

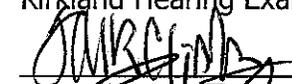


**CITY OF KIRKLAND**  
Planning and Community Development Department  
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**ADVISORY REPORT**  
**FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

**To:** Kirkland Hearing Examiner

**From:**  Jon Regala, Project Planner  
 Eric Shields, AICP, Planning Director

**Date:** August 20, 2009

**File:** ZON07-00014. Olson Townhome & Office Project

**Hearing Date and Place:** August 20, 2009  
9:00 a.m.  
City Hall Council Chamber  
123 Fifth Avenue, Kirkland

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## **I. INTRODUCTION**

### **A. APPLICATION**

1. Applicant: James Olson
2. Site Location: 11401 100<sup>th</sup> Avenue NE (see Attachment 1)
3. Request: The applicant is proposing to construct an 8-unit multi-family development on the eastern half of the subject property and a 4,000 square foot office building on the western half of the subject property (see Attachment 2). Access to the multi-family development will be from 99<sup>th</sup> Place NE/100<sup>th</sup> Avenue NE while access to the office development will be from 98<sup>th</sup> Avenue NE. A variance to the zoning regulations relating to maximum horizontal façade (a regulation which limits either the building width and/or height of the portion of the building adjoining a low-density zone) is being sought for the proposed residential development.  
  
Also requested is fill (both actual and paper fill) and buffer reduction of two onsite Type III wetlands (see Attachment 3). Mitigation of the proposed wetland modifications consists of onsite wetland creation, removal of invasive species, and enhancement planting.
4. Review Process: Process IIA, Hearing Examiner conducts public hearing and makes final decision. A written decision will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.
5. Summary of Key Issues and Conclusions: The major issues are compliance with the Zoning Code criteria for variances, wetland modifications, and wetland buffer reductions. Staff is recommending approval of the applicant's proposal based on the recommendations outlined in Section I.B below.

### **B. RECOMMENDATIONS**

1. Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, I/we recommend approval of this application subject to the following conditions:
2. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 4, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 4, the condition of approval shall be followed (see Conclusion II.H.2).
3. As part of the application for a Building Permit and/or Grading Permit the applicant shall submit:
  - a. Information that shows compliance with conditions required with the issued SEPA Mitigated Determination of Nonsignificance (see Conclusion II.C.2).
  - b. A revised Tree Plan II report prepared by a qualified professional to include (see Conclusion II.F.3.b):

- (1) Tree protection measures, as recommended by a qualified professional, if existing trees are to be retained and their driplines are within the area of disturbance.
  - (2) Reasons for tree removal if Type 1 trees are proposed to be removed in required landscaping areas, required setback yards, and/or are located off-site.
  - (3) Permission, in writing, from adjoining property owner(s) to remove off-site trees.
- c. Plans for a 5' wide east/west pedestrian connection on the subject property connecting 98th Ave. NE to 99th Place NE/100<sup>th</sup> Avenue NE and located within a pedestrian easement. The location of the pedestrian pathway shall be revised to avoid filling Wetland A (see Conclusion II.E.5.b).
- d. Plans for installing the following half-street improvements in the right-of-way bordering the subject property to be approved by the Department of Public Works (see Conclusion II.F.4.b):
- 99<sup>th</sup> Place NE/100<sup>th</sup> Avenue NE
- (1) Widen the street to 18 ft. from center line to face of curb.
  - (2) Install curb and gutter, storm drainage, a 4.5 ft. wide landscape strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk.
  - (3) New street lights along 98th Ave. NE and 99th Pl. NE may be required depending on a lighting analysis by Puget Power - Light Division and Public Works approval.
- 98<sup>th</sup> Avenue NE
- (1) Widen the street to 24 ft from centerline to face of curb (curb alignment shall match the curb to the North).
  - (2) Install curb and gutter, storm drainage, a 10 ft. wide sidewalk with street trees in tree grates 30 ft on-center.
  - (3) New street lights along 98th Ave. NE and 99th Pl. NE may be required depending on a lighting analysis by Puget Power - Light Division and Public Works approval.
- e. Information regarding the wetland modification and wetland buffer reduction to include (see Conclusion II.E.5.b):
- (1) Plans consistent with Attachments 3, 14, 15, 16, 17, 18, and 19 of this report.
  - (2) Details prepared by the applicant's engineer regarding the initial storm water flow valve levels. The applicant's biologist shall work with the engineer to determine if the valve will need adjusting during the first monitoring period. This information shall be reviewed by the City's wetland consultant. The cost of this review shall be paid for by the applicant. The valve shall be locked and secured and cannot be changed unless City approval is granted.
  - (3) Revised site plan consistent with the pedestrian pathway location shown in Attachment 5.

4. Prior to occupancy, the applicant shall:
  - a. Install the mitigation plan and submit an as-built planting plan for review by the City's wetland consultant. The cost of this review shall be paid for by the applicant (see Conclusion II.E.5.b).
  - b. Submit proof of a written contract with a qualified wetland consultant to prepare an annual report for 5 years. If this report is prepared by the applicant's consultant, the City's wetland consultant will review the applicant's report. The cost of this review shall be paid for by the applicant (see Conclusion II.E.5.b).

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

### A. **SITE DESCRIPTION**

#### 1. Site Development and Zoning:

##### a. Facts:

- (1) Size: 64,583 square feet or 1.48 acres
- (2) Land Use: Residential multi-family and office
- (3) Zoning: RM 3.6, RM 2.4, and JBD 3 (see Attachment 6)
- (4) Terrain and Vegetation: A single-family residence is located at the northeast corner of the subject property and has direct access to 100<sup>th</sup> Avenue NE. Otherwise, the subject property is undeveloped and contains naturally occurring vegetation and a large number of mature trees (see Attachment 7).

The property slopes down from the east to west. The eastern portion of the property is at approximately elevation 60' along 100<sup>th</sup> Avenue NE. At the west property line along 98<sup>th</sup> Avenue NE, the elevation is approximately 25'. This is an elevation drop of 35' over a distance of approximately 330' (see Attachment 7). The flatter portion of the site is in the western half of the property where the change in topography is more gradual.

The subject property also contains two Type III wetlands (see Attachment 3).

- b. Conclusions: The presence of the two Type III wetlands requires compliance with the City's sensitive areas regulations. See Section II.E.2 and II.E.3 below for analysis of the applicant's request to fill and modify part of the on-site wetlands and their buffers.

The applicant's proposal is also subject to the City's Tree Plan II requirements. The applicant has submitted a Tree Plan II report. Further analysis of the Tree Plan II report can be found in Section II.F.3.

2. Neighboring Development and Zoning:
  - a. Facts: Attachments 6 and 8 contains an aerial view of the subject property and the neighboring development. Below is a summary of the zoning and existing uses next to the subject property.  
North: RM 2.4 and RM 3.6. – Multi-family and Office uses  
East: RS 8.5 – Single-family uses  
South: RS 8.5 – Single-family uses  
West: P - Juanita Beach Park
  - b. Conclusion: The single-family zoning to the east and south requires that development on the subject property meet, among other things, the City's horizontal façade regulations. See Sections II.E.1 through II.E.4 below for an analysis of the variance being requested from the applicant to waive the required horizontal façade regulations. Otherwise, the existing neighborhood and zoning are not constraining factors in the review of this zoning permit.

## **B. PUBLIC COMMENT**

1. Facts: Two emails were received in regards to this project. They can be found in Attachment 9. Below is a summary of public comment from the two emails.
  - Concerns about increase in traffic, speeding, and impacts to nearby intersections
  - Proposed public improvements are good however, traffic calming measures should be used if street is widened along 99<sup>th</sup> Place/100<sup>th</sup> Avenue NE
  - Lack of adequate walking areas
  - Need for diversity in land use to include affordable housing
  - Denser development on subject property makes sense
  - Allowing the horizontal façade variance is poor City policy and will result in adversely impacting neighboring properties
2. Conclusions: Staff is recommending that the project install public sidewalks along the project frontages (98<sup>th</sup> Avenue NE and 99<sup>th</sup> Place NE), as well as a public pedestrian walkway between 98th Ave. NE and 99th Place NE. The City's Neighborhood Traffic Control Coordinator can determine whether any traffic calming measures can be taken in this area to address concerns on speeding.

In general, as part of any development proposal to the City, the applicant is required to pay road impact fees, which are collected and help to fund traffic improvement projects. Based on a preliminary analysis, the City's Transportation Engineer has determined that no intersection would be significantly impacted by the proposed project. As a result, no off-site mitigation of nearby intersections is recommended.

The Comprehensive Plan currently designates these properties for office and residential development. The proposal is being reviewed for consistency with specific regulations as part of this pending application

process. Section II.F and II.G below contains additional analysis on the development regulations and consistency with the Comprehensive Plan.

Variances cannot be approved unless certain criteria are met. Staff is recommending approval of the requested variance based on the analysis found in Sections II.E.1 through II.E.4 below.

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

1. Facts: A Mitigated Determination of Nonsignificance (MDNS) was issued on July 13, 2009. The Environmental Determination can be found in Attachment 10.
2. Conclusion: The City and the applicant have satisfied the requirements of SEPA. The applicant should comply with all of the mitigating measures identified in the MDNS.

**D. CONCURRENCY**

1. Facts: The Public Works Department has reviewed the application for concurrency. A concurrency test was passed for water, sewer and traffic on July 15, 2009 (see Attachment 11).
2. Conclusion: The applicant has satisfied the City's concurrency requirements.

**E. APPROVAL CRITERIA**

**1. VARIANCE**

a. Facts:

- (1) Kirkland Zoning Code Section 20.08.2 establishes the required horizontal façade regulation:

*If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, then either:*

- a. *The height of that portion of the structure shall not exceed 15 feet above average building elevation; or*
- b. *The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.*

- (2) The term 'adjoining' is defined by the Kirkland Zoning Code as:

*KZC 5.10.020 Adjoining – Property that touches or is directly across a street, other than a principal arterial, from the subject property. For the purposes of applying the regulations that limit the height and horizontal length of facade adjoining a low density zone, the regulations shall only apply within an area of 100 feet of and parallel to the boundary line of a low density.*

The 99<sup>th</sup> Place NE/100<sup>th</sup> Avenue NE right-of-way is 60' wide. Therefore, the eastern 40' of the subject property is adjoining the low density zone to the east.

- (3) The subject property adjoins an RS 8.5 zone to the east and south (see Attachment 6). An RS 8.5 zone is a low density zone as defined by the Zoning Code.

- (4) The applicant is proposing 8 multi-family units on the eastern portion of the subject property (see Attachment 12). Five of the residential units are attached townhomes along 100<sup>th</sup> Avenue NE. The attached townhomes are proposed to be 25' in height measured above the average building elevation. The total length, from north to south, of the attached units is 140' or 28' per unit. The depth of each unit measured east to west is 50'.
  - (5) The proposal meets the horizontal façade regulations when applied along the south property line.
  - (6) The applicant's proposal exceeds the horizontal façade length requirement by 90' for the portion of building which adjoins the low density zone to the east (see Attachment 12).
  - (7) Zoning Code Chapter 120 sets forth the mechanism whereby a provision of the Code may be varied on a case-by-case basis if the application of the provision would result in an unusual and unreasonable hardship. The applicant has applied for a variance to allow for a 140' wide building adjoining the low density zone to the east. The building will be within the allowed height limit (25') along 100<sup>th</sup> Avenue NE.
  - (8) Zoning Code section 120.20 establishes three decisional criteria with which a variance request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 13. Sections II.E.2 through II.E.4 below contains the staff's findings of fact and conclusions based on these three criteria.
- b. Conclusions: Based on the following analysis, the application meets the established criteria for a variance.
2. Variance Criterion 1: The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole.
- a. Facts:
- (1) In the eastern half of the subject property where the variance is being requested, there is an elevation drop of approximately 30' over a distance of 164' from east to west. 100<sup>th</sup> Avenue NE is at approximately elevation 60' along the east property line (see Attachment 7).
  - (2) Building height calculations are done separately for attached units. The result is varying building heights which generally follow the contours of the site.
  - (3) The proposed development will sit lower than 100<sup>th</sup> Avenue NE due to the steep topography of the site (see Attachments 7 and 12). The following chart shows the height of the five townhomes units that would be visible above the elevation of 100<sup>th</sup> Avenue NE along the east property line.

	<b>Unit 4</b>	<b>Unit 5</b>	<b>Unit 6</b>	<b>Unit 7</b>	<b>Unit 8</b>
<b>Approx. Height Above 100<sup>th</sup> Avenue NE</b>	+20'	+16'	+14'	+11'	+11'

- (4) The horizontal façade regulations do not limit the length of a building adjoining a low density zone if the building does not exceed 15'. The above chart shows that only Units 4 and 5 exceed 15' above the elevation of 100<sup>th</sup> Avenue NE.
- (5) The combined length of Units 4 and 5 is 56'.
- (6) There are three properties to the east that could potentially be impacted by the proposed variance. The following chart shows how far the existing homes to the east sit above 100<sup>th</sup> Avenue NE and the distance from the proposed townhomes to the single-family residences. See also Attachment 8 for an aerial view of the potentially affected properties.

	<b>Shumway Mansion</b>	<b>10104</b>	<b>11315</b>
<b>Ground Floor Elevation above 100<sup>th</sup> Avenue NE</b>	+20'	+40'	+30'
<b>Approx. Distance to Proposed Townhomes</b>	168'	230'	140'

- (7) A 5' wide landscape strip is proposed in the right-of-way adjoining the subject property along 100<sup>th</sup> Avenue NE to buffer the development from the adjoining right-of-way and properties to the east (see Attachment 2). This is also a Public Works requirement.
- (8) The applicant is proposing to utilize a variety of design techniques to minimize the mass of the building and make the single building appear as several smaller units (see Attachment 25). The design techniques include:
  - Modulation of the building façade
  - Utilizing different materials for each unit
  - Changing colors for each unit

- b. Conclusion: Based on the above information, the applicant's proposal will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole. The majority of the building façade will remain below 15' in height when measured from the elevation of 100<sup>th</sup> Avenue NE. The portion of the building that is greater than 15' in height measured above 100<sup>th</sup> Avenue NE extends only 1' to 5' higher for a total building length of 56'. This will not impact the low density properties to the east, whose structures sit 20' – 40' above the 100<sup>th</sup> Avenue NE right-of-way and are 140' – 230' away from the proposed townhomes.

The building mass will also be mitigated by utilizing various design techniques. The applicant should submit an analysis with the building permit that describes how modulating the building, using different materials, and varying the color palettes will be used to reduce the bulk and mass of the building and make the townhomes appear as independent units.

In addition, the applicant is required to install a 5' wide landscape buffer. Section II.F.2 below contains further analysis of this requirement. The required landscape buffer will further mitigate the building mass along 100<sup>th</sup> Avenue NE.

3. Variance Criterion 2: The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of preexisting improvements on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.

a. Facts:

- (1) The existing grades of the site slope steeply from east to west in the area of the proposed townhomes (see Attachment 2 and 7).
- (2) In order to minimize curb cuts along 100<sup>th</sup> Avenue NE and for traffic safety due to the road configuration, the project is limited to a single-driveway entry. Various driveway configurations were explored by the applicant (see Attachment 12). However, because of the steep slopes, the driveway was placed along the north property line where there is less grade change. Each townhome will be accessed from an internal driveway oriented north and south.
- (3) The centralized driveway configuration creates building areas at the east and central portions of the property.
- (4) The subject property also contains two Type III wetlands on the western half of the site. The required wetland buffers further limit the location of any development to the eastern portion of the site.

- b. Conclusion: The variance is necessary because of special circumstances regarding the steep topography of the subject property and the development limitations presented by two onsite Type III wetlands.

4. Variance Criterion 3: The variance would not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows for other properties in the same area and zone as the subject property.

a. Facts:

- (1) The horizontal façade regulations are intended to protect single-family homes from larger multi-family structures.
- (2) The five proposed townhome units for which the variance is requested are situated along 100<sup>th</sup> Avenue NE. The total length of the attached residential units is 140' or 28' per unit. The maximum length allowed is 50' for structures taller than 15' above average building elevation.
- (3) Section II.E.1.c above describes how the steep topography of the site reduces the townhomes visible mass above the elevation of 100<sup>th</sup> Avenue NE.
- (4) Several other projects have received relief from the horizontal façade requirements. Although these projects are not in the same area as the subject property, they all are zoned for multi-family developments. These include Aspen Creek Apartments (11101 123<sup>rd</sup> Lane NE), The Shumway Condominiums (215 5<sup>th</sup> Avenue South), and the Monte Bello Apartments (13131 NE 120<sup>th</sup> Street). Although these projects were approved through the Planned Unit Development (PUD) process, the consistent rationale for approval was based on wide setbacks from adjoining uses and landscape buffering.

b. Conclusion:

The variance would not be a grant of special privilege to this property. The site is constrained by wetlands to the west and steep slopes to the east. Greater deviations from the horizontal façade requirement have been granted under similar circumstances in the past, provided that the adjoining property is adequately protected from the building mass impacts of the new development.

5. **MODIFICATION OF A WETLAND AND WETLAND BUFFER**

a. Facts:

- (1) The subject property contains two Type III wetlands (see Attachment 3). Wetland A is approximately 3,138 square feet and Wetland B is approximately 2,259 square feet. The total size of the two wetlands is 5,397 square feet.
- (2) The subject property is located in the South Juanita Slope drainage basin which is a primary basin as defined by the Kirkland Zoning Code. A 50' wetland buffer is required.
- (3) Attachments 2, 12, and 21 contain a site plan showing the required wetland buffer relative to the proposed improvements. The western half of the property, on which the 4,000 square foot office development is proposed, is greatly limited by the required wetland buffer. The

eastern half of the property, where the townhomes are proposed is also affected by the required wetland buffer, although not to the same extent as the office portion of the project.

- (4) In order to build the proposed project, the applicant is proposing to paper fill 2,091 square feet and actually fill 99 square feet of the wetlands. In addition, the applicant is proposing to reduce certain portions of the wetland buffer to 33.3' from 50'.
- (5) The applicant is proposing mitigation in the form of 2,190 square feet of new wetland area, 2,389 square feet of enhanced wetland, and 17,484 square feet of enhanced wetland buffer area.
- (6) Zoning Code section 90.55.1 establishes ten decisional criteria for approving an improvement or land surface modification in a Type III wetland. The applicant's response to the criteria can be found in Attachment 14. A modification to a Type III wetland may only be granted when the proposed development is consistent with the following:
  - (a) It will not adversely affect water quality.
  - (b) It will not adversely affect fish, wildlife, or their habitat.
  - (c) It will not have an adverse effect on drainage and/or storm water detention capabilities.
  - (d) It will not lead to unstable earth conditions or create erosion hazard or contribute to scouring actions.
  - (e) It will not be materially detrimental to any other property or to the City as a whole.
  - (f) It will result in a land surface modification of no more than fifty percent of the wetland on the subject property.
  - (g) Compensatory mitigation is provided in accordance with the table in subsection of this section (KZC Section 90.55.4).
  - (h) Fill material does not contain organic or inorganic material that would be detrimental to water quality or fish and wildlife habitat.
  - (i) All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate.
  - (j) There is no practicable or feasible alternative development proposal that results in less impact to the wetland or its buffer.
- (7) Zoning Code section 90.60.2.b establishes nine decisional criteria for approving a reduction to a Type III wetland

buffer. The applicant's response to the criteria is included as Attachment 5. A buffer modification to a Type III wetland may only be granted when the proposed development is consistent with the following:

- (a) It is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc. 1998).
  - (b) It will not adversely affect water quality.
  - (c) It will not adversely affect fish, wildlife, or their habitat.
  - (d) It will not have an adverse effect on drainage and/or storm water detention capabilities.
  - (e) It will not lead to unstable earth conditions or create erosion hazards.
  - (f) It will not be materially detrimental to any other property or to the City as a whole.
  - (g) Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat.
  - (h) All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate.
  - (i) There is no practicable or feasible alternative development proposal that results in less impact to the buffer.
- (8) Staff has reviewed the following reports:
- (a) Wetland mitigation plan dated April 28, 2009 by Altmann Oliver Associates, LLC (see Attachment 3)
  - (b) Wetland modification response letters dated May 5, 2009 by Altmann Oliver Associates, LLC (see Attachment 14 and 15)
  - (c) Wetland buffer reduction letter dated August 7, 2009 by Altmann Oliver Associates, LLC (see Attachment 5)
  - (d) Technical Memorandum - *Potential Impacts to Wetland Hydrology*, dated February 3, 2009 by Paris Geosciences (see Attachment 16)
  - (e) Letter - *Wetland Hydrology & Mitigation* dated March 17, 2009 by Gary Flowers PLLC (see Attachment 17)
  - (f) Arborist Report dated April 29, 2009 by Greenforest Incorporated (see Attachment 18)

- (g) Mitigation plan review letter dated March 12, 2009 by Taylor Engineering Consultants, Inc. (see Attachment 19)
- (h) Mitigation Plan review letter dated May 21, 2009 by The Watershed Company (see Attachment 20)
- (9) KZC 90.55.4 requires that no more than 50% of the wetland may be modified. Furthermore, mitigation for a Type III wetland in a primary basin is required at a ratio of 1.5:1. No more than one-third of the mitigation may consist of enhancement.

The total area of wetland impact (2,190 square feet) equals about 41% of the total wetland area on the site (5,397 square feet) and is therefore less than the maximum 50% threshold allowance. Based on 2,190 square feet of wetland impact, 3,285 square feet of mitigation is required. The following chart shows the proposed wetland mitigation compared to what is required by code.

	<b><u>Wetland Creation</u></b>	<b><u>Wetland Enhancement</u></b>
<b>Required</b>	2,190 sq. ft.	1,095 sq. ft.
<b>Proposed</b>	2,190 sq. ft.	2,389 sq. ft.
<b>Difference</b>	0	+ 1,294 sq. ft.

The applicant is proposing to enhance 1,294 square feet of wetland area above what is required by code.

- (10) The current proposal reflects changes based on previous recommendations by The Watershed Company and discussions with staff. The project has been revised to reduce the amount of wetland fill to 99 square feet through the construction of a retaining wall near the driveway of the office development. In addition, the amount of Type III wetland that would be impacted through wetland buffer encroachment (i.e., paper fill) has also been further reduced to 2,091 square feet by reconfiguring the project open space area in the southeast portion of the site.
- (11) The applicant's mitigation plan contains contingencies that account for the variability of soils in the mitigation area as it relates to storm water retention (see Attachments 3, 14, 15, 16, 17, 18, and 19). The applicant's reports confirm that carefully maintaining the hydrology in the mitigation area is important to the long term survival of the existing and proposed wetlands.

- (12) The Watershed Company agrees that the wetland mitigation plan as revised by the applicant is consistent with the Zoning Code requirements for a wetland modification and buffer reduction on the condition that the box containing the adjustment valve controlling the stormwater volume to the wetland be locked or secured against tampering (see Attachment 20).
  - (13) In order to address the criteria: *There is no practicable or feasible alternative development proposal that results in less impact to the wetland or its buffer*, the applicant has agreed to move the proposed pedestrian pathway further north to avoid any direct wetland fill (see Attachment 5).
- b. Conclusion: Based on a review of the attachments in this report, the proposed wetland modification and wetland buffer reduction requests are consistent with the criteria described in subsection (5) and (6) above, subject to the following conditions:
- (1) The mitigation plan and contingencies described in the applicant's reports should be followed (see Attachments 3, 14, 15, 16, 17, 18, and 19). In addition, as part of the 5-year monitor and maintenance program, the applicant's engineer should set the initial storm water flow valve level based on their preliminary studies. The biologist should work with the engineer to determine if the valve will need adjusting during the first monitoring period. This will be reviewed by the City's wetland consultant. The cost of this review should be paid for by the applicant. The valve should be locked and secured and cannot be changed unless City approval is granted.
  - (2) Revise the site plan to be consistent with the pedestrian pathway location shown in Attachment 5.
  - (3) The maintenance and monitoring work should be reviewed by the City's consultant, the cost of which should be borne by the applicant.
  - (4) The applicant should submit proof of a written contract with the City's wetland consultant to cover the review of the annual report prepared by the applicant's consultant for 5 years.
  - (5) The enhancement plan should be completed and an as-built planting plan should be submitted prior to the final inspection of any permits. The review of the mitigation plan and as-built should be paid for by the applicant.

6. **GENERAL ZONING CODE CRITERIA**

- a. Fact: Zoning Code section 150.65.3 states that a Process IIA application may be approved if:
- (1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
  - (2) It is consistent with the public health, safety, and welfare.

- b. Conclusion: The proposal complies with the criteria in section 150.65.3. It is consistent with all applicable development regulations (see Sections II.F) and the Comprehensive Plan (see Section II.G). In addition, it is consistent with the public health, safety, and welfare because the proposal provides for residential and commercial development to occur in a manner consistent with the Comprehensive Plan while meeting the City's standards for wetland/wetland buffer modifications and variances.

## F. DEVELOPMENT REGULATIONS

### 1. Maximum Development Potential

a. Facts:

- (1) Kirkland Zoning Code Section 90.135 contains a formula to determine the maximum development potential for properties that have streams and/or wetlands. The development factor chart can be found in KZC 90.135.2. The formula is as follows:

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

*"Buildable area" means the total area of the subject property minus sensitive areas and their buffers.*

- (2) Since the subject property is comprised of several parcels and the parcels on which the townhomes are proposed has two different zoning designations (RM 2.4 and RM 3.6), two separate maximum development potential calculations are needed. The calculations below were determined by staff and were based on survey drawings provided by the applicant. Area calculations are approximate.

For the parcel zoned RM 2.4, the calculation is:

$$= 12,114/2,400 + [(466/2,400 * 1)]$$

$$= 5.24 \text{ units or } 5 \text{ units}$$

For the parcel zoned RM 3.6, the calculation is:

$$= 15,553/3,600 + [(19,706/3,600 * 0.6)]$$

$$= 7.60 \text{ units or } 7 \text{ units}$$

After adding the two results above, the maximum development potential for the subject property is 12 units. The results of staff's calculation is similar to the applicant's calculation found in Attachment 21.

- (3) The applicant is proposing 8 units.

- b. Conclusion: Since the applicant is proposing fewer residential units than allowed under the maximum development potential

formula, this regulation is not a constraining factor in the review of this permit.

2. Landscaping Requirements

- a. Fact: Zoning Code section 20.10.020 requires multi-family development in an RM zone to comply with Landscape Category D. Section 95.40 lists the applicable regulations for Landscape Category D. Because the subject property is adjacent to single-family homes to the east and south, the applicant must comply with KZC Section 95.40.6.b. Buffering Standard 2 requires that the applicant plant the following along the east and south property lines:

*For standard 2, the applicant shall provide a five-foot-wide landscaped strip with a six-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC [115.40](#) for additional fence standards. The landscaped strip must be planted as follows:*

- 1) *One row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of two inch caliper, minimum, and/or coniferous trees at least six feet in height, minimum. At least 50 percent of the required trees shall be evergreen.*
- 2) *Living ground covers planted from either four-inch pot with 12-inch spacing or one-gallon pot with 18-inch spacing to cover within two years 60 percent of the land use buffer not needed for viability of the trees.*

- b. Conclusion: The applicant should submit a landscape plan with the building and/or grading permit application consistent with the standards for Landscape Category D found in KZC 95.40.

3. Natural Features - Significant Vegetation

- a. Facts:

- (1) Regulations regarding the retention of trees can be found in Chapter 95 of the Kirkland Zoning Code. The applicant is required to retain all viable trees where feasible in the required yards and in landscape areas. Tree removal will be considered at the land surface modification and building permit stages of development.
- (2) The applicant has submitted several tree Tree Plan II reports:

- Arborist Tree Service Report dated July 24, 2007 (see Attachment 22)
- Zsofia Pasztor Report dated July 16, 2008 (see Attachment 23)
- Greenforest Incorporated Report dated April 29, 2009 (see Attachment 18)

- (3) The City's Arborist has reviewed this plan and has recommended that additional Tree Plan II information be submitted with either the grading or building permit (whichever occurs first). The existing Tree Plan II reports should be revised to include tree protection measures, as recommended by a qualified professional, if existing trees are to be retained and their dripline is within the area of disturbance.

Also, if removal of a Type 1 tree in required landscaping areas, required setback yards, and/or are located off-site are proposed, the applicant shall provide reasons for the proposed removal in a report from a qualified professional.

If tree removal is proposed for off-site trees, permission to do so from the neighboring property owner is required in writing.

b. Conclusion:

The applicant has provided a Tree Plan II with the zoning permit application and this plan has been reviewed by the City's Arborist. The applicant should follow the recommendations from the City's Arborist described above.

4. Right-of-Way Improvements

- a. Facts: Zoning Code Chapter 110 establishes right-of-way improvement requirements. Sections 110.10 and 110.25 require the applicant to make half street improvements in right-of-way abutting the subject property. The subject property abuts 98<sup>th</sup> Avenue NE and 99<sup>th</sup> Place NE/100<sup>th</sup> Avenue NE.
- b. Conclusion: The applicant should improve the one-half of 99<sup>th</sup> Place NE/100<sup>th</sup> Avenue NE and 98<sup>th</sup> Avenue NE right-of-way immediately adjacent to the subject property, consistent with the standards set forth in Attachment 4, Development Standards.

**G. COMPREHENSIVE PLAN**

1. Fact: The subject property is located within the South Juanita neighborhood. The subject property consists of several parcels each having different land use designations. Figure J-2b on page XV.I-6.1 designates the different parcels suitable for medium-density residential, high-density residential, and office uses (see Attachment 24).

2. Conclusion: The applicant is proposing land uses on the various parcels consistent with the Comprehensive Plan. The proposed development is consistent with the Comprehensive Plan.

#### **H. DEVELOPMENT STANDARDS**

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 4.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 4.

### **III. SUBSEQUENT MODIFICATIONS**

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

### **IV. APPEALS AND JUDICIAL REVIEW**

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

#### **A. APPEALS**

1. Appeal to City Council:

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., \_\_\_\_\_, twenty-one (21) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

#### **B. JUDICIAL REVIEW**

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

### **V. LAPSE OF APPROVAL**

Under Section 150.135 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 150, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 150.130, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 150 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.

### **VI. APPENDICES**

Attachments 1 through 25 are attached.

1. Vicinity Map
2. Site Plan dated March 16, 2007

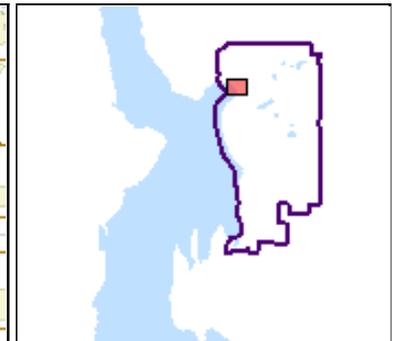
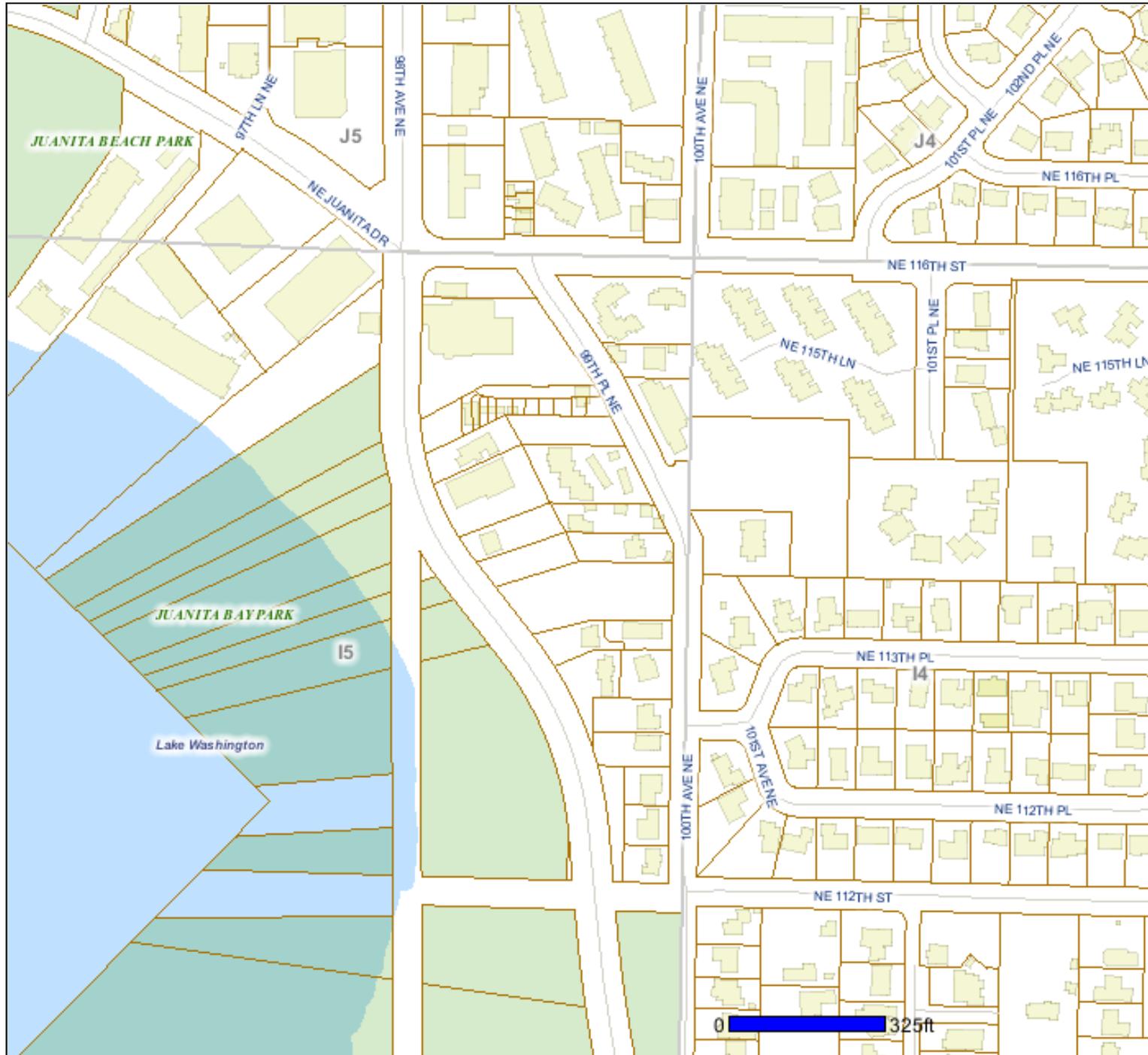
3. Wetland Modification Plan dated April 28, 2009
4. Development Standards
5. AOA addendum dated August 7, 2009
6. Zoning Map
7. Survey
8. Aerial Map
9. Public Comment Emails
10. SEPA Determination
11. Concurrency dated July 15, 2009
12. Variance information on Townhomes
13. Applicant response letter dated March 20, 2007
14. Applicant response to Wetland Modification Criteria dated May 5, 2009
15. Applicant response to Watershed Co. Comments dated May 5, 2009
16. Technical Memorandum - *Potential Impacts to Wetland Hydrology*, dated February 3, 2009 by Paris Geosciences
17. Letter – *Wetland Hydrology & Mitigation* dated March 17, 2009 by Gary Flowers PLLC
18. Arborist Report dated April 29, 2009 by Greenforest Incorporated
19. Mitigation plan review letter dated March 12, 2009 by Taylor Engineering Consultants, Inc.
20. Mitigation Plan review letter dated May 21, 2009 by The Watershed Company
21. Maximum development potential calculations
22. Arborist Tree Service Report dated July 24, 2007
23. Zsofia Pasztor Report dated July 16, 2008
24. Comprehensive Plan Map
25. Building Elevation Drawing

**VII. PARTIES OF RECORD**

James Olson  
See Parties of Record List  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services



# 11401 100th Avenue NE



Approximate  
Scale 1:3,907  
1 in = 326 ft

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By	Date	Revisions
JKL	03-29-2017	1
JKL	04-26-2017	2
JKL	04-26-2017	3
JKL	04-26-2017	4
JKL	04-26-2017	5
JKL	04-26-2017	6
JKL	04-26-2017	7
JKL	04-26-2017	8
JKL	04-26-2017	9
JKL	04-26-2017	10

**CONTACTS**

**APPLICANT**  
 NAME: JAMES OLSON  
 ADDRESS: 12222 14TH AVE SE #1  
 EVERETT, WA 98208  
 PHONE: (425) 294-8699

**SURVEYOR**  
 NAME: TRIAD ASSOCIATES  
 ADDRESS: 1215 18TH AVE NE  
 KIRKLAND, WA  
 PHONE: (425) 821-8448  
 CONTACT: GREG JENSEN

**ENVIRONMENTAL CONSULTANT**  
 NAME: ALTMANN OLIVER ASSOCIATES, LLC  
 ADDRESS: P.O. BOX 518  
 GARRISON, WA 98014  
 PHONE: (425) 333-4535  
 CONTACT: SIMONE OLIVER, LA

**PLAN LEGEND**

PROPERTY LINE  
 EXISTING WETLAND - 5941 SF TOTAL  
 CREATED WETLAND BOUNDARY  
 WETLAND BUFFER  
 10' BSEL  
 EXISTING CONTOUR  
 HOLE # SOIL BORING LOCATION

**IMPACT LEGEND**

FILLED WETLAND 94 SF  
 PAPER FILLED WETLAND 2,041 SF

**MITIGATION LEGEND**

CREATED WETLAND 2,140 SF MIN.  
 ENHANCED WETLAND 2,884 SF  
 85.5' ENHANCED BUFFER 17,684 SF

**SHEET INDEX**

SHEET NUMBER	SHEET TITLE
W1.1	IMPACTS & MITIGATION MAP, PLANTING DETAILS
W2.1	GRADING & PLANTING PLANS, PLANT SCHEDULE & TREE DETAIL
W3.1	CONSTRUCTION SPECIFICATIONS

**NOTES**

- TOPOGRAPHIC & WETLAND SURVEY PROVIDED BY TRIAD ASSOCIATES, KIRKLAND, WA.
- SEE THE WETLAND MITIGATION AND MONITORING PLAN, PREPARED BY AOA, FOR INFORMATION RELATED TO PERFORMANCE MONITORING AND MAINTENANCE AFTER CONSTRUCTION APPROVAL.

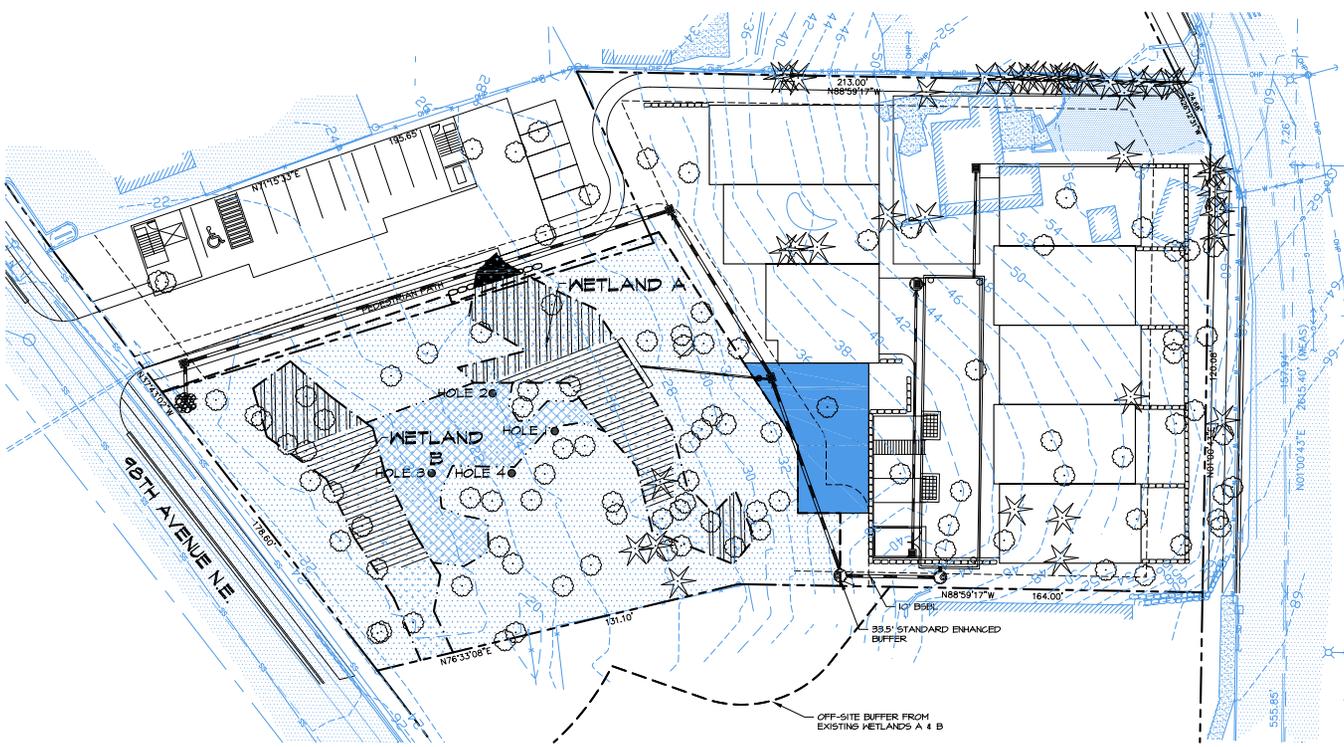
Call 2 Working Days Before You Dig  
**1-800-424-5555**  
 Home Underground Local Worker  
 (CMTA/CORWA)

**NOT FOR CONSTRUCTION**

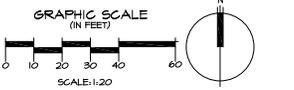
THESE PLANS HAVE BEEN SUBMITTED TO THE APPROPRIATE AGENCIES FOR REVIEW AND APPROVAL. UNTIL APPROVED, THESE PLANS ARE SUBJECT TO REVISION.

**APPROVED FOR CONSTRUCTION**

BY: \_\_\_\_\_  
 CITY OF KIRKLAND DEPARTMENT OF PLANNING  
 DATE: \_\_\_\_\_

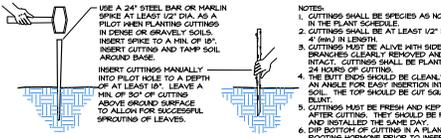


**IMPACTS & MITIGATION MAP**

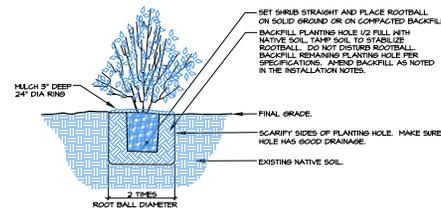


**GENERAL PLANTING INSTALLATION NOTES**

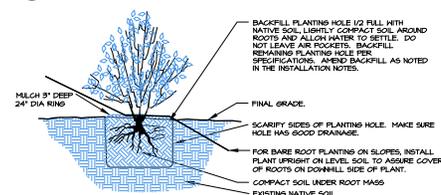
- PLANT TREE 4' OR SHRUB 1/2" HIGHER THAN DEPTH GROWN AT NURSERY.
- FOR CONTAINER TREES 4' OR SHRUBS, SCORE FOUR SIDES OF ROOTBALL PRIOR TO PLANTING. BUTTERFLY ROOTBALL IF ROOT GIRDLING IS EVIDENT.
- AFTER PLANTING, STAKE TREES ONLY IF NECESSARY (LEANING OR DROOPING) OR IN EXPOSED AREAS.
- TREE STAKES TO BE VERTICAL, PARALLEL, EVEN-TOPPED, UNSCARRED AND DRIVEN INTO UNDISTURBED SUBGRADE. REMOVE AFTER ONE YEAR.
- WATER IMMEDIATELY AND THOROUGHLY, HEAVIER AT FIRST, 2 OR 3 TIMES PER WEEK THROUGH THE DRY SEASON, THEN LESS UNTIL ESTABLISHED.
- FERTILIZE ALL TREES AND SHRUBS WITH AN APPROVED SLOW RELEASE FERTILIZER APPLIED AT MANUFACTURER'S SUGGESTED RATES.
- ALL PLANTING PIT'S SHALL BE AMENDED WITH A SOIL MOISTURE RETENTION AGENT TO ASSIST IN KEEPING THE SOIL MOIST DURING THE DRY SEASON.



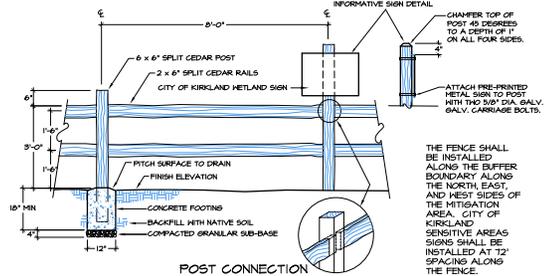
**1 CUTTING INSTALLATION (TYP.)**  
 SCALE: N.T.S.



**2 CONTAINER SHRUB PLANTING (TYP.)**  
 SCALE: N.T.S.



**3 BARE-ROOT SHRUB PLANTING (TYP.)**  
 SCALE: N.T.S.



**4 SPLIT-RAIL FENCE DETAIL W/ SIGN**  
 SCALE: N.T.S.







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

---

Date: 10/9/2007

DEVELOPMENT STANDARDS

CASE NO.: ZON07-00014

PCD FILE NO.: ZON07-00014

\*\*\*FIRE DEPARTMENT CONDITIONS\*\*\*

Fire sprinkler system is required in any building over 5,000 square feet (including garage).

A monitored fire alarm system is required in any commercial building over 5,000 square feet; a monitored fire alarm system is required in any residential occupancy which is constructed under IBC requirements. If the residential occupancies are constructed in conformance with IRC requirements, then a local alarm only is required to alert occupants of each unit in case of activation of the fire sprinkler system.

Fire extinguishers may be required.

It appears that hydrants for the multifamily project off of 100th Avenue NE are adequate. However, an additional hydrant may be required for the commercial project on the west (off of 98th Avenue NE).

The multifamily project on 100th Avenue NE is served by City of Kirkland water. The 98th Avenue NE is served by Northshore Utility District; certificate of water availability would need to be obtained from them.

"NO PARKING - FIRE LANE" signs, curb stenciling, and painting required. Ref: Bureau of Fire Prevention Operating Policy 7.

You can review your permit status and conditions at [www.kirklandpermits.net](http://www.kirklandpermits.net)

PUBLIC WORKS CONDITIONS

Permit Information

Permit #: ZON07-00014

Project Name: James Olson Townhouse Project - Wetland Modification and Variance.

Project Address: 11401 100th Ave. NE

Date: May 23, 2007

Public Works Staff Contacts

Land Use and Pre-Submittal Process:

Rob Jammerman, Development Engineering Manager

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

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

Building and Land Surface Modification (Grading) Permit Process:

John Burkhalter, Senior Development Engineer

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

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

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us).
2. This project will be subject to Public Works Permit and Connection Fees. At the pre-application stage, the fees can only be estimated. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us). The applicant should anticipate the following fees:
  - o Water Connection Fees (paid with the issuance of a Building Permit)
  - o Water Meter Fee (paid with the issuance of a Building Permit)
  - o Right-of-way Fee
  - o Review and Inspection Fee (for utilities and street improvements).
  - o Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below.
3. Prior to submittal of a Building or Zoning Permit, the applicant must apply for a Concurrency Test Notice. Contact Thang Nguyen, Transportation Engineer, at 425-576-2901 for more information. A separate Concurrency Permit will be created.
4. Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).
5. Any existing single family homes within this project which are demolished will receive a Traffic Impact Fee credit. This credit will be applied to the first Building Permit that is applied for.
6. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
7. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
8. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
9. A completeness check meeting is required prior to submittal of any Building Permit applications.
10. Prior to issuance of any commercial or multifamily Building Permit, the applicant shall provide a plan for garbage storage and pickup. The plan shall be approved by Waste Management and the City.

Sanitary Sewer Conditions:

1. Northshore Utility District (NUD) approval required for sewer service. A letter of sewer availability is required; call N.U.D at 425-398-4400.
2. The sewer line to serve the project will need to transverse the north property line down to 98th Ave. NE. NUD will determine the line size and easement requirements.

Water System Conditions:

1. The existing water main in the public right-of-way along the 99th Ave. NE frontage is adequate to serve the proposed townhome project.

2. The commercial office building accessing from 98th Ave. N E will need to be served by NUD. Contact NUD for water conditions/requirements to serve this building.
3. Provide a water service to the buildings sized per the uniform plumbing code.
4. Provide fire hydrants per the Fire Departments requirements.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 1998 King County Surface Water Design Manual (current manual). Initial review shows that this project is discharge to a stream and level II storm detention will be required.
2. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).
3. This project is creating or replacing more than 5000 square feet of new impervious area that will be used by vehicles (PGIS - pollution generating impervious surface). Provide storm water quality treatment per the 1998 King County Surface Water Design Manual (or most currently adopted surface water manual)
4. This project disturbs greater than one acre, the applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Dept. of Ecology. Specific permit information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> Among other requirements, this permit requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP) and identify a Certified Erosion and Sediment Control Lead (CESCL) prior to the start of construction. The CESCL shall attend the City of Kirkland Public Works Department pre-construction meeting with a completed SWPPP
5. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from April 1 to October 31, all denuded soils must be covered within 15 days; between November 1 and March 31, all denuded soils must be covered within 12 hours. If an erosion problem already exists on the site, other cover protection and erosion control will be required. This site must establish a storm connection to 98th Ave. NE or a temporary pumped system to 100th Ave. NE before on-site construction may begin.
6. Provide collection and conveyance of right-of-way storm drainage
7. All roof and driveway drainage must be tight-lined to the storm drainage system.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 98th Ave. NE (an Arterial type street) and 99th Pl. NE (a Collector type street). Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

99th Pl. NE

- A. Widen the street to 18 ft. from center line to face of curb.
- B. Install curb and gutter, storm drainage, a 4.5 ft. wide landscape strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk.

98th Ave. NE

- A. Widen the street to 24 ft from centerline to face of curb (curb alignment shall match the curb to the North).
- B. Install curb and gutter, storm drainage, a 10 ft. wide sidewalk with street trees in tree grates 30 ft on-center.

2. Due to the lack of east/west pedestrian connections in this neighborhood, a pedestrian connection is needed between 98th Ave. NE and 99th Pl. NE. With this project, grant a 10 ft. wide pedestrian easement and install a 5 ft wide concrete sidewalk in the easement. This path shall connect to the sidewalk on 98th Ave. NE and the sidewalk on 99th Ave. NE. The proposed alignment shown on sheet A1.1 will work.

Note: It may be possible to incorporate the path into the site design to help meet the on-site pedestrian path requirements.

3. A 2-inch asphalt street overlay will be required where more than three utility trench crossings occur with 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.

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

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

6. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on 99th Pl. NE and 98th Ave. NE is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a concomitant agreement or LID No Protest Agreement.

7. New street lights along 98th Ave. NE and 99th Pl. NE may be required depending on a lighting analysis by Puget Power - Into Light Division and Public Works approval. Analysis and design must be submitted prior to issuance of a grading or building permit.

#### \*\*\*BUILDING DEPARTMENT CONDITIONS\*\*\*

After July 1st, 2007, buildings must comply with 2006 editions of the International Building, Residential, Mechanical, and Fire Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland.

Structure must comply with Washington State Energy Code (WAC 51-11); and the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13).

Structures must be designed for seismic design category D, wind speed of 85 miles per hour and exposure C.

Plumbing meter and service line shall be sized in accordance with the UPC.

Demolition permit(s) required for removal of existing structures.

Geotechnical report required to address development activity. Report must be prepared by a Washington State licensed Professional Engineer. Recommendations contained within the report shall be incorporated into the design of the subsequent structures.

# Altmann Oliver Associates, LLC

PO Box 578    Carnation, WA 98014    Office (425) 333-4535    Fax (425) 333-4509

# AOA

Environmental  
Planning &  
Landscape  
Architecture



August 7, 2009

AOA-0438

Jon Regala, Senior Planner  
Planning Department, City of Kirkland  
123 5<sup>th</sup> Ave.  
Kirkland, WA 98033-6189

**SUBJECT:    Olson Townhomes, City of Kirkland File No. ZON07-00014  
                 Addendum to Revised Wetland Mitigation and Monitoring Report**

Dear Jon:

The purpose of this addendum is to respond to the criteria required to allow for the proposed wetland buffer modification associated with the subject project. Under the proposed project, the standard 50-foot buffer required for Type 3 wetlands would be reduced by one-third (to 33.5 feet) with the implementation of a buffer enhancement plan.

## **BUFFER MODIFICATION**

Wetland buffer modification requests in the City of Kirkland are regulated per the specific decision criteria outlined in KZC 90.60.2.b. A rationale for how the proposed buffer modification request would satisfy these criteria is described below.

**1. *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).***

The proposed buffer enhancement should increase the overall function of the buffer and would be consistent with the goals of the above documents.

**2. *It will not adversely affect water quality.***

Under the wetland buffer enhancement plan, all buffer areas will be planted with native vegetation that should continue to provide water quality treatment. However, since stormwater detention and water quality treatment are components of the proposed project, and no runoff from paved surfaces will be discharged into the wetlands without treatment, there should be no significant change in water quality within the wetlands following development.

Jon Regala  
August 7, 2009  
Page 2

**3. It will not adversely affect fish, wildlife, or their habitat.**

Currently the wetland buffers on the site are not significant habitat areas due to their relatively small size and isolation from larger habitat areas. The limited habitat functions of the buffers will, however, be enhanced as described in the mitigation report. Implementation of the buffer enhancement plan should increase the plant species and structural diversity of the buffer while providing a visual and physical screen to the wetlands from the proposed development, thereby increasing the areas value to wildlife.

**4. It will not have an adverse effect on drainage and/or stormwater detention capabilities.**

The existing wetland buffer is sloped and does not currently provide a significant stormwater detention function. Since the stormwater from the developed site will be detained within the on-site stormwater facilities prior to discharge there should be no adverse effect on drainage due to the proposed buffer reduction.

**5. It will not lead to unstable earth conditions or create an erosion hazard.**

All improvements conducted within the vicinity of the wetland buffer will be subject to an erosion control plan that will be implemented per City of Kirkland standards. Furthermore, since the proposed buffer reduction area is not located on a steep slope, and the enhanced buffer will be vegetated with native plant species, it is not anticipated that an erosion hazard will be created.

**6. It will not be materially detrimental to any other property or to the city as a whole.**

All buffer reduction will occur on the subject property, and the modification will not be materially detrimental to any other property.

**7. Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat.**

It is our understanding that any fill material within the wetland buffer will not contain organic or inorganic material that could be detrimental to water quality or fish and wildlife habitat. If appropriate, this could be a condition of the permit authorizing the buffer modification.

**8. All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate.**

All temporarily exposed areas within the buffer will be stabilized and planted with native vegetation.

**9. There is no practicable or feasible alternative development proposal that results in less impact to the buffer.**

It is my understanding that the proposed development cannot be constructed without the buffer reduction due to the location of the wetlands in the central portion of the property and the size constraints thus placed on the developable area.

Jon Regala  
August 7, 2009  
Page 3

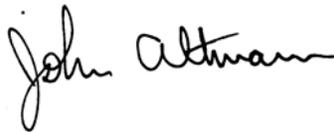
**Pedestrian Pathway**

Per my phone conversation with you, as a condition of the permit for this project the pedestrian pathway will be moved slightly to the north (as depicted on the attached exhibit prepared by you). This relocation should further minimize impacts to wetlands on the property.

If you have any questions regarding this addendum please call me at (425) 333-4535.

Sincerely,

ALTMANN OLIVER ASSOCIATES, LLC

A handwritten signature in black ink that reads "John Altmann". The signature is written in a cursive, flowing style.

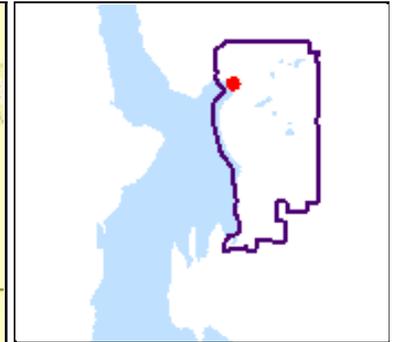
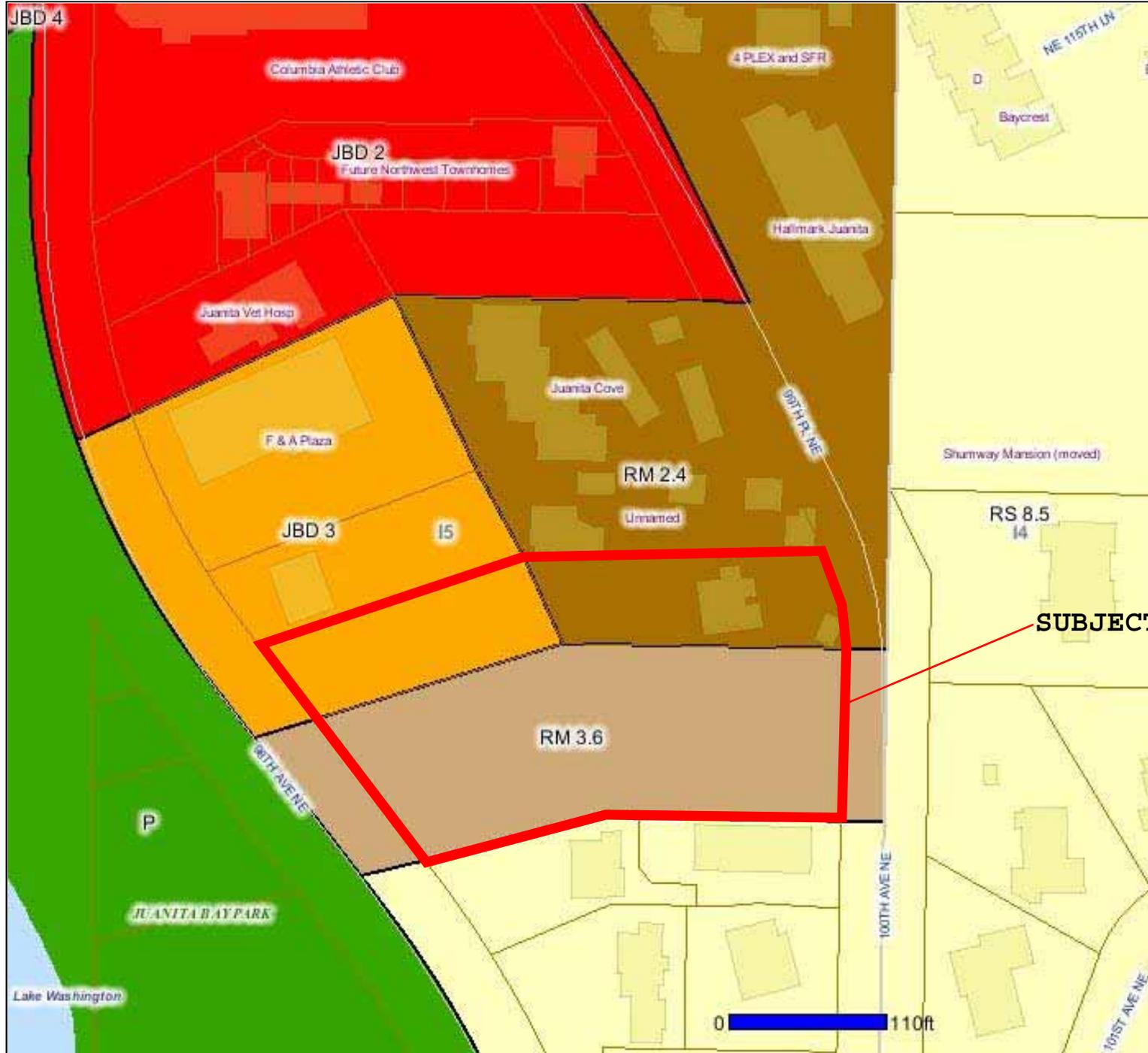
John Altmann  
Ecologist

Cc James Olson  
Derek Arnold

Attachment



# Zoning Map



**SUBJECT PROPERTY**

Approximate  
Scale 1:1,317  
1 in = 110 ft

Produced by the City of Kirkland. (c) 2009, the City of Kirkland, all rights reserved. No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.



NE 1/4 OF THE NE 1/4, SEC 31, TWP 26, N, RGE 5 E,W.M.



SCALE: 1" = 20'

CORNER INTERVAL = 2'  
BASIS OF BEARING  
- NORTH 00° 07' 42" EAST  
- THE EAST LINE OF THE NE QUARTER OF SECTION 31-26-5

COURT COMMISSIONER'S PLAT  
KING COUNTY SUPERIOR COURT  
CAUSE NO. 175301

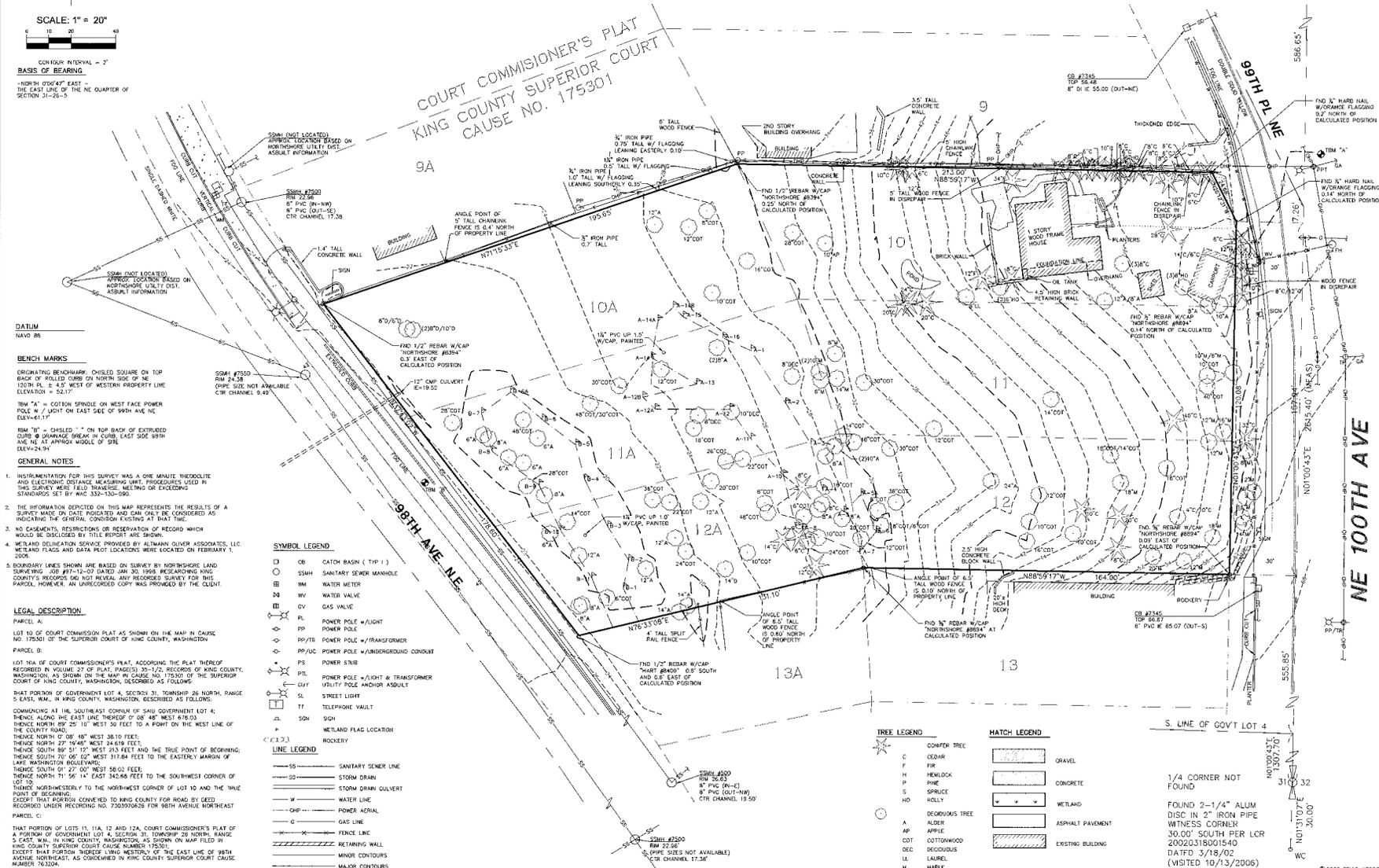
FOUND BRASS PLUG IN  
4"x4" CONC. MON. IN CASE  
DOWN 0.9' (4/21/06)  
SEC 31-26-5 NE CORNER  
REF. CITY OF KIRKLAND  
SURVEY CONTROL POINT #45  
NAD 83/91



NE 116TH STREET

99TH PL NE

NE 100TH AVE



**DATUM**  
NAVD 88

**BENCH MARKS**  
ORIGINATING BENCHMARK: CHISEL SQUARE ON TOP  
BACK OF POLED CURB ON NORTH SIDE OF NE  
100TH PL ± 4.5' WEST OF WESTERN PROPERTY LINE  
ELEVATION = 523.17'  
BENCH MARK "A" = COTTON SPRINCLE ON WEST FACE POWER  
POLE W/ LIGHT ON EAST SIDE OF 99TH AVE NE  
ELEV=511.17'  
BENCH MARK "B" = CHISEL "I" ON TOP BACK OF EXTENDED  
CURB @ DRIVEWAY BREAK IN CURB, EAST SIDE 99TH  
AVE NE, AT APPROX. WOODS V. 2016  
ELEV=24.94'

- GENERAL NOTES**
- INSTRUMENTATION FOR THIS SURVEY WAS A ONE MINUTE THEODOLITE AND ELECTRONIC DISTANCE MEASURING UNIT. PROCEDURES USED IN THIS SURVEY WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 330-100-060.
  - THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE ON DATE INDICATED AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
  - NO EASEMENTS, RESTRICTIONS OR RESERVATION OF RECORD WHICH WOULD BE DISCLOSED BY TITLE REPORT ARE SHOWN.
  - WETLAND DELINEATION SERVICE PROVIDED BY ALBANY OLIVER ASSOCIATES, LLC. WETLAND FLAGS AND DATA POINT LOCATIONS WERE LOCATED ON FEBRUARY 1, 2008.
  - BOUNDARY LINES SHOWN ARE BASED ON SURVEY BY NORTHSIDE LAND SURVEYING, INC. 889-12-07 DATED JAN 30, 1998. RESEARCHING KING COUNTY'S RECORDS DO NOT REVEAL ANY RECORDED SURVEY FOR THIS PARCEL, HOWEVER, AN UNRECORDED COPY WAS PROVIDED BY THE CLIENT.

**LEGAL DESCRIPTION**

PARCEL A:  
LOT 10 OF COURT COMMISSIONER PLAT AS SHOWN ON THE MAP IN CAUSE NO. 175301 OF THE SUPERIOR COURT OF KING COUNTY, WASHINGTON

PARCEL B:  
LOT 10A OF COURT COMMISSIONER'S PLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 27 OF PLAT PAGES 12-13 OF THE SUPERIOR COURT OF KING COUNTY, WASHINGTON, AS SHOWN ON THE MAP FILED IN THE COUNTY SUPERIOR COURT OF KING COUNTY, WASHINGTON, RECORDED AS FOLLOWS:  
THAT PORTION OF GOVERNMENT LOT 4, SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 4; THENCE ALONG THE EAST LINE THEREOF OF 68' WEST 8°16'03" THENCE NORTH 89° 25' 10" WEST 30 FEET TO A POINT ON THE WEST LINE OF THE COUNTY ROAD;  
THENCE NORTH 0° 08' 48" WEST 38.10 FEET;  
THENCE NORTH 22° 04' 48" WEST 24.69 FEET;  
THENCE SOUTH 89° 51' 12" WEST 213 FEET AND THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 70° 02' 02" WEST 317.68 FEET TO THE EASTERLY MARKER OF LAKE WASHINGTON BOULEVARD;  
THENCE SOUTH 0° 27' 02" WEST 58.02 FEET;  
THENCE NORTH 71° 56' 14" EAST 345.88 FEET TO THE SOUTHWEST CORNER OF LOT 10;  
THENCE NORTHWESTERLY TO THE NORTHWEST CORNER OF LOT 10 AND THE TRUE POINT OF BEGINNING TO THE NORTHWEST CORNER OF LOT 10 AND THE TRUE POINT OF BEGINNING TO KING COUNTY FOR ROAD BY DEED RECORDED UNDER RECORDING NO. 220098 FOR 98TH AVENUE NORTHEAST PARCEL C;  
THAT PORTION OF LOTS 11, 11A, 12 AND 12A, COURT COMMISSIONER'S PLAT OF A PORTION OF GOVERNMENT LOT 4, SECTION 31, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, AS SHOWN ON MAP FILED IN THE COUNTY SUPERIOR COURT OF KING COUNTY, WASHINGTON, RECORDED AS FOLLOWS:  
EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE EAST LINE OF 98TH AVENUE NORTHEAST, AS CONCERNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 763204.

**SYMBOL LEGEND**

- OB CATCH BASIN (TYP. I)
- SSM SANITARY SEWER MANHOLE
- WM WATER METER
- WV WATER VALVE
- GV GAS VALVE
- PL POWER POLE W/LIGHT
- PP POWER POLE
- PP/TR POWER POLE W/TRANSFORMER
- PP/UC POWER POLE W/UNDERGROUND CONDUIT
- PS POWER STUD
- PTL POWER POLE W/LIGHT & TRANSFORMER
- UTL UTILITY POLE ANCHOR ASSEMBLY
- CVT CURB
- TT TELEPHONE VAULT
- SN SIGN
- WETLAND FLAG LOCATION
- ROCKERY

**LINE LEGEND**

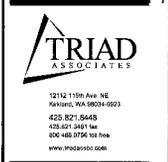
- SS SANITARY SEWER LINE
- SD STORM DRAIN
- SL STORM DRAIN CULVERT
- W WATER LINE
- GA GAS LINE
- P POWER AERIAL
- F FENCE LINE
- R RETAINING WALL
- M MINOR CONTOURS
- MA MAJOR CONTOURS

**TREE LEGEND**

- C CEDAR TREE
- F FIR
- H HEMLOCK
- P PINE
- S SPRUCE
- HO HOLLY
- DE DECIDUOUS TREE
- AL ALDER
- AP APPLE
- CO COTTONWOOD
- DEC DECIDUOUS
- LA LAUREL
- M MAPLE

**HATCH LEGEND**

- GRAVEL
- CONCRETE
- WETLAND
- ASPHALT PAVEMENT
- EXISTING BUILDING



TOPOGRAPHIC SURVEY  
OLSON REAL PROPERTY, INC.  
**KIRKLAND CONDOS**  
CITY OF KIRKLAND, WASHINGTON

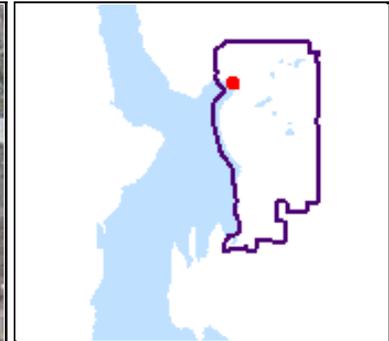
DATE: 3/18/08  
PROJECT: KIRKLAND CONDOS  
PROJECT ENGINEER: [Signature]  
PROJECT LANDSCAPE ARCHITECT: [Signature]  
FIRST SUBMITTAL DATE: 02/02/08  
SCALE: 1"=20' VERT.



STAMP NOT VALID UNLESS SIGNED AND DATED  
JOB NO. 06-014  
SHEET NO. 1 of 1



**Aerial**



Approximate  
Scale 1:1,914  
1 in = 160 ft

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From: Per-Ola Selander [<mailto:p-o.selander@comcast.net>]  
Sent: Thursday, October 04, 2007 4:17 AM  
To: 'sclauson@ci.kairkland.wa.us'  
Cc: 'Noel Schoneman'; 'Kari Page'  
Subject: ZON07-00014 - "Olsen Townhomes" on 100th Avenue NE

In reference to recently posted application for the "Olsen Townhomes", ZON07-00014.

Although I am not happy to see this last stretch of green and forested land come up for development (I wish we could keep commercial development to the areas along 98th across from the Village), I do have some comments and suggestions on the proposed plan:

1. Allowing a denser development here makes more sense, close to denser commercial areas, than allowing to "densen up" the strictly residential areas in the neighborhood. This is a neighborhood (east of 100th Avenue NE) that is defined by relatively large yards, green areas, and decent setbacks (as compared to the Market neighborhoods where housing density has gone way too far - at the expense of yards and green areas).
2. Allowing a variance to the zoning regulations is poor policy. We all have to play inside the rules that exist. Neighboring properties will be adversely affected if larger "walls" are allowed.
3. Traffic situation on NE 100th Avenue NE is already bad. People having their driveways exit onto this "collector" street (as well as on 99th Place) can testify how bad, and how many times they've been close to being "t-boned" while trying to enter the street. Therefore, I suggest that entry to this new development is solely from 98th Avenue, where traffic might be denser, but the sightlines and "expectation" of dense traffic is also different. The intersection of 99th Place NE and 116th Street NE is also in very poor shape, for anyone wanting to make a left turn westbound (intersection is too close to the corner of 98th and 116th). Adding more traffic to this intersection is not only bad, it is foolish and will put more loads on an already dangerous intersection. Only when you live here and daily watch the "near misses", you understand how bad it is.
4. It is positive that the developer will be asked to install sidewalks, and potentially also street lighting (thinking of the lighting along Juanita Village or Bristol Court as good examples). Widening the street however will only lead to an even more pronounced increase in traffic speeds. We have already seen that (substantially) after the stretch along the Shumway Mansion property was widened and repaved a few weeks ago. This is a residential neighborhood, and the street has a 25 mph speed limit. No need to make it into a wide highway, thereby inviting ever increasing speeds and traffic - this is a MAJOR cut through-route for people wanting to avoid the Eastbound back-up at 116th Street.

If at the end the street is to be widened, this "semi-corner" would be a good place to implement some traffic calming measures, such as a chicane, slotted speed bumps, or the like. The city has done a number of good implementations elsewhere

5. It is very good to see that an East/West pedestrian connection between 98th Ave. NE and 99th Pl. NE. has been planned. Long overdue and a measure that maybe further can help reduce the "small" automobile trips by actually providing for a safe and convenient

pedestrian walk to the Vet Clinic, The Sports Club, the Park, or other local merchants in the Village area.

Sincerely,

Per-Ola Selander  
10830, 101st Avenue NE  
Kirkland, WA 98033  
+1-425-827-2363  
+1-425-894-5339 Mobile  
p-o.selander@comcast.net

**From:** Leah Ing [mailto:leah@totallivingconcept.org]  
**Sent:** Thursday, October 25, 2007 9:05 PM  
**To:** Stacy Clauson  
**Subject:** Olson Townhomes, ZON07-00014

Ms. Clauson-

I realize the time for comment has passed but I am hoping you will take into consideration my thoughts as our family made an emergency trip out of town and have just returned.

In comment regarding the Olson Townhomes, ZON07-00014, I have serious concerns regarding traffic, walkways, speed through our neighborhood and the elimination/rezoning of yet another green space/wetlands. We have lived in the neighborhood for just over 5 years (although I am 4th generation to live in Kirkland and raise a family and grew up on the Eastside).

It seems the city has attempted to create a "walking" neighborhood yet they have forgotten to include an area to walk! We literally take our life in our hands upon leaving our quiet street. We have sidewalks which go nowhere or none at all, little space to safely walk along the roadway and maneuver around cars that are going well beyond the posted 25 MPH. I have called the city planners but they didn't seem to think there was a problem. I have talked to the police department and requested regular patrols but they don't seem to have the man power to provide this on a regular basis.

The city has steadily allowed new construction in this area that has 2 SMALL outlets to get to main roadways. I don't see that by allowing another group of townhomes and office building is going to help with this. I also don't see that it is going to allow any more diversity in our community, unless, of course, the city has decided to request builders/developers to create affordable housing?!

When is the city going to slow down construction and take some time to figure out where the congestion is going, how to develop actual neighborhoods that entices people to get out of their cars and do business locally, and allows affordable housing to your low and middle class residents? When can I and my family safely get out of our car and walk to do business and pleasure?

Is there a plan for the 116th & 98th Ave. crosswalk? I would encourage the city planners to spend some time on each corner of this crosswalk- would you want to cross this as an elderly or disabled citizen, would you want to cross pushing a stroller, would you want your 3 year old to ride his bike across or to stand on the corner (on Michael's corner)? Are these questions taken into consideration when you are considering the above proposal?

I would appreciate feedback!

Sincerely,

Leah Preston Ing & Family  
10103 NE 112th Pl, Kirkland 98033  
[Impreston@seanet.com](mailto:Impreston@seanet.com)

Re: Permit # ZON07-00014

Attn: Jon Regala/Examiner

I am writing with concern to the proposed Olsen Townhomes at 11401 100<sup>th</sup> Ave NE. The following are my points against:

- We have lived in this neighborhood for several years and have noticed increased traffic, excessive speed and dangerous road/walkways. We have difficulty exiting from 98<sup>th</sup>/99<sup>th</sup> onto 116<sup>th</sup> in either direction and we never feel safe walking from our home to the intersection of 100<sup>th</sup> & 116<sup>th</sup> (currently sidewalks are being installed on 98<sup>th</sup>/99<sup>th</sup>, thus making part of our walk safer). We rarely will walk to the bird sanctuary due to the speed of traffic and lack of safe sidewalks on 100<sup>th</sup>. Thus, more development means more cars.
- Juanita Village has been represented as a pedestrian-friendly village however it seems to only be friendly if you live on the northwest side of 100<sup>th</sup>. I would like to feel safe bringing my children to the parks and shops. We have experienced multiple incidents with vehicles in the intersection- they are simply watching the light and not looking for pedestrians walking with the light. Again, bringing in more cars to the area will only create more congestion.
- There was a recent death of a motorcyclist on 100<sup>th</sup> & 117<sup>th</sup>. With 5 lanes of traffic and multiple business entrance/exits on/off 100<sup>th</sup> this road is simply dangerous! My heart sank when I read about the motorcyclist as it seems it could have been prevented with better planning on 100<sup>th</sup>.

There seems to be a lot of issues on 100<sup>th</sup>/116<sup>th</sup> to be worked out without bringing in more traffic and yet another development. I ask that you take these into consideration prior to the approval of the Olsen Townhomes.

If this development is approved I would like to make a high recommendation that 100<sup>th</sup> be seriously looked at for its safety- can the speed limit be decreased? Walkways widened and raised? Would a stipulation be made for the development to complete the sidewalk on 100<sup>th</sup> to the bridge (in the sw direction) in coordination with the city? I would like to see that the townhomes are made available for families/individuals to afford on moderate means. We have enough million dollar homes in this town! Let's diversify a bit!!

Thank you for this opportunity for comment!

Leah Preston Ing  
10103 NE 112<sup>th</sup> Pl.  
Kirkland, WA 98033  
425-827-8252  
lmpreston@live.com





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

**DETERMINATION OF NONSIGNIFICANCE (DNS)**

CASE #: SEP07-00013

DATE ISSUED: 7/16/2009

DESCRIPTION OF PROPOSAL

**Zoning Permit to develop an 8-unit multi-family development and future office building. A variance to the zoning regulations relating to maximum horizontal facade, which limits either the building width or height of the portion of the building adjoining a low-density zone, is being sought for the proposed residential development. In addition, the proposal includes modification of Type III wetland buffers located on the site by the maximum allowable one third, creation and filling of a portion of a wetland and an enhancement planting plan.**

PROPONENT: **JAMES OLSON**

LOCATION OF PROPOSAL

**11401 100TH AVENUE NE**

**LEAD AGENCY IS THE CITY OF KIRKLAND**

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

This DNS is issued under 197-11-340 (2); the lead agency will not act on this proposal for 14 days from the date above. Comments must be submitted by 5:00 p.m. ~~7/30/2009~~ **8/03/2009**

Responsible official: *Paul Shields* *FJ* 7-20-2009  
Eric Shields, Director Date  
Department of Planning and Community Development  
425-587-3225

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

**You may appeal this determination to the Planning Department at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., July 30, 2009 by WRITTEN NOTICE OF APPEAL.**

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

Please reference case # SEP07-00013.

Publish in the Seattle Times (date): \_\_\_\_\_

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

- Environmental Review Section, Department of Ecology,  
P.O. Box 47703, Olympia, WA 98504-7703
- Department of Fish and Wildlife (for streams and wetlands - with drawings)  
North Lake Washington Tributaries Area Habitat Biologist  
16018 Mill Creek Boulevard, Mill Creek, WA 98012
- Department of Fish and Wildlife (for shorelines and Lake Wa. - with drawings)  
Lake Washington Tributaries Area Habitat Biologist  
C/O DOE  
3190 160th Avenue SE, Bellevue, WA 98008
- Seattle District, U.S. Army Corps of Engineers,  
P.O. Box C-3755  
Seattle, WA 98124
- \_\_\_\_\_ Attn: Lynn Best, Acting Director, Environmental Division, Seattle City Light  
700 5th Avenue, Suite 3316  
P.O. Box 34023  
Seattle, WA 98125-4023
- Attn: Environmental Reviewer  
Muckleshoot Indian Tribe Fisheries Division  
39015 172nd Avenue SE  
Auburn, WA 98092
- \_\_\_\_\_ Northshore Utility District,  
P.O. Box 82489  
Kenmore, WA 98028-0489
- \_\_\_\_\_ Shirley Marroquin  
Environmental Planning Supervisor  
King County Wastewater Treatment Division  
201 South Jackson Street, MS KSC-NR-0505  
Seattle, WA 98104-3855 - and -
- \_\_\_\_\_ Gary Kriedt  
King County Metro Transit Environmental Planning  
201 South Jackson Street, MS KSC-TR-0431  
Seattle, WA 98104-3856
- \_\_\_\_\_ Director of Support Services Center  
Lake Washington School District No. 414  
P.O. Box 97039  
Redmond, WA 98073-9739
- \_\_\_\_\_ David B. Johnston and Lillian Cruz (for projects consisting of more than 9 residential units)  
Livengood, Fitzgerald and Alskog, PLLC  
P.O. Box 908  
Kirkland, WA 98083-0908
- \_\_\_\_\_ John Sutherland, Developer Services  
Washington State Department of Transportation  
15700 Dayton Ave. N. MS 210

Kirkland, WA 98083

TIM MCGRUDER, AUDUBON SOCIETY, 13450 NE 100<sup>TH</sup> ST  
KIRKLAND WA 98033

Applicant / Agent JAMES OLSON, 1222 Z #1 199<sup>TH</sup> AVENUE SE  
EVERETT WA 98208

---MITIGATING MEASURES INCORPORATED INTO THE PROPOSAL:-----

1. The applicant shall record a covenant with the property owner(s) at 11409 99th Place NE to shorten the existing fence along 99th Place NE and remove vegetation to ensure that sight distance can be achieved and maintained.
2. The fence along the north property line of the subject property shall be shortened or modified to provide visibility between vehicles entering and exiting the subject property and the adjoining property to the north.

cc: Case # ZON07-00014

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

*Patricia (Prins Cowin)*

7/20/09

Distributed By:  
SEPA\_C\_A, rev: 7/15/2009

Date:



**CITY OF KIRKLAND**

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

---

**DEPARTMENT OF PUBLIC WORKS  
MEMORANDUM**

**To:** Jon Regala, Senior Planner

**From:** Thang Nguyen, Transportation Engineer

**Date:** July 15, 2009

**Subject:** Olson Property Development Traffic Concurrency Test Notice, Zon07-00014

This memo is an updated concurrency test notice for the proposed Olson Property Development site located at 11254 98<sup>th</sup> Avenue NE.

**Project Description**

The applicant proposes to replace one single-family home with a 4,000 square foot general office building and eight residential townhouse units. The office will have access off 98<sup>th</sup> Avenue NE and the townhomes will have access off 100<sup>th</sup> Avenue NE. It is anticipated that the project will be built and fully occupied by 2011.

The proposed project is forecasted to generate approximately 91 daily trips and 10 PM peak hour trips.

The concurrency test notice for the project had expired. A new application was submitted for testing and review. The proposed project passed traffic concurrency. This memo will serve as the concurrency test notice for the proposed project. Per *Section 25.10.020 Procedures* of the KMC, this Concurrency Test Notice will expire in one year (July 15, 2010) unless a development permit and certificate of concurrency are issued or an extension is granted.

**EXPIRATION**

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

1. A complete SEPA checklist, traffic impact analysis and all required documentation are submitted to the City within 90 calendar days of the concurrency test notice.
2. A Certificate of Concurrency is issued or an extension is requested and granted by the Public Works Department within one year of issuance of the concurrency test notice. (A Certificate of

Memorandum to Jon Regala  
July 15, 2009  
Page 2 of 2

Concurrency is issued at the same time a development permit or building permit is issued if the applicant holds a valid concurrency test notice.)

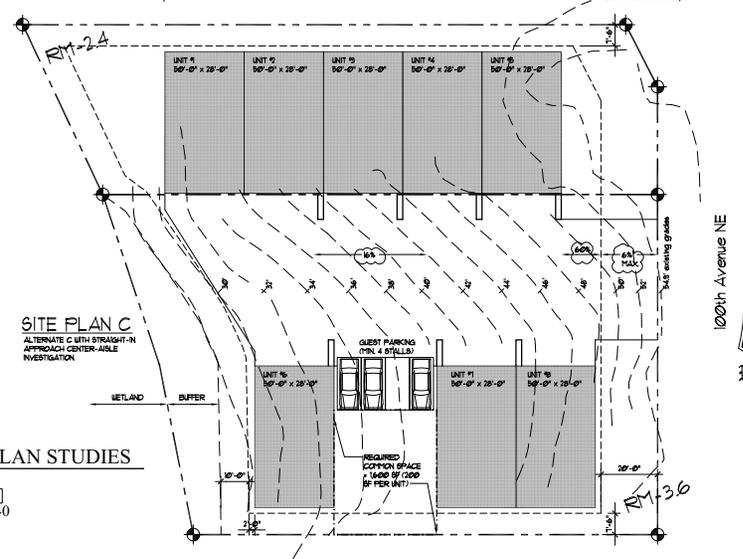
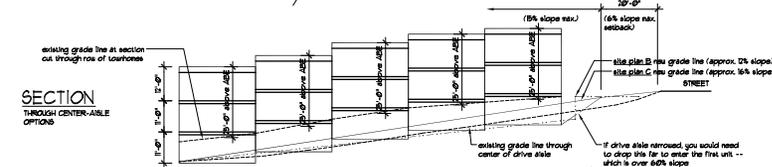
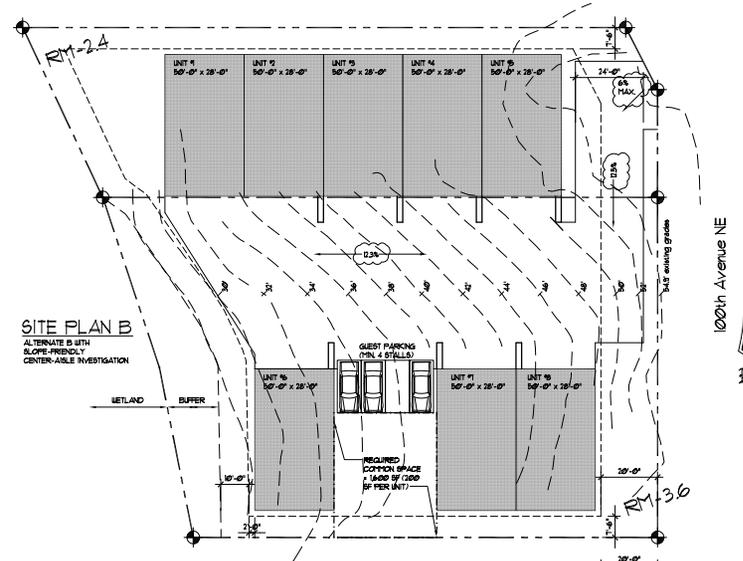
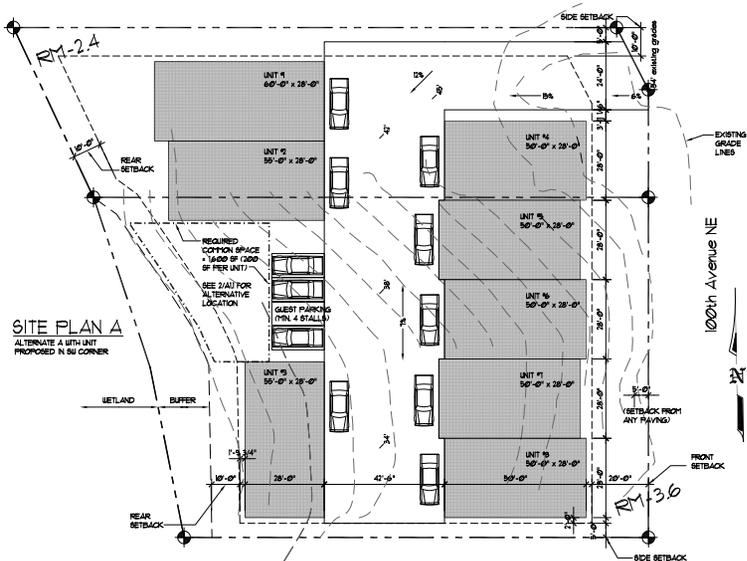
3. A Certificate of Concurrency shall expire six years from the date of issuance of the concurrency test notice unless all building permits are issued for buildings approved under the concurrency test notice.

### **APPEALS**

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

cc: file- Advantage





NO.	DATE	REVISION

**CURTIS GELLOTTE Architects**

150 Lake St. E.  
Suite 200  
Portland, OR 97203  
P 503.222.2100  
F 503.222.2102

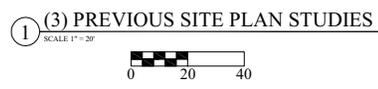
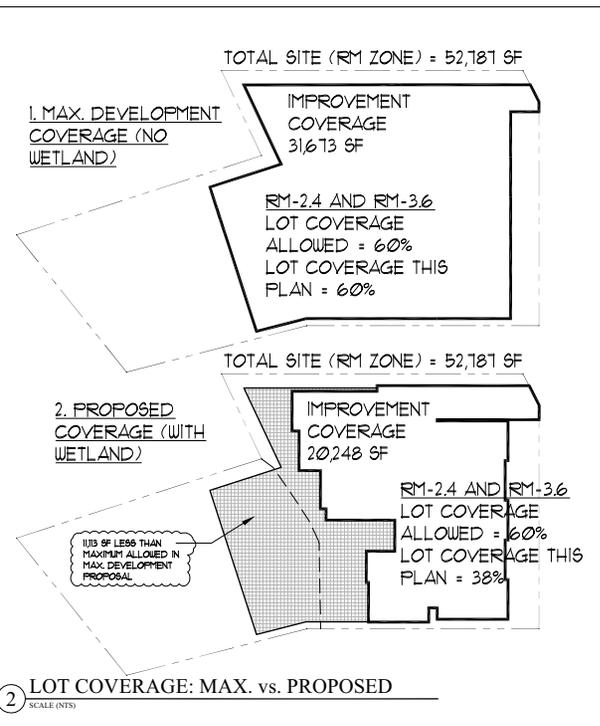
**OLSON TOWNHOUSES**

11401 100th AVENUE NE  
KIRKLAND, WA 98033

**PREVIOUS MASSING STUDIES AND ANALYSIS**

DATE: 03/16/07  
JOB NUMBER: 0641  
FILE: A1.2  
SHEET NO.

VARIANCE REQUEST





① FROM LOT ACROSS STREET TOWARD SITE  
NTS



VICINITY MAP n.t.s.



② LOOKING NORTH ALONG 100TH AVE NE  
NTS



③ LOOKING NORTH ALONG 100TH AVE NE  
NTS



④ LOOKING NORTH ALONG 100TH AVE NE  
NTS



⑤ LOOKING NORTH ALONG 100TH AVE NE  
NTS



⑥ CONTEXT NORTH OF SITE  
NTS

NO.	DATE	REVISION



150 Lake St. S.  
Suite 200  
Bellevue, WA 98003  
P 425.454.0000  
F 425.452.2102

OLSON TOWNHOUSES

11401 100th AVENUE NE  
KIRKLAND, WA 98033

PHOTOS

DATE: 03/16/07  
JOB NUMBER: 0641  
FILE: A1.2  
SHEET NO.:



① LOOKING SOUTH ALONG 100TH AVE NE  
NTS



VICINITY MAP n.t.s.



② LOOKING SOUTH ALONG 100TH AVE NE  
NTS



③ ACROSS STREET FROM PROPOSAL  
NTS



④ LOOKING ACROSS 100TH AVE FROM PROPOSAL  
NTS



⑤ LOOKING ACROSS 100TH AVE FROM PROPOSAL  
NTS

NO.	DATE	REVISION



150 Lake St. S.  
Suite 200  
Bellevue, WA 98003  
P 425.454.0000  
F 425.452.2100

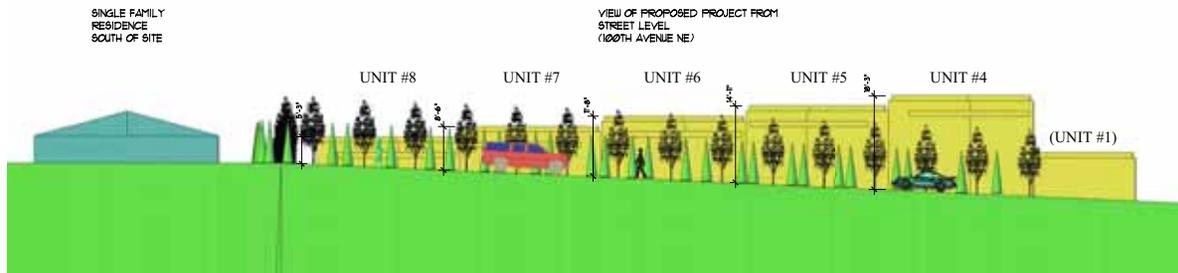
OLSON TOWNHOUSES

11401 100th AVENUE NE  
KIRKLAND, WA 98033

PHOTOS

DATE: 03/16/07  
JOB NUMBER: 0641  
FILE: A1.2  
SHEET NO.:

VARIANCE REQUEST



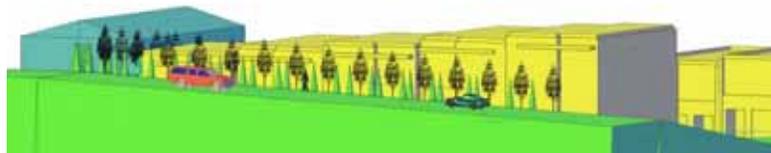
1 PROPOSED SITE -- 100TH AVENUE NE -- ELEVATION  
SCALE N.T.S.

(AND CORRESPONDING EXISTING CONDITIONS PHOTO)

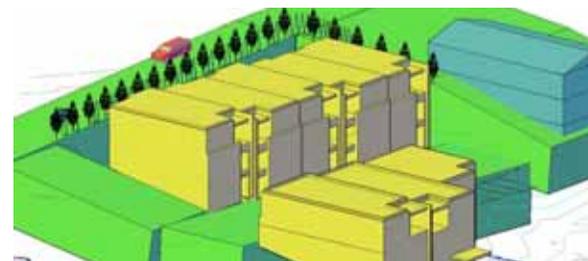


2 PROPOSED SITE -- 100TH AVENUE NE -- PERSPECTIVE  
SCALE N.T.S.

(AND CORRESPONDING EXISTING CONDITIONS PHOTO)



3 PROPOSED SITE -- 100TH AVENUE NE -- PERSPECTIVE (LOOKING AT NE CORNER)  
SCALE N.T.S.



4 PROPOSED SITE -- AERIAL VIEW (FROM NW CORNER)  
SCALE N.T.S.

NO.	DATE	REVISION



150 Lake St. S.  
Suite 200  
Portland, OR 97203  
P 503.253.0000  
F 503.253.2102

OLSON TOWNHOUSES

11401 100th AVENUE NE  
KIRKLAND, WA 98033

REFERENCE VIEWS

DATE: 03/16/07  
JOB NUMBER: 0641  
FILE: A1.5  
SHEET NO.

