



CITY OF KIRKLAND  
 Planning and Building Department  
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ADVISORY REPORT  
 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland Hearing Examiner  
 From: David Barnes, Project Planner

Eric R. Shields, AICP, Planning Director

Date: October 26, 2016

File: Scrivanich Subdivision and PUD, File SUB15-02157 and ZON15-02162

Hearing Date and Place: November 3, 2016 – 7PM  
 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 .....	3
II. FINDINGS OF FACT AND CONCLUSIONS .....	6
A. SITE DESCRIPTION .....	6
B. PUBLIC COMMENT .....	<b>9</b>
C. <b>STATE ENVIRONMENT POLICY ACT (SEPA) AND CONCURRENCY</b> .....	<b>10</b>
D. APPROVAL CRITERIA .....	11
E. DEVELOPMENT REGULATIONS.....	<b>25</b>
F. <b>COMPREHENSIVE PLAN</b> .....	30
G. DEVELOPMENT <b>STANDARDS</b> .....	30
III. SUBSEQUENT MODIFICATIONS .....	30
IV. CHALLENGES AND JUDICIAL REVIEW .....	30
A. CHALLENGE .....	31
B. JUDICIAL REVIEW .....	31
V. LAPSE OF APPROVAL.....	31
VI. APPENDICES .....	32
VII. PARTIES OF RECORD .....	32

## I. INTRODUCTION

### A. APPLICATION

1. Applicant: Steven Anderson, LDC Inc.
2. Site Location: 11421 NE 116<sup>th</sup> Street (see Attachment 1)
3. Request: The applicant requests approval of a preliminary subdivision and planned unit development (PUD) and wetland buffer modification described below:
  - a. Preliminary Subdivision (see Attachment 2) – Proposal to subdivide five parcels totaling 5.16 acres into 27 separate lots located at 11421 and 11431 NE 116<sup>th</sup> Street, including two adjacent undeveloped parcels: 322605-9135, 322605-9113 and property at 11406 NE 112<sup>th</sup> Street.
  - b. PUD – A request for a preliminary and final Planned Unit Development (PUD) with an increase in base density for the upper portion of development from 5 to 7 dwelling units per acre (five additional lots would be created) and a 10% density bonus (one additional lot would be created) for the lower portion of the development and modification of the following Zoning Code and Municipal Code requirements (see Attachment 3):
    - (1) Provide smaller lots sizes than the minimum lot size of 8,500 square feet in the RS 8.5 Zone for 22 of the 27 lots with average lot size of 5,384 square feet.
    - (2) Provide lot widths less than the minimum **50' as measured** from the back of the required front yard.
    - (3) Reduce minimum front yard setback for residences to 15 feet, excluding garages.
    - (4) Request to calculate the total Floor Area Ratio (FAR) over the entire site less roadway driving surfaces.
    - (5) Request that the building height calculation for the new homes on Lots 1, 2, 3, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 be based on finished grade elevations for the purposes of calculating Average Building Elevation (ABE).
    - (6) Request to calculate lot coverage over the entire site less roadway driving surfaces.
    - (7) Request that all side yard setbacks be reduced to 5 feet.

Proposed Benefits to the City – Pursuant to Kirkland Zoning Code Chapter 125, Planned Unit Development (PUD) approval criteria (discussed further in Section II.D.2), **the applicant's proposal includes the following** improvements to address the potential impacts or undesirable effects of the PUD and provide benefits to the community that would not be typically required for a subdivision under city codes and regulations. Attachment 3 **includes the applicant's analysis, which is summarized as follows:**

- (1) Public Facilities

The applicant has proposed the purchase and installation of a Rectangular Rapid Flashing Beacon (RRFB) to update an existing crosswalk located within NE 116<sup>th</sup> Street adjacent to McAuliffe Park and just west of 108<sup>th</sup> Avenue NE.

(2) Superior Buffering

The applicant has proposed a 40 foot landscape easement behind Lots 12-18. This area has some native trees and vegetation and contains 12,000 square feet of area which will buffer the lower density single-family residences located to the west.

- c. Wetland Buffer Modification (see Attachment 4) – The applicant has proposed to reduce and enhance the buffer for the onsite Type III Wetland in order to accommodate the stormwater detention vault, retaining walls, public pedestrian trail, and level spreaders to disperse stormwater into the wetland buffer. See Section II.D.3 for full analysis.

4. Review Process: Process IIB and preliminary subdivision, Hearing Examiner conducts public hearing and makes recommendation; City Council makes final decision.

5. Summary of Key Issues and Conclusions:

Utilizing the Planned Unit Development (PUD) process in Kirkland Zoning Code Chapter 125 and the provisions of the North/South Juanita Neighborhood Plan of the Comprehensive Plan to:

1. Increase the base density for the upper portion of the subject property from 5 dwelling units per acre to 7 dwelling units per acre pursuant to Comprehensive Plan.
2. Increase the density of the lower portion of the development by 10% pursuant to Kirkland Zoning Code 125.10.

Compliance with Kirkland Municipal Code for subdivision requirements, with Zoning Code Approval Criteria for the PUD (see Section II.D.2), applicable development regulations in Attachment 6 (see Section II.E), and compliance with Comprehensive Plan requirements (see Section II.F).

Wetland Buffer modification – The applicant proposes to enhance and reduce an onsite Type III wetland buffer which requires compliance with KZC 90.60.

B. RECOMMENDATIONS

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

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 5, 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 5, the condition of approval shall be followed (see Conclusion II.F).
2. Trees shall not be removed or altered following preliminary subdivision approval except as approved by the Planning Department. Attachment 5, Development Standards, contains specific information concerning tree retention requirements. Additionally, the applicant is proposing an Integrated Development Plan (IDP) pursuant to KZC 95.30.4 and 95.30.5. The trees that are shown to be saved on the IDP site plan shall be protected and retained (see Attachment 2). The onsite trees not shown as being protected may be removed with an approved grading permit (see Conclusion II.E.6). Additionally, the applicant shall implement the

following recommendation:

- a. To address the protection of offsite trees (#331 and #358), the applicant shall submit an arborist plan with the building permit for the retaining wall which describes how the trees will be protected and retained (see Conclusion II.E.6.b).
3. Prior to recording the subdivision, the applicant shall submit a land surface modification permit application and install the following improvements:
    - a. Install the required improvements as described in Attachment 5 and as follows (see Conclusion II.E.3.b):
      - (1) Frontage Improvements within the NE 116<sup>th</sup> Street right-of-way fronting the subject property.
      - (2) Frontage Improvements within the NE 112<sup>th</sup> Street right-of-way fronting the subject property.
      - (3) A 35 foot-wide right-of-way and 80 foot diameter cul-de-sac to serve Lots 1-19 and 26 and 27.
      - (4) A 25 foot-wide panhandle road.
      - (5) A 35 foot-wide right-of-way and a Fire Department hammerhead to the north and west of the 25 foot-wide panhandle road.
      - (6) Prior to installing these improvements, plans must be submitted for approval by the Department of Public Works.
      - (7) Submit a summary sheet for the subdivision illustrating the proposed lot coverage and FAR for each lot and for overall development to demonstrate that the allowed totals are not being exceeded (see Conclusion II.D.2.c.2.d)
      - (8) **The applicant's wetland enhancement/mitigation plan and development plans shall be revised to accurately show the reduced wetland buffer and 10-foot wetland buffer setback relative to the stormwater detention vault. In no case shall the reduced wetland buffer be less than 33.3 feet in width (see Conclusion II.D.3.b).**
      - (9) **The applicant's Wetland Enhancement/Mitigation Plan shall be revised to include additional enhancement that addresses the wetland buffer reduction not previously reviewed. The applicant shall fund the review of this revision by the City's consultant, the Watershed Company.**
      - (10) The applicant shall provide plans to include of all of the landscaping, recreational amenities, and other improvements located in the open space and recreation areas in Tracts A and D (see Conclusion II.D.2.d.2).
    - b. In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of final plat approval (see Conclusion II.E.8.b).
4. Prior to Issuance of the land surface modification permit, the applicant shall:

- a. Install a six-foot high construction phase fence along the upland boundary of the entire wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities (see Conclusion II.D.3.b).
  - b. Enter into both hold harmless agreements with the City that run with the property in forms acceptable to the City Attorney. The hold harmless agreement(s) should also be recorded on the face of the plat (see Conclusion II.D.3.b).
5. Prior to final inspection of the land surface modification permit, the applicant shall:
- a. Complete Buffer Modification/Enhancement Plan (see Conclusion II.D.3.b)
  - b. Install between the upland boundary of all wetland buffers and the developed portion of the site, either (1) a permanent three- to four-foot-tall split rail fence; or (2) permanent planting of equal barrier value; or (3) equivalent barrier, as approved by the Planning Official between the upland boundary of all wetland buffers and the developed portion of the site.
  - c. Submit proof of a written contract with a qualified professional who will perform the monitoring and maintenance program outlined in Attachment 4 (see Conclusion II.D.3.b).
  - d. Submit an as-built plan for buffer mitigation installation and a security for subsequent maintenance and monitoring work for **review by the City's** wetland consultant, the cost of which shall be borne by the applicant (see Conclusion II.D.3.b)
6. As part of the final plat recording, the applicant shall:
- a. Dedicate a Natural Greenbelt Protection Easement encompassing the wetland and associated buffer area on site. The boundaries of the NGPE shall be established by survey. All surveys shall be located on KCAS or plat bearing system and tied to monuments (see Conclusion II.D.3.b).
  - b. Dedicate a 35 foot-wide right-of-way and an 80 foot diameter cul-de-sac to serve Lots 1-19 and 26 and 27 (see Conclusion II.E.1.b).
  - c. Dedicate a 25 foot-wide right-of-way panhandle on the lower portion of the development (see Conclusion II.E.1.b).
  - d. Dedicate a 35 foot-wide right-of-way north of the 25 foot-wide right-of-way panhandle (see Conclusion II.E.1.b).
  - e. Dedicate right-of-way on the lower portion of the development to accommodate a Fire Department hammerhead turnaround (see Conclusion II.E.1.b).
  - f. Grant a 6 foot-wide pedestrian easement along Tract C (see Conclusion II.E.1.b).
  - g. Grant a 10 foot-wide pedestrian easement from the south end of tract C across Lots 26 and 25 to the south property line of Lot 25 and connects to the 35 foot-wide right-of-way (see Conclusion II.E.1.b)

- h. A 40-foot landscape easement shall be placed at the rear of Lots 12-18 prior to recording the subdivision along with appropriate Landscape Green Belt Easement (LGBE) language which shall include provisions to allow minor improvements to encroach 10 feet into the 40 foot landscape easement (see Conclusions II.D.2.c.2.a and II.D.2.c.2.d)
  - j. The applicant shall demolish or remove all structures on the subject property (see Conclusion II.A.1.b).
  - k. Covenants shall be recorded on the face of the plat to restrict the total lot coverage and FAR at 50% for the net development area. Both calculations to be based on the net development area of the subdivision (Gross site area minus dedicated right-of-ways and access tracts). The applicant shall provide tracking of total lot coverage and FAR with each building permit in the plat (see Conclusion II.D.2.c.2.(d)).
7. As part of the application for Building Permits for Lots 12-18, the applicant shall submit landscaping plans that show existing landscaping and new landscaping to fill in existing gaps in the 40 foot landscape easement. The new landscaping shall include native evergreen and deciduous trees and shrubbery (see Conclusions II.D.2.c.2(a) and II.D.2.d.2(c)).
8. As part of the application for Building Permits for each lot, the applicant shall submit a site plan for all lots showing at least two trees on each lot (see Conclusion II.E.6.b).
9. Prior to occupancy of the building permits:
- a. The 40-foot landscape easement for Lots 12-18 will be planted and inspected by the Planning Official (see Conclusion II.D.2.d.2.b).
  - b. Two trees shall be planted on each lot, for lots that do not have two existing trees (see Conclusion II.E.6.b).
  - c. Prior the final inspection of the building permits for Lots 12-18, the applicant shall complete landscaping plans that show existing preserved landscaping and additions of new landscaping in the landscape easement (see Conclusion II.D.2.d.2.c).
  - d. The applicant shall pay for all costs, including obtaining the appropriate permits, for the installation of the Rapid Rectangular Flashing Beacons for NE 116<sup>th</sup> Street and complete its installation prior to the final inspection of the first single family permit (see Conclusion II.D.2.d.2).

## II. FINDINGS OF FACT AND CONCLUSIONS

### A. SITE DESCRIPTION

#### 1. Site Development and Zoning:

##### a. Facts:

- (1) Size: The subject property contains five parcels totaling 5.16 acres, listed as parcels A – E as follows (see Attachment 6, Aerial

Exhibit):

- Parcel A is 17,859 square feet (0.409 acres)
- Parcel B is 11,761 square feet (0.269 acres)
- Parcel C is 33,976 square feet (0.779 acres)
- Parcel D is 87,120 square feet (2 acres)
- Parcel E is 75,794 square feet (1.739 acres)

(2) Land Use: The subject property currently contains single-family dwelling units on parcel A, C and E. Parcel B is mostly undeveloped with the exception of a multi-story garage/shed. Parcel D is undeveloped. Parcels A-D comprises the upper portion of the development (Lots 1-19) and Parcel E (Lots 20-27) is the lower portion of the development.

(3) Zoning: RS 8.5, Residential Single Family with a density of 5 units per acre and a minimum lot size of 8,500 square feet as depicted in KZC 15.

Density- Zoning Code 90.135 establishes the maximum potential number of dwelling units for a property that contains a stream or wetland and associated buffers. The calculation is the buildable areas in square feet divided by the maximum lot area per unit as specified in KZC Chapters 15-60 plus the required stream buffer area in square feet divided by the minimum lot area multiplied by the development factor from KZC 90.135. The following is the maximum development factor potential calculation for both the upper portion of the development (Lots 1-18) and the lower portion of the development (Lots 19-27) which together comprise the subject property:

Upper Portion Maximum Development Calculation:

Total Upper Portion land area: 138,529 sq. ft.

Wetland Area: 3,750 sq. ft.

Unmodified sensitive area buffer: 10,400 sq. ft.

Buildable area: 124,379 sq. ft.

Percentage of site in wetland buffer: 8%

Minimum lot size: 8,500 sq. ft. (RS 8.5, 5 dwelling units per acre)

Comprehensive Plan Allows up to 7 dwelling units per acre

Development factor: Table in 90.135.2 less than 10%, buffer area is counted at 100%

Maximum Development Potential: 21.66

Lower Portion Maximum Development Calculation:

Total Lower Portion land area: 75,534 sq. ft.

Wetland area is offsite

Unmodified sensitive area buffer: 6,971 sq. ft.

Buildable area: 68,563 sq. ft.

Percentage of site in wetland buffer: 9%

Minimum lot size: 8,500 sq. ft. (RS 8.5, 5 dwelling units per acre)

Development factor: Table in 90.135.2 less than 10%, buffer area is counted at 100%

Maximum Development Potential Lower: 8.89

Maximum Development Potential For both Upper and Lower Portion: 30.55 lots

Maximum Building Height: The maximum height for a detached dwelling unit is 25 feet above average building elevation. See PUD Section II.D.2 for request for modification to height requirements.

Minimum Required Setback Yards: 20 foot front yard. Proposal is to reduce the front yard setback to 15 feet, except for a garage.

Minimum 5 foot side yard, with the sum of side yards equal to 15 feet. Proposal is to reduce all side yards to 5 feet.

- (4) Terrain: The northern (upper portion) of the development is accessed from NE 116<sup>th</sup> Street and slopes down from approximately 232 feet in elevation toward the south and southeast where it gradually steepens on the central portion of the site to approximately 188 feet in elevation, which is a drop in grade of approximately 44 feet over a distance of 650 feet.

The lower portion of the development is accessed from NE 112<sup>th</sup> Street at an elevation of approximately 188 feet and is relatively flat until it approaches the north property line where it slopes up gently towards the northwest corner at an elevation of 194 feet which is an increase in grade of approximately 6 feet over a distance of 650 feet.

- (5) Vegetation: There are 316 significant on-site trees; 249 trees are proposed to be removed for construction of roads, sidewalks, detention vault, pedestrian path and homes. The applicant has proposed an Integrated Development Plan (IDP) to remove trees with an approved land surface modification permit (see Section II.E.6 for analysis of the IDP and tree retention).

- (6) Wetlands: A Type III Wetland exists in the southeast portion of the upper site (parcel D). The same Type III Wetland continues offsite to the south and its buffer extends into the northeast corner of the lower portion (parcel E) of the development (see Attachment 6). The subject property is part of the Forbes Creek drainage basin which is a primary basin. See also Section II.D.3 for analysis of the wetland buffer modification proposal.

- (7) Existing Structures: Three single family homes and a multi-story garage/shed exist on the subject property. The homes and multi-story garage/shed are in conflict with the proposed new lot lines for this subdivision. The applicant has proposed to remove all structures from the subject property.

- b. Conclusions: Size, land use, and zoning, except for the requested modifications to height, density, lot coverage, and floor area ratio standards are not constraining factors in consideration of this application.

The property has a maximum development potential of 30.55 lots, but the proposal is for 27 lots and therefore meets the density requirements of a subdivision containing a wetland in the RS 8.5 zone.

Retention of significant trees is addressed in II.E.6

The Type III wetland is a constraining factor since the applicant is proposing to enhance and reduce the existing wetland buffer for the purposes of installing the detention vault and level spreaders and a pedestrian path. However, the applicant has proposed, through Kirkland Zoning Code section 90.60, to reduce the buffer in the areas of the improvements. See Section II.D.3 for analysis of the wetland buffer modification criteria.

Prior to recording the subdivision, the applicant should demolish or remove all structures on the subject property.

2. Neighboring Development and Zoning:

- a. Facts: The subject property is bordered by the following zones and uses:

*North*: RS 8.5 Attached Housing (PUD) and across street on NE 116<sup>th</sup> RM 5.0, Multi-family development

*South*: RS 8.5, Detached Single -family homes

*East*: RS 8.5 Attached Housing (PUD) for Upper portion of development

RS 8.5, Detached Single-family homes for lower portion of development

*West*: RS 8.5, Detached Single-family homes

- b. Conclusion: The neighboring development and zoning are not constraining factors in this application, with the exception of the Comprehensive Plan requirement that the applicant provide a 40 foot landscape buffer along the west property line of proposed Lots 12 – 18 since they are adjacent to detached single-family homes to the west. See II.D.2.c for analysis.

B. PUBLIC COMMENT

1. Facts: The public comment period for the project ran from December 9, 2015 to January 5, 2016. A total of nine comments were received (see Attachment 7). The comments are summarized below followed by staff response.

- a. Upper Road alignment: Concerns were raised about the road placement/alignment from NE 116<sup>th</sup> Street in regards to additional noise and loss of privacy for the backyard areas of the Place 116 development located east of the new road.

Staff Response: **The City's Public Works Department addressed the neighbor's** road alignment question in their memo (see Attachment 8) and concluded that the road is in the only place it can be located based on potential conflicts with driveway entrances across the street along NE 116<sup>th</sup> Street.

- b. Tree Protection: The location of the proposed upper road and retaining wall running parallel to the east property line on the subject property has caused concern for the protection of significant trees located on the neighboring development to the east.

Staff Response: **The City's Urban Forester, Tom Early**, has evaluated the

proposed plans and the existing site conditions and has expressed concerns about tree protection of two of the neighbor's trees (see analysis in Section II.E.6).

- c. Transportation: Several neighbors expressed concern for traffic on both NE 112<sup>th</sup> Street and NE 116<sup>th</sup> Street and that the proposed development will bring more traffic.

Staff Response: **The City's Traffic Engineer has run a concurrency test** and verified that both NE 112<sup>th</sup> Street and NE 116<sup>th</sup> Street have the appropriate capacity to accommodate the traffic generated from the new homes that would be created with this proposal and that no traffic mitigation is needed (see Attachment 9).

- d. Construction: Concerns were expressed about safety and access during the road construction on the lower portion of the development and asked if all construction access could come from NE 116<sup>th</sup> Street and not NE 112<sup>th</sup> Street.

Staff Response: There are safety protocols for development that will be utilized during construction to ensure safe and reliable access from both the NE 112<sup>th</sup> and NE 116<sup>th</sup> street construction access points. However, the City cannot require the applicant to only access the entire development from NE 116<sup>th</sup> Street.

- e. Wetland Buffer: A concern was expressed that the wetland buffer would not function well if reduced and that encroachments such as the storm water vault and new roads were too close to the wetland buffer on the subject property.

Staff Response: Kirkland Zoning Code 90.60 allows the City to consider a reduction of a wetland buffer by up to 1/3 when the existing buffer is enhanced. The applicant must demonstrate that the reduced buffer will function at a higher level than the existing standard buffer. Please see Section II.D.3 for analysis of the wetland buffer modification request.

#### C. STATE ENVIRONMENTAL POLICY ACT (SEPA) and CONCURRENCY

1. Facts: A Mitigated Determination of Nonsignificance (MDNS) was issued on September 13, 2016 (see Attachment 10).
  - a. The public comment and appeal period extended from September 13 – 27<sup>th</sup> 2016. A total of twelve comments were received.
  - b. The Public Works Department has reviewed the application for concurrency. A concurrency test was passed for water, sewer and traffic on December 1, 2015.
  - c. The MDNS was not appealed.
2. Conclusion: The applicant and the City have satisfied the requirements for SEPA and Concurrency.

#### D. APPROVAL CRITERIA

##### 1. PRELIMINARY PLATS

- a. Facts: 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.F). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (see Sections II.E) 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.

## 2. PLANNED UNIT DEVELOPMENT (PUD) CRITERIA

### a. KZC Chapter 125 Requirements

#### 1) Facts:

- a. A PUD is a mechanism for a person to propose a development that is innovative or otherwise beneficial, but which does not strictly comply with the provisions of the Code. It is intended to allow developments which benefit the City more than would a development which complies with the specific requirements of the Code.
- b. Zoning Code section 125.35 establishes four decisional criteria with which a PUD request must comply in order to be granted. **The applicant's response to these criteria can be found in Attachment 3. Subsections b through e below contain the staff's findings of fact and conclusions based on these four criteria.**

2) Conclusions: Based on the following analysis, the application meets the established criteria for a PUD.

- b. PUD Criterion 1: The proposed PUD meets the requirements of Zoning Code Chapter 125. Section 125.20 establishes the code provisions that may or may not be modified.

1) Facts: This PUD proposal seeks the following Comprehensive Plan, Zoning, and Municipal Code allowances or modifications:

- (1) Increased density per Comprehensive Plan for upper portion of development (Lots 1-19) from 5 dwelling units per acre to 7 dwelling units per acre and a 10% bonus density for the lower portion of the development (Lots 20-27).
  - (2) Provide smaller lots sizes than the minimum lot size of 8,500 square feet in the RS 8.5 Zone for 22 of the 27 lots with average lot size of 5,384 square feet.
  - (3) Provide lot **widths less than the minimum 50' as measured lot from the back of the required front yard.**
  - (4) Reduce minimum required front yards from 20 feet to 15 feet for living spaces, excluding garages.
  - (5) Request to calculate the Floor Area Ratio (FAR) over the entire site less roadway driving surfaces.
  - (6) Request that the building height calculation for the new homes on Lots 1, 2, 3, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 be based on finished grade elevations for the purposes of calculating Average Building Elevation (ABE).
  - (7) Request to calculate lot coverage at 45% over the entire site less roadway driving surfaces.
  - (8) Request that all side yard setbacks be reduced to 5 feet.
- 2) Conclusion: The requested modifications are not restricted pursuant to KZC Chapter 125.20 and therefore this proposal meets the requirements of KZC Chapter 125.
- c. PUD Criterion 2: Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the city.
1. Facts: The applicant has proposed several public benefits that are meant to clearly outweigh impacts of their proposal. The benefits are analyzed in Subsection d - PUD Criterion 3 below. This section analyzes the potential impacts of the proposal.

(a) Increased Density:

Density Calculation and Seven (7) Conditions for Upper Portion of Development (Lots 1-19)

The Comprehensive Plan for North/South Juanita Neighborhood, Section 3, Living Environment (see Attachment 11) allows clustered housing at up to seven (7) units per acre on the south side of NE 116<sup>th</sup> Street subject to the following conditions:

- (1) *The increment of density would only be allowed through a Planned Unit Development Permit.*

Applicant Response: This application is in the form of a Planned Unit Development Permit application.

- (2) *Visual Buffering by a 40-foot landscaped setback should separate the slightly higher density development from the adjacent single-family residences.*

Applicant Response: A 40-foot landscape easement is proposed along the west property lines of Lots 12-18, which are adjacent to four single family residences. The remaining perimeter of the site abuts existing higher density developments or critical areas.

- (3) *There shall be no direct access from individual dwelling units onto NE 116<sup>th</sup> Street. Access should be limited to NE 116<sup>th</sup> Street and not onto residential streets to the south.*

Applicant Response: No individual dwelling units will access directly onto NE 116<sup>th</sup> Street. Also, no access from the higher density portion of the PUD will be provided onto residential streets to the south.

- (4) *Pedestrian access through the development should be required to facilitate access to schools and other public destinations.*

Applicant Response: Pedestrian access is proposed connecting NE 116<sup>th</sup> Street to NE 112<sup>th</sup> Street. This connection will facilitate access to Alexander Graham Bell Elementary School on NE 112<sup>th</sup> Street and to Metro bus service and McAuliffe Park on NE 116<sup>th</sup> Street.

- (5) *Extensions of higher-density development should not penetrate into lower-density areas and should, therefore, be permitted only within a specified distance from NE 116<sup>th</sup> Street (approximately the NE 114<sup>th</sup> Street alignment).*

Applicant Response: The higher density 7 units per acre portion of the development terminates at the south property line (approximately NE 114<sup>th</sup> Street).

- (6) *The height of the structures should not exceed that of adjacent residential zones.*

Applicant Response: KZC 15.30.060 states building height are measured from Average Building Elevation, we are proposing a modification to this requirement (see Section below in Modifications to Zoning Standards). The attached Building Height Exhibit (see Attachment 12) proposes homes that do not exceed the maximum height limit of 25 feet which is the height limit of adjacent residential zones.

- (7) *Some Common Open space useable for a variety of activities should be included on site.*

Applicant Response: Open space will be provided adjacent to the wetland buffer in Tract D and on the north end of the property along NE 116<sup>th</sup> Street (Tract A) will provide additional landscaping. Tract

D will be provided with multiple benches, so residents can enjoy the open space within the development. Tract D will include a piece of playground equipment which will provide some recreational opportunities.

Permitted Density for Upper portion: The Land Use Map (see Attachment 13) for this development lists the allowed dwelling units per acre as  $(5 + 1 \text{ or } 2) = 7$  dwelling units per acre.

Total Upper Portion land area: 138,529 sq. ft. (3.18 acres)

Less Road Driving Surfaces: 19,428 sq. ft.

Net Upper Portion land area: 119,101 sq. ft. (2.73 acres)

Comprehensive Plan Allows up to 7 dwelling units per acre

Number of Lots Allowed:  $2.73 \text{ acres} \times 7 = 19.11$

Number of Lots Proposed: 19

#### Lower Portion of Development (Lots 20-27)

KZC 125.30.1 states: Except as allowed under subsections (2) and (3) of this section, the maximum permitted residential density is the greater of that recommended by the Comprehensive Plan or 110 percent of that permitted in the zone in which the PUD is located.

Permitted Density for lower portion: 110% of the density allowed in the RS 8.5 Use Zone.

Total Upper Portion land area: 75,535 sq. ft.

Less Road Driving Surfaces: 10,116 sq. ft.

Net Lower Portion land area: 65,419 sq. ft.

Minimum lot size: 8,500 sq. ft. (RS 8.5, 5 dwelling units per acre)

Comprehensive Plan Allows up to 5 Dwelling units per acre

Base Lots Allowed:  $65,419 \text{ sq. ft.} / 8,500 = 7.7$

Lots Allowed with 10% bonus:  $7.7 \times 1.1 = 8.47$

Number of Lots Proposed: 8

#### (b) Clustering of Lots

The PUD proposes clustering the lots and consolidating open space into usable and larger common tracts. The proposed clustering results in 24 of the 28 lots having lot sizes below the RS 8.5 Zone required 8,500. These 24 lots range in size from 3,570 to 7,544 square feet and are oriented towards internal roads for Lots 1-19 and 24 – 27; while Lots 20 – 23 are facing a new 35-foot wide dedicated road which includes a sidewalk and planting strip. The average size of the 28 proposed lots, less roadway driving

surface, is 5,556 square feet per lot. This clustering also results in lots that are narrower than allowed by KMC Section 22.28.050 (see Section 11.E.2 for analysis). The reduction in lot width allows the project to achieve the densities allowed by the Comprehensive Plan and KZC 125.30.1.

The clustering of lots has minimal impact on adjacent properties due to the fact that the homes that lie west of Lots 1-11 are clustered townhomes and the single-family homes located west of Lots 12-18 will be visually shielded from the proposed smaller lots with a 40-foot landscape easement. Currently, the landscape easement area has some gaps in vegetation. The applicant has requested allowing typical landscape improvement (patios, walkways, benches, fire pits) in the landscape easement area.

(2) Modifications to Zoning Standards

(a) Reduced Setbacks

The required front yard setback for the subject property is **20'**. The setbacks for the living portion of the new homes are proposed at 15 feet from the front property line while the garages will remain at the required 20 feet from the front property line. Allowing the setback reduction will allow for larger backyards. The potential affect is that a portion of the homes are closer to the internal road for Lots 1-19 and closer to the shared right-of-way for Lots 20-23.

Side yard setbacks are proposed to be a minimum of 5 feet each rather the minimum of 5 feet for one side and the sum of the side yards at 15 feet. The result for a greater part of the development is reduced yards between proposed structures, but the net effect is greater open space at the entrance to the development.

(b) Floor Area Ratio

The Floor Area Ratio (FAR) for a home is limited to 50% of the lot size. The FAR is proposed to be calculated over the entire site less driving surfaces. The net result will result in individual lots exceeding the 50% maximum allowed. FAR is calculated as a percentage of lot area which does not include right-of-ways or access tracts.

(c) Height Calculation Methodology

Average Building Elevation (ABE) is required to be calculated using grade prior to development activity. The applicant is proposing that ABE be calculated based on finished grade, which utilizes post development topography. There are substantial portions of the site that require large quantities of fill in order to meet slope

standards for the new roads. As a result, the new lots will need to be placed on fill to access the elevated road. The applicant is requesting that 17 of proposed 27 lots be allowed to use the finished grade as a basis for calculating their ABE. The affected lots are Lots 1 to 4 and Lots 15 to 27.

**Comparing the applicant's request with the code requirement, the affected homes would sit approximately 0.55' to 5.82' higher on the property, with the exception of Lot 19, which would sit approximately 11.92' feet higher. The homes themselves will comply with the 25' height requirement and will appear no taller than a typical home.**

Lot 19 is centrally located within the plat and is surrounded by wetland buffer, a cul-de-sac, and other proposed homes that would minimize impacts to adjoining properties. The remaining lots do not significantly impact surrounding properties due to a variety of factors such as area separation due to new roads, wetland and wetland buffers, landscaping buffers and topographical differences on adjacent properties (see also Subsection (2)(e) below).

The Exhibit portion of the Building Height Table shows that the impact to surrounding properties is minimized by numerous factors such as wetland buffers, elevated topography on neighboring properties, the proposed 40 foot landscape buffer behind lots 12-18, and new right-of-ways that further separate the proposed development from adjacent properties. The proposed homes do not exceed 25 feet in height above the Average Building Elevation using the finished grade as a basis for the ABE calculation (see Attachment 13 Building Height Table Exhibit).

(d) Lot Coverage

Lot coverage is proposed to be calculated as a percentage of the net site area (gross site area less roadway driving surfaces) at 45% as opposed to 50% each individual lot. Lot coverage is calculated as a percentage of lot area which does not include dedicated right-of-ways or access tracts.

(e) Neighborhood Context

The Scrivanich PUD is comprised of five parcels (A-E) (see site plan, Attachment 2). There are 27 lots proposed.

*Place 116* - To the east of Lots 1- 9 is a proposed 35 foot-wide right of way. The right of way shares the upper site's eastern property line with Place 116, an attached housing development that was developed at 7 dwelling units per acre. Place 116 has a 40-foot landscape easement that runs the entire length of the shared property line with the proposed development. The new homes on Lots 1-9 are

approximately 95 feet from the Place 116 residences.

*Garden Park* - Garden Park is an attached housing development west of Lots 1-9 and has a 40-foot landscape easement on its eastern property line that provides a separation of 50 feet from the rear of the new homes and existing residences.

To the north of Lots 10-12, the Garden Park attached unit development has 40-foot landscape buffers along its south property line, which provides a separation of 50 feet from the rear of the new homes and existing residences.

*Lot 19*- Lot 19 is located centrally in the south of the upper portion of the development. To the east of Lot 19 is a 130 foot- wide wetland and buffer that runs along the shared property line with the Place 116 residences. The Place 116 residences have a 40 foot landscaping easement; when combined with the wetland and its buffers provides separation of 170 feet between Lot 19 and existing residences. To the west of Lot 19 is an access tract, lots 15-18, a 40-foot landscape easement which provides approximately 170 of separation from the home on Lot 19 and low density detached dwelling units.

*Single Family Residences* - To the west of Lots 12-18 are low density detached dwelling units developed at 5 dwelling units per acre (RS 8.5). A 40-foot landscape easement is required in this location to buffer the higher density portion of the Scrivanich Development from the lower density single family homes to the east. The proposed easement area contains significant mature trees on Lots 13-18 which provides a visual break between the proposed development and lower density single family homes to the west. However, the buffering is not consistent along the rear of Lots 12-18 due to existing vegetation.

Lots 20-27 are adjacent to low density development to the west, east and south (RS 8.5), and are developed at the same density as these low density residences, which is 5 dwelling units per acre.

2. Conclusions: In summary, the adverse or undesirable effects of the proposed PUD are minimal when considered on a project basis relative to the context of surrounding properties and Comprehensive Plan conditions applicable to the subject property. These impacts are outweighed by the identified benefits as discussed in the next section (II.D.2.c.2) regarding PUD Criterion 3. Below are the conclusions regarding the minimal nature of impacts associated with the proposed PUD.

(a) Lots 1 to 19 - Regarding Density Increase

The impacts due to the increased density of Lots 1-19 are minimal when considering unit types, location of existing improvements and landscaping easements on neighboring properties, along with separation created by the proposed right-of-way.

Prior to recording the plat, a 40-foot landscape easement should be shown on the plat along the western property line behind Lots 12-18. Landscape Green Belt Easement (LGBE) language shall also be required on the plat documents (see Attachment 14).

While the applicant has requested minor landscape improvements in the landscape easement area, it is important to maintain the intent of providing a visual buffer. Intrusions into this area should be minimal. Therefore, provisions should be made to allow construction of minor improvements that may encroach 10 feet into the 40 foot landscape easement.

As part of the application for Building Permits for Lots 12-18, the applicant should submit landscaping plans that show existing landscaping and new landscaping to fill in existing gaps in the 40 foot landscape easement. The new landscaping should include native evergreen and deciduous trees and shrubbery

With the addition of additional landscaping in the 40 foot landscape easement on Lots 12-18, the proposed density for Lots 1-19 is the equivalent to 7 dwelling units per acre and the proposal meets the (7) seven Comprehensive Plan conditions.

(b) Lots 20 to 27 - Regarding Density Increase

The lower portion of the development does have several existing homes adjacent and east of the new road. However, a new road requires a sidewalk, and planting strips with street trees which will help mitigate potential impacts of the four new homes to the west of the road. Some of these lots may be smaller, than surrounding development, but they range in size from 5,992 sq. ft. to 9,817 sq. ft. The average lot size for Lots 20-27 is 7,686 sq.ft. The impact of one extra lot on the lower portion of the proposed development is minimal because it is surrounded by properties developed at the same density of 5 dwelling units per acre.

(c) Entire Development - Regarding Zoning Modifications

The proposed reduction in lot sizes, lot width, front yard setback, and calculation of lot coverage and floor area ratio over the entire site allows the proposed development to efficiently cluster lots. In turn, clustering of lots allows more flexibility in creating usable common open recreation space. The applicant has utilized methods such as clustering that will create a consistent spacing of homes along with homes that are slightly closer to the sidewalks and, with the addition of raingardens in the right-of-way, will have the effect of an interesting and functional streetscape.

The techniques used by the applicant to reduce impacts of bulk and mass to adjoining properties, such as landscaping, orientation of structures, and varying building

heights mitigates any adverse impacts or undesirable effects to adjoining properties that the City could not have been required through the standard development process.

The calculation of average building elevation (ABE) based on finished grades will have minimal effects on adjacent properties because of the most of affected lots are internal to the development. Lot 19 is located adjacent to a detention vault, existing wetland buffer vegetation and when **combined with the neighbor's 40 foot**-wide LBGE along the eastern property line will have a reduced impact on adjacent properties.

(d) Applicant Requirements

Covenants should be recorded on the face of the plat to restrict the total lot coverage and FAR at 50% for the net development area. Both calculations are to be based on the net development area of the subdivision (Gross site area minus dedicated right-of-ways and access tracts). The applicant should provide tracking of total lot coverage and FAR with each building permit in the plat.

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

◆ The applicant is *providing public facilities* that could not be required by the City for development of the subject property without a PUD.

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

◆ The design of the *PUD incorporates active or passive solar energy systems*.

◆ The *design of the proposed PUD is superior* in one or more of the following ways to the design that would result from development of the subject property without a PUD:

➤ Increased provision of open space or recreational facilities.

➤ Superior circulation patterns or location or screening of parking facilities.

➤ Superior landscaping, buffering, or screening in or around the proposed PUD.

➤ Superior architectural design, placement, relationship orientation of structure.

➤ Minimum use of impervious surfacing materials.

1. Facts: The applicant is proposing, from the list of benefits above, to provide public facilities that could not be required by the City for the development of the subject property without a PUD and superior buffering that the City could not require the applicant to provide through the development of the subject property without

a PUD.

(a) The applicant has agreed to pay for all costs related to providing a Rectangular Rapid Flashing Beacon (RRFB) (see PUD Narrative, Attachment 3 at an existing crosswalk on NE 116<sup>th</sup> Street west of McAuliffe Park and west of 108<sup>th</sup> Avenue NE (see picture of location, Attachment 15). The cost estimate provided **by Kirkland's Public Works Department for this RRFB is** approximately \$95,000. Currently, the crosswalk at this location could be made significantly safer for pedestrians. The presence of a RRFB will alert drivers of pedestrians wishing to cross the street well in advance of this crosswalk and thereby increase pedestrian safety.

(b) The subdivision and PUD proposal provides superior buffering. City codes do not require that a subdivision provide superior buffering.

(1) A 12,000 sq. ft. (300 feet in length by 40 feet in depth) Landscape Greenbelt Easement area is proposed along the western property lines of Lots 12-18.

(2) Additional plantings may be necessary to complete the visual buffer along the western property line in order to provide separation between the proposed higher density development and the low density residential single-family homes located to the west.

2. Conclusions: Staff concludes that the proposal includes two public benefits instead of the code minimum requirement of one: public facilities and superior buffering that could not be otherwise required with the redevelopment of the subject property. The proposed PUD meets the criteria of KZC 125.35.3 if the following are incorporated into the project:

(a) The applicant should pay for all costs, including obtaining the appropriate permits, for the installation of the Rapid Rectangular Flashing Beacons for NE 116<sup>th</sup> Street and complete its installation prior to the final inspection of the first single family permit.

(b) The applicant should provide landscaping plans for the landscape easement area with the submittal of each of the building permit for Lots 12-18.

(c) Prior the final inspection of the building permits for Lots 12-18, the applicant shall provide landscaping plans that show existing, preserved landscaping and new additional landscaping such as native evergreen and deciduous trees and shrubbery to fill in existing gaps within the additions of new landscaping in the 40 foot landscape easement.

e. PUD Criterion 4:

1. Fact: Any PUD which is proposed as special needs housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, entertainment, senior centers, public transit, etc.

2. Conclusion: Special needs housing is not proposed and therefore PUD Criterion 4 is not applicable.

3. MODIFICATION OF A TYPE III WETLAND BUFFER

a. Facts:

- (1) Municipal Code section 22.28.200 establishes that the City may require that any area adjacent to a Class A, B and C\_stream, a lake, or a wetland be kept in its natural or pre-existing state if reasonably necessary to prevent hazards to persons or property, or to protect unique and valuable environments.
- (2) Municipal Code section 22.28.180 states that the applicant has the responsibility in proposing a plat to be sensitive with respect to the natural features, including topography, streams, lakes, wetlands, habitat, geologic features and vegetation, of the property. The plat must be designed to preserve and enhance as many of these valuable features as possible.
- (3) KZC 90.60.2.b establishes that a Type III Wetland Buffer Modification may only be granted when the proposed development is consistent with all of the following nine decisional criteria.
  - It is consistent with **Kirkland's Streams, Wetlands and Wildlife Study** (The Watershed Company, 1998) and the **Kirkland Sensitive Areas Regulatory Recommendations Report** (Adolfson Associates, Inc., 1998);
  - It will not adversely affect water quality;
  - It will not adversely affect fish, wildlife, or their habitat;
  - It will not have an adverse effect on drainage and/or storm water detention capabilities;
  - It will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions;
  - It will not be materially detrimental to any other property or the City as a whole;
  - Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat;
  - All exposed areas are stabilized with vegetation normally associated with native stream buffers, as appropriate; and
  - There is no practicable or feasible alternative development proposal that results in less impact to the buffer.
- (2) A Type III Wetland in a primary basin requires a 50-foot buffer and a 10-foot buffer setback.
- (3) Wetland Resources Inc., provided a Wetland Buffer Enhancement/Mitigation Plan dated September 15, 2016 (see

- Attachment 4). The Plan addresses the nine criteria for modifying a wetland buffer and all Watershed Company recommendations.
- (4) **The Watershed Company reviewed the applicant's plans and in their letter dated September 21, 2016 (see Attachment 16), stated that the enhancement/mitigation plans are acceptable and consistent with the provisions established in Kirkland Zoning Code Chapter 90.**
  - (5) KZC Section 90.60.2.a.2 states that a wetland buffer cannot be reduced by more than one-third of the standard buffer width. An additional 10-foot buffer setback is required through KZC Section 90.45.2. The reduced buffer lines are **shown on the applicant's** enhancement/mitigation plan. Preliminary measurement by Staff shows compliance with the referenced code sections for the reduced wetland buffer.
  - (6) The reduced 10-foot buffer setback that is required pursuant to KZC 90.45.2 is not clearly **shown on the applicant's** enhancement/mitigation plan or the development proposal.
  - (7) Following the review of the wetland buffer enhancement/mitigation plan, staff found that the southeast corner section of the proposed stormwater detention vault lies within the 10-foot wetland buffer setback on both the Applicant supplied Wetland Buffer Enhancement/Mitigation plan (see Attachment 4) **and the applicant's development proposal (see Attachment 2)**. Preliminary review of the site plan confirms that the proposed vault location complies with the buffer reduction allowances.
  - (8). The applicant will need to revise the Wetland Buffer Enhancement/Mitigation Plan so that the stormwater Detention vault does not lie within the 10 foot wetland buffer setback. **The City's consultant will need to review the revised plan.**
  - (8) KZC 90.45.3 states that the surface discharge of storm water through wetland buffers and buffer setbacks is required unless a piped system is approved pursuant to this section. Storm water outfalls (piped systems) may be located within the buffer setback specified in subsection (2) of this section and within the buffers specified in subsection (1) of this section only when the Public Works and Planning Officials both determine, based on a report prepared by a qualified professional under contract to the City and paid for by the applicant, that surface discharge of storm water through the buffer would clearly pose a threat to slope stability, and if the storm water outfall will not:
    - (a) Adversely affect water quality;
    - (b). Adversely affect fish, wildlife, or their habitat;
    - (c) Adversely affect drainage or storm water detention capabilities;
    - (d) Lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
    - (e) Be materially detrimental to any other property in the area of the subject property or to the City as a whole, including

the loss of significant open space or scenic vistas.

- (9) The applicant supplied Wetland Buffer Enhancement/Mitigation plan explains on pages 11-12 how the placement of the two level spreaders meet the requirements a-e of KZC 90.45.3 (see Attachment 4), **and the applicant's development proposal shows** that the level spreaders are located outside of the wetland and in the outer portion of the wetland buffer.
- (10) KZC 90.45.5 allows minor improvements to be located within a sensitive area buffer if the minor improvements are located in the outer one-half (1/2) of the sensitive area buffers, except where approved stream crossing are made. The Planning Official shall approve a proposal to construct a minor improvement if:
  - a. It will not affect water quality;
  - b. It will not adversely affect fish, wildlife, or their habitat;
  - c. It will not adversely affect drainage or stormwater detention capabilities;
  - d. It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
  - e. It will not be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.
- (11) The applicant proposes to install a public trail in the rear of the detention vault and behind Lot 19 and adjacent to Lots 26 and 27 for the purposes of providing a connection from NE 116<sup>th</sup> Street and through the upper portion of the development to the lower portion of the development to NE 112<sup>th</sup> Street. Both the upper and the lower portion of the trail is located in the 10-foot buffer setback of the Type III Wetland.
- (12) Natural Greenbelt Protection Easement - Zoning Code section 90.150 establish that as part of the final plat the applicant shall dedicate development rights, air space, or grant a greenbelt protection or open space easement to the City to protect sensitive areas and their buffers (NGPE). See Attachment 17 for NGPE easement language.
- (13) Save Harmless Agreement – Wetlands - Zoning Code section 90.155 establishes that prior to issuance of a land surface modification permit or a building permit the applicant shall enter into an agreement with the City that runs with the property in a form acceptable to the City Attorney, indemnifying the City from any claims, actions, liability and damages to sensitive areas (wetlands) arising out of development activity on the subject property (see Attachment 18). The applicant shall record this agreement with the King County Department of Elections and Records.
- (14) Zoning Code section 90.50 requires that prior to the start of development activities, the applicant install a six-foot high construction-phase chain link fence or equivalent fence, as approved by the Planning Official, along the upland boundary of

the entire wetland buffer with silt screen fabric installed per City standard.

- (15) Zoning Code sections 90.50 requires the applicant to install either (1) a permanent three- to four-foot-tall split rail fence; or (2) permanent planting of equal barrier value; or (3) equivalent barrier, as approved by the Planning Official between the upland boundary of all wetland buffers and the developed portion of the site.
- b. Conclusions: Based on the following analysis, the application meets the established criteria for an improvement or land surface modification in a Type III wetland or an environmentally sensitive area buffer and buffer setback for a Type III wetland subject to the following conditions:
- (1) **The applicant's wetland enhancement/mitigation plan and development plans** should be revised to accurately show the reduced wetland buffer and 10-foot wetland buffer setback relative to the stormwater detention vault. In no case shall the reduced wetland buffer be less than 33.3 feet in width. The revised plans should be submitted with the grading permit.
  - (2) **The applicant's Wetland Enhancement/Mitigation Plan should be revised** to include additional enhancement that addresses the wetland buffer reduction not previously reviewed. The applicant should fund the review **of this revision by the City's consultant, the Watershed Company.**
  - (3) **The applicant's proposal to locate level spreaders in the** outer portion of the reduced wetland buffer meets the criteria for a piped stormwater outfall and should be granted.
  - (4) **The applicant's proposal to provide a pedestrian trail located in the 10** foot buffer setback meets the criteria for minor improvements and should be granted.
  - (5) Prior to final inspection of the grading permit, the applicant should submit proof of a written contract with a qualified professional who will perform the monitoring and maintenance program outlined in Attachment 4.
  - (6) The final inspection of the buffer mitigation installation and subsequent maintenance and monitoring work (for 5 years) should be reviewed by **the City's wetland consultant, and the cost of which should be borne by** the applicant.
  - (7) The buffer enhancement/mitigation plan should be completed prior to the final inspection of the grading permit.
  - (8) As part of the final plat recording the applicant should dedicate a Natural Greenbelt Protection Easement encompassing the wetland and associated buffer area on site. The boundaries of the NGPE should be established by survey. All surveys shall be located on KCAS or plat bearing system and tied to monuments.
  - (9) Prior to issuance of a land surface modification permit the applicant should enter into both agreements with the City that run with the property in forms acceptable to the City Attorney. The hold harmless agreement(s) should also be recorded on the face of the plat.
  - (10) Prior to development, the applicant should install a six-foot high construction phase fence along the upland boundary of the entire wetland

buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities.

- (11) Upon project completion, the applicant should install between the upland boundary of all wetland buffers and the developed portion of the site, either (1) a permanent three- to four-foot-tall split rail fence; or (2) permanent planting of equal barrier value; or (3) equivalent barrier, as approved by the Planning Official between the upland boundary of all wetland buffers and the developed portion of the site.

## E. DEVELOPMENT REGULATIONS

### 1. Provisions for Public and Semi-Public Land

- a. Facts: Municipal Code section 22.28.020 states that the City may require dedication of land for school sites, parks and open space, rights-of-way, utilities infrastructure, or other similar uses if this is reasonably necessary as a result of the subdivision.
  - (1) Zoning Code section 110.60 states that the Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.
  - (2) Attachment 4, Development Regulations (Public Works) describes the required dedications for rights-of-way for this subdivision.
  - (3) The applicant is required to dedicate a 35-foot wide right-of-way and an 80 foot diameter cul-de-sac to serve lots 1-19 and 26 and 27.
  - (4) The applicant is required to dedicate a 25-foot wide panhandle on the lower portion of the development
  - (5) The applicant is required to dedicate a 35-foot wide right-of-way north of the 25-foot wide panhandle
  - (6) The applicant is required to dedicate right-of-way on the lower portion of the development to accommodate a Fire Department hammerhead turnaround.
  - (7) The applicant is required to grant a 6-foot wide pedestrian easement along Tract C.
  - (8) The applicant is required to grant a 10-foot wide pedestrian easement from the south end of Tract C across Lots 26 and 25 to the south property line of Lot 25 and connects to the 35 foot-wide right-of-way.
- b. Conclusion: Pursuant to Municipal Code section 22.28.020 and Zoning Code section 110.60, the applicant should follow the Public Works requirements for street and pedestrian improvements as described in Attachment 4, Development Regulations. These improvements are necessary as result of the proposed development activity. The dedications of right-of-ways and granting of pedestrian easements should be shown on the face of the plat prior to submitting for recording.

2. General Lot Layout and Site Development Standards

a. Facts:

- (1). Municipal Code section 22.28.030 requires all lots to meet the minimum size requirements established for the property in the Kirkland Zoning Code or other regulatory documents. The applicant has requested through the PUD process to provide lots smaller than the minimum lot size of 8,500 square feet (lots range in size from 3,570 to 9,817 square feet with an average of 5,384 square feet) See Section II.D regarding the PUD request for smaller lot sizes.
- (2). Municipal Code section 22.28.050 states that lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. In no case should a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular access easement or tract providing vehicular access to subject lot.  
**For lots smaller than 5,000 square feet in size located in "low density zones" as defined in the Zoning Code, the lot width at the back of the required front yard shall be no less than 50' (unless the lot is a flag lot or a covenant is signed prior to plat recording ensuring that the garage will be located at the rear of the lot). The applicant has requested through the PUD process to provide lots that are at least 40' in width at the back of the required front yard (lot widths range from 40' to 75'). See Section II.D regarding the PUD requests for smaller lot widths.**
- (3). Municipal Code section 22.28.070 states that, generally, blocks should not exceed five hundred feet in length.
- (4). The fundamental site development standards pertaining to a detached dwelling unit in a low density zone are set forth in Zoning Code section 15.30.060.

b. Conclusion: With the approval of the PUD requests for a reduction in the minimum lot size and width, the proposal complies with the lot and dimension regulations as set forth in Municipal Code section 22.28.050 and the special regulations DD-11 and DD-12 of KZC section 15.30.060.

3. Right-of-Way Improvements

a. Facts: Access - Right-of-Way: Municipal Code section 22.28.090 requires the applicant to comply with the requirements of Chapter 110 of the Zoning Code with respect to dedication and improvement of adjacent right-of-way.

- (1). Zoning Code Chapter 105.10 establishes that for five or more detached dwelling units a dedicated and improved public right of way is required. KZC Chapter 110 establishes right-of-way improvement requirements.
- (2). The applicant is required to improve the upper portion of the development serving Lots 1-19 and 26 and 27 with a 35 foot-wide right-of-way and 80 foot diameter cul-de-sac.
- (3). The applicant is required to improve the lower portion of the development with a 25 foot-wide panhandle.

- (4) The applicant is required to improve the road north of the panhandle with a 35 foot-wide right-of way and a Fire Department Hammerhead.
  - (5) Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property. The subject property abuts NE 116<sup>th</sup> Street and NE 112<sup>th</sup> Street which are classified as a neighborhood access streets.
  - (6) Attachment 5 establishes the Public Works Department recommendations and conditions regarding the required street improvements for both internal new streets and NE 116<sup>th</sup> and NE 112<sup>th</sup> Streets frontage improvements.
- b. Conclusions: The proposal should comply with the standard street improvements for the new internal streets and half street improvements along NE 112<sup>th</sup> and NE 116<sup>th</sup> Streets as described in Attachment 5 and these new roads and Fire Department hammerhead should be shown on the land surface modification permit application.
4. 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.
- Zoning Code section 105.10 establishes dimensional standards for vehicular access easements or tracts. Easements or tracts less than 100 feet in length which serve 1-4 lots must be 15 feet wide and contain a paved surface 10 feet in width. Easements or Tracts serving (3) three or (4) four dwelling units, the minimum standard is 20 feet of unobstructed pavement in a 25-foot wide easement or tract.
- Access Tract B is 15 feet wide, serves two lots and is less than 100 feet.
- Access Tract C serves four lots and is greater than 150 feet and less than 200 feet long.
- Access to Lot 24 only serves one lot and is 15 feet wide.
- b. Conclusion: The proposed vehicular access easement /tracts should comply with KZC section 105.10
5. Access – Walkways
- a. Facts: Municipal Code section 22.28.170 establishes that the City may require the installation of pedestrian walkways by means of dedicated rights-of-ways, tracts, or easements if a walkway is indicated as appropriate in the comprehensive plan, if it is reasonable necessary provide efficient pedestrian access to a designated activity center of the city, or if blocks are unusually long.
- (1) Municipal Code section 22.28.070 states that blocks that are **more than 750' in length should allow for midblock pedestrian access.**
  - (2) The distance between the upper portion of the development and **the lower portion of the development exceed 750' feet in length.**
  - (3) Attachment 5, Development Standards establishes the Public

Works Department recommendations and conditions regarding the required pedestrian walkway improvements to connect both internal new streets from NE 116<sup>th</sup> Street to NE 112<sup>th</sup> Street.

- b. Conclusion: **The applicant's development proposal** should comply with the pedestrian walkways and associated standards being required by Public Works which includes pedestrian sidewalks along both proposed internal roads and a pedestrian easement connecting the two internal roads (see Attachment 2). The pedestrian walkways should be constructed with the grading permit and the pedestrian walkway easements should be shown on the face of the plat documents prior to submitting the subdivision for recording.

6. Natural Features – Significant Vegetation

a. Facts:

- (1) The applicant has submitted a Tree Retention Plan prepared by a certified arborist (see Attachment 19). Specific information regarding the tree density on site and the viability of each tree can be found in Attachment 5, Development Standards.
- (2) The applicant has opted to submit an Integrated Development Plan (KZC 95.30.4) rather than applying for Phased review (KZC 95.30.6.a), which allows the City to consider specific tree retention and removals at the time of plat approval.
- (3) **The City's Arborist has reviewed the Integrated Development Plan (IDP) and the specific recommendations concerning tree retention, removals and site modifications have been incorporated into the applicant's IDP (see Attachment 2).**
- (4) **The City's Arborist has noted that two offsite trees (#331 and #358) will be impacted by the applicant's retaining wall construction on the eastern property line of the upper portion of the site. It is recommended that the applicant's arborist evaluate the retaining wall plans and develop a strategy to preserve these two trees (see Planning Comments, Attachment 5).**
- (5) At 205 tree credits, the overall site meets the minimum tree density which is 147 tree credits.
- (6) KZC 95.33 requires that all lots individually meet the tree density minimum.

b. Conclusions:

With the City Arborist recommendations for approval incorporated into the IDP, the proposed tree retention plan complies with applicable City requirements. Therefore, the applicant should retain all viable trees as shown on the IDP (see Attachment 2) through the completion of all phases of development and meet the tree density requirements for each lot, by planting a minimum of two trees on each lot for lots that do not have any existing retained trees. To address the protection of offsite trees (#331 and #358), the applicant should submit an arborist plan with the building permit for the retaining wall which describes how the trees will be protected and retained.

7. Retaining Wall Height Modification

a. Facts:

- (1) Zoning Code Section 115.115.3.g establishes that rockeries and retaining walls shall not exceed four feet in height in a required yard and allows a modification to the maximum height of a retaining wall in a required yard.
- (2) The Planning Official reviews modification requests for rockeries and retaining walls.
- (2) The applicant submitted a request to modify the retaining wall height to allow a retaining wall up to 10 feet in height in a required yard.
- (3) The applicant's analysis and exhibit was submitted on October 6, 2016 to demonstrate that the retaining wall will not have a substantial detrimental effect on the neighboring properties (see Attachment 20).

2. Conclusion: The applicant has demonstrated compliance with the modification criteria and **the applicant's request to modify a rockery** height in a required yard has been approved as a separate Planning Official decision (see Attachment 21). This aspect of the project is not a constraining factor in the review of this application.

8. Bonds and Securities

a. Facts:

- (1) Municipal Code section 22.32.080 states that 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 for a period of one year to ensure completion of these requirements within one year of the decision approving the plat or short plat.
- (2) Zoning Code section 175.10.2 establishes the circumstances under which the City may consider the use of a performance security in lieu of completion of certain site work prior to occupancy. The City may consider a performance security only if: the inability to complete work is due to unavoidable circumstances beyond the control of the applicant; there is certainty that the work can be completed in a reasonable period of time; and occupancy prior to completion will not be materially detrimental to the City or properties adjacent to the subject site.
- (3) Zoning Code section 90.145 establishes the requirement for the applicant to submit a performance or maintenance bond to ensure compliance with any aspect of the Drainage Basin regulations contained in Chapter 90 of the Kirkland Zoning Code or any decision or determination made pursuant to the chapter.

b. Conclusions:

- (1) Site and right-of-way improvements required as a result of the plat should be completed prior to recording, unless a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of final plat approval is submitted.

- (2) In order to ensure timely completion of all required site and right-of-way improvements, such improvements should be completed prior to occupancy, unless the applicant can demonstrate compliance with the criteria in Zoning Code section 175.10.2.
- (3) In order to ensure that the wetland enhancement work is completed in compliance with the approved plans, prior to issuance of the grading permit for development activity on the site, the applicant should submit a financial security device to the Planning Department to cover the cost of completing the improvements. The security shall be consistent with the standards outlined in Zoning Code section 90.145.
- (4) In order to ensure continued compliance with the wetland buffer enhancement plan, prior to final inspection of any permits, the applicant should submit to the Planning Department a financial security device to cover all monitoring and maintenance activities that will need to be done including consultant site visits, reports to the Planning Department, and any vegetation that needs to be replaced. The security shall be consistent with the standards outlined in Zoning Code section 90.145.

#### F. COMPREHENSIVE PLAN

##### 1. Fact:

- (a) The subject property is located within the South Juanita neighborhood. Figure J-2b on page XV.1-6.1 designates the subject property for low density residential at 7 units per acre for the upper portion of the development and low density residential at 5 units per acre for the lower portion of the development (see Attachment 13 Land Use Map).
- (b) The upper portion of the subject property may achieve up to 7 dwelling units per acre if 7 conditions are met and the request is made in the form **of a PUD application. The applicant's response to conditions and staff's analysis** can be found in Section II.D.2.c.

2. Conclusion: With the approval of the PUD application, including the requested increased density of 7 dwelling units per acre for the upper portion of the site, the proposal complies with the requirements of the Comprehensive Plan.

#### G. DEVELOPMENT STANDARDS

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 5.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 5.

### 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. CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges and judicial review. Any person wishing to file or respond to a challenge should contact the Planning Department for further procedural information.

A. CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., \_\_\_\_\_, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

B. JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under KZC 90.140.8, the applicant must file a complete building permit application for the development activity, use of land or other actions approved under this chapter within one (1) year after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that the applicant may apply for a one-time extension of up to one year. The application for extension must be submitted by letter to the Planning Official and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the approval and that circumstances beyond his/her control prevent compliance with the time limit under this section. An extension must be granted at least 30 days prior to the one year expiration to be valid.

Under KZC 152.115:

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 152.110, the running of the five (5) years is tolled for any period of time during which a court order in

said judicial review proceeding prohibits the required development activity, use of land, or other actions.

The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void.

Under KMC 22.16.010 Final Plat – Submittal – Time limits:

If the Final Plat is not submitted to the City Council within the time limits set forth in RCW 58.17.140 it shall be void.

VI. APPENDICES

Attachments 1 through 21 are attached.

1. Vicinity Map
2. Development Plans
3. **Applicant's Project Narrative and PUD Requests**
4. Wetland Buffer Modification Plan prepared by Wetland Resources
5. Development Standards
6. Aerial Exhibit of site and surrounding development
7. Public Comment
8. Public Works Memo
9. Traffic Engineer Memo
10. SEPA Determination
11. Living Environment Section of Comprehensive Plan
12. Building Height Table and Exhibit
13. South Juanita Land Use Map
14. Landscape Green Belt Easement (LGBE)
15. Aerial of proposed location for Rectangular Rapid Flashing Beacon
16. The Watershed Company review letter
17. Native Growth Protective Easement (NGPE)
18. Save Harmless Agreement-Wetland
19. Arborist Report prepared by American Forest Management
20. Retaining Wall Modification Request dated 10/6/16.
21. Planning Official Approval of Retaining Wall Modification Request

VII. PARTIES OF RECORD

Applicant  
Parties of record  
Planning and Building Department  
Department of Public Works

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

**SCRIVANICH PUD  
SUB15-02157, ZON15-02162**

**RS 7.2**

**PUD  
RM 5.0 (1)**

**TL 10E**

**PUD**

NE-116th-St

**TL 10C**

**PUD  
Place  
116**

**P  
Open  
Space**

**SUBJECT PROPERTY**

**Alexander  
Graham Bell  
Elementary School**

**PUD**

NE 112th St

NE 111th Pl

**TL 10D**

115th Ct NE

116th-Ave-NE

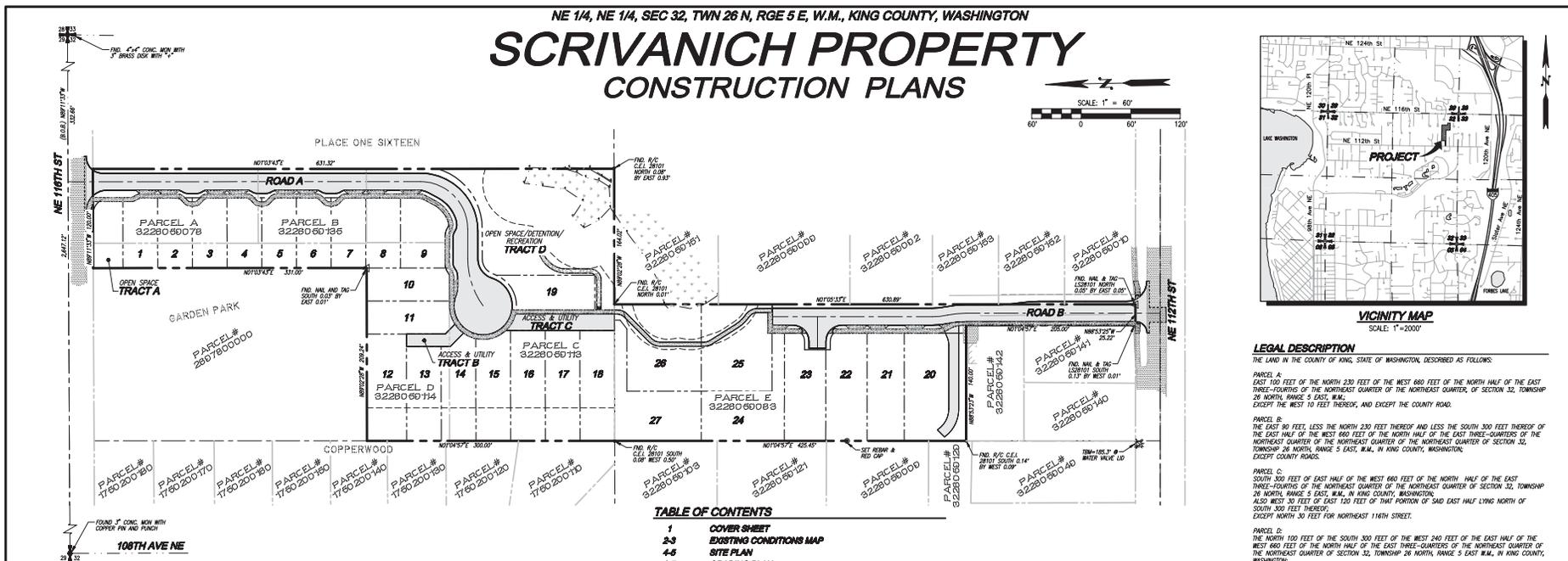
117th PI NE





# SCRIVANICH PROPERTY CONSTRUCTION PLANS

NE 1/4, NE 1/4, SEC 32, T26N 26N, R5E 5E, W.M., KING COUNTY, WASHINGTON



**TABLE OF CONTENTS**

- 1 COVER SHEET
- 2-3 EXISTING CONDITIONS MAP
- 4-6 SITE PLAN
- 6-7 GRADING PLAN
- 8-9 COMPOSITE UTILITY PLAN
- 10-11 ROAD AND STORM DRAINAGE PLANS
- 12-13 ROAD AND STORM DRAINAGE PROFILES AND SECTIONS
- 14-15 STORM DRAINAGE PROFILES
- 16-17 INTEGRATED DEVELOPMENT PLAN
- 18-19 INTEGRATED DEVELOPMENT NOTES AND DETAILS
- 20-21 WATER PLANS
- 22-23 SANITARY SEWER PLANS
- L1-L2 LANDSCAPE PLAN
- L3 LANDSCAPE NOTES AND DETAILS

**PROJECT INFORMATION**

**SITE ADDRESSES:** 11431 NE 116TH ST, KIRKLAND, WA 98033  
11421 NE 116TH ST, KIRKLAND, WA 98033

**TAX PARCELS:** 322609135, 322609078, 322609113, 322609053, AND 322609114  
214062 SF 4.81 AC (POST BLA)

**GROSS SITE AREA:** 17 AC  
**CURRENT ZONING:** RS 8.5  
**ADJACENT DEVELOPMENT:** SINGLE FAMILY RESIDENTIAL  
**PROPOSED USE:** SEE SHEETS SP-01 & SP-02  
**PROPOSED ROW AREA (ROADS A AND B):** SEE SHEETS SP-01 & SP-02

**NET SITE AREA (GROSS SITE AREA, LESS PROPOSED ROW AREA):** SEE SHEETS SP-01 & SP-02

**ACCESS/UTILITY TRACTS:** TRACT B: SEE SHEETS SP-01 & SP-02; TRACT C: SEE SHEETS SP-01 & SP-02

**LANDSCAPE:** TRACT B: SEE SHEETS SP-01 & SP-02; TRACT C: SEE SHEETS SP-01 & SP-02

**TOTAL LOT AREA:** 150,025 SF 3.44 AC  
**TOTAL LOTS:** 27  
**SMALLEST LOT SIZE:** 3,570 SF (LOTS 1-8)  
**AVERAGE LOT SIZE:** 5,558 SF

**SETBACKS:** 5' SIDE, 10' REAR

**WATER:** (425) 587-3800  
KIRKLAND (425) 587-3800  
LAKE WASHINGTON #414 (425) 838-1200  
FIRE DISTRICT (425) 587-3600  
TELEPHONE SERVICE PROVIDER: FRONTIER (877) 462-8188  
POWER PROVIDER: PUGET SOUND ENERGY (800) 225-5773  
CABLE TV PROVIDER: COMCAST (800) 834-4668  
**CITY OF KIRKLAND PW INSPECTIONS:** (425) 587-3805

**IMPERVIOUS COVER**

**TOTAL NEW IMPERVIOUS COVER:** 2.41 AC  
**TOTAL PAVES:** 1.05 AC  
**IMPERVIOUS COVER (ONSITE ROW):** 0.79 AC  
**IMPERVIOUS COVER (ONSITE LOT & TRACT):** 1.66 AC  
**DISTURBED AREA (ONSITE):** 4.52 AC  
**EXISTING CONDITIONS IMPERVIOUS COVER:** <35%  
**LOT & TRACT AREA MAX IMPERVIOUS COVER:** 2.06 AC (89,639 SF)

**EARTHWORK QUANTITIES**

**CUT:** 7,600 CY  
**FILL:** 14,900 CY  
**NET:** 7,300 CY (FILL)  
\* QUANTITIES FOR PLANNING PURPOSES ONLY AND SHOULD NOT BE USED FOR ESTIMATING.

**LEGEND AND ABBREVIATIONS**

EXISTING SYMBOLS	ABBREVIATIONS	PROPOSED STORM SYMBOLS	PROPOSED WATER SYMBOLS
○ FOUND REBAR AS NOTED	CB CATCH BASIN	○ SO GUP	○ WATER CAP
○ SET REBAR & CAP LOCATIONS	CE CENTERLINE	■ TYPE 1 CATCH BASIN, GRADED LID	■ CONCRETE BLOCKING
○ CONCRETE MONUMENT FOUND	CM CORRUGATED METAL PIPE	■ TYPE 2 CATCH BASIN, SOLID LID	■ BUTTERFLY VALVE
○ WELDED FLAG	CP CONCRETE PIPE	○ TYPE 2 CATCH BASIN, GRADED LID	○ 1" RENO
○ POWER POLE	EL ELEVATION	○ TYPE 2 CATCH BASIN, SOLID LID	○ 4" RENO
○ GROUND WIRE	EX EXISTING	○ FLOWLINE	○ 6" RENO
○ RODDERY	E INVERT ELEVATION	○ BEDDING MANHOLE COVER	○ 12" RENO
	LF LINED CORRUGATED POLYETHYLENE PIPE	○ SQUARE YARD DRAIN	○ MANHOLE
	E PROPERTY LINE	○ ROUND YARD DRAIN	○ HORNE ASSEMBLY
	PP POWER POLE	○ STORM CLEAN OFF	○ BLOW-OFF VALVE
	PVC POLYVINYL CHLORIDE PIPE	○ STORM PIPE	○ REDUCER
	R/W RIGHT-OF-WAY		○ AIR-VAE ASSEMBLY
	STA STATION		○ WATER METER
	SD STORM DRAIN		○ WATER PIPE
	SS SANITARY SEWER		
	SMH SANITARY SEWER MANHOLE		
	SMP SOLID WALL POLYETHYLENE PIPE		
	TP TYPICAL		
	TBR TO BE REMOVED		

PROPOSED SEWER SYMBOLS	PROPOSED SURVEY SYMBOLS
○ SEWER CAP	○ SURVEY MONUMENT IN PROPOSED ROAD
○ SEWER CLEANOUT	
○ SEWER MANHOLE	
○ SEWER PIPE	

**CONTACT LIST**

**PROPERTY OWNER/APPLICANT:** LARRY SCRIVANICH, PO BOX 2174, WOODINVILLE, WA 98072  
**CONTACT:** JESSIE SHIBER, PHONE: (425) 806-1989, FAX: (425) 462-2883, EMAIL: jshiber@ccorp.com

**SURVEYOR:** DUNNAMY SURVEYING, INC., 23201 53RD AVE SE, BOTHELL, WA 98021  
**CONTACT:** JOHN D. DUNNAMY, PLS, PHONE: (425) 466-1550, EMAIL: dunnamsurveying@frontier.com

**NETLAND:** NETLAND RESOURCES, INC., 9505 18TH AVENUE SE #108, EVERETT, WASHINGTON 98208  
**CONTACT:** JIM ROTHWELL, PHONE: (425) 337-3174, EMAIL: jim@netlandresources.com

**ARCHITECT:** J.W. ARCHITECTS, 3715 S HULLSON STREET #105, SEATTLE, WASHINGTON 98118  
**CONTACT:** MOLLY COONNELL, PHONE: (206) 953-1305 EXT-106, EMAIL: www.jwseattle.com

**ROOF OF DESIGN LLC:** 29231 29th AVENUE NE #202, STANWOOD, WASHINGTON 98222  
**CONTACT:** DEVIN PETERSON, PHONE: (206) 851-8545, EMAIL: devin@roofdesign.com

**TRANSPORTATION:** OGBORN TRAFFIC CONSULTANTS, INC., 2852 WETMORE AVENUE #220, EVERETT, WASHINGTON 98201  
**CONTACT:** BRAD LINDQUIST, PE, PHONE: (425) 339-8266, EMAIL: brad@ogbortraffic.com

**NOTES**

1. THE CITY OF KIRKLAND PUBLIC WORKS INSPECTION REQUEST FORM NUMBER IS (425) 587-3805.

**LEGAL DESCRIPTION**

THE LAND IN THE COUNTY OF KING, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

**PARCEL A:** EAST 100 FEET OF THE NORTH 230 FEET OF THE WEST 600 FEET OF THE NORTH HALF OF THE EAST THREE-QUARTERS OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., EXCEPT THE WEST 10 FEET THEREOF, AND EXCEPT THE COUNTY ROAD.

**PARCEL B:** THE EAST 90 FEET, LESS THE NORTH 230 FEET THEREOF AND LESS THE SOUTH 300 FEET THEREOF OF THE EAST HALF OF THE WEST 600 FEET OF THE NORTH HALF OF THE EAST THREE-QUARTERS OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON.

**PARCEL C:** SOUTH 300 FEET OF EAST HALF OF THE WEST 600 FEET OF THE NORTH HALF OF THE EAST THREE-QUARTERS OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON. ALSO WEST 30 FEET OF EAST 120 FEET OF THAT PORTION OF SAID EAST HALF LYING NORTH OF SOUTH 300 FEET THEREOF, EXCEPT NORTH 30 FEET FOR THE NORTHEAST 116TH STREET.

**PARCEL D:** THE NORTH 100 FEET OF THE SOUTH 300 FEET OF THE WEST 240 FEET OF THE EAST HALF OF THE WEST 600 FEET OF THE NORTH HALF OF THE EAST THREE-QUARTERS OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON. EXCEPT THAT PORTION LYING WITHIN NORTHEAST 112TH STREET, AND EXCEPT THE WEST 140 FEET OF THE NORTH 230 FEET OF THE SOUTH 235 FEET THEREOF, (BEING A PORTION OF THE WEST HALF OF LOT 3, KING COUNTY COURT COMMISSIONERS PLAN OF THE ESTATE OF CHARLES H. DANLOP, DECEASED, IN KING COUNTY PROBATE CASE NO. 575), EXCEPT COUNTY ROAD.

**PARCEL E:** THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON. EXCEPT THAT PORTION LYING WITHIN NORTHEAST 112TH STREET, AND EXCEPT THE WEST 140 FEET OF THE NORTH 235 FEET THEREOF, (BEING A PORTION OF THE WEST HALF OF LOT 3, KING COUNTY COURT COMMISSIONERS PLAN OF THE ESTATE OF CHARLES H. DANLOP, DECEASED, IN KING COUNTY PROBATE CASE NO. 575), EXCEPT COUNTY ROAD.

**BASIS OF BEARING**

NORTH LINE OF THE NE 1/4 OF SECTION 32 (AS SHOWN ON MAP) HAS 332-130-090 PROCEDURES USED IN THIS SURVEY WERE FIELD TRANSVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-090. WAC 332-130-100 INSTRUMENTATION FOR THIS SURVEY WAS A SOKKIA SET 5308 S SECOND TOTAL STATION. MONUMENTS LAST INSTALLED 8/12/2014

**SURVEYOR'S NOTES**

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF PARTIES WHOSE NAMES APPEAR HEREON ONLY, AND DOES NOT EXTEND TO ANY UNNAMED THIRD PARTIES WITHOUT EXPRESS RECERTIFICATION BY THE LAND SURVEYOR.

BOUNDARY LINES SHOWN AND CORNERS SET REPRESENT DEED LOCATIONS - OWNERSHIP LINES MAY VARY. NO GUARANTEE OF OWNERSHIP IS EXPRESSED OR IMPLIED. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND OCCUPATION WHICH MAY ENCUMBER TITLE TO OR USE OF THIS PROPERTY.

ALL INFORMATION USED IN CALCULATING THIS SURVEY IS NOT NECESSARILY SHOWN.

**DISCLAIMER**  
TOPOGRAPHIC SURVEY INFORMATION CONTAINED ON THESE PLANS HAS BEEN PROVIDED BY DUNNAMY SURVEYING, INC. LDC, INC. (LAND DEVELOPMENT CONSULTANTS, INC.) ASSUMES NO LIABILITY AS TO THE ACCURACY AND COMPLETENESS OF THIS DATA. ANY DISCREPANCIES FOUND BETWEEN WHAT IS SHOWN ON THE PLANS AND WHAT IS NOTED IN THE FIELD SHOULD BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE ENGINEER.

**Call 2 Business Days Before You Dig**  
811 or 1-800-424-5555  
Utelle Underground Location Center

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10-15-16	PUBLIC WORKS COMMENTS FROM 6-17-16
2	10-17-16	15' SIDEWALK, TREE, 60' ROAD PAVINGS

**Engineering**  
LARRY SCRIVANICH  
DUNNAMY SURVEYING, INC.  
1420 NE 200TH ST. #100  
WOODINVILLE, WA 98072  
PH: 425.806.1989  
FAX: 425.462.2883  
WWW.DUNNAMY.COM

**LDC**  
LAND DEVELOPMENT CONSULTANTS, INC.  
1420 NE 200TH ST. #100  
WOODINVILLE, WA 98072  
WWW.LDCORP.COM

**SCRIVANICH PROPERTY**  
COVER SHEET

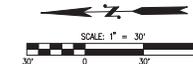
**CS-01**

JOB NUMBER: 14-121  
DRAWING NAME: 14121-001  
DESIGNER: JLS  
DRAWING BY: BJA  
DATE: 9-21-15  
SCALE: 1"=60'  
JURISDICTION: CITY OF KIRKLAND

SHEET 1 OF 25

Drawn by: PLS 10/14/16 14-121\_Scrivanich\_Property\_Drainage\_Construction\_CSD14121-001.dwg Plot Date: Aug 21, 2016 11:14:00am

NE 1/4, NE 1/4, SEC 32, TWN 26 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON



**LEGAL DESCRIPTION**

THE LAND IN THE COUNTY OF KING, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

**PARCEL A:**  
EAST 100 FEET OF THE NORTH 230 FEET OF THE WEST 600 FEET OF THE NORTH HALF OF THE EAST THREE-FOURTHS OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., EXCEPT THE WEST 10 FEET THEREOF, AND EXCEPT THE COUNTY ROAD.

**PARCEL B:**  
THE EAST 90 FEET, LESS THE NORTH 230 FEET THEREOF AND LESS THE SOUTH 300 FEET THEREOF OF THE EAST HALF OF THE WEST 600 FEET OF THE NORTH HALF OF THE EAST THREE-FOURTHS OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., EXCEPT THE WEST 10 FEET THEREOF, AND EXCEPT COUNTY ROADS.

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THE NORTH 100 FEET OF THE SOUTH 300 FEET OF THE WEST 240 FEET OF THE EAST HALF OF THE WEST 600 FEET OF THE NORTH HALF OF THE EAST THREE-FOURTHS OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON. ALSO THE WEST 30 FEET OF THE EAST 120 FEET OF THAT PORTION OF SAID EAST HALF LYING NORTH OF SOUTH 300 FEET THEREOF. EXCEPT NORTH 30 FEET FOR THE NORTHEAST 116TH STREET.

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**BASIS OF BEARING**

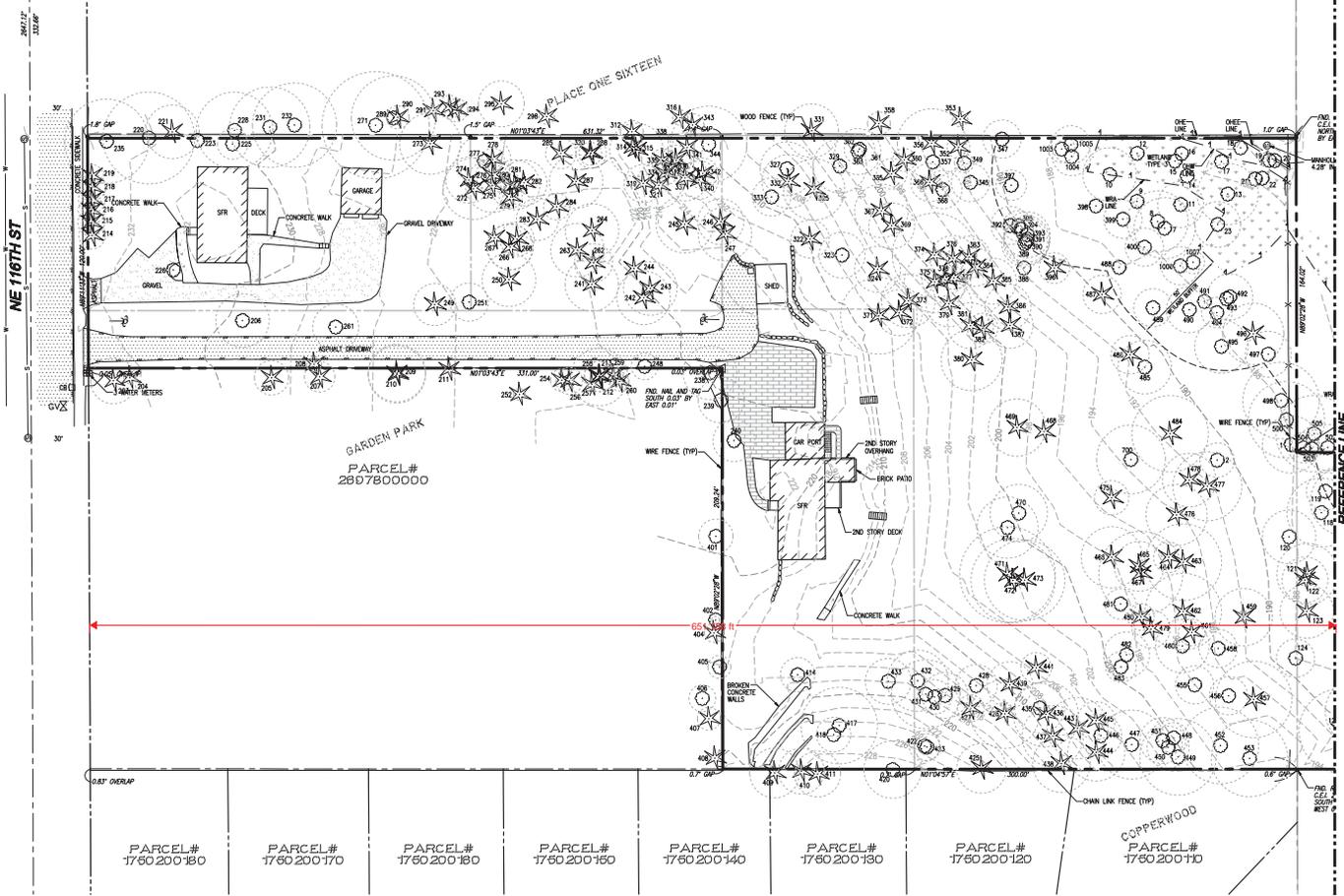
NORTH LINE OF THE NE 1/4 OF SECTION 32 (AS SHOWN ON MAP)  
IAC 332-130-090 PROCEDURES USED IN THIS SURVEY WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY IAC 332-130-090, IAC 332-130-100 INSTRUMENTATION FOR THIS SURVEY WAS A SOPHOMORE SECOND TOTAL STATION, MONUMENTED LAST NOTED 04/22/2014.

**SURVEYOR'S NOTES**

THIS SURVEY HAS BEEN PROVIDED FOR THE EXCLUSIVE USE OF PARTIES WHOSE NAMES APPEAR HEREON ONLY, AND DOES NOT EXTEND TO ANY UNNAMED THIRD PARTIES WITHOUT EXPRESS REIDENTIFICATION BY THE LAND SURVEYOR.

BOUNDARY LINES SHOWN AND CORNERS SET REPRESENT DEED LOCATIONS - OWNERSHIP LINES MAY VARY. NO GUARANTEE OF OWNERSHIP IS EXPRESSED OR IMPLIED. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND OCCUPATION WHICH MAY ENCLUMBER TITLE TO OR USE OF THIS PROPERTY.

ALL INFORMATION USED IN CALCULATING THIS SURVEY IS NOT NECESSARILY SHOWN.



PARCEL# 1760200160	PARCEL# 1760200170	PARCEL# 1760200180	PARCEL# 1760200190	PARCEL# 1760200140	PARCEL# 1760200130	PARCEL# 1760200120	PARCEL# 1760200110
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**LEGEND AND ABBREVIATIONS**

EXISTING SYMBOLS	DESCRIPTION	ABBREVIATIONS	ABBREVIATIONS
o	FOUND REBAR AS NOTED	CB	CATCH BASIN
.	SET REBAR & CAP L522088	CP	CORRUGATED METAL PIPE
⊙	CONCRETE MONUMENT FOUND	CP	CONCRETE PIPE
+	METAL FLAG	EL	ELEVATION
⊕	POWER POLE	EXST.	EXISTING
—	GUIDE WIRE	E	FLOWLINE
⊠	ROCKERY	E	INVERT ELEVATION
		LOPE	LIRED CORRUGATED POLYETHYLENE PIPE
		E	PROPERTY LINE
		PP	POWER POLE
		PVC	POLYVINYL CHLORIDE PIPE
		R/W	RIGHT-OF-WAY
		STA	STATION
		SD	STORM DRAIN
		SS	SANITARY SENDER
		SSM	SANITARY SENDER MANHOLE
		SPIPE	SOLID WALL POLYETHYLENE PIPE
		TYP	TYPICAL
		TBR	TO BE REMOVED

**DISCLAIMER**

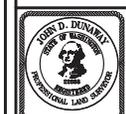
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NO.	DATE	REVISIONS
1	12-15-16	PUBLIC WORKS COMMENTS FROM 6-17-16
2	12-15-16	SHARED TREE, 67' AND PARINGS

**LDC**  
Engineering  
Planning  
Surveying

THE CIVIL ENGINEERING GROUP  
1400 NE 200th St.  
Bellevue, WA 98007  
Ph: 425.834.5555  
Fax: 425.834.5555  
www.LDCeng.com

LARRY SCRIVANICH  
**SCRIVANICH PROPERTY**  
EXISTING CONDITIONS MAP

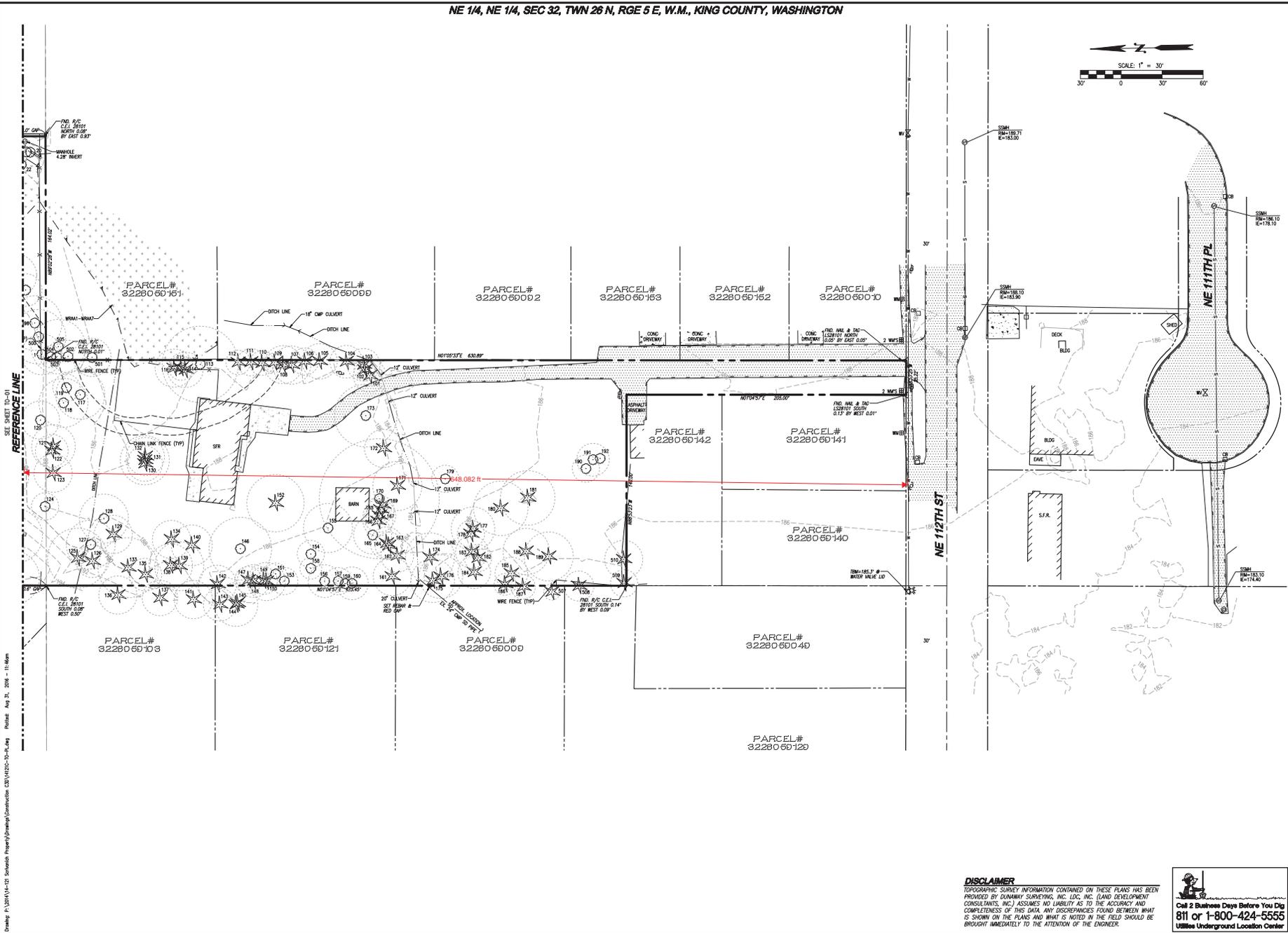


JOB NUMBER: 14-121  
DRAWING NAME: 14121C-10-R  
DESIGNER: JLS  
DRAWING BY: BLN  
DATE: 9-21-15  
SCALE: 1"=30'  
JURISDICTION: CITY OF KIRKLAND

**TO-01**  
SHEET 2 OF 25

Drawing: P:\2014\14-121\_Scrivanich\_Property\Drawings\Construction\CD\14121C-10-R.dwg Printed: Aug 31, 2016 11:56am

NE 1/4, NE 1/4, SEC 32, T26N, R5E, W.M., KING COUNTY, WASHINGTON

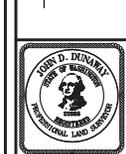


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 SEE SHEET 10-01 REFERENCE LINE

NO.	DATE	REVISIONS
1	12-15-14	PUBLIC WORKS COMMENTS FROM 6-17-14
2	12-15-14	REVISIONS TO SHED TREE AND PARKING

**LDC**  
 Engineering  
 Planning  
 Survey  
 THE CIVIL ENGINEERING GROUP  
 1400 W. 20th St. #100  
 Wallingford, WA 98149  
 Ph: 425.834.5555  
 Fax: 425.832.9888  
 www.LDCgroup.com

**LARRY SCRIVANICH**  
**SCRIVANICH PROPERTY**  
 EXISTING CONDITIONS MAP



JOB NUMBER: 14-121  
 DRAWING NAME: 1412C-10-PL  
 DESIGNER: JLS  
 DRAFTING BY: BJA  
 DATE: 9-21-15  
 SCALE: 1"=30'  
 JURISDICTION: CITY OF KIRKLAND

**DISCLAIMER**  
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 Utilities Underground Location Center

**TO-02**  
 SHEET 3 OF 25

NE 1/4, NE 1/4, SEC 32, T26N, R5E, W.M., KING COUNTY, WASHINGTON



LEGEND

- EXISTING TREE TO REMAIN
- EXISTING OFFSITE TREE
- MONUMENT

PROJECT INFORMATION

**SITE ADDRESSES:**  
 11431 NE 116TH ST, KIRKLAND, WA 98033  
 11421 NE 116TH ST, KIRKLAND, WA 98033

**TAX PARCELS:**  
 322659135, 322659078, 322659113,  
 322659083, AND 322659114

**GROSS SITE AREA:**  
 214,062 SF 4.91 AC (POST BLA)

**CURRENT ZONING:**  
 RS 8.5

**PROPOSED USE:**  
 SINGLE FAMILY RESIDENTIAL

**TOTAL LOTS:**  
 27

**SMALLEST LOT SIZE:**  
 3,570 SF (LOTS 1-8)

**AVERAGE LOT SIZE:**  
 5,556 SF

**SETBACKS:**  
 20' FRONT (DRIVEWAY), 15' FRONT (LIVING AREA),  
 5' SIDE, 10' REAR

**UTILITIES:**  
 WATER: KIRKLAND (425) 587-3800  
 SEWER: KIRKLAND (425) 587-3800  
 SCHOOL DISTRICT: LANE WASHINGTON #414 (425) 936-1200  
 FIRE DISTRICT: CITY OF KIRKLAND (425) 587-3600  
 TELEPHONE SERVICE PROVIDER: FRONTIER (877) 462-8188  
 POWER PROVIDER: PUGET SOUND ENERGY (888) 225-5773  
 CABLE TV PROVIDER: COMCAST (800) 534-6489  
 CITY OF KIRKLAND PW INSPECTIONS: (425) 587-3805

CONTACT LIST

**PROPERTY OWNER/APPLICANT:**  
 LARRY SCRIVANICH  
 PO BOX 2174  
 WOODVILLE, WA 98072

**ENGINEER:**  
 LDC, INC.  
 14201 NE 200TH ST #100  
 WOODVILLE, WASHINGTON 98072  
 CONTACT: JEREMY SATHER, PE  
 PHONE: (425) 806-1869  
 FAX: (425) 462-2903  
 EMAIL: jsather@ldccorp.com

**SURVEYOR:**  
 DANAWAY SURVEYING, INC.  
 23501 43RD AVE SE  
 BOTHELL, WA 98021  
 CONTACT: JOHN D. DANAWAY, PLS  
 PHONE: (425) 486-1530  
 EMAIL: danawaysurveying@frontier.com

**ARCHITECT:**  
 JM ARCHITECTS  
 3715 S HUDSON STREET #105  
 SEATTLE, WASHINGTON 98118  
 CONTACT: MOLLY O'DONNELL  
 PHONE: (206) 953-1305 EXT-106  
 EMAIL: www.jmarch.com

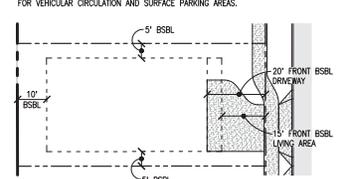
**LANDSCAPE ARCHITECT:**  
 ROOT OF DESIGN LLC  
 26231 72ND AVENUE NE #202  
 STANWOOD, WASHINGTON 98292  
 CONTACT: DEWY PETERSON  
 PHONE: (206) 491-9545  
 EMAIL: dewy@rootofdesign.com

**TRANSPORTATION:**  
 OBSON TRAFFIC CONSULTANTS, INC.  
 2802 WETMORE AVENUE #220  
 EVERETT, WASHINGTON 98201  
 CONTACT: BRAD LINDQUIST, PE  
 PHONE: (425) 339-8266  
 EMAIL: brad@obsontraffic.com

**NORTH PROPERTY - PUD**

GROSS SITE AREA (GSA)	138,529 SF	3.1802 AC
LESS ROADS *	19,428 SF	0.4460 AC
NET DEVELOPMENT AREA	119,101 SF	2.7342 AC
NET DEVELOPMENT AREA	2,7342 AC	
UNITS/AC (NO BONUS @ 7/AC)	x 7	
NUMBER OF LOTS CALCULATED	19.1933 LOTS	
NUMBER OF LOTS PROPOSED (ROUNDED)	19 LOTS	

\* ROADS ARE CALCULATED PER RCAC 125.30(4) AS THE AREA ACTUALLY USED FOR VEHICULAR CIRCULATION AND SURFACE PARKING AREAS.



**TRACT TABLE**

TRACT	DESIGNATION	AREA (SF)
A	OPEN SPACE	2,886
B	ACCESS & UTILITY	1,043
C	ACCESS & UTILITY	3,067
D	OPEN SPACE/DETENTION/RECREATION	22,529

**DISCLAIMER**  
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 Utilize Underground Location Center

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16
2	10-17-16	RE-SHAPE TREE, 67' AND PARINGS

**Engineering**  
 Planning  
 Survey

**LDC**  
 THE CIVIL ENGINEERING GROUP  
 14201 NE 200TH ST. #100  
 WOODVILLE, WA 98072  
 PH: 425.806.1869  
 FX: 425.462.2903  
 WWW.LDCCORP.COM

**LARRY SCRIVANICH**  
**SCRIVANICH PROPERTY**  
 SITE PLAN

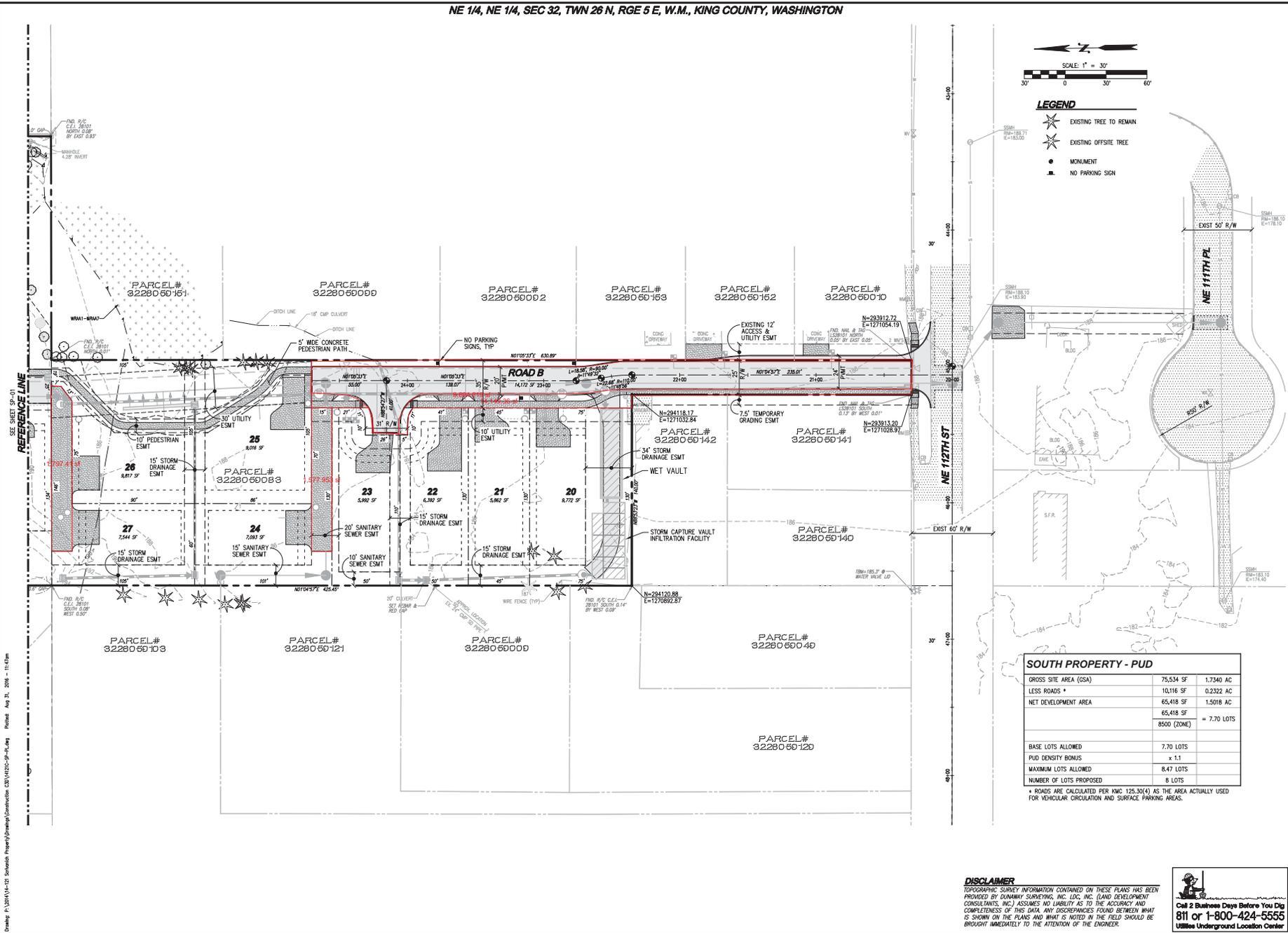
**SP-01**

JOB NUMBER: 14-121  
 DRAWING NAME: 14121-SP-R  
 DESIGNER: JLS  
 DRAFTING BY: BJA  
 DATE: 9-21-15  
 SCALE: 1"=30'  
 JURISDICTION: CITY OF KIRKLAND

SHEET 4 OF 25

Drawing: P:\2015\14-121\_Scrivnich\_Property\Drawings\Construction\CD\14121-SP-R.dwg  
 Plotted: Aug 21, 2016 - 10:47am  
 Designer: JLS

NE 1/4, NE 1/4, SEC 32, T26N, R5E, W.M., KING COUNTY, WASHINGTON



**SOUTH PROPERTY - PUD**

GROSS SITE AREA (GSA)	75,534 SF	1.7340 AC
LESS ROADS *	10,116 SF	0.2322 AC
NET DEVELOPMENT AREA	65,418 SF	1.5018 AC
	65,418 SF	= 7.70 LOTS
	8500 (ZONE)	
BASE LOTS ALLOWED	7.70 LOTS	
PUD DENSITY BONUS	x 1.1	
MAXIMUM LOTS ALLOWED	8.47 LOTS	
NUMBER OF LOTS PROPOSED	8 LOTS	

\* ROADS ARE CALCULATED PER KMC 125.30(4) AS THE AREA ACTUALLY USED FOR VEHICULAR CIRCULATION AND SURFACE PARKING AREAS.

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10-15-10	PUBLIC WORKS COMMENTS FROM 6-17-10
2	10-15-10	SHADY TREE, 65' AND PARKING

**LDC**  
 Engineering  
 Planning  
 Survey  
 THE CIVIL ENGINEERING GROUP  
 1400 NE 200th St. #100  
 Shoreline, WA 98148  
 Ph: 206.881.5888  
 Fax: 206.881.5889  
 www.LDCgroup.com

**LARRY SCRIVANICH**  
**SCRIVANICH PROPERTY**  
 SITE PLAN



JOB NUMBER: 14-121  
 DRAWING NAME: 14121-SP-R  
 DESIGNER: JLS  
 DRAFTING: BRJ  
 DATE: 9-21-15  
 SCALE: 1"=30'  
 JURISDICTION: CITY OF KIRKLAND

**SP-02**  
 SHEET 5 OF 25

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Drawn by: P1, 10/15/14, 14-121, Scrivanich Property/Drainage/Construction, CEN\14121-SP-R, LDC, Inc. Revised: Aug 20, 2016 - 10:47am