



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3255  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## **MEMORANDUM**

## **QUASI-JUDICIAL**

**Date:** February 22, 2006

**To:** David Ramsay, City Manager

**From:** Eric R. Shields, AICP, Planning Director  
Jon Regala, Associate Planner

**Subject:** SHUMWAY 10 PUD. ZON04-00025

### **RECOMMENDATION**

The City Council should consider the recommendation of approval with conditions by the Hearing Examiner on the Shumway 10 PUD proposal. The City Council may adopt the Hearing Examiner's recommendation by approving the enclosed ordinances and resolution. If the Council decides to depart from the Hearing Examiner's recommendation, it may do so by selecting one of the following courses of action:

1. Modify and grant approval of the application by providing staff with direction for desired changes to the enclosed ordinances and resolution for adoption at a subsequent regular meeting; or
2. Deny the application; or
3. If Council concludes that the record compiled by the Hearing Examiner is incomplete or inadequate, they may by motion direct the Hearing Examiner to reopen the hearing on the matter. The Council may limit the scope of the issues to be considered at the rehearing.

The City Council decision should be based on the approval criteria for a Process IIB permit, PUD, alteration to significant features of a Historic Overlay, quasijudicial project rezone, and stream/wetland buffer modification. A detailed analysis of the above mentioned criteria can be found in the Hearing Examiner and City Staff report.

### **PROPOSAL**

Robert Ketterlin, applicant of the Shumway 10 PUD proposal is proposing the following items:

- a. Convert the existing Shumway Mansion Bed and Breakfast and wedding reception facility back to a single-family residence.
- b. Reduce the size of the Historic Landmark Overlay (HL overlay) through a rezone. The HL overlay currently covers the entire property. The new HL overlay will encompass a smaller area (25,024 square feet) around the Mansion.

- c. Short plat the subject property into two parcels so that the Mansion and HL overlay are contained on their own parcel (Lot 1). Lot 1 is proposed to be 25,024 square feet and Lot 2, the remainder of the subject property, is proposed to be 79,296 square feet.
- d. Preliminary and final Planned Unit Development (PUD) approval to cluster 7 detached dwelling units and 2 attached dwelling units on Lot 2. The PUD also includes reducing the setback requirements for a detached garage for the Shumway Mansion, for Unit 9, and from the access easement south of the Mansion.
- e. Stream and wetland buffer reduction through enhancement.

**ENCLOSURES:**

- 1. Hearing Examiner Recommendation
  - Exhibit A. Department of Planning and Community Development Staff Advisory Report dated January 24, 2006
  - Exhibit B. Undated letter from Barbara Smith
  - Exhibit C. Undated letter from Jeanette Carter
  - Exhibit D. February 1, 2006 letter from Margaret Jacobsen
  - Exhibit E. February 2, 2006 letter from Carlos and Megan Alayo
  - Exhibit F. February 2, 2006 letter from Astri H. Giske
- 2. Ordinance adopting PUD
- 3. Ordinance adopting alteration to significant features of Historic Overlay
- 4. Resolution adopting intent to remove Historic Overlay over Lot 2 of Shumway 10 PUD

**CITY OF KIRKLAND  
HEARING EXAMINER FINDINGS,  
CONCLUSIONS AND RECOMMENDATION**

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**APPLICANT:** Robert Ketterlin, on behalf of Shumway 10 L.L.C.

**FILE NO:** ZONO4-00025

**APPLICATION**

1. **Site Location:** 11410 99<sup>th</sup> Place NE

2. **Request:** The Applicant proposes to convert the existing Shumway Mansion Bed and Breakfast and wedding reception facility back to a single-family residence, and is requesting the following approvals:

- a. To alter the significant features of a designated historic landmark.
- b. A rezone to reduce the size of the Historic Landmark Overlay (HL overlay). The HL overlay currently covers the entire property. The new HL overlay will encompass a smaller area (25,024 square feet) around the Mansion. (See Exhibit A, Attachment 2.)
- c. A short plat to divide the subject property into two parcels so that the Mansion and HL overlay are contained on one parcel (Lot 1). Lot 1 is proposed to be 25,024 square feet and Lot 2, the remainder of the subject property, is proposed to be 79,296 square feet. (See Exhibit A, Attachment 3.)
- d. A preliminary and final Planned Unit Development (PUD) to cluster 7 detached dwelling units and 2 attached dwelling units on Lot 2. The PUD also includes reducing the setback requirements for a detached garage for the Shumway Mansion, for Unit 9, and from the access easement south of the Mansion.
- e. A stream and wetland buffer reduction through enhancement.

3. **Review Process:** Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision.

ENCLOSURE 1

ZONO4-00025

**4. Major Issues:**

- Compliance with the criteria for altering significant historical features of the subject property as identified in Ordinance O-3308;
- Compliance with the criteria for removing a Historic Overlay;
- Compliance with the criteria for a short plat,
- Compliance with the criteria for a PUD; and
- Compliance with the criteria for stream and wetland buffer reduction.

**SUMMARY OF RECOMMENDATIONS:**

Department of Planning and Community Development  
Hearing Examiner:

Approve with conditions  
Approve with conditions

**PUBLIC HEARING:**

The Hearing Examiner held a public hearing on the applications at 7:00 p.m. on February 2, 2006, in the Council Chamber, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available in 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 record was left open until the Examiner's site visit, which occurred on February 5, 2006.

**PUBLIC COMMENT:**

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing is 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:**

After considering the evidence in the record and inspecting the site, the Examiner enters the following **Findings of Fact and Conclusions**:

**1. Site Description and History**

The Facts and Conclusions on these matters set forth at pages 4 through 6 of Exhibit A, the Planning Department's Advisory Report, dated January 24, 2006, (hereafter Exhibit A), are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

**2. Public Comment**

The description on pages 6-7 of Exhibit A of the public comments received by the Department of Planning is accurate and supported by the record, and therefore is adopted by reference. The Conclusions in Exhibit A on this issue are informational only and are not adopted.

**3. Development Review Committee**

The Fact and Conclusion on review comments and other requirements set forth at pages 8 and 32 of Exhibit A are accurate and are adopted by reference as the Hearing Examiner's Finding and Conclusion.

**4. State Environmental Policy Act and Concurrency**

The Facts and Conclusions on these matters set forth at page 8 of Exhibit A are accurate and are adopted by reference as the Hearing Examiner's Findings and Conclusions.

**5 Historic Landmark Overlay**

The Facts and Conclusions on this matter set forth at pages 8 through 13 of Exhibit A are accurate and are adopted by reference as the Hearing Examiner's Findings and Conclusions.

**6. Short Plat**

The Facts and Conclusions on this matter set forth at pages 13 through 18 of Exhibit A are accurate, with the following corrections for typographical errors:

**4. Vehicular Access – Right of Way vs. Access Easement**

**a. Facts**

i. Municipal Code Section 22.28.080 requires that all lots must have direct legal access as required by the zoning code, including Chapter 115.80, Legal Building Site, and Chapter 115.10, 105.10, Vehicular Access Easement ~~or~~ of Tract Standards. The city will determine whether access will be by right-of-way or vehicular access easement or tract on a case-by-case basis.

ii. KZC Section 105.10.1.b requires ~~KZC Section 105.10.1.b~~ requires that for five or more detached dwelling units, a dedicated and improved public right-of-way is required.

As corrected, these Facts and Conclusions are adopted by reference as the Hearing Examiner's Findings and Conclusions.

**7. Planned Unit Development**

The Facts and Conclusions on this matter set forth at pages 18 through 23 of Exhibit A are accurate and are adopted by reference as the Hearing Examiner's

Findings and Conclusions, but with Conclusion viii.b.iii, being rephrased as follows:

The techniques used by the applicant to reduce impacts of bulk and mass to adjoining properties, such as landscaping, orientation of structures, fencing, and reducing building heights mitigates any adverse impacts or undesirable effects to adjoining properties ~~that~~ for which the City could not have been required mitigation through the standard development process.

#### **8. Stream and Wetland**

The Facts and Conclusions on this matter set forth at pages 24 through 30 of Exhibit A are accurate and are adopted by reference as the Hearing Examiner's Findings and Conclusions.

#### **9. Comprehensive Plan**

The Facts and Conclusions on compliance with the Comprehensive Plan set forth at pages 31 through 32 of Exhibit A are accurate and are adopted by reference as the Hearing Examiner's Findings and Conclusions.

#### **10. Jurisdiction**

The Hearing Examiner has jurisdiction over this matter pursuant to Kirkland Zoning Code §§145.10 and 152.70.

#### **11. Decisional Criteria**

If approved with the conditions recommended below, the proposal will be consistent with the City's Comprehensive Plan and applicable development regulations, and will be consistent with the public health, safety, and welfare.

On the basis of the foregoing Findings of Fact and Conclusions, the Hearing Examiner makes the following **Recommendation**:

The application should be **APPROVED** subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 4 to Exhibit A provides a "Development Standards List," to familiarize the applicant with some of the additional development regulations, but does not include all additional regulations. When a condition of approval conflicts with a development regulation listed in Attachment 4 to Exhibit A, the condition of approval shall be followed.

2. Prior to Recording of the Short Plat:

- a. The applicant shall install the required improvements as described in Attachment 4 to Exhibit A. In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of plat approval.
- b. The book containing the history of the Mansion shall be relocated to and be maintained by the Kirkland Heritage Society.
- c. The access easements shown on the short plat mylar shall be allowed only in the same locations as the existing driveways.
- d. The applicant shall expand the greenbelt protection easement required over the stream and wetland and their buffers, (see Attachment 2 to Exhibit A), to include the open space area in the northeastern portion of the property as part of the recording of the short plat. Land survey information shall be provided by the applicant that describes the entire greenbelt protection easement area shown on the short plat mylar.
- e. Trees shall not be removed following short plat approval, except as approved by the Planning Department through a Land Surface Modification Permit and/or Building Permit. Tree protection techniques of KCZ 95.15 shall be followed.

(1) Retain all of the significant trees on the site, except those trees identified for removal on the tree retention plan (see Attachment 5 to Exhibit A), or those trees needing to be removed for installation of the access easement roads, utilities and placement of buildings.

(2) An arborist report may be required to review the tree preservation and removal plan in order to establish limits of disturbance within the drip line of each tree and/or any on-site measures needed to reduce impacts on trees to be retained. In addition, an arborist report may be required for all significant trees to be retained that are located near the areas of grading in order to establish limits of disturbance within the drip line of each tree and on-site measures needed to reduce grading impacts.

3. As part of the Land Surface Modification (LSM) permit, the applicant shall:

- a. Provide details for stream and wetland buffer enhancement consistent with the recommendations of the Watershed Company and reflected in the Wetland Resources, Inc., report dated December 14, 2005 (SEPA attachment 9 to Attachment 21 to Exhibit A).

- b. Update Buffer Enhancement Area A to include the reduced stream buffer area south/southwest of detention pond. A planting density of 10' centers for trees and 5' centers for shrubs shall be expanded to this buffer area.
  - c. Demonstrate compliance with KZC Section 115.75.2 to ensure that fill material will 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.
4. Prior to building permit submittal for the Shumway Mansion detached garage, the applicant shall submit plans to the Planning Department for review that reflect:
- a. A 2-car garage in the same architectural style and materials of the Mansion.
  - b. A site plan that places the garage east (to the rear) of the Mansion as shown in Attachment 2 to Exhibit A.
5. As part of the building permit submittal for the residential units, the applicant shall:
- a. Submit a landscape plan consistent with Attachment 6 to Exhibit A.
  - b. Submit a site plan consistent with Attachment 2 to Exhibit A.
  - c. Submit building plans consistent with Attachment 7 to Exhibit A.
  - d. Submit height calculations for Unit 6 and 7 that reflect a height limitation of 23' above the average building elevation.
  - e. Submit plans for the rockery and 8' fence on the east property line that adjoins Unit 6, 7, and 8.
  - f. Apply for and obtain a sign permit to place, at the entrance to the site, a historical marker/sign that identifies the Mansion. The design, materials and location of the marker/sign shall be approved by the Department of Planning and Community Development.
6. Prior to occupancy of any of the residential units, the applicant shall:
- a. Install between the upland boundary of all stream buffers and the developed portion of the site, a permanent three- to four-foot-tall split rail fence. Installation of the permanent fence must be done by hand where necessary to prevent machinery from entering the stream and wetland or its buffer.
  - b. Have completed all improvements outlined in the stream/wetland buffer enhancement plan.

Entered this 10th day of February, 2006.

  
Sue A. Tanner  
Hearing Examiner

**TESTIMONY:**

The following persons testified at the public hearing:

**From the City:**

Jon Regala, Project Planner

**From the Applicant:**

Doug Yost, Applicant

**From the Public:**

Harvey Sherman

Andrea Wood

Dean Scotton

Margaret Jacobsen

Megan Alayo

**EXHIBITS:**

The following exhibits were offered and entered into the record at the public hearing:

- A. Department of Planning and Community Development Staff Advisory Report dated January 24, 2006, with 38 attachments
- B. Undated letter from Barbara Smith
- C. Undated letter from Jeanette Carter
- D. February 1, 2006 letter from Margaret Jacobsen
- E. February 2, 2006 letter from Carlos and Megan Alayo
- F. February 2, 2006 letter from Astri H. Giske

**PARTIES OF RECORD:**

Megan and Dean Alayo, 18032 NE 129<sup>th</sup> Street, Redmond, WA 98052  
Jeanette Carter, 11430 99<sup>th</sup> Place NE, Kirkland, WA 98033  
Astri H. Giske, 11430 99<sup>th</sup> Place, NE, Kirkland, WA 98033  
Richard Harris, 11410 99<sup>th</sup> Place NE, Kirkland, WA 98033  
Margaret Jacobsen, 11430 99<sup>th</sup> Place NE, Kirkland, WA 98033  
Robert Ketterlin, Shumway10, LLC, 11608 100<sup>th</sup> Avenue NE, #1B, Kirkland, WA 98034  
Peter Lacy 11325 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Vittorio Mangione, 11309 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Janette Petragallo, 11317 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Dean Scotton, 10024 NE 115<sup>th</sup> Lane NE, Kirkland, WA 98033  
Harvey Sherman, 11750 73<sup>rd</sup> Place NE, Kirkland, WA 98034  
Barbara Smith, 11430 99<sup>th</sup> Place NE, Kirkland, WA 98033  
Richard Webber, 11318 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Dorothy Wolfe, 11326 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Andrea Wood 11315 101<sup>st</sup> Place NE, Kirkland, WA 98033

Doug Yost, 11211 NE 102<sup>nd</sup> Street, Kirkland, WA 98033

Bob Burke, President of Kirkland Heritage Society, 203 Market Street, Kirkland, WA 98033

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services

## 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.

### A. 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., 2/21/2006, 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 Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

### B. 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**

Under Section 152.115 of the Zoning Code, 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 four 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 four 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 six years after the final approval on the matter, or the decision becomes void



**CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
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**ADVISORY REPORT  
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

**To:** Kirkland Hearing Examiner  
**From:**  Jon Regala, Project Planner  
 Eric R. Shields, AICP, Planning Director

**Date:** January 24, 2006

**File:** ZON04-00025, SHUMWAY MANSION

**Hearing Date and Place:** 7:00 pm  
February 2, 2006  
City Hall Council Chamber  
123 Fifth Avenue, Kirkland

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## **I. INTRODUCTION**

### **A. APPLICATION**

1. Applicant: Robert Ketterlin, with Shumway 10 LLC
2. Property Owner: Mr. and Mrs. Richard Harris
3. Site Location: 11410 99<sup>th</sup> Place NE (see Attachment 1)
4. Request: As part of this proposal, the applicant, Robert Ketterlin, is requesting the following items:
  - a. Convert the existing Shumway Mansion Bed and Breakfast and wedding reception facility back to a single-family residence.
  - b. Reduce the size of the Historic Landmark Overlay (HL overlay) through a rezone. The HL overlay currently covers the entire property. The new HL overlay will encompass a smaller area (25,024 square feet) around the Mansion (see Attachment 2).
  - c. Short plat the subject property into two parcels so that the Mansion and HL overlay are contained on their own parcel (Lot 1). Lot 1 is proposed to be 25,024 square feet and Lot 2, the remainder of the subject property, is proposed to be 79,296 square feet (see Attachment 3).
  - d. Preliminary and final Planned Unit Development (PUD) approval to cluster 7 detached dwelling units and 2 attached dwelling units on Lot 2. The PUD also includes reducing the setback requirements for a detached garage for the Shumway Mansion, for Unit 9, and from the access easement south of the Mansion.
  - e. Stream and wetland buffer reduction through enhancement.
5. Review Process: Process IIB, Hearing Examiner conducts public hearing and makes recommendation; City Council makes final decision.
6. Summary of Key Issues: Key issues are the meeting the criteria for a PUD, short plat, stream and wetland buffer reduction, alteration of the significant historical features of the subject property as identified in Ordinance O-3308 and the criteria for removing a Historic Overlay. See Section I.B below for staff recommendations.

### **B. RECOMMENDATIONS**

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 4 Development Standards is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of

approval conflicts with a development regulation in Attachment 4 the condition of approval shall be followed (see Conclusion II.L.2).

2. **Prior to Recording of the Short Plat:**

- a. The applicant shall install the required improvements as described in Attachment 4. In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of plat approval (see Conclusion II.L.2).
- b. The book containing the history of the Mansion shall be relocated to and be maintained by the Kirkland Heritage Society (see Conclusion II.F.2.b).
- c. The access easements on the short plat mylar shall only be allowed in the same locations of the existing driveways (see Conclusion II.F.2.b)
- d. The applicant shall expand the greenbelt protection easement required over the stream and wetland and their buffers (see Attachment 2) to include the open space area in the northeastern portion of the property as part of the recording of the short plat. Land survey information shall be provided by the applicant that describes the entire greenbelt protection easement area on the short plat mylar (see Conclusion II.H.4.b and Conclusion II.I.2.b).

3. Trees shall not be removed following short plat approval, except as approved by the Planning Department.

- a. Retain all of the significant trees on the site, except those trees identified for removal on the tree retention plan (see Attachment 5) or those trees needing to be removed for installation of the access easement roads, utilities and placement of buildings. Trees may not be removed following short plat approval, except as approved by the Planning Department through a Land Surface Modification Permit and/or Building Permit. Tree protection techniques of KCZ 95.15 should be followed.
- b. An arborist report may be required to review the tree preservation and removal plan to establish limits of disturbance within the dripline of each tree and/or any on-site measures needed to reduce impacts on trees to be retained. In addition, an arborist report may be required for all significant trees to be retained that are located near the areas of grading to establish limits of disturbance within the dripline of each tree and on-site measures needed to reduce grading impacts (see Conclusion II.G.3.b).

4. **As part of the Land Surface Modification (LSM) permit, the applicant shall:**

- a. Provide details for stream and wetland buffer enhancement consistent with the recommendations of the Watershed Company and reflected in the Wetland Resources, Inc., report dated December 14, 2005 (see Conclusion II.I.1.b)
- b. Update Buffer Enhancement Area A to include the reduced stream buffer area south/southwest of detention pond. A planting density of 10' centers for trees and 5' centers for shrubs shall be expanded to this buffer area (see Conclusion II.I.1.b)

- c. Demonstrate compliance with KZC Section 115.75.2 to ensure that fill material will 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 (see Conclusion II.I.8.b).
5. **Prior to building permit submittal for the Shumway Mansion detached garage, the applicant shall submit plans to the Planning Department for review that reflect:**
- a. A 2-car garage in the same architectural style and materials of the Mansion (see Conclusion II.F.1.b).
  - b. A site plan that places the garage east (rear) of the Mansion as shown in Attachment 2 (see Conclusion II.F.1.b).
6. **As part of the building permit submittal for the residential units, the applicant shall:**
- a. Submit a landscape plan consistent with Attachment 6 (see Conclusion II.H.3.b and II.H.4.b).
  - b. Submit a site plan consistent with Attachment 2 (see Conclusion II.H.3.b and II.H.4.b).
  - c. Submit building plans consistent with Attachment 7 (see Conclusion II.H.3.b and II.H.4.b).
  - d. Submit height calculations for Unit 6 and 7 that reflect a height limitation of 23' above the average building elevation (see Conclusion II.H.3.b and II.H.4.b).
  - e. Submit plans for the rockery and 8' fence on the east property line that adjoins Unit 6, 7, and 8 (see Conclusion II.H.3.b).
  - f. Apply for and obtain a sign permit to place, at the entrance to the site, a historical marker/sign that identifies the Mansion. The design, materials and location of the marker/sign shall be approved by the Department of Planning and Community Development (see Conclusion II.F.2.b).
7. **Prior to occupancy of any of the residential units, the applicant shall:**
- a. Install between the upland boundary of all stream buffers and the developed portion of the site, a permanent three- to four-foot-tall split rail fence. Installation of the permanent fence must be done by hand where necessary to prevent machinery from entering the stream and wetland or its buffer (see Conclusion II.I.2.b).
  - b. Have completed all improvements outlined in the stream/wetland buffer enhancement plan (see Conclusion II.I.1.b).

## **II. FINDINGS OF FACT AND CONCLUSIONS**

### **A. SITE DESCRIPTION**

1. Site Development and Zoning:
  - a. Facts:
    - i) Size: 104,320 square feet or 2.39 acres

- ii) Current Land Use: Bed and Breakfast/Wedding Reception Facility
- iii) Zoning: RS 8.5 (HL)
- iv) Terrain and Vegetation: The subject property contains the Shumway Mansion and 76 surface parking stalls. A deep ravine with a Class B stream and Type III wetland bisects a portion of the property east to west. The stream flows into a detention pond that was created with the original development of the site. From the detention pond, the water then flows into a culvert located under the parking lot and then eventually into Lake Washington.

The slope of the subject property ranges from 10% to 25%. The slopes associated with the ravine range from 75% to 100%. The subject property also contains a mixture of evergreen and deciduous trees on the non-developed portions of the site. Attachment 8 contains a property survey.

- b. Conclusions: The size, current land use, terrain, and existing vegetation are not constraining factors in reviewing the Historic Overlay alteration proposal. However, since the (HL) overlay designation is being reduced in size to an area around the Shumway Mansion instead of the entire property, specific Zoning Code criteria need to be reviewed. Section II.F. below contains an analysis of applicable Zoning Code criteria.

The presence of a Class B stream and Type III wetland on the subject property require that development be located outside of the stream and wetland buffers. The applicant is requesting to reduce the required buffers from the sensitive areas to allow construction of residential units. This may be allowed by KZC Chapter 90 through enhancement of the reduced buffers. Section II.I below contains a detailed analysis of the applicable Zoning Code criteria in reducing sensitive area buffers.

2. Neighboring Development and Zoning:

- a. Facts:

North: RS 8.5. Baycrest PUD. Attached Multi-Family Development.

East: RS 8.5. Kirkland 12 PUD. Attached Multi-Family Development.

South: RS 8.5. Single-Family Residences.

West: RM 2.4. Multi-Family Residences.

See Attachment 9 for an aerial photographs of the subject property and adjoining parcels.

- b. Conclusion: Neighborhood development and zoning are not constraining factors in the review of this permit.

## **B. HISTORY**

1. Facts: On July 16, 1984, the City Council approved Resolution No. R-3107 (see Attachment 10), thereby issuing an intent to rezone the subject property as applied for in zoning permit File III-84-39. R-3107 approved the relocation of the Shumway Mansion from 528 Lake Street South to 11410 99<sup>th</sup> Place NE (the Mansion's current location). In addition, the resolution approved a zoning permit for a (HL) Historic Landmark overlay designation. An adopting ordinance was required to finalize the rezone and historic overlay.

As part of the (HL) designation, the applicant received approval for the following modifications since they are not typically allowed in a residential zone: nine bed and breakfast rooms, a wedding reception center, and an increase of height from 25' to 40. A bed and breakfast and wedding reception facility is considered a commercial use.

Years later, it was discovered that the ordinance to finalize R-3107, which gave an intent to approve the (HL) overlay, the bed and breakfast use, and the wedding reception facility, was never adopted by the City Council. Therefore, on March 3, 1992, the City Council approved Ordinance No. O-3308 to finalize the rezone and historic overlay required by Resolution R-3107 (see Attachment 11).

Ordinance O-3308 rezoned the subject property from RS 8.5 to RS 8.5 (HL), amended the Zoning Map, and identified the significant features of the site, which are: the name Shumway Mansion, the external features of the Mansion, a book containing the history of the Mansion, including photographs, to be kept on site, and the entire site surrounding the Mansion, and related facilities, including landscaping in scale and character appropriate to the Mansion.

Attachment 12 contains a memo dated December 14, 1992 to Eric Shields from Linda Phillips, Project Planner, which provides insight as to why the entire site was considered a significant feature of the Historic Overlay (HL). It appears that the entire site was included as a significant feature because of the requirements associated with the proposed bed and breakfast and wedding reception facility. These uses are not allowed outright in a single-family residential zone, but can be approved through an HL overlay.

The City Council determined that the entire site should be protected, by ordinance, not necessarily in terms of historical significance, but instead, to meet the requirements of the decisional criteria in approving a HL overlay and quasi-judicial project rezone. The decisional criteria included minimizing all adverse impacts on existing land uses in the immediate vicinity (Rezone – KZC Section 130.60 and Historic Landmark Overlay Zone – KZC Section 75.20.1.a).

2. Conclusion: The history behind the HL overlay approval is related to the applicant's proposal to reduce the HL overlay and eliminate the bed and breakfast and wedding reception facility uses. It will be discussed further in Section II.F below.

## **C. PUBLIC COMMENT**

1. Facts: The following is a summary of the public comment received for this project:

*Email from Dean Scotton, October 31, 2005, 10024 NE 115<sup>th</sup> Lane NE, Kirkland (see Attachment 13).* Mr. Scotton supports the project as it will eliminate the commercial uses on the property while creating a small scale residential development.

Form Letters from:

- *Andrea Wood 11315 101<sup>st</sup> Place NE, Kirkland, dated October 28, 2005 (see Attachment 14)*
- *Peter Lacy 11325 101<sup>st</sup> Place NE, Kirkland, dated October 24, 2005 (see Attachment 15)*
- *Richard Webber, 11318 101<sup>st</sup> Place NE, Kirkland, dated October 23, 2005 (see Attachment 16)*
- *Dorothy Wolfe, 11326 101<sup>st</sup> Place NE, Kirkland, dated October 23, 2005 (see Attachment 17)*
- *Janette Petragallo, 11317 101<sup>st</sup> Place NE, Kirkland, dated October 25, 2005 (see Attachment 18)*
- *Vittorio Mangione, 11309 101<sup>st</sup> Place NE, Kirkland, dated October 24, 2005 (see Attachment 19)*
- *Harvey Sherman, 11323 101<sup>st</sup> Place NE, Kirkland, dated October 26, 2005 (see Attachment 20, form letter slightly modified).*

These neighbors, located east of the subject property at Westview Court, expressed their concerns summarized as follows:

- Views from 5 of 12 units at Westview Court will be blocked as a result of the new development. The neighbors suggest reducing pitch of roofs and/or lowering the building elevation to protect views to Lake Washington.
- Addition of 10 more units very close to their property line will create noise pollution. To mitigate, Westview Court has proposed that the applicant install a fence, build a berm at the border of the two properties, add drought resistant vegetation, and install a drainage and irrigation system. Improvements such as a stairway and terrace area were suggested by Westview Court to be constructed on their property as well.
- Greenbelt area on Westview Court property should be cleared of non-native vegetation.
- Stream buffer on the subject property should be maintained and non-native plants and refuse should be removed.
- Requests of Westview Court should be completed to satisfaction of Westview Court, guaranteed by bond, and completed by the developer.
- Mr. Sherman requests that the PUD include the above mentioned enhancements agreed to by the developer and the Westview Court Home Owners Association and by the City Council.

2. Conclusions: All parties that have provided comment on this proposal have been included as a party of record. Staff analysis regarding view and noise impacts are further addressed in Section II.H below. Staff analysis regarding the stream buffer rehabilitation is addressed in Section II.I below.

Enhancements requested by the applicant to be implemented on the Westview Court property and agreed to by the developer are not subject to City review nor is it the responsibility of the City to require or follow up on the private agreements.

**D. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

1. Facts: A Determination of Nonsignificance (DNS) was issued on December 22, 2005. The Environmental Checklist, Determination, and additional environmental information are included as Attachment 21.
2. Conclusion: The City and the applicant have satisfied the SEPA requirements.

**E. CONCURRENCY**

1. Facts: The applicant's proposal is exempt from concurrency review (see Attachment 21, SEPA Attachment 5).
2. Conclusion: Concurrency is not a constraining factor in the review of the applicant's proposal.

**F. HISTORIC LANDMARK OVERLAY**

1. KZC 75.40 – Effect. Criteria for Alteration
  - a. Fact: The applicants request to reduce the size of the HL overlay affects the designated significant features of the HL overlay. KZC 75.40 establishes three criteria that the City will use in reviewing a request to alter the significant features of a historic landmark. The property owner's response to these criteria can be found in Attachment 22. Sections II.F.2 through II.F.4 contain the staff's findings of fact and conclusions based on these three criteria.
  - b. Conclusion: Based on the following analysis, the application meets the established criteria for altering significant features of a historic landmark.
2. KZC 75.40.1: *The extent to which the proposed alteration would adversely affect the significant features or site as an historic landmark.*
  - a. Fact:
    - i. The applicant is proposing to reduce the Historic Overlay to a smaller area around the Mansion and remove the bed and breakfast and wedding reception use, thereby converting the Mansion into a single-family residence. The Historic Overlay will coincide with the boundaries of Lot 1 of the proposed two lot short plat (see Attachment 2).
    - ii. The significant features of the site, as adopted by Ordinance No. O-3308, are as follows:
      - a) *Name – Shumway Mansion.*

There are no proposed changes to the name of the Mansion. The name of the Shumway Mansion is proposed to be retained through the use of a historical marker/sign to be placed near the entrance to the site along 99<sup>th</sup> Place NE. The historical marker/sign will be reviewed by the City of Kirkland Planning Department with advice from the Kirkland Heritage Society.
      - b) *External Features of the Mansion.*

No changes are proposed to the exterior of the Mansion.

- c) *A book containing the history of the Mansion, including photographs, to be kept on site.*

As a single family residence, access to the Mansion by the public will no longer be available. The applicant has proposed that the book containing the history of the Mansion be relocated to and maintained by the Kirkland Heritage Society. This has been approved by Bob Burke, the President of the Kirkland Heritage Society (see Attachment 23).

- d) *The entire site surrounding the Mansion, and related facilities, including landscaping in scale and character appropriate to the Mansion.*

The land on which the Mansion was placed did not have any historic significance. The Mansion was moved onto the subject property from its original location (528 Lake Street South) in March of 1985.

The Kirkland Heritage Society and King County Office of Cultural Resources, Landmarks and Heritage Program, agree that the entire parcel is not needed to support the Mansion (see Attachment 23 and 24). The proposed boundary of the new Historic Overlay maintains the visibility of the Mansion from 99<sup>th</sup> Place NE (see Attachment 25).

Attachment 12 contains a memo dated December 14, 1992 to Eric Shields from Linda Phillips, Project Planner, which provides insight as to why the entire site was considered a significant feature of the HL overlay.

The entire site was included as a significant feature because of the requirements associated with the proposed bed and breakfast and wedding reception facility. These uses are not allowed outright in a single-family residential zone but can be approved as a modification through an HL overlay.

It appears that the City Council determined that the entire site should be protected, by ordinance, not necessarily in terms of historical significance, but instead, to meet the requirements of the decisional criteria in approving a HL overlay and quasi-judicial project rezone. Encompassing the entire site with the HL overlay helped to mitigate the impacts of the commercial uses in a residential neighborhood.

- iii. The new owners of the Mansion will most likely want a detached garage. Although garages are typical of single-family residences, placement of a garage on the Mansion property can affect the visibility of the Mansion and compatibility with the historic style of the Mansion. The applicant has proposed a 2-car garage to the rear of the Mansion property (see Attachment 2). With the potential for a new garage within the proposed

Historic Overlay boundary, conditions should be placed to ensure the visibility, compatibility in architectural style, size, materials, and location with the Mansion.

- iv. The land outside of the Historic Overlay is proposed to be short platted into another parcel (see Attachment 3). The new lot lines will dictate the location of future structures. As proposed, the resulting orientation of the new Lot 2 does not allow for new structures to be placed in front of the Mansion.
  - v. The applicant is proposing access to the new Lot 2 within the Historic Overlay. The subject property contains driveways leading to parking lots in the same locations as proposed access easements will be located. Use of the existing driveways to access the proposed additional development on the site will retain the visual access to the Mansion.
- b. Conclusion:
- i. In order to preserve the Shumway Mansion name with the single-family residence, the applicant should place at the entrance to the site a historical marker/sign that identifies the Mansion. The design, materials and location of the marker/sign should be approved by the Department of Planning and Community Development.
  - ii. The reduction of the Historic Overlay and change of use of the Mansion to a single-family residence will not affect the exterior features of the Mansion. Since the commercial uses will no longer exist in the Mansion, the larger historic overlay is not needed to mitigate impacts on the surrounding residential neighborhood.
  - iii. The book containing the history of the Mansion should be relocated to and be maintained by the Kirkland Heritage Society.
  - iv. The proposed boundary of the new Historic Overlay maintains the visibility of the Mansion from 99<sup>th</sup> Place NE. The applicant should provide a surveyed drawing and legal description to describe the new Historic Overlay boundaries.
  - v. Any new garage should be limited to a 2-car garage, the garage should be in the same architectural style and materials of the Mansion, and the garage should be placed to the east (rear) of the Mansion as shown in Attachment 2. The design and materials of the garage should be approved by the Department of Planning and Community Development.
  - vi. Access easements should only be allowed in the locations of the existing driveways.
3. KZC 75.40.2: *The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant.*

- a. Facts:

- i. The applicant's objective is to retain the historic Shumway Mansion as a single-family residence and further develop the subject property in a manner that is compatible with surrounding developments.
  - ii. The applicant is proposing to remove the bed and breakfast use and the wedding reception use as part of the Historic Overlay reduction. With the removal of the bed and breakfast and wedding reception use, the impacts associated with these commercial uses will no longer affect the neighborhood and therefore, the entire parcel is not necessary to be considered as a significant feature in protecting the Mansion.
  - iii. Both the Kirkland Heritage Society and King County Office of Cultural Resources, Landmarks and Heritage Program acknowledge that a smaller Historic Overlay around the Mansion is justified (see Attachment 23 and 24).
  - iv. Maintaining visibility of the Mansion from 99<sup>th</sup> Place NE helps preserve the historical integrity of the Mansion and makes the exterior of the Mansion visually accessible to the public.
- b. Conclusion: It is reasonable to reduce the Historic Overlay to the boundary shown in Attachment 2 and 3 given that the bed and breakfast use and wedding reception uses are being removed. With the Mansion functioning as a single family residence, the impacts associated with current commercial businesses will no longer exist.

The reduction of the historic overlay is necessary to allow the proposed residential development to occur unencumbered by inapplicable historic overlay regulations. The land associated with the proposed Historic Overlay is large enough to protect the Mansion from visual intrusion from the proposed development as seen from 99<sup>th</sup> Place NE.

4. KZC 75.40.3: *The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, regulation, code or ordinance.*

- a. Fact:
  - i. The Shumway Mansion has been designated by the City as a Community Landmark in the Community Character Element of the Comprehensive Plan, Table CC-1, List B (see Attachment 26).
  - ii. The historic overlay is not proposed to be entirely removed but revised to a smaller area around the Shumway Mansion to allow for development of the remainder of the subject property.
  - iii. The alterations proposed by the applicant is not proposed to meet the requirements of any other law, statute, regulation, code or ordinance.
- b. Conclusion: Reduction of the Historic Overlay will allow additional residential development to occur on Lot 2. It is not required to meet any other law, statute, code or ordinance.

5. Rezone

- a. Facts: The City of Kirkland Zoning map identifies the subject property as being in the RS 8.5 zone with an HL overlay (Historic Landmark overlay). The applicant's request to reduce the size of the HL overlay to a smaller area around the Mansion requires a quasijudicial project rezone of the subject property. KZC 130.60 establishes three decisional criteria with which the applicant's proposal must comply with in order for the rezone to be granted. Section II.F.6 below contains the staff's findings of fact and conclusions based on these three criteria.
  - b. Conclusion: Based on the analysis in Section II.F.6 below, the application meets the established criteria for removing an existing overlay from a portion of the subject property.
6. KZC 130.60 Quasijudicial Project Rezones – Criteria
- a. Facts: KZC 130.60.1: *The City may approve an application for a project related rezone only if it finds that the criteria set forth in KZC [130.45](#) are met.*
    - i. Pursuant to KZC 130.45, the City may approve an application for a rezone only if it finds that:
      - a) *The proposed rezone is consistent with the Comprehensive Plan; and*
      - b) *The proposed rezone bears a substantial relation to public health, safety, or welfare; and*
      - c) *The proposed rezone is in the best interest of the residents of Kirkland; and*
      - d) *The proposed rezone is appropriate because the rezone is to place or remove an overlay zoning designation on the Zoning Map and the proposal meets the applicable designation criteria of Chapters 70 through 80 KZC.*
    - ii. The Shumway Mansion is considered a community landmark because of its age, construction, and original owner. Designed and built by J.G. Bartsch in 1910, the shingles and construction represent the design, materials, and workmanship of the early 20<sup>th</sup> Century. Carrie Shumway, who lived in the Mansion with her sisters and brother at the Mansion's original location along Lake Washington Boulevard, became the first woman in the State of Washington to serve as Councilwoman in 1911.
    - iii. The applicant is eliminating the commercial bed and breakfast and wedding facility use at the Shumway Mansion. The Mansion will revert back to a single family residence. Bed and breakfast and wedding reception uses are not allowed outright in residential zones and require at least 35,000 square feet as well as a Historic Overlay zone to be allowed per KZC 75.47.1.e.
    - iv. To ensure that the commercial uses cannot occur in the future, the applicant is proposing to reduce the overlay area to 25,024 square feet to match the proposed lot size of Lot 1.

- b. Conclusion:
  - i. The proposal is consistent with the Comprehensive Plan. See Section II.K below for further discussion.
  - ii. The proposed rezone has no bearing on public health or safety. In terms of public welfare, removal of the commercial uses will reduce traffic and noise impacts to surrounding residences.
  - iii. The proposed rezone is in the best interest of the residents of Kirkland because it allows for the preservation of a historic structure as a single family residence. It also provides an opportunity for the area outside of the proposed Historic Overlay to be developed with residences consistent with the Comprehensive Plan policies and guidelines, thereby adding to the housing stock in Kirkland.
  - iv. The proposed rezone meets the applicable alteration criteria in KZC Chapter 75 (see Section II.F).
- c. Fact: *KZC 130.60.2. The City may approve an application for a project related rezone only if it finds that the proposed project complies with this code in all respects.*
  - i. Staff has reviewed the applicant's proposal in terms of all applicable zoning regulations.
  - ii. The applicant's proposal complies with the KZC.
- d. Conclusion: This criterion is not a constraining factor in the review of this permit.
- e. Fact: *KZC130.60.3. The City may approve an application for a project related rezone only if it finds that the site plan of the proposed project is designed to minimize all adverse impacts on existing land use in the immediate vicinity of the subject property.*

An analysis of the impacts of the proposed development on surrounding land uses is included in the PUD discussion in Section II.H of this report.
- f. Conclusion: The applicant's proposal has been designed to minimize all adverse impacts on existing land uses in the immediate vicinity of the subject property. See Section II.H below for further staff analysis on impacts on adjoining properties.

## **G. SHORT PLAT**

- 1. Facts: The applicant is proposing to short plat the subject property into two parcels so that the Mansion and HL overlay is contained on its own parcel (Lot 1). Lot 1 is proposed to be 25,024 square feet and Lot 2, the remainder of the subject property, is proposed to be 79,296 square feet (see Attachment 2).

Municipal Code Section 22.20.140 states that the Planning Director may approve a short subdivision only if:

- a. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
- b. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning 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 Director may approve a short subdivision only if it is consistent with all applicable development regulations, including but not limited to the Zoning Code and Subdivision Code, and to the extent there is no applicable development regulation, the Comprehensive Plan.

2. Conclusion: The proposal complies with Municipal Code Section 22.20.140 and Zoning Code Section 145.45. It is consistent with the Comprehensive Plan (see Section II.K). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (see Section II.G) 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 the proposal will preserve an existing structure with historical significance and allow for in-fill residential development in a manner that is consistent with the Comprehensive Plan.

3. Significant Trees

- a. Facts:

- i. Kirkland Municipal Code Section 22.28.180 states that it is the responsibility of the applicant to propose a plat that is sensitive with respect to natural features, including vegetation. The plat must be designed to preserve and enhance as many of these valuable features as possible.

Section 22.28.210 requires retention of at least 25% of all healthy significant trees, together with any associated groundcover or under story vegetation necessary to assure long-term health and prevent erosion. The City may require the retention of more than 25% of the trees based on KMC Section 22.28.180 in order to preserve and enhance as many of the natural features as possible.

Also under Section 22.28.210, the applicant is required to provide a plot plan identifying which trees are proposed to be retained in order to satisfy this requirement and to design the plat so as to maximize the chance of survival of the trees and minimize potential hazards to life or property.

- ii. Zoning Code Section 95.15 requires that the applicant retain significant trees on the subject property to the maximum extent possible. The City may require minor alterations in the arrangement of buildings and other elements of the proposed development in order to achieve maximum retention of significant trees.

Additionally, Ordinance No. 3865 states that all perimeter trees (those within 10 feet of property lines) must be retained unless they are hazard trees or nuisance trees. Areas where structures will be located, areas required for access and areas to be cleared for required roads, utilities, sidewalks, trails or storm drainage improvements are exempt from the perimeter tree requirement. The applicant is vested under this ordinance based on the submittal date of their application.

- iii. Zoning Code Section 115.75.3.a states that a land surface modification is permitted only if it has been approved as part of a valid development permit, subdivision, or substantial development permit.
  - iv. The applicant has shown 83 significant trees on their tree retention plan (see Attachment 5). However, based on the KZC definition of significant trees, there are only 66 significant trees on the site. Significant trees are defined by the KZC as evergreen trees 8" or greater in diameter or deciduous trees 12" or greater in diameter measured 1-foot above the root crown. Therefore, the applicant is required to retain 25% of the 66 significant trees or 17 trees.
  - v. The applicant is proposing to retain 47 significant trees (71% of total). Nineteen significant trees are proposed to be removed. Five of the 19 significant trees are located within 10' of the property line. These trees are in areas where structures will be located.
- b. Conclusions:
- i. The applicant has provided a site plan identifying retention of at least twenty-five percent of the healthy significant trees. The City may require more than 25% of the trees to be saved based on KMC Section 22.28.180 in order to preserve and enhance as many of the natural features of the property as possible.
  - ii. The applicant should retain all of the significant trees on the site, except those trees identified for removal on the tree retention plan (see Attachment 5) or those trees needing to be removed for installation of the access easement roads, utilities and placement of buildings. Trees may not be removed following short plat approval, except as approved by the Planning Department through a Land Surface Modification Permit and/or Building Permit. Tree protection techniques of KCZ 95.15 should be followed.
  - iii. An arborist report may be required to review the tree preservation and removal plan to establish limits of disturbance within the dripline of each tree and/or any on-site measures needed to reduce impacts on trees to be retained. In addition, an arborist report may be required for all significant trees to be retained that are located near the areas of grading to establish limits of disturbance within the dripline of each tree and on-site measures needed to reduce grading impacts.

4. Vehicular Access – Right-of-Way vs. Access Easement

- a. Facts:

- i. Municipal Code Section 22.28.080 requires that all lots must have direct legal access as required by the zoning code, including Chapter [115.80](#), Legal Building Site, and Chapter [115.10](#), Vehicular Access Easement of Tract Standards. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.
- ii. KZC Section 105.10.1.b. requires KZC Section 105.10.1.b requires that for five or more detached dwelling units, a dedicated and improved public right-of-way is required.
- iii. The applicant has proposed access easements to serve two clusters of new residences. One cluster of 4 units is located in the southeast corner of the proposed Lot 2. The other cluster of 5 units is located in the northwest corner of the proposed Lot 2.
- iv. KZC Section 105.103.3.a allows modifications to the number of units that may be served by an access easement if:
  - a) The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and
  - b) One of the following requirements is met:
    - 1) The modification is necessary because of a preexisting physical condition; or
    - 2) The modification will produce a site design superior to that which would result from adherence to the adopted standard.
- v. The Public Works, Fire and Planning Departments have reviewed the proposal and recommend approval of the proposed access easement and paved roadway width, provided that the roadway is marked "No Parking-Fire Lane".
- vi. The easement road will be 20' wide and designed to meet the City's access road requirements for the Fire Department.
- vii. The location of the stream, wetland, existing Mansion and associated improvements necessitate the need for the modification. A dedicated and improved right-of-way would result in greater impact to the area around the Shumway Mansion and the existing stream and wetland buffer.
- viii. The Public Works Department supports the applicant's proposal to create private access easements instead of dedicated and improved public right-of-way because the proposed project functions like a multi-family project (see Attachment 4).

- b. Conclusion: The applicant's proposal to utilize access easements instead of a right-of-way to access the residences on the proposed Lot 2 meets the modification criteria of KZC Section 105.103.3.a.

5. Vehicular Access Easement Standards

a. Facts:

- i. Municipal Code Section 22.28.110 requires that if vehicular access within a plat is provided by means other than rights-of-way, the plat must establish easements or tracts that will provide the legal right of access to each of the lots served. The City may require that the legal right of access be granted to other adjoining properties in order to provide a safe and efficient circulation system within the City.

For an access road required by the Fire Department, as in this case, Kirkland Zoning Code Section 105.10.1.a.3 requires a minimum of 20 feet of unobstructed pavement in a 25-foot wide easement or tract serving three or four detached dwelling units.

- ii. The applicant is proposing two access and utility easements as shown in Attachment 3 and described below in lieu of a dedicated and improved public right-of-way:

West access and utility easement. The proposed access and utility easement is 35' wide and is situated 2' from the west property line. Twenty feet of unobstructed pavement is proposed to access 5 detached dwelling units located in the northwest portion of the Lot 2.

South access and utility easement. The proposed access and utility easement is 28' wide and is placed no closer than 8' to the south property line. Twenty feet of unobstructed pavement is proposed within this easement. The access road will serve 2 attached dwelling units, 2 detached dwelling units, and the Mansion located in the south/southeast corner of Lot 2.

- iii. KZC Section 105.10.2.f requires that the paved surface in the easement or tract shall be set back at least five feet from any adjacent property which does not receive access from that easement or tract.

The applicant is requesting to modify this requirement along 37' of the west property line where the easement is being placed over an existing driveway. The current driveway is located on the west property line. The new driveway will be approximately 2' from the west property line. Adjoining the west property line is City right-of-way.

- iv. The applicant's request to reduce the pavement setback along the west property line using KZC Section 105.103.3.a. This code section allows modifications to KZC [105.10](#) for vehicular access easements or tracts if:
  - a) The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and

- b) One of the following requirements is met:
  - 1) The modification is necessary because of a preexisting physical condition; or
  - 2) The modification will produce a site design superior to that which would result from adherence to the adopted standard.

- v. The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services. The easement road will be 20' wide and designed to meet the City's access road requirements for the Fire Department.

- vi. The modification will produce a site design superior to that which would result from adherence to the adopted standard. By decreasing the required 5' setback to 2' along 37' of the west property line, the paved surface will be kept as far as possible from the Mansion while providing the necessary 20' of paved surface. The existing parking area will be removed. In addition, the resulting paved surface provides a straight approach to the residences to the north while minimizing impact to the adjacent stream and wetland buffer.

- b. Conclusions:

- i. The applicant should follow the requirements set forth in Attachment 4, Development Standards, regarding fire lane markings.
- ii. The applicant's proposal to reduce the required 5' pavement setback to 2' meets the established criteria for modifying the standards for vehicular access easements.

## **H. PUD CRITERIA**

- 1. PUD

- a. Facts:

- i. The applicant is requesting a preliminary and final PUD approval with this proposal. Zoning Code section 125.35 establishes four decisional criteria with which a PUD request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 27. Sections II.H.2 through II.H.4 below contain the staff's findings of fact and conclusions based on these four criteria.
- ii. The following elements of the applicant's proposal are not allowed without the approval of this PUD application:
  - a) Developing more than one dwelling unit on a single lot in a low density residential zone. The applicant is proposing a total of 9 units in the northwest and southeast corners of the subject property (see Attachment 3).

- b) Providing a zero-foot setback from property lines for the future detached garage for the Mansion and Unit 9 on Lot 2 (see Attachment 2 and 3).
  - c) Maintain a 3-foot setback from the proposed 28' access easement located south of the Mansion rather than the typically required 20' setback (see Attachment 3).
- b. Conclusions: Based on the following analysis, the application meets the established criteria for a PUD.
2. PUD Criterion 1: The proposed PUD meets the requirements of the Zoning Code Chapter 125.
- a. Facts: The applicant has applied for a PUD consistent with the requirements of KZC Chapter 125. The applicant's proposal does not contain elements that cannot be modified by KZC Chapter 125.
  - b. Conclusions: The proposal is consistent with this criterion.
3. PUD Criterion 2: Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.
- a. Facts:
    - i. The residential units range in size from 2,356 square feet to 2,729 square feet. The detached dwelling units proposed are separated by at least 10'. The size and separation between the detached dwelling units are similar in size and scale to a typical single family development.  
  
Attached Units 6 and 7, in the southeast corner, are a combined 5,225 square feet and approximately 68' (length) x 27' (width). By comparison the Mansion is approximately 70' (length) x 48' (width).
    - ii. The applicant is not requesting an increase to the 25' building height limit as part of their PUD proposal.
    - iii. City policy CC-4.5 on page IV-10 of the Comprehensive Plan states that public scenic views and view corridors should be protected (see Attachment 28). The policy goes on to say that private views are not protected unless established in the neighborhood plan chapters in the Comprehensive Plan. The South Juanita neighborhood plan in the Comprehensive Plan does not identify a private view corridor over the subject property.
    - iv. The two structures being proposed with a zero setback are the new detached garage for the Mansion and Unit 9 on Lot 2. Both structures are oriented at a 45 degree angle on the property line to minimize bulk and mass impacts to adjoining properties.
    - v. The existing 18' wide driveway south of the Shumway Mansion is situated 5' from the Mansion. The driveway is being expanded to 20' to meet the Fire Department's standard for a fire access road.

vi. Development to North - Baycrest PUD

The Baycrest PUD units located near the proposed development are oriented to the west/southwest (see Attachment 9). The Baycrest residences are attached dwelling units that sit approximately 6' to 11' higher than the proposed first floor of the new Shumway residences (see Attachment 29 and 30). Attachment 31 is a photograph looking towards Baycrest PUD in the area of the proposed development in the northwest corner of the subject property.

To reduce bulk and mass impacts to the Baycrest PUD to the north, the four residential units along the north property line have been detached and separated by 10'. The units themselves are 34' wide and are approximately 15' from the common property line, thereby making the closest residential structure to the north approximately 50' away. In addition, trees and shrubs will be planted along the north property line to further buffer and soften any visual impacts created by the new residences.

vii. Development to East - Westview Court PUD

Owners in the Westview Court PUD, located east of the subject property, have identified the following impacts based on the applicant's PUD proposal (see Attachments 13-20):

- a) Views from 5 of 12 units located on Westview Court will be blocked as a result of the new development. The neighbors suggest reducing pitch of roofs and/or lowering the building elevation to protect views to Lake Washington.
- b) The addition of 10 units very close to their property line will create noise pollution. To mitigate, Westview Court has proposed that the applicant install a fence, build a berm at the border of the two properties, add drought resistant vegetation, and install a drainage and irrigation system. Improvements such as a stairway and terrace area were suggested by Westview Court to be constructed on their property as well.

Only 3 residential units are proposed in close proximity to the Westview Court property line: attached Units 6 and 7, and detached Unit 8. These units are located no closer than 10' to the Westview Court property line. The RS zone allows structures to be 10' from this common property line.

The Westview Court PUD consists of 6 detached buildings with two attached units each (see Attachment 9) and is situated at a higher elevation than the Mansion property (see Attachment 32).

The four most western units are oriented to the west/southwest. A fifth unit, located in the center of the Westview Court property, is oriented to the north but has windows and a deck that is oriented to look over the Shumway property to the west (see Attachment 33).

The surveyed first floor of the closest Westview Court residential unit to the east, approximately 60' away, is at elevation 126 (see Attachment 29). At the common property line, the elevation is approximately 108, a drop of approximately 18'.

To reduce bulk and mass impacts to the Westview Court PUD, the applicant has proposed to lower the building height limit of 25' down to 23' above the average building elevation for Units 6 and 7 and construct an 8' tall solid fence along the east property line where adjoining the new residences. The 8' fence will sit 5' from a retaining wall that ranges from 0' to 5.5' in height. Ferns and small shrubs will be planted between the fence and rockery. The combined height of the rockery and fence within 5' of each other will not create any substantial detrimental effect on abutting properties or the City as a whole

viii. Development to South - Single Family Residences

Three single family residences are located to the south of the subject property. The houses are approximately 94', 54', and 53' from the Mansion property and are situated at a higher elevation than the Mansion (see Attachment 29). The Mansion is at approximately elevation 80. The residences to the south, beginning with the western home, sit at approximately elevations 90, 96, and 104 (see Attachment 34 and 35).

Two residences are proposed along the south property. Unit 7 is proposed 10' from the south property line and is 27' wide. Unit 8 is 5' from the south property line but is oriented at a 45 degree angle. By orienting the structure in this manner, the apparent bulk and mass of the new residence to the properties to the south is being reduced. Screening bushes are also proposed along the south property line to further buffer and soften the appearance of the new development.

b. Conclusions:

- i. The resulting 3' setback from the proposed access easement south of the Mansion does not create any adverse impacts or undesirable effects.
- ii. The applicant's proposal is similar to a single family development given the building heights and building separation proposed.
- iii. The techniques used by the applicant to reduce impacts of bulk and mass to adjoining properties, such as landscaping, orientation of structures, fencing, and reducing building heights mitigates any adverse impacts or undesirable effects to adjoining properties that the City could not have been required through the standard development process.
- iv. The final plans of the project should reflect all of the design and mitigation techniques identified and proposed by the applicant in this subsection.

4. PUD Criterion 3: The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:

- The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.
- The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve, enhance, or rehabilitate through development of the subject property without a PUD.
- The design of the PUD incorporates active or passive solar energy systems.
- The design of the proposed PUD is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:
  - *Increased provision of open space or recreational facilities.*
  - *Superior circulation patterns or location or screening of parking facilities.*
  - *Superior landscaping, buffering, or screening in or around the proposed PUD.*
  - *Superior architectural design, placement, relationship or orientation of structure.*
  - *Minimum use of impervious surfacing materials.*

a. Facts: The applicant has identified in Attachment 27 those elements of the proposal that he considers to be public benefits justifying the PUD request. Those features of the proposal which staff considers legitimate public benefits in that they could not be required through typical code requirements include the following:

i. The proposed PUD will preserve natural features of the subject property

The subject property has the potential to be developed with 12 residential units based on the allowable Comprehensive Plan density (up to 7 units/acre) and the maximum development potential formula when streams or wetlands are involved.

The applicant is proposing to develop the subject property with 10 residential units, which includes the Shumway Mansion. Instead of adding additional residential units, the applicant is proposing to dedicate as open space approximately 4,788 square feet of land adjacent to the required wetland and stream buffer in the northeast corner of the subject property (see Attachment 2).

In addition, the applicant is proposing to enhance approximately 9,000 square feet of the stream and wetland buffer where no buffer reduction is proposed by removing non-native species and replanting trees and shrubs at a density recommended by the City's wetland consultant.

ii. Superior architectural design, placement, relationship, and orientation of structure

a) Architectural Design

Based on the analysis of the Shumway Mansion architecture submitted by the applicant (see Attachment 27), the Mansion was designed primarily in the Craftsman style with some elements, such as the octagonal element and columns near the front entry, representing Arts and Crafts detailing.

By designing the new buildings to be compatible with the Shumway Mansion, the applicant is proposing the following architectural design elements to help achieve superior architectural design (see Attachment 7):

- Craftsman style windows
- Wood shingles
- Board and batten siding
- White 2x8 belly bands
- Front entry columns
- Dormer windows
- Brick veneer to accent entry features and tie in with the Mansion's brick chimneys
- Trellises on various building facades
- Colors that complement the Mansion

b) Building Placement

The new residential buildings are placed a distance from the Mansion so as not to visually interfere with the Mansion. The closest residence to the north is approximately 113' away and the closest residence to the east is approximately 55' feet away.

Although the Comprehensive Plan supports attached units (allowed with Baycrest PUD and Westview Court PUD), Units 2 through 5 along the north property line and Units 8 and 9 along the south property line are separated by at least 10' to reduce bulk and mass impacts to adjoining properties. Only Units 6 and 7 are proposed to be attached to avoid encroaching into the wetland and stream buffer.

b. Conclusion:

- i. The proposed PUD will preserve natural features of the subject property by dedicating additional open space contiguous to the required stream and wetland buffer (approximately 4,788 square feet) and enhancing the adjoining buffer where buffer reduction is not proposed. To ensure that the open space remains protected from development, the applicant should expand the greenbelt protection easement to include this area as part of the recording of the short plat.
- ii. The architectural design proposed by the applicant is superior since it complements and is consistent with architecture of the Mansion.
- iii. The final design of the project should reflect all of the items identified and proposed by the applicant in this subsection.

## I. STREAM AND WETLAND

### 1. Stream and Wetland Buffer Modification

#### a. Facts:

- i. The subject property contains a Class B stream and a Type 3 wetland (see Attachment 2) and is located in a primary basin. The KZC requires a 60' buffer for a Class B stream and a 50' buffer for Type 3 wetland in a primary basin. Due to the location of the stream and wetland, their buffers overlap.

The applicant is proposing to reduce the required wetland and stream buffers by 1/3 of the required buffer size in areas where development is proposed to encroach into the required buffer. Areas not affected by proposed development will retain the required buffer dimension (see Attachment 2 and 3).

Reducing a Class B stream buffer by 1/3 results in a 40' buffer while reducing a Type 3 wetland by 1/3 results in a 33.33' buffer. Even with the overlap of buffers, each respective buffer is not being reduced by more than 1/3.

- ii. KZC 90.60 and KZC 90.100 allows a maximum reduction of 1/3 of the required sensitive area buffer size through enhancement of the remaining buffer. KZC 90.60.2.b (Wetland Buffer Modification) and KZC 90.100.2 (Stream Buffer Modification) require that an improvement or land surface modification shall be approved in a wetland buffer only if:
  - a) It is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc., 1998);
  - b) It will not adversely affect water quality;
  - c) It will not adversely affect fish, wildlife, or their habitat;
  - d) It will not have an adverse effect on drainage and/or storm water detention capabilities;
  - e) It will not lead to unstable earth conditions or create an erosion hazard;
  - f) It will not be materially detrimental to any other property or the City as a whole;
  - g) Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat;
  - h) All exposed areas are stabilized with vegetation normally associated with native wetland/stream buffers, as appropriate; and
  - i) There is no practicable or feasible alternative development proposal that results in less impact to the buffer.
- iii. The applicant submitted a buffer enhancement plan prepared by Wetland Resources, Inc. that has been reviewed by the City's consultant,

The Watershed Company. The applicant has since revised their buffer enhancement plan to reflect The Watershed Company's recommendations. The revised report, dated December 14, 2005 can be found in Attachment 21, SEPA Attachment 9.

- iv. The applicant's buffer enhancement plan inadvertently did not extend over the required stream buffer to the south/southwest as measured from the culvert in the detention pond. The applicant intended to include this area in the buffer plan.
  - v. The applicant's buffer enhancement plan states that it will not adversely affect water quality, not adversely affect fish, wildlife, or their habitat, not have an adverse effect on drainage and/or storm water detention capabilities, not lead to unstable earth conditions or create an erosion hazard, not be materially detrimental to any other property or the City as a whole, will not contain fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat, and that all exposed areas are stabilized with vegetation normally associated with native wetland/stream buffers, as appropriate.
- b. Conclusion:
- i. The applicant's revised buffer enhancement report, which contains the recommendation of the Watershed Company, dated December 14, 2005, should be followed.
  - ii. The buffer enhancement plan should be updated to extend over the stream buffer south/southwest of detention pond.
  - iii. Based on the analysis of the above listed criteria in Section II.K.2 through II.K.10 below, the application meets the established criteria for reducing a stream and wetland buffer through enhancement.
2. Criterion 1: The buffer enhancement plan is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc., 1998).
- a. Fact:
- i. The 1998 Adolfson Report indicates that in many cases, narrower well-vegetated stream and wetland buffers may function at the same level as wider poorly-vegetated stream buffers. As a result, Adolfson Associates, Inc. recommends that modifications to standards stream buffers should include either enhancement to improve the function and value of the remaining buffer or include additional buffer in another location on the property.
  - ii. *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) states that streams and wetlands in the Forbes Creek Basin serve primarily ecological functions and features as flood/stormwater conveyance and water quality maintenance for receiving waters. The report also states that opportunities to vegetate

stream and wetland buffers should be taken advantage of as future opportunities arise. In addition, stream buffers should be enhanced to provide cover for wildlife to travel between wetlands and associated habitats. Smaller wetlands could be enhanced by removing non-native species and establishing a buffer with native vegetation.

- iii. The applicant's buffer enhancement plan breaks down the buffer area into two sections (see Attachment 21, SEPA Attachment 9). Buffer enhancement area A consists of a severely degraded buffer. Improvements such as a shed, parking lot (asphalt), driveways (asphalt), concrete pads/patio associated with the Mansion, and the Shumway Mansion itself, are located within the buffer in this area. This area also includes non-native plant species such as Himalayan blackberry. Buffer enhancement area B does not contain any improvements but is overgrown with Himalayan blackberry.
  - iv. To enhance affected stream and wetland buffer areas, the applicant is proposing to remove the existing invasive plant species, remove the impervious surfaces such as the existing asphalt driveway and parking lot area located within the stream and wetland buffer.
  - v. KZC Section 90.50 and 90.95 requires that upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site a permanent three- to four-foot-tall split rail fence. Installation of the permanent fence must be done by hand where necessary to prevent machinery from entering the stream or its buffer.
  - vi. KZC Section 90.150 requires that the applicant dedicate development rights, air space, or grant a greenbelt protection or open space easement to the City to protect sensitive areas and their buffers. Land survey information shall be provided by the applicant for this purpose in a format approved by the Planning Official.
- b. Conclusion:
- i. The applicant's proposal to reduce and enhance the stream buffer is consistent with the *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc. 1998).
  - ii. The applicant should install between the upland boundary of all stream buffers and the developed portion of the site, a permanent three- to four-foot-tall split rail fence. Installation of the permanent fence must be done by hand where necessary to prevent machinery from entering the stream or its buffer.
  - iii. Prior to recording of the short plat, the applicant should, on the mylar for the short plat, grant a greenbelt protection easement to protect the stream and wetland and their buffers on the subject property. Land survey information should be provided by the applicant for this purpose on the short plat mylar.

3. Criterion 2: The buffer modification will not adversely affect water quality.
  - a. Fact:
    - i. When the Shumway Mansion project was approved in the early 1980's, the City did not regulate stream buffers as it does today. In addition, the wetland on the subject property was not discovered until the review of this permit application. Therefore, some of the existing improvements associated with the Shumway Mansion are located within the stream and wetland buffer based on today's standards.
    - ii. The affected area will be made pervious and replaced with native plant species at a density of 10'-15' centers for trees and 5'-6' centers for shrubs.
    - iii. During construction, the applicant will be required to protect water quality by installing erosion and sedimentation control devices consistent with the most current edition of the King County Storm Water Manual.
  - b. Conclusion: The proposal will not adversely affect water quality.
4. Criterion 3. The buffer modification will not adversely affect fish, wildlife, or their habitat.
  - a. Fact:
    - i. The stream on the subject property does not contain fish.
    - ii. Removal of Himalayan Blackberry and replacement with native vegetation will increase diversity of other native plants and allow for greater access within the buffer for wildlife.
    - iii. Habitat area will increase with the removal of existing improvements associated with the Shumway Mansion that are located within the stream and wetland buffer
  - b. Conclusion: Fish, wildlife, or their habitat will not be adversely affected.
5. Criterion 4. The buffer modification will not have an adverse effect on drainage and/or storm water detention capabilities.
  - a. Fact:
    - i. Existing impervious areas within the required stream and wetland buffer such as parking areas, driveways will be removed and replaced with pervious area and vegetated with native plant species.
    - ii. The narrower buffer, which will be enhanced with native plantings, will serve to moderate runoff volume and flow rates.
  - b. Conclusion: The proposal will not have an adverse effect on drainage and/or storm detention functions.
6. Criterion 5. The buffer modification will not lead to unstable earth conditions or create an erosion hazard.

- a. Fact:
    - i. Removal of invasive vegetation will result in temporary slope instability. Planting of erosion-controlling grass after the invasive vegetation has been cleared will serve to stabilize the bank prior to installation and upon growth of the native vegetation. In the long term, greater stability will be achieved with the native plants and increase of trees being planted.
    - ii. The proposed residential development will occur outside the steep slope areas.
  - b. Conclusion: The proposal is consistent with this criterion.
7. Criterion 6. The buffer modification will not be materially detrimental to any other property or the City as a whole.
- a. Fact:
    - i. The area in which the stream and wetland buffer is being modified does not abut any adjoining properties.
    - ii. The applicant is proposing to enhance the functionality of the stream and buffer through this stream buffer modification process.
  - b. Conclusion: The proposal will not be materially detrimental to any other property or to the City as a whole.
8. Criterion 7. Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat.
- a. Fact: Kirkland Zoning Code section 115.75.2 states that 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.
  - b. Conclusion: As part of the grading permit, the applicant should demonstrate compliance with KZC Section 115.75.2 to ensure that fill material will 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.
9. Criterion 8. All exposed areas are stabilized with vegetation normally associated with native wetland/stream buffers, as appropriate.
- a. Fact: The following is a list of native vegetation to be planted: Western Red Cedar, Douglas Fir, Osoberry, Vine Maple, Red-Osier Dogwood, Snowberry, and Big Leaf Maple.
  - b. Conclusion: The proposal is consistent with this criterion.
10. Criterion 9. There is no practicable or feasible alternative development proposal that results in less impact to the buffer

- a. Fact:
  - i. The applicant has considered all practicable or feasible alternatives of a development proposal that result in less impact to the buffer that does not eliminate a residential unit or create smaller residential unit sizes. The clustered housing site plan alternative chosen by the applicant helps minimize areas where the stream and wetland buffer areas are reduced.
  - ii. In areas where the stream and wetland buffers are reduced, enhancement of the buffer is required. The function of the buffer is thereby increased and native plant species are planted.
- b. Conclusion:
  - i. Given the location of existing improvements, the applicant's site design, and the increased functionality of the enhanced reduced buffer, there is no practicable or feasible alternative development proposal that results in less impact to the buffer.
  - ii. There is no adverse impact to the stream and its buffer with this proposal.
  - iii. The impact to the stream buffer is considered positive since the buffer is being increased from its existing size and being made more functional through enhancement.

11. Maximum Development Potential

- a. Facts:
  - i. KZC 90.135.1 Maximum Development Potential requires that the maximum potential number of dwelling units for a site which contains a wetland, stream, minor lake, or their buffers shall be the buildable area in square feet divided by the minimum lot area per unit as specified by Chapters 15 through 60 KZC, plus the area of the required sensitive area buffer in square feet divided by the minimum lot area per unit as specified by Chapters 15 through 60 KZC, multiplied by the development factor derived from subsection (2) of this section:

$$\text{MAXIMUM DWELLING UNIT POTENTIAL} = (\text{BUILDABLE AREA}/\text{THE PRESCRIBED MINIMUM LOT AREA PER UNIT}) + [(\text{BUFFER AREA}/\text{THE PRESCRIBED MINIMUM LOT AREA PER UNIT}) \times (\text{DEVELOPMENT FACTOR})]$$

For purposes of this subsection only, "buildable area" means the total area of the subject property minus sensitive areas and their buffers.

Therefore, the maximum dwelling unit potential for the Shumway Mansion project is as follows:

$$\begin{aligned} &= 62,308/8,500 + [(31,387/8,500) * (0.8)] \\ &= 7.33 + [3.69 * .8] \\ &= 7.33 + [2.95] \end{aligned}$$

=10.28  
 =10 units

- ii. The applicant is proposing a total of 10 dwelling units, including the Shumway Mansion.
- b. Conclusion: The amount of dwelling units or density of the proposed development is not a constraining factor in the review of this permit.

**J. PROCESS IIB APPROVAL CRITERIA**

1. Standard Review Process

a. Facts:

- i. The following is a summary of the review processes as required by the KZC for each of the applicant's requests.

<b>Applicant Request</b>	<b>Required Review Process</b>
Historic Overlay Alteration	Process IIB
Rezone	Process IIB
Class B Stream Buffer Modification	Process I
Type III Wetland Buffer Modification	Planning Official Decision
PUD	Process IIB
Short Plat	Process I

- ii. KZC 145.10 states that if an applicant's proposal requires approval through a Process I and is also part of a proposal that requires additional approval through a Process IIB, the entire proposal will be decided upon using Process IIB.

- b. Conclusion: The applicant's entire proposal is being reviewed through a Process IIB.

2. Process IIB Approval Criteria

a. Fact: Zoning Code section 152.70.3 states that a Process IIB application may be approved if:

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

- b. Conclusion: The HL overlay alteration and PUD proposals comply with the criteria in section 152.70.3. They are consistent with the Comprehensive Plan

(see Section II.K below). In addition, the proposals are consistent with the public health, safety, and welfare because reduction of the HL overlay and PUD have no bearing to public health and safety.

In terms of public welfare, the HL overlay reduction and PUD proposals will allow for future development of the site consistent with the Comprehensive Plan (low-density residential) while preserving the historic nature of the Mansion as a single-family residence.

## **K. COMPREHENSIVE PLAN**

### 1. Fact:

- a. The subject property is located within the South Juanita neighborhood. Figure J-2b on page XV.I-6 designates the subject property for low density single-family uses (see Attachment 36). Clustered housing at up to 7 units/acre is allowed. The base density of the subject property is 5 units/acre. An increase at up to 7 units/acre is allowed if certain conditions are met. These conditions can be found on page XV.I-4 (see Attachment 37).
- b. The applicant is proposing clustered housing at the base density of 5 units per acre. The conditions in the Comprehensive Plan for an incremental increase in density (above the density of 5 units per acre not to exceed 7 units per acre) do not apply to the applicant's proposal.
- c. The Shumway Mansion is designated as a minor landmark in the South Juanita Neighborhood Plan, figure J-6, page XV.I-17 (see Attachment 38).
- d. Community Character Element: Historic Resources and Community Landmarks, table CC-1, list B of the Comprehensive Plan, list the Shumway Mansion as a community landmark (see Attachment 26).
- e. The following is a list of goals and policies found in Chapter IV of the Comprehensive Plan relating to community character:
  - *Goal CC-2: Preserve and enhance Kirkland's historic identity.*
  - *Policy CC-2.1: Preserve historic resources and community landmarks of recognized significance.*
  - *Policy CC-2.3: Provide encouragement, assistance and incentives to private owners for preservation, restoration, redevelopment, reuse, and recognition of significant historic buildings and sites.*
  - *Policy CC-2.5: Encourage the use of visual and oral records to identify and interpret the history of the City of Kirkland.*
  - *Goal CC-4: Maintain and enhance Kirkland's built and natural environment by strengthening the visual identity of Kirkland and its neighborhoods.*
  - *Policy CC-4.1: Enhance City identity by use of urban design principles that recognize the unique characteristics of different types of development, including single-family, multifamily, and various types and sizes of commercial development.*

- *Policy CC-4.7: Enhance City and neighborhood identity through features that provide a quality image that reflects the City's unique characteristics and vision.*

2. Conclusion:

- a. The applicant's proposed density of 5 units/acre and clustered housing approach is consistent with the Comprehensive Plan.
- b. Retaining the Shumway Mansion as a single family residence and preserving the reduced HL overlay ensures the Mansion as a historic landmark within the community.

**L. DEVELOPMENT REVIEW COMMITTEE**

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards Sheet, Attachment 4.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 4. In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of plat approval

**III. MINOR MODIFICATIONS**

Under KZC Section 152.125, the Department of Planning and Community Development shall be administratively authorized to approve modifications to the approved site plan, unless:

- A. There is a change in use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use; or
- B. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.

**IV. 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.

A. 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., \_\_\_\_\_, 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 Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

B. 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.

**V. LAPSE OF APPROVAL**

Under Section 152.115 of the Zoning Code, 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 four 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 four 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 six years after the final approval on the matter, or the decision becomes void

**VI. APPENDICES**

Attachments 1 through 38 are attached.

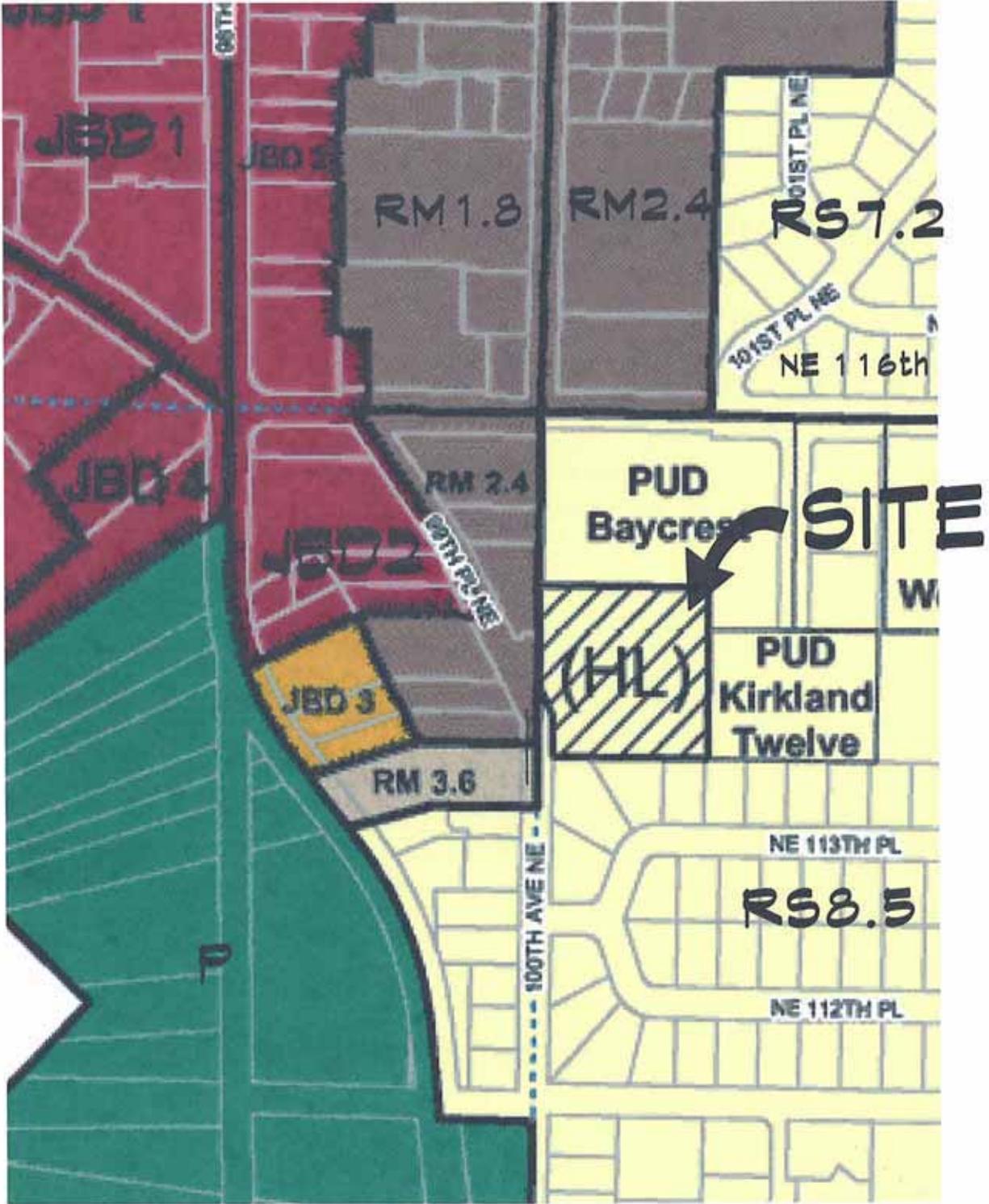
1. Vicinity Map
2. Site Plan
3. Short Plat Map
4. Development Standards
5. Tree Retention Plan
6. Landscape Plan
7. Building Elevations
8. Property Survey
9. Aerial photographs
10. Resolution R-3107
11. Ordinance O-3308
12. Memo dated December 14, 1992 from Linda Phillips to Eric Shields
13. Email from Dean Scotton, October 31, 2005, 10024 NE 115<sup>th</sup> Lane NE, Kirkland
14. Letter from Andrea Wood 11315 101<sup>st</sup> Place NE, Kirkland, dated October 28, 2005
15. Letter from Peter Lacy 11325 101<sup>st</sup> Place NE, Kirkland, dated October 24, 2005
16. Letter from Richard Webber, 11318 101<sup>st</sup> Place NE, Kirkland, dated October 23, 2005
17. Letter from Dorothy Wolfe, 11326 101<sup>st</sup> Place NE, Kirkland, dated October 23, 2005
18. Letter from Janette Petragallo, 11317 101<sup>st</sup> Place NE, Kirkland, dated October 25, 2005
19. Letter from Vittorio Mangione, 11309 101<sup>st</sup> Place NE, Kirkland, dated October 24, 2005

20. Letter from Harvey Sherman, 11750 73<sup>rd</sup> Place NE, Kirkland, WA 98034, dated October 26, 2005
21. SEPA Information
22. Response to Historic Overlay Alteration Criteria from Richard Harris dated October 11, 2004
23. Letter from Kirkland Heritage Society dated, October 4, 2005
24. Letter from King County Office of Cultural Resources, dated September 16, 2004
25. Photographs of Mansion from NE 99<sup>th</sup> Place
26. Comprehensive Plan, Table CC-1, List B
27. Applicant response to PUD criteria dated January 9, 2006
28. Policy CC-4.5 on page IV-10 of the Comprehensive Plan
29. PUD Site Plan
30. Contour Map - Shumway and Baycrest PUD
31. Photograph looking north towards Baycrest PUD
32. Contour Map - Shumway and Westview Court PUD
33. Photographs looking east towards Westview Court PUD
34. Contour Map – Shumway and Single Family residences to South
35. Photographs looking south towards single family residences
36. Comprehensive Plan Map Figure J-2b
37. Comprehensive Plan page XV.I-4
38. Comprehensive Plan, South Juanita Neighborhood Plan, figure J-6

## **VII. PARTIES OF RECORD**

Robert Ketterlin, Shumway10, LLC, 11608 100<sup>th</sup> Avenue NE, #1B, Kirkland, WA 98034  
Doug Yost, 11211 NE 102<sup>nd</sup> Street, Kirkland, WA 98033  
Richard Harris, 11410 99<sup>th</sup> Place NE, Kirkland, WA 98033  
Dean Scotton, 10024 NE 115<sup>th</sup> Lane NE, Kirkland, WA 98033  
Andrea Wood 11315 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Peter Lacy 11325 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Richard Webber, 11318 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Dorothy Wolfe, 11326 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Janette Petragallo, 11317 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Vittorio Mangione, 11309 101<sup>st</sup> Place NE, Kirkland, WA 98033  
Harvey Sherman, 11750 73<sup>rd</sup> Place NE, Kirkland, WA 98034  
Bob Burke, President of Kirkland Heritage Society, 203 Market Street, Kirkland, WA 98033  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services

**A written recommendation will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.**



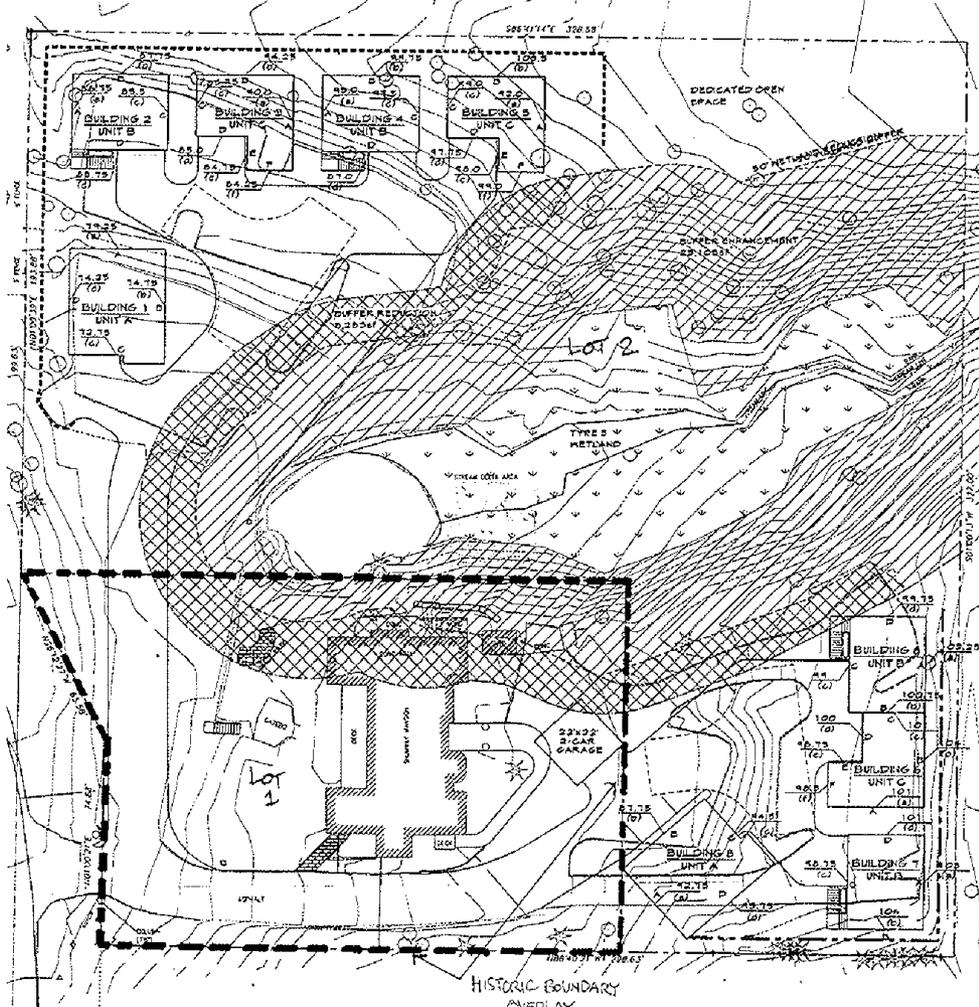
H:\2005\200518A0x.dwg, 1/6/2006 1:48:04 PM, doyleg



# VICINITY MAP

SCALE: N.T.S.

ATTACHMENT	1
2004.00025	



**SITE PLAN  
BUILDING HEIGHT CALCULATIONS**  
Scale: 1"=20'-0"

**HEIGHT CALCULATION Building 1**

Unit	Full Length	Max. Full Elev.	Full Length Elev.
A	41.0'-0"	14.75'	55.75'
B	41.0'-0"	14.75'	55.75'
C	41.0'-0"	14.75'	55.75'
D	41.0'-0"	14.75'	55.75'
E	41.0'-0"	14.75'	55.75'
Avg. Max.	164.0'-0"	73.25'	164.0'-0"

Conclusion: 75.18

**HEIGHT CALCULATION Building 2**

Unit	Full Length	Max. Full Elev.	Full Length Elev.
A	37.0'-0"	14.75'	51.75'
B	37.0'-0"	14.75'	51.75'
C	37.0'-0"	14.75'	51.75'
D	37.0'-0"	14.75'	51.75'
E	37.0'-0"	14.75'	51.75'
Avg. Max.	148.0'-0"	73.25'	148.0'-0"

Conclusion: 85.42

**HEIGHT CALCULATION Building 3**

Unit	Full Length	Max. Full Elev.	Full Length Elev.
A	37.0'-0"	14.75'	51.75'
B	37.0'-0"	14.75'	51.75'
C	37.0'-0"	14.75'	51.75'
D	37.0'-0"	14.75'	51.75'
E	37.0'-0"	14.75'	51.75'
Avg. Max.	148.0'-0"	73.25'	148.0'-0"

Conclusion: 85.97

**HEIGHT CALCULATION Building 4**

Unit	Full Length	Max. Full Elev.	Full Length Elev.
A	37.0'-0"	14.75'	51.75'
B	37.0'-0"	14.75'	51.75'
C	37.0'-0"	14.75'	51.75'
D	37.0'-0"	14.75'	51.75'
E	37.0'-0"	14.75'	51.75'
Avg. Max.	148.0'-0"	73.25'	148.0'-0"

Conclusion: 84.20

**HEIGHT CALCULATION Building 5**

Unit	Full Length	Max. Full Elev.	Full Length Elev.
A	37.0'-0"	14.75'	51.75'
B	37.0'-0"	14.75'	51.75'
C	37.0'-0"	14.75'	51.75'
D	37.0'-0"	14.75'	51.75'
E	37.0'-0"	14.75'	51.75'
Avg. Max.	148.0'-0"	73.25'	148.0'-0"

Conclusion: 85.12

**HEIGHT CALCULATION Building 6**

Unit	Full Length	Max. Full Elev.	Full Length Elev.
A	37.0'-0"	14.75'	51.75'
B	37.0'-0"	14.75'	51.75'
C	37.0'-0"	14.75'	51.75'
D	37.0'-0"	14.75'	51.75'
E	37.0'-0"	14.75'	51.75'
Avg. Max.	148.0'-0"	73.25'	148.0'-0"

Conclusion: 100.46

**HEIGHT CALCULATION Building 7**

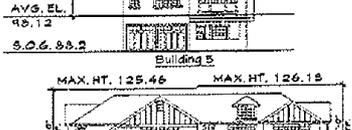
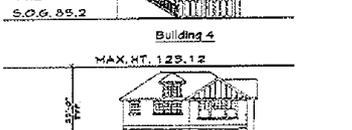
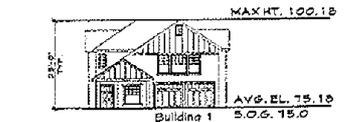
Unit	Full Length	Max. Full Elev.	Full Length Elev.
A	37.0'-0"	14.75'	51.75'
B	37.0'-0"	14.75'	51.75'
C	37.0'-0"	14.75'	51.75'
D	37.0'-0"	14.75'	51.75'
E	37.0'-0"	14.75'	51.75'
Avg. Max.	148.0'-0"	73.25'	148.0'-0"

Conclusion: 101.89

**HEIGHT CALCULATION Building 8**

Unit	Full Length	Max. Full Elev.	Full Length Elev.
A	37.0'-0"	14.75'	51.75'
B	37.0'-0"	14.75'	51.75'
C	37.0'-0"	14.75'	51.75'
D	37.0'-0"	14.75'	51.75'
E	37.0'-0"	14.75'	51.75'
Avg. Max.	148.0'-0"	73.25'	148.0'-0"

Conclusion: 92.64



Scale	1"=20'-0"
Date	08/11/2024
Drawn By	TS/Architects, PLLC
Checked By	TS/Architects, PLLC

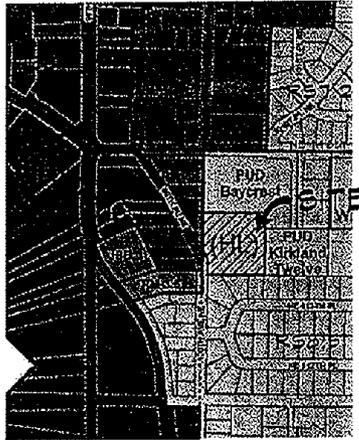
**Shumway 10**  
SHUMWAY 10 L.L.C.  
Kirkland, WA  
11410 99th PLACE N.E.

TS/Architects, PLLC  
50108 Aurora St, Suite 200  
Bellevue, WA 98004  
Tel: 206.465.1000  
www.tsarchitects.com

UNIMATED UNIT DEVELOPMENT SUBMITTAL - HEIGHTS  
SPE PLAN

947140  
**A1.1**  
200618

# SHUMWAY 10



**SITE MAP**  
SCALE: N.T.S.



**VICINITY MAP**  
SCALE: N.T.S.

## PROJECT INFORMATION:

**JOB ADDRESS**  
1110 KIRKLAND BL  
KIRKLAND, PA 15056

**OWNER**  
SHUMWAY 10 LLC  
11211 N.E. 103RD STREET  
KIRKLAND, PA 15056  
**CONTACT:** ROBERT KETTOLIN  
**PHONE:** (724) 819-8448  
**FAX:** (724) 820-4840

**TAX ACCOUNT NUMBERS**

KANE COUNTY ASSESSOR'S TAX NO. 0228091030

## LEGAL DESCRIPTION

The southeast quarter of the northwest quarter of the northeast quarter of the northeast quarter of section 8-2, township 28 north, range 8 east, 15th meridian, in 1026 County Municipality, except that portion thereof for 100th Avenue North St. now established.

## CONSULTANTS:

**ARCHITECT:**  
TAM FUNKHAUS, INC.  
50 1100 AVENUE CC, SUITE 1101  
DUNELPA, PA 15004  
**CONTACT:** KEVIN SHAFER  
**PHONE:** (724) 401-6826  
**FAX:** (724) 401-0836  
**E-MAIL:** [kshaf@tamfunkhaus.com](mailto:kshaf@tamfunkhaus.com)

**CIVIL ENGINEER:**  
Forthalgeon Associates Consulting Engineers, PA.  
1801 2nd Avenue, Suite 1000  
Berthle, PA 48101  
**CONTACT:** Ken Deban

**PHONE:** (202) 441-1800  
**FAX:** (202) 448-1187  
**E-MAIL:** [kenn@fpa.com](mailto:kenn@fpa.com)

**LANDSCAPE ARCHITECTS:**  
Browning Associates  
600 North 68th Street, Suite 102  
Berthle, PA 48108  
**CONTACT:** Kristen Landspin

**PHONE:** (202) 279-4450  
**FAX:** (202) 100-8478  
**E-MAIL:** [kristen@browning.com](mailto:kristen@browning.com)

**SURVEYOR:**  
Forthalgeon Associates Consulting Engineers, PA.  
1801 2nd Avenue, Suite 1000  
Berthle, PA 48101  
**CONTACT:** Joe Duraban

**PHONE:** (202) 441-1800  
**FAX:** (202) 448-1187  
**E-MAIL:** [jed@fpa.com](mailto:jed@fpa.com)

## INDEX OF DRAWINGS

### ARCHITECTURAL "A"

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A.01 TELECOVER SHEET/PROJECT INFORMATION  
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A.12 SITE GRADING SECTIONS OF ADJACENT PROPERTIES  
A.13 SHORT-PLAT PLAN

**SECTION 5 BUILDING ELEVATIONS**  
A.5.1 ELEVATIONS - UNITS 2 & 3  
A.5.2 ELEVATIONS - UNITS 2 & 3  
A.5.3 ELEVATIONS - UNITS 1 & 4  
A.5.4 ELEVATIONS - UNITS 2 & 3

### CIVIL "C"

1 BOUNDARY TOPOGRAPHIC SURVEY  
2 EXISTING DRAINAGE AND FLOWING PLAN  
3 UTILITY PLAN  
4 EROSION AND DETAILS

### LANDSCAPE "L"

L3 LANDSCAPE PLAN

## AREA SUMMARIES

Buildings 1 & 2		
UNIT	FLOOR LEVEL	AREA
2 CAR GARAGE / LOWER FLOOR		1294
UPPER FLOOR		1000
<b>TOTALS</b>		<b>2294</b>

## AREA SUMMARIES

Buildings 2 & 3		
UNIT	FLOOR	AREA
2 CAR GARAGE / LOWER FLOOR		894
MAIN FLOOR		224
UPPER FLOOR		618
<b>TOTALS</b>		<b>2736</b>

## AREA SUMMARIES

Unit C		
UNIT	FLOOR	AREA
2 CAR GARAGE / LOWER FLOOR		828
MAIN FLOOR		462
UPPER FLOOR		941
<b>TOTALS</b>		<b>2231</b>

## AREA SUMMARIES

Building 5		
UNIT	FLOOR	AREA
2 CAR GARAGE / LOWER FLOOR		894
MAIN FLOOR		224
UPPER FLOOR		618
<b>TOTALS</b>		<b>2736</b>

Unit D		
UNIT	FLOOR	AREA
1 CAR GARAGE / LOWER FLOOR		894
MAIN FLOOR		811
UPPER FLOOR		811
<b>TOTALS</b>		<b>1516</b>

## AREA SUMMARIES

Building B		
UNIT	FLOOR	AREA
2 CAR GARAGE / LOWER FLOOR		894
MAIN FLOOR		224
UPPER FLOOR		618
<b>TOTALS</b>		<b>2736</b>



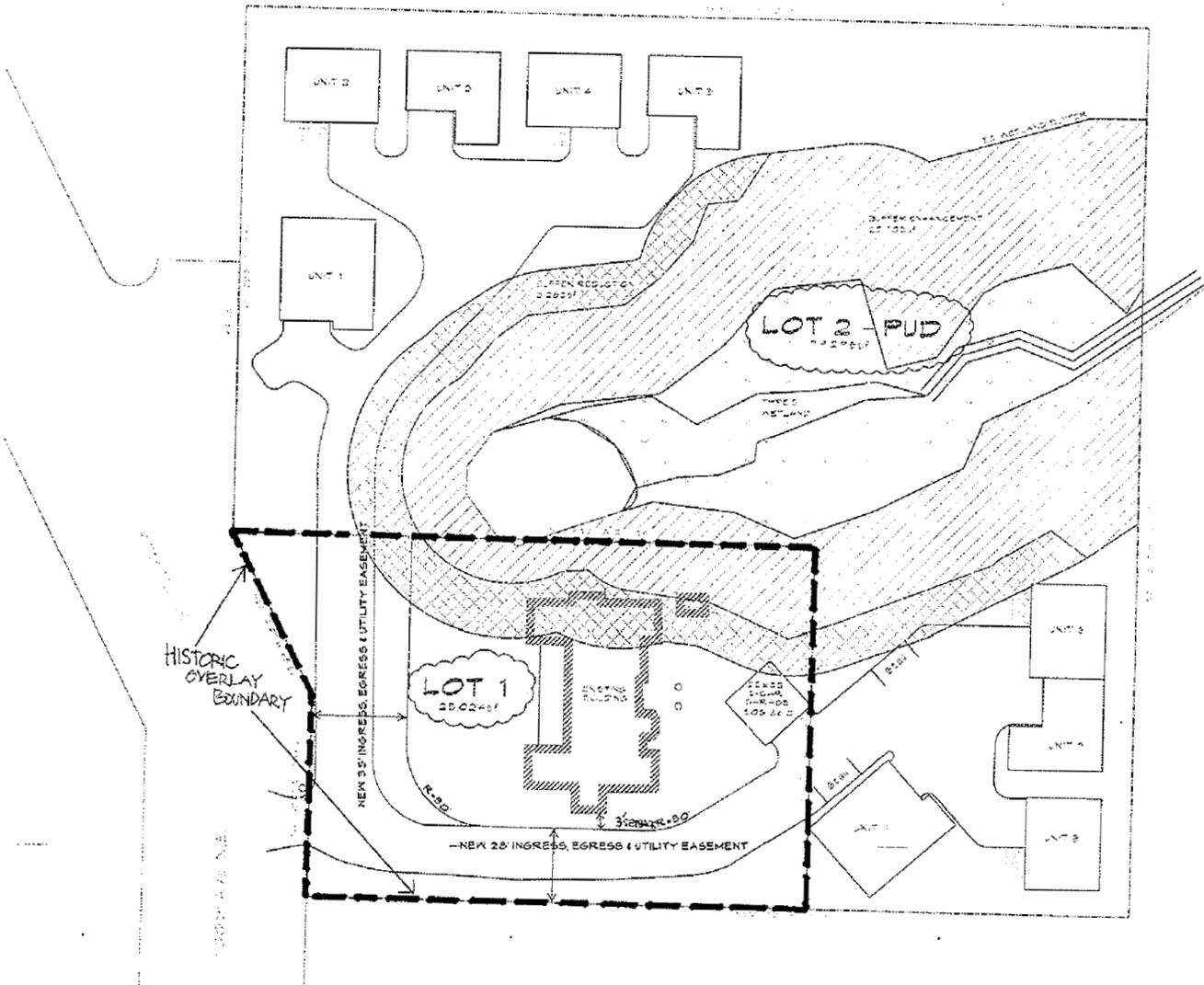
DATE	BY	DESCRIPTION

**Shumway 10**  
SHUMWAY 10 L.L.C.  
11410 908th PLACE N.E.  
Kirkland, WA

**TSA Architects, PLLC**  
50106 American Lane, Suite 201  
Tomball, TX 77375  
T: 281-407-2008 F: 281-407-0000  
www.tsaarchitects.com

PLANNED UNIT DEVELOPMENT SUBMITTAL  
DATE: 08/11/2011  
DRAWING NO. 200816

COVER SHEET  
SHEET NO.  
**A0.1**



**A SHORT FLAT AND  
PLANNED UNIT DEVELOPMENT**



DATE	BY	DESCRIPTION
1/24/2005	RES	FILED, REVISION

**Shumway 10**  
SHUMWAY 10 L.L.C.  
11410 95th PLACE N.E.  
Kirkland, WA

**TSA Architecture, PLLC**  
9110th Avenue S.E. Suite 201  
Bellevue, WA 98003  
T: 206.461.6038 F: 206.461.6039

DEVELOPMENT SUBMITTAL - TEGRS  
SITE PLAN  
SHEET NO.

ATTACHMENT 3  
2004.00025

**A1.3**  
SCALE



PERMIT NO.: ZON04-00025

DATE: 01/24/2006

**PERMIT CONDITIONS AS FOLLOWS:**

1) **\*\*\*FIRE DEPARTMENT CONDITIONS\*\*\***

- 2) Only one additional hydrant is required (the 2 hydrants shown nearest the 2 clusters of homes are not required). The new hydrant as well as the existing hydrant at the entrance to the property are required to be equipped with 5" Stortz fittings.
- 3) The minimum unobstructed width of fire department access roads shall be not less than 20'. Please note this width requirement is also applicable to the access road serving the houses on the south end of the property (it does not appear that the width shown on the civil drawing page 3 of 4 is a full 20 feet in width).

The maximum allowable grade for fire department access roads is 15%.

If the required width or grade cannot be met, the houses which are affected may be sprinklered.

- 4) Available fire flow in the area is approximately 2,200 gpm on 99th PI NE/100th NE which is adequate for development.
- 5) Fire lane marking and signs required on the access roads
- 6) Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. This requirement also applies to new single family homes, duplexes, and townhomes; the garage is included in the gross square footage. (This comment is included in the zoning conditions for informational purposes only.)

7) **\*\*\*BUILDING DEPARTMENT CONDITIONS\*\*\***

- 8) Buildings must comply with 1997 editions of the Uniform Building, Mechanical, Plumbing and Fire Codes as adopted and amended by the State of Washington and the City of Kirkland.
- 9) Structure must comply with Washington State Energy Code (WAC 51-11); and the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13).
- 10) Plumbing meter and service line shall be sized in accordance with the UPC
- 11) Property is in a landslide hazard area. A geotechnical report is required to address development activity. Report must be prepared by a Washington State licensed Professional Engineer. Recommendations contained within the report shall be incorporated into the design of the Short Plat and subsequent structures.
- 12) Prior to issuance of Building, Demolition or Landsurface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.050
- 13) You can review your permit status and conditions at [www.kirklandpermits.net](http://www.kirklandpermits.net)

**PUBLIC WORKS CONDITIONS**

Permit Information

Permit #: ZON04-00025

Project Name: Shumway Mansion Redevelopment

Project Address: 11401 99th PI. NE

Date: October 24, 2005

Public Works Staff Contacts

Land Use and Pre-Submittal Process:

Rob Jammerman, Development Engineering Manager

Phone: 425-587-3845 Fax: 425-587-3807

E-mail: [rjammer@ci.kirkland.wa.us](mailto:rjammer@ci.kirkland.wa.us)

Building and Land Surface Modification (Grading) Permit Process:

John Burkhalter, Senior Development Engineer

Phone: 425-587-3846 Fax: 425-587-3807

E-mail: [jburkhal@ci.kirkland.wa.us](mailto:jburkhal@ci.kirkland.wa.us)

General Conditions:

ATTACHMENT <u>4</u>
<u>ZON04-00025</u>

**PERMIT CONDITIONS AS FOLLOWS:**

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 at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us).
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 fees can also be reviewed on the City of Kirkland web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us). The applicant should anticipate the following fees:
  - o Water and Sewer 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 Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below.
3. Prior to submittal of a Building or Zoning Permit, the applicant must apply for a Concurrency Test Notice. Contact Thang Nguyen, Transportation Engineer, at 425-576-2901 for more information.
4. Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).
5. 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 titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
6. 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.
7. 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).
8. A completeness check meeting is required prior to submittal of any Building Permit applications.
9. Prior to issuance of any commercial or multifamily Building Permit, the applicant shall provide a plan for garbage storage and pickup. The plan shall be approved by Waste Management and the City.
10. All subdivision recording mylar's shall include the following note:

Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer or storm water stub 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 or surface water stub, 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.

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.

**Sanitary Sewer Conditions:**

1. The existing sanitary sewer main within the 99th Pl. NE public right-of-way along the front of the property and the sewer main that runs along the south property line is adequate to serve the project.
2. For the north units, extend an 8-inch sewer main to within 150 feet of the farthest unit and terminate the extension with a manhole. From this main extension, extend a 6-inch side sewer to jointly serve all 6 units.
3. Provide a plan and profile design for the sewer line extension.
4. The sewer main extension shall be encompassed in a 20 foot wide public sanitary sewer easement.

**PERMIT CONDITIONS AS FOLLOWS:**

5. For the east units, extend a 6-inch side sewer to jointly serve all 3 units.

## Water System Conditions:

1. The existing water main in the 99th Pl. public right-of-way along the front of the subject property is adequate to serve this proposed development.
2. One on-site hydrant is being required by the Fire Department. This hydrant shall be located along access road that parallels the west property line approximately 140 ft north of the site entrance (there is an existing hydrant shown there now on the plans). To supply this hydrant, extend an 8-inch water main from the water main in 99th Pl. NE.
3. Provide a separate 1" minimum water service from the water main to the meter for each new building. The actual meter size shall be sized per the Uniform Plumbing Code. The meters shall be tapped from the main in 99th Pl. NE and located in the landscape strip along 99th Pl. NE. The applicant can choose to serve the project with individual meters or one master meter for the entire site. Also, an irrigation meter is suggested, but not required.
4. A 15 foot wide public water line easement shall encompass the said on-site water main extension.

## Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 1998 King County Surface Water Design Manual. An impervious area credit will be given for the existing parking lots that will be removed.
2. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).
3. For new or reconstructed impervious areas, subject to vehicular use, provide storm water quality treatment per the most current City-adopted Surface Water Design Manual. The applicant is encouraged to look into using porous pavements or other Low Impact Development alternatives.
4. Because this project proposes work in the stream (which is part of the detention pond), a HPA from the Washington State Dept. of Fish and Wildlife will be required.
5. As part of the roof and driveway drainage conveyance system for each new house, each lot shall contain a 10 ft. long (min.) infiltration trench with an overflow to the public storm drain system. These infiltration trenches shall be installed with the individual new houses.
6. The National Pollutant Discharge Elimination System (NPDES) Phase II Final Rule requires operators of small construction sites (disturbing between 1 and 5 acres of land) to obtain a Construction Storm water General Permit through the Washington State Department of Ecology. Information about the permit can be obtained at: Washington State Department of Ecology <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> U.S. EPA Office of Wastewater Management <http://cfpub.epa.gov/npdes/stormwater/const.cfm>  
Specific question can be directed to:  
Jeff Killelea  
PO Box 47600  
Olympia, WA 98504-7600  
(360) 407-6127  
[jkil461@ecy.wa.gov](mailto:jkil461@ecy.wa.gov)
7. Provide an erosion control plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 1998 King County Surface Water Design Manual.
8. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from April 1 to October 31, all denuded soils must be covered within 15 days; between November 1 and March 31, all denuded soils must be covered within 12 hours. If an erosion problem already exists on the site, other cover protection and erosion control will be required.
9. Provide a separate storm drainage connection for each building. All roof and driveway drainage must be tight-lined to the storm drainage system.

**PERMIT CONDITIONS AS FOLLOWS:**

## Street and Pedestrian Improvement Conditions:

1. The subject property abuts 99th Place NE (a Collector type street). 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:
  - A. Widen the street to 18 ft. from centerline of the right-of-way to the face of curb (not to the center of the existing asphalt). A taper in the curb alignment may be needed to transition to the existing curb to the north; this will be decided during construction permit review.
  - B. Install storm drainage, curb and gutter, a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk.
2. The project is proposing a private access easement for vehicular access to the detached dwelling units. Because this project with function like a multi-family project (several units will be on one lot), Public Works supports the proposed access layout and does not recommend dedication and improvement of a public right-of-way for access to the detached dwelling units.
3. A 2-inch asphalt street overlay will be required where more than three utility trench crossings occur with 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
4. If on-site guest parking is not provided, then the driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.).
5. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle. See Public Works Pre-approved Policy R.13 for the sight distance criteria and specifications.
6. 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.
7. Underground all new and existing on-site utility lines and overhead transmission lines.
8. 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 99th Pl. NE is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a LID No Protest Agreement.
9. New street lights are required per Puget Power design and Public Works approval. Design must be submitted prior to issuance of a grading or building permit.



## CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587-3225

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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### DEVELOPMENT STANDARDS LIST

**File:** SHUMWAY 10, ZON04-00025

#### **Subdivision Standards**

22.28.030 Lot Size. Unless otherwise approved in the preliminary subdivision or short subdivision approval, all lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland zoning code or other land use regulatory document.

22.28.050 Lot Dimensions. For lots smaller than 5,000 square feet, the lot width at the back of the required front yard shall not be less than 50 feet unless the garage is located at the rear of the lot or the lot is a flag lot.

22.28.130 Vehicular Access Easements. The applicant shall comply with the requirements found in the Zoning Code for vehicular access easements or tracts.

22.28.190 Subdivisions on the Shoreline. Subdivisions adjacent to Lake Washington must comply with the provisions of Kirkland's Shoreline Master Program regarding open space and public access along the waterfront.

22.28.210 Significant Trees. The applicant shall retain at least twenty-five percent of the healthy significant trees, together with any associated groundcover or understory vegetation necessary to assure long-term health and prevent erosion. The tree retention plan is shown on Attachment 5. All trees designated to be saved under the tree retention plan must be retained, unless a modification to the tree retention plan is approved by the Department of Planning and Community Development.

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.

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

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

22.32.060 Utility Easements. Except in unusual circumstances, easements for utilities should be at least ten feet in width.

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. The impact fee for new single-family dwelling units is \$612. The impact fee for new multifamily dwelling units is \$430. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision in the amount of \$612 for a single family unit and \$430 for a multi-family unit.

#### ***Prior to Recording:***

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.

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.

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

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.

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

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.

***Prior to occupancy:***

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.

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

22.32.090 Maintenance Bonds. A two-year maintenance bond may be required for any of the improvements or landscaping installed or maintained under this title.

**Zoning Code Standards**

90.45 Wetlands and Wetland Buffers. No land surface modification may take place and no improvement may be located in a wetland or within the environmentally sensitive area buffers for a wetland, except as specifically provided in File ZON04-00025.

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site a permanent 3 to 4 foot tall split rail fence.

90.80 Streams. No land surface modification may take place and no improvements may be located in a stream except as specifically provided in File ZON04-00025.

90.90 Stream Buffers. No land surface modification may take place and no improvement may be located within the environmentally sensitive buffer for a stream, except as provided in File ZON04-00025.

90.95 Stream Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the entire stream buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site a permanent 3 to 4 foot tall split rail fence.

90.125 Frequently Flooded Areas. No land surface modification may take place and no improvements may be located in a frequently flooded area, except as specifically provided in Chapter 21.56 of the Kirkland Municipal Code.

95.35 Plant Replacement. The applicant shall replace any plants required by this Code that are unhealthy or dead for a period of two years after initial planting.

100.25 Sign Permits. Separate sign permit(s) are required.

105.77 Parking Area Curbing. All parking areas and driveways must be surrounded by a 6" high vertical concrete curb.

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

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

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations including: wood decks; access easements or tracts serving more than one lot that does not abut a right-of-way; detached dwelling unit driveways that are outside the required front yard; grass grid pavers; outdoor swimming pools; and pedestrian walkways. See Section 115.90 for a more detailed explanation of these exceptions.

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

152.22.2 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 issuance of a grading or building permit:***

85.40 Natural Greenbelt Protective Easement. The applicant shall submit for recording a natural greenbelt protective easement, in a form acceptable to the City Attorney, for recording with King County (see Attachment ).

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 ).

95.15.4 Tree Protection Techniques. In order to provide the best possible conditions for the retention of significant trees, the applicant shall construct a temporary but immovable 4 foot high chain-link fence generally corresponding to the drip line of each tree or group of trees shown on the tree retention plan to be retained. Additional tree protection measures may be required of the applicant. The protective fencing must remain in place throughout the demolition, clearing, grading, excavation, and construction processes, including the construction of homes. No grading, operation of heavy equipment, stockpiling, or excavation may occur inside the protective fences.

27.06.030 Park Impact Fees. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision in the amount of \$612 for a single family unit and \$430 for a multi-family unit.

***Prior to occupancy:***

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.

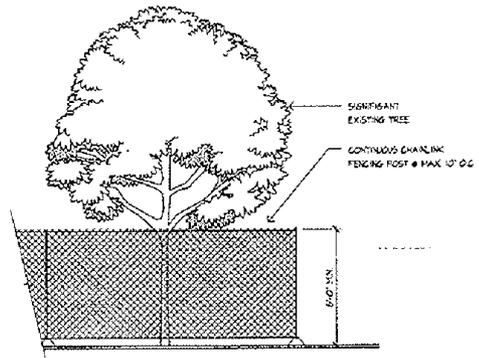
107.90 Maintenance Bonds. The applicant shall establish a two-year maintenance bond to ensure maintenance of the storm water system.

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.

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.

DATE	ISSUE

DESIGNED: EL
DRAWN: SC
CHECKED: EL
DATE: 6/23/05



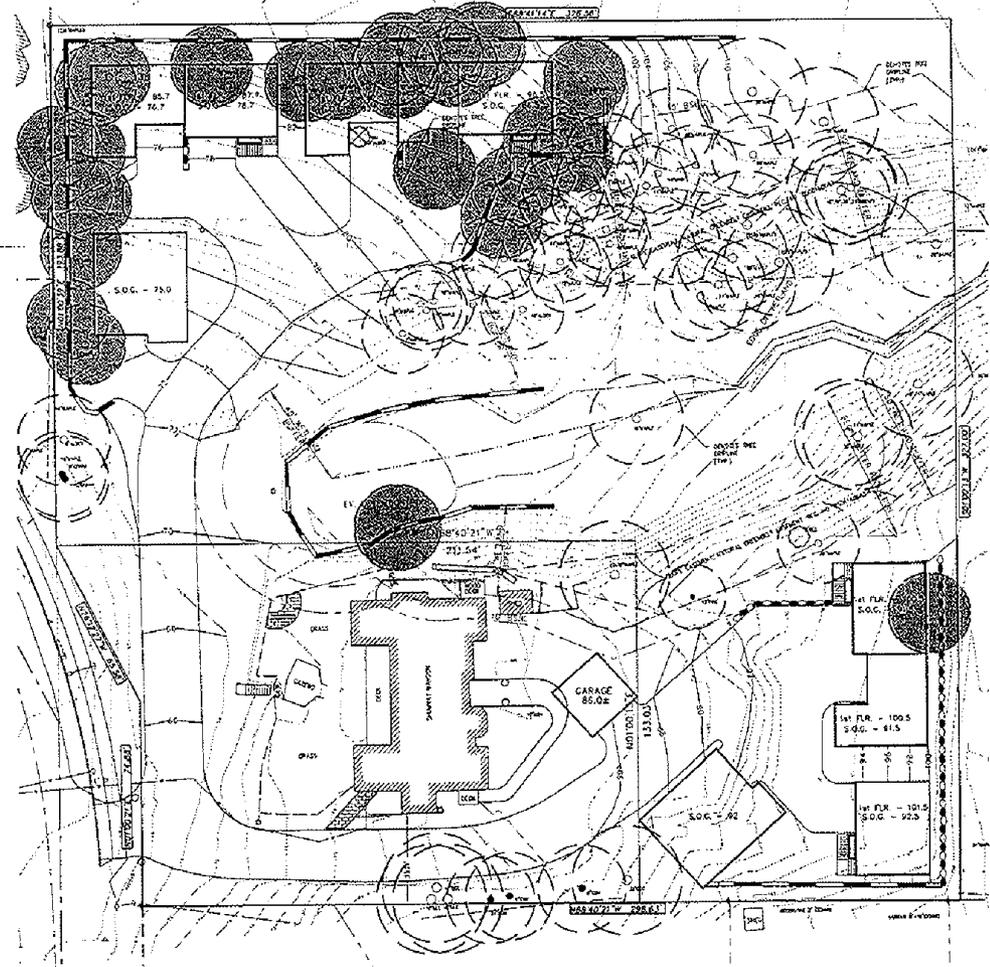
- 6 FEET HIGH TEMPORARY CHARCOAL FENCE SHALL BE PLACED AS SHOWN ON PLANS. FENCE SHALL COMPLETELY ENCLOSE TREES! INSTALL FENCE POSTS USING PIER BLOCKS ONLY. AVOID DRIVING POSTS OR STAKES INTO MAJOR ROOTS.
- TREATMENT OF ROOTS EXPOSED DURING CONSTRUCTION: FOR ROOTS OVER 1" IN DIAMETER DAMAGED DURING CONSTRUCTION MAKE A CLEAN STRAIGHT CUT TO REMOVE DAMAGED PORTION OF ROOT. ALL EXPOSED ROOTS SHALL BE TEMPORARILY COVERED WITH DAMP BURLAP TO PREVENT DRYING, AND COVERED WITH SOILS AS SOON AS POSSIBLE.
- WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY. NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMIT OF THE FENCING.

**1 TREE PROTECTION FENCING**  
 NOT TO SCALE

**LEGEND**

	SIGNIFICANT EVERGREEN TREE TO REMAIN		NON-SIGNIFICANT EVERGREEN TREE TO BE REMOVED
	SIGNIFICANT DECIDUOUS TREE TO REMAIN		NON-SIGNIFICANT EVERGREEN TREE TO REMAIN
	SIGNIFICANT EVERGREEN TREE TO BE REMOVED		NON-SIGNIFICANT DECIDUOUS TREE TO REMAIN
	SIGNIFICANT DECIDUOUS TREE TO BE REMOVED		

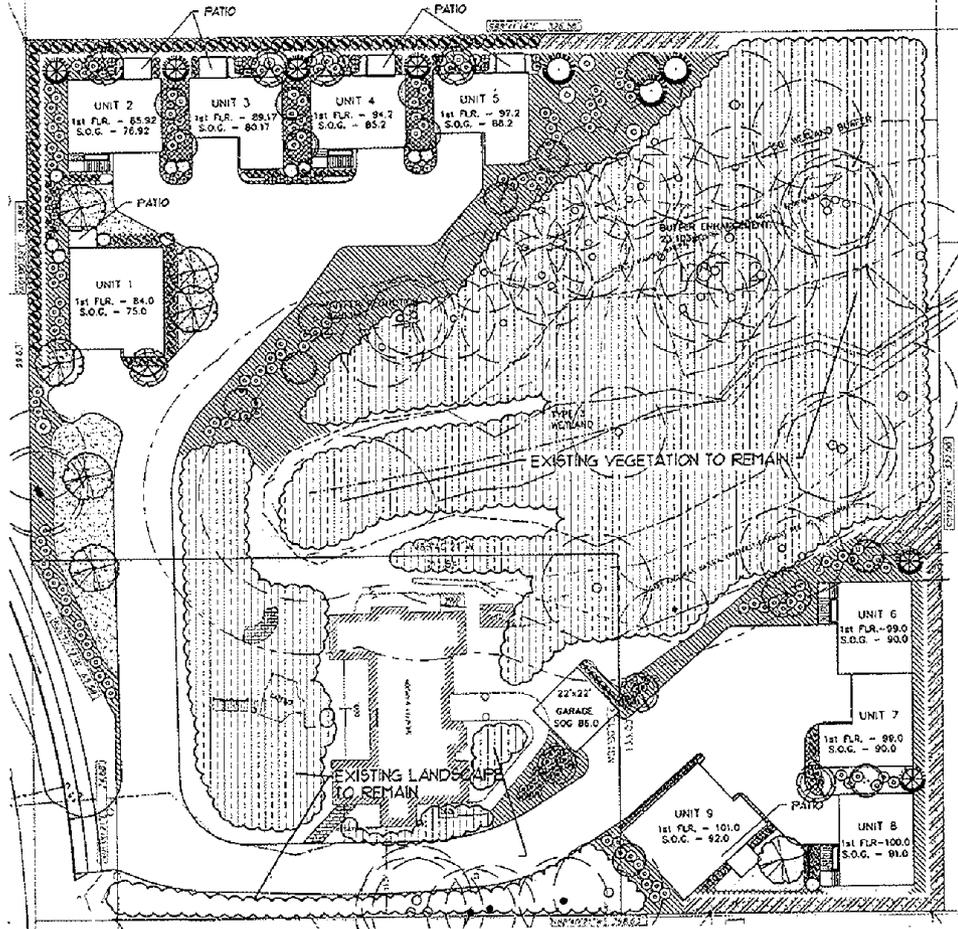
TOTAL EXISTING SIGNIFICANT TREES: 677  
 TOTAL SIGNIFICANT TREES TO BE REMOVED: 277  
 TOTAL SIGNIFICANT TREES TO BE SAVED: 400



TREE PRESERVATION PLAN  
 SHUMWAY 10  
 Planned Unit Development  
 KIRKLAND, WASHINGTON

# PLANT SCHEDULE

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE	NOTES
	NOTE: DASHED CIRCLE REFERS TO APPROXIMATE DRIP LINE. VERIFY IN FIELD.		
	EXISTING LANDSCAPE TO REMAIN		
	ACER GRACINATUM / VINE MAPLE	7" GAL.	B 1 B, MATCHED FORM
	ACER FRAXINUM RED MAPLE / RED MAPLE	7" GAL.	B 1 B, MATCHED FORM
	BETULA JACQVEMONTII / JACQUEMONT BIRCH	7" GAL.	B 1 B, MATCHED FORM
	PONUS C. REDSPIRE / REDSPIRE PEAR	7" GAL.	B 1 B, MATCHED FORM
	TAXUS PLICATA / WESTERN RED CEDAR	6" HT.	B 4 B, MATCHED FORM
	PSEUDOTSUGA MENDICINI / DOUGLAS FIR	6" HT.	B 4 B, MATCHED FORM
	CHAMAECYPARUS G. GRACILIS / SLENDER WINKO CYPRESS	6" HT.	B 4 B, MATCHED FORM
	ARCTIUM MEGEO / STRAWBERRY TREE	24" HT.	FULL FOLIAGE
	PRUNUS LUSITANICA / PORTUGAL LAUREL	24" HT.	FULL FOLIAGE
	VIBURNUM DAVIDI / DAVID VIBURNUM	17" SPR.	FULL FOLIAGE
	VIBURNUM T. SPRING BOUQUET / SPRING BOUQUET VIBURNUM	17" SPR.	FULL FOLIAGE
	CRISTUS HYBRIDUS / GATE RODRIGUEZ	17" SPR.	FULL FOLIAGE
	LEUCOTHOE FONTANESIANA / DROOPING LENCOTHOE	20" SPR.	FULL FOLIAGE
	SARCOCODDCA RUSCOPOLIA / SARCOCODDCA	20" HT.	FULL FOLIAGE
	PRUNUS L. OTTO LUTKEN OTTO LUTKEN LAUREL	20" HT.	FULL FOLIAGE
	SARCOCODDCA RUSCOPOLIA / SARCOCODDCA	20" HT.	FULL FOLIAGE
	PRUNUS L. OTTO LUTKEN OTTO LUTKEN LAUREL	20" HT.	FULL FOLIAGE
	ACER GRACINATUM / VINE MAPLE	6" HT.	3-STEM MIN. 60" O.C.
	CORYLUS CORNUTA / WESTERN HAZELHUT	24" - 30P HT.	FULL FOLIAGE, 60" O.C.
	PLUMONIA AQUIFOLIUM / OREGON GRAPE	20" HT.	FULL FOLIAGE, 60" O.C.
	RIBES SANDWICHENSIS KING EDWARD VII / FLOUER CURRIANT	20" HT.	FULL FOLIAGE, 45" O.C.
	HELICTOTRICHON SETIFERUMSIS / BLUE OAT GRASS	1 GAL.	24" O.C.
	MISCANTHUS S. YAKU JIMA / PASIDEN GRASS	1 GAL.	30" O.C.
	PENISETUM MACULUM / FOUNTAIN GRASS	1 GAL.	24" O.C.
	HEMEROCALLIS 'STELLA D'ORO' / DAY-LILY	1 GAL.	18" O.C.
	ARCTOSTAPHYLOS UVA-URSI / KINKANOK	4" POT	18" O.C.
	RIBUS	4" POT	18" O.C.
	75A GALLERIA SHALLOON / BALM	1 GAL.	24" O.C.
	75A SWORD FERNS		
	FINE LAWN HYDRORBED		SEE SPECS
	EROSION CONTROL HYDRORBED		SEE SPECS



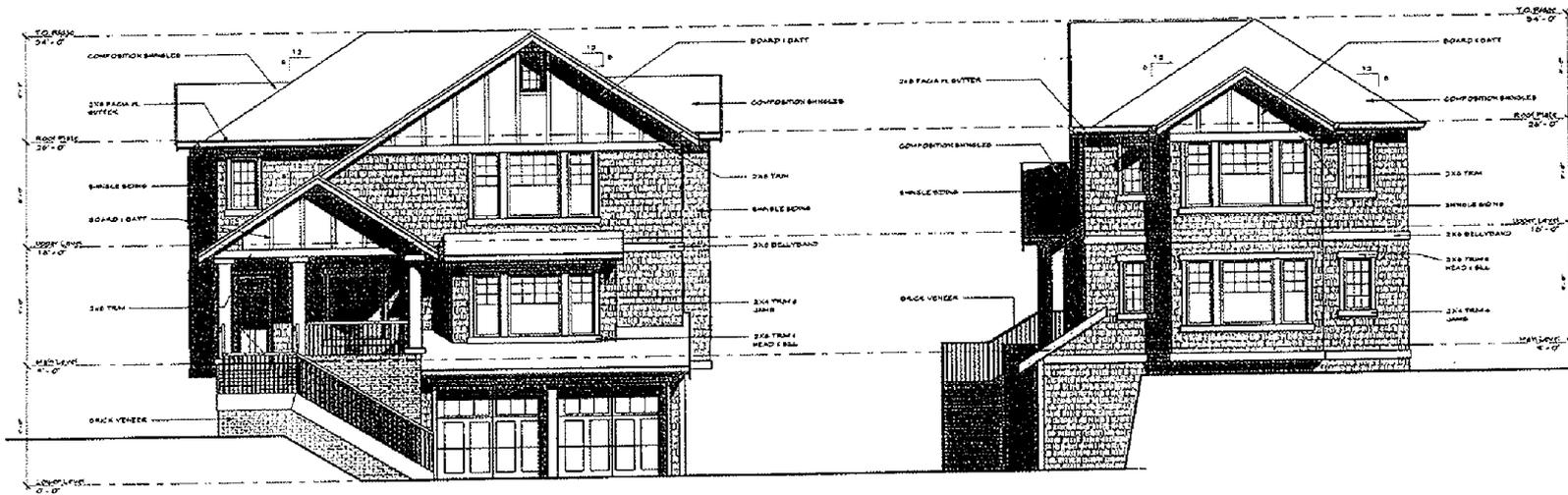
## LANDSCAPE NOTES

- GENERAL CONTRACTOR TO CLEAR AND GRUB ALL NEW LANDSCAPE AREAS AND SET SUBGRADE AT 4" FINISH ELEVATION. TOLERANCE FOR SUBGRADES TO BE +/- 1/8".
- LANDSCAPE CONTRACTOR SHALL SCARIFY SUBGRADES, PLACE 1" OF THREE PART 50% MIX AND AMENDMENTS IN ALL NEW PLANTING AREAS AND THOROUGHLY ROTOTILL THE EQUIPMENTS INTO THE SUBGRADE.
- NO PEST-EREGENT VERMICIDES SHALL BE APPLIED TO ANY GRASS COVER BEDS.
- REFER TO CIVIL ENGINEERING DRAWINGS FOR GRADING, DRAINAGE AND UTILITIES INFORMATION. REFER TO ARCHITECTURAL DRAWINGS FOR SITE LAYOUT.
- GROUND COVER TO EXTEND UNDER ALL TREE AND SHRUB CANOPIES AT THE SPECIFIED SPACING TO PROVIDE SOLID COVERAGE WITHIN 5 YEARS IN ALL PLANTING BEDS DESIGNATED TO RECEIVE GROUND COVER.



LANDSCAPE PLAN

SHUMWAY 10  
 Planned Unit Development  
 KIRKLAND, WASHINGTON



1 FRONT ELEVATION - UNITS 2, 4, & 8 (SIM.)  
SCALE: 1/4" = 1'-0"

2 SIDE ELEVATION - UNITS 2, 4, & 8 (SIM.)  
SCALE: 1/4" = 1'-0"

2005.10 SPM 1/6/2006 2:45:54 PM



NO.	DATE	DESCRIPTION

**Shumway 10**  
SHUMWAY 10, PLLC  
11410 59th PLACE N.E.  
Kirkland, WA

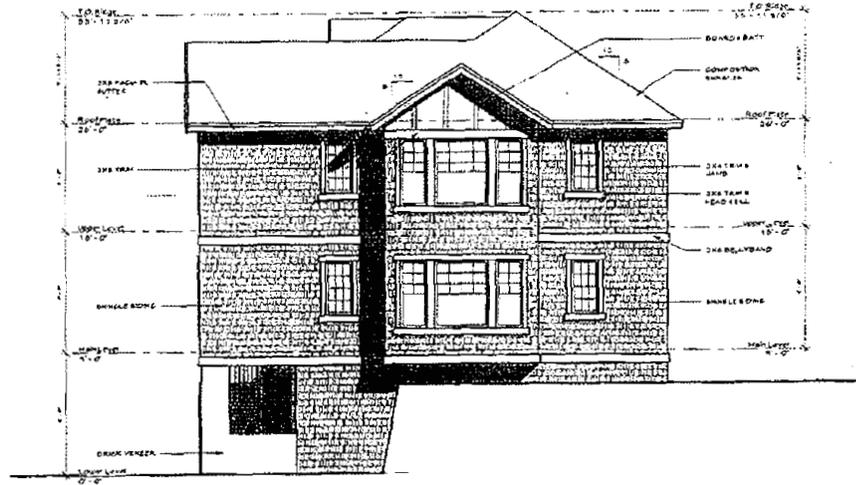
PLANNED UNIT DEVELOPMENT SUBMITTAL  
TSA Architecture, PLLC  
5010 15th Avenue S.E. SUITE 200  
PASADENA, WA 98068  
www.tsaarch.com

ELEVATIONS - UNITS 2, 4, & 8  
Date: 1/6" = 1'-0"  
**A5.1**  
2005.1R

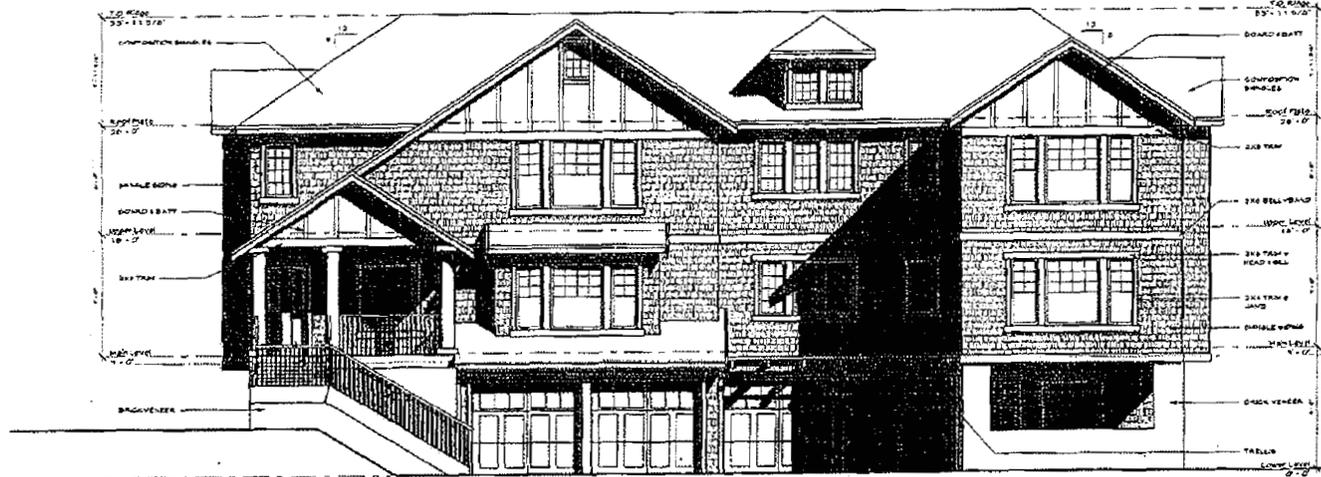
ATTACHMENT 7  
ZON04-0002.S







2 SIDE ELEVATION - UNITS 6 & 7  
SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION - UNITS 6 & 7  
SCALE: 1/4" = 1'-0"

2005.18 SPW 1982005.255477 P45

	
<p><b>SHUMWAY 10</b></p> <p>SHUMWAY 10, LLC 11410 99th PLACE N.E. Kirkland, WA</p>	
<p>PLANNED UNIT DEVELOPMENT SUBMITTAL</p> <p><b>TSA</b> Architects, PLLC 10000 1st Avenue, Suite 200 Bellevue, WA 98004 Tel: 206.461.1000 www.tsaarchitects.com</p>	
<p>ELEVATIONS - UNITS 6 &amp; 7</p> <p>Scale: 1/4" = 1'-0"</p> <p><b>A5.4</b></p> <p>2005.16</p>	

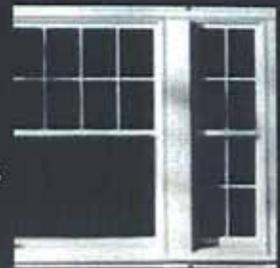
TAMKO GLASS-SEAL AR  
COMPOSITE SHINGLES



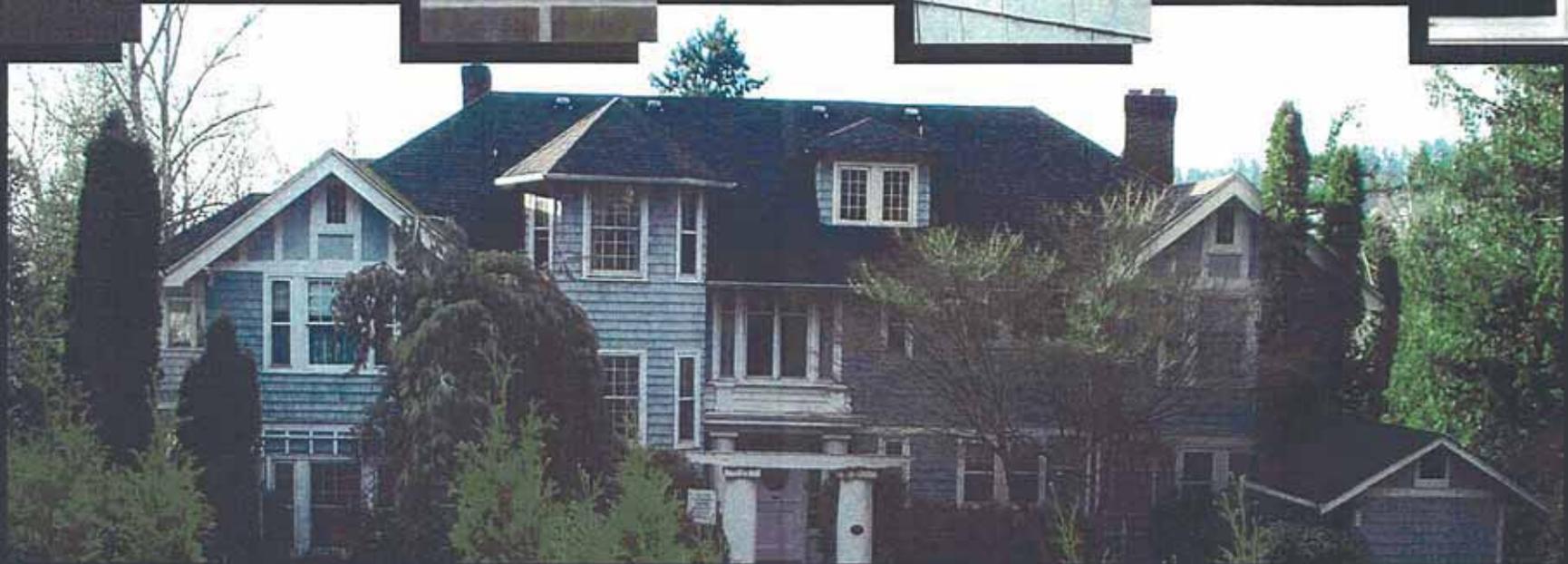
MUTUAL MATERIALS  
FEC-COVINGTON-FD BRICK



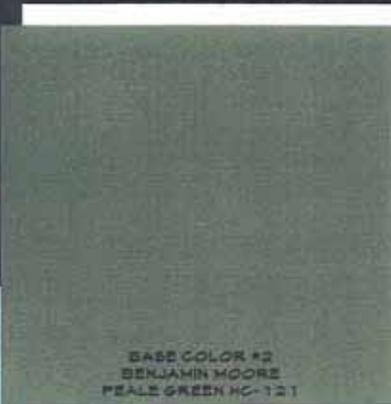
WOOD SHINGLE SIDING TO  
MATCH MANSION



WHITE VINYL WINDOWS

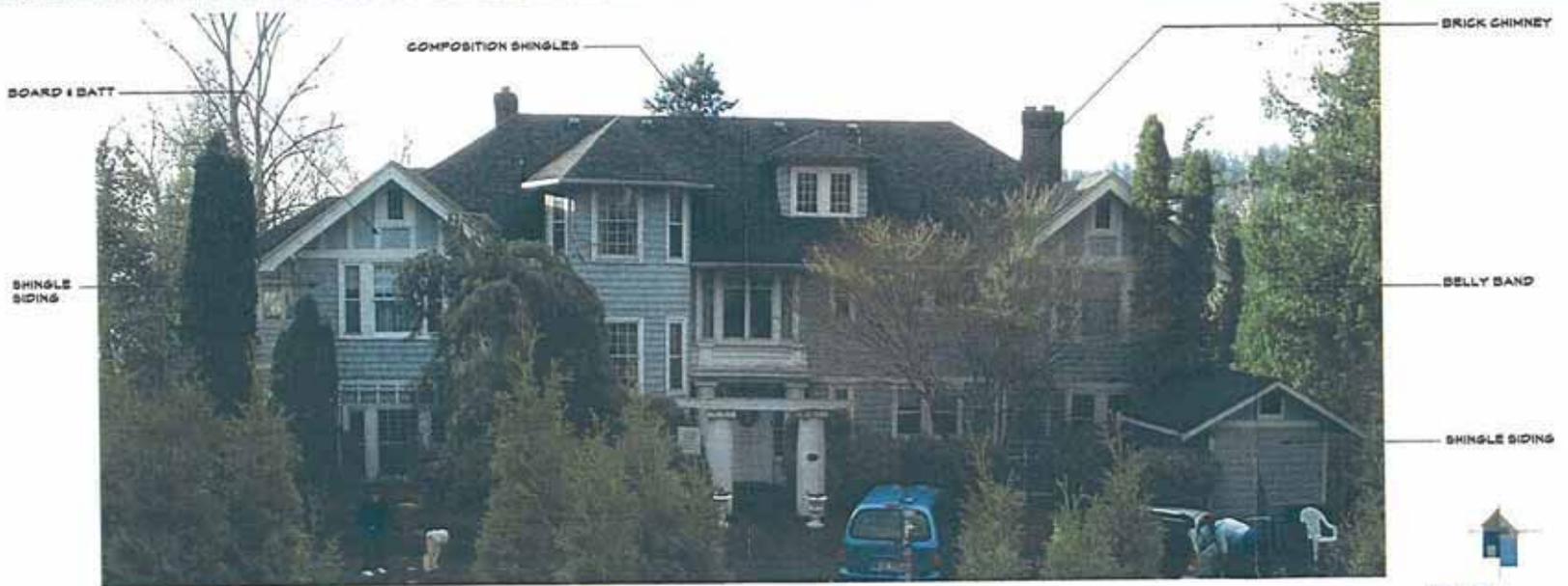
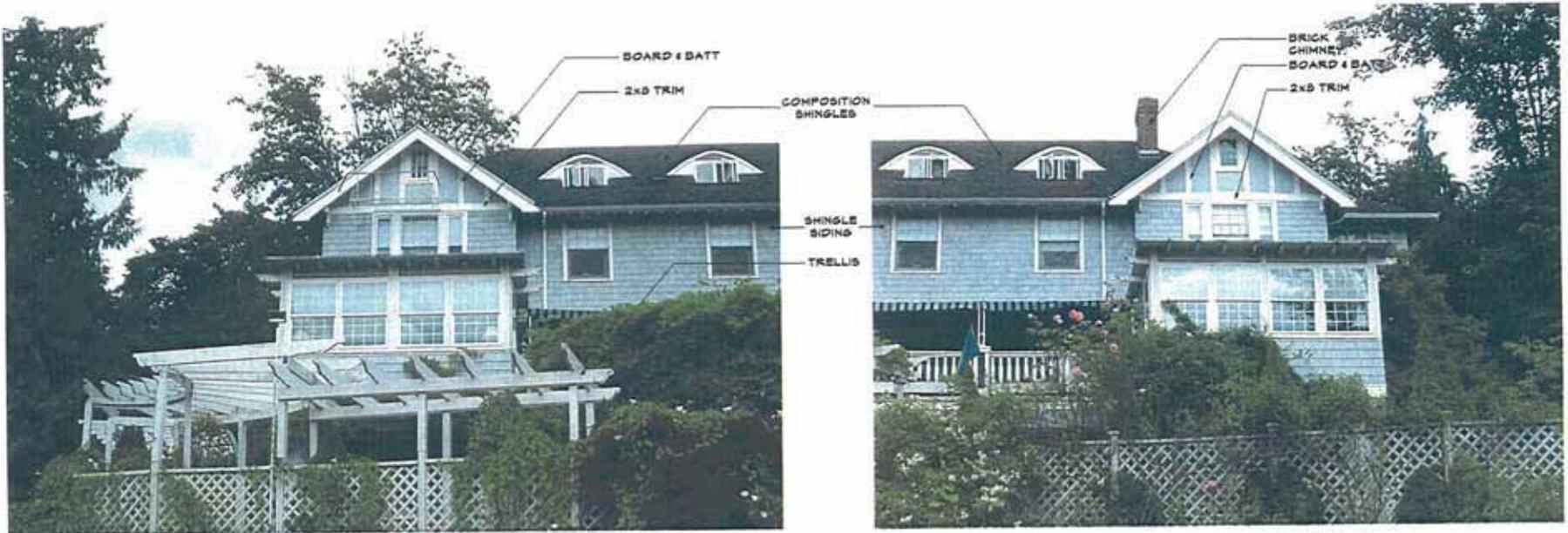


WHITE TRIM TO MATCH MANSION

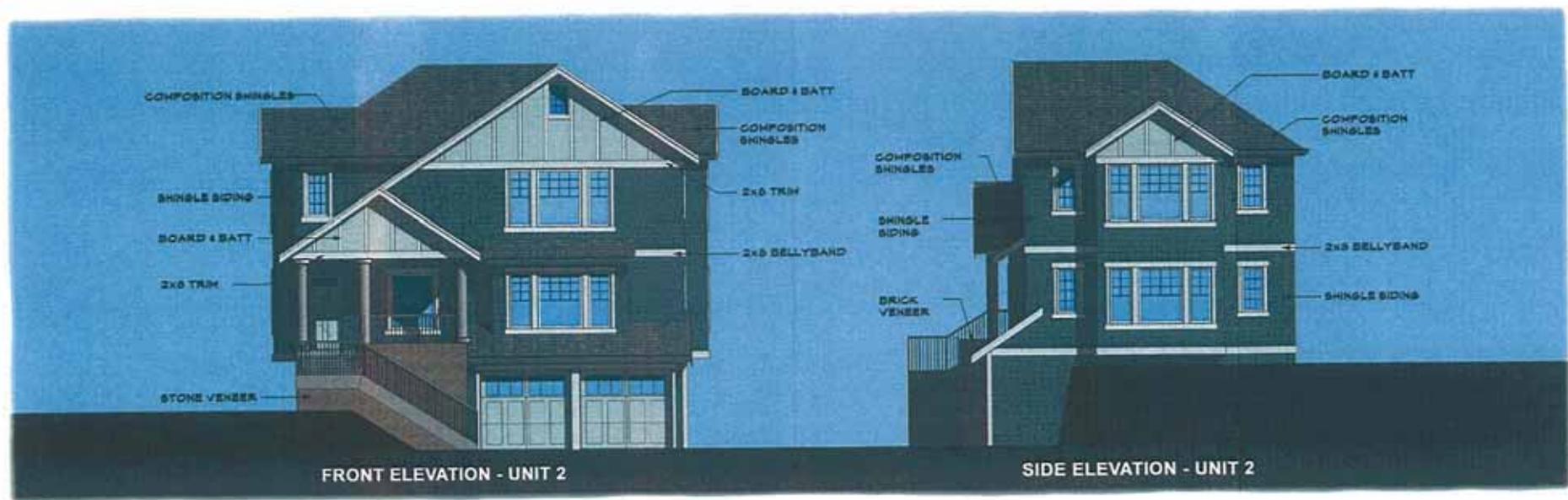
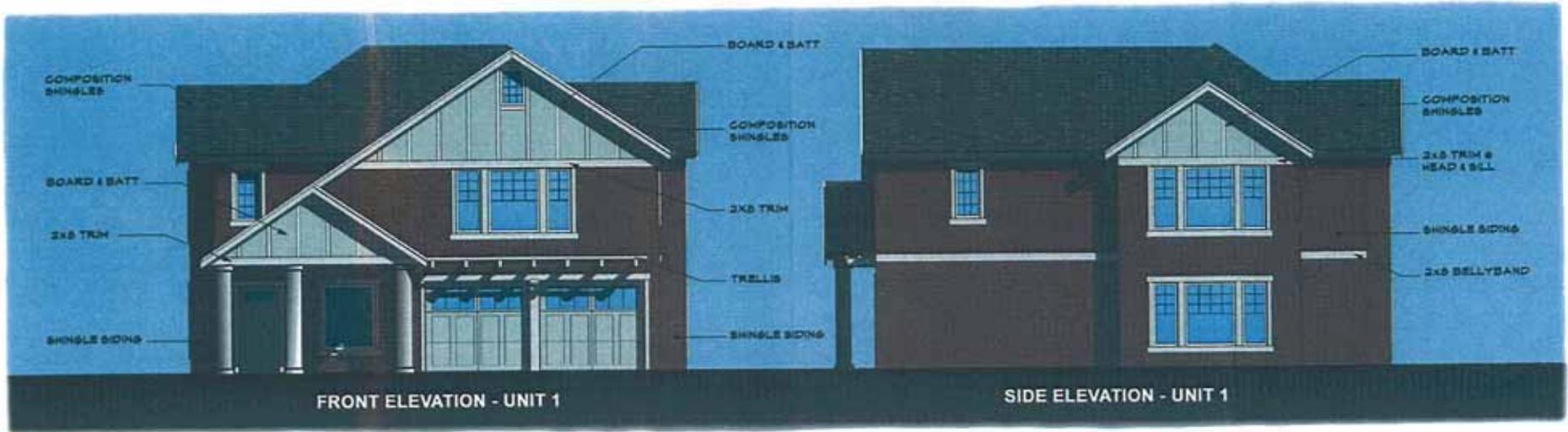


BASE COLOR #2  
BENJAMIN MOORE  
PEALE GREEN HC-121

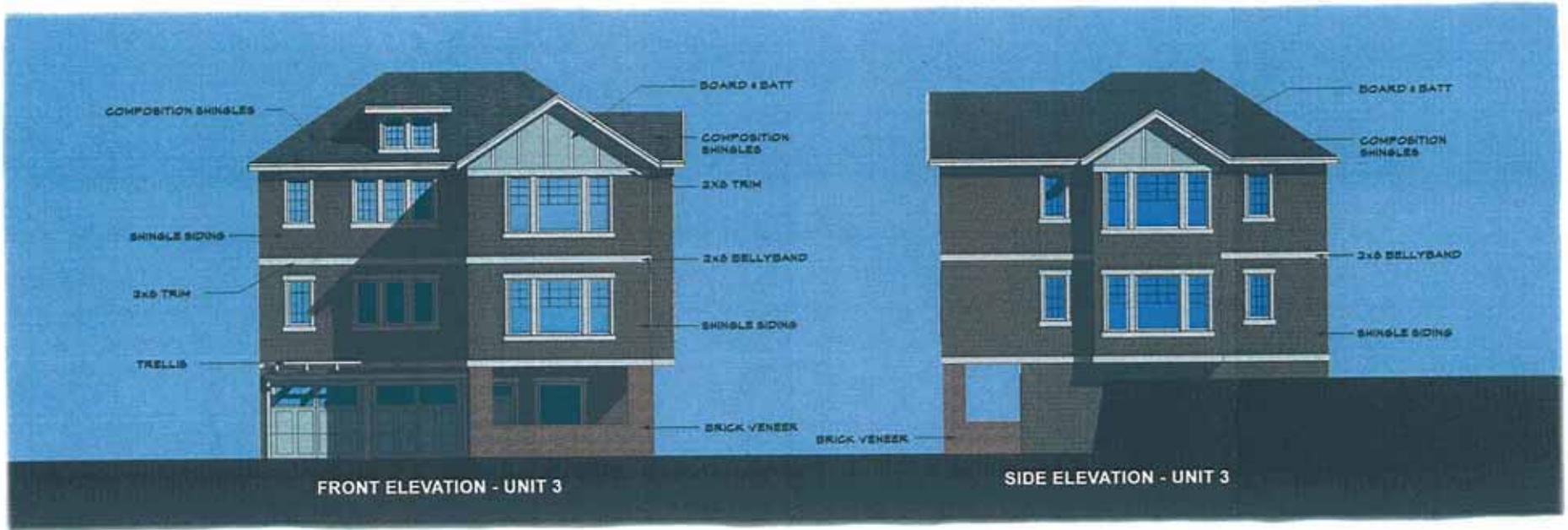




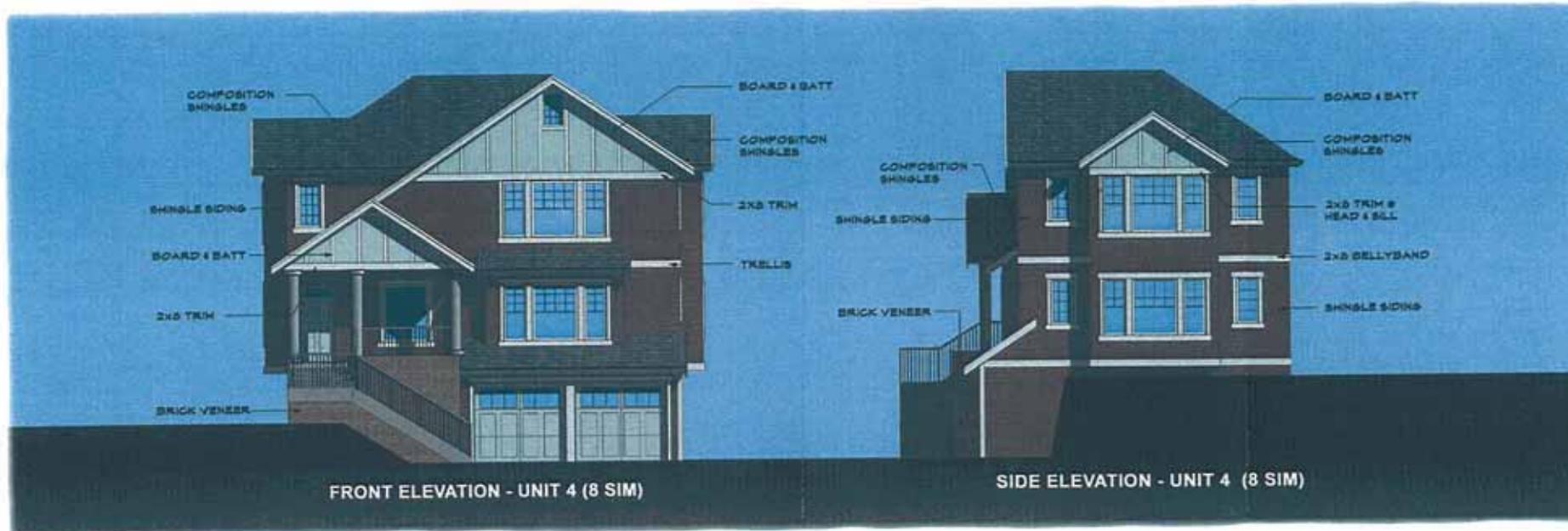
**SHUMWAY 10**

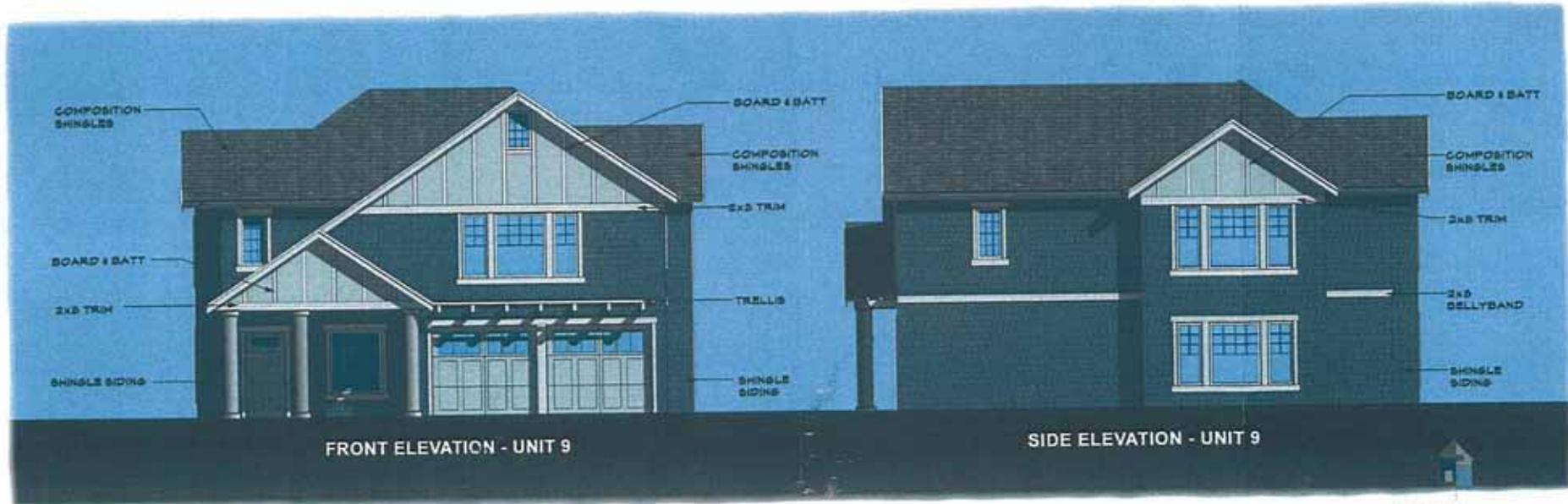


**SHUMWAY 10**



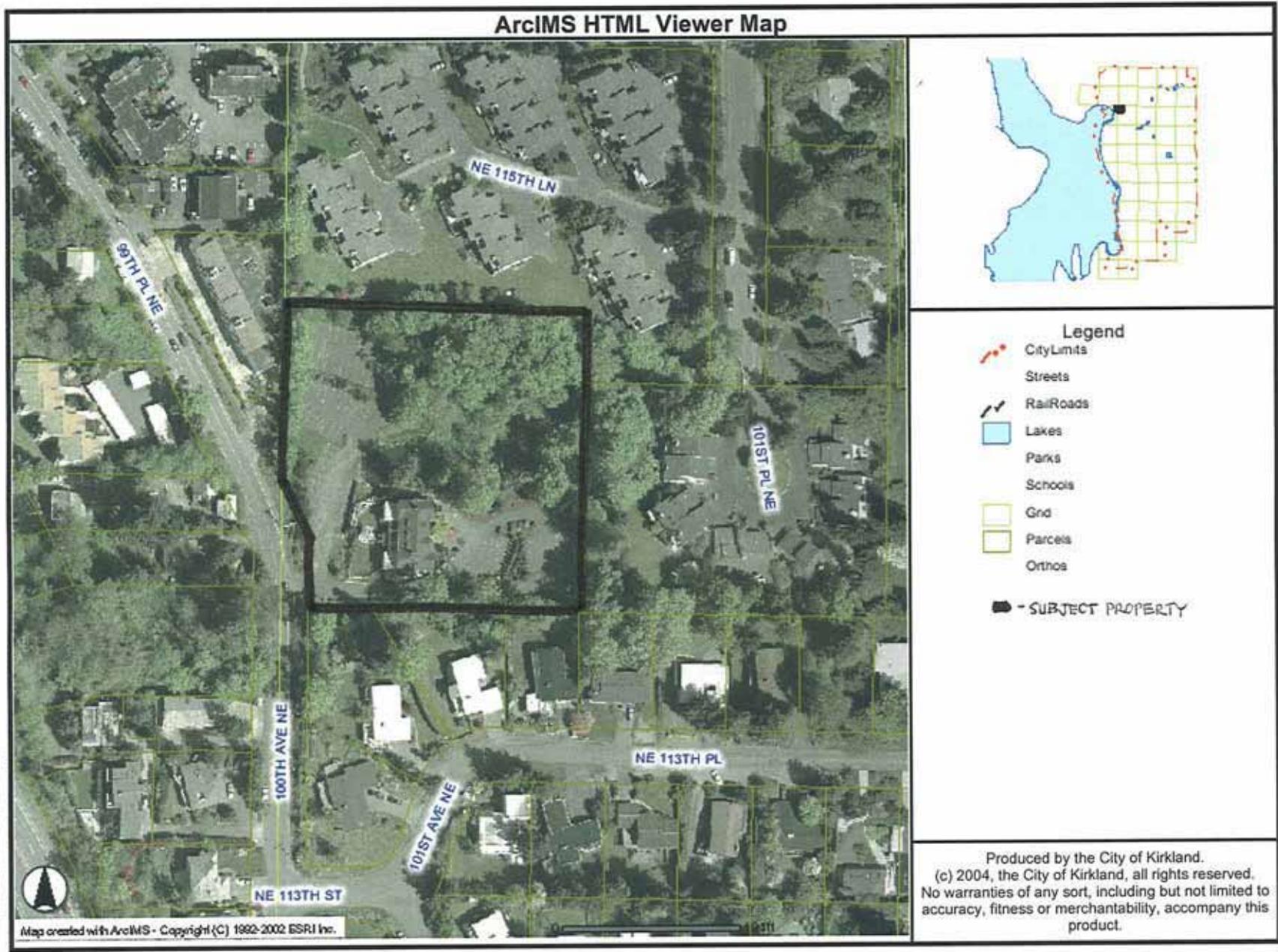
**SHUMWAY 10**



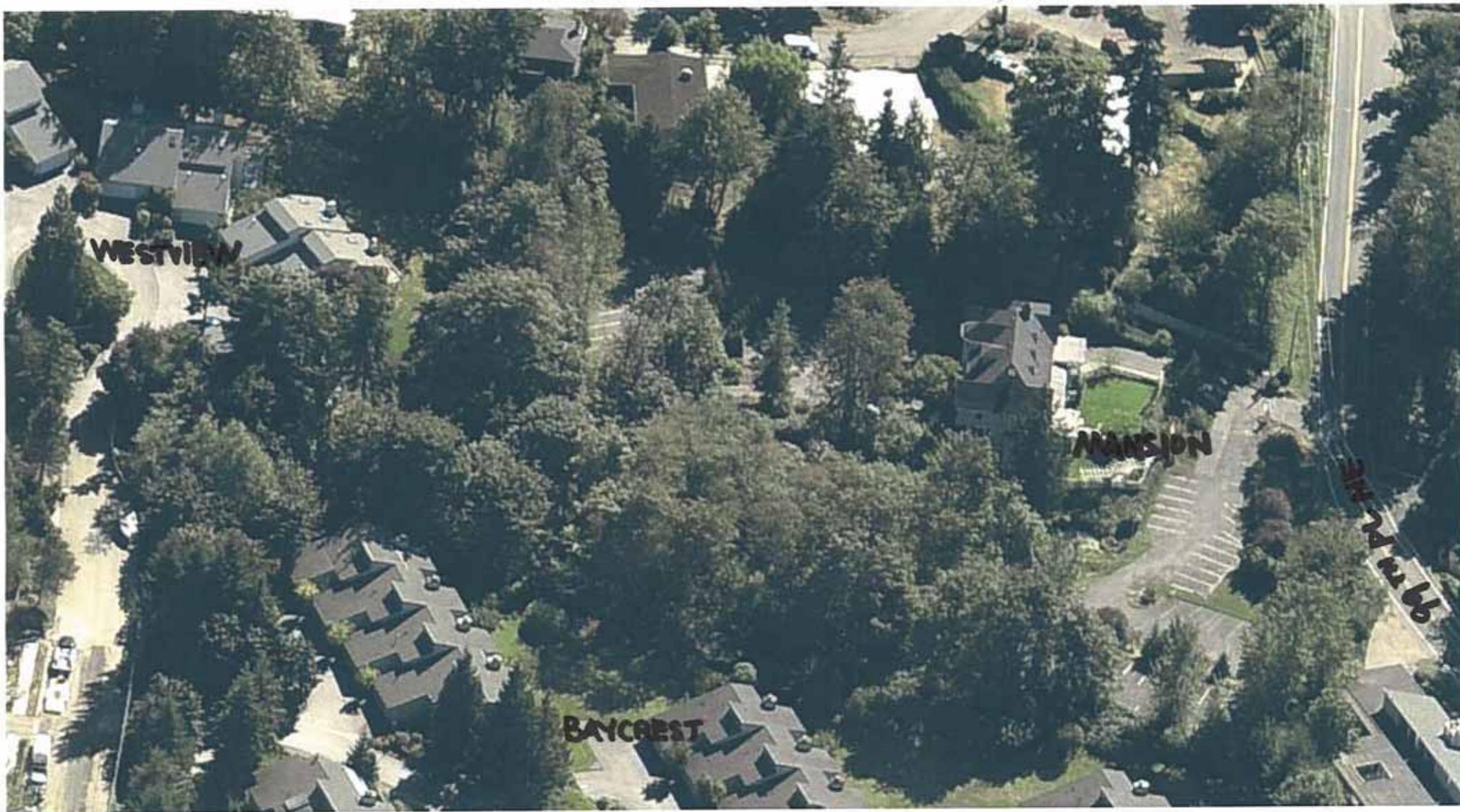








ATTACHMENT 9  
Z0204-00025



VIEW OF MANSION FROM NORTH



VIEW OF MANSION FROM EAST



VIEW OF MANSION FROM SOUTH



VIEW OF MANSION FROM WEST

RESOLUTION NO. R-3107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE QUASI-JUDICIAL PROJECT REZONE PROVISIONS OF CHAPTER 130 OF THE KIRKLAND ZONING CODE, ORDINANCE 2740, AS AMENDED, AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-84-39 BY RICHARD AND SALLY HARRIS TO MOVE THE SHUMWAY MANSION TO AN RS 8.5 ZONE AND REQUEST A HISTORIC LANDMARK OVERLAY ZONE WITH MODIFICATIONS AND SETTING FORTH CONDITIONS TO WHICH SUCH DEVELOPMENT PROPOSAL SHALL BE SUBJECT AND SETTING FORTH THE INTENTION OF THE CITY COUNCIL TO, UPON APPROVED COMPLETION OF SAID DEVELOPMENT, REZONE THE PROPERTY FROM RS 8.5 TO RS 8.5 (HISTORIC LANDMARK OVERLAY).

WHEREAS, the Department of Planning and Community Development has received an application filed by Richard and Sally Harris as owners of the property described in said application requesting a permit to develop said property in accordance with the Quasi-Judicial Project Rezone procedure established in Chapter 130 of Ordinance 2740, as amended; and

WHEREAS, said property is located within an RS 8.5 zone and the proposed development is permitted within the modification provisions of the Historic Landmark Overlay zone; and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held a public hearing thereon at their regular meeting of July 5, 1984; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative declaration reached; and

WHEREAS, said environmental checklist and declaration have been available and accompanied the application through the entire review process; and

WHEREAS, the Kirkland Planning Commission, after their public hearing and consideration of the recommendations of the Department of Planning and Community Development, and having available to them the environmental checklist and negative declaration, did adopt certain Findings, Conclusions and Recommendations, and did recommend to the City Council approval of the proposed development and the Quasi-Judicial Project Rezone pursuant to Chapter 130 of Ordinance 2740, as amended, all subject to the specific conditions set forth in said recommendation; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

ATTACHMENT 10  
ZON04-00025

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 Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Planning and Community Development File No. III-84-39 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. A Development Permit, pursuant to the Quasi-Judicial Project Rezone procedure of Chapter 130 of Ordinance 2740, as amended, shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. The City Council approves in principle the request for reclassification from RS 8.5 to RS 8.5 (Historic Landmark Overlay), pursuant to the provisions of Chapter 23.130 of Ordinance 2740, as amended, and the Council shall, by ordinance, effect such reclassification upon being advised that all of the conditions, stipulations, limitations, and requirements contained in this Resolution, including those adopted by reference, have been met; provided, however, that the applicant must begin the development activity, use of land or other actions approved by this Resolution within one year from the date of enactment of this Resolution, or the decision becomes void.

Section 4. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to the proposed development project, other than as expressly set forth herein.

Section 5. Failure on the part of the holder of the development permit to initially meet or maintain strict compliance with the standards and conditions to which the development permit and the intent to rezone is subject shall be grounds for revocation in accordance with Ordinance 2740, as amended, the Kirkland Zoning Ordinance.

Section 6. A certified copy of this Resolution together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the development permit or evidence thereof, delivered to the permittee.

Section 7. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Department for the City of Kirkland

- (c) Public Works Department of the City of Kirkland
- (d) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 16th day of July, 1984.

SIGNED IN AUTHENTICATION THEREOF on the 16th day of July, 1984.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

7595B/0023A/BK:jh

ORDINANCE NO. 3308

AN ORDINANCE OF THE CITY OF KIRKLAND, RELATING TO LAND USE, AND THAT PROJECT COMMONLY KNOWN AS SHUMWAY MANSION, THAT THE CONDITIONS REQUIRED BY RESOLUTION NO. R-3107 (FILE NO. III-84-39) FOR THE RECLASSIFICATION OF CERTAIN REAL PROPERTY SUBJECT TO SAID RESOLUTION HAVE BEEN MET, RECLASSIFYING SAID REAL PROPERTY FROM SINGLE FAMILY RESIDENTIAL 8.5 (RS 8.5) TO RS 8.5 AND HISTORIC LANDMARK OVERLAY ZONE (HL) AND AMENDING THE ZONING MAP.

WHEREAS, the Kirkland City Council on July 16, 1984, adopted a Resolution No. R-3107 entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-84-39, BY RICHARD W. AND ALICE J. HARRIS TO MOVE THE SHUMWAY MANSION TO ITS PRESENT LOCATION ON THE SUBJECT PROPERTY AND OPERATE A BED AND BREAKFAST AND CONFERENCE FACILITY, BEING WITHIN A RS 8.5 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH INTENT TO REZONE PERMIT SHALL BE SUBJECT," AND

WHEREAS, the Department of Planning and Community Development has, pursuant to said resolution and Chapter 23.62 of Ordinance No. 2740, as amended (the Kirkland Zoning Ordinance), advised the City Council that all conditions imposed by said resolution have been met, and

WHEREAS, the significant features have been determined by the Kirkland City Council to be as follows:

The name Shumway Mansion.

The external features of the Mansion.

A book containing the history of the Mansion, including photographs, to be kept on site.

The entire site surrounding the Mansion, and related facilities, including landscaping in scale and character appropriate to the Mansion, to include an area described as follows:

The southwest quarter of the northwest quarter of the northwest quarter of the northwest quarter of Section 32, Township 26 North, Range 5 East, W.M.;

EXCEPT that portion thereof for 100th Avenue Northeast; as conveyed to King County under Recording No. 1181149;

ATTACHMENT 11  
ZON04-00025

Situate in the County of King, State of Washington.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The real property within the City of Kirkland described as follows is hereby reclassified (rezoned) from RS 8.5 to RS 8.5 and HL:

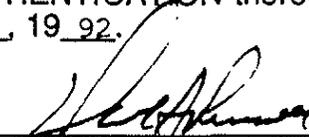
The Southwest quarter of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 32, Township 26 North, Range 5 East, W.M.; EXCEPT that portion thereof for 100th Avenue Northeast; as conveyed to King County under Recording No. 1181149; Situate in the County of King, State of Washington.

Section 2. The Director of the Department of Planning and Community Development is directed to amend the official Kirkland Zoning Map, Ordinance No. 2699 as amended, to conform with this ordinance, indicating thereon the date of ordinance adoption. Copies of this ordinance shall be filed with the Department of Planning and Community Development and the office of the City Clerk.

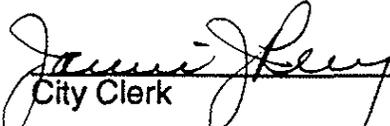
Section 3. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of March, 1992.

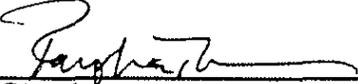
SIGNED IN AUTHENTICATION thereof this 3rd day of March, 1992.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

CITY OF KIRKLAND

123 FIFTH AVENUE

KIRKLAND, WASHINGTON 98033-6189

(206) 828-1257

---

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
MEMORANDUM

**To:** Eric Shields, Planning Director

**From:** Linda Phillips, Project Planner

**Date:** December 14, 1992

**Subject:** SHUMWAY MANSION, HISTORIC LANDMARK OVERLAY ZONE  
BOUNDARY

This memo is in response to your question regarding the December 8, 1992 letter to Mayor Russel from Leonard Garfield, Preservation Programs Coordinator.

The letter from Leonard Garfield, written at the request of Richard Harris appears to be a response to the most recent development history of the Shumway Mansion property on 100th Ave. NE. Richard and Sally Harris and Marshall and Julie Blakemore applied in 1990 to subdivide the present Mansion property and to obtain approval for a Planned Unit Development to allow construction of a duplex. The Planning Commission recommended denial of the application. The application was withdrawn.

Later, it was discovered that because of an administrative oversight, the Council had never adopted the ordinance giving final approval to place the Historic Landmark Overlay zone on the map. The ordinance would typically have been adopted following completion of the proposed development. A resolution by the Council had approved the overlay zone and the Bed and Breakfast and Reception facility (not otherwise allowed in the underlying RS 8.5 zone) to be established at the new mansion site and the facility had been in operation for several years.

Because the Historic Landmark Overlay section of the code allows modifications, subject to certain criteria, between preliminary approval and adoption of the final ordinance, the applicants then submitted a Process I application to modify the boundaries of the Historic Landmark Overlay zone. The application to modify the boundary was approved by the Planning Director.

The Council adopted the ordinance to place the Historic Landmark Overlay zone on the map, but did not approve the modification of the boundary. The entire Harris/Blakemore property is included in the originally proposed boundary as adopted. One effect of placing the overlay zone on the entire property is that the City will review and decide upon any proposal to alter a significant feature using Process III. One of the significant features of the zone is: "the entire site surrounding the Mansion and related facilities, including landscaping in scale and character appropriate to the Mansion".

Because they would like to subdivide the property and build one or more additional residences, the Harris's and Blakemores do not agree that the entire property should be regulated by the HL

ATTACHMENT 12  
20104-00025

zone, which requires that the Council make the final decision regarding any subdivision or other zoning permit.

The letter from Mr. Garfield states that for a property to be designated as historic, according to state and federal guidelines, it must retain enough integrity of fabric, features, and setting to convey its authentic historic character.

I reviewed the original file, Ii-84-39, and it appears that the boundaries the Shumway Mansion site were determined according to the City of Kirkland's zoning code regulations related to the Historic Landmark Overlay Zone and Quasi-Judicial Project Rezone process. They are unique to this particular development, and to the City's criteria. The requirements, in this case, go beyond those used by the state or federal government when deciding whether a property deserves historic designation. The commercial Bed and Breakfast and Reception use was approved as a modification to Chapter 75, Historic Landmark Overlay Zone. The underlying zoning of this property is RS 8.5 which would not have otherwise allowed a commercial use.

Because parking lots, lighting, and landscape buffer areas are required for this special use, the requirements of this development are different from those which identify a property as historic for state and federal purposes. In 1984, Mr. Harris stated in his response to the Criteria for HL zone: "Designation of this property as an Historic Landmark Overlay Zone will provide a protected, regulated parcel on which the Shumway Mansion could be relocated and preserved". His response was submitted with an application to designate the entire parcel HL zone.

**Jon Regala**

**From:** Dean Scotton [scottond@msn.com]  
**Sent:** Monday, October 31, 2005 3:43 PM  
**To:** Jon Regala  
**Cc:** Dean  
**Subject:** ZON04-00025

**Jon Regala**  
**Project Planner**  
**City of Kirkland**

**Re: ZON04-00025**

**I believe the application by Shumway 10 LLC for rezoning of the property at 11410 99th Place N.E. (The Shumway Mansion) to be a reasonable solution for its development as it will forever forbid any commercial activity and give us a small scale project next door with no possibility of further expansion.**

**Dean Scotton**  
**10024 NE 115th Lane**  
**Kirkland**

ATTACHMENT	13
ZON04-00025	

RECEIVED

OCT 28 2005

October 28, 2005

Mr. Jon Regala, Project Planner  
City Of Kirkland Planning Department  
123 5<sup>th</sup> Ave,  
Kirkland, WA 98033

\_\_\_\_\_ AM \_\_\_\_\_ PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

RE: File # ZON04-00025

Dear Mr. Regala,

As citizens of the city of Kirkland, we are formally submitting our concerns related to the Shumway 10 Application File # ZON04-00025. We are an association of 12 townhome homeowners on 101<sup>st</sup> place, just east of the Planned Urban Development project proposed by Mr. Yost and his associates. The purpose of this letter is to formally register our concerns with the City and Planning department related to this project and propose possible remedies which may mitigate some of our concerns.

As responsible homeowner neighbors of the proposed Planned Urban Development, we have identified several potential issues and possible solutions which we have been discussing with Mr. Yost.

One of our primary concerns is that of preservation of the views which we currently enjoy. 5 of the 12 townhomes in our association currently have direct lake views, some on upper and lower levels that have the potential to be negatively impacted by the project as currently planned. Multiple other units in our association will also have partial views from their front walkways negatively impacted by the current plans. We have requested that Mr. Yost reconsider the slope, height and pitch of the proposed units' roofs to lessen the impact on our views. Another option to help reduce the negative impact on our views would be to situate the proposed buildings first floors (garages) deeper into the ground, reducing the overall above ground rear-elevations of the buildings which will be potentially blocking our views. Preservation of the current views is essential to the value of our homes and were and are major factors in choosing to purchase homes in and continue to live in Kirkland.

Currently we enjoy a very quiet and tranquil residential neighborhood. Visitors often comment on our park-like setting, seclusion and quiet. The addition of 10 more units so very close to our property carries a significant risk of significant noise pollution which would greatly reduce the quality of the neighborhood that we treasure. Acceptable barriers to the inevitable increase in noise are: erecting a fence, possibly using some of the excavated site earth to build up a small berm at the border of the 2 properties, and the addition of native drought resistant vegetation, drainage and irrigation systems to maintain the health of the vegetation to screen and muffle noise. Improvements to access to the Westview Court greenbelt area bordering this area have also been suggested; one set of stairs and one terraced area.

The same greenbelt area which will serve as buffer between our properties currently have some very large trees which are currently protected by city and or county covenants. We strongly urge that this buffer zone be cleaned of non-native vegetation, protected healthy trees be evaluated and attended to by an arborist.

Another similar area of concern is the small un-named stream which runs through the ravine to the north of Westview Court, which extends westward through this proposed Planned Development. The wetland buffer for this stream must be maintained in a green, natural native state. Any changes to the ravine or wetland buffer area must be those of removal of current refuse, non-native plants and any harmful dead or diseased species. We love the natural state of this area and request that every

ATTACHMENT 14  
ZON04-00025

consideration be made to maintain the wild appearance of this small green space in the burgeoning city of Kirkland.

All of the above requests and any others agreed to by the Westview Court Homeowners would need to be carried out to our satisfaction and guaranteed by a bond posted by the developers; and executed at the developer's expense. Any structures, changes or improvements suggested here or in future agreements would be subject to current code.

We have no desire or motivation to prevent this proposed project from moving forward but are stalwart in our resolve to protect and preserve the current quality of life that is unique to our neighborhood as it currently exists. We are citizens, taxpayers and voters who live in Kirkland by choice because we love the characteristics of our neighborhood and trust the city planning department to recognize the value of maintaining our unique character while managing growth. Thank you very much for your consideration in this matter.

Sincerely,



Andrea Wood  
11315 101<sup>st</sup> Place, NE

Kirkland, WA 98033

Home Owners of the Westview Court Home Owner's Association

October 24, 2005

Mr. Jon Regala, Project Planner  
City Of Kirkland Planning Department  
123 5<sup>th</sup> Ave,  
Kirkland, WA 98033

RECEIVED

OCT 28 2005

\_\_\_\_\_AM\_\_\_\_\_PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

RE: File # ZON04-00025

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ATTACHMENT 15  
ZON04-00025

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All of the above requests and any others agreed to by the Westview Court Homeowners would need to be carried out to our satisfaction and guaranteed by a bond posted by the developers; and executed at the developer's expense. Any structures, changes or improvements suggested here or in future agreements would to be subject to current code.

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Sincerely,



Peter G. Lacy  
11325 101<sup>st</sup> Place NE

Kirkland, WA 98033

Homeowners of the Westview Court Homeowner's Association

RECEIVED  
OCT 28 2005

October 23, 2005

Mr. Jon Regala, Project Planner  
City Of Kirkland Planning Department  
123 5<sup>th</sup> Ave,  
Kirkland, WA 98033

AWI PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

RE: File # ZON04-00025

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ATTACHMENT 16  
ZON04-00025

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Sincerely,



(Your names, your addresses)

Richard A. Webber

11318 101<sup>st</sup> AVE

Kirkland, WA 98033

Home Owners of the Westview Court Home Owner's Association

October 23, 2005

Mr. Jon Regala, Project Planner  
City Of Kirkland Planning Department  
123 5<sup>th</sup> Ave,  
Kirkland, WA 98033

RECEIVED

OCT 20 2005

AM PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

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ATTACHMENT 17

ZON04-00025

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Sincerely,

A handwritten signature in black ink, appearing to read "Dorothy Wolfe". The signature is written in a cursive style with a large, stylized initial "D".

Dorothy Wolfe  
11326 101<sup>st</sup> Place N.E.

Home Owners of the Westview Court Home Owner's Association

RECEIVED

OCT 28 2005

October 25, 2005

Mr. Jon Regala, Project Planner  
City Of Kirkland Planning Department  
123 5<sup>th</sup> Ave,  
Kirkland, WA 98033

AM PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

RE: File # ZON04-00025

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ATTACHMENT 18  
ZON04-00025

consideration be made to maintain the wild appearance of this small green space in the burgeoning city of Kirkland.

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Sincerely,

A handwritten signature in black ink, appearing to read "Janette Petragallo". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Janette Petragallo  
11317 101<sup>st</sup> Place, NE

Kirkland, WA 98033

Home Owners of the Westview Court Home Owner's Association

October 24, 2005

RECEIVED

OCT 28 2005

Mr. Jon Regala, Project Planner  
City of Kirkland Planning Department  
123 5<sup>th</sup> Ave,  
Kirkland, WA 98033

PLANNING DEPARTMENT  
BY \_\_\_\_\_

RE: File # ZON04-00025

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ATTACHMENT 19

ZON04-00025

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Sincerely,



Vittorio Mangione

11309 101 PL. NE.  
Kirkland, WA 98033  
(425) 820-2496

Home Owners of the Westview Court Home Owner's Association

Harvey Sherman 11323 101<sup>st</sup> Pl Ne Kirkland, Wa. 98034 / (425) 825-5619 -  
harveysherman@hotmail.com

October 26, 2005

Mr. Jon Regala, Project Planner  
City Of Kirkland Planning Department  
123 5<sup>th</sup> Ave,  
Kirkland, WA 98033

RECEIVED

OCT 26 2005

RECEIVED

OCT 26 2005

RE: File # ZON04-00025

PLANNING DEPARTMENT

PLANNING DEPARTMENT

BY \_\_\_\_\_

Dear Mr. Regala,

As citizens of the city of Kirkland, we are formally submitting our concerns related to the Shumway 10 Application File # ZON04-00025. We are an association of 12 townhome homeowners on 101<sup>st</sup> place, just east of the Planned Urban Development project proposed by Mr. Yost and his associates. The purpose of this letter is to formally register our concerns with the City and Planning department related to this project and propose possible remedies which may mitigate some of our concerns.

As responsible homeowner neighbors of the proposed Planned Urban Development, we have identified several potential issues and possible solutions which we have been discussing with Mr. Yost.

One of our primary concerns is that of preservation of the views which we currently enjoy. **One of the reasons we bought our properties is for these views.** 5 of the 12 townhomes in our association currently have direct lake views, some on upper and lower levels that have the potential to be negatively impacted by the project as currently planned. **Currently the view from these homes is vegetation and lake. The proposed PUD will replace some of the vegetation with the roofs and walls of buildings.** This is undesirable to us. Multiple other units in our association will also have partial views from their front walkways negatively impacted by the current plans. We have requested that Mr. Yost reconsider the slope, height, pitch and positioning of the proposed units' roofs to lessen the impact on our views. Another option to help reduce the negative impact on our views would be to situate the proposed buildings first floors (garages) deeper into the ground, reducing the overall above ground rear-elevations of the buildings which will be potentially blocking our views. Preservation of the current views is essential to the value of our homes and our lives. They were and are major factors in choosing to purchase homes in and continue to live in Kirkland.

Currently we enjoy a very quiet and tranquil residential neighborhood. Visitors often comment on our park-like setting, seclusion and quiet. The addition of 10 more units so very close to our property introduces significant noise pollution which would greatly reduce the quality of the neighborhood that we treasure. Acceptable barriers to the inevitable increase in noise are: erecting a fence, possibly using some of the excavated site earth to build up a small berm at the border of the 2 properties, and the addition of native drought resistant vegetation, drainage and irrigation systems to maintain the health of the vegetation to screen and muffle noise. Improvements to access to the Westview Court greenbelt area bordering this area have also been suggested; one set of stairs and one terraced area.

The improvements we are requesting on our property serve to satisfy the zoning requirement for providing enhancements to adjacent properties the city can not require of developers in the following **Kirkland Zoning Code 125.35:**

**"#2 Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City."**

ATTACHMENT 20  
ZON04-00025

**"#3.b The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or stream that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.**

**d. 2 Superior screening of parking facilities**

**3 Superior landscaping, buffering, or screening around the proposed PUD"**

The greenbelt area to the west of our property which will serve as buffer between our properties and the proposed PUD currently has some very large trees which are protected by city and or county covenants. We strongly urge that this buffer zone be cleaned of non-native vegetation, and that protected healthy trees be evaluated and attended to by an arborist.

Another similar area of concern is the small un-named stream which runs through the ravine to the north of Westview Court, which extends westward though this proposed Planned Development. The wetland buffer for this stream must be maintained in a green, natural native state. Any changes to the ravine or wetland buffer area must be those of removal of current refuse, non-native plants and any harmful dead or diseased species. We love the natural state of this area and request that every consideration be made to maintain the wild appearance of this small green space in the burgeoning city of Kirkland.

All of the above requests and any others agreed to by the Westview Court Homeowners would need to be carried out to our satisfaction and guaranteed by a bond posted by the developers; and executed at the developer's expense. Any structures, changes or improvements suggested here or in future agreements would to be subject to current code. **The PUD plan needs to include these enhancements to our property as they are agreed to between the developer and the Westview Court HOA and approved by the city council.**

We have no desire or motivation to prevent this proposed project from moving forward but are stalwart in our resolve to protect and preserve the current quality of life that is unique to our neighborhood as it currently exists. We are citizens, taxpayers and voters who live in Kirkland by choice because we love the characteristics of our neighborhood and trust the city planning department to recognize the value of maintaining our unique character while managing growth. Thank you very much for your consideration in this matter.

Sincerely,

Harvey Sherman



A Home Owner of the Westview Court Home Owner's Association

## CITY OF KIRKLAND

123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 828-1257

### DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT MEMORANDUM

**To:** Eric R. Shields, AICP, SEPA Responsible Official

**From:** Jon Regala, Associate Planner

**Date:** December 19, 2005

**File:** SEP04-00054

**Subject:** **ENVIRONMENTAL DETERMINATION  
SHUMWAY MANSION HISTORIC OVERLAY ALTERATION, SHORT PLAT, AND  
STREAM/BUFFER MODIFICATION  
11410 99<sup>TH</sup> PLACE NE**

The Shumway Mansion, located at 11410 99<sup>th</sup> Place, currently functions as a bed and breakfast business and wedding reception facility. The subject property also has a historic landmark overlay to help preserve the Mansion by designating significant features of the site. The four significant features are: (1) The name Shumway Mansion; (2) the external features of the Mansion; (3) a book containing the history of the Mansion; and (4) the entire site surrounding the Mansion and related facilities, including landscaping in scale and character appropriate to the Mansion.

The applicant is proposing to convert the Mansion to a single family residence and reduce the overlay and the site significant feature to a smaller area around the Mansion. This reduction would allow the remainder of the property to be developed in the future with a residence or residences and accessory structures without having to obtain approval of a historic overlay alteration. This is required to be reviewed through a Process IIB.

The subject property also contains moderate landslide hazard areas (entire property) and high landslide hazard areas (associated with the ravine) as identified on the City of Kirkland Sensitive Areas maps, a Class B stream, and a Type III wetland. The applicant is proposing to short plat the subject property so that the Mansion will remain on a 25,024 square foot parcel along with the revised historic landmark overlay. The larger parcel, containing 79,296 square feet, will contain 10 residential units to be reviewed through the City's PUD process. The applicant is proposing a stream and buffer reduction, in order to construct the residences which are also to be reviewed through the City's Process IIB process.

I have had an opportunity to visit the site (see Attachment 1) and review the following documents:

1. Environmental checklist dated April 16, 2005 (see Attachment 2)
2. The applicant's proposal (see Attachment 3)
3. Geotechnical report by GeoEngineers dated July 13, 2005 (see Attachment 4)
4. Traffic Concurrency and Analysis Memo by Thang Nguyen dated October 13, 2005 (see Attachment 5)
5. Traffic Study by The Transpo Group dated July 6, 2005 (see Attachment 6)
6. Wetland and Buffer Modification Review by The Watershed Company dated October 26, 2005 (see Attachment 7)
7. Wetland Resources, Inc., letter dated November 10, 2005 (see Attachment 8)
8. Wetland Resources, Inc., Wetland and Buffer Modification report (modified) dated December 14, 2005 (see Attachment 9)

The applicant revised their buffer modification plan (see Attachment 8 and 9) to incorporate the buffer recommendations provided by The Watershed Company.

ATTACHMENT <u>21</u>
<u>2004-00025</u>

It will be necessary to further analyze certain aspects of the proposal to determine if the project complies with all of the applicable City codes and policies. That analysis is most appropriately addressed with the zoning permit process. In contrast, State law specifies that this environmental review under the State Environmental Policy Act (SEPA) is to focus only on potential significant impacts to the environment that could not be adequately mitigated through the Kirkland regulations and Comprehensive Plan.

Based on my review of all available information and adopted policies of the City, I have not identified any significant adverse environmental impacts that cannot be addressed through City codes. Therefore, I am recommending that a Determination of Nonsignificance (DNS) be issued for this proposed action.

**SEPA ATTACHMENTS**

1. Vicinity Map
2. Environmental checklist dated April 16, 2005
3. The applicant's proposal
4. Geotechnical report by GeoEngineers dated July 13, 2005
5. Traffic Concurrency and Analysis Memo by Thang Nguyen dated October 13, 2005
6. Traffic Study by The Transpo Group dated July 6, 2005
7. Wetland and Buffer Modification Review by The Watershed Company dated October 26, 2005
8. Wetland Resources, Inc., letter dated November 10, 2005
9. Wetland Resources, Inc., Wetland and Buffer Modification report (modified) dated December 14, 2005

Review by Responsible Official: \_\_\_\_\_

I concur       I do not concur

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Eric R. Shields, Planning Director

12/20/05  
Date

## CITY OF KIRKLAND NOTICE OF SEPA DETERMINATION

The City of Kirkland has conducted an environmental review of the following project:

**File No.:** SEP04-00054 for ZON04-00025

**Proponent:** Robert Ketterlin

**Address or Location of proposal:** 11410 99<sup>th</sup> Place N.E.

**Description of project:** Removal of bed and breakfast and wedding reception use at the Shumway Mansion, reduction of historic overlay to a smaller area around the Mansion, 2-lot short plat, wetland/stream buffer reduction, and PUD to construct 10 residential units (clustered housing).

Notice is hereby given that on December 22, 2005 the City of Kirkland issued a Determination of Nonsignificance (DNS) in accordance with the State Environmental Policy Act (SEPA) and Chapter 197-11 of the Washington Administrative Code.

**SEPA Comments:** Comments must be submitted by **5 PM** on January 5, 2006 to City of Kirkland, Department of Planning and Community Development, 123 Fifth Avenue, Kirkland, WA 98033. Contact Jon Regala for further information at (425) 587-3255.

**Procedures to Appeal SEPA:** You may contact Jon Regala at (425) 587-3255 to ask about the procedures for SEPA appeals):

1. A written appeal must be filed with the Environmental Coordinator, Nancy Cox, by **5 PM** on January 5, 2006, at the above address.
2. The appeal must contain a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the appellant's basic rationale or contentions on appeal, and a statement demonstrating standing to appeal. The following have standing to appeal: 1) the applicant; 2) any agency with jurisdiction; 3) any individual or other entity who is specifically and directly affected by the proposed action. The appeal may also contain whatever supplemental information the appellant wishes to include.
3. Pay the \$150.00 fee to file an appeal.

This project requires a public hearing by the Hearing Examiner. Many issues are most appropriately considered during the hearing process rather than through the SEPA process. However some issues, such as traffic, are usually considered only through SEPA and may only be contested or appealed by filing an appeal of the DNS. **There may be no other opportunity to appeal these issues.** Call Jon Regala at (425) 587-3255 if you have questions about what issues are addressed in this DNS.

Publishing Date: December 27, 2005

BILL TO: NO. 2342, Planning and Community Development

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Content of legal notice approved by:  \_\_\_\_\_  
(Project Planner)

Document3 6/30/03

CITY OF KIRKLAND  
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189  
(425) 587-3225



**DETERMINATION OF NONSIGNIFICANCE (DNS) .**

CASE #: SEP04-00054

DATE ISSUED: 12/22/2005

DESCRIPTION OF PROPOSAL -----

**Removal of bed and breakfast and wedding reception use at the Shumway Mansion, reduction of historic overlay to a smaller area around the Mansion, 2-lot short plat, wetland/stream buffer reduction, and PUD to construct 10 residential units (clustered housing).**

PROPOSER: ROBERT KETTERLIN

LOCATION OF PROPOSAL -----

**11410 - 99TH PL NE**

**LEAD AGENCY IS THE CITY OF KIRKLAND**

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This DNS is issued under 197-11-340 (2); the lead agency will not act on this proposal for 14 days from the date above. Comments must be submitted by 5:00 p.m. 1/5/2006

Responsible official:

Handwritten signature of Eric Shields in blue ink.

12/20/05

Eric Shields, Director  
Department of Planning and Community Development  
425-587-3225

Date

Address: City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033-6189

You may appeal this determination to NANCY COX at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., January 05, 2006 by WRITTEN NOTICE OF APPEAL.

You should be prepared to make specific factual objections. Contact Nancy Cox to read or ask about the procedures for SEPA appeals.

Please reference case # SEP04-00054.

Publish in the Eastside Journal (date):

12/29/05

Distribute this form with a copy of the checklist to the following:

- Environmental Review Section, Department of Ecology,  
P.O. Box 47703, Olympia, WA 98504-7703
- Department of Fish and Wildlife (for streams and wetlands - with drawings)  
North Lake Washington Tributaries Area Habitat Biologist  
16018 Mill Creek Boulevard, Mill Creek, WA 98012
- Department of Fish and Wildlife (for shorelines and Lake Wa. - with drawings)  
Lake Washington Tributaries Area Habitat Biologist  
C/O DOE  
3190 160th Avenue SE, Bellevue, WA 98008
- Seattle District, U.S. Army Corps of Engineers,  
P.O. Box C-3755  
Seattle, WA 98124
- Attn: Lynn Best, Acting Director, Environmental Division, Seattle City Light  
700 5th Avenue, Suite 3316  
P.O. Box 34023  
Seattle, WA 98125-4023
- Muckleshoot Tribal Council, Environmental Division, Fisheries Department  
39015 172nd SE  
Auburn, WA 98092
- Northshore Utility District,  
P.O. Box 82489  
Kenmore, WA 98028-0489
- Shirley Marroquin  
Environmental Planning Supervisor  
King County Wastewater Treatment Division  
201 South Jackson Street, MS KSC-NR-0505  
Seattle, WA 98104-3855 - and -
- Gary Kriedt  
King County Metro Transit Environmental Planning  
201 South Jackson Street, MS KSC-TR-0431  
Seattle, WA 98104-3856
- Director of Support Services Center  
Lake Washington School District No. 414  
P.O. Box 97039  
Redmond, WA 98073-9739
- John Sutherland, Developer Services  
Washington State Department of Transportation  
15700 Dayton Ave. N., MS 240  
P.O. Box 330310  
Seattle, WA 98133-9710
- Tim McGruder, Conservation Chair  
East Lake Washington Audubon Society  
13450 NE 100th St.  
Kirkland, WA 98033

Applicant / Agent \_\_\_\_\_

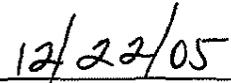
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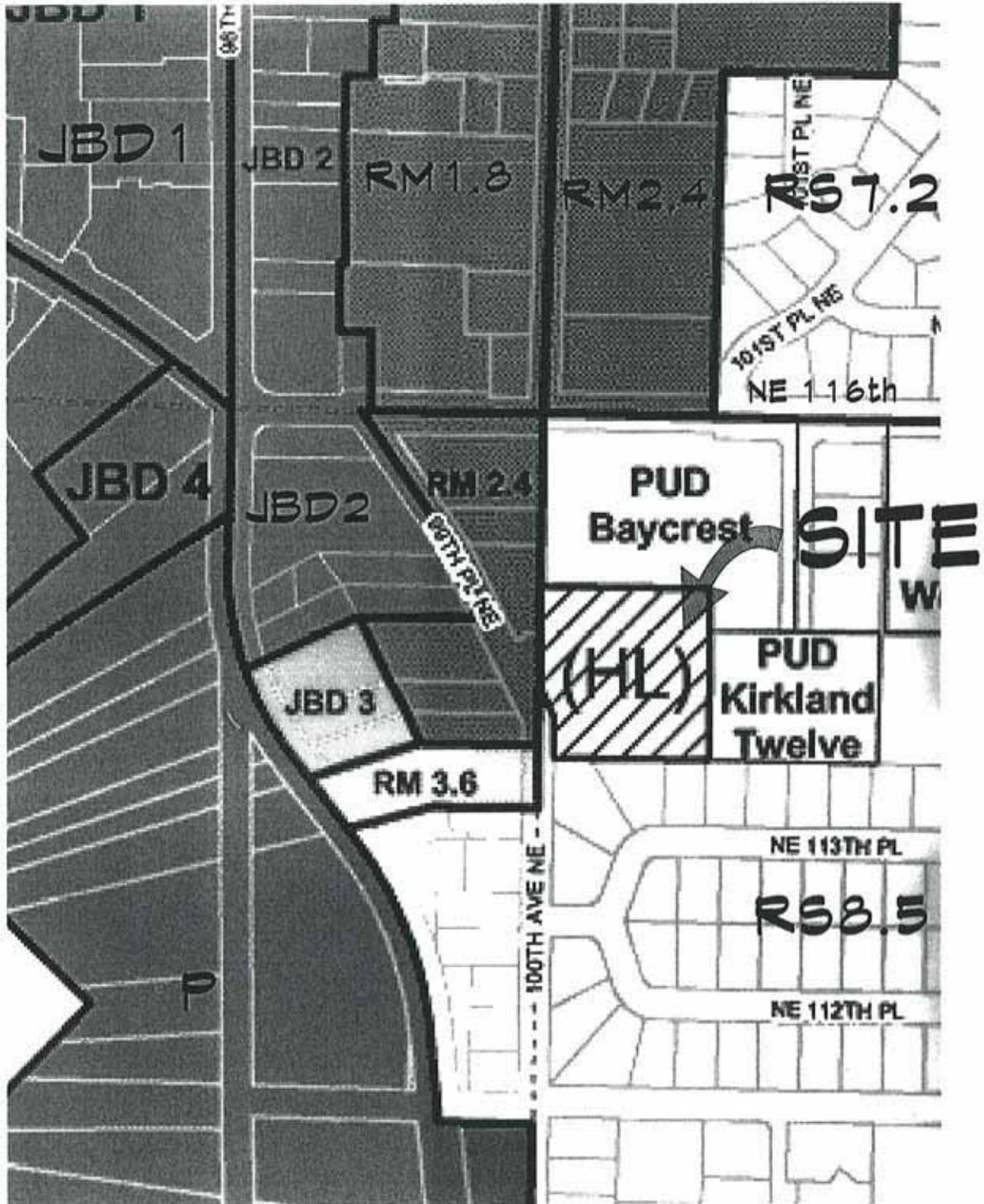
cc: Case # ZON04-00025

Distributed to agencies along with a copy of the checklist. (see attached).



Distributed By:  
SEPA\_C\_A, rev: 12/20/2005

  
Date: \_\_\_\_\_



# VICINITY MAP

SCALE: 1" = 300'

ATTACHMENT	1
SEP04.00054	

# CITY OF KIRKLAND ENVIRONMENTAL CHECKLIST

## Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City identify impacts from your proposal, and to reduce or avoid impacts from the proposal, whenever possible

## Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City staff can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

## Use of Checklist for Non-project Proposals:

Complete this checklist for non-project proposals also, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (Part D).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "r," and "affected geographic area," respectively.

ATTACHMENT 2  
SP004.00054

## BACKGROUND

Name of proposed project, if applicable: *Shumway 10 Townhomes*

Name of applicant: *Shumway 10 LLC*

Tax parcel number: *3226059040*

Address and phone number of applicant and contact person: *11608 100<sup>th</sup> Ave NE, B1 Kirkland, WA 206.618.5406*

5. Date checklist prepared: *8/11/2005*
6. Agency requesting checklist: *Planning Department*
7. Proposed timing or schedule (including phasing, if applicable): *To be started in 2006 and completed in 2007*
8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?  
*NO*
9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.  
*Wetland Study by Wetland Resources and Traffic Study by The Transpo Group*
10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.  
*No*
11. List any government approvals or permits that will be needed for your proposal, if known.  
*Historic Overlay Reduction, Site Plan Approval, Building Plans Approval*
12. Give brief, complete description of your proposal, including the proposed uses, the size and scope of the project and site including dimensions and use of all proposed improvements. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.  
*Proposed resubdivision of property to include the existing mansion on one 25,000 sq. ft. lot, one triples 6,200 sq. ft, two duplexes 5,000 sq. ft each and 3 single family homes 2,500 sq. ft. each.*
13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.  
*The project is located at 11410 99<sup>th</sup> place NE, Kirkland , WA 98034. The legal description is located in the title report submitted with this application*



2. AIR

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities, if known.

**Heavy equipment emissions during construction (quantity unknown) Car emissions from the residents (quantity unknown)**

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

**No**

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

**None**

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3. WATER

a. Surface

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

**There is a year round class 2 stream, a man made detention pond and class 3 wetlands. The stream flows into the Kirkland Storm Water System**

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

**Yes, roads and building will be within 200'. Plans and wetlands reports are included in this application**

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

**None**

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

**No**

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

**No**

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

**No**

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b. Ground

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

*No*

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

*None*

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (include storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

*Surface water is proposed to be routed through the existing detention pond located onsite. This not only includes the surface water generated onsite but also approximately 5 acres of offsite area that drains into the ravine. The existing pond will be retrofitted for water quality treatment. The project is exempt from detention requirements since the project site meets the direct discharge requirements as well as the post developed conditions generating less runoff than existing conditions. Following the discharge from the pond the water flows generally in a westward direction for less than 1/4 mile prior to discharging into Lake Washington.*

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

*No*

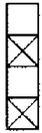
Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

*During construction BMP's will be used to control any runoff impacts. Following construction the water will be collected in a storm drainage system designed to meet the city's standards. The surface water runoff will be routed through a water control facility.*

4. PLANTS

- a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other  
evergreen tree: fir, cedar, pine, other  
shrubs  
grass  
pasture



- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation: Invasive species such as blackberry in wetland

buffer

- b. What kind and amount of vegetation will be removed or altered?  
**Trees and some shrubs within the City of Kirkland guidelines**
- c. List threatened or endangered species known to be on or near the site.  
**None**
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:  
**Landscape plan for buffer enhancement is included in the wetland study and landscape plan for the balance of the site is included in this application**

5. ANIMALS

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:  
  
birds: hawk, heron, eagle, songbirds, other **song birdss**  
mammals: deer, bear, elk, beaver, other **none**  
fish: bass, salmon, trout, herring, shellfish, other **none**
- b. List any threatened or endangered species known to be on or near the site.  
**none**
- c. Is the site part of a migration route? If so, explain.  
**no**
- d. Proposed measures to preserve or enhance wildlife, if any:  
**none**

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.  
**Electricity and Natural gas will be used for lighting and heating**
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.  
**No**

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:  
**Buildings will be built according to national and local energy codes**

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7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

**No**

- 1) Describe special emergency services that might be required.

**None**

- 2) Proposed measures to reduce or control environmental health hazards, if any:

**None**

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- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

**traffic**

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

**Construction short term, there will be a long term reduction in traffic noise because of the proposed project**

- 3) Proposed measures to reduce or control noise impacts, if any:

**The existing mansion will be changed from a commercial hotel/banquet facility operation to a single family residence reducing traffic noise and the noise created by the several banquets held there.**

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8. LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties?  
**The site is currently a commercial hotel/banquet facility and the adjoining properties are multi-family and single family residential.**

- b. Has the site been used for agriculture? If so, describe.

**Not to my knowledge**

- c. Describe any structures on the site.

**The existing Shumway Mansion**

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d. Will any structures be demolished? If so, what?

*no*

e. What is the current zoning classification of the site?

*RS 8500*

f. If applicable, what is the current shoreline master program designation of the site?

*None*

g. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

*Not to my knowledge*

*WETLAND, STREAM, SLOPES*

h. Approximately how many people would reside or work in the completed project.

*30*

i. Approximately how many people would the completed project displace?

*None*

j. Proposed measures to avoid or reduce displacement impacts, if any:

*None*

k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

*review of all existing zoning, comprehensive growth plan and comments from city planners*

9. HOUSING

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

*10 Middle income*

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

*None*

c. Proposed measures to reduce or control housing impacts, if any:

*The new structures are designed to compliment the existing mansion and the topography of the site.*

10. AESTHETICS

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?  
**25' Hardi plank and stone**
- b. What views in the immediate vicinity would be altered or obstructed?  
**None, in fact view behing the project would be improved.**
- c. Proposed measures to reduce or control aesthetic impacts, if any:  
**Great care was taken to assure the new design compliments the existing structure and landscaping**

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11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?  
**Car lights at night**
- b. Could light or glare from the finished project be a safety hazard or interfere with views?  
**No**
- c. What existing off-site sources of light or glare may affect your proposal?  
**None**
- d. Proposed measures to reduce or control light and glare impacts, if any:  
**Any site-lighting will have shades to prevent off-site glare**

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12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?  
**Lake Washington, Juanita Park, Tennis, Dining, Downtown Kirkland**
- b. Would the proposed project displace any existing recreational uses? If so, describe.  
**No**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:  
**None**

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13. HISTORICAL AND CULTURAL PRESERVATION

- a. Are there any places or objects listed in, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.  
*Shumway mansion is listed locally*
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.  
*Shumway mansion*
- c. Proposed measures to reduce or control impacts, if any:  
*Buildings are designed to compliment the mansion and the mansion grounds will be 25,000 sq. ft. We are also working closely with the Kirkland Heritage Society who have agreed to help us design the Historical Marker and Archive all of the original documents and photo's pertaining to the mansion.*

14. TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on-site plans, if any.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?  
*No, 500' to nearest bus stop*
- c. How many parking spaces would the completed project have? How many would the project eliminate?  
*The site when completed will have two stall per unit including the mansion plus additional parking space for 2 cars in each unit driveway for guests. This is a total of 22 designated stalls with room for an additional 22 guests areas. Currently the site is used for commercial purposes and has a total of 49 stalls. There will be an over all reduction of 22 designated stalls.*
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).  
*The proposed residences will be served by a private driveway. Frontage improvements on 99 Pl. NE will however be required and will include a new curb, gutter, sidewalk and landscape strip.*
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.  
*No*
- f. How many vehicular trips per day would be generated by the completed project? If know, indicate when peak volumes would occur.  
*An increase of 7 daily trips over the existing use will be generated during weekdays. During the PM weekday peak period -2 new trips will be*

*generated and during weekend peak times -26 new trips will be generated.  
Copies of the Traffic study is included with this report*

- g. Proposed measures to reduce or control transportation impacts, if any:  
*The proposed development will actually create less PM peak hour and less weekend trips than the existing development creating less impact during these times. For that reason no new measures are proposed.*

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.  
*Possible schools, fire, police and health care increases.*
- b. Proposed measures to reduce or control direct impacts on public services, if any.  
*None*

16. UTILITIES

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other *all*
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.  
*Electricity-Puget Power, Natural gas-Puget Power, Water-City of Kirkland, Refuse-Waste Management, Telephone-Verizon, Sanitary Sewer-City of Kirkland. Construction of utility lines within the community and connections in the street to utilities*

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Robert U. Koller

Date Submitted: 4.16.05

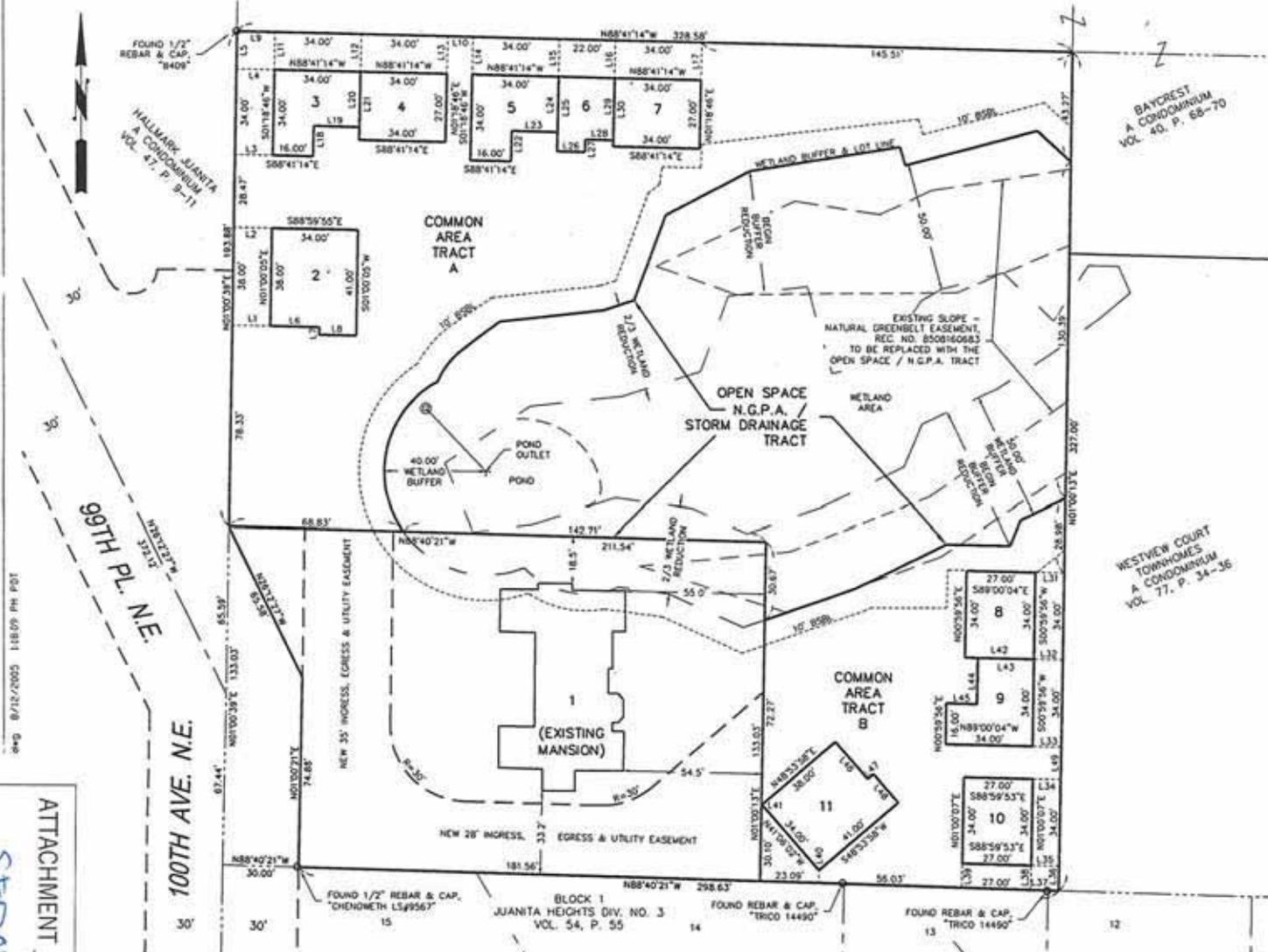
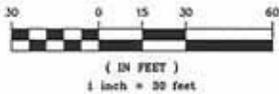
D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

# SHUMWAY 10

A Planned Unit Development  
 NW 1/4, NW 1/4, SECTION 32, T. 26 N., R. 5 E., W.M.  
 City of Kirkland, King County, Washington

GRAPHIC SCALE



AREA TABLE		
LOT/TRACT	SQUARE FEET	ACRES
LOT 1	25,024	0.574
LOT 2	1,336	0.031
LOT 3	840	0.022
LOT 4	918	0.021
LOT 5	840	0.022
LOT 6	594	0.014
LOT 7	918	0.021
LOT 8	918	0.021
LOT 9	840	0.022
LOT 10	918	0.021
LOT 11	1,336	0.031
TRACT A	29,976	0.565
TRACT B	10,649	0.244
OPEN SPACE TRACT	32,911	0.756
TOTAL	104,320	2.395

LINE TABLE		
LINE	BEARING	LENGTH
L1	N88°52'21\"	15.05'
L2	N88°52'21\"	15.04'
L3	N88°52'21\"	14.82'
L4	N88°52'21\"	15.00'
L5	N01°00'32\"	15.08'
L6	S88°52'55\"	19.33'
L7	S01°00'05\"	3.00'
L8	S88°52'55\"	14.67'
L9	N88°41'14\"	15.08'
L10	N88°41'14\"	10.00'
L11	N01°18'46\"	15.00'
L12	N01°18'46\"	15.00'
L13	N01°18'46\"	15.00'
L14	N01°18'46\"	15.00'
L15	N01°18'46\"	15.00'
L16	N01°18'46\"	15.00'
L17	N01°18'46\"	15.00'
L18	N01°18'46\"	12.00'
L19	N88°41'14\"	18.00'
L20	N01°18'46\"	22.00'
L21	N01°18'46\"	27.00'
L22	N01°18'46\"	12.00'
L23	N88°41'14\"	18.00'
L24	N01°18'46\"	22.00'
L25	S01°18'46\"	28.50'
L26	S88°41'14\"	11.00'
L27	N01°18'46\"	5.00'
L28	S88°41'14\"	11.00'
L29	N01°18'46\"	24.50'
L30	N01°18'46\"	27.00'
L31	S88°52'47\"	11.31'
L32	S88°52'47\"	11.31'
L33	S88°52'47\"	11.32'
L34	S88°52'47\"	10.90'
L35	S88°52'47\"	10.89'
L36	N01°00'13\"	9.61'
L37	S88°40'21\"	10.95'
L38	S01°18'39\"	8.55'
L39	S01°18'39\"	9.40'
L40	S01°18'39\"	5.00'
L41	N88°52'47\"	0.32'
L42	N88°52'47\"	27.00'
L43	N88°52'47\"	22.00'
L44	S00°58'56\"	18.00'
L45	N88°52'47\"	12.00'
L46	S41°06'02\"	19.33'
L47	N48°53'58\"	3.00'
L48	S41°06'02\"	14.67'
L49	N01°00'13\"	12.75'

NOTE:  
 DISTANCES TO BUILDING ENVELOPES ARE MEASURED PERPENDICULAR TO THE PROPERTY LINES AS SHOWN.

NW 1/4, NW 1/4, SECTION 32, TWP. 26 N., R. 5 E., W.M.

DWN. BY	DATE	JOB NO.
RLH	8/12/05	05465.13
CHKD. BY	SCALE	SHEET
JRD	1" = 30'	3 OF 3

ATTACHMENT 3  
 SEP04-00054

790 Sixth Street South  
 Kirkland, WA 98033  
 p. 425.827.2014 | f. 425.827.5043

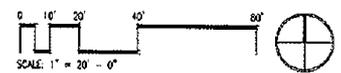
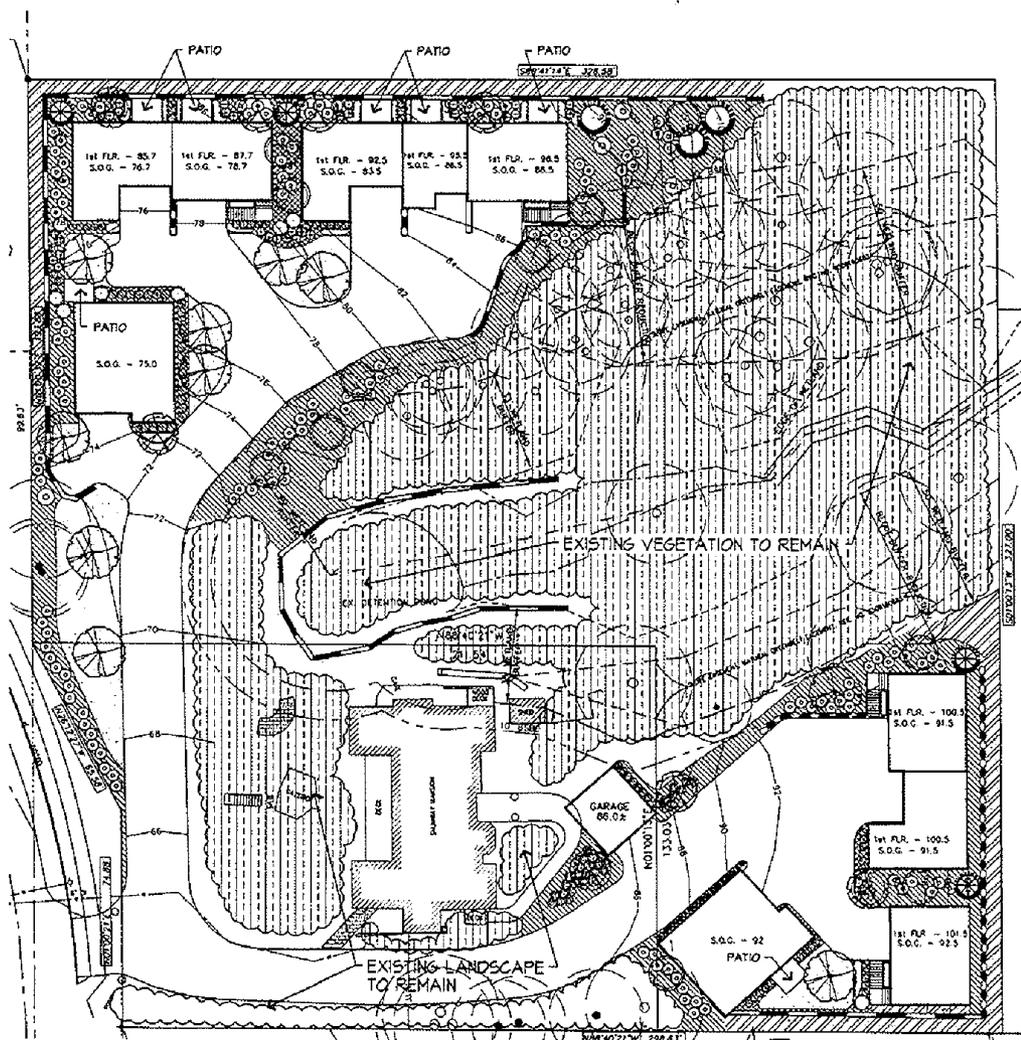
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 An Engineering Services Company

Civil | Structural | Planning | Survey  
 paceengrs.com



# PLANT SCHEDULE

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE	NOTES
	EXISTING TREES NOTE: DASHED CIRCLES REFERS TO APPROXIMATE DRIP LINE. VERIFY IN FIELD.		
	EXISTING LANDSCAPE TO REMAIN		
	DECIDUOUS TREES		
	ACER CIRCINATUM VINE MAPLE	2" CAL.	B & B, MATCHED FORM
	ACER RUBRUM RED SWEET / RED MAPLE	2" CAL.	B & B, MATCHED FORM
	BETULA JACQUEMONTI / JACQUEMONTI BIRCH	2" CAL.	B & B, MATCHED FORM
	PYRUS C. REDSPIRE / REDSPIRE PEAR	2" CAL.	B & B, MATCHED FORM
	EVERGREEN TREES		
	THUJA PLICATA / WESTERN RED CEDAR	8" HT.	B & B, MATCHED FORM
	PSEUDOTSUGA MENZIESII / DOUGLAS FIR	8" HT.	B & B, MATCHED FORM
	CHAMAECYPARIS O. GRACILIS / SLENDER HOKI CYPRESS	8" HT.	B & B, MATCHED FORM
	EVERGREEN SCREENING SHRUBS		
	ARBUTUS UNEDO / STRAWBERRY TREE	30"-36" HT.	FULL FOLIAGE
	PRUNUS LANTANA / PORTUGUESE LAUREL	30"-36" HT.	FULL FOLIAGE
	EVERGREEN SHRUBS		
	VIBURNUM DAVIDII / DAVID VIBURNUM	24"-30" SPR.	FULL FOLIAGE
	VIBURNUM L. SPRING BOUQUET / SPRING BOUQUET VIBURNUM	24"-30" HT.	FULL FOLIAGE
	CISTUS HYBRIDUS / WHITE ROCKROSE	18"-24" SPR.	FULL FOLIAGE
	EVERGREEN FOUNDATION SHRUBS		
	LEUCOTHOE FONTANESIANA / DROOPING LEUCOTHOE	24"-30" SPR.	FULL FOLIAGE
	SARCOCOCCA RUSCIFOLIA / SARCOCOCCA	20"-24" HT.	FULL FOLIAGE
	PRUNUS L. OTTO LUYKEN OTTO LUYKEN LAUREL	20"-24" HT.	FULL FOLIAGE
	DECIDUOUS ACCENT SHRUBS		
	SARCOCOCCA RUSCIFOLIA / SARCOCOCCA	20"-24" HT.	FULL FOLIAGE
	PRUNUS L. OTTO LUYKEN OTTO LUYKEN LAUREL	20"-24" HT.	FULL FOLIAGE
	NATIVE SHRUBS		
	ACER CIRCINATUM / VINE MAPLE	6" HT.	3 STEM MIN 60" O.G.
	CORYLUS CORNUTA / WESTERN HAZELNUT	24"-30" HT.	FULL FOLIAGE, 60" O.G.
	RAMNUS ADRIATICUM / DRESDEN GRAPE	24"-30" HT.	FULL FOLIAGE, 60" O.G.
	RISES SANGUINEUM KING EDWARD VII / FLOWER CURRANT	24"-30" HT.	FULL FOLIAGE, 48" O.G.
	PERENNIALS & GRASSES		
	HELICTOTRICHON SEMPERVIRENS / BLUE OAT GRASS	1.6 GAL.	24" O.G.
	MISCANTHUS S. 'YAKU JIMA' / MAIDEN GRASS	1.6 GAL.	36" O.G.
	PENNISETUM HAMELIN / FOUNTAIN GRASS	1.6 GAL.	24" O.G.
	HEMEROCALLIS 'STELLA D'ORO' / DAYLILY	1.6 GAL.	18" O.G.
	GROUNDCOVER		
	ARCTOSTAPHYLOS UVA-URSI / KINNIKINICK	4" POT.	18" O.G.
	TIBB. GAULLTHERIA SHALLON / SALAL	1.6 GAL.	24" O.G.
	25% SNOW FERNS		
	FINE LAWN HYDROSEED		SEE SPECS.
	EROSION CONTROL HYDROSEED		SEE SPECS.



## LANDSCAPE NOTES

- GENERAL CONTRACTOR TO CLEAR AND GRID ALL NEW LANDSCAPE AREAS AND SET SUBGRADES AT 6" MINUS FINISH ELEVATION. TOLERANCE FOR SUBGRADES TO BE +/- 1/8".
- LANDSCAPE CONTRACTOR SHALL SCARIFY SUBGRADES, PLACE 6" OF THREE MAY SOIL, MIX AND AMENDMENTS IN ALL NEW PLANTING AREAS AND THOROUGHLY ROTOTILL THE SOIL/AMENDMENTS INTO THE SUBGRADE.
- NO PRE-EMERGENT HERBICIDES SHALL BE APPLIED TO ANY GROUND COVER BEDS.
- REFER TO CIVIL ENGINEERING DRAWINGS FOR GRADING, DRAINAGE AND UTILITIES INFORMATION. REFER TO ARCHITECTURAL DRAWINGS FOR SITE LAYOUT.
- GROUND COVER TO EXTEND UNDER ALL TREE AND SHRUB CANOPIES AT THE SPECIFIED SPACING TO PROVIDE SOLID COVERAGE WITHIN 5 YEARS. IN ALL PLANTING BEDS DESIGNATED TO RECEIVE GROUND COVER.

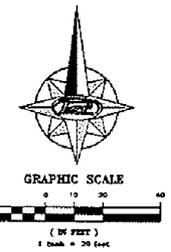
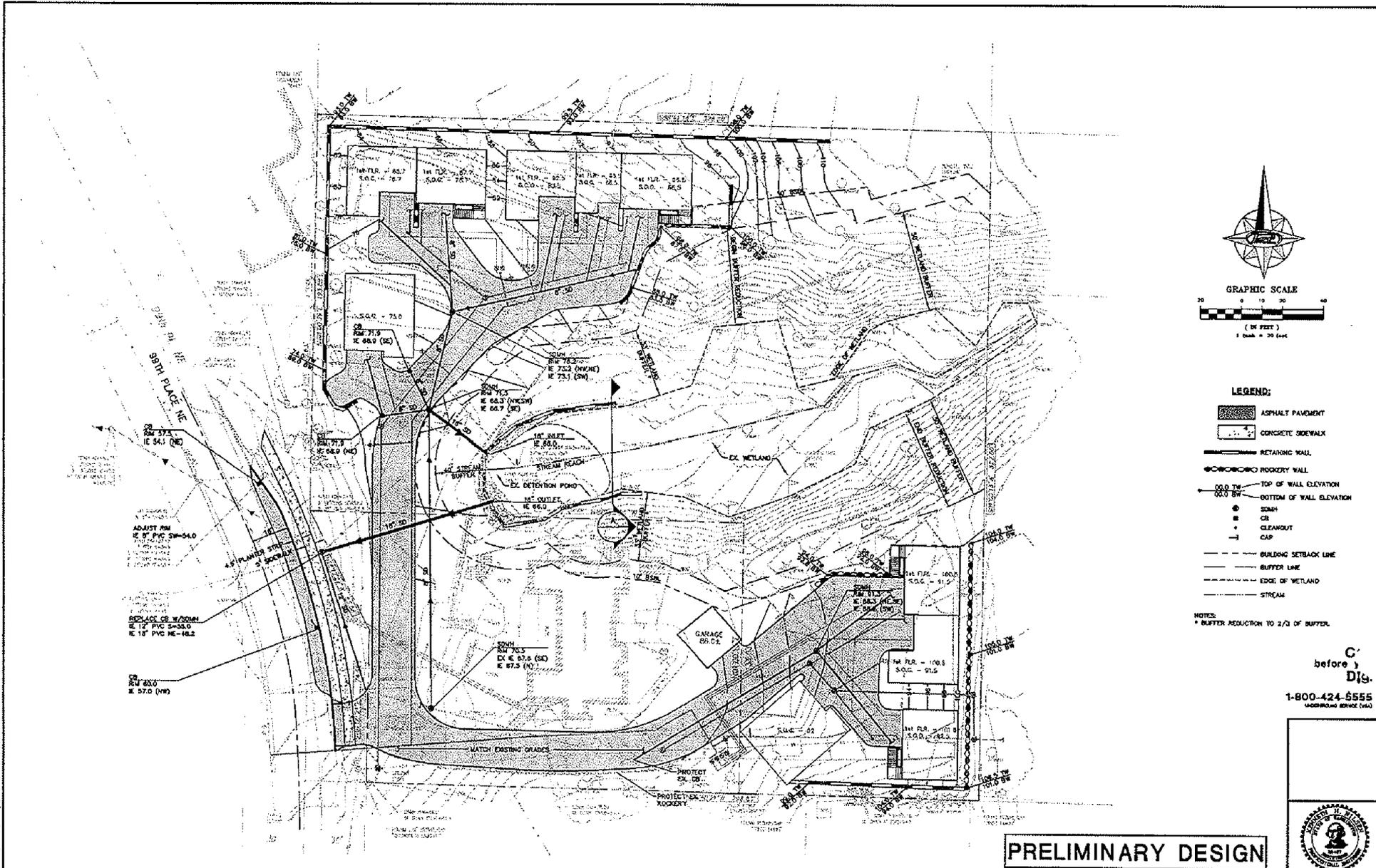
**Brumbaugh & Associates**  
Landscape Architecture  
407 South Main Street, Suite 103  
Seattle, WA 98104-3428  
Phone: 206.462.2000  
Fax: 206.462.2070

DATE	ISSUE

DESIGNED BY: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
DATE: 5/24/05



**LANDSCAPE PLAN**  
**SHUMWAY 10**  
 Planned Unit Development  
 KIRKLAND, WASHINGTON



- LEGEND:**
- ASPHALT PAVEMENT
  - CONCRETE SIDEWALK
  - RETAINING WALL
  - ROCKERY WALL
  - TOP OF WALL ELEVATION
  - BOTTOM OF WALL ELEVATION
  - SOUP
  - CUR
  - CLEAVOUT
  - CAP
  - BUILDING SETBACK LINE
  - BUFFER LINE
  - EDGE OF WETLAND
  - STREAM

NOTES:  
 \* BUFFER REDUCTION TO 2/3 OF BUFFER.

C  
 before  
 Dig.  
 1-800-424-5555  
 MAINTENANCE SERVICE (MS)

**PRELIMINARY DESIGN**



DESIGNED BY	
DRAWN BY	
CHECKED BY	
DATE	2/20/05

**LAPE** Engineering Planning Surveying  
 Parhalegon Associates Consulting Engineers, Inc.  
 1100 2nd Avenue, Suite 1000, Seattle, WA 98101  
 PH (206) 441-1800 FAX (206) 441-1800

**TSA ARCHITECTS**  
 50 116TH AVE. SE STE. 201  
 BELLEVUE, WA 98004

REVISED INFORMATION	DATE
FIELD BOOK, EXIST	AUGUST 2005
SURF ON FILE	SCALE
PROCEEDINGS	AS SHOWN
DATE VOTE	
WORK	

**SHUMWAY MANSION  
 REDEVELOPMENT  
 GRADING, DRAINAGE AND PAVING PLAN**

JOB NUMBER	06759.00
DATE	
SHEET	2 of 4

PORTION OF: NW 1/4 SECTION 32, T. 28 N., R. 5 E., W.M.



**LEGEND**

	WATER VALVE
	MONUMENT
	WATER METERS
	MANHOLES (18\"/>
	POLE/UTILITY POLE
	UTILITY JUNCTION
	POWER/TELEPHONE VAULT
	TELEPHONE/TV METER
	GAS VALVE
	SIGN
	MAILBOX
	PROPERTY
	CONIFEROUS TREE
	DECIDUOUS TREE
	TREE OUTLINE
	METAL FLAG
	ROUND CAPPED MONUMENT
	3-15% SLOPE (NO SHADING)
	15-30% SLOPE
	30%+ SLOPE
	CENTER LINE
	PROPERTY LINE
	RIGHT-OF-WAY LINE
	EASEMENT LINE
	DITCH LINE
	FLOOR LINE
	SLOPE LINE
	WETLAND DELINEATION LINE
	UTILITY LINE
	STORM DRAIN LINE
	GAS LINE
	WATER LINE
	SEWER LINE
	STORM DRAIN LINE
	UTILITY LINE
	UNDERGROUND POWER LINES
	UNDERGROUND TELEPHONE LINES
	CHAIN LINE FENCE
	WIRE FENCE
	WOOD FENCE

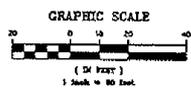
**NOTES:**

HORIZONTAL DATUM: NAD 83; VERTICAL DATUM: NAVD 83; ELEVATION: 100 FT. ABOVE MEAN SEA LEVEL.

VERTICAL DATUM: NAVD 83; ELEVATION: 100 FT. ABOVE MEAN SEA LEVEL.

DATE: AUGUST 2005

SCALE: 1" = 20'



**PRELIMINARY DESIGN**

Call before you dig

1-800-424-5555  
UNDERGROUND SERVICE (USA)



<table border="1"> <tr> <td>REVISION</td> <td>DATE</td> <td>BY</td> <td>APP'D</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	REVISION	DATE	BY	APP'D													<p>Engineering      Planning      Surveying  <b>Paragon Associates Consulting Engineers, Inc.</b>      1801 2nd Avenue, Suite 1000      Seattle, WA 98101      PH (206) 441-1288      FAX (206) 441-1288      TOLL FREE (800) 441-1288</p>	<p><b>TSA ARCHITECTS</b>          50 116TH AVE. SE, STE. 201          BELLEVUE, WA 98004</p>	<table border="1"> <tr> <td>REFERENCE DRAWING</td> <td>DATE</td> </tr> <tr> <td>TSD 002 - 310</td> <td>AUGUST 2005</td> </tr> <tr> <td>DATE OF FILE</td> <td>SCALE</td> </tr> <tr> <td>04-22-2005</td> <td>1" = 20'</td> </tr> <tr> <td>DRAWN BY: MJD/BJ</td> <td></td> </tr> <tr> <td>CHECKED BY: MJD/BJ</td> <td></td> </tr> </table>	REFERENCE DRAWING	DATE	TSD 002 - 310	AUGUST 2005	DATE OF FILE	SCALE	04-22-2005	1" = 20'	DRAWN BY: MJD/BJ		CHECKED BY: MJD/BJ		<p><b>SHUMWAY MANSION REDEVELOPMENT BOUNDARY &amp; TOPOGRAPHIC SURVEY</b></p>	<table border="1"> <tr> <td>JOB NUMBER</td> <td>SHEET</td> </tr> <tr> <td>06759.00</td> <td>1 of 4</td> </tr> </table>	JOB NUMBER	SHEET	06759.00	1 of 4
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06759.00	1 of 4																																				

GEOTECHNICAL ENGINEERING SERVICES  
PROPOSED DUPLEXES DEVELOPMENT  
KIRLAND, WASHINGTON

JULY 13, 2005

FOR  
SHUMWAY 10, LLC

**Geotechnical Engineering Services  
Proposed Duplexes Development  
11410 – 99<sup>th</sup> Place Northeast  
Kirkland, Washington  
File No. 11802-002-00**

**July 13, 2005**

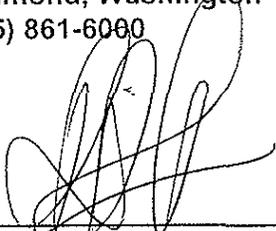
Prepared for:

Shumway 10, LLC  
11608 – 100<sup>th</sup> Avenue Northeast, B-1  
Kirkland, Washington 98034

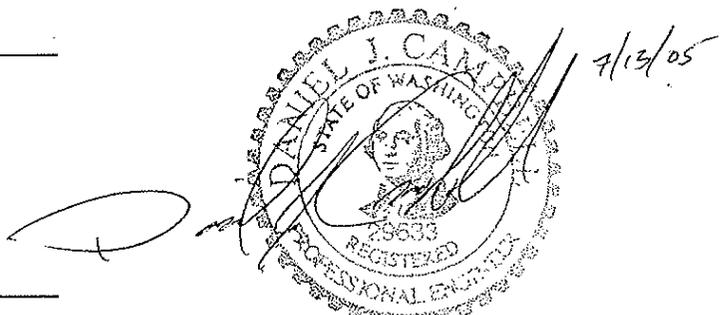
Attention: Bob Ketterlin

Prepared by:

GeoEngineers, Inc.  
8410 154<sup>th</sup> Avenue Northeast  
Redmond, Washington 98052  
(425) 861-6000



King H. Chin, PE  
Geotechnical Engineer



Daniel J. Campbell, PE  
Principal

EX-10235 10/23/05

KHC:ta :ja  
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Appendix A – Field Explorations

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Figures A-2 through A-6. Log of Borings

Appendix B – Report Limitations and Guidelines for Use

**GEOTECHNICAL ENGINEERING SERVICES  
PROPOSED DUPLEXES DEVELOPMENT  
11410 – 99<sup>TH</sup> PLACE NORTHEAST  
KIRKLAND, WASHINGTON  
FOR  
SHUMWAY 10, LLC**

**INTRODUCTION**

This report presents the results of our geotechnical engineering services for the proposed duplexes development located at 11410 – 99<sup>th</sup> Place Northeast in Kirkland, Washington. The location of the site is shown on the Vicinity Map, Figure 1 and the location of the proposed duplexes relative to existing site features are shown on the Site Plan, Figure 2.

Our understanding of the project is based on discussions with Bob Ketterlin of Shumway 10, LLC and review of a conceptual layout drawing of the proposed duplexes development that was provided by Mr. Ketterlin. We understand the development will be located on the property currently occupied by the Shumway Mansion, a bed-and-breakfast and reception facility. The portions of the site to be developed are located north and east of the mansion. We anticipate the proposed duplexes will be two-story, wood frame structures. We also understand that basements may be planned for the proposed duplexes.

**SCOPE OF SERVICES**

The purpose of our geotechnical engineering services is to explore the subsurface soil and groundwater conditions at the site as a basis for providing geotechnical recommendations for the proposed development. Our specific scope of services includes the following tasks:

1. Review geologic maps for the vicinity that are available in our files.
2. Review City of Kirkland regulations concerning construction in sensitive areas such as steep slopes and wetlands.
3. Complete a geologic reconnaissance to observe pertinent surface and geologic features in the steep slopes flanking the ravine. This included identifying areas of groundwater seepage and potential slope instability.
4. Explore subsurface soil and groundwater conditions at the site by drilling five borings to depths of approximately 5 to 15 feet.
5. Complete geotechnical laboratory testing on selected soil samples from the borings to evaluate pertinent physical and engineering characteristics. The laboratory tests consisted of moisture content determinations.
6. Provide recommendations for site preparation and earthwork including demolition, clearing, suitability of on-site soils for use as structural fill, considerations for wet weather construction, specifications for import structural fill soils, and fill placement and compaction requirements.
7. Evaluate excavation considerations and provide recommendations for temporary and permanent cut or fill slopes.
8. Develop recommendations for shallow foundations including subgrade preparation, allowable soil bearing pressures, settlement estimates (total and differential), and coefficient of friction for evaluating sliding resistance.
9. Provide recommendations for design of below-grade walls, including lateral soil pressures, backfill type, drainage and lateral resistance.

10. Provide recommendations for design of new pavements.
11. Comment on steep slope issues for this site including allowable setbacks.
12. Comment on anticipated construction difficulties identified from the results of our field program and analyses.
13. Summarize our findings, conclusions and recommendations in a final report.

## SITE DESCRIPTION

### GENERAL

We understand that the proposed duplexes development will be located on the property currently occupied by the Shumway Mansion, a bed-and-breakfast and reception facility located at the above address. The portions of the site to be developed are located north and east of the mansion; we understand the mansion will remain.

The area to be developed north of the mansion is bounded on the southeast by a ravine that carries a small creek flowing southwest. There is an identified steep slope on the north side of this ravine. Access to this part of the site is by a paved driveway that extends to two existing paved parking lots in the northwest portion of the site. The remainder of the northern portion of the site is heavily wooded. The area to be developed east of the mansion also includes existing parking lots accessed by a driveway extending east from 99th Place Northeast. This area lies south of the ravine, and is also flanked by a steep slope on the south side of the ravine. The proposed duplex locations with respect to the existing site features are shown on Figure 2.

### SITE GEOLOGY

Geologic information for the project area ("Geologic Map of the Kirkland Quadrangle, Washington", by J.P. Minard, 1983) indicates that native surficial soils at the site are composed of glacially consolidated advance outwash deposits, which are underlain by transitional bed deposits. Advance outwash deposits commonly consist of a medium dense to very dense sand with variable gravel and silt content. Transitional bed deposits generally consist of massive to bedded stiff to hard clay, silt and fine to very fine sand. Both the advance outwash and transitional bed deposits were glacially overridden and are dense/hard in their undisturbed, unweathered condition.

### SLOPE RECONNAISSANCE

A geologic reconnaissance was completed on June 29, 2005 to observe pertinent surface and geologic features in the steep slopes flanking the ravine. It appears that the existing slopes are stable. No groundwater seepage or indications of instability such as sloughing or head scarps were observed on the slopes, nor did we observe trees with bowed trunks (a surface indicator of slope creep or landsliding).

### SUBSURFACE CONDITIONS

#### *Explorations*

Subsurface soil and groundwater conditions were evaluated by drilling five borings at the site. All borings were completed using hand-portable, hollow-stem auger drilling equipment. Locations of the explorations were determined in the field by measuring distances with a tape from the existing buildings, pavement or landscape. The locations of all the borings completed for this study are shown on the Site Plan, Figure 2. The details and results of the explorations completed are presented in Appendix A.

### **Soil Conditions**

Soil conditions encountered in the explorations completed at the site are consistent with the geologic mapping. Based on the conditions observed in this five borings completed at the site, subsurface soils generally consist of fill over native advance outwash deposits and transitional bed deposits. Fill was observed in borings B-1 and B-3 through B-5. Fill generally consisted 2 to 3 feet of loose to medium dense sand with variable amounts of gravel and silt. Advance outwash deposits were observed in all borings at depths of 0 to 3 feet below the ground surface. Advance outwash deposits generally consisted of medium dense to very dense silty sand with gravel. Cobbles were encountered in advance outwash deposits in borings B-4 and B-5 where practical refusal was encountered at 4½ and 6½ feet, respectively. Occasional boulders may also be present within the advance outwash deposits. Transitional bed deposits consisting of very stiff to hard, bedded clay, silt and fine to very fine sand were encountered below the advance outwash deposits in borings B-1 and B-2 at depths of 7½ and 3 feet, respectively.

### **Groundwater Conditions**

We encountered perched groundwater in borings B-1 and B-3 through B-5 during drilling at a depth of 4 to 6 feet. We expect that groundwater seepage will be present on the site during extended periods of wet weather and that the volume of seepage may be significantly less during the drier summer months (July through September).

## **CONCLUSIONS AND RECOMMENDATIONS**

### **GENERAL**

Based on our explorations, it is our opinion that the proposed duplexes can be supported on shallow spread footings. The medium dense to very dense advance outwash deposits encountered at depths of 0 to 3 feet in our explorations will provide good support for the footings as well the underlying transitional bed deposits. We recommend that the footings be supported on the glacially consolidated soils or on properly compacted structural fill extending down to these native soil units.

We expect that excavation for basement construction, if planned, can be achieved using temporary open cut slopes or temporary shoring depending on the site constraints. We also expect that groundwater seepage, if encountered during construction, can be handled by pumping from shallow sumps located within the excavation.

The site is mapped as moderate landslide hazard area per City of Kirkland Sensitive Area Map. Based on our geologic reconnaissance completed on the steep slopes and the subsurface soil and groundwater conditions encountered in our borings, it is opinion that the proposed development will not adversely impact the stability of the steep slopes provided that the proposed duplexes have a setback distance of at least 10 feet from the top of the steep slopes.

The soils at the site contain a relatively high percentages of fines (soil particles smaller than the No. 200 sieve). These soils are very sensitive to excess moisture and will be difficult to work with and compact during wet weather. We therefore recommend that earthwork and foundation construction take place during the drier summer months (July through September) if possible to reduce earthwork costs. Cobbles and boulders typically exist within the advance outwash deposits, and the contractor should be prepared to deal with them.

The following sections of this report present more detailed conclusions and recommendations for the project. It may be prudent for GeoEngineers, Inc. to review the plans during design development to see that our recommendations are appropriately incorporated in the design.

## EARTHQUAKE ENGINEERING

GeoEngineers evaluated the site for seismic hazards including liquefaction, lateral spreading, fault rupture and earthquake induced landsliding. Our evaluation indicates that the site does not have liquefiable soils present and therefore also has no risk of liquefaction-induced settlement or lateral spreading. In addition the site has a low risk of fault rupture and low to moderate risk of earthquake-induced landsliding, in our opinion.

For the project site, we recommend the International Building Code (IBC) 2003 seismic design parameters for the average field standard penetration resistance, site class, short period spectral response acceleration ( $S_s$ ), 1-second period spectral response acceleration ( $S_1$ ), and Seismic Coefficients  $F_A$  and  $F_V$  presented in Table 1.

Table 1. IBC Seismic Parameters

2003 IBC Parameter	Recommended Value
Average Field Standard Penetration Resistance	N > 50
Site Class	C
Short Period Spectral Response Acceleration, $S_s$ (percent g)	126
1-Second Period Spectral Response Acceleration, $S_1$ (percent g)	59
Seismic Coefficient, $F_A$	1.00
Seismic Coefficient, $F_V$	1.37

## FOUNDATION SUPPORT

We recommend that the foundation elements for the proposed duplexes be supported on spread footings founded directly on the medium dense to very dense advance outwash deposits encountered below depths of about 0 to 3 feet in our explorations or on the very stiff to hard silt (transitional bed deposits) anticipated to underlie the advance outwash deposits at depth. Foundations should not be supported on the existing fill without removing and replacing a portion of it to provide firm support. If medium dense to very dense glacial deposits are not encountered at the design subgrade elevation, we recommend that structural fill extending down to the glacial deposits be placed to support the foundations. The existing fill or otherwise loose soils should be removed and replaced with structural fill. The zone of fill should extend beyond the faces of the footing a distance at least equal to the thickness of the structural fill and be compacted as recommended below in the "Structural Fill" section.

We recommend minimum widths of 16 inches and 24 inches for continuous and isolated spread footings, respectively. The depth of embedment for all exterior footings should be at least 18 inches below lowest adjacent finished grade. Interior footings should be founded at least 12 inches below adjacent grade or the bottom of the floor slab. For foundations designed and constructed as recommended above, an allowable bearing pressure of 3,000 (psf) may be used.

We estimate that maximum post-construction settlements will be less than 1 inch and differential settlements will be less than 1/2 inch over a 50-foot length of continuous wall footing or between comparably loaded column footings.

We recommend that a representative of GeoEngineers be on site during construction to observe and evaluate foundation subgrade conditions.

## **LATERAL RESISTANCE**

Lateral loads can be resisted by passive resistance on the sides of the footings and by friction on the base of the footings. Passive resistance should be evaluated using an equivalent fluid density of 350 pounds per cubic foot (pcf) where footings are poured neat against native soil or are surrounded by structural fill compacted to at least 95 percent of MDD, as recommended. Resistance to passive pressure should be calculated from the bottom of adjacent walkways and paving or below a depth of 1 foot where the adjacent area is landscaped yard area, as appropriate. Frictional resistance can be evaluated using 0.4 for the coefficient of base friction against footings. The above values incorporate a factor of safety of about 1.5.

## **FLOOR SLAB SUPPORT**

The medium dense to very dense or very stiff to hard glacially consolidated deposits encountered in our explorations, or properly compacted structural fill, will provide satisfactory support for on-grade slabs. If existing fill is encountered at floor slab subgrade elevation, we recommend that at least a 1-foot thickness of the fill be removed, the subgrade be compacted to a firm condition, and the soil be replaced with structural fill to provide uniform support. We recommend that a GeoEngineers representative evaluate all slab subgrade before placing structural fill or base course. As discussed in the "Subgrade Preparation" section of this report, the subgrade soils, if disturbed by construction activities, should be recompacted, if possible, or excavated and replaced with structural fill to provide firm support of the floor slab. A base course layer of imported clean washed gravel with negligible sand and silt at least 6 inches thick should be placed to provide uniform support and form a capillary break beneath the slab.

## **BELOW-GRADE WALLS**

The following recommendations should be used for the design of below-grade walls that are intended to act as retaining structures if basement construction is planned for the proposed duplexes. Lateral earth pressures for design of below-grade walls and retaining structures should be evaluated using an equivalent fluid density of 35 pcf. This value assumes the adjacent ground surface is level, the wall backfill is compacted as recommended below, and that the wall is free to rotate outward at the top. If surface loads are located close to the walls, additional surcharge loads on the walls should be considered. Walls that are restrained from rotating outward at the top should be designed based on an equivalent fluid density of 55 pcf.

Zones of wall backfill not supporting structural elements should be compacted to between 90 and 92 percent of MDD. Compaction to between 93 and 95 percent of MDD will be needed where the backfill supports structural elements such as sidewalks. Heavy compaction equipment should not be operated within 5 feet of below-grade walls or retaining structures to avoid overstressing the walls. Hand-operated equipment should be used in this area to compact the wall backfill.

### ***Wall And Footing Drainage***

We recommend drainage be provided for all below-grade walls (including basement and crawl space walls) by placing a zone of clean (less than 3 percent passing the No. 200 sieve) medium to coarse sand with fine gravel against the walls. This drainage zone should be at least 18 inches thick, as measured horizontally from the wall. We also recommend that a subsurface perimeter drainage system be installed

at the base of all wall footings. The subsurface perimeter drainage system should consist of at least a 4-inch-diameter, rigid, perforated, smooth-walled polyvinyl chloride (PVC) drainpipe installed around the entire foundation. The drainpipe should be surrounded by at least a 6-inch thickness of free-draining washed sand and gravel wrapped in a non-woven geotextile intended for drainage purposes to prevent the migration of soil into the drainpipe. The drainpipe should be connected by a tightline system sloped to drain to an appropriate disposal point. The drainpipe should include clean-outs extending up to the ground surface to access the pipe if maintenance is required.

The finished ground surface adjacent to the duplexes should be sloped so that surface runoff flows away from the structures. Roof drains should be tightlined to an appropriate discharge point and should not be connected to the wall drains.

## **EARTHWORK**

### ***General***

We recommend that site preparation and earthwork be completed during the normally dry season of the year (generally July through September), as the on-site soils are moisture-sensitive and will be difficult to work with when wet or during extended periods of wet weather. In addition, the presence of groundwater seepage during the wetter months is expected, which will make earthwork more difficult and expensive. However, we expect that excavation work could begin during the spring or early summer months and have therefore included recommendations for wet weather construction.

Cobbles and boulders typically exist within the advance outwash deposits, and the contractor should be prepared to deal with them.

### ***Clearing And Site Preparation***

Construction of the proposed duplexes will require removal of the existing paving and landscaping. It may also be necessary to relocate utilities within the limits of temporary excavations. Areas to be developed or graded should be cleared of surface and subsurface deleterious matter including any debris, shrubs, trees and associated stumps and roots. Based on our borings completed at the site, construction of the proposed duplexes will require stripping 2 to 6 inches of the topsoil. The organic soils if encountered can be stockpiled and used later for landscaping purposes or may be spread over disturbed areas following completion of grading. Materials that cannot be used for landscaping or protection of disturbed areas should be removed from the project site.

### ***Subgrade Preparation***

Prior to placing new fill for foundation support, pavement base course materials or capillary break materials, subgrade areas should be evaluated to locate any soft or unsuitable subgrade soils. All unsuitable soils should be removed from below the building areas and planned pavement areas. The exposed subgrade areas should be evaluated by probing to determine the extent of soft or unsuitable subgrade soils. Soft or unsuitable subgrade soils should be removed and replaced with structural fill.

If construction occurs during wet weather, we recommend that at least a 2-inch-thick layer of crushed rock (1½ inch minus) or lean concrete or controlled density fill (CDF) be placed on the footing subgrade as soon as it is exposed to protect it from softening.

### ***Structural Fill***

All fill placed in footing, floor slab, pavement and sidewalk areas should be placed as structural fill. We expect the on-site native advance outwash deposits consisting of silty sand with gravel can be stockpiled on site for use as structural fill during dry weather conditions only. The underlying transitional bed deposits (silt) will not be suitable for re-use as structural fill even during dry weather conditions. The sandy existing fill and advance outwash soils will likely only be suitable for placement during periods of prolonged dry weather, provided that the soil can be conditioned to the proper moisture content for achieving adequate compaction. If the excavation work is not completed during the drier summer months, the stockpiled soils should be covered to keep out excess moisture. Imported structural fill should be used as structural fill during wet weather conditions.

Imported structural fill, if necessary to achieve design grades, should consist of sand and gravel containing less than 5 percent fines (material passing the No. 200 sieve) by weight relative to the fraction passing the ¾-inch sieve. Soil containing rocks larger than 6 inches in size or debris such as organic soils, roots, wood, asphalt and concrete fragments should be excluded from structural fill.

Structural fill should generally be placed in loose lifts not exceeding about 8 to 10 inches in thickness. Each lift should be conditioned to the proper moisture content and compacted to the specified density before placing subsequent lifts. Structural fill placed in the building area to support footings and the floor slab should be compacted to at least 95 percent of maximum dry density (MDD) as determined by the American Society of Testing and Materials (ASTM) D-1557 test method. Structural fill to support roadways and sidewalks should be placed after the subgrade is evaluated and be compacted to at least 90 percent of MDD, with the exception that the upper 2 feet should be compacted to at least 95 percent of the MDD.

We recommend that a representative from GeoEngineers be present during structural fill placement to observe the work and perform in-place density tests to evaluate whether or not the specified compaction is being achieved.

### ***Temporary Excavations***

Excavations up to about 12 feet deep may be needed if basement construction is planned for the proposed duplexes. Excavations may be completed using temporary cut slopes provided the open excavations will not encroach upon existing facilities or over property lines. All temporary cut slopes must comply with the provisions of Washington Administrative Code (WAC) Chapter 296-155, Part N, "Excavation, Trenching and Shoring." We recommend that temporary excavations be made the responsibility of the contractor because the contractor performing the work has the primary responsibility for protection of workmen and adjacent improvements. The contractor is present at the site continuously and is best able to observe changes in site and soil conditions and monitor the performance of excavations.

For planning purposes, we recommend that temporary unsupported cut slopes made within the medium dense to very dense advance outwash and very stiff to hard transitional bed deposits be inclined no steeper than 1H:1V. Flatter slopes may be necessary if seepage is present on the cut face. Temporary cut slopes should encroach no closer than 5 feet laterally from existing structures or utilities.

Some sloughing and raveling of the cut slopes should be expected. If temporary cut slopes experience excessive sloughing or raveling during construction, it may become necessary to modify the cut slopes to maintain safe working conditions and protect adjacent facilities or structures. Temporary shoring may be required depending on the site constraints.

### **Permanent Slopes**

Permanent cut and fill slopes should be inclined no steeper than 2H:1V. Permanent slopes should be planted or hydroseeded as soon as practicable after grading to reduce the risk of erosion.

### **Dewatering**

Groundwater seepage may be encountered during site earthwork and excavation depending on the time of year construction occurs. In our opinion, this water can likely be handled during construction by ditching and pumping from sumps located within the excavations, as necessary. All groundwater pumped from the excavations should be routed to a suitable discharge.

### **Sedimentation and Erosion Control**

In our opinion, the erosion potential of the exposed on-site soils is moderate to high. Construction activities including clearing, grubbing and grading will expose soils to erosional effects of wind and water. Erosion may impact excavation slopes and result in sedimentation of the storm water systems if not properly controlled.

The amount and potential impacts of erosion are in part a function of the time of year construction occurs. Wet weather construction will increase the amount and extent of erosion. Effective erosion controls during and after construction will be necessary. *These should include proper control of surface water runoff to prevent uncontrolled, concentrated surface water runoff over slope areas and reducing the time of exposure in the areas stripped during construction through prompt revegetation.*

Effective erosion and sedimentation controls during construction may consist of straw mulch and silt fences around the work area and interceptor swales or straw bale barriers to control off-site erosion. Completion of grading activities during the drier months and limiting the disturbance of existing ground surface and vegetation where possible will also reduce the risks of erosion.

Material stockpiles should be covered to prevent erosion and soil loss and to keep the soil moisture content low for future use of the soil as backfill. All areas disturbed during construction should be seeded and planted as soon as practicable to reduce the potential for erosion. Erosion and sedimentation control measures should be installed and maintained in accordance with the requirements of the City of Kirkland.

### **PAVEMENT RECOMMENDATIONS**

We recommend that the subgrade soils in new pavement areas be prepared and evaluated as described in the "Earthwork" section of this report. There are generally two areas at the project site that will be paved with asphalt concrete, i.e. the drive and car parking areas. We did not know the location of the drive and car parking areas at the time this report was prepared. We recommend that the HMA (Hot Mix Asphalt) pavement sections presented in the following table be used for the different areas of the project.

**Recommended New HMA Pavement Sections**

Material	Drive Areas	Parking Areas
½-inch HMA; PG 58-22	3 inches	2 inches
Crushed Surfacing Base Course	6 inches	4 inches

The HMA should meet the requirements of Sections 5-04 and 9-03.8 of the 2004 WSDOT Standard Specifications. The crushed surfacing base course should meet the requirements of Section 9-03.9(3) of the 2004 WSDOT Standard Specifications. The crushed surfacing base course should be compacted to at least 95 percent of the maximum dry density prior to the placement of the HMA.

The pavement sections recommended above are based on our experience. Thicker asphalt sections may be needed based on the actual traffic data and intended use.

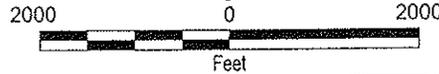
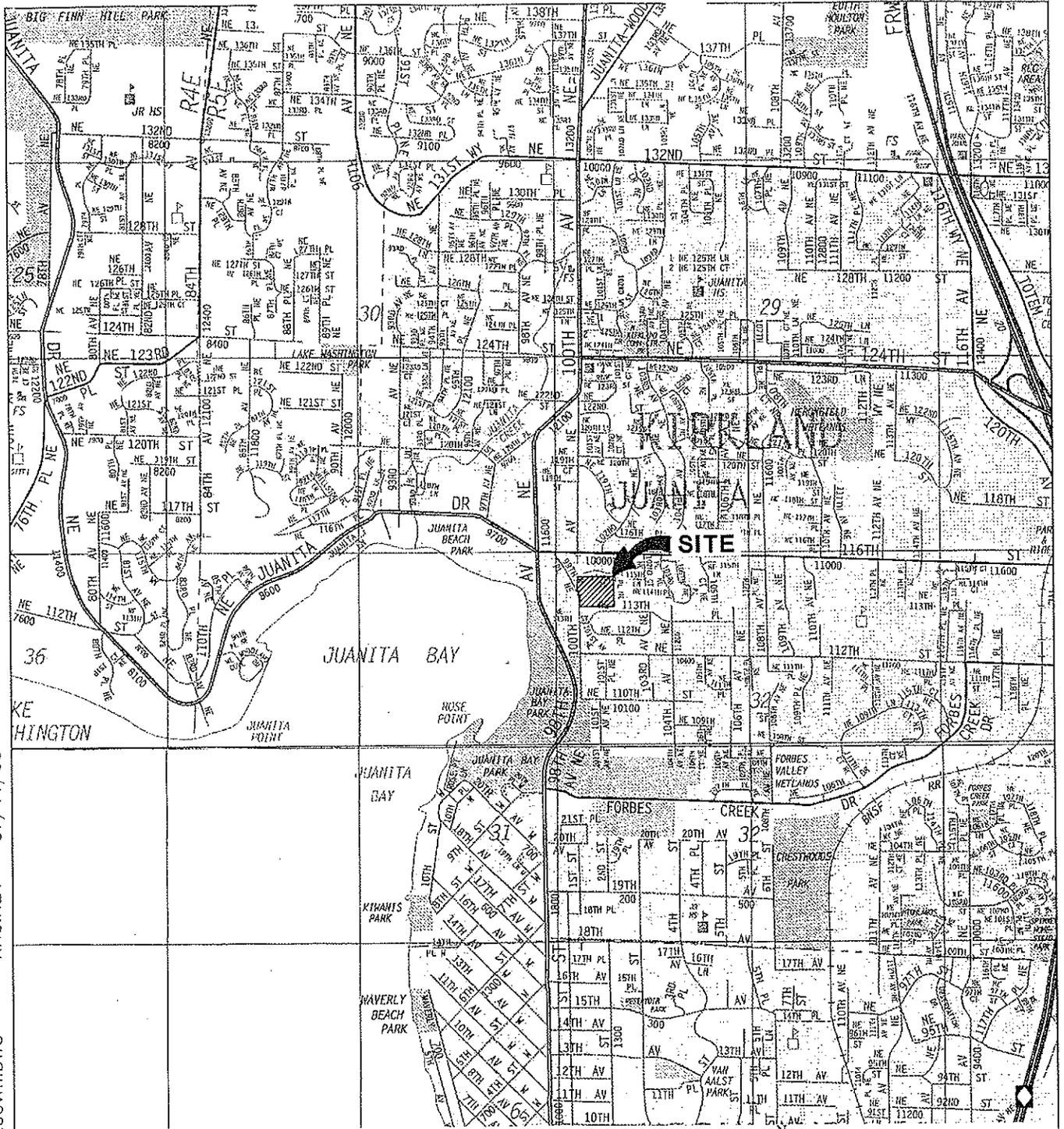
### **LIMITATIONS**

We have prepared this report for the exclusive use of Shumway 10, LLC and their authorized agents for the proposed duplexes development project located at 11410 – 99<sup>th</sup> Place Northeast, Kirkland, Washington.

Within the limitations of scope, schedule and budget, our services have been executed in accordance with generally accepted practices in the field of geotechnical engineering in this area at the time this report was prepared. No warranty or other conditions, express or implied, should be understood.

Any electronic form, facsimile or hard copy of the original document (email, text, table, and/or figure), if provided, and any attachments are only a copy of the original document. The original document is stored by GeoEngineers, Inc. and will serve as the official document of record.

Please refer to Appendix B titled Report Limitations and Guidelines for Use for additional information pertaining to use of this report.



Notes:

1. The locations of all features shown are approximate.
2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. can not guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.

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<b>Vicinity Map</b>	
11410 99th Place NE Kirkland, Washington	
<b>GEOENGINEERS</b> 	<b>Figure 1</b>





***APPENDIX A***  
***FIELD EXPLORATIONS AND LABORATORY TESTING***

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## APPENDIX A

### FIELD EXPLORATIONS AND LABORATORY TESTING

#### FIELD EXPLORATIONS

Subsurface soil and groundwater conditions at the site were explored by completing five borings on June 28 and 29, 2005. One boring was completed at each proposed duplex location. The borings were completed by CN Drilling of Seattle, Washington. The borings were completed using hand-portable hollow-stem auger drilling equipment.

The borings were completed to depths ranging from about 5 to 15 feet. Locations of the explorations were determined in the field by measuring distances with a tape from the existing buildings, pavement or landscape. The locations of the borings completed at the site are shown on the Site Plan, Figure 2. Elevations noted on the boring logs were interpreted based on topographic information presented on the site plan.

The explorations were continuously monitored by an engineering geologist from our firm who visually examined and classified the soils encountered, obtained representative soil samples, observed groundwater conditions, and prepared a detailed log of each exploration. The samples recovered during drilling were obtained in general accordance with Standard Penetration Test (ASTM D-1586) procedures. A 2-inch outside-diameter, split-barrel sampler was used to obtain disturbed samples from the borings. A 140-pound hammer operated with a rope and cathead winch was used to drive the sampler for the borings. The number of blows required to drive the sampler the last 12 inches, or other indicated distance, is recorded on the boring logs.

All soil samples obtained from the explorations were visually classified in the field and/or in our laboratory using a system based on the Unified Soil Classification System (USCS) classification system described in Figure A-1. A key to the boring log symbols is also presented in Figure A-1. The logs for all the borings completed are presented in Figures A-2 through A-6. The logs are based on our interpretation of the field data and indicate the various types of soils encountered. They also indicate the depths at which the soils or their characteristics change; although the change might actually be gradual. The densities noted on boring logs are based on correlation to the number of blow counts.

#### LABORATORY TESTING

The soil samples obtained from the borings were further examined in our laboratory. Laboratory testing was limited to moisture content determinations. The results of the moisture content determinations are included on the boring logs in Figures A-2 through A-6.

## SOIL CLASSIFICATION CHART

MAJOR DIVISIONS			SYMBOLS		TYPICAL DESCRIPTIONS
			GRAPH	LETTER	
COARSE GRAINED SOILS  MORE THAN 50% RETAINED ON NO. 200 SIEVE	GRAVEL AND GRAVELLY SOILS  MORE THAN 50% OF COARSE FRACTION RETAINED ON NO. 4 SIEVE	CLEAN GRAVELS <small>(LITTLE OR NO FINES)</small>		<b>GW</b>	WELL-GRADED GRAVELS, GRAVEL - SAND MIXTURES
		GRAVELS WITH FINES <small>(APPRECIABLE AMOUNT OF FINES)</small>		<b>GP</b>	POORLY-GRADED GRAVELS, GRAVEL - SAND MIXTURES
		SANDS WITH FINES <small>(APPRECIABLE AMOUNT OF FINES)</small>		<b>GM</b>	SILTY GRAVELS, GRAVEL - SAND - SILT MIXTURES
		CLEAN SANDS <small>(LITTLE OR NO FINES)</small>		<b>GC</b>	CLAYEY GRAVELS, GRAVEL - SAND - CLAY MIXTURES
	SAND AND SANDY SOILS  MORE THAN 50% OF COARSE FRACTION PASSING NO. 4 SIEVE	CLEAN SANDS <small>(LITTLE OR NO FINES)</small>		<b>SW</b>	WELL-GRADED SANDS, GRAVELLY SANDS
		SANDS WITH FINES <small>(APPRECIABLE AMOUNT OF FINES)</small>		<b>SP</b>	POORLY-GRADED SANDS, GRAVELLY SAND
		SANDS WITH FINES <small>(APPRECIABLE AMOUNT OF FINES)</small>		<b>SM</b>	SILTY SANDS, SAND - SILT MIXTURES
		SANDS WITH FINES <small>(APPRECIABLE AMOUNT OF FINES)</small>		<b>SC</b>	CLAYEY SANDS, SAND - CLAY MIXTURES
FINE GRAINED SOILS  MORE THAN 50% PASSING NO. 200 SIEVE	SILTS AND CLAYS  LIQUID LIMIT LESS THAN 50		<b>ML</b>	INORGANIC SILTS, ROCK FLOUR, CLAYEY SILTS WITH SLIGHT PLASTICITY	
			<b>CL</b>	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS	
			<b>OL</b>	ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY	
	SILTS AND CLAYS  LIQUID LIMIT GREATER THAN 50		<b>MH</b>	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS SILTY SOILS	
			<b>CH</b>	INORGANIC CLAYS OF HIGH PLASTICITY	
			<b>OH</b>	ORGANIC CLAYS AND SILTS OF MEDIUM TO HIGH PLASTICITY	
HIGHLY ORGANIC SOILS			<b>PT</b>	PEAT, HUMUS, SWAMP SOILS WITH HIGH ORGANIC CONTENTS	

NOTE: Multiple symbols are used to indicate borderline or dual soil classifications

### Sampler Symbol Descriptions

- 2.4-inch I.D. split barrel
- Standard Penetration Test (SPT)
- Shelby tube
- Piston
- Direct-Push
- Bulk or grab

Blowcount is recorded for driven samplers as the number of blows required to advance sampler 12 inches (or distance noted). See exploration log for hammer weight and drop.

A "P" indicates sampler pushed using the weight of the drill rig.

NOTE: The reader must refer to the discussion in the report text and the logs of explorations for a proper understanding of subsurface conditions. Descriptions on the logs apply only at the specific exploration locations and at the time the explorations were made; they are not warranted to be representative of subsurface conditions at other locations or times.

## ADDITIONAL MATERIAL SYMBOLS

SYMBOLS		TYPICAL DESCRIPTIONS
GRAPH	LETTER	
	<b>CC</b>	Cement Concrete
	<b>AC</b>	Asphalt
	<b>CR</b>	Crushed Rock/ Quarry Spalls
	<b>TS</b>	Topsoil/ Forest Duff/Sod

- Measured groundwater level
- Groundwater observed at time of exploration
- Perched water observed at time of exploration
- Measured free product in well or piezometer

### Stratigraphic Contact

- Distinct contact between soil strata or geologic units
- Gradual change between soil strata or geologic units
- Approximate location of soil strata change within a geologic soil unit

### Laboratory / Field Tests

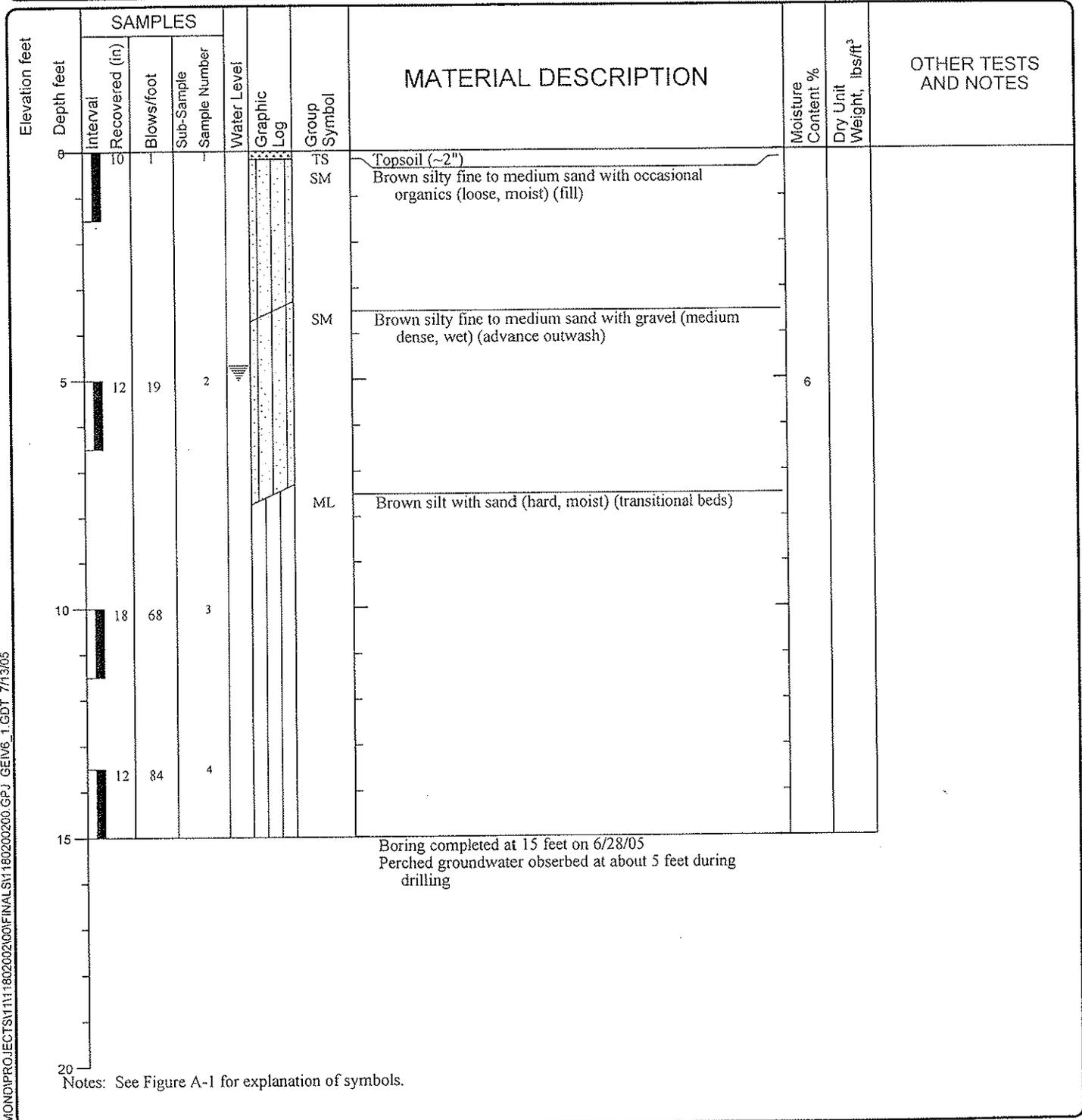
- %F Percent fines
- AL Atterberg limits
- CA Chemical analysis
- CP Laboratory compaction test
- CS Consolidation test
- DS Direct shear
- HA Hydrometer analysis
- MC Moisture content
- MD Moisture content and dry density
- OC Organic content
- PM Permeability or hydraulic conductivity
- PP Pocket penetrometer
- SA Sieve analysis
- TX Triaxial compression
- UC Unconfined compression
- VS Vane shear

### Sheen Classification

- NS No Visible Sheen
- SS Slight Sheen
- MS Moderate Sheen
- HS Heavy Sheen
- NT Not Tested

## KEY TO EXPLORATION LOGS

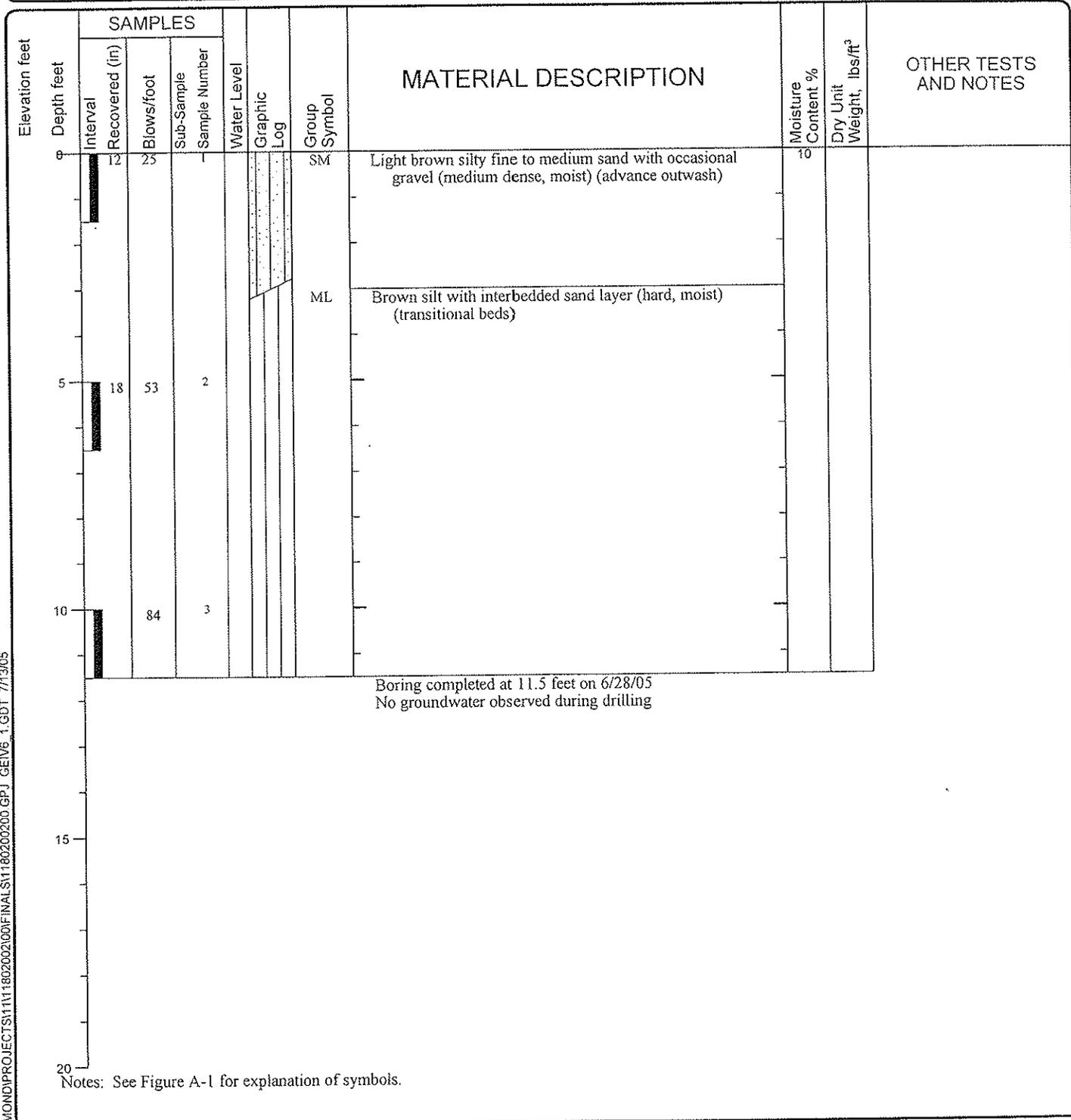
Date(s) Drilled	06/28/05	Logged By	ABA	Checked By	KHC
Drilling Contractor	CN Drilling	Drilling Method	Hollow-stem Auger	Sampling Methods	SPT
Auger Data	2-1/4" I.D.	Hammer Data	140 lb Hammer/ Rope & Cathead	Drilling Equipment	Acker Rig
Total Depth (ft)	15	Surface Elevation (ft)	~95'	Groundwater Level (ft. bgs)	5
Vertical Datum		Datum/System		Easting(x): Northing(y):	



V6\_GTBORING WAREDMONDPROJECTS1111802002000FINALSV11802002000.CPJ\_GEIV6\_1.GDT 7/13/05

<b>LOG OF BORING B-1</b>		
	Project:	Proposed Residential Development
	Project Location:	Kirkland, Washington
	Project Number:	11802-002-00
		Figure: A-2 Sheet 1 of 1

Date(s) Drilled	06/28/05	Logged By	ABA	Checked By	KHC
Drilling Contractor	CN Drilling	Drilling Method	Hollow-stem Auger	Sampling Methods	SPT
Auger Data	2-1/4" I.D.	Hammer Data	140 lb Hammer/ Rope & Cathead	Drilling Equipment	Acker Rig
Total Depth (ft)	11.5	Surface Elevation (ft)	~84'	Groundwater Level (ft. bgs)	Not Encountered
Vertical Datum		Datum/ System		Easting(x): Northing(y):	



V6\_GTBORING\_W\REDMOND\PROJECTS\111802002\00\FINALS\1180200200.GPJ GEIV6 1.GDT 7/13/05

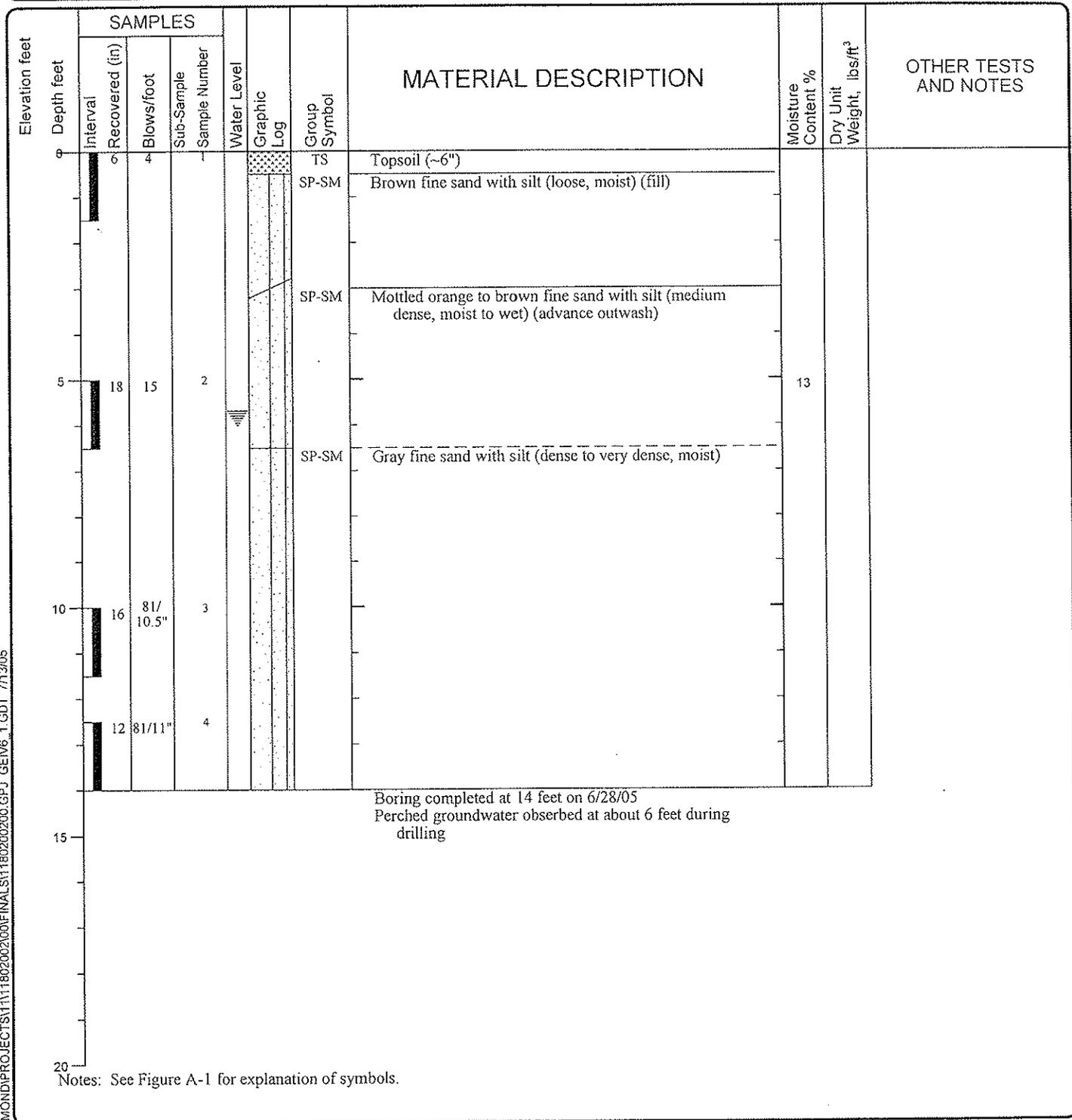
### LOG OF BORING B-2



Project: Proposed Residential Development  
 Project Location: Kirkland, Washington  
 Project Number: 11802-002-00

Figure: A-3  
Sheet 1 of 1

Date(s) Drilled	06/28/05	Logged By	ABA	Checked By	KHC
Drilling Contractor	CN Drilling	Drilling Method	Hollow-stem Auger	Sampling Methods	SPT
Auger Data	2-1/4" I.D.	Hammer Data	140 lb Hammer/ Rope & Cathead	Drilling Equipment	Acker Rig
Total Depth (ft)	14	Surface Elevation (ft)	~71'	Groundwater Level (ft. bgs)	6
Vertical Datum		Datum/ System		Easting(x): Northing(y):	



V6\_GTBORING\_WAREDMONDPROJECTS\111802002\00FINAL\SI1180200200.GPJ\_GEV6\_1.GDT\_7/13/05

### LOG OF BORING B-3



Project: Proposed Residential Development  
 Project Location: Kirkland, Washington  
 Project Number: 11802-002-00

Figure: A-4  
 Sheet 1 of 1

Date(s) Drilled	06/28/05	Logged By	ABA	Checked By	KHC
Drilling Contractor	CN Drilling	Drilling Method	Hollow-stem Auger	Sampling Methods	SPT
Auger Data	2-1/4" I.D.	Hammer Data	140 lb Hammer/ Rope & Cathead	Drilling Equipment	Acker Rig
Total Depth (ft)	5	Surface Elevation (ft)	-95'	Groundwater Level (ft. bgs)	4
Vertical Datum		Datum/ System		Easting(x): Northing(y):	

Elevation feet	Depth feet	SAMPLES					Water Level	Graphic Log	Group Symbol	MATERIAL DESCRIPTION	Moisture Content %	Dry Unit Weight, lbs/ft <sup>3</sup>	OTHER TESTS AND NOTES
		Interval	Recovered (in)	Blows/foot	Sub-Sample	Sample Number							
0		12	12					SM	Grayish brown silty fine to medium sand with gravel (medium dense, moist) (fill)	12			
								SM	Brown silty fine to coarse sand with gravel (very dense, moist to wet) (advance outwash)				
5		5	50/3.5"		2								
		Boring completed at 5 feet on 6/29/05 Perched groundwater observed at about 4 feet during drilling  Refusal at 4.5' due to gravels and cobbles											
10													
15													
20													

Notes: See Figure A-1 for explanation of symbols.

V6\_GTBORING WAIREDMONDPROJECTS11180200200FINAL S1180200200.GPJ GEI.V6\_1.GDT 7/13/05

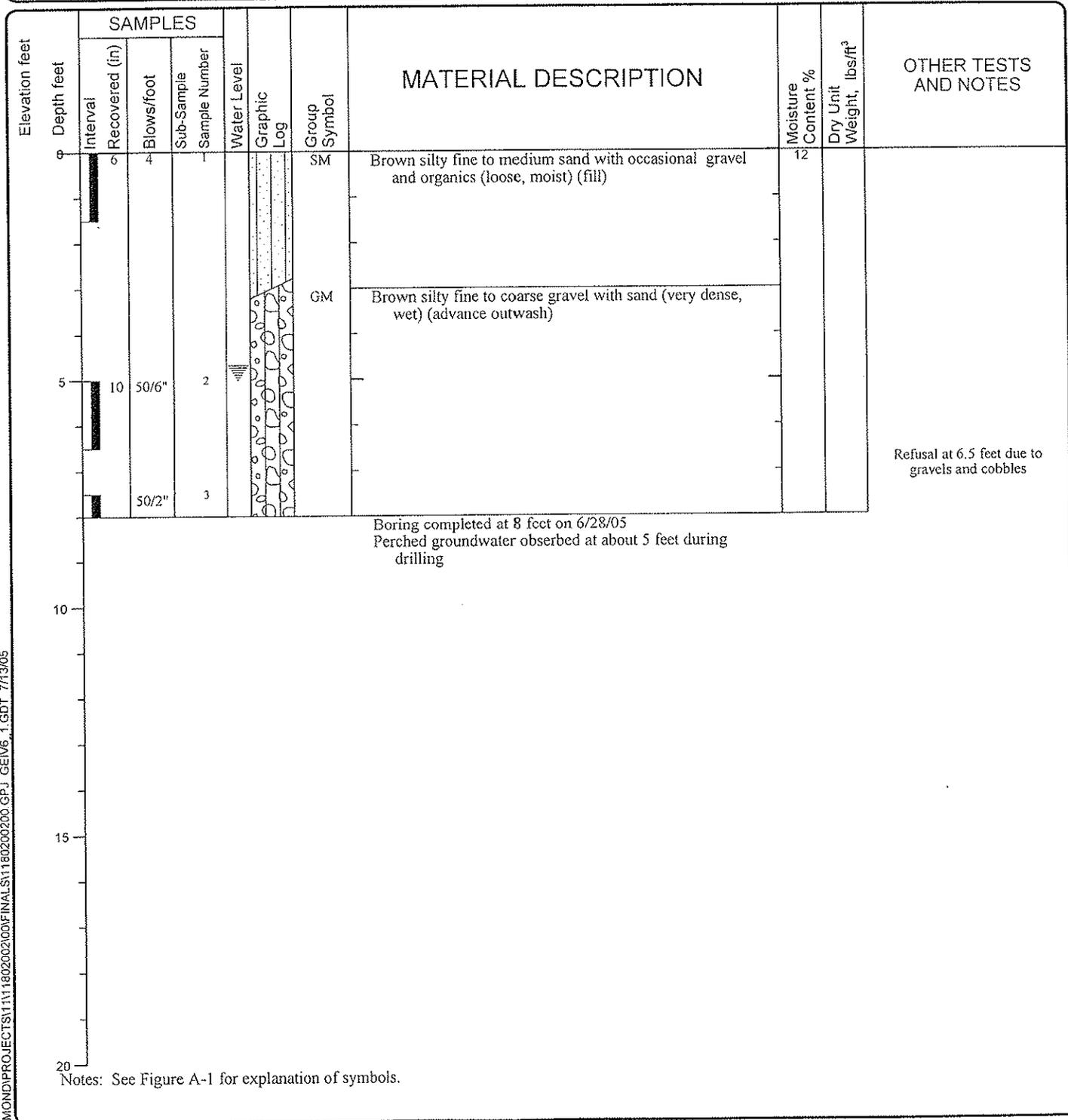
### LOG OF BORING B-4



Project: Proposed Residential Development  
 Project Location: Kirkland, Washington  
 Project Number: 11802-002-00

Figure: A-5  
 Sheet 1 of 1

Date(s) Drilled	06/28/05	Logged By	ABA	Checked By	KHC
Drilling Contractor	CN Drilling	Drilling Method	Hollow-stem Auger	Sampling Methods	SPT
Auger Data	2-1/4" I.D.	Hammer Data	140 lb Hammer/ Rope & Cathead	Drilling Equipment	Acker Rig
Total Depth (ft)	8	Surface Elevation (ft)	~94'	Groundwater Level (ft. bgs)	5
Vertical Datum		Datum/System		Easting(x): Northing(y):	



V6\_GTBORING WIREMONDPROJECTS1111802002000.FINALS11180200200.GPJ GEIV6\_1.GDT 7/13/05

**LOG OF BORING B-5**



Project: Proposed Residential Development  
 Project Location: Kirkland, Washington  
 Project Number: 11802-002-00

Figure: A-6  
 Sheet 1 of 1



**APPENDIX B**  
**REPORT LIMITATIONS AND GUIDELINES FOR USE**



## APPENDIX B

### REPORT LIMITATIONS AND GUIDELINES FOR USE<sup>1</sup>

This appendix provides information to help you manage your risks with respect to the use of this report.

#### **GEOTECHNICAL SERVICES ARE PERFORMED FOR SPECIFIC PURPOSES, PERSONS AND PROJECTS**

This report has been prepared for use by Shumway 10, LLC and other members of the design team for use in the design of this project. This report may be made available to prospective contractors for bidding or estimating purposes; but our report, conclusions and interpretations should not be construed as a warranty of the subsurface conditions. This report is not intended for use by others, and the information contained herein is not applicable to other sites.

GeoEngineers structures our services to meet the specific needs of our clients. For example, a geotechnical or geologic study conducted for a civil engineer or architect may not fulfill the needs of a construction contractor or even another civil engineer or architect that are involved in the same project. Because each geotechnical or geologic study is unique, each geotechnical engineering or geologic report is unique, prepared solely for the specific client and project site. No one except Shumway 10, LLC and members of the design team should rely on this report without first conferring with GeoEngineers. This report should not be applied for any purpose or project except the one originally contemplated.

#### **A GEOTECHNICAL ENGINEERING OR GEOLOGIC REPORT IS BASED ON A UNIQUE SET OF PROJECT-SPECIFIC FACTORS**

This report has been prepared for the proposed duplexes development project located at 11410 99<sup>th</sup> Place Northeast, Kirkland, Washington. GeoEngineers considered a number of unique, project-specific factors when establishing the scope of services for this project and report. Unless GeoEngineers specifically indicates otherwise, do not rely on this report if it was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

For example, changes that can affect the applicability of this report include those that affect:

- the function of the proposed structure;
- elevation, configuration, location, orientation or weight of the proposed structure;
- composition of the design team; or
- project ownership.

If important changes are made after the date of this report, GeoEngineers should be given the opportunity to review our interpretations and recommendations and provide written modifications or confirmation, as appropriate.

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<sup>1</sup> Developed based on material provided by ASFE, Professional Firms Practicing in the Geosciences; [www.asfe.org](http://www.asfe.org).

## **SUBSURFACE CONDITIONS CAN CHANGE**

This geotechnical or geologic report is based on conditions that existed at the time the study was performed. The findings and conclusions of this report may be affected by the passage of time, by manmade events such as construction on or adjacent to the site, or by natural events such as floods, earthquakes, slope instability or groundwater fluctuations. Always contact GeoEngineers before applying a report to determine if it remains applicable.

## **MOST GEOTECHNICAL AND GEOLOGIC FINDINGS ARE PROFESSIONAL OPINIONS**

Our interpretations of subsurface conditions are based on field observations from widely spaced sampling locations at the site. Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. GeoEngineers reviewed field and laboratory data and then applied our professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ, sometimes significantly, from those indicated in this report. Our report, conclusions and interpretations should not be construed as a warranty of the subsurface conditions.

## **GEOTECHNICAL ENGINEERING REPORT RECOMMENDATIONS ARE NOT FINAL**

Do not over-rely on the preliminary construction recommendations included in this report. These recommendations are not final, because they were developed principally from GeoEngineers' professional judgment and opinion. GeoEngineers' recommendations can be finalized only by observing actual subsurface conditions revealed during construction. GeoEngineers cannot assume responsibility or liability for this report's recommendations if we do not perform construction observation.

Sufficient monitoring, testing and consultation by GeoEngineers should be provided during construction to confirm that the conditions encountered are consistent with those indicated by the explorations, to provide recommendations for design changes should the conditions revealed during the work differ from those anticipated, and to evaluate whether or not earthwork activities are completed in accordance with our recommendations. Retaining GeoEngineers for construction observation for this project is the most effective method of managing the risks associated with unanticipated conditions.

## **A GEOTECHNICAL ENGINEERING OR GEOLOGIC REPORT COULD BE SUBJECT TO MISINTERPRETATION**

Misinterpretation of this report by other design team members can result in costly problems. You could lower that risk by having GeoEngineers confer with appropriate members of the design team after submitting the report. Also retain GeoEngineers to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering or geologic report. Reduce that risk by having GeoEngineers participate in pre-bid and preconstruction conferences, and by providing construction observation.

## **DO NOT REDRAW THE EXPLORATION LOGS**

Geotechnical engineers and geologists prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering or geologic report should never be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, but recognize that separating logs from the report can elevate risk.

## **GIVE CONTRACTORS A COMPLETE REPORT AND GUIDANCE**

Some owners and design professionals believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering or geologic report, but preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with GeoEngineers and/or to conduct additional study to obtain the specific types of information they need or prefer. A pre-bid conference can also be valuable. Be sure contractors have sufficient time to perform additional study. Only then might an owner be in a position to give contractors the best information available, while requiring them to at least share the financial responsibilities stemming from unanticipated conditions. Further, a contingency for unanticipated conditions should be included in your project budget and schedule.

## **CONTRACTORS ARE RESPONSIBLE FOR SITE SAFETY ON THEIR OWN CONSTRUCTION PROJECTS**

Our geotechnical recommendations are not intended to direct the contractor's procedures, methods, schedule or management of the work site. The contractor is solely responsible for job site safety and for managing construction operations to minimize risks to on-site personnel and to adjacent properties.

## **READ THESE PROVISIONS CLOSELY**

Some clients, design professionals and contractors may not recognize that the geoscience practices (geotechnical engineering or geology) are far less exact than other engineering and natural science disciplines. This lack of understanding can create unrealistic expectations that could lead to disappointments, claims and disputes. GeoEngineers includes these explanatory "limitations" provisions in our reports to help reduce such risks. Please confer with GeoEngineers if you are unclear how these "Report Limitations and Guidelines for Use" apply to your project or site.

## **GEOTECHNICAL, GEOLOGIC AND ENVIRONMENTAL REPORTS SHOULD NOT BE INTERCHANGED**

The equipment, techniques and personnel used to perform an environmental study differ significantly from those used to perform a geotechnical or geologic study and vice versa. For that reason, a geotechnical engineering or geologic report does not usually relate any environmental findings, conclusions or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. Similarly, environmental reports are not used to address geotechnical or geologic concerns regarding a specific project.

## **BIOLOGICAL POLLUTANTS**

GeoEngineers' Scope of Work specifically excludes the investigation, detection, prevention, or assessment of the presence of Biological Pollutants in or around any structure. Accordingly, this report includes no interpretations, recommendations, findings, or conclusions for the purpose of detecting, preventing, assessing, or abating Biological Pollutants. The term "Biological Pollutants" includes, but is not limited to, molds, fungi, spores, bacteria, and viruses, and/or any of their byproducts.

If Client desires these specialized services, they should be obtained from a consultant who offers services in this specialized field.

**CITY OF KIRKLAND**

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 828-1243

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**DEPARTMENT OF PUBLIC WORKS  
MEMORANDUM**

**To:** Jon Regala, Planner

**From:** Thang Nguyen, Transportation Engineer

**Date:** October 13, 2005

**Subject:** Change in Use for the Shumway Mansion, Traffic Concurrency & Analysis

It is my understanding that the owner of the Shumway Mansion located at 11410 99<sup>th</sup> Place NE is proposing to change the current commercial use into 10 townhouse residential use. I have reviewed the traffic analysis prepared by the Transpo Group for the proposed project and agree that the proposed project will generate fewer trips in the PM peak hour and on weekend. Since the change in use will result in fewer trips, a traffic concurrency is not required and traffic impact will be negligible.

However, it has been identified that sight distance at the existing driveway looking south does not meet City's requirement. The existing driveway is restricted to right-turn out only because of the sight distance restriction. Thus, the driveway shall remain restricted to right turn exit only. Signs should be placed to restrict vehicle from turning left out of the project driveway. If you have questions, please contact me at x3869.

cc: file

ATTACHMENT	<u>5</u>
<u>SEP04-00054</u>	

## MEMORANDUM

<b>To:</b>	Thang Nguyen City of Kirkland	<b>Date:</b>	July 6, 2005
<b>From:</b>	Dan McKinney, Jr. Brandon Moen	<b>TG:</b>	05164.00
<b>cc:</b>	Bob Ketterlin		
<b>Subject:</b>	Shumway Mansion Redevelopment- Transportation Assessment		

The purpose of this memorandum is to document the transportation-related information requested by the City of Kirkland for the Shumway Mansion redevelopment, located at 11410 99<sup>th</sup> Place NE. A description of the proposed project, the anticipated trip generation, and sight distance at the site driveway are all summarized as a part of this transportation assessment. The scope of this assessment was coordinated in advance with City of Kirkland staff.

### Project Description

The existing Shumway Mansion is a private bed and breakfast (B&B) facility, which is also frequently used for special events such as weddings, receptions, and as a meeting venue. The proposed redevelopment would convert the Shumway Mansion to a single-family dwelling unit, and would add ten townhomes to the site. All would access the roadway network via the existing site driveway on 99<sup>th</sup> Place NE.

### Trip Generation

In order to estimate the anticipated impact of the proposed redevelopment, the existing trip generation for Shumway Mansion was compared to the with-redevelopment site trip generation. Existing trip generation was developed based on site information provided by the existing owner and proprietor of Shumway Mansion. Trip generation for a weekday, weekday PM peak hour, and during a weekend event were developed. Existing trip generation for all three time-periods is outlined below, and summarized in Table 1, while Attachment A provides a more detailed breakdown of the existing trip generation.

#### Weekday

On weekdays, Shumway Mansion typically generates vehicle trips related to the B&B operations (eight guest rooms), trips related to prospective patrons previewing the event and meeting facilities, and trips associated with business meetings held at the facility. Typically, the B&B operations have a 63-percent occupancy rate for their rooms or 5 out of 8 occupied during weekdays. Approximately four trips are generated per occupied room over the course of a weekday, as people check-out, check-in, go out for shopping, etc. Four staff members travel to/from the site over the course of each weekday, providing service for the facilities and to the guests staying at the B&B., equating to eight additional trips over the course of a weekday.

Typically, one prospective patron visits each day to preview the available wedding facilities in the afternoon. In addition, at least one service delivery typically occurs at some point in the day. Business meetings typically occur daily, with anywhere from ten to twenty five attendees; for purposes of this assessment, 15 attendees were assumed. Based on the information provided, it is estimated that approximately 62 total vehicle trips are generated over the course of a typical weekday by the existing site.

### **Weekday PM Peak Hour**

Of the vehicle trips that occur over the course of a weekday, most B&B patrons check-in or leave for dinner during the weekday PM peak hour. To be conservative we have assumed that 40-percent check-in during the PM peak hour and that 40-percent leave during the PM peak hour. Two employees have a shift change during the PM peak hour, with two evening staff members arriving, while two day time staff members are leaving during the PM peak hour. Based on this information, it is estimated that approximately eight vehicle trips are generated by the existing site during the weekday PM peak hour.

### **Weekend Event Peak**

The largest traffic generating time period for the existing facility occurs on weekends, either on Friday nights, Saturdays, or Sundays, when wedding ceremonies and/or receptions are scheduled. Typically, 100-110 weddings are held over the course of a year (109 were held in 2003). Approximately 115 people attend each wedding, with an observed average vehicle occupancy of approximately 2.5 persons per vehicle. The average vehicle occupancy was based on event observations conducted by Shumway Mansion staff and is consistent with our experience for these types of events. This equates to approximately 46 total trips (inbound and outbound) per wedding, in addition to ten vehicle trips related to support staff.

Based on the specific information provided by the Shumway Mansion owner, trip generation for all three noted time-periods is summarized in Table 1.

**Table 1. Existing Shumway Mansion Trip Generation Summary**

<b>Time Period</b>	<b>Total</b>	<b>Inbound</b>	<b>Outbound</b>
Weekday	62	31	31
Weekday PM Peak Hour	8	4	4
Weekend Event	56	28	28

1. Based on facility usage information provided by the current Shumway Mansion owner.
2. During one weekend wedding event; noted trips may occur more than once during a weekend due to multiple weddings being schedule (one on Friday night, one on Saturday afternoon, etc.)

As is shown in Table 1, the existing Shumway Mansion is estimated to generate 62 weekday trips, with approximately eight occurring during the PM peak hour. During a weekend event such as a wedding, approximately 56 trips are estimated to currently be generated by Shumway Mansion. This weekend trip generation may occur more

than once over the course of a weekend, as more than one wedding may be scheduled for a particular weekend.

## Proposed Trip Generation

The proposed redevelopment would convert the Shumway Mansion facility to a single-family dwelling unit, and would construct ten townhome units on-site. Trip generation for the proposed redevelopment was estimated using average trip rates from the Institute of Transportation Engineers' (ITE) *Trip Generation (2003)* for land use #210 (single-family detached housing) and land use #230 (Residential Condominium/Townhouse). For comparison purposes, trip generation rates for the proposed redevelopment were estimated for a weekday, weekday PM peak hour, and during the weekend event (ITE Saturday peak hour of generator) for these uses. These trip generation estimates were then compared to the existing Shumway Mansion facility trip generation estimates, to arrive at the net result with the proposed redevelopment. The proposed redevelopment trip generation and existing trip generation are summarized in Table 2.

**Table 2. Proposed and Net New Redevelopment Trip Generation Summary**

Time Period	Existing Facility			Proposed Redevelopment <sup>1</sup>			NET NEW TRIPS <sup>2</sup>		
	Total	In	Out	Total	In	Out	Total	In	Out
Weekday	62	31	31	69	35	34	7	4	3
Weekday PM Peak Hour	8	4	4	6	4	2	-2	0	-2
Weekend Event Peak Hour	56	28	28	6	4	2	-50	-24	-26

1. Based on average trip rates for ITE *Trip Generation (2003)*: Land use #210: single-family detached housing (1 unit) and ITE #230: Condominium/Townhouse (10 units).

2. Net new project trips with the proposed redevelopment.

As is shown in Table 2, the proposed redevelopment is estimated to generate 7 more trips on a typical weekday, 2 less trips during the Weekday PM peak hour, and 50 less trips during a weekend peak event/peak hour of the generator.

These trip generation estimates suggest that the proposed redevelopment will generate less PM peak hour and weekend trips than the existing Shumway Mansion facility, creating less impact upon the roadway system and surrounding neighborhood during these times.

## Sight Distance

At the request of City of Kirkland staff, stopping and entering sight distance at the existing site driveway on 99<sup>th</sup> Place NE were measured by Transpo staff. The distances were measured according to American Association of State Highway Transportation Officials (AASHTO) specifications outlined in *A Policy on Geometric Design of Highways and Streets (2004)* and compared to the design speed.

The speed limit on 99<sup>th</sup> Place NE adjacent to the site is 20 mph, as a sign near the driveway warns of a "Blind Driveway." The design speed is typically ten miles per hour higher than the posted speed limit. Using this approach, a design speed of 30 mph was used to provide a conservative evaluation of AASHTO sight distance standards. The results of the sight distance measurements are provided in Table 3.

**Table 3. Sight Distance Summary: Site Access**

<b>Sight Distance</b>	<b>Measured</b>	<b>AASHTO Standard</b>	<b>Standard Met?</b>
<b>Stopping Sight Distance</b>			
<i>Northbound</i>	285'	200'	Yes
<i>Southbound</i>	250'	200'	Yes
<b>Entering Sight Distance</b>			
<i>Looking North</i>	450'	335'	Yes
<i>Looking South</i>	295'	335'	No

1. Field sight distance measurement (Rounded to nearest five feet).
2. Based on AASHTO's *A Policy on Geometric Design of Highways and Streets* (2004) for a 30 mph roadway design speed.

The field measurements found that the stopping and entering sight distances for the 99<sup>th</sup> Place NE site access meets AASHTO standards with the exception for a vehicle that would turn left and exit to the south. The current driveway is signed as a right-turn only driveway, and it is unlikely that vehicles would turn left and exit to the south, as 99<sup>th</sup> Place NE serves only local residential developments. All traffic to/from the site is anticipated to turn right when exiting the site in order to access NE 116<sup>th</sup> Street. We would recommend that this driveway remain as a right out only exit in order to restrict the left turning movement that has limited sight distance.

We trust that this memorandum adequately addresses the transportation information requested for this project. Please let us know if you have questions or comments.

## Attachment A

	Existing Site		
	TOTAL	IN	OUT
<b>Weekday</b>			
Bed & Breakfast (5/8 rooms occupied x 4 trips per room)	20	10	10
Business Meetings	30	15	15
Staff	8	4	4
Prospective Wedding Venue Preview	2	1	1
Service Delivery	2	1	1
<b>TOTAL</b>	<b>62</b>	<b>31</b>	<b>31</b>
<b>Weekday PM Peak Hour</b>			
Bed & Breakfast (40% of guests check-in/check-out/leave)	4	2	2
Staff	4	2	2
<b>TOTAL</b>	<b>8</b>	<b>4</b>	<b>4</b>
<b>Weekend Event Peak</b>			
Wedding Service/Reception	46	23	23
Staff	10	5	5
<b>TOTAL</b>	<b>56</b>	<b>28</b>	<b>28</b>



# The Watershed Company

RECEIVED

OCT 28 2005

October 26, 2005

Jon Regala  
City of Kirkland Planning Department  
123 Fifth Avenue  
Kirkland, WA 98033

AM \_\_\_\_\_ PM \_\_\_\_\_  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

Re: Shumway 10 – wetland delineation and proposed buffer modification review

Dear Jon:

Thank you for the opportunity to review the wetland delineation study and proposed buffer modification for the property located at 11410 99<sup>th</sup> Place NE in Kirkland. This letter shall serve as our review of the study and report prepared by the applicant's environmental consultant, Wetland Resources, Inc. (WRI). Comments herein are based on review of the August 8, 2005 *Sensitive Area Study and Buffer Modification Plan* and an October 17, 2005 site visit.

## Findings

### *Wetland Delineation*

1. Most of the flags marking the wetland boundary are accurately located; however, the wetland extends approximately 10 feet outside of the marked boundary between flags 11 and 12, and several feet beyond the marked boundary between flags 13 and 15.
2. The edge of the stream associated with the wetland runs outside of the wetland boundary in the vicinity of flag 3. The stream had not been flagged by the time of our field visit. Assuming that the Class B designation of the stream given in the August 8, 2005 WRI report was obtained from a City of Kirkland Planning Official, as required by the Kirkland Zoning Code (KZC 90.85), it requires a 60-foot buffer in a primary basin. Thus, the stream buffer supersedes the wetland buffer in some areas, particularly where the stream runs outside of the wetland buffer at flag 3. (See, however, Item 4 regarding the wetland rating.)
3. KZC 90.30.21 excludes from regulation artificial wetlands intentionally created from non-wetland areas. The WRI sensitive area report cites the applicant and the City of Kirkland as sources for exemption of the wetland from regulation, but no specific City of Kirkland document or name is given. As requested by Jon Regala, City of Kirkland Planner, we have examined and evaluated the pond area. The pond is located at the west edge of the wetland; it is lower than the rest of the wetland area and adjoins it for a distance of approximately 45 feet. The pond receives considerable groundwater, as evidenced by seepage along the pond sides, as well as sheetflow originating from the stream. Thus, while it is clearly

constructed, it is evident that the area presently containing the pond was historically part of the wetland. As such, it is not exempt from regulation under the KZC.

4. The sensitive area study rates the on-site wetland as Type III. Our rating of the wetland (see enclosed City of Kirkland Wetland Field Data Form) scores the wetland at 24 points. The difference between our score and the score assigned to the wetland in the sensitive area study is the result of several differences in the rating form: the WRI report recorded only an emergent class (although it acknowledges the presence of scrub-shrub in the Functions and Values section) while our site visit revealed three classes (open water, emergent, and scrub-shrub); the wetland receives a higher plant diversity score than was applied in WRI study because of the shrub component; and the form included with the sensitive area report appears to have estimated the land use type surrounding the buffer, rather than that surrounding the wetland. The City of Kirkland rating system applies a Type II determination to wetlands rating 22 or higher and requires a 75-foot buffer for these wetlands in primary basins. If the City decides that the pond area is not regulated wetland, the remaining wetland would score 22 and the rating would remain Type II.

#### *Buffer Mitigation Plan*

The proposed wetland mitigation plan is based on a 50-foot buffer, whereas we found the required buffer to be 75 feet. Therefore, many of the comments below will likely need to be addressed within the context of this revised buffer requirement.

1. KZC 90.60.2(b)9 requires that the applicant for a buffer modification show that "there is no practicable or feasible alternative development proposal that results in less impact to the buffer." The proposed mitigation plan does not describe any alternative proposals or attempts to avoid wetland buffer impacts. There appears to be space on the property to adjust the proposed development to avoid buffer impacts. For example, the new garage and Building 5 could be moved south and Buildings 3 and 4 could be moved west. A plan revised to accommodate a larger buffer could move all buildings toward the northwest and south portions of the property to avoid impacts.
2. The proposed plan employs both buffer reduction and buffer averaging, as some of the area proposed for enhancement is not within the standard buffer. KZC does not allow the combination of reduction and averaging (KZC 90.60.2(a)). Enhancement should be confined to within the standard buffer.
3. Even with the maximum buffer reduction, the proposed development plan contains structures within the City's 10-foot building setback requirement (KZC 90.45.2). The proposed garage, Building 4 and Building 5 are all within the setback.
4. The buffer modification plan characterizes the buffer areas proposed for reduction as "asphalt, existing buildings, dense Himalayan blackberry, and maintained

lawn.” While this is accurate regarding the western portions of the proposed reduction area, the northern and southeastern portions are primarily forested upland slopes.

5. The proposed mitigation plan includes a 3-year maintenance and monitoring plan. KZC 90.55.4(c) requires a 5-year plan for all projects that proposed to alter “wetlands or their buffers.”
6. Irrigation is mentioned briefly and only as a contingency plan component. A temporary irrigation system should be proposed to be installed at the beginning of the project. The system should provide a minimum of 1 inch of water per week over all planted areas for the first growing season (March 15 to October 1). The system should remain in place for the duration of the monitoring period in case replacement plants require irrigation.
7. The plan proposes mitigation planting densities of 15 feet and 6 feet on center (oc) for trees and shrubs, respectively. A density of 10 feet oc for trees is appropriate for areas that presently do not support native woody species.
8. Mitigation plant numbers do not appear to have been calculated for 23,080 square feet (the size of the buffer enhancement area). Using a multiplier of 0.032 for 6 feet oc yields 739, but the plan proposes planting only 256 shrubs. The 15-foot oc multiplier of 0.738 calls for 119 trees to be planted on 23,080 square feet, and the plans calls for only 64 trees (see also Item 7 regarding the appropriate planting density for trees).
9. Shore pine is proposed as a mitigation species. This species is appropriate for shoreline sites; a more appropriate mitigation species for this property would be western red cedar.
10. The estimated assurance bonding uses a price of \$8.25 per plant. The King County Bond Quantity Worksheet lists the installed price of 1-gallon plants at \$13.54. Also, monitoring and maintenance costs are calculated for three years, rather than the required five years, and an irrigation system is not included.
11. Typically, any modification request requires a map produced and stamped by a licensed professional land surveyor. It is unclear from the map accompanying the buffer modification plan whether the wetland boundary was surveyed.

## **Recommendations**

To assure compliance of the buffer modification plan with the KZC, we make the following recommendations. These recommendations will need to be applied within the context of the revised wetland rating and required buffer.

1. The wetland boundary near flags 11, 12, 13, and 15 should be remarked and surveyed.

2. If there is any possibility that the stream buffer extends beyond the required wetland buffer after the wetland rating is revised, the stream ordinary high water mark should be delineation and surveyed.
3. The pond was created in an area that was historically wetland and therefore should be considered in the rating of the wetland and planning of any buffer modification and mitigation. We recommend its inclusion in the wetland area per KZC 90.30.21.
4. The proposed development and buffer modification request should be revised to reflect the Type II rating of the wetland and required 75-foot wetland buffer. This rating applies whether or not the City decides to include the pond in the wetland area (see enclosed City of Kirkland Wetland Field Data Form).
5. The buffer modification plan should address the requirement of exhausting all feasible alternatives. The specific comments in the *Buffer Mitigation Plan* (1.) section of this letter regarding building placement are possible alternatives to consider.
6. The plan should approach the proposed project using either buffer averaging or buffer reduction with enhancement, but not both, per KZC 90.60.1(a). Area outside of the required buffer cannot be used for buffer enhancement, as it represents additional buffer square footage.
7. All proposed buildings and other structures should be outside of the required 10-foot building setback.
8. Forested uplands proposed for enhancement should be described fully, and appropriate mitigation proposed, as it will likely differ from the enhancement methods proposed for more disturbed buffer areas.
9. The monitoring and maintenance plans should be extended to five years post-installation.
10. Plans for installing a temporary irrigation system should be added to the mitigation plan. The system should provide a minimum of 1 inch of water per week over all planted areas for the first growing season (March 15 to October 1). The system should remain in place for the duration of the monitoring period in case replacement plants require irrigation.
11. Appropriate planting densities for trees should be applied. These may differ among buffer enhancement areas that vary in their present vegetative composition (e.g., they may be less dense for forested areas).
12. Mitigation plant numbers should be recalculated for the proposed densities. We recommend the use of the multipliers shown in the *Buffer Mitigation Plan* (9.) section of this letter, as they apply to staggered planting of trees and shrubs.
13. A more appropriate tree species should be considered to substitute for shore pine in the planting plan.

J. Regala  
October 26, 2005  
Page 5 of 5

14. The assurance bond amount should be recalculated to reflect appropriate plant costs and a five-year mitigation and monitoring period.
15. The wetland boundary should be surveyed by a licensed professional land surveyor and the survey map should be stamped.
16. KZC 90.60.2(b) lists nine criteria that must be addressed in a report accompanying any buffer modification request. We recommend that the buffer modification plan address these individually to assure compliance.

This concludes our comments at this time. Please call if you have any questions.

Sincerely,



Suzanne Tomassi  
Wetland/Wildlife Biologist

# WETLAND FIELD DATA FORM –



## WETLAND FIELD DATA FORM

BEGIN BY CHECKING ANY OF THE FOLLOWING (a. – e.) THAT APPLY:

- a. The wetland is contiguous to Lake Washington;
- b. The wetland contains at least 1/4 acre of organic soils, such as peat bogs or mucky soils;
- c. The wetland is equal to or greater than 10 acres in size and having three or more wetland classes, as defined by the U.S. Fish & Wildlife Service (Cowardin et al., 1979), one of which is open water;
- d. The wetland has significant habitat value to state or federally listed threatened or endangered wildlife species; or
- e. The wetland contains state or federally listed threatened or endangered plant species.

IF ANY OF THE CRITERIA LISTED ABOVE ARE MET, THEN THE WETLAND IS CONSIDERED TO BE TYPE 1. IF THAT IS THE CASE, PLEASE CONTINUE TO COMPLETE THE ENTIRE FORM, BUT DO NOT ASSIGN POINTS.

IF THE WETLAND DOES NOT MEET THE CRITERIA LISTED ABOVE FOR TYPE 1, COMPLETE THE ENTIRE FORM, USING THE ASSIGNED POINTS TO DETERMINE IF IT IS A TYPE 2 OR TYPE 3 WETLAND.

Type 2 wetlands typically have at least two wetland vegetation classes, are at least partially surrounded by buffers of native vegetation, connected by surface water flow (perennial or intermittent) to other wetlands or streams, and contain or are associated with forested habitat.

### 1. Total wetland area

Estimate wetland area and score from choices	Acres	Point Value	<u>Points</u>
	>20.00	= 6	
	10-19.99	= 5	
	5-9.99	= 4	
	1-4.99	= 3	
	0.1-0.99	= 2	2
	<0.1	= 1	

2. Wetland classes: Determine the number of wetland classes that qualify, and score according to the table.

	# of Classes	Points
<b>Open Water:</b> if the area of open water is >1/3 acre or >10% of the total wetland area	1	= 1
<b>Aquatic Beds:</b> if the area of aquatic beds is >10% of the open water area or >1/2 acre	2	= 3 w/o pond
<b>Emergent:</b> if the area of emergent class is >1/2 acre or >10% of the total wetland area	3	= 5 w/pond
<b>Scrub-Shrub:</b> if the area of scrub-shrub class is >1/2 acre or >10% of the total wetland area	4	= 7
<b>Forested:</b> if the area of forested class is >1/2 acre or >10% of the total wetland area	5	= 10

3. Plant species diversity.

For all wetland classes which qualified in 2 above, count the number of different plant species and score according to the table below. You do not have to name them.

e.g., if a wetland has an aquatic bed class with 3 species, and emergent class with 4 species and a scrub-shrub class with 2 species, you would circle 2, 2, and 1 in the second column (below).

Class	# of Species	Point Value	Class	# of Species	Point Value
Aquatic Bed	1-2	= 1	Scrub-Shrub	1-2	= 1
	3	= 2		3-4	= 2
	>3	= 3		>4	= 3
Emergent	1-2	= 1	Forested	1-2	= 1
	3-4	= 2		3-4	= 2
	>4	= 3		>4	= 3

4. Structural diversity.

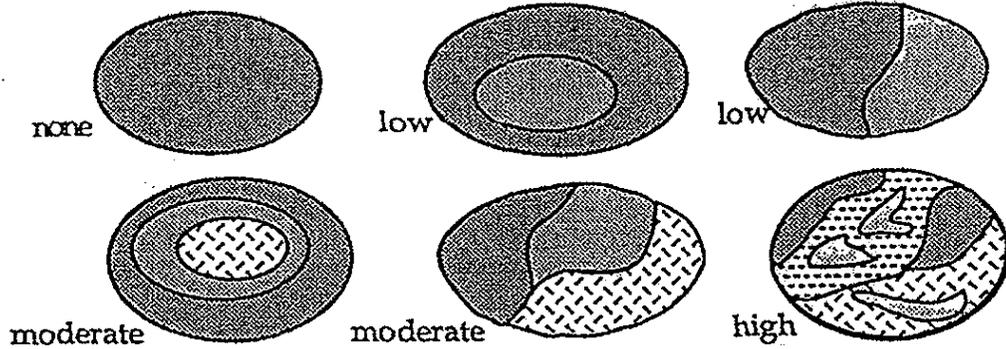
If the wetland has a forested class, add 1 point for each of the following attributes present:

Trees >50' tall	= 1
Trees 20' to 49' tall	= 1
shrubs	= 1
Herbaceous ground cover	= 1

**5. Interspection between wetland classes.**

Decide from the diagrams below whether interspection between wetland classes is high, moderate, low or none

- 3 = High
- 2 = Moderate
- 1 = Low
- 0 = None



**6. Habitat features**

Add points associated with each habitat feature listed:

- Is there evidence of current use by beavers? = 3
- Is a heron rookery located within 300'/? = 2
- Are raptor nest(s) located within 300'/? = 1
- Are there at least 2 standing dead trees (snags) per acre? = 1
- Are there any other perches (wires, poles, or posts)? = 1
- Are there at least 3 downed logs per acre? = 1

(2 points)

**7. Connection to streams**

Is the wetland connected at any time of the year via surface water? (score one answer only)

Is the wetland connected at any time of the year via surface water?

- To a perennial stream or a seasonal stream *with* fish = 5
- To a seasonal stream *without* fish = 3
- Is not connected to any stream = 0

**8. Buffers**

Step 1: Estimate (to the nearest 5%) the percentage of each buffer or land-use type (below) that adjoins the wetland boundary. Then multiply these percentages by the factor(s) below and enter result in the column to the right.

	% of Buffer	Step 1	Width Factor	Step 2
Roads, buildings or parking lots	<u>5 (0) %</u>	X 0 =	<u>        </u>	= <u>    0    </u>
Lawn, grazed pasture, vineyards or annual crops	<u>5 (0) %</u>	X 1 =	<u>    5    </u>	= <u>    5 (0)    </u>
Ungrazed grassland or orchards	<u>    0    %</u>	X 2 =	<u>        </u>	= <u>    0    </u>
Open water or native grasslands	<u>0 (10) %</u>	X 3 =	<u>    0 (30)    </u>	= <u>    0 (30)    </u>
Forest or shrub	<u>    90    %</u>	X 4 =	<u>   360   </u>	= <u>   360   </u>

Add buffer 365 w/pond  
(390 without pond)

Step 2: Multiply result(s) of step 1:

By 1 if buffer width is 25-50'

By 2 if buffer width is 50-100'

By 3 if buffer width is >100'

Enter results and add subscores

Step 3: Score points according to the following table:

Buffer Total

900-1200 = 4

600-899 = 3

**300-599 = 2**

100-299 = 1

**9. Connection to other habitat areas:**

Is there a riparian corridor to other wetlands within 0.25 of a mile, or a corridor >100' wide with good forest or shrub cover to any other habitat area? = 5

with

Is there a narrow corridor <100' wide with good cover or a wide corridor >100' wide with low cover to any other habitat area? = 3

Is there a narrow corridor <100' wide with low cover or a significant habitat area within 0.25 mile but no corridor? = 1

Is the wetland and buffer completely isolated by development and/or cultivated agricultural land? = 0

**10. Scoring**

Add the scores to get a total: **22 if pond is not a wetland, 24 if it is**

Question: Is the total greater than or equal to 22 points?

Answer:

**Yes = Type 2**

No = Type 3



# Wetland Resources, Inc.

Delineation / Mitigation / Restoration / Habitat Creation / Permit Assistance

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November 10, 2005

Shumway Townhomes, LLC  
Attn: Mr. Robert Ketterlin  
11608 100<sup>th</sup> Ave. NE, #1B  
Kirkland, WA 98034

## RE: Shumway Townhomes Response Letter to City of Kirkland Consultant Review Comments

Wetland Resources, Inc. (WRI) has carefully considered the review comments prepared by the City of Kirkland's consultant, the Watershed Company, on October 26, 2005. Below are the recommendations stated in the review letter and our response to each one. Please also refer to the latest revisions prepared in the November 10, 2005 Buffer Modification Report.

- 1) *The wetland boundary near flags 11, 12, 13, and 15 should be remarked and surveyed.*

WRI revisited the site and added four additional flags to slightly increase the boundary of the pond area.

- 2) *If there is any possibility that the stream buffer extends beyond the required wetland buffer after the wetland rating is revised, the stream ordinary high water mark should delineated and surveyed.*

The stream channel was adequately surveyed in the field and depicted on the site plan. The 60-foot stream buffers that supersede the 50-foot wetland buffers have already been accounted for.

- 3) *The pond was created in an area that was historically wetland, and therefore should be considered in the rating of the wetland and planning of any buffer modification....*

Under KZC 90.30.21, the definition of a wetland is as follows:

*Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adopted for life in saturated soil conditions...*

*Wetlands do not include artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass lined swales, canals, farm ponds and landscape amenities, or those wetlands created after July 1, 1990 that were intentionally created as a result of the construction of a road, street, or highway...*

It is our opinion that the pond does not meet the definition of a wetland because it was intentionally created as part of the site's stormwater detention facility. Documentation supporting this is the attached permit. We concur that natural sheetflow and wetland hydrology have always flowed to the area of the pond. We did not find evidence of seepage along the pond edge (refer to field data sheet—S3 and S4. Based on these conditions, the pond is not part of the wetland and it should not be regulated under KZC 90.

***4) The proposed development and buffer modification request should be revised to reflect the Type II rating of the wetland and required 75-foot wetland buffer....***

After revisiting the site and reevaluating the subject wetland, WRI maintains the position that the subject wetland is a Type III wetland. The following paragraphs explain how the wetland rating points were scored for this wetland. Please also refer to the attached wetland rating form.

The subject wetland contains two wetland classes, according to the City's definitions of wetland classes. The two classes are emergent and scrub-shrub. The pond does not count as an open water class because it is a legal existing man-made detention facility, as explained under comment #3 above. The pond also does not meet the definition of open water, as it is not greater than 6 feet in depth. The area of the pond that is free of plants is approximately 800 square feet. This is only 7 percent of the total area of the subject wetland (approximately 10,890 square feet). Therefore, on question #2 of the rating sheet, the wetland receives a score of 3 points for having two wetland classes.

On question #3 of the rating sheet, the wetland receives a score of 6 points. This includes 3 points for the emergent class having more than four different plant species, and 3 points for the scrub-shrub class having three or more different plant species.

WRI recalculated the areas of the buffer/land use types, as listed on question #8. We estimated that the total area of wetland buffer is approximately 38,985 square feet. The total estimated area within this buffer that is comprised of buildings, roads, parking lots, or existing concrete is approximately 8,775 square feet. This is 23 percent (or 25, rounded to the nearest 5 percent) of the wetland buffer area. The total estimated area of ungrazed grass area is approximately 670 square feet (along the northwestern side of the pond only). This is 2 percent of the total buffer area, which is an insignificant amount. The total area of forested/shrub buffer, excluding the man-made detention pond (total area = 2,130 SF), grass areas, and any other man-made features, is approximately 26,930 square feet. This is approximately 70 percent of the wetland buffer. The resulting score in Step 1 of question #8 is 280 points. That score is multiplied by 1 in Step 2. The final score for this section is 1, based on the procedure in Step 3.

Upon client request, WRI reevaluated question #9, as additional information was made available about the stormwater outflow for this site. We originally dedicated 3 points for this question, for a wide corridor greater than 100' wide with low cover to any other habitat area. This was based on aerial photography of the surrounding area. However, the new information presented to us indicates that there are no connections between the subject property and Lake Washington. Onsite stream and wetland hydrology flows into the overflow pipe within the onsite stormwater pond, which ultimately drains into a city Kirkland stormwater system. We assume that onsite hydrology eventually flows into Lake Washington. However, there is no natural connection or corridor to any other habitat area. Lake Washington is considered a significant habitat area that is within .25 mile. Therefore, the wetland receives one point for this section.

Overall, the wetland receives a score of 19 points. This meets the criteria of a Class III wetland.

***5) The buffer modification plan should address the requirement of exhausting all feasible alternatives.***

All feasible alternatives have been exhausted for the proposed design plan. Complete avoidance of the wetland buffer would result in loss of at least one proposed unit, no yards, and smaller unit sizes within both the northwest and southeast corners. Moreover, the proposed buffer disturbances will occur within areas already heavily degraded. It is our opinion that the best design alternative is to propose a reduction of already degraded buffer area so that enhancement plans to increase buffer functions and values can be provided.

***6) The plan should approach the proposed project using either buffer averaging or buffer reduction with enhancement, but not both....***

The plan focuses on buffer reduction with enhancement, not buffer addition.

- 7) All proposed buildings and other structures should be outside the required 10-foot building setback line.**

All proposed buildings are outside the standard 10-foot building setback line.

- 8) Forested uplands proposed for enhancement should be described fully and appropriate mitigation proposed, as it will likely differ from the enhancement methods proposed for more disturbed buffers.**

The enhancement plan has been revised accordingly. The two enhancement areas, Buffer Enhancement Areas A and B, will contain different species and plant spacing.

- 9) The monitoring and maintenance plants should be extended to five years post installation.**

This has been revised in the mitigation plan.

- 10) Plans for installing a temporary irrigation system should be added to the mitigation plan.**

This has been added to the report, per Watershed recommendations.

- 11) Appropriate planning densities for the trees should be applied.**

This has been revised in the mitigation plan, per Watershed recommendations.

- 12) Mitigation planting numbers should be recalculated for the proposed densities.**

Plant numbers have been revised.

- 13) A more appropriate tree species should be considered to substitute for the shore pine.**

Western red cedar and big leaf maple have been added as substitution for shore pine.

- 14) The assurance bond should be recalculated to reflect appropriate plant costs and a five-year mitigation and monitoring period.**

This has been revised accordingly.

- 15) *The wetland boundary should be surveyed by a licensed professional land surveyor and the survey map should be stamped.*

The applicant will provide a stamped survey map.

- 16) *KZC 90.60.2(b) lists nine criteria that must be addressed in a report accompanying any buffer modification request. We recommend that the buffer modification plan address these individually to assure compliance.*

The nine criteria under KZC 90.60.2(b) are addressed as part of the revised buffer modification plan.

It is our intention to provide all the necessary information that adequately addresses the issues described above so that requirements under KZC 90 are met. Should you have any questions, please do not hesitate to call.

Wetland Resources, Inc.



Andrea Bachman  
Senior Wetland Ecologist



# Wetland Resources, Inc.

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## SENSITIVE AREA STUDY AND BUFFER MODIFICATION PLAN

FOR

### SHUMWAY TOWNHOMES

Wetland Resources, Inc. Project #05224

Prepared By:

Wetland Resources, Inc.  
9505 19th Ave. SE, Suite 106  
Everett, WA 98208  
(425) 337-3174

For:

Shumway Townhomes, LLC  
Attn: Mr. Robert Ketterlin  
11608 100<sup>th</sup> Ave NE, #1B  
Kirkland, WA 98034

August 8, 2005  
Revision: December 14, 2005

ATTACHMENT	9
SEP04-00054	

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## SITE DESCRIPTION

*Wetland Resources, Inc.* conducted a wetland delineation on the subject property on July 12, 2005. The site encompasses approximately 2.4 acres and is located at 11410 99<sup>th</sup> Pl NE in the city of Kirkland, Washington. The site is further located as a portion of Section 32, Township 26N, Range 5E, W.M.

Access to this site is from the west via 100<sup>th</sup> Ave NE. An asphalt driveway leads up the west side of the site and across the south side, in an "L" shape. The existing residence and associated outbuildings are situated in the southwest corner. Aside from the asphalt, the northernmost third of the property consists of a vegetated area with a canopy of big-leaf maple. The site is bordered by single-family residences in all directions.

A Class B stream runs onsite from the east and empties into a man-made pond associated with a Type 3 wetland. The man-made pond is not regulated as wetlands, based on the City of Kirkland Department of Community Development Formal Hearing File Information Sheet (application date: 6-12-84).

Steep slopes lead down from the north and south to the wetland, which is situated in a depression that occupies approximately the middle third of the site. A gentler slope leads down from the west. The hydrology sources for this system include an off-site spring to the east that feeds the stream and hillside seeps along the existing on-site slopes. Type 3 wetlands typically receive 50-foot protective buffers and Class B streams receive 60-foot protective buffers within a primary drainage basin in the city of Kirkland.

Among the vegetation on this property, common horsetail is fairly dominant in both the wet and non-wet portions. Himalayan blackberry is also dominant in the wet areas, while big-leaf maple is a major species in the non-wet areas of the site.

### WETLAND AND STREAM CLASSIFICATIONS - COWARDIN SYSTEM

According to the Cowardin System, developed by the U.S. Fish and Wildlife Service and described in *Classification of Wetlands and Deepwater Habitats of the United States*, the classification for the on-site wetland and stream is as follows:

Wetland: Palustrine, Scrub-shrub, Persistent, Semi-permanently flooded

Stream: Riverine, Streambed, Cobble-Gravel

### WETLAND AND STREAM CLASSIFICATIONS - CITY OF KIRKLAND

The on-site wetland is classified as a Type 3 wetland. Type 3 wetlands are wetlands that receive fewer than 22 points on the City of Kirkland Wetland Field Data Form.

The subject wetland merits 20 points on this form (attached). Type 3 wetlands receive 50-foot buffers.

The on-site stream is a perennial stream during years of normal rainfall, and is not used by salmonids. Class B streams receive 60 foot protective buffers.

## WETLAND DETERMINATION REPORT

### Methodology:

On-site, the routine methodology described in the Washington State Wetlands Identification and Delineation Manual (Washington State Department of Ecology Publication #96-94, March 1997) was used to make a determination, as required by the City of Kirkland. Under this method, the process for making a wetland determination is based on three sequential steps:

- 1.) Examination of the site for hydrophytic vegetation (species present and percent cover);
- 2.) If hydrophytic vegetation is found, then the presence of hydric soils is determined.
- 3.) The final step is determining if wetland hydrology exists in the area examined under the first two steps.

The following criteria descriptions were used in the boundary determination:

### Wetland Vegetation Criteria:

The 1997 edition of the Washington State Wetlands Identification and Delineation Manual defines hydrophytic vegetation as "the sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present." Field indicators were used to determine whether the vegetation meets the definition for hydrophytic vegetation.

### Wetland Soils Criteria and Mapped Description:

The 1997 edition of the Washington State Wetlands Identification and Delineation Manual defines hydric soils as "soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part." Field indicators were used to determine whether a given soil meets the definition for hydric soils.

The soils underlying the subject site are mapped in the Soil Survey of King County Area Washington, 1973 edition as Alderwood gravelly sandy loam, 6 to 15 percent slopes.

The Alderwood series consists of moderately well drained, rolling soils that are on uplands. These soils formed under conifers, in glacial deposits. Soils included with this soil in mapping make up no more than 30 percent of the total acreage. Some areas are up to 3 percent the poorly drained Norma, Bellingham, Seattle, Tukwila, and Shalcar soils; some are up to 5 percent the very gravelly Everett and Neilton soils; and some are up to 15 percent Alderwood soils that have slopes more gentle or steeper than 6 to 15 percent. Also included are Alderwood soils that have a gravelly loam surface layer and subsoil. In a representative profile, the surface layer and subsoil are very dark brown, dark-brown, and grayish-brown gravelly sandy loam about 27 inches thick.

**Wetland Hydrology Criteria:**

The 1997 edition of the Washington State Wetlands Identification and Delineation Manual states that the "term wetland hydrology encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface for a sufficient duration during the growing season." It also explains that "areas with evident characteristics of wetland hydrology are those where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and chemically reducing conditions, respectively."

Additionally, the manual states that "areas which are seasonally inundated and/or saturated to the surface for a consecutive number of days  $\geq$ 12.5 percent of the growing season are wetlands, provided the soil and vegetation parameters are met. Areas inundated or saturated between 5 and 12.5 percent of the growing season in most years may or may not be wetlands. Areas saturated to the surface for less than 5 percent of the growing season are non-wetlands." Field indicators were used to determine whether wetland hydrology parameters were met on this site.

**BOUNDARY DETERMINATION FINDINGS**

**On-site Wetland Area:**

The on-site wetland located in the middle portion of the site is a Type 3 wetland. The wetland extends off-site to the east. The stream that feeds into the wetland comes from off-site to the east. It is topographically constrained by slopes to the north, south, and west. Vegetation in this wetland consists of common horsetail (*Equisetum arvense*, Fac) and Himalayan blackberry (*Rubus discolor*, FacU). Also present are climbing nightshade (*Solanum dulcamara*, Fac+), *Epilobium* species (FacW-), slough sedge (*Carex obnupta*, Obl), skunk cabbage (*Lysichiton americanum*, Obl), lady fern (*Athyrium filix-femina*, Fac), orchard morning glory (*Convolvulus arvensis*, Nol/Upl), and water parsley (*Oenanthe sarmentosa*, Obl).

The soils within the on-site wetland generally display a Munsell color of black (10YR 2/1) from 0 to 18" below the surface. The wetland soils have a texture of silty sand. During the investigation in July of 2005, the soils were saturated.

**Non-wetland Area:**

The vegetation in the non-wetland areas is represented by a canopy of big-leaf maple (*Acer macrophyllum*, FacU). Species in the understory include osoberry, Himalayan blackberry, hazelnut (*Corylus cornuta*, FacU), Oregon grape (*Berberis nervosa*, FacU), sword fern (*Polystichum munitum*, FacU), common horsetail, and bracken fern (*Pteridium aquilinum*, FacU).

From the surface to approximately 2" below the surface, the non-wetland soils on-site generally display a Munsell color of black (10YR 2/1). From 2" below the surface to 18" below the surface, these soils generally display a Munsell color of dark yellowish brown (10YR 4/4). At the time of the site investigation in July 2005, the non-wetland soils were dry with a texture of sandy loam.

### WETLAND FUNCTIONS AND VALUES ASSESSMENT

**Methodology:**

The methodology for this functions and values assessment is based on professional opinion developed through past field analyses and interpretation. This assessment pertains specifically to the wetland system on-site, but is typical for assessments of similar systems throughout western Washington.

**Analysis:**

The most important function provided by the subject Type 3 wetland is hydrologic control.

Hydrologic control (flood control and water supply) is an important function provided by wetlands and streams in western Washington. Wetlands function as natural water storage areas during periods of high precipitation. Wetlands with limited outlets store greater amounts of water than wetlands with unrestricted flow outlets. The depressional characteristics of wetlands often accumulate stormwater runoff. The ponded nature of many wetlands acts to store any excess stormwater that reaches the wetlands. The subject wetland on-site creates a natural water-retention system as the wetland collects precipitation runoff from the steep slopes to the north and south and accommodates overflow from the creek it is associated with.

The subject wetland also has fairly high value in the function of water quality improvement. There are depressional areas present in the wetland that have the potential to trap sediment during flooding events. A good portion of the wetland is covered by herbaceous and emergent vegetation that is effective at filtering sediment out of the water column. The residential areas surrounding the wetland will be able to reap the benefits of this water quality improvement value.

Some value in habitat functions is also provided by this wetland. It contains different kinds of vegetation (scrub-shrub and emergent), catering to animal species that prefer different habitats. The wetland also serves as a decent buffer

to the surrounding residential areas and is within 1 mile of Lake Washington, an important nearby habitat.

**Conclusion:**

The overall functions and values of the subject Type 3 wetland are good.

**PROJECT DESCRIPTION**

The anticipated development plan will include six new townhome buildings with associated access roads. The existing Shumway mansion will be retained, and a new two-car garage is proposed to be constructed adjacent to the mansion. The applicant is proposing to reduce several areas of buffer on this site, as described in the proposed buffer modification plan below.

**PROPOSED BUFFER MODIFICATION PLAN**

Pursuant to KZC, Section 90.60.2, up to one third of the standard buffer may be reduced if the applicant provides an enhancement plan that will result in a higher level of buffer function along the reduced buffer area. For this site, the applicant proposes to reduce two areas of the 50-foot standard wetland buffer to a minimum 34-foot buffer. The plan will result in a total of 6,425 (3,515 + 2,910) square feet of buffer reduction.

The areas proposed for reduction have been degraded from historic land use on this site. These areas proposed for reduction are comprised of existing asphalt, existing buildings, dense Himalayan blackberry, and maintained lawn. Because of these existing conditions, the on-site wetland buffer has moderately low potential for providing important buffer functions. Such functions include wetland protection, water quality, stormwater infiltration/retention, and wildlife habitat.

The proposed buffer modification plan meets the criteria under KZC 90.60 b. Because the proposed plan will result in significant enhancement and improved buffer functions and values, the proposed buffer modification plan will not adversely affect water quality, fish wildlife or their habitat, drainage and/or stormwater capabilities. Construction will be outside the steep slope areas, and will therefore not lead to unstable earth conditions or create an erosion hazard. Development standards will be met so that the project will not be detrimental to other properties or the City. Fill materials will not cause harm to fish and wildlife. All exposed areas, especially areas where existing concrete is removed in the buffer, will be revegetated with native species. Based on these conditions, we assume the proposed buffer modification plan is consistent with KZC 90.60 b.1.

All feasible alternatives have been exhausted for the proposed design plan. Complete avoidance of the wetland buffer would result in loss of at least one proposed unit, no yards, and smaller unit sizes within both the northwest and

southeast corners. Moreover, the proposed buffer disturbances will occur within areas already heavily degraded. It is our opinion that the best design alternative is to propose a reduction of already degraded buffer area so that enhancement plans to increase buffer functions and values can be provided.

The proposed buffer enhancement plan will first require removal of existing invasive species, such as Himalayan blackberry, and removal of existing asphalt within the remaining areas designated as buffer on this site. The total area to be enhanced will equal 20,220 square feet. Buffer Enhancement area A is severely degraded by the existing parking lot, buildings, concrete, cleared areas, and Himalayan blackberry. For enhancement area A, trees will be on 10-foot centers, and shrubs on 5-foot centers. Buffer enhancement area B contains a higher concentration of native trees and shrubs. It is also over grown with Himalayan blackberry. For enhancement area B, plantings will be at a lower density than those in buffer enhancement area A. Trees will be on 15-foot centers and shrubs are on 6-foot centers. Enhancement plantings will be evenly distributed throughout the buffer. Plantings will be placed in groupings of 2-3 like species to reflect natural asymmetric patterns. The following plantings are proposed.

**Buffer Enhancement Area A (10,530 square feet)**

<u>Common Name</u>	<u>Latin Name</u>	<u>Size</u>	<u>Quantity</u>
1. Western red cedar	<i>Thuja plicata</i>	1 gallon	61
2. Douglas fir	<i>Pseudotsuga menziesii</i>	1 gallon	61
3. Osoberry	<i>Oemleria cerasiformis</i>	1 gallon	121
4. Vine maple	<i>Acer circinatum</i>	1 gallon	121
5. Red-osier dogwood	<i>Cornus sericea</i>	1 gallon	121
6. Snowberry	<i>Symphoricarpos albus</i>	1 gallon	121

**Buffer Enhancement Area A (9,690 square feet)**

<u>Common Name</u>	<u>Latin Name</u>	<u>Size</u>	<u>Quantity</u>
1. Western red cedar	<i>Thuja plicata</i>	1 gallon	17
2. Douglas fir	<i>Pseudotsuga menziesii</i>	1 gallon	17
3. Big leaf maple	<i>Acer macrophyllum</i>	1 gallon	17
4. Vine maple	<i>Acer circinatum</i>	1 gallon	310

**PLANTING NOTES**

Planting shall take place in the early spring or late fall. Plants should be obtained from a reputable nursery. All plant materials recommended in this plan are typically available from local and regional sources, depending on seasonal demand. Some limited species substitution (including bareroot stock) may be allowed, only with the agreement of the consulting biologist or City of Kirkland biologist. Care and handling of plant materials is extremely important to the overall success of this enhancement project.

The plants shall be arranged with the appropriate numbers, sizes, species, and distribution to achieve the required vegetation coverage. The actual placement of individual plants shall mimic natural, asymmetric vegetation patterns found on similar undisturbed sites in the vicinity.

#### PROJECT MONITORING PROGRAM

##### **Requirements for monitoring project:**

1. Initial compliance report
2. Semi-annual site inspections (spring and fall) for a period of five years
3. Annual reports (one written report submitted in the fall of each monitored year)

The purpose for monitoring this enhancement project shall be to evaluate its success. Success will be determined if monitoring shows at the end of five years that the definition of success (stated below) is met. The property owner shall grant access to the enhancement area for inspection and maintenance to the contracted wetland professional and the City of Kirkland biologist during the monitoring period, or until the project is evaluated as successful.

**Criteria for Success:** Upon completion of the proposed buffer enhancement project, an inspection by a certified wetland professional shall be made to determine plan compliance. Condition monitoring of the plantings shall be done by a certified wetland professional. Final inspection will occur three years after completion of the project, and the consulting wetland professional will prepare a report as to the success of the project.

**Definition of Success:** The buffer enhancement area shall support at least 80% of the native plants set forth in the approved restoration plan by the end of three years. The species mix should resemble that proposed in the plan, but strict adherence to obtaining all of the species shall not be a criterion for success. By the end of the third growing season, the percent areal coverage of native plants shall be 80% in the enhancement area and total coverage by invasive species such as reed canarygrass and Himalayan blackberry shall not exceed 10 percent.

**Assurance Device:** An assurance device shall be provided to the City of Kirkland in the amount of \$25,741.00 for a period of five years from the completion of the mitigation project. This bond shall be released at the end of three years upon "a successful determination" by the City of Kirkland Planning Department for all portions of this project.

**Irrigation:** A temporary irrigation system will be installed at the beginning of the project. Water will be provided at a minimum of one inch per week over all planted areas for the first growing season (March 15-October 1). The system should remain in place for the duration of the monitoring period in case replacement plants require irrigation.

**Maintenance:** The buffer enhancement area will likely require periodic maintenance during the monitoring period. Maintenance may include, but will not require or be limited to, removal of competing grasses and invasive vegetation (by hand if necessary), irrigation, replacement of plant mortality, fertilization, and/or the replacement of mulch. Aggressive control of invasive grasses and Himalayan blackberry will likely be required in the proposed enhancement area. Appropriate maintenance requirements will be determined by site monitoring.

**Contingency Plan:** If 20% of the installed plants are severely stressed during any of the inspections, or it appears that 20% may not survive, additional plantings of the same species may be added to the planting areas. Elements of a contingency plan may include, but will not be limited to, more aggressive weed control, animal control, mulching, replanting with larger plant material, species substitution, fertilization, soil amendments, and/or irrigation.

**ESTIMATED PROJECT COST**

QUANTITY OF ONE-GALLON PLANTS (AT \$13.54/PLANT)	967
TOTAL ESTIMATED COST OF PLANT MATERIAL AND LABOR	\$13,093.18
TOTAL ESTIMATED COST OF MONITORING (\$1,000.00/YEAR FOR 5 YEARS)	\$5,000.00
TOTAL ESTIMATED COST OF MAINTENANCE (\$500.00/YEAR FOR 5 YEARS)	\$2,500.00
<b>TOTAL ESTIMATED COST</b>	<b>\$20,593.00</b>
ASSURANCE DEVICE/BONDING (PURSUANT TO KZC 90.145)	
(125% OF THE TOTAL ESTIMATED COST)	<b>\$25,741.00</b>

## USE OF THIS REPORT

This Sensitive Area Study and Buffer Modification Plan is supplied to Shumway Townhomes, LLC as a means of determining on-site wetland conditions, as required by the City of Kirkland during the permitting process. This report is based largely on readily observable conditions and, to a lesser extent, on readily ascertainable conditions. No attempt has been made to determine hidden or concealed conditions. Reports may be adversely affected due to the physical condition of the site and the difficulty of access, which may lead to observation or probing difficulties.

The laws applicable to wetlands are subject to varying interpretations and may be changed at any time by the courts or legislative bodies. This report is intended to provide information deemed relevant in the applicant's attempt to comply with the laws now in effect.

The work for this report has conformed to the standard of care employed by wetland ecologists. No other representation or warranty is made concerning the work or this report and any implied representation or warranty is disclaimed.

*Wetland Resources, Inc.*



Andrea Bachman  
Senior Wetland Ecologist

## REFERENCES

City of Kirkland Zoning Code: Sensitive Areas Ordinance, Chapter 90. Revision Date: May, 2001. Kirkland, WA.

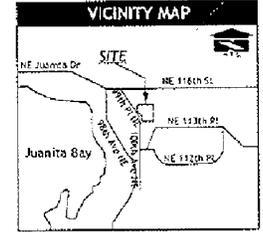
Cowardin, et al., 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S.D.I. Fish and Wildlife Service. FWS/OBS-79/31. December 1979.

National List of Plant Species that Occur in Wetlands, Northwest Region. 1996. U.S. Department of the Interior, Fish and Wildlife Service. Washington, D.C.

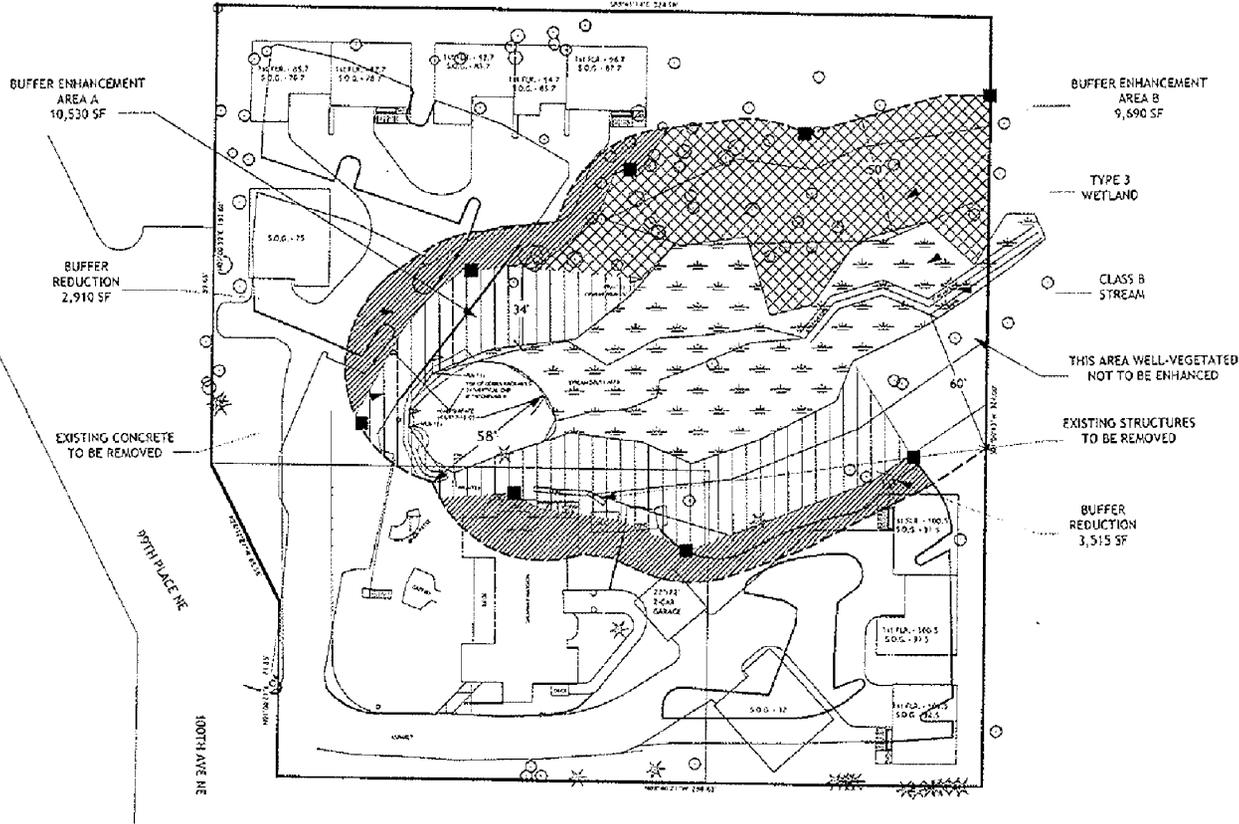
Soil Survey: King County Area, Washington. U.S.D.A. Soil Conservation Service. November 1973.

Washington State Wetlands Identification and Delineation Manual. Washington State Department of Ecology. Publication #96-94. March 1997.

SENSITIVE AREA STUDY &  
 BUFFER MODIFICATION PLAN MAP  
SHUMWAY TOWNHOMES  
 A PTN OF SECTION 32, TWP 26 NORTH, RGE 5 EAST, W.M.



SCALE: 1" = 50'  
 0 50 100



MAN-MADE,  
 NON-REGULATED POND  
 (PER CITY OF KIRKLAND)

LEGEND	
	WETLAND
	BUFFER REDUCTION
	BUFFER ENHANCEMENT A
	BUFFER ENHANCEMENT B
	PROPOSED BUFFER
	ESA SIGN

**Wetland Resources, Inc.**  
 1928 19th Avenue S.E. Suite 106 Everett, WA 98203  
 Phone: (425) 337-3174  
 Fax: (425) 337-3045  
 Email: mailbox@wetlandresources.com

SENSITIVE AREA STUDY &  
 BUFFER MODIFICATION PLAN MAP  
 SHUMWAY TOWNHOMES

Sheet 171  
 Job # 05224  
 Drawn by: RL  
 Date: August 9, 2005  
 Revision: December 14, 2005

Shumway Townhomes LLC  
 Attn: Robert Ketterlin  
 11608 100th Ave NE #18  
 Kirkland, WA 98034

#2

RECEIVED  
DEC 1 1985

Shumway Mansion  
11410 99<sup>th</sup> Pl. NE • Juanita Bay, Kirkland, WA 98033  
Bed & Breakfast Inn • Reception Center  
Weddings • Business Meetings • Seminars  
(425) 823 - 2303

PLANNING  
BY

October 11, 2004

75.40 #1, 2, & 3

#1 The extent to which the proposed alteration would adversely affect the significant features or site as an historic landmark.

Comments/History/Background

My wife and I, after 20 years, intend to retire and due to this we will be selling The Shumway Mansion property. Our plan is to convert back to its original single family RS 8500 zoning with no commercial activity except for our Bed and Breakfast Capability.

We want to revise the historic overlay, or apply for Landmark status with its emphasis on protecting the house structure as the significant feature. This is in keeping with precedence guided by the city approvals for the Marsh Mansion. Please note the following is an excerpt from a letter from Joseph Tovar Planning Director, City of Kirkland to Joe Donoghue, owner representative for Marsh Mansion dated May 21, 1985. Mr. Tovar stating Kirkland's policy of "preservation" for the Marsh Mansion.

"Even though the Marsh Mansion has not been designated as a state or national historic building, the City has decided it is a historically significant building in its Land use Policies Plan (LUPP) and proposed demolition of the Marsh Mansion would be subject to the State Environmental Policies Act (SEPA) review under the historical preservation element. It is very unlikely that a demolition permit could be issued for the Marsh Mansion because of the City's position that it is a significant historic building."

Originally four features were designated as Significant for Shumway Mansion;

1. The Name - - Shumway Mansion
2. The external features of the mansion
3. A book containing the history of the Mansion including photographs kept on site.
4. The entire site surrounding the Mansion and related facilities, including landscaping in scale and character appropriate to the mansion.

From the very beginning I (we) objected strongly about the designation of the whole site as significant. We relocated the house to the site, and knowledgeable historians agreed that the house being relocated to a new site, the land would not and should not be significant to the historic overlay. In addition, size of the site was never discussed or deliberated upon to determine appropriateness in scale to the neighborhood or house.

Over the years, I have been in contact with the planning staff and on more than one occasion have heard comments from different staff members that... "The land should not be significant only the house." The land was designated as significant by the city council as they were concerned about a potential parking problem during weddings. Having all the land as significant would insure the land would always be available for parking. Parking is not a historical reason. The parking problem then could have been solved in several different ways other than the "Significant Feature" approach. This decision was made not from a historically technical reason, but to facilitate the local approval process.

ATTACHMENT 22  
ZON04-00025

Now that there will be no more need for the large parking area, there will be no more need for the land to be encumbered by the Significant Feature.

As we will no longer be doing weddings and corporate meetings, we will eliminate substantial traffic trips to and from the Mansion. We estimate the reduction based on our 2003 experience will be more than 20,000 to 25,000 trips annually. The majority of these come from our wedding business. In addition we will have no more music into the neighborhood or traffic congestion for our local neighbors. (Please see Kirkland Zoning Code 75.47-3-6-2 Criteria for modification.)

In January 2004, I had a meeting with Eric Shields, the Planning Director to initiate this process. As we are only one of two Historic overlay properties in Kirkland, Eric suggested that he wasn't as familiar with it as he should be and indicated he would review the process and also suggested he would contact the City Attorney regarding the suggested direction for me to pursue. Eric did contact me about a week later with the results of his conversation with the City Attorney. The City Attorney reviewed the process/ordinance and background to our Historic Overlay, and said they didn't see any problems. He suggested we designate the building as the significant feature, and remove the land as significant within the Historic Overlay.

Please note on the original site on Lake Street there were additional structures immediately surrounding the Mansion building. These were located on the original Mansion site and were part of the designated Mansion lot.

Historic buildings throughout the United States are, as historians have commented, living, breathing, changing land and structures and need to be able to change as needed to stay and be viable throughout our history. They cannot and should not be static, or will be ignored by the public and soon rot away.

We have consulted with the King County Historic Preservation Program (HPP). HPP staff agrees that the land is not historic and that the architecture of the house is the significant historic feature of the property. They have stated, as I have, that the land shouldn't have been designated significant as the house was relocated to this new site. There is no question that the house exterior is the main significant feature. The following is an excerpt from the Kirkland Landmark Designation Criteria T24-KI, page 4 of 6, Criteria #3 – "Provides that a building or structure removed from its original location is not eligible for landmark designation unless it is significant primarily for its architectural value, or if it is the surviving structure most importantly associated with a historic person or event."

The consideration recognizes that the original locations of most historic properties contribute to their significance so that their relocations may effectively sever them from their significant associations. A structure significant for its architecture without reference to its surroundings may be eligible for landmark designation even if it has been moved, however, and if there is no other building to represent a particular event or person, a relocated building may be designated. All the comments above strictly are pointed to the house structure only and expressly do not include the land surrounding the structure. The land is not any part of a significant feature.

We intend to provide a site for the Mansion of 18,000 + square feet that will be in proper proportion with the size of the Mansion structure and also will be in proportion with our surrounding single family neighborhood. Within this site we will provide a

view corridor from 99<sup>th</sup> Pl/100<sup>th</sup> Ave. to the mansion that now has the landscaping in scale and character appropriate to the Mansion and neighborhood.

I (we) have proposed the new site of 18,000 + square feet which is a portion of our present 104,000 + square feet. We are doing this to insure that the mansion has a properly proportioned amount of land to support the size of the Mansion and also it is in proportion to the surrounding neighborhood houses. We do not intend to divide any other part – our intent is to sell the whole 2.4 acres including the Mansion to a new owner. As we will be selling, we felt we should provide this protection to the Mansion before a new owner took possession.

We have received an additional letter of comment from Charlie Sundberg, King County Historic Preservation in which we ask for his opinion as additional clarification about the size and location of the Mansion site. He basically states that because of the topography of the whole site and the visibility from the street (100<sup>th</sup> Ave NE) the site lends itself to the 18,000 + square foot size. We also asked, and he confirmed, about the placement of additional structures on the “new” mansion site – garage, pool house, etc. The main concern was that any other structure adjacent to or in close proximity would not compromise its setting.

We did solicit comments from the Kirkland Heritage Society and Mr. Bob Burke to also review our above proposal. The members of the Heritage Society as well as Bob Burke agreed that our 18,000 + square foot lot size was appropriate, and they also suggested that having the Mansion designated a King County Landmark would give the Mansion proper “Historical” protection.

Please see page 1 Re:4 significant feature. It is our suggestion that # 4 be eliminated as now it serves no purpose.

Since the overlay was applied, the city of Kirkland has adopted a landmark ordinance [KMC 28.12] that provides for flexible design review of historic properties using the Secretary of Interior standards. Designation of the Mansion as a city landmark would provide a much better means of insuring the preservation of the buildings significant features, while allowing needed changes to occur. This last statement is quoted from a letter received from King County Preservation, Charlie Sundberg, September 20<sup>th</sup> 2004.

We wish to cooperate with the City to designate the property as a City of Kirkland landmark following the procedures in the City’s landmark code. We wish to preserve the significant historic features of the building and make any and all incentives for the preservation available to new purchasers of our property.

*Richard Harris*  
*Oct 11 - 04*



Kirkland Heritage Society

RECEIVED

OCT - 5 2005

AM \_\_\_\_\_ PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

October 4, 2005

Planning and Community Development  
City of Kirkland  
123 - 5<sup>th</sup> Avenue  
Kirkland, WA 98033

ATTN:Jon Regala

RE: Shumway Mansion

In October of 2004 the Kirkland Heritage Society reviewed the preliminary ideas to sell the Shumway Mansion with the Historic Overlay Zone remaining on the property related to the historic building and developing the remainder of the property while retaining the large central sensitive area with buffers. The KHS Board at that time supported that concept with the following comments:

1. That the historical protection of the Mansion be maintained and that an adequately sized parcel be assigned to the building. This has been done in the present proposal.
2. That the designation of the remaining property as a "significant feature" could be removed. This has been done in the present proposal.
3. That the history book on the Shumway Mansion or a copy should be maintained with the building. It is our understanding that the present proposal is for the original to be archived by the Kirkland Heritage Society and a copy maintained at the building. We are copying the originals and will be returning it to the Harris family because they want to make copies of portions of them for family and friends.
4. That references to the Shumway Mansion name should be maintained. This should be a condition of the approval.
5. In addition that a historical interpretive marker should be installed on the right-of-way adjacent to the site. It is understood that this is being required.

The Board of the Kirkland Heritage Society met on September 28, 2005 to consider the present site plan and computer drawing of the proposed structures in relation to the Shumway Mansion. In discussion with City Staff it was requested that we deal with issues of the residential building design as well as the proposed garage adjacent to the mansion; the historical marker and acknowledge that the original scrapbooks on the move of the structure would be archived by the Kirkland Heritage Society. Is it possible that this historic building could be open to the public on an annual basis similar to the requirement for the Marsh Mansion?

203 Market St.

~~1032~~ 4th Street

Kirkland, Washington 98033

(425) 828-4095

ww

ATTACHMENT 23

2004-0825

The Board feels that the general site plan with the new structures located at the perimeter of the site and the larger environmentally sensitive area in the center of the site is appropriate. The garage behind the mansion should be located to complement the entrance to the building.

In responding to issues of building design important considerations are:

- Massing of the structures be compatible with the Mansion
- Prominent roof forms and window treatment should reflect the historic building;
- Materials and colors used should be compatible; and,
- Level of detailing of new structures should reflect the historic building..

The size and detail of the small sketches provided a sense of what is intended; however, at such time that more detailed drawings are available, we would like to review and comment on them.

The historical interpretive marker should be like the other markers installed throughout the City. While the marker at the original site emphasizes the Shumway Family, this marker should focus on the move to the site, the building's renovation and its history as a B & B and Wedding facility. It would be fun to have some stories from the Harris's about famous people who have stayed there, etc. The Kirkland Heritage Society can work with the developer to prepare the marker.

If you have any questions, please call me at 425 828-4095.

Sincerely:

A handwritten signature in blue ink that reads "Robert AG Burke". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bob Burke, President  
Kirkland Heritage Society

CC: Harris  
Kettering



King County  
Office of Cultural Resources

Arts Commission  
Landmarks and Heritage Program  
Public Art Program

506 Second Avenue, Suite 200  
Seattle, WA 98104  
Phone (206) 296-7580 v/TDD  
Fax (206) 296-8629  
[www.metrokc.gov](http://www.metrokc.gov)

September 16, 2004

Mr. Richard Harris  
11410 99<sup>th</sup> Place  
Kirkland, WA 98033

RE: Preservation and Land Partition of the Shumway Mansion Property

Dear Mr. Harris:

This letter is in response to our further discussion regarding your proposed potential lot division at the Shumway Mansion. As we have discussed, the topography of the site seems to lend itself to preserving the Mansion on a smaller parcel, provided that new development isn't very visible from the Mansion grounds or from the public road below, and if properly sited and screened, a garage for the Mansion may fit in the potential partition you're examining.

In earlier correspondence I suggested that the parcel for the Mansion be enlarged to accommodate a garage, since new construction adjacent to or in close proximity to the Mansion would compromise its setting. A larger lot would not be needed if a shallow garage would fit along the south property line near the turn to the proposed cul-de-sac, or if a garage were built below the house in an area screened by vegetation. A garage could also be built on an easement within a partitioned area, perhaps shared with new development.

Likewise, preventing visual intrusion from new construction seems feasible if additional buildings are limited to the upper areas of the property and mixed deciduous and evergreen trees and shrubs are planted to block views from the Mansion and the public roadway in all seasons. Even if they are somewhat visible, carefully designed new buildings constructed with compatible materials in a scale, form and color that are not intrusive would not detract from the Mansion. Explicit performance criteria for new construction around the Mansion could be formulated prior to any land division or new development.

ATTACHMENT 24  
ZON04.00025

Mr. Richard Harris  
September 16, 2004  
Page 2

Please feel free to call me at (206) 296-8673 if you wish to discuss this matter further.

Sincerely,

Charlie Sundberg  
Preservation Planner

cc: Angela Ruggeri, Planner, City of Kirkland Planning and Development Department

# Shumway Mansion

Bed and Breakfast Inn Overlooking Juanita Bay

Receptions · Weddings · Parties · Meetings

11410 99th Place N.E. · Kirkland, WA 98033 · (425) 823-2303 · (425) 822-0421 fax  
www.shumwaymansion.com info@shumwaymansion.com

Nov-12-04

for John Regale

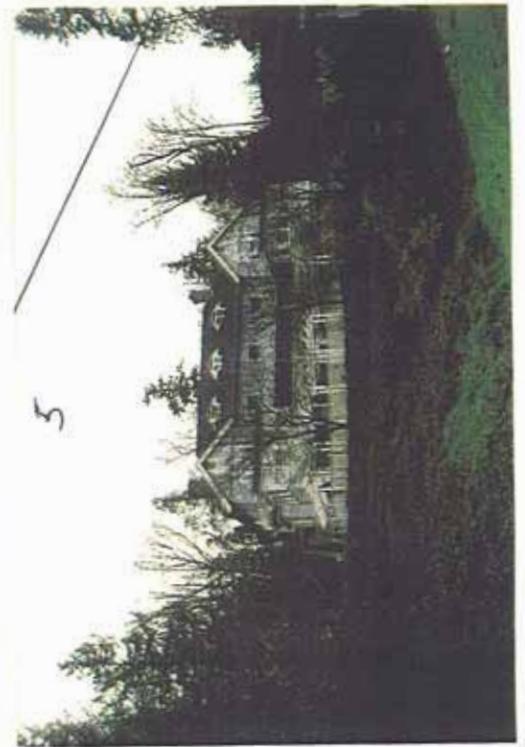
FAX 803 2859

Attached is a letter Sept 16 04  
from Charlie Sundberg King County

Historic.

The letter was in follow-up of our  
discussions regarding lot size for Mansion  
your interpretation of - his comments  
are in error - the lot size is  
not in question - only the placement  
of a future garage building. There's  
building is only a speculation on  
my part not something I'm going to do

Richard Harris



VIEW OF MANSION FROM 99<sup>TH</sup> PL NE

ATTACHMENT	25
20N04 00025	

## IV. COMMUNITY CHARACTER

**List B: Properties Designated by the City as Community Landmarks**

Building or Site	Address	Architectural Style	Date Built	Person/Event	Neighborhood
Newberry House	519 1st St.	Vernacular	1909	Newberry	Norkirk
Nettleton/Green Funeral	400 State St.	Colonial Revival	1914	Nettleton	Moss Bay
Kirkland Cannery	640 8th Ave.	Vernacular	1935	WPA Bldg	Norkirk
Landry House	8016 126th Ave. NE	Bungalow	1904		South Rose Hill
Tompkins/Bucklin House	202 5th Ave. W.	Vernacular	1889	Tompkins	Market
Burr House	508 8th Ave. W.	Bungalow/Prairie	1920	Burr	Market
Sutthoff House (moved)	4120 Lake Wash. Blvd.	Georgian Revival	1903	Hospital	Lakeview
Shumway Mansion (moved)	11410 100th Ave. NE	Craftsman/Shingle	1909	Shumways	South Juanita
French House (moved)	4130 Lake Wash. Blvd.	Vernacular	1874	French	Lakeview
Snyder/Moody House	514 10th Ave. W.	Vernacular	1889	KL&IC	Market
McLaughlin House	400 7th Ave. W.		1889	KL&IC	Market
American Legion Hall	138 5th Ave.	Vernacular	1931	Am Legion	Norkirk
Larson/Higgins House	424 8th Ave. W.		1889	KL&IC	Market
Hitter House	428 10th Ave. W.	Queen Anne	1889	KL&IC	Market
Cedarmere/Norman House	630 11th Ave. W.	Am Foursquare	1895		Market
Dorr Forbes House	11829 97th Ave. NE	Vernacular	1906	Forbes	South Juanita
Brooks Building	609 Market St.	Vernacular Comm	1904	Brooks	Market
Williams Building	101 Lake St. S.	Vernacular Comm	1930		Moss Bay
Webb Building	89 Kirkland Ave.	Vernacular Comm	1930		Moss Bay
5th Brick Building	720 1/2 Market St.	Vernacular Comm	1891		Market
Shumway Site	510 – 528 Lake St. S.	site only		Shumways	Lakeview
Lake WA Shipyards Site	Lake Wash. Blvd./ Carillon Point	site only		Anderson/ WW	Lakeview
Lake House Site	10127 NE 59th St.	site only		Hotel	Lakeview
*First Church of Christ Scientist (moved)	203 Market St.	Neoclassical	1923	Best example of this style	Market
Malm House	12656-100th Ave. NE	Tudor Revival	1929		North Juanita

*Footnotes:*

- The Kirkland Landmark Commission recognizes these properties as community landmarks.
- KL&LC is the Kirkland Land Improvement Company

# SHUMWAY 10, LLC

January 9, 2006

Jon Regala  
City of Kirkland  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033-6189

RECEIVED

JAN - 9 2006

AM \_\_\_\_\_ PM \_\_\_\_\_  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

**RE: Shumway 10; ZON04-00025**

**Subject: PUD Criteria Application:**

Dear Jon:

We are pleased to present the following report which summarizes the Shumway 10 PUD application. *As part of this application we request that the City of Kirkland review the preliminary Shumway 10 PUD and the Final Shumway 10 PUD with this submission.* During the development and unit design process we have paid close attention to the City of Kirkland's PUD criteria and have addressed each element of this criteria in our submittal package and in the following report.

## **Surrounding Neighborhood Benefits:**

*Elimination of commercial use and preservation of the historical site:*

Currently the site exists as a commercial island in the City of Kirkland's comprehensive growth management plan. The property is presently used commercially as a Bed and Breakfast lodge. In addition to the Bed and Breakfast business the lodge is complete with a large area that is designed to host large public events including weddings, reunions, and parties. In the past these events have typically impacted the surrounding neighborhood by increasing late night traffic and noise, along with the occasional public disorderliness that sometimes occurs with these types of events. As part of this PUD application the existing commercial enterprise will be converted and sold as a single family residence, which will greatly reduce the overall negative impact of the current commercial use to the surrounding community.

In addition, as part of the PUD application the historical overlay will be reduced and maintained to protect the historical significance of the Shumway Mansion site. Great care has been taken to insure that the new historical overlay will protect the current integrity of the site by establishing permanent view corridors and adequate setbacks that will allow the Shumway Mansion to continue to stand out as a historical site in the City of Kirkland. The Kirkland Heritage Society has reviewed our PUD and Bob Burke, Director of the Kirkland Heritage Society, has a favorable opinion of our proposed project. Mr. Burke has also agreed to help us in the design of the Historical

ATTACHMENT 27

ZON04-00025

# SHUMWAY 10, LLC

Marker and to Archive all relevant documents and photographs pertaining to the mansion at the Kirkland Heritage Society.

## Enhancement and Preservation of Existing Woodlands, Streams and Wetlands

As stated in the opinion letter from The Watershed Company the current commercial use has parking and roads that encroach on the existing wetland buffers, wetland buffer setback, stream buffers, and stream buffer setbacks. Watershed goes on to say that this portion of the buffer is of low biological value and may actually be a detriment to the stream and wetlands. The Shumway 10 PUD when complete will provide a benefit to the city by not encroaching on the allowable buffers and setbacks. This benefit would not be available to the city under the present ownership and commercial use of the property. As part of the Shumway 10 PUD all buffers onsite will be improved with native plants and all existing invasive species will be removed. The buffer areas will be maintained as a requirement of the future HOA. This will have a positive effect on the wetlands and ensure the protection of drainage, habitat and aesthetic functions of the natural resources going forward.

In order to accomplish these improvements the stream and wetland buffers will be reduced by approximately 6,400 sq. ft and in no instance will the buffer reduction be more than one third of the existing buffer at any one point as allowed under KZC, Section 90.60.2. The existing buffer has encroachments for roads and parking on the north side that are more than the one third allowed and the balance of the buffer has been neglected containing dense growth of Himalayan Blackberry, asphalt and maintained lawns. As explained in the previously submitted and approved wetland report the on-site wetland buffer as it exists now has low potential for providing important buffer functions. As part of this PUD the buffer will be enhanced by removing the invasive species and existing asphalt that is now within the buffer zones. The total buffer area (approximately 32,000 sq. ft.) will be enhanced with buffer plantings evenly distributed throughout the entire buffer. The planting schedule is included in the wetland reports. This enhancement will greatly improve the existing buffer functions to better enable wetland protection, water quality, storm water infiltration/retention and wildlife habitat than exists currently. As The Watershed Company stated in their opinion, "if the development was allowed and buffer enhancement took place, the overall effect would be to increase the buffer function and thereby improve conditions in existing wetland, stream and detention pond"

## Superior Parking and Circulation

At the current commercial use the Shumway Mansion has approximately 54 surface parking spaces that are largely unscreened except by the wild growth of invasive species such as Himalayan Blackberry and Scotchbroom. The Shumway 10 PUD would benefit the city by removing all surface parking except two guest parking

# SHUMWAY 10, LLC

spaces by building 9. The balance of the parking would be in enclosed garages including a new enclosed garage for the mansion itself. The existing roads will also be replaced with new access roads with proper drainage.

## Adjustments made addressing Neighborhood concerns

As part of the Shumway 10 PUD submittal and as a further benefit to the City of Kirkland we informed, met, and received input about our project from various neighbors. The first meeting was a community meeting to inform the neighborhood of the proposed PUD and to answer any questions the neighbors may have about the project. After that meeting we then organized a series of meetings with neighboring homeowner associations to discuss and address specific issues of our PUD proposal. As a result of these meetings we were able to address their issues as part of our PUD application and gain neighborhood support from the Baycrest HOA, located directly north of the property, the Westview Court HOA, located directly east of the property, and various individual homeowners. As a result of this input the following changes were incorporated into the Shumway 10 PUD submittal.

- Lowered the height of the duplex unit by 2 feet to address view concerns from Westview Court. This resulted in the building height being 2 feet below the allowed maximum City of Kirkland height standard.
- Installation of 8' cedar fence on the east property line to provide privacy between our PUD and Westview Court.
- Installation of screening bushes on north property line to provide additional privacy between our PUD and Baycrest.
- Installation of screening bushes on the south property line to provide additional privacy between our PUD and the existing single family residences.
- Specific placement of buildings in order to help preserve view corridors on the North and East property lines.

## Townhome Product compared to single family residences:

As many people in the City of Kirkland have experienced housing prices continue to rise preventing a barrier to living in the Kirkland area. The Shumway 10 PUD will provide a benefit to the city that would not be available under its current commercial use by matching the surrounding use of the neighborhood by providing 9 townhomes at substantially lower price points than 5 single family custom homes, which is presently allowed under existing zoning. This PUD will not only allow lower price points but will also increase the density closer to that envisioned in the comprehensive plan at lower price points providing more individuals with an opportunity to live in the City of Kirkland.

# SHUMWAY 10, LLC

## **Architectural and Sitework design:**

The design of the proposed PUD will be superior to developing 5 individual house lots which are allowed outright per the current zoning and it will also be superior to leaving the project at its current commercial use. By submitting this project as a PUD the City and adjoining neighbors have an opportunity to provide input which must be taken into consideration during the design process. This opportunity for input would not be available if the site were to be platted for 5 individual houses.

Great care has been taken to insure that the designs of the 9 units proposed to be developed on this site are compatible to the design of the historic Shumway Mansion.

### *Shumway Mansion Analysis*

The Shumway Mansion was designed primarily in the Craftsman style. There are several elements such as the large round columns at the entry and the two story octagonal element adjacent the front entry which are not purely craftsman in nature but are related in that they represent Arts and Crafts style detailing. Craftsman design actually grew out of the Arts and Crafts movement.

Elements which are Craftsman in nature and utilized in the mansion design include the window design. The window trim is very heavy in appearance with heavier head and sill trim than used at the jamb. The more prominent windows are grouped into threes with the largest window at the center of the group. The center window is then flanked by narrower windows. The griding of windows in the top half is also a Craftsman detail.

There are a number of different siding materials that are used within Craftsman style buildings. The Shumway Mansion utilizes both wood shingles and board and batten siding. Other Craftsman design elements include knee braces and trellises both of which are used in the mansion.

### *Density*

The current zoning designation of RS 8.5 would allow the development of 12 housing units on the subject site prior to reductions due to the presence of wetlands. The Comp Plan designation for the site, when applying for a PUD would actually allow even denser development of 7 units per acre. This would allow for 17 housing units prior to reductions. The proposed project will only have 9 housing units in addition to the Mansion itself. The Shumway Mansion site is 2.42 acres. The

# SHUMWAY 10, LLC

allowed density works out to approximately 7 dwelling units per acre. This proposal will only have a density of 3.72 dwelling units per acre.

## Location/Orientation of Proposed Structures

The development of 9 units will be clustered in two areas of the site away from the Shumway Mansion. Five single family units are proposed to be developed in the Northwest corner of the site and four units are proposed for the Southeast corner of the site.

By positioning the new housing units as far away from the Mansion as possible both views from the street to the mansion and views outward from the mansion are preserved. In consideration of the historic mansion the site has been laid out so that none of the proposed structures turn their back on the mansion. Presently all of the residential structures adjacent to the site are orientated with their backs to the Shumway Mansion. The proposed development will correct this less than desirable condition. In most cases the more detailed front of the proposed structures will face the mansion thus providing a better architectural backdrop to the mansion.

The closest proposed buildings are set at a 45 degree angle to the mansion. This includes a new garage proposed for the mansion and one of the single family structures that is a part of the proposed development. With this orientation the new development does not create a sense of enclosure and encroachment onto the mansion like a building set square and in close proximity would. The 45 degree angle also provides a greater sense of openness for the existing houses to the South of the site. In order to accommodate the angled orientation of these structures each of the two buildings are set with one corner on the parcel line that separates the mansion from the adjacent proposed development. Buildings are typically set back from property lines per code in order to provide a measure of safety should there be a fire in an adjacent building. In the proposed project there will still be far more than the building code minimum amount of separation between these buildings and because the proposed project is a PUD additional structures will not be allowed to be built to fill in this separation. Therefore the building corners at the parcel lines will in no way compromise life safety or general good practices of site design.

The use of primarily single family homes within the PUD provides a greater opportunity for view corridors through the site between buildings. This would not be possible if more multi-unit buildings were to be used. In order to address concerns by neighboring property owners the buildings at the Southeast corner of the site have been lowered 2 feet from our original proposal. This will insure that neighboring territorial views across the site will not be eliminated. In order to not reduce the privacy of the existing adjacent residences in this area an 8 feet high fence will be added at the East property line. This will effectively block off sight lines from windows of the new residences into the adjacent properties.

# SHUMWAY 10, LLC

## Building Mass

The proposed buildings for this project are designed to compliment the Shumway mansion through use of similar architectural forms. The market for a larger single family home of the size that could be built here if the land was to be divided into 5 lots would necessitate design that makes a statement and consequently would tend to compete with the prominence of the mansion.

The smaller buildings in the clustered housing proposed for this site will be designed with modulation that will provide a human scale which will not over power the mansion. They in effect will be complimentary back-ground type buildings. Units will be built in single or duplex configurations. The two units that make up the one duplex building will not simply be mirror images from one side of the building to the other but instead will utilize different but related architectural elements so that each unit will appear more like a single residence. This will insure that the larger mass of the duplex will not over power the mansion.

## Architecturally Compatible Forms and Materials

Similar architectural elements and materials to those used on the mansion are proposed to be incorporated into the new buildings. This will help the new architecture to blend with the historic mansion rather than compete with it. The Shumway Mansion is a Craftsman style shingle clad building with conservative use of board and batten siding at the gable ends of the building. These materials will be repeated in the same manner on the proposed new buildings. The new buildings will also make use of the same window opening patterns as used on the mansion.

Unlike the mansion the new buildings will need to have automobile garages but in order to down play the utilitarian nature of the garage, all of the proposed buildings will use single garage doors which will be patterned to fit the historic details of the mansion.

Throughout the expansive grounds of the mansion different arbor and trellis elements are used. The design of the proposed new buildings will pick up on this through the use of trellis elements used to soften the walls where the garage door openings will be.

## Color Selection

The Shumway Mansion is painted a cool grey color and is accented with white trim giving the Mansion almost a Cape Cod appearance. The design of the proposed buildings will pick up on this through the use of similar compatible colors. It would not be desirable to copy the same color pattern of the Mansion to all of the

# SHUMWAY 10, LLC

proposed structures. This would create a rather boring monochromatic effect that would take away from the mansion. The cool grey color used on the mansion is very light in tone thus some of the colors on the new buildings will be a bit bolder in order to not create a pale appearing environment. Utilizing colors that are not the same but still compatible to those used on the mansion will insure that the proposed structures still blend in.

## Landscaping and Open Space

The clustering of buildings preserves a larger area of open space than is possible with 5 single-family house lots. In fact the entire Northeast corner of the site will be dedicated permanent open space. Currently much of the landscape on the grounds of the mansion is in fairly poor condition. As part of the proposed PUD the landscaping on site will be substantially upgraded beyond the code minimums and then maintained by an association that will be put in place. The more mature landscaping proposed for the project will provide screening between the site and the adjacent parcels. The buffer to the wetlands on site will be improved with native plants and a split rail fence will be added to discourage trespassing into this environmentally sensitive area.

Finally in recognition of the historic Shumway Mansion a new historical monument consistent with the Kirkland Historical Society guidelines will be installed near the entry of the site. Also in recognition of mansion the PUD name and signs will include the Shumway mansion name.

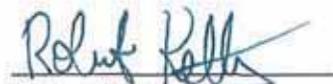
## **Conclusion:**

The Shumway 10 PUD has been designed to incorporate and magnify the many impressive architectural aspects of the Shumway Mansion. During this process we have gone to great lengths to insure that all issues have been addressed in not only the design of the units and preservation of the Mansion but also in the overall benefits to the surrounding community. Because of our attention in addressing these issues we are confident that the City of Kirkland and the surrounding neighborhood will be pleased with the final product provided by approval of the Shumway 10 PUD application.

Sincerely,  
Shumway 10 LLC

---

Douglas Yost  
Member of Shumway 10 LLC



---

Robert Ketterlin  
Member of Shumway LLC

---

## IV. COMMUNITY CHARACTER

---

tegrate their personal and professional lives. Home-based businesses also contribute to a reduction in commuter traffic. It is important, however, to protect the residential character of the neighborhood from their outward impacts. Such impacts as exterior signs, heavy equipment use, excessive deliveries by commercial vehicles, and extreme noise can detract from the residential atmosphere of an area and should not be allowed.

● **Policy CC-4.5: Protect public scenic views and view corridors.**

Public views of the City, surrounding hillsides, Lake Washington, Seattle, the Cascades and the Olympics are valuable not only for their beauty but also for the sense of orientation and identity that they provide. Almost every area in Kirkland has streets and other public spaces that allow our citizens and visitors to enjoy such views. View corridors along Lake Washington's shoreline are particularly important and should continue to be enhanced as new development occurs. Public views can be easily lost or impaired and it is almost impossible to create new ones. Preservation, therefore, is critical.

Private views are not protected, except where specifically mentioned in some of the neighborhood plan chapters of the Comprehensive Plan and in the City's development regulations.

**Policy CC-4.6: Preserve natural landforms, vegetation, and scenic areas that contribute to the City's identity and visually define the community, its neighborhoods and districts.**

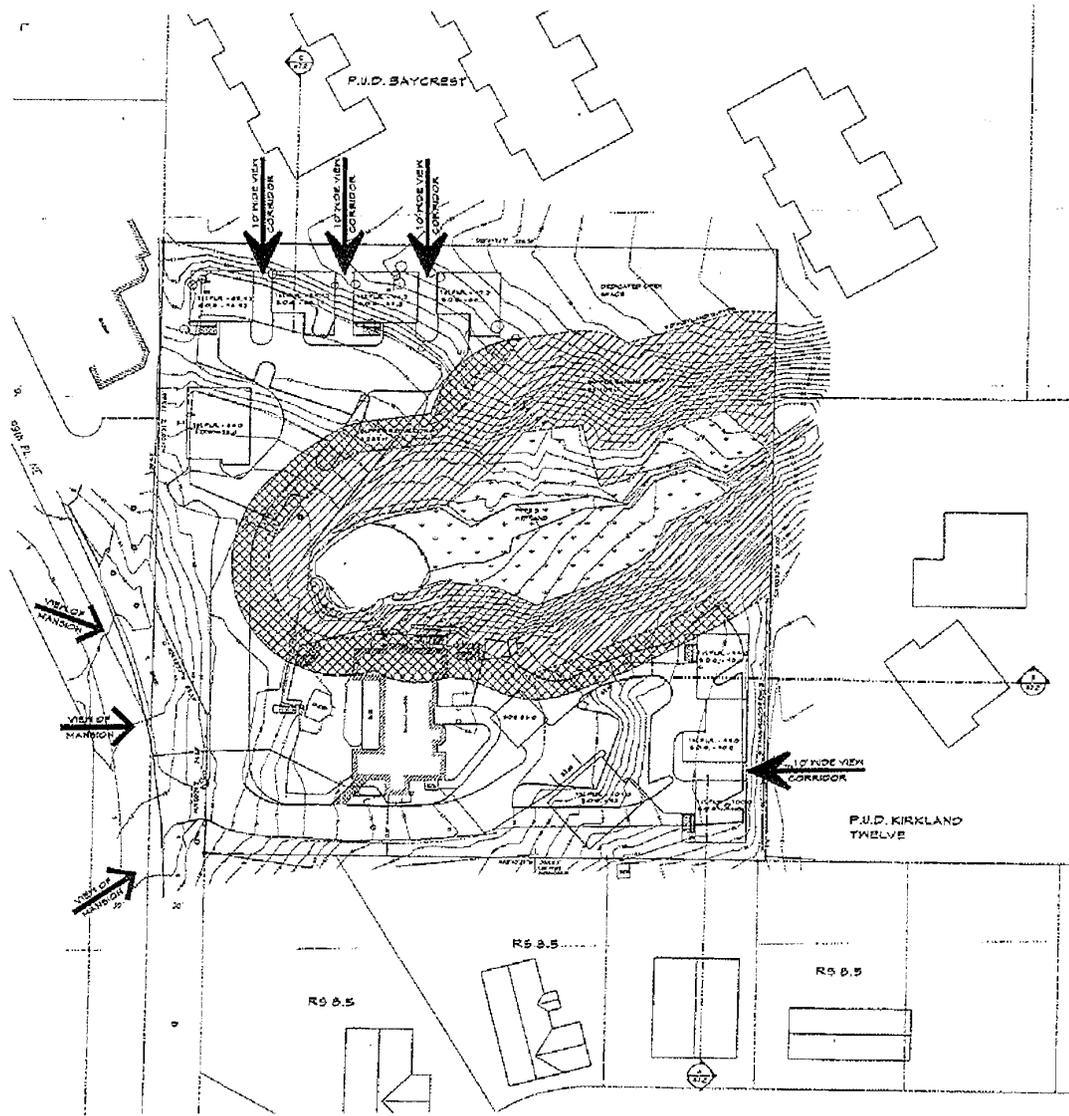
Natural landforms such as hills, ridges and valleys are valuable because they provide topographic variety, visually define districts and neighborhoods while providing open space corridors that visually and physically link them, and give form and identity to the City. Open space and areas of natural vegetation are valuable because they accentuate natural topography, define the edges of districts and neighborhoods, and provide a unifying framework and natural contrast to the City's streets, buildings and structures.

Landscaping can improve the community character. Vegetated roofs add to the greenscape. Street trees provide a consistent, unifying appearance, particularly in areas with varying building design and materials, and signage. However, street trees planted along rights-of-way that offer local and territorial views should be of a variety that will minimize view blockage as trees mature.

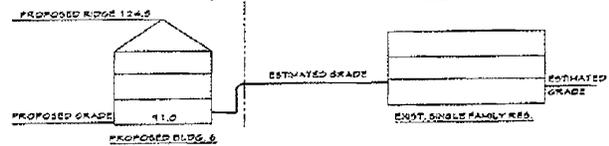
Several neighborhoods contain unique natural features, including significant stands of trees and individual notable trees, unique landforms, wetlands, watersheds, woodlands, and scenic open space. In many cases, development activities, including structures or facilities designed to correct other environmental problems, may damage these natural amenity areas. Wherever possible, unique natural features should be preserved or rehabilitated. Should areas with unique natural features be incorporated into new development or rehabilitated, great care should be taken to ensure these areas are not damaged or adversely altered. The intent of this policy is not to prohibit development but to regulate development activities to ensure they maintain the inherent values of the natural landscape.

**Policy CC-4.7: Enhance City and neighborhood identity through features that provide a quality image that reflects the City's unique characteristics and vision.**

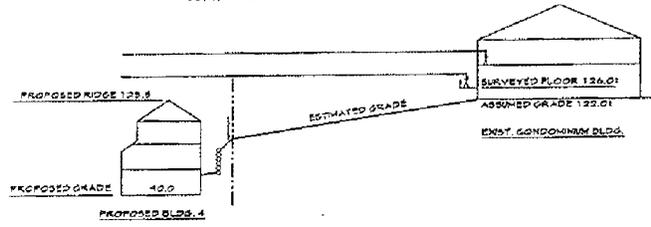
Kirkland and its neighborhoods are special places. Each neighborhood has a distinctive identity which contributes to the community's image. Appropriate transitions are also necessary to distinguish the City from surrounding jurisdictions. Community signs and other gateway treatments such as landscaping are methods of identification that contribute to the visual impressions and understanding of the community. Other identification methods and entranceway treatments can communicate the City's origin and history, economic base, physical form, and relation to the natural setting.



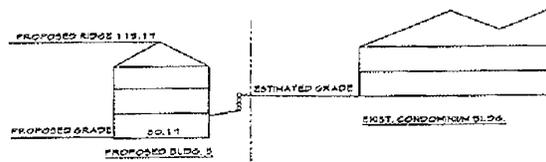
**SITE CROSS SECTIONS OF ADJOINING PROPERTIES**  
Scale: 1"=50'-0"



**SITE SECTION A**  
Scale: 1"=20'-0"



**SITE SECTION B**  
Scale: 1"=20'-0"

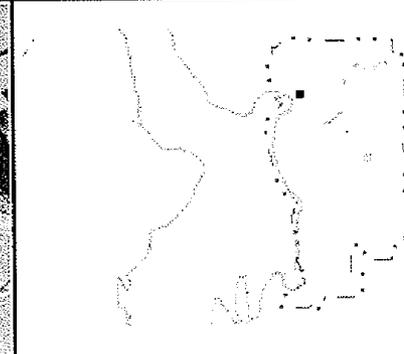


**SITE SECTION C**  
Scale: 1"=20'-0"

PREPARED BY: [Signature]  
 CHECKED BY: [Signature]  
 DATE: [Date]  
**Shumway 10**  
 SHUMWAY 10 L.L.C.  
 14110 98th PLACE N.E.  
 Kirkland, WA  
 TSA  
 14000 1st Avenue, Suite 201  
 Bellevue, WA 98005  
 T: (206) 475-7475 F: (206) 475-7476  
 www.tsa-llc.com  
 PREPARED BY: [Signature]  
 CHECKED BY: [Signature]  
 DATE: [Date]  
 SITE PLAN  
 SHEET NO. 11

ATTACHMENT 29  
ZON04-00025

ArcIMS HTML Viewer Map



Legend

- Contour2F
- City Limits
- Streets
- Rail Roads
- Lakes
- Parks
- Schools
- Grid
- Parcels
- Ortho

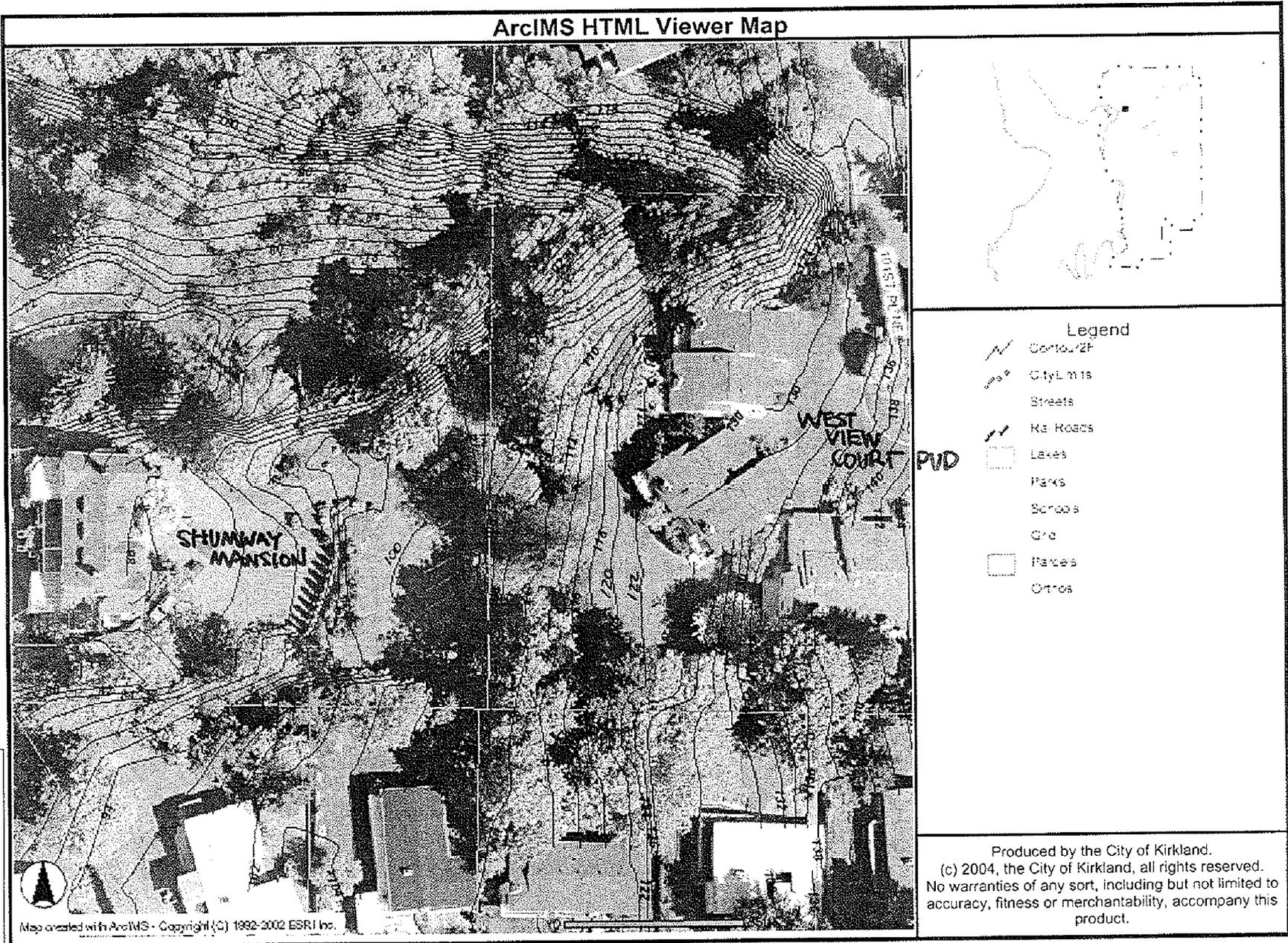
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 accuracy, fitness or merchantability, accompany this  
 product.

ATTACHMENT 30  
 20004-00025



ATTACHMENT 31

ZONING 00025



ATTACHMENT 32  
 2004 09025

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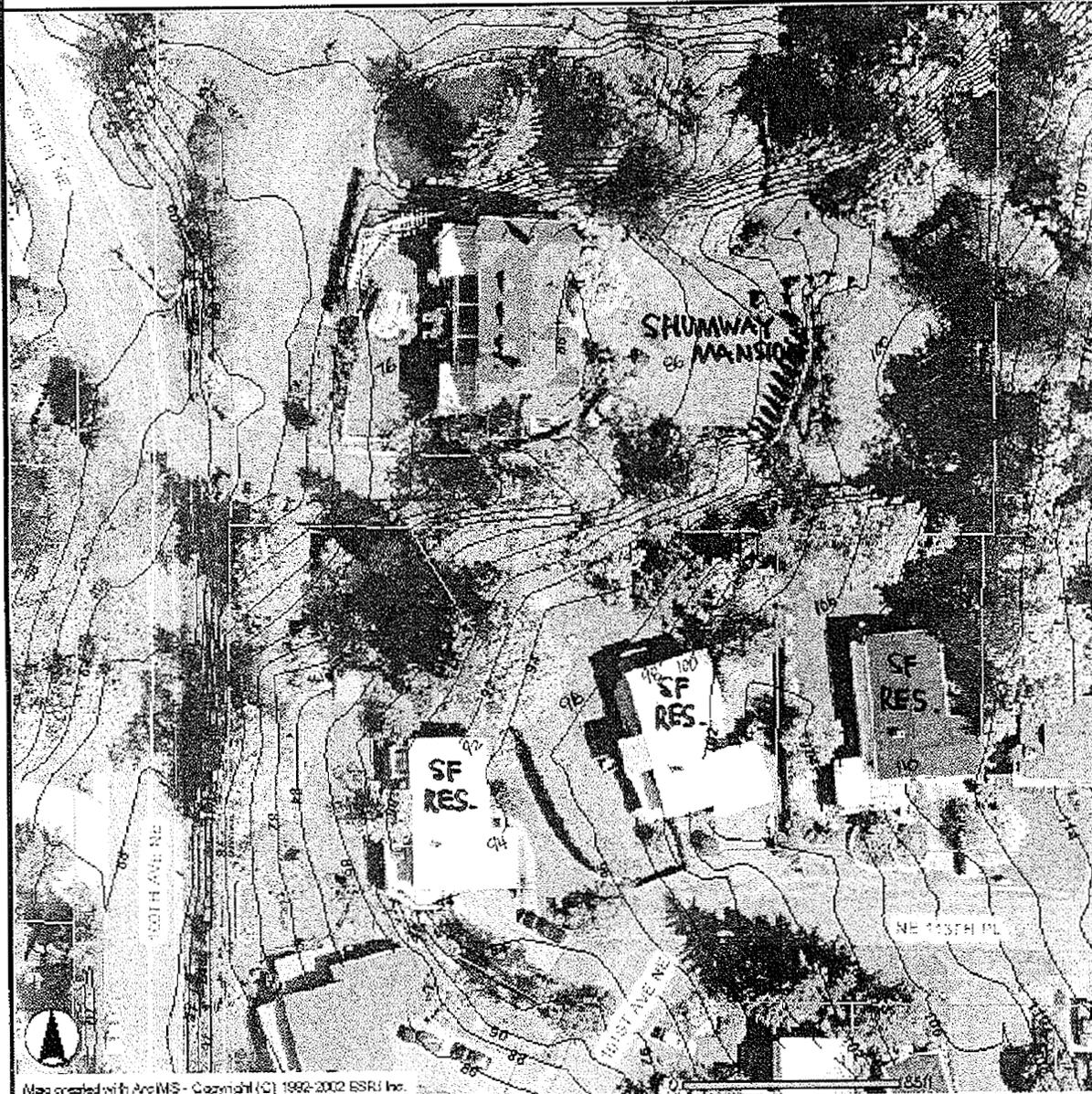


ATTACHMENT 33

20104-00025



ArcIMS HTML Viewer Map



Legend

- Contour/2ft
- City Limits
- Streets
- Rte. Roads
- Lakes
- Parks
- Schools
- Cnd
- Parcels
- Other

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ATTACHMENT

34

ZONING 00025



ATTACHMENT

35

20N04-00025

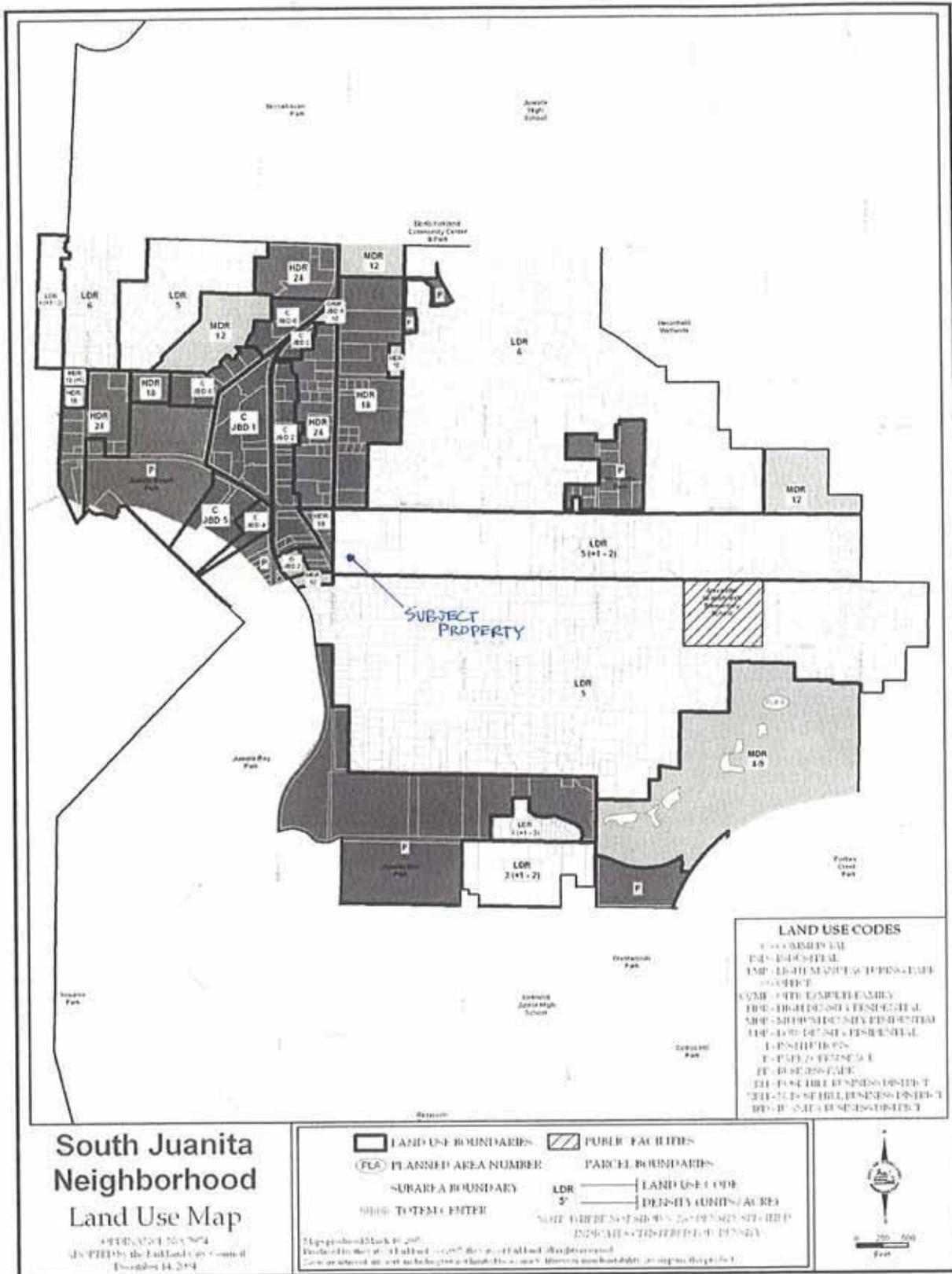


Figure J-2b: South Juanita Land Use

# XV.1. NORTH/SOUTH JUANITA NEIGHBORHOOD

interpretive centers. The interpretive centers should emphasize the biological importance of the wetland and the importance of protecting the resource. Measures should be taken to open significant views of the lake whenever possible which will benefit the general public provided the action will not negatively impact the wetland. The portion of the Juanita Creek wetlands east of Juanita High School should also be left in a natural state. Public access and interpretive centers as described for the Juanita Bay wetlands should be developed in this area along with the rest of the wetland.

The policies found in the Natural Environment chapter should be observed along with the policies described in this section when reviewing development proposals in Juanita to ensure the protection of the drainage, habitat, and aesthetic functions of the natural resources.

## 3. LIVING ENVIRONMENT

*Most single-family residential areas in Juanita are designated at six units per acre.*

Juanita is a varied neighborhood with significant and well-defined multifamily and single-family areas. The majority of the single-family residential areas in the neighborhood are designated for development at six units per acre (Figure J-2). There should be no encroachment of multifamily or commercial development into these areas. New development along collector or arterial streets should combine driveways whenever possible.

*★ Clustered housing at up to seven units per acre is allowed on the south side of NE 116th Street, subject to conditions.*

A number of sites fronting on the south side of NE 116th Street have been developed with common wall or clustered housing at a single-family density. Low-density development up to five units per acre

is allowed, and slightly higher densities up to seven units per acre may be permitted subject to the following conditions:

- (1) This added increment of density would only be allowed through a Planned Unit Development permit.
- (2) Visual buffering by a landscaped setback (normally 40 feet) should separate the slightly higher density development from adjacent single-family residences.
- (3) There is to be no direct access from individual dwelling units onto NE 116th Street. Access to NE 116th Street is to be limited to interior loop roads, cul-de-sacs, or similar streets. The added increment of density should not be available to properties where topographic conditions pose traffic hazards due to line-of-sight problems. Furthermore, access should be limited to NE 116th Street and not onto residential streets to the south.
- (4) Pedestrian access through the development should be required to facilitate access to schools or other public destinations.
- (5) Extensions of higher-density development should not penetrate into lower-density areas and should, therefore, be permitted only within a specified distance from NE 116th Street (approximately the NE 114th Street alignment).
- (6) The height of structures should not exceed that of adjacent residential zones.
- (7) Some common open space usable for a variety of activities should be included on site.

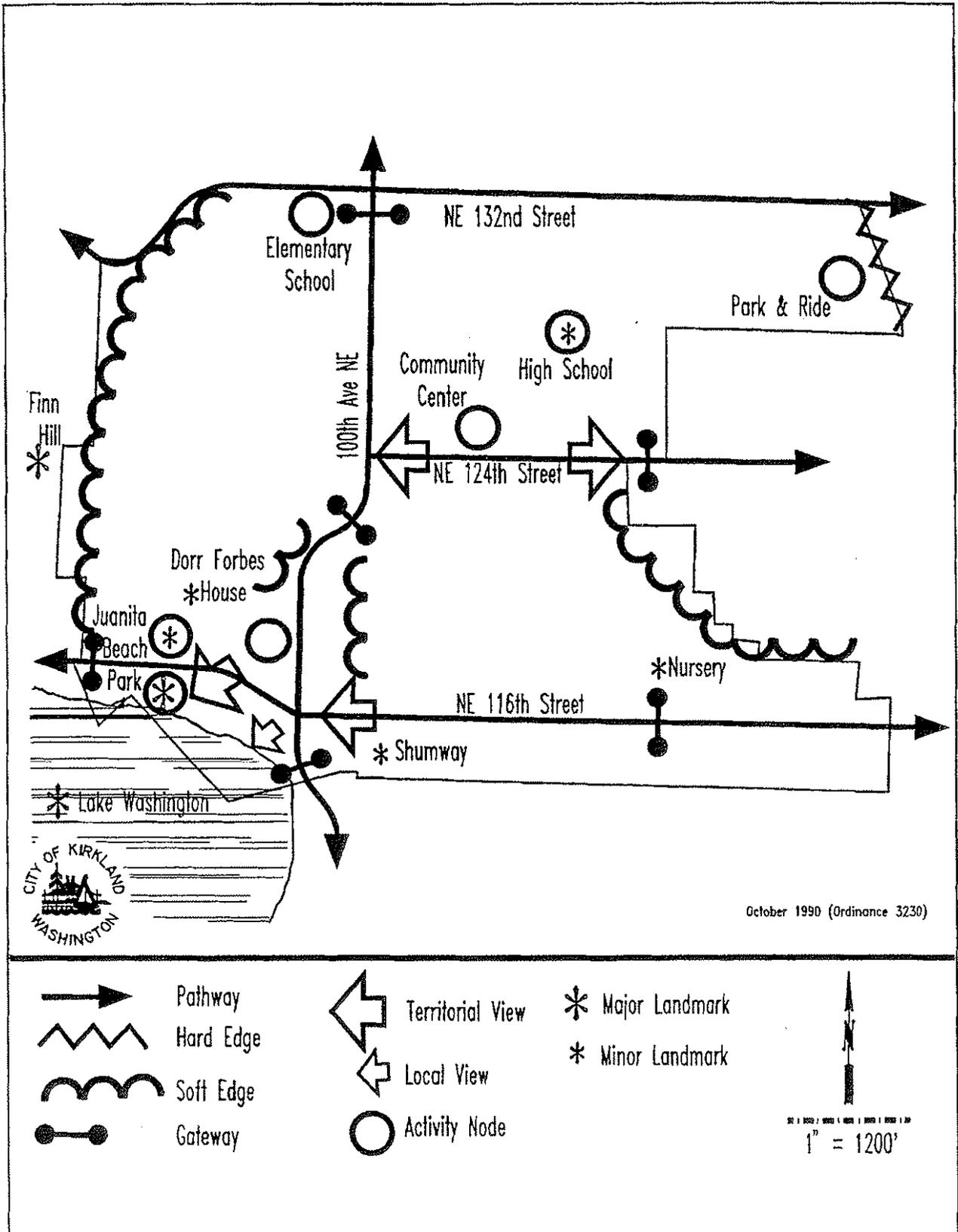


Figure J-6: Juanita Urban Design Elements

Planning Department  
City of Kirkland  
123 5th Avenue  
Kirkland, WA 98033

File ref. No. ZON04-00025

**Environmental:** With trees being cut down and many new homes being built what is the plan for water drainage? The Shumway property sits on a hill with neighbors below them on one side of the property. The condominium property at 11430 99th Place has had a history of water drainage problems. The condominium complex had to install two sump pumps after the last condominiums were built in back of them. With heavy rains the condominium complex battles water drainage from their neighbors in the back which includes the Shumway property. We are very interested in seeing a copy of the water/environmental study to see that this concern has been properly addressed.

**Traffic:** 99th Place N.E. has been battling traffic issues for the last couple of years. Last year the city recognized the traffic problem and proposed installing speed bumps to discourage trucks and other vehicles from cutting through 99th Place N.E. The speed bumps were never installed. Additionally with increased traffic on 116th Street it is difficult to turn in and out of 99th Place N.E. New homes would only increase the amount of traffic on an already troubled Street. We are interested in seeing the details of the traffic plan.

*Barbara Smith  
11430 99th Place NE #8  
Kirkland, WA by Margee Jacobsen*

CITY OF KIRKLAND  
Hearing Examiner Exhibit

Appellant	_____	B
Department	_____	
Public	✓ _____	
FILE #	<u>ZON04-00025</u>	

Planning Department  
City of Kirkland  
123 5th Avenue  
Kirkland, WA 98033

File ref. No. ZON04-00025

**Environmental:** With trees being cut down and many new homes being built what is the plan for water drainage? The Shumway property sits on a hill with neighbors below them on one side of the property. The condominium property at 11430 99th Place has had a history of water drainage problems. The condominium complex had to install two sump pumps after the last condominiums were built in back of them. With heavy rains the condominium complex battles water drainage from their neighbors in the back which includes the Shumway property. We are very interested in seeing a copy of the water/environmental study to see that this concern has been properly addressed.

**Traffic:** 99th Place N.E. has been battling traffic issues for the last couple of years. Last year the city recognized the traffic problem and proposed installing speed bumps to discourage trucks and other vehicles from cutting through 99th Place N.E. The speed bumps were never installed. Additionally with increased traffic on 116th Street it is difficult to turn in and out of 99th Place N.E. New homes would only increase the amount of traffic on an already troubled Street. We are interested in seeing the details of the traffic plan.

*Mrs. Jeanette Carter*  
*11430 99th Pl. N.E. #4*  
*Kirkland, Wa. 98033*  
*425-822-8157*

CITY OF KIRKLAND  
Hearing Examiner Exhibit

Appellant	_____
Department	_____
Public	<input checked="" type="checkbox"/>
FILE #	<u>ZON04-00025</u>

C

Examiner  
C/O Jon Regala  
Planning Department, City of Kirkland  
123 5th Avenue  
Kirkland, WA 98033

February 1, 2006

RE: File # ZON04-00025

Dear Examiner:

I am one of seven owners at Hallmark Juanita Condominiums, 11430 99 Place NE, Kirkland, WA. We have a number of concerns about the impact the Shumway Project will have on our property and environs.

One is **environmental**: What is the plan for water drainage with trees being cut down and new homes being built? Shumway Mansion sits on a hill and we at Hallmark Juanita are situated below them on one side of the Shumway property. We have a history of water drainage problems. We have had to install two sump pumps and purchase a generator as back-up to protect and maintain our property. With heavy rains not even as bad as the ones we are having currently, we battle water drainage from the properties behind us including the Shumway. We are interested in seeing a copy of the water/environmental study to be sure that this concern has been properly addressed.

Another major concern is **traffic**: Traffic issues have been an ongoing dilemma for the past couple of years, particularly as the traffic on 116th Street has increased significantly. It is difficult to turn in and out of 99<sup>th</sup> Place NE; new homes will only increase the amount of traffic on this already troubled street. Last year the City of Kirkland recognized the traffic problem on 99<sup>th</sup> Place NE and proposed installing speed bumps to discourage trucks and other vehicles from cutting through on this street and also to slow traffic down. There are dangerous blind spots, and even normal traffic travels at excessive speeds for the neighborhood. The speed bumps were never installed. We are interested in seeing the details of the traffic plan that, hopefully, takes all of these factors into consideration.

While these are our main concerns, we are also wondering about plans to maintain existing foliage that gives a sound and privacy barrier. In addition, removal of foliage with root systems will jeopardize the stability of the banks behind 11430 99<sup>th</sup> Place NE, something to which we are all keenly attuned with the current weather situation.

Thank you in advance for considering these issues that relate to the security, safety, and integrity of our property.

Sincerely,



Margaret Jacobsen  
11430 99<sup>th</sup> Place NE, #7  
Kirkland, WA 98033

CITY OF KIRKLAND	
Hearing Examiner Exhibit	
Appellant	_____
Department	_____
Public	<input checked="" type="checkbox"/>
FILE #	ZON04-00025

D

February 2, 2006

Carlos & Megan Alayo  
11430 99<sup>th</sup> Place N.E. Unit #1 & Unit #6  
Kirkland, WA 98033

Planning Department  
City of Kirkland  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033

File ref. No. is ZON04-00025

Dear Planning Department:

We are writing regarding the Shumway Property town home development. We are owners of two units at the condominium complex next door to the north of the Shumway property. Our concerns are both environmental and traffic.

**Environmental:** With trees being cut down and many new homes being built what is the plan for water drainage? The Shumway property sits on a hill with neighbors below them on one side of the property. The condominium property at 11430 99<sup>th</sup> Place has had a history of water drainage problems. The condominium complex had to install two sump pumps after the last condominiums were built in back of them. With heavy rains the condominium complex battles water drainage from their neighbors in the back which includes the Shumway property. We are very interested in seeing a copy of the water/environmental study to see that this concern has been properly addressed.

**Traffic:** 99<sup>th</sup> Place N.E. has been battling traffic issues for the last couple of years. Last year the city recognized the traffic problem and proposed installing speed bumps to discourage trucks and other vehicles from cutting through 99<sup>th</sup> Place. The speed bumps were never installed. Additionally with increased traffic on 116<sup>th</sup> Street it is difficult to turn in and out of 99<sup>th</sup> Place N.E. New homes would only increase the amount of traffic on an already troubled Street. We are interested in seeing the details of the traffic plan.

Thank you for addressing our concerns.

Sincerely,

  
Carlos Alayo

  
Megan Alayo

CITY OF KIRKLAND	
Hearing Examiner Exhibit	
Appellant _____	E
Department _____	
Public <input checked="" type="checkbox"/>	
FILE # ZON04-00025	

Astri H. Giske  
11430 99<sup>th</sup> Pl. NE #3  
Kirkland, WA 98033

February 2, 2006

Planning Department  
City of Kirkland  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033

RE: File ref. No. ZON04-00025

To Whom It May Concern:

We are neighboring Shumway mansion and these are some of our concerns:

**Environmental:** With trees being cut down and many new homes being built what is the plan for water drainage? The Shumway property sits on a hill with neighbors below them on one side of the property. The condominium property at 11430 99<sup>th</sup> Place has had a history of water drainage problems. The condominium complex had to install two sump pumps after the last condominiums were built in back of them. With heavy rain the condominium complex battles water drainage from their neighbors in the back which includes the Shumway property. We are very interested in a copy of water/environmental study to see that that this concern has been properly addressed.

**Traffic:** 99<sup>th</sup> Place NE has been battling traffic issues for the last couple of years. Last year the City recognized the traffic problem and proposed installing speed bumps to discourage trucks and other vehicles from cutting through 99<sup>th</sup> Place NE. The speed bumps were never installed. Additionally with increased traffic on 116<sup>th</sup> Street NE it is difficult to turn in and out of 99<sup>th</sup> Place NE. New homes would only increase the amount of traffic on an already troubled street. We are interested in seeing the details of the traffic plan.

Yours sincerely,

*Astri H. Giske*

Astri H. Giske

CITY OF KIRKLAND	
Hearing Examiner Exhibit	
Appellant	_____
Department	_____
Public	<input checked="" type="checkbox"/>
FILE #	<u>ZON04-00025</u>

F

ORDINANCE 4043

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY ROBERT KETTERLIN IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON04-00025 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Preliminary and Final Planned Unit Development (PUD) filed by Robert Ketterlin as Department of Planning and Community Development File No. ZON04-00025 to cluster 7 detached units and 2 attached dwelling units on Lot 2, reduce the setback requirements for a detached garage for the Shumway Mansion on Lot 1, Unit 9 on Lot 2, and from the access easement south of the Mansion, all within an RS 8.5 (HL) zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official and was determined that concurrency was not a requirement of the project; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist was submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, who issued a determination of non-significance on this action; and

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

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who conducted a public hearing at a regular meeting on February 2, 2006; and

WHEREAS, the Kirkland Hearing Examiner after the public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process IIB Permit subject to the specific conditions set forth in said recommendations; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner; and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for PUD to be made by ordinance.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner as signed by her and filed in the Department of Planning and Community Development File No. ZON04-00025 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. After completion of final review of the PUD, as established in Sections 125.50 through 125.75 of the Kirkland Zoning Code, Ordinance 3719, as amended, the Process IIB Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

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

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB Permit is subject shall be grounds for revocation in accordance with the KZC.

Section 5. This ordinance shall be in full force and effect five (5) days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.010.

Section 6 A complete copy of this ordinance, 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.

Section 7. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit.

PASSED by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED IN AUTHENTICATION THEREOF on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

ORDINANCE 4044

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND THAT PROPERTY COMMONLY KNOWN AS SHUMWAY MANSION, AND ALTERING THE SIGNIFICANT FEATURES OF THE SHUMWAY MANSION PROPERTY AS APPLIED FOR BY ROBERT KETTERLIN IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON04-00025.

WHEREAS, the City Council, on March 3, 1992, adopted Ordinance No. 3308 to rezone the entire Shumway Mansion property from RS 8.5 to RS 8.5 (HL) as well as to specify the significant features of the Shumway Mansion; and

WHEREAS, Ordinance No. 3308 was to place a historic landmark designation over the entire Shumway Mansion property;

WHEREAS, pursuant to Ordinance No. 3308, the entire Shumway Mansion property was designated as a significant feature pursuant to Chapter 75 of the Kirkland Zoning Code ("KZC"); and

WHEREAS, the Applicant, Robert Ketterlin ("Applicant"), has filed an application to: (1) alter the significant features of the Shumway Mansion property by reducing the amount of property designated as a significant feature; (2) rezone the property to reduce the size of the historic landmark overlay; (3) short plat the entire Shumway Mansion property into two lots so that one lot contains the Shumway Mansion ("Lot 1") and the other lot contains the remainder of the Shumway Mansion property ("Lot 2"); (4) create a PUD on Lot 1 and Lot 2; and (5) reduce stream and wetland buffers through enhancement (see Planning Department File No. ZON 04-00025); and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist was submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, who issued a determination of non-significance on this action; and

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

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who conducted a public hearing at a regular meeting on February 2, 2006; and

WHEREAS, the Kirkland Hearing Examiner after the public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process IIB Permit subject to the specific conditions set forth in said recommendations; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner as signed by her and filed in the Department of Planning and Community Development File No. ZON04-00025 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The significant features of the Shumway Mansion property are as follows:

1. The name Shumway Mansion
2. The external features of the Mansion
3. A book containing the history of the Mansion, including photographs, to be kept and maintained by the Kirkland Heritage Society
4. The entire site surrounding the Mansion described as follows (Lot 1 of Shumway 10 Short Plat):

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 32;  
 THENCE SOUTH 01°00'39" WEST ON THE WEST LINE OF SAID SECTION, 326.92 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION;  
 THENCE SOUTH 88°41'14" EAST ON THE NORTH LINE OF SAID SUBDIVISION, 328.58 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;  
 THENCE SOUTH 01°00'13" WEST ON THE EAST LINE OF SAID SUBDIVISION, 327.00 FEET TO THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
 THENCE NORTH 88°40'21" WEST ON THE SOUTH LINE OF SAID SUBDIVISION, 117.07 FEET TO THE POINT OF BEGINNING;  
 THENCE NORTH 01°00'13" EAST, 133.03 FEET;  
 THENCE NORTH 88°40'21" WEST, 211.54 FEET TO A POINT ON THE WEST LINE OF SAID SUBDIVISION;  
 THENCE SOUTH 26°12'27" EAST ALONG THE EASTERLY MARGIN OF 100TH AVENUE NORTHEAST, 65.58 FEET;

THENCE SOUTH 01°00'21" WEST ALONG SAID  
EASTERLY MARGIN, 74.88 FEET TO A POINT ON THE  
SOUTH LINE OF SAID SUBDIVISION;  
THENCE SOUTH 88°40'21" EAST ON THE SOUTH  
LINE OF SAID SUBDIVISION, 181.56 FEET TO THE  
POINT OF BEGINNING.

Section 3. This Ordinance supersedes Ordinance No. 3308 with respect to the designation of significant features on the Shumway Mansion property pursuant to Chapter 75.25.2 of the KZC.

Section 4. Nothing in this ordinance shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB Permit is subject shall be grounds for revocation in accordance with the KZC.

Section 6. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 7. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Section 8. A complete copy of this ordinance, 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.

Section 9. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit.

PASSED by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED IN AUTHENTICATION THEREOF on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE 4044

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND THAT PROPERTY COMMONLY KNOWN AS SHUMWAY MANSION, AND ALTERING THE SIGNIFICANT FEATURES OF THE SHUMWAY MANSION PROPERTY AS APPLIED FOR BY ROBERT KETTERLIN IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON04-00025.

SECTION 1. Adopts the Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner filed in the Department of Planning and Community Development File No. ZON04-00025.

SECTION 2. Identifies the significant features of the Shumway Mansion.

SECTION 3. Provides that this Ordinance supersedes Ordinance No. 3308.

SECTION 4. Provides that the applicant must comply with all other applicable laws and regulations.

SECTION 5. Provides that failure to adhere to permit conditions is grounds for revocation of the Process IIB approval.

SECTION 6. Provides a severability clause for the Ordinance.

SECTION 7. Authorizes publication of this 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.

SECTION 8. Provides that a certified copy of this Ordinance will be sent to the King County Department of Assessments.

SECTION 9. Provides that a certified copy of this Ordinance will become part of the Process IIB approval.

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 \_\_\_\_\_, 2006.

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

\_\_\_\_\_  
City Clerk

RESOLUTION R-4560

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE QUASI-JUDICIAL PROJECT REZONE PROVISIONS OF CHAPTER 130 OF THE KIRKLAND ZONING CODE, ORDINANCE 3719, AS AMENDED, AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON04-00025 BY ROBERT KETTERLIN TO REDUCE THE SIZE OF THE HISTORIC OVERLAY THAT ENCOMPASSES THE ENTIRE SHUMWAY MANSION PROPERTY TO A SMALLER AREA AROUND THE MANSION CONSISTENT WITH THE BOUNDARY OF LOT 1 OF THE SHUMWAY 10 SHORT PLAT, SETTING FORTH CONDITIONS TO WHICH SUCH DEVELOPMENT PROPOSAL SHALL BE SUBJECT, AND SETTING FORTH THE INTENTION OF THE CITY COUNCIL TO, UPON APPROVED COMPLETION OF SAID DEVELOPMENT, REZONE LOT 2 FROM RS 8.5 (HL) TO RS 8.5.

WHEREAS, the Department of Planning and Community Development has received an application filed by Robert Ketterlin as applicant for the owner of the property described in said application requesting a permit to develop said property in accordance with the Quasi-Judicial Project Rezone procedure established in Chapter 130 of the Kirkland Zoning Code ("KZC"); and

WHEREAS, said property is located within a RS 8.5 (HL) zone and the proposed development is a permitted use within the RS 8.5 (HL) and RS 8.5 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official and was determined that concurrency was not a requirement of the project; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, who issued a determination of non-significance on this action; and

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

WHEREAS, the application has been submitted to the Hearing Examiner who held a public hearing thereon at a regular meeting on February 2, 2006; and

WHEREAS, the Hearing Examiner, after the public hearing and consideration of the recommendations of the Department of Planning and Community Development, did adopt certain Findings, Conclusions and Recommendations, and did recommend to the City Council approval of the proposed development and the Quasi-Judicial Project Rezone pursuant to Chapter 130 of the KZC, all subject to the specific conditions set forth in said recommendation; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner, as well as any timely filed challenge of said recommendation.

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 Hearing Examiner as signed by her and filed in the Department of Planning and Community Development File No. ZON04-00025 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. A Development Permit, pursuant to the Quasi-Judicial Project Rezone procedure of Chapter 130 of the KZC, shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. The City Council approves in principle the request for reclassification from RS 8.5 (HL) to RS 8.5 for Lot 2 of the Shumway 10 short plat, pursuant to the provisions of Section 130.55 of the KZC, and the Council shall, by ordinance, effect such reclassification upon being advised that all of the conditions, stipulations, limitations, and requirements contained in this resolution, including those adopted by reference, have been met; provided, however, that the applicant must begin the development activity, use of land or other actions approved by this resolution within four years from the date of enactment of this resolution, or the decision becomes void.

Section 4. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to the proposed development project, other than as expressly set forth herein.

Section 5. Failure on the part of the holder of the development permit to initially meet or maintain strict compliance with the standards and conditions to which the development permit and the intent to rezone is subject shall be grounds for revocation in accordance with the KZC.

Section 6. A complete copy of this resolution, including Findings, Conclusions and Recommendations adapted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Section 7. A certified copy of this resolution together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the development permit.

PASSED by majority vote of the Kirkland City Council in open meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED IN AUTHENTICATION THEREOF on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney