





CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
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ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland Hearing Examiner

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

Date: June 15, 2015

File: MARINWOOD SUBDIVISION AND PUD, FILE SUB14-01891 & ZON14-01888

Hearing Date and Place: June 22, 2015, 7PM
City Hall Council Chamber
123 Fifth Avenue, Kirkland

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INTRODUCTION

A. APPLICATION

1. Applicant: Steve Anderson of LDC Inc. representing the Pulte Group
2. Site Location: 12860 and 13030 136th Avenue NE (see Attachment 1)
3. Request: The applicant requests approval of a preliminary subdivision and planned unit development (PUD) described below.
 - a. Preliminary Subdivision: Proposal to subdivide 5 parcels totaling 8.58 acres into 48 separate lots (see Attachment 2). Access to the lots will be provided via a new access road off of 136th Avenue NE. A connection to the existing 137th Place NE right-of-way, to the north of the subject property, is proposed.
 - b. PUD: A request for a preliminary and final Planned Unit Development (PUD) and modification of the following Zoning Code and municipal code requirements (see Attachment 3):
 1. Provide smaller lot sizes than the minimum lot size of 5,100 square feet in the RSA 8 Zone for 33 of the 48 lots, with an average lot size of 4,935 square feet.
 2. Provide lot widths less than the minimum 50' as measured from the back of the required front yard. 28 of the lots will not meet the minimum requirement.
 3. Reduce minimum required front yards to 10 feet and provide a garage setback of 20 feet as measured from the front property line.
 4. Calculate the 50% floor area ratio (FAR) maximum based on the net development area (total lot area minus public right-of-ways) rather than on an individual lot basis.
 5. Calculate the 50% lot coverage maximum based on the net development area (total lot area minus public right-of-ways) rather than on an individual lot basis.
 6. Calculate building height based on finished grade instead of predevelopment grades.

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 potential impacts or undesirable effects of the PUD and provide benefits to the community that would not typically be required for a subdivision under city codes and regulations. Attachment 3 includes the applicant's analysis, which is summarized as follows:

1. Increased Open Space, onsite recreation area and landscaping
Common open space is planned with a variety of amenities located within Tracts B through D. Tract B has an underground stormwater detention vault and on the surface proposes a grass play area, bocce ball court, a picnic area with bench seating, and landscaping and trees. Tract D will contain a play lawn, play structure, concrete sitting wall, picnic table seating and landscaping and trees.
2. Offsite Right-of-Way Improvements
The applicant is proposing construction of offsite frontage improvements (including a sidewalk) along tax parcel number 272605-9083. This parcel is being retained by the current property owner, Ellis Moore, and is not part of the subdivision. The proposed sidewalk would complete a connection between the sidewalks being installed with this subdivision and the existing sidewalk to the north. Additionally, the applicant is proposing the installation of Rectangular Rapid Flash Beacon (RRFB) cross walk crossing 132nd Ave NE at its intersection with NE 134th Pl.
2. Review Process: Process IIB, Hearing Examiner conducts public hearing and makes recommendation to City Council for final decision.
3. Summary of Key Issues:
 - a. Compliance with Kirkland Municipal and Zoning Code Approval Criteria (see Section II.D).
 - b. Applicable Development Regulations (see Section II.E).

B. RECOMMENDATIONS

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

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 4, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 4, the condition of approval shall be followed.
2. Trees shall not be removed or altered following the plat approval except as approved by the Planning Department. Attachment 4, 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 shall be protected and retained (see Attachment 9). The trees not shown as being protected may be removed with an approved grading permit (see Conclusion II.E.4.b).

3. Prior to recording the subdivision, the applicant shall:
 - a. Record a covenant on the face of the plat that restricts the total lot coverage to not exceed 50% of the net development area (as noted in Section II.D.4). The applicant shall provide tracking of total lot coverage with each building permit in the plat (see Conclusion II.D.4.b).
 - b. Record a covenant on the face of the plat that restricts the total floor area ratio (FAR) of all homes to 50% of the net development area (as noted in Section II.D.4). The applicant shall provide tracking of total floor area with each building permit in the plat (see Conclusion II.D.4.b).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:
 - a. Facts:
 1. Size: 8.58 acres; 373,570 square feet
 2. Land Use: The subject property contains two single family residences and accessory structures. These structures are proposed to be removed as part of the development proposal
 3. Zoning: RSA 6, Residential Single Family with a density of 6 units per acre and a minimum lot size of 5,100 square feet. Based on the parcel size of 373,570 square feet (8.58 acres), the maximum density is 51 units. The proposal includes 48 units.
 4. Terrain: The multi-parcel site slopes significantly on the eastern half of the property.
 5. Vegetation: There are 240 significant trees on the subject property.
 - b. Conclusions: Size, Land Use, Zoning, Terrain and Vegetation are not constraining factors in the review of this application. Retention of significant trees is addressed in Section II.E.
2. Neighboring Development and Zoning:
 - a. Facts: The neighboring properties are zoned as follows and contain the following uses:

North and South: Zoned RSA 6, Single-family residences

West: Zoned RSA 8, Curretly under development for new single-family residences (Vintner's West)

East: RSA 6, Single-family residence on one parcel and one vacant parcel
 - b. Conclusion: The neighboring development and zoning are not constraining factors in the review of this application.

B. PUBLIC COMMENT

1. Facts:
 - a. The initial public comment period ran from January 28 to February 27, 2015. The Planning Department received a total of 9 comment letters

and emails (see Attachment 5) during this comment period. Below is a summary of public comments followed by a brief staff response.

Comment: Numerous letters and emails opposed the proposed connection to 137th Place NE. The main reasons for opposition were the impacts to homes near the proposed right-of-way and the potential for cut thru traffic.

Staff Response: Staff outlines the code reasoning for the proposed NE 137th Place NE Road Connection in Section II.E.3. Development of the plat to the north was configured to accommodate this future connection.

Comment: Neighbors are concerned about the project's traffic impact to 136th Avenue NE and would like the City to explore improvements to this right-of-way.

Staff Response: The project passed traffic concurrency and during the review of the traffic study it was determined that no offsite mitigation was warranted. The complete review by Public Works Staff can be found in Attachment 6, Enclosure 5.

Comment: Some commenters are concerned about storm water impacts downhill from the proposed development.

Staff Response: Staff has forwarded these comments to the Public Works Department for their review. Conveyance of storm water will be addressed as part of the land surface modification/ grading permit for the project, but as noted in Attachment 4 the applicant will be required to submit for a full drainage review and provide a level one offsite analysis.

Comment: The Lake Washington School District requested that the applicant install sidewalks along 136th Avenue NE.

Staff Response: With the proposed PUD benefit and zoning code requirements, the applicant will be installing approximately 650 linear feet of frontage improvements including sidewalks.

C. STATE ENVIRONMENTAL POLICY ACT (SEPA) AND CONCURRENCY

1. Facts: A Determination of Nonsignificance (DNS) was issued on April 7, 2015. This application passed Concurrency on August 18, 2014. The appeal period for both SEPA and Concurrency ended on April 21, 2015. No appeals were received. The Environmental Determination is included as Attachment 6.
2. Conclusion: The applicant and the City have satisfied the requirements of SEPA.

D. APPROVAL CRITERIA

1. Preliminary Plats
 - a. Facts: Kirkland Municipal Code section 22.12.230 states that the Hearing Examiner may approve a proposed plat only if:
 1. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
 2. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Hearing Examiner shall

be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

3. Zoning Code section 150.65 states that the Hearing Examiner may approve a proposed plat only if 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. Conclusions: 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) and the Transportation Policies contained in the Transportation Element (see Section II.E.2). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (see Sections II.D & 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)
 - a. Fact: 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. Sections 3 through 6 below contain the staff's findings of fact and conclusions based on these four criteria.
 - b. Conclusions: Based on the following analysis, the application meets the established criteria for a PUD.
3. 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.
 - a. Facts: This PUD proposal seeks the following Zoning and Municipal Code modifications:
 1. Lot sizes smaller than the minimum lot size of 5,100 square feet.
 2. Reduce required lot width as measured at the back of the front yard from 50 feet to 40 feet.
 3. Reduce required front yard setback from 20 feet with to 10 feet with garages setback 20 feet.
 4. Calculate the maximum 50% lot coverage over the entire site rather than on a lot by lot basis.
 5. Calculate the maximum 50% floor area ratio over the entire site rather than on a lot by lot basis.
 6. Request that building height calculations be based on finished grade instead of predevelopment grades.
 - b. Conclusion: The requested modifications are code provisions that can be modified pursuant to KZC Chapter 125.20 and therefore this proposal meets the requirements of KZC Chapter 125.

4. PUD Criterion 2: Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the city.

a. Facts:

1. The PUD proposes clustering the lots outside of the steep slope on the east side of the property. The proposed clustering, along with right-of-way dedication requirements, results in reducing the minimum lot size below 5,100 square feet for 33 of the 48 proposed lots. The 33 reduced lots range in size from 3,840 to 5,000 square feet. The remaining lots range in size from 5,130 to 7,448 square feet. The average size of the 48 proposed lots is 4,935 square feet. This clustering could be considered an undesirable design by locating more lots to the west side of the development site.

This clustering also results in lots that are narrower than required by KMC Section 22.28.050.

2. The setbacks for garages are proposed at 20 feet and the remainder of the structure would be at least 10 feet from the front property line. The potential effect is homes that are closer to the proposed internal street than other homes in the area.
3. Lot coverage is limited to 50% of the lot size. Lot coverage is proposed to be calculated using the net lot area (315,974 square feet per the applicant's calculations) at a maximum of 50% which will have the effect of more coverage on each lot than the 50% maximum. The individual lots may exceed the allowable lot coverage, but the project as a whole will not.
4. Floor area ratio (the amount of gross floor area) is limited to 50% of the lot size. Floor area is proposed to be calculated using the net lot area (315,974 square feet per the applicant's calculations) which may have the effect of greater massing on individual lots.
5. The proposed maximum floor area for the entire development would be 157,987 square feet of gross floor area or 3,291 square feet of gross floor area per lot. The maximum floor area allowed if calculated on a lot by lot basis would be 118,434 square feet. The difference is 39,553 square feet or an average of 824 square feet per lot.
6. Building height is proposed to be calculated based on finished grade and not predevelopment grades as required by the Kirkland Zoning Code. The potential impacts of this proposal is that the homes could be relatively higher than surrounding homes in neighboring developments. The applicant has submitted a building height exhibit (Attachment 7) that shows the impacts of the proposal. Based on this height exhibit, the greatest amount of fill is occurring along the southern (Lots 1 thru 9) and eastern (Lots 22 thru 29) portions of the property.
7. The Vintner's Ridge Plat, located to the north of the subject property, was approved by King County prior to annexation by the City. King County regulations based height calculations on the finished grade of each lot.

b. Conclusions:

1. The proposed reduction in lot sizes, lot width, front yard setbacks, and calculation of lot coverage and floor area ratio over the entire site all allow this proposed development to efficiently cluster lots. In turn, clustering allows less development of the steep slope on the east side of the property. The potential impacts of smaller, narrower lots and reduced front yards is mitigated by the fact these are predominantly internal impacts to the proposed development.
 2. With the proposed common open space tracts, the calculation of lot coverage and floor area ratio on a project-wide basis results in minimal effect compared to the standard code requirement. Restrictions should be recorded on the face of the plat to limit the amount of lot coverage and floor area ratio for the entire project to 50% of the net lot area of 315,974 square feet.
 3. The proposed building height calculation modification will result in homes being relatively taller on the fill lots (Lots 1 thru 9 and Lots 22 thru 29) than what would be allowed if predevelopment grades were used. The impacts to properties neighboring Lots within the Vintner's Ridge Plat are mitigated by the fact that the project is calculating building heights the same way that King County regulated them. The impacts along the southern property line are mitigated by the fact that the fill is occurring on the north side of these lots away from the neighboring development.
 4. In summary, the adverse or undesirable effects of the proposed PUD are minimal when considered on a project basis. These impacts are clearly outweighed by the identified benefits discussed below.
5. PUD Criterion 3: The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:
- a. The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.
Staff Response: This proposal meets this criteria. See discussion below.
 - b. 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.
Staff Response: Not applicable.
 - c. The design of the PUD incorporates active or passive solar energy systems.
Staff Response: Not applicable.
 - d. 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:

1. Increased provision of open space or recreational facilities.
Staff Response: This proposal meets this criteria. See discussion below.
 2. Superior circulation patterns or location or screening of parking facilities.
Staff Response: Not applicable
 3. Superior landscaping, buffering, or screening in or around the proposed PUD.
Staff Response: Not applicable.
 4. Superior architectural design, placement, relationship orientation of structure.
Staff Response: Not applicable.
 5. Minimum use of impervious surfacing materials.
 6. *Staff Response: Not applicable.*
- e. Facts: The design of the proposed subdivision is superior in the following ways to the design that would result from development of the subject property without a PUD:
1. *The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD. The applicant is proposing construction of offsite frontage improvements (including a sidewalk) along tax parcel number 272605-9083. The proposed 310 feet of sidewalk would complete a connection along 136th Avenue NE between the sidewalks being installed with this subdivision and the existing sidewalk to the north. Additionally, the applicant is proposing the installation of a Rectangular Rapid Flash Beacon (RRFB) cross walk crossing 132nd Ave NE at its intersection with NE 134th Pl. The proposed RRFB is located on a school walk route for both John Muir Elementary and Kamiakin Middle School and at an existing crosswalk.*
 2. *The subdivision and PUD proposal provides increased open space and recreation facilities. City codes do not require onsite common open space or recreational facilities on single family subdivisions. This proposal is providing a combination of both with Tracts B and D that will include grass play areas, bocce ball court, picnic areas with tables and bench seating, a play structure, and landscaping and trees.*
- f. Conclusion: Staff concludes that the proposal includes superior plat design and offsite public improvements that would not be required in a subdivision. The proposed benefits to the neighborhood and the city outweigh the impacts of the requested modifications and therefore, the PUD should be approved.
6. PUD Criterion 4: 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.
- a. Fact: Not applicable. Special needs housing is not proposed.

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.
 - b. Conclusion: Pursuant to Municipal Code section 22.28.020 and Zoning Code section 110.60, the applicant should follow Public Works requirements for Street and Pedestrian improvements as described in Attachment 4, Development Regulations. These improvements are necessary as a result of the proposed development activity.
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 5,100 square feet (lots range in size from 3,840 to 7,448 square feet with an average of 4,935 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 57'). See Section II.D regarding the PUD request 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 18.10.010.

- 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 of KZC section 18.10.010.
3. 137th Place Road Connection
 - a. Facts:
 1. The proposed site design includes a new access road that will connect to the existing 137th Place right-of-way to the north of the subject property.
 2. Zoning Code section 150.65 states that the Hearing Examiner may approve a proposed plat only if 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.
 3. The Zoning Code does not specifically address road connections other than KZC section 110.60.1 which 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.
 4. Comprehensive Plan Policy T-4.3 states that the City should “maintain a system of arterials, collectors, and local access streets that forms an interconnected network for vehicular circulation” (see Attachment 10)
 5. Comprehensive Plan Policy T-4.5 states that the City should “maintain and improve convenient access for emergency vehicles”.
 6. Properties to the north of the proposed subdivision are located in a subdivision that was approved under the jurisdiction of King County in 2007.
 - b. Conclusions:
 1. Based on KZC Section 150.65 and applicable Comprehensive Plan Policies, the Public Works Director recommends that the proposed 137th Place road connection be required as part of this proposal.
 2. The proposed connection will provide for even traffic distribution by connecting existing neighborhoods to the west with the proposed neighborhood. Additionally the connection will provide emergency vehicles with more direct access to residences in both the existing and proposed subdivisions.
 3. The development of the interconnected street network discussed in the Comprehensive Plan cannot be completed all at once. Rather, it must be built out over time as development occurs. The development of neighborhood to the north of the proposed subdivision demonstrates the incremental nature of building this

network and the recommended street connection would complete this part of the street network.

4. Natural Features - Significant Vegetation

a. Facts:

1. The applicant has submitted a Tree Plan, prepared by a certified arborist (see Attachment 8). Specific information regarding the tree density on site and the viability of each tree can be found in Attachment 4, 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 this plan and the specific recommendations concerning tree retention, removals and site modifications have been incorporated into the applicant's final IDP (see Attachment 9).
4. KZC 95.33 requires that all lots individually meet the tree density minimum.

b. Conclusions: With the recommended conditions of approval, the proposed tree retention plan complies with applicable City requirements. The applicant should retain all viable trees as shown on the IDP through the completion of all phases of development and meet the tree density requirements for each lot.

F. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the Kingsgate neighborhood. Figure LU-1, Comprehensive Land Use Map, on page VI-5 designates the subject property as LDR-6, low density residential use, 6 dwelling units per acre (see Attachment 11). The proposed density is 5.59 dwelling units per acre.
2. Conclusion: The proposal meets the goals and intent of the Comprehensive Plan.

G. 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. 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

1. 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.
2. 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.
3. 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

A. PUD

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 seven (7) years after the final approval on the matter, or the decision becomes void.

B. Final Plat

Under Section 22.16.010 of the Subdivision Ordinance, the owner must submit a final plat application to the Planning Department, meeting the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within seven years following the date the preliminary plat was approved or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the

recording of the plat.

VI. APPENDICES

Attachments 1 through 11 are attached.

1. Vicinity Map
2. Project Plans (revised 5/21/15)
3. Project Narrative and PUD Analysis
4. Development Standards
5. Public Comments
6. SEPA Determination
7. Building Height Exhibit
8. Arborist Report dated 9/24/14
9. Integrated Development Plan (IDP)
10. Comprehensive Plan Transportation Section
11. City of Kirkland Land Use Map

VII. PARTIES OF RECORD

Applicant: Steve Anderson, LDC Inc.

Applicant: Mike Behn, Pulte Group

Parties of Record

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services

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

MARINWOOD PLAT AND PUD SUB14-01891

