



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager **QUASI-JUDICIAL**
From: Paul Stewart, AICP, Deputy Planning Director
Tony Leavitt, Project Planner
Date: August 22, 2013
Subject: JUANITA TOWNHOMES FINAL SUBDIVISION, FILE NO. SUB13-00739

RECOMMENDATION

That the City Council approves with conditions the Final Subdivision application for the Juanita Townhomes Plat. The City Council may do so by adopting the attached resolution.

BACKGROUND DISCUSSION

The Preliminary Subdivision was heard by the Hearing Examiner on June 6, 2013. The Hearing Examiner approved the project with conditions on June 11, 2013.

The proposal includes the following elements:

- Subdivision of a parcel comprising 1.39 acres into 24 lots for attached residential units within an RMA 1.8 zone;
- The site has already been developed with roads, utilities and attached residential units.

The proposal complies with the Final Subdivision Approval Criteria as stated in Attachment 1.

ENCLOSURES

1. Planning Director Recommendation with Attachments



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**MEMORANDUM ADVISORY REPORT
FINDINGS, CONCLUSION, AND RECOMMENDATIONS**

To: Paul Stewart, AICP, Deputy Planning Director
From: Tony Leavitt, Associate Planner
Date: August 22, 2013
File: JUANITA TOWNHOMES FINAL SUBDIVISION, FILE NO. SUB13-00739

I. RECOMMENDATION

Approve the Final Subdivision application for the Juanita Townhomes Plat.

II. BACKGROUND

- A. The applicant is Juanita Townhomes LLC
- B. The site is located at 13203 to 13260 101st Lane NE (See Attachment 1)
- C. This is a final subdivision application to approve a 24-lot subdivision on a 1.39 acre site (see Attachments 2 and 3). Lots range in size from 1,361 square feet to 2,511 square feet. The site has already been developed with roads, utilities and attached residential units.

III. HISTORY

Note: A complete summary of project is included as part of Attachment 2, Page 19.

- A. In September of 2011, the County approved and recorded a Binding Site Plan per the Interlocal Agreement between the County and the City. It was later determined that the BSP did not result in the fee-simple lots that the applicant was pursuing.
- B. The applicant applied for a subdivision of the property with King County and was processed per the Interlocal Agreement.
- C. The Preliminary Subdivision was heard by the Hearing Examiner on June 6, 2013. The Hearing Examiner approved the project with conditions on June 11, 2013.

IV. ANALYSIS

A. Approval Criteria

1. Facts: Section 22.16.080 of the Kirkland Municipal Code also discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:
 - a. Consistency with the preliminary plat, except for minor modifications; and
 - b. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.
2. Conclusion: The applicant has complied with all of the conditions that were placed on the preliminary subdivision application by the Hearing Examiner.

V. **CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL**

- A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City Council by delivering it to the City Clerk not later than the close of business of the evening City Council first considers the final plat.
- B. Section 22.16.110 of the Kirkland Municipal Code allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.
- C. Section 22.16.130 of the Kirkland Municipal Code states that unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six (6) months of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the six (6) months is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

VI. **APPENDICES**

Attachments 1 through 3 are attached.

1. Vicinity Map
 2. Hearing Examiner Decision
 3. Final Plat
-

Review by Planning Director:

I concur I do not concur

A handwritten signature in black ink, appearing to read "Paul", followed by a long horizontal line that extends across the width of the signature area.

Paul Stewart, AICP

JUANITA TOWNHOMES PLAT
KC FILE NO. PLAT13-00001

RMA 3.6

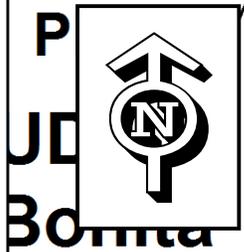
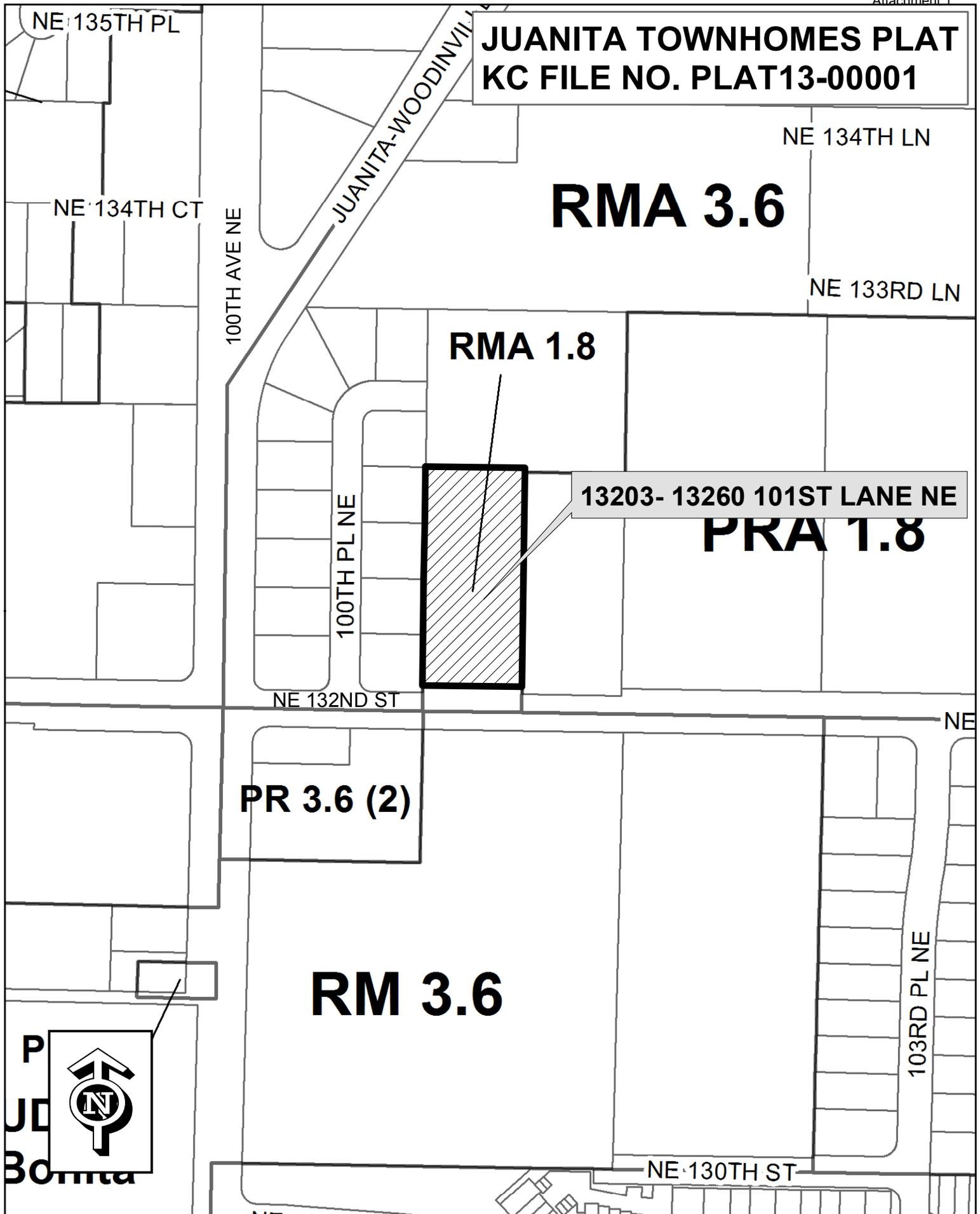
RMA 1.8

13203- 13260 101ST LANE NE

PRA 1.8

PR 3.6 (2)

RM 3.6



**FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF KIRKLAND**

In the Matter of the Application of **RECEIVED**
JUANITA TOWNHOMES LLC JUN 14 2013 File No: SUB13-00739
AM PM
PLANNING DEPARTMENT
For preliminary subdivision approval

Introduction

The Applicant, Juanita Townhomes LLC, seeks approval of a preliminary subdivision of a site that is approximately 1.39 acres in size. The applicant proposes to void a previously recorded Binding Site Plan and to create 24 lots ranging in size from 1,361 to 2,511 square feet. The site has already been developed with roads, drainage facility and attached residential dwelling units.

A public hearing on the subdivision application was held by the Hearing Examiner on June 6, 2013, in City Council Chambers, Kirkland City Hall, 123 Fifth Avenue, Kirkland. Parties represented at the proceeding were: the Planning and Community Development Department, by Tony Leavitt, Planner; the King County Department of Permitting and Environmental Review, by Fereshteh Dehkordi, Project Manager; and the Applicant, by Peter Frame. The Examiner viewed the site on June 6, 2013.

After due consideration of the evidence elicited during the hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this application.

Findings of Fact

1. The subject site is approximately 1.39 acres in size and is addressed as 13203-13260 101st Lane NE in Kirkland. The property is located north of NE 132nd Street and approximately 200 feet east of 100th Avenue NE.
2. The site was annexed by the City of Kirkland in June of 2011. The site is zoned R-24. The property is level, and there are no streams, wetlands or significant vegetation on the site.
3. The site is currently developed with five buildings containing 24 attached single family dwelling units. The site was developed under a commercial building permit issued by King County, and the project, including residential units, road and drainage facilities, was completed in 2008. The site is accessed from 132nd Street via a privately owned and maintained road which is 20 feet in width and is improved with sidewalks and curbs. There is an underground storm detention vault which was constructed on the east

Juanita Townhomes Preliminary Subdivision
SUB13-00739
Page 2 of 6

side of the private road, in front of lot 22, and a recreation tract adjacent to the vault. Frontage improvements along NE 132nd.

4. The surrounding neighborhood development includes single family residences and some commercial structures.

5. The project was initially developed as condominiums, and the units were offered for sale in June of 2008. However, the applicant determined that the recession and the financial regulations were making the sales of condominium units too difficult. In January of 2011, the applicant therefore proposed to convert the units into 24 fee-simple lots by a Binding Site Plan (BSP) process, pursuant to King County Code (KCC) 19A.20.020, with the goal of creating residential units on fee-simple lots.

6. After annexation of the site by Kirkland, the BSP was reviewed by King County and the City, pursuant to the Interlocal Agreement (ILA) between the County and City. The BSP was approved and recorded in September of 2011. However, for reasons noted in the applicant's narrative, Attachment 2, the BSP did not result in the fee-simple lot structure that had been the goal. The applicant therefore applied for a new subdivision of the site.

7. The County and the City have agreed that the current application is to be processed under the ILA according to applicable County Codes, as a project that vested prior to annexation but for which a public hearing by the City Hearing Examiner must be held. Under the Chapter 22.12 KMZ, a preliminary plat decision is issued by the Hearing Examiner.

8. The King County Department of Permitting and Environmental Review (DPER) has reviewed the proposal. Pursuant to SEPA, DPER has reviewed its previous DNS for the project issued in 2006 and determined that SEPA standards for the subdivision proposal have been met.

9. DPER has reviewed the proposal for compliance with the relevant provisions of the King County Code. Comments were also solicited from the agencies identified at page 3 of the staff report, and comments have been incorporated into the staff report and recommendations.

10. No public comments were submitted to DPER or to the Hearing Examiner on this application.

11. The staff report and analysis at pages 3-7 are adopted as findings herein.

12. DPER notes that the building permit for Juanita Townhomes allowed the access road and the water quality and drainage system to be privately maintained. At this time, the road and existing drainage facility do not meet all King County requirements for publicly-maintained facilities. Other issues for the proposal concern "no parking"

signage along the private access road to maintain fire emergency access, and possible modifications of the structure overhangs to meet International Residential Code (IRC) Section R302. City staff have reviewed the issues and have made recommendations which are incorporated in the DPER recommendation for this proposal.

13. At hearing, the applicant responded to issues identified in the staff report regarding the structure overhangs, the existing detention vault, and the no-parking area along the private road. The applicant stated that the structure overhangs do meet IRC requirements, and that the applicant anticipates having this confirmed by the City's building officials soon. The applicant also noted that the drainage facility is a vault, rather than simply a pond, and that the homeowners association will continue to maintain the drainage vault and to utilize the area above the vault for open space. The applicant also noted that currently there is ample parking area in the form of garages and private driveways associated with each unit, and that prohibiting parking along the private road will not create a parking shortage for residents and guests.

Conclusions

1. The Hearing Examiner has jurisdiction over this application pursuant to Chapters 22.12 and 150.65 KZC and the Interlocal Agreement between King County and the City of Kirkland for the Juanita-Finn Hill-Kingsgate annexation area.
2. The proposed preliminary subdivision would comply with the goals and objectives of the King County Comprehensive Plan and would comply with the requirements of the Subdivision and Zoning Codes and other applicable land use controls of King County.
3. The proposed preliminary subdivision as conditioned makes adequate provision for open spaces, drainage ways, rights-of-way, easements, water supply, sanitary waste, power service, parks, playgrounds and schools, and will serve the public use and interest, and is consistent with the public health, safety, and welfare.
4. As conditioned, the proposal meets the applicable criteria and should be approved.

Decision

The application for the preliminary subdivision, is hereby **APPROVED**, subject to the following conditions:

Before Recording of the Final Plat:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.

3. The plat shall comply with the base density and minimum density requirements of the R-24 zone classification. All lots shall meet the townhouse subdivision requirements of the R-24 zone classification or shall be shown on the face of the approved preliminary plat, which is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Permitting and Environmental Review (DPER).

Any/all plat boundary discrepancies shall be resolved to the satisfaction of DPER prior to the submittal of the final plat documents. As used in this condition "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.

4. The private road shall be striped with "No Parking-Fire Lane signage" per the City's Fire Code. Alternatively, a letter from the Homeowners Association may be provided to state that the homeowners will "self police" the development of illegal blocking of access. As such time any complaints are received or illegal parking becomes a problem, as determined by the City, the "No Parking-Fire Lane" signage and marking shall be installed at the HOA's expense.
5. The edge of the covered porches and building extensions shall be modified if necessary to meet IRC section R302.
6. All applicable requirements of KCC 9.04 and the 2009 Surface Water Design Manual (SWDM) must be satisfied during the final review, or an adjustment or other approval shall be obtained from the City on the existing detention/water facility. The existing detention/water quality facility shall be improved as required by the City.
7. All utilities within the proposed right-of-way must be included within a franchise approved by the City.
8. A homeowners' association or other workable organization shall be established to the satisfaction of the City which provides for the ownership and continued maintenance of the recreation and private road tract and drainage facility.
9. The applicant shall submit to the City a completed Final Subdivision Application along with all applicable materials and fees for review and approval by the City.
10. The final subdivision shall comply with applicable City Codes.
11. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.

12. Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body.

Entered this 11th day of June, 2013.



Anne Watanabe
Hearing Examiner

Exhibits:

1. KC DPER staff report and attachments 1 and 2
Attachment 1: Preliminary subdivision plan
Attachment 2: Applicant's written narrative regarding project history

Persons testifying at hearing:

Tony Leavitt, Planner, Planning and Community Development
Fereshteh Dehkordi, KC DPER
Peter Frame, Juanita Townhomes LLC

Parties of record:

King County
City of Kirkland
Juanita Townhomes, LLC
Tri-County Land Surveying Co

APPEALS AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for appeals. Other requirements may apply. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

APPEAL TO THE CITY COUNCIL

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., July 1, 2013, fourteen (14) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

JUDICIAL REVIEW

Section 150.130 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

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.

LAPSE OF APPROVAL

Under Section 22.16.130 of the Subdivision Ordinance, the owner must submit a final plat application to the Planning Department, meeting the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within four 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.

**BEFORE THE HEARING EXAMINER
 CITY OF SEATTLE**

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 AND DECISION to each person listed below, or on the attached mailing list, in the matter of JUANITA TOWNHOMES LLC, Hearing Examiner File SUB13-00739, in the manner indicated.

Party	Method of Service
Tony Leavitt Land Use Planner City of Kirkland tleavitt@kirklandwa.gov	<input 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
Planning and Development Admin. City of Kirkland planningadmin@kirklandwa.gov	<input 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: June 11, 2013



Name: Linda Vee
 Title: Legal Assistant

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

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 ORIGINAL DECISION AND RECORD to each person listed below, or on the attached mailing list, in the matter of JUANITA TOWNHOMES LLC, Hearing Examiner File SUB13-00739, in the manner indicated.

Party	Method of Service
Tony Leavitt City of Kirkland Planning & Community Development 123 Fifth Avenue Kirkland, WA 98033	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: June 11, 2013


Name: Linda Vee
Title: Legal Assistant



King County

DEPARTMENT OF PERMITTING AND ENVIRONMENTAL REVIEW
KING COUNTY, WASHINGTON
35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065-9266
Phone: 206-296-6600

PRELIMINARY REPORT TO THE CITY OF KIRKLAND PUBLIC HEARING TO BE DETERMINED BY THE CITY

PROPOSED PLAT OF JUANITA TOWNHOMES FILE NO: PLAT13-0001

PROPOSED ORDINANCE NO: _____

A. SUMMARY OF PROPOSED ACTION:

This is a request to void the previously recorded Binding Site Plan (BSP) and replace it with a subdivision of the 1.39- acre site, zoned R-24 into 24 subdivided lots for attached single-family dwellings. The lot size ranges from approximately 1,361 to 2,511 square feet. See Attachment 1 for a copy of the proposed site plan. The road, drainage facility and dwellings have been constructed.

B. GENERAL INFORMATION:

Owner/Developer: Juanita Townhomes LLC
Peter Frame
16419 40th Place West
Lynnwood, WA 98037
(206) 963-0840

Surveyor: Tri-County Land Surveying Co.
4610 200 Street SW Suite A
Lynwood, WA 98036
(425) 776-2926

STR: SW ¼ 20-26-05
Location: North of NE 132nd Street & approx. 200 feet east of 100 Ave NE
Zoning: R-24 (Residential 24 units per acre)
Acreage: 1.4 acres
Number of Lots: 24
Proposed density: Approximately 17 du/acre
Lot Size: Ranges from approximately 1,361 to 2,511 square feet
Proposed Use: Single Family attached Dwellings
Utility District: Northshore Utility District
Fire District: City of Kirkland
School District: Lake Washington # 414
Application Date: January 25, 2013
Date Determined Complete
For subdivision application: February 8, 2013
The proposed 24-units residential development was vested under the building permit application, KCC File B06L0886.

Other Associated Permits: Binding Site Plan Application No. B06L0886

C. HISTORY/BACKGROUND:

The 24-unit, 5-building townhome condominium project was developed under a commercial building permit (KCC File B06L0886) beginning in 2006 with the completion of road and drainage infrastructures and residential units in 2008. Subsequently a maintenance bond for a storm drainage system and other infrastructure including a recreation tract and landscaping was released upon final inspection and approval.

The project allowed for 24 attached townhome condominium units accessed from NE 132nd Street via a privately owned and maintained road. The 20-foot wide private road with 5-foot wide sidewalks on each side (north-south section) with rolled curbs and a T-intersection at its north terminus was constructed to access the project. An underground storm detention vault was constructed on the east side of the private on-site road in front of lot 22 with a recreation tract adjacent to and south of the detention vault. All frontage improvements along NE 132nd including a sidewalk and landscaping were completed as part of the condominium project.

In June of 2008 the condominium project was completed and the units were placed on the market for sale. The near collapse of the financial market and new financing regulations made the sale of each unit difficult if not impossible.

To avoid foreclosure and in effort to make the financing of units more feasible, on January 2011 Juanita Townhomes LLC proposed to convert the 24-unit condominium project into 24 fee simple lots where each lot would be occupied by the already constructed unit through the provision of a Binding Site Plan (BSP) process offered under KCC 19A.20.020. On June 2011, the development site was part of area annexed to the City of Kirkland. The review and approval of the BSP with all its required conditions was completed and the BSP was recorded on September 2011. Although the intent was to convert the condominium units into residential units on fee-simple lots, this intent was not achieved by the BSP process.

On January 25, 2013, after consultation with the King County Department of Permitting and Environmental Review (DPER) and the City of Kirkland, the applicant filed for a new subdivision application to be processed by the county since all roads, drainage and building constructions were built to the county standards. Through the subdivision process, the applicant will completely void the BSP/condominium lots, and replace them with subdivided fee simple lots under each unit (Ch. 19.A KCC). KCC 21A.12.030 allows modification of lot width and other setback requirements for townhouse subdivision allowing the residential units to remain attached with no side yard setbacks. See Attachment 2 for the project's permitting narrative.

The Subdivision Technical Committee (STC) of King County has reviewed the previous permit files, conducted an on-site examination of the subject property and collected other pertinent new information submitted as part of this file. The STC has discussed the proposed development with the applicant to clarify technical details of the application, and to determine the compatibility of this project with applicable King County plans, codes, and other official documents regulating this development.

D. SEPA THRESHOLD DETERMINATION OF NON-SIGNIFICANCE:

Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the DPER responsible official issued a threshold determination of non-significance (DNS) for the project on September 1, 2006 under the KC File B06L0886. This determination was based on the review of the environmental checklist and other pertinent documents, resulting in the conclusion that the project would not cause probable significant adverse impacts on the environment. Therefore, an Environmental Impact Statement (EIS) was not required prior to proceeding with the review process for completion of the townhouses.

Agencies, affected Native American tribes and the public were offered the opportunity to comment on the determination.

Since the project and all its associated improvements were constructed and all environmental reviews were performed under the previous permit, DPER has determined that the environmental review standards under the SEPA for this subdivision proposal are satisfied.

E. AGENCIES CONTACTED:

1. King County Department of Natural Resources and Parks: The comments from this division have been incorporated into this report.
2. King County Fire Protection Engineer: Comments from the Fire Engineer have been incorporated in this report.
3. Lake Washington School District: Comments from this district have been incorporated into this report.
4. Washington State Department of Ecology: No response.
5. Washington State Department of Fish and Wildlife: No response.
6. Washington State Department of Natural Resources: No Response
7. Washington State Department of Transportation: No response.
8. METRO: No response.
9. City of Kirkland: Comments from the city have been incorporated into this report.

F. NATURAL ENVIRONMENT:

1. **Topography:** The project's site is graded and covered by the townhome development, associated road and driveways. The property is generally flat.
2. **Soils:** According to the Environmental Assessment Report prepared by Environmental Associates Inc., dated March 17, 2006 and submitted for construction of the townhomes, the material underlying the subject site is predominately light gray sand and gravel deposit, a recessional stratified drift about 100 feet or more thick.
3. **Wetland/streams:** No streams or wetlands are present on the site.
4. **Vegetation:** The majority of the site is covered by buildings and road. Small lawn areas and ornamental landscaping shrubs adorn the townhouse's small yards. Prior to this project, the site was developed with an office building, parking lot and associated landscaping.
5. **Wildlife:** Small birds and animals common in urban settings may inhabit this site. However, their population and species are limited due to nearby urban development.

G. NEIGHBORHOOD CHARACTERISTICS:

The property lies in a neighborhood west of I-405 recently annexed (June 2011) by the City of Kirkland. The area surrounding the site consists of single family residences to the west and south directly across the street from the site. There are mixed residential and commercial uses in the vicinity of the site. Before the construction of the townhomes, the property was developed as an office building and associated parking.

H. SUBDIVISION DESIGN FEATURES:

1. **Lot Pattern and Density:** The proposed lots range from 1,361 square feet (smallest) to 2,923 square feet (largest). The lot width for each lot also varies from 20 feet to 34 feet. KCC 21A.08.030(3) allows for modification of lot standards for townhouse subdivisions. The 5 townhouse structures were built in accordance with the standards of KCC 21A.14 for townhouse developments.
2. **Internal Circulation:** Access to the townhome development is provided by NE 132nd Street via an on-site private access road which is extended north from NE 132 Street with a T-intersection extending east and west terminating at the property boundaries. Creation of the proposed lots will not change access to each individual unit and its underlying lot.

3. **Roadway Section:** The private access road was constructed as a 20-foot wide pervious paved surface and 5-foot sidewalks on both sides. The interior road extends north from NE 132nd street, terminating in a T-intersection (hammerhead). The T-intersection extends the width of the site in east west directions with a 20-foot wide pervious pavement. All units have direct driveway connection to the interior road way. The T-intersection provides a turnaround opportunity for the vehicles using the development. Parking along the private road is limited due to its width and existing driveways. The roadway is privately maintained by the Home Owners Associations (HOA) and is proposed to remain privately owned and maintained.

The BSP created a private access tract for the roadway that would not meet the required standards to be accepted for public ownership and maintenance. Additionally, the existing hammerhead at the T-intersection and its width does not meet the King County Road & Construction Standards (KCR&CS) for access to a 24-lot subdivision. The road was constructed as a commercial type access/drive to provide access to a residential condominium complex and currently meets the needs of its residents. The City reviewed the proposal and has concluded that the existing private road meets the City's requirements.

4. **Drainage:** The project site is located within the Juanita Creek WRIA 8 drainage basin. The underground drainage/water quality vault was constructed under the building permit as a commercial facility that would be privately maintained. The facility was inspected and approved, and the HOA assumed the maintenance responsibility. The BSP created a tract and easement for this facility, and the HOA is responsible for its maintenance and operation. The KCSWDM requires public maintenance of drainage facilities for subdivisions and a drainage adjustment may be required from the City of Kirkland to remain in private maintenance.

I. **TRANSPORTATION PLANS:**

1. **Transportation Plans:** The King County Transportation Plan indicates that NE 132nd Street, fronting the south boundary of the site, is designated as a Minor Arterial. The subject subdivision is not in conflict with this plan.
2. **Subdivision Access/Neighborhood Circulation:** The site abuts NE 132nd Avenue on the south and has direct access to it via a private access road. A T-intersection/hammerhead is provided for vehicles turnaround.
3. **Traffic Generation:** Approximately 240 vehicle trips per day are generated by this development. This calculation includes service vehicles (i.e., mail delivery, garbage pick-up, school bus) which currently serve this neighborhood, as well as work trips, shopping, etc. The proposed subdivision will not change or increase traffic generated by this development.
4. **Adequacy of Arterial Roads:** This proposal was reviewed under the criteria in King County Code 14.70, Transportation Concurrency Management; 14.80, Intersection Standards; and King County Code 14.75; Mitigation Payment System.
 - a. King County Code 14.70 – Transportation Concurrency Management: The zone this site is located in, had passed concurrency at the time of permit review for construction of the townhomes.
 - b. King County Code 14.80 – Intersection Standards: The projected traffic for the townhouse units met the intersection standards. The existing arterial system at the time could accommodate the increased traffic volume generated by the 24 unit townhomes. The proposed subdivision will not increase any additional traffic to the nearby intersection.
 - c. King County Code 14.75 – Mitigation Payment System: All MPS fee for this development has been paid. No additional MPS fee will be required for this subdivision.

J. **PUBLIC SERVICES:**

1. **Schools:** This proposal has been reviewed under RCW 58.17.110 and King County Code 21A.28 (School Adequacy).

- a. **School Facilities:** The subject subdivision will be served by Keller Elementary, Kamiakin Junior School and Juanita High School, all located within the Lake Washington School District.
 - b. **School Impact Fees:** King County Code requires that an impact fee per lot be imposed to fund school system improvements to serve new development within this district. All payment fees for this development have been paid.
 - c. **School Access:** The District has indicated that the current students from this subdivision walk to the elementary and senior high schools while the junior high students are bussed to school. There are sidewalks along the routes to the bus pick up area at the intersection of NE 132nd Street and 100 Avenue NE and along the routes to both elementary and senior high schools.
2. **Parks and Recreation Space:** The nearest public parks are located over a mile northwest and east of the site.

KCC 21A.14 requires subdivisions in the UR and R zone classifications to either provide on-site recreation space or pay a fee to the Parks Division for establishment and maintenance of neighborhood parks. KCC 21A.14.180 requires subdivisions to provide 390 square feet of recreation space per lot. The townhouse development has created a recreation tract and tot lot area on the site. The required recreation facility for this development was satisfied under the commercial building permit for the townhouses.

3. **Fire Protection:** Fire access was approved for the fire emergency access for construction of the 24-unit townhomes. As part of the subdivision proposal, the King County Fire Engineer requires that the asphalt be striped by "No Parking-Fire Lane" and additional signage for emergency services. The City recommends that in lieu of providing "No Parking-Fire Lane," the homeowners association may provide a letter to the Fire Department which states the homeowners will "self police" the development for illegal blocking of the access. At such time as any complaints are received or illegal parking becomes a problem, the "No Parking-Fire Lane" signage and markings must be provided at the expense of the homeowners. See Condition 4.

The townhome units were built with two one-hour fire resistive wall assembly separation along its common walls. In accordance with International Residential Code (IRC) Section R302 walls and projections within five feet of a property line must be one-hour fire resistive construction. This requirement must be extended to the edge of the covered porches and building extensions that are less than five feet from the property lines. Additionally IRC section R302 does not allow any openings in walls within three feet of a property line.

K. UTILITIES

1. **Sewage Disposal:** The site is served by Northshore Utility District and all units are connected and are served by public sewer line. There will be no change to the sewer facility as a result of this subdivision.
2. **Water Supply:** The site is served by the Northshore Utility District. All units are connected to water service provided and managed by the utility district. No change to the water facility will result from this subdivision.

L. COMPREHENSIVE AND COMMUNITY PLAN:

Comprehensive Plan: The townhome project was governed by the King County Comprehensive plan which designates this area as Urban. The proposed subdivision is not in conflict with the policies of the Comprehensive Plan.

M. STATUTES/CODES:

If approved with the recommended conditions in this report, the proposed subdivision will comply with the requirements of the County and State Platting Codes and Statutes, and

the lots in the proposed subdivision will comply with the minimum dimensional requirements of the zone district.

N. Analysis

Juanita Townhomes were approved and constructed under KC building permit file B06L0886 under a commercial residential review process. The permit allowed the access road, water quality and drainage system to be privately maintained. The access road and the existing drainage facility do not meet all King County road and surface water management requirements for publically maintained facilities.

1. Drainage, KCSWDM:

The 2009 King County Surface Water Design Manual (KCSWDM) for drainage improvements for a residential subdivision would require a slightly higher level of water quality and runoff control. It also requires that the facility be publicly owned and maintained. The existing drainage facility also does not meet the required setback for a publicly maintained facility. The 2009 KCSWDS requires larger vault to reduce the peak discharge rate. Given the small area of the subdivision and the low discharge rate, the existing facility should adequately handle surface water drainage at peak discharge flow rates and water quality treatment as it has done consistently since its completion in 2008.

To allow the drainage facility as constructed and maintained privately would require approval of a drainage adjustment under the 2009 KCSWDM. Since the property is now annexed to the City, in accordance with the interlocal agreement (ILA) between the county and the city, such adjustment would be considered by the City of Kirkland. To reconstruct the road and drainage system to the current standards would require a major alteration to the existing road and drainage system without a substantial benefit to the functionality of the system. The city may choose to not require an adjustment to keep in place the adequately functioning system and retain ownership and maintenance of the facility by the HOA.

Currently, the privately maintained drainage facility adequately serves the development. No additional impact to the service level of drainage facility is anticipated as a result of this subdivision action.

2. Road, KCRD&CS:

The private access road was built as a private drive to provide access to the 24-condominium townhome complex. The private access drive met the code requirement for a townhome condominium development. The 2007 KCRD&CS requires dedication of a public road when serving more than 16 lots. KCRD&CS also requires provision of a cul-de-sac at the terminus of a road longer than 150-feet from the centerline of the intersecting road. The public road would be required to be 22 feet wide for a local access road, and to have sidewalk along the entire length. Since the road does not meet the current standard, a variance would be required to meet the KCRDCS. Per the ILA, the road variance if required by the City of Kirkland would be reviewed by the city.

The City of Kirkland Public Works Department has reviewed the private access road and concluded that it meets City requirements. No additional impact to the service level of this road and its access to NE 132nd Street are anticipated as a result of this subdivision action.

3. Fire Requirements:

The existing private road and the hammerhead at its terminus satisfy fire emergency access requirements. The King County Fire Marshal recommends stripping of the asphalt within the private road with "No Parking-Fire Lane" signage. The City has reviewed the proposal and visited the project site and recommends that in lieu of stripping the road, the HOA may provide a letter to the Fire Department proposing "self policing" of the development for illegal blocking of access for fire emergency.

4. Fire and Building Code:

The townhome units do not meet the International Residential Code (IRC) Section R302. The edge of the covered porches and building extensions must be modified to

meet the one-hour fire resistive construction. IRC section R302 does not allow any openings in walls within three feet of a property line.

5. Public Response:

Adjoining property owners within 500 feet of the subject property were mailed public notice of the applicant's proposal. The applicant's signed 'affidavit of posting' affirming the applicant posted the subject property with the notice of application was returned to King County and placed in the subject file. Legal notice was published in the Seattle Times and the Kirkland Reporter.

No comments were received regarding this application.

O. CONCLUSIONS:

The Juanita Townhome development with its associated improvements has adequately served the project residents since its completion. No additional impact will result as part of this subdivision action. The subject subdivision will comply with the goals and objectives of the King County Comprehensive Plan and will comply with the requirements of the Subdivision and Zoning Codes and other official land use controls of King County based on the conditions for final plat approval.

P. RECOMMENDATIONS:

It is recommended that the subject subdivision, revised and received November 16, 2012, be granted preliminary approval subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-24 zone classification. All lots shall meet the townhouse subdivision requirements of the R-24 zone classification or shall be shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Permitting and Environmental Review.

Any/all plat boundary discrepancy shall be resolved to the satisfaction of DPER prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.
4. The Private road shall be striped with "No Parking-Fire Lane signage" per the City's Fire Code. Alternatively, a letter from the Homeowners Association may be provided to state that the homeowners will "self police" the development for illegal blocking of access. As such time any complaints are received or illegal parking becomes a problem, No Parking-Fire Lane signage and marking shall be installed at the HOA's expense.
5. The existing private access road was reviewed by the City of Kirkland Public Works Department and was determine that no additional improvements were required.
6. The edge of the covered porches and building extensions shall be modified to meet the IRC section R302.
7. All applicable requirements in K.C.C. 9.04 and the 2009 Surface Water Design Manual (SWDM) must be satisfied during the final review, or an adjustment or other approval shall be obtained from the City of Kirkland on the existing detention/water quality facility.

- a. The existing detention/water quality shall be improved as required by the City of Kirkland.
8. All utilities within proposed rights-of-way must be included within a franchise approved by the City prior to final plat recording.
9. A homeowners' association or other workable organization shall be established to the satisfaction of the City which provides for the ownership and continued maintenance of the recreation and private road tract and drainage facility.
10. The applicant shall submit to the City of Kirkland a completed Final Subdivision Application along with all applicable materials and fees for review and approval of the City.

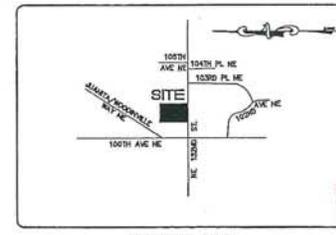
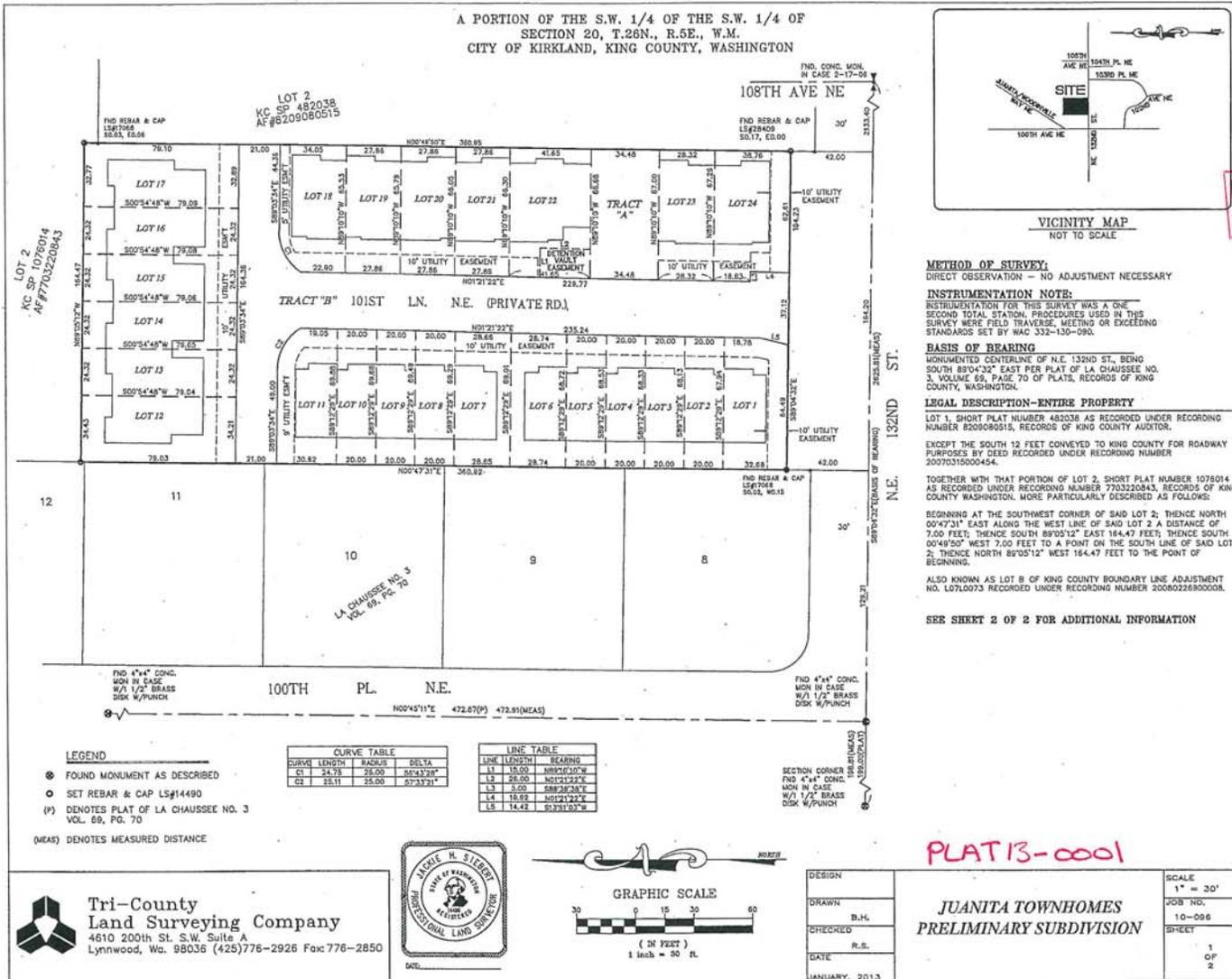
Q. OTHER CONSIDERATIONS:

1. The subdivision shall comply with applicable City of Kirkland Codes.
2. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.
3. Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body.

R. TRANSMITTED TO PARTIES LISTED HEREAFTER:

Sandin, Randy, Supervisor
Johnson, Molly, Development Engineer
Pat Simmons, Engineer
Ossewaarde, Mark, Fire Marshall Office
Goll, Shirley, AS II
Dehkordi, Fereshteh, Project Manager
Steinkamp, Mark, Plan Examiner
City of Kirkland
Juanita Townhomes, LLC, Owner/Developer
Tri-County Land Surveying Co., Surveyor

A PORTION OF THE S.W. 1/4 OF THE S.W. 1/4 OF SECTION 20, T.26N., R.5E., W.M. CITY OF KIRKLAND, KING COUNTY, WASHINGTON



VICINITY MAP
NOT TO SCALE

RECEIVED
JAN 25 2013
K.C. D.D.E.S.

METHOD OF SURVEY:
DIRECT OBSERVATION - NO ADJUSTMENT NECESSARY

INSTRUMENTATION NOTE:
INSTRUMENTATION FOR THIS SURVEY WAS A ONE SECOND TOTAL STATION. PROCEDURES USED IN THIS SURVEY WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-090.

BASIS OF BEARING:
MONUMENTED CENTERLINE OF N.E. 132ND ST., BEING SOUTH 89°04'32" EAST PER PLAT OF LA CHAUSSEE NO. 3, VOLUME 69, PAGE 70 OF PLATS, RECORDS OF KING COUNTY, WASHINGTON.

LEGAL DESCRIPTION-ENTIRE PROPERTY
LOT 1, SHORT PLAT NUMBER 482036 AS RECORDED UNDER RECORDING NUMBER 820080516, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THE SOUTH 12 FEET CONVEYED TO KING COUNTY FOR ROADWAY PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 20070315000454.

TOGETHER WITH THAT PORTION OF LOT 2, SHORT PLAT NUMBER 1078014 AS RECORDED UNDER RECORDING NUMBER 7703220843, RECORDS OF KING COUNTY WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00°47'31" EAST ALONG THE WEST LINE OF SAID LOT 2 A DISTANCE OF 7.00 FEET; THENCE SOUTH 89°00'12" EAST 164.47 FEET; THENCE SOUTH 00°46'50" WEST 7.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE NORTH 89°05'12" WEST 164.47 FEET TO THE POINT OF BEGINNING.

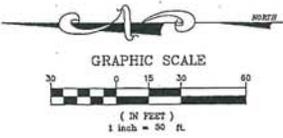
ALSO KNOWN AS LOT B OF KING COUNTY BOUNDARY LINE ADJUSTMENT NO. L07L0073 RECORDED UNDER RECORDING NUMBER 20080326890008.

SEE SHEET 2 OF 2 FOR ADDITIONAL INFORMATION

- LEGEND**
- FOUND MONUMENT AS DESCRIBED
 - SET REBAR & CAP LS#14490
 - (P) DENOTES PLAT OF LA CHAUSSEE NO. 3 VOL. 69, PG. 70
- (MEAS) DENOTES MEASURED DISTANCE

CURVE TABLE			
CHORD	LENGTH	RADIUS	DELTA
01	24.78	25.00	80°43'28"
02	25.11	25.00	57°33'21"

LINE TABLE	
LINE LENGTH	BEARING
L1	15.00 S89°16'10"W
L2	26.00 N01°21'22"E
L3	3.00 S89°28'24"W
L4	18.69 N01°21'22"E
L5	14.42 S73°10'10"W



PLAT 13-0001

Tri-County Land Surveying Company
4610 200th St. S.W. Suite A
Lynnwood, Wa. 98036 (425)776-2926 Fax:776-2850



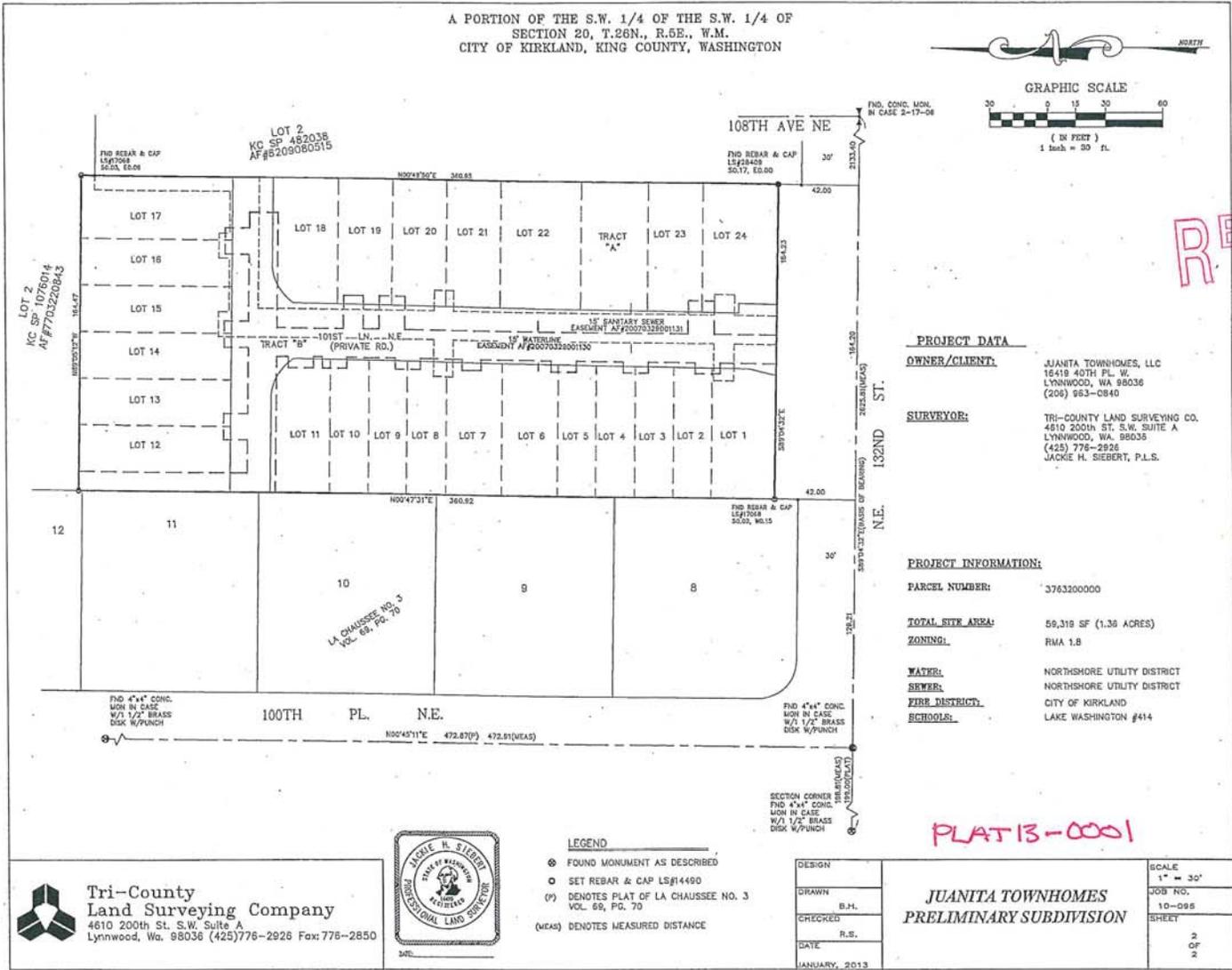
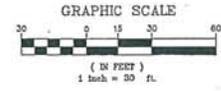
DESIGN		SCALE	1" = 30'
DRAWN	B.H.	JOB NO.	10-096
CHECKED	R.S.	SHEET	1 OF 2
DATE	JANUARY, 2013		

**JUANITA TOWNHOMES
PRELIMINARY SUBDIVISION**

Juanita Townhomes Final Subdivision
City Council Memo - Enclosure 1
Juanita Townhomes Final Subdivision
SUB13-00739
Attachment 2

ATTACHMENT 1
PAGE 1 OF 2
PAGE 2

A PORTION OF THE S.W. 1/4 OF THE S.W. 1/4 OF SECTION 20, T.26N., R.5E., W.M. CITY OF KIRKLAND, KING COUNTY, WASHINGTON



RECEIVED

JAN 25 2013

K.C. D.D.E.S.

PROJECT DATA

OWNER/CLIENT: JUANITA TOWNHOMES, LLC
16418 40TH PL. W.
LYNNWOOD, WA 98036
(206) 963-0840

SURVEYOR: TRI-COUNTY LAND SURVEYING CO.
4610 200th ST. S.W. SUITE A
LYNNWOOD, WA 98035
(425) 776-2926
JACKIE H. SIEBERT, P.L.S.

PROJECT INFORMATION:

FARCEL NUMBER: 3763200000

TOTAL SITE AREA: 59,319 SF (1.36 ACRES)

ZONING: RMA 1.8

WATER: NORTHSHORE UTILITY DISTRICT

SEWER: NORTHSHORE UTILITY DISTRICT

FIRE DISTRICT: CITY OF KIRKLAND

SCHOOLS: LAKE WASHINGTON #414

PLAT 13-0001

- LEGEND**
- ⊗ FOUND MONUMENT AS DESCRIBED
 - SET REBAR & CAP LS#14490
 - (P) DENOTES PLAT OF LA CHAUSSEE NO. 3 VOL. 69, PG. 70
 - (MEAS) DENOTES MEASURED DISTANCE

DESIGN	
DRAWN	B.H.
CHECKED	R.S.
DATE	JANUARY, 2013

**JUANITA TOWNHOMES
PRELIMINARY SUBDIVISION**

SCALE	1" = 30'
JOB NO.	10-098
SHEET	2 OF 2

Tri-County Land Surveying Company
4610 200th St. S.W. Suite A
Lynnwood, Wa. 98036 (425)776-2926 Fax: 776-2850



ATTACHMENT 1

PAGE 2 OF 2

Juanita Townhomes, Kirkland WA – Brief History

Purchased in early 2006, as a former residential home site, by a development LLC made up Patrick Carroll, Peter Frame, both Developers, Roosevelt Properties LLC (Investor) and a private Investor (the Land Seller), *Juanita Townhomes* was designed as a 24 unit attached condominium townhome project spread over 5 buildings (duplex to 6-plex). Units were designed as 2 and 3 story attached (common wall) units, with attached private 2 car garages, fronting along a 24' private driveway (to back of curb) with hammerhead turnaround. Full public and private utilities were extended into the site. A small community park (private) was designed to go on top of the 17,000 cu ft. retention/detention vault to substantially meet open space requirements.

A Pre-application meeting with KC staff occurred in Spring 2006 to discuss development issues. The site was zoned R-24P, with the p-suffix *unrelated* to the proposed residential multifamily use. The proponents received no staff feed-back suggesting unmanageable design or site infrastructure conditions inherent with the preliminary proposal. The site was not in a floodplain for nearby Juanita Creek and was not impacted by traffic concurrency problems. All utilities required for the development were extended to the property with proper capacity. Geo-tech investigation by the proponents confirmed the site was overlain by 30+ feet of medium dense, well-drained sands, ideal for development and construction and on-site storm water disposal. SEPA analyses and engineering studies of storm, sanitary sewer and water found no unresolvable design problems. Site Grading, as designed, called for an import of only 4000 cy of fill, which was efficiently met by a local area development with excess cut material. The 300 lf private drive was designed with two 4' sidewalks (per KC planning Dept request) and the hammerhead turnaround was approved by the Fire Marshall. All road and storm improvements were to be owned privately by the development owners, later the condominium buyers, subject to appropriate easements and covenants to maintain.

Permitting/Construction A full building permit application was submitted in accordance with the above design guidelines in mid- 2006 and the permit was issued in Spring 2007. Demolition of a two- story former Res-SF structure was completed in Feb/March 2007, followed by site grading and construction of the concrete retention/detention vault and concrete perimeter retaining walls in April/May/June. Building Foundations (5) were started in June 2007 and framing commenced in mid- summer. Substantial completion of the buildings and the sitework occurred by June 2008 with Certificates of Occupancy issued for all five buildings in mid-August 2008. A perpetual agreement for easements, containing provisions for the private maintenance of the storm system, both in favor of King County, was recorded at this time. Maintenance bonds for the infrastructure components (road and storm, including offsite improvements along NE 132nd St, water and sanitary sewer and landscaping were posted and all were later released upon final inspection and acceptance of the improvements after their 1 or 2 year terms.

Sales and Operations of the Project In June 2008 the completed condominium townhomes were listed for sale. By late 2008 the September economic collapse had rendered further sales efforts pointless and the condominiums were taken off the market. Only one unit had been sold in the first hours after the grand opening, to an all cash buyer who did not need mortgage financing. The developers prepared to

PLAT 13-0001

ATTACHMENT _____

lease the units so that the existing financing could be maintained and foreclosure averted. As the property was being leased to the public by the proponents in early 2009, the Federal National Mortgage Assoc and HUD-FHA placed tighter lending rules on residential mortgages for condominiums, effectively making it nearly impossible to sell newly developed condominiums. In particular in early 2010, HUD-FHA placed very stringent "pre-sale" requirements on owners of condominium projects, that had previously leased their units as rentals in order to survive the economic downturn. This requirement forced developers to sell 91% of their units in aggregate before a FNMA lender (almost all lenders in the local market) could close on even the first sale obtained. To accumulate this level of sales, the Juanita Townhomes proponents would have needed to sell 20 of the 24 units, stockpiling them, unclosed, for months in an extremely slow market. This plan was economically and financially unfeasible, so the sales marketing was stopped and the project remained a rental project as the developers waited for an economic turn-around. In June- August 2010 the Proponents attempted to sell a few units, testing the financing market for "spot" lenders (non-FNMA approved sales). The selected units were listed at prices discounted by almost 20%. No units were sold during this period and the few prospects and/or realtors who viewed the units expressed concerns as to the lack of Developer-sponsored financing, without which there would not be sales. Accordingly the sales effort was terminated and the proponents searched for and considered alternative strategies to sell the units, without the financing yoke that faced condominium developments.

Termination of the Condominium/ Recording the Binding Site Plan One of the development partners experienced the "Zero Lot Line" structure of residential development ("Unit Lot Subdivision"), while consulting on a project in the City of Seattle. These townhomes were regarded as if single family detached units, as far as mortgage financing was concerned, without any of the restrictions faced by condominiums. So the proponents approached King County to see if the Juanita townhomes project could be converted to something similar, terminating the unworkable condominium structure in the process. After some discussions with traffic and engineering staff regarding more technical issues of road widths, storm drainage capacity, the hammerhead turn-around, etc., KC DDES informed the proponents that a conversion to fee title townhomes lots could be accomplished with a Binding Site Plan ("BSP") conversion. The BSP would create 24 fee simple lots varying size. All lots and the townhome unit contained within each lot, would share at least one demising wall with another townhome unit, located along a separating lot line. With administrative variances available to solve the few technical engineering issues, above, the conversion to a Binding Site Plan was preliminarily blessed by King County and document processing commenced in the Fall of 2010 by Juanita Townhomes LLC.

By mid-January 2011, the variance requests and supporting studies, as well as a proposed Binding Site Plan containing 24 lots, and application/processing fees were submitted for engineering and planning review and approval by DDES. After numerous reviews and requested changes to the physical binding site plan document, plus requested changes to the existing Declaration of Covenant, Conditions and Restrictions ("CCR's"), in which all references to the prior Condominium and its Condominium Homeowners Association were removed and replaced by similar language for the Binding Site Plan of finished lots with Homeowners Association, the entire package was ready for final signatures and pre-recording review by outside KC Departments. The review by KC continued past June 1, 2011, the date

that the project and its surrounding environs were formerly annexed into the City of Kirkland. That necessitated a final review by City staff of the entire Binding Site Plan. Fortunately, their review was a short one and they accepted every condition and decision made by the County. The mylar plans were revised for City approvals and the remaining required signatures by the proponents and their lenders, plus the various KC Departments, were obtained and the entire Binding Site Plan package was recorded on September 28, 2011. With the condominium apparently terminated, replaced by attached units on fee title lots, a sales program buoyed by conventional mortgage financing was envisioned for the project as soon as units could be made marketable and in the early Spring of 2012.

Current Problem/ Proposed Resolution A smooth and controlled sell-out of Juanita townhomes was not to be, however. A combination of four sales involving two existing renters and two outside purchaser prospects were generated by mid-2012, thanks to a slow but ever-improving residential market and very low interest rates. The first Closing was to happen in September. It did not. The Binding Site Plan was recorded with murky language that did NOT eliminate the condominium legal structure. The Assessor and the County Recorder then advised the proponents to separately terminate the condominium with a single two page agreement which was done in late August. At the same time, land use, legal review determined that under King County's own Binding Site Plan Ordinance, *the preservation of the recorded condominium structure was a requirement in order to record a residential binding site plan.* This, of course, defeated the very objective desired by the proponents in seeking a conversion to the Binding Site Plan in the first place. In any event, with the condominium terminated and an invalid Binding Site Plan, the status of the property for future sales became first uncertain and then, untenable.

A further land use process to resolve this problem had to be identified quickly, so that the pending sales could close and additional units sold and financed by valid residential mortgages. Discussions with KC staff to resolve this problem have been on-going since early September 2012. Currently, at least one of the four pending sales has been lost, due to the delays in finding a solution to the invalid Binding Site Plan. It is hoped that the subject Townhome subdivision process, envisioned now by KC DPER, will be efficiently processed and that the remaining pending sales can be held together and finally closed and that future sales can be processed in a normal fashion.

Processing Steps/ SEPA The Applicant/Proponent Juanita Townhomes, LLC has prepared, for re-submission to KC for this proposed new subdivision review, a compendium of prior development plans, permit approvals and studies that fully describe the 24 unit project, as constructed and approved by KC, including Development Bond releases and Certificates of Occupancy for all five constructed buildings. Also submitted is the original SEPA checklist from 2006 which provided information and copies of numerous studies, prepared by the proponents, to describe the current condition on the development site and of the surrounding infrastructure (traffic, schools, parks, etc). This new proposal for a Townhome Subdivision changes nothing with respect to any of the issues described and analyzed within the prior SEPA checklist. Only the legal form of ownership of the completed residential townhomes will be changed to incorporate ownership of the townhome plus front, rear and in some cases, side yard space. The addition of new lot lines would be made on a subdivision plat map. There are no physical changes to be made to the completed and occupied project. There will be no changes to the expected

**PLAT OF
JUANITA TOWNHOMES**

A PORTION OF THE S.W. 1/4 OF THE S.W. 1/4 OF
SECTION 20, T.26N., R.5E., W.M.
CITY OF KIRKLAND, KING COUNTY, WASHINGTON

VOL./PAGE

FND. CONC. MON.
IN CASE 2-17-06

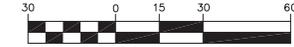
FND REBAR & CAP
LS#28409
S0.17, E0.00

LOT 2
KC SP 482038
AF#8209080515

FND REBAR & CAP
LS#17068
S0.03, E0.06

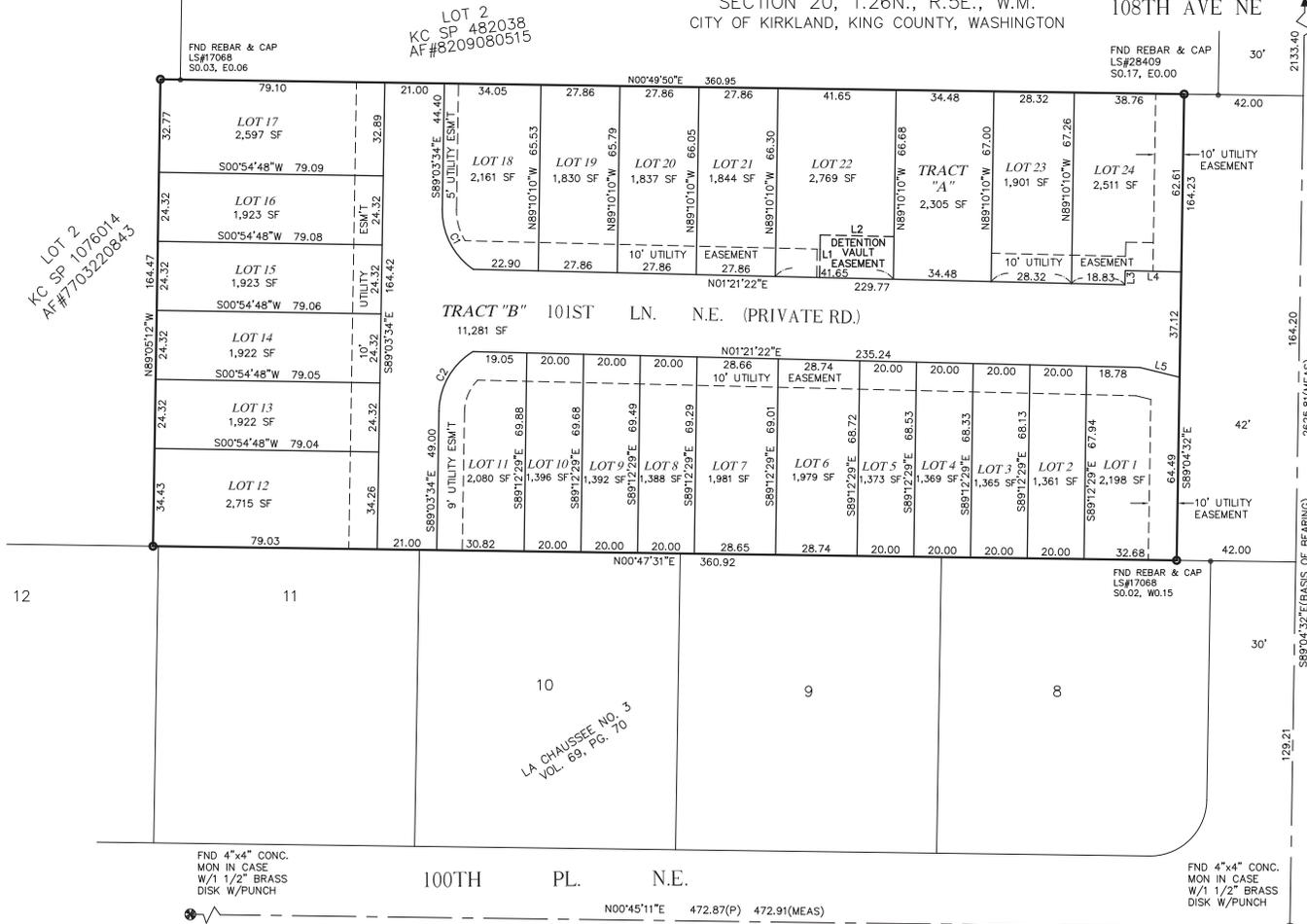


GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

- LEGEND**
- ⊕ FOUND MONUMENT AS DESCRIBED
 - SET REBAR & CAP LS#14490
 - (P) DENOTES PLAT OF LA CHAUSSEE NO. 3 VOL. 69, PG. 70
 - (MEAS) DENOTES MEASURED DISTANCE



LOT 2
KC SP 1076014
AF#7703220843

LA CHAUSSEE NO. 3
VOL. 69, PG. 70

BASIS OF BEARING
MONUMENTED CENTERLINE OF N.E. 132ND ST.,
BEING SOUTH 89°04'32" EAST PER PLAT OF LA
CHAUSSEE NO. 3, VOLUME 69, PAGE 70 OF
PLATS, RECORDS OF KING COUNTY, WASHINGTON.

INSTRUMENTATION NOTE:
INSTRUMENTATION FOR THIS SURVEY WAS A ONE
SECOND TOTAL STATION. PROCEDURES USED IN
THIS SURVEY WERE FIELD TRAVERSE, MEETING OR
EXCEEDING STANDARDS SET BY WAC
332-130-090.

LINE	LENGTH	BEARING
L1	15.00	N89°10'10"W
L2	26.00	N01°21'22"E
L3	5.00	S88°38'38"E
L4	19.92	N01°21'22"E
L5	14.42	S13°51'03"W

CURVE	LENGTH	RADIUS	DELTA
C1	24.75	25.00	56°43'28"
C2	25.11	25.00	57°33'21"



SECTION CORNER
FND 4"x4" CONC.
MON IN CASE
W/1 1/2" BRASS
DISK W/PUNCH

**Tri-County
Land Surveying Company**
4610 200th St. S.W. Suite A
Lynnwood, Wa. 98036 (425)776-2926 Fax: 776-2850

DRAWN BY B.H.	DATE JUNE, 2013	JOB NO. 10-096
CHECKED BY R.S.	SCALE 1" = 30'	SHEET

Juanita Townhomes Final Subdivision
SUB-13-00739
Attachment 3
City Council Memo - Enclosure 1
3 OF 4

RESOLUTION R-4994

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF JUANITA TOWNHOMES BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SUB13-00739 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Juanita Townhomes was approved by the Hearing Examiner on June 11, 2013; and

WHEREAS, thereafter the Department of Planning and Community Development received an application for approval of subdivision and final plat, said application having been made by Juanita Townhomes LLC, the owner of the real property described in said application, which property is within a Residential Multi-family RMA 1.8 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, Kirkland Municipal Code Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; and

WHEREAS, the site of the subdivision was annexed by the City of Kirkland in June of 2011; and

WHEREAS, prior to annexation and pursuant to the State Environmental Policy Act, RCW 43.21C, an environmental checklist was submitted to King County, reviewed by the responsible official of King County, and a negative determination reached; and

WHEREAS, said environmental checklist and determination have been made available and accompanied the application throughout the entire review process; and

WHEREAS, the Director of the Department of Planning and Community Development made certain Findings, Conclusions and Recommendations and recommended approval of the subdivision and the final plat, subject to specific conditions set forth in the recommendation; and

WHEREAS, the City Council, in regular meeting, considered the environmental documents received from the King County responsible official, together with the recommendation of the Director of Planning and Community Development;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Director of the Department of Planning and Community Development, filed in Department of Planning and Community Development File No. SUB13-00739, are adopted by the Kirkland City Council as though fully set forth.

Section 2. Approval of the subdivision and the final plat of Juanita Townhomes is subject to the applicant's compliance with the conditions set forth in the recommendations adopted by the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with all federal, state or local statutes, ordinances or regulations applicable to this subdivision, other than as expressly set forth.

Section 4. A copy of this resolution, along with the adopted Findings, Conclusions and Recommendations shall be delivered to the applicant.

Section 5. A completed copy of this resolution, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2013.

Signed in authentication thereof this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk