is already equipped with a Storz fitting.

FIRE FLOW

Fire flow in the area is approximately 1500-2000 gpm, which is adequate for development.

SPRINKLER THRESHOLD

Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. Included are single family homes, duplexes, and zero lot line townhouses where the aggregate area of all connected townhouses is greater than 5,000 square feet; garages, porches, covered decks, etc, are included in the gross square footage. (This comment is included in the short plat conditions for informational purposes only.)

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS CONDITIONS

Permit #: SUB16-01315 and SUB16-01316

Project Name: Scramlin Garden Short Plat (North 4 Lots, South 5 Lots)

Project Address: 10035 and 10045 132 Ave NE, North Rose Hill

Date: June 22, 2016

Public Works Staff Contacts

Land Use and Pre-Submittal Process:

Building and Land Surface Modification (Grading) Permit Process:

Tuan Phan, Development Engineer

Phone: 425-587-3843 Fax: 425-587-3807

E-mail: tphan@kirklandwa.gov

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site.
2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to

contact the Public Works Department by phone or in person to determine the fees. The applicant should anticipate the following fees:

- o Water, Sewer, and Surface Water Connection Fees (paid with the issuance of a Building Permit)
- o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
- o Water Meter Fee (paid with the issuance of a Building Permit)
- o Right-of-way Fee
- o Review and Inspection Fee (for utilities and street improvements).
- o Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the project. The credit amount for each demolished building will be equal to the most currently adopted Fee schedule.

3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit, including the required LSM Checklist.

4. Submittal of Building Permits within a subdivision prior to recording:

- Submittal of a Building Permit with an existing parcel number prior to subdivision recording: A Building Permit can be submitted prior to recording of the subdivision for each existing parcel number in the subject project, however in order for the Building Permit to be deemed a complete application, all of the utility and street improvements for the new home must be submitted with application. However, the Building Permit will not be eligible for issuance until after the Land Surface Modification Permit is submitted, reviewed, and approved to ensure the comprehensive storm water design required by the subdivision approval is reviewed and approved, and then shown correctly on the Building Permit plans to match the Land Surface Modification Permit.
- Submittal of a Building Permit within a standard subdivision (non IDP): If this subdivision is not using the IDP process, the Building Permits for the new houses can be applied for after the subdivision is recorded and the Land Surface Modification permit has been submitted, reviewed, and approved.
- Review of Expedited or Green Building Permits: A new single family home Building Permit within a subdivision can only be review on an expedited or green building fast track if submitted electronically through MBP and the Land Surface Modification permit has been submitted, reviewed, and approved.

5. Subdivision Performance and Maintenance Securities:

- The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. This security amount will be determined by using the City of Kirkland's Improvement Evaluation Packet (available in either Excel or PDF). Contact the Development Engineer assigned to this project to assist with this process.
- If a recording Performance Security has not yet been posted, then prior to issuance of the LSM Permit a standard right of way restoration security ranging from \$10,000.00 to 30,000.00 (value determined based on amount of ROW disruption) shall be posted with Public Works Department. This security will be held until the project has been completed.
- Prior to Final Inspection of the Land Surface Modification improvements, there will be a condition of the permit to establish a two year Maintenance security.

6. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy G-7, Engineering Plan Requirements. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

7. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.

8. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
9. A completeness check meeting is required prior to submittal of any Building Permit applications.
10. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.
11. All subdivision recording documents shall include the following language:
 - o Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer, storm water stub, rain garden, permeable pavement, or any infiltration facilities (known as Low Impact Development) from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer, surface water stub, rain garden, permeable pavement, or any infiltration facilities, which jointly serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.
 - o Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the maintenance of the vegetation within the abutting landscape strip. The maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

If the lots have on-site private storm water facilities, include this language on the subdivision recording document:

- o Maintenance of On-site Private Stormwater Facilities: Each Lot within the Subdivision has a stormwater facility (infiltration trench, dry wells, dispersion systems, rain garden, and permeable pavement) which is designed to aid storm water flow control for the development. The stormwater facility within the property shall be owned, operated and maintained by the Owner. The City of Kirkland shall have the right to ingress and egress the Property for inspection of and to reasonable monitoring of the performance, operational flows, or defects of the stormwater/flow control facility.

If the City of Kirkland determines related maintenance or repair work of the stormwater facility is required, the City of Kirkland shall give notice to the Owner of the specific maintenance and/or repair work required. If the above required maintenance or repair is not completed within the time set by the City of Kirkland, the City of Kirkland may perform the required maintenance or repair, or contract with a private company capable of performing the stormwater facility maintenance or repair and the Owner will be required to reimburse the City for any such work performed.

The Owner is required to obtain written approval from the City of Kirkland prior to replacing, altering, modifying or maintaining the storm water facility.

If the project contains LID storm improvements that will be installed as a condition of the new home Building Permit, then include this condition on the Short Plat recording documents:

- o Installation of Low Impact Development (LID) storm drainage improvements with Building Permits: All LID storm drainage features depicted on Sheet ____ of ____ of issued permit LSM1X-0XXXX shall be installed in conjunction with the construction of each new home on lots X to X. The LID improvements include, but are not limited to the rain gardens and the pervious driveways. The Building Permit for the new signal family home on lots X to X will not receive a final inspection until said LID improvements are installed. The pervious access road/Tract serving lots X and X shall be constructed or secured by a performance bond prior to recording of the short plat

Sanitary Sewer Conditions:

1. Extend the sanitary sewer main from NE 101st PL into the dedicated street to serve Lots #1 through #4. Due the unavoidable location of the stormwater detention vault in the ROW, the sewer main may be terminated with a manhole in the planter strip in front of Lot #2. Private side sewers for lots 3 and 4 will need to run inside an easement to access the sewer stub in front of Lot #2.

2. The existing sanitary sewer main in the easement across Lot #10035 is adequate to serve Lots #5 through #9 as proposed.
3. Provide a 6-inch minimum side sewer stub to each lot. Side sewers serving the property shall be PVC gravity sewer pipe per Public Works Pre-Approved Criteria. Remove and replace any substandard pipes. Verify existing pipe condition by video inspection if the pipe is to remain.

Water System Conditions:

1. As proposed, Lots #1 through #8 may be served by the water main across the existing property, provided that the new water meters are placed in the planter strip of the new dedicated street. As proposed, Lot #9 shall receive water service from the new main extension on 131st PL NE.
2. Extend the 8" ductile iron water main on 131st PL NE, starting from the shut-off valve south of lot #10035 and connect to the existing 8" at the crossing south of NE 101st PL. The existing dead-end blow-off shall be abandoned. The shut-off valve east of the connection shall be removed and replaced with a sleeve.
3. Provide a separate 1" minimum water service from the water main to the meter for each lot; City of Kirkland will set the water meter. The water size is determined when the Building Permit is submitted and is sized per the Uniform Plumbing Code. A ¾" meter is the typical size for new single-family home, unless otherwise required by the City.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and the Kirkland Addendum (Policy D-10). See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. The drainage review levels can be determined using the Drainage Review Flow Chart. Anticipate a Full Drainage Review for this project:
 - Full Drainage Review
 - A full drainage review is required for any proposed project, new or redevelopment, that will:
 - Adds 5,000ft² or more of new impervious surface area or 10,000ft² or more of new plus replaced impervious surface area,
 - Propose 7,000ft² or more of new pervious surface or,
 - Be a redevelopment project on a single or multiple parcel site in which the total of new plus replaced impervious surface area is 5,000ft² or more and whose valuation of proposed improvements (including interior improvements but excluding required mitigation and frontage improvements) exceeds 50% of the assessed value of the existing site improvements.
2. A preliminary drainage report (Technical Information Report) must be submitted with the subdivision application. This must include a downstream analysis for all projects (except small project Type 1).
3. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 or L-2 (depending on drainage review) for more information on this requirement. If Low Impact Development (LID) is determined to be infeasible, a Surface Water Adjustment is required for the project. Also, if LID is not feasible, pervious pavement cannot be used to reduce overall impervious lot coverage.
4. Special inspections may be required for Low Impact Development (LID) on this project. Provide documentation of inspections by a licensed geotechnical engineer that LID will function as designed.
5. Soil Amendment per Pre-Approved Plan CK-E.12 is recommended for landscaped areas.
6. If a storm water detention system is required, it shall be designed to Level II standards. Historic (forested) conditions shall be used as the pre-developed modeling condition.

7. The project will create more than 5,000 square feet of new impervious area that will be used by vehicles (PGIS - pollution generating impervious surface). Provide storm water quality treatment per the 2009 King County Surface Water Design Manual.
8. Provide collection and conveyance of right-of-way storm drainage.
9. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system or utilize low impact development techniques. The tight line connections shall be installed with the individual new houses.
10. Provide an erosion control report and plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.
11. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts NE 101st PL, 131st PI NE, and 132nd Ave NE. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

NE 101st PL (Neighborhood Access):

- A. Dedicate adequate right-of-way to connect NE 101st PL to 132nd Ave NE, and for the installation of associated public improvements.
- B. The road shall be paved, measuring 12 feet from the ROW-CL to the face of curb.
- C. Install on both sides of the street: vertical curb with gutter, a 4.5-ft wide planter strip with street trees spaced 30-ft on-center, and 5-ft wide sidewalk.
- D. Install crosswalk ramps; use WSDOT standards for ADA-compliance.
- E. Install roadway drainage with conveyance to the public storm drain system.

131st PI NE (Neighborhood Access):

- A. Remove and replace any existing half-street improvements that are broken or in substandard condition, including curb and gutter, sidewalk, and storm conveyance. Remove any driveway entrances that are no longer needed, and replace with above described frontage improvements.
- B. Plant street trees spaced 30-ft on-center in the landscape strip behind the sidewalk.
- C. Replace crosswalk ramp; use WSDOT standards for ADA-compliance.

132nd Ave NE (Minor Arterial):

- A. Install half-street improvements for 132nd Ave NE in accordance with the build-out requirements prescribed by Roadway Pre-Approved Policy R-12A.
- B. Determine from survey and dedicate adequate right-of-way to install the required public improvements.
- C. Widen the roadway pavement to 22 feet from ROW-CL to face of curb.
- D. Install vertical curb with gutter and an 8-ft wide sidewalk with street trees (in wells) spaced 30-ft on-center.
- E. Replace crosswalk ramp; use WSDOT standards for ADA-compliance.

2. Access Requirements (KZC Chapter 105.10):

- A) All lots will receive direct access from NE 101st PL (dedicated street), except for Lot #9 which will receive access from 131st PL NE.
- B) The driveway for each lot shall be long enough so that parked cars do not extend into any easement, tract, or right-of-way (20' minimum). The parking pad shall measure 20' by 20'.
- C) As proposed, the driveway cuts for Lots 4 and 5 are too close to the intersection with 132nd Ave NE. Design a

joint driveway cut (24' wide), centered on the property line to serve lots 3/4 and lots 5/6, respectively.

D) When two adjacent driveway cuts are right next to one another, the driveways may be combined into one single 40-ft wide driveway cut, thus eliminating the inside wings.

3. Meet the requirements of the Kirkland Driveway Policy R-4.
4. Meet the requirements of the Kirkland Intersection Sight Distance Policy R.13. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle.
5. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.
 - Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
 - Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.
6. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections.
7. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.
8. Underground all new and existing on-site utility lines and overhead transmission lines.
9. Underground any new off-site transmission lines.
10. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on 132nd Ave NE is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include the following note:

Local Improvement District (LID) Waiver Agreement. Chapter 110.60.7.b of the Kirkland Zoning Code requires all overhead utility lines along the frontage of the subject property to be converted to underground unless the Public Works Director determines that it is infeasible to do so at the time of the subdivision recording. If it is determined to be infeasible, then the property owner shall consent to the formation of a Local Improvement District, hereafter formed by the City or other property owners. During review of this subdivision it was determined that it was infeasible to convert the overhead utility lines to underground along the frontage of this subdivision on 132nd Ave NE. Therefore, in consideration of deferring the requirement to underground the overhead utility lines at the time of the subdivision recording, the property owner and all future property owners of lots within this subdivision hereby consent to the formation of a Local Improvement District hereafter formed by the City or other property owners
11. New LED street lights may be required per Puget Power design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

Brynja Myren
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PUGET SOUND ENERGY
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Website: www.intolight.com



LOT LINE ALTERATION
CITY OF KIRKLAND
FILE NO: LL16-

IN SE 1/4 OF THE SE 1/4 OF SECTION 33, T26 N, R05 E, W.M.
CITY OF KIRKLAND,
KING COUNTY, WASHINGTON

DATUM

THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD83/91 WSPC NORTH ZONE, PER TIES TO CITY OF KIRKLAND MONUMENT #31 FOUND AT THE INTERSECTIONS OF 124TH AVE NE & NE 100TH ST AND CITY OF KIRKLAND MONUMENT #30 FOUND AT THE INTERSECTIONS OF 104TH AVE NE & 132ND AVE NE.

UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.

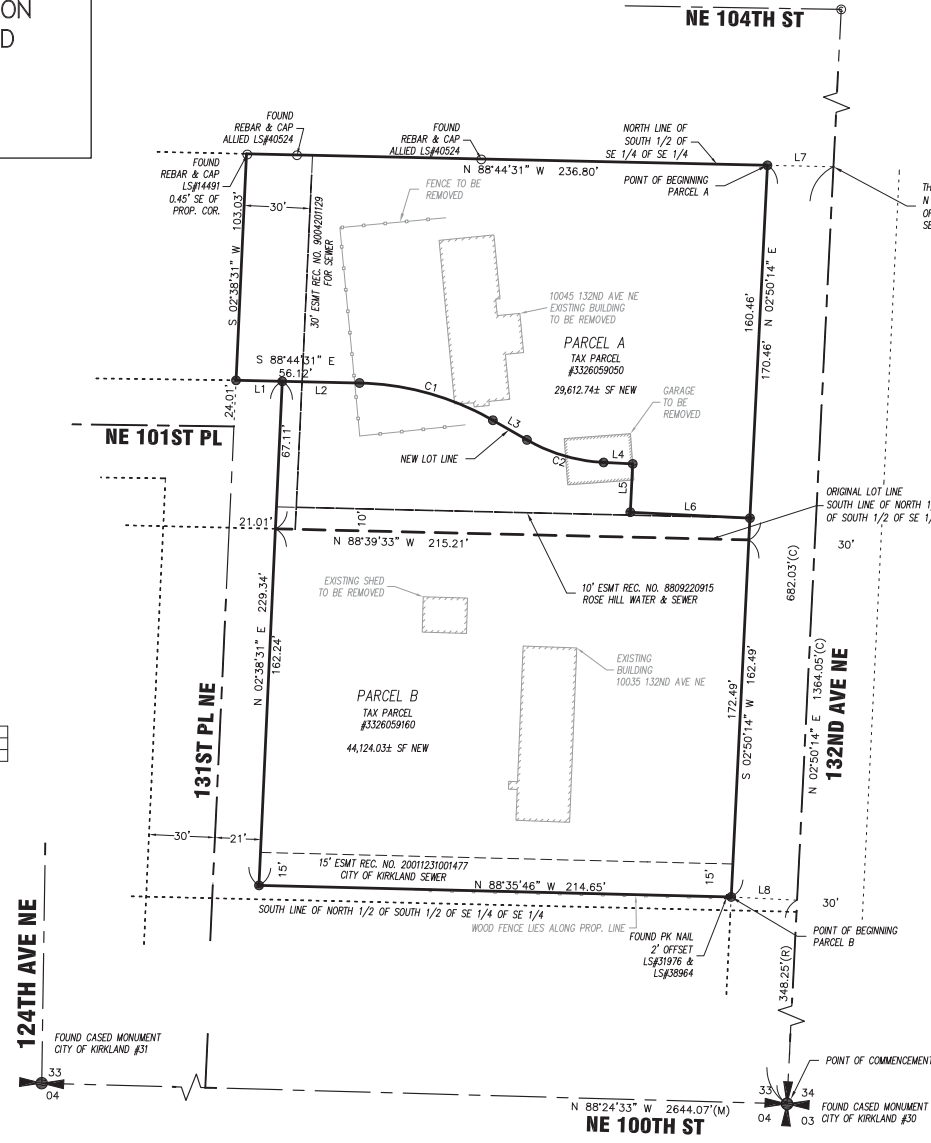
REFERENCES

- R1) PLAT OF LA ROSE PARK NO 2, RECORDING NO. 196210095490577
- R2) RECORD OF SURVEY, RECORDING NO. 198802239002
- R3) PLAT OF ROSE HILL WOODS, RECORDING NO. 198811301231
- R4) RECORD OF SURVEY, RECORDING NO. 198905099001
- R5) RECORD OF SURVEY, RECORDING NO. 9205019005
- R5) LOT LINE ALTERATION, RECORDING NO. 20020207002279
- R6) MAPLE LANE SHORT PLAT, RECORDING NO. 20050308900007
- R7) CROSSWINDS SUBDIVISION, RECORDING NO. 20140604900005

RECORDS OF KING COUNTY AUDITOR'S OFFICE

LINE	BEARING	DISTANCE
L1	S 88°44'31" E	21.01'
L2	S 88°44'31" E	36.12'
L3	S 60°03'11" E	17.87'
L4	S 87°09'46" E	13.23'
L5	S 02°50'14" W	22.00'
L6	S 87°09'46" E	54.44'
L7	N 88°44'31" W	30.01'
L8	N 87°09'46" W	30.00'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	63.59'	127.00'	28°41'23"	N 74°23'52" W	62.93'
C2	36.67'	77.50'	27°06'35"	S 73°36'29" E	36.33'

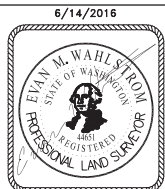
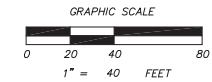


THE NORTHEAST CORNER OF N 1/2 OF N 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4 SECTION 33-26-05

ORIGINAL LOT LINE SOUTH LINE OF NORTH 1/2 OF NORTH 1/2 OF SOUTH 1/2 OF SE 1/4 OF SE 1/4

LEGEND

- SET REBAR & CAP, ENW LS#44651
- ⊙ CALCULATED POSITION
- ⊕ FOUND CASED MONUMENT



informed land survey

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Tacoma, WA 98415-0137

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Fax: 253-627-9175
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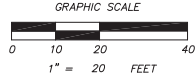
LAND SURVEYING, MAPPING, & GIS

SCRAMLIN LLA

CHECKED: EW
FIELD CREW: BA, AJ
DRAFTED: SB
SCALE: 1"=20'

JOB NO.: MERIT-151112
NO. OF PARCELS: 2
DATE: 6/14/2016
SHEET 2 OF 2

DIRECTOR'S DECISION & STAFF REPORT - SCRAMLIN GARDENS SOUTH (SUB16-01316)



SHORT PLAT
CITY OF KIRKLAND
FILE NO: SUB16-

IN SE 1/4 OF THE SE 1/4 OF
SECTION 33, T26 N, R05 E, W.M.
CITY OF KIRKLAND,
KING COUNTY, WASHINGTON

LINE	BEARING	DISTANCE
L1	S 60°03'11" E	11.67'
L2	S 80°03'11" E	6.20'
L3	S 87°09'46" E	13.23'
L4	S 87°09'46" E	28.44'
L5	S 88°44'31" E	16.66'
L6	S 80°03'11" E	17.87'
L7	S 87°09'46" E	18.66'
L8	S 87°09'46" E	25.00'

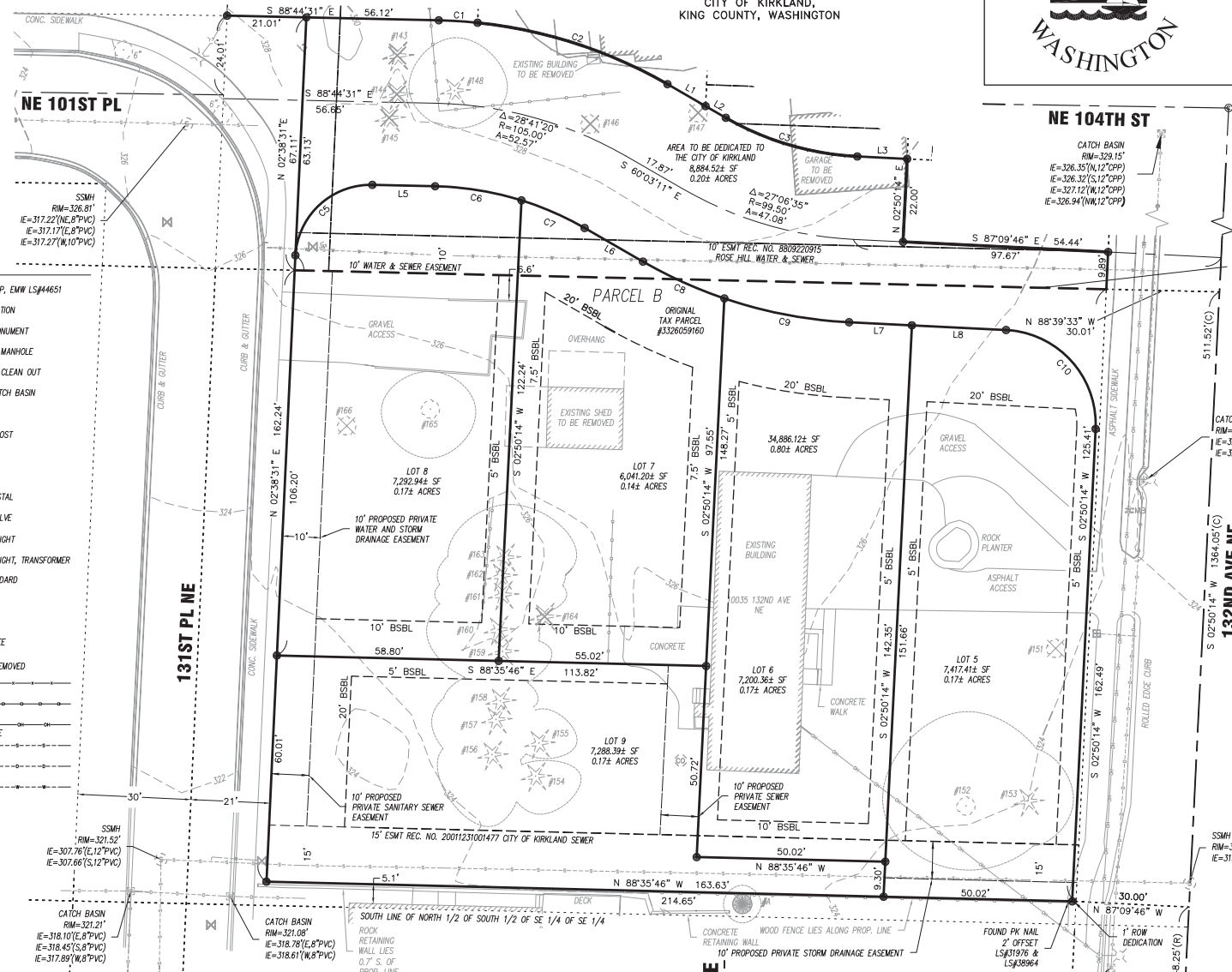
ORIGINAL LOT LINE
SOUTH LINE OF NORTH 1/2
OF NORTH 1/2
OF SOUTH 1/2 OF SE 1/4
OF SE 1/4

CATCH BASIN
RM=324.16'
E=320.70'(N,12°CPP)
E=320.69'(S,12°CPP)

TREE ID	NAME	DBH	ACTION
143	FIR	12.00	REMOVE
144	FIR	10.30	REMOVE
145	FIR	14.70	REMOVE
146	APPLE	12.30	REMOVE
147	APPLE	12.40	REMOVE
148	HEMLOCK	20.30	RETAIN
151	DOGWOOD	12.00	LEGALLY REMOVED
152	MAPLE	47.90	RETAIN
153	CYPRESS	16.70	RETAIN
154	CYPRESS	22.30	RETAIN
155	CYPRESS	14.40	RETAIN
156	FIR	18.00	RETAIN
157	FIR	25.60	RETAIN
158	FIR	16.40	RETAIN
159	FIR	17.00	RETAIN
160	FIR	25.50	RETAIN
161	FIR	13.50	RETAIN
162	FIR	30.00	RETAIN
163	FIR	16.80	RETAIN
164	HEMLOCK	18.40	REMOVE
165	WALNUT	9.50	RETAIN
166	MAPLE	27.30	LEGALLY REMOVED
A	MAPLE	7.00	RETAIN

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	4°58'44"	127.00'	10.30'
C2	24°32'35"	127.00'	53.29'
C3	27°06'35"	77.50'	36.67'
C4	90°00'00"	25.00'	39.27'
C5	87°7'08"	20.00'	36.53'
C6	16°03'40"	83.00'	23.27'
C7	12°37'40"	83.00'	18.29'
C8	11°17'08"	121.50'	23.72'
C9	15°52'29"	171.50'	53.77'
C10	90°00'00"	25.00'	39.27'

- LEGEND**
- SET REBAR & CAP, ENW LS#44651
 - ⊙ CALCULATED POSITION
 - ⊕ FOUND CASED MONUMENT
 - ⊕ SANITARY SEWER MANHOLE
 - ⊕ SANITARY SEWER CLEAN OUT
 - ⊕ STORM DRAIN CATCH BASIN
 - ⊕ WATER METER
 - ⊕ WATER MARKER POST
 - ⊕ WATER VALVE
 - ⊕ FIRE HYDRANT
 - ⊕ TELEPHONE PEDESTAL
 - ⊕ NATURAL GAS VALVE
 - ⊕ POWER POLE W/LIGHT
 - ⊕ POWER POLE W/LIGHT, TRANSFORMER
 - ⊕ YARD LIGHT STANDARD
 - ⊕ MB MAILBOX
 - ⊕ DEODOROUS TREE
 - ⊕ DOUGLAS FIR TREE
 - ⊕ TREE, LEGALLY REMOVED
 - CHAIN LINK FENCE
 - WOOD FENCE
 - OVERHEAD UTILITY LINE
 - SANITARY SEWER LINE
 - STORM DRAIN LINE
 - WATER PAINT LINE



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LAND SURVEYING, MAPPING, & GIS

SCRAMLIN GARDENS SOUTH

CHECKED-EW
FIELD CREW: BA, AJ
DRAFTED: SB
SCALE: 1"=20'

JOB NO.: MERIT-151112
NO. OF PARCELS: 2
DATE: 5/27/2016
SHEET 2 OF 2

FOUND CASED MONUMENT CITY OF KIRKLAND #31

FOUND CASED MONUMENT CITY OF KIRKLAND #30

NE 100TH ST

Project No. TS-5237

Arborist Report

TO: S. Michael Smith, Merit Homes
 SITE: 10035 and 10045 132nd Ave NE
 RE: Tree inventory
 DATE: May 18, 2016
 PROJECT ARBORIST: Sean Dugan , Registered Consulting Arborist #457
 ISA Board Certified Master Arborist #PN-5459B
 ISA Qualified Tree Risk Assessor

Katherine Taylor
 ISA Certified Arborist #PN-8022A
 ISA Qualified Tree Risk Assessor

Summary

We identified 52 trees significant sized trees existing on the job site totaling a 316 tree credits. According to the Kirkland Zoning Code Definitions (95.10), I interpret that 16 trees are not Viable due to being in a less than good health condition. I calculated the potential tree density credits for the interpreted Viable trees to be **252 credits**.

The total area of the site is 77,347 square feet. The Kirkland Zoning Code (95.33) requires a minimum tree density of **53.3 tree credits**. Site development plans will need to be created to determine which trees can be preserved.

Trees located in the required setbacks may be considered by the city of Kirkland to be "High Retention Value" trees and will require being retained to the maximum extent feasible. The city makes this determination.

There is a small diameter columnar maple tree on the adjacent site to the south that has a canopy that slightly overhangs the site.

Assignment & Scope of Report

This report outlines the site inspection of 10035 and 10045 132nd Ave NE by Sean Dugan and Katherine Taylor, of Tree Solutions Inc., on February 16, 2016. We were asked to evaluate the significant trees on site. We were asked to document the species, size, health condition, and viability of each tree. S. Michael Smith, of Merit Homes, requested these services to acquire information for project planning in accord with requirements set by the City of Kirkland.

A Survey Map with tree locations can is attached. Specifics for each tree can be found in the attached Table of Trees. Photographs, Glossary and References follow the report. Limits of assignment can be found in Appendix A. Methods can be found in Appendix B. Additional assumptions and limiting conditions can be found in Appendix C.

Observations and Discussion

Site

The 77,347 square foot site is comprised of two properties that front 132nd Ave NE in the North Rose Hill neighborhood of Kirkland. The property at 10035 132nd Ave NE is 38,441 square feet and the property at 10045 132nd Ave NE is 38,906 square feet, totaling 77,347 square feet. There is currently a home and detached garage at 10045 132nd Ave NE and a home with an attached garage and a separate carport shed structure at 10035 132nd Ave NE existing on the project site.

The landscape is largely comprised of maintained lawn with some landscape beds of trees and shrubs. There are no environmental critical areas or sensitive areas listed for the property.

A few invasive plant species are growing on site including fruiting invasive ivy (*Hedera* spp.) which is covering the ground and climbing trees in the northwest corner, Himalayan blackberry (*Rubus bifrons*), Holly (*Ilex* sp), and yellow archangel (*Lamium galeobdolon*).

Trees

There are currently 52 significant trees existing on site. All but eight of the trees fall within three separate groves. According to the Kirkland Zoning Code Definitions, I interpret that (95.10) 16 trees are not Viable due to fair or poor health condition.

The majority of tree species found onsite are conifers including western redcedar (*Thuja plicata*), Douglas-fir (*Pseudotsuga menziesii*), blue Atlas cedar (*Cedrus atlantica*), Sawara cypress (*Chamaecyparis pisifera*), Lawson cypress (*Chamaecyparis lawsoniana*), western hemlock (*Tsuga heterophylla*), Lodgepole pine (*Pinus contorta*). Deciduous tree species found onsite include bigleaf maple (*Acer macrophyllum*), apple (*Malus* sp.), bitter cherry (*Prunus emarginata*), European mountain ash (*Sorbus aucuparia*), European white birch (*Betula pendula*), English walnut (*Juglans regia*) and eastern dogwood (*Cornus florida*), and ornamental cherries (*Prunus* sp.) trees. Information specific to each tree can be found in the attached Table of Trees.

The owners of the property are planning to legally remove two trees on each property. The trees being removed are:

- 10035 132nd Ave NE – trees 152 and 166
- 10045 132nd Ave NE – trees 136 and 129

Trees located in the required setbacks may be considered by the city of Kirkland to be “High Retention Value” trees and will require being retained to the maximum extent feasible.

There are three groupings of trees that have contiguous canopy and meet the City’s definition of a Grove including Trees 116 through 130; Trees 132 through 150 excluding Tree 149; and Trees 154 through 164. The City considers these to be high retention value trees.

One small red dissected Japanese maple was found onsite behind the house at 10045 132nd Ave NE. It had excellent form and should be considered for transplanting.

Tree Density Credits

The Kirkland Zoning Code (95.33) requires tree density to satisfy 30 tree credits per acre. The property is 77,347 sq. ft., or 1.78 acres. Therefore, a tree density worth **53.4 tree credits** ($1.78 \times 30 = 53.4$) is required in order to meet the minimum requirement. Using what I interpreted to be Viable trees, I calculated the tree credit potential to be **316 credits**.

Adjacent Site Trees

There is a small diameter columnar maple tree on the adjacent site to the south that has a canopy that slightly overhangs the site.

Recommendations

- Create a site development plan that shows the location of all improvements and basic tree protection measures for preserved trees.
- Obtain all necessary permits and approval from the City prior to commencement of site work.

Photographs



Photo 1: Trees in north east corner forming Grove 1.

Glossary

co-dominant stems: stems or branches of nearly equal diameter, often weakly attached (Matheny *et al.* 1998)

Critical Root Zone: The area surrounding a tree at a distance from the trunk, which is equal to one (1) foot for every inch of trunk diameter measured at 4.5 feet from grade or otherwise. determined by a qualified professional (example: one (1) foot radius per one (1) inch DBH). (KZC 95.10)

crown/canopy: the aboveground portions of a tree (Lilly 2001)

DBH: diameter at standard height; the diameter of the trunk measured 54 inches (4.5 feet) above grade (Matheny *et al.* 1998)

Grove: A group of three (3) or more significant trees with overlapping or touching crowns. (KZC 95.10)

Hazard Tree: A tree that meets all the following criteria:

- a. A tree with a combination of structural defects and/or disease which makes it subject to a high probability of failure;
- b. Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and
- c. The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed. (KZC 95.10)

ISA: International Society of Arboriculture

included bark: bark that becomes embedded in a crotch between branch and trunk or between co-dominant stems and causes a weak structure (Lilly 2001)

Limit of Disturbance: The boundary between the protected area around a tree and the allowable site disturbance as determined by a qualified professional measured in feet from the trunk. (KZC 95.10)

Retention Value: The Planning Official's designation of a tree based on information provided by a qualified professional that is one (1) of the following:

- a. High, a viable tree, located within required yards and/or required landscape areas. Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards pursuant to KZC 95.32:
 - 1) Specimen trees;
 - 2) Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC 95.51(3);
 - 3) Trees on slopes of at least 10 percent; or
 - 4) Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, sensitive area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize; (KZC 95.10)

significant size: a tree measuring 6" DBH or greater.

structural defects: flaws, decay, or other faults in the trunk, branches, or root collar of a tree, which may lead to failure (Lilly 2001)

Viable Tree: A significant tree that a qualified professional has determined to be in good health, with a low risk of failure due to structural defects, is windfirm if isolated or remains as part of a grove, and is a species that is suitable for its location. (KZC 95.10)

References

- ANSI A300 (Part 1) – 2008 American National Standards Institute. American National Standard for Tree Care Operations: Tree, Shrub, and Other Woody Plant Maintenance: Standard Practices (Pruning). New York: Tree Care Industry Association, 2008.
- Dunster & Associates Environmental Consultants Ltd. Assessing Trees in Urban Areas and the Urban-Rural Interface, US Release 1.0. Silverton: Pacific Northwest Chapter ISA, 2006.
- Kirkland Zoning Code Chapter 95.
<http://www.codepublishing.com/WA/Kirkland/?KirklandZ95/KirklandZ95.html> (accessed March 3 2016).
- Lilly, Sharon. Arborists' Certification Study Guide. Champaign, IL: The International Society of Arboriculture, 2001.
- Matheny, Nelda and James R. Clark. Trees and Development: A Technical Guide to Preservation of Trees During Land Development. Champaign, IL: International Society of Arboriculture, 1998.
- Mattheck, Claus and Helge Breloer, The Body Language of Trees.: A Handbook for Failure Analysis. London: HMSO, 1994.
- Purcell, Lindsey. Purdue University Extension – Tree Appraisal Pamphlet, FNR-473-W. West Lafayette, IN. 2012.

Appendix A - Limits of Assignment

Unless stated otherwise: 1) information contained in this report covers only those trees that were examined and reflects the condition of those trees at the time of inspection; and 2) the inspection is limited to visual examination of the subject trees without dissection, excavation, probing, climbing, or coring unless explicitly specified. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the subject trees may not arise in the future.

Tree Solutions did not review any reports or perform any tests related to the soil located on the subject property unless outlined in the scope of services. Tree Solutions staff are not and do not claim to be soils experts. An independent inventory and evaluation of the site's soil should be obtained by a qualified professional if an additional understanding of the site's characteristics is needed to make an informed decision.

Appendix B - Methods

I evaluated tree health and structure utilizing **visual tree assessment (VTA)** methods. The basis behind VTA is the identification of symptoms, which the tree produces in reaction to a weak spot or area of mechanical stress. A tree reacts to mechanical and physiological stresses by growing more vigorously to re-enforce weak areas, while depriving less stressed parts (Mattheck & Breloer 1994). An understanding of the uniform stress allows me to make informed judgments about the condition of a tree.

I measured the diameter of each tree at 54 inches above grade, **diameter at standard height (DSH)**. If a tree has multiple stems, I measured each stem individually at standard height and determined a single-stem equivalent diameter by using the method outlined in the Guide for Plant Appraisal, 9th Edition, published by the Council of Tree and Landscape Appraisers.

Tree health considers crown indicators including foliar density, size, color, stem shoot extensions, decay, and damage. We have adapted our ratings based on the Purdue University Extension Formula Values for health condition. These values are a general representation used to assist in arborists in assigning ratings. Tree health needs to be evaluated on an individual basis and may not always fall entirely into a single category, however, a single condition rating must be assigned.

Excellent - Perfect specimen with excellent form and vigor, well-balanced crown. Normal to exceeding shoot length on new growth. Leaf size and color normal. Trunk is sound and solid. Root zone undisturbed. No apparent pest problems. Long safe useful life expectancy for the species.

Good - Imperfect canopy density in few parts of the tree, up to 10% of the canopy. Normal to less than ¾ typical growth rate of shoots and minor deficiency in typical leaf development. Few pest issues or damage, and if they exist they are controllable or tree is reacting appropriately. Normal branch and stem development with healthy growth. Safe useful life expectancy typical for the species.

Fair - Crown decline and dieback up to 30% of the canopy. Leaf color is somewhat chlorotic/necrotic with smaller leaves and "off" coloration. Shoot extensions indicate some stunting and stressed growing conditions. Stress cone crop clearly visible. Obvious signs of pest problems contributing to lesser

condition, control might be possible. Some decay areas found in main stem and branches. Below average safe useful life expectancy

Poor - Lacking full crown, more than 50% decline and dieback, especially affecting larger branches. Stunting of shoots is obvious with little evidence of growth on smaller stems. Leaf size and color reveals overall stress in the plant. Insect or disease infestation may be severe and uncontrollable. Extensive decay or hollows in branches and trunk. Short safe useful life expectancy.

Appendix C - Assumptions & Limiting Conditions

1. Consultant assumes that any legal description provided to Consultant is correct and that title to property is good and marketable. Consultant assumes no responsibility for legal matters. Consultant assumes all property appraised or evaluated is free and clear, and is under responsible ownership and competent management.
2. Consultant assumes that the property and its use do not violate applicable codes, ordinances, statutes or regulations.
3. Although Consultant has taken care to obtain all information from reliable sources and to verify the data insofar as possible, Consultant does not guarantee and is not responsible for the accuracy of information provided by others.
4. Client may not require Consultant to testify or attend court by reason of any report unless mutually satisfactory contractual arrangements are made, including payment of an additional fee for such Services as described in the Consulting Arborist Agreement.
5. Unless otherwise required by law, possession of this report does not imply right of publication or use for any purpose by any person other than the person to whom it is addressed, without the prior express written consent of the Consultant.
6. Unless otherwise required by law, no part of this report shall be conveyed by any person, including the Client, the public through advertising, public relations, news, sales or other media without the Consultant's prior express written consent.
7. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a specific value, a stipulated result, the occurrence of a subsequent event or upon any finding to be reported.
8. All photographs included in this report were taken by Tree Solutions Inc. during the documented site visit, unless otherwise noted.
9. Sketches, drawings and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys. The reproduction of any information generated by architects, engineers or other consultants and any sketches, drawings or photographs is for the express purpose of coordination and ease of reference only. Inclusion of such information on any drawings or other documents does not constitute a representation by Consultant as to the sufficiency or accuracy of the information.
10. Unless otherwise agreed, (1) information contained in this report covers only the items examined and reflects the condition of the those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, climbing, or coring. Consultant makes no warranty or guarantee, express or implied, that the problems or deficiencies of the plans or property in question may not arise in the future.
11. Loss or alteration of any part of this Agreement invalidates the entire report.



Table of Trees
 10045 10035 132nd Ave NE
 Kirkland, WA 98033

Tree ID	Scientific Name	Common Name	DBH (inches)	CRZ - ft	Health Condition	Structural Condition	Limits of Disturbance	Drip line Radius (feet)				Interpreted Viability	Proposed Action based on Interpreted Viability	Credits	Notes
								North	East	South	West				
115	<i>Malus sp.</i>	Apple	19.2	Drip line	Fair	Fair	up to 40% of CRZ	10	12	14	14	Not viable - health	Remove	0	pockets of decay, previously topped, lots of sprouting. Multiple stems 16, 10.7.
116	<i>Prunus emarginata</i>	Bitter cherry	10.5	Drip line	Good	Fair	up to 40% of CRZ	6	3	3	7	Viable	Retain	1	Co-dominant from base, stems crossing and rubbing. Part of a grove. Multiple stems 3, 9, 4.4.
117	<i>Thuja plicata</i>	Western redcedar	38.8	Drip line	Good	Good	up to 40% of CRZ	15	10	8	16	Viable	Retain	15	Part of a grove shared canopy.
118	<i>Thuja plicata</i>	Western redcedar	30.9	Drip line	Good	Good	up to 40% of CRZ	13	13	13	10	Viable	Retain	11	Part of a grove shared canopy.
119	<i>Thuja plicata</i>	Western redcedar	28.5	Drip line	Good	Good	up to 40% of CRZ	1	10	14	14	Viable	Retain	10	Part of a grove shared canopy.
120	<i>Thuja plicata</i>	Western redcedar	14.4	Drip line	Good	Fair	up to 40% of CRZ	7	0	0	13	Viable	Retain	3	Part of a grove shared canopy, suppressed, swept base, old wound with good response wood, some bird activity.
121	<i>Thuja plicata</i>	Western redcedar	23.3	Drip line	Good	Good	up to 40% of CRZ	12	10	0	6	Viable	Retain	7	Part of a grove shared canopy.
122	<i>Thuja plicata</i>	Western redcedar	27.6	Drip line	Fair	Fair	up to 40% of CRZ	13	14	6	5	Not viable - health	Remove	0	Part of a grove shared canopy, bird activity, crack with good response wood, decay column, good candidate for snagging.
123	<i>Thuja plicata</i>	Western redcedar	15.6	Drip line	Good	Fair	up to 40% of CRZ	6	7	7	6	Viable	Retain	3	Part of a grove /shared canopy, wound mid-trunk on west side, bulge at base.
124	<i>Sorbus aucuparia</i>	European mountain ash	9.4	Drip line	Fair	Fair	up to 40% of CRZ	0	0	0	13	Not viable - health	Remove	0	Part of grove, phototropic lean/form to west. Multiple stems 5, 7.4, 3.
125	<i>Thuja plicata</i>	Western redcedar	29.0	Drip line	Good	Good	up to 40% of CRZ	16	10	9	6	Viable	Retain	10	Part of grove, crack in stem with good response wood, tree stump directly to south.
126	<i>Thuja plicata</i>	Western redcedar	8.6	Drip line	Good	Fair	up to 40% of CRZ	7	10	5	5	Viable	Retain	1	Part of grove, large reiterative branch.
127	<i>Thuja plicata</i>	Western redcedar	33.4	Drip line	Good	Good	up to 40% of CRZ	17	6	6	17	Viable	Retain	12	Part of grove, slight phototropic lean to west.
128	<i>Thuja plicata</i>	Western redcedar	33.2	Drip line	Good	Good	up to 40% of CRZ	5	12	14	14	Viable	Retain	12	Part of grove.



Table of Trees
10045 10035 132nd Ave NE
Kirkland, WA 98033

ATTACHMENT 6
ARBORIST REPORT
Date of Inventory: 2.16.2016
Table Prepared: 2.19.2016
Table Updated: 5.18.2016

Tree ID	Scientific Name	Common Name	DBH (inches)	CRZ - ft	Health Condition	Structural Condition	Limits of Disturbance	Drip line Radius (feet)				Interpreted Viability	Proposed Action based on Interpreted Viability	Credits	Notes
								North	East	South	West				
129	<i>Acer macrophyllum</i>	Bigleaf maple	29.5	Drip line	Good	Good	up to 40% of CRZ	21	20	25	27	Viable	Retain	10	Part of grove, co-cominant stem from base, one large stem removed, driveway directly to north, large structural root runnig along drive to west. Owner plans to legally remove this tree.
130	<i>Thuja plicata</i>	Western redcedar	29.5	Drip line	Good	Good	up to 40% of CRZ	9	15	13	13	Viable	Retain	10	Part of grove, directly south of driveway.
131	<i>Pinus contorta</i>	Shore pine	19.6	Drip line	Good	Good	up to 40% of CRZ	10	11	13	12	Viable	Retain	5	
132	<i>Pseudotsuga menziesii</i>	Douglas-fir	22.2	Drip line	Good	Good	up to 40% of CRZ	13	13	13	13	Viable	Retain	7	Part of a grove, raised crown, blackberry and invasive ivy at base.
133	<i>Acer macrophyllum</i>	Bigleaf maple	26.0	Drip line	Fair	Fair	up to 40% of CRZ	15	15	12	13	Not viable - health	Remove	0	A lot of mature invasive ivy covering trunk and canopy, 30 percent live crown. Part of a grove.
134	<i>Acer macrophyllum</i>	Bigleaf maple	26.4	Drip line	Fair	Poor	up to 40% of CRZ	18	22	20	8	Not viable - health	Remove	0	Cluster of stump/root sprouts, decay columns on all stems, invasive ivy on all stems, phototropic, canopy all to east. Part of a grove. Multiple stems 15, 13, 7, 9, 13.1.
135	<i>Acer macrophyllum</i>	Bigleaf maple	14.5	Drip line	Good	Good	up to 40% of CRZ	13	13	13	13	Viable	Retain	3	Invasive ivy on trunk, part of a grove.
136	<i>Pseudotsuga menziesii</i>	Douglas-fir	34.0	Drip line	Good	Good	up to 40% of CRZ	16	13	16	15	Viable	Retain	13	Part of a grove. Owner plans to legally remove this tree.
137	<i>Acer macrophyllum</i>	Bigleaf maple	13.1	Drip line	Fair	Poor	up to 40% of CRZ	10	18	16	10	Not viable - health	Remove	0	Decay cavity at base, wounds on trunk with some response wood. Yello archangel (<i>Lamiastrum galeobdoba</i>). Part of a grove.
138	<i>Acer macrophyllum</i>	Bigleaf maple	14.1	Drip line	Good	Good	up to 40% of CRZ	8	8	16	18	Viable	Retain	3	Co-dominant stems. Part of a grove. Multiple stems 10, 10.
139	<i>Pseudotsuga menziesii</i>	Douglas-fir	36.0	Drip line	Good	Good	up to 40% of CRZ	13	13	15	14	Viable	Retain	14	Invasive blackberry, ivy, and yellow archangel at base. Part of a grove.
140	<i>Cornus florida</i>	Eastern dogwood	7.5	Drip line	Fair	Fair	up to 40% of CRZ	9	9	9	9	Not viable - health	Remove	0	Large old wound from base to first branch, tagged down low. Part of a grove.
141	<i>Cedrus atlantica</i>	Blue atlas cedar	19.9	Drip line	Good	Good	up to 40% of CRZ	18	14	13	15	Viable	Retain	5	Somewhat swept to west at base. Part of a grove.



Table of Trees
 10045 10035 132nd Ave NE
 Kirkland, WA 98033

Tree ID	Scientific Name	Common Name	DBH (inches)	CRZ - ft	Health Condition	Structural Condition	Limits of Disturbance	Drip line Radius (feet)				Interpreted Viability	Proposed Action based on Interpreted Viability	Credits	Notes
								North	East	South	West				
142	<i>Betula pendula</i>	European white birch	7.4	Drip line	Fair	Fair	up to 40% of CRZ	6	6	6	6	Not viable - health	Remove	0	Lost top, bronze birch borer holes. Part of a grove.
143	<i>Pseudotsuga menziesii</i>	Douglas-fir	12.0	Drip line	Fair	Poor	up to 40% of CRZ	10	10	10	10	Not viable - health	Remove	0	Previously topped at 5.5 feet, 4 reiterations also topped. Part of a grove.
144	<i>Pseudotsuga menziesii</i>	Douglas-fir	10.3	Drip line	Fair	Poor	up to 40% of CRZ	8	8	8	8	Not viable - health	Remove	0	Previously topped at about 6.5 feet, 3 reiterations also topped. Part of a grove.
145	<i>Pseudotsuga menziesii</i>	Douglas-fir	14.7	Drip line	Fair	Poor	up to 40% of CRZ	11	11	11	11	Not viable - health	Remove	0	Previously topped at about 6.5 feet, 3 reiterations also topped. Part of a grove.
146	<i>Malus sp.</i>	Apple	12.3	Drip line	Fair	Fair	up to 40% of CRZ	12	11	10	10	Not viable - health	Remove	0	Leans to south. Multiple stems 8.8, 8.6.
147	<i>Malus sp.</i>	Apple	12.4	Drip line	Poor	Poor	up to 40% of CRZ	7	7	7	7	Not viable - health	Remove	0	Co-dominant stems, breaking apart at base. Multiple stems 5.1, 7, 6.6, 6.
148	<i>Tsuga heterophylla</i>	Western hemlock	20.3	Drip line	Good	Good	up to 40% of CRZ	14	14	10	12	Viable	Retain	6	Slight root damage on west side, small amount of wooly adelgid. Part of a grove.
149	<i>Prunus sp.</i>	Ornamental cherry	26	Drip line	Fair	Fair	up to 40% of CRZ	14	13	16	16	Not viable - health	Remove	0	Surface roots, cankers, symptoms of blossom brown rot, pruning wounds.
150	<i>Prunus sp.</i>	Ornamental cherry	15.2	Drip line	Fair	Fair	up to 40% of CRZ	12	18	20	12	Not viable - health	Remove	0	Slow growth, dieback in canopy, blossom brown rot, ganoderma at base. Multiple stems 10, 11.5.
151	<i>Cornus florida</i>	Eastern dogwood	12.0	Drip line	Good	Good	up to 40% of CRZ	12	10	10	10	Viable	Retain	2	Cavity at base, good response wood.
152	<i>Acer macrophyllum</i>	Bigleaf maple	47.9	Drip line	Good	Good	up to 40% of CRZ	25	24	17	22	Viable	Retain	19	Low density of moderate sized deadwood. Owner plans to legally remove this tree.
153	<i>Chamaecyparis pisifera</i>	Sawara cypress	16.7	Drip line	Good	Good	up to 40% of CRZ	14	12	12	10	Viable	Retain	4	Some twig dieback. Multiple stems 7.1, 15.1
154	<i>Chamaecyparis lawsoniana</i>	Lawson cypress	22.3	Drip line	Good	Good	up to 40% of CRZ	4	12	10	7	Viable	Retain	7	Part of a grove, measured at narrowest point below union, co-dominant stems at approximately 6 feet.
155	<i>Chamaecyparis lawsoniana</i>	Lawson cypress	14.4	Drip line	Good	Good	up to 40% of CRZ	9	10	4	6	Viable	Retain	3	Part of a grove, three stems from base.
156	<i>Pseudotsuga menziesii</i>	Douglas-fir	18.0	Drip line	Good	Fair	up to 40% of CRZ	5	7	19	14	Viable	Retain	5	Part of a grove. Multiple stems 13, 10, 17.5.



Table of Trees
10045 10035 132nd Ave NE
Kirkland, WA 98033

ATTACHMENT 6
ARBORIST REPORT
Date of Inventory: 2.16.2016
Table Prepared: 2.19.2016
Table Updated: 5.18.2016

Tree ID	Scientific Name	Common Name	DBH (inches)	CRZ - ft	Health Condition	Structural Condition	Limits of Disturbance	Drip line Radius (feet)				Interpreted Viability	Proposed Action based on Interpreted Viability	Credits	Notes
								North	East	South	West				
157	<i>Pseudotsuga menziesii</i>	Douglas-fir	25.6	Drip line	Good	Good	up to 40% of CRZ	10	11	14	17	Viable	Retain	8	Part of a grove.
158	<i>Pseudotsuga menziesii</i>	Douglas-fir	16.4	Drip line	Good	Good	up to 40% of CRZ	8	10	4	15	Viable	Retain	4	Part of a grove.
159	<i>Pseudotsuga menziesii</i>	Douglas-fir	17.0	Drip line	Good	Good	up to 40% of CRZ	4	13	10	13	Viable	Retain	4	Part of a grove, netting around base to support Ionicera vine.
160	<i>Pseudotsuga menziesii</i>	Douglas-fir	25.5	Drip line	Good	Good	up to 40% of CRZ	12	11	14	19	Viable	Retain	8	Part of a grove, invasive ivy on trunk.
161	<i>Pseudotsuga menziesii</i>	Douglas-fir	13.5	Drip line	Good	Good	up to 40% of CRZ	8	17	7	18	Viable	Retain	2	Part of a grove.
162	<i>Pseudotsuga menziesii</i>	Douglas-fir	30.0	Drip line	Good	Good	up to 40% of CRZ	10	17	10	17	Viable	Retain	11	Part of a grove.
163	<i>Pseudotsuga menziesii</i>	Douglas-fir	16.8	Drip line	Good	Good	up to 40% of CRZ	14	19	9	15	Viable	Retain	4	Part of a grove, kink in leader (stress riser) in top third of tree.
164	<i>Tsuga heterophylla</i>	Western hemlock	18.4	Drip line	Fair	Fair	up to 40% of CRZ	15	15	15	7	Not viable - health	Remove	0	Part of grove, tip die back, lots of cones at top, co-dominant stems at about 25 feet with narrow angle.
165	<i>Juglans regia</i>	English walnut	9.5	Drip line	Good	Good	up to 40% of CRZ	10	12	13	13	Viable	Retain	1	Sap sucker activity in bark.
166	<i>Acer macrophyllum</i>	Bigleaf maple	27.3	Drip line	Good	Good	up to 40% of CRZ	15	16	18	16	Viable	Retain	9	Owner plans to legally remove this tree.
Total Potential Tree Credits													252		
Adjacent Site Trees															
A	<i>Acer rubrum</i>	red maple	~7	Drip line	Good	Good	Drip Line	5	5	5	5	Viable	Retain		

Additional notes:

DSH (Diameter at Standard Height) is measured 4.5 feet above grade.

Multi-stem trees are noted, and a single stem equivalent is calculated using the method defined in the [Guide for Plant Appraisal 9th Ed.](#)

Drip line is measured from the center of the tree to the outermost extent of the canopy

DIRECTOR'S DECISION & STAFF REPORT - SCRAMLIN GARDENS SOUTH (SUB16-01316)

TOPOGRAPHIC SURVEY

LEGAL DESCRIPTION

PARCEL A:
THAT PORTION OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EAST A LINE WHICH BEGINS AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION WHICH IS 266.22 FEET WEST OF THE SOUTHWEST CORNER THEREOF AND EXTENDS TO A POINT ON THE NORTH LINE OF SAID SUBDIVISION WHICH IS 266.81 FEET WEST OF THE NORTHEAST CORNER THEREOF.
EXCEPT THE EAST 30 FEET THEREOF FOR ROAD.
ALSO EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND UNDER RECORDING NUMBER 2011007001258.

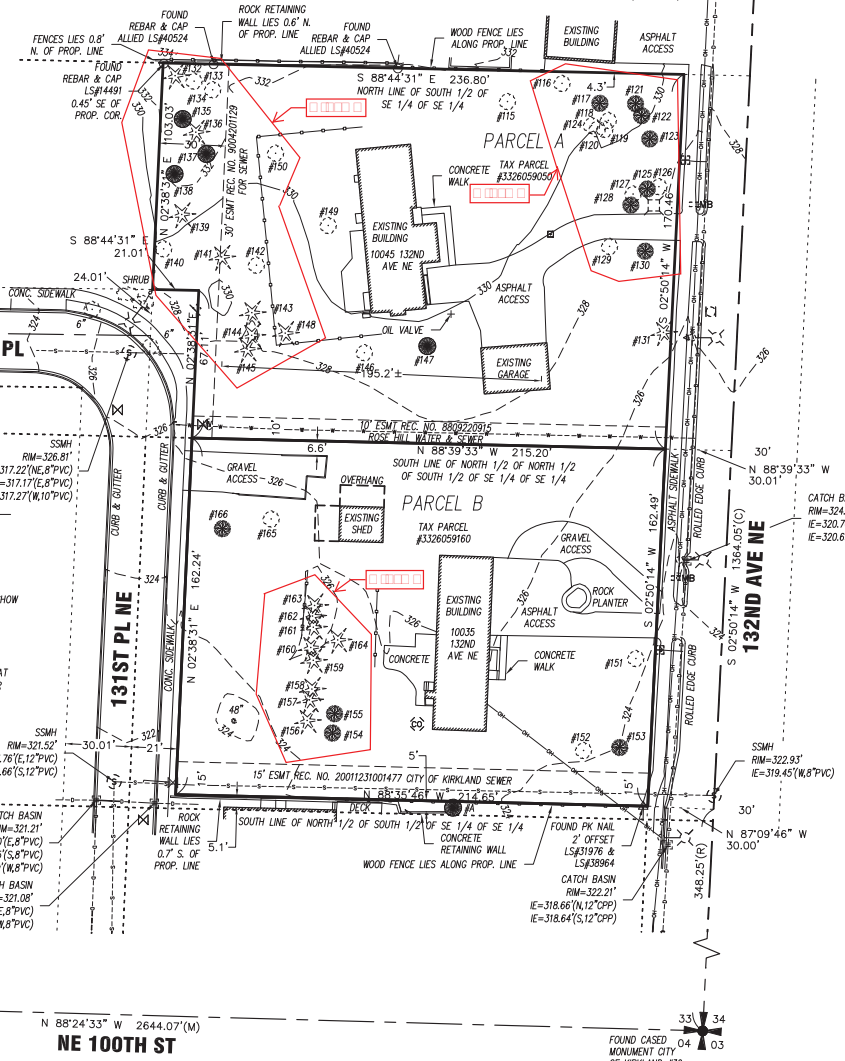
PARCEL B:
BEGINNING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W. M., KING COUNTY, WASHINGTON;
THENCE NORTH 25° 20' 20" EAST ALONG THE EAST LINE OF SAID SECTION 33, 348.25 FEET, THENCE AT RIGHT
ANGLES NORTH 87° 09' 40" WEST, 30.00 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 88° 35' 40" WEST, 214.65 FEET;
THENCE NORTH 2° 38' 37" EAST, 162.12 FEET;
THENCE SOUTH 88° 40' 44" EAST, 215.20 FEET;
THENCE SOUTH 2° 50' 20" WEST, 162.45 FEET TO THE TRUE POINT OF BEGINNING.
(ALSO KNOWN AS LOT 2 OF LOT LINE ADJUSTMENT NO. LL-00-10 RECORDED UNDER RECORDING NUMBER 20020207002279).

SSMH
RIM=315.18'
IE=304.30(N,8°PVC)
IE=304.35(E,10°PVC)
IE=304.30(S,10°PVC)
IE=304.25(W,10°PVC)

CATCH BASIN
RIM=316.14'
IE=314.02(N,6°CPP)
IE=313.55(12°CONC)

CONC. DRIVEWAY

CATCH BASIN
RIM=316.15'
IE=312.95(N,12°CONC)
IE=313.20(S,6°CPP)
IE=312.90(W,12°CMP)



DATUM

THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD83/91 WSPC NORTH ZONE, PER TIES TO CITY OF KIRKLAND MONUMENT #31 FOUND AT THE INTERSECTIONS OF 124TH AVE NE & NE 100TH ST AND CITY OF KIRKLAND MONUMENT #30 FOUND AT THE INTERSECTIONS OF 104TH AVE NE & 132ND AVE NE.

THE VERTICAL DATUM FOR THIS SURVEY IS NAVD88, PER TIES TO CITY OF KIRKLAND MONUMENT #30 ELEVATION 316.33 FEET AT 132ND AVE NE & NE 100TH ST

UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.

REFERENCE SURVEYS

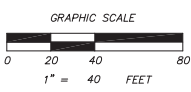
- R1) PLAT OF LA ROSE PARK NO 2, RECORDING NO. 196210095490577
 - R2) RECORD OF SURVEY, RECORDING NO. 198802239002
 - R3) PLAT OF ROSE HILL WOODS, RECORDING NO. 198811301231
 - R4) RECORD OF SURVEY, RECORDING NO. 198905099001
 - R5) RECORD OF SURVEY, RECORDING NO. 9205019005
 - R6) LOT LINE ALTERATION, RECORDING NO. 20020207002279
 - R7) MAPLE LANE SHORT PLAT, RECORDING NO. 2005030890007
 - R8) CROSSWINDS SUBDIVISION, RECORDING NO. 20140604900005
- RECORDS OF KING COUNTY AUDITOR'S OFFICE

SURVEYOR'S NOTES

1. THE PURPOSE OF THIS SURVEY IS TO PROVIDE MAPPING OF THE ADJACENT RIGHT-OF-WAY AND A MAP SHOWING THE BOUNDARY LINES. NO FIELD SURVEY OF THE SITE WAS PERFORMED.
2. THIS SURVEY WAS MADE BY FIELD TRAVERSE USING A LEICA 1203 3" ROBOTIC TOTAL STATION AND GSI4RTK OPS WITH RESULTING CLOSURES EXCEEDING THE MINIMUM ACCURACY STANDARDS AS SET FORTH BY WAC 332-130.
3. THE BOUNDARY CORNERS AND LINES DEPICTED ON THIS MAP REPRESENT DEED LINES ONLY. THEY DO NOT PURPORT TO SHOW OWNERSHIP LINES THAT MAY OTHERWISE BE DETERMINED BY A COURT OF LAW.
4. THE LEGAL DESCRIPTION WAS PROVIDED BY CHICAGO TITLE INSURANCE COMPANY, REFERENCE NO. 00584421-ETU, DATED 11/05/2015.
5. FIELD WORK FOR THIS PROJECT WAS PERFORMED ON 02/11/2016 AND IS THEREFORE A REFLECTION OF THE CONDITIONS AT THAT TIME. ALL MONUMENTS WERE VISITED OR SET ON 02/11/2016. THIS SITE CONTAINS IMPROVEMENTS NOT LOCATED OR SHOWN AS A PART OF THIS SURVEY.

LEGEND

- ⊙ CALCULATED POSITION
- ⊕ FOUND CASED MONUMENT
- ⊙ SANITARY SEWER MANHOLE
- ⊙ SANITARY SEWER CLEAN OUT
- ⊙ STORM DRAIN CATCH BASIN
- ⊕ WATER METER
- ⊕ WATER MARKER POST
- ⊕ WATER VALVE
- ⊕ FIRE HYDRANT
- ⊕ TELEPHONE PEDESTAL
- ⊕ NATURAL GAS VALVE
- ⊕ POWER POLE W/LIGHT
- ⊕ POWER POLE W/LIGHT, TRANSFORMER
- ⊕ YARD LIGHT STANDARD
- ⊕ 3MB MAILBOX
- ⊕ TREE STUMP
- ⊕ SHRUB
- ⊕ DECIDUOUS TREE
- ⊕ CEDAR TREE
- ⊕ DOUGLAS FIR TREE
- ⊕ CHAIN LINK FENCE
- ⊕ WOOD FENCE
- ⊕ OVERHEAD UTILITY LINE
- ⊕ SANITARY SEWER LINE
- ⊕ STORM DRAIN LINE
- ⊕ WATER PAINT LINE



124TH AVE NE

FOUND CASED MONUMENT 33 CITY OF KIRKLAND #31

NE 100TH ST

informed land survey

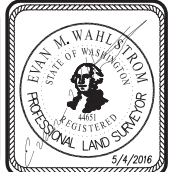
PO Box 5137
Tacoma, WA 98415-0137
Phone: 253-627-2070
Fax: 253-627-9175
www.handsurvey.com

LAND SURVEYING, MAPPING, & GIS

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF MERIT HOMES LLC ON THIS _____ DAY OF _____, 20____.

Evans Wahlstrom
EVAN MARK WAHLSTROM, LS#44651 EXP 10/04/16



RECORDING CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF MERIT HOMES LLC
THIS _____ DAY OF _____, 20____ AT _____ PAST _____ O'CLOCK
AND RECORDED UNDER KING COUNTY AUDITOR'S NUMBER _____ FEE _____

AUDITOR
DRAFTED: SB
DATE: 5/4/2016
SCALE: 1"=40'

CHECKED: EW
JOB NO.: MERIT-151112
FIELD CREW: BA/AJ

INDEX DATA: SE 1/4 OF THE SE 1/4 OF SECTION 33, T26 N, R05 E, W.M. KING COUNTY, WA

FOR: MERIT HOMES LLC
SITE: 10035 & 10045 132ND AVE NE KIRKLAND, WA

MERIT-151112, TOPO/BOUNDARY

SHT. 1 OF 1

Allison Zike

From: Sharon Plotkin <sharonplotkin3d@gmail.com>
Sent: Monday, July 11, 2016 11:16 AM
To: Allison Zike
Cc: tphan@kirklandwa.gov; Dave Asher
Subject: SUB 16 - 01315, SUB 16 - 01316

Follow Up Flag: Follow up
Flag Status: Flagged

Re:
SUB 16 - 01315
SUB 16 - 01316

Hi Allison Zike,

I am writing to you because you are the planning reviewer for the referenced proposals. The referenced proposals would extend our quiet street so that it connects directly to a major arterial. My neighbors and I are strongly opposed to this extension.

Background:

I live on NE 101st Place in North Rose Hill, which is about 2 blocks long, and has no direct egress to major arterials. It runs east-west, terminating in a cul de sac at the west end and at 131st NE at the east end, where the road bends 90 degrees. NE 101st Place intersects 128th NE, but does not directly connect to either 124th NE or to 132nd NE, the major arterials in our area. To access those arterials, traffic on our street must turn on to NE 100th (via 128th NE or 131st NE).

****The resulting low traffic volumes have kept the street very quiet, relatively safe and very kid and pedestrian friendly.****

The reference redevelopment plans for the two properties that sit at the eastern end of NE 101st Place propose extending the street to connect with 132nd NE. The two homes that currently sit on the large lots would be razed and replaced by 9 homes on short plats. (I am not happy about the change in density at the end of our street, either, but that is a secondary concern.)

My neighbors and I are extremely worried that the extension of NE 101st Place to 132nd NE will greatly increase traffic through our neighborhood, and adversely affect safety, quality of life and property values.

I understand that my neighbors and I have until July 25, 2016 (18 days from July 7 when the formal notice was posted by the city) to provide you with written notice of our concern, and in turn, making us a formal party of record. We can each provide written notice by sending you an email referencing the file numbers. I also understand that the decision to extend the street was made by the Public Works Department. The Public Works reviewer is Tuan Phan, who may be reached at (425) 587-3843 and tphan@kirklandwa.gov.

Thanks,

Sharon Plotkin
13201 NE 101st Place
Kirkland WA 98033
(425) 576-0308

Allison Zike

From: Sandra Kawamura <S.Kawamura@F5.com>
Sent: Monday, July 11, 2016 1:03 PM
To: Allison Zike; Tuan Phan
Cc: Dave Asher
Subject: RE: SUB 16 - 01315, SUB 16 - 01316

Follow Up Flag: Follow up
Flag Status: Flagged

Re:
SUB 16 - 01315
SUB 16 - 01316

Hello Allison Zike and Tuan Phan,

By forwarding this email, I am adding my name to Sharon's email requesting you reconsider the proposal to extend NE 101st Place thru to 132nd Ave NE. I also live on this street and in all the years I've been here, I have never heard ANY of the neighbors say that they wished we could have a thru street to 132nd Ave NE. If you've ever been in this neighborhood, you would have seen the neighborhood children playing with each other in the afternoons and weekends out in the cul-de-sacs and in the yards fronting NE 101st Place. Opening up the street will make it very dangerous for children and pedestrians on our street. The volume of traffic on NE 100th and NE 104th is not heavy enough to warrant opening up another thru street from 132nd Ave NE. If you look at the overall development of his neighborhood, it was designed to sit between the 2 thru streets – if this was not the case, then there would be a thru street south of 128th NE and NE 101st Pl that opens up to 124th Ave NE.

I strongly oppose the extension of NE 101st Place thru 132nd Ave NE. Our street terminates at 128th Ave NE and one would still need to turn left or right to get to a "main" street that connects thru to 124th Ave NE. I fail to see the logic. Perhaps Public Works, Tuan Phan, could explain what the improvement would be for our neighborhood. I hope the decision was made with the neighborhood in mind and not just for the development of additional houses.

Sandra Kawamura
13015 NE 101st Place
Kirkland WA 98033
425-822-8564

From: Sharon Plotkin [mailto:sharonplotkin3d@gmail.com]
Sent: Monday, July 11, 2016 11:16 AM
To: azike@kirklandwa.gov
Cc: tphan@kirklandwa.gov; dasher@kirklandwa.gov
Subject: SUB 16 - 01315, SUB 16 - 01316

Re:

Hi Allison Zike,

I am writing to you because you are the planning reviewer for the referenced proposals. The referenced proposals would extend our quiet street so that it connects directly to a major arterial. My neighbors and I are strongly opposed to this extension.

Background:

I live on NE 101st Place in North Rose Hill, which is about 2 blocks long, and has no direct egress to major arterials. It runs east-west, terminating in a cul de sac at the west end and at 131st NE at the east end, where the road bends 90 degrees. NE 101st Place intersects 128th NE, but does not directly connect to either 124th NE or to 132nd NE, the major arterials in our area. To access those arterials, traffic on our street must turn on to NE 100th (via 128th NE or 131st NE).

The resulting low traffic volumes have kept the street very quiet, relatively safe and very kid and pedestrian friendly.

The reference redevelopment plans for the two properties that sit at the eastern end of NE 101st Place propose extending the street to connect with 132nd NE. The two homes that currently sit on the large lots would be razed and replaced by 9 homes on short plats. (I am not happy about the change in density at the end of our street, either, but that is a secondary concern.)

My neighbors and I are extremely worried that the extension of NE 101st Place to 132nd NE will greatly increase traffic through our neighborhood, and adversely affect safety, quality of life and property values.

I understand that my neighbors and I have until July 25, 2016 (18 days from July 7 when the formal notice was posted by the city) to provide you with written notice of our concern, and in turn, making us a formal party of record. We can each provide written notice by sending you an email referencing the file numbers. I also understand that the decision to extend the street was made by the Public Works Department. The Public Works reviewer is Tuan Phan, who may be reached at (425) 587-3843 and tphan@kirklandwa.gov.

Thanks,

Sharon Plotkin
13201 NE 101st Place
Kirkland WA 98033
(425) 576-0308

Allison Zike

From: gerald.kaufman@comcast.net
Sent: Wednesday, July 13, 2016 12:27 AM
To: Allison Zike
Subject: Sub16-01315/01316 - Scramblin Gardens

Follow Up Flag: Follow up
Flag Status: Flagged

Allison,

I wanted to submit comments to the two cases listed above. I am the neighbor immediately adjacent to the West of the North Short Plat.

1) I'm curious as to why the plans call for the addition of a street that connects directly to 132nd Ave; and am not in favor of this. My concern is the addition of traffic on what is currently a quiet residential street.

North Rose Hill is in the middle of the North-South commute and traffic routinely cuts across the community. Many streets that connect directly to 132nd Ave already have speed bumps in place due to this. The intersection at 132nd Ave and 100th street (down the street from the new proposed street) is almost impossible to make a left turn (when coming East of 100th) during evening commute hours. I am concerned that traffic might divert to this new street to bypass that intersection.

2) As mentioned above, I am not in favor of the new "through" street, but would like to inquire on what "traffic calming" designs are/can be considered to prevent it from bringing an increased level of traffic to the street which currently has a very low level of traffic.

3) I would also like to inquire if adequate parking is being planned for Scramblin Gardens so that the large number of added houses don't create parking congestion in the current neighborhood. Is parking on 132nd ave, adjacent to Scramblin Gardens, being considered? (This assumes a through road)

Thank you

Gerald Kaufman
13036 NE 101st Pl
Kirkland WA 98033
425-968-2159
gkauf23@gmail.com

Allison Zike

From: Tania Buga <tatianabuga@gmail.com>
Sent: Thursday, July 14, 2016 11:21 AM
To: Allison Zike; tphan@kirklandwa.go; Dave Asher
Subject: SUB 16 - 01315, SUB 16 - 01316

Follow Up Flag: Follow up
Flag Status: Flagged

Re:

SUB 16 - 01315

SUB 16 - 01316

Hi Allison Zike,

I am writing to you because you are the planning reviewer for the referenced proposals. The referenced proposals would extend our quiet street so that it connects directly to a major arterial. My neighbors and I are strongly opposed to this extension. We are extremely worried that the extension of NE 101st Place to 132nd NE will greatly increase traffic through our neighborhood, and adversely affect safety, quality of life and property values.

Background:

I live on NE 101st Place in North Rose Hill, which is about 2 blocks long, and has no direct egress to major arterials. It runs east-west, terminating in a cul de sac at the west end and at 131st NE at the east end, where the road bends 90 degrees. NE 101st Place intersects 128th NE, but does not directly connect to either 124th NE or to 132nd NE, the major arterials in our area. To access those arterials, traffic on our street must turn on to NE 100th (via 128th NE or 131st NE).

****The resulting low traffic volumes have kept the street very quiet, relatively safe and very kid and pedestrian friendly.****

The reference redevelopment plans for the two properties that sit at the eastern end of NE 101st Place propose extending the street to connect with 132nd NE. The two homes that currently sit on the large lots would be razed and replaced by 9 homes on short plats.

E-page 176
Thanks,

Tatiana Buga

13202 NE 101st Place

Kirkland WA 98033

206-304-4457

Allison Zike

From: Connie Huang <takoch03@gmail.com>
Sent: Friday, July 15, 2016 11:58 AM
To: Allison Zike
Subject: opponent to SUB16-01315 and SUB16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Allison,

I strongly disagree the SUB16-01315 and SUB16-01316- 1. connecting NE 101st PL and 132nd Ave NE. and 2. build 5 houses on the land.

This is a young neighbor which almost all the families have kids from 1 month- 10 years old. The proposal especially the connecting NE 101st PL and 132 nd Ave NE will generate a lot traffics which will be danger to the kids and make more noises.

Name: Connie Huang
Mailing address: 10024 131st PL NE Kirkland WA 98033
Email: takoch03@gmail.com
Permit Number: SUB16-01315 and SUB16-01316

Please let me know what else info you need. I sincerely hope our voices can be heard.

Best regards,
Connie Huang

Allison Zike

From: Vivian & Roland <vidor@nwlink.com>
Sent: Saturday, July 16, 2016 12:55 PM
To: Allison Zike
Subject: Oppose street Extension pertaining to SUB16-01315 and SUB16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

July 16, 2016

azike@kirklandwa.gov

Hi,

Allison Zike,

Re: SUB 16 - 01315 and SUB 16 - 01316

Street Extension of 101st Place out to 132nd Ave. NE, North Rose Hill of Kirkland

We strongly oppose and wish to be on the Comment List of Record so as to be able to participate in the on-going meetings concerning this issue.

We have lived at the below address since 1988 and are very much opposed to the proposal of the City Of Kirkland Master Plan.

Sincerely,

Vivian and Roland Strolis
13002 NE 101st Place
Kirkland, WA 98033

email: vidor@nwlink.com
phone: 425-827-9967

Allison Zike

From: Chris and Christina Meyers <themeyershome@gmail.com>
Sent: Sunday, July 17, 2016 6:45 PM
To: Allison Zike
Subject: SUB16-01315 and SUB16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

I'm writing in concern to the extension of NE 101st Pl to connect to 132nd Ave NE planned based on proposals SUB16-01315 and SUB16-01316, as this will turn NE 101st Pl into a through street attached to a major thoroughfare, and likely change the traffic pattern and increase through traffic of what is currently a quiet residential street.

It would be interesting to know whether an alternative of having the new construction's create a cul-de-sac attached to only one of the two roads was considered.

Chris Meyers
12823 NE 101st Pl
Kirkland, WA 98033

Allison Zike

From: Peng Li <pli_cn@yahoo.com>
Sent: Wednesday, July 20, 2016 12:18 AM
To: Allison Zike
Subject: Kirkland SUB 16-01315, 16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I'm a resident in the Kirkland North Rose Hill neighborhood. I'm concerned about the proposed through road connecting 132nd Avenue NE and NE 101st Place in the following proposals.
<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Public+Notices/Scramlin+Gardens+North+Short+Plat+REVISED+Notice+of+Application+SUB16-01315.pdf>
<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Public+Notices/Scramlin+Gardens+South+Short+Plat+REVISED+Notice+of+Application+SUB16-01316.pdf>

The neighborhood is a very safe and quiet neighborhood. My daughter plays around NE 101st PL a lot. Many other kids play in the area too. The proposed through road will add traffic and bring safety risks to the families. This e-mail is to express our concerns.

Our address is:
Peng Li
10020 131st PL NE
Kirkland, WA 98033

Thanks for your consideration
Peng

Allison Zike

From: Dan Iatco <daniatco@gmail.com>
Sent: Wednesday, July 20, 2016 11:10 AM
To: Allison Zike
Cc: tphan@kirklandwa.go; Dave Asher
Subject: Re: SUB 16 - 01315, SUB 16 - 01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

Re:

SUB 16 - 01315

SUB 16 - 01316

Hi Allison Zike,

I am writing to you because you are the planning reviewer for the referenced proposals. The referenced proposals would extend our quiet street so that it connects directly to a major arterial. My neighbors and I are strongly opposed to this extension. We are extremely worried that the extension of NE 101st Place to 132nd NE will greatly increase traffic through our neighborhood, and adversely affect safety, quality of life and property values.

Background:

I live on NE 101st Place in North Rose Hill, which is about 2 blocks long, and has no direct egress to major arterials. It runs east-west, terminating in a cul de sac at the west end and at 131st NE at the east end, where the road bends 90 degrees. NE 101st Place intersects 128th NE, but does not directly connect to either 124th NE or to 132nd NE, the major arterials in our area. To access those arterials, traffic on our street must turn on to NE 100th (via 128th NE or 131st NE).

****The resulting low traffic volumes have kept the street very quiet, relatively safe and very kid and pedestrian friendly.****

The reference redevelopment plans for the two properties that sit at the eastern end of NE 101st Place propose extending the street to connect with 132nd NE. The two homes that currently sit on the large lots would be razed and replaced by 9 homes on short plats.

E-page 182
Thanks,

Dan latco

13202 NE 101st Place

Kirkland WA 98033

[206-913-8196](tel:206-913-8196)

Allison Zike

From: Bryan Wang <klander333@gmail.com>
Sent: Wednesday, July 20, 2016 3:22 PM
To: Allison Zike
Cc: sharonplotkin3d@gmail.com; Angela Wang
Subject: Concerns Over SUB 16-01315 & SUB 16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

Hi,

My family have lived on Ne 101st Place since 1992. The quietness and little traffic have been very important factors for our decision to select this place for our home.

I believe the proposed projects SUB 16-01315 & SUB 16-01316 would dramatically change the street layout, therefore bring significant impacts in our daily life, as well as to all living on NE 101st Place. We have serious concerns over expected deterioration in traffic, safety, security and property values as a result of these proposed projects.

Please keep us updated on the process.

Thanks,
Bryan Wang &
Angela Wang

Allison Zike

From: Sharon Plotkin <sharonplotkin3d@gmail.com>
Sent: Wednesday, July 20, 2016 5:15 PM
To: Allison Zike
Subject: RE: Road extension proposal for 101st Place/SUB 16 - 01315 Update

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

Hi Allison,

Thanks for your response. I am a little puzzled by the last paragraph:

" Planning and Public Works Departments do not have the authority to remove the road connection requirement from the decision because it is a requirement based on the North Rose Hill Street Connection Plan in the City's Comprehensive Plan. "

Looking at the Comprehensive Plan

(<http://www.kirklandwa.gov/Assets/Kirkland+2035/North+Rose+Hill+Neighborhood+Plan+Existing.pdf>)

"Policy NRH 22.3: "Map where ANTICIPATED street connection locations COULD be CONSIDERED with future infill development . . ." and "POTENTIAL locations of street connections for future infill development, the exact location will be determined at the time of development. The development permit process should ultimately determine these locations. When new street connections are NOT REQUIRED OR NOT FEASIBLE, pedestrian and bicycle connections should still be pursued."

The language does not suggest the road extension is set in stone. More to the point, I don't see where the road extension is required. One could argue convincingly that this particular connection of 101st Place to 132nd Ave. contributes next to nothing to creation of a grid system layout because of the lack of connectivity to the west, since that end of 101st ends in a developed cul de sac. (And keep in mind that 101st Place is just two blocks long.) I think everyone would be better served by a pedestrian and/or bicycle path instead.

In regards to your statement, "The road connection is not my specific area of review..." When I spoke to Mr. Phan in Public Works, he suggested the road project was within your purview. So if it is not, then to whom do my neighbors and I address our concerns and opposition?

And finally, to your offer to meet, yes, please! How do my neighbors and I arrange a neighborhood meeting with you?

Sharon Plotkin

From: Allison Zike [mailto:AZike@kirklandwa.gov]
Sent: Wednesday, July 20, 2016 11:28 AM
To: 'Sharon Plotkin'
Subject: RE: Road extension proposal for 101st Place/SUB 16 - 01315

For your information, the updated Notice of Application was posted yesterday, and as I had described last week, the comment deadline is August 6, 2016. I will continue to log any comments received in order to provide a thorough response in the staff report for each plat. After the comment period lapses, the City will work to complete our review and compile a staff report that will go to the Planning Director for their decision on the plats. I can provide informal updates if contacted throughout the process but the next formal communication to parties of record will be an emailed or mailed copy of the decision and corresponding staff report when it is issued.

To explain the process a bit more: the City's Zoning Code sets a specific review window for Process I short plats of 120 days. This window started on the date the application was deemed complete (June 29, 2016), and ends on October 27, 2016. The Director's decision will be issued by this date, and the comment period runs within the 120 day review period. After the decision is issued, there is a 14 day appeal period. The appeal process is detailed in [Kirkland Zoning Code \(KZC\) 145.60](#). Because this short plat decision includes a new through road, any appeals will be heard by City Council.

In regards to the road, as we previously detailed, the Planning and Public Works Departments do not have the authority to remove the road connection requirement from the decision because it is a requirement based on the North Rose Hill Street Connection Plan in the City's Comprehensive Plan. The applicant included the road proposal because it is required by the Comprehensive Plan, and staff's recommendation to the Director cannot remove that portion of the proposal. The Public Works Department may be able to provide more background as to why that location was designated as a connection point. The road connection is not my specific area of review, but I am happy to meet with you to describe my review items or the general process if you would like. Feel free to contact me if you have additional questions.

Thank you,

Allison Zike | Planner
Planning and Building Department
City of Kirkland
p: 425.587.3259

From: Sharon Plotkin [mailto:sharonplotkin3d@gmail.com]
Sent: Monday, July 18, 2016 2:49 PM
To: Allison Zike <AZike@kirklandwa.gov>
Subject: Road extension proposal for 101st Place/SUB 16 - 01315

Hi Allison,

My neighbors and I canvassed the residents on our street regarding
SUB 16 - 01315
SUB 16 - 01316

We found 100% opposition to the 101st Place road extension. You should be receiving emails from my some of my neighbors requesting an assignment as a Party of Record.

What are the next steps?

Most of us live outside the 300ft radius. How will you keep us informed of activity?

Would you be willing to schedule a neighborhood meeting or, perhaps, speak at the next North Rose Hill Neighborhood Association meeting? Instead of a through street, can we propose a pedestrian or bike path, as an alternative -- or nothing at all?

E-page 186
Thanks,

Sharon Plotkin

Allison Zike

From: Mohamed Odah <modah@modamira.com>
Sent: Wednesday, July 20, 2016 7:06 PM
To: Allison Zike
Cc: Amira M
Subject: Register as a Party of Record

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

Hi Allison

My wife and I would like to register our concern over the plans to connect NE 101st Pl with 132nd Ave NE. This is in relation to the following proposed development plans:

The Scramlin Gardens Short Plat development
SUB 16 - 01315
SUB 16 - 01316

Name: Mohamed Odah & Amira Moraby
Address: 13011 NE 101st Pl Kirkland
Email address: modah@modamira.com & amiramoraby@gmail.com
Contact Number: 206-446-4401

Our concern is the potential increase in traffic coming from 132nd Avenue into our kinds friendly neighborhood. We are willing to accept allowing traffic out from 101st pl to 132nd ave but not the other way around. This can be achieved by limited the connection between the two to be one way outlet from 101st to 132nd.

We require further clarification about the plans and the impact it has on our community. Was any traffic study conduct in relation to this change? If so can you please share with us the results of this study?

Kind regards
Mohamed Odah and Amira Moraby

Allison Zike

From: Bill Chea <billchea@gmail.com>
Sent: Thursday, July 21, 2016 8:21 PM
To: Allison Zike
Subject: SUB 16-01315 and SUB 16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

I wish to register my concern over the plans to connect NE 101st with 132nd ave NE,
ref : SUB16-01315.

Bill Chea
10016 131st PL NE
Kirkland, WA. 98033

Allison Zike

From: Susan Davis <susandavis@live.com>
Sent: Friday, July 22, 2016 12:02 PM
To: Allison Zike
Subject: Concerns with NE 101st Place on North Rose Hill

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin

Hi, I have lived on NE 101st Place for over 12 years. I was attracted to this street because of how it is tucked into a low traffic area, and we knew one of these days we would have children. Now we have two young children and they enjoy playing outside, riding their bikes, and I am comfortable because our street does not currently entice commuters to cut through our neighborhood. Most people driving on this street live on the street.

Side note of traffic issues in our area that I believe will spill into NE 101st Place.

Off of NE 100 this is a big issue with commuters cutting through neighborhoods especially with the new 405 tolls, added traffic to surface streets as well as the growth of homes in and around Kirkland. If the city decides to make changes I believe they will need to add more signage, speed bumps, etc.

I already think NE 100th needs to have more signs, a red flashing light at the 4 way stop at NE 100th and 128th Ave - many people do not stop at this 4 way or do a quick stop. This is a busy intersection for kids waling to/from school, as well as to the park. During the school year especially in the morning these commuters are very impatient, and often speed or do not obey the school crossing guards.

I do believe drivers will skip the NE 100th school zone and 4 way stop and cut thru NE 101st Place to avoid the 128th/Ne 100th intersection. 9 months out of the year this 4 way stop is very slow during the morning and afternoon when the school guards are directing kids across the intersection. The drivers that do not live in the neighborhood have no patience to wait for the 4 way stop.

This project is being referred to as the Scramlin Gardens Project to build 9 new homes (Merit Homes) SUB16 - 01316. The short plat will create a new through road connecting 132nd Avenue NE and NE 101st Place.

I think the street being changed to direct access onto 132nd is part of Kirkland's master plan?

I would like to be on record that I am against extending NE 101st Place to 132nd Ave NE.

Thank you for your time.
Susan Davis

Allison Zike

From: Aaron Crossley <abcrossley@gmail.com>
Sent: Monday, July 25, 2016 12:31 PM
To: Allison Zike
Subject: SUB 16-01315 & SUB 16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin, PUBLIC COMMENT

I'm concerned about the traffic increase and other impacts the proposed new connection of NE 101st Place with 132nd Ave NE will have on my neighborhood (SUB 16-01315 & 16-01316). We currently enjoy very little traffic through our neighborhood, making it ideal for our young children to play outside. If our street is connected with 132nd Ave NE, we will undoubtedly see a substantial and unnecessary increase in the number of cars passing through our neighborhood. The developers of these 9 new homes on our street should be able to add these homes without connecting our quiet street with one of the busiest streets in Kirkland.

Regards,

Aaron Crossley
12920 NE 101st Pl
Kirkland, WA 98033

Allison Zike

From: Pinky Saki <pinkysaki@gmail.com>
Sent: Monday, July 25, 2016 10:38 PM
To: Allison Zike
Cc: Sachin Saki
Subject: SUB 16 - 01315 and SUB 16 - 01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin, PUBLIC COMMENT

Hi Alison,

This email is regarding the concern over the plans to connect NE 101st PI with 132nd Ave NE.

I wish to register my concern over the plans of connecting to road as said above. I strongly NOT support the plan connecting these roads. This very short and quite street where kids play outside and people walk. Connecting this road will not help as it would not directly connect to 124th Ave it will only increase traffic on this short street for drivers to take quick short cuts.

I'm Pinky Saki and resident of 12810 NE 101st PI Kirkland, WA 98033

Expecting you will consider our request and concerns.

--Thanks
Pinky Saki

Allison Zike

From: Shbou <shbou@aol.com>
Sent: Tuesday, July 26, 2016 9:56 AM
To: Allison Zike
Subject: SUB 16-01315 and SUB 16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin, PUBLIC COMMENT

Dear Sir/Madam:

I live at 12915 NE 101st Place, Kirkland WA 98033.

I want to register my grave concern over the plan to connect NE 101st PI with 132nd Ave NE, ref: Sub 16-01315. As a registered civil engineer with Seattle Department of Transportation (SDOT), I am wondering if there was any evaluation on the EIS or SEPA about adverse transportation impact study for these two subdivision.

The proposed connection will potentially increase traffic in this relatively quiet neighborhood. I had lived here since 2004 and noted that due to the close proximity to Mark Twain Elementary School this section have a lot of young school age kids that live here. Also, there are a number of rental properties which rotates in family with young kids who like to play in the street. This connection will increase the potential of vehicle accidents with young children.

There are currently a number of east west connection to 132nd Ave NE like 100th, 102nd, and 104th St which connects 128th Ave NE to 132nd Ave NE. Unless you create speed bumps or other traffic calming system along this section of roadway, I am against this connection.

Thank you for your consideration.

William Bou, P.E.
206-255-6393

Allison Zike

From: Tammy <mi3guis@frontier.com>
Sent: Tuesday, July 26, 2016 3:33 PM
To: Allison Zike
Cc: Sharon Plotkin
Subject: SUB16-01316

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Scramlin, PUBLIC COMMENT

Dear Ms. Zike,

I am very concerned about the proposal to extend NE 101st Place so that it connects with 132nd Ave. NE. Please add me as a party of record regarding SUB16-01315 and SUB16-01316.

Regards,

Tammy Guisness
12928 ne 101st pl
Kirkland, WA 98033

Allison Zike

From: Bridgette Payne <payneseattle@yahoo.com>
Sent: Wednesday, August 03, 2016 3:34 PM
To: Allison Zike
Subject: SUB 16-01315 and SUB 16-01316

Follow Up Flag: Follow up
Flag Status: Completed

> I wish to register my concern over the plans to connect NE 101st PL with 132nd Ave NE.
> This would make our road much more dangerous for the many children that live on it. Please use an alternate plan that wouldn't make this quiet residential road a thorough fare.
> Sincerely,
>
> Bridgette Payne
> 12829 NE 101st Pl
> Kirkland, WA 98033
>
> Sent from my iPhone

Allison Zike

From: Brandi Comstock <brandi@brandicomstock.com>
Sent: Friday, August 05, 2016 6:53 PM
To: Allison Zike
Subject: Public Comment RE: Permit #SUB16-01315

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I am writing regarding the Proposed Application on Scramlin Gardens South and Scramlin Gardens North Short Plats with a comment period ending, August 6, 2016. Specifically, I would like to write to express my opposition to the proposed new road connecting 132nd Avenue NE and NE 101st Place. Building this road will have a negative effect on the residents and homes in this neighborhood.

Currently this portion of NE 101st Place is a street with three small cul de sacs along it. Multiple children play in this area and ride their bikes along this road. This is a destination neighborhood that does not, and will not, support through traffic. The families and children that live on this street are used to living in a safe and relatively traffic free neighborhood.

Creating a through street from 132nd Ave. NE to NE 101st Place will have far-reaching consequences. Currently, the other through street in this neighborhood is NE 100th Street. NE 100th Street is an arterial that directly impacts the safety of our children as they walk to and from school. One of my concerns with this through street, to serve only nine houses, is that it will soon become a mini-arterial. This street will effectively connect 132nd Ave. NE, with 128th Ave. NE, through the middle of a destination neighborhood, where children literally play in the streets. The issue is one of boxing this neighborhood in with four arterial lines, two major and two minor. The additional traffic, noise and pollution will be a detriment to the safety and well-being of our children.

This street proposal is absolutely not in the best interest of our city, our citizens, our neighborhood, or our children. The street proposal may very well comply with Kirkland's Zoning Code and other applicable codes, however, a city is more than zoning and regulations. Please do not approve the through street for the continued safety and security of our community.

Thank you for your attention,
Brandi Comstock

10025 131st Pl. NE
Kirkland, WA 98033
brandi@brandicomstock.com
Permit#SUB16-01315

Allison Zike

From: comstock <samuel@samuelcomstock.com>
Sent: Friday, August 05, 2016 7:42 PM
To: Allison Zike
Subject: Public Comment on Permits #SUB16-01315 and #SUB16-01316

Hello Allison Zike,

I'm opposed to the newly proposed through road connecting 132nd Ave NE and NE 101st PL.

While the 9 lot development of Scramlin Gardens North and South will add some lovely new homes to our neighborhood, the addition of a through street will fundamentally change the traffic flow.

Today, 131st PL NE and NE 101st PL forms a destination neighborhood. People only pass over our streets when visiting a house on this corridor.

Kids learn to ride their bikes here before they are ready for the "big" streets. A street hockey game is only interrupted by an occasional "Game off!" and "Game on!" when a car does roll through at a reasonable speed.

I don't need to convince you that there is increased traffic and speeding that is occurring on NE 100th. There has been a radar sign there thought the summer reminding people it is only 25 MPH. I usually see people recording speeds in the 30s, but I've seen people record speeds in the 40s, even with the radar sign.

Even if the new through street is curved or a single lane, people will still treat it as their new favorite short cut. I'm especially concerned because NE 101st PL is a steep hill, so it will be really easy to speed west bound and present a clear danger to our children.

To be clear, I'm not opposed to the 9 lot development; if part of the road is necessary so all 9 lots can be accessed, then that is fine too. The creation of a through street that would open up the neighborhood to being a shortcut would fundamentally and permanently change our neighborhood. I think if future home owners could choose, they would not want a stream of cars cutting in front of their houses either.

Regards,
Samuel Comstock

10025 131st Pl. NE
Kirkland, WA 98033
sam@samuelcomstock.com
Permit#SUB16-01315
Permit#SUB16-01316

Dear Ms Zike,

I am currently nine years old and will be ten in about two weeks. I'm going into fifth grade, and I am writing about the new road you're planing to put in because I think it is a bad idea. The reason I think it's a bad idea is because it will connect a bussy road into a neighbor- hood street adding traffic to a place were me and my friends play, ride our bikes, or were people take walks and run in genrk.

Sincerely,
Anna

Anna L. Comstock
10025 131st PL NE

Kirkland WA 98033
Comstockgirls@yahoo.com
Permit # SUB 16-01315

Permit # SuD16-01316

Dear Ms. Zike,

I would like to let you know that I am strongly opposed to the idea of putting in a new street. The street my sister and I live on generally has light traffic, and is a nice place to take a walk or ride your bike. A through street would dramatically change all this. Many people would use this street as a shortcut, greatly increasing the traffic. Riding bikes to school would become a serious consideration with all of the new cars.

I love our street because I am allowed to ride alone and my mom doesn't need to worry about cars or traffic. I understand that we may need the street, to make the new houses accessible, but if it isn't necessary, why put it in? I am sure the people in the new houses would like to have their kids play in a safe area just as much, if not more, than the kids do. I appreciate your consideration on this issue and hope you decide not to build the street.

Sincerely,

Ella Comstock; age 12

10025 131st PL NE
Kirkland, WA 98033
comstockgirls@yahoo.com
Permit # SUB16-01315
Permit # SUB16-01316



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Allison Zike, Planner

From: Tuan Phan, Development Engineer
Thang Nguyen, Transportation Engineer

Date: October 4, 2016

Subject: Public Comment Response, File No. SUB16-01315 /-01316 (Scramlin Gardens)

The Public Works Department has received the public comment letters related to the Scramlin Gardens Short Plats, File No. SUB16-01315 (North) and SUB16-01316 (South). After reviewing the letters and summarizing the questions and comments, we can offer the following responses:

1. Why is the street connection necessary?

Response:

The Comprehensive Plan and Subdivision Ordinance promote a "grid" pattern which is described as an interconnected neighborhood street network allowing for a connected neighborhood with multiple accesses for the public and emergency vehicles. These regulations allow the City to require the installation of street improvements that provide for orderly development of the grid pattern transportation system.

The Comprehensive Plan policies describe and why the grid pattern was adopted:

- Policy T-4.3 describes that cul-de-sacs should serve isolated pockets of new development where no other choice is available. The benefits of interconnected neighborhood street networks are many and have been discussed at length. Cul-de-sacs can result in uneven traffic distribution, benefit some at the expense of others, and greater emergency response time, as well as interruption of traffic flow, including pedestrian and bicycle flow. The new connection will provide alternative access in case of an emergency road closure on NE 101st Place and 131st Place NE. Utilities are also easier to locate and maintain in street settings, rather than in 'backyard' easements.
- Policy T-4.5 states that interconnected street networks aid emergency vehicles in faster response times.

- The Transportation Master Plan Policy T-5.6 states: Create a system of streets and trails that form an interconnected network.
 - The Action Plan T-5.6.1: Develop a plan for connections between street ends and complete those connection.
- Subdivision Ordinance Section 22.28.060 states that "The plat must be designed to allow for reasonable subdivision and use of adjoining properties. While the plat should generally conform to the grid pattern, innovative layouts will be considered based on the general requirements of this chapter."
- The North Rose Hill (NRH) Street Connection Plan show street connections in the NRH that could occur as a result of redevelopment. One of the street connections identified was NE 101st Pl, between 131st Pl NE and 132nd Ave NE. The Transportation Commission and the NRH Neighborhood Committee reviewed and approved the connections.

2. Was a traffic study required for the street connection?

Response: No, a traffic study was not required for the street connection. The connection was identified through the Rose Hill neighborhood plan with public involvement. Since NE 101st Place is not a through street and will not provide a direct pass-by route between two arterials with the new connection to 132nd Avenue NE, the amount of traffic expected to increase along NE 101st Place and the associated traffic impact will be insignificant.

3. Does the street connection trigger an Environmental Impact Study (EIS) or SEPA review?

Response: No, the subject short plat is exempt from SEPA review. Since the street connection doesn't have environmental impacts that trigger SEPA, it is also exempt from SEPA review.

4. How will the proposed street connection impact traffic volumes along NE 101st Place?

Response: There may be additional traffic from the cul-de-sac at the west end of NE 101st Place (at the maximum, 13 Peak hour trips during the AM and PM peak hours) but there will be no pass-by traffic since NE 101st Place is not a through street to the west and does not provide a direct pass-by route between two arterials. The amount of traffic (maximum 13 peak hour trips) expected to increase along NE 101st Place is negligible. The connection will provide residents along NE 101st Place a shorter and more direct access to 132nd Avenue NE and lessen the traffic impacts to NE 102nd Place, 131st Place NE and NE 100th Street.

5. Will the street connection jeopardize safety?

Response: No, staff does not believe the street connection will jeopardize safety. The new connection will have a pavement width of 24 feet. This street width will provide parking on one side and help to slow traffic. Since NE 101st Place will not serve as a pass-through route, staff anticipate that all the traffic using the new connection will be from residents living along NE 101st Place and maybe a few from 131st Place NE. Staggering on-street parking can also help to slow traffic.

6. Does the connection provide value to the street network since NE 101st Place stops at 128th Avenue NE?

Response: Yes, a street network of interconnected streets has value to all modes of transportation regardless of the length of the connection and it helps to create a better street grid than currently exist.

6. Will the street connection impact property values, quality of life, or neighborhood security?

Response: The street connection will provide better emergency response to the neighborhood, better connection for cyclists and pedestrians. In addition, it will shorten the connection to an arterial for motor vehicles which will lessen the travel distance and car emission which are the City of Kirkland transportation goals to enhance air quality and improve quality of life. The Public Works Department does not have the expertise to comment on matter of property values.

7. Can traffic calming measures be installed along the street connection?

Response: The design of the street (width and alignment) should provide the necessary traffic calming.

8. Can the street be designed to be one-way?

Response: No, one-way streets has negative impacts to street accessibility as it can create confusion and does not create efficient travel.

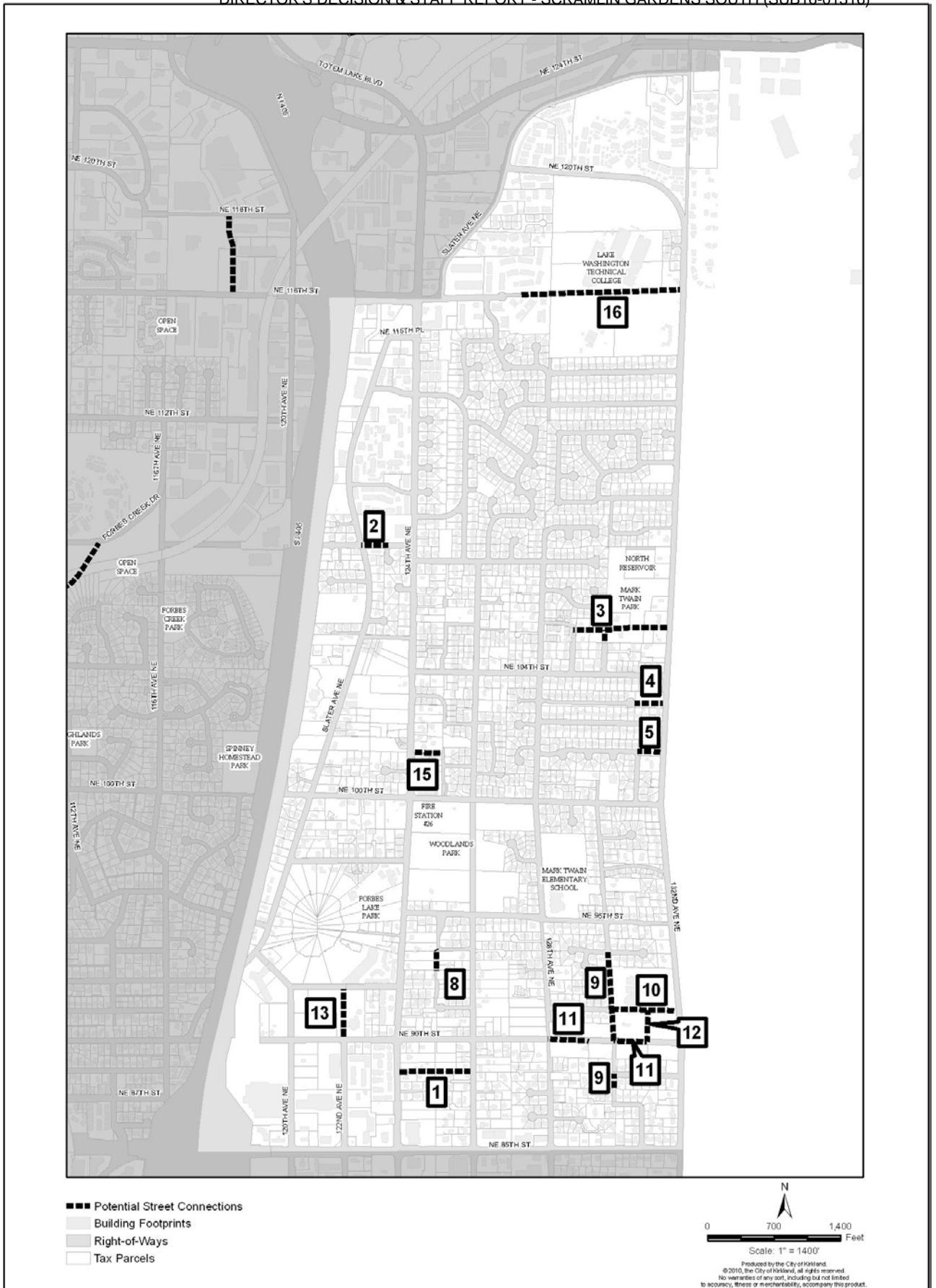


Figure NRH-6: North Rose Hill Street Connection Plan

XV.F. NORTH ROSE HILL NEIGHBORHOOD

Table NRH-1: North Rose Hill Street Connection Plan Description List

1. NE 88TH STREET BETWEEN 124TH AVENUE NE AND 126TH AVENUE NE
2. NE 108TH STREET BETWEEN SLATER AVENUE NE AND 123RD AVENUE NE
3. NE 105TH STREET BETWEEN 129TH AVENUE NE AND 132ND AVENUE NE
4. NE 103RD PLACE BETWEEN 132ND AVENUE NE AND EXISTING CUL-DE-SAC END
5. NE 101ST PLACE BETWEEN 131ST PLACE NE AND 132ND AVENUE NE
6. NE 97TH STREET BETWEEN 130TH AVENUE NE AND 132ND AVENUE NE
Completed
7. *Deleted by Ord. 4212.*
8. 125TH AVENUE NE BETWEEN NE 94TH STREET AND NE 95TH STREET
9. 130TH AVENUE NE BETWEEN NE 87TH STREET AND NE 94TH STREET
10. NE 91ST STREET BETWEEN 130TH AVENUE NE AND 132ND AVENUE NE – Sections are completed
11. NE 90TH STREET BETWEEN 128TH AVENUE NE AND 132ND AVENUE NE – Sections are completed
12. 131ST AVENUE NE BETWEEN NE 90TH STREET AND NE 91ST STREET
13. 122ND AVENUE NE BETWEEN NE 90TH STREET AND NE 92ND STREET
14. 126TH PLACE NE BETWEEN NE 102ND PLACE AND NE 100TH PLACE
Completed
15. NE 101ST PLACE BETWEEN 124TH AVENUE NE AND 125TH AVENUE NE
16. NE 116TH STREET BETWEEN 127TH AVENUE NE AND 132ND AVENUE NE
17. NE 109TH PLACE BETWEEN SLATER AVENUE AND 124TH AVENUE NE
Completed



SHORT PLAT
CITY OF KIRKLAND
FILE NO: SUB16-

REFERENCES

- R1) PLAT OF LA ROSE PARK NO 2, RECORDING NO. 196210095490577
- R2) RECORD OF SURVEY, RECORDING NO. 198802239002
- R3) PLAT OF ROSE HILL WOODS, RECORDING NO. 198811301231
- R4) RECORD OF SURVEY, RECORDING NO. 198905099001
- R5) RECORD OF SURVEY, RECORDING NO. 9205019005
- R6) LOT LINE ALTERATION, RECORDING NO. 20020207002279
- R7) MAPLE LANE SHORT PLAT, RECORDING NO. 20050308900007
- R7) CROSSWINDS SUBDIVISION, RECORDING NO. 20140604900005

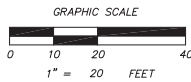
RECORDS OF KING COUNTY AUDITOR'S OFFICE

NE 104TH ST

CATCH BASIN
RM=329.15'
IE=326.35(N,12°)PP
IE=326.32(S,12°)PP
IE=327.12(W,12°)PP
IE=326.94(NW,12°)PP

LEGEND

- SET REBAR & CAP, EMV LS#44651
- ⊙ CALCULATED POSITION
- ⊕ FOUND CASED MONUMENT
- ⊖ SANITARY SEWER MANHOLE
- ⊖ SANITARY SEWER CLEAN OUT
- ⊖ STORM DRAIN CATCH BASIN
- ⊖ WATER METER
- ⊖ WATER MARKER POST
- ⊖ WATER VALVE
- ⊖ FIRE HYDRANT
- ⊖ TELEPHONE PEDESTAL
- ⊖ NATURAL GAS VALVE
- ⊖ POWER POLE W/LIGHT
- ⊖ POWER POLE W/LIGHT, TRANSFORMER
- ⊖ YARD LIGHT STANDARD
- ⊖ MAILBOX
- ⊖ DECIDUOUS TREE
- ⊖ DOUGLAS FIR TREE
- ⊖ TREE, LEGALLY REMOVED
- ⊖ CHAIN LINK FENCE
- ⊖ WOOD FENCE
- ⊖ OVERHEAD UTILITY LINE
- ⊖ SANITARY SEWER LINE
- ⊖ STORM DRAIN LINE
- ⊖ WATER PAINT LINE



NE 101ST PL

SSMH
RM=315.18'
IE=304.30(N,8°)PVC
IE=304.35(E,10°)PVC
IE=304.30(S,10°)PVC
IE=304.25(W,10°)PVC

SSMH
RM=326.81'
IE=317.22(NE,8°)PVC
IE=317.17(E,8°)PVC
IE=317.27(W,10°)PVC

DATUM

THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD83/91 WSPC NORTH ZONE, PER TIES TO CITY OF KIRKLAND MONUMENT #31 FOUND AT THE INTERSECTIONS OF 124TH AVE NE & NE 100TH ST AND CITY OF KIRKLAND MONUMENT #30 FOUND AT THE INTERSECTIONS OF 104TH AVE NE & 132ND AVE NE..

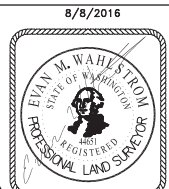
THE VERTICAL DATUM FOR THIS SURVEY IS NAVD88, PER TIES TO CITY OF KIRKLAND MONUMENT #30 ELEVATION 316.33 FEET AT 132ND AVE NE & NE 100TH ST

UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	52°31'8"	127.00'	12.12'
C2	23°1'02"	122.00'	51.43'
C3	27°08'55"	72.50'	36.67'
C4	90°00'00"	25.00'	39.27'

LINE	BEARING	DISTANCE
L1	S 6°03'11" E	15.28'
L2	S 6°03'11" E	2.58'
L3	S 87°09'46" E	14.88'
L4	S 87°09'46" E	26.79'

TREE ID	NAME	DBH	ACTION
115	APPLE	19.20	RETAIN
116	CHERRY	10.50	REMOVE
117	CEDAR	38.80	RETAIN
118	CEDAR	30.90	RETAIN
119	CEDAR	28.50	RETAIN
120	CEDAR	14.40	RETAIN
121	CEDAR	23.30	RETAIN
122	CEDAR	27.60	RETAIN
123	CEDAR	15.60	RETAIN
124	ASH	9.40	REMOVE
125	CEDAR	29.20	RETAIN
126	CEDAR	8.60	RETAIN
127	CEDAR	33.40	RETAIN
128	CEDAR	33.20	RETAIN
129	MAPLE	29.50	RETAIN
130	CEDAR	29.50	LEGALLY REMOVED
131	PINE	19.60	RETAIN
132	FIR	22.20	RETAIN
133	MAPLE	26.00	REMOVE
134	MAPLE	26.40	REMOVE
135	MAPLE	14.50	RETAIN
136	FIR	34.00	RETAIN
137	MAPLE	13.10	REMOVE
138	MAPLE	14.10	RETAIN
140	DOGWOOD	7.50	REMOVE
141	CEDAR	19.90	RETAIN
142	BIRCH	7.40	REMOVE
149	CHERRY	26	REMOVE
150	CHERRY	15.20	REMOVE



informed land survey

PO Box 5137
Tacoma, WA 98415-0137

Phone: 253-627-2070
Fax: 253-627-9175
www.landsurvey.com

LAND SURVEYING, MAPPING, & GIS

SCRAMLIN GARDENS NORTH

CHECKED:EW
FIELD CREW: BA,AJ
DRAFTED: SB
SCALE: 1"=20'

JOB NO.: MERIT-15112
NO. OF PARCELS: 2
DATE: 8/8/2016
SHEET 2 OF 2

IN SE 1/4 OF THE SE 1/4 OF SECTION 33, T26 N, R05 E, W.M.

CITY OF KIRKLAND, KING COUNTY, WASHINGTON

NE 100TH ST

124TH AVE NE



SHARED DRIVEWAY EASEMENT

AGREEMENT CREATING EASEMENT

_____, as the owner(s) of real property described in Section A (hereafter referred to as the _____ Property) and _____, as the owner(s) of real property described in Section B (hereafter referred to as the _____ Property) hereby enter into the following Agreement declaring and creating an Easement.

REPRESENTATIONS

- A. WHEREAS, _____ (is) (are) the owner(s) of the following real property located in King County, Washington; See Exhibit A
- B. WHEREAS, _____ (is) (are) the owner(s) of the following real property located in King County, Washington; See Exhibit B
- C. WHEREAS, the _____ Property and the _____ Property share a common boundary upon which an existing driveway access of approximately _____ feet in width can and will provide convenient vehicular access to serve both of said properties;
- D. WHEREAS, both parties desire to declare and create an easement for driveway purposes in order to allow each party a mutual use of said common driveway, and to jointly share in the cost and maintenance of said driveway in order to benefit both the _____ Property and the _____ Property;

NOW, THEREFORE, it is hereby declared and agreed as follows:

- 1. _____ hereby grants and conveys to _____ a non-exclusive easement for ingress, egress, and utilities, over, under, and across the following described portion _____ of _____ the _____ Property: Easement Description _____
- 2. _____ hereby grants to _____ a non-exclusive easement for ingress, egress, and utilities, over, under, and across the following described portion _____ of _____ the _____ Property. Easement Description _____
- 3. Said easements conveyed by and from the _____ Property and the _____ Property shall be for the purpose of constructing,

maintaining, and/or repairing a common driveway of approximately _____ feet in width which will be used as vehicular access to and from any residence which is or will be located on each of said properties (hereafter referred to as the "driveway area").

4. The driveway area may also be used for water, gas, sewer, storm sewer, electricity, and public utilities to serve either the _____ Property or the _____ Property, so long as such use does not materially interfere with the primary purpose as a common driveway.
5. The owner(s) of the _____ Property and the _____ Property shall be responsible for, and shall share equally in the expense of maintaining and/or repairing the driveway area, except that any such expense related to any utility shall be borne solely by the Property being served by said utility, and any such expense arising solely from the misuse or negligent use of the driveway by the owner or owner's agents or invitees shall be borne solely by such owner. The driveway area shall be maintained in a way so as to provide continual and convenient access to each of said properties. The road surface shall be kept clear of leaves, hanging trees or shrubbery branches, debris, and foliage.
6. Any dispute under this Agreement shall be settled by binding arbitration in accordance with the rules for arbitration in RCW Title 7. The prevailing party shall be entitled to an award for reasonable attorneys' fees and costs, including reasonable attorneys' fees and costs on any appeal.
7. The easement created herein shall be perpetual and non-exclusive. This Agreement and the covenants and obligations contained herein shall run with the land and be binding upon and inure to the benefit of the parties, their heirs, successors and assigns.

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

(Individuals Only)

STATE OF WASHINGTON)

) SS.

County of King)

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

_____ to me known to be the individual(s) described herein and who executed the Shared Driveway Easement and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

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

Notary's Signature

Print Notary's Name

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

My commission expires: _____

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

(Partnerships Only)

STATE OF WASHINGTON)

) SS.

County of King)

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

_____ to me, known to be general partners of _____, the partnership that executed the Shared Driveway Easement and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary

(Corporations Only)

STATE OF WASHINGTON)
County of King) SS.

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

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

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____



PRESERVED GROVE EASEMENT

Parcel Data File: _____

Grantor: _____, owner of the hereinafter described real property, hereby grants to

Grantee: The City of Kirkland, a municipal corporation.

The undersigned grantors covenant to the City of Kirkland that they are all of the fee owners of the real property described in Exhibit B and hereby grant and convey a landscaped greenbelt easement over and across the portion of said real property as described in Exhibit A.

All trees and associated vegetation within the area of this easement shall remain and be maintained in accordance with the plan approved by the City of Kirkland a copy of which is contained in the City's parcel data file for the real property. No structures, buildings, or sheds are allowed, and no development activity is allowed that would impact the trees within this easement.

Except for ordinary landscape maintenance, no tree trimming, tree topping, tree cutting or tree removal, nor shrub or brush-cutting, or removal, nor construction, clearing or alteration activities shall occur within the easement area without prior written approval from the City of Kirkland. Application for such written approval to be made to the Kirkland Department of Planning and Community Development who may require inspection of the premises before issuance of the written approval and following completion of the activities. Any person conducting or authorizing such activity in violation of this paragraph or the terms of any written approval issued pursuant hereto, shall be subject to the enforcement provisions of Chapter 170, Ordinance 3719, the Kirkland Zoning Code. In such event, the Kirkland Department of Planning and Community Development may also require within the immediate vicinity of any damaged or fallen vegetation, restoration of the affected area by planting shrubs of comparable size and/or trees of three inches or more in diameter measured one foot above grade. The Department also may require that the damaged or fallen vegetation be removed.

Each undersigned grantor further agrees to maintain all vegetation within the landscaped greenbelt easement.

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

This easement is given to satisfy a condition of the development permit approved by the City of Kirkland under Kirkland File/Permit No. _____, for _____ upon the real property described in Exhibit B.

This easement shall be binding upon the parties hereto, their successors and assigns, and shall run with the land. This Easement shall, at the expense of the undersigned grantors, be recorded by the City of Kirkland with the King County Department of Elections and Records.

Exhibit A - Easement Description:

Exhibit B - Legal Description of Grantor's Property:

DATED this _____ day of _____, _____.

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

(Individuals Only)

STATE OF WASHINGTON)
County of King) SS.

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

_____ to me known to be the individual(s) described herein and who executed the Preserved Grove Easement and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

(Partnerships Only)

STATE OF WASHINGTON)
County of King) SS.

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

to be general partners of _____, the partnership that executed the Preserved Grove Easement and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary

(Corporations Only)

STATE OF WASHINGTON)
County of King)) SS.

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

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

that executed the Preserved Grove Easement and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

Sharon Plotkin
13021 NE 101st Place
Kirkland, WA 98033
December 4, 2016

Kirkland City Council
123 Fifth Avenue
Kirkland, Washington 98033

NOTICE OF APPEAL

CASE NO: SUB16-01315
CASE NO: SUB16-01316

LEAD APPELLANT: Sharon Plotkin

OTHER APPELLANTS: Existing Parties of Record

I, Sharon Plotkin, on behalf of existing parties of record and the residents on NE 101st Place and 131st Place NE, submit this appeal to the proposed plans for the SCRAMLIN GARDENS NORTH SHORT PLAT, CASE NO: SUB16-01315 and SCRAMLIN GARDENS SOUTH SHORT PLAT, CASE NO: SUB16-01316.

This appeal is specifically contesting the proposed extension and connection of NE 101st Place to 132nd Avenue NE.

The current plan is appealed on the basis that:

- The City of Kirkland Planning Department did not adequately and sufficiently consider the impact of the extension, and connection, of NE 101st Place to 132nd Avenue NE;
- It does not comply with the City of Kirkland's assurance to its neighborhoods that they are "secure, stable, and well-maintained, creating the foundation for our high quality of life" (http://www.kirklandwa.gov/department/CMO/Neighborhood_Services.htm); and
- It is in contravention to various City of Kirkland policies (see below).

Background

NE 101st Place extends just a little beyond one block and runs East-West. The Western end terminates in a developed cul de sac just after it crosses 128th Ave NE. The Eastern end of our street bends 90 degrees and turns into 131st Place NE.

128th Ave NE and 131st Place NE provide direct access into our neighborhood.

NE 101st Place enjoys a unique configuration in that the south side of the street is defined by a series of three shallow cul de sacs. Further, NE 101st Place does not connect directly to arterials and as a result, enjoys low traffic volumes. These factors combined foster a sense of community among neighbors and provide a safe place for children to play together on the street.

Our Submission

- Through traffic on our residential street will increase due to non-residents using the new extension to bypass traffic on 132nd Avenue NE, predominantly during peak hours.
- We are concerned that through traffic will encourage speeding on our street and will create safety problems for the large number of children who play on the street and use it as a route when they walk to and from Mark Twain Elementary School.
- The City has not provided or undertaken any traffic studies to support their argument that traffic will not increase significantly.
- The increased traffic throughout the day will impact the character and integrity of the neighborhood in contravention with the following policies.

Policy T-1.2 of the City of Kirkland Comprehensive, IX. Transportation, page IX-8 which states:

Mitigate adverse impacts of transportation systems and facilities on neighborhoods. Transportation systems and facilities can have adverse impacts on neighborhoods such as:

- *Safety problems due to speeding vehicles and increasing traffic volumes;*
- *Increased traffic resulting from drivers seeking alternate routes to congested arterials; and/or*
- *Air and noise pollution*

Further, Policy T-1.3 of the City of Kirkland Comprehensive, IX. Transportation, page IX-9 states:

Establish a street system that promotes and maintains the integrity of neighborhoods.

The street system is more than a circulation route; it is a major land use that exerts a strong influence on neighborhood integrity. Too often, this influence is seen as disruptive and intrusive. The street system can, however, be a strong positive force in promoting neighborhood integrity. As an example, streets can:

- *Allow for local and internal circulation;*
- *Contribute to a sense of safety and security;*
- *Have urban greenery and take advantage of opportunities for scenic views;*
- *Provide recreational opportunities for bicyclists and pedestrians; and*
- *Be a place for special events and street block parties.*

To promote neighborhood integrity, streets should be classified, designed, and developed in a manner that recognizes and respects the surrounding neighborhood.

(<http://www.kirklandwa.gov/Assets/Kirkland+2035/K2035+Comprehensive+Plan+Transportation.pdf>)

Our proposal would be to connect the existing section of NE 101st Place to the new development via a bike and pedestrian path wide enough to accommodate emergency vehicles. The two houses currently on the proposed lots already have driveways situated on 132nd Ave NE . Non-emergency vehicles entering and existing the new development would do so through 132nd Ave NE, but would not be able to use it for through traffic into the existing neighborhood.

Our proposal is in accordance with the North Rose Hill Plan, which states:

Policy NRH 22.2: Consider alternative design to conventional “grid patterned” streets to address topographic and sensitive area constraints, aesthetics, and safety of children and pedestrians/bicyclists, while at the same time considering emergency vehicular access. Street design should address these physical constraints while minimizing impacts to emergency response vehicles.

Policy NRH 22.3: Map where anticipated street connection locations could be considered with future infill development in order to provide predictability in the development process and for the neighborhood. While the North Rose Hill Street Connection Plan Map (Figure NRH-6 5 and Table NRH-1) indicates and describes the potential locations of street connections for future infill development, the exact location will be determined at the time of development. The development permit process should ultimately determine these locations. When new street connections are not required or not feasible, pedestrian and bicycle connections should still be pursued.

(<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/2035+City+Council+Packets/October+6+2015+City+Council/Exhibit+6+North+Rose+Hill+Neighborhood+Plan+sfs.pdf>)

We strongly oppose the road extension as it is currently proposed, however we are open to discuss alternatives. We look forward to speaking with the City Council.

Sincerely,

Sharon Plotkin
Lead Appellant
13021 NE 101st Place
Kirkland WA, 98033

Vivian Strolis and Roland Strolis, 13002 NE 101st Place, Kirkland WA, 98033

Sandy Kawamura and ~~Lance Pascubillo~~, 13015 NE 101st Place, Kirkland WA, 98033

Dan Iatco and Tatiana Buga, 13202 NE 101st Place, Kirkland WA, 98033

Not listed as Party of
Record (staff note)

Tammy Guisness, 12928 NE 101st Place, Kirkland WA, 98033

Gerald Kaufman, 13036 NE 101st Place, Kirkland WA, 98033

~~Alexandra Cherkassky and Arkady Shteyngart~~
13017 NE 101st Place, Kirkland WA, 98033

Not listed as Party of
Record (staff note)

Bryan Wang and Angela Wang, 13008 NE 101st Place, Kirkland WA, 98033

Chris Meyers, 12823 NE 101st Place, Kirkland WA, 98033

Pinky Saki, 12810 NE 101st Place, Kirkland WA, 98033

William Bou, 12915 NE 101st Place, Kirkland WA, 98033

Susan Davis, 12923 NE 101st Place, Kirkland WA, 98033

Sam Comstock, Brandi Comstock, Anna Comstock, Ella Comstock,
10025 131st Pl NE, Kirkland WA, 98033

Additional Concerned Neighbors who are not Parties of Record:

Phil Webb, 13014 NE 101st Place, Kirkland WA, 98033

Bartek Paliswiat and Jola Paliswiat, 13007 NE 101st Place, Kirkland WA, 98033

Tricia Ritter, 10033 131st Place NE, Kirkland WA, 98033

January 19, 2017

Allison Zike, project manager
City of Kirkland
123 Fifth Ave.
Kirkland, WA 98033

Re: Scramlin Gardens North and South Appeal
SUB16-01315 and SUB16-01316

Ms. Zike and affected parties,

This letter responds to Appeal filed December 6 regarding two adjoining short subdivisions, referenced above.

ARGUMENT

The appeal document states: *"I, Sharon Plotkin, on behalf of existing parties of record and the residents on NE 101st Place and 131st Place NE, submit this appeal . . ."* Being a party of record does not bestow status as appellants. Ms. Plotkin should be the only appellant regardless of appeal's statement to the contrary.

The complaint alleges:

- 1) City is not fulfilling certain promises to residents;
- 2) City has not followed its own guidance relating to subdivision review;
- 3) *Concern* over increased traffic volume
- 4) *Concern* over speeding and safety
- 5) *Concern* that a traffic study was not prepared
- 6) *Concern* over neighborhood impacts relating to traffic volume

All these concerns have been carefully studied, with detailed responses given in the project Decision. Section III. on pages 4 and 5 of the November 23 Decision go into considerable detail regarding the earlier-submitted concerns over primarily traffic. The issues raised by the neighborhood prior to Decision issuance included:

- Traffic volume
- Traffic safety
- Is the connection desirable or needed?
- Was a traffic study done or necessary?
- Is traffic calming warranted on the new street connection?
- Does the comprehensive plan require the new street connection?

Decision, Section III includes response from Staff:

*“Staff Response: Public Works has estimated that there may be additional traffic on NE 101st Place from the cul-de-sac at the west end of the street using the new through road to travel east out to 132nd Avenue NE. The maximum number of additional trips was estimated to be 13 peak hour trips in the AM and PM.” [1 car every 4.6 minutes] “The City’s Traffic Engineer has determined this amount of additional traffic is an insignificant volume increase on the existing development in the neighborhood. Additionally, while the traffic volume on NE 101st Place may insignificantly increase, the connection will provide residents along NE 101st Place a short and more direct access to 132nd Avenue NE and lessen the traffic impacts to 131st Place NE. **Reference Attachment 8 for a complete response.**” [notation, emphasis added]*

Attachment 8 includes considerable, additional analysis of these concerns.

No effort in the appeal is made to contradict nor disprove this work of City professionals, and their detailed analysis. No error is cited.

ANALYSIS

There are two criteria for filing an appeal:

KZC 145.60.2.a. A clear reference to the matter being appealed; and

KZC 145.60.2.b. A statement of the specific elements of the Planning Director’s decision disputed by the person filing the appeal.

It is Appellant’s responsibility to support their position:

KZC 145.95 Burden of Proof

The person filing the appeal has the responsibility of convincing the Hearing Examiner that the Planning Director made an incorrect decision.

Here, Council substitutes for Hearing Examiner due to presence of a new public road [KMC 22.20.245.(a)(1)].

The basic premise of an appeal is to demonstrate where a decision was rendered in error. Appellant has the entire responsibility of *proving* a mistake has been made. As filed, the appeal is more of a counterproposal than a proper appeal, seeking a legislative solution. However appeals are quasi-judicial matters, not legislative.

The Appeal concerns restate those made during project review, without recognizing nor refuting analysis of the same points in the Decision. The entire appeal *presupposes* that traffic will significantly increase, then claims that such impact was insufficiently studied. The cited, unmitigated “impact” is then used as backdrop for the offered relief of denying the application while substituting a yet-unconsidered design alternative.

Public Works has this entirely right – there will be no major traffic increase and it doesn't take a traffic engineer to see why – *there is nowhere for added traffic to go*. A quick review of the existing neighborhood circulation network shows that there are existing, connected neighborhood streets bounded by 132nd Ave. NE, NE 102nd Pl., 128th Ave. NE, and NE 100th. NE 101st Pl., which would complete the network, is the exception.

If there were a commercial center, an arterial street, or some other attraction drawing traffic through the neighborhood, it could be expected volumes would increase. Here, there is no destination except the same neighborhood that is already served. The only places people will travel via the new connection are places they are already going – the existing neighborhood. And all these trips are already going there, using NE 101st and 131st Pl. NE. People traveling to the new homes won't even go through the existing neighborhood as 132nd will be available directly.

Had the appeal attempted to prove its required burden by commissioning a traffic study, that study would have agreed that new traffic will be minimal, as correctly stated by DPW.

CONCLUSION

For an appeal to be upheld, it is required to specify a mistake committed in drafting a decision, and to prove the error. Here, no specific error has been claimed and no evidence submitted to attempt proof that the Scramlin Decisions were misguided.

City staff is tasked with evaluating development proposals to balance private property rights with best interests of the entire City. Here, they have done an admirable job – carefully explaining that anxieties expressed during project review and this appeal are unsupported by project context.

The two Scramlin Decisions should be upheld without alteration.

I look forward to the hearing with City Council.



Mike Smith,
Development Manager

RESOLUTION R-5234

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AFFIRMING THE PLANNING DIRECTOR DECISION APPROVING THE SCRAMLIN GARDENS NORTH AND SCRAMLIN GARDENS SOUTH SHORT PLATS IN THE PLANNING AND BUILDING DEPARTMENT FILE NOS. SUB16-01315 AND SUB16-01316.

1 WHEREAS, Merit Homes, Inc. filed applications with the Planning
2 and Building Department for approval, through a Process I review, of
3 two short subdivisions located within a Single-Family (RSX) 7.2 zone;
4 and

5
6 WHEREAS, the Director of the Planning and Building Department
7 issued Findings, Conclusions, and Recommendations on November 21,
8 2016; and

9
10 WHEREAS, Sharon Plotkin and other parties of record filed a
11 timely appeal of the Director’s decision to approve the applications for
12 the preliminary subdivisions on December 6, 2016; and

13
14 WHEREAS, the City Council, in an appeal hearing held during the
15 February 7, 2017 meeting, did carefully consider the appeal, the staff
16 report on the appeal, and the oral and written arguments of the persons
17 entitled to participate in the appeal hearing.

18
19 NOW, THEREFORE, be it resolved by the City Council of the City
20 of Kirkland as follows:

21
22 Section 1. The Director’s decisions approving the Scramlin
23 Gardens North and Scramlin Gardens South Short Plats are affirmed and
24 the Findings, Conclusions, and Decisions of the Director entered
25 November 21, 2016, and filed in the Planning and Building Department
26 File Nos. SUB16-01315 and SUB16-01316 are adopted by the City
27 Council.

28
29 Passed by majority vote of the Kirkland City Council in open
30 meeting this _____ day of _____, 20____.

31
32 Signed in authentication thereof this ____ day of _____, 20____.

MAYOR

Attest:

City Clerk



CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Tracey Dunlap, Deputy City Manager
Date: January 30, 2017
Subject: Women and Family Shelter Memorandum of Understanding

RECOMMENDATION:

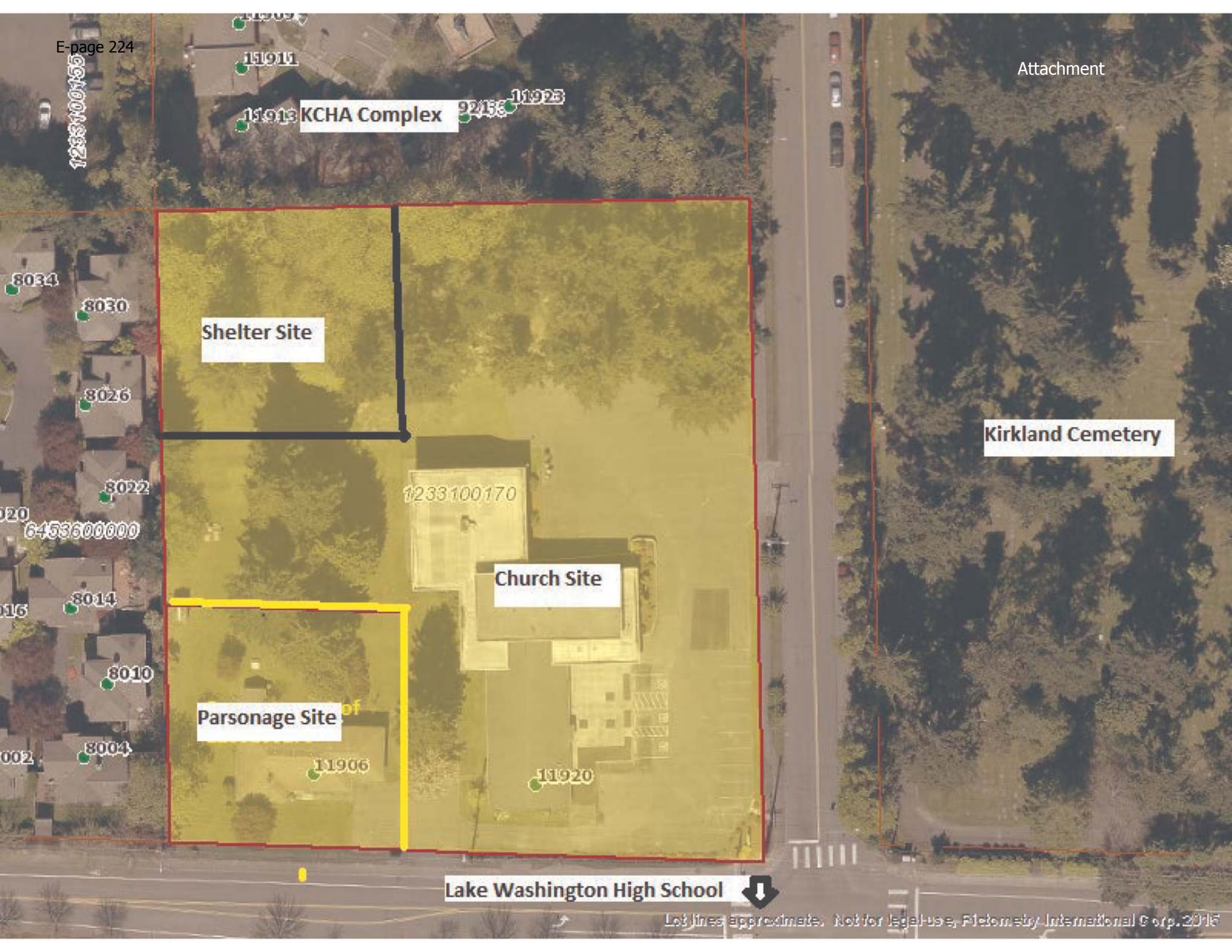
Council approves a resolution authorizing the City Manager to enter into a Memorandum of Understanding to secure a site for a permanent shelter for homeless women and families in Kirkland.

BACKGROUND DISCUSSION:

The 2015-2016 City Work Program included an item to "Partner with A Regional Coalition for Housing and non-profit organizations to site a permanent Eastside women's shelter in Kirkland." Staff has been meeting regularly with a group of stakeholders and this effort has resulted in a draft Memorandum of Understanding (MOU). The MOU addresses the steps necessary to secure a site for a permanent shelter to serve homeless women and families located at 11920 NE 80th Street on a portion of the property occupied by Salt House Church (satellite photo of property attached). The property is owned by Holy Spirit Lutheran Church (HSLC), the parent congregation to Salt House. The Salt House congregation voted 50-4 to proceed. On January 29, the HSLC congregation, after hearing presentations from Salt House leadership, Mayor Walen and the City Manager, voted 145-7 to approve entering into the MOU at their congregational meeting. The attached resolution authorizes the City Manager to execute a substantially similar document. Specifics regarding the parties involved and the next steps in the process to acquire the site are detailed in the draft MOU, which is scheduled for discussion at the City Council's February 3 Retreat. On key element of the MOU is that it states that the City is willing to be the interim property owner if necessary to facilitate the project.

The draft 2017-2018 City Work Program includes an item to "Partner with ARCH to finance and construct permanent women/family Eastside shelter in Kirkland." Staff has met with ARCH to establish a schedule for completing the work necessary to purchase the site and secure funding to proceed with the shelter project. Once the developer/service provider has been established (likely a partnership between Catholic Community Services and The Sophia Way), a more detailed implementation and outreach plan will be developed and the City Council will be briefed on the proposed structure and use of the City's funding commitment of \$850,000, as well as the \$350,000 allocated to the project by the State Legislature in 2016.

Attachment – Photo of church site



Shelter Site

Church Site

Parsonage Site

11906

11920

1233100170

KCHA Complex

Kirkland Cemetery

Lake Washington High School

RESOLUTION R-5235

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH HOLY SPIRIT LUTHERAN CHURCH AND SALT HOUSE TO WORK TOGETHER WITH OTHER NON-PROFIT ENTITIES TO SECURE A SITE FOR A PERMANENT SHELTER FOR HOMELESS WOMEN AND FAMILIES IN KIRKLAND.

1 WHEREAS, A Regional Coalition for Housing (ARCH) prepared a
2 white paper in 2014 articulating the need for permanent winter shelters
3 in East King County as part of a strategy on the path to housing for the
4 homeless; and

5
6 WHEREAS, the Kirkland City Council adopted a City Work
7 Program item for 2015-2016 to "Partner with A Regional Coalition for
8 Housing and non-profit organizations to site a permanent Eastside
9 women's shelter in Kirkland"; and

10
11 WHEREAS, the City has been meeting with representatives from
12 A Regional Coalition for Housing (ARCH) and local faith communities,
13 including Holy Spirit Lutheran Church and Salt House (HSLC/SH), to
14 discuss the potential of siting a women and family shelter in Kirkland;
15 and

16
17 WHEREAS, all parties support siting a permanent women and
18 family shelter in Kirkland; and

19
20 WHEREAS, Salt House is a satellite congregation to Holy Spirit
21 Lutheran Church (HSLC) and the property on which Salt House is located
22 is owned by HSLC on a lot with the address of 11920 NE 80th St.,
23 Kirkland (the "Church Parcel"); and

24
25 WHEREAS, the Salt House property also includes a separate
26 adjacent lot at 11906 NE 80th St. (hereinafter the "Parsonage Parcel");
27 and

28
29 WHEREAS, HSLC/SH have agreed to adjust the boundaries of
30 the Parsonage Parcel and the Church Parcel to create a new
31 undeveloped parcel (hereinafter the "Shelter Parcel") that can be used
32 to site a new permanent women and family shelter; and

33
34 WHEREAS, the Salt House congregation has voted to support
35 selling a portion of the property located at 11920 NE 80th St., Kirkland
36 (the proposed "Shelter Parcel") for siting a permanent women and
37 family shelter; and

38 WHEREAS, a number of actions need to be taken by Salt House,
 39 HSLC, ARCH, and other parties to finalize the terms of a purchase and
 40 sale agreement, including identifying the appropriate party or parties to
 41 own the property, secure the financing, and carry out the Project; and
 42

43 WHEREAS, the City and HSLC/Salt House desire to enter into an
 44 agreement in which they will work together with ARCH and other parties
 45 to secure the site for the shelter; and
 46

47 WHEREAS, the City and HSLC/Salt House desire to enter into a
 48 Memorandum of Understanding between them, setting out the working
 49 arrangements that each of them agree are necessary to complete the
 50 Project; and
 51

52 WHEREAS, Holy Spirit Lutheran Church as the parent
 53 congregation and owner of the Salt House property voted on January
 54 29, 2017 to approve entering into a Memorandum of Understanding
 55 (MOU) with the City of Kirkland to pursue the sale of a portion of the
 56 Salt House property for the siting of a permanent women and family
 57 shelter.
 58

59 NOW, THEREFORE, be it resolved by the City Council of the City
 60 of Kirkland as follows:
 61

62 Section 1. The City Manager is hereby authorized and directed
 63 to enter into the Memorandum of Understanding substantially similar to
 64 that attached as Exhibit "A", with Holy Spirit Lutheran Church and Salt
 65 House.
 66

67 Passed by majority vote of the Kirkland City Council in open
 68 meeting this ____ day of _____, 2017.
 69

70 Signed in authentication thereof this ____ day of _____,
 71 2017.

 MAYOR

Attest:

 City Clerk

Memorandum of Understanding

This memorandum of understanding (the Memorandum) is made this _____, day of _____, 2017, by and between the **City of Kirkland, Washington**, hereinafter referred to as the **City**, and **Holy Spirit Lutheran Church and Salt House**, of Kirkland, Washington, hereinafter referred to as **HLSC/Salt House**, for the purpose of achieving the various aims and objectives relating to securing a site for a permanent women and family shelter in Kirkland. For purposes of this Memorandum, securing the site will be referred to as **the Project**.

WHEREAS A Regional Coalition for Housing (ARCH) prepared a white paper in 2014 articulating the need for permanent winter shelters in East King County as part of a strategy on the path to housing for the homeless,

AND WHEREAS the Kirkland City Council adopted a City Work Program item for 2015-2016 to “Partner with A Regional Coalition for Housing and non-profit organizations to site a permanent Eastside women’s shelter in Kirkland,”

AND WHEREAS The New Bethlehem Project, sponsored by Holy Family Parish, in collaboration with St. Louise Parish, Salt House, Catholic Community Services (CCS), and other faith communities and concerned organizations, opened the year-round New Bethlehem Day Center in the lower level of the existing Salt House building located at 11920 NE 80th St., Kirkland, WA in November 2016 for families experiencing homelessness,

AND WHEREAS the City has been meeting with representatives from ARCH, CCS, The Sophia Way (TSW), and local faith communities including Salt House, Holy Spirit Lutheran Church (HSLC), and Holy Family Parish to discuss the potential of siting a women and family shelter in Kirkland,

AND WHEREAS all parties support the siting of a permanent shelter for women and families in Kirkland,

AND WHEREAS Salt House is a satellite congregation to Holy Spirit Lutheran Church (HSLC) and the property on which Salt House is located is owned by HSLC,

AND WHEREAS the Salt House congregation has voted to support selling a portion of the property located at 11920 NE 80th St., Kirkland (hereinafter the “Church Parcel”) for siting a permanent women and family shelter,

AND WHEREAS the Salt House property also includes a separate adjacent lot at 11906 NE 80th St. (hereinafter the “Parsonage Parcel”),

AND WHEREAS the boundaries of the Parsonage Parcel can be moved to the northwest corner of the Church Parcel to create an undeveloped parcel (hereinafter the “Shelter Parcel”) that can be used to site a new permanent women and family shelter,

AND WHEREAS the boundary line adjustment would result in the structure on the Parsonage Parcel becoming part of the Church Parcel and there would no longer be a separate Parsonage Parcel,

AND WHEREAS Holy Spirit Lutheran Church as the parent congregation and owner of the Salt House property voted on January 29, 2017 to approve entering into this MOU to pursue the sale of a portion of the Salt House property within the broad parameters summarized in this document,

AND WHEREAS the Washington State Legislature appropriated funds (\$350,000) to support locating a women and family shelter in Kirkland that must be committed to that purpose by March 1, 2017,

AND WHEREAS the Kirkland City Council has appropriated funds toward the shelter project as part of the 2017-2018 Budget (\$850,000),

AND WHEREAS a number of actions need to be taken by Salt House, HSLC, ARCH, CCS and other parties to finalize the terms of a purchase and sale agreement, including identifying the appropriate party or parties to own the property, secure the financing, and carry out the Project,

AND WHEREAS the City is willing to be the interim property owner if necessary to facilitate the Project,

AND WHEREAS the City and HSLC/Salt House desire to enter into an agreement in which they will work together with ARCH, CCS and other parties to secure the site for the shelter; and

AND WHEREAS the City and HSLC/Salt House desire to enter into a Memorandum of Understanding between them, setting out the working arrangements that each of them agree are necessary to complete the Project.

Purpose

The purpose of this Memorandum is to provide the framework for a future purchase and sale agreement regarding the purchase of a portion of the property owned by HSLC/Salt House to be used as a permanent women and family shelter.

Obligations of the Parties

The Parties acknowledge that no contractual relationship is created between them by this Memorandum, but agree to work together in good faith to ensure that there is a united visible and responsive leadership of the Project and to demonstrate financial, administrative and managerial commitment to the Project by means of the following individual services.

Cooperation

The activities and services for the Project that the parties will work jointly and with other parties including CCS to carry out shall include, but not be limited to:

- a. Convening the parties to identify the steps necessary to carry out the Project,
- b. Cooperate with efforts to pursue the necessary funding to secure the site;
- c. Carrying out necessary studies and services to secure the site, including but not limited to surveys and appraisals; and
- d. HSLC/Salt House securing a boundary line adjustment with the City of Kirkland to move the boundaries of the existing Parsonage Parcel to the Northwest corner of the property to create the Shelter Parcel;

To the extent that either of the Parties will incur out of pocket expenses to carry out these tasks, responsibility for those costs will be determined by the Parties in advance of the costs being incurred.

Broad Parameters

The Parties have agreed to pursue the Project within the following broad parameters:

- a. The Parsonage Parcel boundaries will be relocated to the northwest corner of the Church Parcel to create the Shelter Parcel;
- b. The resulting Shelter Parcel will be at least 0.33 acres in size;
- c. HSLC/Salt House will grant an access easement across the Church Parcel to the Shelter Parcel;
- d. Parking requirements for the Shelter Parcel will be addressed as part of the Shelter project, with approved additional street parking as needed;
- e. The estimated price range for the Shelter Parcel, depending on the final size, is expected to be \$500,000-\$750,000, with the final price to be set based on an appraisal by an appraiser who has been mutually agreed upon by the City and HSLC/Salt House;
- f. CCS and/or TSW are anticipated to be the owner/operators of the shelter facility;
- g. The transaction will include covenants that the Shelter Parcel cannot be resold for private commercial or residential redevelopment in the event that a permanent women and family shelter proves infeasible, but the parcel could be used for other non-profit or public purposes.
- h. The purchase and sale agreement will contain the following language to ensure eligibility for Federal funding: "Notwithstanding any other provision of this Contract, Purchaser shall have no obligation to purchase the Property, and no transfer of title to the Purchaser may occur, unless and until King County has provided Purchaser and/or Seller with a written determination, on the basis of a federally required environmental review and an approved request for release of federal funds, that purchase of the property by Purchaser may proceed, subject to any other Contingencies in this Contract, or may proceed only if certain conditions to address issues in the environmental review shall be satisfied before or after the purchase of the property. King County shall use its best efforts to conclude the environmental review of the property expeditiously."

Communication Strategy

Marketing of the vision and any media or other public relations contact should always be consistent with the aims of the Project and only undertaken with the express agreement of both parties. Where it does not breach any confidentiality protocols, a spirit of open and transparent communication should be used. Co-coordinated communications should be made with external organizations to elicit their support and further the aims of the Project.

Liability

No liability will arise or be assumed between the Parties as a result of the Memorandum.

No Third Party Benefit

The Memorandum and/or agreements, aims and objectives stated herein are not intended to, and do not, create any rights in any named or unnamed third parties.

Dispute Resolution

In the event of a dispute between the Parties in the negotiation of the final purchase and sale agreement relating to the Project, a dispute resolution group will convene consisting of the City Manager for the City of Kirkland and a lay leader from HSLC/Salt House, together with one other person

independent of the Parties agreed to by the City Manager and the lay leader. The dispute resolution group may receive for consideration any information it thinks fit concerning the dispute. The Parties agree that a decision of the dispute resolution group will be final. In the event the dispute resolution group is unable to make a compromise and reach a final decision, it is understood that neither party is obligated to enter into any final and binding purchase and sale agreement for the Project.

Term

The agreement and arrangements made by the Parties by this Memorandum shall remain in place from the date it is signed by both parties until December 31, 2017. The term can only be extended by written agreement of all of the Parties.

Notice

Any notice or communication required or permitted under this Memorandum shall be sufficiently given if delivered in person or by email to the following:

The City – Kurt Triplett, City Manager at ktriplett@kirklandwa.gov

HSLC/Salt House – David Papenhausen at dpappy1@aol.com

Governing Law

This Memorandum shall be construed in accordance with the laws of the State of Washington.

Assignment

Neither party may assign or transfer the responsibilities or agreements made herein without the prior written consent of the non-assigning party, which approval shall not be unreasonably withheld.

Amendment

This Memorandum may only be amended or supplemented by agreement of all Parties in writing.

Severability

If any provision of this Memorandum is found to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Memorandum is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

Understanding

It is mutually agreed upon and understood by and among the Parties to this Memorandum that:

- a. Each Party will work together in a coordinated fashion for the fulfillment of the Project.
- b. In no way does this Memorandum restrict involved Parties from participating in similar agreements with other public or private agencies, organizations and/or individuals.
- c. To the extent possible, each Party will cooperate in the development of the Project.
- d. Nothing in this Memorandum shall obligate any Party to the transfer of funds. Any transfer of funds related to the Project shall be handled in accordance with applicable laws, regulations, and procedures. Such transfers shall be outlined in separate agreements that shall be made in

writing by representatives of the Parties involved and shall be independently authorized by appropriate statutory authority. This Memorandum does not provide such authority.

- e. This Memorandum is not intended to and does not create any right, benefit, or trust responsibility.
- f. This Memorandum will be effective upon the signature of all Parties.
- g. Any Party may terminate its participation in the Memorandum by provided written notice to the other Party.

Signatories

The Parties signing below support the foregoing goals and objectives.

This Memorandum shall be signed on behalf of the City by Kurt Triplett the City Manager, and on behalf of HSLC/Salt House by David Papenhausen the Church Council President. This Memorandum shall be effective as of the date first written above.

The City of Kirkland
By Kurt Triplett, its City Manager

HSLC/Salt House
By David Papenhausen, its Church Council President

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.kirklandwa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Deputy City Manager
Chris Dodd, Facilities Services Manager

Date: January 26, 2017

Subject: City Hall Renovation Project – Update and Discussion

RECOMMENDATION:

City Council receives a brief update on the City Hall renovation project and provides additional direction for future enhancements.

PROJECT UPDATE

On January 24th, 2017, the City Hall Remodel Project met a major milestone by achieving substantial completion of major construction and has now shifted focus to completing punch-list items, staff training and obtaining close out documents. Installation of Art Glass on both Main Street and the new Peter Kirk Room, completion of the entry, installation of remaining doors, replacing exterior malfunctioning glazing, and creating the new Parks counter are a few major items remaining to be completed over the next couple of months.

APPROVED AND ADDITIONAL CHANGES

At the June 7, 2016 Council Meeting, the City Council approved the following owner-initiated changes to the project:

- Upgrading the men's and women's locker rooms. This upgrade has been completed and staff is very much appreciating this addition to the project. This addition was funded with funds set aside in the Medical Self-Insurance Fund in prior years for wellness activities.
- New conference room furnishings. New conference room furnishings for all of the conference rooms and the new Peter Kirk Room have arrived or are expected to be delivered to the vendor warehouses shortly. The furniture is expected to be delivered and installed in City Hall over next few weeks.
- Window coverings. City Council authorized staff to procure new window coverings for City Hall. With the project reaching the substantial completion milestone, it is now feasible to get proper measurements and bids are being gathered to allow orders to be replaced. Installation is expected to occur in the next few months.

At the October 18, 2016 City Council Meeting, additional information was requested for the following items:

- Building solar monitoring system. The new solar array on the roof of City Hall is in final inspection with PSE and will be online in the coming weeks. Staff is reviewing options to measure in real-time the energy being generated by the solar array and provide a means of reporting out on the benefits. The installed solar system inverter has a web interface for reporting the health of the system. Staff is waiting for a final cost for the software which would allow staff to monitor generation. This information could then be provided for distribution to many media outlets and the Kirkland website.
- Additional vehicle charging stations. Council directed staff to move forward with up to 4 additional vehicle charging stations for use by City fleet vehicles. The goal of this project is to accommodate the expected increase the number of electric fleet vehicles over the next 10-15 years. Currently, Fleet and Facilities are working with charging station vendors to properly scope the project. The tentative location for the charging stations is shown in Attachment A. Staff recommends doing this project in concert with landscaping enhancements.
- Enhanced landscaping. At the October 18, 2016 City Council Meeting staff, along with ARC Architects and JKLA Landscape Architects, presented the City Council with a broad range of options to enhance the City Hall landscaping. The price of those options ranged from a low of \$400,000 to an estimated maximum cost of \$821,000. Staff was directed to return with a prioritized list of options (and costs) that could be evaluated as a menu of choices by the Council. The prioritized list can be seen in Attachment B. The attachment outlines several areas and priorities given to each, with cost estimates include design, construction and tax. The top recommended priorities are the northern front entrance, followed by a rain garden and enhanced landscaping in the northwest section of City Hall. A rendering of the proposed front entrance has been included to provide a better visual on the anticipated improvements.

Staff is seeking Council input and suggestions on the proposed priorities, and then direction on whether to proceed with the design and bid process for the landscaping enhancements.

5TH AVE

2ND ST

4TH AVE

123

Kirkland City Hall

Proposed Future Vehicle Charging Station

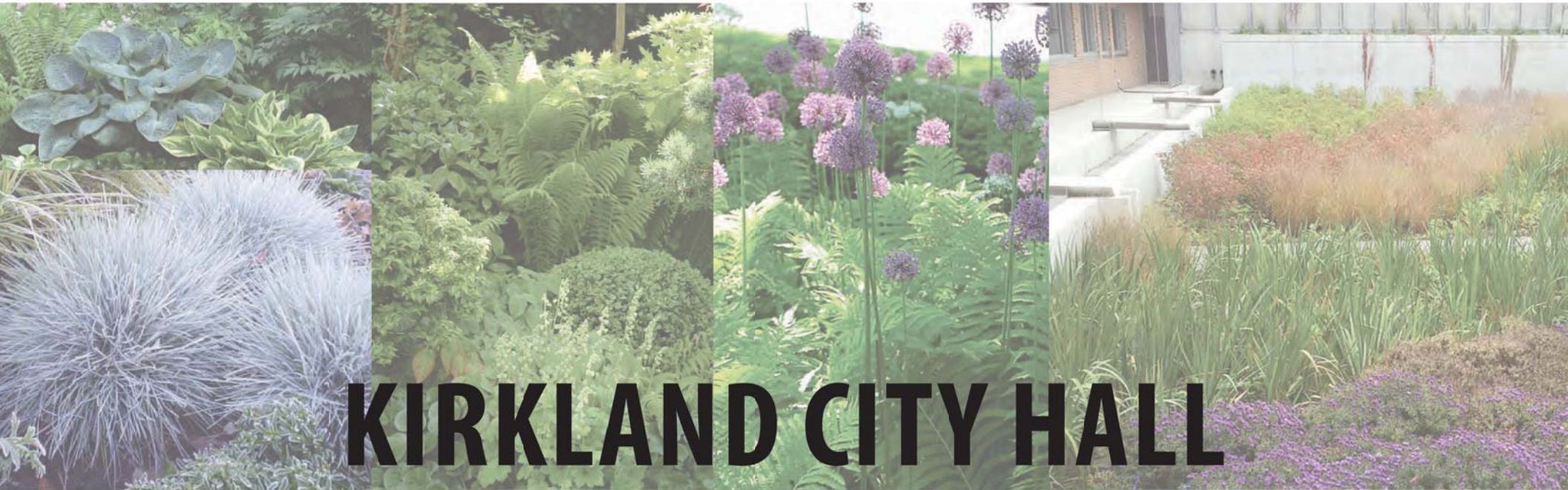


Attachment A



0 40 Feet





KIRKLAND CITY HALL

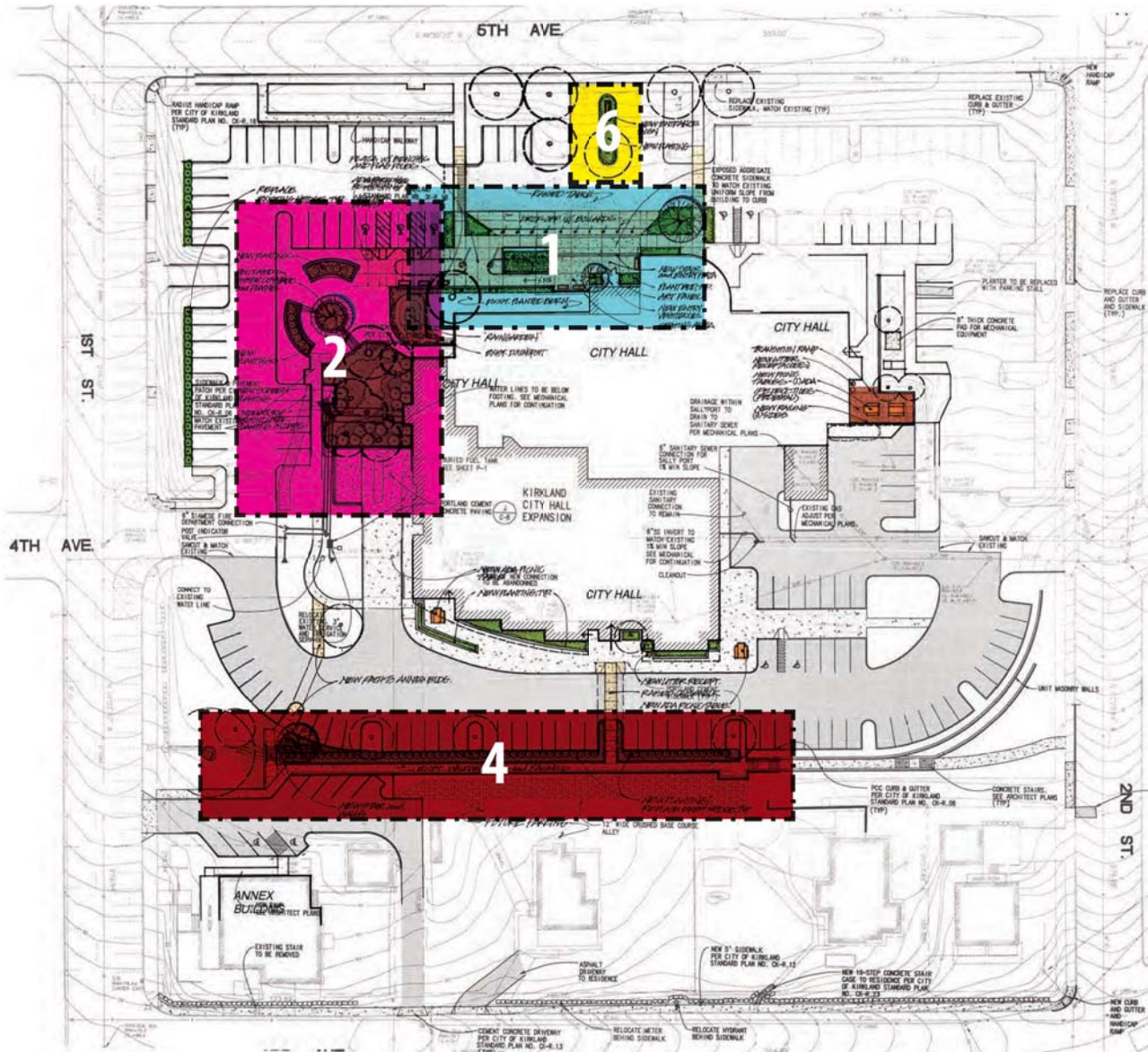
2017 SITE IMPROVEMENTS STUDY



a|r|c
ARCHITECTS

JKLA
landscape architects, pllc

kpff



SITE IMPROVEMENT AREAS ROM COST*

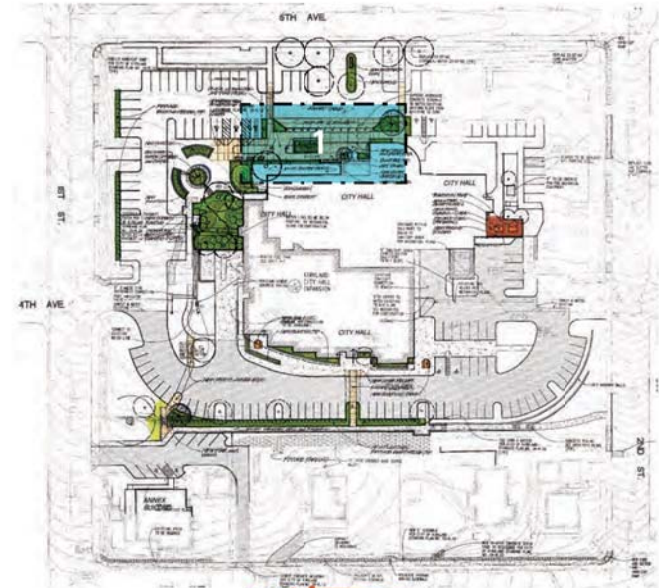
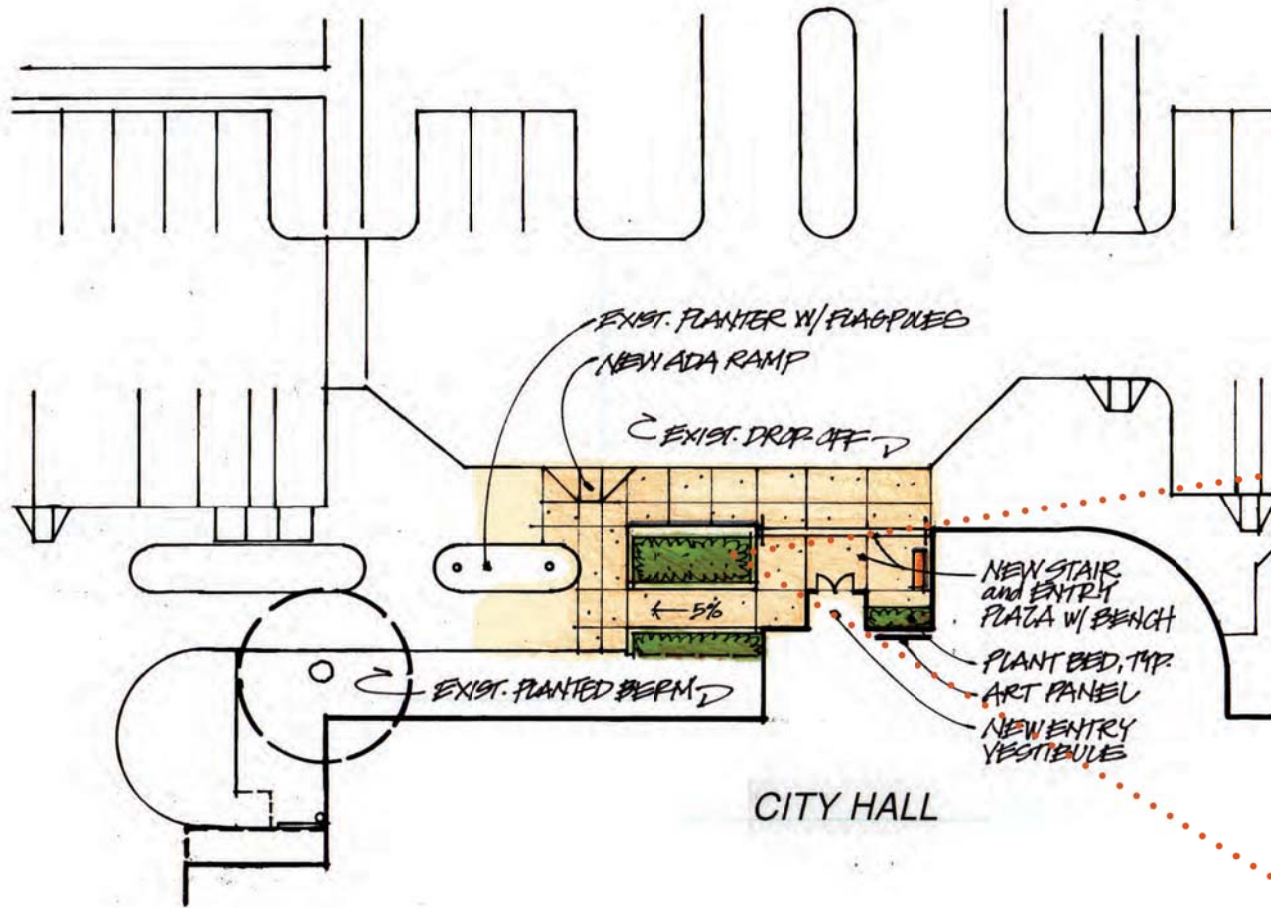
AREA 1	
MAIN COURTYARD	\$120,000
AREA 2	
NORTHWEST CORNER	\$65,000
AREA 4	
PEDESTRIAN CORRIDOR	\$65,000
AREA 6	
NORTH BUILDING ENTRY	\$33,500
AREAS 1,2,4,6 SUBTOTAL :	\$283,500
+ACCESSORY ITEMS	\$16,500
TOTAL PROJECT COSTS:	\$300,000

* preliminary ROM pricing includes construction costs, sales tax (9.5%) and design fees (17.5%). Any other soft costs are excluded.



KIRKLAND CITY HALL - 2017 SITE IMPROVEMENTS STUDY
PRIORITIZED AREAS BY STAFF
 2017.02.07





KIRKLAND CITY HALL - 2017 SITE IMPROVEMENTS STUDY

AREA 1 - MAIN ENTRANCE COURTYARD

2017.02.07

a|r|c
ARCHITECTS

JKLA
landscape architects, pllc

kpff



KIRKLAND CITY HALL - 2017 SITE IMPROVEMENTS STUDY

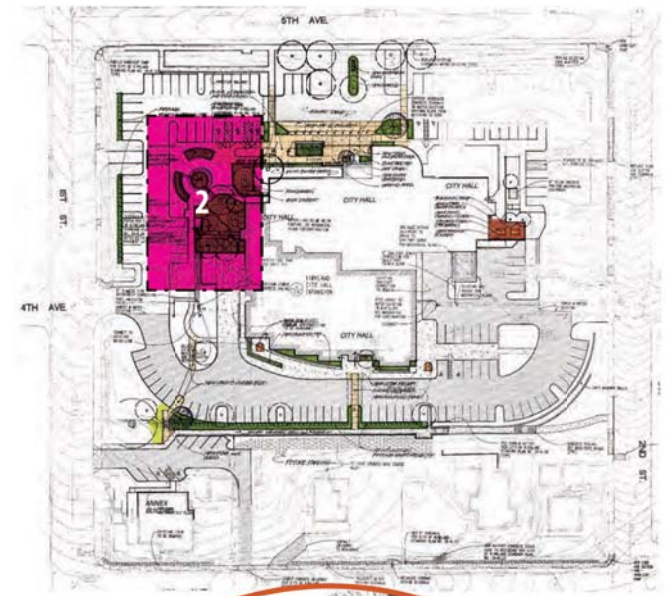
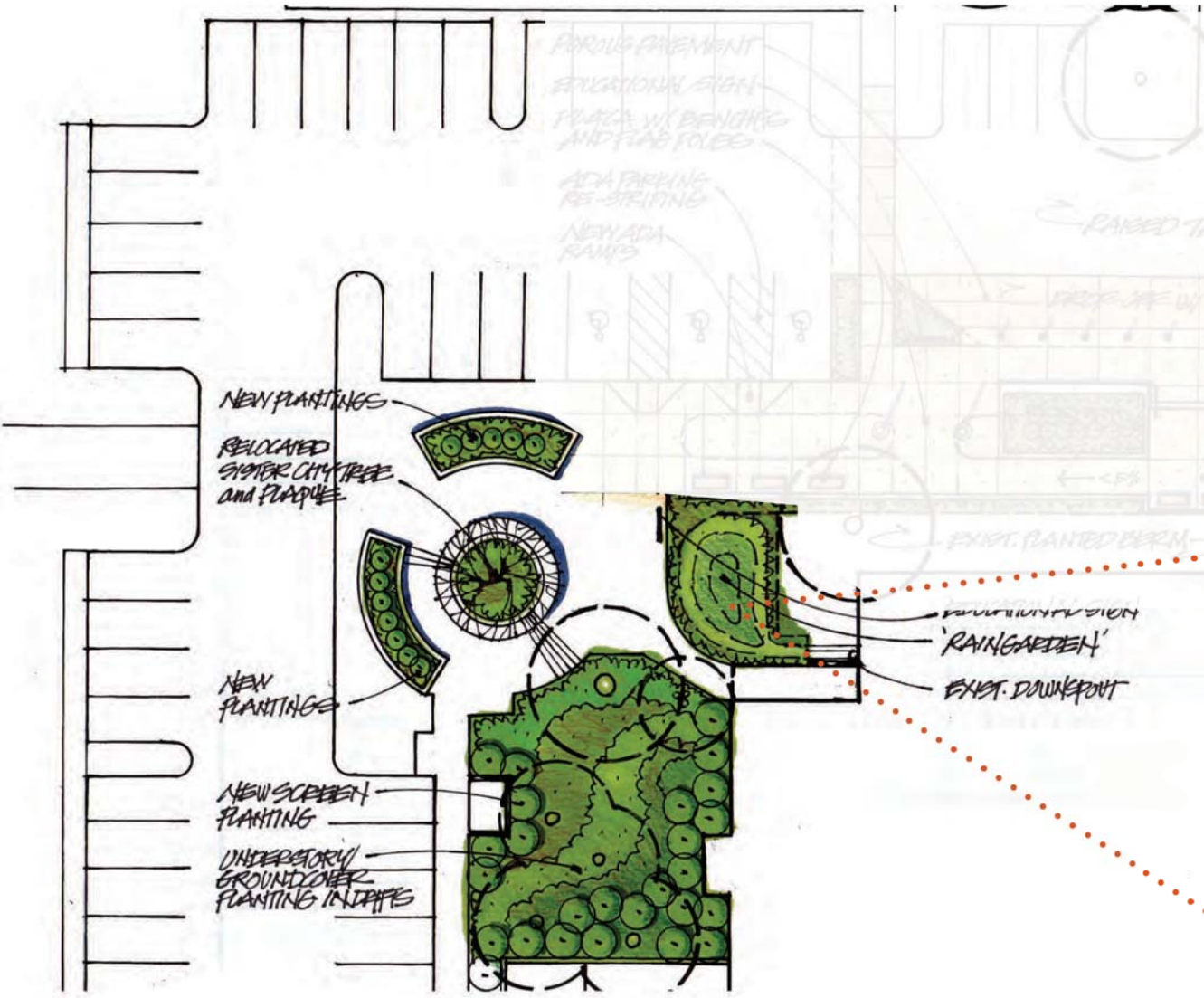
AREA 1 - MAIN ENTRANCE COURTYARD

2017.02.07

a|r|c
ARCHITECTS

JKLA
landscape architects, pllc

kpff

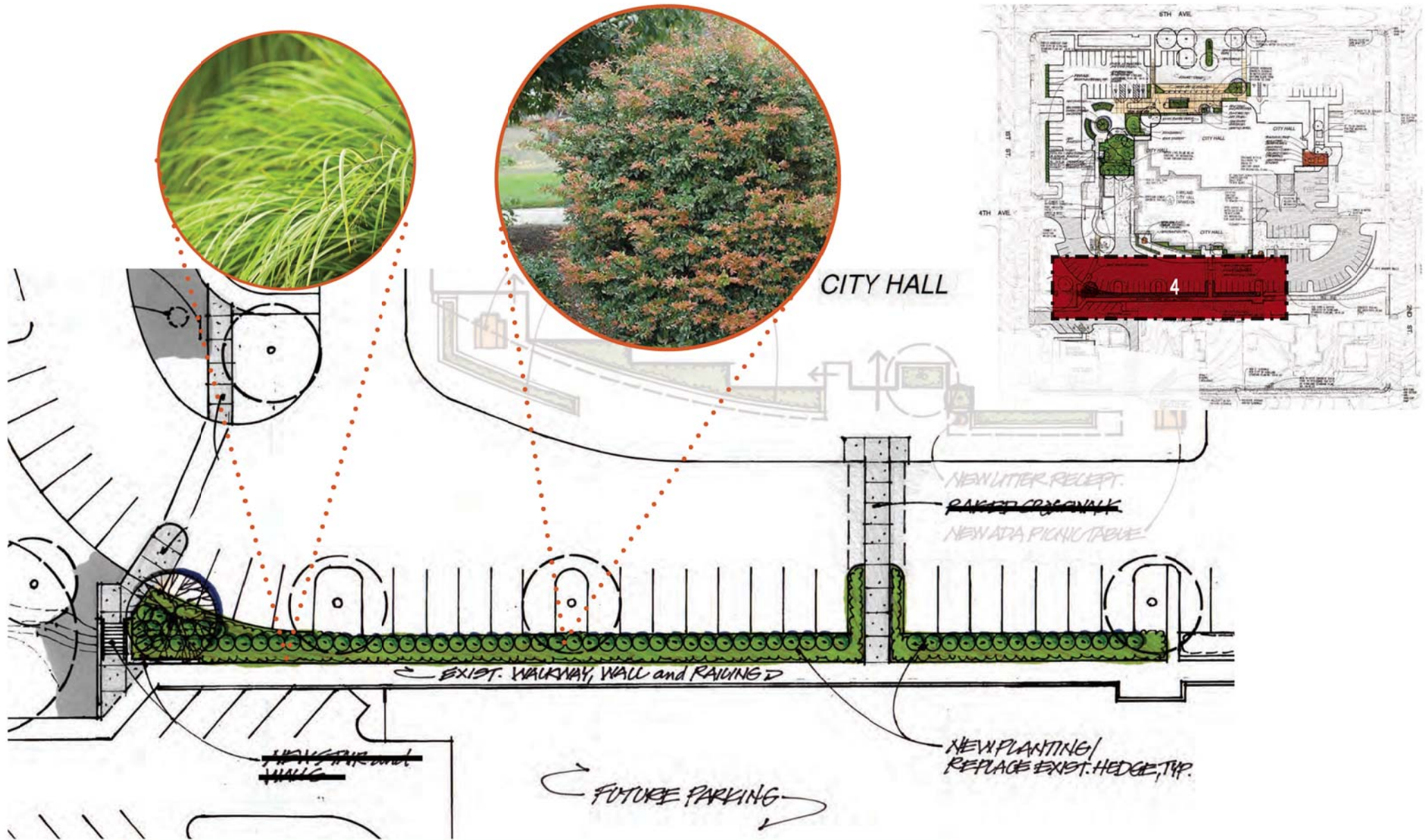


KIRKLAND CITY HALL - 2017 SITE IMPROVEMENTS STUDY
AREA 2 - NORTHWEST CORNER (PLANTING ONLY)
 2017.02.07

a|r|c
ARCHITECTS

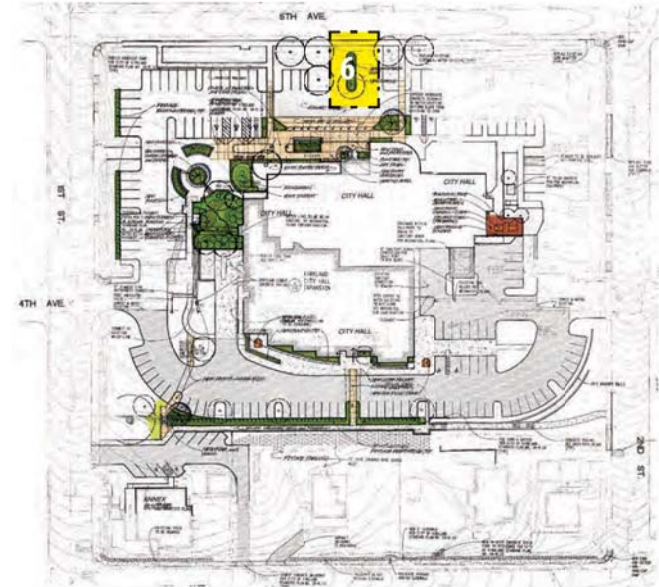
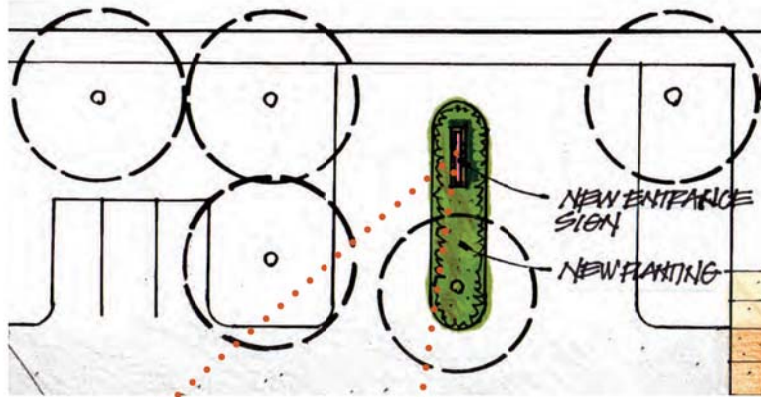
JKLA
landscape architects, pllc

kpff



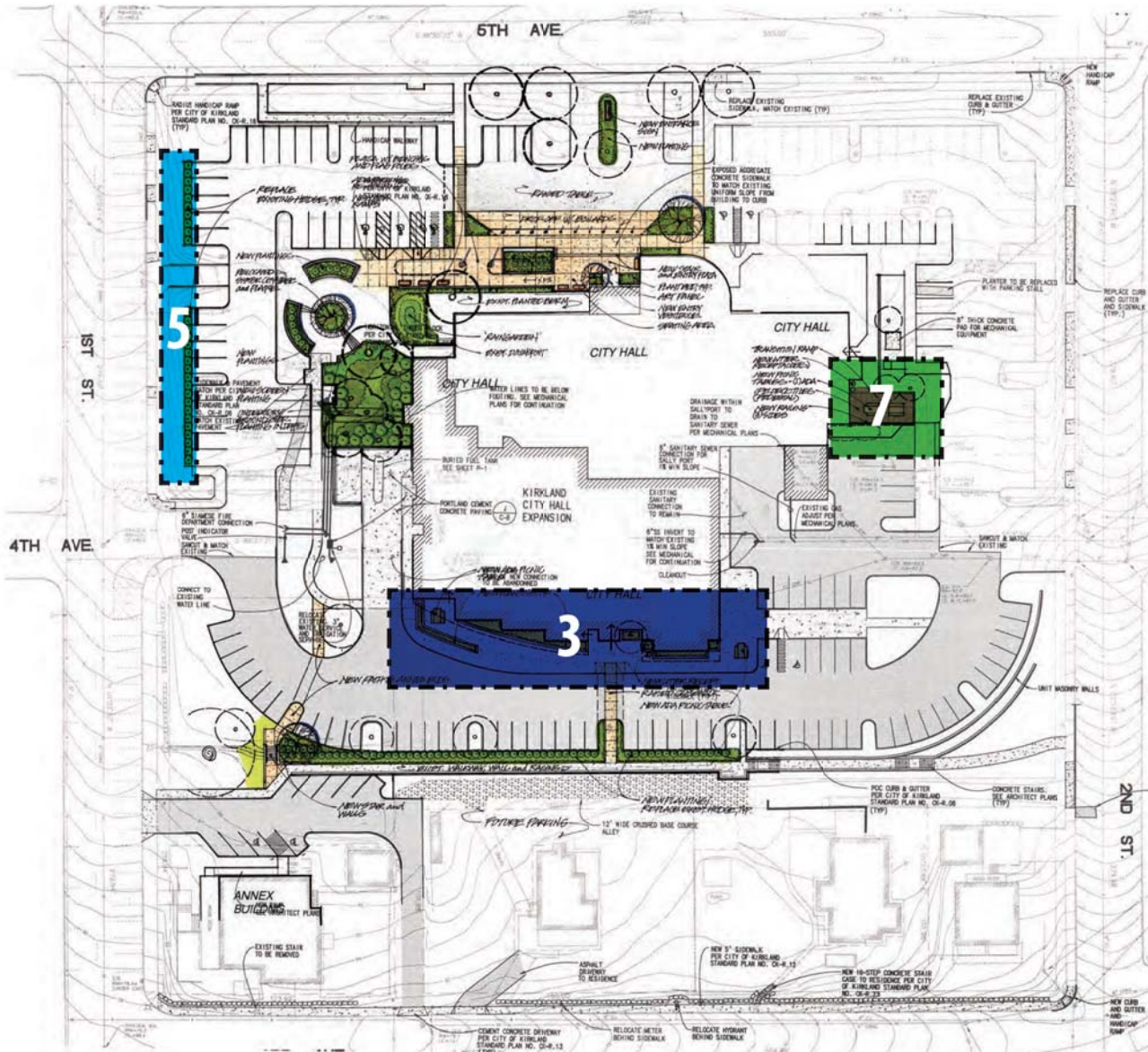
KIRKLAND CITY HALL - 2017 SITE IMPROVEMENTS STUDY
AREA 4 - PEDESTRIAN CORRIDOR (PLANTING ONLY)
2017.02.07





KIRKLAND CITY HALL - 2017 SITE IMPROVEMENTS STUDY
AREA 6 - NORTH ENTRY (+ EAST/WEST ENTRY WAYFINDING)
2017.02.07





PREVIOUS AREAS CONSIDERED ROM COST*

AREA 3
SOUTH ENTRANCE AND PATIO \$18,700

AREA 5
WEST PARKING EDGE \$9,800

AREA 7 (MIN / MAX)
EAST PATIO (MIN) \$89,300
EAST PATIO (MAX) \$167,100

* preliminary ROM pricing includes construction costs, sales tax (9.5%) and design fees (17.5%). Any other soft costs are excluded.



KIRKLAND CITY HALL - 2017 SITE IMPROVEMENTS STUDY
PREVIOUS AREAS CONSIDERED (OCT 2016 STUDY)
2017.02.07





CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Lorrie McKay, Intergovernmental Relations Manager
Date: January 27, 2017
Subject: 2017 LEGISLATIVE UPDATE #2

RECOMMENDATION:

Council should receive its second update on the 2017 legislative session.

BACKGROUND DISCUSSION:

This memo reflects an update of the City's legislative interests as of January 27. At the writing of this memo, the legislature had concluded its third week of the 2017 State Legislative Session and over 165 bills introduced have been identified for staff review of potential impacts to the City.

February 17 is the last day to read in committee reports in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees. February 24 is the last day to read in committee reports from House fiscal committees and Senate Ways & Means and Transportation committees in house of origin.

Council's Legislative Workgroup

The Council's Legislative Committee (Mayor Walen, Councilmember Asher and Councilmember Marchione) meets weekly throughout the session on Friday's at 3:30pm. The Legislative Workgroup met on January 27 to discuss the status of the City's 2017 legislative priorities (Attachment A). Since Council's January 17 meeting, Staff reviewed (Attachment B) and recommended City positions (Attachment C) on 40 bill proposals from over 165 received to date.

Summary Status of the City's 2017 legislative priorities

- New policies and funding tools to address homelessness and create more affordable housing:
 - Representative McBride is expected to introduce an Omnibus bill in the coming days.

- Housing Trust Fund
 - No update

- REET 1 & 2 Flexibility to include affordable housing
([Senate Bill 5254](#)) Ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs. (Senator Fain, LD 47)
This bill is being championed by the Realtors. The bill was heard Thursday, January 26 in the Senate Local Government Committee. The City signed-in "Other" and Councilmember Sweet testified (Attachment D) in support of the section that authorizes the use of REET 1 & 2 funding to be spent on affordable housing through 2019. Councilmember Sweet also testified in support of the section that extends and increases the document recording fee, and eliminates the sunset. Councilmember Sweet did not speak to the buildable lands portion of the bill, as there are concerns.
- Extend document recording fee for housing (eliminate sunset) and increase the fee
([House Bill 1570](#)) Concerning access to homeless housing and assistance. (Rep. Macri, LD 43)
In addition to being included in SB 5254, extending the document recording fee, increasing the fee and eliminating the sunset is included in HB 1570.
The bill was heard Thursday, January 26 in the House Community Development, Housing & Tribal Affairs Committee and is scheduled for Executive Session on February 1. While Councilmember Sweet did not testify in support of this bill, the City signed-in in support of the bill.
- Allow Kingsgate Park and Ride to be used for an affordable housing Transit Oriented Development
- No update: City staff are meeting monthly with Washington DOT and Sound Transit staff.
- Support adequate and sustainable funding to maintain high-quality statewide training for law enforcement personnel
- Chief Harris will be in Olympia February 7 with the Washington Association of Sheriffs and Police Chief. The Chief is scheduled to meet with each member of the City's delegation.
- Allow local jurisdictions the option to set a lower taxing limit for a Metropolitan Park District (MPD)
([Senate Bill 5138](#)) Concerning metropolitan park districts. (Senator Palumbo, LD 1)
This bill is being championed by the City of Kirkland. SB 5138 bill was heard Thursday, January 19 in the Senate Local Government Committee. Deputy Mayor Arnold testified in support of the bill (Attachment E). Other testimony included support for the concept, yet identified some concerns. Of top concern was retroactive language that was included in the original bill (unclear how it was included) that existing MPDs requested be struck. Other testimony requested that the bill included counties as well as cities. The bill was amended and moved out of committee on January 26. SB 5138 was passed to the Rules Committee today.

([House Bill 1456](#)) Concerning metropolitan park districts (Rep. Kloba, LD 1) is the companion bill to SB 5138.
HB 1456 was heard Wednesday, January 25 in the House Local Government Committee. Councilmember Asher testified in support of the bill (Attachment F) and in support of proposed amendments to the original bill. HB 1456 is scheduled for executive session on February 2.

- Capital or transportation budget funding for a multimodal safety improvement project connecting the Cross Kirkland Corridor with the Redmond Central Connector

Staff completed the required capital project application forms for the House, Senate republicans and Senate democrats. Waypoint consulting worked with the City's delegation members to gather signatures and get forms submitted last week. All House members signed-on and submitted the form. Senator Rossi (LD 45) sponsored and submitted the form, and Senator Palumbo (LD 1) submitted the form. Forms are due February 3.

The City's Transportation Commission has expressed an interest in helping to secure funding for this project. Staff will develop guidance.

- Allow both the state and local governments the option of replacing the property tax cap, currently fixed at 1 percent, with a cap that is indexed to both population growth and inflation.

(**House Bill 1764**) Replacing the one percent property tax revenue limit with a limit tied to cost drivers. (Rep. Lytton, LD 40).

HB 1764 was introduced January 27. Representatives Springer, Kloba and Slatter are co-sponsors.

- Support updates to the Public Records Act that will:

(**House Bill 1594**) Improving public records administration. (Rep. McBride, LD 48).

HB 1594 was introduced January 25 into the House State Government Committee.

Representatives Springer, Goodman, Kloba, Stanford and Slatter are all co-sponsors.

The bill's digest reads, 1594: Revises the public records act to improve public records administration. Requires training for records officers and public records officers to address particular issues related to the retention, production, and disclosure of electronic documents. Requires the attorney general to establish a consultation program to provide information for developing best practices for local agencies requesting assistance in compliance with the public records act.

Requires the division of archives and records management in the office of the secretary of state to:

- 1) Establish and administer a competitive grant program for local agencies to improve certain technology information systems for public records;
- 2) Conduct a study to assess the feasibility of implementing a statewide open records portal through which a user can request and receive a response, relating to public records information, through a single internet web site; and
- 3) Convene a stakeholder group to develop the initial scope and direction of the study.

Requires the county auditor to charge a surcharge of one dollar per instrument for every document recorded.

Makes an appropriation from the general fund to the secretary of state solely for purposes of the study.

- Exempt non-appointed volunteers from records requests, except for responsive records already retained by jurisdiction

- No update. Staff and consultants have been working with Committee staff to respond to requests for additional information and definitions.

- Establish a nominal fee for filing records requests and a per document charge for electronic records

([House Bill 1595](#)) Concerning costs associated with responding to public records requests. (Rep. Nealey, LD 16).

HB 1595 was introduced January 25 into the House State Government Committee. Representatives McBride, Springer, Goodman, Kloba, Stanford and Slatter are all co-sponsors.

The bill's digest reads, 1595: Revises the public records act with regard to:

- 1) Requiring statements of actual costs for photocopies and electronically produced copies to be adopted by the agency only after public notice and a hearing;
- 2) Allowing the denial of a bot request;
- 3) Requiring that a request be for identifiable records; and
- 4) Expanding information on agency charges.

- Create a path to predictability on fines for jurisdictions that make good faith efforts to comply with records requests.

- No update. Staff and consultants have been working with Senator Kuderer.

AWC ANNUAL CITY ACTION DAYS CONFERENCE:

The AWC's annual City Action Days will be held on February 15 and 16. Conference activities on the 15th will be held at the Red Lion. Activities on the 16th are held in a heated tent on the capital campus. See the attached conference agenda (Attachment G).

- Attachments:
- A. 2017 Legislative Priorities Status (1/27/17)
 - B. Staff Analysis of Bill Proposals (1/27/17)
 - C. Bill Tracker – Recommended Positions (1/27/17)
 - D. Councilmember Sweet's Testimony: SB 5254 (1/26/17)
 - E. Deputy Mayor Arnold's Testimony: SB 5138 (1/19/17)
 - F. Councilmember Asher's Testimony: HB 1456 (1/25/17)
 - G. AWC's City Action Days Conference Agenda

Legislative Priority	Bill #	Prime Sponsor	Status
New policies and funding tools to address homelessness and create more affordable housing. <ul style="list-style-type: none"> Restore the Housing Trust Fund (HTF) to pre-recession levels Add affordable housing to the list of eligible projects that can be funded by REET 1 and REET 2 Extend document recording fee for housing (eliminate sunset) and increase the fee 	HB 1536	Rep. McBride	1/23 – Referred to House Comm. Dev., Housing & Tribal Affairs
	SB 5254	Sen. Fain	1/26 – Heard in Sen. Local Government
	SB 5254	Sen. Fain	1/26 – Heard in Sen. Local Government
	HB 1570	Rep. Macri	1/26 – Heard in House Comm. Dev., Housing & Tribal Affairs
Allow Kingsgate Park and Ride to be used for an affordable housing Transit Oriented Development	N/A	N/A	Interagency staff (WSDOT, Kirkland and Sound Transit) WSDOT needs further research on what is allowable, and potential issues related to financing.
Support adequate and sustainable funding to maintain high-quality statewide training for law enforcement personnel			Working with Rep. Kloba to circulate a letter
Allow local jurisdictions the option to set a lower taxing limit for a Metropolitan Park District (MPD)	HB 1456	Rep. Kloba	1/20 - First reading, referred to House Local Government 1/25 – Heard in Sen. Local Government 2/1 – Scheduled for Exec Session
	SB 5138	Sen. Palumbo	1/13 - First reading, referred to Sen. Local Government 1/19 – Heard in Sen. Local Government
Capital or transportation budget funding for a multimodal safety improvement project connecting the Cross Kirkland Corridor with the Redmond Central Connector			Both House and Senate funding applications submitted by delegation members
Allow both the state and local governments the option of replacing the property tax cap, currently fixed at 1 percent, with a cap that is indexed to both population growth and inflation.	HB 1764	Rep. Lytton	1/27 – First reading, referred to House Finance
Support updates to the Public Records Act that will: <ul style="list-style-type: none"> Exempt non-appointed volunteers from records requests, except for responsive records already retained by jurisdiction Establish a nominal fee for filing records requests and a per document charge for electronic records Create a path to predictability on fines for jurisdictions that make good faith efforts to comply with records requests. 	HB 1594	Rep. McBride	1/25 – First reading, referred to House State Government
	HB 1595	Rep. Nealey	1/25 – First reading, referred to House State Government

* No HIGHLIGHTS = No change in status from last update.

Bill	Title	Position	Sponsor	Status
Support				
HB 1047	Protecting the public's health by creating a system for safe and secure collection and disposal of unwanted medications.	Support	Peterson	1/24 - Heard in Health Care & Wellness
HB 1048	Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling (solar bill)	Support	Morris	1/12 - Heard in Technology & Econ Dev.
HB 1078	Concerning human trafficking, prostitution, and commercial sexual abuse of a minor.	Support	Pellicciotti	1/16 - Heard in Public Safety 1/19 - Excec Action taken 1/24 - Referred to Rules 2 Review
HB 1111	Concerning DNA biological samples.	Support	Orwall	1/23 - Heard in Public Safety
HB 1112	Vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor.	Support	Orwall	1/16 - Heard in Public Safety
HB 1113	Concerning gradually increasing the local government share of excess liquor revenues until the percentage-based method for distributions is restored.	Support	Hayes	1/23 - Heard in Appropriations
HB 1153	Concerning crimes against vulnerable persons.	Support	Goodman	1/16 - Heard in Public Safety 1/19 - Excec Action taken 1/24 - Referred to Appropriations
HB 1163	Concerning domestic violence.	Support (w/ cntxt)	Goodman	1/16 - Heard in Public Safety 1/19 - Excec Action taken 1/24 - Referred to Appropriations
HB 1184	Modifying patronizing a prostitute provisions.	Support	Orwall	1/16 - Heard in Public Safety 1/19 - Excec Action taken 1/24 - Referred to Rules 2 Review
HB 1376	Concerning paint stewardship.	Support	Peterson	1/26 - Heard in Environment 2/2 - Scheduled for Excec Session
HB 1456	Concerning metropolitan park districts.	Support	Kloba	1/25 - Heard in Local Government 2/2 - Scheduled for Excec Session
HB 1532	Concerning the exemption of property taxes for nonprofit homeownership development.	Support	Lytton	1/23 - Referred to Finance 1/31 - Hearing in Finance
HB 1595	Concerning costs associated with responding to public records requests	Support	Nealy	1/25 - Referred to State Government
HB 1536	Concerning local option tools to promote, preserve, and incentivize affordable housing.	Support	McBride	1/23 - Referred to Comm Dev, Hsg & Tribal Affairs
HB 1570	Concerning access to homeless housing and assistance.	Support	Macri	1/26 - Heard in Comm Dev, Hsg & Tribal Affairs 2/1 - Scheduled for Excec Session
HB 1616	Clarifying the type of land eligible for purchase under the affordable housing land acquisition revolving loan fund program.	Support	McBride	1/25 - Referred to Comm Dev, Hsg & Tribal Affairs
HB 1764	Replacing the one percent property tax revenue limit with a limit tied to cost drivers.	Support	Lytton	1/27 - Referred to Finance
HB 1594	Improving public records administration.	Support	McBride	1/25 - Referred to State Government
Monitor				
HB 1000	Concerning the use of deadly force by law enforcement and corrections officers	Monitor	Doglio	1/9 - Referred to Public Safety
HB 1430	Concerning review & adoption of electrical rules.	Monitor	Manweller	
Oppose				
HB 1044	Concerning the funding of homeownership projects through the housing trust fund.	Oppose	MacEwen	1/26 - Heard in Comm Dev, Hsg & Tribal Affairs
HB 1102	Concerning technology-enhanced government surveillance.	Oppose	Taylor	1/24 - Heard in Public Safety
HB 1224	Granting local guvs the authority to make challenges related to growth management planning subject to direct review in superior court	Oppose	Pike	1/13 - Referred to Environment
HB 1350	Cncrning local jurisdictions electing to participate in local operated growth management planning	Oppose	Taylor	1/18 - Referred to Environment

No Highlight = No change since last report.

Bill	Title	Position	Sponsor	Status
Support				
SB 5027	Concerning distributed generation.	Support	McCoy	1/10 - Referred to Energy, Enviro, Telecomm
SB 5030	Concerning human trafficking, prostitution, and commercial sexual abuse of a minor.	Support	Darneille	1/17 - Heard in Law & Justice 1/26 - Referred to Rules
SB 5138	Concerning metropolitan park districts.	Support	Palumbo	1/19 - Heard in Local Government 1/26 - Exec Action Substitute Do Pass
SB 5143	Concerning the exemption of property taxes for nonprofit homeownership development.	Support	Zeiger	1/23 - Heard in Humn Srvc, Mental Hlth, Hsing
SB 5184	Modifying patronizing a prostitute provisions.	Support	Padden	1/17 - Heard in Law & Justice 2/1 - Scheduled for Exec Session
SB 5254	Ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs.	Support (REET 1&2 and DRF)	Fain	1/26 - Heard in Local Government
Monitor				
SB 5000	Concerning the use of deadly force by law enforcement and corrections officers	Monitor	McCoy	1/9 - Referred to Law & Justice
SB 5304	Concerning the review and adoption of electrical rules.	Monitor	Braun	
Oppose				
SB 5212	Concerning the scope of land use control ordinances for purposes of vesting.	Oppose	Wilson	1/24 - Heard in Local Government

Bill #	Bill Short Title	Position	Companion	Notes	Leg Comm Review	Prime	Support
HB 1000	Concerning the use of deadly force by law enforcement and corrections officers	Oppose	SB 5000		1/27/2017	Doglio McCoy	
HB 1044	Concerning the funding of homeownership projects through the housing trust fund.	Oppose		Would require that at least 25% of the appropriated Housing Trust Fund be used for homeownership projects. The Housing Trust Fund must be used to support housing for those who earn less than 50% of AMI. Homeownership opportunities at those income levels are low within east King County. Making this large a set aside would erode a funding source that nonprofit housing providers in our area rely on to complete their affordable housing projects.	1/27/2017	MacEwen	
HB 1047	Protecting the public's health by creating a system for safe and secure collection and disposal of unwanted medications.	Support		Bill would require medicine manufacturers to create, fund, and operate a convenient statewide collection and disposal program for residents to safely dispose of their unused drugs. The bill would also "not preempt a county from enforcing a grandfathered ordinance	1/20/2017	Peterson	SIA Product Stewardship

HB 1048	Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling (solar bill)	Support	<p>Closes the Renewable Energy System Cost Recovery Program (Cost Recovery Program) to new customer participants after 06/30/17.</p> <p>Authorizes a person that owns a renewable energy system, or an administrator of a community solar project, to apply to the Washington State University Extension Energy Program for certification of eligibility to receive an annual production incentive payment under the Renewable Energy Production Incentive Program beginning 07/01/17</p> <p>Requires the Department of Ecology to establish a process to develop guidance for solar module stewardship plans by 01/01/18.</p> <p>Expires certain sales and use tax incentives for machinery and equipment used directly in solar energy or solar thermal energy systems on 06/30/17.</p>	1/20/2017 Morris	K4C
HB 1078	Concerning human trafficking, prostitution, and commercial sexual abuse of a minor.	Support	SB 5030	<p>CSEC Task Force and Friends of Youth: This bill changes “pays a fee” to anything of value which moves CSAM more in line with the federal definition. It also increases CSAM to a class A felony (currently a B) and extends the statute of limitations until the victims 30th birthday (currently only 3 years).</p>	1/27/2017 Pellicciotti Darneille
HB 1082	Prohibiting regulation of the amount of rent for commercial properties.	Neutral		<p>Staff is not aware of a situation where the City of Kirkland would want to regulate rents for commercial properties.</p>	1/27/2017 Manweller
HB 1085	Regulating the minimum dimensions of habitable spaces in single-family residential areas.	Neutral		<p>Allows cities to eliminate or reduce building code minimum room sizes to accommodate “tiny houses.” Not sure if Kirkland would want to do this, but see no reason not to support it.</p>	1/27/2017 Blake

2017 Legislative Session
 Bills Dropped, Department Analysis Recommendations

HB 1086	Promoting the completion of environmental impact statements within two years.	Neutral	The bill has good intentions- to speed processing of preparing EISs (which has not been a problem for Kirkland), but adds a reporting requirement if EIS preparation exceeds 24 months.	1/27/2017	Blake	
HB 1099	Addressing local governments' unofficial moratoria on state-licensed marijuana retail outlets.	Neutral	The city doesn't limit retail outlets, this bill would not reduce Kirkland's revenues.	1/27/2017	Sawyer	
HB 1102	Concerning technology-enhanced government surveillance.	Oppose	Technology is evolving so fast and this Bill would hamper Law Enforcements ability to use new equipment without first updating the KMC (?)	1/27/2017	Taylor	
HB 1104	Concerning unlawful entry onto private property.	Neutral		1/27/2017	Taylor	
HB 1111	Concerning DNA biological samples.	Support		1/27/2017	Orwall	
HB 1112	Vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor.	Support	CSEC Task Force and Friends of Youth:This bill allows for vacating convictions. Summary thought on the 3 bills: They aren't perfect, but we do think they are huge steps in the right direction.	1/27/2017	Orwall	
HB 1113	Concerning gradually increasing the local government share of excess liquor revenues until the percentage-based method for distributions is restored.	Support	AWC's bill	1/20/2017	Hayes	AWC bill
HB 1153	Concerning crimes against vulnerable persons.	Support		1/27/2017	Goodman	

2017 Legislative Session
 Bills Dropped, Department Analysis Recommendations

HB 1163	Concerning domestic violence.	Support (with context)		The Washington State Coalition against Domestic Violence is remaining neutral because some of its members are concerned about disproportionality in the way some communities treat Domestic Violence related arrests including communities of color, immigrants and the LGBTQ community. Other members think it is a good bill. Some in the field are relieved to have a measure that would address repeat offenders more aggressively.	1/27/2017 Goodman
HB 1184	Modifying patronizing a prostitute provisions.	Support	SB 5184		1/27/2017 Orwall Padden
HB 1224	Granting local governments the authority to make challenges related to growth management planning subject to direct review in superior court.	Neutral or oppose		Allows small counties to have appeals filed on growth management issue go to superior court rather than growth hearing board. Doesn't affect Kirkland (hence neutral) but in principal starts to gut the GMA use of growth hearing boars (hence oppose).	1/27/2017 Pike
SB 5013	Concerning the disposition of tenant property placed upon the nearest public property.	Neutral		Deals with how landlords may dispose of tenant property after they've left the premises.	1/27/2017 Warnick
SB 5016	Concerning deficiency claims after auction of a private property vehicle impound.	Neutral			1/27/2017 Hobbs

2017 Legislative Session
 Bills Dropped, Department Analysis Recommendations

SB 5027	Concerning distributed generation.	Support		This bill provides higher certainty of incentive for participants, increases options for renters and multi-family residents, increases utility solar cap and expands eligible organization entities. Also note, King County would like to see set-asides within community solar for low and moderate income participants. All in all, this bill could have a very good effect for Kirkland residents and business because it will promote more solar in the City and help us use clean renewable energy.	1/27/2017	McCoy	
SB 5134	Modifying notice and opportunity provisions relating to certain enforcement actions taken by a homeowners' or condominium association.	Neutral		Does not directly impact the City of Kirkland. Requires a 45 day notice period be given to owners of units by their homeowner's or unit owner's association, and an opportunity for a hearing process, prior to imposition and	1/27/2017	Hasegawa	
SB 5138	Concerning metropolitan park districts.	Support	HB 1456	City Legislative Priority 2017	1/13/2017	Palumbo	
SB 5143	Concerning the exemption of property taxes for nonprofit homeownership development.	Support		Extends the property tax exemption created last year to allow non-profits carrying land for the development of affordable ownership housing to include Land Trusts developing for the same purpose.	1/27/2017	Zeiger	
SB 5182	Providing local governments with options to preserve affordable housing in their communities.	Neutral		City Legislative Priority 2017	1/20/2017	Fain	preservation bill - City of Seattle
SB 5184	Modifying patronizing a prostitute provisions.	Neutral			1/27/2017	Padden	
SB 5186	Concerning the collection of blood samples for forensic testing.	Neutral			1/27/2017	Padden	

SB 5215	Encouraging the annexation of unincorporated urban growth areas.	Support	HB 1681	<p>Planning review and feedback: the bill does not impact Kirkland, it only pertains to cities in Pierce County and makes it easier for them to annex and impose a tax on the annexation area.</p> <p>Deputy Mayor Arnold requested City support this Pierce County bill intended to "to address the cost urban island and larger urban area annexations for cities". Pierce County is seeking amendments to State law to better support and encourage annexation of unincorporated urban areas. These amendments include: 1) modifications to RCW 82.14.415 in regard to the sales and use tax for cities to offset municipal service costs to newly annexed areas to broaden the applicability of this tool in Pierce County; and 2) modifications to various provisions within RCW 35.13 aimed at improving the viability of annexing unincorporated islands (pockets of unincorporated territory surrounded by a city or cities).</p>	1/27/2017 Conway	Pierce Co. bill.
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SB 5212	Concerning the scope of land use control ordinances for purposes of vesting.	Oppose	<p>SB 5212 appears to legislatively over-rule a discrete portion of the Washington Supreme Court’s decision in Snohomish County v. PCHB, where the Court held that the definition of “land use control ordinance” in two of the state’s vesting statutes (the building permit statute, RCW 19.27.095(1), and the subdivision statute, RCW 58.17.033(1)) means “local” ordinances only, and does not include ordinances that implement state mandated environmental regulations. Specifically, Snohomish County held that the vesting statutes did not apply to storm water regulations mandated by the State Department of Ecology for the purpose of complying with the County’s NPDES permit.</p> <p>SB 5212 attempts to expand the definition of “land use control ordinance” from just “local” ordinances to include “ordinances enacted for the purpose of complying with state law.” But we don’t know if SB 5212 would over-rule Snohomish County in a meaningful way, because the storm water regulations in that case were not just mandated by “state law,” but also federal law (the Federal Clean Water Act). The Supreme Court dodged the federal</p>	1/20/2017 Wilson
HB 1350	Concerning local jurisdictions electing to participate in local operated growth management planning.	Oppose	Turns the Growth Management Act into a totally optional planning act.	1/27/2017 Taylor

2017 Legislative Session
 Bills Dropped, Department Analysis Recommendations

HB 1376	Concerning paint stewardship.	Support	requires producers of architectural paint to participate in a stewardship program to manage leftover paint. A stewardship program must collect leftover oil-based and latex paint at either retail locations or Moderate Risk Waste facilities and it must prioritize the following waste management options: paint reduction, reuse, recycling, energy recovery and disposal. The program must provide reasonably convenient statewide collection locations and promote the program to customers. Paint stewardship legislation has passed in 8 other states and the District of Columbia and Washington is the only state on the West Coast without a paint stewardship program.	1/27/2017 Peterson	SIA Product Stewardship
SB 5250	Concerning amendments to bylaws of a condominium association.	Neutral	Addresses how condominium by-laws may be amended by condo homeowners associations.	1/27/2017 Keiser	
SB 5254	Ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs.	Support (REET 1&2 piece and DRF)	Extends the Document Recording Fee sunset by 10 years with no increase in fee, expands the fee to some non-real estate documents, Provides authority to use REET 1&2 for housing purposes with some conditions through 2019, includes the accountability measures from Sen. Hill's bill, a preemption of PSRC because of a regional fight and contains significant and thus-far problematic new requirements on the GMA Buildable Lands Reports.	1/27/2017 Fain	

2017 Legislative Session
 Bills Dropped, Department Analysis Recommendations

HB 1430	Concerning the review and adoption of electrical rules.	Monitor	SB 5304	<ul style="list-style-type: none"> • This bill will provide the electrical construction industry stakeholders a vote on the state electrical code. • Currently, the RCWs give the Department of Labor and Industries the sole authority to create and amend the state electrical code. This is in sharp contrast to other State code making processes, such as the State’s building, plumbing and mechanical codes. • The RCWs give authority to a broad spectrum of industry stakeholders when creating the building, plumbing and mechanical codes. This includes stakeholders such as contractors, engineers, architects, material suppliers and local governments. The RCWs should share the code making authority with the electrical stakeholders in the same manner. • Cities issue and inspect about half of all electrical permits in the State, yet have no vote in the adoption of the state electrical code. • Because of the inability to amend the state electrical code, many cities have adopted their own electrical code which results in electrical contractors needing to learn the different code requirements in each city they 	1/20/2017	Manweller Braun	
HB 1570	Concerning access to homeless housing and assistance.	Support		City Priority bill - Eliminates the sunset of the fee, increases the fee by \$50, has some accountability measures built around a proposal last year from Senator Hill, and allows non-profits to count toward the 45%	1/27/2017	Macri	AWC bill
HB 1595	Concerning costs associated with responding to public records requests	Support		City PRA priority. This bill has the e-record fee issue in it.	1/27/2017	Nealy	

2017 Legislative Session
 Bills Dropped, Department Analysis Recommendations

HB 1532	Concerning the exemption of property taxes for nonprofit homeownership development.	Support	Clarifies the property tax exemption for nonprofit homeownership development by specifying that land that is to be leased for 99 years or life to a low-income household is included in the exemption. Specifies that the lease of the exempted land to a low-income household terminates the property tax exemption.	1/27/2017 Lytton
HB 1536	Concerning local option tools to promote, preserve, and incentivize affordable housing.	Support	(City Priority bill -support)	1/27/2017 McBride
HB 1570	Concerning access to homeless housing and assistance.	Support	(City Priority bill - support)	1/27/2017 Macri

2017 Legislative Session
 Bills Dropped, Department Analysis Recommendations

HB 1594	Improving public records administration.	Support	<p>Stakeholder Process bill - Revises the public records act to improve public records administration. Requires training for records officers and public records officers to address particular issues related to the retention, production, and disclosure of electronic documents. Requires the attorney general to establish a consultation program to provide information for developing best practices for local agencies requesting assistance in compliance with the public records act. Requires the division of archives and records management in the office of the secretary of state to: (1) Establish and administer a competitive grant program for local agencies to improve certain technology information systems for public records; (2) Conduct a study to assess the feasibility of implementing a statewide open records portal through which a user can request and receive a response, relating to public records information, through a single internet web site; and (3) Convene a stakeholder group to develop the initial scope and direction of the study. Requires the county auditor to charge a surcharge of one dollar per instrument for every document recorded. Makes an</p>	1/27/2017 McBride	
HB 1616	Clarifying the type of land eligible for purchase under the affordable housing land acquisition revolving loan fund program.	Support	(Housing Finance Commission request) this is alternate to the preservation tax exemption bill	1/27/2017 McBride	
HB 1764	Replacing the one percent property tax revenue limit with a limit tied to cost drivers.	Support	(City Priority bill - support)	1/27/2017 Lytton	WASAC led

Public Testimony
Senate Local Government Committee
SB 5254 Ensuring adequacy of buildable lands and zoning in urban growth areas and
providing funding for low-income housing and homelessness programs
January 26, 2017

Penny Sweet, Councilmember, City of Kirkland

Thank you Madame Chair and members of the committee, I am Penny Sweet, Kirkland City Councilmember.

On behalf of the City of Kirkland, we have signed-in “other” because I would like to testify to the REET and document recording fee sections of the bill and not to those sections that address buildable lands. We appreciate the leadership that Senator Fain and the co-sponsors have demonstrated in bringing this bill forward and the work by the primary proponents – the Realtors – in addressing affordable housing and homelessness.

The City needs local sources for affordable housing. In Kirkland we need housing stock for a diversity of income levels. We want all the people who work in Kirkland to be able to live in Kirkland as well. Kirkland contributes to ARCH – A Regional Coalition for Housing – with 15 other Eastside cities. We join together to maximize our leverage to create affordable and special needs housing in the region. While Kirkland has increased our contribution to ARCH to record levels, our buying power has decreased by 50%.

We need to be able to do more.

Therefore the City truly appreciates allowing REET 1 and 2 flexibility for housing in this bill. The bill allows that flexibility through 2019. We would prefer it to be ongoing, but any amount of time is helpful.

There is a direct correlation with REET collections and hot housing markets. Booming housing markets also contribute to a lack of affordable housing in the community. REET 1 and 2 flexibility would still allow us to meet the other capital needs that REET can be used for, while also allowing us to utilize REET to further address the affordable housing needs of our residents and businesses.

We also would like to see the use of the Document Recording Fee to address homelessness continued, so we appreciate that this bill extends the sunset for 10 years and expands the base of documents. We would prefer no sunset and an increase in the fee but, certainly appreciate the intent behind this bill to allow this source for this purpose as we all struggle with the issues of homelessness and affordable housing.

Again we thank you for hearing this bill and we look forward to working with you and all the interested legislators and stakeholders on the components of this bill as it moves forward.

Public Testimony
Senate Local Government Committee
SB 5138, Concerning metropolitan park districts
January 19, 2017

Jay Arnold, Deputy Mayor, City of Kirkland

Thank you Chair Danel and members of the committee, I am Jay Arnold, the Deputy Mayor of the City of Kirkland.

Kirkland enthusiastically supports Senate Bill 5138 and we are grateful that Senator Palumbo has taken leadership in priming this bill.

Rarely does a local government ask the legislature to help it *cap* taxing authority, but that is exactly why I am here.

Kirkland wants this change because our community has asked us to build a new pool. Eastern King County needs indoor pools. Nearly all of the Forward Thrust pools approved in the 60's have closed. Bellevue, Kirkland and Redmond are all exploring new facilities to provide swimming lessons for our children, fitness programs for our seniors, and competition and recreation opportunities for everyone.

The boundaries of a Metropolitan Park District can be drawn to include a single city or multiple cities. MPDs can create shared regional facility that save money for residents in all jurisdictions. MPDs can also fund capital and operating expenses in one measure, which is critical for the long term sustainability of an aquatic center. For these reasons and others, Kirkland tried to create an MPD in 2015. The measure failed, despite the fact that even the opponents want a new pool.

Post-election surveys showed it failed because today creating an MPD is a 2 step process with an accountability gap.

The first step is for voters to approve an MPD. When they do, the MPD is granted 75 cents per thousand of taxing authority. This authority cannot be limited, even in the ballot title. Once voters approve, the Board of an MPD can then impose some or all of that 75 cents without any future votes by the people. Kirkland voters felt that future MPD Boards would have no accountability on raising taxes.

This bill solves that problem. It allows jurisdictions to limit the taxing authority of an MPD in the ballot title when proposing such facilities. It also requires the MPD to seek voter approval to change the amount or purpose of the funds in the future.

This bill represents an opportunity for cities to demonstrate fiscal responsibility and to build trust between a community's tax-payers and their government.

The City of Kirkland supports 5138 and we urge the committee's approval.

Public Testimony
House Local Government Committee
HB 1456, Concerning metropolitan park districts
January 25, 2017

Dave Asher, Councilmember, City of Kirkland

Thank you Chair Appleton and members of the committee, I am Dave Asher, Kirkland City Councilmember.

Kirkland enthusiastically supports Proposed Substitute House Bill 1456 and we are grateful that Representative Kloba has taken leadership in priming this bill.

Rarely does a local government ask the legislature to help it *cap* taxing authority, but that is exactly why I am here.

Kirkland wants this change because our community has asked us to build a new pool. Eastern King County needs indoor pools. Nearly all of the Forward Thrust pools approved in the 60's have closed, or are near the end of their useful life. Bellevue, Kirkland and Redmond are all exploring new facilities to provide swimming lessons for our children, fitness programs for our seniors, and competition and recreation opportunities for everyone.

The boundaries of a Metropolitan Park District can be drawn to include a single city or multiple cities. MPDs can create shared regional facility that save money for residents in all jurisdictions. MPDs can also fund capital and operating expenses in one measure, which is critical for the long term sustainability of an aquatic center. For these reasons

and others, Kirkland tried to create an MPD in 2015. The measure failed, despite the fact that even the opponents want a new pool.

Post-election surveys showed it failed because today creating an MPD is a 2 step process with an accountability gap.

The first step is for voters to approve an MPD. When they do, the MPD is granted 75 cents per thousand of taxing authority. This authority cannot be limited, even in the ballot title. Once voters approve, the Board of an MPD can then impose some or all of that 75 cents without any future votes by the people. Kirkland voters felt that future MPD Boards would have no accountability on raising taxes.

This bill solves that problem. It allows jurisdictions to limit the taxing authority of an MPD in the ballot title when proposing such facilities. It also requires the MPD to seek voter approval to change the amount or purpose of the funds in the future.

This bill represents an opportunity for cities to demonstrate fiscal responsibility and to build trust between a community's tax-payers and their government.

We very much appreciate the comments and feedback we received from interested stakeholders, particularly members of the Washington Recreation and Parks Association. The substitute before you represents changes made to ensure this tool holds harmless MPDs already in place and works, if desired to use it, for MPDs creating facilities in the future. We think the substitute is an improved version of the underlying bill. Thank you to Rep. McBride for putting this version forward to the committee. We urge the committee's approval.

City Action Days 2017 -- Schedule

Wednesday, February 15 – Red Lion Hotel

6:30 am – 7 pm	Registration open
7:30 – 11 am	Committee meetings
10 – 11 am	Advocacy Academy Learn about the state legislative process as well as the information and tools that are available to you from AWC and the Legislature.
11:15 am – Noon Lunch provided	Opening session Welcome from AWC President Jim Restucci, Mayor, Sunnyside Hear from your AWC lobbyists on legislative priorities and realities
Noon – 12:30 pm	Address by Governor Jay Inslee
12:30 – 12:50 pm	Break
12:50 – 1:30 pm	Budget ideas and implications Listen to members of the Senate and House budget committees.
1:30 – 2:30 pm	It's about more than McCleary – Perspectives of key partners working to help cities thrive
2:30 – 3 pm	Break
3 – 4 pm Concurrent sessions	Closer look at key policy bills impacting cities
	Closer look at key fiscal bills impacting cities
4 – 4:15 pm	Break
4:15 – 5 pm	Small group discussions and Q&A on hot topics
5:30 – 7 pm Light appetizers and drinks provided; Dinner on your own.	Legislative Reception This popular legislative reception provides an opportunity to network with legislators, cabinet members, and fellow local officials. Remember to personally invite your legislators and consider connecting with them afterwards for dinner and discussion.

7:30 pm >> Eastside Cities Dinner (Location: TBD)

Thursday, February 16 – Capitol Campus

<p>7 – 8:30 am <i>Breakfast provided</i></p>	<p>Networking breakfast Invite your legislator to join you at the espresso bar in the tent on the Capitol Campus! <i>Event in heated tent on Capitol grounds. Tent open for networking until 12:30 pm.</i></p>
<p>8:30 – 10 am</p>	<p>Conversations with key leadership and policy legislators</p>
<p>10 – 11:15 am</p>	<p>Legislative Champion check-in and opportunities to partner with counties</p>
<p>10 am – Noon</p>	<p>We expect the Senate and House to be in caucus during this time and it's an opportunity to send notes into the Senate or House chamber to ask for a quick chat.</p>
<p>11:30 am – 12:30 pm <i>Lunch provided</i></p>	<p>Buffet lunch Another opportunity to invite your legislator to join you in the tent on the Capitol Campus.</p>
<p>12:30 pm – onward</p>	<p>Meet with your legislator, attend hearings.</p>



CITY OF KIRKLAND
Department of Parks & Community Services
123 5th Avenue, Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director
Michael Cogle, Deputy Director
Anneke Davis, P.E., Public Works Senior Capital Projects Coordinator

Date: January 27, 2017

Subject: Supplemental Funding Request: Juanita Beach Park Bathhouse Replacement Project

RECOMMENDATION:

That the City Council authorize supplemental funding in the amount of \$715,000 to the Juanita Beach Park Bathhouse Replacement Project (CPK1119100) to provide for off-site mitigation of sensitive areas identified during project planning. As described in the attached Fiscal Note, funding is recommended to come from REET 1 Reserves.

BACKGROUND DISCUSSION:

The Department of Parks and Community Services is implementing a plan to replace the bathhouse at Juanita Beach Park, consistent with the park's approved [Master Plan](#) (**Attachment A**).

The existing 3,500 square feet facility was built in 1965 and has far exceeded its useful lifespan. The building provides restroom, dressing room, maintenance, storage, lifeguard, and concession spaces. The park master plan calls for the existing facility to be removed and a new bathhouse constructed nearby. In addition to the new bathhouse building, the project will include relocation of the park's existing children's playground and construction of a new group picnic shelter. A budget of \$1.2 million was established for the project in 2012 and the project was identified for funding by the voter-approved Kirkland Parks Levy.

Site investigation and analysis for the project has identified a small isolated wetland in the area proximate to the bathhouse's new location (map: **Attachment B**). Currently this area is maintained as a lawn and beach area between the existing playground and the beachfront. In addition, a similar small wetland, left unaddressed from the park's first phase of redevelopment, is within the project area. These wetland areas are the result of seasonally high groundwater levels influenced by water levels in Lake Washington, as well as surface runoff. On a rating scale of low-to-high value, the wetlands are rated as having low water quality function, moderate hydrologic function, and moderate habitat function.

The project's location on Lake Washington dictates that the sensitive areas at Juanita Beach fall under the regulations of the City's Shoreline Master Program; thus this project is not impacted by the City's recently-updated Critical Areas Ordinance. As part of the upcoming permitting process for the new facility the City will have an obligation to address the identified wetland areas, whether or not the bathhouse facility is relocated.

The Juanita Beach Bathhouse Replacement project team evaluated formally establishing, isolating, and protecting the identified wetlands with rail fencing. The wetlands and associated buffers could be enhanced with appropriate vegetation (trees, shrubs, groundcovers). Any new structures in the park would be placed outside of and set back from the protected wetlands.

The project team identified the following concerns with this approach:

1. Formally establishing the wetland areas would make it difficult to site the new bathhouse as proposed in the park master plan and in such a way as to minimize view blockage of the lake when viewed from the north;
2. Formally establishing the wetland areas would result in safety and accessibility concerns by isolating both physically and visually the park's bathhouse (including its lifeguard quarters and watercraft concessions), playground, and picnicking areas from the park's beachfront;
3. Formally establishing the wetland areas, presently used as maintained lawn/beach areas, would result in a net decrease of approximately 8,180 square feet in usable active recreation space at one of the city's most heavily-used parks.
4. Active waterfront recreation space is at premium and has monetary value. Nearby land assessed valuations by King County suggest conservatively that the value of usable 8,180 square feet of active park space on Lake Washington is at least \$850,720 (based on a representative waterfront residential valuation of \$104 per square foot near Juanita Beach).

In light of these concerns, the project team has explored preserving the active uses of the park by filling the low quality wetlands and providing off-site mitigation at nearby Juanita Bay Park (map: **Attachment B**). Wetland enhancement would occur in an area of the park previously identified in the Green Kirkland Partnership's 20-Year Restoration Plan. The result would be an improved sensitive area in Kirkland with a higher habitat and water quality value than the small, lower-quality isolated wetlands at Juanita Beach. Regulatory agencies have been contacted and have expressed support for this approach.

The Park Board reviewed the wetland issues impacting the Juanita Beach Bathhouse project and at their regular meeting of May 11, 2016 expressed a strong preference for the off-site mitigation approach. Over the intervening months staff and the consultant team have been exploring and evaluating off-site mitigation options with permitting authorities and as a result have developed the following budget for a mitigation plan at Juanita Bay Park:

\$ 85,000	Design & engineering for mitigation
\$ 25,000	Permitting, reports, surveys, inspections
\$ 425,000	Mitigation and construction activities
\$ 35,000	Allowance for mitigation site monitoring (10 years required)
\$ 88,000	Project contingency
\$ 50,000	City in-house project management – Public Works
\$ <u>7,000</u>	Budget adjustment for project's 1% art allotment

\$ 715,000 Total Budget Adjustment: Juanita Beach Bathhouse Project - Off-site Mitigation Plan

This supplemental funding request could be partially decreased by reducing the overall project scope. Specifically, the proposed group picnic shelter, currently included in the project plan, could be eliminated or deferred to a later time. The original \$1.2 million project budget includes \$160,000 for the picnic shelter.

Funding Source

Staff recommends that REET I reserves be used to fund this request (Fiscal Note: **Attachment C**).

Project Schedule

Subject to Council authorization of this request, staff and the design team will expedite work on design and permitting related to both the new bathhouse and the mitigation area.

1. Design, Permitting, and Bidding (February through October 2017)

Permitting activities will include:

- Corps 404 and Ecology 401 Permits – for filling the two identified wetlands.
- City Shoreline Variance – for encroachment into wetlands and stream/wetland buffers within shoreline jurisdiction, and for proposing a portion of the wetland mitigation in a different basin. Includes public hearing.
- SEPA Checklist
- Update wetland delineation report to include information about the mitigation site, add discussion of the proposed impacts, and justification for the proposed mitigation strategy.
- Survey proposed mitigation site.
- Prepare wetland mitigation plan.
- Prepare and submit JARPA (including mitigation plan and updated wetland delineation report) and Biological Assessment (assuming a No Effect or Not Likely to Adversely Affect determination).
- Land Surface Modification permit
- Building permit

2. Construction (November 2017 – June 2018)

3. Completion: June 2018

Attachments



Juanita Beach Park Bathhouse Replacement Project



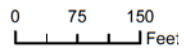
Planned amenities:

- Restrooms
- Changing areas
- Lifeguard station
- Paddleboard/boating concessions
- Fire Dept. Water Rescue Vehicle Garage
- Janitorial and park maintenance storage
- New Group Picnic Shelter
- Relocate existing swings/play equipment

Filename: T:\21-1-22161_Juanita Beach Park Bathhouse\AV_mxd\Wetland and Buffer Mitigation Areas Exhibit.mxd Date: 1/18/2017 bae



- Shoreline Jurisdiction - - - - - Juanita Creek Existing Wetland Proposed Wetland Fill
- Shoreline Setback - - - - - Stream Buffer Wetland Buffer Potential Buffer Mitigation Location
- Potential Wetland Mitigation Location



Wetland	Area to be Filled (ft ²)	Mitigation Required (ft ²)	
		Reestablishment or Creation	Enhancement Only
Wetland C – Category III	3,870	7,740	30,960
Wetland D – Category IV	4,310	6,465	25,860
Total Wetland	8,180	14,205 + buffer	56,820
Buffer Intrusion	tbd		typ. 1:1 ratio

Juanita Beach Park Property
Kirkland, Washington

**PROPOSED WETLAND FILL
AND MITIGATION AREAS**

January 2017 21-1-22161-006

SHANNON & WILSON, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

FIG. 1

FISCAL NOTE

CITY OF KIRKLAND

Source of Request							
Lynn Zwaagstra, Director, Parks and Human Services							
Description of Request							
Funding of \$715,000 from REET 1 reserve for additional costs related to off-site mitigation of sensitive areas for the Juanita Beach Park Bathhouse Replacement project CPK 0119 100.							
Legality/City Policy Basis							
Fiscal Impact							
One time use of \$715,000 from REET 1 reserve. This reserve is fully able to fund this request.							
Recommended Funding Source(s)							
	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
	REET 1 Reserve	3,436,912	0	0	715,000	2,721,912	1,585,000
Reserve	No prior additions or uses.						
Revenue/Exp Savings							
Other Source							
Other Information							
Prepared By	Neil Kruse, Senior Financial Analyst				Date	January 27, 2017	



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

MEMORANDUM

To: Kurt Triplett, City Manager **Quasi-judicial**
From: David Barnes, Associate Planner
Eric Shields, Planning Director
Date: January 26, 2017
Subject: Scrivanich PUD and Subdivision, PBD File No. SUB15-02157

RECOMMENDATION

Staff recommends that the Council consider the pending quasi-judicial matter for the proposed Scrivanich preliminary and final planned unit development (PUD), Subdivision application, ordinance and Challenge and either:

- Grant the application as recommended by the Hearing Examiner; or
- Modify and grant the application: or
- Deny the application.

In the alternative, direct the application to be considered at a reopening of the hearing before the Hearing Examiner and specify the issues to be considered at the hearing.

Ordinance (O-4553) reflecting the recommendation of the Hearing Examiner is enclosed.

RULES FOR CITY COUNCIL CONSIDERATION

The Council shall consider the application based on the record before the Hearing Examiner, the recommendation of the Hearing Examiner (see Enclosure 2), the challenge to the recommendation (see Enclosure 3), response to the challenge to the recommendation (see Enclosure 4), the Challenger and Applicant oral statements made to Council on December 13, 2016; and the Challenger and Applicant statements and presentations made on February 7, 2017.

BACKGROUND DISCUSSION

Council Meeting

At the December 13, 2016 Council meeting, staff provided a presentation to Council regarding the Scrivanich PUD and Subdivision. [Following is a link to the Council memo and enclosures from the December 13, 2017 City Council Meeting](#) (Agenda Item 11b). The Challenger (Place 116 Homeowners) and Applicant (Clay White for Larry Scrivanich)

made oral arguments regarding their positions on the project and the challenge. No conclusion was reached at the December 13, 2016 City Council meeting and the matter was continued to the January 17, 2016 City Council meeting.

At the January 17, 2017 City Council meeting, Council discussed the adequacy of public benefit provided by the applicant for this proposal. Council adopted a motion providing direction to the applicant to come back to the February 7, 2017 and provide a presentation that details all of the currently proposed public benefits and if applicable an update on the challenge negotiations with the Place 116 Homeowners. The Council motion also allowed both the applicant and the challengers to provide additional testimony on the issue of public benefit at the February 7 Council meeting.

Challenger and Applicant Negotiations

Staff is aware that the applicant and the challenger have been exchanging emails with each other since the January 17, 2017 Council meeting. As of this date, the discussions are still ongoing and there is not a resolution to report.

ENCLOSURES

1. Hearing Examiner Recommendations and Exhibits
2. Challenge letter from Place 116 Homeowners
3. Applicant's Response letter to challenge

**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND RECOMMENDATION**

APPLICANT: Scrivanich/Little Lion, LLC

FILE NO: SUB 15-02157/ZON15-02162

APPLICATION:

1. Site Location: 11421 NE 116th Street
2. Requests: The applicant requests approval of a preliminary subdivision and planned unit development, and wetland buffer modification as follows:
 - a. Preliminary Subdivision – Proposal to subdivide five parcels totaling 5.16 acres into 27 separate lots located at 11421 and 11431 NE 116th Street, including two adjacent undeveloped parcels: 322605-9135, 322605-9113 and property at 11406 NE 112th Street.

The applicant is proposing an Integrated Development Plan (“IDP”) tree retention/removal plan rather than a phased tree retention plan. The IDP shows the location of proposed right-of-way improvements, grading plan, building footprints, utilities, and access tracks with the zoning permit.

- b. PUD – A request for a preliminary and final Planned Unit Development (“PUD”) with an increase in base density for the upper portion of development from 5 to 7 dwelling units per acre (five additional lots would be created) and a 10% density bonus (one additional lot would be created) for the lower portion of the development and modification of the following Zoning Code and Municipal Code requirements:
 - (1) Provide smaller lot sizes than the minimum lot size of 8,500 square feet in the RS 8.5 Zone for 22 of the 27 lots with an average lot size of 5,384 square feet.
 - (2) Provide lot widths less than the minimum 50 feet as measured from the back of the required front yard.
 - (3) Reduce the minimum front yard setback for residences to 15 feet, excluding garages.
 - (4) Request to calculate the total Floor Area Ratio over the entire site less roadway driving surfaces.
 - (5) Request that the building height calculation for the new homes on Lots 1, 2, 3, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 be based on finished grade elevations for the purposes of calculating Average Building Elevation.

- (6) Request to calculate lot coverage over the entire site less roadway driving surfaces.
- (7) Request that all side yard setbacks be reduced to 5 feet.

Wetland Buffer Modification – The applicant has proposed to reduce and enhance the buffer for the onsite Type III Wetland in order to accommodate the stormwater detention vault, retaining walls, public pedestrian trail, and level spreaders to disperse stormwater into the wetland buffer.

Review Process: Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision. The wetland buffer modification is approved using Process IIA Kirkland Zoning Code Chapter 150, which provides that if a “Process IIA is part of a proposal that requires additional approval through Process IIB, the entire proposal will be decided upon using that other process.” Kirkland Zoning Code Chapter 150.10.

4. Key Issues:

- Compliance with subdivision criteria
- Compliance with PUD approval criteria
- Compliance with wetland buffer modification criteria
- Compliance with applicable development regulations
- Compliance with Process IIB Zoning Permit approval criteria

SUMMARY OF RECOMMENDATIONS:

Department	Approve with conditions
Hearing Examiner	Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the applications on November 3, 2016, at City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk’s office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development. The Hearing Examiner visited the site following the hearing.

TESTIMONY AND PUBLIC COMMENT:

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

For purposes of this recommendation, all section numbers refer to the Kirkland Zoning Code (“KZC” or “Code”) unless otherwise indicated.

FINDINGS, CONCLUSIONS AND RECOMMENDATION:

Having considered the evidence in the record and reviewed the site, the Hearing Examiner enters the following:

Findings of Fact and Conclusions:

In the introduction to the Department's Advisory Report (Exhibit A) the applicant is listed as Steven Anderson, LDC Inc. This is corrected to read Scrivanich/Little Lion, LLC.

A. Site Description

The Department's Advisory Report on page 9 indicates that to the west are RS 8.5, Detached Single Family homes. This is true for a portion of the west side, adjacent to lots 12-18. However, there are higher densities west of the project site, adjacent to lots 1-8 and north of lots 10-12. This is the Garden Park development, which is RS 8.5 Attached Housing (PUD). With this correction, the Facts and Conclusions on this matter set forth at Subsection II.A of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. Public Comment

The Facts and Conclusions on this matter set forth at Subsections II.B of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Additional Facts:

1. One additional written public comment was submitted in advance of the public hearing. Exhibit B.
2. Three additional written public comments were submitted at the hearing. Exhibits C, D, and E.
3. The applicant submitted a copy of its testimony at the hearing. Exhibit F.
4. Residents of the adjacent Place One Sixteen expressed concern about Road A in the northern portion of the project. These comments raised concerns regarding: (1) the placement of the road immediately adjacent to the eastern property line; (2) the height and proximity to the property line of a retaining wall proposed to support the road; (3) light impacts; and (4) noise impacts. These concerns mirror many of the comments received in advance of the hearing.

5. Comments expressed concern that the applicant was only providing a 40 foot landscape buffer along a single portion of the property line for the project, and was relying on existing landscape buffers on adjacent properties to buffer the project.
6. One comment expressed concern about the proximity of the detention pond in relation to the wetlands, and concern with the potential for flooding of the adjacent property.
7. Several commenters expressed concern that the public would be unaware that the open space areas on Tract A and Tract D were dedicated to public use, and that Tract D is located too far within the development for the public to utilize the proposed children's play area.
8. The applicant confirmed, that in addition to other amenities described for the project benches for public use will be installed on Tract A and benches and a children's play structure shall be installed on Tract D, and that these will be maintained as separate lots accessible for use by the public.
9. A Place One Sixteen representative also expressed concerns regarding potential impacts to trees on the Place One Sixteen property adjacent to the proposed Road A.

Conclusions:

10. As indicated at the hearing, and in Exhibit A, the proposed road location is required by City engineering standards in order to maintain an adequate distance between the entrance to this project and other residential project entrances in the area. Staff explained at the hearing that the height of the retaining wall was addressed in a separate permit process. *See* Exhibit A Attachment 21. In addition, the City engineer and applicant's engineer indicated that the elevation of the road is necessary to maintain access to several of the proposed lots and for safety purposes. No alternative engineering analysis was provided. The State Environmental Policy Act ("SEPA") Mitigated Determination of Non-Significance ("MDNS") conditioned the project to include a dense evergreen tree planting along the eastern property line to mitigate light intrusion from vehicle headlights. Nothing aside from normal residential noise levels was identified in the comments, and the SEPA MDNS was not appealed.
11. The 40 foot landscape buffer is required to "separate slightly higher density development from adjacent single-family residences." The proposed 40 foot landscape buffer will be located in the only portion of the project wherein the project is of higher density than adjacent lower density single-family residences. The existing 40-foot landscape buffers that are located on the Place One Sixteen property and the Garden Park property were applied to these

properties when they were developed as higher density projects than the subject property, and were intended to buffer the subject property from those higher density developments. Thus, the project is providing a landscape buffer in the only area where it is required.

12. KZC 90.45.3 requires the surface discharge of storm water through wetland buffers and buffer setbacks. However, in this case, a storm water outfall is proposed. The storm water outfall is allowed, and should address neighbor concerns in this case. Based on a report by a qualified professional under contract to the City, both the City Public Works and Planning Officials have determined that along with meeting other criteria (1) surface discharge of storm water through the buffer would clearly pose a threat to slope stability, and (2) the outfall will not be materially detrimental to any other property in the area.
13. Tract A and Tract D will be open space with amenities available for public use. This is a benefit of the PUD to the public as such provisions are not otherwise required. Tract D is located at the center of the property, and may not be visible to members of the public wishing to utilize this resource. Proper signage should be placed to inform users of the public nature of Tract A and Tract D.

C. State Environmental Policy Act and Concurrency

There was no appeal of the City's SEPA MDNS, or Concurrency determination. The Facts and Conclusions on this matter set forth at Subsection II.C of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

D. Approval Criteria

The Facts and Conclusions on this matter set forth at Subsection II.D of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Additional Facts:

1. In this instance where the applicant seeks slightly higher density than the five unit per acre maximum for the subject property, the City of Kirkland Comprehensive Plan North/South Juanita Neighborhood Plan requires the following:

Visual buffering by a landscaped setback (normally 40 feet) should separate the slightly higher density development from adjacent single-family residences.

2. The Department's Advisory Report includes the following recommended condition:

A 40-foot landscape easement shall be placed at the rear of Lots 12-18 prior to recording the subdivision along with appropriate Landscape Green Belt Easement (LGBE) language which shall include provisions to allow minor improvements to encroach 10 feet into the 40 foot landscape easement.

3. The applicant has requested that the Department's condition be modified to read "a 40-foot visual landscape setback shall be maintained at the rear of Lots 12-18."¹ The applicant further indicated at the hearing that the condition language identified by the Department "goes beyond what the applicant was proposing and was not discussed with the applicant."
4. Place One Sixteen representatives testified regarding potential impacts to trees on the Place One Sixteen property adjacent to the proposed Road A. An arborist report submitted by Place One Sixteen indicated that critical root zones of mature trees along the shared property line between Place One Sixteen and the project run onto the project site. Exhibit G. The City's Arborist also expressed concern about tree protection of two trees in this same area. Finally, the City's Arborist commented on the arborist report submitted by Place One Sixteen, and recommended additional risk assessment. Exhibit H.
5. Both the applicant and City staff have identified the 40 foot landscape buffer as a benefit of the PUD proposal for purposes of satisfying the criteria for PUD approval in KZC 125.35 (3). The landscape buffer is required by the Kirkland Comprehensive Plan, and while the buffer would not be required but for the PUD application, this is not a benefit being offered by the applicant to the City, but is a City requirement for any PUD application for this area. A PUD "is intended to allow developments which benefit the City more than would a development which complies with the specific requirements of this code." KZC 125.05.
6. In this case the applicant is providing for the purchase and installation of a Rectangular Rapid Flashing Beacon. At the hearing, and in its project narrative, the applicant has identified the additional benefit of providing open space tracts that are available to the public and include amenities such as benches and a children's play area.

Conclusions:

7. While the Comprehensive Plan requirement for a landscape buffer does not specifically call for a greenbelt easement, this provision also does not preclude

¹ In this case the area in question has been variously referred to as 40-foot visual landscape setback, landscape buffer, landscape easement, and greenbelt. For purposes of consistency only, this recommendation uses the term "landscape buffer."

such a restriction. The City's interpretation of this requirement is reasonable, and has been consistently applied in other projects under similar conditions.

8. The applicant's statement that the landscape buffer easement was not discussed with the applicant is not supported by other elements of the record including the applicant's project narrative which consistently refers to the landscape buffer as a "landscape easement," (Exhibit A Attachment 3), and that the applicant negotiated for easement terms that allow minor improvements in the first ten feet of the landscape buffer.
9. Additional analysis is necessary concerning the potential impacts to trees on the Place One Sixteen property.
10. The proposed PUD is providing the following benefits to the City as part of the proposal, which are public facilities that could not be required by the City for development of the subject property without a PUD:
 - a. Rectangular Rapid Flashing Beacon for pedestrian safety.
 - b. Passive and active recreation open spaces available for public use.
11. The proposed subdivision will create infill residential development and is consistent with the Comprehensive Plan's goals and density designation for the subject property.
12. The proposed subdivision complies with KMC 22.12.230 and KZC 150.65. With the proposed PUD, and as conditioned, the subdivision is consistent with zoning and subdivision regulations and makes adequate provision for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. The proposed subdivision will serve the public use and interest and is consistent with the public health, safety and welfare.

E. Development Regulations

The Facts and Conclusions on this matter set forth at Subsection II.E of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

F. Comprehensive Plan

The Facts and Conclusions on this matter set forth at Subsection II.F of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

G. Development Standards

The Facts and Conclusions on this matter set forth at Subsection II.G of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

H. Process IIB Decisional Criteria

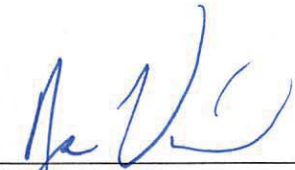
The applications for the subdivision and PUD are consistent with all applicable development regulations and, to the extent there is no applicable development regulation, with the Comprehensive Plan. As noted above, it is also consistent with the public health, safety and welfare. The application for the modification of a Type III Wetland Buffer is consistent with all applicable development regulations, and it is consistent with the public health, safety and welfare.

Recommendation:

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the City Council **approve** the Preliminary Subdivision and PUD, and the wetland buffer modification subject to the conditions set forth at Section I.B of the Staff Report, and the following additional conditions:

1. The applicant shall retain a certified arborist to complete an impact report of the proposed road and retaining wall development on the trees located on the adjacent Place One Sixteen property. The report shall recommend measures to minimize, and if feasible mitigate, impacts to the trees arising from the development project. The report shall be submitted in conjunction with the land surface modification permit. The report shall include in its recommendations a plan for monitoring the trees for increased risk during construction, including the potential for compromise of any of the trees' root zones and proposed risk reduction measures if a tree faces risk of negative impacts. The impact report and its recommendations, shall be reviewed, and commented on by the City Arborist, and if necessary the City Arborist may add additional measures for minimizing or mitigating impacts. The trees subject to this review shall include, but not be limited to 220, 221, 228, 231, 232, 271, 289, 290, 291, 293, 294, 295, 298, 312, 316, 343, and 353 as identified in the Integrated Development Plan Exhibit A Attachment 2.
2. Prior to occupancy and building permits: Benches for public use shall be installed on Tract A, and benches and a children's play structure shall be installed on Tract D. Signs shall be installed on Tract A and Tract D identifying these as public open spaces, and a sign shall be placed at the north entrance to the project near NE 116th Street directing the public to Tract D as a public park/open space area.

Entered this 14th day of November, 2016.



Ryan Vancil
Hearing Examiner

EXHIBITS:

The following exhibit was entered into the record:

- Exhibit A Department's Advisory Report with Attachments 1 through 21;
- Exhibit B October 31, 2016 e-mail exchange between David Barnes and Supriya Kelkar;
- Exhibit C September 26, 2016 e-mail exchange between David Barnes and Jan Sanford;
- Exhibit D Letter from Kelly and Mike Hershberger;
- Exhibit E Letter from Cheryl Churdyle;
- Exhibit F Copy of comments made by applicant at hearing;
- Exhibit G Place One Sixteen arborist report; and
- Exhibit H Comment from City Arborist Tom Early

PARTIES OF RECORD:

Scrivanich/Little Lion LLC, applicant
Larry Crawford
John Klevins
Sandeep Mitra
Gildas Cheung
Ken Chang
Planning and Building Department
Department of Public Works

CHALLENGES AND JUDICIAL REVIEW:

The following is a summary of the deadlines and procedures for challenges and appeals. Any person wishing to file or respond to a challenge or appeal should contact the Planning Department for further procedural information.

CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., November 23, 2016, seven (7) calendar days following distribution of the Hearing Examiner's

written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning and Building Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

JUDICIAL REVIEW

Section 152.110 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 twenty-one (21) calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL

PUD

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 152.110, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void.

Final Plat

Under KMC 22.16.010,, the owner must submit a final plat application to the Planning and Building Department that meets the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within seven years

following the date the preliminary plat was approved, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

**BEFORE THE HEARING EXAMINER
CITY OF KIRKLAND**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings, Conclusions, and Recommendation** to each person listed below, or on the attached mailing list, in the matter of **Scrivanich/Little Lion LLC**, Hearing Examiner File: **SUB15-02157/ZON15-02162**, in the manner indicated.

Party	Method of Service
David Barnes City of Kirkland Planning and Building Dept 123 Fifth Ave Kirkland, WA 98033 dbarnes@kirklandwa.gov Eric Shields eshield@kirklandwa.gov Planning and Building Admin pbadmin@kirklandwa.gov	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: November 15, 2016

TK

 Tiffany Ku
 Legal Assistant

Link to Exhibit A:

[http://www.kirklandwa.gov/depart/planning/Boards and Commissions/Hearing Examiner Meeting Information.htm](http://www.kirklandwa.gov/depart/planning/Boards_and_Commissions/Hearing_Examiner_Meeting_Information.htm)

Department's Advisory Report, with Attachments 1 through 21.

November 3, 2016 Meeting Packet
Scrivanich Subdivision & PUD,
File No. SUB15-02157 & ZON15-02162:

- [Part 1](#)
- [Part 2](#)
- [Part 3](#)
- [Part 4](#)
- [Part 5](#)
- [Part 6](#)
- [Part 7](#)
- [Part 8](#)

David Barnes

From: David Barnes
Sent: Monday, October 31, 2016 9:46 AM
To: 'Supriya Kelkar'
Cc: georgiana.unger@gmail.com
Subject: RE: Written comments for Permit No. SUB15-02157
Attachments: Scrivanich Upper Site Plan.pdf

Good Morning Supriya Kelkar,

I will give this letter to the Hearing Examiner for the upcoming hearing on November 3rd 2016 (7PM) here at City Hall.

I wanted to address the questions that you posed and that I know the answers to. I have attached an Upper site plan that shows your property (green) in relationship to the proposed development. I also highlighted the 40 foot landscape easement. It will be 40 feet deep and run behind lots 12-18 (see #2 below)

1. There is extensive grading that needs to be done on the site to meet the requirements for developing a road that meets the City standards. Therefore grading on the proposed lots need to occur so that homes can be accessed from this road. The City requires all new development to capture the stormwater that will be present due to the additional impervious surfaces. The site has a detention vault(in the south western portion of the site that will capture water from all new road, driveway, roofs and patios and slowly release it into the wetland buffer as our code requires.
2. There is a required 40 foot landscape easement that serves to buffer proposed lots 12-18 from the common property line that the Scrivanich development shares with your rear property line. It appears that 1/2 of Lot 12 and all of Lot 13 will be adjacent to your rear property line. There does not appear to be any grading proposed within the 40 foot landscape easement. The City has proposed that the development could propose landscape features such as benches, fire pit, picnic tables and seating area within the first 10 feet of the 40 foot landscape buffer. In addition, the staff report for the project also puts some additional landscaping requirements to fill out the existing landscaping where there may be gaps along the western property line (your rear property line).
3. The Public Works Traffic Engineer has examined the Traffic Report submitted by the applicant and has determined that the roads along NE 116th Street and NE 112th Street have the capacity to serve 27 lots. The upper portion of the development will **not** have a through road that connects to NE 112th. No traffic mitigation has been required by the City's Transportation Engineer.
4. The wetland is not being filled. The buffer is being enhanced and planted with native shrubs and trees and invasive plants are being removed. The wetland buffer will function better and is required to be monitored and maintained for five years after the planting occurs. The entire onsite wetland and its buffer (approximately 14,500 square feet) will be placed in a Native Growth Protective Easement in perpetuity. The applicant's plan has been peer reviewed by the City's Environmental Consultant, the Watershed Company. I have conditioned the enhancement plan to add more buffering and to have a final review by the City's consultant.

I hope this information is helpful and as stated, I will give your letter to the Hearing Examiner. Here is a [link](#) to the hearing examiner's packet. You can click on the agenda for November 3rd and the meeting packet is broken into 8 parts as it is quite large.

Thank you,

CITY OF KIRKLAND
Hearing Examiner Exhibit

Appellant	_____	
Respondent	_____	ADMITTED <input checked="" type="checkbox"/>
Department	<input checked="" type="checkbox"/>	DENIED _____
FILE #	<u>SUB 15-02157</u>	

B

David Barnes, CSBA, LEED AP
Associate Planner
Planning & Building Department
City of Kirkland
425-587-3250
dbarnes@kirklandwa.gov

Please don't print this e-mail unless you really need to. Reduce, Reuse, Recycle. Incorporate sustainable practices and plan to execute them in your daily routine.

From: Supriya Kelkar [mailto:sdhawade@hotmail.com]
Sent: Sunday, October 30, 2016 7:33 PM
To: David Barnes <DBarnes@kirklandwa.gov>
Cc: georgiana.unger@gmail.com
Subject: Written comments for Permit No. SUB15-02157

Hi David,

I'm a concerned neighbor writing to find out more about this new development (Scrivanich PUD SUB 15-02157) planned in my neighborhood. My property on 113th Place NE backs on to the proposed subdivision.

There are many issues with this development that I see need to be addressed, namely-

1. The grade in this proposed subdivision is very steep, especially on the west side lots that back 113th Place NE properties. How are these proposed to be graded? How will this affect the surface drainage of the area?
2. There are many trees that provide privacy and screening between the properties along the west edge. Will the tree buffer be maintained? If not, what mitigation does the City propose?
3. Having 27 new lots proposed behind my property, how does it affect property value of my land as there will be increased traffic and congestion associated with the addition of these homes. How is the City planning to mitigate this impact?
4. What mitigation measures are proposed for filling up the wetland, removal of numerous trees and loss of animal habitat?

We have lived in the neighborhood for more that 16 years and do not want to see our backyard being crowded and privacy lost. I would request that these concerns be conveyed as written comments for the hearing that is proposed for November 3, 2016.

Please do not hesitate to contact me if there are any questions.

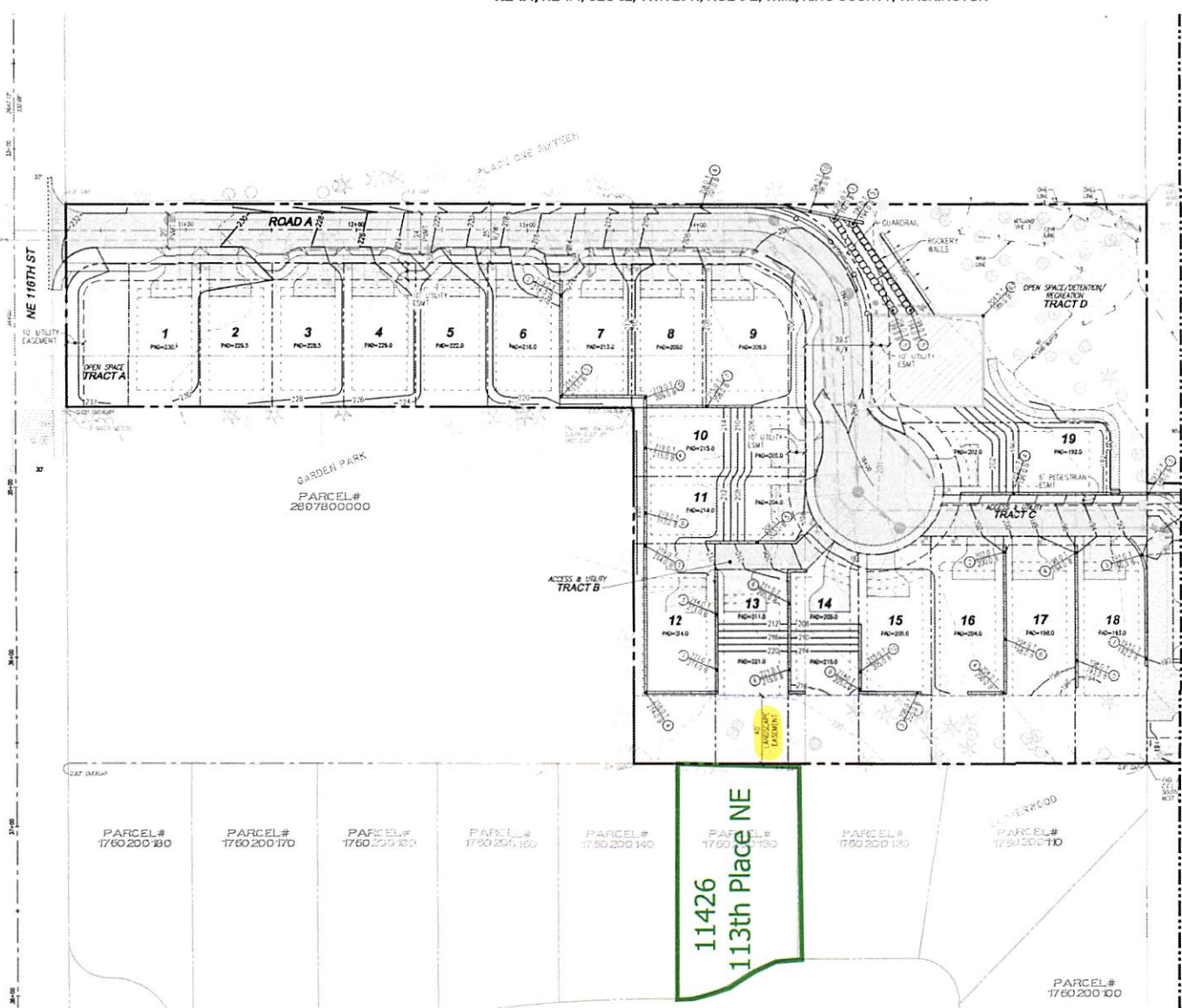
Sincerely,

Supriya Kelkar
11426 113th Place NE
Kirkland WA 98033

NE 1/4, NE 1/4, SEC 32, TWN 26 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON



LEGEND
 ———— RETAINING WALL
 ○○○○ ROCKERY WALL



PARCEL# 1760200180 PARCEL# 1760200170 PARCEL# 1760200160 PARCEL# 1760200150 PARCEL# 1760200140 PARCEL# 1760200130 PARCEL# 1760200120 PARCEL# 1760200110

EARTHWORK QUANTITIES
 CUT: 7,800 CY
 FILL: 14,900 CY
 NET: 7,100 CY (FILL)
 * QUANTITIES FOR PLANNING PURPOSES ONLY AND SHOULD NOT BE USED FOR ESTIMATING.

DISCLAIMER
 TOPOGRAPHIC SURVEY INFORMATION CONTAINED ON THESE PLANS HAS BEEN PROVIDED BY BARNHART SURVEYING, INC. LDC, INC. (LAND DEVELOPMENT CONSULTANTS, INC.) ASSUMES NO LIABILITY AS TO THE ACCURACY AND COMPLETENESS OF THIS DATA. ANY DISCREPANCIES FOUND BETWEEN WHAT IS SHOWN ON THE PLANS AND WHAT IS NOTED IN THE FIELD SHOULD BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE ENGINEER.

Call 2 Business Days Before You Dig
 811 or 1-800-424-5555
 Utility Underground Location Center

NO.	DATE	REVISIONS
1	8-21-15	PUBLIC WORKS COMMENTS BOOK # 17-116
2	8-21-15	DATE: TRAIL, AS7 AND PAVING

Engineering
 Structural
 Planning
 Surveying

LDC
 INC. CIVIL ENGINEERING GROUP

LARRY SCRIVANICH, P.E.
 LARRY SCRIVANICH, P.E.
 11426 113th Place NE, #100
 Kirkland, WA 98033
 WWW.LDCORP.COM

LARRY SCRIVANICH
SCRIVANICH PROPERTY
 GRADING PLAN



DWG NUMBER: 14-171
 DRAWING NAME: 11426-GR-1
 DESIGNER: JLS
 DRAWING BY: BAN
 DATE: 9-21-15
 SCALE: 1"=30'
 ASSOCIATION CITY OF KIRKLAND

GR-01
 SHEET 6 OF 25

Jan Sanford

From: "Jan Sanford" <JanSan0204@msn.com>
To: "David Barnes" <DBarnes@kirklandwa.gov>
Sent: Monday, September 26, 2016 8:48 PM
Subject: Fw: SCRIVANICH PUD, Case No SUB15-02157

Hello David,

Thank you so very much for taking time from your busy schedule to meet with us this AM. Within Comment period 9-27-2016, I wish to share the following comments regarding the Scrivanich PUS, Case No SUB15-02157

SITE PLAN LAYOUT:

*The structure wall supporting the new public street which abutts Place 116 existing development is ten (10) feet high. The wall is located on the common property line with Place 116. The street design includes an additional two (2) feet of slope above the top of the wall to the street elevation. In addition, for safety, it is likely Kirkland will require a fence to be located on top of the wall. The design is done to maximize the number of lots without regard to the abutting residences. The adverse impact to Place 116 is substantial.

*The street supported structural wall is a "structure" and has the same impact on abutting properties as any other wall structure or building and does not meet the intent of Kirkland's zoning code. The zoning code permits only a four (4) foot wall to be placed on a common property line. We understand that there may be other governing guidelines that allow modification, but any variance should not be self imposed for the sake of just gaining additional lots.

*In addition, the wall is a permanent structure and its placement should take into consideration structure building code setback requirements. In this zone, the setback along this common property line would be ten (10) feet.

*The issue is self imposed by the developer's design. The development could eliminate the wall compliance issue by eliminating one lot in the vicinity of lots 8 & 9.

CITY OF KIRKLAND
Hearing Examiner Exhibit

Appellant	<input type="checkbox"/>	ADMITTED	<input checked="" type="checkbox"/>	<i>C</i>
Respondent	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	
Department	<input checked="" type="checkbox"/>	DENIED	<input type="checkbox"/>	

FILE # sub 16-02157

SITE DRAINAGE & WETLANDS:

*The project detention vault discharge will likely expand the boundaries of the existing wetland. The roadway and other impervious surface runoff into the detention vault will not accommodate all storm events. During those events, roadway and other impervious runoff will discharge directly into the wetland without metering the flow. Even without additional flows, the current surface area of the wetland expands during peak storm winter events. The water table in the southern vicinity of Place 116 units will like increase with the additional flows. There is a high likelihood that the expansion of the wetland will cause infiltration in the crawl space of the southernmost Place 116 homes. What kind of ongoing financial instrument guarantee will the developer be required to have in place to mitigate such?

GENERAL PROJECT COMMENTS:

*As a design comment, the concrete retention vault has a sixteen (16) foot elevation along the wetland buffer. In addition, it is likely Kirkland will require a safety fence a top the box structure. We question the developer's Project Narrative/Benefit submittal. Section III, 3.b, which indicates that "The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property...." 3.d.iv. indicates "Superior architecture, design, placement, relationship or orientation of structure."

In addition, Consistency with PUD Criteria section submittal, paragraph 2., indicates in part, "The visual effect of the above components is negligible and will most likely be unnoticed by adjacent residents."

*Place 116 would take exception to such claims in consideration of the issues noted above.

Thank you for the opportunity to comment on the proposed development and trust the City of Kirkland will take our comments seriously.

Sincerely,

Jan Sanford

11409 115th Lane NE

Kirkland, Wa

206-310-6768

11/3/2016

Attn: City of Kirkland

PUD

Re: Scrivanich Development

To whom it may concern,

We have several questions we would appreciate being addressed regarding the changes being made to our private property due to the Scrivanich development.

1. Will there be a "Dead End" or a "No Outlet" sign? We have been a private road, maintained by our homes for many years, not by the city, but it is our understanding that the city will now maintain the road? Wouldn't we need permission to get this sign placed?

2. From our understanding on the new road design, our landscape will now be brought out into our current parking strip which is our private property, using 3 and a half feet or so of our property for a new road. Does this mean that people from this development can park in front of our home whenever they want, or do we still maintain our privacy on our private property? Our concern is with the lack of overflow parking in this development, and given the narrow driveway leading to the homes, and no parking pad, that we will be affected by overflow parking.

Thanks for helping answer our questions,

Kelly and Mike Hershberger
11422 NE 112th ST
Kirkland, WA 98033

CITY OF KIRKLAND

Hearing Examiner Exhibit

Appellant _____
Respondent _____ ADMITTED X
Department X DENIED _____

0

FILE # SUB 15-02157

My name is Cheryl Chudyk. My husband,
Andrew and I live at 11420 NE 112 St.
Fung

When we originally opened the
right of way to the city many
years ago with another developer

they were going to provide us

with sewer hook up at no charge.

We are on septic and would like
to be put on sewer with this
subdivision.

Cheryl Chudyk

11420 NE 112 St

Kirkland WA 98033

425-605-0474

abfung@gmail.com

CITY OF KIRKLAND

Hearing Examiner Exhibit

Appellant	___	ADMITTED	<u>X</u>	E
Respondent	___	DENIED	___	
Department	<u>X</u>			
FILE #	<u>SUB 15-02157</u>			

Validate Your Offer

Please write the following validation code on your survey invitation.

Validation Code: 51339

You may now redeem the offer on your receipt during your next visit to this Wendy's location.

We appreciate your input and hope you will visit Wendy's again very soon.

Stay Connected



Thank you.

For the record, my name is Clay White, Principal Planner with LDC. Our address is 14201 NE 200th Street #100. Woodinville, WA. 98072. I am here with my associate Mark Villwock, who is the engineer on this project and our Vice President. We are representing the applicant Larry Scrivanich.

We appreciate the staff presentation and agree with most of the staff conclusions. There are just a few issues we would like to address and of course we are here to answer any questions you might have.

- 1) Within the introduction, it lists Steven Anderson with LDC as the applicant. This should be corrected. The applicant is Scrivanich/Little Lion LLC.

- 2) I would also like to note that on page 9 of the staff report, it lists the uses adjacent to this project. It states that to the west is RS 8.5, Detached Single Family. This is true for a portion of the west side, adjacent to lots 12-18. This is where we are proposing a 40' landscaped visual buffer. However, there are higher densities west of this site, adjacent to lots 1-8 and north of lots 10-12. This is the Garden Park development. We ask that the record be corrected on this issue.

- 3) Next, I would like to address the proposed benefits this PUD application will bring to the city. This is discussed within the introduction and on page 19-20 of the staff report. The staff report correctly notes that we are proposing Rectangular Rapid Flashing Beacon (RRFB) on 116th street west of McAuliffe Park and west of 108th ave NE at a cost of nearly 100,000. The report also notes that the application is proposing a 40' visual landscape buffer between this project and the neighboring properties on the western property line between lots 12-18.

It is important to note, however, that the project is also proposing other benefits to the city that were not included within the public benefits section. Approximately 12% of the site, 25,515 square feet will be devoted to passive and active Open Space, which would not be required in a standard subdivision in this zone. Open space amenities include:

- Seating benches
- Play equipment
- Grassed play area

Open Space Tract A is located on the North end of the site and contains 2,986 square feet of active open space. At the request of the city, we moved this tract to the north end. It will not only provide active recreation space but provide a visual buffer between the development and NE 116th. Next, Tract D contains 22,529 square feet of open space which is dedicated to detention and recreation. While the area contains some critical

CITY OF KIRKLAND
Hearing Examiner Exhibit

Appellant	_____		
Respondent	_____	ADMITTED	<input checked="" type="checkbox"/>
Department	<input checked="" type="checkbox"/>	DENIED	<input type="checkbox"/>
FILE #	SUB 15-02157		

F

areas and buffer which are required to be protected, we have intentionally not included Tract D within a lot, which allows the area to be enjoyed as open space by all property owners. Lastly, we are providing a 10' pedestrian easement which will provide a great trail and connectivity between 116th and 112th.

We believe that these additional items should be considered when evaluating the project as it relates to public benefits and incorporated into the project findings. The RRFB, 40 landscape setback, pedestrian easement, and both Tract A and D provide significant public benefits not otherwise required as part of a regular subdivision.

- 4) Next. We would like to clarify staff report recommendation 6.h which is located on page 6 of the staff report.

The condition reads "A 40-foot landscape easement shall be placed at the rear of Lots 12-18 prior to recording the subdivision along with the appropriate Landscape Green Belt Easement language which shall include provisions to allow minor improvements to encroach 10 feet into the 40 foot landscape easement". A copy of the greenbelt easement is found on page 193 of the staff report.

We are asking that the condition simply be modified to read "A 40-foot visual landscape setback shall be maintained at the rear of Lots 12-18".

The additional language added by staff to this condition goes beyond what the applicant was proposing and was not discussed with the applicant. We were also not made aware of any requirement to record a Landscape Green Belt Easement for this portion of the property or that the property would be restricted beyond that of the plain language of the Comprehensive Plan policy regarding this issue which reads: (2) Visual buffering by a landscaped setback (normally 40 feet) should separate the slightly higher density developments from the adjacent single-family residences.

We were told that this language is consistent with what has been done in the past. However, this is not what the Comprehensive Plan policies says or requires and we have not been given and code authority to require a Green Belt Easement. It is also worthy to note that within the staff report, the language changes from calling this area a 40' landscaped visual buffer to being called a greenbelt. They are clearly two different things.

As stated in the comprehensive plan and the application, the 40' visual landscape setback is being proposed to provide a visual buffer between homes. There is nothing in the comprehensive plan or code that states that these areas need to be restricted to the same level as a critical area greenbelt as is described in condition 6.a.

As proposed and without the additional language, this 40' landscaped visual buffer will provide a significant public benefit that is not required under a regular subdivision (in addition to the

other public benefits proposed). There is existing vegetation and we will be adding additional landscaping to this area as part of the proposed project (that is in the staff report as a condition).

Vancil, Ryan

From: David Barnes <DBarnes@kirklandwa.gov>
Sent: Tuesday, November 08, 2016 9:34 AM
To: Vancil, Ryan
Cc: Jon Regala
Subject: FW: Place 116 Arborist Report
Attachments: Davey Trees - Arborist Report on Developement.pdf

Hi Ryan,

Here is the arborist report, I have been out sick and am still not feeling well. This is a very generic letter and not specific enough to address what the applicant is saying except that removal of trees on the applicant's property will cause the Place 116 trees to be not protected from wind as they have in the past. However, the arborist recommends an impact report which could tell us more.

If we get something else in the meantime by Wednesday, we will forward it on to you.

Thank you,

David Barnes, CSBA, LEED AP
Associate Planner
Planning & Building Department
City of Kirkland
425-587-3250
dbarnes@kirklandwa.gov

Please don't print this e-mail unless you really need to. Reduce, Reuse, Recycle. Incorporate sustainable practices and plan to execute them in your daily routine.

From: John Klevens [mailto:john@klevenscapital.com]
Sent: Sunday, November 06, 2016 11:12 AM
To: David Barnes <DBarnes@kirklandwa.gov>
Cc: Jan Sanford <JanSan0204@msn.com>; Gildas Cheung <gildas.cheung@gmail.com>; Ken Chang <fly4taiwan@yahoo.com>
Subject: Place 116 Arborist Report

Mr. Barnes,

Following up on the planning meeting of last Thursday regarding the Scrivinach project and impact upon Place 116 attached is a letter from one of the arborists. Due to the short time frame this documentation is just a letter, not a detailed report. Clearly though, the expert opinion is that under the current developmental plan Place 116 would be adversely impacted.

Additionally, we have another report from a second arborist being drafted at the moment and I hope to have to that to you tomorrow afternoon. He has given us indication that his findings are similar - that Place 116 may be negatively impacted - and I anticipate his report to reflect that finding.

CITY OF KIRKLAND
Hearing Examiner Exhibit

Appellant	___	ADMITTED	<u>X</u>	6
Respondent	___	DENIED	___	
Department	<u>X</u>			

FILE # sub 15-02157

E-page 305

Given that we have two expert opinions reaching the same conclusion Place 116 respectfully requests that before the Scrivinach project is approved the applicant be required to gather additional data and propose solutions to the issues that are acceptable to Place 116.

For clarification - the letter from Davey Trees is addressed to Rob. That's referring to Robert Baughman, who is employed by Suhrco Property Management and is the Place 116 property manager.

Please feel free to contact me directly if you have any questions or require additional information. Again, our intent is not to stop the Scrivinach project. However, we have serious concerns about its impact upon our property and quality of life. We'd like to work together to have a favorable outcome for both parties.

Respectfully,

John Klevens

November 4, 2016

Rob,

Thank you for allowing Davey Tree to inspect the trees on the property.

While we were inspecting property you mentioned that the area to the south – southwest of your property was going to be developed. You have some very mature trees along that property line and you said there would be construction very close to the property line. The critical root zones of a lot of those trees run into the neighboring property. This would be an issue I would bring up to the people responsible for the development as well as the city.

All the large trees on the neighboring property act as a wind blockage to your property. If removed your trees will be exposed to the prevailing southwest winds. These trees not being used to the direct winds could become a risk to people places and things.

You may consider having a consulting arborist do a study on the impact of this development on your trees.

If you have any questions or are in further need of clarification, please feel free to contact us.

Thank you.

Roy Hisler | Assistant District Manager
ISA Certified Arborist #PN-0494A | ISA Certified Tree Risk Assessor
The Davey Tree Expert Company | SE Seattle – 138431
P.O. Box 50393, Bellevue, WA 98015
P: 425.462.8829 | C: 206.510.3379 | F: 425.462.8874



Vancil, Ryan

From: Jon Regala <JRegala@kirklandwa.gov>
Sent: Thursday, November 10, 2016 4:54 PM
To: Vancil, Ryan
Cc: David Barnes
Subject: RE: Scrivanich additional arborist report

Ryan,
Below is an email from Tom Early, our Urban Forester in response to the applicant's arborist letter from Roy Hisler with The Davey Tree Expert Company dated November 4, 2016.

-Jon

From: Tom Early
Sent: Thursday, November 10, 2016 4:39 PM
To: David Barnes
Cc: Jon Regala
Subject: Re: Scrivanich additional arborist report

Hi Jon and David,
The attached memo touches on some relive the concerns for the neighbors. The proposed development includes removing trees which currently buffer the neighbor trees from wind. In addition to this the development proposal includes a wall and fill within the critical root zone of at least two of the neighbors trees. These trees are located in the neighbors required buffer planting area.

I suggest requiring an action plan for the development which includes monitoring the trees for increased risk during construction. The monitoring memo's should be looking at root zone compromise and risk reduction recommendations if the tree risk is enhanced to a high risk. This monitoring effort will help identify additional concerns with these trees as the development proceeds.

Tom Early

On Nov 8, 2016, at 10:30 AM, David Barnes <DBarnes@kirklandwa.gov> wrote:

Tom,

Here is the letter. Please reply to Jon as well.

The arborist report should come in later today. The comment period for staff (that is you) is open until end of business Thursday.

Thank you for the quick turn around.

David Barnes, CSBA, LEED AP
Associate Planner
Planning & Building Department
City of Kirkland
425-587-3250
dbarnes@kirklandwa.gov

CITY OF KIRKLAND
Hearing Examiner Exhibit

Appellant	___	
Respondent	___	ADMITTED <input checked="" type="checkbox"/>
Department	<input checked="" type="checkbox"/>	DENIED ___

FILE # SUB 15-02157

H

Please don't print this e-mail unless you really need to. Reduce, Reuse, Recycle. Incorporate sustainable practices and plan to execute them in your daily routine.

<Davey Trees - Arborist Report on Development.pdf>

CHALLENGE TO THE HEARING EXAMINER'S RECOMMENDATION

RECIEVED

NOV 28 2016

Attn: Mr. David Barnes

CITY OF KIRKLAND
FIRE & BUILDING

Place 116 challenges the City of Kirkland's Hearing Examiner Finding and Recommendation of the Scravinich PUD, Case No. SUB 15-02157 & ZON15-02162 based on the City of Kirkland's failure to adequately address impacts to the abutting properties to the East, Place 116 .

1. Project's SEPA Environmental Checklist submitted by Steve Anderson dated 9-21-15:

The developer and City of Kirkland have not complied with SEPA. They did not adequately address the development's impacts and is in violation of the Project's SEPA Environmental Checklist, dated 9-21-15, as it relates to the retaining wall abutting the common property line of Place 116. Section 10c of the Checklist, Proposed Measures to Reduce or Control Impacts states the development will comply with "The observance of building setbacks, retention of as much native vegetation as practical during construction and provision of....native landscaping would reduce aesthetic impacts of the project...." The wall does not comply with City of Kirkland setbacks nor does placement of the wall on the common property line provide opportunity for landscaping to minimize the visual impacts of the wall. Additionally, the walls foundation will adversely impact the roots of mature fir trees within Place 116 rear yard areas.

2. Planning Official Approval of Retaining Wall Modification Request:

In the Hearing Examiner Hearing, Place 116 raised the code applicability of the Retaining Wall Modification as it relates to section 115.115.3.g of the Zoning Code. Clearly the code's intent, as adopted by the governing bodies of the City of Kirkland, never intended for staff to administratively approve a wall up to ten (10) feet along a residential property line with a zero (0) setback. Additionally, a fence atop the wall will create additional visual impact. When reading the applicability of Chapter 115, it is clear the original intent of the Chapter is to address walls relating to yards and such—not a Public Street placed on Public Rights-Of Way. We find it deplorable that City Staff would take such action mere days before the public hearing. And, further reason in their approval that "There is also a 40-foot wide landscape easement with large native trees on the neighboring property to the east, which could also be planted with vegetation to make the proposed retaining wall less visible." Nowhere in the code is the City of Kirkland permitted to consider the taking or use of a neighboring property as a mitigation consideration for approval of a setback variance.

3. Superior Buffering:

The City's Staff Report to the Hearing Examiner states the development is providing "Superior Buffering". This claim appears to be based solely on the fact that the Project is required to provide a "Required Code Set Back" of 40 feet to the residences located on the west, the opposite side of the development to Place 116. The term "Superior Buffering" as it relates to Place 116 is clearly an overstatement.

The retaining wall supporting the Public Street is designed on the common property line with Place 116. The wall is up to ten (10) feet high abutting or near the property line leaving virtually no space for adequately buffering the walls impact on the project's property. In addition, in all likelihood, because of safety and liability, the City of Kirkland will require a fence of a minimum height of four (4) feet to be placed on top of the wall for a total visual impact to Place 116 up to some fourteen (14) feet without adequate buffering.

Vehicle headlight impacts are also an issue raised by Place 116. Because of the public street's placement and design, the street elevation at the radius point in the vicinity of the wall will be twelve (12) above the grade of Place 116. As such, vehicle headlights will shine into the living rooms and bedrooms of the existing residences. The applicant and the City staff acknowledged the impact indicating they would provide adequate buffering to minimize the impacts. The street design plans indicate there is only five (5) feet between the street back of curb and the property line to the east. Within the roadway curve area, the design includes the width of a retaining wall, a steep two foot-six inch (2'-6") slope/grade change from the top of the wall up to the street curb, and a guardrail which will set back from the roadway improvements. Additionally, any attempts to plant a buffer in this area would require the planting to be set back from the street improvements. Because of the streets minimal setback from the common property line with Place 116, It will be virtually impossible for the applicant to plant a buffer that could offset the headlight impacts.

4. Failure to Compliance with Kirkland Municipal Code Provisions:

The Project has failed to mitigate and adequately address the Project's impact on Place 116. We find that the City of Kirkland has chosen to side with the developer's design in lieu of protecting the rights of the abutting property owner to the east, Place 116, by erroneously issuing a Zoning Code Retaining Wall Height Modification. We find it appalling that this action was conducted in late October 2016 just prior to the Hearing Examiner Hearing date of November 3, 2016. No notice of such action was provided Place 116 other than burying the approval in the City's Advisory Report of Findings, Conclusions and Recommendations to the Hearing Examiner. At the Hearing Examiner Hearing, we were told that since Place 116 had not specifically filed an appeal to the SEPA determination concerning the wall prior to January 5, 2016 the issue was mute. Yet, the City of Kirkland took action on the wall's design, impacting Place 116, a mere few days before the Hearing. Place 116 is of the opinion that the retaining modification issued in October 2016 was simply a last minute action by the City in attempt to get their "ducks in row before the Hearing".

Place 116 representatives have been in communication with the City of Kirkland for over two years regarding the project. During January of 2016, the City encouraged Place 116 to reach out to Mr. Scrivanich to review our concerns. Place 116 representatives met with Mr. Scrivanich on January

E-page 31, 2016. Of specific concern was the height and setback of the retaining wall along the common property line. Mr. Scrivanich seemed sincere when he indicated he would review the design.

On September 26, 2016, Place 116 representatives met with Kirkland staff to review project related concerns. The wall's placement and height were specifically discussed. The developer was proposing modifications that would "otherwise not be allowed in a standard subdivision". i.e. minimum lot size, minimum lot width, front building setbacks, floor area ratio, building height calculation, lot coverage, and side yard building setbacks. These modifications, and the developer's efforts to maximize building sites, contributed to the wall's placement and height. Never in that meeting did staff say anything that indicated the wall design had already been finalized through the SEPA Determination. During the meeting, we were somewhat taken aback when we suggested a redesign consideration, to **possibly eliminate need for wall by removal of one lot**, and one of staff responded, "you are asking a lot from the developer to possibly lose a lot (i.e. building site)". That said, we were encouraged by the staff to put our concerns in writing, even though in hindsight, it appears the wall was already a "done deal". It now seems that Kirkland staff never intended to do anything about the wall's placement other than side with the developer, later issuing a Zoning Code wall modification to cover their tracks late in the process when they realized Place 116 would not drop the issue.

Sincerely,

Jan Sanford - on behalf of Place 116 Homeowners

Place One Sixteen Homeowners

John Klevens, President

Gildas Cheung

Ken Chang

Jan Sanford

Brent Apt

Keith and Carolyn Baker

RECIEVED

NOV 28 2016

CITY OF KIRKLAND
FIRE & BUILDING

To whom it may concern,

This letter declares that I have either delivered the Challenge letter to all parties of record by **mail** or delivered **in person** in regard to the Scrivanich Subdivision and PUD (case No. SUB15-02157 & ZON15-02162).

The parties of record are described above in KZC 152.85.1 and include the applicant (Larry Scrivanich) and his development professionals (LDC) and everybody that commented on the original notice, or commented in person or by written comment to the Hearing Examiner. For the list of all parties of record contacted, please see attachment.

I certify and declare under penalty of perjury of the laws of the state of Washington that the foregoing is true and correct.

Sign Jan Sanford
Date 11-28-2016

Print JAN SANFORD
(JANICE CRAWFORD SANFORD)

Dated this 28TH day of November, 2016, in city of Kirkland, state of Washington.

Attachment
Parties of Record Contacted by Mail or in Person

Applicant

- Larry Scrivanich
 - PO Box 2174, Woodinville, WA 98072.

Agent/Development Professionals

- LDC, Inc.
 - 14201 NE 200th St. #100, Woodinville, WA 98072
 - ATTN: Clay White, Mark Villwock

Commenters on Original Notice

- Jan Sanford, Place 116 (primary challenger)
- Ken Chang, Place 116
- Josh and Edie Pawlicki
 - 11416 NE 112th St, Kirkland WA 98033
- Andrew Fung & Cheryl Chudyk
 - 11420 NE 112th St, Kirkland, WA 98033
- Kelly and Mike Hershberger
 - 11422 NE 112th St, Kirkland WA 98033
- Annette Eberlein
 - 11205 108th Ave NE, Kirkland, WA 98033
- Joe and April O'Donnell
 - 11414 NE 112th St, Kirkland, WA 98033
- Keith and Carolyn Baker, Place 116
- Tom McGuire
 - 11421 NE 116th St, Kirkland 98034

Commenters before Hearing

- Larry Crawford
 - 10728 Vernon Rd., Lake Stevens, WA 98258 (for Jan Sanford/Kirkland)
- Clay White (repeat)
 - 14201 NE 200th St #100, Woodinville, A 98072 (of LDC, Inc.)
- Mark Villwock (repeat)
 - 14201 NE 200th St #100, Woodinville, A 98072 (of LDC, Inc.)
- John Klevens, Place 116
- Sandeep Mitra, Place 116
- Gildas Cheung, Place 116
- Ken Chang, Place 116 (repeat)
- Michael & Kelley Hershberger (repeat)

December 2, 2016

City of Kirkland
ATTN: David Barnes
123 Fifth Avenue
Kirkland, WA 98033

RE: Scrivanich PUD - challenge letter response
SUB 15-02157/ZON15-02162

Dear Mr. Barnes:

Pursuant to KZC Chapter 152.85, the City of Kirkland received a challenge letter from Jan Sanford regarding SUB 15-02157/ZON15-02162. This response letter is being provided on behalf of the applicant for this project, Scrivanich/Little Lion, LLC.

Untimely filing of challenge

Pursuant to KZC 152.85(3)(a):

*“The challenge may be filed by delivering it to the Planning and Building Department, together with the fee established by ordinance, **within seven (7) calendar days of the date of distribution of the Hearing Examiner’s recommendation on the application**; provided, that if the seventh day falls on a Saturday, Sunday, or legal holiday, the seventh day of the challenge period shall be extended through the next day on which the City is open for business.”*

In this case, the Hearing Examiner decision is dated November 14th and was distributed by the City by email to all parties of record on Friday, November 18th, 2016 (please see attached email from Karin Bayes). Although the city set the challenge deadline as November 28th within the Hearing Examiner decision, there is no code authority granted in KZC 152.85(3)(a) to extend the deadline beyond seven (7) calendar days from the date of distribution. Since the decision was distributed by the city on November 18th, a timely challenge was required to be filed no later than 5pm on Friday, November 25th, 2016. In this case, the challenge was submitted and received by the City of Kirkland on November 28th, 2016. For these reasons, the challenge should not be accepted or considered by the Kirkland City Council.

Challenge does not meet the requirements of KZC 152.85(2)

KZC 152.85(2) provides for the requirements of a challenge and what it must contain. It states that “The challenge must be in writing and contain a statement of the **factual findings and conclusions made by the Hearing Examiner that are contested**. The challenge will be considered only on the record developed in the hearing before the Hearing Examiner.”

In review of the challenge, there is no citation to any of the factual findings or conclusions within the Hearing Examiner decision that are being challenged. The challenge refers to the

city staff report but it is not the staff report that can be challenged. It must be the specific findings and conclusions reached by the Hearing Examiner in reaching his decision.

While we can respond to the issues presented in the challenge letter, we cannot provide any response to the factual findings and conclusions made by the Hearing Examiner that are contested because none of the findings are being specifically contested or challenged. Since the challenge does not meet the requirements of KZC 152.85(2), it should be dismissed.

If the challenge is not dismissed for the reasons above, the following addresses the comments within the challenge letter. However, as stated above, we cannot present a response to the factual findings and conclusions made by the Hearing Examiner that are contested because no specific challenges to the findings and conclusions are listed.

Project's SEPA Environmental Checklist

The issue of SEPA was addressed by staff and the Hearing Examiner during the November 3, 2016 public hearing and Hearing Examiner Decision issued on November 14th, 2016. As stated in the staff report within Subsection II.C:

- A public comment and appeal period extended from September 13-27, 2016.
- The Public Works department has reviewed the application for concurrency. A concurrency test was passed for water, sewer, and traffic on December 1, 2015
- A MDNS was issued for the project and not appealed.
- The applicant and the City have satisfied the requirements for SEPA and Concurrency

This was reiterated by the Hearing Examiner in his decision when he stated that *“There was no appeal of the City’s SEPA MDNS, or Concurrency determination. The Facts and Conclusions on this matter set forth at Subsection II.C of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner’s Findings and Conclusions.”*

Any issues regarding SEPA were required to be addressed during the SEPA comment period. Further, no specific findings or conclusions made by the Hearing Examiner in its decisions were listed or challenged. Lastly, the MDNS was not appealed and therefore issue one within the challenge is not timely and should be dismissed.

Planning Official Approval of Retaining Wall Modification

KZC 115.115(3)(g) addresses rockeries and retaining walls within required yards. At the direction of the City staff, the applicant submitted a modification request to the City on October 5th, 2016. Pursuant to KZC 115.115(3)(g) - 1) and 2), the Planning Official is required to evaluate and either approve or deny a modification request. In this case, the Planning official granted the modification request based upon the request submitted to the city. The request for the modification was not before the Hearing Examiner and no specific findings or conclusions made by the Hearing Examiner are being contested. Therefore this issue should be dismissed.

Superior buffering

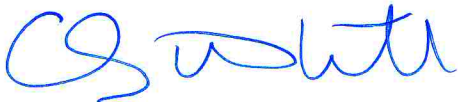
The first two paragraphs of the challenge regarding superior buffering appears to take exception with the placement of the retaining wall on the east side of the property. This issue was addressed as part of the modification and the first two paragraphs do not list any Hearing Examiner finding or conclusion they are challenging.

The third paragraph describes perceived issues with vehicle headlights shining into residences within Place 116. As with the issues above, there is no reference to any Hearing Examiner finding or conclusion being challenged. However, the issue of headlights was brought up during the SEPA comment period. The applicant has volunteered to plant dense vegetation, such as arborvitae as mitigation for any possible issues. This mitigation measure was incorporated into the SEPA MDNS. That MDNS was not challenged as referenced above. For these reasons, the challenge should be dismissed.

Failure to Comply with Kirkland Municipal Code Provisions

There is no reference to any Hearing Examiner finding or conclusion being challenged within this challenge issue. The issue refers back to the modification process which was referenced in issue two. That modification was processed as outlined in KZC 115.115(3)(g) and approved by the Planning Official as the code requires. For these reasons, the challenge should be dismissed.

Sincerely,
LDC, Inc.



Clay White
Principal Planner

Enc: affidavit

CC: parties of record per KZC 152.85 (as provided by city staff)

ORDINANCE O-4553

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY (AND FINAL) PUD AS APPLIED FOR BY LARRY SCRIVANICH/LITTLE LION LLC IN THE PLANNING AND BUILDING DEPARTMENT FILE NO. SUB15-02157, AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

1 WHEREAS, the Planning and Building Department has received
2 an application, pursuant to Process IIB, for a Preliminary (and Final)
3 Planned Unit Development (PUD) filed by Larry Scrivanich/Little Lion LLC
4 as the Planning and Building Department File No. SUB15-02157 for a 27
5 lot development within a RS 8.5 zone known as Scrivanich PUD; and
6

7 WHEREAS, pursuant to the City of Kirkland’s Concurrency
8 Management System, KMC Title 25, a concurrency application has been
9 submitted to the City of Kirkland, reviewed by the responsible Public
10 Works official, the concurrency test has been passed, and a concurrency
11 test notice issued; and
12

13 WHEREAS, pursuant to the State Environmental Policy Act,
14 RCW 43.21C, and the Administrative Guideline and local ordinance
15 adopted to implement it, an environmental checklist was submitted to
16 the City of Kirkland, reviewed by the responsible official of the City of
17 Kirkland, and a mitigated determination of non-significance was issued;
18 and
19

20 WHEREAS, said environmental checklist and determination
21 have been available and accompanied the application through the entire
22 review process; and
23

24 WHEREAS, the application was submitted to the Kirkland
25 Hearing Examiner who held a hearing on November 3, 2016; and
26

27 WHEREAS, the Kirkland Hearing Examiner after his public
28 hearing and consideration of the recommendations of the Planning and
29 Building Department did adopt certain Findings, Conclusions and
30 Recommendations and did recommend approval of the Process IIB
31 Permit subject to the specific conditions set forth in said
32 recommendations; and
33

34 WHEREAS, the City Council, in an open meeting, did consider
35 the environmental documents received from the responsible official,
36 together with the recommendation of the Hearing Examiner, as well as
37 a timely filed challenge and response of said recommendations; and
38

39 WHEREAS, the Kirkland Zoning Ordinance requires approval of
40 this application for PUD to be made by ordinance.
41

42 NOW, THEREFORE, the City Council of the City of Kirkland do
43 ordain as follows:

44 Section 1. The Findings, Conclusions, and Recommendations of the
 45 Kirkland Hearing Examiner ("Recommendations") as signed by him and
 46 filed in the Planning and Building Department File No. SUB15-02157, a
 47 copy of which is attached to this Ordinance as Exhibit A and incorporated
 48 herein, are adopted by the Kirkland City Council as though fully set forth
 49 herein.

50
 51 Section 2. The City Council hereby approves the application for
 52 a preliminary and final PUD and a preliminary subdivision, subject to the
 53 conditions set forth in the Recommendations hereinabove adopted by
 54 the City Council.

55
 56 Section 3. The Process IIB permit shall be issued to the
 57 applicant subject to the conditions set forth in the Recommendations
 58 hereinabove adopted by the City Council.

59
 60 Section 4. Nothing in this ordinance shall be construed as
 61 excusing the applicant from compliance with any federal, state or local
 62 statutes, ordinances or regulations applicable to this project, other than
 63 expressly set forth herein.

64
 65 Section 5. Failure on the part of the holder of the permit to
 66 initially meet or maintain strict compliance with the standards and
 67 conditions to which the Process IIB Permit is subject shall be grounds
 68 for revocation in accordance with Ordinance No. 3719, as amended, the
 69 Kirkland Zoning Ordinance.

70
 71 Section 6. This ordinance shall be in full force and effect five
 72 (5) days from and after its passage by the City Council and publication
 73 pursuant to Kirkland Municipal Code 1.08.017, in the summary form
 74 attached to the original of this ordinance and by this reference approved
 75 by the City Council.

76
 77 Section 7. A complete copy of this ordinance, including
 78 Findings, Conclusions and Recommendations adopted by reference,
 79 shall be certified by the City Clerk, who shall then forward the certified
 80 copy to the King County Department of Assessments.

81
 82 Section 8. A certified copy of this ordinance, together with the
 83 Findings, Conclusions, and Recommendations herein adopted shall be
 84 attached to and become a part of the Process IIB Permit or evidence
 85 thereof delivered to the applicant.

86
 87 Passed by majority vote of the Kirkland City Council in open
 88 meeting this _____ day of _____, 2017.

89
 90 Signed in authentication thereof this _____ day of
 91 _____, 2017.

 MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND RECOMMENDATION**

APPLICANT: Scrivanich/Little Lion, LLC

FILE NO: SUB 15-02157/ZON15-02162

APPLICATION:

1. Site Location: 11421 NE 116th Street
2. Requests: The applicant requests approval of a preliminary subdivision and planned unit development, and wetland buffer modification as follows:
 - a. Preliminary Subdivision – Proposal to subdivide five parcels totaling 5.16 acres into 27 separate lots located at 11421 and 11431 NE 116th Street, including two adjacent undeveloped parcels: 322605-9135, 322605-9113 and property at 11406 NE 112th Street.

The applicant is proposing an Integrated Development Plan (“IDP”) tree retention/removal plan rather than a phased tree retention plan. The IDP shows the location of proposed right-of-way improvements, grading plan, building footprints, utilities, and access tracks with the zoning permit.

- b. PUD – A request for a preliminary and final Planned Unit Development (“PUD”) with an increase in base density for the upper portion of development from 5 to 7 dwelling units per acre (five additional lots would be created) and a 10% density bonus (one additional lot would be created) for the lower portion of the development and modification of the following Zoning Code and Municipal Code requirements:
 - (1) Provide smaller lot sizes than the minimum lot size of 8,500 square feet in the RS 8.5 Zone for 22 of the 27 lots with an average lot size of 5,384 square feet.
 - (2) Provide lot widths less than the minimum 50 feet as measured from the back of the required front yard.
 - (3) Reduce the minimum front yard setback for residences to 15 feet, excluding garages.
 - (4) Request to calculate the total Floor Area Ratio over the entire site less roadway driving surfaces.
 - (5) Request that the building height calculation for the new homes on Lots 1, 2, 3, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 be based on finished grade elevations for the purposes of calculating Average Building Elevation.

Hearing Examiner Recommendation
Files: SUB 15-02157/ZON15-02162
Page 2 of 11

- (6) Request to calculate lot coverage over the entire site less roadway driving surfaces.
- (7) Request that all side yard setbacks be reduced to 5 feet.

Wetland Buffer Modification – The applicant has proposed to reduce and enhance the buffer for the onsite Type III Wetland in order to accommodate the stormwater detention vault, retaining walls, public pedestrian trail, and level spreaders to disperse stormwater into the wetland buffer.

Review Process: Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision. The wetland buffer modification is approved using Process IIA Kirkland Zoning Code Chapter 150, which provides that if a “Process IIA is part of a proposal that requires additional approval through Process IIB, the entire proposal will be decided upon using that other process.” Kirkland Zoning Code Chapter 150.10.

4. Key Issues:

- Compliance with subdivision criteria
- Compliance with PUD approval criteria
- Compliance with wetland buffer modification criteria
- Compliance with applicable development regulations
- Compliance with Process IIB Zoning Permit approval criteria

SUMMARY OF RECOMMENDATIONS:

Department	Approve with conditions
Hearing Examiner	Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the applications on November 3, 2016, at City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk’s office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development. The Hearing Examiner visited the site following the hearing.

TESTIMONY AND PUBLIC COMMENT:

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

For purposes of this recommendation, all section numbers refer to the Kirkland Zoning Code (“KZC” or “Code”) unless otherwise indicated.

FINDINGS, CONCLUSIONS AND RECOMMENDATION:

Having considered the evidence in the record and reviewed the site, the Hearing Examiner enters the following:

Findings of Fact and Conclusions:

In the introduction to the Department's Advisory Report (Exhibit A) the applicant is listed as Steven Anderson, LDC Inc. This is corrected to read Scrivanich/Little Lion, LLC.

A. Site Description

The Department's Advisory Report on page 9 indicates that to the west are RS 8.5, Detached Single Family homes. This is true for a portion of the west side, adjacent to lots 12-18. However, there are higher densities west of the project site, adjacent to lots 1-8 and north of lots 10-12. This is the Garden Park development, which is RS 8.5 Attached Housing (PUD). With this correction, the Facts and Conclusions on this matter set forth at Subsection II.A of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. Public Comment

The Facts and Conclusions on this matter set forth at Subsections II.B of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Additional Facts:

1. One additional written public comment was submitted in advance of the public hearing. Exhibit B.
2. Three additional written public comments were submitted at the hearing. Exhibits C, D, and E.
3. The applicant submitted a copy of its testimony at the hearing. Exhibit F.
4. Residents of the adjacent Place One Sixteen expressed concern about Road A in the northern portion of the project. These comments raised concerns regarding: (1) the placement of the road immediately adjacent to the eastern property line; (2) the height and proximity to the property line of a retaining wall proposed to support the road; (3) light impacts; and (4) noise impacts. These concerns mirror many of the comments received in advance of the hearing.

Hearing Examiner Recommendation
Files: SUB 15-02157/ZON15-02162
Page 4 of 11

5. Comments expressed concern that the applicant was only providing a 40 foot landscape buffer along a single portion of the property line for the project, and was relying on existing landscape buffers on adjacent properties to buffer the project.
6. One comment expressed concern about the proximity of the detention pond in relation to the wetlands, and concern with the potential for flooding of the adjacent property.
7. Several commenters expressed concern that the public would be unaware that the open space areas on Tract A and Tract D were dedicated to public use, and that Tract D is located too far within the development for the public to utilize the proposed children's play area.
8. The applicant confirmed, that in addition to other amenities described for the project benches for public use will be installed on Tract A and benches and a children's play structure shall be installed on Tract D, and that these will be maintained as separate lots accessible for use by the public.
9. A Place One Sixteen representative also expressed concerns regarding potential impacts to trees on the Place One Sixteen property adjacent to the proposed Road A.

Conclusions:

10. As indicated at the hearing, and in Exhibit A, the proposed road location is required by City engineering standards in order to maintain an adequate distance between the entrance to this project and other residential project entrances in the area. Staff explained at the hearing that the height of the retaining wall was addressed in a separate permit process. *See* Exhibit A Attachment 21. In addition, the City engineer and applicant's engineer indicated that the elevation of the road is necessary to maintain access to several of the proposed lots and for safety purposes. No alternative engineering analysis was provided. The State Environmental Policy Act ("SEPA") Mitigated Determination of Non-Significance ("MDNS") conditioned the project to include a dense evergreen tree planting along the eastern property line to mitigate light intrusion from vehicle headlights. Nothing aside from normal residential noise levels was identified in the comments, and the SEPA MDNS was not appealed.
11. The 40 foot landscape buffer is required to "separate slightly higher density development from adjacent single-family residences." The proposed 40 foot landscape buffer will be located in the only portion of the project wherein the project is of higher density than adjacent lower density single-family residences. The existing 40-foot landscape buffers that are located on the Place One Sixteen property and the Garden Park property were applied to these

properties when they were developed as higher density projects than the subject property, and were intended to buffer the subject property from those higher density developments. Thus, the project is providing a landscape buffer in the only area where it is required.

12. KZC 90.45.3 requires the surface discharge of storm water through wetland buffers and buffer setbacks. However, in this case, a storm water outfall is proposed. The storm water outfall is allowed, and should address neighbor concerns in this case. Based on a report by a qualified professional under contract to the City, both the City Public Works and Planning Officials have determined that along with meeting other criteria (1) surface discharge of storm water through the buffer would clearly pose a threat to slope stability, and (2) the outfall will not be materially detrimental to any other property in the area.
13. Tract A and Tract D will be open space with amenities available for public use. This is a benefit of the PUD to the public as such provisions are not otherwise required. Tract D is located at the center of the property, and may not be visible to members of the public wishing to utilize this resource. Proper signage should be placed to inform users of the public nature of Tract A and Tract D.

C. State Environmental Policy Act and Concurrency

There was no appeal of the City's SEPA MDNS, or Concurrency determination. The Facts and Conclusions on this matter set forth at Subsection II.C of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

D. Approval Criteria

The Facts and Conclusions on this matter set forth at Subsection II.D of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Additional Facts:

1. In this instance where the applicant seeks slightly higher density than the five unit per acre maximum for the subject property, the City of Kirkland Comprehensive Plan North/South Juanita Neighborhood Plan requires the following:

Visual buffering by a landscaped setback (normally 40 feet) should separate the slightly higher density development from adjacent single-family residences.
2. The Department's Advisory Report includes the following recommended condition:

A 40-foot landscape easement shall be placed at the rear of Lots 12-18 prior to recording the subdivision along with appropriate Landscape Green Belt Easement (LGBE) language which shall include provisions to allow minor improvements to encroach 10 feet into the 40 foot landscape easement.

3. The applicant has requested that the Department's condition be modified to read "a 40-foot visual landscape setback shall be maintained at the rear of Lots 12-18."¹ The applicant further indicated at the hearing that the condition language identified by the Department "goes beyond what the applicant was proposing and was not discussed with the applicant."
4. Place One Sixteen representatives testified regarding potential impacts to trees on the Place One Sixteen property adjacent to the proposed Road A. An arborist report submitted by Place One Sixteen indicated that critical root zones of mature trees along the shared property line between Place One Sixteen and the project run onto the project site. Exhibit G. The City's Arborist also expressed concern about tree protection of two trees in this same area. Finally, the City's Arborist commented on the arborist report submitted by Place One Sixteen, and recommended additional risk assessment. Exhibit H.
5. Both the applicant and City staff have identified the 40 foot landscape buffer as a benefit of the PUD proposal for purposes of satisfying the criteria for PUD approval in KZC 125.35 (3). The landscape buffer is required by the Kirkland Comprehensive Plan, and while the buffer would not be required but for the PUD application, this is not a benefit being offered by the applicant to the City, but is a City requirement for any PUD application for this area. A PUD "is intended to allow developments which benefit the City more than would a development which complies with the specific requirements of this code." KZC 125.05.
6. In this case the applicant is providing for the purchase and installation of a Rectangular Rapid Flashing Beacon. At the hearing, and in its project narrative, the applicant has identified the additional benefit of providing open space tracts that are available to the public and include amenities such as benches and a children's play area.

Conclusions:

7. While the Comprehensive Plan requirement for a landscape buffer does not specifically call for a greenbelt easement, this provision also does not preclude

¹ In this case the area in question has been variously referred to as 40-foot visual landscape setback, landscape buffer, landscape easement, and greenbelt. For purposes of consistency only, this recommendation uses the term "landscape buffer."

such a restriction. The City's interpretation of this requirement is reasonable, and has been consistently applied in other projects under similar conditions.

8. The applicant's statement that the landscape buffer easement was not discussed with the applicant is not supported by other elements of the record including the applicant's project narrative which consistently refers to the landscape buffer as a "landscape easement," (Exhibit A Attachment 3), and that the applicant negotiated for easement terms that allow minor improvements in the first ten feet of the landscape buffer.
9. Additional analysis is necessary concerning the potential impacts to trees on the Place One Sixteen property.
10. The proposed PUD is providing the following benefits to the City as part of the proposal, which are public facilities that could not be required by the City for development of the subject property without a PUD:
 - a. Rectangular Rapid Flashing Beacon for pedestrian safety.
 - b. Passive and active recreation open spaces available for public use.
11. The proposed subdivision will create infill residential development and is consistent with the Comprehensive Plan's goals and density designation for the subject property.
12. The proposed subdivision complies with KMC 22.12.230 and KZC 150.65. With the proposed PUD, and as conditioned, the subdivision is consistent with zoning and subdivision regulations and makes adequate provision for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. The proposed subdivision will serve the public use and interest and is consistent with the public health, safety and welfare.

E. Development Regulations

The Facts and Conclusions on this matter set forth at Subsection II.E of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

F. Comprehensive Plan

The Facts and Conclusions on this matter set forth at Subsection II.F of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

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G. Development Standards

The Facts and Conclusions on this matter set forth at Subsection II.G of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

H. Process IIB Decisional Criteria

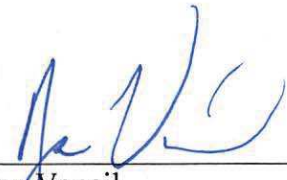
The applications for the subdivision and PUD are consistent with all applicable development regulations and, to the extent there is no applicable development regulation, with the Comprehensive Plan. As noted above, it is also consistent with the public health, safety and welfare. The application for the modification of a Type III Wetland Buffer is consistent with all applicable development regulations, and it is consistent with the public health, safety and welfare.

Recommendation:

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the City Council **approve** the Preliminary Subdivision and PUD, and the wetland buffer modification subject to the conditions set forth at Section I.B of the Staff Report, and the following additional conditions:

1. The applicant shall retain a certified arborist to complete an impact report of the proposed road and retaining wall development on the trees located on the adjacent Place One Sixteen property. The report shall recommend measures to minimize, and if feasible mitigate, impacts to the trees arising from the development project. The report shall be submitted in conjunction with the land surface modification permit. The report shall include in its recommendations a plan for monitoring the trees for increased risk during construction, including the potential for compromise of any of the trees' root zones and proposed risk reduction measures if a tree faces risk of negative impacts. The impact report and its recommendations, shall be reviewed, and commented on by the City Arborist, and if necessary the City Arborist may add additional measures for minimizing or mitigating impacts. The trees subject to this review shall include, but not be limited to 220, 221, 228, 231, 232, 271, 289, 290, 291, 293, 294, 295, 298, 312, 316, 343, and 353 as identified in the Integrated Development Plan Exhibit A Attachment 2.
2. Prior to occupancy and building permits: Benches for public use shall be installed on Tract A, and benches and a children's play structure shall be installed on Tract D. Signs shall be installed on Tract A and Tract D identifying these as public open spaces, and a sign shall be placed at the north entrance to the project near NE 116th Street directing the public to Tract D as a public park/open space area.

Entered this 14th day of November, 2016.



Ryan Vancil
Hearing Examiner

EXHIBITS:

The following exhibit was entered into the record:

- Exhibit A Department's Advisory Report with Attachments 1 through 21;
- Exhibit B October 31, 2016 e-mail exchange between David Barnes and Supriya Kelkar;
- Exhibit C September 26, 2016 e-mail exchange between David Barnes and Jan Sanford;
- Exhibit D Letter from Kelly and Mike Hershberger;
- Exhibit E Letter from Cheryl Churdyle;
- Exhibit F Copy of comments made by applicant at hearing;
- Exhibit G Place One Sixteen arborist report; and
- Exhibit H Comment from City Arborist Tom Early

PARTIES OF RECORD:

Scrivanich/Little Lion LLC, applicant
Larry Crawford
John Klevins
Sandeep Mitra
Gildas Cheung
Ken Chang
Planning and Building Department
Department of Public Works

CHALLENGES AND JUDICIAL REVIEW:

The following is a summary of the deadlines and procedures for challenges and appeals. Any person wishing to file or respond to a challenge or appeal should contact the Planning Department for further procedural information.

CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., November 23, 2016, seven (7) calendar days following distribution of the Hearing Examiner's

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written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning and Building Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

JUDICIAL REVIEW

Section 152.110 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 twenty-one (21) calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL

PUD

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 152.110, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void.

Final Plat

Under KMC 22.16.010,, the owner must submit a final plat application to the Planning and Building Department that meets the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within seven years

following the date the preliminary plat was approved, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

PUBLICATION SUMMARY
OF ORDINANCE O-4553

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE APPROVAL OF A PRELIMINARY AND FINAL PUD AND PRELIMINARY SUBDIVISION AS APPLIED FOR by LARRY SCRIVANICH/LITTLE LION LLC, IN DEPARTMENT OF PLANNING AND BUILDING (FILE NO. SUB15-02157) AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

SECTION 1. Adopts the Findings, Conclusions and Recommendations of the Kirkland Hearing Examiner.

SECTION 2. Approves the application for a preliminary and final PUD and a preliminary subdivision, subject to the conditions set forth in the Recommendations adopted by the City Council.

SECTION 3. Provides that the Process IIB Permit shall be issued and subject to the Recommendations adopted in Section 1 of the Ordinance.

SECTION 4. The applicant must comply with any federal, state or local statutes, ordinance or regulations applicable to the project.

SECTION 5. Provides that failure to comply with the conditions of approval for the Process IIB permit shall be grounds for revocation in accordance with Kirkland Zoning Ordinance, as amended.

SECTION 6. Provides that the ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication.

SECTION 7. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

SECTION 8. A certified copy of this ordinance shall become a part of the Process IIB Permit and will be delivered to the applicant.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2017.

I certify that the foregoing is a summary of Ordinance ____ approved by the Kirkland City Council for summary publication.

City Clerk



CITY OF KIRKLAND
Department of Parks & Community Services
123 5th Avenue Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director
Michael Cogle, Deputy Director

Date: January 24, 2017

Subject: Naming an Open Space in the Kingsgate Neighborhood as Bud Homan Park

RECOMMENDATION:

The Park Board recommends that the City Council adopt the attached resolution formally naming a public open space in the Queensgate area of the Kingsgate Neighborhood as Bud Homan Park.

BACKGROUND DISCUSSION:

In 2016 the neighbors of a public open space in the 'Queensgate' area of the Kingsgate Neighborhood requested that the City consider naming the property after Mr. Marion W. 'Bud' Homan. Mr. Homan was known to have personally cared for the open space as a volunteer for several decades. Mr. Homan passed away in 2016.

The public open space, tax parcel 701610-0600, was transferred to the City from King County as part of the annexation of the Kingsgate Neighborhood. The property is 2.2 acres in size and located in the northernmost portion of Kirkland (**Attachment A**), just west of East Norway Hill Park. The property includes a small lawn area and a number of mature Douglas fir and other trees. The County allowed the open space to be informally named 'East Norway Hill Community Park' and a wooden sign on the site identifies it as such. Officially, however, the property does not have a formal name.

More information about Mr. Homan, courtesy of the family and Mr. Robert Wallner, a neighbor and advocate for the park naming:

"Bud Homan was born October 5th 1929 in Fruitland, Idaho – 19 days shy of the Wall Street crash of 1929 that started the Great Depression. In 1951 he met the love of his life Elizabeth "Betty" L. Beckman in Kamiah, Idaho after she served him a strawberry soda, and he came back for another. They were married December 27, 1951. After graduating from the University of Idaho in 1952, he served his country in the United States Air Force. From here Bud and Betty settled in Bothell, WA in 1971 in the neighborhood called Queensgate. It's the park behind this house (currently referred to

as East Norway Hill) that Bud cared for from the day they moved in until the time of his death March 12th 2016. 45 years!

I grew up in the house right next door. My parents moved there in 1970 and became fast, lifelong friends with Bud and Betty. Bud was there with my Dad when I caught my first fish, and he gave me my first baseball mitt. Bud loved the Mariners and the Seahawks. The topic of much conversation growing up, and every time I visited my Mother, who still lives there in the same house next door (now Kirkland).



Bud was the first guy to start helping if we were trimming trees, replacing a garage door opener, digging, chopping, roofing, fixing, mending – you name it. We didn't always ask, but he was there with gloves on ready to go! His care of the park was a weekly chore that he shouldered without anyone asking and mowed all that grass with a push-mower! He was truly a great guy, who cared about and helped others despite having plenty to worry about himself – though he never complained about it. His widow, his children and grandchildren and his lifelong neighbors in the old neighborhood would all like Bud's memory honored with the re-naming of the park. It's the right thing to do."

The Department of Parks and Community Services solicited public opinion on the proposed park naming during the last two months of 2016. Responses received via email (**Attachment B**) are all supportive of the proposal to name the property as Bud Homan Park.

The City Council's adopted park naming policy (**Attachment C**) directs the Park Board to consider naming requests and to make a recommendation to the City Council. At their meeting of January 11, 2017 the Board unanimously voted to forward a recommendation to City Council proposing that the public open space officially be named Bud Homan Park.

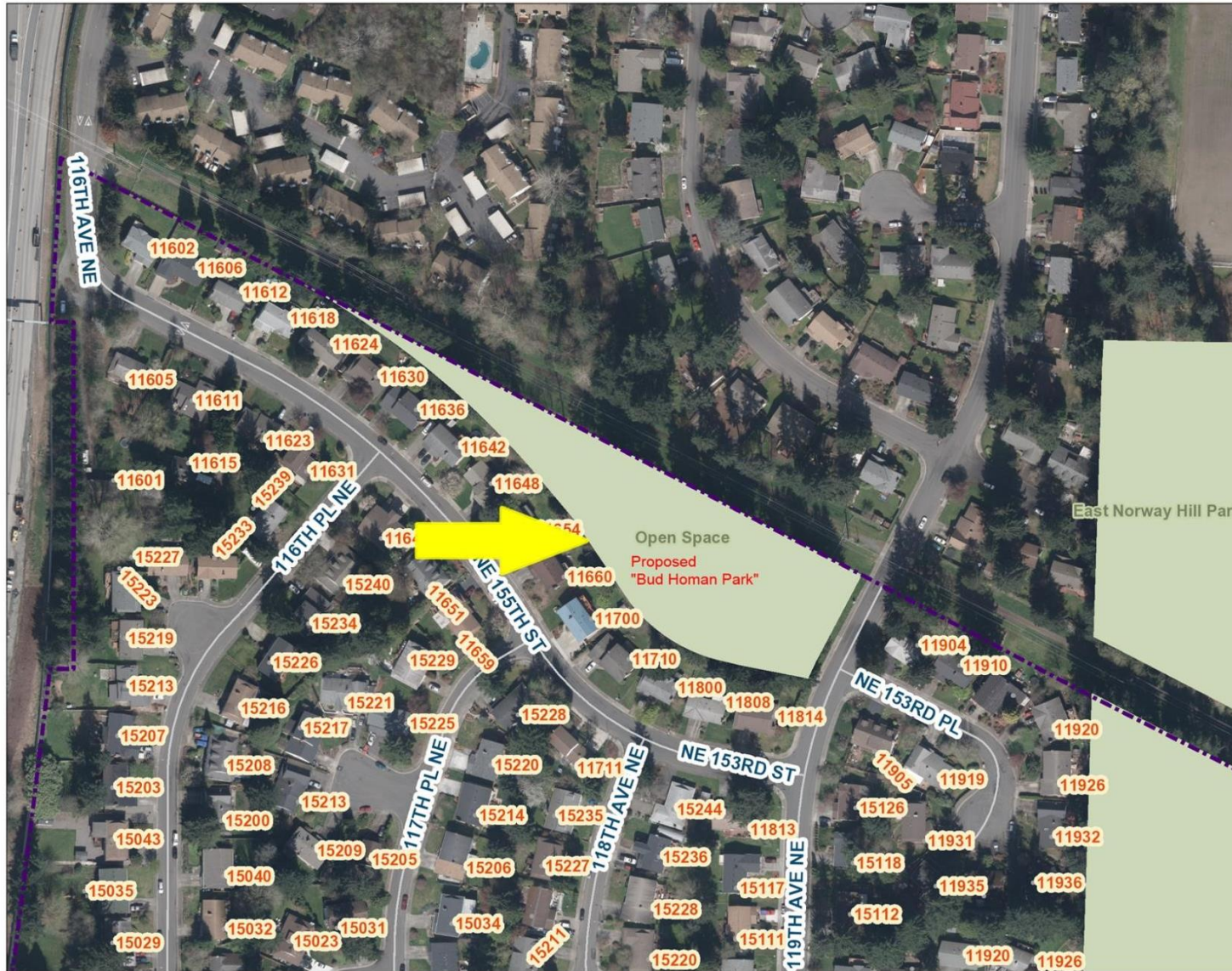
Subject to Council approval, staff will erect a new park sign and coordinate a dedication ceremony with the neighborhood and family.

Attachments:

Attachment A – Location Map

Attachment B – Correspondence

Attachment C – Park Naming Policy



Legend

- Address
 - Other Address
 - Current Address
 - Current ADU
 - ◆ Pending Address
- - - City Limits
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Lakes
- Parks
- Schools
- Olympic Pipeline Corridor

1:2,400



Notes

0.1 0 0.04 0.1 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

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PUBLIC COMMENTS: PROPOSAL TO NAME KINGSGATE OPEN SPACE

From: Thomas Wallner
Sent: Saturday, November 12, 2016 10:32 AM
To: Park Board
Subject:Kingsgate Open Space Naming Proposal--Bud Homan Park

Dear Kirkland Park Board,

I am writing in support of the community proposal to name a Kingsgate open space area after Bud Homan who personally maintained the park quietly and without fanfare for 45 years up to his recent death.

I lived next door to Mr. Homan for many years and personally observed him regularly mowing the grass, trimming trees, picking up discarded trash and generally keeping the area neat and clean for use by neighborhood residents. Without his diligent efforts the area would have devolved to a trashy, ugly neighborhood blight.

Please recognize Mr. Homan's many years of selfless public service by naming the park in his honor.

Thank you

Tom Wallner

From: Sudhir Vijay
Sent: Saturday, November 12, 2016 4:07 PM
To: Park Board
Subject: Bud homan park

Hi
I am a resident of 15118 119th ave ne. Fully support naming the park as bud homan park

Reg Sudhir

From: Jude Morine
Sent: Sunday, November 13, 2016 4:04 PM
To: Park Board
Subject:Buds park

Please name the park after Bud Homan. Thank you

From: Vicki Shanks
Sent: Monday, November 14, 2016 11:33 AM
To: Park Board
Subject: Bud Homan Park

I'm in favor of renaming the park after Bud.

Thank you,

Vicki E Shanks
15201 118th Ave NE
Kirkland, Wa 98034

PS: We live in Queensgate NOT Kingsgate.

From: Julian
Sent: Monday, November 14, 2016 1:10 PM
To: Park Board
Subject: Regarding "BUD HOMAN PARK"

To whom it may concern:

We fully supporting renaming the property "BUD HOMSN PARK".
Bud was a great neighbor!

Julian & Virginia Gheorghiu
11660 NE 155th. St.
Kirkland, WA 98034

From: Catherine Wallner
Sent: Monday, November 14, 2016 7:43 PM
To: Park Board
Subject: Bud Holman Memorial Park

Dear Board, I was a resident at 118214 NE 153rd Street from 1970 through 1980. My Mother, Betty Wallner still lives there and so I have been there many times since then to visit her. I remember Bud as our neighbor who took care of the "park". He was always out in the park either mowing, raking, picking up debris from storms or picking up garbage. He did this because no one else did. I'm not sure if the county or city was responsible but I know that it was a neglected space. He did this for over 45 years! Please name this park after a gentle man that deserves to be honored.

Sincerely, Catherine Wallner

From: J Ahl
Sent: Wednesday, November 16, 2016 3:50 PM
To: Park Board
Subject: Bud Homan Park

Hi It sounds like a slam dunk to me. Name the park after the man that took care of it for 45 years.. Also put up a plaque explaining what Bud did for the community..

Name the park "Bud Homan Park..

Janis Ahl

Kirkland resident

From: Jim & Jolene Alexander
Sent: Thursday, November 17, 2016 10:58 AM
To: Michael Cogle <MCogle@kirklandwa.gov>
Subject: RE "Bud Homan Park"

Hi Michael,
We just received the letter regarding renaming the East Norway Hill Community Park. Now this is an idea I can get behind.

Our neighborhood was the beneficiary of Bud's generosity. Prior to Bud taking on the maintenance of the park, it was nothing more than an unkempt piece of property. Broken down swing set, tall grass and not a very useable space. When he started maintaining the park it became a lovely serene addition to the neighborhood.

Renaming the park "Bud Homan Park" would be a wonderful sign of appreciation. It wasn't until recently that I actually found out who was maintaining the park. Although some may not find renaming the park to have validity or worthy of the expense, the Queensgate neighbors to the park and those using 119th AVE NE for their commute have been the beneficiaries of looking at or playing in the field under the beautiful firs.

Sincerely,
Jolene Alexander

From: Betty Wallner
Sent: Saturday, November 19, 2016 2:11 PM
To: Park Board
Subject: Bud Homan park

Dear Park Board, Please rename east Norway hill Park to bud homan park. Bud was my neighbor for 45 years. during that time king county neglected the park, he was the only one clean yard waste and mow. Bud made it safe for my grandchildren to play. Thanks for considering the change!! Bettywallner

From: Eric Brose
Sent: Monday, November 21, 2016 9:46 PM
To: Park Board
Subject: Bud Homan Park

I am writing to say I am in favor of renaming East Norway Hill park to Bud Homan Park.

Thanks,
Eric Brose

From: Janine Whitaker
Sent: Monday, November 21, 2016 9:58 PM
To: Park Board
Subject: Bud Homan Park

Absolutely, the park down the road from me should be renamed "Bud Homan Park."
We have lived here since 1971 and over the years have watched Mr. Homan faithfully mow and keep up the park. When there used to be swings and children's play area, he kept that in shape too. I miss seeing him. His house, now for sale, always had a sky blue and white crocheted afghan on the couch and looked so pretty with his grey and white house.

Please rename the East Norway Hill Community Park to Park, the BUD HOMAN PARK!!!! It would be a real tribute to a very wonderful man and neighbor!

Sincerely,

Colleen R. Whitaker
Janine G. Whitaker
11741 NE 150th PL
Kirkland, WA 98034

From: Eric Kushman
Sent: Wednesday, November 23, 2016 11:13 AM
To: Park Board
Subject: Bud Homan Park

I think this is a FANTASTIC idea to rename the park after someone who has played a large part in this community and in taking care of the space. I recently moved to this area so did not know him, but I have heard from neighbors that he was very kind and took care of others. That is important, and the type of person we would like to see people role-model.

Thanks,
Eric
11700 NE 155th St.

From: dingojoey
Sent: Wednesday, November 23, 2016 11:30 AM
To: Park Board
Subject: Bud Homan Park

To Park Board

I had the honor of having Bud Homan for a neighbor for many years. He was always the first to help out with any neighbor who needed a lawn mowed, trees clipped etc. He also for many many years took care of the green space behind his house which was on 153rd. I think it was called East Norway Hill park. The county never took care of it. Bud mowed, weed eaten, picked up garbage on his own dime. With no thanks or compensation. He is deceased now. But I think changing the name of the park to reflect his hard work would be appropriate. Thank You Karen Dillon

From: Haris Mohammad
Sent: Sunday, November 27, 2016 3:48 PM
To: Park Board
Subject: Kingsgate Open Space Naming Proposal

Hello,

I am a resident of Queensgate residing at 11905 153rd PL NE, Kirkland WA, 98034 and live right across from the park unofficially known as 'East Norway Hill'.

I knew Mr. Homan and am in favor of naming the park after him. I observed him take care of the park for many years.

Thanks,
Haris Mohammad

From: mattdillon
Sent: Monday, November 28, 2016 7:50 AM
To: Park Board
Subject: East Norway Hill Park

Good morning,

Just a quick note on possibly renaming a local park in tribute to a park neighbor who maintained East Norway Hill Park for 45 years and never asked for anything in return. His name was Bud Holman and he recently passed away. He lived next to the park and he regularly mowed and picked up garbage and debris. I hope you will give it some consideration. Thank you, Matt Dillon

From: Peter Ashmore
Sent: Monday, December 05, 2016 10:00 PM
To: Park Board
Subject: Park Board

Dear Kirkland Park Board,

In response to the proposal for naming the Kingsgate Open Space, "Bud Homan Park," my mother, Della Friedly who resides at 11710 NE 155th St, Kirkland WA 98034 would like to give her support for this proposed name change.

Bud faithfully took care of the park for many years and this is a wonderful way to honor his life and commitment to the community.

Thank you,

Connie Friedly Ashmore for
Della Friedly

Sent from Windows Mail

From: Dana Homan
Sent: Monday, December 05, 2016 4:14 PM
To: Park Board
Subject: Marion "Bud' Homan Park

I am writing in regards to my father in law Mr. Marion "Bud' Homan. We had received a copy of the flyer from our previous neighbor Betty Wallner. Imagine our surprise when we read this beautiful proposal. Bud loved this community, was active in his local church, always helped his neighbors and voluntarily mowed this park for 45 years alone.

On behalf of our whole family thank you for this wonderful recognition.

Sincerely,
Dana Homan

From: Kim Acacio
Sent: Wednesday, December 07, 2016 9:16 AM
To: Park Board
Subject: Kingsgate Open Space Naming Proposal

I received the letter regarding the renaming of East Norway Hill Community Park. I feel that honoring Mr Homan by renaming, ""Bud Homan Park" is fantastic!

My home, for the last 17 years, backs to the pipeline and we have always enjoyed the area and appreciated the efforts of Mr Homan.

A side note .. this letter is titled "Kingsgate Open Space Naming Proposal". This area is actually Queensgate and may be confusing to some that are unfamiliar with the area who may be looking for this park. There is Queensgate, then High Woodlands, THEN Kingsgate as you move south through the neighborhood, or cross 1244th to the East. Queensgate is an interesting pocket as we are one of the only areas that are not in an HOA or have a pool - which has it's pro's and con's. Mr Homan, who was probably an original homeowner in the neighborhood, would probably appreciate the correct neighborhood reference.

Thank you !
Kim Acacio
Queensgate Lot 68

RESOLUTION R-4799

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ESTABLISHING POLICIES AND PROCEDURES FOR THE NAMING OF PUBLIC PARKS AND FACILITIES.

WHEREAS, the City Council adopted Resolution R-3215, establishing policies and procedures relating to the naming of public park property and facilities on August 19, 1985; and

WHEREAS, the Park and Recreation Board recommends updating the park naming policy to: (1) include procedures for naming a park or facility after a civic group or organization; (2) provide that a numeric designation will be used for new parks and facilities until a permanent name is selected; and (3) clarify that the naming of a park or facility should be considered permanent under ordinary circumstances; and

WHEREAS, the City Council wishes to set forth the policies and procedures for naming public parks and facilities by resolution;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. It is the general policy of the City of Kirkland to choose a name for a public park or facility based upon the relationship of the land or facility to one of several criteria:

1. Neighborhood or geographical identification (e.g. Houghton, Bridle Trails, Rose Hill, etc.);
2. A natural or geological feature (e.g. Forbes Creek);
3. Historical or cultural significance;
4. An individual (living or deceased) who has given outstanding civic service to the Kirkland park system, or has donated substantial funds or land to the Kirkland park system, or has been otherwise instrumental in the acquisition or development of critical park acreage (e.g. Marsh Park). Parks or facilities shall not ordinarily be named for a living person, unless that person has made a significant and outstanding contribution of land, money, or civic service. A waiting period of at least one year should expire before naming a park or facility under the policy of this subparagraph;

- 5. A civic group or corporation whose mission statement is compatible with City goals and objectives and that has made a significant contribution of land, money or civic service to the Kirkland park system;
- 6. The wishes or preference of residents of the neighborhood surrounding the public park or facility should in all cases be considered.

Section 2. In establishing or designating the name of a public park or facility, the final authority on name selection is the responsibility of the City Council. In making such selection the City Council will normally consider suggestions for names received from organizations, individuals or neighborhoods, and may request the Parks Department or the Park Board to solicit such suggestions. The City Council will not make its final selection until after it has received the recommendation of the Kirkland Park Board.

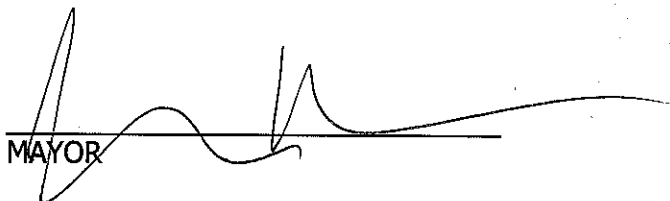
Section 3. Until a park or facility name is selected for a new park or facility, a numeric designation shall be used to identify the park or facility.

Section 4. Under ordinary circumstances, the naming of a park or facility should be considered permanent. Any proposal to change the name of a park or facility shall be subject to the procedures set forth in this Resolution.

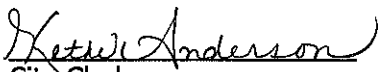
Section 5. Upon selection of a park or facility name by the City Council, the Parks Department shall identify the park or facility with appropriate signage specifying the established name.

Passed by majority vote of the Kirkland City Council in open meeting this 19th day of January, 2010.

Signed in authentication thereof this 19th day of January, 2010.


MAYOR

Attest:


City Clerk

RESOLUTION R-5236

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND NAMING A CITY OPEN SPACE AS BUD HOMAN PARK.

1 WHEREAS, the City of Kirkland is the owner of open space
2 described as King County Parcel No. 701610-0600 located in the area of
3 the Kingsgate neighborhood known as Queensgate; and
4

5 WHEREAS, pursuant to the City's policies for the naming of park
6 and recreation properties and facilities as adopted by Resolution R-
7 4799, the Park Board and Department of Parks and Community Services
8 solicited opinions from interested citizens for a formal name for King
9 County Parcel No. 701610-0600; and
10

11 WHEREAS, the Park Board received significant support from
12 Kirkland residents to name the open space parcel in honor of Mr. Marion
13 W. 'Bud' Homan; and
14

15 WHEREAS, Mr. Marion W. 'Bud' Homan volunteered to maintain
16 the open space parcel for over 45 years, devoting significant care and
17 commitment to the property on behalf of neighbors and the community
18 as a whole; and
19

20 WHEREAS, the City Council has received from the Park Board a
21 written report and recommendation on the proposed name for said
22 parcel; and
23

24 WHEREAS, in a public meeting the City Council considered the
25 written report and recommendation of the Park Board.
26

27 NOW, THEREFORE, be it resolved by the City Council of the City
28 of Kirkland as follows:
29

30 Section 1. The Property described as King County Parcel No.
31 701610-0600 in the Kingsgate neighborhood is named "Bud Homan
32 Park." In accordance with Resolution 4799, the Parks Department is
33 directed to identify the park with appropriate signage specifying this
34 established name.
35

36 Passed by majority vote of the Kirkland City Council in open
37 meeting on the ___ day of _____, 2017.
38

39 Signed in authentication thereof this ___ day of _____,
40 2017.

MAYOR

Attest:

City Clerk



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk
Michael Olson, Director of Finance and Administration

Date: February 1, 2017

Subject: City Council Policies and Procedures – Board and Commission Term Limitations

RECOMMENDATION:

That City Council reviews Section 8.06, "Term Limitations" and provides direction for any desired changes or confirms its present form.

BACKGROUND DISCUSSION:

Section 8.06 of the City Council's Policies and Procedures provides that "No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board; provided, if an individual is appointed to fill 365 days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional four-year terms. If an individual is appointed to fill 366 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term."

This language was adopted in Resolution 4911 on March 6, 2012. Previous language in this section read "No individual shall serve more than two full four-year terms as a member of a City of Kirkland appointed advisory board."

Council indicated during prior discussions that the intent of the revised language was to allow some leeway for otherwise qualified applicants who were initially appointed to shorter remnants of unexpired terms (and had therefore been ineligible to serve a second four-year term). The designation of the number of days (rather than the term "year") was meant to provide clarity.

Council has received a request to waive Section 8.06 of the Council Policies and Procedures for a Design Review Board incumbent as part of the 2017 annual Board and Commission recruitment process in order to allow him to apply for reappointment to a second four-year term on the Board.

In this case, the incumbent was first appointed to an unexpired term of just 368 days on March 27, 2012, as the timing of that Design Review Board vacancy coincided with the Council's special meeting to conduct annual recruitment interviews. He was subsequently reappointed to an initial four-year term in March 2013. That term expires on March 31, 2017. The incumbent presently serves as Board Chair. However, pursuant to Section 8.06, the timing of his initial appointment means that in combination with this initial four-term term he would be ineligible to serve a second four-year term by a mere three days of Board service. The incumbent is a strong leader and important member of the Board. He now has extensive background in the designs of Kirkland Urban, The Villages at Totem Lake, and other major development projects underway in Kirkland. His expertise would be highly valued over the next few years as further phases of those projects proceed.

Staff is seeking direction as to whether the City Council:

- considers the current policy satisfactory,
- requests staff to bring back a resolution reconsidering the language in Section 8.06 (and indicates what changes may be preferred for consideration, such as increasing the partial term limit to two years and a day), or
- chooses to waive a strict interpretation of Section 8.06 in this particular instance.

If Council chooses to waive the policy, a motion to do so would be in order. This could be accomplished initially through a successful motion to suspend the rules in accordance with Section 3.19. Thereafter, and following any discussion, a motion could be adopted allowing the incumbent to seek appointment to a second full four-year term on the Design Review Board notwithstanding Section 8.06.