



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager QUASI JUDICIAL

From: Eric Shields, AICP, Planning Director
Tony Leavitt, Associate Planner

Date: July 24, 2008

Subject: Juanita Bay Townhomes Final Subdivision, File No. FSB08-00001

RECOMMENDATION

Approve with conditions the Final Subdivision for the Juanita Bay Townhomes Plat. The City Council may do so by adopting the enclosed resolution

BACKGROUND DISCUSSION

The Preliminary Subdivision was heard by the Hearing Examiner on July 19, 2007. The Hearing Examiner approved the project with conditions on July 31, 2007. A concurrency test was passed for traffic on January 31, 2007 and for water and sewer on March 13, 2007. A Determination of Non-significance was issued for the proposal on June 17, 2007. The SEPA Determination was appealed on June 27, 2007 by a neighboring property owner. On July 30, 2007 the appeal was withdrawn after the appellant reached an agreement with the applicant to address their concerns.

The proposal includes the following general elements:

- Subdivide two existing parcels (.44 total acres) into 11 separate parcels within the Juanita Business District (JBD) 2 Zone (no minimum lot size for attached residential units).
- The new lots will be developed with the townhome units that were approved as part of Design Review Board File No. DRC06-00004.
- Primary vehicular access for each lot will be provided via an access tract that connects directly to 99th Place NE. Emergency vehicle and secondary access will be provided to and from 98th Avenue NE via an existing private vehicular access easement.

The applicant is not proposing any modifications to the size, configuration, or location of any of the lots, access easements, or the open space tract approved with the preliminary subdivision.

The Planning Director recommends approval of the final subdivision with the conditions outlined in the staff advisory report dated July 23, 2008 (See Enclosure 1).

Juanita Bay Townhomes Final Subdivision

PCD File No. FSB08-00001

Page 2 of 2

ENCLOSURES

1. Staff Advisory Report dated July 23, 2008



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.828.1257
www.ci.kirkland.wa.us

MEMORANDUM ADVISORY REPORT FINDINGS, CONCLUSION, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director
From: Tony Leavitt, Associate Planner
Date: July 23, 2008
File: JUANITA BAY TOWNHOMES FINAL SUBDIVISION, FILE FSB08-00001

I. RECOMMENDATION

Recommend approval of the Final Subdivision application for the Juanita Bay Townhomes Plat subject to the following conditions:

- A. The application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Building and Fire Code, and Subdivision Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 1, Preliminary Subdivision Notice of Approval, is provided in this memo to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.
- B. Prior to recording the final plat mylar with King County the applicant shall:
 - 1. Submit a title report no more than 30 days old from the date the final plat mylar was signed by the owners. The title report shall reflect that all taxes and assessments for the subject property have been paid.
 - 2. Have the exterior plat boundary and all interior lot corners set by a registered land surveyor.
 - 3. Install or bond for the completion of required right-of-way improvements. A bond or other approved security performance undertaken in an amount determined by the director of Public Works in accordance with the requirements therefore in the Kirkland Subdivision Ordinance shall be deposited with the City of Kirkland and be conditioned on the completion and acceptance by the City of all conditions of approval including public improvements within one year from the date of plat approval.

II. BACKGROUND

- A. The applicant is Steve Smith Development
- B. This is a Final Subdivision application to approve an 11-lot subdivision on a 19,421 square foot site (see Attachment 2).
- C. The Preliminary Subdivision (File No. PSB06-00001) was approved by the Hearing Examiner on July 31, 2007. See Attachment 3 and discussion under the History Section below.
- D. The site is located at 11444 98th Avenue NE and 11435 99th Place NE (See Attachment 2).

III. HISTORY

- A. The Preliminary Subdivision was heard by the Hearing Examiner on July 19, 2007. The Hearing Examiner approved the project with conditions on July 31, 2007. A concurrency test was passed for traffic on January 31, 2007 and for water and sewer on March 13, 2007. A Determination of Non-significance was issued for the proposal on June 17, 2007. The SEPA Determination was appealed on June 27, 2007 by a neighboring property owner. On July 30, 2007 the appeal was withdrawn after the appellant reached an agreement with the applicant to address their concerns.
- B. The proposal included the following general elements:
 - Subdivide two existing parcels (.44 total acres) into 11 separate parcels within the Juanita Business District (JBD) 2 Zone (no minimum lot size for attached residential units).
 - The new lots will be developed with the townhouse units that were approved as part of Design Review Board File No. DRC06-00004.
 - Primary vehicular access for each lot will be provided via an access tract that connects directly to 99th Place NE. Emergency vehicle and secondary access will be provided to and from 98th Avenue NE via an existing private vehicular access easement.

IV. ANALYSIS

- A. Section 22.16.080 of the Kirkland Municipal Code discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:
 - Consistency with the preliminary plat, except for minor modifications allowed under Kirkland Municipal Code Section 22.16.080; and
 - Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.
- B. The applicant has not proposed any modifications to the size, configuration or location of any of the lots, access easements, or the open space tract approved with the preliminary subdivision.
- C. The applicant has complied with all of the conditions that were placed on the preliminary subdivision application approved by the Hearing Examiner, except for those conditions that must be accomplished prior to Final Plat recording.

V. CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL

- A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City Council by delivering it to the City Clerk not later than the close of business of the evening City Council first considers the final plat.
- B. Section 22.16.110 of the Subdivision Ordinance allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.
- C. Section 22.16.130 of the Kirkland Municipal Code requires that the final plat be submitted to the City for recording with King County within four (4) years of the date of approval of the preliminary plat, unless specifically extended in the decision on the plat, or the decision becomes void: provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

VI. APPENDICES

Attachments 1 through 3 are attached.

- 1. Preliminary Subdivision Notice of Approval
- 2. Final Plat Plans
- 3. Approved Preliminary Plat

Review by Planning Director:

I concur _____ I do not concur _____

Comments: _____

Eric R. Shields, AICP

Date



DEVELOPMENT STANDARDS LIST
JUANITA BAY TOWNHOMES PRELIMINARY SUBDIVISION, PSB06-00001

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.

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

22.28.210 Significant Trees. The applicant shall design the plat so as to comply with the tree management requirements set forth in Chapter 95 of the Kirkland Zoning Code.

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. Please see KMC 27.06 for the current rate. 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.

Prior to Recording:

22.16.030 Final Plat - Lot Corners. The exterior plat boundary, and all interior lot corners shall be set by a registered land surveyor.

22.16.040 Final 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 subdivision 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.

22.16.150 Final 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. A maintenance bond will be required for .

ZONING CODE STANDARDS

85.25.1 Geotechnical Report Recommendations. The geotechnical recommendations contained in the report by Dennis M. Bruce, P.E. dated January 2, 2007 shall be implemented.

85.25.3 Geotechnical Professional On-Site. A qualified geotechnical professional shall be present on site during land surface modification and foundation installation activities.

92.35 Prohibited Materials In Design Districts. If in a design district the following building materials are prohibited or limited in use: mirrored glass or reflective materials, corrugated fiberglass, chain link fencing, metal siding, concrete block, backlit awnings. Water spigots are required along building facades along sidewalks for cleaning and plant watering. Commercial buildings with more than one tenant shall install a cornerstone or plaque.

95.50.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.

95.40.7.b Parking Area Landscape Buffers. Applicant shall buffer all parking areas and driveways from the right-of-way and from adjacent property with a 5-foot wide strip as provided in this section. If located in a design district a low hedge or masonry or concrete wall may be approved as an alternative through design review.

95.45 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

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

105.18 Pedestrian Walkways. All uses, except single family dwelling units and duplex structures, must provide pedestrian walkways designed to minimize walking distances from the building entrance to the right of way and adjacent transit facilities, pedestrian connections to adjacent properties, between primary entrances of all uses on the subject property, through parking lots and parking garages to building entrances. In design districts through block pathways or other pedestrian improvements may be required. See also Plates 34 in Chapter 180.

105.32 Bicycle Parking. All uses, except single family dwelling units and duplex structures with 6 or more vehicle parking spaces must provide covered bicycle parking within 50 feet of an entrance to the building at a ratio of one bicycle space for each twelve motor vehicle parking spaces. Check with Planner to determine the number of bike racks required and location.

105.18 Entrance Walkways. All uses, except single family dwellings and duplex structures, must provide pedestrian walkways between the principal entrances to all businesses, uses, and/or buildings on the subject property.

105.18.2 Walkway Standards. Pedestrian walkways must be at least 5' wide; must be distinguishable from traffic lanes by pavement texture or elevation; must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20' above the ground.

105.19 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.

105.20 Required Parking. 25 parking spaces are required for this use.

105.58 Parking Lot Locations in Design Districts. See section for standards unique to each district.

105.65 Compact Parking Stalls. Up to 50% of the number of parking spaces may be designated for compact cars.

105.60.2 Parking Area Driveways. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.

105.60.3 Wheelstops. Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.

105.77 Parking Area Curbing. All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

110.52 Sidewalks and Public Improvements in Design Districts. See section, Plate 34 and public works approved plans manual for sidewalk standards and decorative lighting design applicable to design districts.

110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

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.

115.45 Garbage and Recycling Placement and Screening. For uses other than detached dwelling units, duplexes, moorage facilities, parks, and construction sites, all garbage receptacles and dumpsters must be setback from property lines, located outside landscape buffers, and screened from view from the street, adjacent properties and pedestrian walkways or parks by a solid sight-obscuring enclosure.

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 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.

115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

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

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

115.115.5.b Driveway Setbacks. For attached and stacked dwelling units in residential zones, driveways shall have a minimum 5' setback from all property lines except for the portion of any driveway, which connects with an adjacent street. Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for the use.

115.120 Rooftop Appurtenance Screening. New appurtenances on existing buildings shall be surrounded by a solid screening enclosure equal in height to the appurtenance. New construction shall screen rooftop appurtenances by incorporating them in to the roof form.

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

150.22.2 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 recording:

110.60.5 Landscape Maintenance Agreement. The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way. It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

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.

As part of any development permit:

105.10.2 Tract Screening Requirements. Install a five-foot high sight-obscuring fence or vegetation that will provide comparable screening to a five-foot fence within two years of planting along the entire north side of the tract outside the required front yard.

Prior to issuance of a grading or building permit:

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

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. 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.

Prior to occupancy:

95.50.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City

110.60.5 Landscape Maintenance Agreement. The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way. It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

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.

Date: 7/10/2007

DEVELOPMENT STANDARDS

CASE NO.: PSB06-00001

PCD FILE NO.:PSB06-00001

****KIRKLAND FIRE DEPARTMENT CONDITIONS****

For information, contact Grace Steuart, Fire Marshal, at 425-587-3650

---The unobstructed width of the fire department access road (including any gates) shall be not less than 20 feet paved.

The access road shall be marked NO PARKING-FIRE LANE.

---Any building over 5,000 gross square feet (including garage) requires fire sprinklers which may be of a 13D type

--Sprinklered buildings will require only an outside bell to be installed on each unit to alert occupants which the sprinkler system is activated; the systems are not required to be monitored

---Existing hydrants are adequate. However, both hydrants which would be used to serve the property (the one near the Athletic club, and on 99th PI NE) require 5" Stortz fittings.

---Minimum fire flow required is 1,500 gpm. Available fire flow on 99th is approximately 2,200 gpm, which is adequate for development. However, the hydrant on 98th is served by Northshore Utility District, and availability of 1,500 gpm would need to be ascertained by NUD.

You can review your permit status and conditions at www.kirklandpermits.net

PUBLIC WORKS CONDITIONS

Permit Information

Permit #: PSB06-00001

Project Name: Juanita Bay 12-unit Townhome Preliminary Subdivision

Project Address: 11444 98th Ave. NE and 11435 99th Place NE

Date: March 12, 2007

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

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

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at

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 review the City of Kirkland web site at 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 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. Concurrency for this project has been completed.
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. Any buildings within this project which are demolished will receive a Traffic Impact Fee credit. This credit will be applied to the first Building Permit that is applied for within the project (and subsequent Building Permits if multiple building permits are demolished). The credit amount for each demolished building will be equal to the most currently adopted Traffic Impact Fee schedule.
6. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
7. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
8. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
9. A completeness check meeting is required prior to submittal of any Building Permit applications.
10. 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.
11. 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. Northshore Utility District approval required for sewer service. A letter of sewer availability is

required; call N.U.D at 425-398-4400.

Water System Conditions:

1. The existing water main in the 99th Pl. NE right-of-way along the front of the subject property is adequate to serve this proposed development.
2. Provide a water service from the water main to the meter for each building, each unit, or for the entire lot project (developers choice); water meter and water service sizing shall be per the Uniform Plumbing Code. Provide a separate irrigation service. The City of Kirkland will set the water meters. The west side of the project is in N.U. D. service boundary. Coordination will need to be done to determine if Kirkland should serve the entire project.
3. The existing water service from the City water main on 99th Pl. NE may be used provided that it is in the right location, is not galvanized, and is sized adequately to serve a building (per the Plumbing Code). The other option is to use the water service for irrigation.
4. Provide fire hydrants per the Fire Departments requirements. If the Fire Department requests a new hydrant within the project, a water main extension will be necessary.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 1998 King County Surface Water Design Manual. If the site discharges to the storm line, which outlets into the lake to the south of this site, it is possible that a downstream analysis will show that no storm detention is required. If the site discharges to the storm line, which outlets to the north, storm detention will likely be required due to storm line capacity.
2. Storm detention calculations for the entire site are required.
3. Provide a level one off-site analysis unless a quantitative analysis is required to justify a waiver of storm detention.
4. 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.
5. When applicable, structural source control measures, such as car wash pads or dumpster area roofing, shall be shown on the site improvement plans submitted for engineering review and approval. Refer to King County Storm water Pollution Control Manual and the 2001 Department of Ecology Storm water Management Manual for Western Washington for further information.
6. The Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities.
Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch
http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_NWPs
Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495
7. 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

8. 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.
9. 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.
10. All roof and driveway drainage must be tight-lined to the storm drainage system.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 99th Place NE. This street is 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 to face of curb.
 - 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. Due to the lack of adequate access to the site from 98th Ave. NE during the PM peak traffic times, all units in this project must have primary access to 99th Place. NE. A secondary access to 98th Ave. NE is allowed.
3. The applicant has asked if the access from 98th Ave. NE can be gated. The Public Works Department approves of the proposed gate as it will deter cut-through traffic from 98th Ave. NE, but the Fire Department must also approve of the gate.
4. 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.
5. 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.
6. Underground all new and existing on-site utility lines and overhead transmission lines.
7. 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 concomitant agreement or LID No Protest Agreement.

The proposed lot lines as shown do not accommodate the buildings submitted under NSFR permit applications BLD07-00159 through BLD07-00169. Please revise the Plat Map to comply with IRC section R302.2 below as follows:

In Lot 1 and 2, the "duplex" building appears to have open areas with 2 stories above that cross

property lines on both the East and West sides which is not allowed. Also, in order for the carports to be open and to have windows in the walls above looking East and West, the property lines need to be at least 3' away from these walls/openings. An easement may be necessary for the guest parking space on Lot 2.

In order to have windows on the East face of the building on Lot 3, the property line needs to be at least 3' away. An easement may be necessary for the guest parking space on Lots 3 and 2.

In order to have windows on the West face of the building on Lot 7, the property line needs to be at least 3' away. An easement may be necessary for the guest parking space on Lots 7 and 8.

In order to have windows on the East face of the building on Lot 8, the property line needs to be at least 3' away. An easement may be necessary for the guest parking space on Lots 8 and 7.

IRC excerpt:

LOCATION ON LOT

R302.1 Exterior walls. Exterior walls with a fire separation distance less than 3 feet shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend to a point closer than 2 feet from the line used to determine the fire separation distance. Projections extending into the fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

R302.2 Openings. Openings shall not be permitted in the exterior wall of a dwelling or accessory building with a fire separation distance less than 3 feet. This distance shall be measured perpendicular to the line used to determine the fire separation distance.

Exceptions:

1. Openings shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance.
2. Foundation vents installed in compliance with this code are permitted.

Plumbing meter and service line shall be sized in accordance with UPC 1009 (h) and Table 10-2.

JUANITA BAY TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,
KING COUNTY, WASHINGTON

CITY OF KIRKLAND
FILE NO. FSB08-00001

LEGAL DESCRIPTION

(PER LAND AMERICA COMMONWEALTH TITLE)

PARCELS A AND B OF CITY OF KIRKLAND LOT LINE ALTERATION NO. LLA06-00009, AS RECORDED UNDER RECORDING NO. 2006092600018, RECORDS OF KING COUNTY, WASHINGTON, BEING A PORTION OF GOVERNMENT LOT 4 IN SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST W.M., IN KING COUNTY WASHINGTON;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

TRACT NOTES

TRACT '999' IS A PRIVATE ACCESS TRACT FOR INGRESS AND EGRESS, PRIVATE STORM DRAINAGE, PRIVATE SEWER AND UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOTS 1-12. AN EASEMENT OVER, UNDER AND ACROSS TRACT 999, AS DEPICTED HEREIN, IS HEREBY DEDICATED TO THE NORTHSHORE UTILITY DISTRICT FOR INGRESS AND EGRESS, THE CONSTRUCTION, RECONSTRUCTION AND THE MAINTENANCE OF THE PUBLIC SEWER FACILITIES AND FURTHER DESCRIBED HEREON IN THE EASEMENT PROVISIONS.

EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY, NORTHSHORE UTILITY DISTRICT, ANY TELECOMMUNICATIONS AND CABLE TELEVISION PROVIDER, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLE, PIPELINE, AND WIRES WITH THE NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVICE TO THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, CABLE T.V., SEWER AND WATER, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIMES FOR THE PURPOSES STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THE UTILITY. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT, TELEPHONE OR CABLE TV SHALL BE PLACED OR BE PERMITTED TO BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.

HOMEOWNERS ASSOCIATION COVENANT

THE OWNERS OF LOTS 1 THROUGH 11, INCLUSIVE, ARE RESPONSIBLE FOR PROVIDING THE THE JUANITA BAY TOWNHOMES HOMEOWNERS ASSOCIATION CONTINUES TO BE A VIABLE AND FUNCTIONING LEGAL ENTITY. SAID HOMEOWNERS ASSOCIATION SHALL OWN AND MAINTAIN THE TRACT AND EASEMENTS AS INDICATED AND COVENANTED HEREIN, UNLESS OTHERWISE APPROVED BY KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES OR ITS LEGAL SUCCESSOR AGENCY. THIS COVENANT SHALL RUN WITH THE LAND AND IS BINDING UPON THE OWNERS OF LOTS 1 THROUGH 11, INCLUSIVE, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

ADDRESSING

ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING DIVISION POLICY MANUAL NUMBER 9.001, ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE.

ROAD DRAINAGE NOTE

THE ROAD AND STORM DRAINAGE SYSTEMS SHALL BE CONSTRUCTED ACCORDING TO THE PLAN AND PROFILE, _____ ON FILE WITH KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES (DES). ANY DEVIATION FROM THE APPROVED PLANS WILL REQUIRE WRITTEN APPROVAL FROM THE PROPER AGENCY, CURRENTLY DES.

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.

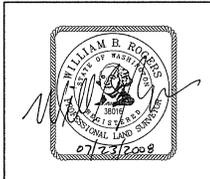
PUBLIC RIGHT-OF-WAY SIDEWALK AND VEGETATION MAINTENANCE

EACH PROPERTY 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.

TITLE EXCEPTIONS

(PER LAND AMERICA COMMONWEALTH TITLE ORDER NO.: 20271380, DATED 14 JULY, 2008.)

1. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) INDIAN TREATY OR ABORIGINAL RIGHTS, INCLUDING BUT NOT LIMITED TO, EASEMENTS OR EQUITABLE SERVITUDES; OR, (D) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), (C) OR (D) ARE SHOWN BY PUBLIC RECORDS.
2. TAX MATTERS
3. 9207300895--NOTICE OF TAP OR CONNECTION CHARGES.
4. 476380--RESTRICTIONS.
5. 477129--RESTRICTIONS.
6. 6159154--AN EASEMENT IN FAVOR OF THE MUNICIPALITY OF METROPOLITAN SEATTLE.
7. 6192921--AN EASEMENT IN FAVOR OF NORTHEAST LAKE WASHINGTON SEWER DISTRICT.
8. 6192923--AN EASEMENT IN FAVOR OF NORTHEAST LAKE WASHINGTON SEWER DISTRICT.
9. 6266809--AN EASEMENT IN FAVOR OF NORTHEAST LAKE WASHINGTON SEWER DISTRICT, A MUNICIPAL CORPORATION.
10. 7304170099--AN EASEMENT IN FAVOR OF KING COUNTY, WASHINGTON.
11. 73204170100--AN EASEMENT IN FAVOR OF KING COUNTY, WASHINGTON.
12. 7504140371--AN EASEMENT IN FAVOR OF PUGET SOUND POWER AND LIGHT COMPANY.
13. COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE SURVEY RECORDED UNDER RECORDING NO. 7509050567 AND 7601060386.
14. COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE SURVEY RECORDED UNDER RECORDING NO. 8003279006.
15. 8101280659--AN EASEMENT IN FAVOR OF PUGET SOUND POWER AND LIGHT COMPANY.
16. 8303230455--AN EASEMENT AGREEMENT.(TO BE EXTINGUISHED)
17. 9308181175--KIRKLAND RESOLUTION NO. R-3827.
18. 9309171853--UTILITY EASEMENT VACATED LAKE WASHINGTON BOULEVARD.
19. 20080222001756--AGREEMENT AND THE TERMS AND CONDITIONS THEREOF.
20. COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, IF ANY, DISCLOSED BY THE BOUNDARY LINE ADJUSTMENT RECORDED UNDER RECORDING NO. 20060726900018.
21. 20080723000288--SEWER EASEMENT AND THE TERMS AND CONDITIONS THEREOF.
22. 20060915002376--DEED OF TRUST.
23. UNRECORDED LEASEHOLDS, IF ANY; RIGHTS OF VENDORS AND HOLDERS OF SECURITY INTERESTS ON PERSONAL PROPERTY INSTALLED UPON THE LAND; AND RIGHTS OF TENANTS TO REMOVE TRADE FIXTURES AT THE EXPIRATION OF THE TERM.



JUANITA BAY TOWNHOMES		
NE 1/4, NE 1/4, SEC 31, T.26 N, R.5 E., W.M.		
DWN. BY:	DATE:	JOB NO.:
EJV	7.23.2008	06019.800
CHKD. BY:	SCALE:	SHEET:
WBR	N/A	2 OF 7

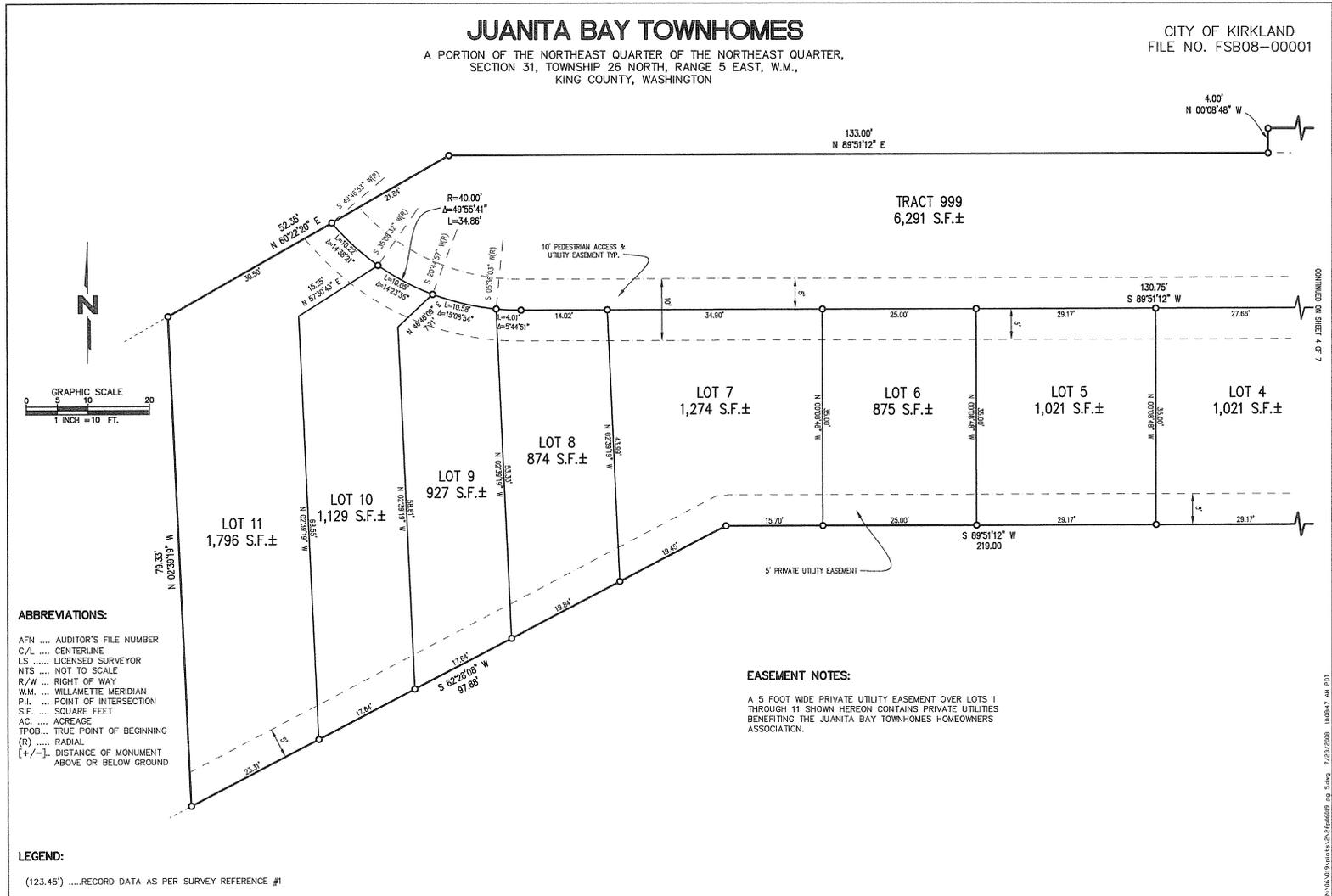
DRS D.R. STRONG CONSULTING ENGINEERS
ENGINEERS PLANNERS SURVEYORS
10504 NE 38th PLACE, SUITE 101
KIRKLAND, WA 98033
425.827.3083 OFFICE
800.962.1402 TOLL FREE
425.827.2423 FAX
www.drstrong.com

N:\WA\018\james\12-27-08\09_pps_183.dwg 7/23/2008 10:32:27 PM P31

JUANITA BAY TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,
KING COUNTY, WASHINGTON

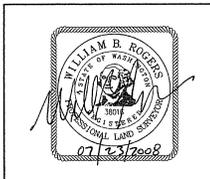
CITY OF KIRKLAND
FILE NO. FSB08-00001



ABBREVIATIONS:
 AFN AUDITOR'S FILE NUMBER
 C/L CENTERLINE
 LS LICENSED SURVEYOR
 NTS NOT TO SCALE
 R/W ... RIGHT OF WAY
 W.M. ... WILLAMETTE MERIDIAN
 P.I. POINT OF INTERSECTION
 S.F. SQUARE FEET
 AC. ACREAGE
 TPOB ... TRUE POINT OF BEGINNING
 (R) RADIAL
 [+/-]... DISTANCE OF MONUMENT ABOVE OR BELOW GROUND

EASEMENT NOTES:
 A 5 FOOT WIDE PRIVATE UTILITY EASEMENT OVER LOTS 1 THROUGH 11 SHOWN HEREON CONTAINS PRIVATE UTILITIES BENEFITING THE JUANITA BAY TOWNHOMES HOMEOWNERS ASSOCIATION.

LEGEND:
 (123.45)RECORD DATA AS PER SURVEY REFERENCE #1
 {123.45}RECORD DATA AS PER SURVEY REFERENCE #2
 ●MONUMENT FOUND AS NOTED
 ○REBAR & CAP FOUND AS NOTED
 ○SET REBAR & CAP, LS 34134 OR LS 38016
 ○CALCULATED POSITION, NOT SET OR FOUND
 ⊕SECTION
 ⊕SECTION CORNER



JUANITA BAY TOWNHOMES		
NE 1/4, NE 1/4, SEC 31, T.26 N, R.5 E., W.M.		
DWN. BY: EJV	DATE: 7.23.2008	JOB NO.: 06019.800
CHKD. BY: WBR	SCALE: 1" = 10'	SHEET: 5 OF 7

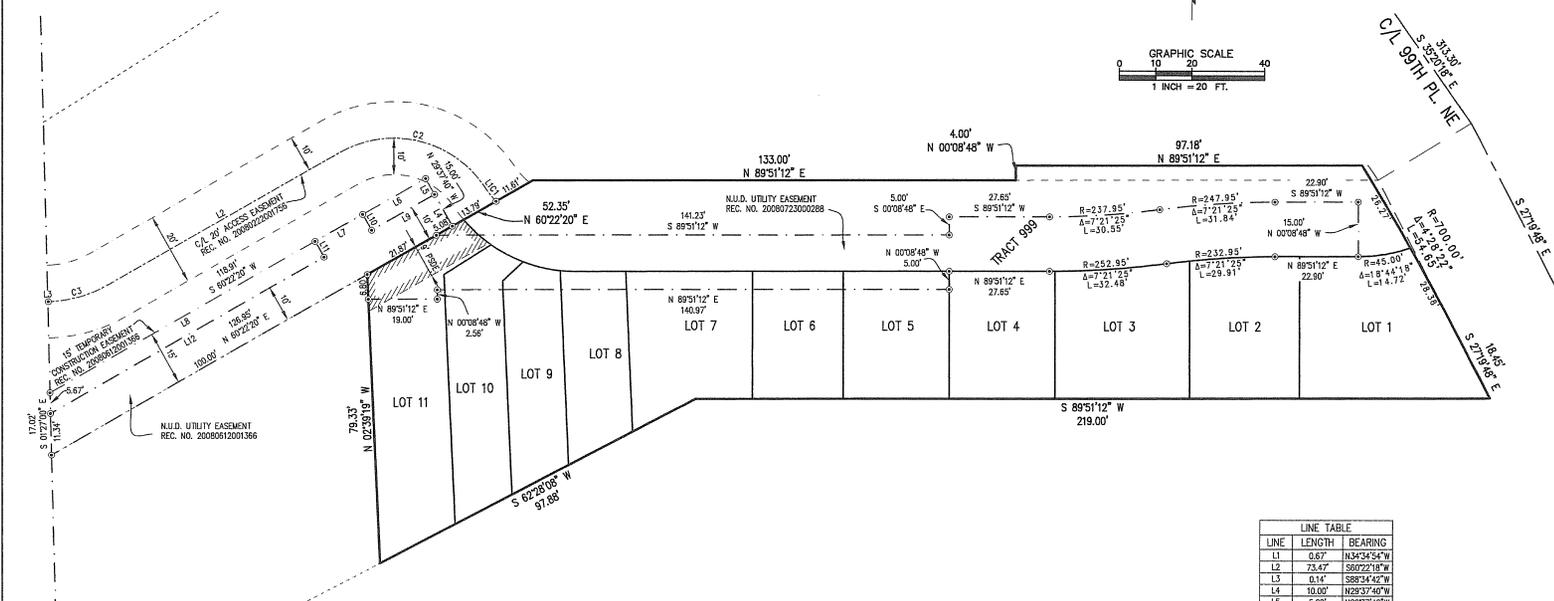
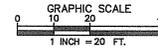
DRS D.R. STRONG CONSULTING ENGINEERS
 ENGINEERS PLANNERS SURVEYORS
 10894 NE 38th PLACE, SUITE 101
 KIRKLAND, WA 98033
 425.827.3063 OFFICE
 800.962.1402 TOLL FREE
 425.827.2423 FAX
 www.drstrong.com

10894 NE 38th PLACE, SUITE 101, KIRKLAND, WA 98033
 425.827.3063 OFFICE
 800.962.1402 TOLL FREE
 425.827.2423 FAX
 www.drstrong.com

JUANITA BAY TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,
KING COUNTY, WASHINGTON

CITY OF KIRKLAND
FILE NO. FSB08-00001



LEGEND:

- {123.45}RECORD DATA AS PER SURVEY REFERENCE #1
- {123.45}RECORD DATA AS PER SURVEY REFERENCE #2
- ⊙MONUMENT FOUND AS NOTED
-REBAR & CAP FOUND AS NOTED
- ⊙SET REBAR & CAP, LS 34134 OR LS 38016
- ⊙CALCULATED POSITION, NOT SET OR FOUND
- ⊕SECTION
- ⊕SECTION CORNER
- ▨PSDE

ABBREVIATIONS:

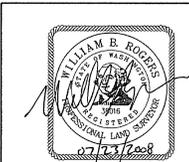
- AFN AUDITOR'S FILE NUMBER
- C/L CENTERLINE
- LS LICENSED SURVEYOR
- NTS NOT TO SCALE
- R/W RIGHT OF WAY
- W.M. WILLAMETTE MERIDIAN
- P.I. POINT OF INTERSECTION
- S.F. SQUARE FEET
- AC. ACREAGE
- (R) RADIAL
- N.U.D. NORTSHORE UTILITY DISTRICT
- PSDE ... PRIVATE STORM DRAINAGE EASEMENT

EASEMENT NOTES:

A 9 FOOT WIDE PRIVATE STORM DRAINAGE EASEMENT OVER LOT 11 SHOWN HEREON CONTAINS A PRIVATE STORM DRAINAGE SYSTEM BENEFITING THE JUANITA BAY TOWNHOMES HOMEOWNERS ASSOCIATION.

LINE	LENGTH	BEARING
L1	0.67'	N34°34'54"W
L2	73.47'	S60°22'16"W
L3	0.14'	S89°24'42"W
L4	10.00'	N28°37'40"W
L5	5.00'	N28°37'40"W
L6	19.50'	S60°22'20"W
L7	19.50'	S60°22'20"W
L8	84.00'	S60°22'20"W
L9	19.50'	S60°22'20"W
L10	5.00'	N28°37'40"W
L11	5.00'	S28°37'40"E
L12	86.69'	S60°22'20"W

CURVE	LENGTH	RADIUS	DELTA
C1	4.83'	30.00'	87°19'52"
C2	44.53'	30.00'	87°02'48"
C3	17.23'	35.00'	281°22'24"



JUANITA BAY TOWNHOMES
NE 1/4, NE 1/4, SEC 31, T.26 N, R.5 E., W.M.

DWN. BY: EJV DATE: 7.23.2008 JOB NO.: 06019.800
CHKD. BY: WBR SCALE: 1" = 20' SHEET: 6 OF 7

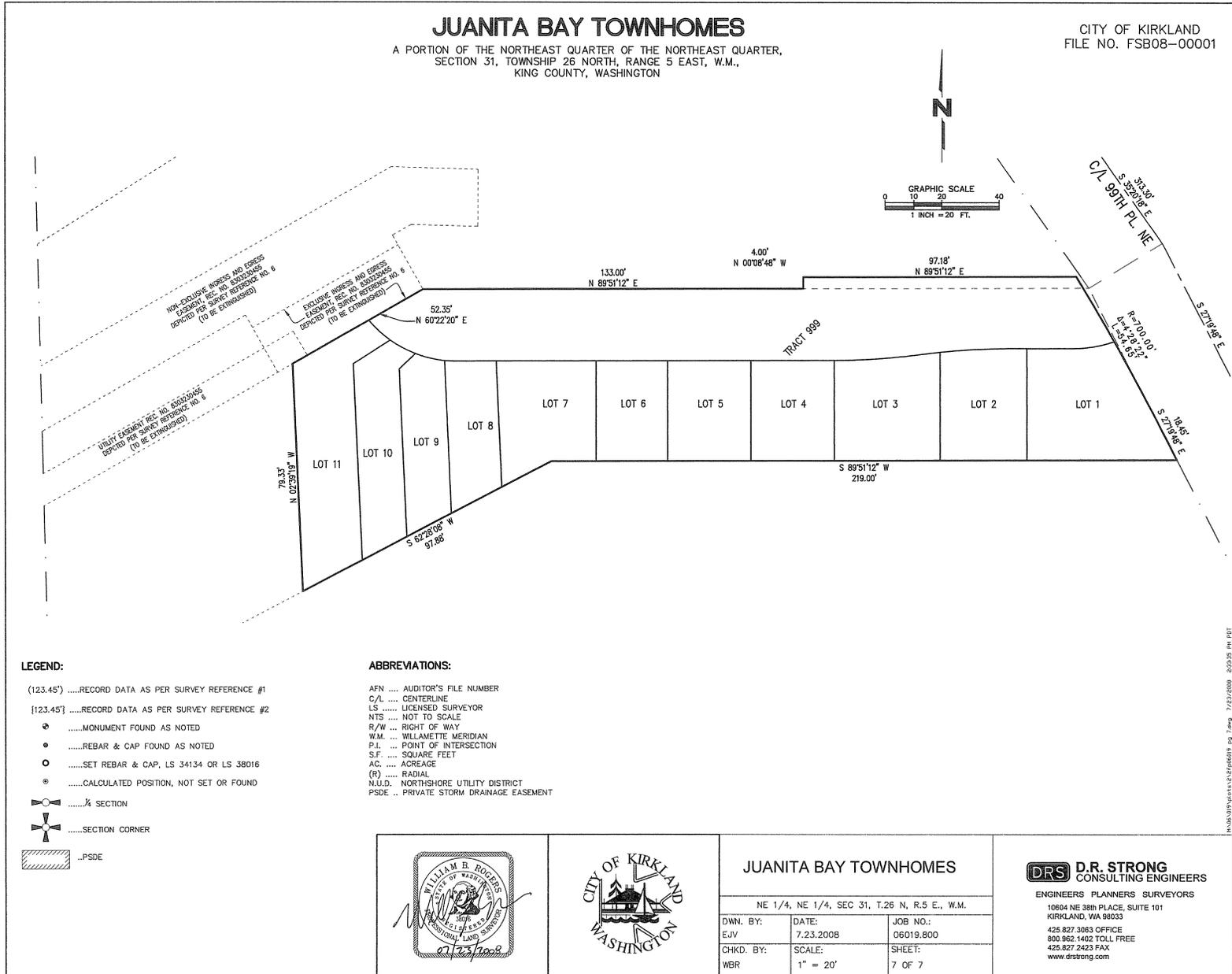
DRS D.R. STRONG CONSULTING ENGINEERS
ENGINEERS PLANNERS SURVEYORS
10804 NE 38th PLACE, SUITE 101
KIRKLAND, WA 98033
425 827 3063 OFFICE
800 962 1402 TOLL FREE
425 827 2423 FAX
www.drsstrong.com

P:\06\08\Projects\KIRKLAND\FSB08-00001.dwg 7/23/2008 8:50am Pw: P11

JUANITA BAY TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,
SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,
KING COUNTY, WASHINGTON

CITY OF KIRKLAND
FILE NO. FSB08-00001

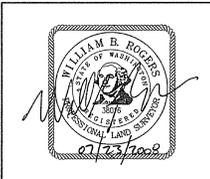


LEGEND:

- (123.45')RECORD DATA AS PER SURVEY REFERENCE #1
- {123.45'}RECORD DATA AS PER SURVEY REFERENCE #2
- ⊕MONUMENT FOUND AS NOTED
-REBAR & CAP FOUND AS NOTED
-SET REBAR & CAP, LS 34134 OR LS 38016
- ⊙CALCULATED POSITION, NOT SET OR FOUND
- ⊕SECTION
- ⊕SECTION CORNER
- ▨PSDE

ABBREVIATIONS:

- AFN AUDITOR'S FILE NUMBER
- C/L CENTERLINE
- LS LICENSED SURVEYOR
- NTS NOT TO SCALE
- R/W ... RIGHT OF WAY
- W.M. ... WILLAMETTE MERIDIAN
- P.I. ... POINT OF INTERSECTION
- S.F. SQUARE FEET
- AC. ACREAGE
- (R) RADIAL
- N.U.D. ... NORTHSHORE UTILITY DISTRICT
- PSDE ... PRIVATE STORM DRAINAGE EASEMENT



JUANITA BAY TOWNHOMES		
NE 1/4, NE 1/4, SEC 31, T.26 N, R.5 E., W.M.		
DWN. BY:	DATE:	JOB NO.:
EJV	7.23.2008	06019.800
CHKD. BY:	SCALE:	SHEET:
WBR	1" = 20'	7 OF 7

DRS D.R. STRONG
CONSULTING ENGINEERS

ENGINEERS PLANNERS SURVEYORS

10604 NE 38th PLACE, SUITE 101
KIRKLAND, WA 98033

425.827.3083 OFFICE
800.962.1402 TOLL FREE
425.827.2423 FAX
www.drstrong.com

IN:\AS\DRS\JUANITA\N\31\060419.DWG 7/23/2008 8:00:58 AM PRT

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

APPLICANT: Steve Smith Development, Property Owner

FILE NO.: PSB06-00001, APL07-00005

SITE LOCATION: 11444 98th Avenue NE and 11435 99th Pl. NE

APPLICATION: Proposal to subdivide two existing parcels (.44 acres) into 11 separate parcels within the Juanita Business District (JBD) 2 Zone (no minimum lot size for attached residential units).

REVIEW PROCESS: Preliminary Subdivision process pursuant to Chapter 22.12. KMC and Process IIA; Hearing Examiner holds public hearing and makes final decision on preliminary plat. An Appeal of the Director's SEPA determination is decided by the Hearing Examiner in accordance with KMC 24.02.105.

MAJOR ISSUES: The major issues are compliance with applicable subdivision criteria, including consistency with development regulations. A SEPA appeal was filed by Columbia Athletic Clubs, Inc. The appeal was withdrawn by the Appellant, and is dismissed as part of this decision.

RECOMMENDATION:

Department of Planning and Community Development: Approve with conditions

PUBLIC HEARING:

After reviewing the Department of Planning and Community Development Advisory Report, the Hearing Examiner held a public hearing on the SEPA appeal and the preliminary subdivision application. The hearing commenced at 11:15 a.m. July 19, 2007, in City Council Chambers, 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. At the request of the parties, the SEPA appeal hearing was continued to July 31, 2007 and the record held open. On July 30, 2007, the Appellant withdrew its appeal, indicating that it had reached a settlement with the applicant. The appeal was therefore dismissed and the hearing was stricken.

The following persons spoke at the public hearing:

From the City: Tony Leavitt, Project Planner

From the Applicant: James Barnett
John Sullivan

From the Community: James Fitzgerald, attorney for
SEPA Appellant, Columbia Athletic Clubs, Inc.

CORRESPONDENCE:

The following persons submitted written comments on this application:

Jan Jordan (for Michaels The Arts and Crafts Store)
James Fitzgerald (for Columbia Athletic Clubs, Inc.)

FINDINGS AND CONCLUSIONS

After considering the evidence in the record and inspecting the site on July 19, 2007, the Hearing Examiner enters the following findings of fact and conclusions.

A. Findings of Fact

1. The site consists of two parcels which total 19,800 square feet (.44 acres). The site is zoned Juanita Business District (JBD) 2 (no minimum lot size for attached residential units). Two structures at the site, an office structure and a single family residential structure, would be removed as part of the proposal.
2. At this time, the access to the residential structure is from 99th Place NE., and access to the office structure is from 98th Avenue NE via an access easement.
3. The site has a significant downward slope on its eastern half, and levels out on the western half. There are two significant trees on the site.
4. The zoning to the north, south and west is JBD 2, while property to the east is zoned RM 2.4. Development in the vicinity includes the Columbia Athletic Club building and an associated parking lot to the north; the Juanita Veterinary Hospital to the south and a vacant parcel to the southeast; a three-story condominium development to the east; and a parking lot to the west. Juanita Bay Park is located on the west side of NE 98th Street.
5. The property is within the South Juanita neighborhood. The South Juanita Neighborhood Land Use Map designates the subject property for commercial uses; the Comprehensive Plan provides that “commercial” may include multifamily uses.

6. The proposal is to subdivide the two parcels into 11 lots that will be developed with townhome units. The townhomes have been approved as part of Design Review Board File No. DRC06-00004.
7. Primary vehicular access for each lot will be provided via an access tract connecting directly to 99th Place NE, with emergency vehicle access via an existing private access easement to 98th Avenue NE. Access would consist of a minimum width of 20 feet of unobstructed paved surface within the 25-foot wide access easement. The private access easement runs across the southwest corner of property belonging to the Columbia Athletic Club.
8. The applicant has submitted a Tree Plan II identifying two significant trees on the subject property. These trees would be removed as part of the development.
9. The proposed townhome development was reviewed for concurrency by the City's Public Works Department and has passed the concurrency test for traffic.
10. The Public Works Department has concluded that there is adequate water and sewer capacity to serve the proposed development, and has identified conditions of approval for the plat. The Fire Department and PCD have also recommended approval, subject to certain conditions and applicable Codes.
11. Attachment 3 to the PCD Advisory Report identifies the conditions and standards that will apply to the proposed subdivision and/or development, in addition to other Code requirements that may apply.
12. The Director reviewed the proposal pursuant to SEPA, and issued a Determination of Nonsignificance (DNS) on June 13, 2007. The DNS was appealed by Appellant Columbia Athletic Clubs, Inc., on June 27, 2007.
13. The Appellant withdrew its SEPA appeal on July 30, 2007.
14. KMC 22.12.230 states that the Hearing Examiner may approve a preliminary plat only if *“(1) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and (2) It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Hearing Examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.”*
15. KZC 150.65 provides that the Hearing Examiner may approve a preliminary plat if it is consistent with all applicable development regulations, and in the absence of applicable development regulations, the Comprehensive Plan.

B. Conclusions

SEPA Appeal

1. The SEPA appeal was withdrawn by the Appellant on July 30, 2007, and should therefore be dismissed.

Preliminary subdivision

2. The proposed preliminary subdivision, as conditioned by the requirements set out in Attachment 3 to the Advisory Report, would meet the applicable development regulations and be consistent with the applicable portions of the Comprehensive Plan.

3. The plat will make adequate provisions for open space, drainage ways, rights-of-way, easements, water supplied, sanitary waste, power service, parks, playgrounds and schools, will serve the public use and interest, and will be consistent with the public health, safety and welfare.

4. The proposed plat meets the criteria of KMC 22.12.230 and KZC 150.65, and should be approved subject to the recommended conditions.

DECISION

Preliminary Subdivision: Based upon the foregoing findings of fact and conclusions, the preliminary plat is approved subject to the conditions set forth in Attachment 3 to the Advisory Report.

SEPA Appeal: The appeal is hereby dismissed.

Entered this 31st day of July, 2007.

Anne Watanabe
Hearing Examiner

EXHIBITS

The following exhibits were offered and entered into the record:

Planning and Community Development Staff Advisory Report

Attachments:

1. Vicinity Map
2. Development Plans
3. Development Standards
4. Letter from Michael's Craft Store, dated April 16, 2007
5. Letter from James S. Fitzgerald, dated April 19, 2007
6. SEPA Determination, Memo and Enclosures
7. SEPA Appeal letter from James S. Fitzgerald dated June 27, 2007
8. South Juanita Neighborhood Land Use Map

PARTIES OF RECORD

Applicant, Steve Smith Development, 9500 Roosevelt Way NE #300, Seattle, WA 98115
James Fitzgerald (on behalf of Columbia Athletic Clubs, Inc.) P.O. Box 908, Kirkland, WA 98083

Jan Jordan, Lease Compliance Administrator for Michael's Craft Store, 8000 Bent Branch Drive, Irving, TX 75063

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services

APPEALS 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.

Appeal to City Council:

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

Judicial Review:

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

LAPSE OF APPROVAL

Under Section 22.16.130 of the Subdivision Ordinance, the owner must submit a final plat application to the Planning Department, meeting the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within four (4) years following the date the preliminary plat was approved or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

**ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

To: Kirkland Hearing Examiner

From: _____ Tony Leavitt, Associate Planner

_____ Paul Stewart, AICP, Deputy Planning Director

Date: July 11, 2007

File: JUANITA BAY TOWNHOMES PRELIMINARY SUBDIVISION (PSB06-00001) AND SEPA APPEAL (APL07-00005)

Hearing Date and Place: July 19, 2007
City Hall Council Chamber
123 Fifth Avenue, Kirkland

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
I. INTRODUCTION	2
A. APPLICATION	2
B. RECOMMENDATIONS	2
II. FINDINGS OF FACT AND CONCLUSIONS	3
A. SITE DESCRIPTION	3
B. HISTORY	4
C. PUBLIC COMMENT	4
D. STATE ENVIRONMENTAL POLICY ACT (SEPA)	4
E. CONCURRENCY	6
F. APPROVAL CRITERIA	6
G. DEVELOPMENT REGULATIONS	7
H. COMPREHENSIVE PLAN	8
I. DEVELOPMENT STANDARDS	8
III. SUBSEQUENT MODIFICATIONS	8
IV. APPEALS AND JUDICIAL REVIEW	8
A. APPEALS	8
B. JUDICIAL REVIEW	8
V. LAPSE OF APPROVAL	8
VI. APPENDICES	9
VII. PARTIES OF RECORD	9

I. INTRODUCTION

A. APPLICATION

1. Applicant: Steve Smith Development, Property Owner
2. Site Location: 11444 98th Avenue NE and 11435 99th Place NE (see Attachment 1)
3. Request: Proposal to subdivide two existing parcels (.44 total acres) into 11 separate parcels within the Juanita Business District (JBD) 2 Zone (no minimum lot size for attached residential units) (see Attachment 2). The new lots will be developed with the townhome units that were approved as part of Design Review Board File No. DRC06-00004. Primary vehicular access for each lot will be provided via an access tract that connects directly to 99th Place NE. Emergency vehicle and secondary access will be provided to and from 98th Avenue NE via an existing private vehicular access easement.
4. Review Process:
 - a. Preliminary Subdivision: Hearing Examiner conducts public hearing and makes final decision.
 - b. SEPA Appeal: Pursuant to Kirkland Municipal Code Section 24.02.105 the SEPA appeal hearing will be conducted by the Hearing Examiner and combined with the public hearing for the Preliminary Subdivision. The Hearing Examiner will make the final decision on the SEPA appeal (see Section II. D).
5. Summary of Key Issues:
 - SEPA Determination of Nonsignificance Appeal Consideration (see Section II.D). The appeal relates to potential traffic impacts from the applicant's plan to use an existing access easement to 98th Avenue NE and offsite grading work.
 - Compliance with Kirkland Municipal and Zoning Code Approval Criteria (see Section II.F).

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 condition:

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 3, 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 3, the condition of approval shall be followed.

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:
 - a. Facts:
 - (1) Size: 19,800 square feet (.44 acres)
 - (2) Land Use: The subject property contains an office structure on the western most parcel and a single family residential structure on the eastern most parcel. These structures are proposed to be removed as part of the proposal.
 - (3) Zoning: Juanita Business District (JBD) 2 Zone (no minimum lot size for attached residential units)
 - (4) Terrain: The site has a significant downward slope on the eastern half of the property and levels out on the western half of the property.
 - (5) Vegetation: The subject property contains a total of 2 significant trees.
 - b. Conclusions: Size, land use, zoning, terrain, and vegetation are not constraining factors in the review of this application.
2. Neighboring Development and Zoning:
 - a. Facts: The following are the uses, allowed heights, and zoning of the properties adjacent to the subject property:

North: JBD 2 Zone. The property to the north contains the Columbia Athletic Club building and an associated parking lot.

East: RM 2.4 Zone. A 3 story multi family development, The Hallmark Juanita Condominiums, currently exists on the site.

South: JBD 2 Zone. The property to the southwest contains the Juanita Veterinary Hospital and the property to the southeast is vacant.

West: JBD 2 Zone. The property immediately to the west contains a parking lot owned by the owners of the Juanita Veterinary Hospital property. On the west side of NE 98th Street is Juanita Bay Park.
 - b. Conclusion: The neighboring development and zoning are not factors in the review of this application. Columbia Athletic Club has filed a SEPA Appeal related to the use of private vehicular access easement that is located on their property. The SEPA Appeal is discussed in Section II.D.

B. HISTORY

In August of 2006, the applicant applied for Design Board Review of the proposed townhome structures. The Design Review Board approved the project, subject to conditions, on November 6th, 2006.

C. PUBLIC COMMENT

Facts: The initial public comment period for this application started on March 29, 2007 and ended on April 19, 2007. Two public comment letters were received (see Attachments 4 and 5). The issues raised in the letter along with staff responses follow:

- Construction Impacts

One neighbor is concerned that construction of the proposed project could impact NE 116th Street.

Staff Response: The subject property is not located on NE 116th Street, so any potential impacts to this street will be minimal.

- Vehicular Access Easement Impacts

The property owner to the north of subject property requests that the City require that the applicant install a gate across the existing private vehicular access easement to 98th Avenue NE in order to restrict use of the access easement to emergency vehicles only.

Staff Response: Staff addresses the vehicular access easement in Section II.D.

D. STATE ENVIRONMENTAL POLICY ACT (SEPA)

1. SEPA Threshold Determination

a. Facts:

- (1) A Determination of Nonsignificance (DNS) was issued on June 13, 2007. The Environmental Checklist, Determination, and additional environmental information are included as Attachment 5.
- (2) A timely appeal of the SEPA Determination was filed on June 27, 2007 by the Jim Fitzgerald representing Columbia Athletic Clubs, Inc. (see Attachment 7).
- (3) The Hearing Examiner will conduct a public hearing on the SEPA appeal concurrently with the public hearing for this permit application on July 19, 2007.
- (4) The Hearing Examiner will consider the appeal and the testimony received during the public hearing in making her decision to either: affirm the decision being appealed; reverse the decision being appealed; or modify the decision being appealed. Within eight calendar days after the public hearing, the hearing body will issue a written decision on the appeal.

- b. Conclusion: Once the Hearing Examiner issues a decision on the appeal of the SEPA Determination of Non-Significance, the City and the applicant will have satisfied the requirements of SEPA.

2. SEPA Appeal

a. Facts:

- (1) KMC Section 24.02.105.b establishes the following parties as able to appeal the SEPA determination: The applicant or proponent; any agency with jurisdiction, any individual or other entity who is specifically and directly affected by the proposed action.
- (2) KMC Section 24.02.105.g.2 states that only those persons entitled to appeal the threshold determination may participate in the appeal.
- (3) KMC Section 24.02.105.i of the Kirkland Municipal Code relating to SEPA states that:
 - The matters to be considered and decided upon in the appeal are limited to the matters raised in the notice of appeal.
 - The decision of the responsible official shall be accorded substantial weight.
 - All testimony will be taken under oath.
 - The decision of the hearing body hearing the appeal shall be the final decision on any appeal of a threshold determination including a Determination of Nonsignificance.
- (4) The appellants claim in their letter of appeal that the SEPA Determination ignores or fails to take proper account of probable significant adverse environmental impacts, specifically traffic impacts, from the applicant's plan to use an existing access easement to 98th Avenue NE. The appellants also object to any grading work on their property without prior approval.
- (5) The applicant intends to use the existing private vehicular access easement for emergency vehicle and secondary access to and from 98th Avenue NE. The private vehicular access easement runs across the southwest corner of the appellant's property (see Attachment 2).
- (6) The appellants claim that the use of the existing private vehicular access easement is limited and that the easement may not be used as proposed by the applicant.
- (7) The appellant requests that a condition be imposed on the project that requires that a fence and gate be placed along the common boundary between the appellant's property and the subject property. The gate would be located across the access easement and restrict access to emergency vehicles only.
- (8) The Public Works Department reviewed the Concurrency Management Review Application for the proposed development and concluded that

the project will not have a negative traffic impact on existing public facilities.

- (9) The existing vehicular access easement is a private easement and the use of the easement is not regulated by the City of Kirkland.
- (10) Potential grading work on the appellants' property is a private issue as City issued permits do not authorize offsite work. As a result, the applicant would need secure approval from the Columbia Athletic Club for any work on their property.

b. Conclusions:

- (1) Absent identification of probable significant adverse environmental impacts, Staff has concluded that the City does not have the authority to restrict use of the private vehicular access easement by requiring that the applicant install an emergency vehicle access gate (see Attachment 6, SEPA Determination Memo).
- (2) As noted above, Staff has not identified negative traffic impacts and is not requiring access restrictions.
- (3) Although the appeal includes a number of concerns regarding the use of the easement, none of them represent significant environmental impacts. Therefore, the decision by the responsible official to issue a DNS was appropriate.

E. CONCURRENCY

1. Facts: The Public Works Department has reviewed the application for concurrency. A concurrency test was passed for traffic on January 31, 2007 (see Enclosure 4 of Attachment 6) and for water and sewer on March 13, 2007 (see Attachment 3).
2. Conclusion: The proposal meets the City's concurrency requirements.

F. APPROVAL CRITERIA

1. Preliminary Subdivisions
 - a. Facts: Kirkland Municipal Code section 22.12.230 states that the Hearing Examiner may approve a proposed plat only if:
 - (1) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
 - (2) It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Hearing Examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code section 150.65 states that the Hearing Examiner may approve a proposed plat only if:

- (3) It is consistent with the 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.
- b. Conclusion: The proposal complies with Municipal Code section 22.12.230 and Zoning Code section 150.65. It is consistent with the Comprehensive Plan (see Section II H). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (see Sections 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 create infill residential development while meeting the goals of the Comprehensive Plan for the South Juanita neighborhood.

G. DEVELOPMENT REGULATIONS

1. Vehicular Access Easements or Tracts
 - a. Facts: Municipal Code sections 22.28.110 and 22.28.130 establish that if vehicular access within the plat is provided by means other than rights-of-way, the plat must establish easements or tracts, compliant with Zoning Code Section 105.10, which will provide the legal right of access to each of the lots served.
 - (1) Zoning Code section 105.10 establishes dimensional standards for vehicular access easements and tracts. For the proposed use, the minimum standard is 20 feet of unobstructed paved surface within a 20 foot wide easement or tract.
 - (2) The project includes a proposed vehicular access easement that will be 25 feet wide with a 20 foot wide unobstructed paved surface.
 - b. Conclusion: The proposed vehicular access tract complies with section 105.10.
2. Natural Features - Significant Vegetation
 - a. Facts:
 - (1) Regulations regarding the retention of trees can be found in Chapter 95 of the Kirkland Zoning Code. KZC Section 95.35.2.b.2 requires that a Tree Plan II be submitted for the project.
 - (2) The applicant has submitted a Tree Plan II that identifies two significant trees on the subject property. The applicant intends to remove these two significant trees based on the location of the proposed improvements.
 - b. Conclusions: The project complies with the requirements of KZC Section 95.35.2.b.2.

H. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the South Juanita neighborhood. The South Juanita Neighborhood Land Use Map designates the subject property for commercial uses (see Attachment 8). The Comprehensive Plan Glossary states that commercial may include multi-family uses.
2. Conclusion: The proposal is consistent with the land use designation indicated in the Comprehensive Plan.

I. DEVELOPMENT STANDARDS

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 3.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

III. SUBSEQUENT MODIFICATIONS

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

IV. APPEALS AND JUDICIAL REVIEW

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

A. APPEALS

1. Appeal to City Council:

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

B. JUDICIAL REVIEW

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

V. LAPSE OF APPROVAL

Under Section 22.16.130 of the Subdivision Ordinance, the owner must submit a final plat application to the Planning Department, meeting the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within four years following the date the preliminary plat was approved or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

VI. APPENDICES

Attachments 1 through 8 are attached.

1. Vicinity Map
2. Development Plans
3. Development Standards
4. Letter from Michael's Craft Store dated April 16, 2007
5. Letter from James S. Fitzgerald dated April 19, 2007
6. SEPA Determination, Memo, and Enclosures
7. SEPA Appeal Letter from James S. Fitzgerald dated June 27, 2007
8. South Juanita Neighborhood Land Use Map

VII. PARTIES OF RECORD

Applicant: Steve Smith Development, 9500 Roosevelt Way NE #300, Seattle, WA 98115

Party of Record: James Fitzgerald; Livengood, Fitzgerald, & Alskog; PO Box 908, Kirkland, WA 98083

Party of Record: Jan Jordan, Michael's Lease Compliance Administrator, 8000 Bent Branch Drive; Irving, TX 75063

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services

A written decision on the preliminary subdivision application and the SEPA appeal will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.

**Juanita Bay Townhomes
PSB06-00001**

JBD 2

JBD 4

RM 2.4

JBD 3

RM 3.6

11444 98th Avenue NE

98th Ave NE

100th

NE 116th St

NE

100th Ave NE

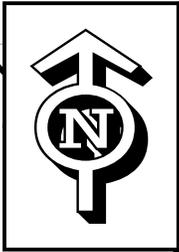
100th Ave NE

98th Ave NE

NE 113th St

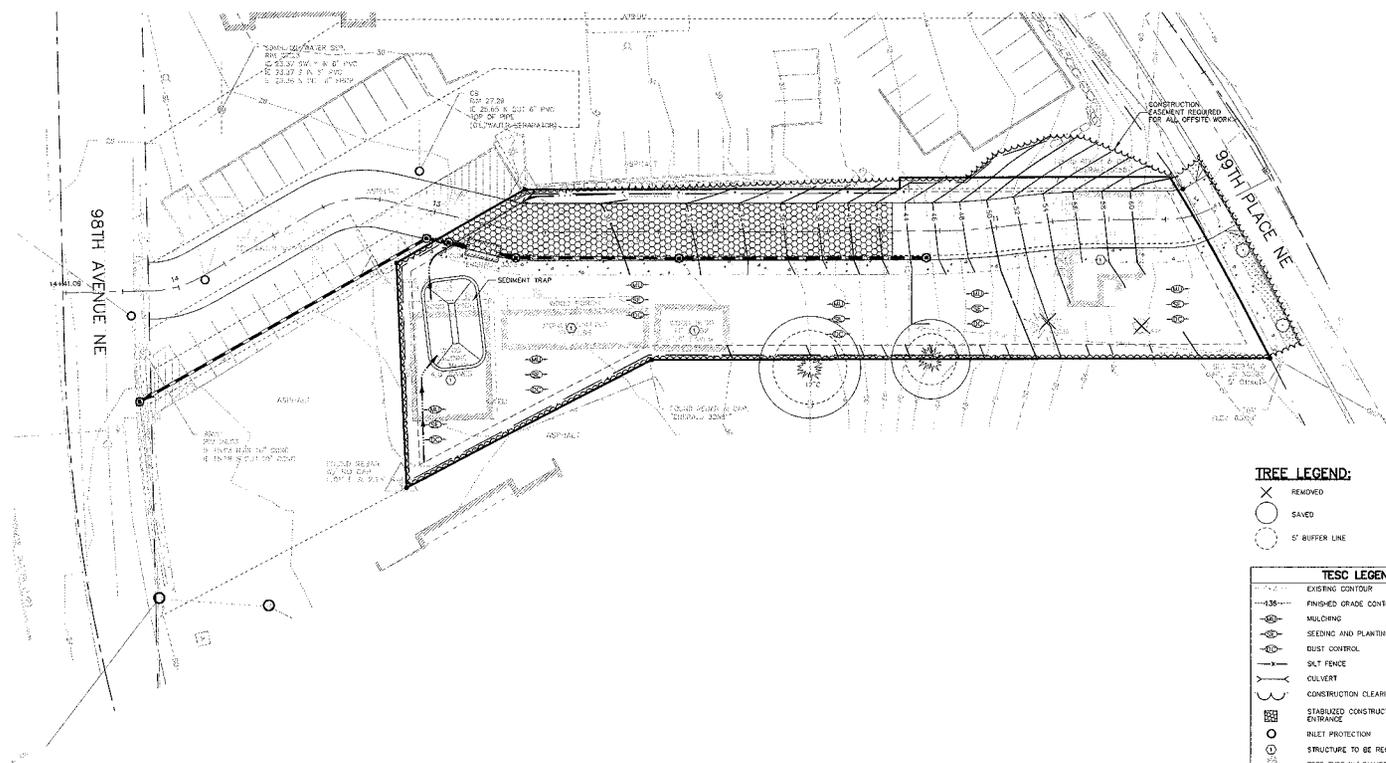
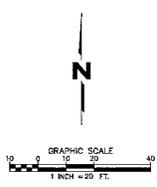
101st Ave NE

101st Ave



TREE DENSITY CALCULATION:

MIN. TREE DENSITY = 30 TREE CREDITS PER ACRE
 MIN. TREE DENSITY FOR SITE = 44x30 = 132 TREE CREDITS REQUIRED.
 SEE LANDSCAPE PLAN FOR TREE CREDIT REPLACEMENT DETAILS.



- TREE LEGEND:**
- ⊗ REMOVED
 - SAVED
 - 5' BUFFER LINE

- TESC LEGEND:**
- EXISTING CONTOUR
 - FINISHED GRADE CONTOUR
 - MULCHING
 - SEEDING AND PLANTING
 - DUST CONTROL
 - SALT FENCE
 - CULVERT
 - CONSTRUCTION CLEARING LIMITS
 - STABILIZED CONSTRUCTION ENTRANCE
 - INLET PROTECTION
 - STRUCTURE TO BE REMOVED
 - TREE TYPE W/ DIAMETER IN INCHES
 - SIGNIFICANT TREE TO BE REMOVED
 - SIGNIFICANT TREE TO BE RETAINED & SURROUNDING 9'-FT HIGH PROTECTIVE FENCE

CALL 48 HOURS BEFORE YOU DIG
 1-800-424-5555

JUANITA BAY TOWNHOMES
 PRELIMINARY PLAN
 PRELIMINARY TEMPORARY EROSION AND SEDIMENT CONTROL PLAN
 KIRKLAND, WASHINGTON

STEVE SMITH DEVELOPMENT
 9500 ROOSEVELT WAY NE STE 300
 SEATTLE, WASHINGTON 98115
 (206) 214-8882

DRS D.R. STRONG CONSULTING ENGINEERS
 ENGINEERS PLANNERS SURVEYORS
 10604 NE 38th PLACE, SUITE 101
 KIRKLAND, WA 98033
 425.827.3003 OFFICE
 800.956.4603 TOLL FREE
 425.827.2403 FAX
 WWW.DRS-ENG.COM



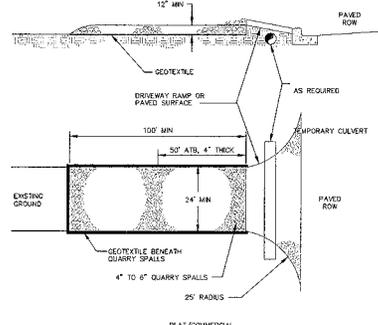
DATE	REVISION	REV. PERIOD COMMENTS DRAWN BY
03/20/07		

DRAFTED BY: MBM
 DESIGNED BY: JAB
 PROJECT ENGINEER: RDO
 DATE: 11-20-06
 PROJECT NO.: 06010
 SHEET C3 OF 7

M:\05\017\0004\017\000-308510.dwg 2/20/2007 11:44:37 AM PST
 COPYRIGHT © 2006, D.R. STRONG CONSULTING ENGINEERS INC.

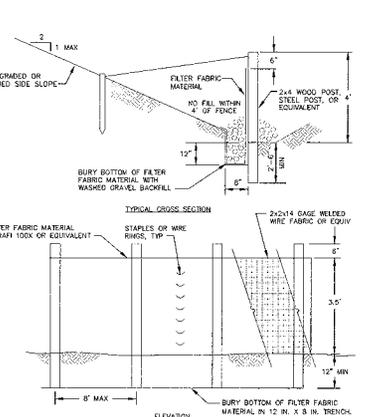
TEMPORARY EROSION AND SEDIMENT CONTROL PLAN NOTES:

1. THE APPROVED CONSTRUCTION SEQUENCE SHALL BE AS FOLLOWS:
 - A. CONVEY PRE-CONSTRUCTION MEETING.
 - B. FLAG OR FENCE CLEARING LIMITS.
 - C. POST SIGN WITH NAME AND PHONE NUMBER OF TESCO SUPERVISOR.
 - D. INSTALL CATCH BASIN COLLECTION IF REQUIRED.
 - E. GRADE AND INITIAL CONSTRUCTION ENTRANCE(S).
 - F. INSTALL PERMITS PROTECTION (SILT FENCE, BRUSH BARRIERS, ETC.).
 - G. COMPLETE SEDIMENT FENCES AND TRAPS.
 - H. GRADE AND STABILIZE CONSTRUCTION SITES.
 - I. CONSTRUCT SURFACE WATER CONTROLS (INTERCEPTOR DIKES, PIPE SLOPE GRABS, ETC.) WHERE APPLICABLE.
 - J. MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH PROJECT DEVELOPMENT.
 - K. MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH CITY OF KIRKLAND STANDARDS AND MANUFACTURER'S RECOMMENDATIONS.
 - L. RELOCATE EROSION CONTROL MEASURES OR INSTALL NEW MEASURES SO THAT AS SITE CONDITIONS CHANGE THE EROSION AND SEDIMENT CONTROL IS ALWAYS IN ACCORDANCE WITH THE CITY TESCO MINIMUM REQUIREMENTS.
 - M. COVER ALL AREAS WITHIN THE SPECIFIED TIME FRAME WITH STRAW, WOOD FIBER MULCH, COMPOST, PLASTIC SHEETING, COVER ROOF OR EQUIVALENT.
 - N. STABILIZE ALL AREAS THAT REACH FINAL GRADE WITHIN 7 DAYS.
 - O. SEED OR SOO ANY AREAS TO REMAIN UNBUILT FOR MORE THAN 30 DAYS.
 - P. UPON COMPLETION OF THE PROJECT, ALL DISTURBED AREAS MUST BE STABILIZED AND BEST MANAGEMENT PRACTICES RESUMED IF APPLICABLE.
2. APPROVAL OF THIS EROSION/SEDIMENTATION CONTROL (ESC) PLAN DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROAD OR DRAINAGE DESIGN OR SIZE, LOCATION OR LOCATION OF ROADS, PIPES, RESTRICTIONS, CHANNELS, RETENTION FACILITIES, UTILITIES, ETC.)
3. THE IMPLEMENTATION OF THIS ESC PLAN AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADES OF THESE ESC FACILITIES IS THE RESPONSIBILITY OF THE PERMITS/CONTRACTOR UNTIL ALL CONSTRUCTION IS APPROVED.
4. THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN SHALL BE SET BY SURVEY AND CLEARLY FLAGGED IN THE FIELD BY A CLEARING SURVEYOR BEFORE ANY CONSTRUCTION DURING THE CONSTRUCTION PERIOD. NO DISTURBANCE OR REMOVAL OF ANY DRAINAGE COVER BEYOND THE FLAGGED CLEARING LIMITS SHALL BE PERMITTED. THE FLAGGING SHALL BE MAINTAINED BY THE PERMITS/CONTRACTOR FOR THE DURATION OF CONSTRUCTION.
5. THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED PRIOR TO OR IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT-LOADED WATER DOES NOT ENTER THE DRAINAGE SYSTEM OR VIOLATE APPLICABLE WATER STANDARDS. WHEREVER POSSIBLE, MAINTAIN NATURAL VEGETATION FOR SILT CONTROL.
6. THE ESC FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS DURING THE CONSTRUCTION PERIOD. THESE ESC FACILITIES SHALL BE UPGRADED (E.G., ADDITIONAL SLOTTED, REDUCTION OF GOTES AND SILT FENCES, ETC.) AS NEEDED FOR UNEXPECTED STORM EVENTS. ADDITIONALLY, MORE ESC FACILITIES MAY BE REQUIRED TO ENSURE COMPLETE SILTATION CONTROL. BEFORE ANY UPGRADE OF CONSTRUCTION IT SHALL BE THE OBLIGATION AND RESPONSIBILITY OF THE CONTRACTOR TO ADDRESS ANY NEW CONDITIONS THAT MAY BE CREATED BY HIS ACTIVITIES AND TO PROVIDE ADDITIONAL FACILITIES OVER AND ABOVE THE MINIMUM REQUIREMENTS AS MAY BE NEEDED.
7. THE ESC FACILITIES SHALL BE INSPECTED BY THE PERMITS/CONTRACTOR DAILY DURING NON-RAINFALL PERIODS. EVERY HOUR (AFTERNOON) DURING A RAINFALL EVENT AND AT THE END OF EVERY RAINFALL, AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONALITY. IN ADDITION, TEMPORARY SILTATION FENCES AND ALL TEMPORARY SILTATION CONTROLS SHALL BE MAINTAINED IN A SATISFACTORY CONDITION UNTIL SUCH TIME THAT CLEARING AND/OR CONSTRUCTION IS COMPLETE. PERMANENT DRAINAGE FACILITIES AT OPENING AND CLOSING PERIODS SHALL BE MAINTAINED IN A SATISFACTORY CONDITION. WRITTEN RECORDS SHALL BE KEPT DURING THE DURATION OF THE ESC FACILITIES.
8. ALL ESC FACILITIES SHALL BE INSPECTED AND MAINTAINED AT A MINIMUM OF ONCE A MONTH OR WITHIN 48 HOURS FOLLOWING A STORM EVENT.
9. ALL REMOVED SOILS MUST BE STABILIZED WITH AN APPROVED BEST METHOD (E.G., SEEDING, MULCHING, PLASTIC COVERING, CRUSHED ROCK) WITHIN THE FOLLOWING TIMELINES:
 - A. 15 DAYS FOR AREAS TO BE STABILIZED WITHIN 7 DAYS OF GRADING.
 - B. 15 NOVEMBER 1 TO MARCH 31 - SOILS MUST BE STABILIZED WITHIN 2 DAYS OF GRADING.
 - C. 15 APRIL TO THE SHOWN END OF CONSTRUCTION. SOILS MUST BE STABILIZED WITHIN A CATCH BASIN, ALL CATCH BASINS AND CONVEYANCE LINES SHALL BE CLEANED PRIOR TO FINISHING. THE CLEANING OPERATION SHALL NOT FLUSH SEDIMENT-LOADED WATER INTO THE DOWNSTREAM SYSTEM.
10. STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES, SUCH AS WASH BASINS, MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
11. ANY PERMANENT RECONSTRUCTION FACILITY IN THE PERMANENT FACILITY IS TO FINISH:
 - A. ULTIMATELY AS AN INFILTRATION OR DISPERSION SYSTEM, THE FACILITY SHALL NOT BE USED AS A TEMPORARY SETTLING BASIN, NO INTERCEPTOR TANK, INTERCEPTOR VALVE, OR SYSTEM INCH BAGS UNDER OR INTO A POND SHALL BE USED AS A TEMPORARY SETTLING BASIN.
 - B. WHERE SEEDING FOR TEMPORARY EROSION CONTROL IS REQUIRED, FAST GERMINATING GRASSES SHALL BE APPLIED AT AN APPROPRIATE RATE (EXAMPLE: ANNUAL OR PERENNIAL RYE APPLIED AT APPROXIMATELY 80 POUNDS PER ACRE).
 - C. WHERE STRAW MULCH IS REQUIRED FOR TEMPORARY EROSION CONTROL, IT SHALL BE APPLIED AT A MINIMUM THICKNESS OF 2".
 - D. ALL EROSION/SEDIMENTATION CONTROL PONDS WITH A DEAD STORAGE DEPTH EXCEEDING 6" MUST HAVE A PERMITS FENCE WITH A MINIMUM HEIGHT OF 3".
 - E. ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH CITY OF KIRKLAND STANDARDS AND SPECIFICATIONS.
 - F. THE ESC FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DETAILS ON THE APPROVED PLANS. LOCATIONS MAY BE MOVED TO SUIT FIELD CONDITIONS, SUBJECT TO APPROVAL BY THE ENGINEER AND THE CITY OF KIRKLAND INSPECTOR.
 - G. A COPY OF THE APPROVED EROSION CONTROL PLANS MUST BE ON THE JOB SITE WHENEVER CONSTRUCTION IS IN PROGRESS.
12. ALL LOTS ADDING OR HAVING ANY NATIVE GROWTH PROTECTION ELEMENTS (DISPS) SHALL HAVE A 4" HIGH TEMPORARY CONSTRUCTION FENCE (CYCLONE OR PLASTIC WIND) SEPARATING THE LOT (OR BUILDABLE PORTIONS OF THE LOT) FROM THE AREA RESTRICTED BY THE DISPS AND SHALL BE INSTALLED PRIOR TO ANY GRADING OR CLEARING AND REMAIN IN PLACE UNTIL A DOWELING IS CONSTRUCTED AND OWNERSHIP TRANSFERRED TO THE FIRST OWNER/OCCUPANT.
13. CLEARING LIMITS SHALL BE DELINEATED WITH A CLEARING CONTROL FENCE. THE CLEARING CONTROL FENCE SHALL CONSIST OF A 4'-11" HIGH CHAIN LINK FENCE ADJACENT TO THE DIRT LINE OF TREES TO BE SAVED, WETLAND OR STREAM BUFFERS, AND SENSITIVE SLOPES. CLEARING CONTROL FENCES ALONG WETLAND OR STREAM BUFFERS OR UPSTREAM OF SENSITIVE SLOPES SHALL BE ACCOMPANIED BY AN EROSION CONTROL FENCE. IF APPROVED BY THE CITY, A TOWEL-AND-ROPE CLEARING CONTROL FENCE MAY BE USED TO DELINEATE CLEARING LIMITS IN ALL OTHER AREAS.
14. OFF-SITE STREETS MUST BE KEPT CLEAN AT ALL TIMES IF DIRT IS DEPOSITED ON THE PUBLIC STREET SYSTEM. THE STREET SHALL BE IMMEDIATELY CLEANED WITH POWER SWEEPER OR OTHER EQUIPMENT. ALL VEHICLES SHALL LEAVE THE SITE BY WAY OF THE CONSTRUCTION ENTRANCE AND SHALL BE CLEANED OF ALL DIRT THAT WOULD BE DEPOSITED ON THE PUBLIC STREETS.
15. ALL CATCH BASINS COLLECTING RUNOFF FROM THE SITE, WHETHER THEY ARE ON OR OFF THE SITE, SHALL HAVE THEIR GRABBERS COVERED WITH FILTER FABRIC DURING CONSTRUCTION. CATCH BASINS EXCEPT THOSE LOCATED AT CONSTRUCTION ENTRANCE OR ANY OTHER CATCH BASIN AS DETERMINED BY THE CITY INSPECTOR SHALL BE PROTECTED WITH A "TRENCH FABRIC COVER" OR EQUIVALENT.
16. THE WASHED GRAVEL BACKFILL ADJACENT TO THE FILTER FABRIC FENCE SHALL BE REPAIRED AND THE FILTER FABRIC CLEANED IF IT IS NONFUNCTIONAL. ALSO, ALL INTERCEPTOR SMOLES SHALL BE CLEANED PRIOR TO THE ADOPTION OF THE ESC PLAN.
17. A ROCK FOR EROSION PROTECTION OF ROADWAY DITCHES, WHERE REQUIRED, MUST BE OF SOUND QUANTITY ROCK, 3/4" TO 1" IN SIZE, AND MUST MEET THE FOLLOWING SPECIFICATIONS: 4"-8" ROCK/40%-70% PASSING, 2"-4" ROCK/30%-40% PASSING, AND 1/2"-2" ROCK/5%-20% PASSING.
18. IF ANY PART(S) OF THE CLEARING LIMIT BOUNDARY OR TEMPORARY EROSION/SEDIMENTATION CONTROL PLAN IS/ARE DAMAGED, IT SHALL BE REPAIRED IMMEDIATELY.
19. ALL PRODUCTS ADJACENT TO THE PROJECT SITE SHALL BE PROTECTED FROM SEDIMENT DEPOSITION AND RUNOFF.
20. DO NOT FLUSH CONCRETE BY-PRODUCTS OR TRUCKS NEAR OR INTO THE STORM DRAINAGE SYSTEM, IF EROSION AGGREGATE IS FLUSHED INTO THE STORM SYSTEM, IT COULD LEAN BE CLEANING THE EXISTING CONSTRUCTION STORM SYSTEM, OR POSSIBLY RE-LOADING THE STORM LINE.
21. PRIOR TO THE OCTOBER 1 OF EACH YEAR (THE BEGINNING OF THE WET SEASON), ALL DISTURBED AREAS SHALL BE REVIEWED TO IDENTIFY WHICH DICES CAN BE SEEDED IN PREPARATION FOR THE WETTER PAGES. THE IDENTIFIED DISTURBED AREA SHALL BE SEEDED WITH ONE WEEK AFTER OCTOBER 1. A SITE PLAN IDENTIFYING THE AREAS TO BE SEEDED AND THE AREA TO BE MAINTAINED UNCOVERED SHALL BE SUBMITTED TO THE PUBLIC WORKS CONSTRUCTION INSPECTOR. THE INSPECTOR CAN REQUIRE SEEDING OF ADDITIONAL AREAS IN ORDER TO PROTECT SURFACE WATERS.



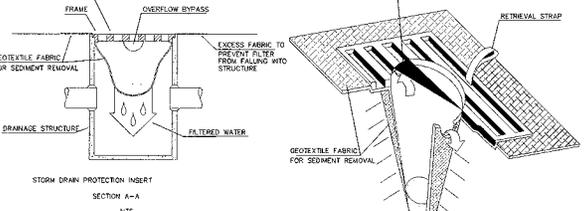
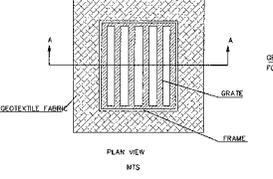
- NOTES**
1. PAD SHALL BE REMOVED AND REPLACED WHEN SOIL IS EXPOSED ON THE SURFACE OF THE PAD OR AS DIRECTED BY THE CITY CLEARING AND GRADING INSPECTOR.
 2. PAD SHALL BE INSTALLED IN PLANTING STRIP AS APPROPRIATE.
 3. PAD THICKNESS SHALL BE INCREASED IF SOIL CONDITIONS DICTATE AND/OR PER THE DIRECTION OF THE CITY CLEARING AND GRADING INSPECTOR.
 4. CONTRACTOR RESPONSIBLE FOR CURB & OUTER CONDITION.

STABILIZED CONSTRUCTION ENTRANCE CK E.02

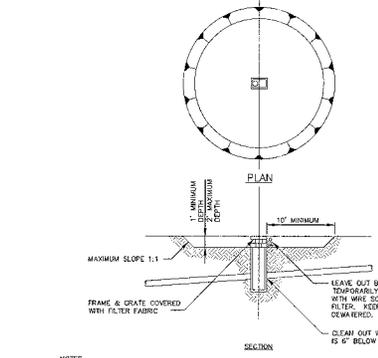


- NOTES**
1. PREFAB FENCE ALLOWED IF REINFORCED AND APPROVED BY THE CITY CLEARING AND GRADING INSPECTOR.
 2. FENCE SHALL NOT BE INSTALLED ON SLOPES STEEPER THAN 2:1.
 3. JOINTS IN FILTER FABRIC SHALL BE OVERLAPPED 6 INCHES AT POST.
 4. USE STRAP, WIRE RINGS, OR EQUIVALENT TO ATTACH FABRIC TO FENCE.
 5. REMOVE SEDIMENT WHEN IT REACHES 1/2 FENCE HEIGHT.
 6. LOCATION OF FENCING SHALL BE AS SHOWN ON APPROVED PLAN OR AS DIRECTED BY THE CITY.

SILT FENCE DETAIL CK E.03



STORM DRAINAGE PROTECTION INSERT DETAIL CK D.21



- NOTES**
1. PROTECT INLETS DURING CONSTRUCTION.
 2. ALLOW 2" MINIMUM OVERHANG ON FILTER FABRIC. FILTER FABRIC OVERHANG MUST BE COVERED WITH 1-1/4" COLOURED ROCK BEHIND CURB. NEVER EXPOSED STREET CONSTRUCTION. MOIST PROTECTION AS CONSTRUCTION PROGRESSES.
 3. JOINTS IN FILTER FABRIC SHALL BE OVERLAPPED 6 INCHES AT POST.
 4. USE STRAP, WIRE RINGS, OR EQUIVALENT TO ATTACH FABRIC TO FENCE.
 5. REMOVE SEDIMENT WHEN IT REACHES 1/2 FENCE HEIGHT.
 6. LOCATION OF FENCING SHALL BE AS SHOWN ON APPROVED PLAN OR AS DIRECTED BY THE CITY.

CATCH BASIN INSERT CROSS-SECTION CK E.08

EROSION CONTROL SEED MIXTURE:

CHICKENS OR RED FEED	40
ANNUAL OR PERENNIAL RYE	10
REDTOP OR COLLARD BENTGRASS	10
WHITE CLOVER	40

SEDIMENT TRAP SIZING SUMMARY:

THE TRAP WAS SIZED USING THE REQUIREMENTS STATED IN APPENDIX 'D' OF THE 1996 ILLUSTRATED MANUAL WHICH REQUIRED 2.000 S.F. OF SURFACE AREA PER CFS OF FLOW WHICH WAS CALCULATED USING KORTS TO ANALYZE THE DEVELOPED SITE CONDITIONS.

2-YEAR PEAK FLOW RATE	0.336 CFS
REQUIRED SURFACE AREA	670 S.F.
PROVIDED SURFACE AREA	1,946 S.F.

NOTE: USING THE DEVELOPED SITE CONDITIONS IS A MORE CONSERVATIVE ESTIMATE OF THE ACTUAL CONDITIONS THAT ARE PRESENT AT THE TIME THE SEDIMENT TRAP WAS DESIGNED FOR USE.

CALL 48 HOURS BEFORE YOU DIG 1-800-424-5555

JUANITA BAY TOWNHOMES
 PRELIMINARY PLAT
 PRELIMINARY EROSION AND
 SEDIMENT CONTROL PLAN
 KIRKLAND, WASHINGTON

STEVE SMITH DEVELOPMENT
 9500 ROOSEVELT WAY NE STE. 300
 SEATTLE, WASHINGTON 98115
 (206) 214-8882

D.R. STRONG CONSULTING ENGINEERS
 10500 16TH AVENUE, SUITE 101
 KIRKLAND, WA 98033
 425.827.5000 OFFICE
 800.882.1402 TOLL FREE
 425.827.5853 FAX
 www.dstrong.com



DRAFTED BY: MBM
 DESIGNED BY: JAB
 PROJECT ENGINEER: RDO
 DATE: 11-20-05
 PROJECT NO.: 06019
 SHEET C4 OF 7



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

DEVELOPMENT STANDARDS LIST

JUANITA BAY TOWNHOMES PRELIMINARY SUBDIVISION, PSB06-00001

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.

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

22.28.210 Significant Trees. The applicant shall design the plat so as to comply with the tree management requirements set forth in Chapter 95 of the Kirkland Zoning Code.

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. Please see KMC 27.06 for the current rate. 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.

Prior to Recording:

22.16.030 Final Plat - Lot Corners. The exterior plat boundary, and all interior lot corners shall be set by a registered land surveyor.

22.16.040 Final 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 subdivision 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.

22.16.150 Final 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. A maintenance bond will be required for .

ZONING CODE STANDARDS

85.25.1 Geotechnical Report Recommendations. The geotechnical recommendations contained in the report by Dennis M. Bruce, P.E. dated January 2, 2007 shall be implemented.

85.25.3 Geotechnical Professional On-Site. A qualified geotechnical professional shall be present on site during land surface modification and foundation installation activities.

92.35 Prohibited Materials In Design Districts. If in a design district the following building materials are prohibited or limited in use: mirrored glass or reflective materials, corrugated fiberglass, chain link fencing, metal siding, concrete block, backlit awnings. Water spigots are required along building facades along sidewalks for cleaning and plant watering. Commercial buildings with more than one tenant shall install a cornerstone or plaque.

95.50.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.

95.40.7.b Parking Area Landscape Buffers. Applicant shall buffer all parking areas and driveways from the right-of-way and from adjacent property with a 5-foot wide strip as provided in this section. If located in a design district a low hedge or masonry or concrete wall may be approved as an alternative through design review.

95.45 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

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

105.18 Pedestrian Walkways. All uses, except single family dwelling units and duplex structures, must provide pedestrian walkways designed to minimize walking distances from the building entrance to the right of way and adjacent transit facilities, pedestrian connections to adjacent properties, between primary entrances of all uses on the subject property, through parking lots and parking garages to building entrances. In design districts through block pathways or other pedestrian improvements may be required. See also Plates 34 in Chapter 180.

105.32 Bicycle Parking. All uses, except single family dwelling units and duplex structures with 6 or more vehicle parking spaces must provide covered bicycle parking within 50 feet of an entrance to the building at a ratio of one bicycle space for each twelve motor vehicle parking spaces. Check with Planner to determine the number of bike racks required and location.

105.18 Entrance Walkways. All uses, except single family dwellings and duplex structures, must provide pedestrian walkways between the principal entrances to all businesses, uses, and/or buildings on the subject property.

105.18.2 Walkway Standards. Pedestrian walkways must be at least 5' wide; must be distinguishable from traffic lanes by pavement texture or elevation; must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20' above the ground.

105.19 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.

105.20 Required Parking. 25 parking spaces are required for this use.

105.58 Parking Lot Locations in Design Districts. See section for standards unique to each district.

105.65 Compact Parking Stalls. Up to 50% of the number of parking spaces may be designated for compact cars.

105.60.2 Parking Area Driveways. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.

105.60.3 Wheelstops. Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.

105.77 Parking Area Curbing. All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

110.52 Sidewalks and Public Improvements in Design Districts. See section, Plate 34 and public works approved plans manual for sidewalk standards and decorative lighting design applicable to design districts.

110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

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.

115.45 Garbage and Recycling Placement and Screening. For uses other than detached dwelling units, duplexes, moorage facilities, parks, and construction sites, all garbage receptacles and dumpsters must be setback from property lines, located outside landscape buffers, and screened from view from the street, adjacent properties and pedestrian walkways or parks by a solid sight-obscuring enclosure.

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 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.

115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

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

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

115.115.5.b Driveway Setbacks. For attached and stacked dwelling units in residential zones, driveways shall have a minimum 5' setback from all property lines except for the portion of any driveway, which connects with an adjacent street. Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for the use.

115.120 Rooftop Appurtenance Screening. New appurtenances on existing buildings shall be surrounded by a solid screening enclosure equal in height to the appurtenance. New construction shall screen rooftop appurtenances by incorporating them in to the roof form.

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

150.22.2 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 recording:

110.60.5 Landscape Maintenance Agreement. The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way. It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

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.

As part of any development permit:

105.10.2 Tract Screening Requirements. Install a five-foot high sight-obscuring fence or vegetation that will provide comparable screening to a five-foot fence within two years of planting along the entire north side of the tract outside the required front yard.

Prior to issuance of a grading or building permit:

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

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. 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.

Prior to occupancy:

95.50.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City

110.60.5 Landscape Maintenance Agreement. The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way. It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

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.

Date: 7/10/2007

DEVELOPMENT STANDARDS

CASE NO.: PSB06-00001

PCD FILE NO.:PSB06-00001

****KIRKLAND FIRE DEPARTMENT CONDITIONS****

For information, contact Grace Steuart, Fire Marshal, at 425-587-3650

---The unobstructed width of the fire department access road (including any gates) shall be not less than 20 feet paved.

The access road shall be marked NO PARKING-FIRE LANE.

---Any building over 5,000 gross square feet (including garage) requires fire sprinklers which may be of a 13D type

--Sprinklered buildings will require only an outside bell to be installed on each unit to alert occupants which the sprinkler system is activated; the systems are not required to be monitored

---Existing hydrants are adequate. However, both hydrants which would be used to serve the property (the one near the Athletic club, and on 99th PI NE) require 5" Stortz fittings.

---Minimum fire flow required is 1,500 gpm. Available fire flow on 99th is approximately 2,200 gpm, which is adequate for development. However, the hydrant on 98th is served by Northshore Utility District, and availability of 1,500 gpm would need to be ascertained by NUD.

You can review your permit status and conditions at www.kirklandpermits.net

PUBLIC WORKS CONDITIONS

Permit Information

Permit #: PSB06-00001

Project Name: Juanita Bay 12-unit Townhome Preliminary Subdivision

Project Address: 11444 98th Ave. NE and 11435 99th Place NE

Date: March 12, 2007

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

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

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at

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 review the City of Kirkland web site at 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 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. Concurrency for this project has been completed.
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. Any buildings within this project which are demolished will receive a Traffic Impact Fee credit. This credit will be applied to the first Building Permit that is applied for within the project (and subsequent Building Permits if multiple building permits are demolished). The credit amount for each demolished building will be equal to the most currently adopted Traffic Impact Fee schedule.
6. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
7. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
8. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
9. A completeness check meeting is required prior to submittal of any Building Permit applications.
10. 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.
11. 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. Northshore Utility District approval required for sewer service. A letter of sewer availability is

required; call N.U.D at 425-398-4400.

Water System Conditions:

1. The existing water main in the 99th Pl. NE right-of-way along the front of the subject property is adequate to serve this proposed development.
2. Provide a water service from the water main to the meter for each building, each unit, or for the entire lot project (developers choice); water meter and water service sizing shall be per the Uniform Plumbing Code. Provide a separate irrigation service. The City of Kirkland will set the water meters. The west side of the project is in N.U. D. service boundary. Coordination will need to be done to determine if Kirkland should serve the entire project.
3. The existing water service from the City water main on 99th Pl. NE may be used provided that it is in the right location, is not galvanized, and is sized adequately to serve a building (per the Plumbing Code). The other option is to use the water service for irrigation.
4. Provide fire hydrants per the Fire Departments requirements. If the Fire Department requests a new hydrant within the project, a water main extension will be necessary.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 1998 King County Surface Water Design Manual. If the site discharges to the storm line, which outlets into the lake to the south of this site, it is possible that a downstream analysis will show that no storm detention is required. If the site discharges to the storm line, which outlets to the north, storm detention will likely be required due to storm line capacity.
2. Storm detention calculations for the entire site are required.
3. Provide a level one off-site analysis unless a quantitative analysis is required to justify a waiver of storm detention.
4. 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.
5. When applicable, structural source control measures, such as car wash pads or dumpster area roofing, shall be shown on the site improvement plans submitted for engineering review and approval. Refer to King County Storm water Pollution Control Manual and the 2001 Department of Ecology Storm water Management Manual for Western Washington for further information.
6. The Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities.
Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch
http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_NWPs
Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495
7. 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

8. 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.
9. 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.
10. All roof and driveway drainage must be tight-lined to the storm drainage system.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 99th Place NE. This street is 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 to face of curb.
 - 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. Due to the lack of adequate access to the site from 98th Ave. NE during the PM peak traffic times, all units in this project must have primary access to 99th Place. NE. A secondary access to 98th Ave. NE is allowed.
3. The applicant has asked if the access from 98th Ave. NE can be gated. The Public Works Department approves of the proposed gate as it will deter cut-through traffic from 98th Ave. NE, but the Fire Department must also approve of the gate.
4. 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.
5. 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.
6. Underground all new and existing on-site utility lines and overhead transmission lines.
7. 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 concomitant agreement or LID No Protest Agreement.

The proposed lot lines as shown do not accommodate the buildings submitted under NSFR permit applications BLD07-00159 through BLD07-00169. Please revise the Plat Map to comply with IRC section R302.2 below as follows:

In Lot 1 and 2, the "duplex" building appears to have open areas with 2 stories above that cross

property lines on both the East and West sides which is not allowed. Also, in order for the carports to be open and to have windows in the walls above looking East and West, the property lines need to be at least 3' away from these walls/openings. An easement may be necessary for the guest parking space on Lot 2.

In order to have windows on the East face of the building on Lot 3, the property line needs to be at least 3' away. An easement may be necessary for the guest parking space on Lots 3 and 2.

In order to have windows on the West face of the building on Lot 7, the property line needs to be at least 3' away. An easement may be necessary for the guest parking space on Lots 7 and 8.

In order to have windows on the East face of the building on Lot 8, the property line needs to be at least 3' away. An easement may be necessary for the guest parking space on Lots 8 and 7.

IRC excerpt:

LOCATION ON LOT

R302.1 Exterior walls. Exterior walls with a fire separation distance less than 3 feet shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend to a point closer than 2 feet from the line used to determine the fire separation distance. Projections extending into the fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

R302.2 Openings. Openings shall not be permitted in the exterior wall of a dwelling or accessory building with a fire separation distance less than 3 feet. This distance shall be measured perpendicular to the line used to determine the fire separation distance.

Exceptions:

1. Openings shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance.
2. Foundation vents installed in compliance with this code are permitted.

Plumbing meter and service line shall be sized in accordance with UPC 1009 (h) and Table 10-2.

Jan Jordan, RPA®
Lease Compliance Administrator
Telephone 469.759.5331
Facsimile 469.759.5586
E-Mail JordanJ@Michaels.COM

RECEIVED
APR 19 2007
AM PM
PLANNING DEPARTMENT
BY _____

Michaels
THE ARTS AND CRAFTS STORE®

April 16, 2007

Tony Leavitt
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

RE: Michaels Store, Kirkland, Washington
Notice of Application
Juanita Townhomes Preliminary Subdivision File. PSB06-00001

Dear Mr. Leavitt:

Michaels is concerned about the disruption to our business that could occur based upon the construction of this subdivision. We are concerned about short term congestion with construction vehicles and long term congestion with subdivision traffic on 116th Street. We are also concerned about the need for closures/detours on 116th Street when streets are cut and utility lines are run.

We would appreciate information about how these items will be addressed.

Sincerely,



Jan Jordan, RPA®
Lease Compliance Administrator

LAW OFFICES
LIVENGOOD, FITZGERALD & ALSKOG
A PROFESSIONAL LIMITED LIABILITY COMPANY

JAMES S. FITZGERALD*
DAVID A. ALSKOG
DAVID B. JOHNSTON
JOHN J. WHITE, JR.
DAVID J. SEELEY**
KEVIN B. HANSEN
THOMAS K. WINDUS+
GREGORY A. McBROOM
HUGH W. JUDD, P.S.+

PHILIP L. CARTER, RETIRED
ROBERT P. TOSSEM, RETIRED

RECEIVED
APR 19 2007
A/M 4:52 PM
PLANNING DEPARTMENT
BY TLA

121 THIRD AVENUE
POST OFFICE BOX 908
KIRKLAND, WASHINGTON 98083-0908

PHONE: (425) 822-9281
FAX: (425) 828-0908
E-mail: fitzgerald@lfa-law.com

*ALSO ADMITTED IN OREGON
**ALSO ADMITTED IN CALIFORNIA
+OF COUNSEL

GORDON A. LIVENGOOD (1921 - 2001)

April 19, 2007

Hand-delivered

Mr. Tony Leavitt
Project Planner
Planning and Community Development Department
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

Re: Juanita Townhomes Preliminary Subdivision File No. PSB06-00001

Dear Mr. Leavitt:

I am writing on behalf of Columbia Athletic Clubs, Inc. ("CAC"), owner and operator of the Juanita Bay Club immediately adjacent to the above-referenced subject property on the north side thereof. Please list me and my client as a party of record to this application and all other matters involving the subject property and forward all notices pertaining to the subject property to both of us. My client's name and address is:

Mr. Allen Oskoui
Vice President
Columbia Athletic Clubs, LLC
11400 98th Ave. N.E., Suite 300
Kirkland, WA 98033

This letter constitutes CAC's comments on the above-referenced application. CAC opposes the application for the reasons stated hereinbelow. However, CAC is in discussions with the applicant to mitigate the adverse impacts of the proposal and if agreement is reached, reserves the right to withdraw the objection.

It is my understanding that the applicant has acquired title to the subject property and thus is now the owner. As part of a settlement of a lawsuit between CAC and the applicant's

predecessor-in-interest, an easement was created on February 1, 1983 across the CAC property for the benefit of the subject property. At this time, access to the subject property was limited. The home on the east portion was (and is) accessed from 99th Place N.E., and the business property on the west portion was (and is) accessed from 98th Avenue N.E. through the CAC property. No traversing between 98th and 99th was or is possible. The easement was for ingress, egress, maneuvering and backing, but not for loading, unloading or parking. It was created expressly so that the owner of the subject property could access his business with the occasional trucks which serviced it.

Enclosed with this letter is an aerial photo which depicts the subject property and the CAC property. The buildings are clearly visible. The cross-hatched area is the location of the easement where the trucks used to need to turn-around. The proposed use of the subject property eliminates the need for such turn-around.

The easement was not and is not intended to be a thoroughfare between 98th Avenue N.E. and 99th Place N.E. Any attempt to make it so will be strongly resisted for a number of reasons, not the least of which are the following:

- The easement is limited for users solely of the subject property, and not for any others (such as neighbors to the east).
- A tremendous danger to CAC patrons exists if vehicles are allowed to use the easement as a thoroughfare. CAC patrons include children who are accompanying their caretakers to and from their vehicles and a serious safety risk would result.
- Such use would burden the easement and exceed its contemplated allowable use. The easement states it is "primarily for access purposes." When written, this meant access to the commercial structure on the west end of the subject property.
- The easement would be used as a shortcut to avoid the traffic on 98th Avenue N.E. and its intersection with N.E. 116th Street. This is not a permissible use of the easement.

We understand that the application is to subdivide the subject property into eleven (11) separate parcels, to be developed with eleven (11) townhome units. The DRB approval states that primary vehicular access is to be via 99th Place N.E., with secondary access to 98th Avenue N.E. via the easement. The secondary access is for the purpose of allowing emergency vehicle access to the subject property. It allows full use of the west parcel without the need for an emergency vehicle turnaround which would cause a loss of units.

Dealing with eleven different owners to trying and control use of the easement, given its limited purpose, would be difficult at best and impossible at worst. Assuring that the easement was only used by such owners would likewise be impossible without certain measures being taken.

CAC has additional objections based on its review of the plans. On the northeast corner of the subject property, it appears that the applicant seeks to grade on CAC's property. Consent for such grading or even temporary use for construction purposes has not been granted.

In addition, the grading for the roadway to provide access to the lots in the proposed plat would intrude on CAC's property. Permission for this has not been granted.

Accordingly, in view of the limited purpose of the easement, CAC opposes the application unless a condition is imposed which would require a fence and gate to be placed between the subject property and the CAC property, with the gate to be located at the point of ingress and egress between the respective properties on the easement premises. The gated access should be accessible only by emergency vehicles, with a Knox key. The fence and gate would be designed to prevent unauthorized parking by either the townhome owners or CAC patrons, to the benefit of both.

We have already verified with Public Works that such an arrangement would be acceptable.

The fact is that this is a significant and serious safety issue for both the patrons of CAC and the residents and guests of the subject property.

CAC has made an effort to meet with the developer and that effort continues. A modification of the easement and placement of a gate is under discussion. If acceptable arrangements are able to be made, then CAC believes that the impact and issues, although not eliminated, will be reduced to acceptable and tolerable levels. If an appropriate gate and fence is installed to CAC's satisfaction, agreement is likely to be reached on the other issues mentioned above. We will continue to work with the applicant to reach mutual agreement but if such is not reached, CAC's opposition will remain for the reasons stated.

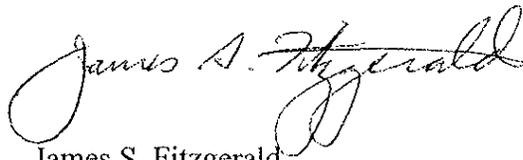
If you have any questions regarding the foregoing, please do not hesitate to contact me. Please advise when the hearing before the Hearing Examiner will be held.

Mr. Tony Leavitt
April 19, 2007
Page 4

In advance, thank you for your consideration of this matter.

Very truly yours,

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC


James S. Fitzgerald

JSF:me

Enclosure

cc: Columbia Athletic Clubs, LLC

\\saw\p01\11333485\FILEDATA\2007\04\19\11333485_2007-04-19_02



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

DETERMINATION OF NONSIGNIFICANCE (DNS) .

CASE #: SEP07-00005

DATE ISSUED: 6/13/2007

DESCRIPTION OF PROPOSAL

The applicant is proposing to subdivide two existing parcels (.45 total acres) into 11 separate parcels within the Juanita Business District (JBD) 2 Zone. The new lots will be developed with 11 new townhouse units that were approved as part of Design Review Board File No. DRC06-00004. Primary vehicular access for each lot will be provided via an access tract that connects directly to 99th Place NE. Emergency vehicle and secondary access will be provided to and from 98th Avenue NE via an existing private access easement.

PROPONENT: STEVE SMITH

LOCATION OF PROPOSAL

11444 98TH AVENUE NE AND 11435 99TH PLACE 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.

There is no comment period for this DNS.

Responsible official:

6/12/07

Date

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

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

You may appeal this determination to the Planning Department at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., Wednesday, June 27, 2007 by WRITTEN NOTICE OF APPEAL.

You should be prepared to make specific factual objections. Contact the Planning Department at 425-587-3225 to read or ask about the procedures for SEPA appeals.

Distributed By:

6-13-07
Date:

ATTACHMENT 6
PSB06-00001

Please reference Case #SEP07-00005
cc: Case #PSB06-00001



MEMORANDUM

To: Eric R. Shields, AICP, Planning Director

From: Tony Leavitt, Planner

Date: June 12, 2007

File: PSB06-00001, SEP07-00005

Subject: **ENVIRONMENTAL DETERMINATION FOR JUANITA BAY TOWNHOMES
PRELIMINARY SUBDIVISION**

PROPOSAL

Steve Smith Development proposes construction of 11 new townhouse units on the subject property located at 11444 98th Avenue NE and 11435 99th Place NE (see Enclosure 1). The applicant is proposing to subdivide the two existing parcels (.45 total acres) into 11 separate parcels within the Juanita Business District (JBD) 2 Zone (see Enclosure 2). The new lots will be developed with the townhome units that were approved as part of Design Review Board File No. DRC06-00004. Primary vehicular access for each lot will be provided via an access tract that connects directly to 99th Place NE. Emergency vehicle and secondary access will be provided to and from 98th Avenue NE via an existing access easement.

ENVIRONMENTAL ISSUES

I have had an opportunity to visit the site and review the environmental checklist (Enclosure 3) and the following reports:

- Traffic Concurrency Analysis Memo prepared by Thang Nguyen, COK Transportation Engineer, dated January 31, 2007 (Enclosure 4)
- Geotechnical Evaluation prepared by Dennis M. Bruce, P.E. dated January 2, 2007 (Enclosure 5)

Based on a review of these materials, the main environmental issues related to the development of this project are potential traffic and soil impacts. Additionally, during the initial comment period for the preliminary subdivision application, the City received a total of 2 letters from neighboring property owners (see Enclosures 6 and 7). One letter expressed concerns about traffic impacts and the other letter expressed concerns about the use of an existing private access easement that runs from the subject property to 98th Avenue NE. An analysis of each of these key environmental issues follows.

Traffic Impacts

The Public Works Department has reviewed the Concurrency Management Review Application for the proposed development (see Enclosure 4) and concluded that the project will not have a negative traffic impact on existing facilities.

One neighbor is concerned that construction of the proposed project could impact NE 116th Street. The subject property is not located on NE 116th Street, so any potential impacts to this street will be minimal.

Soil Impacts

The Geotechnical Evaluation prepared by Dennis M. Bruce, P.E concludes that the project is “geotechnically viable” when constructed in accordance with the recommendations of the evaluation. The City has the authority (per Kirkland Zoning Code Chapter 85) to require, as part of any development permit for the project, that the development plans be reviewed by the geotechnical engineer to ensure compliance with all recommendations.

Access Easement Impacts

The property owner to the north of subject property requests that the City require that the applicant install a gate across the existing private access easement to 98th Avenue NE in order to restrict use of the access easement to emergency vehicles only. Staff researched this request and concluded that the City does not have the authority to restrict the use of a private access easement by requiring that the applicant install an emergency vehicle access gate. The Public Works Department has reviewed the proposed project and concluded that the secondary access to 98th Avenue NE is acceptable and will not create significant impacts.

CONCLUSIONS AND RECOMMENDATION

It will be necessary to further analyze certain aspects of the proposal to determine if the project complies with all the applicable City codes and policies. That analysis is most appropriately addressed within the review of the Preliminary Subdivision application. 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.¹

Based on my review of all available information, I have not identified any significant adverse environmental impacts. Therefore, I recommend that a Determination of Non-Significance be issued for this proposed action.

SEPA ENCLOSURES

1. Vicinity Map
2. Site Plan
3. Environmental Checklist
4. Traffic Concurrency Analysis Memo prepared by Thang Nguyen, COK Transportation Engineer, dated January 31, 2007
5. Geotechnical Evaluation prepared by Dennis M. Bruce, P.E. dated January 2, 2007
6. Letter from Michael's Craft Store dated April 16, 2007
7. Letter from James S. Fitzgerald dated April 19, 2007

Review by Responsible Official:

I concur

I do not concur

Comments:



Eric R. Shields, AICP
Planning Director

6/12/07
Date

**Juanita Bay Townhomes
PSB06-00001**

JBD 2

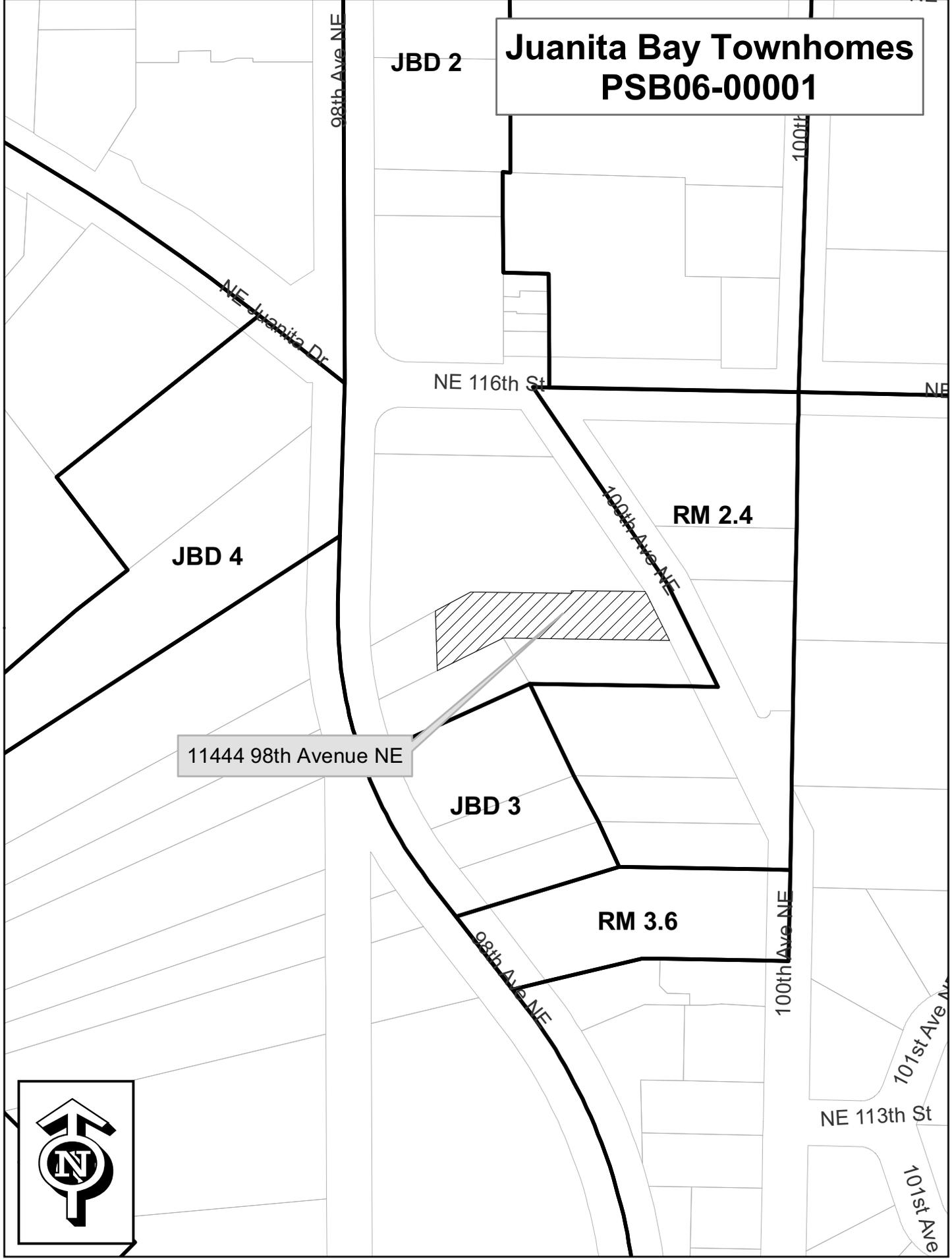
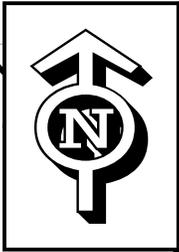
JBD 4

RM 2.4

JBD 3

RM 3.6

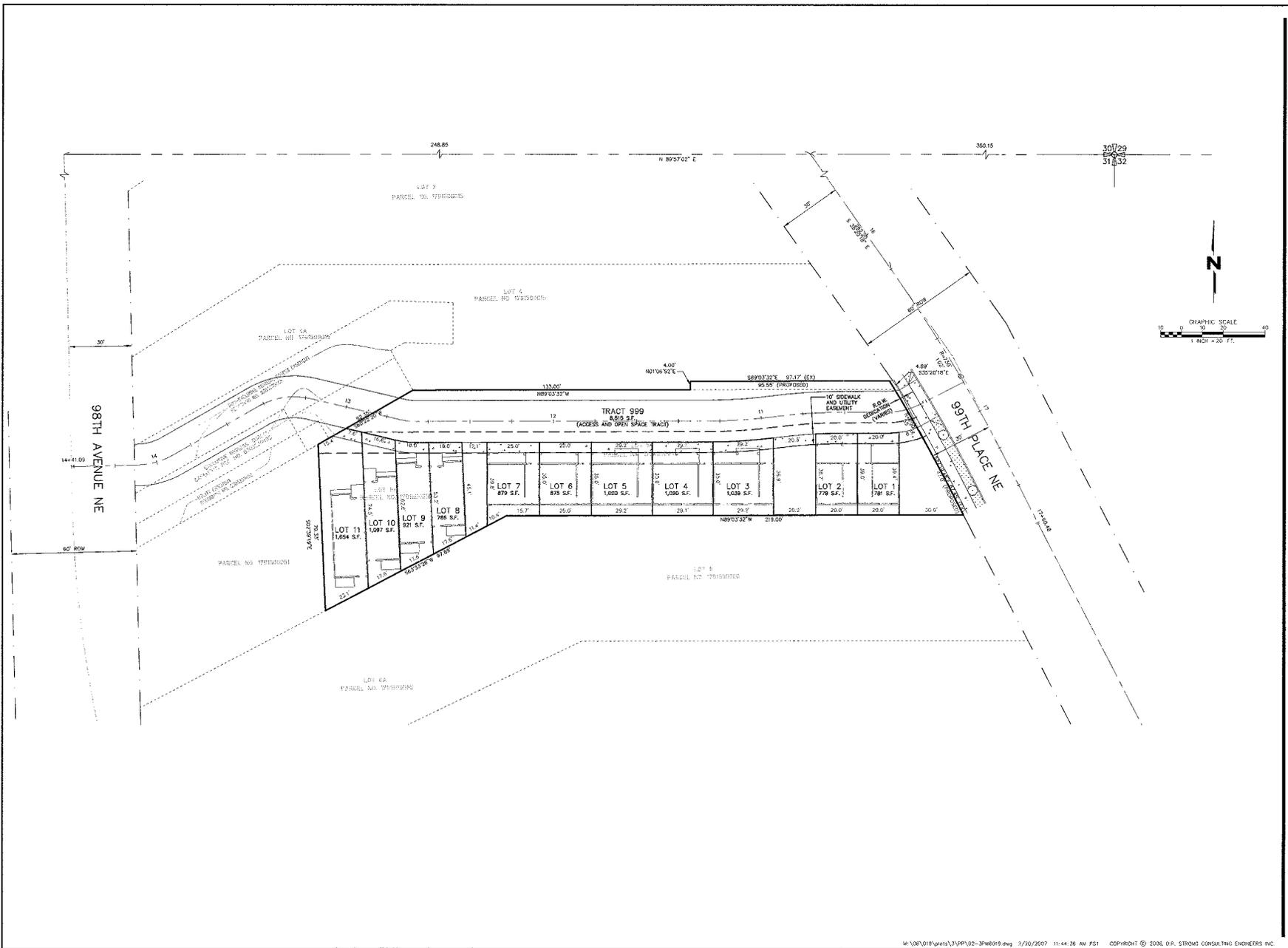
11444 98th Avenue NE



PROPERTY DESCRIPTION:

DEED LAND AMERICA COMMERCIAL LAND TITLE INSURANCE COMPANY ORDER NO. 20070000 DATED NOVEMBER 8, 2000

PARCEL A:
 THAT PORTION OF GOVERNMENT LOT 4 IN SECTION 26, TOWNSHIP 26 NORTH, RANGE 5 EAST, WA. IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 4 AND THENCE ALONG THE NORTH LINE THEREOF SOUTH 89°25'17" WEST 248.85 FEET, THENCE SOUTH 89°25'17" WEST 332.40 FEET TO A POINT ON THE SOUTH WESTERLY BOUNDARY OF COUNTY ROAD 90, 200 FEET FROM THE POINT OF BEGINNING, THENCE SOUTH 89°25'17" WEST TO THE ORIGINAL SHORE LINE OF JUANITA BAY, THENCE SOUTH 89°25'17" WEST 82.80 FEET,
 THENCE SOUTHWEST TO A POINT ON A L&A 340-FOOT WIDE CORNER BEARING EAST 10° 05' 00" WEST FROM THE CORNER OF THE ABOVE SAID AS DESCRIBED ON THE L&A 340-FOOT WIDE CORNER BEARING EAST 10° 05' 00" WEST, THENCE NORTH 83°50'17" WEST BY 89 FEET TO SAID SHORE LINE, THENCE NORTH 89°25'17" WEST 200 FEET TO THE SOUTH WESTERLY BOUNDARY OF COUNTY ROAD 90, 300 FEET,
 THENCE NORTH 01°27'47" WEST, 67.45 FEET TO THE TRUE POINT OF BEGINNING, (ALSO BEING KNOWN AS TRACTS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154



JUANITA BAY TOWNHOMES
PRELIMINARY PLAT
PRELIMINARY PLAT/MAP
KIRKLAND, WASHINGTON

STEVE SMITH DEVELOPMENT
9500 ROOSEVELT WAY NE STE. 300
SEATTLE, WASHINGTON 98115
(206) 214-8882

D.R. STRONG CONSULTING ENGINEERS
ENGINEERS PLANNERS SURVEYORS
1030 NE 38th PLACE, SUITE 101
KIRKLAND, WA 98033
425.877.1883 OFFICE
206.825.1407 TOLL FREE
425.877.4883 FAX
WWW.DRSTRONG.COM

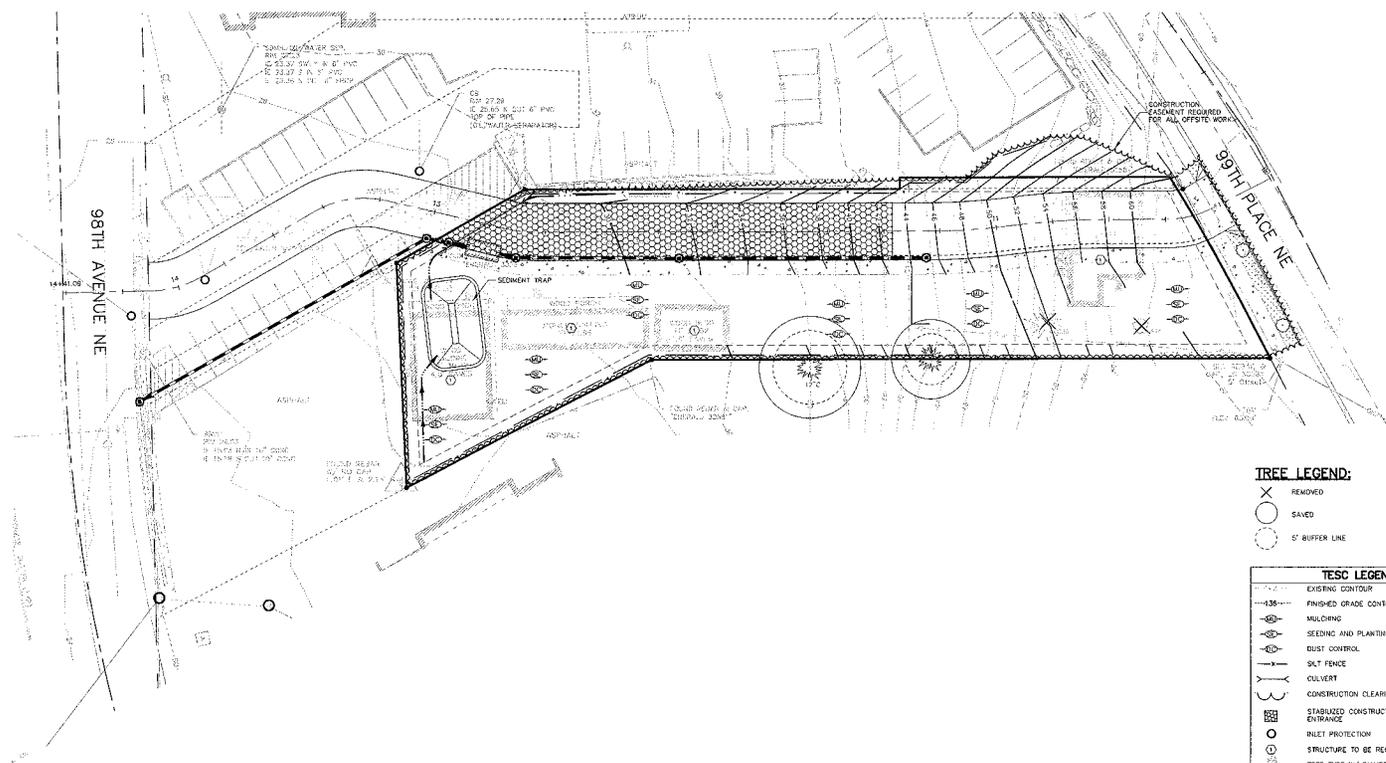
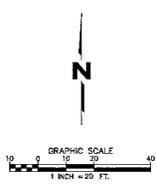


DATE	BY	REVISION
02/20/07	MBM	REV. PER CITY COMMENTS SURVEY ROAD

DRAFTED BY: MBM
DESIGNED BY: JAB
PROJECT ENGINEER: RDO
DATE: 11-20-06
PROJECT NO.: 06019
SHEET C2 OF 7

TREE DENSITY CALCULATION:

MIN. TREE DENSITY = 30 TREE CREDITS PER ACRE
 MIN. TREE DENSITY FOR SITE = 44x30 = 132 TREE CREDITS REQUIRED.
 SEE LANDSCAPE PLAN FOR TREE CREDIT REPLACEMENT DETAILS.



- TREE LEGEND:**
- ⊗ REMOVED
 - SAVED
 - 5' BUFFER LINE

- TESC LEGEND:**
- EXISTING CONTOUR
 - FINISHED GRADE CONTOUR
 - MULCHING
 - SEEDING AND PLANTING
 - DUST CONTROL
 - SALT FENCE
 - CULVERT
 - CONSTRUCTION CLEARING LIMITS
 - STABILIZED CONSTRUCTION ENTRANCE
 - INLET PROTECTION
 - STRUCTURE TO BE REMOVED
 - TREE TYPE W/ DIAMETER IN INCHES
 - SIGNIFICANT TREE TO BE REMOVED
 - SIGNIFICANT TREE TO BE RETAINED & SURROUNDING 9'-FT HIGH PROTECTIVE FENCE

CALL 48 HOURS BEFORE YOU DIG
 1-800-424-5555

JUANITA BAY TOWNHOMES
 PRELIMINARY PLAN
 PRELIMINARY TEMPORARY EROSION AND SEDIMENT CONTROL PLAN
 KIRKLAND, WASHINGTON

STEVE SMITH DEVELOPMENT
 9500 ROOSEVELT WAY NE STE 300
 SEATTLE, WASHINGTON 98115
 (206) 214-8882

DRS D.R. STRONG CONSULTING ENGINEERS
 ENGINEERS PLANNERS SURVEYORS
 10604 NE 38th PLACE, SUITE 101
 KIRKLAND, WA 98033
 425.827.9003 OFFICE
 800.956.4603 TOLL FREE
 425.827.4803 FAX
 WWW.DRS-ENG.COM

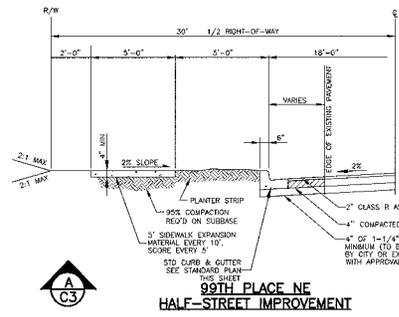
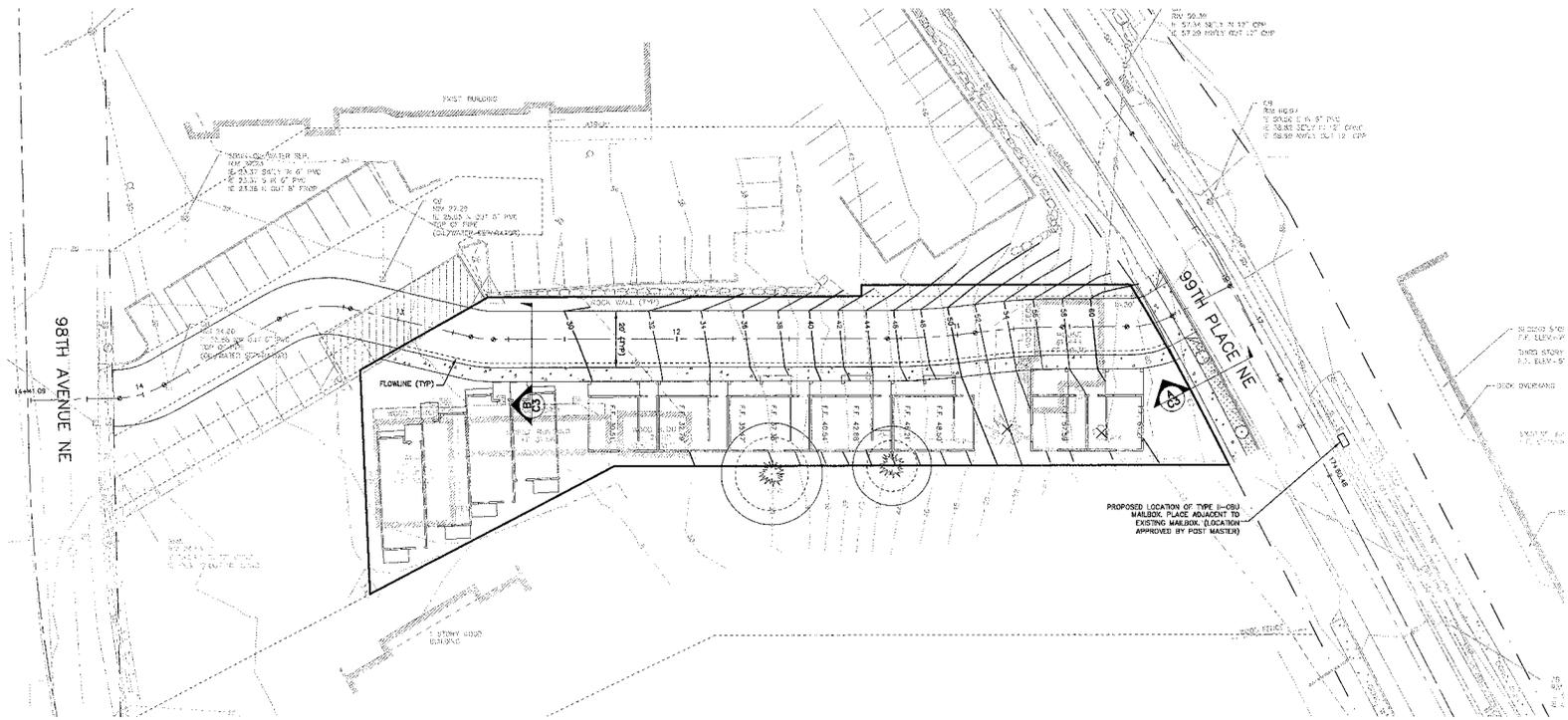


DATE	REVISION	REV. PERIODIC COMMENTS	DESIGNED BY
03/20/07			RDO

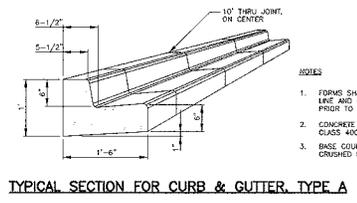
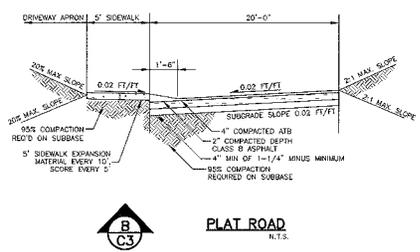
DRAFTED BY: MBM
 DESIGNED BY: JAB
 PROJECT ENGINEER: RDO
 DATE: 11-20-06
 PROJECT NO.: 06010
 SHEET C3 OF 7

M:\05\012\06010\012\06010-000-000.dwg 2/20/2007 11:44:37 AM PST
 COPYRIGHT © 2006, D.R. STRONG CONSULTING ENGINEERS INC.

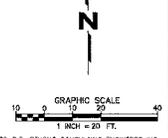
A PORTION OF GOVERNMENT LOT 4 SEC. 31 ,TWP. 26 ,RGE. 5 ,W.M.



- NOTES**
- CLASS B ASPHALT MAY BE SUBSTITUTED FOR ATB.
 - MAXIMUM ALLOWABLE GRADE OF A STREET IS 15% UNLESS SPECIFIED BY AN ENGINEER.
 - A FREE-DRAINING LAYER OF 1-1/4" CRUSHED STONE MAY BE REQUIRED BELOW ATB, DEPENDING UPON SOIL AND GROUNDWATER CONDITIONS.
 - SIDE SLOPES SHALL BE 2:1 MAXIMUM.
 - WHEN PLACING NEW CURB AND GUTTERS ALONG AN EXISTING ROADWAY THE ASPHALT SHOULD BE SAWCUT AT A WIDTH TO ALLOW FOR AN 18-INCH ASPHALT PATCH AS MEASURED FROM THE FACE OF THE CURB.



- NOTES**
- FORMS SHALL BE STEEL AND SET TRUE TO LINE AND GRADE (INSPECTION IS REQUIRED PRIOR TO PLACEMENT OF CONCRETE).
 - CONCRETE SHALL BE CEMENT CONCRETE CLASS 4000.
 - BASE COURSE SHALL BE 4" OF 5/8" MINIMS CRUSHED ROCK OR AS DIRECTED BY ENGINEER.



JUANITA BAY TOWNHOMES
 PRELIMINARY PLAT
 PRELIMINARY ROAD AND GRADING PLAN
 KIRKLAND, WASHINGTON

STEVE SMITH DEVELOPMENT
 9500 ROOSEVELT WAY NE STE. 300
 SEATTLE, WASHINGTON 98115
 (206) 214-8882

D.R. STRONG CONSULTING ENGINEERS
 ENGINEERS PLANNERS SURVEYORS
 1700 43RD PLACE SUITE 101
 KIRKLAND, WA 98033
 425.827.2600 OFFICE
 425.827.4622 TOLL FREE
 425.827.4622 FAX
 www.dstrong.com



DATE	BY	REVISION
02-20-07	ESB	REV FOR CITY COMMENTS SUBMIT ROAD

DRAFTED BY: ESB
 DESIGNED BY: JAB
 PROJECT ENGINEER: REDD
 DATE: 11-20-06
 PROJECT NO.: 05019
 SHEET C5 OF 7

RECEIVED
DEC - 1 2006
AM
PLANNING DEPARTMENT PM
BY _____ Project No. 06019

**CITY OF KIRKLAND
ENVIRONMENTAL CHECKLIST
JUANITA BAY TOWNHOMES**

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 agency identify impacts from your Proposal (and to reduce or avoid impacts from the Proposal, if it can be done) and to help the agency decide whether an EIS is required.

INSTRUCTIONS FOR APPLICANTS:

This environmental checklist asks you to describe some basic information about your Proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your Proposal are significant, requiring preparation of an EIS. 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 governmental agencies 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 agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

A. BACKGROUND

1. Name of proposed project, if applicable:
Juanita Bay Townhomes

2. Name of applicant:
Steve Smith Development

3. Address and phone number of applicant and contact person:

Applicant:
Steve Smith Development
9500 Roosevelt Way NE Suite 300
Seattle, WA 98115
206-214-8882

Contact Person:
James A. Barnett, E.I.T.
D. R. STRONG Consulting Engineers Inc.
10604 NE 38 Place, Suite 101
Kirkland WA 98033
425-827-3063

4. Date checklist prepared:
November 17, 2006

5. Agency requesting checklist:
City of Kirkland

6. Proposed timing or schedule (including phasing, if applicable):
Construction will start upon the receipt of all required building and construction permits. This is estimated to occur in Summer 2007.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this Proposal? If yes, explain.
No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this Proposal.
None known at this time.

9. 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.

10. List any government approvals or permits that will be needed for your Proposal, if known.

SEPA Determination

City of Kirkland

Final Plat Approval

City of Kirkland

Building Permit (Structural Vault & Walls)

City of Kirkland

Other Customary Construction Related Permits

City of Kirkland

11. Give brief, complete description of your Proposal, including the proposed uses and the size of the project and site. 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. (Lead agencies may modify this form to include additional specific information on project description.).

Short Plat approximately 0.45 acres into 11 townhomes. Access to the Project will be from 99th Place NE and 98th Ave NE.

12. 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 in Section 31, Township 26, Range 5, at 11435 99th Place NE.

B. ENVIRONMENTAL ELEMENTS

1. EARTH

a. General description of the site (circle one).
Flat, hilly, steep slopes, mountainous other.

The predominant slope range is between 12 to 18%. Generally, the land slopes from northeast to southwest.

b. What is the steepest slope on the site (approximate percent slope)?

<20%.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The Soil Survey of King County, Washington, prepared by the U.S. Department of Agriculture, Soil Conservation Service has classified the site as primarily:

Indianola loamy fine sands, 0-4%

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None to our knowledge.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

The purpose of the site grading will be to construct the subdivision road, utilities and homes. Project entails 15 CY of excavation and 1140 CY of fill.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

There could be a short-term increase in the potential for on-site erosion where soils are exposed during site preparation and construction. However, the Project will comply with all applicable erosion control measures, short and long term.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
Approximately 69% of the Site will be covered with impervious surfaces.
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.
A temporary erosion control plan will be implemented at the appropriate time. Erosion control measures may include the following: hay bales, siltation fences, temporary siltation ponds, controlled surface grading, stabilized construction entrance, and other measures which may be used in accordance with requirements of the City of Kirkland.

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.
Short-term emissions will be those associated with construction and site development activities. These will include dust and emissions from construction equipment. Long-term impacts will result from increased vehicle traffic.
- b. Are there any off-site sources of emissions or odor that may affect your Proposal? If so, generally describe.
Off-site sources of emissions or odors are those that are typical of residential neighborhoods. These will include but is not limited to automobile emissions from traffic on adjacent roadways and fireplace or barbecue emissions from nearby homes.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any.
The Washington Clean Air Act requires the use of all known, available, and reasonable means of controlling air pollution, including dust. Construction impacts will not be significant and could be controlled by measures such as washing truck wheels before exiting the site and maintaining gravel construction entrances. In addition, dirt-driving surfaces will be watered during extended dry periods to control dust.

3. WATER

a. Surface.

- i. 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.
Yes, Lake Washington.
- ii. 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.
No.
- iii. 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.
N/A.

iv. Will the Proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
N/A.

v. Does the Proposal lie within a 100-year floodplain? If so, note location on the site plan.
No.

vi. 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, a public sanitary sewer system will be installed to serve the lots. There will be no discharge of waste materials to surface waters.

b. Ground.

i. Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
No groundwater will be withdrawn. Public water mains will be installed to serve the development. No water will be discharged to the groundwater.

- ii. 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.

No waste material is proposed to be discharged into the ground.

The site will be served by public sanitary sewers and a public water system.

- c. Water Runoff (including storm water).

- i. Describe the source of runoff (including 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.

Stormwater runoff will result from the proposed roads, rooftops, and landscaped areas. The runoff generated by the roadway and landscaping will flow into a water quality vault. The storm water facility will be designed in accordance with the 1998 King County Surface Water Design Manual, as adopted by the City.

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

The proposed stormwater system will be designed to minimize or eliminate entry of waste materials or pollutants to ground water resources and/or surface waters. Oils, grease, and other pollutants from the addition of paved areas could potentially enter the groundwater or downstream surface water runoff.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any.

A City approved storm drainage system will be designed and implemented in order to mitigate any adverse impacts from storm water runoff. Permanent water quality will be provided on Site, but detention will not.

4. PLANTS

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

deciduous tree: alder, maple, aspen, other: (maple, cypress, apple, blackwood cotton, locust, willow)

evergreen tree: fir, cedar, spruce, pine, other: hemlock

shrubs

grass (orchard grass)

pasture

crop or grain

wet soil plants: cattail, buttercup, bulrush, other:

water plants: water lily, eelgrass, milfoil, other:

other types of vegetation (Deer fern, blackberry, holly, scotch broom)

- b. What kind and amount of vegetation will be removed or altered?
Vegetation within the development area will be removed at the time of development.
- c. List threatened or endangered species known to be on or near the site.
None known.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.
The Project is subject to the requirements of Landscaping of the KZC. The Project will retain significant trees on the Site to the maximum extent possible.

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:
mammals: deer, bear, elk, beaver, small
rodents, raccoon, other:
fish: bass, salmon, trout, herring,
shellfish other:

- b. List any threatened or endangered species known to be on or near the site.
No threatened or endangered species are known to be on or near the site.

- c. Is the site part of a migration route? If so, explain.

Western King County as well as the rest of Western Washington, is in the migration path of a wide variety of non-tropical songbirds, and waterfowl, including many species of geese and ducks.

- 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/or natural gas will serve as the primary energy source for residential heating and cooking within the development. Any wood stoves will comply with all local and State regulations.

- 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.

The required measures of the Washington State Energy Code and the Uniform Building Code will be incorporated in the construction of the residential units. Energy conservation fixtures and materials are encouraged in all new construction.

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.

There are no known existing or potential on-site environmental health hazards.

- i. Describe special emergency services that might be required.

No special emergency services will be required.

- ii. Proposed measures to reduce or control environmental health hazards, if any.

Special measures are not anticipated.

b. Noise

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

The primary source of off-site noise in the area originates from vehicular traffic present on adjacent streets.

- ii. 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.

Short-term impacts will result from the use of construction equipment during site development and residential construction. Construction will occur during the daylight hours,

and in compliance with all noise ordinances. Construction noise is generated by heavy equipment, hand tools and the transporting of construction materials and equipment. Long-term impacts will be those associated with the increased use of the property by homeowners.

- iii. Proposed measures to reduce or control noise impacts, if any.
Construction will be performed during normal daylight hours in accordance with City noise ordinances. Construction equipment will be equipped with noise mufflers.

8. LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties?
There is one single-family home, and a mobile home on the site with associated landscaping. The current use of adjacent properties is listed as follows:

North:	Commercial
South:	Commercial
East:	Residential
West:	Commercial

- b. Has the site been used for agriculture? If so, describe.
Not to our knowledge.
- c. Describe any structures on the site.
Single family home, mobile home, garages, sheds, etc.
- d. Will any structures be demolished? If so, what?
All of the above mentioned structures.

- e. What is the current zoning classification of the site?
JBD-2
- f. What is the current comprehensive plan designation of the site?
Juanita Business District.
- g. If applicable, what is the current shoreline master program designation of the site?
N/A
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
No.
- i. Approximately how many people would reside or work in the completed project?
Based on 2.3 people per household, we estimate 26 residents for the completed project.
- j. Approximately how many people would the completed project displace?
Based on 2.3 people per household, we estimate 5 residents.
- k. Proposed measures to avoid or reduce displacement impacts, if any.
None at this time.
- l. Proposed measures to ensure the Proposal is compatible with existing and projected land uses and plans, if any.
The proposed development is compatible with the prescribed land use codes and designations for this site. Per the KZC, the development is consistent with the land use of this property.

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
Eleven residential units are proposed.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
One middle-income housing and one mobile home business.
- c. Proposed measures to reduce or control housing impacts, if any.
None.

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?
The maximum building height will conform to KZC.
- b. What view in the immediate vicinity would be altered or obstructed?
Views in the vicinity may be obstructed by development of this project.
- c. Proposed measures to reduce or control aesthetic impacts, if any?
The location of the buildings adheres to or exceeds the minimum setback requirements of the zoning district. The landscaping will be installed at the completion of building and paving construction. A Homeowners Association will maintain the common elements.

11. LIGHT AND GLARE

- a. What type of light or glare will the Proposal produce? What time of day would it mainly occur?

Light and glare will be produced from building lighting. Light will also be produced from vehicles using the site. The light and glare will occur primarily in the evening and before dawn.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Light and glare from the project will not cause hazards or interfere with views.

- c. What existing off-site sources of light or glare may affect your Proposal?

The primary off-site source of light and glare will be from vehicles traveling along the area roadways. Also, the adjacent residential uses and streetlights may create light and glare.

- d. Proposed measures to reduce or control light and glare impacts, if any.

Street lighting will be installed as per the manufacturer's recommendations.

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Juanita Bay Park

- 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.

13. HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
None known.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
None.
- c. Proposed measures to reduce or control impacts, if any.
There are no known impacts. If an archeological site is found during the course of construction, the State Historic Preservation Officer will be notified.

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.
Access to the Project is from I-405 at NE 116th Street, then east on NE 116th Street to 99th Place NE, then north on 99th Place NE to the Site.
- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
The nearest public transit stop is approximately 0.1 mile south at the intersection of NE 116th Street and 98th Avenue NE.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

The completed project will have garage parking spaces. Each home will have a minimum of two-parking spaces. And there will be two off-street parking.

- 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).

A new road will be constructed on site, as well as frontage improvements to 99th Place NE which will include pavement widening, curb, gutter, planter strip, and sidewalk.

- 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 known, indicate when peak volumes would occur.

Based on 9.8 trips per unit per day, this project would generate 108 trips.

- g. Proposed measures to reduce or control transportation impacts, if any.

Not known at this time.

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.

The project will result in an increased need for public services typical for a short subdivision of this size.

- b. Proposed measures to reduce or control direct impacts on public services, if any.
The project will pay mitigation fees for the impact on public services per the City fee schedule.

16. UTILITIES

- a. Circle utilities currently available at the site:
Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- 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 Sound Energy
Natural Gas.....Puget Sound Energy
Water & Sewer...City of Kirkland
Telephone.....Verizon

C. SIGNATURE

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

Signature: 
Richard D. Olson, P.E.

Date Submitted: 11/20/06, 2006

CITY OF KIRKLAND

123 FIFTH AVENUE ● KIRKLAND, WASHINGTON 98033-6189 ● (425) 587-3000

**DEPARTMENT OF PUBLIC WORKS
MEMORANDUM**

To: Tony Leavitt, Planner

From: Thang Nguyen, Transportation Engineer

Date: January 31, 2007

Subject: Juanita Bay Townhouse Traffic Concurrency, PSB06-00001

The purpose of this memo is to inform you that the traffic concurrency for the proposed Juanita Bay Townhouse development has been completed and the proposed project passed traffic concurrency.

Project Description

The applicant proposes to replace a 1,860 square feet (sf) mixed-office building with 11 townhouses. It is anticipated that the project will be built and fully occupied by the end of 2008. It is calculated that the proposed project will generate 53 daily, 4 AM, and 5 PM peak hour trips

The proposed project passed traffic concurrency. Attached is the result of the concurrency test. This memo will serve as the concurrency test notice for the proposed project. Per *Section 25.10.020 Procedures* of the KMC, this Concurrency Test Notice will expire in one year (January 31, 2008) unless a development permit and certificate of concurrency are issued or an extension is granted.

EXPIRATION

The concurrency test notice shall expire and a new concurrency test application is required unless:

1. A complete SEPA checklist, traffic impact analysis and all required documentation are submitted to the City within 90 calendar days of the concurrency test notice.
2. A Certificate of Concurrency is issued or an extension is requested and granted by the Public Works Department within one year of issuance of the concurrency test notice. (A Certificate of Concurrency is issued at the same time a development permit or building permit is issued if the applicant holds a valid concurrency test notice.)
3. A Certificate of Concurrency shall expire six years from the date of issuance of the concurrency test notice unless all building permits are issued for buildings approved under the concurrency test notice.

Memorandum to Tony Leavitt
January 31, 2007
Page 2 of 2

APPEALS

The concurrency test notice may be appealed by the public or agency with jurisdiction. The concurrency test notice is subject to an appeal until the SEPA review process is complete and the appeal deadline has passed. Concurrency appeals are heard before the Hearing Examiner along with any applicable SEPA appeal. For more information, refer to the Kirkland Municipal Code, Title 25. If you have any questions, please call me at x3869.

cc: John Burkhalter, Senior Development Engineer
Bill Popp Jr, William Popp Associates

1) Project ID: Juanita Bay Townhomes	4) Transportation Concurrency Status PASS	6) Transportation Concurrency Certificate Date:
2) Project Description: Replace a mixed use development with 11 units of Townhouse	5) Transportation Concurrency Test Date 31-Jan-07	7) Certificate of Occupancy Date
3) Build-out Year: 2009		

SUMMARY OF TRAFFIC IMPACTS

8) Daily Trips: 53	PM Peak Trips: 5	Impacted Subarea(s): NW	TAZ: 268
--------------------	------------------	-------------------------	----------

Signalized Intersection PM Peak Traffic Impact

Code	Intersection	Project PM Peak Turning Volumes												PM Peak Trips	Daily Trips	Sum of Critical Vol*	Vol. Capacity Ratio*
		Eastbound			Westbound			Northbound			Southbound						
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT				
	Driveway/99th PI NE	1											2	3			
	Driveway/98th Ave NE					1					1			2			
														0			
201	98th Ave NE/Juanita Dr									1				1			
205	Market St/Forbes Creek											1		1			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			
	#N/A													0			

Transportation Concurrency Test

Subarea No	LOS Standards		LOS with Project Impacts		a <= A?	b <= B?
	A= Max. Intersection LOS	B=Average 2010 V/C	a=No. exceeding 1.4	b=Average V/C		
Southwest (1xx)	1.4	0.90	0	0.82	yes	yes
Northwest (2xx)	1.4	0.90	0	0.87	yes	yes
Northeast (3xx)	1.4	0.88	0	0.85	yes	yes
East(4xx)	1.4	1.05	0	0.99	yes	yes

TEST RESULTS

Result: PASS

* Based on Critical Movement, Planning Method TRC #212.

1. Number of intersection exceeding Average V/C LOS Standard (2012)

1. Sixth Year Target Average V/C ratio, see step 6, part 1 of the guidelines

Dennis M. Bruce, P.E.

M.S.C.E., M.B.A.

Geotechnical/Civil Engineer

RECEIVED JAN 08 2007

January 2, 2007

Seattle D.P.D.
c/o Real Property Development Company
8001 14th Ave. NE
Seattle, WA 98115

Subject: **Geotechnical Evaluation – Foundation Recommendations
Proposed 11-Unit Juanita Town Homes
11444 98th Ave. NE, Kirkland, Washington**

This engineering report presents the results of a geotechnical evaluation of the R.P.D.C. property at 11444 98th Ave. NE, Kirkland, Washington. This evaluation was required due to owner / contractor concerns, as well as City of Kirkland requirements.

REFERENCES:

- Project Plans for 11-Unit Town Homes by Driscoll Architects (October 2, 2006)
- Site Plan and Topographic Map
- Photographs by D. Bruce, P.E. dated December 28, 2006

BACKGROUND:

The overall property is near rectangular in shape with an average width of approximately 67 feet. The overall depth of the property is approximately 280 feet (see property survey).

The up-slope portion of the property (easterly, abutting 99th Pl. NE) contains an existing single-family residence that will be demolished. The lower portion (westerly, abutting 98th Ave. NE) currently contains mobile / trailer units. The overall property contains approximately 35 feet of elevation change from highest point to lowest point (see topographic map).

It is understood that R.P.D.C. proposes to construct 11 town home units as indicated on the site plan.

Visual evaluation of the existing residence reveals no evidence of any geotechnical distress: no observable foundation cracking, or any evidence of erosional

degradation. The overall site revealed no evidence of any slides, tension cracking, or evidence of erosional degradation.

Portions of the site contain lawn and mature trees (see photographs). The north part of the site contains a rockery varying in height from 2 to 5 feet that provides erosion stabilization for the adjacent (northerly) athletic club parking lot.

At the time of this investigation and report, it is understood that property owners / developers propose to place a small amount of **structural fill** in the "low swale" portion of the site. This location is approximately mid-property and will allow for a more even foundation construction sequence (see later section on "Structural Fill Placement").

EVALUATION:

In order to augment the existing site geotechnical information, 3 soil test pits were dug under this engineer's observation on December 28, 2006 (see site plan for test pit locations).

Test Pit No. 1 (on slope immediately below existing easterly house):

0" to 6"	Lawn, organics, roots, and organic silt
6" to 24"	Sandy loam, moderately dense Slight groundwater trickle at 24" depth
24" to 6.0 ft. (bottom of test pit)	Very dense (cemented) slightly silty sand. Very hard digging

Slight groundwater trickle was encountered at 24 inch depth. Test pit walls remained vertical and stable. No sloughing or caving occurred.

Test Pit No. 2 (base of slope):

0" to 6"	Lawn, organics, roots, and organic silt
6" to 30"	Sandy loam, moderately dense. Groundwater inflow (more volume than Test Pit No. 1). Water from the NE direction
30" to 5.0 ft. (bottom of test pit)	Very dense silty clay. (Hard cohesive clay)

Groundwater was encountered at 30 inch depth. Test pit walls remained vertical and stable. No sloughing or caving occurred.

Test Pit No. 3 (western portion of site adjacent athletic club driveway zone):

0" to 6"	Parking area gravel
----------	---------------------

6" to 3-½ ft.	Very dense sand
	Groundwater trickle at 3 ft. depth
3-½ ft. to 6 ft. (bottom of test pits)	Very dense / stiff clay

Groundwater was encountered at 3 foot depth. Test pit walls remained vertical and stable. No sloughing or caving occurred.

CONCLUSIONS / RECOMMENDATIONS:

Based on the findings of this investigation, and experience with similar sites in the area, the property at 11444 98th Ave. NE, Kirkland, Washington is **geotechnically approved** for the proposed 11-unit town house project, subject to the following:

- Excavation constraints: At the time of this investigation and report, it is understood that no lower levels are proposed and no excavation is planned deeper than approximately 4 feet below grade. No excavation shoring is required for soil cuts less than 4 feet. If actual excavation depths exceed 4 feet in depth, additional geotechnical review and recommendations for temporary shoring **are required**.
- Standard reinforced continuous and spread footings. Allowable bearing pressure: **2,000 p.s.f.**
- Equivalent fluid pressure of 35 p.c.f. is recommended for any retaining wall design provided drainage zone is inspected and verified by this engineer.
- For retaining wall design, use friction factor of 0.55 and passive pressure of 350 p.c.f.
- Geotechnical inspections by this engineer prior to any foundation concrete placement.

The proposed structure can be supported on conventional continuous and spread footings bearing on undisturbed native soils or on structural fill placed above native soils. See the later sub-section entitled General Earthwork and Structural Fill for structural fill placement and compaction recommendations. Continuous and individual spread footings should have **minimum** widths of eighteen (18) and twenty-four (24) inches, respectively, and should be bottomed at least eighteen (18) inches below the lower adjacent finish ground surface.

Depending on the final site grades, some over-excavation may be required below footings to expose competent native soils. Unless lean concrete is used to fill the over

excavated hole, the width of the over-excavation at the bottom must be at least as wide as the sum of two times the depth of the over-excavation and the footing width. For example, an over-excavation extending two feet below the bottom of a three-foot wide footing must be at least seven feet wide at the base of the excavation.

Footings constructed according to the above recommendations may be designed for an allowable soil bearing pressure of two thousand (2,000) pounds per square foot (p.s.f.). A one-third increase in this design bearing pressure may be used when considering short-term wind or seismic loads. For the above design criteria, it is anticipated that total post-construction settlement of footings founded on competent, native soils (or on structural fill up to five (5) feet in thickness) will be about one-half inch, with differential settlements on the order of one-quarter inch.

NOTE: The bearing capacity of 3,000 p.s.f. applies to over-excavated and backfill conditions. Footings placed on native soils may be designed for 2,000 p.s.f.

Lateral loads due to wind or seismic forces may be resisted by friction between the foundations and the bearing soils, or by passive earth pressure acting on the vertical, embedded portions of the foundations. For the latter condition, the foundations must either be poured directly against undisturbed soil or the backfill placed around the outside of the foundation must be level structural fill. We recommend the following design values be used for the foundation's resistance to lateral loading:

<u>Parameter</u>	<u>Design Value</u>
Coefficient of Friction	0.55
Passive Earth Pressure	350 p.c.f.

Where:

- (1) p.c.f. is pounds per cubic foot.
- (2) Passive earth pressure is computed using the equivalent fluid density.

We recommend that a safety factor of at least 1.5 be used for design of the foundation's resistance to lateral loading.

SLABS-ON-GRADE:

Slab-on-grade floors may be supported on undisturbed, competent native soils or on structural fill. The slabs may be supported on the existing soils provided these soils can be re-compacted prior to placement of the free-draining sand or gravel underneath the slab. This sand and gravel layer should be a minimum of four (4) inches thick. We

also recommend using a vapor barrier such as 6-mil. plastic membrane beneath the slab with minimum overlaps of 12 inches for sealing purposes.

PERMANENT FOUNDATION AND RETAINING WALLS:

Retaining walls backfilled on one side only should be designed to resist lateral earth pressures imposed by the soils retained by these structures. The following recommended design parameters are for walls less than twelve (12) feet in height, which restrain level backfill:

<u>Parameter</u>	<u>Design Value</u>
Active Earth Pressure*	35 p.c.f.
Passive Earth Pressure	350 p.c.f.
Coefficient of Friction	0.55
Soil Unit Weight	125 p.c.f.

Where:

- (1) p.c.f. is pounds per cubic foot
- (2) Active and passive earth pressures are computed using equivalent fluid densities.

* For restrained walls which cannot deflect at least 0.002 times the wall height, a uniform lateral pressure of one hundred (100 p.s.f. should be added to the active equivalent fluid pressure).

The values given above are to be used for design of permanent foundation and retaining walls only. An appropriate safety factor should be applied when designing the walls. We recommend using a safety factor of at least 1.5 for overturning and sliding.

The above design values do not include the effects of any hydrostatic pressures behind the walls and assume that no surcharge slopes or loads will be placed above the walls. If these conditions exist, then those pressures should be added to the above lateral pressures. Also, if sloping backfill is desired behind the walls, then we will need to be given the wall dimensions and slope of the backfill in order to provide the appropriate design earth pressures.

Heavy construction equipment should not be operated behind retaining and foundation walls within a distance equal to the height of the wall, unless the walls are designed for the additional lateral pressures resulting from the equipment. Placement and compaction of retaining wall backfill should be accomplished with hand-operated equipment.

Retaining Wall Backfill

Backfill placed within eighteen (18) inches of any retaining or foundation walls should be free-draining structural fill containing no organics. This backfill should contain no more than five (5) percent silt or clay particles and have no particles greater than four (4) inches in diameter. The percentage of particles passing the No. 4 sieve should be between twenty-five (25) and seventy (70) percent. Due to their high silt content, if the native soils are used as backfill, a drainage composite, such as Mirafi and Enkadrain, should be placed against the retaining walls. The drainage composites should be hydraulically connected to the foundation drain system. The purpose of these backfill requirements is to assure that the design criteria for the retaining wall is not exceeded because of a build-up of hydrostatic pressure behind the wall. The subsection entitled General Earthwork and Structural Fill contains recommendations regarding placement and compaction of structural fill behind retaining and foundation walls.

EXCAVATION AND SLOPES:

At the time of this investigation and report, it is understood that no deep excavation is proposed (deeper than approximately 4 feet in depth). Thus no temporary shoring is required.

If, however, actual conditions exceed 4 feet in excavation depths then additional geotechnical review and recommendations for temporary shoring are required.

In no case should excavation slopes be greater than the limits specified in local, state and national government safety regulations. Temporary cuts up to a height of four (4) feet deep in unsaturated soils may be vertical. For temporary cuts having a height greater than four (4) feet, the cut should have an inclination no steeper than 1:1 (Horizontal:Vertical) from the top of the slope to the bottom of the excavation. Under **specific recommendations by the geotechnical engineer**, excavation cuts may be modified for site conditions. All permanent cuts into native soils should be inclined no steeper than 2:1 (H:V). Fill slopes should not exceed 2H:1V. It is important to note that sands do cave suddenly, and without warning. The contractors should be made aware of this potential hazard.

Water should not be allowed to flow uncontrolled over the top of any temporary or permanent slope. All permanently exposed slopes should be seeded with an appropriate species of vegetation to reduce erosion and improve stability of the surficial layer of soil.

DRAINAGE CONSIDERATIONS:

Footing drains are recommended at the base of all footings and retaining walls. These drains should be surrounded by at least six (6) inches of one-inch-minus washed rock wrapped in non-woven geotextile filter fabric (Mirafi 140N, Supac 4NP, or similar material). At the highest point, the perforated pipe invert should be at least as low as the bottom of the footing and it should be sloped for drainage. All roof and surface water drains must be kept separate from the foundation drain system.

Groundwater was encountered in all 3 test pits during the fieldwork. This groundwater was located below anticipated footing depths and will not adversely impact foundations, **subject to** on-site geotechnical inspections and verifications. Seepage into the planned excavation is possible, and likely if excavation occurs during winter months, and if encountered should be drained away from the site by use of drainage ditches, perforated pipe, French drains, or by pumping from sumps interconnected by shallow connector trenches at the bottom of the excavation.

The excavation of the site should be graded so that surface water is directed off the site and away from the tops of slopes. Water should not be allowed to stand in any area where foundations, slabs, or pavements are to be constructed. Any exposed slopes to be covered with plastic to minimize erosion. Final site grading in areas adjacent to buildings should be sloped at least two (2) percent away from the building, except where the area adjacent to the building is paved.

GENERAL EARTHWORK AND STRUCTURAL FILL:

The proposed building and pavement areas should be stripped and cleared of all surface vegetation, all organic matter, and other deleterious material. The stripped or removed materials should not be mixed with any materials to be used as structural fill.

Structural fill is defined as any fill placed under the building, behind permanent retaining or foundation walls, or in other areas where the underlying soils needs to support loads. This engineer should observe site conditions during and after excavation prior to placement of any structural fill.

All structural fill should be placed in horizontal lifts with a moisture content at or near the optimum moisture content. The optimum moisture content is that moisture content which results in the greatest compacted dry density. The moisture content of fill soils is very important and must be closely controlled during the filling and compaction process.

The allowable thickness of the fill lift will depend on the material type, compaction equipment, and the number of passes made to compact the lift. In no case should the

lifts exceed twelve (12) inches in loose thickness. The following table presents recommended relative compaction for structural fill:

<u>Location of Fill Placement</u>	<u>Minimum Relative Compaction</u>
Beneath footings, slabs or walkways	95%
Behind retaining walls	90%
Beneath pavements	95% for upper 12 inches of Sub-grade, 90% below that level

Where: Minimum relative compaction is the ratio, expressed in percentages, of the compacted dry density to the maximum dry density, as determined in accordance with ASTM Test Designation D-1557-78 (Modified Proctor).

Use of On-Site Soils

If grading activities take place during wet weather, or when the clay / silty, on-site soils are wet, site preparation costs may be higher because of delays due to rains and the potential need to import granular fill. The on-site soils are generally silty and thus are highly moisture sensitive. Grading operations will be difficult when the moisture content of these soils exceeds the optimum moisture content.

Moisture sensitive soils will also be susceptible to excessive softening and "pumping" from construction equipment traffic when the moisture content is greater than the optimum moisture content.

Ideally, structural fill, which is to be placed in wet weather, should consist of a granular soil having no more than five (5) percent silt or clay particles. The percentage of particles passing the No. 200 sieve should be measured from that portion of the soil passing the three-quarter-inch sieve.

The use of "some" on-site soils for fill material **may be acceptable** if the upper organic materials are segregated and moisture contents are monitored by engineering inspection.

DRAINAGE CONTROLS:

No drainage problems were evident with the existing residence and overall property at 11444 98th Ave. NE.

It is understood that the proposed 11-unit town home project will comply with City of Kirkland requirements for gutters, downspouts and tight line storm water connections into the existing City of Kirkland storm water system.

CONCRETE:

All foundation concrete (footings, stem walls, slabs, any retaining walls, etc.) shall have a minimum cement content of 5-1/2 sacks per cubic yard of concrete mix.

INSPECTIONS:

The recommendations of this report are **only valid** when key geotechnical aspects are inspected by this engineer during construction:

- Soil cuts
- Foundation sub-grade verification
- Any retaining wall, or rockery placement
- Any fill placement
- Subsurface drainage installation
- Temporary and permanent erosion control measures

SUMMARY:

The proposed 11-unit town home project at 11444 98th Ave. NE, Kirkland, Washington is **geotechnically viable** when constructed in accordance with the recommendations herein, compliance with City of Kirkland approved plans and requirements, and key geotechnical inspections during construction.

GEOTECHNICAL REVIEW OF FINAL PLANS:

At the time of this investigation and report, the October 2, 2006 Driscoll Architect plans were available for review.

As stated in this report, the dense, no excavation deeper than approximately 4 feet is proposed.

Prior to final permit issuance, this engineer should review the **final** project plans to verify compliance with the recommendations of this report.

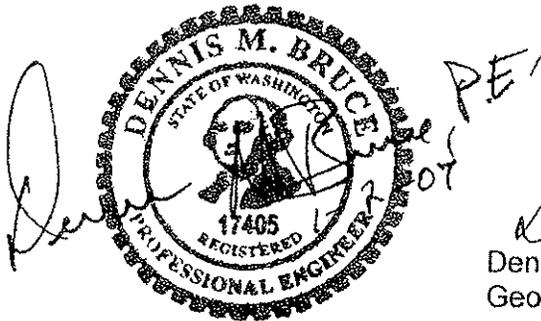
Upon satisfactory review, a "Statement of Minimal Risk" will be issued.

Seattle D.P.D.
c/o R.P.D.C.
January 2, 2007
Page 10

CLOSURE:

The findings and recommendations of this report were prepared in accordance with generally accepted professional engineering principles and practice. No other warranty, either express or implied, is made. The conclusions are based on the results of the field exploration and interpolation of subsurface conditions between explored locations. If conditions are encountered during construction that appear to be different than those described in this report, this engineer should be notified to observe the situation and review and verify or modify the recommendations.

If there are any questions, do not hesitate to call.



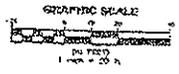
Dennis M. Bruce, P.E.
Dennis M. Bruce, P.E.
Geotechnical / Civil Engineer

DMB:abj

EXPRES 12/23 2007

Northeast 110th Street

NEHRMAN
DEED



LEGAL DESCRIPTION

SUBJECT PORTION OF NEHRMAN DEED...
BEING PART OF THE NEHRMAN DEED...
SITUATED IN THE CITY OF NEHRMAN...
SECTION 17, T12N, R10E, S12W, WA.

EXCEPT THE PORTION...
LOCATED WITH AN EAST-WEST...
SECTION 17, T12N, R10E, S12W, WA.

EXCEPT THE PORTION...
LOCATED WITH AN EAST-WEST...
SECTION 17, T12N, R10E, S12W, WA.

EXCEPT THE PORTION...
LOCATED WITH AN EAST-WEST...
SECTION 17, T12N, R10E, S12W, WA.

EXCEPT THE PORTION...
LOCATED WITH AN EAST-WEST...
SECTION 17, T12N, R10E, S12W, WA.

EXCEPT THE PORTION...
LOCATED WITH AN EAST-WEST...
SECTION 17, T12N, R10E, S12W, WA.

⊠ = LOCATION OF SOIL TEST PITS

TEST DESCRIPTIONS

C - Clean Gravel S - Sand (fine) (Fines)

SURVEY NOTES

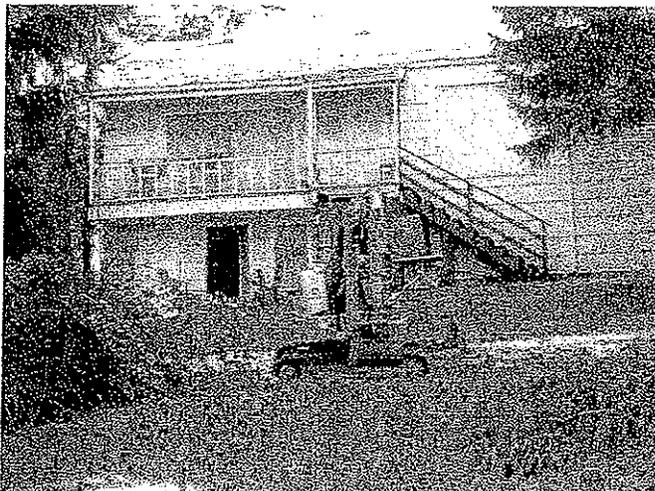
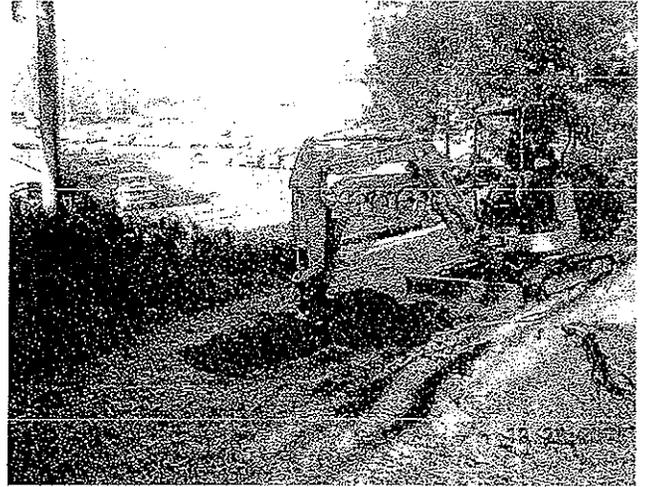
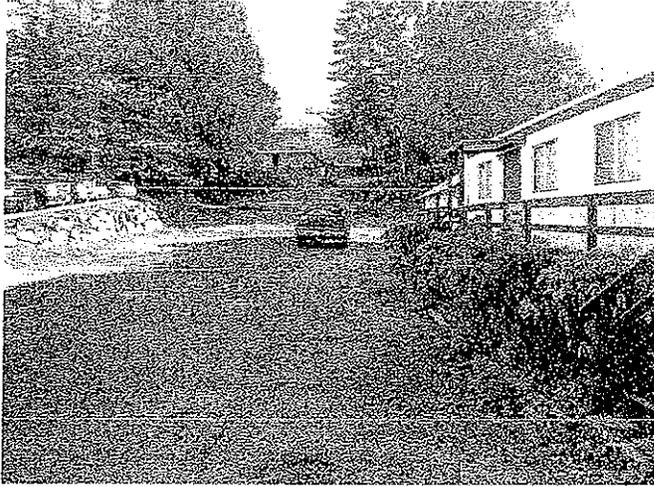
NEHRMAN DEED...
SURVEY MADE ON...
NEHRMAN DEED...
NEHRMAN DEED...
NEHRMAN DEED...

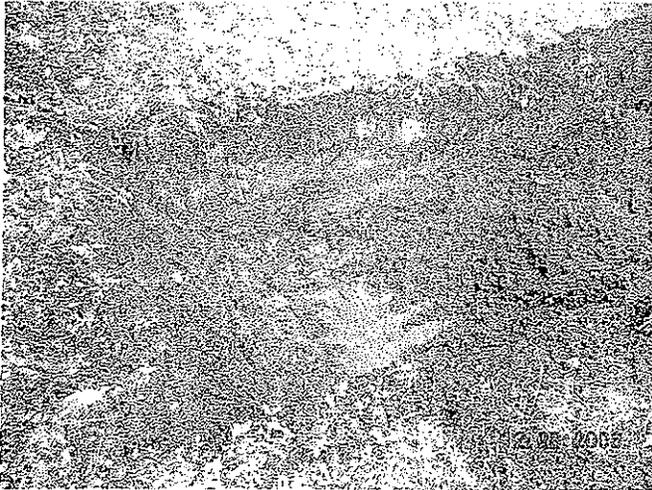
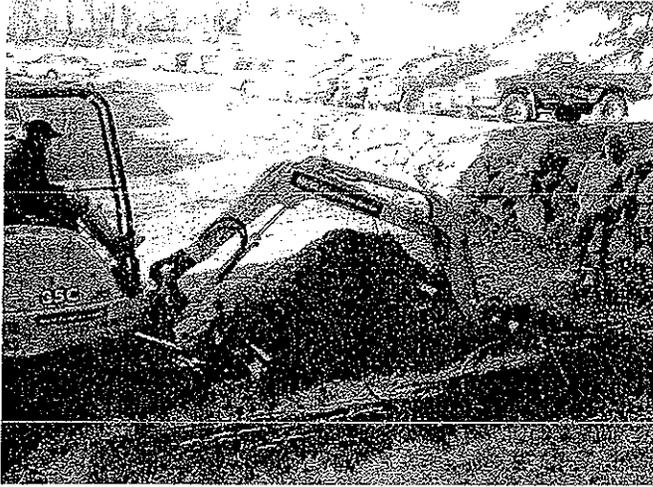
SUBJECT IN THE
NE 1/4, SEC. 17, T12N, R10E, S12W, WA.



TOPOGRAPHIC SURVEY
Steve Smith
11444 28th Avenue Northwest
Kirkland WA 98033
CREATED BY: STEVE SMITH, P.E.
DATE: 11/20/05

DATE	11/20/05
BY	SS
CHECKED	SS
DATE	11/20/05





Jan Jordan, RPA®
Lease Compliance Administrator
Telephone 469.759.5331
Facsimile 469.759.5586
E-Mail JordanJ@Michaels.COM

RECEIVED
APR 19 2007
AM PM
PLANNING DEPARTMENT
BY _____



April 16, 2007

Tony Leavitt
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

RE: Michaels Store, Kirkland, Washington
Notice of Application
Juanita Townhomes Preliminary Subdivision File. PSB06-00001

Dear Mr. Leavitt:

Michaels is concerned about the disruption to our business that could occur based upon the construction of this subdivision. We are concerned about short term congestion with construction vehicles and long term congestion with subdivision traffic on 116th Street. We are also concerned about the need for closures/detours on 116th Street when streets are cut and utility lines are run.

We would appreciate information about how these items will be addressed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Jordan". The signature is fluid and cursive.

Jan Jordan, RPA®
Lease Compliance Administrator

LAW OFFICES
LIVENGOOD, FITZGERALD & ALSKOG

A PROFESSIONAL LIMITED LIABILITY COMPANY

JAMES S. FITZGERALD*
DAVID A. ALSKOG
DAVID B. JOHNSTON
JOHN J. WHITE, JR.
DAVID J. SEELEY**
KEVIN B. HANSEN
THOMAS K. WINDUS+
GREGORY A. McBROOM
HUGH W. JUDD, P.S.+

PHILIP L. CARTER, RETIRED
ROBERT P. TOSSEM, RETIRED

RECEIVED

APR 19 2007

AM 4:52 PM
PLANNING DEPARTMENT

BY TJA

121 THIRD AVENUE
POST OFFICE BOX 908
KIRKLAND, WASHINGTON 98083-0908

PHONE: (425) 822-9281
FAX: (425) 828-0908
E-mail: fitzgerald@lfa-law.com

*ALSO ADMITTED IN OREGON
**ALSO ADMITTED IN CALIFORNIA
+OF COUNSEL

GORDON A. LIVENGOOD (1921 - 2001)

April 19, 2007

Hand-delivered

Mr. Tony Leavitt
Project Planner
Planning and Community Development Department
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

Re: Juanita Townhomes Preliminary Subdivision File No. PSB06-00001

Dear Mr. Leavitt:

I am writing on behalf of Columbia Athletic Clubs, Inc. ("CAC"), owner and operator of the Juanita Bay Club immediately adjacent to the above-referenced subject property on the north side thereof. Please list me and my client as a party of record to this application and all other matters involving the subject property and forward all notices pertaining to the subject property to both of us. My client's name and address is:

Mr. Allen Oskoui
Vice President
Columbia Athletic Clubs, LLC
11400 98th Ave. N.E., Suite 300
Kirkland, WA 98033

This letter constitutes CAC's comments on the above-referenced application. CAC opposes the application for the reasons stated hereinbelow. However, CAC is in discussions with the applicant to mitigate the adverse impacts of the proposal and if agreement is reached, reserves the right to withdraw the objection.

It is my understanding that the applicant has acquired title to the subject property and thus is now the owner. As part of a settlement of a lawsuit between CAC and the applicant's

predecessor-in-interest, an easement was created on February 1, 1983 across the CAC property for the benefit of the subject property. At this time, access to the subject property was limited. The home on the east portion was (and is) accessed from 99th Place N.E., and the business property on the west portion was (and is) accessed from 98th Avenue N.E. through the CAC property. No traversing between 98th and 99th was or is possible. The easement was for ingress, egress, maneuvering and backing, but not for loading, unloading or parking. It was created expressly so that the owner of the subject property could access his business with the occasional trucks which serviced it.

Enclosed with this letter is an aerial photo which depicts the subject property and the CAC property. The buildings are clearly visible. The cross-hatched area is the location of the easement where the trucks used to need to turn-around. The proposed use of the subject property eliminates the need for such turn-around.

The easement was not and is not intended to be a thoroughfare between 98th Avenue N.E. and 99th Place N.E. Any attempt to make it so will be strongly resisted for a number of reasons, not the least of which are the following:

- The easement is limited for users solely of the subject property, and not for any others (such as neighbors to the east).
- A tremendous danger to CAC patrons exists if vehicles are allowed to use the easement as a thoroughfare. CAC patrons include children who are accompanying their caretakers to and from their vehicles and a serious safety risk would result.
- Such use would burden the easement and exceed its contemplated allowable use. The easement states it is "primarily for access purposes." When written, this meant access to the commercial structure on the west end of the subject property.
- The easement would be used as a shortcut to avoid the traffic on 98th Avenue N.E. and its intersection with N.E. 116th Street. This is not a permissible use of the easement.

We understand that the application is to subdivide the subject property into eleven (11) separate parcels, to be developed with eleven (11) townhome units. The DRB approval states that primary vehicular access is to be via 99th Place N.E., with secondary access to 98th Avenue N.E. via the easement. The secondary access is for the purpose of allowing emergency vehicle access to the subject property. It allows full use of the west parcel without the need for an emergency vehicle turnaround which would cause a loss of units.

Dealing with eleven different owners to trying and control use of the easement, given its limited purpose, would be difficult at best and impossible at worst. Assuring that the easement was only used by such owners would likewise be impossible without certain measures being taken.

CAC has additional objections based on its review of the plans. On the northeast corner of the subject property, it appears that the applicant seeks to grade on CAC's property. Consent for such grading or even temporary use for construction purposes has not been granted.

In addition, the grading for the roadway to provide access to the lots in the proposed plat would intrude on CAC's property. Permission for this has not been granted.

Accordingly, in view of the limited purpose of the easement, CAC opposes the application unless a condition is imposed which would require a fence and gate to be placed between the subject property and the CAC property, with the gate to be located at the point of ingress and egress between the respective properties on the easement premises. The gated access should be accessible only by emergency vehicles, with a Knox key. The fence and gate would be designed to prevent unauthorized parking by either the townhome owners or CAC patrons, to the benefit of both.

We have already verified with Public Works that such an arrangement would be acceptable.

The fact is that this is a significant and serious safety issue for both the patrons of CAC and the residents and guests of the subject property.

CAC has made an effort to meet with the developer and that effort continues. A modification of the easement and placement of a gate is under discussion. If acceptable arrangements are able to be made, then CAC believes that the impact and issues, although not eliminated, will be reduced to acceptable and tolerable levels. If an appropriate gate and fence is installed to CAC's satisfaction, agreement is likely to be reached on the other issues mentioned above. We will continue to work with the applicant to reach mutual agreement but if such is not reached, CAC's opposition will remain for the reasons stated.

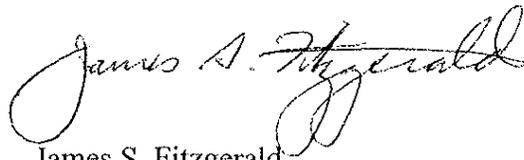
If you have any questions regarding the foregoing, please do not hesitate to contact me. Please advise when the hearing before the Hearing Examiner will be held.

Mr. Tony Leavitt
April 19, 2007
Page 4

In advance, thank you for your consideration of this matter.

Very truly yours,

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC


James S. Fitzgerald

JSF:me

Enclosure

cc: Columbia Athletic Clubs, LLC

\\saw01\11333485\FILEDATA\2007\04\19\11333485_2007-04-19_02

LAW OFFICES

LIVENGOOD, FITZGERALD & ALSKOG

A PROFESSIONAL LIMITED LIABILITY COMPANY

JAMES S. FITZGERALD*
DAVID A. ALSKOG
DAVID B. JOHNSTON
JOHN J. WHITE, JR.
DAVID J. SEELEY**
KEVIN B. HANSEN
THOMAS K. WINDUS+
GREGORY A. MCBROOM
HUGH W. JUDD, P.S.+

PHILIP L. CARTER, RETIRED
ROBERT P. TJSSEM, RETIRED

RECEIVED
JUN 27 2007
2:30 PM
PLANNING DEPARTMENT
BY TL

121 THIRD AVENUE
POST OFFICE BOX 908
KIRKLAND, WASHINGTON 98083-0908

PHONE: (425) 822-9281
FAX: (425) 828-0908
E-mail: fitzgerald@lfa-law.com

*ALSO ADMITTED IN OREGON
**ALSO ADMITTED IN CALIFORNIA
+OF COUNSEL

GORDON A. LIVENGOOD (1921 - 2001)

June 27, 2007

Ms. Nancy Cox
Environmental Coordinator
Planning and Community Development Department
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

Re: Juanita Townhomes Preliminary Subdivision File No. PSB06-00001—Appeal of
SEPA Determination of Non-Significance (“DNS”)

Dear Ms. Cox:

I am writing on behalf of Columbia Athletic Clubs, Inc. and its owners, as well as the Oskoui Family Limited Partnership (“OFLP”). Columbia Athletic Clubs, Inc. is the owner and operator of the Juanita Bay Club immediately adjacent to the above-referenced subject property on the north side thereof. OFLP is the owner of the property on which the Juanita Bay Club is located. The parties appealing will be collectively referred to herein as “CAC.”

CAC appeals the SEPA Determination of Non-Significance issued in the above-referenced file on June 12, 2007. The \$150 Appeal Fee is enclosed.

CAC is a party of record to this application and has standing to file this appeal. CAC’s business and property location is immediately adjacent to the applicant’s property and is burdened with an easement which the applicant desires to use as part of its access. CAC is specifically and directly affected by the proposed application and action. CAC’s contact information is as follows:

Mr. Allen Oskoui
Vice President
Columbia Athletic Clubs, LLC
11400 98th Ave. N.E., Suite 300
Kirkland, WA 98033

CAC has by previous letter stated its opposition to this application. If suitable mitigation of probable significant adverse environmental impacts can be agreed upon with the applicant, CAC reserves the right to withdraw this appeal.

CAC respectfully submits that the DNS Threshold Determination issued by the Responsible Official in this case is in error. The Determination ignores or fails to take proper account of probable significant adverse environmental impacts resulting from the applicant's plan for access to its property and use of that access by others unrelated to the applicant. In short, CAC's SEPA Appeal focuses on traffic—not just traffic generated by the project, but by traffic that can be reasonably expected to use the subject property as a street when the project is constructed. The plan will open a throughway that does not presently exist. A probable significant adverse environmental impact will result and this has not been properly or adequately addressed by either the applicant or the City.

Factual Background

CAC understands that the application is to subdivide the subject property into eleven (11) separate parcels, to be developed with eleven (11) town home units. The DRB approval states that primary vehicular access is to be via 99th Pl. N.E., with secondary access to 98th Ave. N.E. via an easement. The secondary access is for the purpose of allowing emergency vehicle access to the subject property. It allows full use of the west parcel without the need for an emergency vehicle turnaround which would cause a loss of units.

The Easement

As part of a settlement of a lawsuit between CAC and the applicant's predecessor-in-interest, an easement was created on February 1, 1983 across the CAC property for the benefit of the subject property. At this time, access to the subject property was limited. The home on the east portion was (and is) accessed from 99th Pl. N.E., and the business property on the west portion was (and is) accessed from 98th Ave. N.E. through the CAC property. No traversing between 98th and 99th was or is possible. The easement was for ingress, egress, maneuvering and backing, but not for loading, unloading or parking. It was created expressly so that the owner of the subject property could access his business with the occasional trucks which serviced it. CAC is of the opinion that the easement is so limited and may not be used as proposed by the applicant.

Adverse Environmental Impacts

The easement was not and is not intended to be a thoroughfare between 98th Ave. N.E.

and 99th Pl. N.E. The easement may not be used as proposed by the applicant. This means that the planned secondary access may not be available as desired by the applicant. Please be advised that CAC will resist any attempt to use the easement as planned by the applicant for a number of reasons, not the least of which are the following:

1. The easement is limited for users solely of the subject property, and not for any others (such as neighbors to the east).
2. A tremendous danger to CAC patrons exists if vehicles are allowed to use the easement as a thoroughfare. CAC patrons include children who are accompanying their caretakers to and from their vehicles and a serious safety risk would result.
3. Such use would burden the easement and exceed its contemplated allowable use. The easement states it is "primarily for access purposes." When written, this meant access to the commercial structure on the west end of the subject property.
4. The easement would be used a shortcut to avoid the traffic on 98th Ave. N.E. and its intersection with N.E. 116th St. This is not a permissible use of the easement.
5. Use of the easement as planned by the applicant would result in exacerbating an already difficult traffic situation in the vicinity of 98th Ave. N.E., N.E. 116th St. and 99th Pl. N.E. This has not been adequately addressed. The probable significant adverse impacts will arise out of the reasonably anticipated use by those not having permission for such use, such as vehicles desiring to avoid the intersection in order to access neighborhoods to the east and vice versa. These impacts have not been addressed and are both serious and dangerous.
6. The Traffic Concurrency analysis assumes 53 daily, 4 AM and 5 PM peak hour trips. CAC does not necessary contest this assumption. The SEPA Checklist represents that there were be 9.9 trips per unit per day, generating 108 trips. However, these assumptions are based solely on traffic generated by the anticipated residents of the proposed project. They do not account for or consider the fact that as proposed, a new road is effectively being opened in a very congested traffic area. That will result in a far different picture than the foregoing assumptions.
7. The fact is that this is a significant and serious safety issue for the patrons of

Ms. Nancy Cox
City of Kirkland Environmental Coordinator
June 27, 2007
Page 4 of 4

CAC, the residents and guests of the subject property, and the motoring public who will bear the impact of the improper and illegal easement use.

Mitigation Measures

CAC has previously gone on record that the only reasonable manner to mitigate the probable significant adverse environmental impacts identified above (and which CAC reserves the right to supplement), is to impose a condition which would require a fence and gate to be placed between the subject property and the CAC property, with the gate to be located at the point of ingress and egress between the respective properties on the easement premises. The gated access should be accessible only by emergency vehicles, with a Knox key. The fence and gate would be designed to prevent unauthorized parking by either the townhouse owners or CAC patrons, to the benefit of both. We have already verified with Public Works that such an arrangement would be acceptable.

We request a hearing as authorized by the Kirkland Municipal Code. Please advise when the hearing will be held.

If you have any questions regarding the foregoing, please do not hesitate to contact me.

In advance, thank you.

Very truly yours,

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC

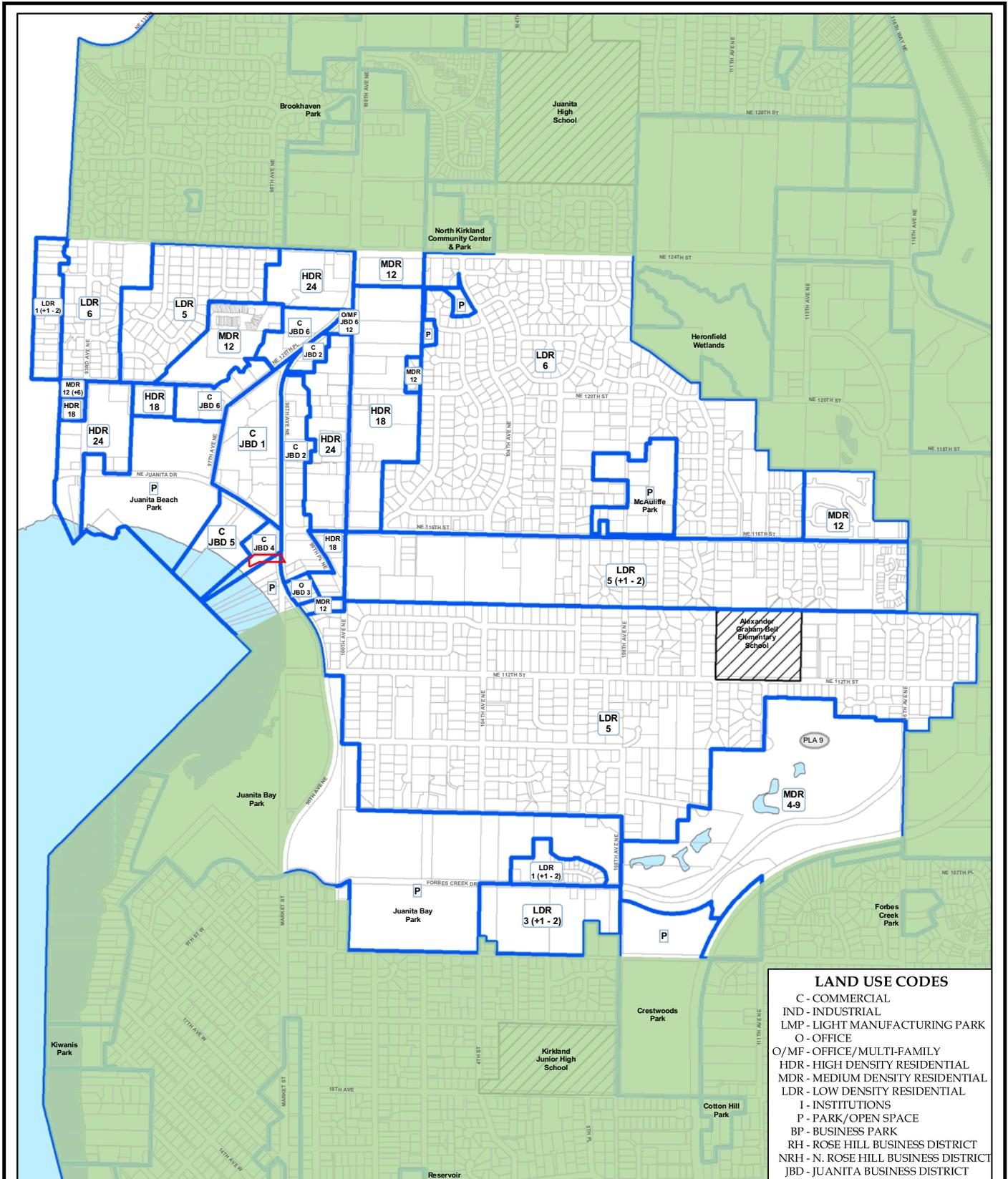


James S. Fitzgerald

JSF:me

Enclosure

cc: Columbia Athletic Clubs, LLC
Eric Shields
Steve Smith Development LLC



LAND USE CODES

- C - COMMERCIAL
- IND - INDUSTRIAL
- LMP - LIGHT MANUFACTURING PARK
- O - OFFICE
- O/MF - OFFICE/MULTI-FAMILY
- HDR - HIGH DENSITY RESIDENTIAL
- MDR - MEDIUM DENSITY RESIDENTIAL
- LDR - LOW DENSITY RESIDENTIAL
- I - INSTITUTIONS
- P - PARK/OPEN SPACE
- BP - BUSINESS PARK
- RH - ROSE HILL BUSINESS DISTRICT
- NRH - N. ROSE HILL BUSINESS DISTRICT
- JBD - JUANITA BUSINESS DISTRICT

South Juanita Neighborhood Land Use Map

ORDINANCE NO. 3974
ADOPTED by the Kirkland City Council
December 14, 2004

LAND USE BOUNDARIES	PUBLIC FACILITIES
PLANNED AREA NUMBER	PARCEL BOUNDARIES
SUBAREA BOUNDARY	LAND USE CODE
TOTEM CENTER	DENSITY (UNITS/ ACRE)

NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
* INDICATES CLUSTERED LOW DENSITY

Maps produced March 10, 2005.
Produced by the City of Kirkland. (c) 2005, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.



RESOLUTION R-4718

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF JUANITA BAY TOWNHOMES BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. FSB08-00001 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Juanita Bay Townhomes was approved by the Hearing Examiner on July 31, 2007; and

WHEREAS, thereafter the Department of Planning and Community Development received an application for approval of subdivision and final plat, said application having been made by Steve Smith Development, the owner of the real property described in said application, which property is within a Juanita Business District 2 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, the concurrency test has been passed, and a concurrency test notice issued; 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 determination reached; and

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

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

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Director of the Department of Planning and Community Development, filed in Department of Planning and Community Development File No. FSB08-00001, are hereby adopted by the Kirkland City Council as though fully set forth herein.

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

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

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

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

PASSED in open meeting of the Kirkland City Council on the _____ day of _____, 20____.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 20____.

Mayor

Attest:

City Clerk