CITY OF KIRKLAND
CITY COUNCIL

Amy Walen, Mayor • Jay Arnold, Deputy Mayor • Dave Asher • Tom Neir
Toby Nixon • Jon Pascal • Penny Sweet • Kurt Triplett, City Manager

Vision Statement
Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY Relay Service 711 • www.kirklandwa.gov

AGENDA
KIRKLAND CITY COUNCIL SPECIAL MEETING
City Council Chamber
Monday, August, 6, 2018
6:00 p.m. – Study Session
7:30 p.m. – Special Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.kirklandwa.gov. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

PLEASE CALL 48 HOURS IN ADVANCE (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

EXECUTIVE SESSIONS may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

ITEMS FROM THE AUDIENCE provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
   a. Community Safety Ballot Measure Discussion
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
6. *COMMUNICATIONS*
   a. *Announcements*
      (1) National Night Out
   b. *Items from the Audience*
   c. *Petitions*
7. *SPECIAL PRESENTATIONS*

8. CONSENT CALENDAR

a. Approval of Minutes

(1) July 12, 2018
(2) July 17, 2018
(3) July 21, 2018
(4) July 28, 2018
(5) July 30, 2018

b. Audit of Accounts

c. General Correspondence

d. Claims

(1) Claims for Damages

e. Award of Bids

(1) 6th Street South Water and Sewer Main Replacement Project

(2) Market Street Storm Main Rehabilitation Project

(3) Lakefront Pedestrian and Bicycle Improvements Project

f. Acceptance of Public Improvements and Establishing Lien Period

(1) Peter Kirk Pool Plaster Liner Replacement Project

(2) NE 52nd Street Sidewalk Project

g. Approval of Agreements

h. Other Items of Business

ORDINANCES are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

(1) Ordinance O-4656, Relating to the Dedication of City Owned Property Located at 100th Avenue NE and NE 132nd Street for Right of Way Purposes

(2) Cedar Creek Fish Passage/Culvert Replacement Project (100th Ave NE)

(3) Community Safety Survey Council Special Projects Reserve Funding

(4) Tourism Development Committee Resignation

(5) Ordinance O-4653, Amending Kirkland Municipal Code Chapter 3.54 to Include Lawful Permanent Residents of the United States as Qualifying Applicants for Civil Service Positions as Required by Law

RESOLUTIONS are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

***QUASI-JUDICIAL MATTERS** Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

PUBLIC HEARINGS are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

(6) Resolution R-5325, Resolution Approving Objectives for the Development of Transit-Oriented Development and Expanded Park and Ride Facilities at the Kingsgate Park and Ride Site

* (7) Resolution R-5326, Approving the Subdivision and Final Plat of The Bridges At Kirkland, (formerly Scrivanich), Planning and Building Department File No. SUB15-02157, and Setting Forth Conditions to Which Such Subdivision and Final Plat Shall Be Subject

(8) Ordinance O-4652, Granting Comcast Cable Communications, LLC, Renewal of a Non-Exclusive Franchise for Transmission of Cable Television Services in, Through, Over and Under the Street Rights-of-Way of the City of Kirkland

(9) Resolution R-5327, Authorizing the City Manager to Sign an Agreement Between Youth Eastside Services and the City of Kirkland Regarding the Use and Occupancy of the Forbes House Located at Juanita Beach Park

9. PUBLIC HEARINGS

a. Resolution R-5324, Providing for the Submission to the Qualified Electors of the City of Kirkland at an Election to be Held On November 6, 2018 of a Proposition Authorizing an Increase to the Sales and Use Tax in Kirkland of One-Tenth of One Percent (0.1%) on the Selling Price to Fund Enhanced Police Services and Community Safety; Setting Forth the text of the Ballot Proposition; Directing Proper City Officials to Take Necessary Actions; and Providing for Other Properly Related Matters

10. UNFINISHED BUSINESS

a. Parks Cost Recovery Study Update

b. Ordinance O-4654, Relating to Development Fees Charged by the Kirkland Fire Department

c. Bike Share Pilot Program

(1) Resolution R-5328, Revising Policy G-10 of the Public Works Department's Pre-Approved Plans to Allow Permitting for Bike Share Operation Use of Right-of-Way

(2) Resolution R-5329, Providing the Public Works Director the Ability to Set Rules and Limitations for the Pilot Bike Share Program

(3) Ordinance O-4655, Amending Section 5.74.040 of the Kirkland Municipal Code Adding an Annual Fee for Program Enhancements Associated with Bike Share Operations in the City

NEW BUSINESS consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

CITY COUNCIL COMMITTEE agendas and minutes are posted on the City of Kirkland website, www.kirklandwa.gov.

ITEMS FROM THE AUDIENCE Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

11. NEW BUSINESS

a. Advance Mitigation Project Update and Funding Approval

12. REPORTS

a. City Council Regional and Committee Reports

b. City Manager Reports

(1) Calendar Update

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

CITY OF KIRKLAND
City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jim Lopez, Assistant City Manager
David Wolbrecht, Neighborhood Services Outreach Coordinator

Date: July 26, 2018

Subject: STUDY SESSION REVIEW OF PROPOSED RESOLUTION R-5324 AND ACCOMPANYING INFORMATIONAL MATERIALS

RECOMMENDATION:

It is recommended that the City Council review the revised draft Resolution R-5324, which includes the funding elements of the potential enhanced police services and community safety sales tax measure and the draft ballot title. Resolution R-5324 and the proposed ballot title language will be updated following the study session and a public hearing on the final language will be held during the regular Council meeting. Discussion and possible action by the Council to place the public safety sales tax measure on the November ballot will follow the public hearing. The second part of the study session will be to review the proposed accompanying informational materials should the Council place the measure on the November ballot.

BACKGROUND DISCUSSION:

The City Council has been exploring a potential enhanced police services and community safety ballot measure throughout the first half of 2018 for three primary reasons:

- In 2021 the City will lose nearly four million dollars annually from the general fund due to the loss of the state annexation sales tax credit. The loss of this revenue is a key component of projected general fund deficits that begin in 2021 and will worsen over time unless new revenue is identified or budget reductions are made;

- Explosive growth and redevelopment in Kirkland has resulted in over 4,500 new residential units and 1.5 million square feet of new office and retail space either under construction or in the current permitting pipeline. This new development will result in over 7600 new residents, hundreds of new businesses and 4500 new employees that will need police and community safety services;

- In response to recent mass shootings at schools and cities around the nation, hundreds of Kirkland residents have asked the City Council to act now to make Kirkland a safer community through proactive policing, mental health and human services programs, and gun safety and school safety measures. The Lake Washington School District also proposed to cost share four new School Resource Officers for Kirkland Middle Schools.

The requested community safety and school safety actions require significant new funding which is not possible without cutting services or new revenue, as the City faces future budget deficits.

RESOLUTION R-5324

To address the financial challenges facing the City, and to provide funding for the new community safety services that Kirkland residents and businesses expect, the Council is evaluating a ballot measure outlined in Resolution R-5324.

Resolution R-5324 would place before the voters of Kirkland, at the November 6, 2018 general election, the question of whether the sales and use tax in Kirkland should be increased by one-tenth of one percent (0.1%) of the selling price on applicable goods and services to fund enhanced police services and community safety priorities beginning in 2019. The sales tax increase would equate to 1 penny on a $10 purchase or 10 cents on a $100 purchase. City staff estimates that the sales tax would raise approximately $1.8 million annually.

The Resolution proposes to invest the $1.8 million in the following new police services and community safety initiatives (with approximate annual costs):

- A Police ProAct Unit consisting of (4) full-time police officers and one (1) support position focused on illegal drugs, car prowls, burglaries, mail theft, shoplifting, enforcing extreme protection orders and court-ordered gun forfeitures. ($680K)
- Four (4) full-time school resource officers ("SROs") in Finn Hill Middle School, Kamiakin Middle School, Kirkland Middle School and the International Community School, with costs shared equally by the City and the Lake Washington School District. ($320K)
- One (1) additional Neighborhood Resource Officer to focus on community policing, code enforcement and emergency calls involving mental health complications. ($140K)
- One (1) full-time mental health professional to help resolve police and emergency medical calls involving individuals with mental health complications, including domestic violence, suicide attempts and assisting homeless individuals. This service might also be contracted rather than through the hiring of a new City employee ($120K)
- Additional dedicated grant funding for the social and emotional health of children and teenagers and to expand existing mental health, human services and after-school programs that provide suicide prevention, domestic violence prevention and drug addiction services. ($350K)
- New annual funding for firearms safety training in the community and safe storage of firearms, including subsidized trigger locks and gun safes. ($100K)
- New annual funding to support women and family shelter operations, providing a safe place for homeless women and families to transition to stable housing. ($100K)

The Council commissioned a community survey seeking public feedback on the proposed ballot measure elements and taxing method. Results were presented at the July 17 Council meeting. Of those who responded, 73% either strongly supported or somewhat supported the enhanced police and community safety proposal. The survey also asked about other funding options, including a property tax increase, an increase in the City business license "head tax," a new tax on sweetened soft drinks, reducing parks and road maintenance, or redirecting moneys from

the City's emergency reserve funds. The sales tax option received the highest support (53%) and lowest opposition (44%) of any of the options provided.

The City Council held a public hearing at Council's July 17, 2018 regular meeting on the matter of Resolution R-5324, at which two members of the public provided testimony. At that same meeting, Council provided comments to staff on changes to be made to the draft Resolution. Staff's proposed changes to the Resolution, based upon input received from Council at the July 17, 2018 regular meeting, are outlined in the memo accompanying the Public Hearing agenda item. A redlined version of the revised draft Resolution is included as Attachment A to this memo.

During the study session, staff will also present the accompanying informational materials for the ballot measure for Council review and consideration. The materials include an informational flyer and webpage. The informational flyer is included as Attachment B to this memo.

SUMMARY:

Staff is requesting direction from the Council on the following items at the study session:

- Proposed language for the revised draft Resolution R-5324
- Specifically, proposed language for the draft ballot measure title as contained in Resolution R-5324
- Review and comment on the ballot measure informational materials

Attachment A – Redlined Version of Revised Resolution
Attachment B – Enhanced Safety for a Thriving City

REDLINED REVISED VERSION

RESOLUTION R-5324

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF KIRKLAND AT AN ELECTION TO BE HELD ON NOVEMBER 6, 2018 OF A PROPOSITION AUTHORIZING AN INCREASE TO THE SALES AND USE TAX IN KIRKLAND OF ONE-TENTH OF ONE PERCENT (0.1%) ON THE SELLING PRICE TO FUND ENHANCED POLICE SERVICES AND COMMUNITY SAFETY; SETTING FORTH THE TEXT OF THE BALLOT PROPOSITION; DIRECTING PROPER CITY OFFICIALS TO TAKE NECESSARY ACTIONS; AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS.

WHEREAS, the City Council ("Council) of the City of Kirkland, Washington ("City") has declared Kirkland a Safe, Inclusive and Welcoming City; and

WHEREAS, the Council's goal of keeping Kirkland Safe, Inclusive and Welcoming is challenged as Kirkland experiences unprecedented economic growth and redevelopment, with over 4,500 residential units and over two million square feet of commercial and institutional development currently under construction or at some phase in the permitting system, bringing new jobs, shops, restaurants, services and housing options, as well as more people, businesses and traffic, and new types of commercial and residential structures that need police and fire services; and

WHEREAS, providing public safety services that match this economic growth and redevelopment is further challenged by the expiration of the annexation sales tax credit in 2021, resulting in the loss of nearly four million dollars annually from the City's general fund; and

WHEREAS, to help keep the community safe the Council, over the past five years, completed both a Police Strategic Plan and a Fire Strategic Plan to identify needed investments in staffing, equipment and technology to provide for more proactive community policing and better response times for fire and emergency medical services, as well as needed renovation and expansion of existing fire stations and the construction of a new, relocated Fire Station 27 east of I-405; and

WHEREAS, while the 2017-2018 City Work Program originally called for the exploration of potential property tax measures for fire station modernization and public safety operations, the Council deferred this item in December of 2017 to at least 2020 due to resident concerns about current property tax levels due to state and regional actions; and

WHEREAS, as the Council considers how to meet these challenges during the 2019-2020 Biennial Budget process, staff is using the adopted public safety strategic plans to guide the next round of public safety investments; and

WHEREAS, the Police Strategic Plan's top priorities are additional patrol officers as well as the full funding and activation of a ProAct Unit focused on illegal drugs, car prowls, burglaries, mail theft, shoplifting, and other property crimes, as well as enforcing extreme protection orders and court-ordered gun forfeitures; and

WHEREAS, The ProAct Unit requires five (5) positions, including four (4) ProAct Police Officers and a support staff position with an approximate cost of $680,000 per year in ongoing expenditures, in addition to one-time investments for vehicles and equipment; and

WHEREAS, a top staffing priority of the Fire Strategic Plan is to add five (5) additional Firefighter/EMTs to fully staff new Station 24 in Juanita when it is completed in 2020, at an additional cost of approximately $590,000 per year in ongoing expenditures; and

WHEREAS, on February 14, 2018, a mass shooting occurred at Marjory Stoneman Douglas High School in Parkland, Florida, resulting in seventeen students and staff killed and seventeen others wounded, reigniting conversations across the nation about actions that could be taken to reduce gun violence in the country and sparking strong activism from students and parents of school age children; and

WHEREAS, local groups including Kirkland Indivisible, Kirkland Safe, Moms Demand Action for Gun Sense in America, LWPTSA Council, Alliance for Gun Responsibility, the Forward Together Network, the Iman Center, Lake Washington Christian Church, Kirkland Interfaith Network, and the Lutheran Peace Fellowship, have asked to the Council to identify actions that Kirkland can take to reduce gun violence in Kirkland and Washington State; and

WHEREAS, on March 14, 2018, the City Council welcomed over 70 parents from various Kirkland schools to City Hall to discuss actions that could be taken to keep students safe from gun violence, and on March 21, 2018 the Lake Washington School District and the City hosted a community discussion about school safety and community action at Lake Washington High School Theater and both events included requests of the Council to work through Kirkland's state legislative delegation to move legislation related to firearms safety and firearms regulation; and

WHEREAS, also in response to the Parkland and other school shootings, the Lake Washington School District has proposed to share the cost of adding four (4) new full-time school resource officers, one officer each in the Finn Hill Middle School, Kamiakin Middle School, Kirkland Middle School and the International Community School, all in Kirkland; and

WHEREAS, on April 23, 2018, the City Clerk received a petition, now formally designated as Petition G-18-233, calling for the Council to adopt a gun safety resolution at the May 1, 2018,

Council meeting with an addendum including additional signatures presented on April 30, 2018 for a total of 184 signatures and 58 letters of support; and

WHEREAS, the Council adopted Resolution R-5312 on May 1, 2018, calling for further community engagement on the topics of gun safety and community safety to provide feedback to the Council ahead of the formation of the City's 2019 state legislative agenda and supplement outreach efforts for the 2019-2020 biennial budget and 2019-2020 City Work Program; and

WHEREAS, Resolution R-5312 authorized the City Manager to: seek the community's input on the topics of gun safety and community safety through a Town Hall and additional engagement strategies; research methods of promoting safe and responsible gun ownership at the state and local levels; collaborate with public and private partners on possible state and local legislation around gun safety and community safety; and report the results of these efforts to the Council, no later than July 17, 2018, including options for potential changes to City ordinances and policies, City budget initiatives, and the City's state legislative agenda based on the community engagement results; and

WHEREAS, at the Council's May 24, 2018 fiscal retreat, the Council received a financial forecast that projects deficits of $8.4 million in the 2021/2022 biennium and $17.9 million dollars in the 2023/2024 biennium, partially caused by the annexation sales tax credit expiration; and

WHEREAS, to sustainably fund these police investments, community safety investments, school district investments and fire investments would therefore require new revenues or a significant reprioritization of existing general fund programs such as parks maintenance and street maintenance; and

WHEREAS, at the May 24, 2018 fiscal retreat, the Council directed to staff to engage the community through a survey, focus groups and additional outreach on a two-phased public safety ballot measure approach that includes a police services and community safety sales tax measure in 2018 and fire and emergency medical services property tax ballot measure in 2020 for fire facilities and staffing; and

WHEREAS, police and community safety are significant elements of the ongoing, local outreach efforts and the nationwide conversation related to community safety, including in response to repeated acts of gun violence, including in our community and schools and frequently involving mental illness, domestic violence and suicides; and

WHEREAS, on July 17, 2018, staff reported back to Council with the results of the engagement program including a summary of the community's desire for the City to take action now to implement programs designed to make our schools safer, increase mental health awareness programs, provide funding for firearms training and safe storage programs, and improve the effectiveness of existing gun related laws and policies, as well as the request by

some members of the community to effect changes to state and local legislation regulating guns; and

WHEREAS, in addition to a ProAct Unit and new school resource officers, the City has identified that an effective action to reduce gun violence includes the addition of one (1) full-time mental health professional to help resolve police and emergency medical calls involving individuals with mental health complications, including domestic violence incidents, suicide attempts and assisting homeless individuals; and

WHEREAS, an additional effective action includes new dedicated funding for the social and emotional health of children and teenagers, and expanded funding for mental health, human services and after-school programs that provide suicide prevention, domestic violence prevention and drug addiction services; and

WHEREAS, and additional effective action includes new annual funding for firearms safety training in the community and safe storage of firearms, including subsidized trigger locks and gun safes; and

WHEREAS, a safe community must ensure that all residents, but especially women and children, have adequate shelter and are safe from hunger, illness, crime and weather exposure and a key component of reducing homelessness is funding operations for the eastside women and family shelter; and

WHEREAS, the estimated annual cost of the police and community safety priorities referenced above is $1.8 million in 2019 dollars; and

WHEREAS, RCW 82.14.450(2) authorizes the Council to submit an authorizing proposition to the Kirkland voters at an election and, if the proposition is approved by a majority of persons voting, to impose an additional sales and use tax of up to one-tenth of one percent (0.1%) of the selling price in the case of a sales tax or the value of the article used in the case of a use tax, provided that one-third (1/3) of all money received must be used solely for criminal justice purposes, fire protection purposes, or both; and

~~WHEREAS, RCW 82.14.450(2)(a) authorizes the Council to submit an authorizing proposition to the Kirkland voters at an election to be used for criminal justice purposes, fire protection purposes, or both, and, if the proposition is approved by a majority of persons voting, to impose an additional sales and use tax of up to one-tenth of one percent (0.1%) of the selling price in the case of a sales tax or the value of the article used in the case of a use tax; and~~

WHEREAS, such an increase in the sales tax in Kirkland is the equivalent of one penny on every ten dollar purchase, and would increase revenues to the City in the amount of approximately $1.8 million per year in 2019 dollars.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. **Purpose of Ballot Proposition**. The City Council determines it to be in the public interest to fund, or in the case of school resources officers to share equally in the funding together with the Lake Washington School District, the following enhanced police and community safety services beginning as soon as practicable. The City anticipates that beginning in 2019, and within available resources, these services would include:

- A Police ProAct Unit consisting of (4) full-time police officers and one (1) support position focused on illegal drugs, car prowls, burglaries, mail theft, shoplifting, enforcing extreme protection orders and court-ordered gun forfeitures. ~~($680K)~~
- Four (4) full-time school resource officers ("SROs") in Finn Hill Middle School, Kamiakin Middle School, Kirkland Middle School and the International Community School, with the costs shared equally by the City and the Lake Washington School District ("LWSD"). ~~($320K)~~
- One (1) additional Neighborhood Resource Officer to focus on community policing, code enforcement and emergency calls involving mental health complications. ~~($140K)~~
- One (1) full-time mental health professional to help resolve police and emergency medical calls involving individuals with mental health complications, including domestic violence, suicide attempts and assisting homeless individuals. This service might also be contracted rather than hiring a new City employee. ~~($120K)~~
- Additional dedicated grant funding for the social and emotional health of children and teenagers and to expand existing mental health, human services and after-school programs that provide suicide prevention, domestic violence prevention and drug addiction services. ~~($350K)~~
- New annual funding for firearms safety training in the community and safe storage of firearms, including subsidized trigger locks and gun safes. ~~($100K)~~
- New annual funding to support women and family shelter operations, providing a safe place for women and families experiencing homelessness during their transition to stable housing. ~~($100K)~~

The amounts collected pursuant to the sales tax increase authorized shall be used solely for public safety purposes, which may include but are not limited to personnel and related costs of recruiting, hiring, training, equipping and employing the public safety professionals described above, and to pay other related public safety expenses including costs of enhanced mental health, human services and firearms safety programs described above, and for any additional purposes authorized by RCW 82.14.450; provided, however, that at least one-third (1/3) of all money received under this section must be used for criminal justice purposes. The Council reserves the right, in accordance with its biennial budget process, to determine the levels of service to be provided as permitted under applicable state law ~~within the categories described in this Resolution~~ and within the available revenues collected from this increase. If revenues are sufficient, the Council reserves the right to use such additional funds to contract for, or pay personnel and related costs of recruiting, hiring, training, equipping and employing additional personnel in other

capacities authorized by RCW 82.14.450 and to further expand mental health and human services programs.

Section 2. **Calling of Election**. It is hereby found that the best interests of the inhabitants of Kirkland require the submission to the qualified electors of Kirkland for approval or rejection at the election to be held on November 6, 2018 of a proposition authorizing an additional sales and use tax of one-tenth of one percent (0.1%) on the selling price in the case of a sales tax or the value of the article used in the case of a use tax pursuant RCW 82.14.450(2)(a). King County Elections, as *ex officio* supervisor of elections in the City, is hereby requested to assume jurisdiction of and to submit to the qualified electors of Kirkland the proposition hereinafter set forth.

Section 3. **Submission of Ballot Title to the County**. The City Clerk is hereby authorized and directed, not less than 84 days prior to such election date (i.e., no later than August 7, 2018), to certify the proposition to King County Elections in substantially the following form, prepared pursuant to RCW 29A.36.071:

CITY OF KIRKLAND
PROPOSITION 1
ADDITIONAL SALES AND USE TAX FOR ENHANCED POLICE SERVICES AND COMMUNITY SAFETY

The Kirkland City Council adopted Resolution No. ____ concerning a proposition for funding enhanced police services and community safety. If approved, this proposition would increase the sales and use tax rate by one-tenth of one percent (0.1%) to provide ongoing funding for the public safety purposes permitted under RCW 82.14.450, anticipated to ~~. These would~~ include additional police officers, school resource officers in Kirkland middle schools, after school programs and expanded mental health and human services programs focusing on gun safety, domestic violence, suicide prevention, and related public safety issues and services to the homeless. The increase would become effective in 2019.

Should this proposition be:

APPROVED? ..... ☐

REJECTED? ..... ☐

For purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the City hereby designates its City Attorney (Kevin Raymond, 425-587-3031, kraymond@kirklandwa.gov) and its Special Counsel, Stradling Yocca Carlson & Rauth, PC (Alice Ostdiek, 206-829-3002, aostdiek@sycr.com), as the persons to whom such notice shall be provided.

Section 4. **Authorization of Local Voters' Pamphlet**. The City Council authorizes preparation and distribution of a local voters' pamphlet, including an explanatory statement and statements in favor of and in opposition to the ballot measure, if any. The preparation of explanatory statement, the appointment of pro/con committees and the preparation of statements in favor or and in opposition to the ballot title shall be in accordance with chapter 29A.32 RCW and the rules and guidelines of the King County Elections Office.

Section 5. **General Authorization; Ratification**. Certification of such proposition by the City Clerk to King County Elections, in accordance with law, prior to the date of such election, and any other acts consistent with the authority, and prior to the effective date, of this Resolution, are hereby ratified. Other proper City officials are authorized to perform such duties as are necessary or required by law to the end that the ballot proposition described in this Resolution shall be submitted to the voters of the City at the November 6, 2018 election. Any action taken consistent with the authority and prior to the effective date of this Resolution is hereby ratified, approved and confirmed.

Passed by a majority vote of the Kirkland City Council in open meeting this __ day of _____, 2018 and approved by the City Council as required by law.

Signed in authentication thereof this ____ day of _____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
Kathi Anderson, City Clerk

Approved as to Form:

_____
Kevin Raymond, City Attorney

ENHANCED SAFETY For a Thriving City

The Village at Totem Lake

Coming Soon to Kirkland

$4 million / year
LOSS OF STATE ANNEXATION AID IN 2021

4500
NEW HOUSING UNITS

1.5 Million
SQ. FT. OF OFFICE RETAIL

7600
NEW RESIDENTS

4500
NEW EMPLOYEES

Downtown Kirkland's mixed-use urban center: Kirkland Urban

Kirkland is blossoming. Our waterfront parks, strong schools, innovative companies, tree lined streets and small town feel is attracting new investment, new jobs, new shops, new restaurants and new housing options for all ages, incomes and abilities.

Public safety is our top priority. This new prosperity requires even better protection for new people and new buildings. New high rise structures require new training, new equipment and new firefighters to keep occupants safe. Cyber-crimes, mail theft, shoplifting and car prowls require new tools, new technologies and new officers to combat more sophisticated criminals. And more families moving to Kirkland means more children in schools that need to be protected from gun violence like suicide and mass shootings.

To learn more about the Council's idea to keep Kirkland safe, look on the back page.

ENHANCED SAFETY
For a Thriving City

Keeping a Thriving City Safe

PHASE 1 – 2018. A voter-approved .1% sales tax (a penny on every $10.00 purchase) measure focused on enhanced police service and community safety. Elements could include:

- **A new dedicated, proactive police unit** to focus on illegal drugs, car prowls, burglaries, mail theft, shoplifting, and enforcing extreme protection orders and court ordered gun forfeitures. Bellevue and Redmond have such units, and they are proven, effective teams that reduce crime.
- **Four new School Resource Officers (SROs)** in the International Community School, and Finn Hill, Kamiakin and Kirkland Middle Schools.
- **A new Neighborhood Resource Officer paired with dedicated Mental Health professionals** to help resolve police and fire calls with mental health complications including domestic violence, suicide attempts, assisting homeless persons, as well as code enforcement and non-emergency calls.
- **Additional dedicated funding for effective mental health and human services programs** that provide suicide prevention, domestic violence prevention, drug addiction services, and after school programs.
- **Dedicated funding for gun safety training** in the community, as well as safe storage of existing guns, such as subsidized trigger locks and gun safes.
- **Dedicated funding to reduce homelessness**, especially among women and families.

PHASE 2 – 2020. A voter-approved property tax measure for new fire stations, equipment and firefighters to provide enhanced response times for fire and emergency medical services. Elements could include:

- **Construction of a new Fire Station 27** located near Evergreen Health on the East side of I-405 to serve the Village at Totem Lake and surrounding developments.
- **Seismic renovation, modernization and expansion of Fire Station 26,** Fire Station 22, and Fire Station 21 which protect the central and south part of Kirkland.
- **Additional firefighters to fully staff new Fire Station 24** in North Juanita when completed in 2020.
- **New dedicated Aid Cars to respond to increasing medical calls**, especially among the growing elderly population.
- **New training center investments** respond to new high rise and mixed-use development to keep Kirkland firefighters the best trained and best equipped department in the region.

For more information, please contact
David Wolbrecht at 425-587-3011 or
dwolbrecht@kirklandwa.gov

KIRKLAND CITY COUNCIL SPECIAL MEETING

Fire Station 22
6602 108th Avenue NE
Kirkland, WA 98033

Thursday, July 12, 2018
6:00 p.m.

Minutes

1. CALL TO ORDER

The event commenced at 6 p.m.; due to an expected quorum of Councilmembers in attendance, the Central Houghton Neighborhood Association hosted celebration was noticed as a special City Council meeting.

2. ROLL CALL

Present: Mayor Amy Walen, Deputy Mayor Jay Arnold, and Councilmembers Dave Asher, Tom Neir, Toby Nixon and Penny Sweet.

3. Houghton/Kirkland Consolidation 50th Anniversary Celebration

Attendees enjoyed refreshments and historical activities.

4. ADJOURNMENT

The July 12, 2018 Central Houghton Neighborhood Association Celebration/Special Meeting of the Kirkland City Council concluded at 8 p.m.

Kathi Anderson, City Clerk

Amy Walen, Mayor

KIRKLAND CITY COUNCIL MEETING MINUTES
July 17, 2018

1. CALL TO ORDER

Mayor Walen called the study session to order at 6 p.m. and the regular meeting to order at 7:30 p.m.

2. ROLL CALL

ROLL CALL:
Members Present: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.
Members Absent: None.

3. STUDY SESSION

a. Parks and Community Services Cost Recovery Study

Joining Councilmembers for the discussion were City Manager Kurt Triplett, Parks and Community Services Director Lynn Zwaagstra, and consultants MGT of America Consulting, LLC, Director of Financial Services Erin Payton and Manager Cindy Sconce, and GreenPlay, LLC, Senior Principal Chris Dropinski.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Sarah Franklin
Bradley Clem

c. Petitions

7. SPECIAL PRESENTATIONS

a. Gun Safety and Community Safety Outreach Finding Reports

Assistant City Manager James Lopez reviewed the findings from community engagement and outreach and the results of a survey on a potential public safety and community safety sales tax measure, responded to Council questions and comment, and received direction on next steps.

8. CONSENT CALENDAR

a. Approval of Minutes

(1) July 3, 2018

(2) July 6, 2018

The minutes of the July 3 and July 6, 2018 City Council meetings were approved via approval of the consent calendar.

b. Audit of Accounts

payroll: $3,367,659.00
bills: $4,106,147.14
run #1714 check #621265
run #1715 checks #621291 - 621493

c. General Correspondence

d. Claims

(1) Claims for Damages

A claim received from Lisa Walker was acknowledged via approval of the consent calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) NE 132nd Street Sidewalk Project Update

Council approved changing the status of NM 0071, NE 132nd Street Sidewalk Project, from unfunded to funded status in the 2017-2020

Capital Improvement Program, thus authorizing staff to begin design efforts in 2018, and approved the City's grant match from funds originally identified for use as grant match funding in 2019 for the planned sidewalk improvements associated with NM 0087, North Kirkland/JFK School Walk Route Enhancements Project, via approval of the consent calendar.

(2) Procurement Report

The Council received the report on activities estimated to be in excess of $50,000.00 and initiated since the previous report dated June 7, 2018.

Motion to Approve the Consent Calendar.
Moved by Councilmember Jon Pascal, seconded by Councilmember Penny Sweet
Vote: Motion carried 7-0
Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

Council recessed for a short break.

9. PUBLIC HEARINGS

a. Ordinance O-4652, Granting Comcast Cable Communications, LLC, Renewal of a Non-Exclusive Franchise for Transmission of Cable Television Services In, Through, Over and Under the Street Rights-Of-Way of the City of Kirkland.

Mayor Walen opened the public hearing. Chief Information Officer Brenda Cooper shared information on the history and parameters of the franchise and benefits to the City and introduced Comcast Senior Director for External Affairs Terry Davis, who shared the franchisee perspective and, together with Ms. Cooper, responded to Council questions and comment. No testimony was offered and the Mayor closed the hearing. The ordinance will return to the Council at their special meeting on August 6, 2018 for consideration.

b. Resolution R-5324, Providing for the Submission to the Qualified Electors of The City Of Kirkland at an Election to be Held on November 6, 2018 of a Proposition Authorizing an Increase to the Sales and Use Tax in Kirkland of One-Tenth of One Percent (0.1%) on the Selling Price to Fund Enhanced Police Services and Community Safety; Setting Forth the Text of the Ballot Proposition; Directing Proper City Officials to Take Necessary Actions; and Providing for Other Properly Related Matters.

Mayor Walen opened the public hearing. City Manager Kurt Triplett, City Attorney Kevin Raymond, and Police Chief Cherie Harris reviewed the background issues and shared information regarding the proposed measure and received feedback from the Council on the elements. Testimony was provided by

Larry Kilbride and Tiffany Trombley. No further testimony was offered and the Mayor closed the hearing.

10. UNFINISHED BUSINESS

a. Potential Ballot Measure Pro/Con Statement Committee Appointments

Motion to Appoint Santos Contreras, David Greschler and Heather McKnight to the 'Pro' voters' pamphlet ballot statement committee, and to appoint Michelle Darnell and Ken MacKenzie to the 'Con' voters' pamphlet ballot statement committee.
Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Penny Sweet
Vote: Motion carried 7-0
Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

11. NEW BUSINESS

a. Public Disclosure Semi Annual Report

Councilmember Nixon noted that Council may wish to support updates to the State reporting legislation through their or AWC's 2020 legislative agendas.

12. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding the Sound Cities Association Public Issues Committee meeting; the 50th anniversary celebration of the joining of Kirkland and Houghton; the upcoming Sound Transit open house on I-405 bus rapid transit; the Edith Moulton Park Dedication on July 21st, an upcoming King County Charter Review Commission meeting; the upcoming Le Tour de Totem Lake event; the upcoming Little League's Junior Softball World Series opening ceremony; an upcoming Totem Lake Conversations; the Grand Opening of new HopeLink headquarters in Redmond; the National Night Out on August 7th; an Eastside Transportation Partnership meeting; an Association of Washington Cities Legislative Committee Health and Human Services Sub-Committee meeting; the Celebrate Kirkland celebration; a King County Metropolitan Solid Waste Management Advisory Committee; participation in a water rescue training exercise with Fire Station 22; a send-off rally for the Kirkland Little League majors softball all-stars; and an upcoming Gun and Community Safety Dialogue.

b. City Manager Reports

City Manager Kurt Triplett requested and received the Council's permission to bring forward a fiscal note at a future meeting to make some budget adjustments related to expenditures in connection with the recent public safety

initiatives. City Manager Kurt Triplett also presented a letter to the United States Secretary of Transportation in support of Sound Transit's I-405 Bus Rapid Transit project.

Motion to Authorize the Mayor to sign a letter to the United States Secretary of Transportation in support of Sound Transit's I-405 Bus Rapid Transit project.
Moved by Councilmember Tom Neir, seconded by Councilmember Penny Sweet
Vote: Motion carried 7-0
Yes: Deputy Mayor Jay Arnold, Councilmember Dave Asher, Councilmember Tom Neir, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Penny Sweet, and Mayor Amy Walen.

(1) Calendar Update

City Manager Kurt Triplett reminded the Council of the send-off rally for the Kirkland Little League all-stars team at Marina Park Pavilion on July 18; the upcoming Edith Moulton Park dedication on July 21st; and that there will only be one Council meeting in August on August 6th.

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of July 17, 2018 was adjourned at 10:27 p.m.

Kathi Anderson, City Clerk

Amy Walen, Mayor

KIRKLAND CITY COUNCIL SPECIAL MEETING

Edith Moulton Park
13634 108th Avenue NE
Kirkland, WA 98034

Saturday, July 21, 2018
11:00 a.m.

Minutes

1. CALL TO ORDER

The event commenced at 11 a.m.; due to an expected quorum of Councilmembers in attendance, the celebration was noticed as a special City Council meeting; however, as a quorum was not reached at the time of the meeting, the special meeting of the full City Council was cancelled and the event proceeded with its scheduled agenda.

2. ROLL CALL

Present: Councilmembers Dave Asher, Toby Nixon and Penny Sweet.

3. Park Renovation Celebration

Councilmembers in attendance participated in the ribbon cutting ceremony.

4. ADJOURNMENT

The July 21, 2018 Edith Moulton Park Renovation Celebration/Special Meeting of the Kirkland City Council concluded at 11:05 a.m.

Kathi Anderson, City Clerk

Amy Walen, Mayor

KIRKLAND CITY COUNCIL SPECIAL MEETING

Totem Lake Park
12031 NE Totem Lake Way
Kirkland, WA 98034

Friday, July 28, 2018
9:00 a.m.

Minutes

1. CALL TO ORDER

The event commenced at 9 a.m., with Councilmembers arriving closer to the tour departure time of 10:30 a.m.

2. ROLL CALL

Present: Mayor Amy Walen, Deputy Mayor Jay Arnold and Councilmembers Dave Asher, Tom Neir and Toby Nixon.

3. Le Tour de Totem Lake

Participants departed the gathering area on a tour of Totem Lake Park, the Cross Kirkland Corridor and Northeast 124th Street en route for the purpose of conducting a tour showcasing redevelopment in Kirkland's urban center, including The Village at Totem Lake, an extension of the Cross Kirkland Corridor and several other capital projects.

4. ADJOURNMENT

The July 28, 2018 Tour/Special Meeting of the Kirkland City Council concluded at 11:15 a.m.

Kathi Anderson, City Clerk

Amy Walen, Mayor

KIRKLAND CITY COUNCIL SPECIAL MEETING

Café Veloce
12514 120th Avenue NE
Kirkland, WA 98033

Monday, July 30, 2018
12:00 p.m.

Minutes

1. CALL TO ORDER

The event commenced at 12 p.m.; due to an expected quorum of Councilmembers in attendance, the event was noticed as a special City Council meeting.

2. ROLL CALL

Present: Mayor Amy Walen, Deputy Mayor Jay Arnold and Councilmembers Dave Asher, Toby Nixon and Penny Sweet.

3. TOTEM LAKE CONVERSATIONS

Topics on the agenda included Transportation in Totem Lake, a 124th Avenue NE project update, an I-405/132nd Street Interchange project update, the Totem Lake Park Spray Park Campaign; Venues for Artists in the Local Area (VALA) announced a move to Totem Lake and Whole Foods announced their August opening.

4. ADJOURNMENT

The July 30, 2018 Totem Lake Conversations event/Special Meeting of the Kirkland City Council was adjourned at 12:50 p.m.

Kathi Anderson, City Clerk

Jay Arnold, Deputy Mayor

CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk

Date: July 20, 2018

Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION
It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages and refer each claim to the proper department (risk management section) for disposition.

POLICY IMPLICATIONS
This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.040).

BACKGROUND DISCUSSION
The City has received the following Claim(s) for Damages from:

(1) Elsie Kong
8031 128th Ave NE
Kirkland, WA 98033

Amount: $677.27

Nature of Claim: Claimant states damage occurred to property due to sewer pipe blockage.

(2) Brittany Bitar
PO Box 111
Arlington, WT 98223

Amount: $793.8

Nature of Claim: Claimant states personal property damage to phone occurred when a Kirkland Police Officer moved her purse.

(3) Thomas Cammann
12427 68th Ave NE
Kirkland, WA 98034
Amount: $4,046.46

Nature of Claim: Claimant states damage occurred to vehicle when a City employee backed into his parked car.

(4) Kathleen Dier
6214 101st Court NE
Kirkland, WA
Amount: $1,551.02

Nature of Claim: Claimant states damage occurred to property due to water pipe leak.

Note: Names of Claimants are no longer listed on the Agenda since names are listed in the memo.

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Marius Eugenio Jr., P.E., Project Engineer
Dave Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: July 26, 2018

Subject: 6TH STREET SOUTH WATER AND SEWER MAIN REPLACEMENT (CWA 0139, CSS 0051) - AWARD CONTRACT

RECOMMENDATION:

City Council to:

- Award a construction contract for Schedule A and B – 6th Street South Water and Sewer Main Replacement (Project) to Shoreline Construction Company of Woodinville, Washington, in the total amount of $2,143,440.20; and
- Authorize the use of $960,000 of water/sewer construction reserves.

By taking action on this item during approval of the consent calendar, the City Council is awarding a construction contract for the Project and approving a budget increase using reserves.

BACKGROUND DISCUSSION:

The Project consists of water and sewer utility system improvements along 6th Street South, between 5th Avenue South and N.E. 68th Street (see Vicinity Map, Attachment A). The water improvements are Schedule A, and the sewer improvements are Schedule B. Specific work includes replacing approximately 1,900 feet of 8-inch and 10-inch asbestos concrete water line with 16-inch ductile iron pipe, replacing 950 feet of 8-inch and 10-inch concrete sanitary sewer pipe with 12-inch high-density polyethylene (HDPE) pipe using a pipe bursting method, related appurtenances, and six fire hydrants.

Currently, the approved funding in the 2017-2022 CIP for these improvements consists of $838,000 for the water main replacement (CWA 0139) and $965,000 for the sewer main replacement (CSS 0051), totaling $1,803,000 (see Table 1, below).

Table 1—Funding and Expenses for Project Year-to-Date

Category	2017 (2017-2022 CIP)	2018 (2017-2022 CIP)	Total
Funding: Water	$119,000	$719,000	$838,000
Funding: Sewer	$146,100	$818,900	$965,000
Funding Total	$265,100	$1,537,900	$1,803,000
Expenses Incurred YTD	$5,500	$156,000	$161,500
Remaining	$259,600	$1,381,900	$1,641,500

Actual expenses for design engineering were $64,350 (13%) below the budgeted amount. However, during the design phase it was becoming clear that an updated engineer's estimate was going to be greater than the $1,180,800 budgeted for construction in the 2017-2022 CIP and staff began to evaluate funding options. At the end of the design phase in June of this year, the final engineer's estimate for the construction of the improvements was $1,800,000, or $619,200 (52%) higher than the amount originally budgeted.

The Project was first advertised for contractor bids on June 19, 2018. On July 11, two bids were received with the results shown in Table 2:

Table 2—Bid Results

Contractor	Water Main (Schedule A)	Sewer Main (Schedule B)	Total (Schedules A + B)
Engineer's Estimate	*$1,301,850.00*	*$498,150.00*	*$1,800,000.00*
Shoreline Construction	**$1,654,026.00**	**$489,414.20**	**$2,143,440.20**
Kar-Vel Construction	$1,627,340.00	$ 609,939.00	$2,237,279.00

For the combined total of Schedules A and B, the difference between the engineer's estimate and lowest bid is $343,440 (19%) higher, though the bid on Schedule B was slightly lower than the engineer's estimate. Were this contract to be awarded, the Project would be underfunded by $960,000 for all costs: design, construction, inspection, and $193,000 (9%) for construction contingency. Staff is aware that bids above estimates are attributable in part to increased labor rates on prevailing wage projects effective June 2018, and in part to the continued competitive construction bidding environment in our region. But additionally, construction of the water improvement (Schedule A) is done with open trenching and requires the trucking in of exported backfill. In contrast, as mentioned above, the sewer line improvement will use a pipe bursting technique, which requires less effort with minimal open trench excavation, less material trucking costs, and a lower traffic control labor requirements.

Because of the long-term infrastructure need and also the timeliness of completing these improvements prior to a planned road preservation and reconstruction of 6th Street South during the 2019 construction season, staff recommends awarding both Schedule A and Schedule B, and meeting the unfunded gap by using $960,000 of water/sewer construction reserves. This would bring the total budget for the project to $2,763,000 (Attachment B & C, Table 3).

Table 3—Amended Budget

	2017	2018*	Total
Balance Forward	-zero-	$259,600	-zero-
Funding—Water	$119,000	$719,000	$1,638,000
Funding—Sewer	$146,100	$818,900	$1,125,000
W/S Construction Reserves		$960,000	$960,000
Total Funding	$265,100	$2,757,500	$2,763,000
Expenses	$5,500	$2,757,500	$2,763,000
Balance	$259,600	$0	$0

*Since the project will be completed in 2019, some budget will carry forward to the 19-24 CIP.

This Project is consistent with policy U-2.2 and U-3.4 of the Utilities Element of the *Comprehensive Plan* and it is included as recommended improvements in the *2010 Comprehensive Sewer System Plan* and the *2015 Comprehensive Water System Plan*. The Project has been in previous six-year CIPs and is planned to be included in the proposed 2019-2024 CIP. This Project was contemplated when utility rates were developed, as was the funding through construction reserves. The City's utility reserves are set at levels that provide

the flexibility to adjust budgets for projects that have been approved in long-range utility plans, particularly for the timely replacement of long-term assets as set forth in adopted plans. This proposed use of utility reserves is one such case.

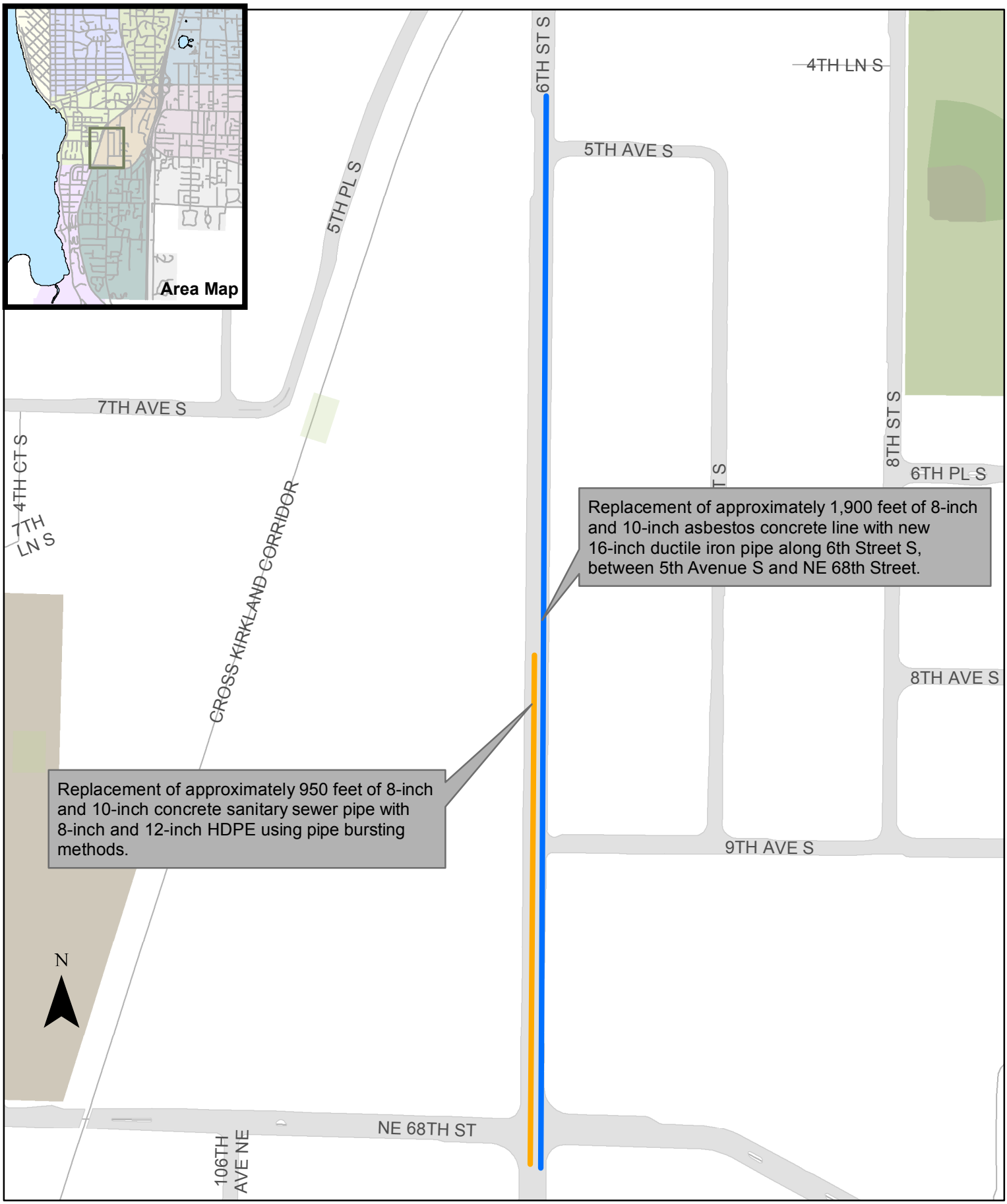
The reserves set aside for utility project funding have proven particularly important in the current construction climate in our region. Since January of 2017, staff have observed rising utility construction bids, generally ranging from 6 to 10 percent over estimates. In an attempt to recognize this trend in the upcoming 2019-2024 CIP proposal, Public Works staff hired a consultant to re-estimate all proposed utility projects. Additionally, staff is developing and implementing strategies to mitigate project cost risk, and to provide early warning (when feasible) of the potential need to use reserve funds to cover the costs of planned projects.

For the subject Project, staff has determined the low bid contractor meets all bidder criteria for a Public Works contract and has a 25-year history of successful project completions for the City, often finishing ahead of schedule and under budget. Therefore staff recommends both awarding the contract for Schedules A and B to Shoreline Construction and approving the use of water/sewer construction reserves.

The Project has a specified one hundred twenty (120) working-day construction schedule. If the City Council approves award of the contract at its August 6 meeting, work will begin in late August/early September 2018, with substantial completion expected in spring 2019. In advance of construction, staff will send a construction informational mailer directly to nearby residents providing construction timelines, pertinent contact information, and work closely with Metro transit services. Project information will also be updated and maintained on the Kirkland Public Works website.

Attachment A – Project Vicinity Map
Attachment B – Project Budget Report
Attachment C – Fiscal Note

Attachment A

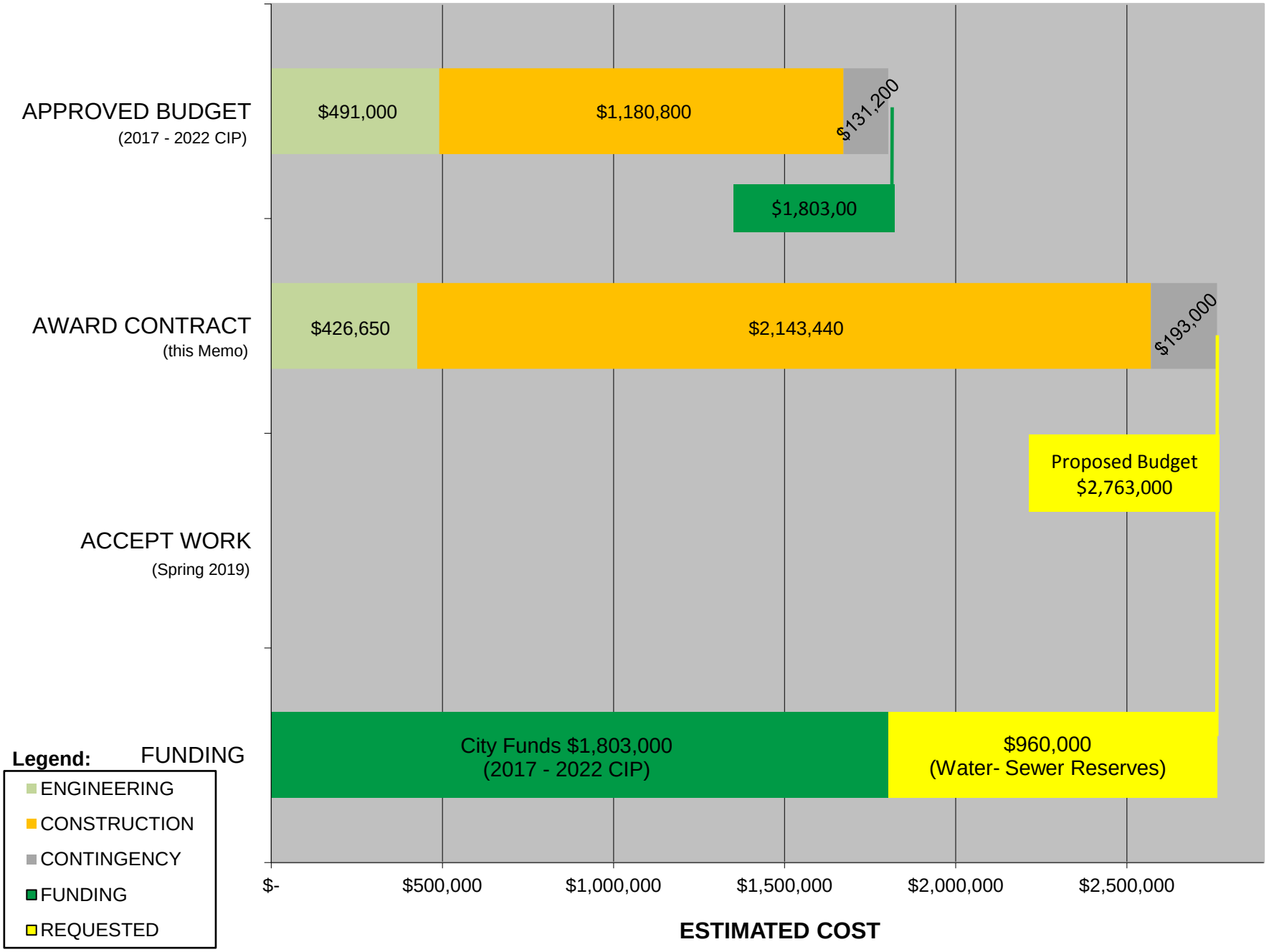


Vicinity Map

6th Street South Water and Sewer Main Replacement

6th Street South Water and Sewer Main Replacement
(CWA0139 and CSS0051)
PROJECT BUDGET REPORT

Attachment B



ATTACHMENT C

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Kathy Brown, Director, Public Works Department

Description of Request

Authorize the use of $960,000 in Water Sewer Construction Reserve to award construction contract for the 6th Street South Water and Sewer construction. The individual project additions are $800,000 for the 6th Street South Watermain (CWA 0139 000) and $160,000 for the 6th Street South Sewermain project (CSS 0051).

Legality/City Policy Basis

Fiscal Impact

One-time use of $960,000 form the Water/Sewer Construction Reserve. The reserve can fully fund this request

Recommended Funding Source(s)

	Description	2018 Est. End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Reserve	Water/Sewer Const. Reserve	6,915,455	(1,476,000)	3,080,593	(960,000)	7,560,048	n/a
	Prior uses during the 2017-2018 biennium include $836,000 appoved during 2017 and reflected in the 2017-22 CIP update, and $640,000 approved for the 120th Avenue NE Watermain Improvement Prior additions of $3,080,593 from CIP project closures during the 2017-2018 biennium.						
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	George Dugdale, Senior Financial Analyst	Date	July 30, 2018

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Aparna Khanal, P.E., Project Engineer
Dave Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: July 25, 2018

Subject: MARKET STREET STORM MAIN REHABILITATION (CSD 0084)
AWARD CONTRACT

RECOMMENDATION:

City Council to:

- Award a construction contract for the Market Street Storm Main Rehabilitation Project (Project) to the low bidder, Michels Pipe Services of Salem, Oregon, in the amount of $840,211.00; and

- Authorize an additional $300,200 from Surface Water Reserves.

By taking action on this memo during approval of the consent calendar, City Council is authorizing the award of a construction contract for the Project, and authorizing the use of Surface Water Reserves to complete this project.

BACKGROUND DISCUSSION:

The Project will rehabilitate approximately 3,050 linear feet of failing 36-inch and 24-inch diameter concrete storm pipe that is currently in a joint-separated condition within Market Street, from Central Way to 12th Avenue. The rehabilitation process will be accomplished by cast-in-place pipe (CIPP) construction method for 1,200 linear feet of the 36-inch diameter concrete pipe, between Central Way and 6th Avenue; and the 1,850 linear feet of 24-inch diameter concrete pipe from 6th Avenue to 12th Avenue (Attachment A). All associated catch basins and lateral storm lines along the Project limits will be rehabilitated and reconnected through the construction process.

The Project schedule has been coordinated with the 2018 Lakefront Pedestrian and Bicycle Improvements Project, which has an anticipated construction contract award at the August 6, 2018 Council meeting, and the 2019 Street Preservation Program's overlay of Market Street. At its May 15th meeting, City Council received an update on the Market Street Project, including a notice of a potential budget shortfall of $300,200 being called-out. At the same meeting, City Council authorized the Project to be advertised.

The Project was first advertised on June 5 and again on June 12, with a bid opening set for June 17, 2018. On that day, no bids were received. Staff reached out to contractors registered on the City's procurement roster (Builder's Exchange of Washington) to ask them why they chose to not submit a bid on the Project. Most responded that they were too busy at this time to complete storm rehabilitation work during the 2018 summer construction window.

After the bid opening, and in accordance with the provisions of RCW 35.23.352, made applicable by RCW 35A.40.210, staff made direct contact with four prime trenchless technologies general contractors to solicit direct quotes. All four contractors would have been sub-contractors to the general contractors on the original bidders list but each are capable of performing the work directly. On July 16, 2018, two of the four contractors responded with the following results:

Table 1 – Bidders List

Contractor	Proposal Amount
Engineer's Estimate	*$797,566.00*
Michels Pipe Services	**$840,211.00**
Iron Horse LLC	$943,865.00

As shown above, the lowest bid amount is $42,645 above the engineer's estimate, representing only a 5.3% increase over the engineer's estimate.

Funding

The currently-approved 2017-2022 total budget for the Project is $885,000. With all soft costs and the construction contingency, the total cost of the project is as shown below in Table 2:

Table 2 - Funding vs Expenses Total

Funding	Total
Surface Water Utility Funds	**$885,000**
Anticipated Expenses	**Total**
Design/Inspection	$216,000
Staff/Admin	$88,000
Construction	$840,211
Contingency	$40,989
Subtotal	**$1,185,200**
Difference	**($300,200)**
Additional Funding	**Total**
Surface Water Reserves	**$300,200**
Balance	$0

Because of the long-term infrastructure need and also the timeliness of completing these improvements prior to a planned 2019 Street Preservation and the 2018 Lakefront Ped and Bike Improvement Projects, staff recommends awarding this contract and meeting the unfunded gap by using $300,200 of Surface Water Reserves. This would bring the total budget for the project to $1,185,200.

This project is consistent with aging infrastructure policies of the 2014 Surface Water Master Plan. The Project has been identified in previous six-year CIPs and is planned to include carry-over funding within the proposed 2019-2024 CIP.

The City's utility reserves, including surface water reserves, are set at levels that provide the flexibility to adjust budgets for projects that have been approved in long-range utility plans, particularly for the timely replacement of long-term assets as set forth in adopted plans. This proposed use of utility reserves is one such case. The reserves set aside for utility project funding have proven particularly important in the current construction climate in our region. Since January of 2017, staff have observed rising utility construction bids, generally ranging from 6 to 10 percent over estimates. In an attempt to recognize this trend in the upcoming 2019-2024 CIP proposal, Public Works staff hired a consultant to re-estimate all proposed utility projects. Additionally, staff is developing and implementing strategies to mitigate project cost risk, and to provide early warning (when feasible) of the potential need to use reserve funds to cover the costs of planned projects.

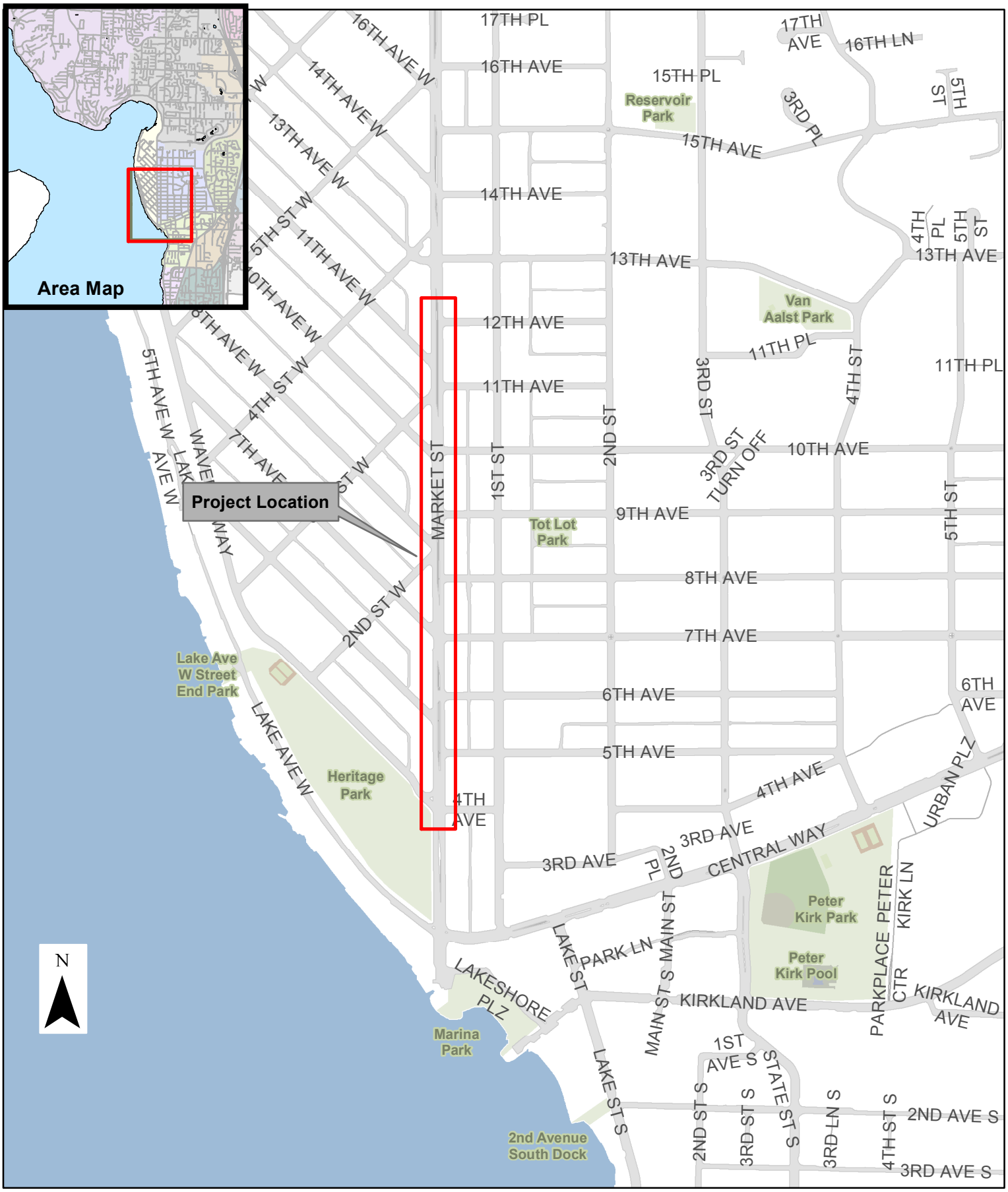
Staff has determined the low bid contractor meets all bidder criteria for a Public Works contract. With the coordinated Project schedule, limited number of specialty contractors for this work, a limited summer construction window, and a proposal within the estimated cost, staff recommends approving the use of 2019-2024 CIP funding for the Project awarding the construction contract to Michels Pipe Services in the amount of $840,211.00.

Construction Phase

The Project has a specified sixty-five (65) working-day construction schedule and with a City Council award at the August 6 meeting, work will begin in May 2019, with substantial completion expected in summer 2019. In advance of construction, staff will send a construction informational mailer directly to nearby residents providing construction timelines, pertinent contact information, and work closely with Metro transit services. Project information will also be updated and maintained on the Kirkland Public Works website.

Attachment A – Vicinity Map
Attachment B – Project Budget Report (PBR)
Attachment C – Fiscal Note

Attachment A

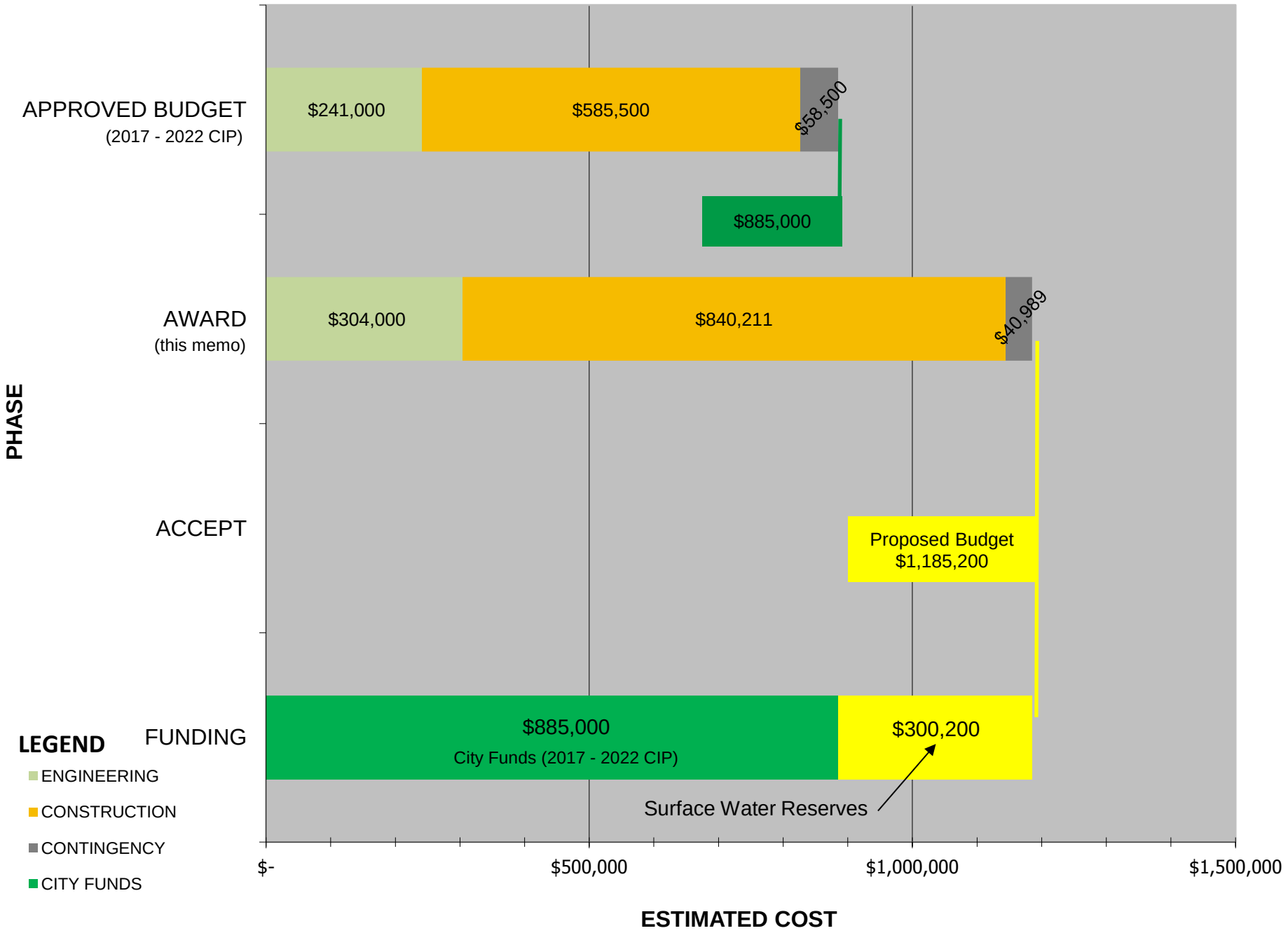


Vicinity Map

Market Street Storm Main Rehabilitation Project

Market Storm Rehabilitation Project
(CSD 0084)
PROJECT BUDGET REPORT

Attachment B



ATTACHMENT C

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Kathy Brown, Director, Public Works Department

Description of Request

Approve the use of $300,200 from the Surface Water Construction Reserve for the Market Street Storm Main Rehabilitation project (CSD 0084).

Legality/City Policy Basis

Fiscal Impact

One-time use of $300,200 from the Surface Water Construction Reserve. The reserve is able to fully fund the request.

Recommended Funding Source(s)

Reserve

Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Surface Water Construction	2,658,105	(2,640,605)	1,336,144	(300,200)	1,053,444	

Prior uses include $900,000 for Wolff Property Purchase/Sale Agreement, $359,000 for Comfort Inn Pond Modifications, $350,400 for Juanita Drive Quick Wins, $200,000 for Holmes Point Drive Storm Drain Replacement, $165,000 for 6th Street Signals, $151,000 for Holmes Point Drive Pipe Replacement, $140,000 for 120th Ave NE Stormwater Pipe Replacement, $72,000 for Edith Moulton Park Renovation, and $3,205 for Juanita Creek Rockery Replacement. The amount above also reflects a requested use of $300,000 for the Cedar Creek Fish Passage/Culvert at 100th Ave NE project also under consideration at the August 6th, 2018 Council meeting.

Prior additions include $1,263,144 following project closures and $73,000 returned from the Holmes Point Drive Storm Drain Replacement project.

Revenue/Exp Savings

Other Source

Other Information

Prepared By	Doug Honma-Crane, Budget Analyst	Date	July 26, 2018

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Aparna Khanal, P.E., Senior Project Engineer
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: 7/25/2018

Subject: LAKEFRONT PEDESTRIAN AND BICYCLE IMPROVEMENTS PROJECT **(**CNM 0089) - AWARD CONTRACT

RECOMMENDATION:

City Council to:

- Award a construction contract for the Lakefront Pedestrian and Bicycle Improvement Project (Project) to the low bidder, C.A. Carey Corporation, of Issaquah, WA in the amount of $2,042,777.00.

- Authorize the use of $205,000.00 from Annual Street Preservation funds

By taking action on this at the August 6 meeting, City Council is authorizing the award of a construction contract for the Project and a Project budget increase using Annual Street Preservations funds.

BACKGROUND DISCUSSION:

The Lakefront Pedestrian and Bicycle Improvement Project is a partnership project with nearly half of the project funded by federal grants and a small amount of state grants. The Project incorporates non-motorized transportation improvements consistent with the City's Transportation Master Plan, specifically Policies T-1.2 and 2.2 for improving safety, accessibility and mobility for pedestrians and bicyclists. The result will be the construction of related improvements on a 4-mile arterial corridor along Lake Washington Blvd, Lake Street, Market Street and 98th Avenue NE, from NE 38th Place to NE 116th Street (Attachment A).

The three-segment corridor provides access to and from residential, commercial and recreational land uses including Downtown Kirkland, Juanita Village, and the Lake Washington waterfront, directly linking the Juanita, Norkirk, Market, Moss Bay, and Lakeview neighborhoods. The Project will install new concrete curb ramp upgrades to comply with current Americans with Disabilities Act (ADA) requirements, new pedestrian lighting, two new Rapid Rectangular Flashing Beacons (RRFBs), added bicycle lane treatments (on existing bike lanes), channelization changes to provide additional buffered bike lanes, and new bike lane signage.

The current Project funding is $2,261,000 and is comprised of a Federal Highway Safety Improvement Program (HSIP) and Transportation Improvement Board (TIB) Complete Streets grant funding (Attachment B).

On May 15, 2018, City Council authorized Project advertisement for construction bids. The engineer's estimate at the time of authorization was $1,797,000. The Project was first advertised for contractor bids on June 25, 2018. During that advertisement period, staff opened bids on multiple other projects. Seeing trends in the bid climate, staff asked the design consultant to apply current unit prices to the Project estimate, which on July 15, 2018 resulted in a revised engineer's estimate of $1,908,000. Bids were opened on July 17, 2018, with the City receiving seven contractor bids, which is highly competitive, as shown in Table 1 below:

Table 1 – Project Bid Results

Contractor	Total Bid
Revised Engineer's Estimate	*$1,908,000.00*
C. A. Carey Corporation	**$2,042,707.00**
Titan Earthworks	$2,198,608.30
McCann Construction	$2,251,550.50
Gary Merlino Construction	$2,642,298.50
Kamins Construction	$2,644,249.05
A1 Landscaping	$2,693,227.00
Westwater Construction	$2,879,733.50

With a low bid higher than the revised engineer's estimate, staff reached out to bidders to understand Project related construction expenses. Companies said that in addition to the change in prevailing wages and the continued competitive construction bidding environment in our region, the prices were impacted by the administrative costs for federally funded projects. The low bid is $250,707 higher than the current authorized funding construction amount (Attachment B). Although the Project design time line necessarily was extended to address an apparent funding shortfall and receive funding approval from both WSDOT and the State Transportation Improvement Board representatives, the design phase resulted in a project savings of $48,000. Table 2 below, along with the Project Budget Report (Attachment B), shows a projected budget shortfall of $205,000, which includes a 4% construction contingency.

Table 2 – Project Funding vs. Anticipated Expenses

Funding	Total
Current Funding (Attachment B)	$2,261,000
Expenses	
Design/Inspection/soft costs	$341,493
Construction	$2,042,707
Contingency (4%)	$81,800
Total	**$2,466,000**
Difference	**($205,000)**

Staff has WSDOT concurrence and has determined the low bid contractor meets all bidder criteria for a Public Works contract. Therefore staff recommends an award of Schedules A and B

to CA Carey in the amount of $2,042,707. The proposed funding source for the $205,000 is the 2018 Annual Street Preservation fund balance. The ramp improvements, Rapid Flashing Beacons and bicycle lane striping are all elements routinely funded by the Street Preservation fund. All three phases (ramps, overlay and slurry seal) of the 2018 Street Preservation program have been bid out and are either completed or underway. The projected 2018 fund balance after all of the work is completed should be sufficient to fund the remaining gap. If there is not sufficient funds, any remaining funding required will be taken from 2019 Annual Street Preservation funds.

Construction Phase
The duration of construction is estimated to be 80 working days. A City Council award at the August meeting will result in a September construction start, followed by substantial completion by winter 2019 or late spring 2019 depending on weather. In advance of construction, Public Works staff will continue updating local residents and business owners of the coming work. This will include a construction informational flyer with Project timelines and all pertinent contact information. Information will also be maintained at:

https://www.kirklandwa.gov/depart/Public_Works/Construction_Projects/Capital_Improvements/Lakefront_Bicycle_and_Pedestrian_Improvements.htm

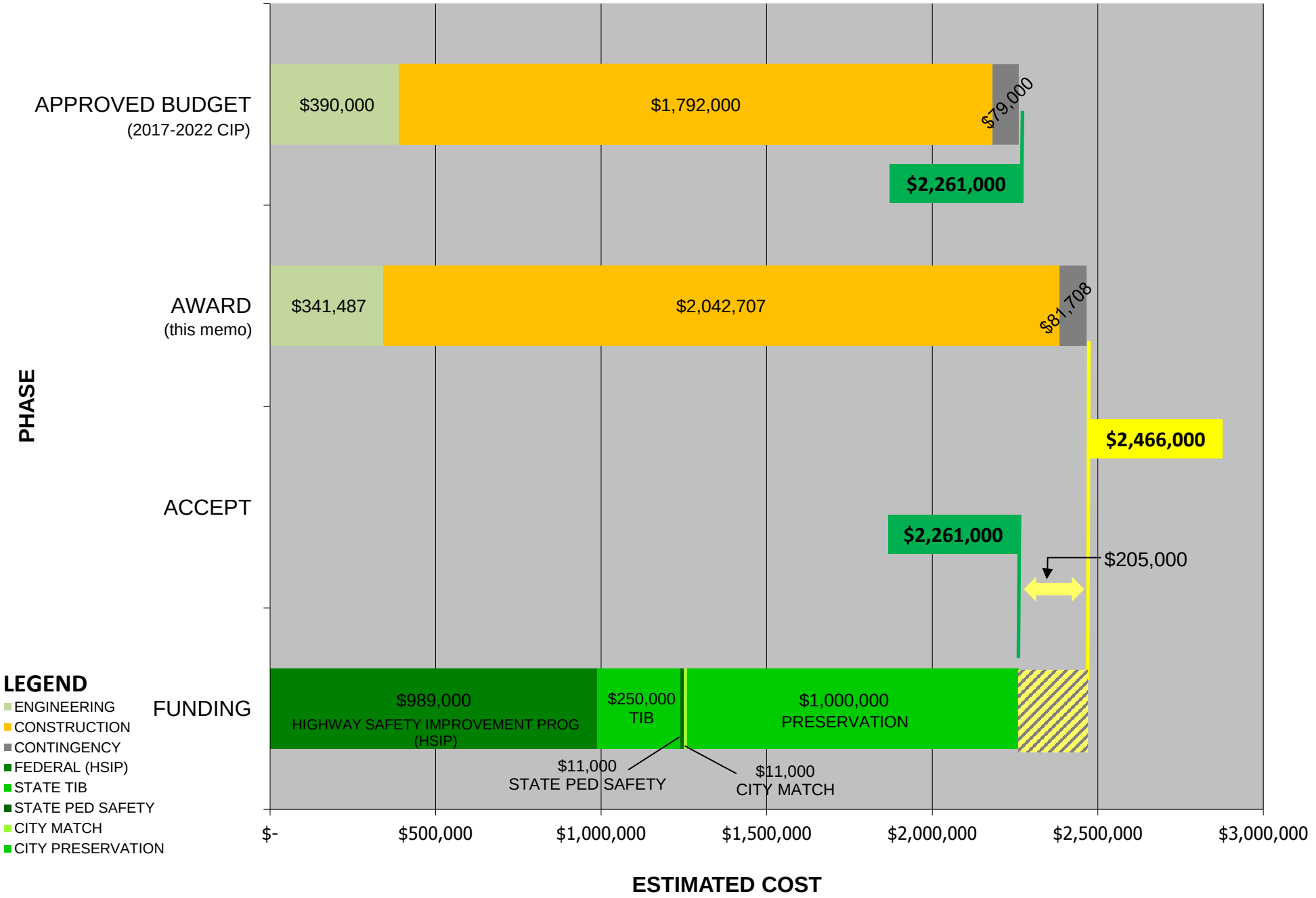
Attachment A – Vicinity Map
Attachment B – Project Budget Report (PBR)
Attachment C – Fiscal Note

Attachment A

VICINITY MAP
LAKEFRONT PEDESTRIAN AND BICYCLE IMPROVEMENTS PROJECT

Lakefront Pedestrian and Bicycle Improvements Project
(CNM - 0089)
PROJECT BUDGET REPORT

Attachment B



ATTACHMENT C

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Kathy Brown, Public Works Director

Description of Request

City Council to approve a total transfer of $205,000 in City funding from 2018 Annual Street Preservation (ST 1806 000) and 2018 Annual Street Levy Preservation (ST 1806 003) to Lakefront Pedestrian and Bicycle Improvements (NM 0089 000).

Legality/City Policy Basis

Fiscal Impact

One-time transfer of $86,100 from Annual Street Preservation (ST 1806 000). After this transfer the remaining project balance will be $1,646,078.
One-time transfer of $118,900 from Annual Street Levy Preservation (ST 1806 003). After this transfer the remaining project balance will be $2,306,807.

Recommended Funding Source(s)

	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Reserve						0	
Revenue/Exp Savings	$86,100 in project balance from 2018 Annual Street Preservation (ST 1806 000) $118,900 in project balance from 2018 Annual Street Levy Preservation (ST 1806 003)						
Other Source							

Other Information

Prepared By	George Dugdale, Senior Financial Analyst	Date	July 26, 2018

CITY OF KIRKLAND
Department of Parks and Community Services
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director
John Lloyd, Deputy Director

Date: July 25, 2018

Subject: PETER KIRK POOL PLASTER (PROJECT) - ACCEPT WORK

RECOMMENDATION:

City Council to:

- Accept the work on the Peter Kirk Pool Plaster Replacement Project completed by Orca Pacific, Inc., thereby establishing the statutory lien period; and
- Authorize the return of surplus funds to the REET 1 Reserves

By taking action on this memo during approval of the consent calendar, City Council is accepting the work performed by the contractor on the referenced Project, establishing the lien period and authorizing the return of surplus funds.

BACKGROUND DISCUSSION:

The Peter Kirk pool was originally constructed in 1969. The plaster liner has been in need of replacement for several years. The liner had been overlaid with several layers of plaster over the years. However, the condition did not allow for another plaster overlay layer, but rather required a full chip out and replacement of the plaster liner. Several attempts to complete this work have been unsuccessful due to bids coming in over the original budgeted amount of $125,000. The revised scope of work was re-estimated and the Project budget was increased to $260,000 through the 2017 mid-bi budget process. The Project was advertised using the small works roster. Following the bid process, the construction contract was awarded to Orca Pacific, Inc. on December 12, 2017 in the amount of $209,500.00.

Orca Pacific, Inc., began the restoration work on March 5, 2018 and was substantially complete on May 15, 2018 with a total amount earned by the contractor totaling $222,430.41. During the course of the Project, the City initiated two improvement change orders; one for a LED lighting upgrade ($7,109.19), and the other for addition of tile along the waterline in the wading pool ($5,821.20) for a total of $12,930.41. The water bill to refill the pool was $1946.87. The Project was completed with oversight from Parks personnel with no added soft costs.

Table 1 below summaries the project funding, expenses, and remaining balance.

Table 1 – Project Funding and Expense Totals

Project Item	Amount
Funding	$259,991.71
Total Expenses	$224,337.28
Project Surplus	$35,614.43

Orca Pacific performed the work well resulting in a final product that will be easier to maintain and longer lasting. This included replacing the lane line tiles, installing a tile border along the water line of the lap pool, and repairing damage to the wading pool surface. Photos of the project can be seen below.

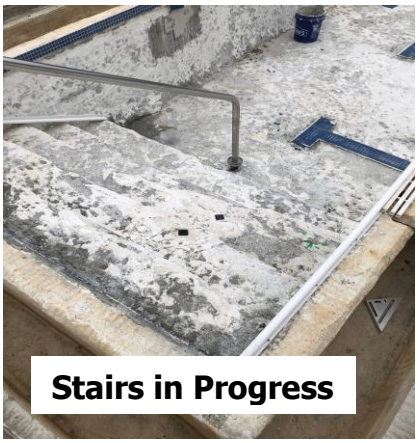
With all to-date Project costs accounted for, there exists a budget surplus of over $35,000. As a result, staff recommends City Council's approval to return Project funds once staff time for required close-out paperwork is complete (Attachment A).

Demolition in Progress

Demolition in Progress

Wading Pool in Progress

Lap Pool in Progress



Stairs in Progress

Pool Filling in Process

Attachment A – Fiscal Note

ATTACHMENT A

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Lynn Zwaagstra, Director, Parks & Community Services Department

Description of Request

Accept work for the Peter Kirk Park Pool Liner Project (CPK 0123 100) and return anticipated surplus funds of $35,614 to REET 1 Reserve.

Legality/City Policy Basis

Fiscal Impact

One-time addition of $35,614 to REET 1 Reserve. This amount may be revised following final internal charges for staff time to complete project close-out procedures.

Recommended Funding Source(s)

	Description	2018 Est. End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Reserve	REET 1 Reserve	3,834,466	(2,451,200)	2,272,848	35,614	3,691,728	n/a
	Prior uses during the 2017-2018 biennium include $800,000 for Richards Property Acquisition, $715,000 for Juanita Beach Bathhouse Replacement, $450,000 for Forbes Lake Park Development, $304,300 for Edith Moulton Park Renovation, $127,900 for Peter Kirk Park Pool Liner, and $54,000 for Wu Property Acquisition. Prior additions of $2,000,000 from the recognition of REET 1 revenues above budget in 2017 and $272,848 from CIP project closures during the 2017-2018 biennium.						
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Doug Honma-Crane, Budget Analyst	Date	July 16, 2018

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Anneke Davis, P.E., Senior Capital Projects Coordinator
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: July 25, 2018

Subject: CKC CONNECTION – NE 52ND STREET SIDEWALK (CNM 0007)
ACCEPT WORK

RECOMMENDATION:

City Council to:

- Accept the work performed on the CKC Connection - NE 52nd Street Sidewalk Project, by Kamins Construction of Bothell, WA, thereby establishing the statutory lien period; and

- Authorize the return of surplus funds to the original City grant match funding source.

By taking action on this memo during approval of the consent calendar, City Council is accepting the work performed by the contractor on the referenced Project, establishing the statutory lien period and approving the return of funds to the appropriate funding source.

BACKGROUND DISCUSSION:

NE 52nd Street is the only direct east/west access between 108th Avenue N.E. and Lake Washington Boulevard, between NE 38th and NE 68th streets (see Vicinity Map, Attachment A). Through redevelopment along the street in recent years, some new sidewalk improvements have been made, but, prior to completion of the NE 52nd Street Sidewalk Project, pedestrians were still required to use portions of the paved street surface or unpaved shoulder for uninterrupted travel between the Cross Kirkland Corridor (CKC) and Lake Washington Boulevard to the west or 108th Avenue NE to the east. The Project's scope included filling in remaining gaps in the sidewalk network, together with completing surface water improvements through the construction of new concrete curb and gutter, new storm pipe, and associated infrastructure. The Project also provided a dedicated bike lane in the uphill direction (traveling east) and, to save having to acquire additional right-of-way, a shared auto and bike lane ("sharrow") was designated in the downhill (westbound) lane.

The Project is the recipient of a Washington State Legislative Direct Appropriation in the amount of $1,036,900. When combined with an approved $100,000 in City match funding, the total approved project budget is $1,136,900 for all elements of the Project including design,

construction, project management and administration, public outreach, inspection, and construction contingency (Attachment B).

The City Council awarded the contract for the Project on June 20, 2017 in the amount of $610,522.52 and construction began on July 24, 2017. The work was physically complete on May 4, 2018 and the total amount earned by the contractor was $641,161.74, including five change orders for unforeseen conditions, modular block wall field adjustments, and an added ADA compliant sidewalk ramp in accordance with a negotiated settlement with an immediately adjacent townhome complex at the western end of the Project limits.

Table 1 – Funding vs. Expenses

Funding	**Total**
State Appropriations	$ 1,036,900
Local / City	$ 100,000
TOTAL	**$ 1,136,900**
Expenses	
Admin/Design/Inspection/CM	$ 489,558.51
Construction	$ 641,161.74
Total Anticipated Expenses	**$ 1,130,720.25**

Surplus	**$ 6,179.75**

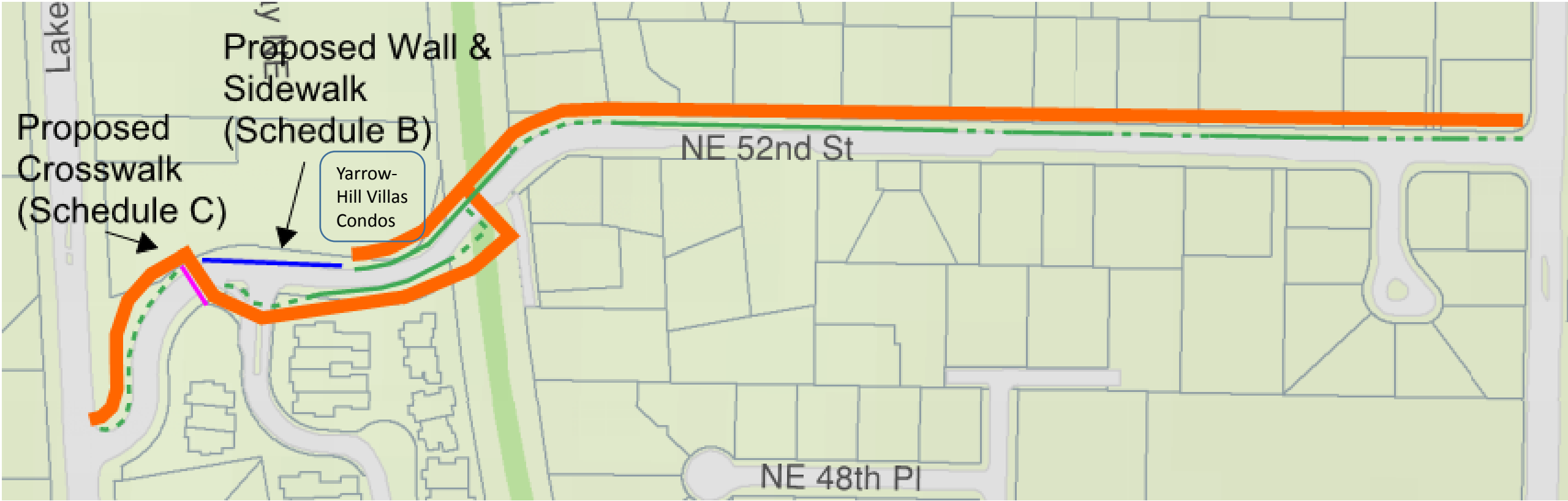
The Project has been completed with over 98% of State Appropriations funding expended. With a net positive overall Project budget balance of City funds, staff recommends City Council's approval to return all remaining Project funds to the original City funding source once all staff time charged for project close-out paperwork is complete (Attachment B & C)

Attachment A – Vicinity Map
Attachment B – Project Budget Report
Attachment C – Fiscal Note

Pedestrian Route
Existing Sidewalk
Proposed Sidewalk (Schedule A)
Proposed Crosswalk (Schedule C)
Proposed Wall & Sidewalk (Schedule B)

Vicinity Map

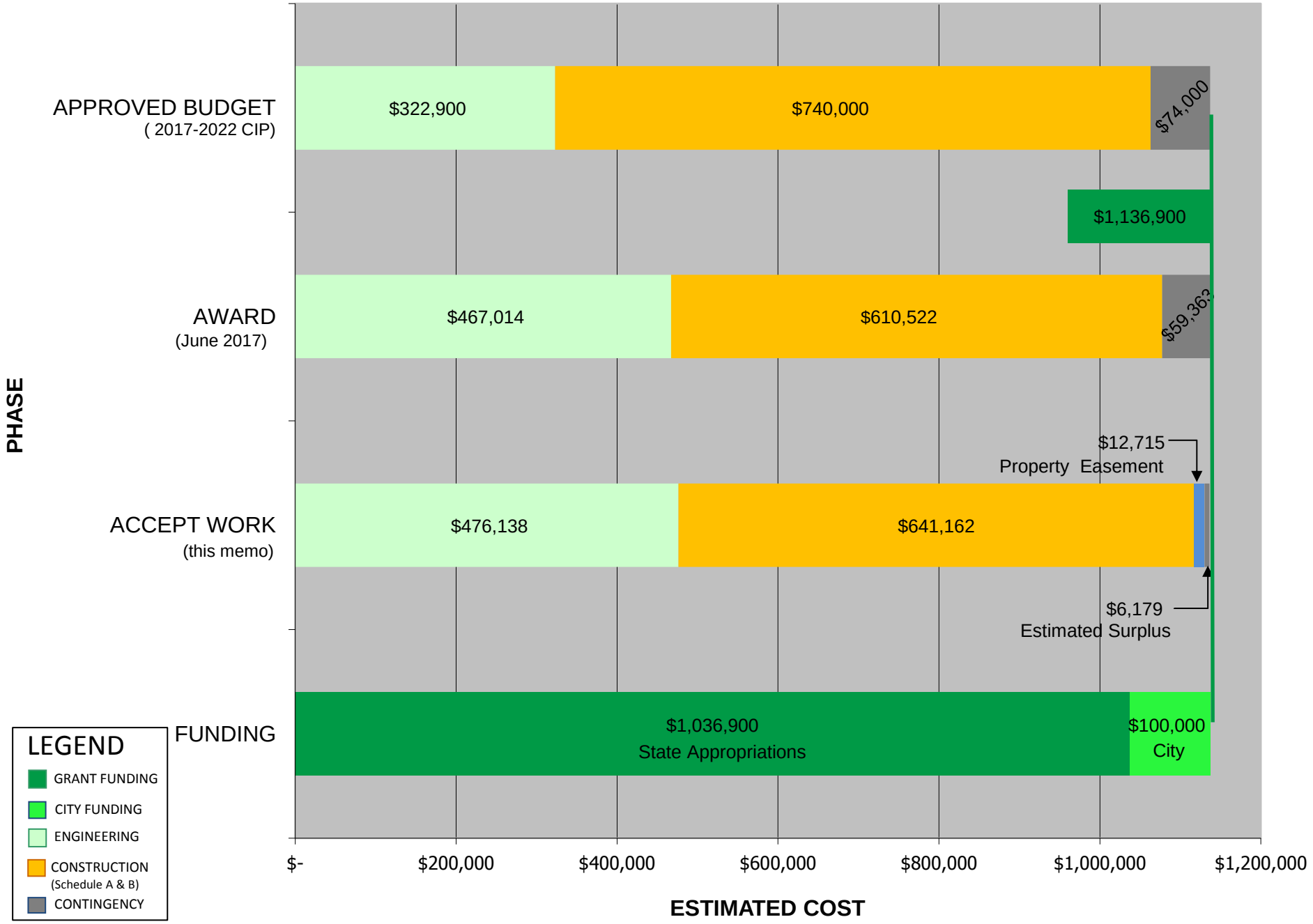
CKC Connection – NE 52nd St. Sidewalk



CKC Connection - NE 52nd Street Sidewak
(CNM - 0007)

Attachment B

PROJECT BUDGET REPORT



ATTACHMENT C

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Kathy Brown, Director, Public Works

Description of Request

Return an estimated $6,180 in REET 2 funding to the REET fund following the closure of the NE 52nd Street Sidewalk project (CNM 0007)

Legality/City Policy Basis

Fiscal Impact

One time addition of $6,180 to REET 2 Reserve.

Recommended Funding Source(s)

	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Reserve	REET 2 Reserve	8,457,722	(8,287,361)	2,626,418	6,180	2,802,959	
	Prior uses of $8,287,361 for various projects as part of 2017-22 CIP Update, including $1,500,000 for Affordable Housing (CGG 0100) and $6,015,000 for Public Improvements at Totem Lake (CNM 0122). Prior additions of $589,239 from 2017 project closures, $2,000,000 in additional 2017 revenue recognized as part of the 2017-18 Mid Biennial Adjustments, and $37,179 returned from the closure of the 2017 Annual Striping Program.						
Revenue/Exp Savings							
Other Source							

Other Information

This figure above represents an estimated amount following final grant reimbursement revenue and final project charges.

Prepared By	George Dugdale, Senior Financial Analyst	Date	July 26, 2018

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Anneke Davis, P.E., Senior Capital Projects Coordinator
Laura Drake, P.E., Project Engineer
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: July 25, 2018

Subject: 13205-100TH PLACE NE:
RIGHT-OF-WAY DEDICATION FOR PUBLIC BENEFIT

RECOMMENDATION:

City Council to receive background and approve a right-of-way dedication from parcel #3955700070 - 13205 100th Place NE, as a right-of-way needed to improve the intersection of NE 132nd Street and 100th Avenue NE.

By taking action during approval of the consent calendar, City Council is, by ordinance, authorizing a right-of-way dedication from a City-owned parcel for public benefit associated with an approved Capital Improvement Project.

BACKGROUND DISCUSSION:

The City acquired the subject parcel as a potential site for a to-be-relocated and enlarged Fire Station 24. The subject parcel is in the North Juanita Neighborhood, immediately adjacent to the Finn Hill Neighborhood (Attachment A). This parcel was purchased with the original intent to buy three additional parcels on the east side of 100th Place NE. Together, the four parcels would have provided adequate space at a reasonable location for the new fire station. After purchase of the subject parcel, a covenant was discovered on all four parcels that restricted use to single family homes only. Given that discovery, the City decided to forego acquisition of the other three parcels and instead pursued a different property in the same general vicinity. Prior to the covenant discovery, one parcel with a one single-family home on it was purchased and is currently owned by the City. The house is currently rented with the rental income going to the Facilities Fund (AAS0001FP1) to be used for maintenance or unexpected repairs of this and other City properties (Attachment B).

Upon securing right-of-way for the intersection improvement, the City intends to sell the house. The proceeds of the sale will be used for Fire Station 24 design and construction.

Authority
Typically, dedication of right of way occurs in the platting process and is obtained from third parties. However, as noted above, in this instance the City will be dedicating its own property for right-of-way purposes, which action the state statutes do not address. Municipal Research and Services Center has recommended that such a dedication should be done by an ordinance of the governing body, which it further recommends should thereafter be recorded.

Opportunity for Public Right-of-Way Dedication
The 100th Avenue NE Corridor Improvement Project will result in new the design and construction of roadway improvements along a one mile segment of 100th Avenue NE, from NE 132nd Street to NE 145th Street. That Project includes roadway re-channelization, traffic signal upgrades, lighting improvements, low impact design storm water facilities, improved sidewalks, and sidewalk-level bicycle lanes for all ages and abilities. The consultant design team, HDR, has identified an opportunity to provide the same sidewalk and sidewalk-level bicycle lane improvements along NE 132nd Street abutting the City-owned parcel. These improvements at the City-owned parcel will tie in to the existing sidewalk and street-level bicycle lane to the east, and will be compatible with the proposed improvements on 100th Avenue NE (Attachment C).

Following are considerations that staff has addressed:

- The zoning for the lot requires a 20-foot setback on all sides. The proposed right-of-way dedication will alter the setback, causing the structure to be legally non-conforming. This non-conformance is not an issue for the existing use.

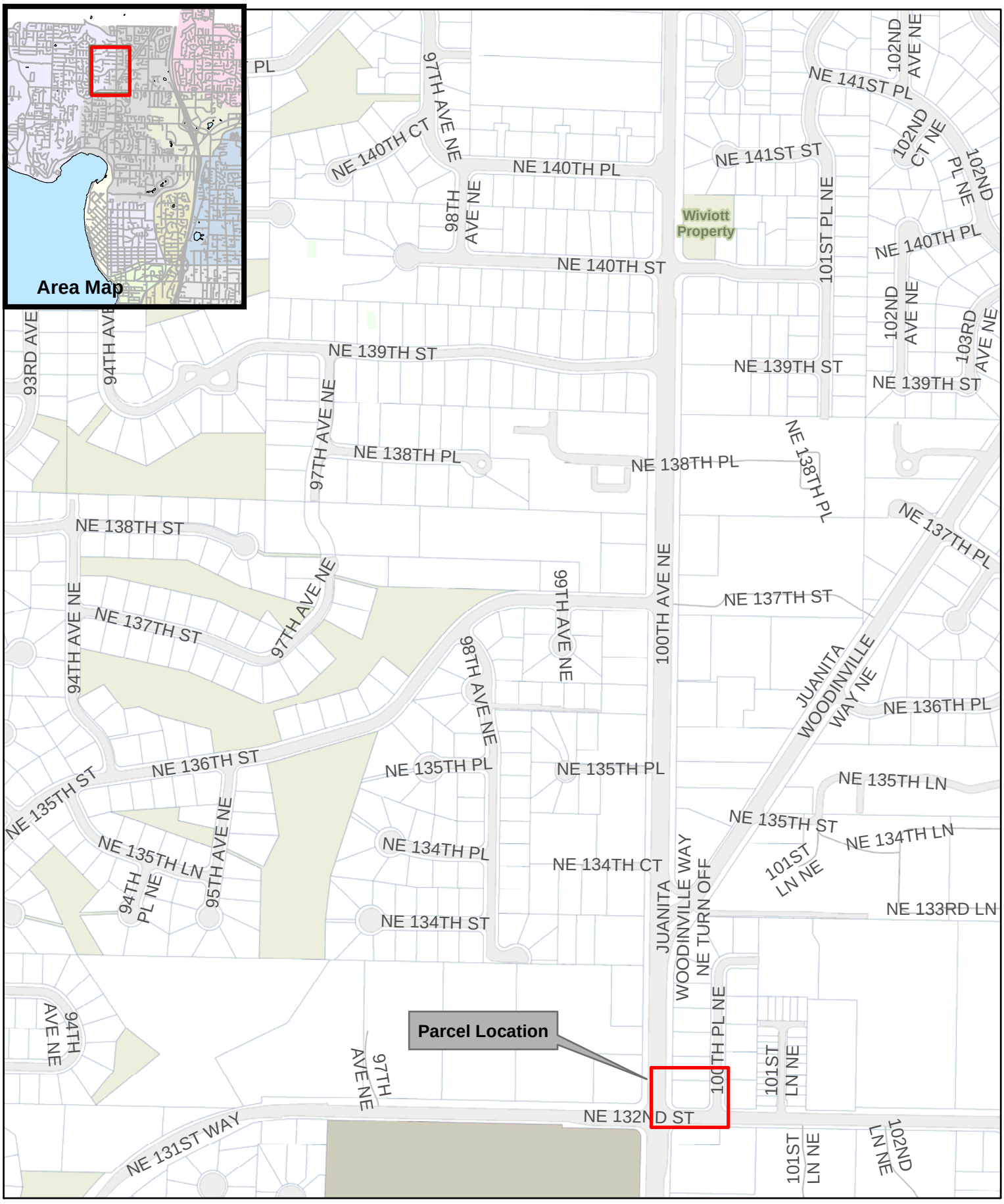
- Under the current code, the right-of-way dedication itself does not restrict a future buyer from being able to redevelop the property or remodel/add-on to the house. The zoning code allows this site to be developed with a triplex, though the property's existing covenant restricts development to a single family home. The proposed right-of-way dedication does not impede the development of a triplex, but a future buyer may need to address the covenant issue. Therefore, the anticipated effect on property value likely is negligible, and no reimbursement by the 100th Avenue NE Corridor Improvement Project is needed.

- The 100th Avenue NE Corridor Improvement Project will move the fence and alter the retaining wall (as necessary) on the property once the dedication is complete.

Schedule
The 100th Avenue NE Corridor Improvement Project Team is currently looking at a variety of funding options for constructing the 100th Avenue Roadway Improvement Project. All necessary improvements at the subject parcel are expected to be constructed as part of the larger 100th Avenue Project. Completing this right-of-way dedication at this time is a reasonable course of action were the City to consider selling the property in the future.

Attachment A – Vicinity Map
Attachment B – Assessor's Map
Attachment C – Public Right-Of-Way Improvements Concept
Attachment D – Ordinance

Attachment A



Vicinity Map
Right-Of-Way Dedication For Public Benefit
13205 100th Place NE

RIGHT-OF-WAY ACQUISITION
CITY OF KIRKLAND
TAX PARCEL IDENTIFICATION NO. 3955700070

THAT PORTION OF LOT 7, LA CHAUSSEE NO. 3 ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 69 OF PLATS PAGE 70, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

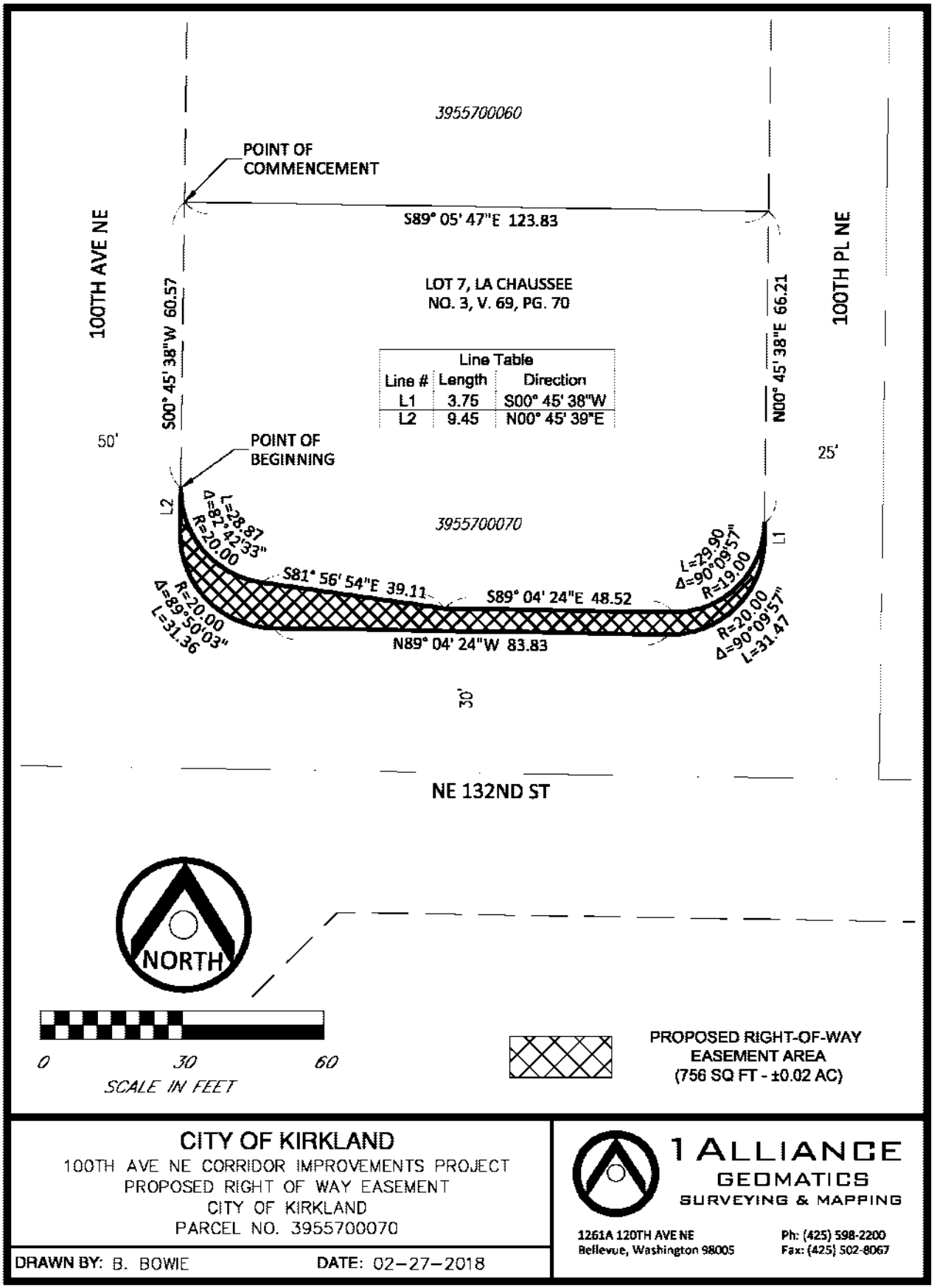
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7;

THENCE SOUTH 00°45'38" WEST ALONG EASTERLY RIGHT-OF-WAY MARGIN OF 100TH AVE NE A DISTANCE OF 60.57 TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND THE POINT OF BEGINNING;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 82°42'33", AN ARC DISTANCE OF 28.87 FEET;
THENCE SOUTH 81°56'54" EAST A DISTANCE OF 39.11 FEET;
THENCE SOUTH 89°04'24" EAST A DISTANCE OF 48.52 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 19.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°09'57", AN ARC DISTANCE OF 29.90 FEET TO THE WESTERLY RIGHT-OF-WAY MARGIN OF 100TH PLACE NE;
THENCE SOUTH 00°45'38" WEST ALONG SAID WESTERLY MARGIN A DISTANCE OF 3.75 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°09'57", AN ARC DISTANCE OF 31.47 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF NE 132ND STREET;
THENCE NORTH 89°04'24" WEST, ALONG SAID NORTHERLY MARGIN A DISTANCE OF 83.83 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°50'03", AN ARC DISTANCE OF 31.36 FEET TO SAID EASTERLY MARGIN;
THENCE NORTH 00°45'39" EAST, ALONG SAID EASTERLY MARGIN, A DISTANCE OF 9.45 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 756 SQUARE FEET, OR 0.02 ACRES, MORE OR LESS.

DRAFT

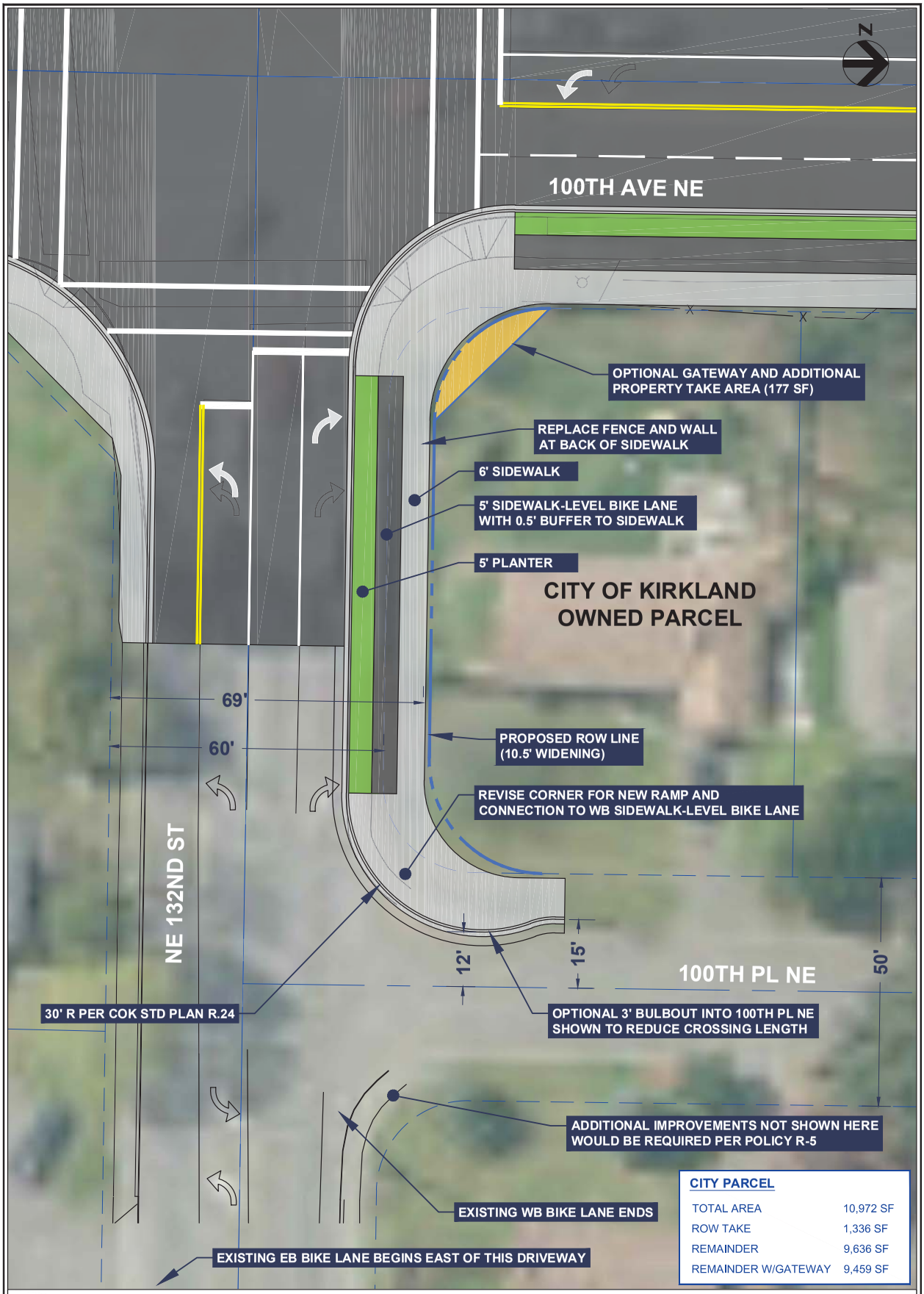


CITY OF KIRKLAND
100TH AVE NE CORRIDOR IMPROVEMENTS PROJECT
PROPOSED RIGHT OF WAY EASEMENT
CITY OF KIRKLAND
PARCEL NO. 3955700070

DRAWN BY: B. BOWIE DATE: 02-27-2018

1 ALLIANCE GEOMATICS
SURVEYING & MAPPING
1261A 120TH AVE NE
Bellevue, Washington 98005
Ph: (425) 598-2200
Fax: (425) 502-8067

Attachment C



CITY PARCEL	
TOTAL AREA	10,972 SF
ROW TAKE	1,336 SF
REMAINDER	9,636 SF
REMAINDER W/GATEWAY	9,459 SF

LEGEND

- ASPHALT ROADWAY / PARKING
- CONCRETE SIDEWALK / DRIVEWAY
- LANDSCAPING
- OPTIONAL GATEWAY
- RIGHT OF WAY
- PROPERTY LINE

100TH AVE NE Corridor Design

CONCEPTUAL LAYOUT B

CITY-OWNED PARCEL AT NE 132ND ST

NON-MOTORIZED WIDENING ALONG NE 132ND ST

PREPARED
2/13/2017

SCALE 1" = 20'

ORDINANCE O-4656

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE DEDICATION OF CITY OWNED PROPERTY LOCATED AT 100TH AVENUE NE AND NE 132nd STREET FOR RIGHT OF WAY PURPOSES.

WHEREAS, The City's approved 100th Avenue NE Roadway Improvement ("Project") has designed and will construct roadway improvements along a one mile corridor on 100th Avenue NE, from NE 132nd Street to NE 145th Street; and

WHEREAS, to be included as part of the Project, the City has identified an opportunity to provide sidewalk and sidewalk-level bicycle lane improvements adjacent to 100th Avenue NE along NE 132nd Street ("Improvements"); and

WHEREAS, constructing the Improvements will require the dedication for right of way purposes of a portion of property located in the northeast corner of the 100th Avenue NE and NE 132nd Street intersection, which address is 13205 100th Place NE; and

WHEREAS, the City acquired this property from which the dedication will be needed as part of the Fire Station 24 replacement project, and this property is no longer needed due to locating a different site for a new fire station.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The following described property is hereby dedicated to right of way purposes, including but not limited to, sidewalk and sidewalk level bicycle lane improvements:

THAT PORTION OF LOT 7, LA CHAUSSEE NO. 3 ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 69 OF PLATS PAGE 70, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7;
THENCE SOUTH 00°45'38" WEST ALONG EASTERLY RIGHT-OF-WAY MARGIN OF 100TH AVE NE A DISTANCE OF 60.57 TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND THE POINT OF BEGINNING;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 82°42'33", AN ARC DISTANCE OF 28.87 FEET;
THENCE SOUTH 81°56'54" EAST A DISTANCE OF 39.11 FEET;
THENCE SOUTH 89°04'24" EAST A DISTANCE OF 48.52 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 19.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°09'57", AN

ARC DISTANCE OF 29.90 FEET TO THE WESTERLY RIGHT-OF-WAY MARGIN OF 100TH PLACE NE;
THENCE SOUTH 00°45'38" WEST ALONG SAID WESTERLY MARGIN A DISTANCE OF 3.75 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°09'57", AN ARC DISTANCE OF 31.47 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF NE 132ND STREET;
THENCE NORTH 89°04'24" WEST, ALONG SAID NORTHERLY MARGIN A DISTANCE OF 83.83 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°50'03", AN ARC DISTANCE OF 31.36 FEET TO SAID EASTERLY MARGIN;
THENCE NORTH 00°45'39" EAST, ALONG SAID EASTERLY MARGIN, A DISTANCE OF 9.45 FEET TO THE **POINT OF BEGINNING**.
CONTAINS 756 SQUARE FEET, OR 0.02 ACRES, MORE OR LESS.

Section 2. The City Clerk is hereby instructed to record a certified copy of this ordinance with the King County Recorder's Office.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2018.

Signed in authentication thereof this _____ day of _____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
Kathi Anderson, City Clerk

Approved as to Form:

_____
Kevin Raymond, City Attorney

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Laura Drake P.E., Capital Projects Engineer
Dave Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: July 19, 2018

Subject: CEDAR CREEK FISH PASSAGE/CULVERT REPLACEMENT - CSD 0124 FUNDING REQUEST

RECOMMENDATION:

City Council to:

- Approve the use of $300,000 of Surface Water Reserves to begin the design process now for the Cedar Creek Fish Passage/Culvert at 100th Avenue N.E. (project CSD 0124 101 in the draft 2019-2024 CIP) in anticipation of proposed transportation improvements on 100th Avenue NE Use of Surface Water Reserves for this project is planned.

- Update the project title to reflect the proposed Project scope.

Approval of the consent calendar by the Council will authorize the funding request and update the project title.

BACKGROUND AND DISCUSSION:

The Cedar Creek Fish Passage/Culvert Replacement at 100th Avenue NE is located on 100th Avenue NE, just south of Simonds Road NE (see Vicinity Map, Attachment A). The Project, which is identified in the Surface Water Master Plan, calls for the replacement of an aged 36-inch box culvert crossing and removal of a non-functioning upstream flow control structure. The Surface Water Master Plan also calls for removal of the downstream fish barrier east of 100th Avenue NE; together with the Cedar Creek Culvert at 100th Avenue NE, these projects will open up 5,200 feet of upstream aquatic habitat for Cutthroat Trout, Coho, Sockeye and Kokanee Salmon.

In addition to improving aquatic and riparian habitat, the project will reduce the risk of flooding. The culvert includes an adjacent in-stream detention facility, which is an outdated facility and does not provide adequate flow control, resulting in stream bank erosion, degradation of aquatic habitat, and downstream flooding. The new design will resolve these issues.

The new culvert design will comply with the 2016 Surface Water Design Manual and will reduce maintenance needs of the system. The design also will coordinate with future roadway improvements associated with the 100th Avenue NE Roadway Improvements project.

Although the culvert is a priority from a surface water management perspective, it also is a key element of the 100th Avenue NE Roadway Improvement Project (CST 0083). The roadway improvements, which are designed, will widen the roadway at the culvert, adding additional vehicle capacity as well as new sidewalk and bicycle lanes. Replacing the culvert is a critical path element of the future roadway improvements. Having the culvert replacement designed will benefit the roadway improvement itself and also may benefit various grant opportunities for the construction of both the road and culvert projects. Actually completing construction of the culvert would make the roadway project a better fit with the grant evaluation criteria of the Transportation Improvement Board.

Budget Need

In the draft 2019-2024 CIP, the proposed total budget for this project is $2,500,000 and includes the following budget components (see Table 1, below).

Table 1 – Proposed Project Funding (2019-2024 CIP)

Category	2019 (2019 – 2024 CIP)
Design and inspection	$600,000
In-house	$175,000
Easements	$25,000
Construction and contingency	$1,700,000
Total	$2,500,000

Staff recommends starting the culvert design in 2018. Beginning the design now will allow staff to secure all permits and access easements necessary for the future completion of the physical improvements. Staff recommends City Council authorization for using $300,000 from surface water reserves, currently earmarked for the Project in 2019, to hire a design consultant and begin work on the project (see Table 2 below). Advancing the funds will not adversely impact any on-going surface water City activities.

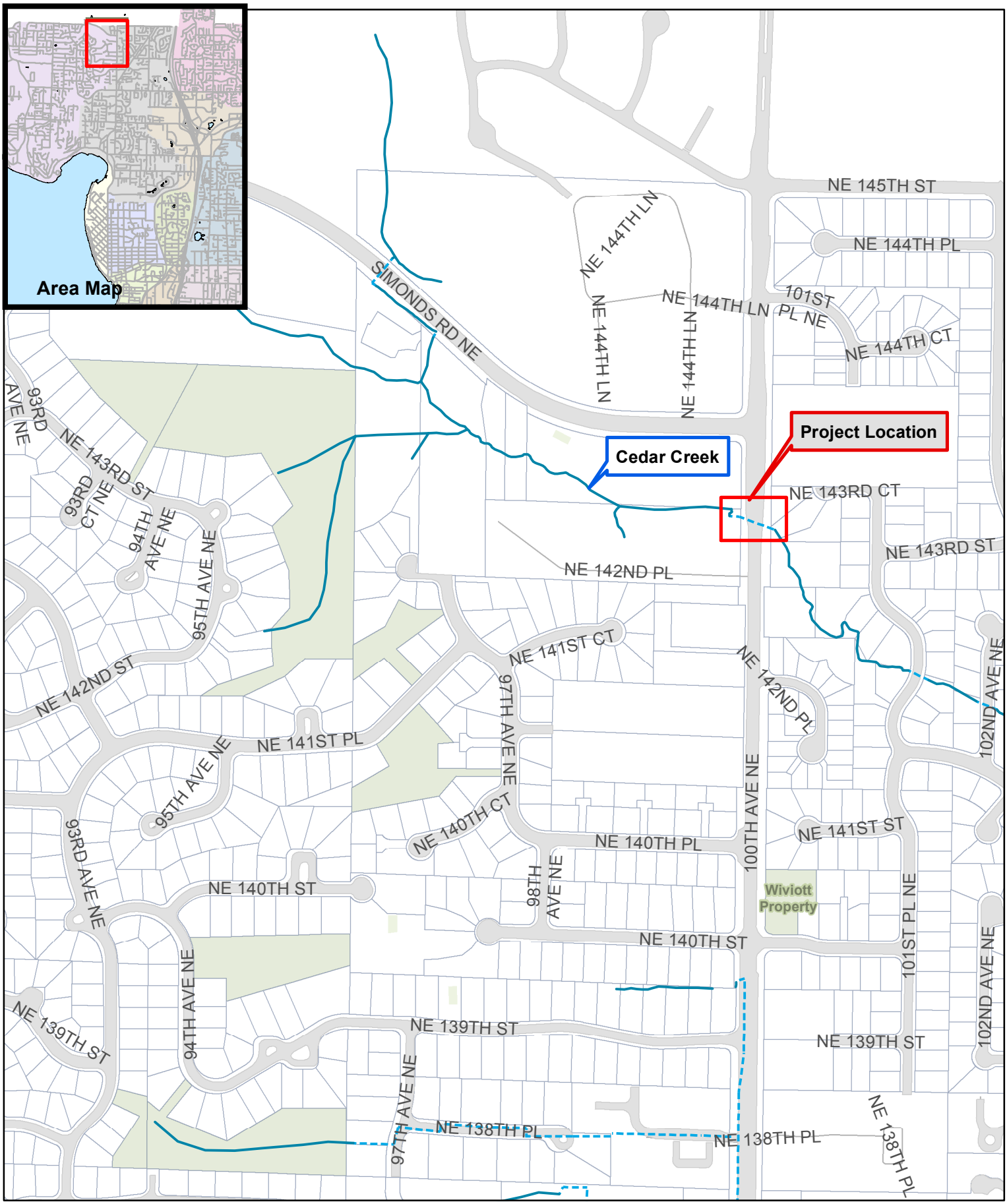
Table 2 – Proposed Funding Change

Category	2018	2019 – 2024 CIP	Total
Design and inspection	$240,000	$360,000	$600,000
In-house	$50,000	$125,000	$175,000
Easements	$10,000	$15,000	$25,000
Construction and contingency	$0	$1,700,000	$1,700,000
Total	$300,000	$2,200,000	$2,500,000

Schedule

With City Council approval for advancing the requested funds, staff will move forward immediately with consultant contracting for the project to produce bid-ready documents.

Attachment A – Vicinity Map
Attachment B – Fiscal Note



Vicinity Map

Cedar Creek Fish Passage/Culvert Replacement - CSD 0124

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Kathy Brown, Director, Public Works Department

Description of Request

Approve the use of $300,000 from the Surface Water Construction Reserve to begin design for the Cedar Creek Fish Passage/Culvert at 100th Ave NE (CSD 0124 101).

Legality/City Policy Basis

Fiscal Impact

One-time use of $300,000 from the Surface Water Construction Reserve. The reserve is able to fully fund the request.

Recommended Funding Source(s)

	Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Reserve	Surface Water Construction	2,658,105	(2,640,805)	1,336,144	(300,000)	1,053,444	
	Prior uses include $900,000 for Wolff Property Purchase/Sale Agreement, $359,000 for Comfort Inn Pond Modifications, $350,400 for Juanita Drive Quick Wins, $200,000 for Holmes Point Drive Storm Drain Replacement, $165,000 for 6th Street Signals, $151,000 for Holmes Point Drive Pipe Replacement, $140,000 for 120th Ave NE Stormwater Pipe Replacement, $72,000 for Edith Moulton Park Renovation, and $3,205 for Juanita Creek Rockery Replacement. The amount above also reflects a requested use of $300,200 for the Market Street Storm Main Rehabilitation project also under consideration at the August 6th, 2018 Council meeting. Prior additions include $1,263,144 following project closures and $73,000 returned from the Holmes Point Drive Storm Drain Replacement project.						
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Doug Honma-Crane, Budget Analyst	Date	July 26, 2018

CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jim Lopez, Assistant City Manager

Date: July 18, 2018

Subject: FISCAL NOTE AUTHORIZING PROFESSIONAL SERVICES CONTRACT FOR COMMUNITY SAFETY SURVEY

RECOMMENDATION:

Council approves the attached fiscal note authorizing one-time use of $29,300 of the Council Special Projects Reserve to fund Professional Services in the City Council's budget for the Community Safety Survey, conducted by EMC in July 2018. By authorizing this item as part of the consent calendar the Council is approving the fiscal note and the proposed expenditure of the funds.

BACKGROUND DISCUSSION:

Following a comprehensive staff report on Gun Safety and Community Safety Outreach (Attachment B) at Council's July 17, 2018 regular meeting, the City Manager requested the opportunity for staff to bring forward a fiscal note (Attachment b) to Council at its August 6, 2018 meeting, to identify funding to cover the cost of the $29,300 Community Safety Survey. Council supported the request. Further, Councilmember Nixon stated that because Council largely drove this outreach effort, funding for the survey could be appropriated from Council Special Projects Fund. Council also supported Councilmember Nixon's recommendation.

Attachment A: EMC Community Safety Survey Report
Attachment B: Fiscal Note

Live Telephone Survey of Residents
City of Kirkland
Conducted [ENTER DATES]
n=400; Margin of Error ±4.9 percentage points
EMC Research #18-6923

All numbers in this document represent percentage (%) values, unless otherwise noted.
Please note that due to rounding, percentages may not add up to exactly 100%.

[IF PHONE NUMBER IS A CELL PHONE READ INTRO_Cell]

INTRO_Cell: Hello, my name is _____, and I'm conducting a survey for _____ to find out how people feel about issues in Kirkland. We are not trying to sell anything, and are collecting this information on a scientific and completely confidential basis. **(Continue with the person on the phone, REPEAT INTRO IF NECESSARY)**

[IF PHONE NUMBER IS A LANDLINE READ INTRO_Land]
INTRO_Land: Hello, my name is_____ and I'm conducting a survey for _____ to find out how people feel about issues in Kirkland. We are not trying to sell anything, and are collecting this information on a scientific and completely confidential basis.
May I speak to the youngest male in the household who is 18 or over and available?
IF NOT AVAILABLE OR NO MALES IN HH: May I speak to the youngest female in the household who is 18 or over and available?
IF YOUNGEST MALE/FEMALE IS NOT AVAILABLE CONTINUE WITH RESPONDENT ON THE PHONE

1. Do you live in the City of Kirkland?

Yes----------> **CONTINUE**	100
No----------> **TERMINATE**	-
(Don't know/NA) ----------> **TERMINATE**	-

2. Gender **[RECORD BY OBSERVATION]**

Male	48
Female	52

3. For statistical purposes, in what year were you born? **(CODE AS APPROPRIATE)**

18-29	16
30-39	19
40-49	18
50-64	25
65 or over	18
(Refused)	4

4. Do you feel that things in Kirkland are generally going in the right direction or do you feel things have gotten pretty seriously off on the wrong track?

Right Direction	65
Wrong Track	21
(Don't Know/Refused)	14

5. What issue facing the City of Kirkland do you feel **most** needs to be addressed over the next two years? **[ONE RESPONSE ONLY]**

Traffic/Parking	23
Overdevelopment/ Overpopulation/ Density	15
Affordable housing/Cost of housing and living	13
Infrastructure/Road maintenance/ Transportation	12
Crime/Drugs	5
Taxes	4
Politicians/ City government and politics	3
Homelessness	3
Education	2
Other	5
Don't know	13
Refused	1

6INT. I'd like you to rate the job the City of Kirkland is doing on a variety of issues. Using a scale of excellent, good, only fair, or poor, please rate each of the following. If you aren't sure one way or the other, please just say so.

[BEFORE EACH: How would you rate **(QX)?]**

(PROMPT IF NECESSARY: Would you say it is excellent, good, only fair, or poor?**)**

SCALE:	**Excellent**	**Good**	**Only fair**	**Poor**	**(Don't know/ No opinion)**
(ALWAYS ASK FIRST)					
6. The overall quality of life in the City of Kirkland	37	51	6	4	2
(RANDOMIZE)					
7. The job the City of Kirkland government is doing overall	10	50	22	8	10
8. The job the City of Kirkland is doing using tax dollars responsibly	7	38	25	13	18
9. The job the City of Kirkland is doing providing police services	29	47	10	7	8
10. The job the City of Kirkland is doing providing mental health and human services programs	4	16	16	9	55
11. The job the City of Kirkland is doing reducing homelessness	7	20	25	15	33
(END RANDOMIZE)					

13. There may be a proposal for funding public safety investments in Kirkland later this year and the City is seeking input on how high a priority it is for residents. I am going to read some information about it.

This proposal would fund enhanced police services and firearm safety investments in Kirkland. It includes 5 additional full-time police officers, focused on illegal drugs, car prowls, burglaries, mail theft, and shoplifting; 4 additional full-time school resource officers in middle schools; 1 full-time mental health professional to help address 911 calls with mental health complications; annual funding to expand mental health and human services programs focusing on domestic violence and suicide prevention; new funding for gun safety training and subsidies for safe gun storage; and funds to expand existing programs aimed at reducing homelessness. This proposal would cost $1.8 million each year.

In general, do you strongly support, somewhat support, somewhat oppose, or strongly oppose this proposal?

Strongly support	32	**→ 73**
Somewhat support	41	
Somewhat oppose	10	**→ 22**
Strongly oppose	12	
(Don't Know/NA)	5	

14INT. I'm going to read you a list of potential public safety investments. For each one, please tell me how high a priority that potential investment is for you, using a scale of 1 to 7, where 1 means it is the lowest priority and 7 means it is the highest priority. You can use any number from 1 to 7.

	The lowest priority					**The highest priority**		**(Don't**	
SCALE:	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**know)**	**Mean**

(PROMPT IF NECESSARY: Please tell me how high a priority that potential investment is for you using a scale of 1 to 7, where 1 means it is the lowest priority and 7 means it is the highest priority.**)**

[RANDOMIZE]

14. 5 additional full-time police officers to serve as part of a police unit to focus on illegal drugs, car prowls, burglaries, mail theft, and shoplifting. This would increase the number of Kirkland police officers from 97 to a 102.

8	3	11	11	17	16	32	1	**5.05**

15. 4 additional full-time school resource officers in Finn Hill Middle School, Kamiakin Middle School, Kirkland Middle School, and the International Community School. Currently there are school resource officers in each high school but no school resource officers in any middle school in Kirkland.

9	4	7	15	17	18	24	5	**4.86**

16. 1 new full-time mental health professional to help resolve police and emergency medical calls involving individuals with mental health complications, including domestic violence, suicide attempts, and assisting homeless people. This would be a newly-created position at the City.

7	5	7	7	14	20	39	2	**5.35**

17. A 50% increase in annual funding to expand existing mental health, human services and after-school programs that provide suicide prevention, domestic violence prevention, and drug addiction services.

7	4	7	10	16	20	33	3	**5.22**

18. New annual funding for gun safety training in the community and safe storage of existing weapons, including subsidized trigger locks and gun safes.

15	8	11	10	19	16	20	1	**4.40**

19. New funding for programs designed to reduce homelessness, especially among women and families. This would help serve up to 200 women and families who are currently homeless on the Eastside.

8	4	9	9	13	20	35	2	**5.23**

[END RANDOMIZE]

20. Once again, I'm going to ask you about a potential proposal for funding public safety investments in Kirkland later this year.

This proposal would fund enhanced police services and firearm safety investments in Kirkland. It includes 5 additional full-time police officers, focused on illegal drugs, car prowls, burglaries, mail theft, and shoplifting; 4 additional full-time school resource officers in middle schools; 1 full-time mental health professional to help address 911 calls with mental health complications; annual funding to expand mental health and human services programs focusing on domestic violence and suicide prevention; new funding for gun safety training and subsidies for safe gun storage; and funds to expand existing programs aimed at reducing homelessness. This proposal would cost $1.8 million each year.

In general, do you strongly support, somewhat support, somewhat oppose, or strongly oppose this proposal?

Strongly support	31	**→ 73**
Somewhat support	42	
Somewhat oppose	11	**→ 23**
Strongly oppose	12	
(Don't Know/NA)	4	

22INT. The proposal I described earlier would cost approximately $1.8 million each year. There is a number of different ways those investments could be funded, either **[ROTATE] [**by diverting funds from existing sources**]** or **[**by raising new tax revenue**] [END ROTATE]**. For each of the following, say whether you would strongly support, somewhat support, somewhat oppose, or strongly oppose using that revenue source to fund enhanced public safety investments.

SCALE:	Strongly Support	Somewhat Support	Somewhat Oppose	Strongly Oppose	(Don't know)	Total Support	Total Oppose

[RANDOMIZE]

(PROMPT IF NECESSARY: Do you strongly support, somewhat support, somewhat oppose, or strongly oppose using this revenue source to fund enhanced public safety investments?**)**

22.	A sales tax increase of one penny on a $10 purchase.						
	22	31	11	33	3	**53**	**44**
23.	A property tax increase of about ¢7 for each $1000 of assessed valuation, which is about $41 per year for the owner of a $585,000 home, which is the median home price in Kirkland.						
	20	29	13	36	3	**49**	**49**
24.	A business license fee increase of $68 per employee in Kirkland, from $50 to a $118 per employee.						
	6	20	22	47	4	**26**	**70**
25.	A soda tax on soft drink beverages that would be the equivalent of ¢19 on a 12 ounce can.						
	32	20	13	32	2	**52**	**46**
26.	Diverting money from the City's emergency reserve funds.						
	11	26	23	33	7	**37**	**56**
27.	Reducing the budgets of general government, and programs such as parks maintenance and roads maintenance.						
	10	18	24	46	3	**28**	**69**

[END RANDOMIZE]

Finally, I'd like to ask you a few questions for statistical purposes only.

28. Do you own or rent the place in which you live?

Own/ (Buying)	78
Rent	17
(Don't know/NA)	5

29. Do you have any children under the age of 18 living in your home?

Yes	27
No	71
(Don't Know/Refused)	2

30. We are trying to gather opinions of people from a variety of backgrounds. Which of the following best describes your ethnicity? **(READ LIST)**

Caucasian or White	81
Asian or Asian American	5
Hispanic or Latino	2
Black or African American	2
Pacific Islander	1
Native American	0
Not mentioned/Other	4
(Don't Know/Refused)	5

THANK YOU!

ATTACHMENT B

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Jim Lopez, Assistant City Manager

Description of Request

Authorize the use of $29,300 of the Council Special Projects Reserve to fund Professional Services in the City Council's budget for the Community Safety Survey, conducted by EMC in July 2018.

Legality/City Policy Basis

Fiscal Impact

One-time use of $29,300 of the Council Special Projects Reserve. The reserve is able to fully fund this request.

Recommended Funding Source(s)

Reserve

Description	2018 Est End Balance	Prior Auth. 2017-18 Uses	Prior Auth. 2017-18 Additions	Amount This Request	Revised 2018 End Balance	2018 Target
Council Special Projects Rsrv.	381,927	(164,100)		(29,300)	188,527	n/a

Prior uses of the Council Special Projects Reserve include:

- $50,000 for Peter Kirk Building Seismic Upgrades
- $15,000 for Peter Kirk Park Parking Conceptualization
- $9,000 for Eastside Rail Corridor Branding
- $10,000 for Transit Oriented Development Study
- $7,000 for Downtown Holiday Tree Extension Ring
- $40,000 for Studio East Contribution
- $13,100 for Downtown Flower Pots
- $5,000 for Regional Economic Development Alliance
- $15,000 for Regional Aquatics Facility Joint Feasibility Study

Revenue/Exp Savings

Other Source

Other Information

Council approved adding unallocated resources of $131,927 to the Council Special Projects reserve in the adopted 2017-2018 Budget. This portion of the revised balance is set aside for Human Services Projects.

Prepared By	Lori Wile, Budget Analyst	Date	July 17, 2018

CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk
Michael Olson, Director of Finance and Administration

Date: July 26, 2018

Subject: Resignation of Tourism Development Committee Member

RECOMMENDATION:

That Council acknowledges receipt of Michelle Quisenberry's resignation from the Kirkland Tourism Development Committee and authorizes the attached draft response thanking her for her past five years of service. By approving the consent calendar the Council authorizes these actions.

BACKGROUND DISCUSSION:

On March 27, 2018, the council had moved to reappoint Michelle Quisenberry to a one year term ending in 3/31/2019.

Ms. Quisenberry has accepted a role at a new firm that precludes her continued participation on the committee and has submitted her resignation, effective July, 26, 2018.

The City Clerk's office has begun a recruitment to fill this vacancy for the remainder of the unexpired term.

DRAFT

August 6, 2018

Michelle Quisenberry
24 Roy ST. #200
Seattle, WA 98109

Dear Ms. Quisenberry,

We have received your letter of resignation from the Kirkland Tourism Development Committee.

The City Council appreciates your contributions to the Committee during your past five years of service, and we thank you for volunteering your time and talent to serve the Kirkland community.

Best wishes in your current and future endeavors.

Sincerely,

Kirkland City Council

By Amy Walen,
Mayor

CITY OF KIRKLAND
Human Resources Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3210
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Chris Thomas, Director of Human Resources

Date: July 23, 2018

Subject: Amendment of KMC Chapter 3.54 to include "Lawful Permanent Residents" as qualified applicants for Civil Service positions

RECOMMENDATION

That the Council adopt the attached ordinance amending Chapter 3.54 of the Kirkland Municipal Code to include "lawful permanent residents" as qualified applicants for civil service positions as required by law.

BACKGROUND DISCUSSION

The Washington State legislature passed Senate Bill 6145 in February, 2018 and the law became effective on June 7, 2018. A legislative copy of the Senate bill is attached for review.

Prior to the passage of this legislation, an applicant for a civil service position had to be a United States citizen. With the enactment of this Bill, the qualification is now expanded to allow a "lawful permanent resident" to also qualify for a civil service position. "Lawful permanent resident" is defined in United States Code, Title 8, Section 1101 (a) (20) as follows:

The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

The Kirkland Civil Service Commission was advised of this legislation at a Commission meeting held on May 29, 2018. They were provided with a copy of the Senate Bill and after discussing the matter, agreed that KMC 3.54 should be updated to be consistent with the new law.

The Human Resources Department has advised the Police and Fire Departments of this legislation. HR staff have also edited civil service job postings and advertisements to reflect this change. In summary, Kirkland's civil service system is required to substantially accomplish the purpose of state law (per RCW 35A.11.020) and amending KMC Chapter 3.54 ensures that compliance.

Attachments: Ordinance O-4653
Senate Bill 6145

ORDINANCE O-4653

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE AMENDMENT OF KIRKLAND MUNICIPAL CODE CHAPTER 3.54 TO INCLUDE LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES AS QUALIFYING APPLICANTS FOR CIVIL SERVICE POSITIONS AS REQUIRED BY LAW.

WHEREAS, the Washington State legislature recently passed Senate Bill 6145, which extended the right to apply for Civil Service positions with the state from only United States citizens to also include lawful permanent residents of the United States; and

WHEREAS, RCW 35A.11.020 requires that code city civil service systems must substantially accomplish the same purpose as provided by state law; and

WHEREAS, amending KMC 3.54.050 and 3.54.130 to include lawful permanent residents of the United States as qualified applicants for Civil Service positions will enable the City's civil service system to substantially accomplish the same purpose as state law,

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 3.54.050 is amended to read as follows:

3.54.050 Qualifications of applicants.

An applicant for a position of any kind under civil service must be a citizen of the United States of America or a lawful permanent resident who can read and write the English language. An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable. Notwithstanding any provision of this chapter actually or seemingly to the contrary, all other qualifications for applicants for a position of any kind under civil service will be determined by the appointing authority or power.

Section 2. Kirkland Municipal Code Section 3.54.130 is amended to read as follows:

3.54.130 Definitions.

As used in this chapter, the following mentioned terms shall have the following described meanings:

(1) "Appointing authority or power" includes every person or group of persons who, acting singly or in conjunction, as the city manager, or the city manager's designee, is, or are, invested with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

(2) "Appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.
(3) "Commission" means the civil service commission created in this chapter, and "commissioner" means any one of the three commissioners of that commission.
(4) "Full paid fire department" or "full paid firefighter" means that the officers and firemen employed in such are paid regularly by the city and devote their whole time to firefighting and fire prevention activities and emergency medical services.
(5) "Full paid police department" or "full paid police officer" means that the officers and policemen employed in such are paid regularly by the city and devote their whole time to police duty.
(6) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 61101(a)(20), as of the effective date of this section.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2018.

Signed in authentication thereof this _____ day of _____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
Kathi Anderson, City Clerk

Approved as to Form:

_____
Kevin Raymond, City Attorney

Council Meeting: 08/06/2018
Agenda: Other Business
Item #: 8. h. (5).

CERTIFICATION OF ENROLLMENT

SENATE BILL 6145

Chapter 32, Laws of 2018

65th Legislature
2018 Regular Session

CIVIL SERVICE APPLICANTS--QUALIFICATIONS

EFFECTIVE DATE: June 7, 2018

Passed by the Senate February 7, 2018
Yeas 31 Nays 17

CYRUS HABIB

President of the Senate

Passed by the House February 27, 2018
Yeas 84 Nays 14

FRANK CHOPP

Speaker of the House of Representatives

Approved March 9, 2018 2:05 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6145** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 9, 2018

Secretary of State
State of Washington

SENATE BILL 6145

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By Senators Saldaña, Keiser, Dhingra, and Kuderer

Read first time 01/09/18. Referred to Committee on Law & Justice.

AN ACT Relating to civil service qualifications; amending RCW 41.08.070, 41.12.070, 41.14.100, 43.101.080, and 43.101.095; and adding a new section to chapter 41.04 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 41.08.070 and 1972 ex.s. c 37 s 2 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States of America or a lawful permanent resident who can read and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

Sec. 2. RCW 41.12.070 and 1972 ex.s. c 37 s 3 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United

States of America or a lawful permanent resident who can read and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

Sec. 3. RCW 41.14.100 and 1963 c 95 s 3 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States or a lawful permanent resident who can read and write the English language.

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

Sec. 4. RCW 43.101.080 and 2015 c 225 s 90 are each amended to read as follows:

The commission shall have all of the following powers:

(1) To meet at such times and places as it may deem proper;

(2) To adopt any rules and regulations as it may deem necessary;

(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;

(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;

(6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;

(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;

(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;

(9) To own, establish, and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, ((~~innovate [innovative]~~)) innovative, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

(19) To require county, city, or state law enforcement agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer or a reserve officer to administer a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph test or similar assessment to each applicant, the results of which shall be used by the employer to determine the applicant's suitability for employment as a fully commissioned peace officer or a reserve officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2). The employing county, city, or state law enforcement agency may require that each peace officer or reserve officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer or reserve officer does not readily have the means to pay for his or her portion of the testing fee;

(20) To promote positive relationships between law enforcement and the citizens of the state of Washington by allowing commissioners and staff to participate in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with chapter 42.52 RCW and chapter 292-110 WAC.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 5. RCW 43.101.095 and 2011 c 234 s 2 are each amended to read as follows:

(1) As a condition of continuing employment as peace officers, all Washington peace officers: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter.

(2)(a) As a condition of continuing employment for any applicant who has been offered a conditional offer of employment as a fully commissioned peace officer or a reserve officer after July 24, 2005, including any person whose certification has lapsed as a result of a break of more than twenty-four consecutive months in the officer's service as a fully commissioned peace officer or reserve officer, the applicant shall submit to a background investigation including a check of criminal history, <u>verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident,</u> a psychological examination, and a polygraph or similar assessment as administered by the county, city, or state law enforcement agency, the results of which shall be used to determine the applicant's suitability for employment as a fully commissioned peace officer or a reserve officer.

(i) The background investigation including a check of criminal history shall be administered by the county, city, or state law enforcement agency that made the conditional offer of employment in compliance with standards established in the rules of the commission.

(ii) The psychological examination shall be administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission.

(iii) The polygraph test shall be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American polygraph association and in compliance with standards established in rules of the commission.

(iv) Any other test or assessment to be administered as part of the background investigation shall be administered in compliance with standards established in rules of the commission.

(b) The employing county, city, or state law enforcement agency may require that each peace officer or reserve officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer or reserve officer does not readily have the means to pay for his or her portion of the testing fee.

(3) The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before January 1, 2002. Thereafter, the commission may revoke certification pursuant to this chapter.

(4) The commission shall allow a peace officer to retain status as a certified peace officer as long as the officer: (a) Timely meets the basic law enforcement training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(5) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under RCW 43.101.155, a peace officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

(6) The commission is authorized to receive criminal history record information that includes nonconviction data for any purpose associated with employment by the commission or peace officer certification under this chapter. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited.

(7) For a national criminal history records check, the commission shall require fingerprints be submitted and searched through the Washington state patrol identification and criminal history section.

The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.

NEW SECTION. **Sec. 6.** A new section is added to chapter 41.04 RCW to read as follows:

"Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20), as of the effective date of this section.

Passed by the Senate February 7, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

--- END ---

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: June Carlson, Transportation Strategic Advisor
Kathy Brown, Public Works Director
Joel Pfundt, Transportation Engineering Manager
Dorian Collins, Senior Planner
Lorrie McKay, Intergovernmental Relations Manager
Arthur Sullivan, A Regional Coalition for Housing (ARCH)

Date: July 25, 2018

Subject: KINGSGATE PARK AND RIDE TRANSIT-ORIENTED DEVELOPMENT FEASIBILITY STUDY UPDATE AND CITY'S POLICY OBJECTIVES

RECOMMENDATION:

The City Council should:

a. Receive a written update on the status of the Kingsgate Park and Ride transit oriented development (TOD) feasibility study.
b. Pass a resolution approving the City's policy objectives for TOD at the Kingsgate Park and Ride site.

BACKGROUND DISCUSSION:

The Kingsgate Park and Ride is located on 116th Ave NE, just west of I-405 and south of NE 132nd Street. Currently developed as a park and ride, the flat, 8.24 acre site has 502 surface parking stalls, and an off-street bus service drive that serves as a bus stop and bus layover. The property is owned by the Washington State Department of Transportation (WSDOT) and the surface lot is maintained and operated by King County Metro. The site is located in the PR 1.8 zone in which multifamily, office and limited commercial uses are allowed.

To further achieve its long-term vision of increasing density and affordable housing near transit, the City of Kirkland began working with WSDOT on exploring the notion of TOD at the Kingsgate Park and Ride in the fall of 2014. The City expressed its interest to Sound Transit in 2015 during the development of the regional transit system expansion plan (ST3).

Approved by voters in November of 2016, the ST3 package includes a Bus Rapid Transit (BRT) Project on I-405. To serve transit on the I-405 BRT at Totem Lake, the project includes a 600-stall parking structure on the site of the Kingsgate Park and Ride, increasing the parking capacity to a total of 902 parking spaces. The project also includes a BRT station at the Totem Lake inline freeway station, which is adjacent to the Kingsgate Park and Ride. In December 2016, WSDOT, Kirkland and Sound Transit staff initiated regular monthly meetings regarding TOD at the Kingsgate Park and Ride.

Through a proviso included the state's 2017 transportation budget (ESB 5096), the legislature directed WSDOT to investigate opportunities for a TOD pilot project at the Kingsgate Park and Ride. The proviso called on WSDOT to coordinate with the City and stakeholders to determine the feasibility and cost of TOD at the Kingsgate Park and Ride and report back to the legislature on the process and outcomes.

Following the legislature's action, an interagency staff workgroup was formalized to systematically explore TOD at the site of the Kingsgate Park and Ride. The staff workgroup includes the City of Kirkland, WSDOT, Sound Transit, King County Metro and A Regional Coalition for Housing (ARCH). The workgroup was more formally organized in March of this year **(see Attachment A)**.

Sound Transit stepped forward in September 2017 to fund the feasibility study as an early start item on its BRT Project on I-405, which is scheduled to be operational in 2024. After an RFP process, Sound Transit contracted with a consultant in mid-March of this year and the consulting team kicked-off the study in earnest in April. The feasibility study is anticipated to be completed by mid-September **(see Attachment B)**. The Kirkland City Council proactively appropriated $10,000 toward a feasibility study prior to the Sound Transit action. Because Sound Transit has fully funded the study, this contribution from the City was not expended. Unless directed otherwise by the Council, staff intends that this funding will be carried over into 2019 for the purposes of conducting public outreach related to transit oriented development at the Kingsgate Park and Ride.

Kingsgate Park and Ride TOD Feasibility Study Status

Sound Transit contracted with 3 Square Blocks in March to conduct the TOD Feasibility Study at Kingsgate Park & Ride to identify feasible development scenarios to accompany the construction of the 600 stall parking garage.

In April and early May, workgroup members were tasked with data collection on existing site conditions as well as on future conditions, such as anticipated impacts from the new southbound exit and northbound entry ramps to I-405 at NE 132nd. On May 14, City staff briefed Council's Planning and Economic Development (PED) committee on the feasibility study's process and progress. The PED committee also reviewed the City's draft policy objectives to validate alignment with Council's vision. The input offered by members of the PED committee members was incorporated into the draft policy objectives **(see Attachment C)**.

The feasibility study process recently included two three-hour charrettes, both of which were attended by nearly 40 interagency staff and development professionals. The first charrette was held June 6 at Sound Transit's offices in Seattle and it examined existing opportunities and challenges at the site, such as site access. Participants discussed what potential development mix could the site support, and what partnerships could support feasible TOD. The second charrette was held July 11 at the Kirkland Justice Center, where participants identified project challenges and potential solutions, as well as actions and decisions that need to be made by each jurisdiction. Such decisions are due in late August/early September for Sound Transit's consideration as this project advances through the agency as a component of the overall I-405 Project.

The considerations and scenarios presented at the charrettes have included options that are responsive to the City of Kirkland's draft policy objectives for the site. In order to formalize the City's policy objectives, they are incorporated in Resolution R-5325 for Council's consideration and approval. The resolution emphasizes that the most important objective for Kirkland is that affordable housing be included in TOD at the site.

The July 11 charrette included a discussion and assessment of various development scenarios. The charrette's goals were to:

1. Confirm site characteristics and fixed features
2. Consider partner agency operational and legal requirements
3. Evaluate siting options for structured parking
4. Explore TOD development potential
5. Assess relationships to surrounding area
6. Define "zones of responsibility" that are established and recorded in project documents

The scenarios explored at the second charrette ranged from a No Action option to numerous levels of development with various mixes and intensities of uses:

1. No Action (aka Garage only)
2. Two versions of *"Amenity Rich"*, one including a mix of residential and office and another being residential only.
3. Two versions of a *"Variety Mix"*, including office buildings with no residential and a version with office and a hotel.
4. A *"Maximum Development"* option indicating apartments only.

Input received at the second workshop ranged from expressions of the desirability of affordable housing to interest in process and next steps to advance the TOD, including:

- *Housing.* Is the City's desire for affordable housing a requirement for the property? Does student housing qualify?
- *Buffer/Connectivity*. Is the berm maintained to provide buffer and privacy for the neighborhood to the West or, is it opened to provide neighborhood pedestrian and non-motorized connectivity?
- *Tree removal*. WSDOT regulations define significant consequences regarding removal of trees and provides standards for tree replacement during site development.
- *Access.* A single identified access to the site seems inadequate for the level of development and parking use expected.
- *Emergency access.* Need to verify potential need for a fire lane along west property line.
- *Ownership.* Is the land sold or leased? This will have implications for housing stock.
- *Building height.* Discussions included a wide range of building height options.
- *Neighborhood outreach.* Neighborhood collaboration will impact design guidelines and zoning code amendments.

Kirkland Comprehensive Plan Policies

The City's Comprehensive Plan for the Totem Lake Business District and Urban Center supports transit-oriented development at the Kingsgate park and ride site. Relevant goals and policies include:

- *Policy TL-19.3: Seek opportunities to expand housing in the Totem Lake Business District.* Discussion provided in support of this policy cites the Kingsgate Park and Ride as an opportunity where additional housing could be provided.

- *Goal TL-35: Support transit-oriented development (TOD) at the Kingsgate Park and Ride.* Discussion in support of this goal notes that the site's location within the Totem Lake Urban Center, close to employment, shops and services, is ideal for transit-oriented development.
    - *Policy TL-35.1*: Encourage new transit-oriented development that:
        - Provides a mix of housing, offices, shops and services at the Park and Ride site.
        - Provides for affordable housing.
        - Establishes standards for high-quality site and building design.
        - Maximizes the effectiveness of transit-oriented development through supporting necessary densities, expanding opportunities for retail and other uses, reducing the need for parking, and mitigating traffic, visual, noise and other impacts.
        - Ensures that transit operations remain efficient and are enhanced as appropriate.

Next Steps

The information gathered from the charrettes will be used in a Site Massing and Capacity Analysis currently underway. Sound Transit anticipates completing the feasibility study by mid-September. At that point, the City will have more information regarding the types of amendments to regulations and guidelines that may be necessary to enable transit-oriented development at the Kingsgate site. Taken together, all of this work will inform neighborhood outreach and discussions.

As previously mentioned, the Kingsgate Park & Ride is located in the PR 1.8 zone in which multifamily, office and limited commercial uses are allowed, including the parking structure which would be considered an allowed "government facility" use. While the Comprehensive Plan supports TOD at the site, the zone limits mixed use development. Changes to zoning will be necessary to allow for a broader range of uses and taller buildings (current limit is 30').

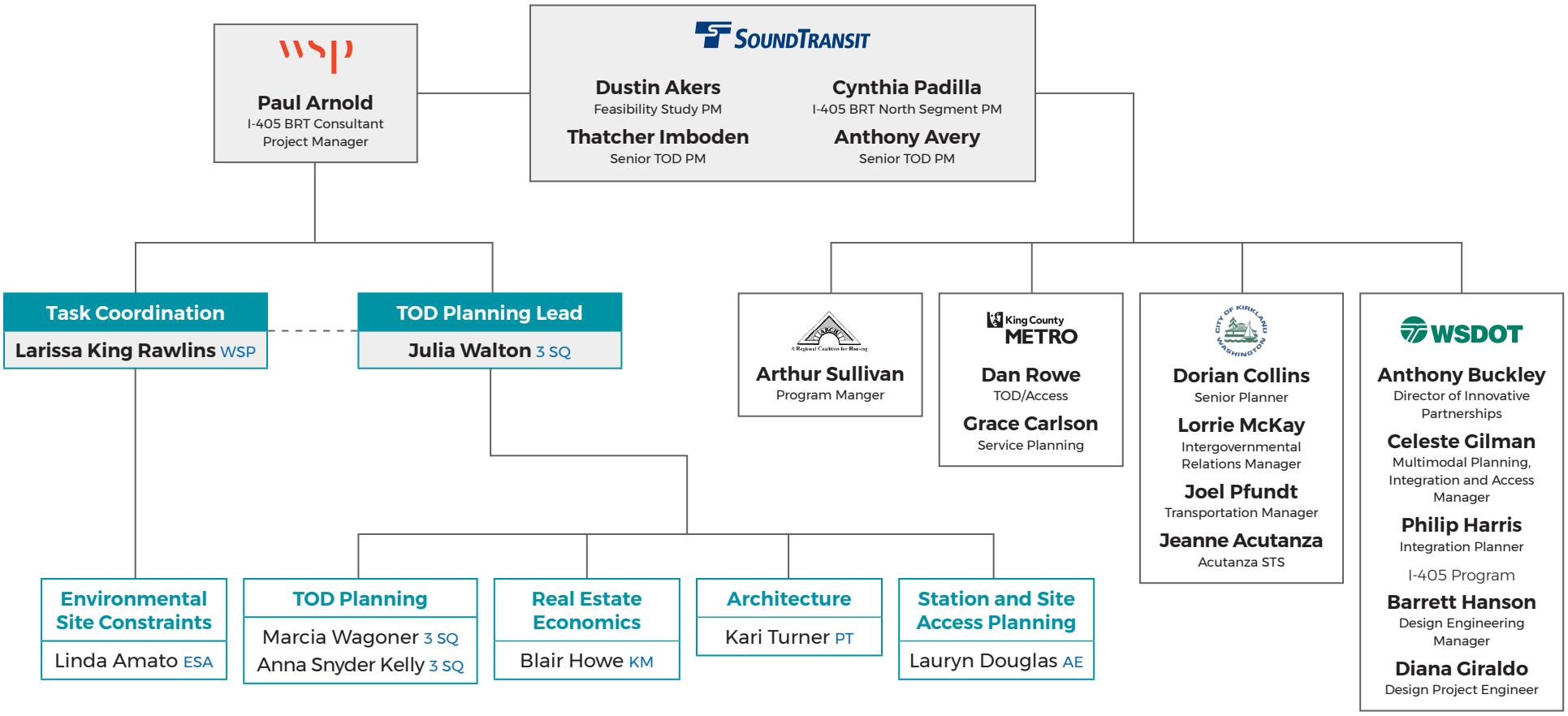
The task to update development regulations to enable transit-oriented development at the Kingsgate site is on the approved Planning Work Program scheduled to be completed in 2018. Since Sound Transit's feasibility study will not be completed until fall of 2018, Planning staff anticipate beginning this task in the first quarter of 2019.

Once the revised zoning regulations are adopted, development proposed for the site will require review by the Design Review Board, SEPA review, and building permit review.

Resolution R-5325

The process employed by the workgroup is building and strengthening staff partnerships with WSDOT, Sound Transit, King County Metro, and the City of Kirkland (including support to the City by ARCH staff) and it is productive in advancing the notion of TOD at the Kingsgate Park and Ride. However, a formal resolution will provide strong policy support that staff members can take back to their respective governing bodies such as the Sound Transit Board, the King County Council, and the State Legislature. The City's policy objectives that are incorporated in the attached Resolution R-5325 are also important in guiding City staff in this collaborative process and in ensuring that City priorities are addressed in the development of the site.

I-405 BRT Project – Kingsgate TOD Feasibility Study Organization Chart



WSP = WSP USA 3 SQ = 3 SQ Blocks AE = AECOM ESA = ESA KM = Kidder Matthews PT = PIVOT

DRAFT 04-23-2018

Attachment B

Preliminary Work Plan

MEETING	Sound Transit Review of Materials
Deliverables	Working Group Review

	April				May					June				July				August				September		
Week of: 3/26	4/2	4/9	4/16	4/23	4/30	5/7	5/14	5/21	5/28	6/4	6/11	6/18	6/25	7/2	7/9	7/16	7/23	7/30	8/6	8/13	8/20	8/27	9/3	9/10	9/17
Start up Tasks																									
Preliminary Work Plan																									
Review existing data & mapping																									
Data & mapping request																									
KINGSGATE TOD WORKING GROUP - Schedule, work plan & team roles (4/4)	4/4																								
Existing Conditions Analysis																									
Assemble project mapping & data																									
Request transit & parking functions & operational needs																									
Assemble program requirements & identify fixed features																									
Identify Federal, State& local property requirements & conditions																									
Incorporate stakeholder Input (?)																									
Analyze site potential TOD opportunities & challenges																									
Define Summary of Opportunities, Challenges & TOD Considerations																									
KINGSGATE TOD WORKING GROUP - Preliminary TOD opportunities & challenges					5/2																				
Assumed Future Conditions																									
Preliminary ST, KC, COK inputs, progams, operations																									
Preliminary Market Input Data																									
Initial highest & best use filter																									
Preliminary market input data assembled																									
Likely development program & metrics																									
Future use criteria																									
Preliminary Internal Summary Findings, Opportunities, Constraints																									
Site massing and capacity analysis																									
KINGSGATE TOD WORKSHOP #1 - AGENCY PRIORITIES, ASSUMPTIONS & SCENARIO DEFINITION										6/6															
Basic TOD program assumptions																									
Development intensities & program ranges																									
Parking program, transit & TOD Opportunities																									
Define development scenarios																									
Financial Analysis																									
KINGSGATE TOD WORKSHOP #2 - SCENARIO DESIGN & IMPLEMENTATION															7/11										
Project schedule considerations & key decision points																									
Scenario implication points & TOD/I405 BRT dependencies																									
Project delivery methods & phasing																									
Ownership, operations & maintenance approaches																									
KINGSGATE TOD WORKING GROUP - Findings & recommendations																			8/8						
Draft Kingsgate Park and Ride TOD Feasibility Study																									
Final Kingsgate Park and Ride TOD Feasibility Study																									

City of Kirkland

The Kingsgate Park-and-Ride site, located just east of I-405 at NE 130th Street and adjacent to the Totem Lake Urban Center, is owned by the State Department of Transportation (WSDOT). The site is currently developed as a park and ride with 500 parking stalls and is managed and operated by King County METRO.

Located within the Totem Lake Urban Center, close to employment, shops and services, this site is ideal for transit-oriented development. TOD here would maximize the potential for increasing the affordable housing stock and overall livability of the Totem Lake area.

The following are objectives important to the City of Kirkland in the development of a joint Transit Oriented Development and expanded park and ride on the current Kingsgate Park-and-Ride site.

- A range of housing affordability – Ensure that housing on the site includes a combination of affordable and market rate housing. A majority of the housing should be affordable housing with a significant share affordable at moderate and/or lower income levels including some units available that are accessible to those with disabilities.
- Employment Generation – Consider opportunities for uses that will contribute to the city's jobs and housing balance, bringing employment to the Totem Lake Urban Center, the city's economic engine and focus for jobs and activity.
- Mix of uses – Based on market feasibility, consider ground level retail to provide services and opportunities for businesses that support transit riders, residents and surrounding neighbors.
- Complete by 2024 – Proceed with the project in a timeframe that aligns with the opening of bus rapid transit (BRT) and associated stations on I-405 as part of a project funded by Sound Transit.
- Feasibility – Work with partners to develop a project that is financially feasible and meets the project minimum criteria for park-and-ride additional parking spaces defined in ST 3, transit operations consistent with Metro, WSDOT, ST and City Plans.
- Coordination – Coordinate among Kirkland, WSDOT and Sound Transit to develop an appropriate permit review and inspection process that is efficient and avoids conflict and redundancy to the extent practical and consistent with the goals of the project.
- Attractive, high quality development. – Develop an attractive site and building complex that is compatible with the surrounding area. Development should be consistent with design guidelines and development standards, with appropriate building scale and massing for the site and adjacent residential uses. As appropriate and feasible, preserve some open space for neighborhood uses, preserve existing landscaped buffers and apply green building techniques in development. Adopt CPTED principles (Crime Prevention through Environmental Design to provide a safe and secure facility.
- Impact mitigation – Minimize and mitigate traffic, visual, noise and other impacts of the development to surrounding streets and residential areas. Coordinate with other projects and development such as the I-405 ramps at NE 132nd Street and Totem Lake development. Vehicular access points should be minimized to avoid congestion and safety problems. Encourage access to and through the site using alternative modes such as pedestrian and bike access. Develop the site to enhance these access options including bike parking and sidewalk access.

- Construction Impacts – Minimize construction impacts at the site to transit operations and park-and-ride users and the surrounding area. Coordinate construction with local projects including the I-405 BRT and 132nd ramps. Coordinate construction impacts and utilize City outreach resources.
- Public Engagement – Engage with the surrounding community and interested parties in the development of standards for transit-oriented development at the site. City staff will coordinate with agency partners when engaging with the public.
- Expand park-and-ride capacity to meet the goals of the City and agency partners – Add park-and-ride spaces to meet long-range needs related to the planned I-405 BRT, Metro Connects plans and future development. Improve the transit facility with enhancements that address emerging technologies for vehicle charging. Consider future flexibility of the parking structure with emerging technologies such as autonomous vehicles. Preserve the park-and-ride as a long-term use for transit service and transit riders.

RESOLUTION R-5325

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING OBJECTIVES FOR THE DEVELOPMENT OF TRANSIT-ORIENTED DEVELOPMENT AFFORDABLE HOUSING AND EXPANDED PARK AND RIDE FACILITIES AT THE KINGSGATE PARK AND RIDE SITE.

WHEREAS, the Washington Department of Transportation (WSDOT) owns the property on which the Kingsgate Park and Ride is situated; and

WHEREAS, King County Metro maintains and operates the existing 502 parking stalls at the Kingsgate Park and Ride to serve transit riders; and

WHEREAS, the voter approved regional transit system expansion plan (ST3) will provide Bus Rapid Transit (BRT) along I-405, a BRT station at the Totem Lake inline freeway station adjacent to the Kingsgate Park and Ride, and will add a 600 parking stall garage at the Kingsgate park and ride site, expanding the existing parking capacity by 400 net new parking stalls for a total of 902 stalls to serve the BRT on I-405 by 2024; and

WHEREAS, the City Council supports WSDOT, King County Metro and Sound Transit in agency efforts to make transit successful throughout the region and in Kirkland; and

WHEREAS, in 2015 the City Council adopted Ordinance O-4495 amending the Totem Lake Business District Plan to provide revised goals and policies for the Totem Lake Business District and Urban Center; and

WHEREAS, the goals and policies for the Totem Lake Business District and Urban Center support transit-oriented development (TOD) at the Kingsgate Park and Ride site and provide specific objectives for this development; and

WHEREAS, the City Council has consistently expressed its support for TOD at the Kingsgate Park and Ride site to WSDOT and Sound Transit since 2015; and

WHEREAS, in the 2017 State transportation budget (ESB 5096), the legislature directed the Washington State Department of Transportation (WSDOT) to work with agency partners to investigate opportunities for a TOD Pilot Project at its Kingsgate Park and Ride; and

WHEREAS, in April 2018 the Sound Transit board adopted its Equitable TOD policy to reflect ST3 and RCW 81.112.350 direction to implement a regional equitable TOD strategy during planning, design, construction and operation of the high-capacity transit system; and

WHEREAS, the City Council approved Resolution R-5313 in 2018, which adopted the Housing Strategy Plan and 2018-2020 Housing Strategy Work Program, supporting increased housing choices including housing related to TOD at the Kingsgate Park and Ride; and

WHEREAS, the City Council has determined that it is important to further identify the objectives for development of TOD at the Kingsgate Park and Ride site, with the most important TOD objective being the development of affordable housing on the site; and

WHEREAS, each of the provisions of this Resolution set forth below express the City Council's policy objectives related to the development of TOD at the Kingsgate Park and ride site.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. A range of housing affordability – Ensure that housing on the site includes a combination of affordable and market rate housing. A majority of the housing should be affordable housing with a significant share affordable at moderate and/or lower income levels and including some units that are accessible to those with disabilities.

Section 2. Employment generation – Consider opportunities for uses that will contribute to Kirkland's jobs and housing balance, bringing employment to the Totem Lake Urban Center, a Kirkland economic engine and focus for jobs and activity.

Section 3. Mix of uses – Based on market feasibility, consider ground level retail to provide services and opportunities for businesses that support transit riders, residents and surrounding neighbors.

Section 4. Complete by 2024 – Proceed with the TOD project in a timeframe that aligns with the opening of BRT and associated stations on I-405 as part of a project funded by Sound Transit.

Section 5. Feasibility – Work with partners to develop a project that is financially feasible and meets the project minimum criteria for additional park-and-ride parking spaces as defined in ST 3, transit operations and consistent with Metro, WSDOT, Sound Transit and City Plans.

Section 6. Coordination – Coordinate among the City, WSDOT and Sound Transit to develop appropriate permit review and inspection processes that are efficient and avoid conflict and redundancy to the extent practical and consistent with the goals of the TOD project.

Section 7. Attractive, high quality development – Develop an attractive site and building complex that is compatible with the surrounding areas. Development should be consistent with applicable City guidelines and standards, with appropriate building scale and massing for the site and adjacent residential uses. As appropriate and feasible, preserve some open space for neighborhood uses and existing landscaped buffers, and apply "green" building techniques in development. Adopt Crime Prevention Through Environmental Design (CPTED) principles to help provide safe and secure facilities.

Section 8. Impact mitigation – Exercise best efforts to minimize and mitigate traffic, visual, noise and other impacts of the TOD development to surrounding streets and residential areas. Coordinate with other projects and development such as the I-405 ramps at NE 132nd Street and other Totem Lake development projects. Vehicular access points should be minimized to avoid congestion and safety problems. Encourage access to and through the site using alternative modes such as pedestrian and bike access. Develop the site to enhance these access options including bike parking and sidewalk access.

Section 9. Construction impacts – Exercise best efforts to minimize construction impacts at the site to transit operations and park-and-ride users and the surrounding areas. Coordinate construction with local projects including the I-405 BRT and 132nd ramps. Coordinate construction impacts and utilize City outreach resources.

Section 10. Public engagement – Engage with the surrounding community and interested parties in the development of standards for TOD. Coordinate City staff with agency partners when engaging with the public.

Section 11. Expand park-and-ride capacity to meet the goals of the City and agency partners – Add park-and-ride parking spaces to meet long-range needs related to the planned I-405 BRT, Metro Connects plans and future development. Improve transit facilities at the site with enhancements that address emerging technologies for vehicle charging. Consider future flexibility of the parking structure with emerging technologies such as autonomous vehicles. Preserve the park-and-ride as a long-term use for transit service and transit riders.

Section 12. Communication with agencies – City staff shall distribute copies of the policy objectives stated in this Resolution to all regional partners.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2018.

Signed in authentication thereof this ____ day of _____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
Kathi Anderson, City Clerk

CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033 425.587.3600
www.kirklandwa.gov

MEMORANDUM
ADVISORY REPORT
FINDINGS, CONCLUSION, AND RECOMMENDATIONS

To: Kurt Triplett, City Manager

From: David Barnes, Senior Planner
Eric R. Shields, AICP, Planning and Building Director

Date: July 30, 2018

File: The Bridges LLC (formerly Scrivanich) Final Subdivision, File No. SUB15-02157

I. RECOMMENDATION

Approve the application subject to the following conditions:

A. The application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Building and Fire Code, and Subdivision Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this memo to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.

B. Prior to recording of the final plat mylar, the applicant shall:

1. Install or bond for the completion of required right-of-way improvements. A plat bond or other approved security performance undertaken in an amount determined by the director of Public Works in accordance with the requirements in the Kirkland Subdivision Ordinance shall be deposited with the City of Kirkland and be conditioned on the completion and acceptance by the City of all conditions of approval including public improvements within one year from the date of plat approval.

2. Submit a title report no more than 30 days old from the date the final plat mylar was signed by the owners.

3. Provide the correct dedication language on the final plat mylar.

4. Provide the seal of the registered land surveyor responsible for preparation of the plan on the final plat mylar.

5. Sign and submit to the Planning and Building Department an agreement to continually maintain the landscaping within the right-of-way.

6. Sign and submit to the Public Works Department a concomitant agreement to underground all existing overhead utility lines bordering the subdivision within the right-of-way.

II. BACKGROUND

A. The applicant is Larry Scrivanich, Little Lion LLC.

B. This is a final subdivision application to approve a 27-lot subdivision on a 4.91-acre site (see Attachment 2).

C. The site is located at approximately 11431 NE 116th St (see Attachment 1).

III. HISTORY

On November 14, 2016, the Kirkland Hearing Examiner approved the preliminary plat of the Scrivanich Subdivision, which has been renamed "The Bridges." A Mitigated Determination of Non-significance pursuant to the State Environmental Policy Act (SEPA) was issued on September 13 2016.

IV. ANALYSIS

A. Section 22.16.080 of the Kirkland Municipal Code identifies the conditions under which the final plat may be approved by the City Council. These conditions are as follows:

1. Consistency with the preliminary plat, except for minor modifications; and

2. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.

The applicant has complied with all of the conditions that were placed on the preliminary subdivision application (File No. SUB15-02157) by the Hearing Examiner, except for those that must be accomplished prior to recording as listed in I.B. above.

B. The applicant has proposed modifications from the preliminary plat approval. Pursuant to KMC 22.16.090, the City Council may approve these modifications if the change:

1. Does not increase the number of lots;

2. Does not decrease any lot size by more than ten percent;

3. Does not substantially alter the location or nature of any improvements or any other element of the subdivision; and

4. Does not significantly alter the subdivision.

The applicant has reduced the lot sizes for Lots 1, 4, 5, 8, 17 and 18 by less than 10 percent, and did not increase the total number of lots, alter the location or nature of any improvements or other project elements, or otherwise significantly alter the subdivision. The final plat therefore complies with the modification approval criteria described in IV.B.

V. CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL

A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City

Council by delivering it to the City Clerk not later than the close of business of the evening City Council first considers the final plat.

B. Section 22.16.110 of the Kirkland Municipal Code allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

C. Section 22.16.130 of the Kirkland Municipal Code states that unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six (6) months of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the six (6) months is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

VI. APPENDICES

Attachments 1 through 3 are attached.

1. Vicinity Map
2. Final Plat Map
3. Development Standards

Review by Planning Director:

I concur ☒ I do not concur ☐

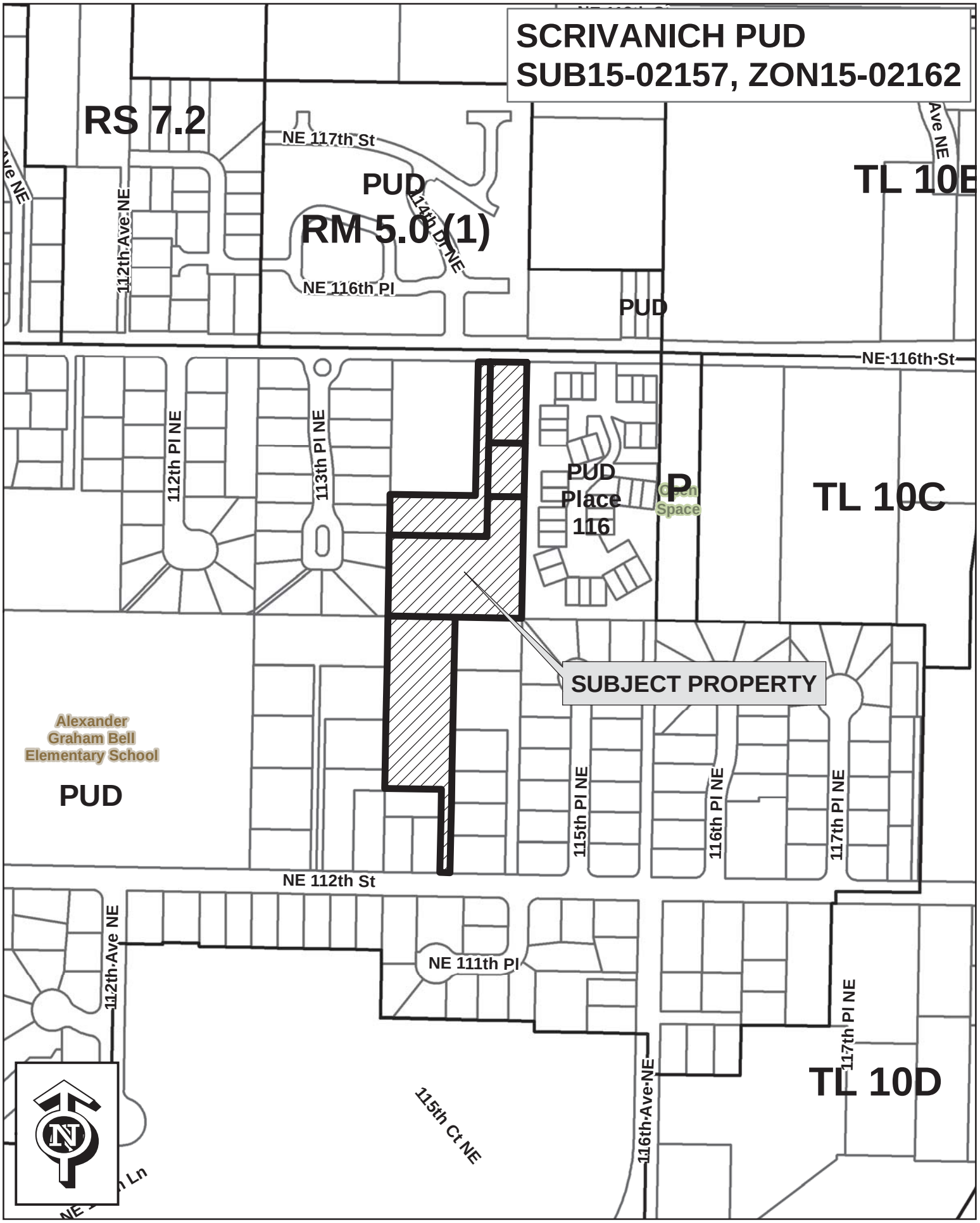
Comments: _____

July 26, 2018
Eric R. Shields, AICP Date

cc: Applicant
File: SUB15-02157

The Bridges (Formerly Scrivanich Subdivision

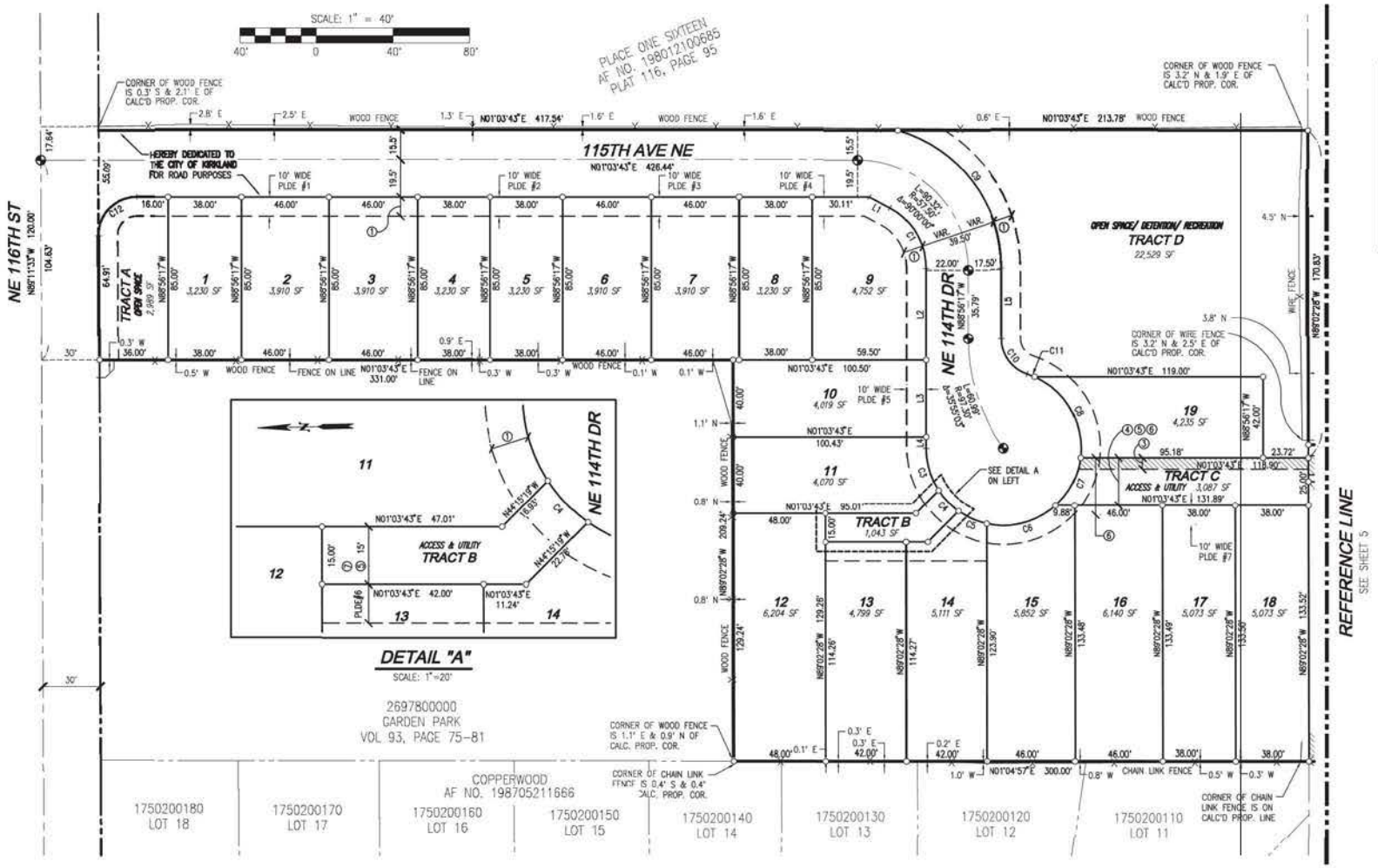
Attachment 1



THE BRIDGES AT KIRKLAND

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

RECORDING NO.	VOL/PAGE



LINE TABLE		
LINE	LENGTH	BEARING
L1	12.09	S29°14'13"W
L2	48.00	N88°56'17"W
L3	40.00	S88°56'17"E
L4	5.87	S88°56'17"E
L5	36.79	N88°56'17"W
L6	15.00	N01°05'33"E
L7	20.50	N01°05'33"E
L8	10.00	N88°54'27"W
L9	25.50	N01°05'33"E
L10	5.50	N01°05'33"E
L11	10.00	N88°54'27"W
L12	6.99	N01°03'43"E
L13	13.24	N53°44'17"E

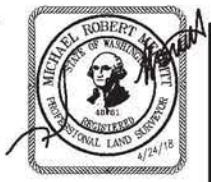
CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	38.31	35.50	61°49'31"
C2	NOT USED	NOT USED	NOT USED
C3	23.37	40.50	33°03'2"E
C4	15.09	40.50	21°21'09"
C5	16.24	40.50	22°58'32"
C6	38.81	40.50	54°54'2.5"
C7	28.75	40.50	40°40'32"
C8	51.73	40.50	73°10'4"
C9	96.53	75.00	73°44'2"E
C10	24.52	18.50	72°22'28"
C11	4.17	40.50	5°53'45"
C12	31.80	20.00	91°04'11"
C13	11.03	14.50	43°36'10"
C14	11.03	14.50	43°36'10"

LEGEND

- FOUND MONUMENT AS NOTED
- SET CONCRETE MONUMENT WITH BRASS DISK IN CASE FOR THIS PLAT
- SET 5/8"x24" REBAR WITH ORANGE PLASTIC CAP STAMPED "LDC- LDCCORP.COM – PLS 48761 – PROPERTY CORNER"
- FOUND REBAR AND CAP AS NOTED

EASEMENTS

1. 10' WIDE PUBLIC UTILITY EASEMENTS (SEE EASEMENT NOTES ON SHEET 2 OF 6)
2. PUBLIC STORM DRAINAGE EASEMENT (SEE EASEMENT NOTES #1 ON SHEET 2 OF 6)
3. PEDESTRIAN EASEMENT (SEE EASEMENT NOTES #7 ON SHEET 2 OF 6)
4. 25' WIDE PUBLIC SANITARY SEWER EASEMENTS (SEE EASEMENT NOTES #4 ON SHEET 2 OF 6)
5. PRIVATE ACCESS AND UTILITY EASEMENT (SEE EASEMENT NOTES ON SHEET 2 OF 6)
6. 30' WIDE PUBLIC WATER EASEMENT (SEE EASEMENT NOTES #4 ON SHEET 2 OF 6)
7. PRIVATE SEWER EASEMENT (SEE EASEMENT NOTES #6 ON SHEET 2 OF 6)



LDC
THE CIVIL ENGINEERING GROUP
Engineering
Structural
Planning
Survey
20210 142nd Ave NE
Woodinville, WA 98072
Ph. 425.806.1869
Fx. 425.482.2893
www.LDCcorp.com

SHEET: 4 OF 7

THE BRIDGES AT KIRKLAND

CITY OF KIRKLAND FILE NUMBER: LSM17-02522

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

DRAWN BY:	DATE:	DRAWING FILE NAME:	SCALE:	JOB NUMBER:
TM	10-17-17	14-121SV-FP	1"=40'	14-121

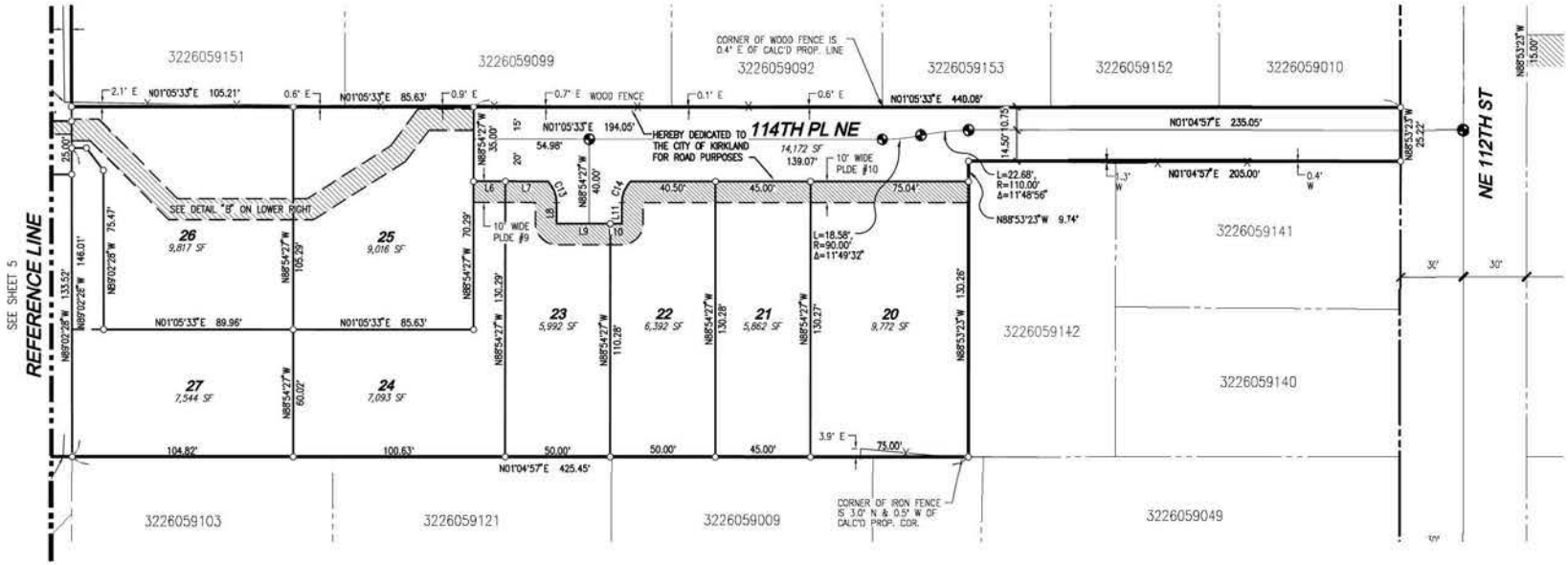
VOL/PG

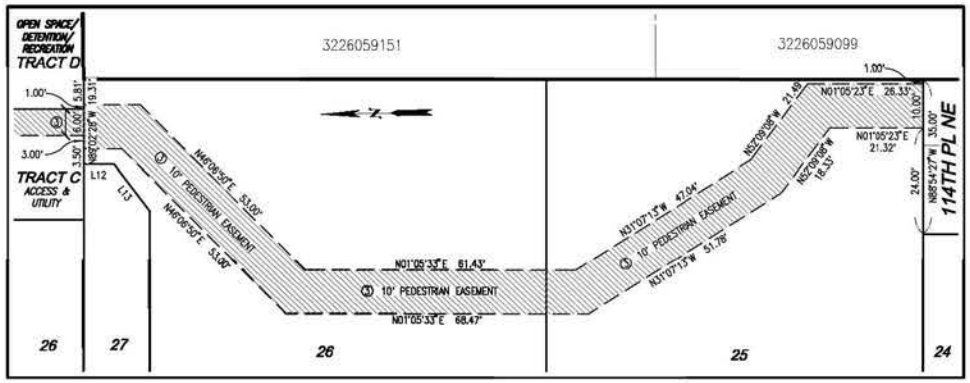
THE BRIDGES AT KIRKLAND

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

RECORDING NO.	VOL/PAGE

SCALE: 1" = 40'





DETAIL "B"

SCALE: 1"=20'

LINE TABLE		
LINE	LENGTH	BEARING
L1	12.09	S29°14'13"W
L2	46.00	N88°56'17"W
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3. PEDESTRIAN EASEMENT (SEE EASEMENT NOTES #7 ON SHEET 2 OF 6)
4. PUBLIC SANITARY SEWER EASEMENTS (SEE EASEMENT NOTES #11 ON SHEET 2 OF 6)

MICHAEL ROBERT MCGINNITY — STATE OF WASHINGTON — 48761 — REGISTERED PROFESSIONAL LAND SURVEYOR — 4/24/18

LDC
THE CIVIL ENGINEERING GROUP
Engineering
Structural
Planning
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20210 142nd Ave NE
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Ph. 425.806.1689
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SHEET: 5 OF 7

THE BRIDGES AT KIRKLAND

CITY OF KIRKLAND FILE NUMBER: ~~LSM17-02522~~

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

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VOL/PG

CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600 ~ www.kirklandwa.gov

DEVELOPMENT STANDARDS LIST
File: SUB15-02157

SUBDIVISION STANDARDS

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

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

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

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

22.28.210 Significant Trees. A Tree Retention Plan was submitted with the short plat in which the location of all proposed improvements were known. There are 316 significant trees on the site, of which 96 are viable and 67 trees are proposed for retention. These trees have been assessed by the City's Urban Forester. They are identified by number in the following chart.

Lot Size: 150,176 s.f.

Tree Density Required (round up to nearest whole number): 104

Right-of-way or parks trees impacted: Yes ☒ No ☐

Trees on adjoining property impacted: Yes ☒ No ☐

Existing grove of high retention value trees: Yes ☒ No ☐ If Yes, indicate on site plan and identify proposed impacts to grove: *one grove outside of wetland buffer and boundary is to be retained, see figure 1*

Site Plan Alterations Required: Yes ☐ No ☒ (*KZC 95.30)*

Development Standards Varied: Yes ☐ No ☒ (*KZC 95.32)*

There are 316 significant trees on the site, 96 are viable and 67 trees are proposed for retention.

Significant Trees:	**High Retention Value**	**Moderate Retention Value**	**Low Retention Value** **(V)** – viable **(NV)** – not viable
1	X		

2		X	
7	X		
8	X		
9			Not viable - snag
10	X		
11	X		
12			Not viable - snag
13	X		
14	X		
15	X		
16	X		
17	X		
18	X		
19	X		
20	X		
21	X		
22	X		
23	X		
101			Not viable
102			Not viable
103			Not viable
104			Not viable
105			Not viable - UDI
106			Not viable - UDI
107			Not viable - UDI
108			Not viable - UDI
109			Not viable - UDI
110		X	
111		X	
112		X	
113	X		
114	X		
115	X		
116	X		
117		X	
118			Not viable - UDI
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153			Not viable - UDI
154			Not viable
155			Not viable - UDI
156			Not viable - UDI
157			Not viable
158			Not viable
159		X	
160		X	
161			Not viable
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166			Not viable - UDI
167			Not viable - UDI
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169			Not viable - UDI
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183		X	
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188		X	
189		X	
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192			Not viable
206			Not viable - UDI
208		X	
213		X	
214			Not viable - UDI
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229		X	
235			Not viable
236		X	
237		X	
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264			Not viable - UDI
265		X	
266			Not viable - UDI
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288		X	
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336			Not viable - UDI

337			Not viable - UDI
338		X	
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392			Not viable - UDI

393			Not viable
394			Not viable - UDI
395			Not viable - UDI
396			Not viable - UDI
397			Not viable - UDI
398			Not viable - snag
399			Not viable
400	X		
414			Not viable - UDI
417	X		
418	X		
420		X	
422	X		
423	X		
425		X	
426	X		
427	X		
428			Not viable - UDI
429			Not viable - UDI
430			Not viable - UDI
431			Not viable - UDI
432			Not viable - UDI
433			Not viable - UDI
435			Not viable
436	X		
437	X		
438	X		
439			Not viable - UDI
440		X	
441			Not viable - UDI
443	X		
444	X		
445	X		
446	X		
447	X		
448			Not viable
449	X		
450	X		
451	X		
452			Not viable – snag
453			Not viable - snag
455			Not viable - UDI
456		X	

457	X		
458			Not viable - UDI
459			Not viable - UDI
460			Not viable - UDI
461			Not viable - UDI
462			Not viable - UDI
463			Not viable - UDI
464			Not viable - UDI
465			Not viable - UDI
466			Not viable - UDI
467		X	
468			Not viable
469			Not viable - UDI
470			Not viable - UDI
471			Not viable - UDI
472			Not viable - UDI
473			Not viable - UDI
474			Not viable - UDI
475			Not viable - UDI
476		X	
477		X	
478		X	
479		X	
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484			Not viable - UDI
485			Not viable
486			Not viable - UDI
487			Not viable - UDI
488			Not viable
489	X		
490	X		
491			Not viable - snag
492	X		
493			Not viable - snag
494	X		
495	X		
496	X		
497	X		
498	X		
500	X		

503		X	
509			Not viable - UDI
510			Not viable - UDI
700		X	
701		X	
702		X	
703		X	
1001		X	
1002		X	
1003	X		
1004	X		
1005	X		
1006	X		
1007	X		

The arborist report is accurate. The plans have been updated to retain 7 additional trees beyond the initial proposal. They are trees #110, 111, 112, 188, 189, 347 and 457. The comments responded to were:

- Trees #110, 111 and 112 – trees should be retained, adjust grading slightly to ease impacts on these trees, they are young and vigorous enough to likely survive
- Tree #188 and 189 – trees should be retained; storm drain line is ~4.5' deep and proposal includes 1' of fill over pipe which should not detrimentally impact trees
- Tree #347 – tree should be fine to leave in place with proposed grading
- Tree #457 – lot 18 retaining wall should be moved 15 feet east to provide for limits of disturbance for this tree

I looked into saving tree #152 but at 44" DBH it is too large of a tree to be accommodated in this space.

I recommend approving the Scrivanich IDP proposal from an urban forestry perspective. The proposal meets the intent of the tree code. The number of tree retention is greatly increased compared with other subdivision efforts by the presence of wetlands. The wetland and wetland buffer would benefit from noxious weed removal and enhancement planting pursuant to KZC 95.51 (5 & 6). I suggest conditioning the permit with the requirement to submit and execute a noxious weed removal and enhancement planting plan of the wetlands and wetland buffers to meet the intent of KZC 95.51 (5 & 6). Tree protection should be erected and maintained per the arborist report

recommendations and the tree code requirements through completion and final approval of the project.

Adjacent Property Trees:
ROW trees: no concerns at this time

Neighbor's trees: The proposed wall along the eastern property line will detrimentally impact neighbor's trees #331 and 358 with a likelihood of destabilization or significant reduction in windfirmness of these two neighbor's trees. The applicant should address how they are going to ensure the protection and preservation of these trees with their proposed development, specifically this wall.

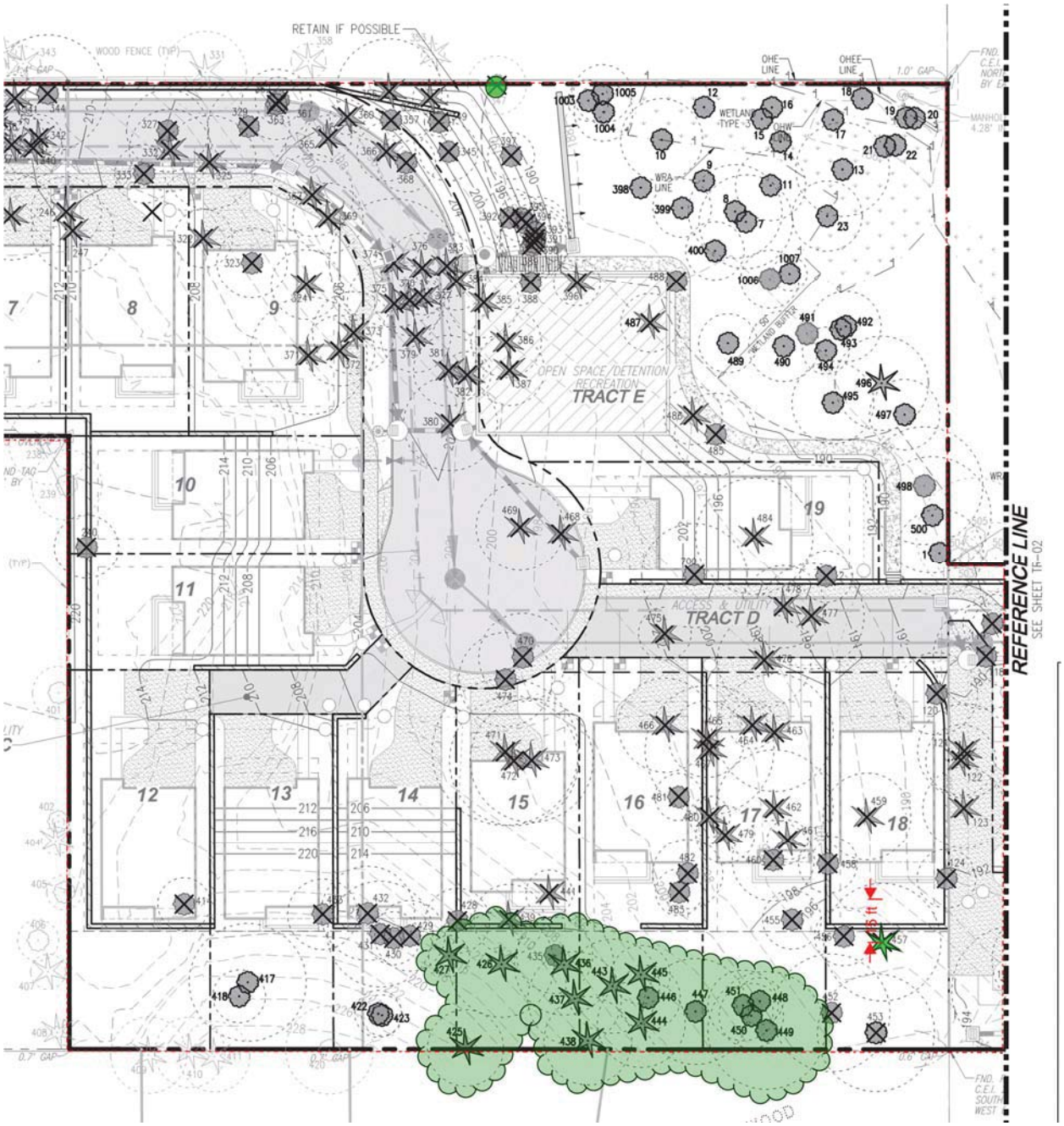

Figure 1: grove to be retained is clouded in green and trees #347 and 457 which should be retained are highlighted individually in green

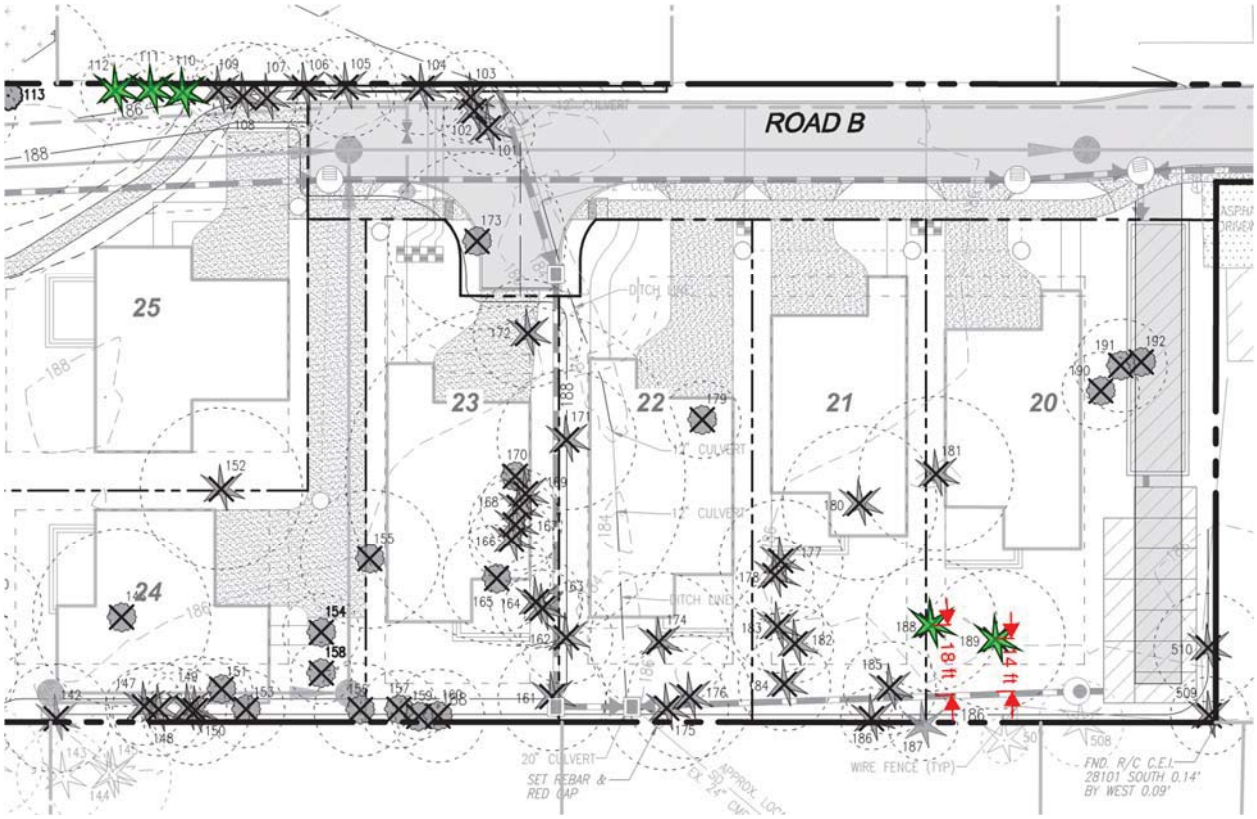

Figure 2: trees 110, 111 and 112 to be retained shown along the upper left of this figure and trees #188 and 189 to be retained shown along the lower right of this figure

Image 1: panorama of site from southeast corner

Figure 3: the proposed wall (approximately shown here) along the eastern property line will detrimentally impact neighbor's trees #331 and 358 with a likelihood of destabilization or significant reduction in windfirmness of these two neighbor's trees.

No trees are to be removed with an approved short plat or subdivision permit. Based on the approved Tree Retention Plan, the applicant shall retain and protect all viable trees throughout the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements *and* construction of the residence and associated site improvements. Modifications to the Tree Retention Plan must be approved per KZC 95.30(6)(b).

22.32.010 Utility System Improvements. All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

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

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

22.32.060 Utility Easements. Except in unusual circumstances, easements for utilities should

be at least ten feet in width.

Prior to Recording:

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

22.16.040 Final Plat - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the subdivision documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.

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

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

22.26.470 Plat Alteration - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the plat alteration documents.

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

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

22.26.690 Plat Vacation - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the plat vacation documents..

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

22.28.050 Lot Dimensions. The owner of the property shall sign a covenant to ensure that the garage will be located at the rear of any lot which is smaller than 5,000 square feet in a low density zone, has a lot width at the back of the required front yard less than 50 feet, and is not a flag lot.

22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

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

22.32.080 Performance Bonds. In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one year to ensure completion of these requirements within one year of plat/short plat approval.

Prior to occupancy:

22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to

serve each lot created.

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

ZONING CODE STANDARDS

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

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.55 Monitoring and Maintenance of Wetland Buffer Modifications: Modification of a wetland buffer will require that the applicant submit a 5-year monitoring and maintenance plan consistent with the criteria found in 95.55 and which is prepared by a qualified professional and reviewed by the City's wetland consultant. The cost of the plan and the City's review shall be borne by the applicant.

90.80 Streams. No land surface modification may take place and no improvements may be located in a stream except as specifically provided in this Section.

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

90.95 Stream Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the entire stream buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.100.3 Monitoring and Maintenance of Stream Buffer Modifications: Modification of a stream buffer will require that the applicant submit a 5-year monitoring and maintenance plan consistent with KZC section 95.55. This plan shall be prepared by a qualified professional and reviewed by the City's wetland consultant. The cost of the plan and the City's review shall be borne by the applicant.

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

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

95.51.2.a Required Landscaping. All required landscaping shall be maintained throughout

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

95.44 Parking Area Landscape Islands. Landscape islands must be included in parking areas as provided in this section.

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

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

95.52 Prohibited Vegetation. Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

100.25 Sign Permits. Separate sign permit(s) are required. In JBD and CBD cabinet signs are prohibited.

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

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

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

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

105.18 Overhead Weather Protection. All uses, except single family dwellings, multifamily, and industrial uses, must provide overhead weather protection along any portion of the building, which is adjacent to a pedestrian walkway.

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

105.18.2 Overhead Weather Protection Standards. Overhead weather protection must be provided along any portion of the building adjacent to a pedestrian walkway or sidewalk; over the primary exterior entrance to all buildings. May be composed of awnings, marquees, canopies or building overhangs; must cover at least 5' of the width of the adjacent walkway; and must be at least 8 feet above the ground immediately below it. In design districts, translucent awnings may not be backlit; see section for the percent of property frontage or building facade.

105.19 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All

new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.

105.20 Required Parking. Two parking spaces per dwelling unit are required for this use.

105.47 Required Parking Pad. Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage.

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

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

115.07.9 Accessory Dwelling Units Market and Norkirk Neighborhoods. Accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the Small Lot Single-family and Historic Preservation subdivision regulations.

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

115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

A detached dwelling unit may not have a fence over 3.5 feet in height within 3 feet of the property line abutting a principal or minor arterial except where the abutting arterial contains an improved landscape strip between the street and sidewalk. The area between the fence and property line shall be planted with vegetation and maintained by the property owner.

115.42 Floor Area Ratio (F.A.R.) Limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other exceptions to these requirements.

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

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water

quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.85 Rose Hill Business District Lighting Standards: See this section for specific requirements that apply to all exterior lighting on buildings, all open air parking areas and equipment storage yards within this business district. The intent of this section is to discourage excessive lighting and to protect low density residential zones from adverse impacts that can be associated with light trespass from nonresidential and medium to high density residential development.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

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

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

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

115.115.3.n Covered Entry Porches. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

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

115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

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

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

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

section.

150.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

Prior to recording:

90 Natural Greenbelt Protective Easement. The applicant shall submit for recording a natural greenbelt protective easement, in a form acceptable to the City Attorney, for recording with King County (see Attachment 17).

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

110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

Prior to issuance of a grading or building permit:

85.45 Liability. The applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property.

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.150 Natural Greenbelt Protective Easement. The applicant shall submit for recording a natural greenbelt protective easement, in a form acceptable to the City Attorney, for recording with King County (see Attachment 17).

90.155 Liability. The applicant shall enter into an agreement with the City which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the stream, minor lake, or wetland (see Attachment 18).

95.30(4) Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

95.34 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 6 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by

hand.

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

Prior to occupancy:

90.145 Bonds. The City may require a bond and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of the Drainage Basins chapter or any decision or determination made under this chapter. A Performance and Monitoring and Maintenance Security is required for the Wetland Buffer Modification Plan.

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

95.51.2.b Tree Maintenance. For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning and Building Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

95.51.3 Maintenance of Preserved Grove. The applicant shall provide a legal instrument acceptable to the City ensuring the preservation in perpetuity of approved groves of trees to be retained.

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

110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter.

DEVELOPMENT STANDARDS
SUB15-02157

BUILDING DEPARTMENT

*BLDG. DEPT. CONDITIONS Contact Tanya Elder at 425-587-3614 with any questions.
1. Any existing buildings to remain and all future buildings need to have appropriately constructed fire-rated walls and opening protection at the property lines. Exterior walls and projections shall comply with IRC R302.1 & Table R302.1(1). Property lines cannot go "through" existing buildings.
2. A demolition permit is required prior to removing any existing structure. You can apply for a demolition permit online at http://www.MyBuildingPermit.com.
3. A building permit is required for construction of each new structure. You can apply for a new construction permit online at http://www.MyBuildingPermit.com.
4. Prior to issuance of a Building, Demolition or Land-Surface Modification permit, applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.040
5. No excavation or fill is authorized to encroach upon a neighboring property without explicit agreement by the adjoining property owner.

FIRE DEPARTMENT

FIRE DEPARTMENT COMMENTS

Contact: Grace Steuart at 425-587-3660; or gsteuart@kirklandwa.gov

HYDRANTS

Additional hydrants will be required as shown (see red-lines for locations). All new hydrants shall be equipped with 5" Storz fittings (the hydrant on NE 116th already has a Storz fitting).

SPRINKLER THRESHOLD

Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. Included are single family homes, duplexes, and zero lot line townhouses where the aggregate area of all connected townhouses is greater than 5,000 square feet; garages, porches, covered decks, etc, are included in the gross square footage. (This comment is included in the subdivision conditions for informational purposes only.)

ACCESS

Access as shown is adequate for all lots on this subdivision.

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS CONDITIONS
Permit #: SUB15-02157
Project Name: Scrivanich PUD
Project Address: 11421 NE 116th St.
Date: September 21, 2016

PUBLIC WORKS CONDITIONS

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@kirklandwa.gov

Building and Land Surface Modification (Grading) Permit Process:
Tuan Phan, Development Engineer
Phone: 425-587-3843 Fax: 425-587-3807
E-mail: tphan@kirklandwa.gov

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.

2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The applicant should anticipate the following fees:
o Water, Sewer, and Surface Water Connection Fees (paid with the issuance of a Building Permit)
o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
o Septic Tank Abandonment Inspection Fee
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 Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the project. The credit amount for each demolished building will be equal to the most currently adopted Fee schedule.

3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit, including the required LSM Checklist.

4. Submittal of Building Permits within a subdivision prior to recording:

• Submittal and Issuance of a Building Permit with an existing legal building site prior to subdivision recording.

A. Submittal - A Building Permit can be submitted prior to recording of the subdivision for each existing legal building site in the subject subdivision if one the following is met:
I. A complete Building Permit shall include all the required utility and street improvement engineering for the legal building site; or,
II. A separate complete Land Surface Modification (LSM) Permit has been applied for prior to or at the same time that Building Permit is applied for that includes all of the required utility and street improvement engineering.
III. The Building Permit shall comply with applicable codes for that legal building site.

B. Issuance – The Building Permit will be reviewed and approved for issuance (the Building Department determines when the permit can be issued) by the Public Works Department if the following conditions are met:
I. The utility and street improvement engineering was reviewed with the Building Permit; or,
II. The LSM is approved before the Building Permit is issued; or,
III. The Development Engineer determines that the LSM review is substantially complete to allow the Building Permit issuance. In this case the Development Engineer may opt to add special conditions to the new Building Permit related to utility and street improvement engineering that must be completed prior to final inspection of the Building.

• Submittal of Building Permits within an Integrated Development Plan (IDP): If this subdivision is using the IDP process, the Building Permits for the new homes can only be issued after the Land Surface Modification Permit has

been submitted, reviewed, and approved.

• Submittal of a Building Permit within a standard subdivision (non IDP): If this subdivision is not using the IDP process, the Building Permits for the new houses can be applied for after the subdivision is recorded and the Land Surface Modification permit has been submitted, reviewed, and approved.

• Review of Expedited or Green Building Permits: A new single family home Building Permit within a subdivision can only be applied for after the subdivision is recorded and will only be reviewed as an expedited or green building fast track if submitted electronically through MBP and the Land Surface Modification permit has been submitted, reviewed, and approved.

5. Subdivision Performance and Maintenance Securities:
• The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. This security amount will be determined by using the City of Kirkland's Improvement Evaluation Packet (available in either Excel or PDF). Contact the Development Engineer assigned to this project to assist with this process.

• If a recording Performance Security has not yet been posted, then prior to issuance of the LSM Permit a standard right of way restoration security ranging from $10,000.00 to 30,000.00 (value determined based on amount of ROW disruption) shall be posted with Public Works Department. This security will be held until the project has been completed.

• Prior to Final Inspection of the Land Surface Modification improvements, there will be a condition of the permit to establish a two year Maintenance security.

6. The project has submitted and been granted a Concurrency Test Notice. The Concurrency Case is TRAN15-02338. See separate Tran Case memorandum from Thang Nguyen, Transportation Engineer, for Concurrency case details.

7. After Concurrency has passed a certificate will be issued that will read as follows: CERTIFICATE OF CONCURRENCY: This project has been reviewed and approved for water, sewer, and traffic concurrency. Any water and sewer mitigating conditions are listed within the conditions below. Any traffic mitigating conditions will be found in an attached memorandum from the Public Works Traffic Engineering Analyst to the Planning Department Project Planner. Upon issuance of this permit, this project shall have a valid Certificate of Concurrency and concurrency vesting until the permit expires. This condition shall constitute issuance of a Certificate of Concurrency pursuant to chapter 25.12 of the Kirkland Municipal Code.

8. 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 G-7, Engineering Plan Requirements. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

9. 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.

10. 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).

11. A completeness check meeting is required prior to submittal of any Building Permit applications.

12. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.

13. All subdivision recording documents shall include the following language:

o Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer, storm water stub, rain garden, permeable pavement, or any infiltration facilities (known as Low Impact Development) from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer, surface water stub, rain garden, permeable pavement, or any infiltration

facilities, which jointly serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall “run with the land” and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

o Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the maintenance of the vegetation within the abutting landscape strip. The maintenance shall “run with the land” and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

If the lots have on-site private storm water facilities, include this language on the subdivision recording document:

o Maintenance of On-site Private Stormwater Facilities: Each Lot within the Subdivision has a stormwater facility (infiltration trench, dry wells, dispersion systems, rain garden, and permeable pavement) which is designed to aid storm water flow control for the development. The stormwater facility within the property shall be owned, operated and maintained by the Owner. The City of Kirkland shall have the right to ingress and egress the Property for inspection of and to reasonable monitoring of the performance, operational flows, or defects of the stormwater/flow control facility.
If the City of Kirkland determines related maintenance or repair work of the stormwater facility is required, the City of Kirkland shall give notice to the Owner of the specific maintenance and/or repair work required. If the above required maintenance or repair is not completed within the time set by the City of Kirkland, the City of Kirkland may perform the required maintenance or repair, or contract with a private company capable of performing the stormwater facility maintenance or repair and the Owner will be required to reimburse the City for any such work performed.
The Owner is required to obtain written approval from the City of Kirkland prior to replacing, altering, modifying or maintaining the storm water facility.

If the project contains LID storm improvements that will be installed as a condition of the new home Building Permit, then include this condition on the Short Plat recording documents:

o Installation of Low Impact Development (LID) storm drainage improvements with Building Permits: All LID storm drainage features depicted on Sheet ____ of ____ of issued permit LSM1X-0XXXX shall be installed in conjunction with the construction of each new home on lots X to X. The LID improvements include, but are not limited to the rain gardens and the pervious driveways. The Building Permit for the new signal family home on lots X to X will not receive a final inspection until said LID improvements are installed. The pervious access road/Tract serving lots X and X shall be constructed or secured by a performance bond prior to recording of the short plat

Sanitary Sewer Conditions:

1. Extend an 8 inch sewer main (as shown on the plans):
o From the south side of the lot addressed 11405 NE 112th Street. (a 15 ft. wide public sewer easement will need to be obtained from this property owner) to 112th Ave. NE.
o East along NE 112th St. to access road.
o North along new access road to north end.
o North across lots 16, 17, 18, 25, and 26, in a 20 ft. wide (min) utility easement.
o Then east and north along new road A to the south property line of lot 1.

2. Within the project, extend a sewer main to the common property line of the properties addressed 11240 and 11248 NE 112th Street. The extension across shall be encompassed in a 20 ft. (min) utility easement and the extension shall terminate with a manhole.

3. A Sanitary Sewer Latecomers Agreement may be recorded with the sewer main extensions that directly benefit another property and a side sewer is provided to the lot. If a property is required to extend the sewer main in the future, it typically cannot be included in a latecomer agreement.

4. Provide a plan and profile design for the sewer line extensions.

5. Access for maintenance of the sewer manholes is required. Provide a 15' wide access easement from the right-of-way to each sanitary sewer manhole outside the right-of-way.

6. The existing septic systems shall be abandoned per City standards.

Water System Conditions:

1. Loop an 8-inch water main from NE 112th St through the project to NE 116th St.

2. The existing homes on Road B have individual water services and will need to be reconnected to the new wate main extension.

3. The water main extension between road A and road B shall be encompassed in a 15 ft. (min) wide utility easement if not located in a right-of-way.

4. Provide a separate 1" minimum water service from the water main to the meter for each lot; City of Kirkland will set the water meter. The water size is determined when the Building Permit is submitted and is sized per the Uniform Plumbing Code. A ¾" meter is the typical size for new single-family home.

5. The existing water services shall be abandoned at the main.

6. Install fire hydrants as directed by the Fire Department

Surface Water Conditions:

1. Projects submitted on or after January 1, 2017 shall be subject to updated stormwater regulations. The City plans to adopt the 2016 King County Surface Water Design Manual with a City addendum.

2. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manua and the Kirkland Addendum (Policy D-10). To determine the drainage review level required, the impervious surface area shall be based on the maximum allowable lot coverage area for the project, plus any offsite improved impervious areas. See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. The drainage review levels can be determined using the Drainage Review Flow Chart. Summarizec below are the levels of drainage review based on site and project characteristics:

- Full Drainage Review

 A full drainage review is required for any proposed project, new or redevelopment, that will:
 Adds 5,000ft2 or more of new impervious surface area or 10,000ft2 or more of new plus replaced impervious surface area,
 Propose 7,000ft2 or more of new pervious surface or,
 Be a redevelopment project on a single or multiple parcel site in which the total of new plus replaced impervious surface area is 5,000ft2 or more and whose valuation of proposed improvements (including interior improvements but excluding required mitigation and frontage improvements) exceeds 50% of the assessed value of the existing site improvements.

3. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 or L-2 (depending on drainage review) for more information on this requirement. If Low Impact Development (LID) is determined to be infeasible, a Surface Water Adjustment is required for the project. Also, if LID is not feasible, pervious pavement cannot be used to reduce overall impervious lot coverage.

4. Special inspections are required for Low Impact Development (LID) on this project. Provide documentation of inspections by a licensed geotechnical engineer that LID will function as designed.

5. Because this project site is one acre or greater, the following conditions apply:
- Amended soil requirements (Pre-Approved Plan CK-E.12) must be used in all landscaped areas.
- If the project meets minimum criteria for water quality treatment (5,000ft2 pollution generating impervious surface area), the enhanced level of treatment is required if the project is multi-family residential, commercial, or industrial. Enhanced treatment targets the removal of metals such as copper and zinc.
- The applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Department of Ecology. Provide the City with a copy of the Notice of Intent for the permit. 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 PW Dept. pre-construction meeting with a completed SWPPP.
- Turbidity monitoring by the developer/contractor is required if a project contains a lake, stream, or wetland.
- A Stormwater Pollution Prevention and Spill (SWPPS) Plan must be kept on site during all phases of construction and shall address construction-related pollution generating activities. Follow the guidelines in the 200 King County Surface Water Design Manual for plan preparation.

6. A storm water detention system is required, it shall be designed to Level II standards. Historic (forested) conditions shall be used as the pre-developed modeling condition.

7. The project will create or replace more than 5,000 square feet of new impervious area that will be used by vehicles (PGIS - pollution generating impervious surface). Provide storm water quality treatment per the 2009 King County Surface Water Design Manual.

8. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).

9. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system or utilize low impact development techniques.

10. Provide collection and conveyance of right-of-way storm drainage. Provide a plan and profile design for the storm sewer system. Size and material of construction shall be in accordance with the City Kirkland Pre-Approved Plans and Notes.

11. The 30-ft wide paved storm drain maintenance access (as proposed on the preliminary plans) to the detention facility south of Lot 20 is acceptable.

12. If working within an existing ditch, the applicant is hereby given notice that the Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities. Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx

Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495

13. Provide an erosion control report and plan with the Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.

14. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts NE 116th Street (an arterial type street) and proposes two new access road for the 27 lots; the new access streets will be Neighborhood Access type streets. 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:

NE 116th Street
A. At the intersection between NE 116th St and Road A, install curb and gutter, sidewalk, and ADA-compliant sidewalk ramps at the intersection radii to match with existing improvements on the south side of NE 116th St. Remove and replace any cracked curb.

New Access Road from NE 116th Street
A. Due to the number of lots being served and because this is a proposed subdivision, the access road shall be developed to public road standards.
B. Dedicate 35 ft. in width of right-of-way and an 80 ft. diameter cul-de-sac.
C. Install an R-24 type street (24 in width of asphalt). The street shall narrow to 20 ft. width through driveway aprons for lots 1-9 (this is allowed because vehicles can't park in front of driveways therefore the extra 4 ft. of width is not needed).
D. Install a 70 ft. diameter paved cul-de-sac.
E. Install curb and gutter and storm drainage collection and conveyance along both sides of the new street.
F. Install 4.5 landscape strips with street trees 30 ft. on-center along both sides of the street and around the perimeter of the cul-de-sac.
G. Install rain gardens as shown on the plans.
H. Install a 5 ft. wide sidewalk along the east side of the street to the cul-de-sac. The sidewalk shall meander into a pedestrian easement as it meanders around each rain garden.
I. Install street trees 30 ft. on center on the east and south side of road A.
J. Grant a 6 ft. wide pedestrian easement along Tract D and install a 5 ft. wide sidewalk (6 inch thick) and a 4 inch high rolled curb.
K. Grant a 10 ft. wide pedestrian easement from the south end of tract B across lots 25 and 26 to the north end of road B and install an 8 ft. wide asphalt path in the easement.

New Access Road from NE 112th Street
A. Along Access Road B dedicate the 25 ft. wide panhandle. Within this dedication the following shall occur:
- The developer has obtained a 12-ft wide access and utility easement across the properties addressed at 11420 and 11422 NE 112th St to accommodate public access and utilities. Under the current access plan, an easement is not provided nor required across the property addressed at 11416 NE 112th St.
- Install a 4 ft. wide sidewalk along the west edge of the dedicated panhandle, a 6-inch vertical curb along both sides (type A curb and gutter), 24 ft. of asphalt (20 ft. of asphalt in front of lot 11416), and storm drainage collection and conveyance. If this street section is constructed, the existing street on the private property will need to be demolished and restored as yard area and driveways.
- At the intersection with NE 112th Street, install curb and gutter, sidewalk, and ADA-compliant sidewalk ramps at the intersection radii.

B. To the north and west of the panhandle the street shall be improved with the following:
- Dedicate 35 ft. of right-of-way.
- 20 ft. of asphalt paving (street reduces in width from 24 ft. to 20 ft.)
- 6-inch vertical curb and gutter (both sides)
- 4.5 ft. wide landscape strips with street trees 30 ft. on-center (both sides).
- 5 ft. wide sidewalks along the west side only (in addition to the sidewalks along the west side of the 25 ft. wide panhandle discussed above). The sidewalk shall connect to the 8 ft. asphalt pathway discussed above.

C. At the north end of the street the following improvements will be required:
- Dedicate ROW to encompass a standard Fire Department hammerhead turnaround. Public Work supports a modification in this case to construct a hammerhead in lieu of a cul-de-sac because a cul-de-sac cannot effectively fit in the property and a fire truck turn-around can be provided with the hammerhead. The dedication for the hammerhead shall be 5 ft. wider than the paving and curbs.
- The sidewalk along road B shall connect to the 8 ft. wide asphalt path.

2. Meet the requirements of the Kirkland Driveway Policy R-4. Spacing Table from R-4, for reference:

3. Meet the requirements of the Kirkland Intersection Sight Distance Policy R.13. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle.

4. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.
- Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
- Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.

5. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.)

6. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections.

7. Install "NO PARKING ANYTIME" signs along on side of any street less than 24 ft. in width.

8. Install new monuments at new street intersections, street ends, and points of tangency along the centerline.

9. 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.

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

11. Underground any new off-site transmission lines.

12. New LED street lights may be required per Puget Sound Energy design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

Brynja Myren - Account Sales Manager, Intolight, PUGET SOUND ENERGY
Tel 425-462-3833 I Cell 206-604-3348 | Fax 425-462-3149
Email brynja.myren@pse.com | Website: www.intolight.com

13. A striping plan for the street must be submitted with the building or grading permit.

Related City Website Links

- City of Kirkland Pre-Approved Plans and Policies
- Public Works Development Fees
- Stormwater FAQs
- Application Forms (Electronic, Paper)
- KZC105 – Private Drive, Private and Pedestrian Walkway Requirements
- KZC110 - Public Right-of-way Improvement Requirements

RESOLUTION R-5326

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF THE BRIDGES (FORMERLY SCRIVANICH), PLANNING AND BUILDING DEPARTMENT FILE NO. SUB15-02157, AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of The Bridges (formerly Scrivanich) Subdivision was approved by the Hearing Examiner on November 14th 2016; and

WHEREAS, thereafter the Planning and Building Department received an application for approval of subdivision and final plat, said application having been made by Larry Scrivanich (Little Lion LLC), the owner of the real property described in said application, which property is within a Residential Single Family RS 8.5 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; and

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

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

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

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

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

Section 1. The Findings, Conclusions and Recommendations of the Director of the Planning and Building Department, filed in Planning and Building Department File No. SUB15-02157, a copy of which is attached to this Resolution as Exhibit A are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. Approval of the subdivision and the final plat of The Bridges (formerly Scrivanich) Subdivision is subject to the applicant's

compliance with the conditions set forth in the recommendations hereinabove adopted by the City Council and further conditioned upon the following:

(a) A Plat Bond or other approved security performance undertaking in an amount determined by the Director of Public Works in accordance with the requirements therefor in Ordinance No. 2l78 shall be deposited with the City of Kirkland and be conditioned upon the completion and acceptance by the City of all conditions of approval, including public improvements, within one year from the date of passage of this Resolution. No City official, including the Chairperson of the Planning Commission, the Mayor, or the City Engineer, shall affix his signature to the final plat drawing until such time as the plat bond or other approved performance security undertaking herein required has been deposited with the City and approved by the Director of Public Works as to amount and form.

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

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

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

Passed in open meeting of the Kirkland City Council on the _____ day of _____, 20___.

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

_____
Mayor

Attest:

_____
City Clerk

CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND RECOMMENDATION

APPLICANT: Scrivanich/Little Lion, LLC

FILE NO: SUB 15-02157/ZON15-02162

APPLICATION:

1. Site Location: 11421 NE 116th Street

2. Requests: The applicant requests approval of a preliminary subdivision and planned unit development, and wetland buffer modification as follows:

a. Preliminary Subdivision – Proposal to subdivide five parcels totaling 5.16 acres into 27 separate lots located at 11421 and 11431 NE 116th Street, including two adjacent undeveloped parcels: 322605-9135, 322605-9113 and property at 11406 NE 112th Street.

The applicant is proposing an Integrated Development Plan ("IDP") tree retention/removal plan rather than a phased tree retention plan. The IDP shows the location of proposed right-of-way improvements, grading plan, building footprints, utilities, and access tracks with the zoning permit.

b. PUD – A request for a preliminary and final Planned Unit Development ("PUD") with an increase in base density for the upper portion of development from 5 to 7 dwelling units per acre (five additional lots would be created) and a 10% density bonus (one additional lot would be created) for the lower portion of the development and modification of the following Zoning Code and Municipal Code requirements:

(1) Provide smaller lot sizes than the minimum lot size of 8,500 square feet in the RS 8.5 Zone for 22 of the 27 lots with an average lot size of 5,384 square feet.
(2) Provide lot widths less than the minimum 50 feet as measured from the back of the required front yard.
(3) Reduce the minimum front yard setback for residences to 15 feet, excluding garages.
(4) Request to calculate the total Floor Area Ratio over the entire site less roadway driving surfaces.
(5) Request that the building height calculation for the new homes on Lots 1, 2, 3, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 be based on finished grade elevations for the purposes of calculating Average Building Elevation.

(6) Request to calculate lot coverage over the entire site less roadway driving surfaces.
(7) Request that all side yard setbacks be reduced to 5 feet.

Wetland Buffer Modification – The applicant has proposed to reduce and enhance the buffer for the onsite Type III Wetland in order to accommodate the stormwater detention vault, retaining walls, public pedestrian trail, and level spreaders to disperse stormwater into the wetland buffer.

Review Process: Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision. The wetland buffer modification is approved using Process IIA Kirkland Zoning Code Chapter 150, which provides that if a "Process IIA is part of a proposal that requires additional approval through Process IIB, the entire proposal will be decided upon using that other process." Kirkland Zoning Code Chapter 150.10.

4. Key Issues:
   - Compliance with subdivision criteria
   - Compliance with PUD approval criteria
   - Compliance with wetland buffer modification criteria
   - Compliance with applicable development regulations
   - Compliance with Process IIB Zoning Permit approval criteria

SUMMARY OF RECOMMENDATIONS:

Department	Approve with conditions
Hearing Examiner	Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the applications on November 3, 2016, at City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development. The Hearing Examiner visited the site following the hearing.

TESTIMONY AND PUBLIC COMMENT:

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

For purposes of this recommendation, all section numbers refer to the Kirkland Zoning Code ("KZC" or "Code") unless otherwise indicated.

FINDINGS, CONCLUSIONS AND RECOMMENDATION:

Having considered the evidence in the record and reviewed the site, the Hearing Examiner enters the following:

Findings of Fact and Conclusions:

In the introduction to the Department's Advisory Report (Exhibit A) the applicant is listed as Steven Anderson, LDC Inc. This is corrected to read Scrivanich/Little Lion, LLC.

A. Site Description

The Department's Advisory Report on page 9 indicates that to the west are RS 8.5, Detached Single Family homes. This is true for a portion of the west side, adjacent to lots 12-18. However, there are higher densities west of the project site, adjacent to lots 1-8 and north of lots 10-12. This is the Garden Park development, which is RS 8.5 Attached Housing (PUD). With this correction, the Facts and Conclusions on this matter set forth at Subsection II.A of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. Public Comment

The Facts and Conclusions on this matter set forth at Subsections II.B of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Additional Facts:

1. One additional written public comment was submitted in advance of the public hearing. Exhibit B.

2. Three additional written public comments were submitted at the hearing. Exhibits C, D, and E.

3. The applicant submitted a copy of its testimony at the hearing. Exhibit F.

4. Residents of the adjacent Place One Sixteen expressed concern about Road A in the northern portion of the project. These comments raised concerns regarding: (1) the placement of the road immediately adjacent to the eastern property line; (2) the height and proximity to the property line of a retaining wall proposed to support the road; (3) light impacts; and (4) noise impacts. These concerns mirror many of the comments received in advance of the hearing.

5. Comments expressed concern that the applicant was only providing a 40 foot landscape buffer along a single portion of the property line for the project, and was relying on existing landscape buffers on adjacent properties to buffer the project.

6. One comment expressed concern about the proximity of the detention pond in relation to the wetlands, and concern with the potential for flooding of the adjacent property.

7. Several commenters expressed concern that the public would be unaware that the open space areas on Tract A and Tract D were dedicated to public use, and that Tract D is located too far within the development for the public to utilize the proposed children's play area.

8. The applicant confirmed, that in addition to other amenities described for the project benches for public use will be installed on Tract A and benches and a children's play structure shall be installed on Tract D, and that these will be maintained as separate lots accessible for use by the public.

9. A Place One Sixteen representative also expressed concerns regarding potential impacts to trees on the Place One Sixteen property adjacent to the proposed Road A.

Conclusions:

10. As indicated at the hearing, and in Exhibit A, the proposed road location is required by City engineering standards in order to maintain an adequate distance between the entrance to this project and other residential project entrances in the area. Staff explained at the hearing that the height of the retaining wall was addressed in a separate permit process. *See* Exhibit A Attachment 21. In addition, the City engineer and applicant's engineer indicated that the elevation of the road is necessary to maintain access to several of the proposed lots and for safety purposes. No alternative engineering analysis was provided. The State Environmental Policy Act ("SEPA") Mitigated Determination of Non-Significance ("MDNS") conditioned the project to include a dense evergreen tree planting along the eastern property line to mitigate light intrusion from vehicle headlights. Nothing aside from normal residential noise levels was identified in the comments, and the SEPA MDNS was not appealed.

11. The 40 foot landscape buffer is required to "separate slightly higher density development from adjacent single-family residences." The proposed 40 foot landscape buffer will be located in the only portion of the project wherein the project is of higher density than adjacent lower density single-family residences. The existing 40-foot landscape buffers that are located on the Place One Sixteen property and the Garden Park property were applied to these

properties when they were developed as higher density projects than the subject property, and were intended to buffer the subject property from those higher density developments. Thus, the project is providing a landscape buffer in the only area where it is required.

12. KZC 90.45.3 requires the surface discharge of storm water through wetland buffers and buffer setbacks. However, in this case, a storm water outfall is proposed. The storm water outfall is allowed, and should address neighbor concerns in this case. Based on a report by a qualified professional under contract to the City, both the City Public Works and Planning Officials have determined that along with meeting other criteria (1) surface discharge of storm water through the buffer would clearly pose a threat to slope stability, and (2) the outfall will not be materially detrimental to any other property in the area.

13. Tract A and Tract D will be open space with amenities available for public use. This is a benefit of the PUD to the public as such provisions are not otherwise required. Tract D is located at the center of the property, and may not be visible to members of the public wishing to utilize this resource. Proper signage should be placed to inform users of the public nature of Tract A and Tract D.

C. State Environmental Policy Act and Concurrency

There was no appeal of the City's SEPA MDNS, or Concurrency determination. The Facts and Conclusions on this matter set forth at Subsection II.C of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

D. Approval Criteria

The Facts and Conclusions on this matter set forth at Subsection II.D of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

Additional Facts:

1. In this instance where the applicant seeks slightly higher density than the five unit per acre maximum for the subject property, the City of Kirkland Comprehensive Plan North/South Juanita Neighborhood Plan requires the following:

> Visual buffering by a landscaped setback (normally 40 feet) should separate the slightly higher density development from adjacent single-family residences.

2. The Department's Advisory Report includes the following recommended condition:

A 40-foot landscape easement shall be placed at the rear of Lots 12-18 prior to recording the subdivision along with appropriate Landscape Green Belt Easement (LGBE) language which shall include provisions to allow minor improvements to encroach 10 feet into the 40 foot landscape easement.

3. The applicant has requested that the Department's condition be modified to read "a 40-foot visual landscape setback shall be maintained at the rear of Lots 12-18."[1] The applicant further indicated at the hearing that the condition language identified by the Department "goes beyond what the applicant was proposing and was not discussed with the applicant."

4. Place One Sixteen representatives testified regarding potential impacts to trees on the Place One Sixteen property adjacent to the proposed Road A. An arborist report submitted by Place One Sixteen indicated that critical root zones of mature trees along the shared property line between Place One Sixteen and the project run onto the project site. Exhibit G. The City's Arborist also expressed concern about tree protection of two trees in this same area. Finally, the City's Arborist commented on the arborist report submitted by Place One Sixteen, and recommended additional risk assessment. Exhibit H.

5. Both the applicant and City staff have identified the 40 foot landscape buffer as a benefit of the PUD proposal for purposes of satisfying the criteria for PUD approval in KZC 125.35 (3). The landscape buffer is required by the Kirkland Comprehensive Plan, and while the buffer would not be required but for the PUD application, this is not a benefit being offered by the applicant to the City, but is a City requirement for any PUD application for this area. A PUD "is intended to allow developments which benefit the City more than would a development which complies with the specific requirements of this code." KZC 125.05.

6. In this case the applicant is providing for the purchase and installation of a Rectangular Rapid Flashing Beacon. At the hearing, and in its project narrative, the applicant has identified the additional benefit of providing open space tracts that are available to the public and include amenities such as benches and a children's play area.

Conclusions:

7. While the Comprehensive Plan requirement for a landscape buffer does not specifically call for a greenbelt easement, this provision also does not preclude

[1] In this case the area in question has been variously referred to as 40-foot visual landscape setback, landscape buffer, landscape easement, and greenbelt. For purposes of consistency only, this recommendation uses the term "landscape buffer."

such a restriction. The City's interpretation of this requirement is reasonable, and has been consistently applied in other projects under similar conditions.

8. The applicant's statement that the landscape buffer easement was not discussed with the applicant is not supported by other elements of the record including the applicant's project narrative which consistently refers to the landscape buffer as a "landscape easement," (Exhibit A Attachment 3), and that the applicant negotiated for easement terms that allow minor improvements in the first ten feet of the landscape buffer.

9. Additional analysis is necessary concerning the potential impacts to trees on the Place One Sixteen property.

10. The proposed PUD is providing the following benefits to the City as part of the proposal, which are public facilities that could not be required by the City for development of the subject property without a PUD:

    a. Rectangular Rapid Flashing Beacon for pedestrian safety.
    b. Passive and active recreation open spaces available for public use.

11. The proposed subdivision will create infill residential development and is consistent with the Comprehensive Plan's goals and density designation for the subject property.

12. The proposed subdivision complies with KMC 22.12.230 and KZC 150.65. With the proposed PUD, and as conditioned, the subdivision is consistent with zoning and subdivision regulations and makes adequate provision for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. The proposed subdivision will serve the public use and interest and is consistent with the public health, safety and welfare.

E. Development Regulations

The Facts and Conclusions on this matter set forth at Subsection II.E of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

F. Comprehensive Plan

The Facts and Conclusions on this matter set forth at Subsection II.F of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

G. Development Standards

The Facts and Conclusions on this matter set forth at Subsection II.G of the Staff Report are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

H. Process IIB Decisional Criteria

The applications for the subdivision and PUD are consistent with all applicable development regulations and, to the extent there is no applicable development regulation, with the Comprehensive Plan. As noted above, it is also consistent with the public health, safety and welfare. The application for the modification of a Type III Wetland Buffer is consistent with all applicable development regulations, and it is consistent with the public health, safety and welfare.

Recommendation:

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the City Council **approve** the Preliminary Subdivision and PUD, and the wetland buffer modification subject to the conditions set forth at Section I.B of the Staff Report, and the following additional conditions:

1. The applicant shall retain a certified arborist to complete an impact report of the proposed road and retaining wall development on the trees located on the adjacent Place One Sixteen property. The report shall recommend measures to minimize, and if feasible mitigate, impacts to the trees arising from the development project. The report shall be submitted in conjunction with the land surface modification permit. The report shall include in its recommendations a plan for monitoring the trees for increased risk during construction, including the potential for compromise of any of the trees' root zones and proposed risk reduction measures if a tree faces risk of negative impacts. The impact report and its recommendations, shall be reviewed, and commented on by the City Arborist, and if necessary the City Arborist may add additional measures for minimizing or mitigating impacts. The trees subject to this review shall include, but not be limited to 220, 221, 228, 231, 232, 271, 289, 290, 291, 293, 294, 295, 298, 312, 316, 343, and 353 as identified in the Integrated Development Plan Exhibit A Attachment 2.

2. Prior to occupancy and building permits: Benches for public use shall be installed on Tract A, and benches and a children's play structure shall be installed on Tract D. Signs shall be installed on Tract A and Tract D identifying these as public open spaces, and a sign shall be placed at the north entrance to the project near NE 116th Street directing the public to Tract D as a public park/open space area.

Entered this 14th day of November, 2016.

Ryan Vancil
Hearing Examiner

EXHIBITS:
The following exhibit was entered into the record:

Exhibit A	Department's Advisory Report with Attachments 1 through 21;
Exhibit B	October 31, 2016 e-mail exchange between David Barnes and Supriya Kelkar;
Exhibit C	September 26, 2016 e-mail exchange between David Barnes and Jan Sanford;
Exhibit D	Letter from Kelly and Mike Hershberger;
Exhibit E	Letter from Cheryl Churdyle;
Exhibit F	Copy of comments made by applicant at hearing;
Exhibit G	Place One Sixteen arborist report; and
Exhibit H	Comment from City Arborist Tom Early

PARTIES OF RECORD:
Scrivanich/Little Lion LLC, applicant
Larry Crawford
John Klevins
Sandeep Mitra
Gildas Cheung
Ken Chang
Planning and Building Department
Department of Public Works

CHALLENGES AND JUDICIAL REVIEW:

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

CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., November 28, 2016, seven (7) calendar days following distribution of the Hearing Examiner's

written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

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

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

JUDICIAL REVIEW

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

LAPSE OF APPROVAL

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.

Final Plat

Under KMC 22.16.010,, the owner must submit a final plat application to the Planning and Building Department that meets 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.

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.

BEFORE THE HEARING EXAMINER
CITY OF KIRKLAND

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings, Conclusions, and Recommendation** to each person listed below, or on the attached mailing list, in the matter of **Scrivanich/Little Lion LLC**, Hearing Examiner File: **SUB15-02157/ZON15-02162,** in the manner indicated.

Party	Method of Service
David Barnes City of Kirkland Planning and Building Dept 123 Fifth Ave Kirkland, WA 98033 dbarnes@kirklandwa.gov Eric Shields eshield@kirklandwa.gov Planning and Building Admin pbadmin@kirklandwa.gov	☒ U.S. First Class Mail, postage prepaid ☐ Inter-office Mail ☒ E-mail ☐ Fax ☐ Hand Delivery ☐ Legal Messenger

Dated: November 15, 2016

TK
Tiffany Ku
Legal Assistant

CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600 - www.kirklandwa.gov

ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland Hearing Examiner

From: David Barnes, Project Planner

Eric R. Shields, AICP, Planning Director

Date: October 26, 2016

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

Hearing Date and Place: November 3, 2016 – 7PM
City Hall Council Chamber
123 Fifth Avenue, Kirkland

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CITY OF KIRKLAND
Hearing Examiner Exhibit
Appellant ___
Respondent ___ ADMITTED X
Department X DENIED ___
FILE # Sub LC-02157
A

I. INTRODUCTION

A. APPLICATION

1. Applicant: Steven Anderson, LDC Inc.

2. Site Location: 11421 NE 116th Street (see Attachment 1)

3. Request: The applicant requests approval of a preliminary subdivision and planned unit development (PUD) and wetland buffer modification described below:

   a. Preliminary Subdivision (see Attachment 2) – Proposal to subdivide five parcels totaling 5.16 acres into 27 separate lots located at 11421 and 11431 NE 116th Street, including two adjacent undeveloped parcels: 322605-9135, 322605-9113 and property at 11406 NE 112th Street.

   b. PUD – A request for a preliminary and final Planned Unit Development (PUD) with an increase in base density for the upper portion of development from 5 to 7 dwelling units per acre (five additional lots would be created) and a 10% density bonus (one additional lot would be created) for the lower portion of the development and modification of the following Zoning Code and Municipal Code requirements (see Attachment 3):

      (1) Provide smaller lots sizes than the minimum lot size of 8,500 square feet in the RS 8.5 Zone for 22 of the 27 lots with average lot size of 5,384 square feet.

      (2) Provide lot widths less than the minimum 50' as measured from the back of the required front yard.

      (3) Reduce minimum front yard setback for residences to 15 feet, excluding garages.

      (4) Request to calculate the total Floor Area Ratio (FAR) over the entire site less roadway driving surfaces.

      (5) Request that the building height calculation for the new homes on Lots 1, 2, 3, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 be based on finished grade elevations for the purposes of calculating Average Building Elevation (ABE).

      (6) Request to calculate lot coverage over the entire site less roadway driving surfaces.

      (7) Request that all side yard setbacks be reduced to 5 feet.

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

      (1) Public Facilities

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

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      (1) Public Facilities

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

(2) Superior Buffering

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

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

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

5. Summary of Key Issues and Conclusions:

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

1. Increase the base density for the upper portion of the subject property from 5 dwelling units per acre to 7 dwelling units per acre pursuant to Comprehensive Plan.

2. Increase the density of the lower portion of the development by 10% pursuant to Kirkland Zoning Code 125.10.

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

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

B. RECOMMENDATIONS

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

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 5, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 5, the condition of approval shall be followed (see Conclusion II.F).

2. Trees shall not be removed or altered following preliminary subdivision approval except as approved by the Planning Department. Attachment 5, Development Standards, contains specific information concerning tree retention requirements. Additionally, the applicant is proposing an Integrated Development Plan (IDP) pursuant to KZC 95.30.4 and 95.30.5. The trees that are shown to be saved on the IDP site plan shall be protected and retained (see Attachment 2). The onsite trees not shown as being protected may be removed with an approved grading permit (see Conclusion II.E.6). Additionally, the applicant shall implement the

following recommendation:

a. To address the protection of offsite trees (#331 and #358), the applicant shall submit an arborist plan with the building permit for the retaining wall which describes how the trees will be protected and retained (see Conclusion II.E.6.b).

3. Prior to recording the subdivision, the applicant shall submit a land surface modification permit application and install the following improvements:

   a. Install the required improvements as described in Attachment 5 and as follows (see Conclusion II.E.3.b):

      (1) Frontage Improvements within the NE 116th Street right-of-way fronting the subject property.

      (2) Frontage Improvements within the NE 112th Street right-of-way fronting the subject property.

      (3) A 35 foot-wide right-of-way and 80 foot diameter cul-de-sac to serve Lots 1-19 and 26 and 27.

      (4) A 25 foot-wide panhandle road.

      (5) A 35 foot-wide right-of-way and a Fire Department hammerhead to the north and west of the 25 foot-wide panhandle road.

      (6) Prior to installing these improvements, plans must be submitted for approval by the Department of Public Works.

      (7) Submit a summary sheet for the subdivision illustrating the proposed lot coverage and FAR for each lot and for overall development to demonstrate that the allowed totals are not being exceeded (see Conclusion II.D.2.c.2.d)

      (8) The applicant's wetland enhancement/mitigation plan and development plans shall be revised to accurately show the reduced wetland buffer and 10-foot wetland buffer setback relative to the stormwater detention vault. In no case shall the reduced wetland buffer be less than 33.3 feet in width (see Conclusion II.D.3.b).

      (9) The applicant's Wetland Enhancement/Mitigation Plan shall be revised to include additional enhancement that addresses the wetland buffer reduction not previously reviewed. The applicant shall fund the review of this revision by the City's consultant, the Watershed Company.

      (10) The applicant shall provide plans to include of all of the landscaping, recreational amenities, and other improvements located in the open space and recreation areas in Tracts A and D (see Conclusion II.D.2.d.2).

   b. In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of final plat approval (see Conclusion II.E.8.b).

4. Prior to Issuance of the land surface modification permit, the applicant shall:

a. Install a six-foot high construction phase fence along the upland boundary of the entire wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities (see Conclusion II.D.3.b).

b. Enter into both hold harmless agreements with the City that run with the property in forms acceptable to the City Attorney. The hold harmless agreement(s) should also be recorded on the face of the plat (see Conclusion II.D.3.b).

5. Prior to final inspection of the land surface modification permit, the applicant shall:

a. Complete Buffer Modification/Enhancement Plan (see Conclusion II.D.3.b)

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

c. Submit proof of a written contract with a qualified professional who will perform the monitoring and maintenance program outlined in Attachment 4 (see Conclusion II.D.3.b).

d. Submit an as-built plan for buffer mitigation installation and a security for subsequent maintenance and monitoring work for review by the City's wetland consultant, the cost of which shall be borne by the applicant (see Conclusion II.D.3.b)

6. As part of the final plat recording, the applicant shall:

a. Dedicate a Natural Greenbelt Protection Easement encompassing the wetland and associated buffer area on site. The boundaries of the NGPE shall be established by survey. All surveys shall be located on KCAS or plat bearing system and tied to monuments (see Conclusion II.D.3.b).

b. Dedicate a 35 foot-wide right-of-way and an 80 foot diameter cul-de-sac to serve Lots 1-19 and 26 and 27 (see Conclusion II.E.1.b).

c. Dedicate a 25 foot-wide right-of-way panhandle on the lower portion of the development (see Conclusion II.E.1.b).

d. Dedicate a 35 foot-wide right-of-way north of the 25 foot-wide right-of-way panhandle (see Conclusion II.E.1.b).

e. Dedicate right-of-way on the lower portion of the development to accommodate a Fire Department hammerhead turnaround (see Conclusion II.E.1.b).

f. Grant a 6 foot-wide pedestrian easement along Tract C (see Conclusion II.E.1.b).

g. Grant a 10 foot-wide pedestrian easement from the south end of tract C across Lots 26 and 25 to the south property line of Lot 25 and connects to the 35 foot-wide right-of-way (see Conclusion II.E.1.b)

h. A 40-foot landscape easement shall be placed at the rear of Lots 12-18 prior to recording the subdivision along with appropriate Landscape Green Belt Easement (LGBE) language which shall include provisions to allow minor improvements to encroach 10 feet into the 40 foot landscape easement (see Conclusions II.D.2.c.2.a and II.D.2.c.2.d)

j. The applicant shall demolish or remove all structures on the subject property (see Conclusion II.A.1.b).

k. Covenants shall be recorded on the face of the plat to restrict the total lot coverage and FAR at 50% for the net development area. Both calculations to be based on the net development area of the subdivision (Gross site area minus dedicated right-of-ways and access tracts). The applicant shall provide tracking of total lot coverage and FAR with each building permit in the plat (see Conclusion II.D.2.c.2.(d)).

7. As part of the application for Building Permits for Lots 12-18, the applicant shall submit landscaping plans that show existing landscaping and new landscaping to fill in existing gaps in the 40 foot landscape easement. The new landscaping shall include native evergreen and deciduous trees and shrubbery (see Conclusions II.D.2.c.2(a) and II.D.2.d.2(c)).

8. As part of the application for Building Permits for each lot, the applicant shall submit a site plan for all lots showing at least two trees on each lot (see Conclusion II.E.6.b).

9. Prior to occupancy of the building permits:

a. The 40-foot landscape easement for Lots 12-18 will be planted and inspected by the Planning Official (see Conclusion II.D.2.d.2.b).

b. Two trees shall be planted on each lot, for lots that do not have two existing trees (see Conclusion II.E.6.b).

c. Prior the final inspection of the building permits for Lots 12-18, the applicant shall complete landscaping plans that show existing preserved landscaping and additions of new landscaping in the landscape easement (see Conclusion II.D.2.d.2.c).

d. The applicant shall pay for all costs, including obtaining the appropriate permits, for the installation of the Rapid Rectangular Flashing Beacons for NE 116th Street and complete its installation prior to the final inspection of the first single family permit (see Conclusion II.D.2.d.2).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

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

Exhibit):

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

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

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

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

Upper Portion Maximum Development Calculation:

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

Wetland Area: 3,750 sq. ft.

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

Buildable area: 124,379 sq. ft.

Percentage of site in wetland buffer: 8%

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

Comprehensive Plan Allows up to 7 dwelling units per acre

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

Maximum Development Potential: 21.66

Lower Portion Maximum Development Calculation:

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

Wetland area is offsite

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

Buildable area: 68,563 sq. ft.

Percentage of site in wetland buffer: 9%

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

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

Maximum Development Potential Lower: 8.89

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Neighboring Development and Zoning:

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

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

      South: RS 8.5, Detached Single -family homes

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

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

      West: RS 8.5, Detached Single-family homes

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

B. PUBLIC COMMENT

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

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

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

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

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

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

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

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

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

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

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

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

C. STATE ENVIRONMENTAL POLICY ACT (SEPA) and CONCURRENCY

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

D. APPROVAL CRITERIA

1. PRELIMINARY PLATS
   a. Facts: Municipal Code section 22.12.230 states that the Hearing

Examiner may approve a proposed plat only if:

(1) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and

(2) It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Hearing Examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

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

(3) It is consistent with the all applicable development regulations, including but not limited to the Zoning Code and Subdivision Code, and to the extent there is no applicable development regulation, the Comprehensive Plan.

b. Conclusion: The proposal complies with Municipal Code section 22.12.230 and Zoning Code section 150.65. It is consistent with the Comprehensive Plan (see Section II.F). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (see Sections II.E) and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because the proposal will create infill residential development while meeting the goals of the Comprehensive Plan.

2. PLANNED UNIT DEVELOPMENT (PUD) CRITERIA

a. KZC Chapter 125 Requirements

1) Facts:

a. A PUD is a mechanism for a person to propose a development that is innovative or otherwise beneficial, but which does not strictly comply with the provisions of the Code. It is intended to allow developments which benefit the City more than would a development which complies with the specific requirements of the Code.

b. Zoning Code section 125.35 establishes four decisional criteria with which a PUD request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 3. Subsections b through e below contain the staff's findings of fact and conclusions based on these four criteria.

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

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

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

(1) Increased density per Comprehensive Plan for upper portion of development (Lots 1-19) from 5 dwelling units per acre to 7 dwelling units per acre and a 10% bonus density for the lower portion of the development (Lots 20-27).

(2) Provide smaller lots sizes than the minimum lot size of 8,500 square feet in the RS 8.5 Zone for 22 of the 27 lots with average lot size of 5,384 square feet.

(3) Provide lot widths less than the minimum 50' as measured lot from the back of the required front yard.

(4) Reduce minimum required front yards from 20 feet to 15 feet for living spaces, excluding garages.

(5) Request to calculate the Floor Area Ratio (FAR) over the entire site less roadway driving surfaces.

(6) Request that the building height calculation for the new homes on Lots 1, 2, 3, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 be based on finished grade elevations for the purposes of calculating Average Building Elevation (ABE).

(7) Request to calculate lot coverage at 45% over the entire site less roadway driving surfaces.

(8) Request that all side yard setbacks be reduced to 5 feet.

2) Conclusion: The requested modifications are not restricted pursuant to KZC Chapter 125.20 and therefore this proposal meets the requirements of KZC Chapter 125.

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

1. Facts: The applicant has proposed several public benefits that are meant to clearly outweigh impacts of their proposal. The benefits are analyzed in Subsection d - PUD Criterion 3 below. This section analyzes the potential impacts of the proposal.

(a) Increased Density:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comprehensive Plan Allows up to 7 dwelling units per acre

Number of Lots Allowed: 2.73 acres X 7 = 19.11

Number of Lots Proposed: 19

Lower Portion of Development (Lots 20-27)

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

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

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

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

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

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

Comprehensive Plan Allows up to 5 Dwelling units per acre

Base Lots Allowed: 65,419 sq.ft./8,500 = 7.7

Lots Allowed with 10% bonus: 7.7 X 1.1 = 8.47

Number of Lots Proposed: 8

(b) Clustering of Lots

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

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

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

(2) Modifications to Zoning Standards

(a) Reduced Setbacks

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

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

(b) Floor Area Ratio

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

(c) Height Calculation Methodology

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

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

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

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

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

(d) Lot Coverage

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

(e) Neighborhood Context

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

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

approximately 95 feet from the Place 116 residences.

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

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

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

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

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

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

(a) Lots 1 to 19 - Regarding Density Increase

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

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

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

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

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

(b) Lots 20 to 27 - Regarding Density Increase

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

(c) Entire Development - Regarding Zoning Modifications

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

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

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

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

(d) Applicant Requirements

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

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

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

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

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

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

- Increased provision of open space or recreational facilities.
- Superior circulation patterns or location or screening of parking facilities.
- Superior landscaping, buffering, or screening in or around the proposed PUD.
- Superior architectural design, placement, relationship orientation of structure.
- Minimum use of impervious surfacing materials.

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

a PUD.

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

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

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

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

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

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

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

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

e. PUD Criterion 4:

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

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

3. MODIFICATION OF A TYPE III WETLAND BUFFER

a. Facts:

(1) Municipal Code section 22.28.200 establishes that the City may require that any area adjacent to a Class A, B and C_stream, a lake, or a wetland be kept in its natural or pre-existing state if reasonably necessary to prevent hazards to persons or property, or to protect unique and valuable environments.

(2) Municipal Code section 22.28.180 states that the applicant has the responsibility in proposing a plat to be sensitive with respect to the natural features, including topography, streams, lakes, wetlands, habitat, geologic features and vegetation, of the property. The plat must be designed to preserve and enhance as many of these valuable features as possible.

(3) KZC 90.60.2.b establishes that a Type III Wetland Buffer Modification may only be granted when the proposed development is consistent will all of the following nine decisional criteria.

- It is consistent with Kirkland's Streams, Wetlands and Wildlife Study (The Watershed Company, 1998) and the Kirkland Sensitive Areas Regulatory Recommendations Report (Adolfson Associates, Inc., 1998);
- It will not adversely affect water quality;
- It will not adversely affect fish, wildlife, or their habitat;
- It will not have an adverse effect on drainage and/or storm water detention capabilities;
- It will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions;
- It will not be materially detrimental to any other property or the City as a whole;
- Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat;
- All exposed areas are stabilized with vegetation normally associated with native stream buffers, as appropriate; and
- There is no practicable or feasible alternative development proposal that results in less impact to the buffer.

(2) A Type III Wetland in a primary basin requires a 50-foot buffer and a 10-foot buffer setback.

(3) Wetland Resources Inc., provided a Wetland Buffer Enhancement/Mitigation Plan dated September 15, 2016 (see

Attachment 4). The Plan addresses the nine criteria for modifying a wetland buffer and all Watershed Company recommendations.

(4) The Watershed Company reviewed the applicant's plans and in their letter dated September 21, 2016 (see Attachment 16), stated that the enhancement/mitigation plans are acceptable and consistent with the provisions established in Kirkland Zoning Code Chapter 90.

(5) KZC Section 90.60.2.a.2 states that a wetland buffer cannot be reduced by more than one-third of the standard buffer width. An additional 10-foot buffer setback is required through KZC Section 90.45.2. The reduced buffer lines are shown on the applicant's enhancement/mitigation plan. Preliminary measurement by Staff shows compliance with the referenced code sections for the reduced wetland buffer.

(6) The reduced 10-foot buffer setback that is required pursuant to KZC 90.45.2 is not clearly shown on the applicant's enhancement/mitigation plan or the development proposal.

(7) Following the review of the wetland buffer enhancement/mitigation plan, staff found that the southeast corner section of the proposed stormwater detention vault lies within the 10-foot wetland buffer setback on both the Applicant supplied Wetland Buffer Enhancement/Mitigation plan (see Attachment 4) and the applicant's development proposal (see Attachment 2). Preliminary review of the site plan confirms that the proposed vault location complies with the buffer reduction allowances.

(8). The applicant will need to revise the Wetland Buffer Enhancement/Mitigation Plan so that the stormwater Detention vault does not lie within the 10 foot wetland buffer setback. The City's consultant will need to review the revised plan.

(8) KZC 90.45.3 states that the surface discharge of storm water through wetland buffers and buffer setbacks is required unless a piped system is approved pursuant to this section. Storm water outfalls (piped systems) may be located within the buffer setback specified in subsection (2) of this section and within the buffers specified in subsection (1) of this section only when the Public Works and Planning Officials both determine, based on a report prepared by a qualified professional under contract to the City and paid for by the applicant, that surface discharge of storm water through the buffer would clearly pose a threat to slope stability, and if the storm water outfall will not:

(a) Adversely affect water quality;

(b). Adversely affect fish, wildlife, or their habitat;

(c) Adversely affect drainage or storm water detention capabilities;

(d) Lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and

(e) Be materially detrimental to any other property in the area of the subject property or to the City as a whole, including

the loss of significant open space or scenic vistas.

(9) The applicant supplied Wetland Buffer Enhancement/Mitigation plan explains on pages 11-12 how the placement of the two level spreaders meet the requirements a-e of KZC 90.45.3 (see Attachment 4), and the applicant's development proposal shows that the level spreaders are located outside of the wetland and in the outer portion of the wetland buffer.

(10) KZC 90.45.5 allows minor improvements to be located within a sensitive area buffer if the minor improvements are located in the outer one-half (1/2) of the sensitive area buffers, except where approved stream crossing are made. The Planning Official shall approve a proposal to construct a minor improvement if:

a. It will not affect water quality;

b. It will not adversely affect fish, wildlife, or their habitat;

c. It will not adversely affect drainage or stormwater detention capabilities;

d. It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and

e. It will not be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.

(11) The applicant proposes to install a public trail in the rear of the detention vault and behind Lot 19 and adjacent to Lots 26 and 27 for the purposes of providing a connection from NE 116th Street and through the upper portion of the development to the lower portion of the development to NE 112th Street. Both the upper and the lower portion of the trail is located in the 10-foot buffer setback of the Type III Wetland.

(12) Natural Greenbelt Protection Easement - Zoning Code section 90.150 establish that as part of the final plat the applicant shall dedicate development rights, air space, or grant a greenbelt protection or open space easement to the City to protect sensitive areas and their buffers (NGPE). See Attachment 17 for NGPE easement language.

(13) Save Harmless Agreement – Wetlands - Zoning Code section 90.155 establishes that prior to issuance of a land surface modification permit or a building permit the applicant shall enter into an agreement with the City that runs with the property in a form acceptable to the City Attorney, indemnifying the City from any claims, actions, liability and damages to sensitive areas (wetlands) arising out of development activity on the subject property (see Attachment 18). The applicant shall record this agreement with the King County Department of Elections and Records.

(14) Zoning Code section 90.50 requires that prior to the start of development activities, the applicant install a six-foot high construction-phase chain link fence or equivalent fence, as approved by the Planning Official, along the upland boundary of

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

(15) Zoning Code sections 90.50 requires the applicant to install either (1) a permanent three- to four-foot-tall split rail fence; or (2) permanent planting of equal barrier value; or (3) equivalent barrier, as approved by the Planning Official between the upland boundary of all wetland buffers and the developed portion of the site.

b. Conclusions: Based on the following analysis, the application meets the established criteria for an improvement or land surface modification in a Type III wetland or an environmentally sensitive area buffer and buffer setback for a Type III wetland subject to the following conditions:

(1) The applicant's wetland enhancement/mitigation plan and development plans should be revised to accurately show the reduced wetland buffer and 10-foot wetland buffer setback relative to the stormwater detention vault. In no case shall the reduced wetland buffer be less than 33.3 feet in width. The revised plans should be submitted with the grading permit.

(2) The applicant's Wetland Enhancement/Mitigation Plan should be revised to include additional enhancement that addresses the wetland buffer reduction not previously reviewed. The applicant should fund the review of this revision by the City's consultant, the Watershed Company.

(3) The applicant's proposal to locate level spreaders in the outer portion of the reduced wetland buffer meets the criteria for a piped stormwater outfall and should be granted.

(4) The applicant's proposal to provide a pedestrian trail located in the 10 foot buffer setback meets the criteria for minor improvements and should be granted.

(5) Prior to final inspection of the grading permit, the applicant should submit proof of a written contract with a qualified professional who will perform the monitoring and maintenance program outlined in Attachment 4.

(6) The final inspection of the buffer mitigation installation and subsequent maintenance and monitoring work (for 5 years) should be reviewed by the City's wetland consultant, and the cost of which should be borne by the applicant.

(7) The buffer enhancement/mitigation plan should be completed prior to the final inspection of the grading permit.

(8) As part of the final plat recording the applicant should dedicate a Natural Greenbelt Protection Easement encompassing the wetland and associated buffer area on site. The boundaries of the NGPE should be established by survey. All surveys shall be located on KCAS or plat bearing system and tied to monuments.

(9) Prior to issuance of a land surface modification permit the applicant should enter into both agreements with the City that run with the property in forms acceptable to the City Attorney. The hold harmless agreement(s) should also be recorded on the face of the plat.

(10) Prior to development, the applicant should install a six-foot high construction phase fence along the upland boundary of the entire wetland

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

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

E. DEVELOPMENT REGULATIONS

1. Provisions for Public and Semi-Public Land

a. Facts: Municipal Code section 22.28.020 states that the City may require dedication of land for school sites, parks and open space, rights-of-way, utilities infrastructure, or other similar uses if this is reasonably necessary as a result of the subdivision.

(1) Zoning Code section 110.60 states that the Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.

(2) Attachment 4, Development Regulations (Public Works) describes the required dedications for rights-of-way for this subdivision.

(3) The applicant is required to dedicate a 35-foot wide right-of-way and an 80 foot diameter cul-de-sac to serve lots 1-19 and 26 and 27.

(4) The applicant is required to dedicate a 25–foot wide panhandle on the lower portion of the development

(5) The applicant is required to dedicate a 35–foot wide right-of-way north of the 25-foot wide panhandle

(6) The applicant is required to dedicate right-of-way on the lower portion of the development to accommodate a Fire Department hammerhead turnaround.

(7) The applicant is required to grant a 6-foot wide pedestrian easement along Tract C.

(8) The applicant is required to grant a 10-foot wide pedestrian easement from the south end of Tract C across Lots 26 and 25 to the south property line of Lot 25 and connects to the 35 foot-wide right-of-way.

b. Conclusion: Pursuant to Municipal Code section 22.28.020 and Zoning Code section 110.60, the applicant should follow the Public Works requirements for street and pedestrian improvements as described in Attachment 4, Development Regulations. These improvements are necessary as result of the proposed development activity. The dedications of right-of-ways and granting of pedestrian easements should be shown on the face of the plat prior to submitting for recording.

2. General Lot Layout and Site Development Standards

a. Facts:

(1). Municipal Code section 22.28.030 requires all lots to meet the minimum size requirements established for the property in the Kirkland Zoning Code or other regulatory documents. The applicant has requested through the PUD process to provide lots smaller than the minimum lot size of 8,500 square feet (lots range in size from 3,570 to 9,817 square feet with an average of 5,384 square feet) See Section II.D regarding the PUD request for smaller lot sizes.

(2) Municipal Code section 22.28.050 states that lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. In no case should a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular access easement or tract providing vehicular access to subject lot.

For lots smaller than 5,000 square feet in size located in "low density zones" as defined in the Zoning Code, the lot width at the back of the required front yard shall be no less than 50' (unless the lot is a flag lot or a covenant is signed prior to plat recording ensuring that the garage will be located at the rear of the lot). The applicant has requested through the PUD process to provide lots that are at least 40 ' in width at the back of the required front yard (lot widths range from 40' to 75'). See Section II.D regarding the PUD requests for smaller lot widths.

(3) Municipal Code section 22.28.070 states that, generally, blocks should not exceed five hundred feet in length.

(4) The fundamental site development standards pertaining to a detached dwelling unit in a low density zone are set forth in Zoning Code section 15.30.060.

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

3. Right-of-Way Improvements

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

(1) Zoning Code Chapter 105.10 establishes that for five or more detached dwelling units a dedicated and improved public right of way is required. KZC Chapter 110 establishes right-of-way improvement requirements.

(2) The applicant is required to improve the upper portion of the development serving Lots 1-19 and 26 and 27 with a 35 foot-wide right-of-way and 80 foot diameter cul-de-sac.

(3) The applicant is required to improve the lower portion of the development with a 25 foot-wide panhandle.

(4) The applicant is required to improve the road north of the panhandle with a 35 foot-wide right-of way and a Fire Department Hammerhead.

(5) Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property. The subject property abuts NE 116th Street and NE 112th Street which are classified as a neighborhood access streets.

(6) Attachment 5 establishes the Public Works Department recommendations and conditions regarding the required street improvements for both internal new streets and NE 116th and NE 112th Streets frontage improvements.

b. Conclusions: The proposal should comply with the standard street improvements for the new internal streets and half street improvements along NE 112th and NE 116th Streets as described in Attachment 5 and these new roads and Fire Department hammerhead should be shown on the land surface modification permit application.

4. Vehicular Access Easements or Tracts

a. Facts: Municipal Code sections 22.28.110 and 22.28.130 establish that if vehicular access within the plat is provided by means other than rights-of-way, the plat must establish easements or tracts, compliant with Zoning Code Section 105.10, which will provide the legal right of access to each of the lots served.

Zoning Code section 105.10 establishes dimensional standards for vehicular access easements or tracts. Easements or tracts less than 100 feet in length which serve 1-4 lots must be 15 feet wide and contain a paved surface 10 feet in width. Easements or Tracts serving (3) three or (4) four dwelling units, the minimum standard is 20 feet of unobstructed pavement in a 25-foot wide easement or tract.

Access Tract B is 15 feet wide, serves two lots and is less than 100 feet.

Access Tract C serves four lots and is greater than 150 feet and less than 200 feet long.

Access to Lot 24 only serves one lot and is 15 feet wide.

b. Conclusion: The proposed vehicular access easement /tracts should comply with KZC section 105.10

5. Access – Walkways

a. Facts: Municipal Code section 22.28.170 establishes that the City may require the installation of pedestrian walkways by means of dedicated rights-of-ways, tracts, or easements if a walkway is indicated as appropriate in the comprehensive plan, if it is reasonable necessary provide efficient pedestrian access to a designated activity center of the city, or if blocks are unusually long.

(1) Municipal Code section 22.28.070 states that blocks that are more than 750' in length should allow for midblock pedestrian access.

(2) The distance between the upper portion of the development and the lower portion of the development exceed 750' feet in length.

(3) Attachment 5, Development Standards establishes the Public

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

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

6. Natural Features – Significant Vegetation

a. Facts:

(1) The applicant has submitted a Tree Retention Plan prepared by a certified arborist (see Attachment 19). Specific information regarding the tree density on site and the viability of each tree can be found in Attachment 5, Development Standards.

(2) The applicant has opted to submit an Integrated Development Plan (KZC 95.30.4) rather than applying for Phased review (KZC 95.30.6.a), which allows the City to consider specific tree retention and removals at the time of plat approval.

(3) The City's Arborist has reviewed the Integrated Development Plan (IDP) and the specific recommendations concerning tree retention, removals and site modifications have been incorporated into the applicant's IDP (see Attachment 2).

(4) The City's Arborist has noted that two offsite trees (#331 and #358) will be impacted by the applicant's retaining wall construction on the eastern property line of the upper portion of the site. It is recommended that the applicant's arborist evaluate the retaining wall plans and develop a strategy to preserve these two trees (see Planning Comments, Attachment 5).

(5) At 205 tree credits, the overall site meets the minimum tree density which is 147 tree credits.

(6) KZC 95.33 requires that all lots individually meet the tree density minimum.

b. Conclusions:

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

7. Retaining Wall Height Modification

a. Facts:

(1) Zoning Code Section 115.115.3.g establishes that rockeries and retaining walls shall not exceed four feet in height in a required yard and allows a modification to the maximum height of a retaining wall in a required yard.

(2) The Planning Official reviews modification requests for rockeries and retaining walls.

(2) The applicant submitted a request to modify the retaining wall height to allow a retaining wall up to 10 feet in height in a required yard.

(3) The applicant's analysis and exhibit was submitted on October 6, 2016 to demonstrate that the retaining wall will not have a substantial detrimental effect on the neighboring properties (see Attachment 20).

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

8. Bonds and Securities

a. Facts:

(1) Municipal Code section 22.32.080 states that in lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond for a period of one year to ensure completion of these requirements within one year of the decision approving the plat or short plat.

(2) Zoning Code section 175.10.2 establishes the circumstances under which the City may consider the use of a performance security in lieu of completion of certain site work prior to occupancy. The City may consider a performance security only if: the inability to complete work is due to unavoidable circumstances beyond the control of the applicant; there is certainty that the work can be completed in a reasonable period of time; and occupancy prior to completion will not be materially detrimental to the City or properties adjacent to the subject site.

(3) Zoning Code section 90.145 establishes the requirement for the applicant to submit a performance or maintenance bond to ensure compliance with any aspect of the Drainage Basin regulations contained in Chapter 90 of the Kirkland Zoning Code or any decision or determination made pursuant to the chapter.

b. Conclusions:

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

(2) In order to ensure timely completion of all required site and right-of-way improvements, such improvements should be completed prior to occupancy, unless the applicant can demonstrate compliance with the criteria in Zoning Code section 175.10.2.

(3) In order to ensure that the wetland enhancement work is completed in compliance with the approved plans, prior to issuance of the grading permit for development activity on the site, the applicant should submit a financial security device to the Planning Department to cover the cost of completing the improvements. The security shall be consistent with the standards outlined in Zoning Code section 90.145.

(4) In order to ensure continued compliance with the wetland buffer enhancement plan, prior to final inspection of any permits, the applicant should submit to the Planning Department a financial security device to cover all monitoring and maintenance activities that will need to be done including consultant site visits, reports to the Planning Department, and any vegetation that needs to be replaced. The security shall be consistent with the standards outlined in Zoning Code section 90.145.

F. COMPREHENSIVE PLAN

1. Fact:

   (a) The subject property is located within the South Juanita neighborhood. Figure J-2b on page XV.1-6.1 designates the subject property for low density residential at 7 units per acre for the upper portion of the development and low density residential at 5 units per acre for the lower portion of the development (see Attachment 13 Land Use Map).

   (b) The upper portion of the subject property may achieve up to 7 dwelling units per acre if 7 conditions are met and the request is made in the form of a PUD application. The applicant's response to conditions and staff's analysis can be found in Section II.D.2.c.

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

G. DEVELOPMENT STANDARDS

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 5.

2. Conclusion: The applicant should follow the requirements set forth in Attachment 5.

III. SUBSEQUENT MODIFICATIONS

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

IV. CHALLENGES AND JUDICIAL REVIEW

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

A. CHALLENGE

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

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

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

B. JUDICIAL REVIEW

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

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V. LAPSE OF APPROVAL

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

Under KZC 152.115:

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

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

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

Under KMC 22.16.010 Final Plat – Submittal – Time limits:

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

VI. APPENDICES

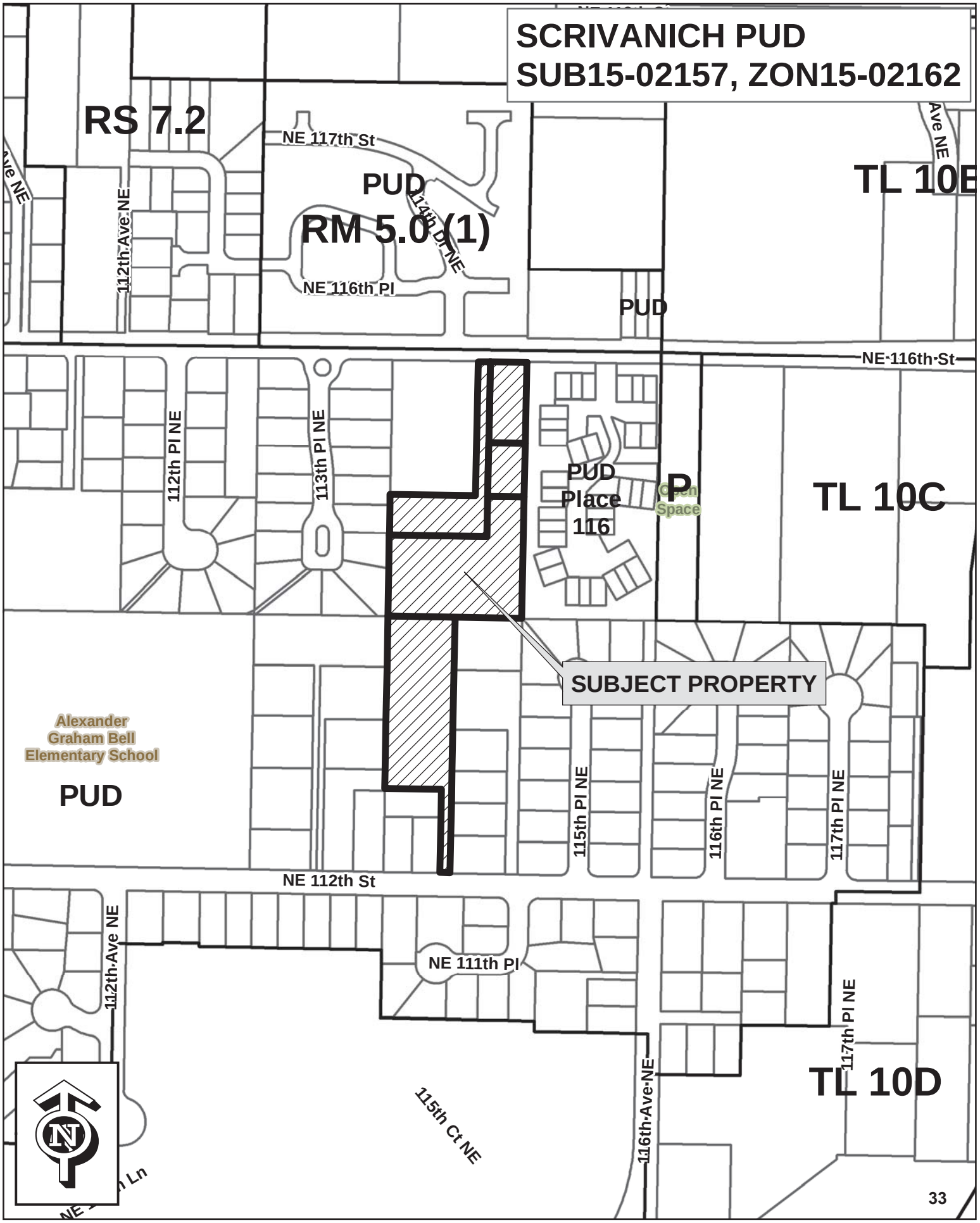
Attachments 1 through 21 are attached.
1. Vicinity Map
2. Development Plans
3. Applicant's Project Narrative and PUD Requests
4. Wetland Buffer Modification Plan prepared by Wetland Resources
5. Development Standards
6. Aerial Exhibit of site and surrounding development
7. Public Comment
8. Public Works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

VII. PARTIES OF RECORD

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

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

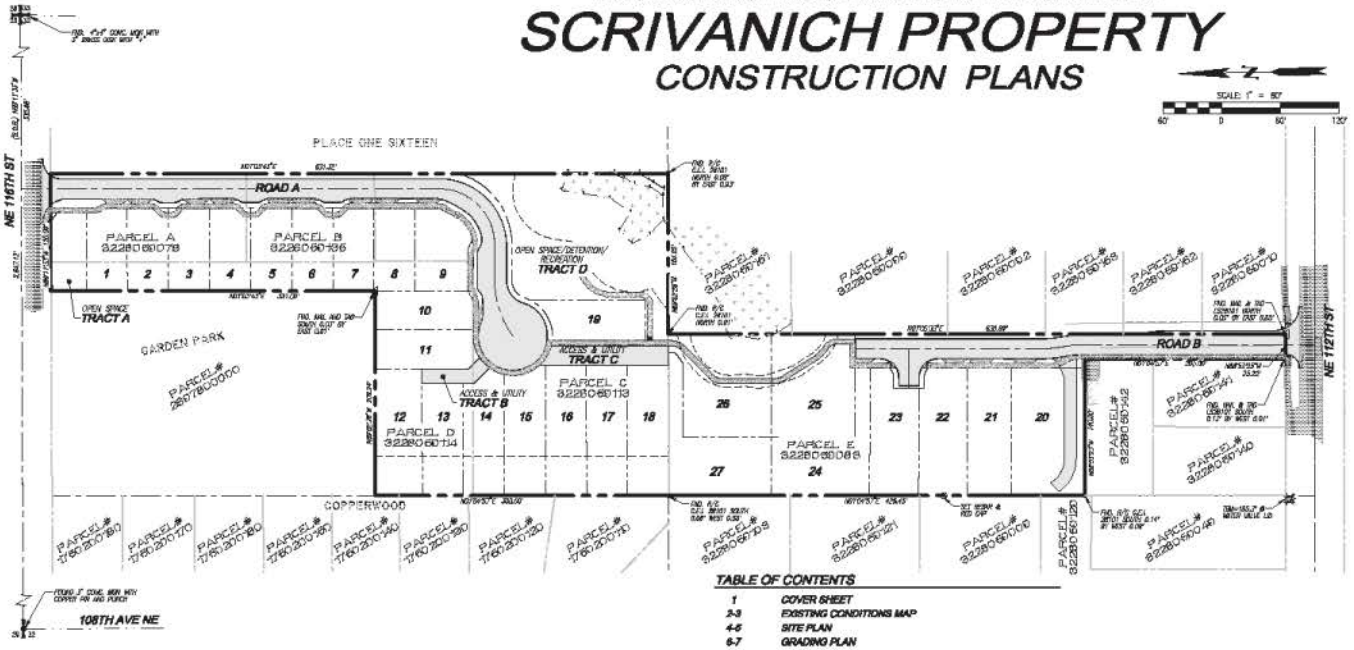
Attachment 1

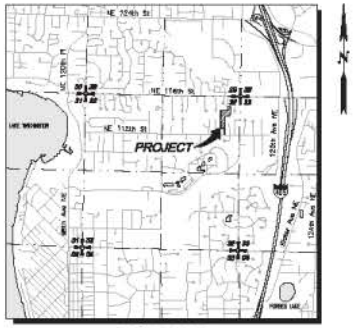


NE 1/4, NE 1/4, SEC 32, TWN 26 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON

SCRIVANICH PROPERTY

CONSTRUCTION PLANS





VICINITY MAP
SCALE: 1"=2000'

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12-13	ROAD AND STORM DRAINAGE PROFILES AND SECTIONS
14-15	STORM DRAINAGE PROFILES
16-17	INTEGRATED DEVELOPMENT PLAN
18-19	INTEGRATED DEVELOPMENT NOTES AND DETAILS
20-21	WATER PLANS
22-23	SANITARY SEWER PLANS
L1-L2	LANDSCAPE PLAN
L3	LANDSCAPE NOTES AND DETAILS

LEGAL DESCRIPTION

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

PARCEL A:
EAST 100 FEET OF THE NORTH 330 FEET OF THE WEST 660 FEET OF THE NORTH HALF OF THE EAST THREE-FOURTHS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE WEST 10 FEET THEREOF; AND EXCEPT THE COUNTY ROAD.

PARCEL B:
THE EAST 660 FEET, LESS THE NORTH 330 FEET THEREOF AND LESS THE SOUTH 300 FEET THEREOF OF THE EAST HALF OF THE WEST 660 FEET OF THE NORTH HALF OF THE EAST THREE-QUARTERS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
EXCEPT COUNTY ROADS.

PARCEL C:
SOUTH 300 FEET OF EAST HALF OF THE WEST 660 FEET OF THE NORTH HALF OF THE EAST THREE-FOURTHS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
ALSO WEST 30 FEET OF EAST 130 FEET OF THAT PORTION OF SAID EAST HALF LYING NORTH OF SOUTH 300 FEET THEREOF;
EXCEPT NORTH 30 FEET FOR THE NORTHEAST 116TH STREET.

PARCEL D:
THE NORTH 100 FEET OF THE SOUTH 300 FEET OF THE WEST 240 FEET OF THE EAST HALF OF THE WEST 660 FEET OF THE NORTH HALF OF THE EAST THREE-QUARTERS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST W.M., IN KING COUNTY, WASHINGTON;
ALSO THE WEST 30 FEET OF THE EAST 130 FEET OF THAT PORTION OF SAID EAST HALF LYING NORTH OF SOUTH 300 FEET THEREOF;
EXCEPT NORTH 30 FEET FOR THE NORTHEAST 116TH STREET.

PARCEL E:
THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
EXCEPT THAT PORTION LYING WITHIN NORTHEAST 112TH STREET;
AND EXCEPT THE WEST 140 FEET OF THE NORTH 330 FEET OF THE SOUTH 630 FEET THEREOF;
(BEING A PORTION OF THE WEST HALF OF LOT 9, KING COUNTY COURT COMMISSIONERS PLAT OF THE ESTATE OF CHARLES H. DUNLOP, DECEASED, IN KING COUNTY PROBATE CASE NO. 570.)

BASIS OF BEARING

NORTH LINE OF THE N.E. 1/4 OF SECTION 32 (AS SHOWN ON MAP.)
WAC 332-130-090 PROCEDURES USED IN THIS SURVEY WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-090, AND 332-130-100 INSTRUMENTATION FOR THIS SURVEY WAS A TOPCON SET 3DRW 5 SECOND TOTAL STATION. MONUMENTS LAST VISITED 8/12/2014

SURVEYOR'S NOTES

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

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

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

LEGEND AND ABBREVIATIONS

EXISTING SYMBOLS

SYMBOL	DESCRIPTION
⌖	FOUND REBAR AS NOTED
●	SET REBAR & CAP LS22480
■	CONCRETE MONUMENT FOUND
⌇	WETLAND FLAG
○	POWER POLE
⟵	GUIDE WIRE
▭▭▭	ROCKERY

ABBREVIATIONS

CB	CATCH BASIN
℄	CENTERLINE
CMP	CORRUGATED METAL PIPE
CP	CONCRETE PIPE
EL.	ELEVATION
(EXIST.	EXISTING
(F	FLOWLINE
HE	INVERT ELEVATION
LDPE	LINED CORRUGATED POLYETHYLENE PIPE
ℙ	PROPERTY LINE
PP	POWER POLE
PVC	POLYVINYL CHLORIDE PIPE
R/W	RIGHT-OF-WAY
STA	STATION
SD	STORM DRAIN
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
SWPE	DOUBLE WALL POLYETHYLENE PIPE
TYP	TYPICAL
TBR	TO BE REMOVED

PROPOSED STORM SYMBOLS

SYMBOL	DESCRIPTION
C	SD CAP
■	TYPE 1 CATCH BASIN, GRATED LID
■	TYPE 1 CATCH BASIN, SOLID LID
◉	TYPE 2 CATCH BASIN, GRATED LID
◉	TYPE 2 CATCH BASIN, SOLID LID
ⓜ	RECTANGULAR MANHOLE COVER
ⓜ	SQUARE YARD DRAIN
ⓜ	ROUND YARD DRAIN
○	STORM CLEAN OUT
———	STORM PIPE

PROPOSED SEWER SYMBOLS

SYMBOL	DESCRIPTION
C	SEWER CAP
○	SEWER CLEANOUT
●	SEWER MANHOLE
———	SEWER PIPE

PROPOSED WATER SYMBOLS

SYMBOL	DESCRIPTION
C	WATER CAP
▷	CONCRETE BLOCKING
⋈	BUTTERFLY VALVE
11.25°	11° BEND
45°	45° BEND
90°	90° BEND
22.5°	22° BEND
⋈	VALVE
◆	HYDRANT ASSEMBLY
⋈	BLOW-OFF VALVE
◀	REDUCER
⋈	AIR-VAC ASSEMBLY
ⓦ	WATER METER
———	WATER PIPE

PROPOSED SURVEY SYMBOLS

SYMBOL	DESCRIPTION
⊕	SURVEY MONUMENT IN PROPOSED ROAD

PROJECT INFORMATION

SITE ADDRESSES:	11431 NE 116TH ST, KIRKLAND, WA 98033 11421 NE 116TH ST, KIRKLAND, WA 98033
TAX PARCELS:	3226059139, 3226059078, 3226059113, 3226060088, AND 3226060114.
GROSS SITE AREA:	214,063 SF 4.91 AC (POST BLA)
CURRENT ZONING:	RS 5.0
ADJACENT DEVELOPMENT:	SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL
DEMISTS:	SEE SHEETS SP-01 & SP-02
PROPOSED ROW AREA (ROADS A AND B):	SEE SHEETS SP-01 & SP-02
NET SITE AREA (GROSS SITE AREA, LESS PROPOSED ROW AREA):	SEE SHEETS SP-01 & SP-02
ACCESS/UTILITY TRACTS TRACT B: TRACT C:	SEE SHEETS SP-01 & SP-02 SEE SHEETS SP-01 & SP-02
TOTAL LOT AREA:	150,025 SF 3.44 AC
TOTAL LOTS:	27
SMALLEST LOT SIZE:	3,570 SF (LOTS 1-8)
AVERAGE LOT SIZE:	5,556 SF
SETBACKS:	20' FRONT (GARAGE)/ 10' FRONT (LIVING AREA), 5' SIDE, 10' REAR
WATER:	KIRKLAND (425) 587-3800
SEWER:	KIRKLAND (425) 587-3800
SCHOOL DISTRICT:	LAKE WASHINGTON #414 (425) 936-1200
FIRE DISTRICT:	CITY OF KIRKLAND (425) 587-3800
TELEPHONE SERVICE PROVIDER:	FRONTIER (877) 462-8186
POWER PROVIDER:	PUGET SOUND ENERGY (888) 225-5773
CABLE TV PROVIDER:	COMCAST (800) 934-6489
CITY OF KIRKLAND PW INSPECTIONS:	(425) 587-3805

IMPERVIOUS COVER

TOTAL NEW IMPERVIOUS COVER:	2.41 AC
TOTAL PGIS:	1.05 AC
IMPERVIOUS COVER (ONSITE ROW):	0.75 AC
IMPERVIOUS COVER (ONSITE LOT & TRACT):	1.88 AC
DISTURBED AREA (ONSITE):	4.52 AC
EXISTING CONDITIONS IMPERVIOUS COVER:	<36%
LOT & TRACT AREA W/O IMPERVIOUS COVER:	2.06 AC (89,638 SF)

EARTHWORK QUANTITIES

CUT: 7,800 CY
FILL: 14,900 CY
NET: 7,100 CY (FILL)
* QUANTITIES FOR PLANNING PURPOSES ONLY AND SHOULD NOT BE USED FOR ESTIMATING.

CONTACT LIST

PROPERTY OWNER/APPLICANT:
LARRY SCRIVANICH
PO BOX 3174
WOODINVILLE, WA 98072

SURVEYOR:
DUNHAM SURVEYING, INC.
23011 SR90 AVE SE
BOTHELL, WA 98021
CONTACT: JOHN D. DUNHAM, PLS
PHONE: (425) 486-1538
EMAIL: dunhamsurveying@frontier.com

WETLAND:
WETLAND RESOURCES, INC.
9505 19TH AVENUE SE #106
EVERETT, WASHINGTON 98208
CONTACT: JIM ROTHWELL
PHONE: (425) 337-3174
EMAIL: jim@wetlandresources.com

TRANSPORTATION:
GIBSON TRAFFIC CONSULTANTS, INC.
2802 WETMORE AVENUE #230
EVERETT, WASHINGTON 98201
CONTACT: BRAD LINCOLN, PE
PHONE: (425) 339-8266
EMAIL: brad@gibsontraffic.com

ENGINEER:
LDC, INC.
14350 NE 356TH ST #106
WOODINVILLE, WASHINGTON 98072
CONTACT: JEREMY SAGHER, PE
PHONE: (425) 806-1869
FAX: (425) 482-2893
EMAIL: jsaghers@ldccorp.com

ARCHITECT:
JW ARCHITECTS
3715 S HUDSON STREET #103
SEATTLE, WASHINGTON 98118
CONTACT: HOLLY O'DONNELL
PHONE: (206) 851-1305 EXT-106
EMAIL: www.jwarchs.com

LANDSCAPE ARCHITECT:
HOOT OF DESIGN LLC
16831 73RD AVENUE NE #202
STANWOOD, WASHINGTON 98292
CONTACT: DEVIN PETERSON
PHONE: (206) 491-8548
EMAIL: devin@hootofdesign.com

NOTES

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

DISCLAIMER

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Utilities Underground Location Center

REVISIONS

NO	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	9-21-16	MARK TREE 467 AND PARKING	JLS

LDC
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THE LDC ENGINEERING GROUP
14350 NE 356th St., #106
Woodinville, WA 98072
Ph. (425) 806-1869
Fx. (425) 482-2893
www.LDCcorp.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

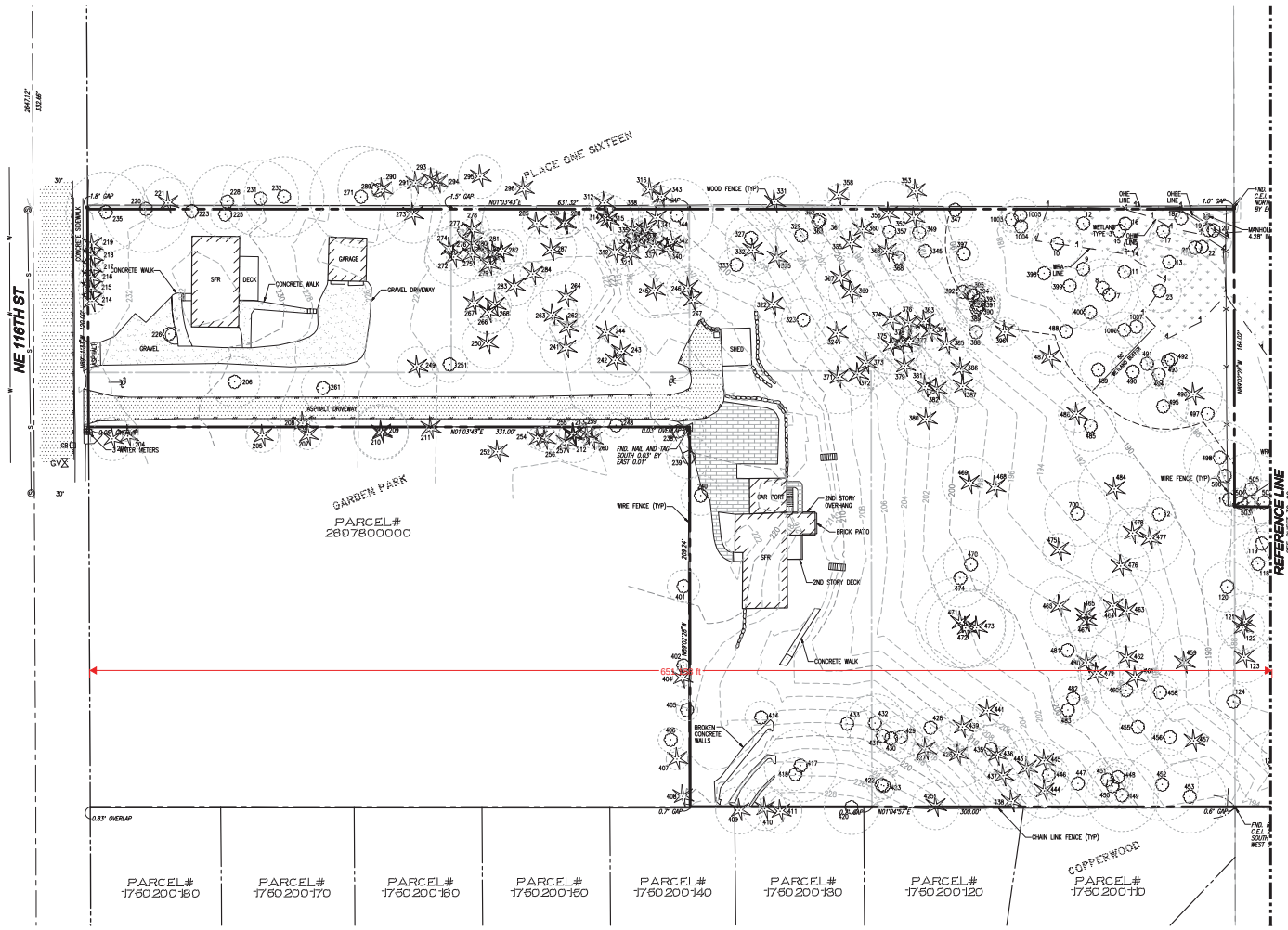
COVER SHEET

JOB NUMBER: 14-171
DRAWING NAME: 14171C-CS01
DESIGNED: JLS
DRAFTING BY: BJN
DATE: 9-21-16
SCALE: 1"=60'
JURISDICTION: CITY OF KIRKLAND

CS-01

SHEET 1 OF 25

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



LEGAL DESCRIPTION

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

PARCEL A:
EAST 100 FEET OF THE NORTH 230 FEET OF THE WEST 660 FEET OF THE NORTH HALF OF THE EAST THREE-FOURTHS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE WEST 10 FEET THEREOF, AND EXCEPT THE COUNTY ROAD.

PARCEL B:
THE EAST 90 FEET, LESS THE NORTH 230 FEET THEREOF AND LESS THE SOUTH 300 FEET THEREOF OF THE EAST HALF OF THE WEST 660 FEET OF THE NORTH HALF OF THE EAST THREE-QUARTERS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
EXCEPT COUNTY ROADS.

PARCEL C:
SOUTH 300 FEET OF EAST HALF OF THE WEST 660 FEET OF THE NORTH HALF OF THE EAST THREE-FOURTHS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
ALSO WEST 30 FEET OF EAST 120 FEET OF THAT PORTION OF SAID EAST HALF LYING NORTH OF SOUTH 300 FEET THEREOF;
EXCEPT NORTH 30 FEET FOR NORTHEAST 116TH STREET.

PARCEL D:
THE NORTH 100 FEET OF THE SOUTH 300 FEET OF THE WEST 240 FEET OF THE EAST HALF OF THE WEST 660 FEET OF THE NORTH HALF OF THE EAST THREE-QUARTERS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST W.M., IN KING COUNTY, WASHINGTON;
ALSO THE WEST 30 FEET OF THE EAST 120 FEET OF THAT PORTION OF SAID EAST HALF LYING NORTH OF SOUTH 300 FEET THEREOF,
EXCEPT NORTH 30 FEET FOR THE NORTHEAST 116TH STREET.

PARCEL E:
THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
EXCEPT THAT PORTION LYING WITHIN NORTHEAST 112TH STREET;
AND EXCEPT THE WEST 140 FEET OF THE NORTH 205 FEET OF THE SOUTH 235 FEET THEREOF.
(BEING A PORTION OF THE WEST HALF OF LOT 9, KING COUNTY COURT COMMISSIONERS PLAT OF THE ESTATE OF CHARLES H. DUNLOP, DECEASED, IN KING COUNTY PROBATE CASE NO. 570.)

BASIS OF BEARING

NORTH LINE OF THE N.E. 1/4 OF SECTION 32 (AS SHOWN ON MAP.)
WAC 332-130-090 PROCEDURES USED IN THIS SURVEY WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-090. WAC 332-130-100 INSTRUMENTATION FOR THIS SURVEY WAS A SOKKIA SET 530R 5 SECOND TOTAL STATION. MONUMENTS LAST VISITED 8/12/2014

SURVEYOR'S NOTES

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

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

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

LEGEND AND ABBREVIATIONS

EXISTING SYMBOLS		ABBREVIATIONS		ABBREVIATIONS	
SYMBOL	DESCRIPTION	CB	CATCH BASIN	PP	POWER POLE
○	FOUND REBAR AS NOTED	℄	CENTERLINE	PVC	POLYVINYL CHLORIDE PIPE
•	SET REBAR & CAP LS22688	CMP	CORRUGATED METAL PIPE	R/W	RIGHT-OF-WAY
⊛	CONCRETE MONUMENT FOUND	CP	CONCRETE PIPE	STA	STATION
⚑	WETLAND FLAG	EL	ELEVATION	SD	STORM DRAIN
○	POWER POLE	EXIST.	EXISTING	SS	SANITARY SEWER
←	GUIDE WIRE	℄	FLOWLINE	SSMH	SANITARY SEWER MANHOLE
▭▭▭	ROCKERY	IE	INVERT ELEVATION	SWPE	SOLID WALL POLYETHYLENE PIPE
		LCPE	LINED CORRUGATED POLYETHYLENE PIPE	TYP	TYPICAL
		℄	PROPERTY LINE	TBR	TO BE REMOVED

DISCLAIMER

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	9-31-16	SWED TREE 457 AND PARKING	JLS

LDC
THE CIVIL ENGINEERING GROUP
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Planning
Survey
14201 NE 200th St., #100
Woodinville, WA 98072
Ph. 425.806.1869
Fx. 425.806.1890
www.LDCinc.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

EXISTING CONDITIONS MAP

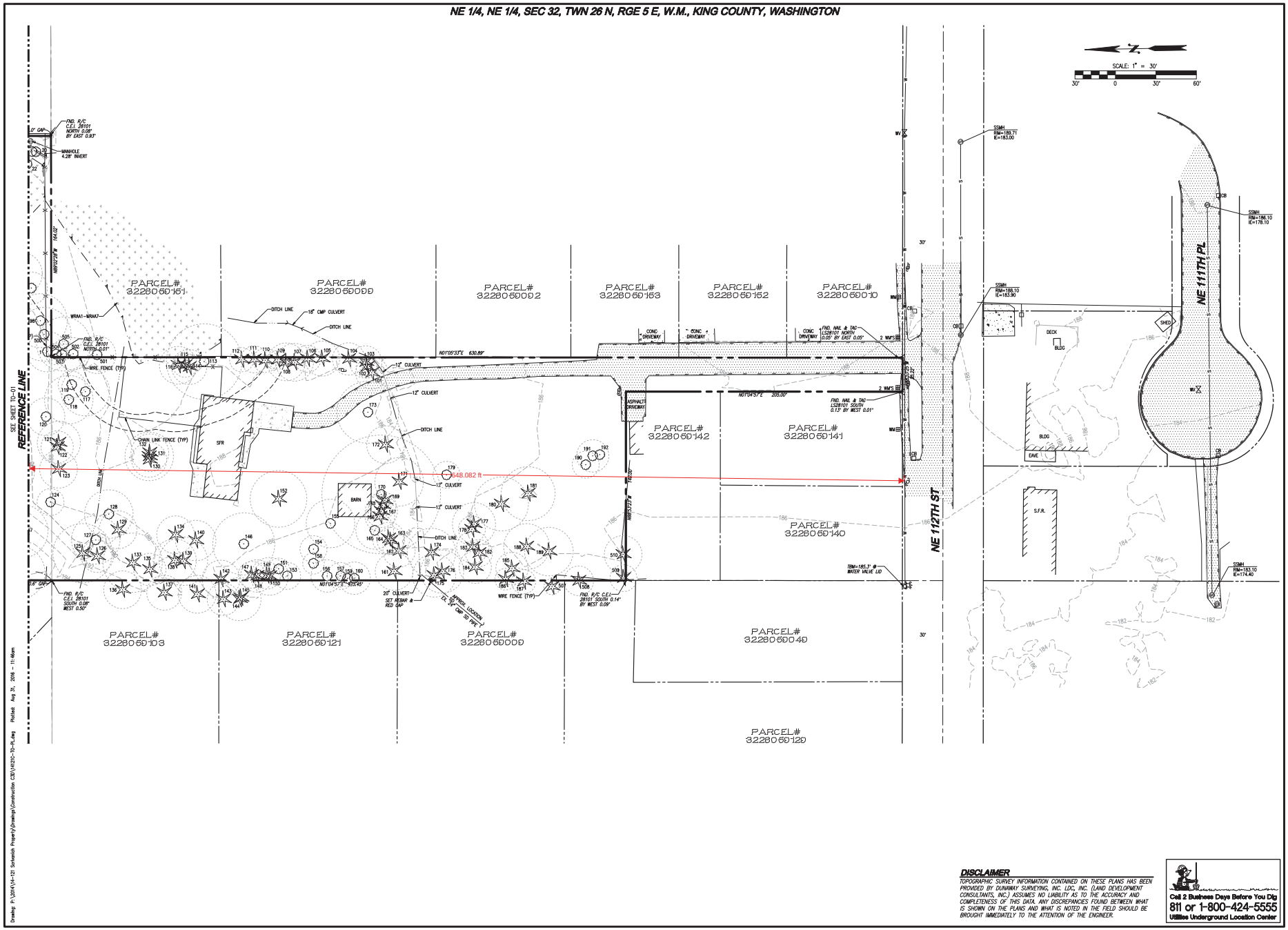
JOHN D. DUNAWAY STATE OF WASHINGTON REGISTERED PROFESSIONAL LAND SURVEYOR

JOB NUMBER:	14-121
DRAWING NAME:	14121C-TO-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

TO-01

SHEET 2 OF 25

Drawing: P:\2014\14-121 Scrivanich Property\Drawings\Construction CSD\14121C-TO-PL.dwg Plotted: Aug 31, 2016 - 11:45am



REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	9-31-16	SMED TREE 457 AND PARKING	JLS

LDC
THE CIVIL ENGINEERING GROUP
Engineering
Structural
Planning
Survey
14201 NE 20th St., #100
Bellevue, WA 98007
Ph. 425.885.1986
Fx. 425.885.1886
www.LDCcorp.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

EXISTING CONDITIONS MAP

JOHN D. DUNAWAY
STATE OF WASHINGTON
REGISTERED
PROFESSIONAL LAND SURVEYOR

JOB NUMBER:	14-121
DRAWING NAME:	14121C-TO-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

TO-02

SHEET 3 OF 25

DISCLAIMER

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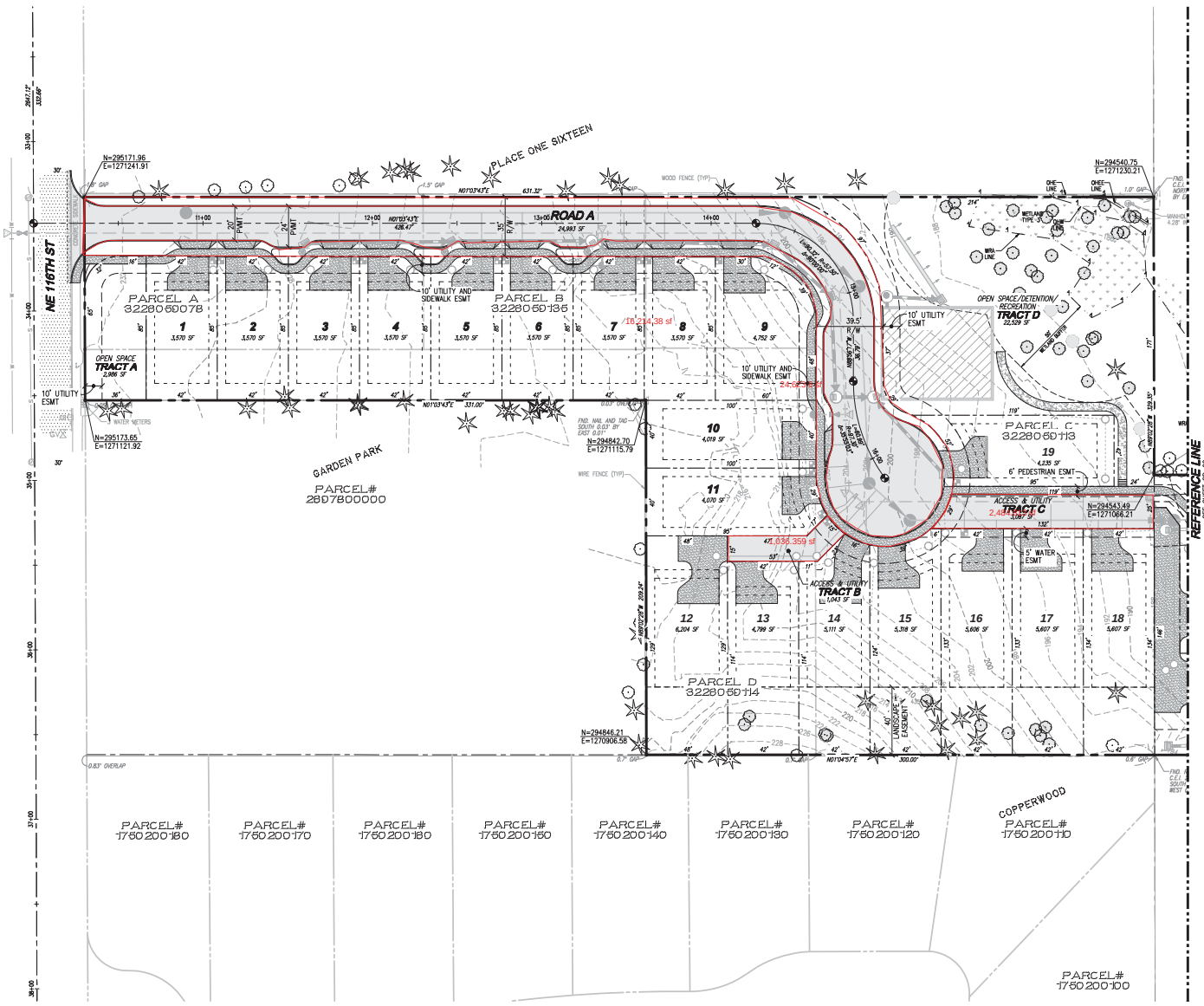
Drawing: P:\2014\14-121 Scrivanich Property\Drawings\Construction CD\14121C-TO-PL.dwg Plotted: Aug 31, 2016 - 11:46am

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



SCALE: 1" = 30'

30' 0 30' 60'

LEGEND

- EXISTING TREE TO REMAIN
- EXISTING OFFSITE TREE
- MONUMENT

PROJECT INFORMATION

SITE ADDRESSES:	11431 NE 116TH ST, KIRKLAND, WA 98033 11421 NE 116TH ST, KIRKLAND, WA 98033
TAX PARCELS:	3226059135, 3226059078, 3226059113, 3226059083, AND 3226059114.
GROSS SITE AREA:	214,062 SF 4.91 AC (POST BLA)
CURRENT ZONING:	RS 8.5
ADJACENT DEVELOPMENT:	SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL
TOTAL LOTS:	27
SMALLEST LOT SIZE:	3,570 SF (LOTS 1-8)
AVERAGE LOT SIZE:	5,556 SF
SETBACKS:	20' FRONT (DRIVEWAY), 15' FRONT (LIVING AREA), 5' SIDE, 10' REAR
WATER:	KIRKLAND (425) 587-3800
SEWER:	KIRKLAND (425) 587-3800
SCHOOL DISTRICT:	LAKE WASHINGTON #414 (425) 936-1200
FIRE DISTRICT:	CITY OF KIRKLAND (425) 587-3600
TELEPHONE SERVICE PROVIDER:	FRONTIER (877) 462-8188
POWER PROVIDER:	PUGET SOUND ENERGY (888) 225-5773
CABLE TV PROVIDER:	COMCAST (800) 934-6489
CITY OF KIRKLAND PW INSPECTIONS:	(425) 587-3805

CONTACT LIST

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

SURVEYOR:
DUNAWAY SURVEYING, INC.
23201 53RD AVE SE
BOTHELL, WA 98021
CONTACT: JOHN D. DUNAWAY, PLS
PHONE: (425) 486-1530
EMAIL: dunawaysurveying@frontier.com

WETLAND:
WETLAND RESOURCES, INC.
9505 19TH AVENUE SE #106
EVERETT, WASHINGTON 98208
CONTACT: JIM ROTHWELL
PHONE: (425) 337-3174
EMAIL: jim@wetlandresources.com

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

ENGINEER:
LDC, INC.
14201 NE 200TH ST #100
WOODINVILLE, WASHINGTON 98072
CONTACT: JEREMY SATHER, PE
PHONE: (425) 806-1869
FAX: (425) 482-2893
EMAIL: jsather@ldccorp.com

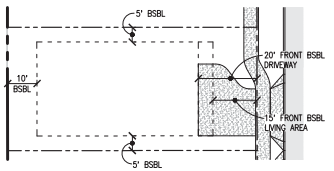
ARCHITECT:
JW ARCHITECTS
3715 S HUDSON STREET #105
SEATTLE, WASHINGTON 98118
CONTACT: MOLLY O'DONNELL
PHONE: (206) 953-1305 EXT-106
EMAIL: www.jwseattle.com

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

NORTH PROPERTY - PUD

GROSS SITE AREA (GSA)	138,529 SF	3.1802 AC
LESS ROADS *	19,428 SF	0.4460 AC
NET DEVELOPMENT AREA	119,101 SF	2.7342 AC
NET DEVELOPMENT AREA	2.7342 AC	
UNITS/AC (NO BONUS @ 7/AC)	x 7	
NUMBER OF LOTS CALCULATED	19.1393 LOTS	
NUMBER OF LOTS PROPOSED (ROUNDED)	19 LOTS	

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



BSBL DETAIL
SCALE: 1"=20'

TRACT TABLE

TRACT	DESIGNATION	AREA (SF)
A	OPEN SPACE	2,986
B	ACCESS & UTILITY	1,043
C	ACCESS & UTILITY	3,087
D	OPEN SPACE/DETENTION/RECREATION	22,529

DISCLAIMER

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REVISIONS

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2	9-21-16	SWED TREE 457 AND PARKING	JLS

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Woodinville, WA 98072
Ph. 425.806.1869
Fx. 425.482.2893
www.LDCcorp.com

LARRY SCRIVANICH
SCRIVANICH PROPERTY
SITE PLAN

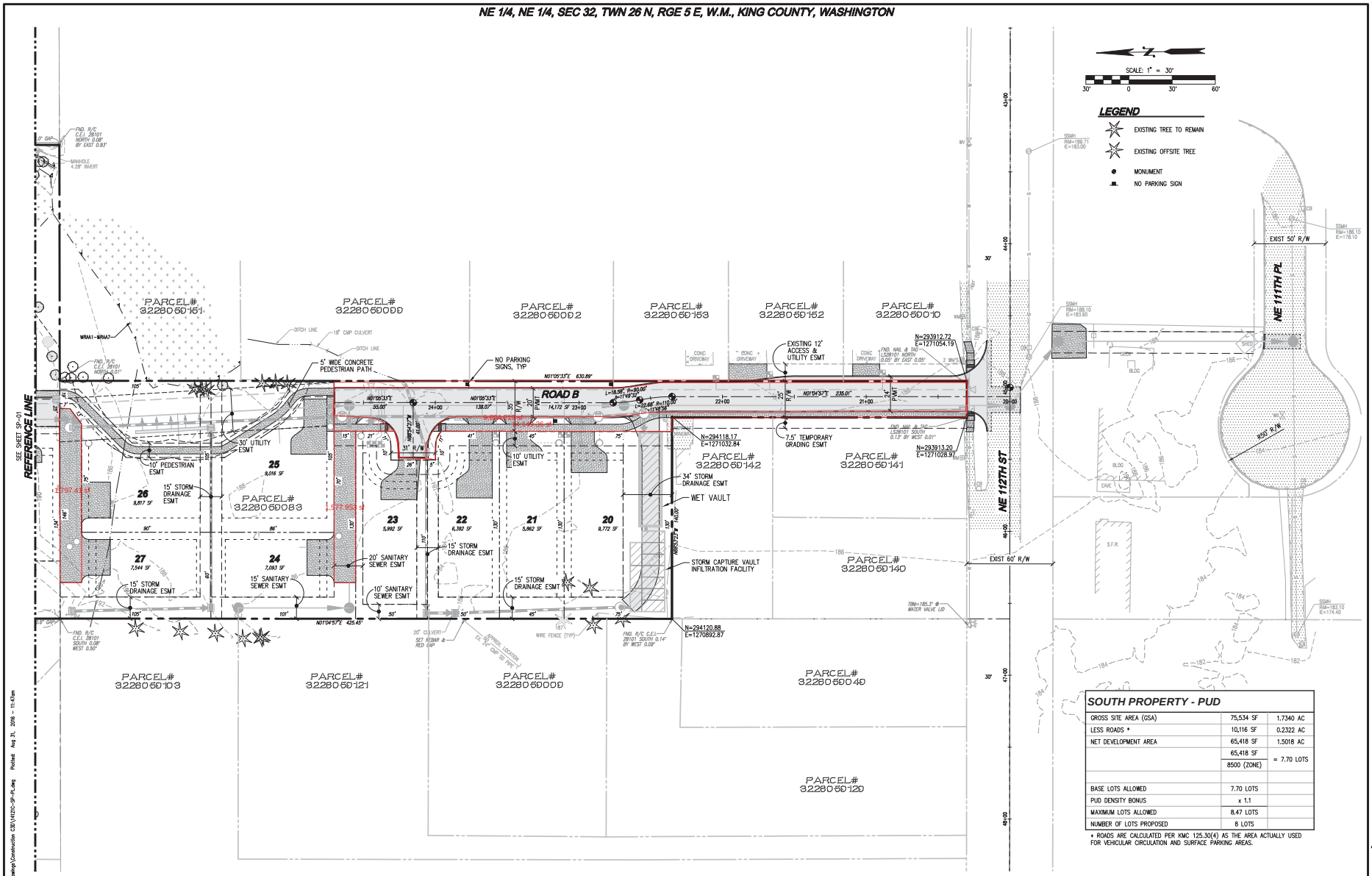
JEREMY L. SATHER
REGISTERED PROFESSIONAL ENGINEER
STATE OF WASHINGTON
9-21-16

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

SP-01
SHEET 4 OF 25

Drawing: P:\2014\14-121 Scrivanich Property\Drawings\Construction CD\14121C-SP-PL.dwg Plotted: Aug 31, 2016 - 11:47am

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



SOUTH PROPERTY - PUD

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

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

DISCLAIMER

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	8-31-16	SHED TREE 457 AND PARKING	JLS

LDC — THE CIVIL ENGINEERING GROUP
Engineering
Structural
Planning
Survey
14201 NE 200th St., #200
Woodinville, WA 98072
Ph. 425.806.1869
Fx. 425.806.2881
www.LDCinc.com

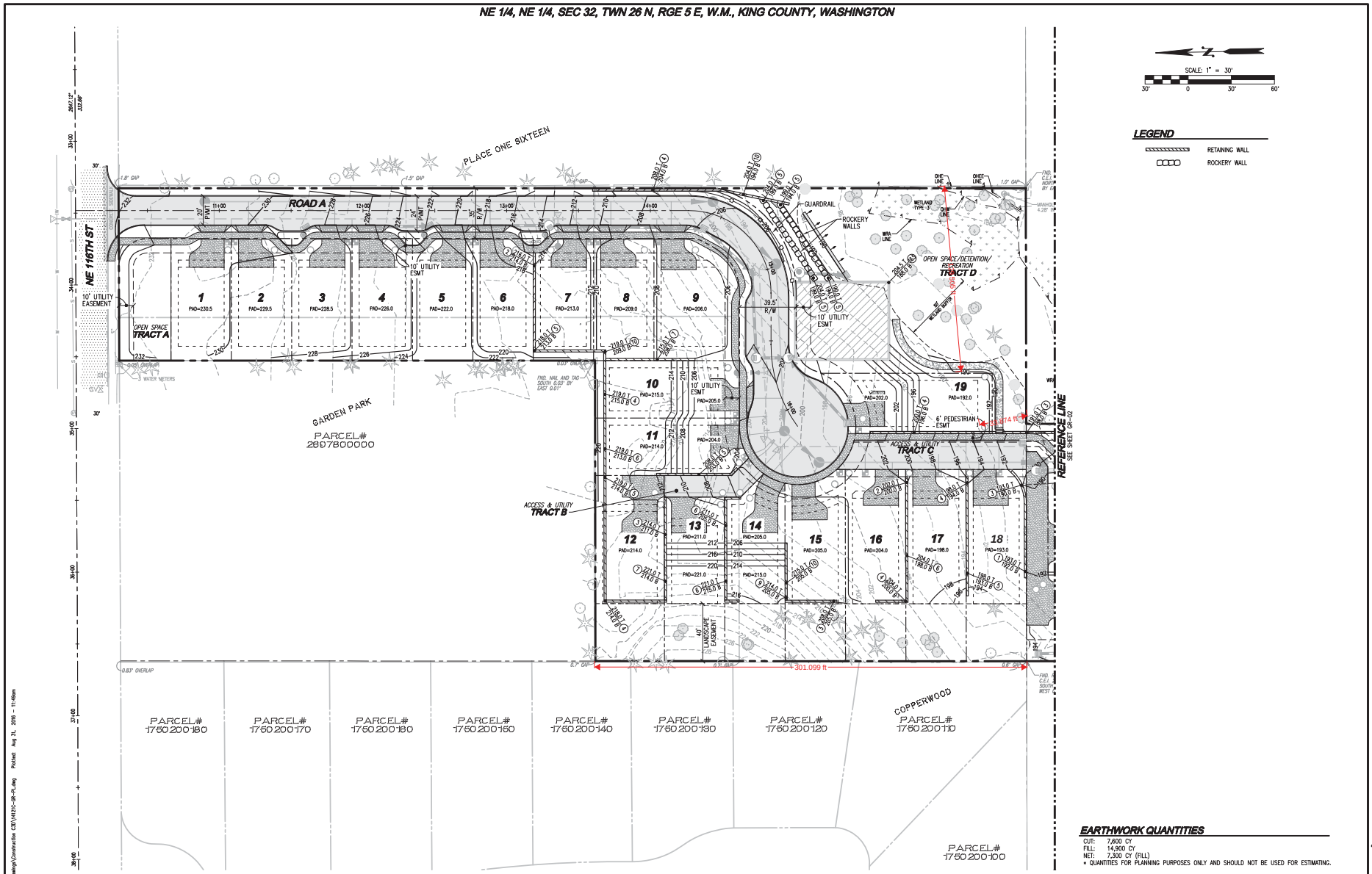
LARRY SCRIVANICH
SCRIVANICH PROPERTY
SITE PLAN

JEREMY L. SAMPLE — 19800 — REGISTERED PROFESSIONAL ENGINEER — 8-31-16

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

SP-02
SHEET 5 OF 25

Drawing: P:\2014\14-121 Scrivanich Property\Drawings\Construction CD\14121C-SP-PL.dwg Plotted: Aug 31, 2016 - 11:47am



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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	9-31-16	SMED TREE 457 AND PARKING	JLS

LDC THE CIVIL ENGINEERING GROUP
Engineering
Structural
Planning
Survey
14301 NE 20th St., #100
Vancouver, WA 98684
Ph. 424.885.1900
Fx. 424.885.1902
www.LDCinc.com

LARRY SCRIVANICH
SCRIVANICH PROPERTY
GRADING PLAN

JEREMY L. SATTLER
STATE OF WASHINGTON
21886
REGISTERED PROFESSIONAL ENGINEER
9-21-16

JOB NUMBER:	14-121
DRAWING NAME:	14121C-GR-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

GR-01
SHEET 6 OF 25

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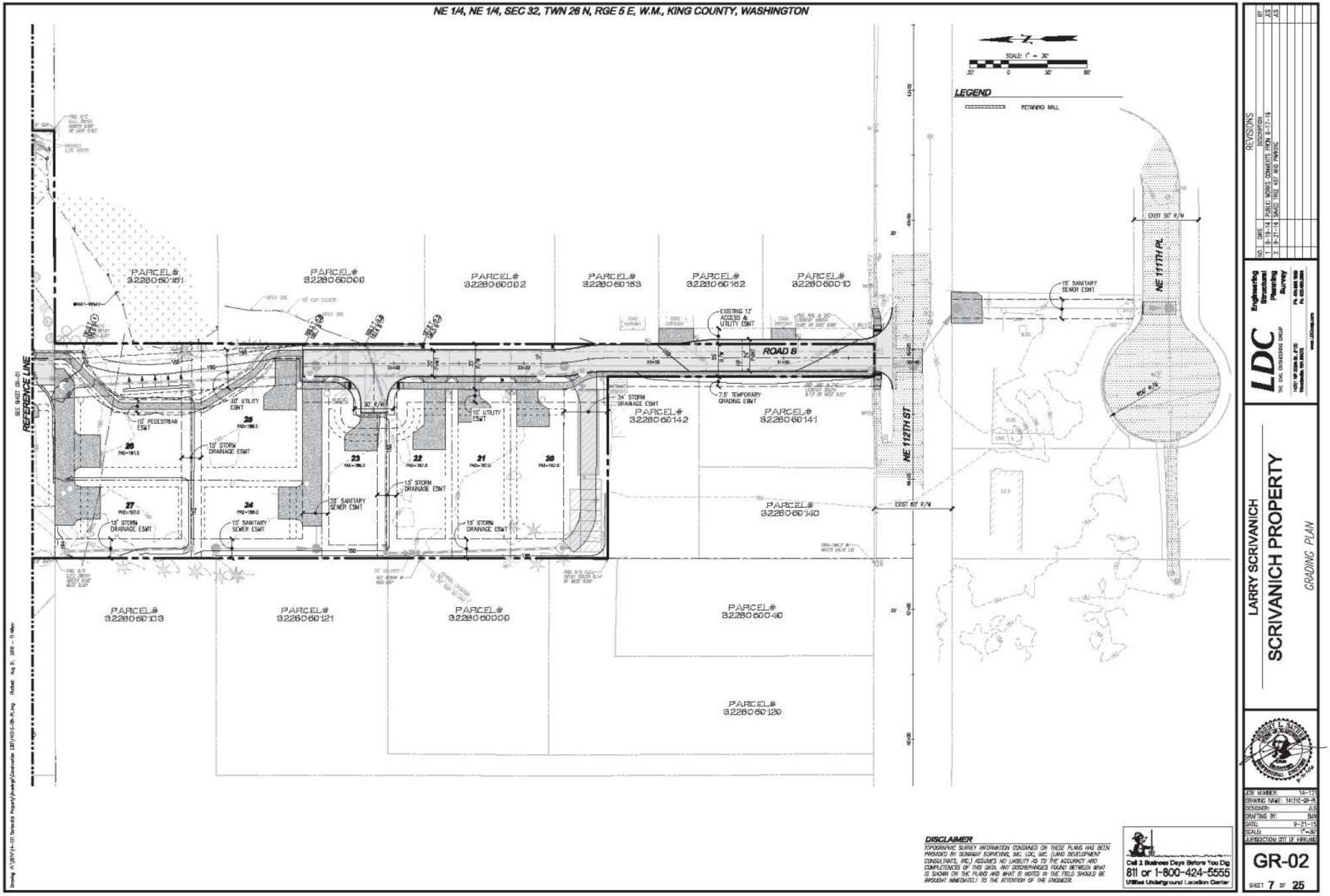
NE 1/4, NE 1/4, SEC 32, TWN 28 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON
LEGEND
RETAINING WALL
SCALE: 1" = 30'
REFERENCE LINE
ROAD B
NE 112TH ST
NE 111TH PL
EXIST 50' R/W
EXISTING 12' ACCESS & UTILITY ESMT
7.5' TEMPORARY GRADING ESMT
34' STORM DRAINAGE ESMT
30' UTILITY ESMT
10' UTILITY ESMT
10' PEDESTRIAN ESMT
15' STORM DRAINAGE ESMT
30' SANITARY SEWER ESMT
15' SANITARY SEWER ESMT
PARCEL# 3228060151
PARCEL# 3228060000
PARCEL# 3228060002
PARCEL# 3228060153
PARCEL# 3228060162
PARCEL# 3228060010
PARCEL# 3228060142
PARCEL# 3228060141
PARCEL# 3228060140
PARCEL# 3228060103
PARCEL# 3228060121
PARCEL# 3228060009
PARCEL# 3228060040
PARCEL# 3228060120
DISCLAIMER
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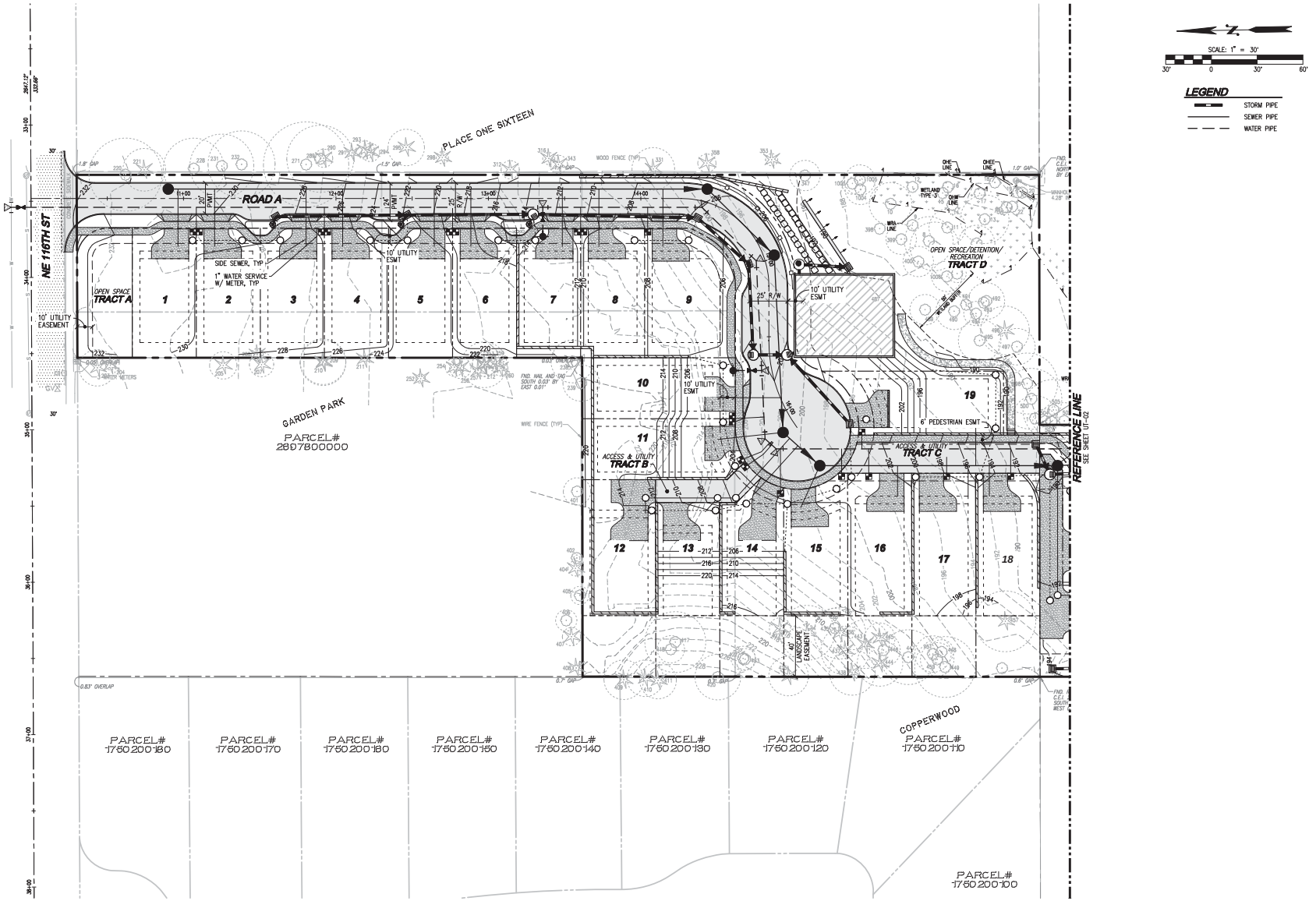
Utilities Underground Location Center
REVISIONS
LDC
LARRY SCRIVANICH
SCRIVANICH PROPERTY
GRADING PLAN
JOB NUMBER: 14-170
DRAWING NAME: 14170-GR-PLN
DESIGNER: JLS
DRAFTING BY: BJN
DATE: 9-21-15
SCALE: 1"=30'
JURISDICTION: CITY OF KIRKLAND
GR-02
SHEET 7 OF 25

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



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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	9-31-16	SAVED TREE 457 AND PARKING	JLS

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Ph. 425.806.1869
Fx. 425.806.2881
www.LDCinc.com

LARRY SCRIVANICH
SCRIVANICH PROPERTY
COMPOSITE UTILITY PLAN

JEREMY L. SANDIN
STATE OF WASHINGTON
EXPIRES
PROFESSIONAL ENGINEER

JOB NUMBER:	14-121
DRAWING NAME:	14121C-UT-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

UT-01

SHEET 8 OF 25

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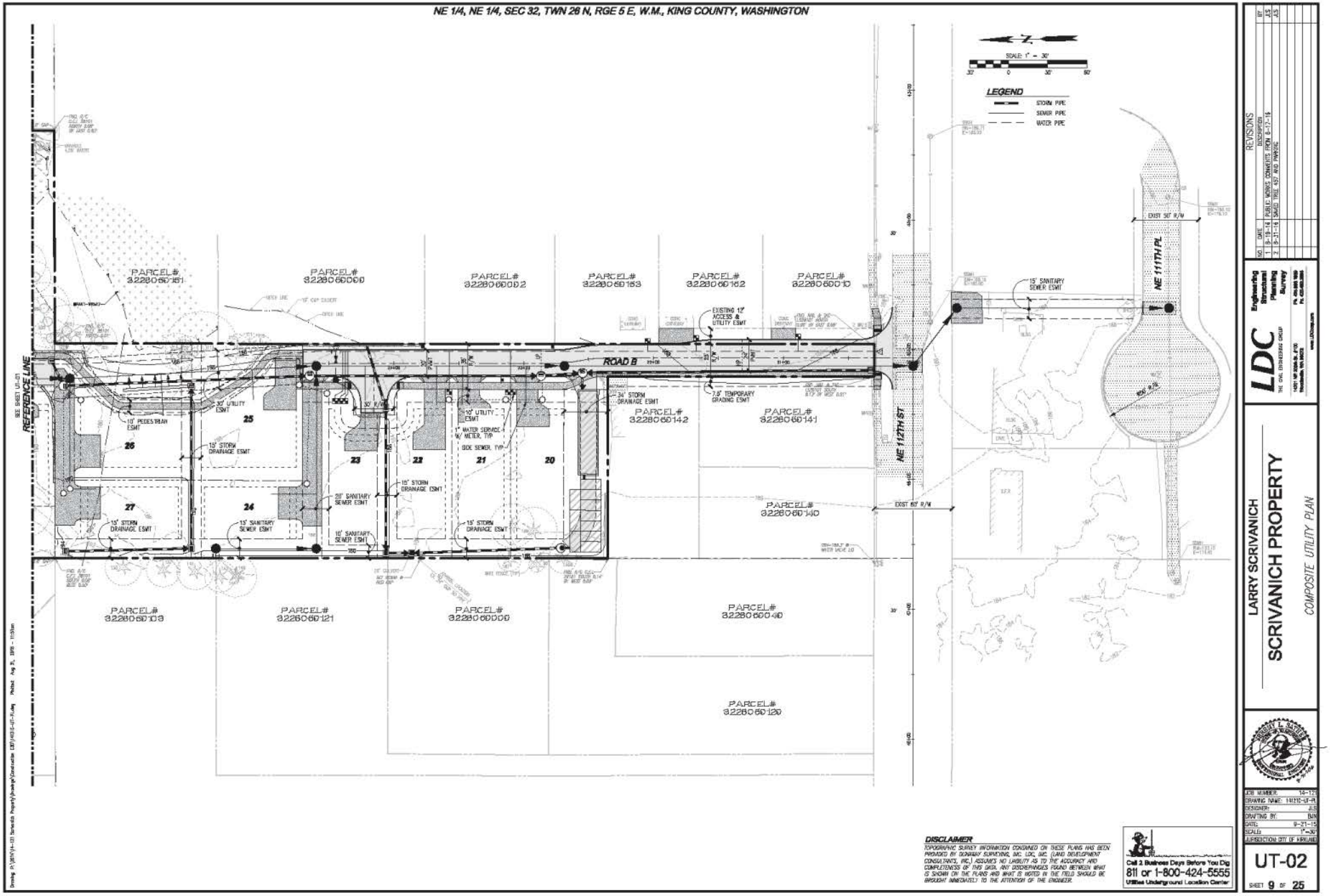
NE 1/4, NE 1/4, SEC 32, TWN 28 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON
SCALE: 1" = 30'
LEGEND
STORM PIPE
SEWER PIPE
WATER PIPE
REFERENCE LINE
ROAD B
NE 111TH PL
NE 112TH ST
EXIST 50' R/W
15' SANITARY SEWER ESMT
EXISTING 12' ACCESS & UTILITY ESMT
7.5' TEMPORARY GRADING ESMT
24' STORM DRAINAGE ESMT
30' UTILITY ESMT
10' PEDESTRIAN ESMT
15' STORM DRAINAGE ESMT
20' SANITARY SEWER ESMT
10' SANITARY SEWER ESMT
1" WATER SERVICE W/ METER, TYP
SIDE SEWER, TYP
PARCEL# 3228060151
PARCEL# 3228060000
PARCEL# 3228060002
PARCEL# 3228060153
PARCEL# 3228060162
PARCEL# 3228060010
PARCEL# 3228060142
PARCEL# 3228060141
PARCEL# 3228060140
PARCEL# 3228060103
PARCEL# 3228060121
PARCEL# 3228060009
PARCEL# 3228060040
PARCEL# 3228060120
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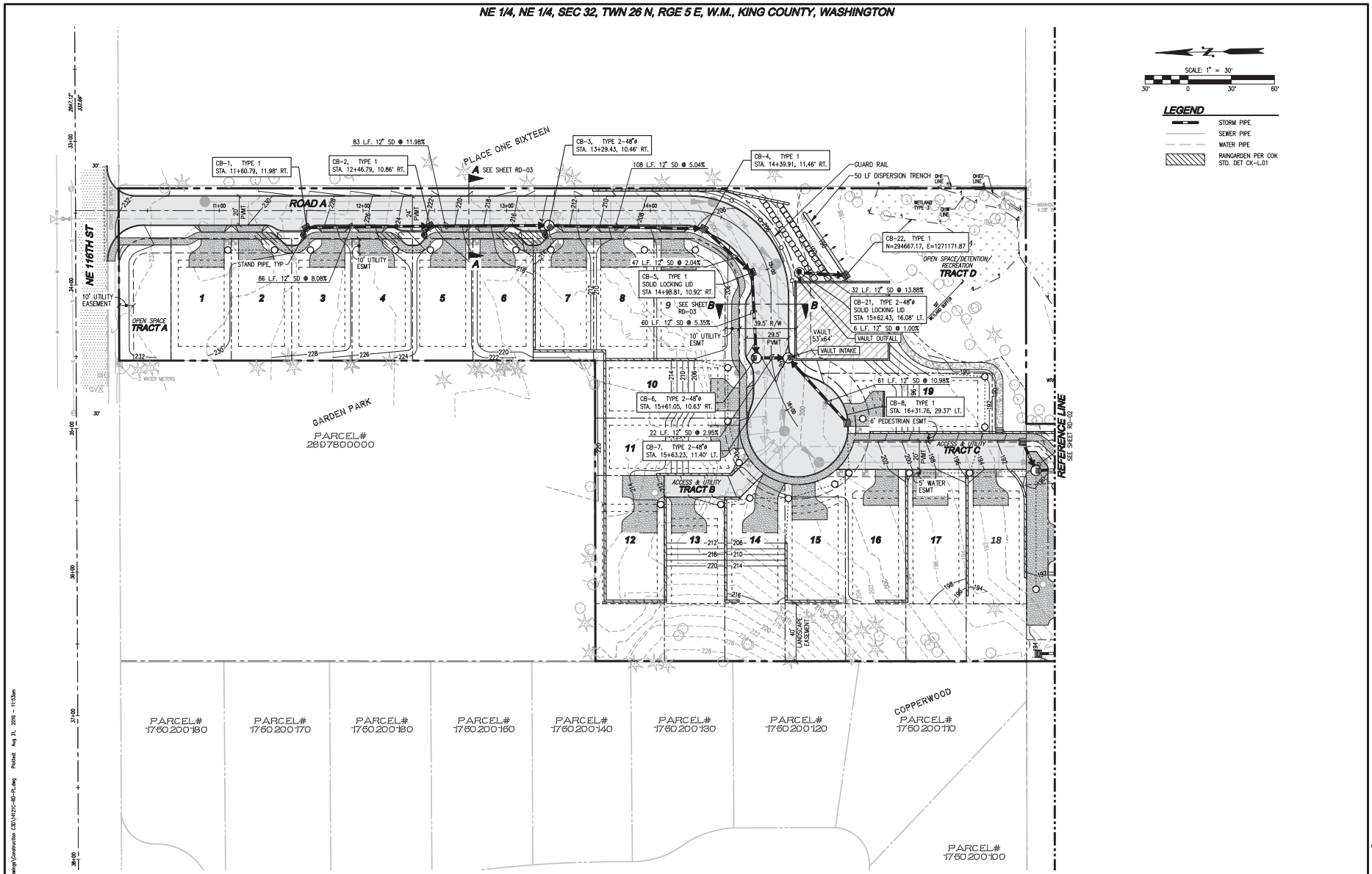
811 or 1-800-424-5555
Utilities Underground Location Center
REVISIONS
NO. DATE DESCRIPTION BY
1 8-19-16 PUBLIC WORKS COMMENTS FROM 6-17-16 AJS
2 9-21-16 SAVED TREE 157 AND PARKING AJS
LDC
Engineering
Structural
Planning
Survey
LARRY SCRIVANICH
SCRIVANICH PROPERTY
COMPOSITE UTILITY PLAN
JOB NUMBER: 16-170
DRAWING NAME: 16170-UT-01
DESIGNER: JLS
DRAFTING BY: BJN
DATE: 9-21-16
SCALE: 1"=30'
JURISDICTION: CITY OF KIRKLAND
UT-02
SHEET 9 OF 25



DISCLAIMER

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

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	9-31-16	SAVED TREE 457 AND PARKING	JLS

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Ph. 425.806.1869
Fx. 425.806.1890
www.LDCinc.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

ROAD AND STORM DRAINAGE PLAN

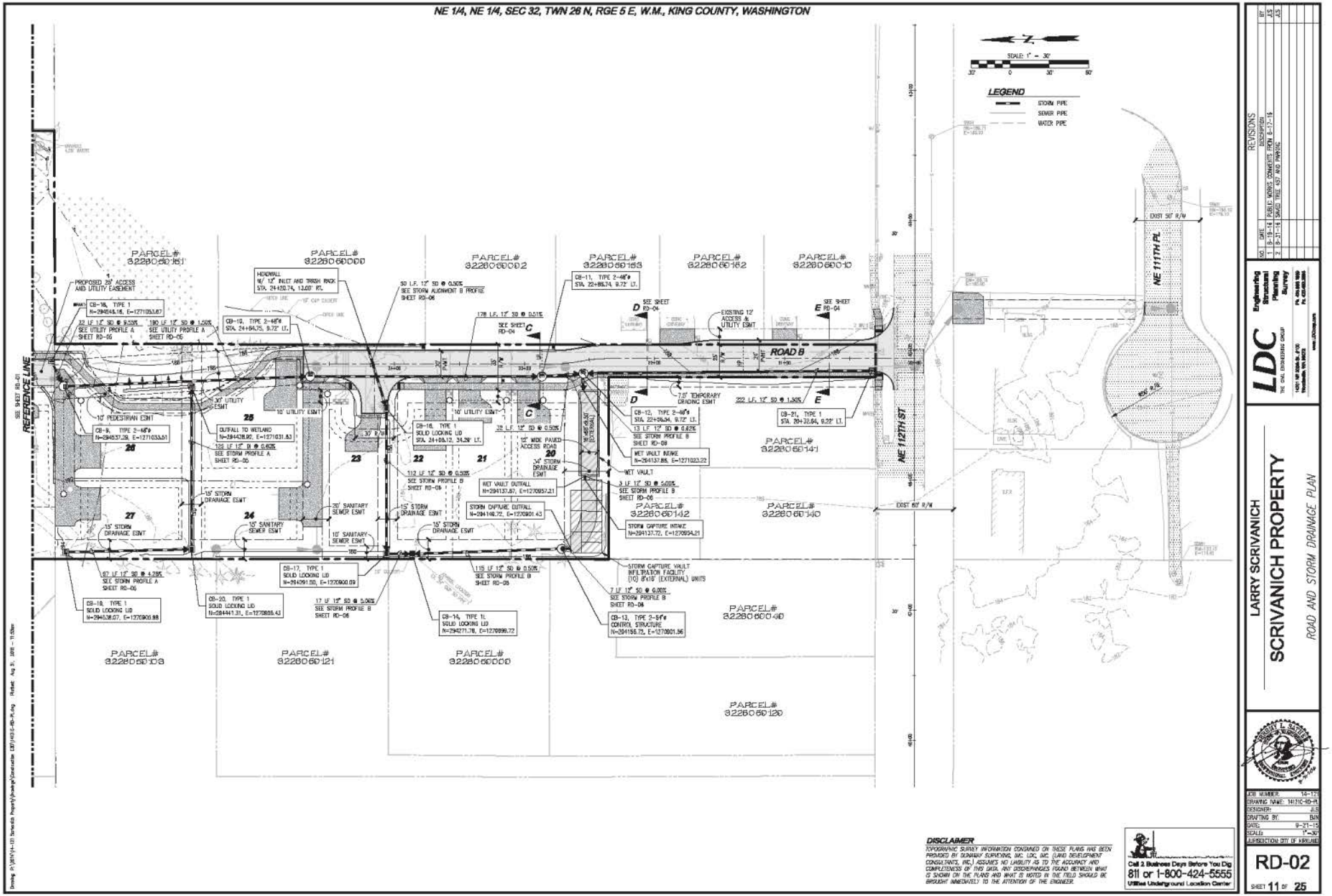
JEREMY L. SAMPLE
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER

JOB NUMBER:	14-121
DRAWING NAME:	14121C-RD-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

RD-01

SHEET 10 OF 25

Drawing: P:\2014\14-121 Scrivanich Property\Drawings\Construction CD\14121C-RD-PL.dwg Plotted: Aug 31, 2016 - 11:53am


NE 1/4, NE 1/4, SEC 32, TWN 28 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON
LEGEND
STORM PIPE
SEWER PIPE
WATER PIPE
SCALE: 1" = 30'
ROAD B
NE 112TH ST
NE 111TH PL
REFERENCE LINE
EXIST 50' R/W
PARCEL# 3228060151
PARCEL# 3228060000
PARCEL# 3228060002
PARCEL# 3228060153
PARCEL# 3228060162
PARCEL# 3228060010
PARCEL# 3228060141
PARCEL# 3228060142
PARCEL# 3228060140
PARCEL# 3228060040
PARCEL# 3228060103
PARCEL# 3228060121
PARCEL# 3228060000
PARCEL# 3228060120
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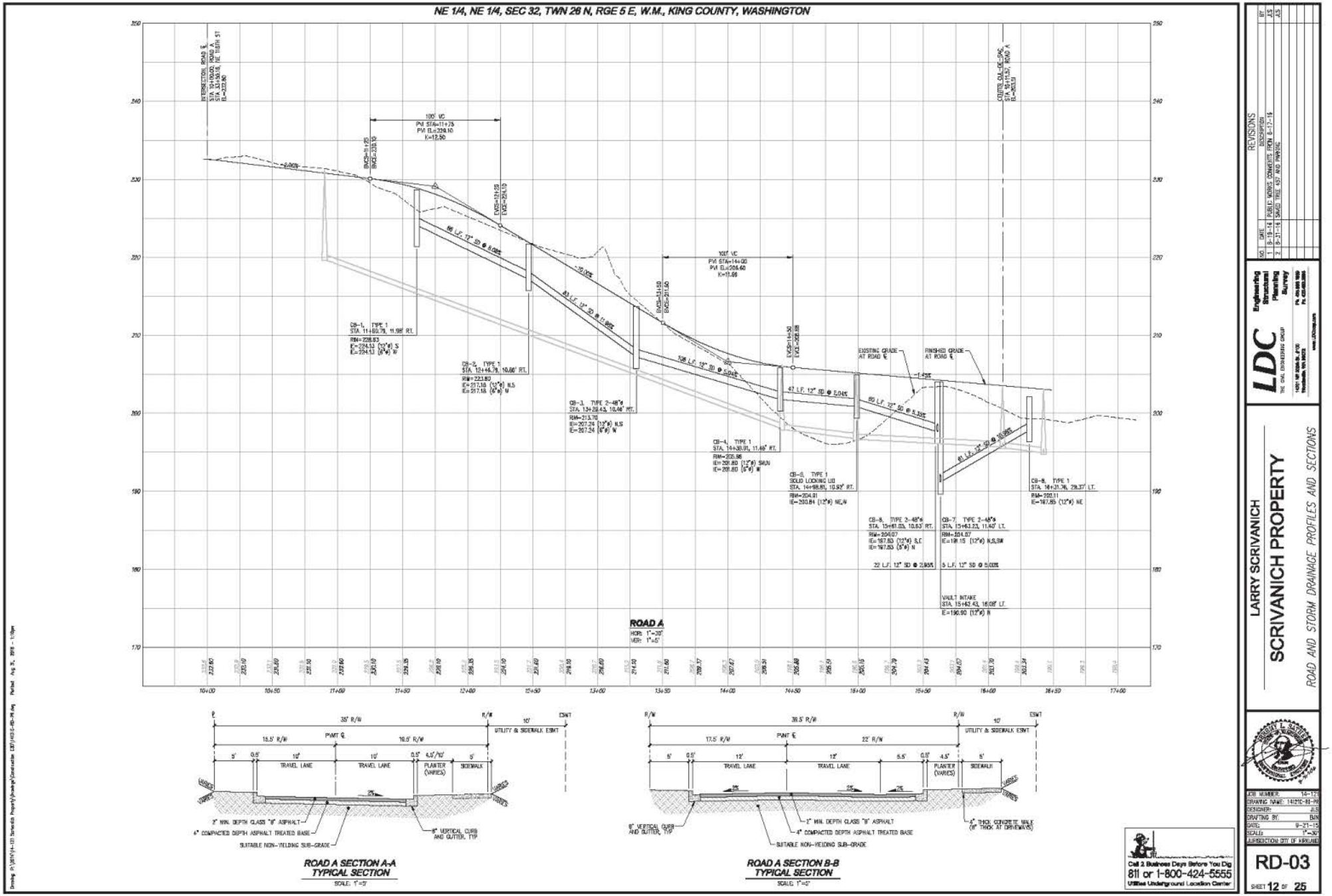
Utilities Underground Location Center
LDC
LARRY SCRIVANICH
SCRIVANICH PROPERTY
ROAD AND STORM DRAINAGE PLAN
JOB NUMBER: 14-170
DRAWING NAME: 14170-RD-PLN
DESIGNER: JLS
DRAFTING BY: BJN
DATE: 9-21-15
SCALE: 1"=30'
JURISDICTION: CITY OF KIRKLAND
RD-02
SHEET 11 OF 25



ROAD A SECTION A-A
TYPICAL SECTION
SCALE: 1"=5'

ROAD A SECTION B-B
TYPICAL SECTION
SCALE: 1"=5'

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 8-17-16	AJS
2	9-21-16	SAVED TREE 157 AND PARKING	AJS

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LARRY SCRIVANICH

SCRIVANICH PROPERTY

ROAD AND STORM DRAINAGE PROFILES AND SECTIONS

JOB NUMBER:	14-172
DRAWING NAME:	14172C-RD-RP
DESIGNER:	AJS
DRAFTING BY:	BJN
DATE:	9-21-16
SCALES:	1"=5'
JURISDICTION:	CITY OF KIRKLAND

RD-03

SHEET 12 OF 25

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811 or 1-800-424-5555
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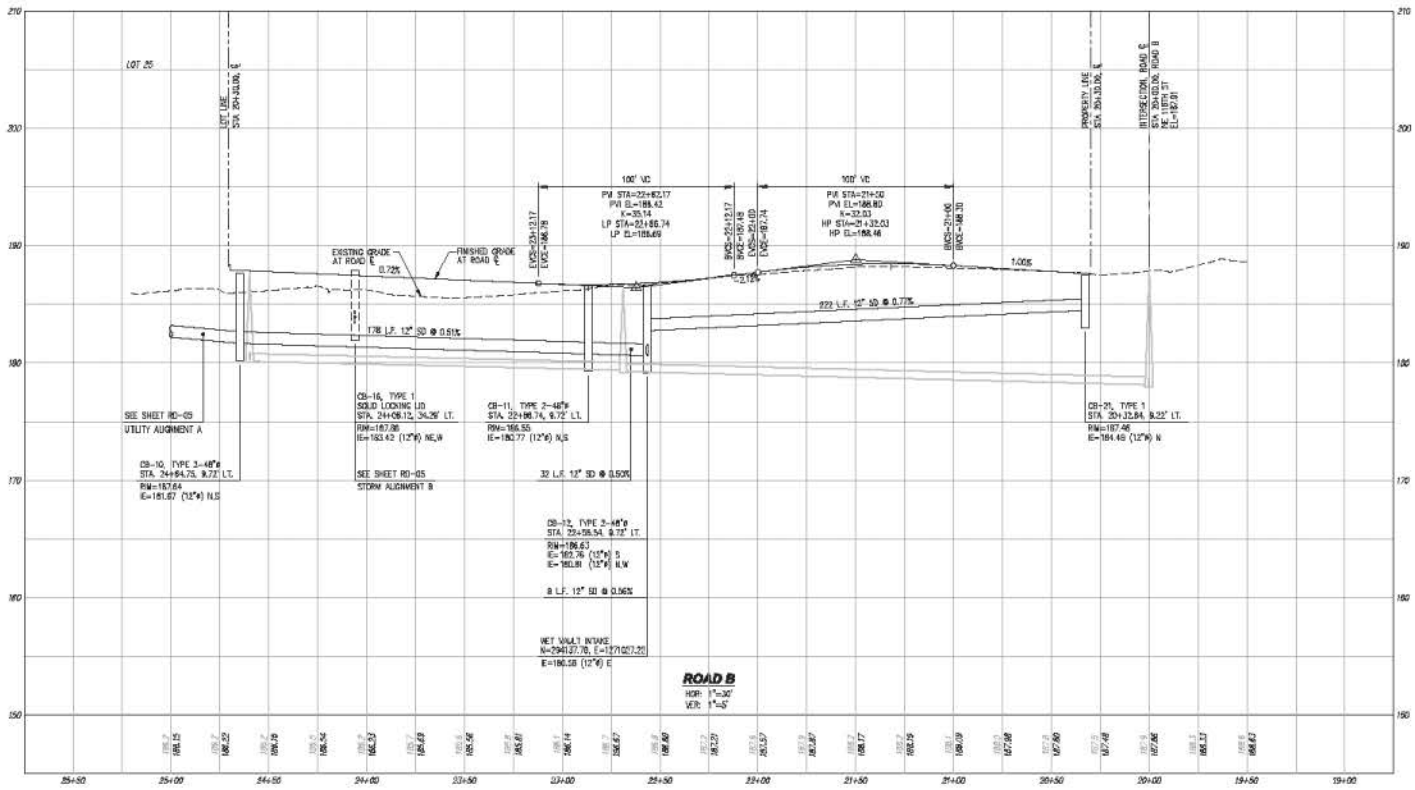
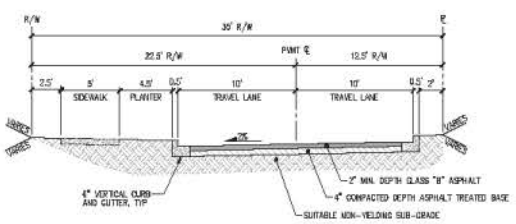
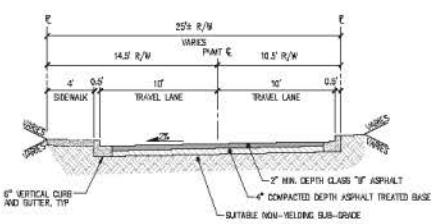
NE 1/4, NE 1/4, SEC 32, TWN 26 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON

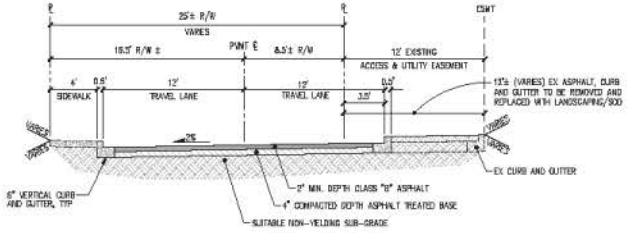




ROAD B SECTION C-C
TYPICAL SECTION
SCALE: 1"=5'



ROAD B SECTION D-D
TYPICAL SECTION
SCALE: 1"=5'



ROAD B SECTION E-E
TYPICAL SECTION
SCALE: 1"=5'

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

REVISIONS

NO	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	8-31-16	SAVED TREE 467 AND PARKING	JLS

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Ph. (425) 885-1900
Fx. (425) 885-2885
www.LDCinc.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

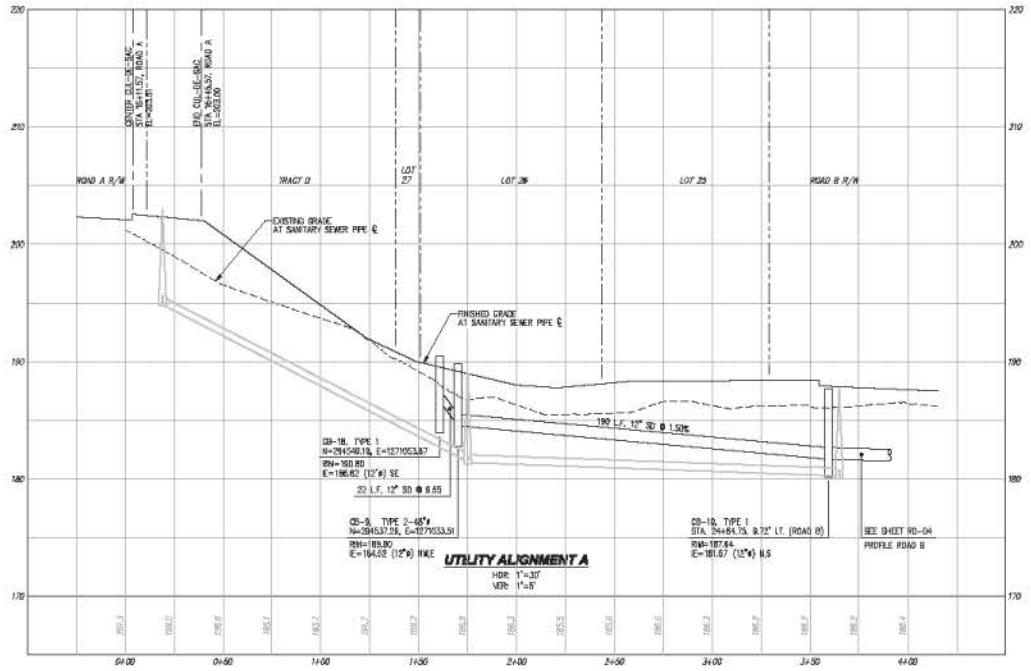
ROAD AND STORM DRAINAGE PROFILES AND SECTIONS

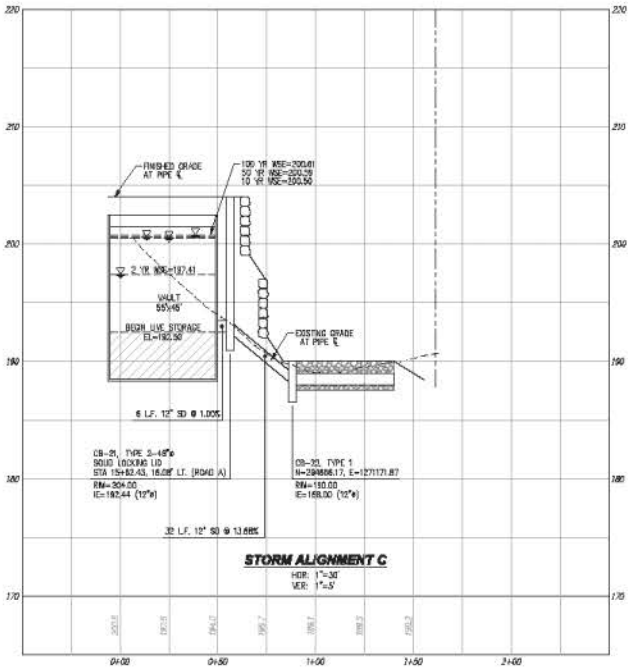
JOB NUMBER: 14-121
DRAWING NAME: 14121E-RD-04
DESIGNED: JLS
DRAFTING BY: BJN
DATE: 9-21-15
SCALE: 1"=30'
JURISDICTION: CITY OF KIRKLAND

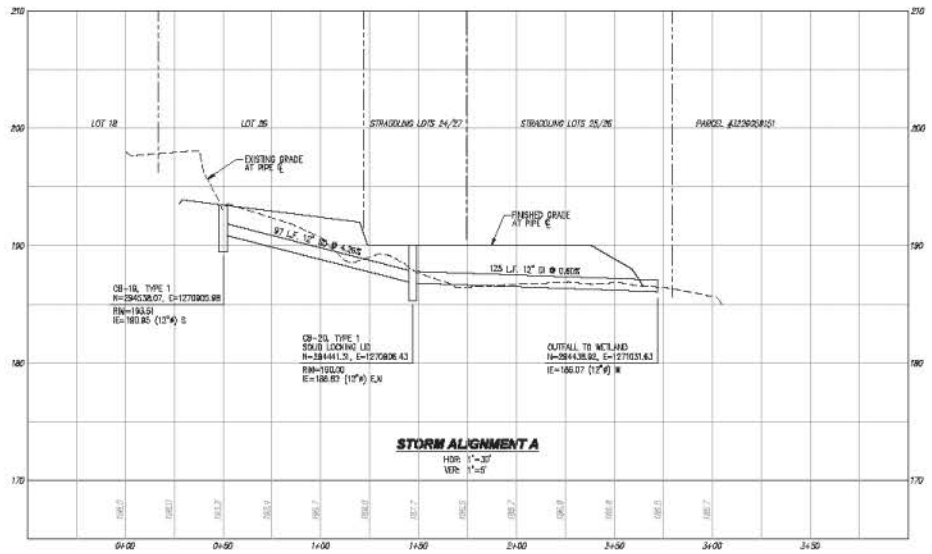
RD-04

SHEET 13 OF 25

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







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Utilities Underground Location Center

REVISIONS

NO	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	8-31-16	SMALL TREE 467 AND PARKING	JLS

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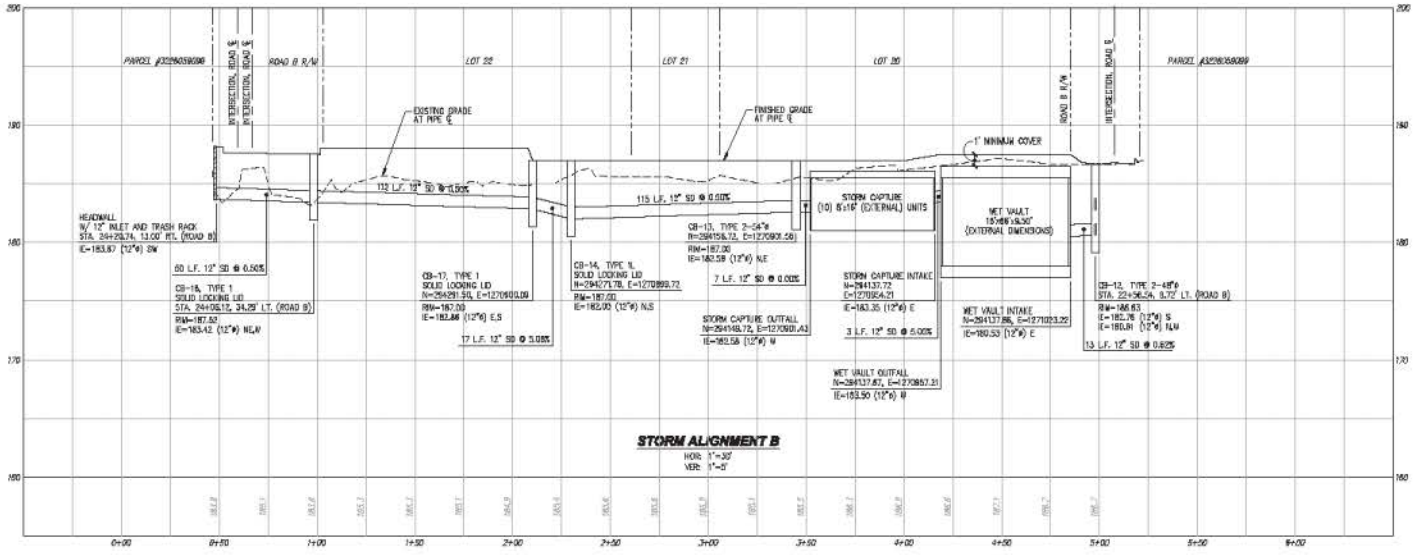
LARRY SCRIVANICH
SCRIVANICH PROPERTY
STORM DRAINAGE PROFILES

JOB NUMBER:	14-121
DRAWING NAME:	14121E-RD-P6
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

RD-05
SHEET 14 OF 25

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



REVISIONS

NO	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	9-21-16	SHIFT TREE #67 AND PARKING	JLS

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LARRY SCRIVANICH

SCRIVANICH PROPERTY

STORM DRAINAGE PROFILES

JOB NUMBER:	14-171
DRAWING NAME:	14171E-RD-P6
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-16
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

RD-06

SHEET 15 OF 25

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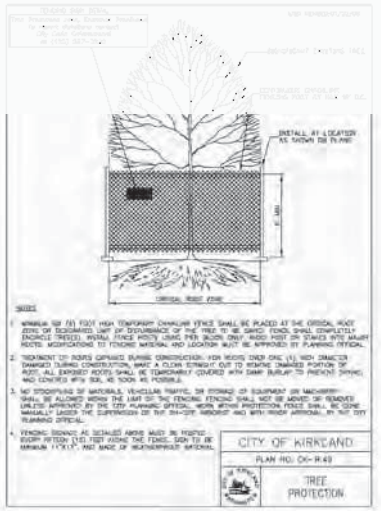
811 or 1-800-424-5555
Utilities Underground Location Center

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



LEGEND

- TREE PROTECTIVE FENCING PER CITY OF KIRKLAND STD PLAN CK-R.49
- EXISTING CONIFEROUS TREE TO REMAIN
- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING TREE TO REMOVE
- EXISTING OFFSITE TREE
- EXISTING OFFSITE TREE TO BE REMOVED

NOTES

1. SEE LANDSCAPE PLANS FOR TREES TO BE PLANTED.
2. SEE SHEET TR-03 AND TR-04 FOR ARBORIST REPORT AND DETAILS.
3. TREES LABELED AS "RETAIN IF POSSIBLE" ARE CONSIDERED REMOVED FOR TREE DENSITY CALCULATIONS.

TREE DENSITY CALCULATIONS

SIGNIFICANT TREES ON SITE=	300
VIABLE SIGNIFICANT TREES ONSITE=	255 - 1,028 CREDITS
NON-VIABLE SIGNIFICANT TREES ONSITE=	45
TREES TO BE SAVED=	63 - 205.5 CREDITS
TREE CREDITS REQUIRED=	147.3
TREE CREDITS TO BE PLANTED=	*

*NOTES:
1. TREES ARE NOT REQUIRED TO BE PLANTED BASED ON RETENTION. HOWEVER, TREES WILL BE PLANTED AS PART OF THE PROJECT. SEE PLANTING PLAN BY LANDSCAPE ARCHITECT.
2. TREES LABELED AS RETAIN IF POSSIBLE ARE NOT COUNTED AS TREES TO BE SAVED FOR CREDIT PURPOSES.

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Utilities Underground Location Center

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	8-31-16	SAVED TREE 457 AND PARKING	JLS

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Fx. 425.806.2881
www.LDCinc.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

INTEGRATED DEVELOPMENT PLAN

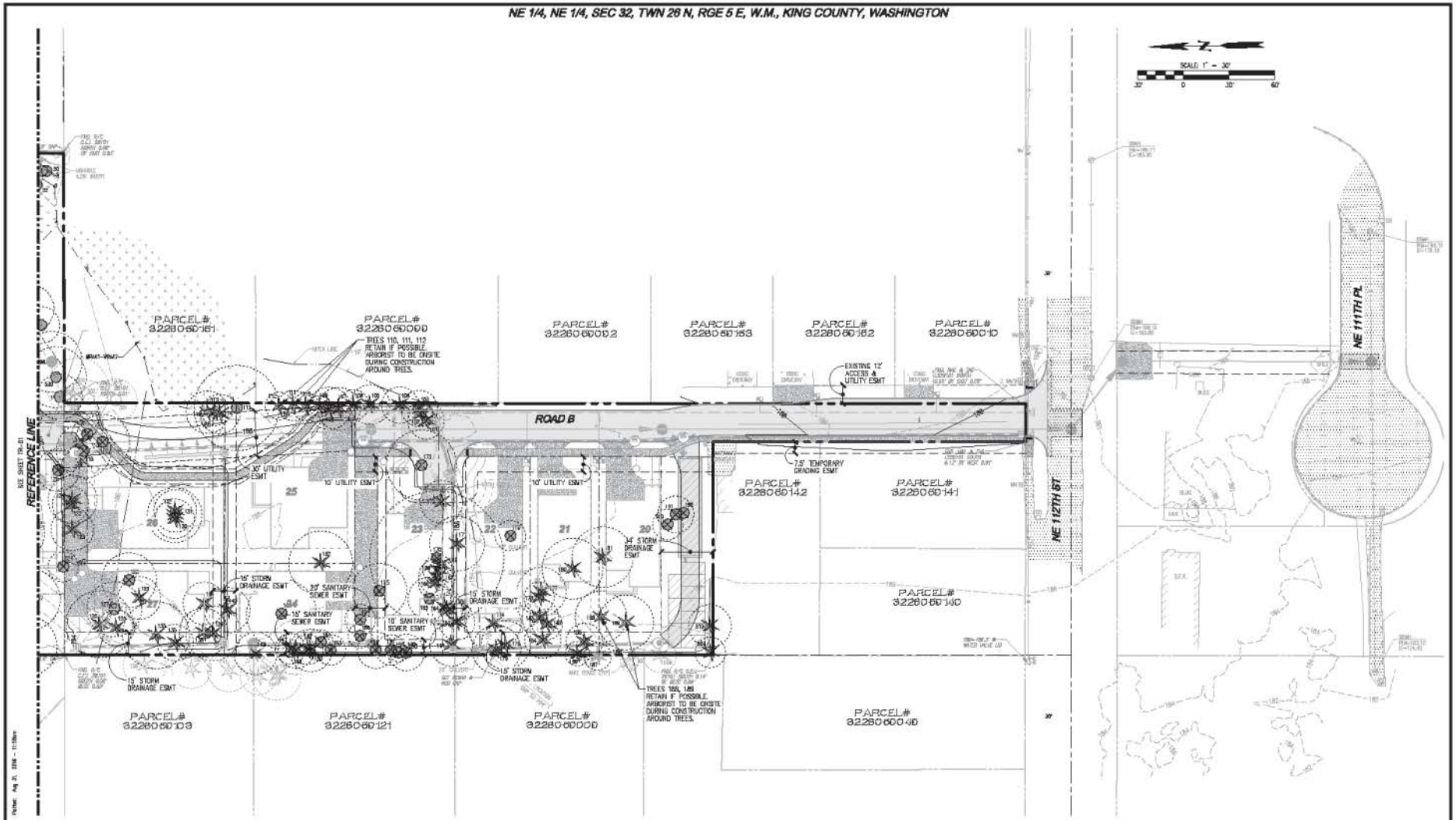
JEREMY L. SAMPEL
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER
9-21-15

JOB NUMBER:	14-121
DRAWING NAME:	14121C-TR-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

TR-01

SHEET 16 OF 25

Drawing: P:\2014\14-121 Scrivanich Property\Drawings\Construction CSD\14121C-TR-PL.dwg Plotted: Aug 31, 2016 - 11:56am



LEGEND

- TREE PROTECTIVE FENCING PER COK STD PLAN CK-8.49
- EXISTING CONIFEROUS TREE TO REMAIN
- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- EXISTING OFFSITE TREE
- EXISTING OFFSITE TREE TO BE REMOVED

NOTES

1. SEE LANDSCAPE PLANS FOR TREES TO BE PLANTED.
2. SEE SHEET TR-03 AND TR-04 FOR ARBORIST REPORT AND DETAILS.

TREE DENSITY CALCULATIONS

SIGNIFICANT TREES ON SITE=	306
VIABLE SIGNIFICANT TREES ONSITE=	259 - 1,029 CREDITS
NON-VIABLE SIGNIFICANT TREES ONSITE=	46
TREES TO BE SAVED=	83 - 365.5 CREDITS
TREE CREDITS REQUIRED=	147.2
TREE CREDITS TO BE PLANTED=	*

*NOTES:
1. TREES ARE NOT REQUIRED TO BE PLANTED BASED ON RETENTION. HOWEVER, TREES WILL BE PLANTED AS PART OF THE PROJECT. SEE PLANTING PLAN BY LANDSCAPE ARCHITECT.
2. TREES LABELED AS RETAIN IF POSSIBLE ARE NOT COUNTED AS TREES TO BE SAVED FOR CREDIT PURPOSES.

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REVISIONS

NO	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	8-31-16	SAVED TREE 467 AND PARKING	JLS

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Redmond, WA 98052
Ph. (425) 814-1661
Fx. (425) 814-1662
www.LDCinc.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

INTEGRATED DEVELOPMENT PLAN

JOB NUMBER: 14-121
DRAWING NAME: 141210-TR-PL
DESIGNED: JLS
DRAFTING BY: BJN
DATE: 9-21-15
SCALE: 1"=30'
JURISDICTION: CITY OF KIRKLAND

TR-02

SHEET 17 OF 25

ONSITE TREE TABLE

NE 1/4, NE 1/4, SEC 32, TWN 28 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON

TREE TAG #	SPECIES	DBH	CONDITION	COMMENTS	VIABLE	CREDITS	RETENTION
1	black cottonwood	12	good	10 degree lean north	viable	2.0	Retain
2	black cottonwood	6	good	no concerns	viable	1.0	Remove
7	black cottonwood	32	fair	on higher ground, opposite stand	viable	12.0	Retain
8	red alder	12	fair	fork, lean	viable	2.0	Retain
9	red alder	10	poor	broken, trunk decay, low risk	borderline	no	Retain
10	black cottonwood	27	fair	moderate risk, in soil swale	viable	8.0	Retain
11	cascara	7	fair	leans east, low risk	viable	1.0	Retain
12	red alder	10	poor	broken top, 2 rig leaders, low risk	borderline	no	Retain
13	black cottonwood	26	fair	moderate risk, in wet soils	viable	13.0	Retain
14	red alder	8	fair	no concerns	viable	1.0	Retain
15	red alder	8	fair	lean	viable	1.0	Retain
16	red alder	7	fair	lean	viable	1.0	Retain
17	red alder	9	fair	no concerns	viable	1.0	Retain
18	red alder	7	fair	no concerns	viable	1.0	Retain
19	red alder	8	fair	no concerns	viable	1.0	Retain
20	red alder	10	fair	no concerns	viable	1.0	Retain
22	red alder	9	fair	lean, low risk	viable	1.0	Retain
23	red alder	11	fair	lean, low risk	viable	1.0	Retain
101	western red cedar	17	fair-poor	topped for power lines	borderline	no	Remove
102	western red cedar	10	fair-poor	topped for power lines	borderline	no	Remove
103	western red cedar	14	fair-poor	topped for power lines	borderline	no	Remove
106	Douglas-fir	16	fair-poor	topped, vigor, fork	borderline	no	Remove
107	western red cedar	20	good	no concerns	viable	8.0	Remove
108	Douglas-fir	11	fair	poor trunk taper, slight lean east	viable	1.0	Remove
109	Douglas-fir	30	fair-good	slight lean east, minor cracks	viable	9.0	Remove
110	Atlas cedar	18	good	no concerns	viable	3.0	Remove
111	Atlas cedar	14	fair-good	natural lean west	viable	3.0	Remove
112	Atlas cedar	16	good	no concerns	viable	4.0	Retain if feasible Remove if Feasible
113	Atlas cedar	17	good	no concerns	viable	4.0	Retain if feasible Remove if Feasible
114	Lawson cypress	8	good	somewhat suppressed	viable	1.0	Retain if Feasible
115	big leaf maple	18	fair	fork, easymetric crown	viable	4.0	Retain
116	western red cedar	15	fair	dead top	viable	9.0	Retain
117	western red cedar	10	fair	dead top	viable	1.0	Retain
118	western red cedar	15	fair	dead top	viable	3.0	Retain
119	black cottonwood	33	fair	typical	viable	13.5	Remove
120	black cottonwood	26	fair	typical	viable	10.5	Remove
121	black cottonwood	8	fair-poor	suppressed, mod decay column	borderline	no	Remove
122	bitter cherry	11	fair	typical	viable	1.0	Remove
123	Douglas-fir	28	fair	heavy bleeding on lower trunk	viable	12.0	Remove
124	Douglas-fir	33	fair	broken top	viable	7.5	Remove
125	Douglas-fir	16	fair-poor	broken top, suspect trunk decay	borderline	no	Remove
126	European white birch	9	fair	typical	viable	1.0	Remove
127	western red cedar	28	good	root to creek - dry	viable	15.0	Remove
128	western red cedar	25	good	lean over road	viable	8.5	Remove
129	big leaf maple	8	fair	young, natural lean, root to creek	viable	1.0	Remove
130	Norway maple	14	fair	fork, codominant stems	viable	3.0	Remove
131	Douglas-fir	39	fair	evidence of wind-throw, crook, minor rotten	borderline	no	Remove
132	western red cedar	13	good	no concerns	viable	2.5	Remove
133	western red cedar	33	good	no concerns	viable	7.5	Remove
134	white spruce	14	fair	sparse crown	viable	3.0	Remove
135	European white birch	16	fair-poor	mistletoe, dead top, heavy rain	borderline	no	Remove
136	Douglas-fir	30	fair	red ring rot, old broken top	viable	11.0	Remove
137	Douglas-fir	20	fair	thicke in grouping only	viable	8.0	Remove
138	Douglas-fir	31	fair-good	crowded stand	viable	11.5	Remove
139	Douglas-fir	26	fair-good	crowded stand	viable	13.5	Remove
140	true fir- white fir	27	good	no concerns	viable	8.0	Remove
142	Douglas-fir	14	fair-poor	broken top, trunk decay, major crack	borderline	no	Remove
145	tulip tree	35	fair-good	natural lean west, crown raised	viable	8.5	Remove
147	western red cedar	8	good	somewhat suppressed	viable	1.0	Remove
148	western red cedar	14	good	no concerns	viable	3.0	Remove
149	western red cedar	9	fair	suppressed, ivy	viable	1.0	Remove
150	western red cedar	26	good	ivy	viable	8.0	Remove
151	bitter cherry	7	fair	typical	viable	1.0	Remove
152	Douglas-fir	64	good	crown raised in past	viable	16.0	Remove
153	holly-variegated	8	fair	leans south	viable	no	Remove
154	bitter cherry	7	fair-poor	sparse crown, poor structure	borderline	1.0	Remove
155	bitter cherry	14	fair	typical	viable	3.0	Remove
156	consistently pruned	32	fair	typical, by problem	viable	15.0	Remove
157	holly	8	fair-poor	fork, sucker stems	borderline	no	Remove
158	bitter cherry 2	6,6	fair-poor	poor taper, susceptible to breakage	borderline	no	Remove
159	holly	7	fair	typical	viable	1.0	Remove
160	holly	8	fair	formed top	viable	1.0	Remove
161	Douglas-fir	32	fair-poor	many big trunk decay, snotted, broken top	borderline	no	Remove
162	Douglas-fir	16	good	no concerns	viable	3.0	Remove
163	western red cedar	10	good	no concerns	viable	1.0	Remove
164	western red cedar	13	good	no concerns	viable	2.5	Remove
165	ecumenical	8	fair-poor	poor form, suppressed	borderline	no	Remove
166	western red cedar	13	fair-good	no concerns	viable	2.5	Remove
167	western red cedar	11	fair	somewhat suppressed	viable	1.5	Remove
168	western red cedar	8	fair-poor	decay, dead top	non viable	no	Remove
169	western red cedar	10	poor	extensive trunk rot, dead top, snag	non viable	no	Remove
170	silver maple	32	fair-poor	fork, included bark, problematic	borderline	no	Remove
171	Douglas-fir	21	fair-good	no concerns	viable	8.0	Remove
172	Douglas-fir	21	fair-good	moderate crook	viable	8.5	Remove
173	big leaf maple (3)	11,10,15	fair	poor basal attachments	viable	8.0	Remove
174	Douglas-fir	28	fair-good	no concerns	viable	10.0	Remove
175	Douglas-fir	26	fair	crooks	viable	8.0	Remove
176	Douglas-fir	28	fair	crooks	viable	10.0	Remove
177	Douglas-fir	22	fair	natural lean northeast	viable	7.0	Remove
178	Douglas-fir	9	fair-good	young	viable	1.0	Remove
179	bitter cherry	7	fair-poor	in decline, fork, decay	borderline	no	Remove
180	Douglas-fir	30	fair	old wound on lower trunk, susp minor decay	viable	11.0	Remove
181	Douglas-fir	26	fair-good	sparse crown	viable	13.0	Remove
182	Douglas-fir	18	fair-poor	stunted top, trunk decay	borderline	no	Remove
183	bitter cherry	7	fair	typical	viable	1.0	Remove
184	Douglas-fir	22	fair-good	no concerns	viable	7.5	Remove
185	Douglas-fir	23	fair-good	no concerns	viable	7.5	Remove
186	western red cedar	7	good	no concerns, on property line	viable	1.0	Remove
187	western red cedar	8	good	no concerns, on property line	viable	1.0	Retain
188	Douglas-fir	33	good	viewpoint wood	viable	12.5	Retain if Feasible
189	Douglas-fir	21	fair	suppressed top, snotts	viable	8.5	Retain if Feasible
190	bitter cherry	8	fair	typical	viable	1.0	Remove
191	bitter cherry	8	fair	fork, lean	viable	1.0	Remove
192	bitter cherry	9	poor	recent dead	non viable	no	Remove
206	Japanese maple 7	4+3	fair-good	shrub form	viable	1.0	Remove

TREE TAG #	SPECIES	DBH	CONDITION	COMMENTS	VIABLE	CREDITS	RETENTION
214	Lawson cypress	13,9	good	no concerns	viable	3.0	Remove
215	Lawson cypress	10,13	good	no concerns	viable	3.0	Remove
216	Lawson cypress	12	good	no concerns	viable	2.0	Remove
217	Lawson cypress	8,10,10	good	no concerns	viable	3.0	Remove
218	Lawson cypress	13	good	no concerns	viable	2.5	Remove
219	Lawson cypress	12,10	good	no concerns	viable	3.0	Remove
220	lilly leaf maple	6	fair-poor	growing off cotton maple stump	borderline	no	Remove
221	Douglas-fir	15	fair	major crook at 30', stub	viable	3.5	Remove
222	apple	6	good	no concerns	viable	1.0	Remove
223	bitter cherry	18	fair	heavy lean north, mature	borderline	no	Remove
245	weeping giant sequoia	10	fair	typical	viable	1.0	Remove
241	Douglas-fir	19	good	natural lean east	viable	8.5	Remove
242	Douglas-fir	29	fair	close to root rot tree	viable	7.0	Remove
243	Douglas-fir	21	fair	close to root rot tree	viable	8.5	Remove
244	Douglas-fir	21	dead	root rot	non viable	no	Remove
245	Douglas-fir	22	good	no concerns	viable	7.0	Remove
246	Douglas-fir	13	fair	crooked top	viable	2.5	Remove
247	Douglas-fir	14	fair-good	crook	viable	3.0	Remove
248	Japanese P. cherry	7	good	no concerns	viable	1.0	Remove
249	Colorado blue spruce	12	fair-good	crooked top	viable	2.0	Remove
250	Douglas-fir	25	fair-good	root crown, minor crooks	viable	10.0	Remove
251	deciduous	10	fair-good	multiple tops	viable	1.5	Remove
281	weeping beech	11	fair-good	no concerns	viable	1.5	Remove
282	Douglas-fir	15	good	visible cavities of root diseased tree	viable	2.5	Remove
283	Douglas-fir	13	fair-good	natural lean north	viable	2.5	Remove
284	Douglas-fir	24	good	no concerns	viable	8.0	Remove
285	Douglas-fir	13	fair	formed top at old break, slight lean north	viable	3.5	Remove
287	Douglas-fir	7	poor	broken top, euro	borderline	no	Remove
288	Douglas-fir	13	fair-good	minor bend	viable	3.5	Remove
272	Douglas-fir	19	good	natural lean northwest	viable	5.0	Remove
273	Douglas-fir	12	fair	suppressed	viable	2.0	Remove
274	Douglas-fir	9	poor	dead top, suppressed	non viable	no	Remove
275	Douglas-fir	23	good	no concerns	viable	8.0	Remove
276	Douglas-fir	6	fair	tops, over topped	viable	1.0	Remove
277	Pacific madrone	8	fair	heavy lean, asymetric crown	viable	1.0	Remove
278	Douglas-fir	6	fair	suppressed	viable	1.0	Remove
279	Douglas-fir	6	fair-poor	suppressed	borderline	no	Remove
280	Douglas-fir	7	fair-poor	suppressed	borderline	no	Remove
281	Douglas-fir	18	good	no concerns	viable	8.0	Remove
282	Douglas-fir	13	fair	natural lean south	viable	3.0	Remove
289	Douglas-fir	17	good	no concerns	viable	4.5	Remove
294	Douglas-fir	9	fair	won't access, poor taper	viable	1.0	Remove
295	Douglas-fir	11	fair-good	no concerns	viable	1.5	Remove
297	Douglas-fir	22	good	no concerns	viable	7.0	Remove
298	Douglas-fir	9	fair	suppressed, broken leader	viable	1.0	Remove
314	Douglas-fir	7	fair	forks off of Tree 315	viable	1.0	Remove
315	Douglas-fir	33	good	no concerns	viable	7.5	Remove
318	Douglas-fir	18	good	north 1/3 of root zone cut/fill in yard waste	viable	8.0	Remove
329	Douglas-fir	6	fair	won't access, intermediate, poor trunk taper	borderline	no	Remove
301	Douglas-fir	14	fair-good	no concerns	viable	3.0	Remove
228	scots pine blue	6	good	slight lean west, poor trunk taper	viable	1.0	Remove
229	norway maple	9	good	no concerns	viable	1.0	Remove
304	Douglas-fir	18	fair-good	minor crook	viable	3.0	Remove
225	Douglas-fir	17	fair-good	natural lean	viable	4.5	Remove
227	big leaf maple	15	poor	hypoplasia infection, large scars at base	non viable	no	Remove
226	red alder	18	fair	natural lean east	viable	1.0	Remove
233	Douglas-fir	26	good	no, near pl	viable	9.0	Remove
233	bitter cherry	9	fair	suppressed, natural lean west	viable	1.0	Remove
234	Douglas-fir	11	fair	broken top, can't access or isolate	viable	1.5	Remove
235	Douglas-fir	6	fair	suppressed, broken top	viable	1.0	Remove
236	Douglas-fir	6	fair	suppressed, over topped	viable	1.0	Remove
237	Douglas-fir	19	fair-good	no concerns	viable	8.0	Remove
238	bitter cherry	6	fair	natural lean east, low risk	viable	1.0	Remove
262	Douglas-fir	6	fair	suppressed, broken top	viable	1.0	Remove
261	Douglas-fir	6	fair	suppressed	viable	1.0	Remove
262	Douglas-fir	6	fair	suppressed	viable	1.0	Remove
244	bitter cherry	17	fair	decent form, good vigor	viable	4.5	Remove
265	bitter cherry	11	fair-good	decent form and vigor	viable	1.5	Remove
247	bitter cherry	8	fair-good	no concerns	viable	1.0	Retain
248	bitter cherry	6	fair	lean south, remove by	viable	1.0	Remove
252	Douglas-fir	6	fair	suppressed, low risk, remove by	viable	1.0	Remove
253	Douglas-fir	28	good	near property line	viable	12.0	Remove
257	red alder	5	fair	non-significant	viable	0.5	Remove
280	Douglas-fir	6	fair	suppressed, young	viable	1.0	Remove
260	bitter cherry	7	fair	low risk	viable	1.0	Remove
263	bitter cherry	9	fair	low risk	viable	1.0	Remove
265	Douglas-fir	9	good	no concerns	viable	1.0	Remove
286	Douglas-fir	11	fair-good	remove by	viable	1.5	Remove
287	Douglas-fir	18	good	no concerns	viable	8.5	Remove
288	red alder	8	fair	natural lean south	viable	1.0	Remove
268	western red cedar	12	good	no concerns, young	viable	1.0	Remove
271	Douglas-fir	25	good	natural lean west, minor trunk sweep	viable	8.0	Remove
272	Douglas-fir	18	good	no concerns	viable	8.0	Remove
273	Douglas-fir	21	good	no concerns	viable	8.5	Remove
274	Douglas-fir	25	good	slight sweep to west	viable	8.5	Remove
275	Douglas-fir	23	good	no concerns	viable	7.0	Remove
276	Douglas-fir	19	fair-good	won't access or isolate	viable	8.0	Remove
277	Douglas-fir	10	fair	old broken top, suppressed, can't isolate	viable	1.0	Remove
278	Douglas-fir	30	fair-poor	forked at 30', sudden stress, splitting apart, high risk	borderline	no	Remove
279	Douglas-fir	15	good	no concerns	viable	3.0	Remove
280	Douglas-fir	28	good	no concerns	viable	9.0	Remove
281	Douglas-fir	21	good	no concerns	viable	8.5	Remove
282	Douglas-fir	11	fair	broken top, suppressed, can't isolate	viable	1.5	Remove
283	Douglas-fir	13	fair	old broken top, suppressed, can't isolate	viable	2.5	Remove

TREE TAG #	SPECIES	DBH	CONDITION	COMMENTS	VIABLE	CREDITS	RETENTION
284	Douglas-fir	11	fair	old broken top, suppressed, can't isolate	viable	1.5	Remove
285	Douglas-fir	18	good	no concerns	viable	4.0	Remove
289	Douglas-fir	19	fair	broken top	viable	4.5	Remove
287	Douglas-fir	17	fair-good	fair taper	viable	4.0	Remove
288	red alder	11	poor	broken, trunk decay	non viable	no	Remove
296	bitter cherry	8	fair	slight lean	viable	1.0	Remove
299	bitter cherry	6	fair	leans west	viable	1.0	Remove
291	bitter cherry	17	good	no concerns	viable	4.5	Remove
292	bitter cherry	8	fair	no concerns	viable	1.0	Remove
293	red alder	8	fair-poor	leans to wetland	borderline	no	Remove
294	bitter cherry	8	fair	no concerns	viable	1.0	Remove
295	bitter cherry	6	fair	suppressed	viable	1.0	Remove
298	western red cedar	8	good	no concerns	viable	1.0	Remove
297	black cottonwood	12	fair	young	viable	2.0	Remove
298	red alder	12	poor	broken, low risk, good wildlife habitat	borderline	no	Retain
299	red alder	11	poor	low risk, good habitat	borderline	no	Retain
400	black cottonwood	8	fair	lean	viable	1.0	Retain
416	common pear	7, 5	good	co-dominant stems	viable	1.0	Remove
417	bitter cherry	18	good	good form, full crown	viable	4.0	Retain
418	bitter cherry	9, 5	fair	co-dominant stems, good attachment	viable	1.0	Retain
422	bitter cherry	11	fair	small live crown	viable	1.5	Retain
423	bitter cherry	9	fair	small live crown	viable	1.0	Retain
425	Douglas-fir	33	good	near fence, ivy on the trunk, forks at 40'	viable	18.0	Retain
426	western red cedar	45	good	full crown, good vigor, ivy on the trunk	viable	18.0	Retain
427	western red cedar	8	good	full crown, no concerns	viable	1.0	Retain
428	bitter cherry	11	fair	forks at 40', one of the stems is dead	viable	1.5	Remove
429	bitter cherry	14	good	no concerns	viable	3.0	Remove
430	bitter cherry	12	good	no concerns	viable	2.5	Remove
431	bitter cherry	8	fair	@430, @431, @432 are codded together	viable	1.0	Remove
432	bitter cherry	10	fair	past mechanical wound on lower trunk	viable	3.0	Remove
433	bitter cherry	8	good	full crown, no concerns	viable	1.0	Remove
435	mountain ash	8	fair-poor	stiyer lean, suppressed	borderline	no	Retain
436	Douglas-fir	21	good	trunk is covered in ivy	viable	8.5	Retain
437	Douglas-fir	28	good	trunk is covered in ivy	viable	12.0	Retain
438	big leaf maple	23	fair	growing around fence post	viable	7.0	Retain
439	western hemlock	8	good	suppressed by @440	viable	1.0	Remove
441	Lombardy poplar	8	good	no concerns	viable	1.0	Remove
442	big leaf maple	14, 15	fair	co-dominant stems, poor attachment	viable	6.0	Retain
445	Douglas-fir	30	good	no concerns	viable	12.0	Retain
445	Douglas-fir	31	good	ivy covering trunk	viable	11.5	Retain
448	bitter cherry	8	good	ivy covering the trunk	viable	1.0	Retain
447	big leaf maple	16	good	good form, good branch attachments	viable	3.0	Retain
448	cascara	6	poor	root rot	non viable	no	Retain
449	bitter cherry	7, 5	fair	co-dominant stems, 30 deg lean south	viable	2.5	Retain
450	bitter cherry	7	good	10 degree lean SW	viable	1.0	Retain
451	bitter cherry	8	good	no concerns	viable	1.0	Retain
452	black cottonwood	48	poor	co-dom stems, high risk	non viable	no	Remove
453	black cottonwood	28	fair-poor	likely to fall away, low risk	borderline	no	Remove
455	bitter cherry	8	good	no concerns	viable	1.0	Remove
456	black cottonwood	7	good	no concerns	viable	1.0	Remove
457	Douglas-fir	32	fair	self corrected lean south	viable	9.0	Retain
458	bitter cherry	9	good	co-dominant stems, forks at 10'	viable	1.0	Remove
459	Douglas-fir	23	good	no concerns	viable	7.5	Remove
460	big leaf maple	21	fair	past wound on east side of the trunk	viable	8.5	Remove
461	western red cedar	8	good	no concerns	viable	1.0	Remove
462	Douglas-fir	34	good	ivy covering the trunk	viable	18.0	Remove
463	Douglas-fir	27	good	rope swing	viable	9.5	Remove
464	Douglas-fir	19	good	no concerns	viable	5.5	Remove
465	Douglas-fir	18	good	no concerns	viable	5.0	Remove
466	Douglas-fir	34	good	full crown, no concerns	viable	19.0	Remove
467	Douglas-fir	21	good	no concerns	viable	6.5	Remove
468	Douglas-fir	22	poor	roof rot	non viable	no	Remove
469	Douglas-fir	38	good	close to root rot tree @468	viable	18.0	Remove
470	Sakawi magnolia	8, 5	good	typical	viable	1.0	Remove
471	Douglas-fir	26	good	no concerns	viable	9.0	Remove
472	Douglas-fir	23	good	no concerns	viable	7.0	Remove
473	Douglas-fir	31	good	no concerns	viable	11.0	Remove
474	Sakawi magnolia	8, 3	good	typical	viable	1.0	Remove
475	blue atlas cedar	8	fair	veins foliage chlorosis	viable	1.0	Remove
476	Douglas-fir	18	good	no concerns	viable	3.0	Remove
477	Douglas-fir	18	fair	broken top	viable	4.0	Remove
478	Douglas-fir	23	good	no concerns	viable	7.5	Remove
479	Douglas-fir	8	good	no concerns	viable	1.0	Remove
480	western red cedar	8	good	no concerns	viable	1.0	Remove
481	pacific madrone	8	good	dead co-dominant stem	viable	1.0	Remove
482	bitter cherry	8	fair	scar on the bole	viable	1.0	Remove
483	bitter cherry	7	good	no concerns	viable	1.0	Remove
484	Douglas-fir	30	good	good taper, no concerns	viable	7.0	Remove
485	chestnut	12,15	fair-poor	fork at root crown, decay, split-root stem	borderline	no	Remove
486	western red cedar	11	good	no concerns	viable	1.5	Remove
487	western red cedar	12	good	no concerns	viable	2.0	Remove
488	red alder	16	poor	broken, low risk, good wildlife habitat	borderline	no	Remove
489	European rein ash	8	fair	low risk	viable	1.0	Retain
490	bitter cherry	10	fair	decent form and vigor	viable	1.0	Retain
491	red alder	10	fair-poor	broken top, good wildlife habitat	borderline	no	Retain
492	red alder	13	fair	formed, no target, ok	viable	2.5	Retain
493	red alder	8	fair-poor	low risk	borderline	no	Retain
494	bitter cherry	6	fair	no concerns	viable	1.0	Retain
495	willow	11	fair	leans west	viable	1.5	Retain
496	western red cedar	38	good	full crown, good vigor	viable	14.0	Retain
497	alder	8	fair	leans west	viable	1.0	Retain
498	mountain ash	7,6,5,7	fair	forks at base, multi stems	viable	1.0	Retain
500	black cottonwood	19	good	no concerns	viable	5.0	Retain
501	western red cedar	18	good	no concerns	viable	no	Remove
502	Douglas-fir	38	good	no concerns	viable	no	Remove
503	plum	6	good	forks at 4'	viable	1.0	Remove
1003	black cottonwood	9	fair	young	viable	1.0	Retain
1004	hawthorn	7	fair	no concerns	viable	1.0	Retain
1005	black cottonwood	8	fair	low risk	viable	1.0	Retain
1006	European rein ash	7	fair	low risk	viable	1.0	Retain
1007	Douglas-fir	7	fair	somewhat suppressed, low risk	viable	1.0	Retain
				TOTAL VIABLE TREE CREDITS		1020.0	

DISCLAIMER

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	AJS
2	9-21-16	SAVED TREE 107 AND PARKING	AJS

LDC Engineering Structural Planning Survey
THE CIVIL ENGINEERING GROUP
Ph. 425.885.1900
Fx. 425.885.1902
www.LDCinc.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

INTEGRATED DEVELOPMENT NOTES AND DETAILS

JOB NUMBER: 14-172
DRAWING NAME: 141210-TR-R
DESIGNER: JLS
DRAFTING BY: BJN
DATE: 9-21-15
SCALE: AS NOTED
JURISDICTION: CITY OF KIRKLAND

TR-03

SHEET 18 OF 25

NE 1/4, NE 1/4, SEC 32, TWN 28 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON

OFFSITE TREE TABLE

TREE TAG #	SPECIES	DBH	CONDITION	COMMENTS	VIABLE	CREDITS	RETENTION
136	Douglas-fir	33	fair	suspect some trunk decay	visible	12.5	Retain
137	Douglas-fir	33	fair-good	appears sound, good color	visible	12.5	Retain
141	Douglas-fir	33	fair	root rot pocket on adj prop to west	visible	12.5	Retain
143	Douglas-fir	31	fair-good	typ	visible	11.5	Retain
144	Douglas-fir	34	fair-good	typ	visible	13.0	Retain
145	Douglas-fir	15	poor	80% dead, broken	non	no	Retain
203	Douglas-fir	14	good	7' off pl	visible	no	Retain
204	Douglas-fir	11	good	5' off pl	visible	no	Retain
205	Douglas-fir	16	good	5' off pl	visible	no	Retain
207	Douglas-fir	20	good	5' off pl	visible	no	Retain
208	Douglas-fir	11	fair	3' off pl w/ sapp	visible	no	Retain
209	Douglas-fir	16	fair-good	3' off pl	visible	no	Retain
210	Douglas-fir	16	fair	208, 210 fork at 2'	visible	no	Retain
211	Douglas-fir	16	good	7' off pl	visible	no	Retain
212	Douglas-fir	22	good	on pl	visible	no	Retain
213	Douglas-fir	18	good	5' off pl	visible	no	Retain
220	big leaf maple	20,24	fair	stems fork at 3', ok, good form	visible	no	Retain
221	western red cedar	18	good	4x4 taper	visible	no	Retain
228	big leaf maple	16	poor	broken at 12', mult tops, hypoxylon	non	no	Retain
229	western red cedar	10	good	8' (typ), 2' off pl	visible	no	Retain
231	big leaf maple	25	fair-good	good form	visible	no	Retain
232	big leaf maple	33	fair	some decay at past branch failures	visible	no	Retain
238	flowering cherry	7,6,6	fair	twigged in the past	visible	no	Retain
239	flowering cherry	11	fair	co-dominant	visible	no	Retain
302	Douglas-fir	26	good	10' off pl ht	visible	no	Retain
304	Douglas-fir	15	good	7' off pl	visible	no	Retain
306	Douglas-fir	19	good	8' off pl	visible	no	Retain
307	Douglas-fir	16	good	10' off pl	visible	no	Retain
308	Douglas-fir	11	good	6' off pl	visible	no	Retain
309	Douglas-fir	10	fair-good	4' off pl	visible	no	Retain
310	Douglas-fir	15	good	8' off pl	visible	no	Retain
311	big leaf maple	26	fair-good	8' off pl	visible	no	Retain
312	big leaf maple	28,18	fair	10' off pl, smaller stem beetle reduction	visible	no	Retain
313	Douglas-fir	22	fair	14' off pl, crooked top	visible	no	Retain
314	Douglas-fir	28	good	14' off pl	visible	no	Retain
315	Douglas-fir	16	fair	12' off pl	visible	no	Retain
316	Douglas-fir	25	good	10' off pl	visible	no	Retain
317	Douglas-fir	18	good	4' off pl	visible	no	Retain
318	Douglas-fir	12	good	12' off pl	visible	no	Retain
319	Douglas-fir	16	fair	3' off pl	visible	no	Retain
320	Douglas-fir	17	good	8' off pl	visible	no	Retain
321	Douglas-fir	22	good	4' off pl, natural loss west	visible	no	Retain
323	Douglas-fir	16	good	8' off pl	visible	no	Retain
353	Douglas-fir	28	fair-good	10' off pl, old broken top	visible	no	Retain
358	Douglas-fir	20	good	7' off pl	visible	no	Retain
401	paper birch	10	fair	slight bore scab, equestrian damage	visible	no	Retain
402	western red cedar	11	good	no concerns	visible	no	Retain
404	Douglas-fir	15	good	no concerns	visible	no	Retain
405	western red cedar	14	good	no concerns	visible	no	Retain
406	big leaf maple	12	good	no concerns	visible	no	Retain
407	Douglas-fir	14	good	no concerns	visible	no	Retain
408	Douglas-fir	7	fair	co-dominant stems, suppressed	visible	no	Retain
409	Douglas-fir	15	good	2' grade change at prop boundary	visible	no	Retain
410	Douglas-fir	12	good	no concerns	visible	no	Retain
411	Douglas-fir	16	good	treehouse in tree	visible	no	Retain
420	big leaf maple	26	good	adjacent to fence	visible	no	Retain
501	European white birch	11	fair	toxic, suppressed	visible	no	Retain
502	black cottonwood	28	fair	typical	visible	no	Retain
503	black cottonwood	14	fair-poor	dead top, suppressed	borderline	no	Retain
504	black cottonwood	21	fair	typical	visible	no	Retain
505	black cottonwood	11	poor	heavy lean north, suppressed	non	no	Retain
507	Douglas-fir	20	fair	no concerns	visible	no	Retain
508	Douglas-fir	13	fair-good	young	visible	no	Retain
701	black cottonwood	20	good	no concerns	visible	no	Retain
702	black cottonwood	15	good	no concerns	visible	no	Retain
703	black cottonwood	18	good	no concerns	visible	no	Retain
1001	Douglas-fir	19	fair	4' off pl, suppressed	visible	no	Retain
1002	Douglas-fir	20	good	6' off pl	visible	no	Retain

SUMMARY

300 TREES WERE EVALUATED ON THE SUBJECT PROPERTY.
300 TREES ARE GREATER THAN 6 INCHES AND ARE CONSIDERED SIGNIFICANT.
45 TREES ARE CONSIDERED NON-VIABLE DUE TO POOR HEALTH, POOR STRUCTURE, LACK OF WIND FIRMNESS, OR A COMBINATION.

TREE CREDITS

AT 4.91 ACRES WITH 30 CREDITS PER ACRE REQUIRED, A TOTAL OF 147.3 TREE CREDITS ARE REQUIRED THROUGH RETENTION OR REPLACEMENT.

102.5 TREE CREDITS ONSITE ARE CONSIDERED SIGNIFICANT AND VIABLE.
203.5 TREE CREDITS ARE PROPOSED TO BE RETAINED ONSITE *.
0 TREE CREDITS ARE REQUIRED TO BE PROVIDED THROUGH REPLACEMENT.

* TREES LABELED AS RETAIN IF POSSIBLE ARE NOT COUNTED AS TREES TO BE RETAINED FOR CREDIT PURPOSES.

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	AJS
2	9-21-16	SAVED TREE 157 AND PARKING	AJS

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Survey
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Woodinville, WA 98072
Ph. 425.806.1869
Fx. 425.806.1890
www.LDCinc.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

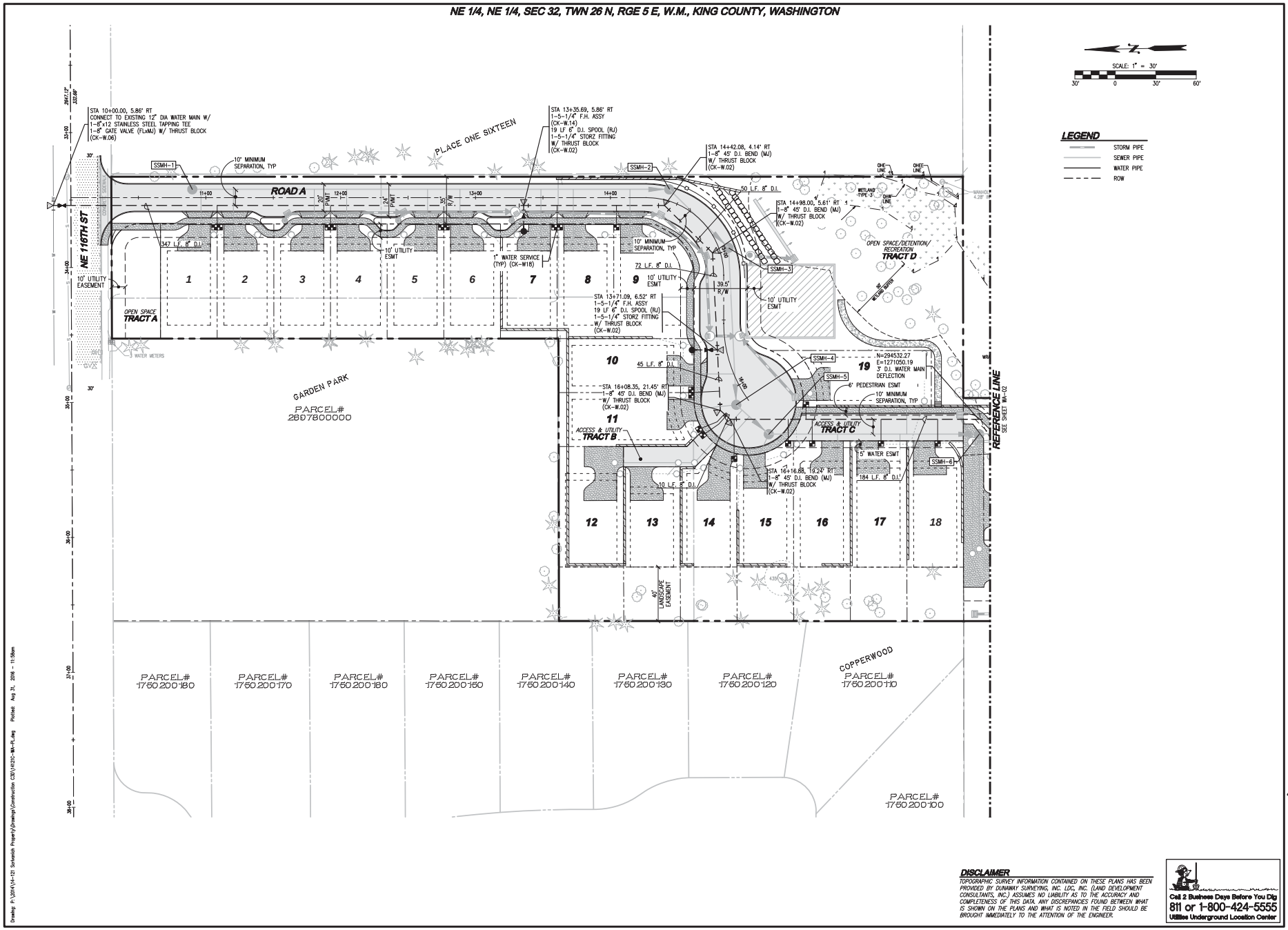
INTEGRATED DEVELOPMENT NOTES AND DETAILS

JOB NUMBER: 14-170
DRAWING NAME: 141210-TR-R
DESIGNER: JLS
DRAFTING BY: BJN
DATE: 9-21-15
SCALE: AS NOTED
JURISDICTION: CITY OF KIRKLAND

TR-04

SHEET 19 OF 25

Drawing: P:\2014\14-170 Scrivanich Property\Drawings\Construction\CDP\141210-TR-R.dwg Plotted: Aug 31, 2016 - 1:13pm



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REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	6-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	8-31-16	SAVED TREE 457 AND PARKING	JLS

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Planning
Survey
14301 NE 200th St., #100
Woodinville, WA 98072
Ph. 425.806.1869
Fx. 425.806.1890
www.LDCinc.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

WATER PLAN

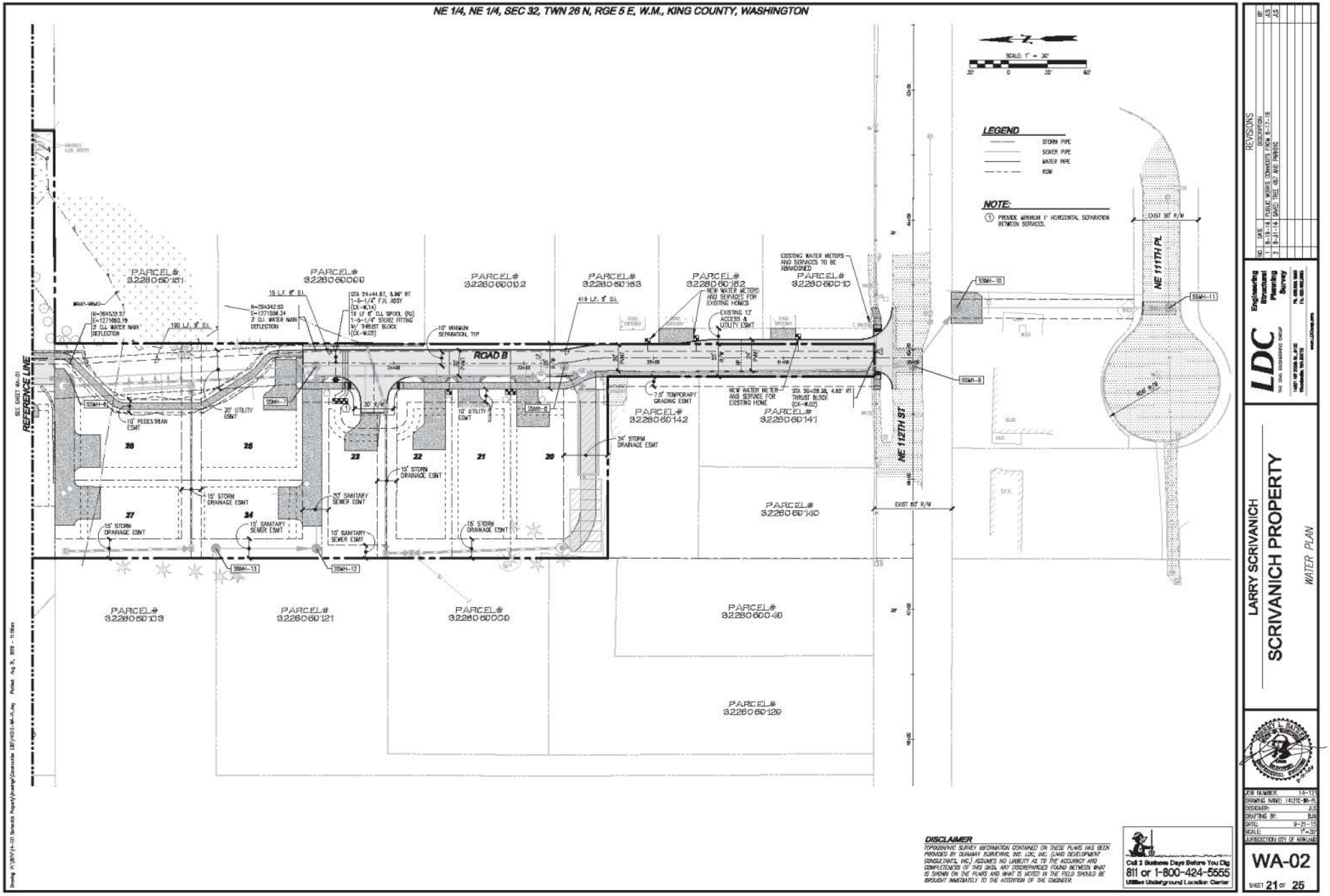
JEREMY L. SAMPLE
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER

JOB NUMBER:	14-121
DRAWING NAME:	14121C-WA-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

WA-01

SHEET 20 OF 25

Drawing: P:\2014\14-121 Scrivanich Property\Drawings\Construction CSD\14121C-WA-PL.dwg Plotted: Aug 31, 2016 - 11:38am



NO	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	8-31-16	SHIFT TREE #67 AND PARKING	JLS

REVISIONS

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THE LDC ENGINEERING GROUP
Engineering
Structural
Planning
Survey
14811 NE 95th St., #202
Redmond, WA 98052
ph. 425.885.1900
fax. 425.885.2885
www.LDCinc.com

LARRY SCRIVANICH

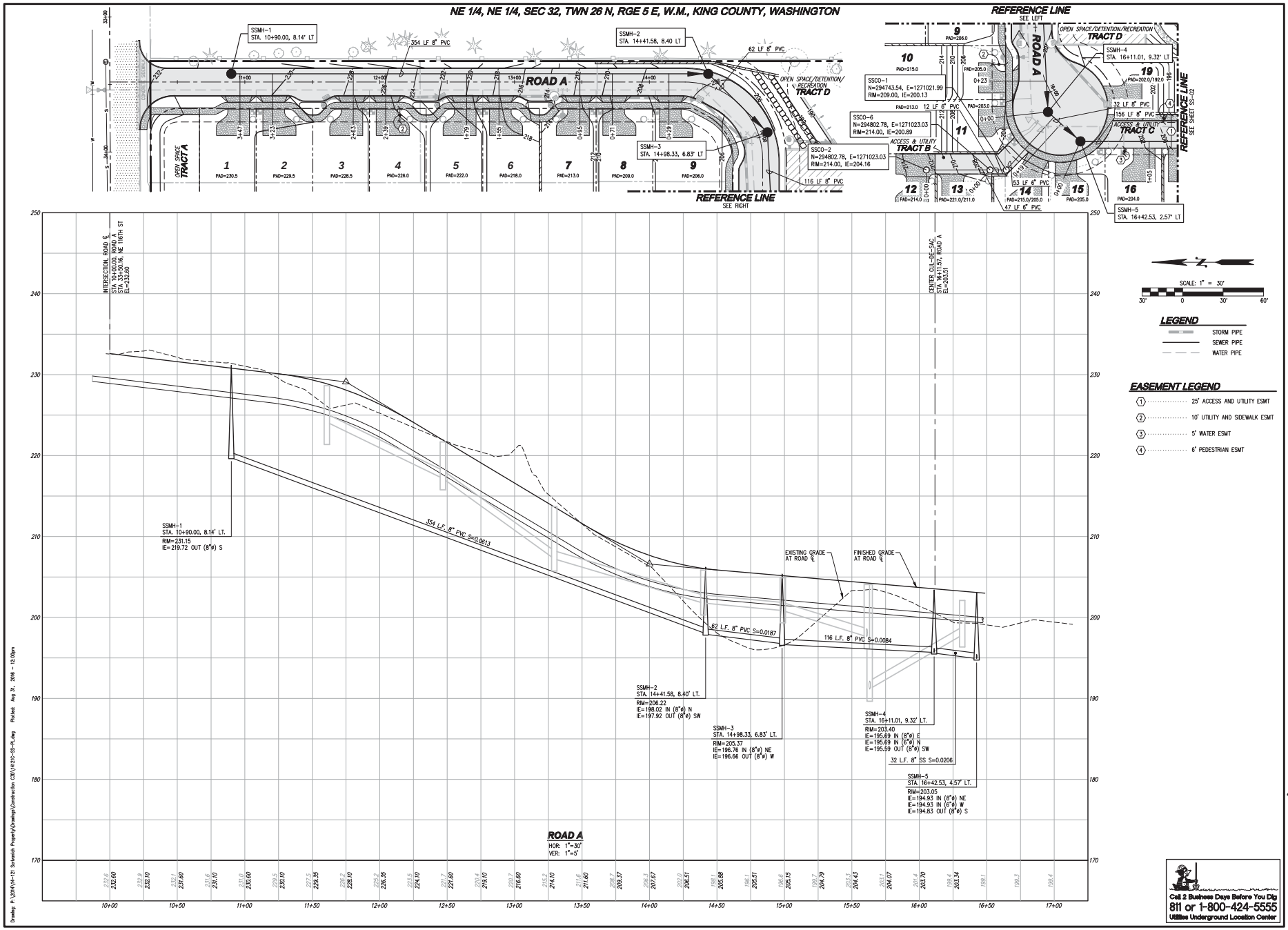
SCRIVANICH PROPERTY

WATER PLAN

JOB NUMBER:	14-121
DRAWING NAME:	14121C-WA-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

WA-02

SHEET 21 OF 25



NO.	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	8-31-16	SWED TREE 457 AND PARKING	JLS

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Woodinville, WA 98072
Ph. 425.806.1869
Fx. 425.806.2881
www.LDCinc.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

SANITARY SEWER PLAN AND PROFILES

JEREMY L. SANDERS
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER

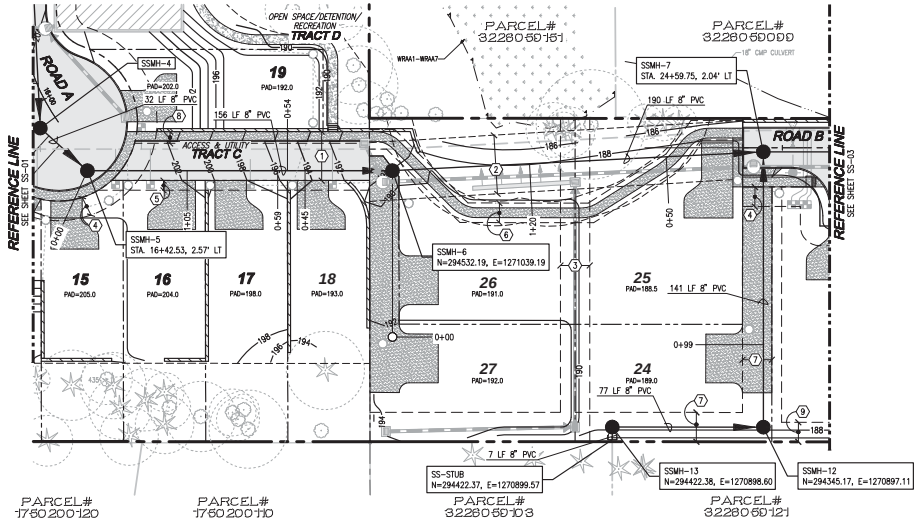
JOB NUMBER:	14-121
DRAWING NAME:	14121C-SS-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

SS-01

SHEET 22 OF 25

Drawing: P:\2014\14-121 Scrivanich Property\Drawings\Construction CSD\14121C-SS-PL.dwg Plotted: Aug 31, 2016 - 12:00pm

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

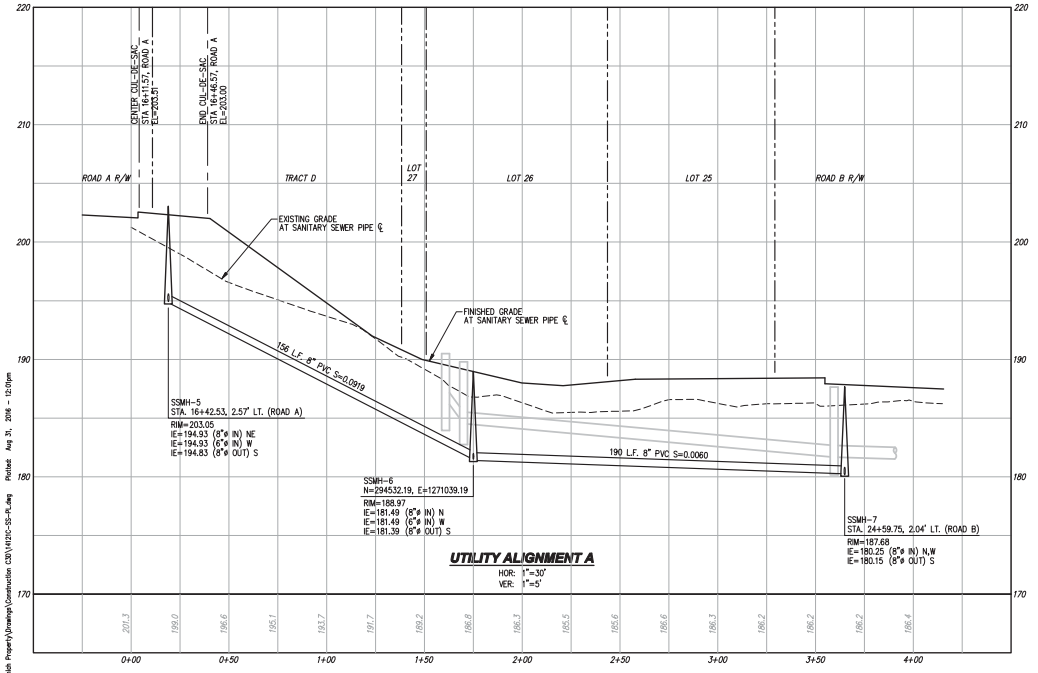


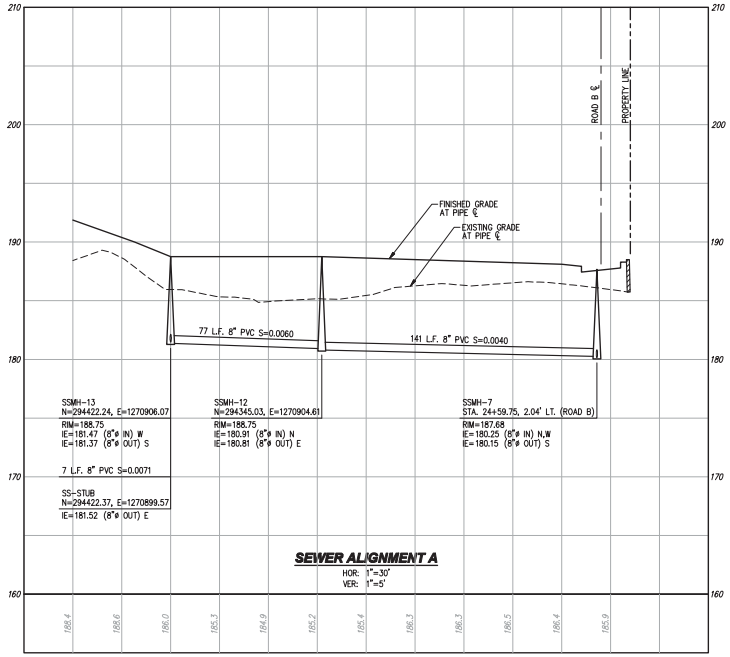
LEGEND

- STORM PIPE
- SEWER PIPE
- WATER PIPE

EASEMENT LEGEND

1. 25' ACCESS AND UTILITY ESMT
2. 30' UTILITY ESMT
3. 15' STORM ESMT
4. 10' UTILITY AND SIDEWALK ESMT
5. 5' WATER ESMT
6. 10' PEDESTRIAN ESMT
7. 15' SANITARY SEWER ESMT
8. 6' PEDESTRIAN ESMT
9. 10' SANITARY SEWER ESMT





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REVISIONS			
NO.	DATE	DESCRIPTION	BY
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Ph. 425.806.1869
Fx. 425.806.1890
www.LDCinc.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

SANITARY SEWER PLAN AND PROFILES

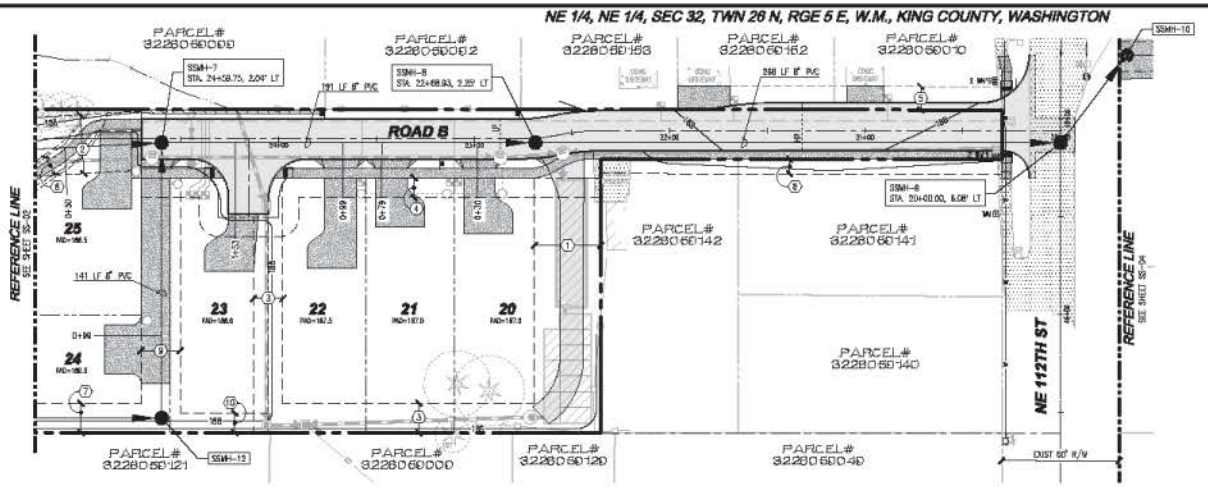
JEREMY L. SANDERS
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER

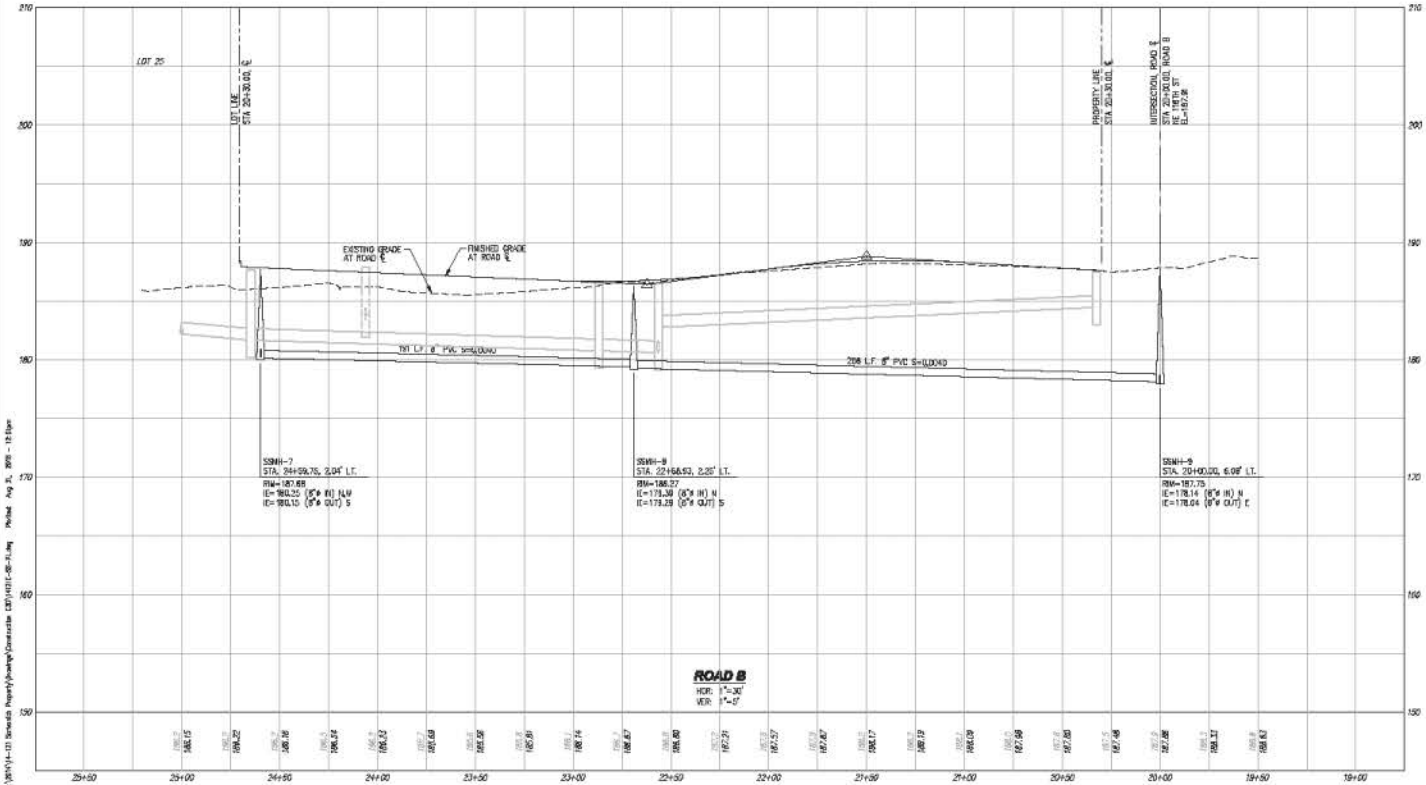
JOB NUMBER:	14-121
DRAWING NAME:	14121C-SS-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

SS-02

SHEET 23 OF 25

Drawing: P:\2014\14-121 Scrivanich Property\Drawings\Construction CSD\14121C-SS-PL.dwg Plotted: Aug 31, 2016 - 12:01pm





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REVISIONS

NO	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	9-21-16	SHED TREE 467 AND PARKING	JLS

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LARRY SCRIVANICH

SCRIVANICH PROPERTY

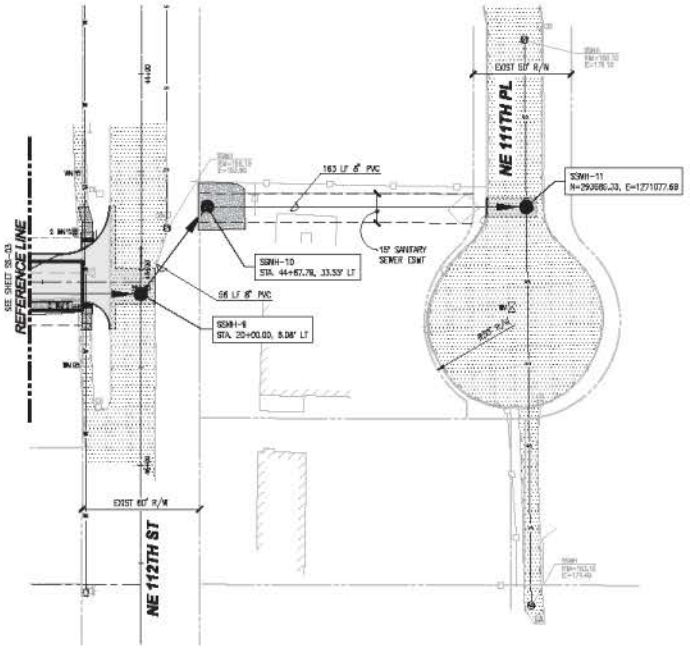
SANITARY SEWER PLAN AND PROFILES

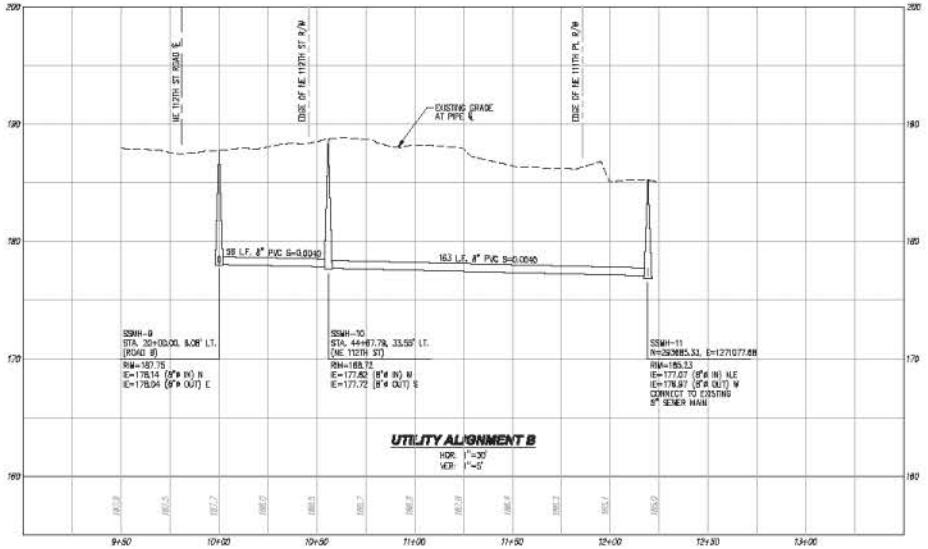
JOB NUMBER:	14-171
DRAWING NAME:	14171C-SS-PL
DESIGNED:	JLS
DRAFTING BY:	BJN
DATE:	9-21-16
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

SS-03

SHEET 24 OF 25

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





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REVISIONS			
NO	DATE	DESCRIPTION	BY
1	8-19-16	PUBLIC WORKS COMMENTS FROM 6-17-16	JLS
2	9-21-16	SHED TREE 467 AND PARKING	JLS

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SANITARY SEWER PLAN AND PROFILES

JOB NUMBER:	14-171
DRAWING NAME:	14171C-SS-PL
DESIGNED:	JLS
DRAFTED BY:	BJN
DATE:	9-21-16
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

SS-04

SHEET 25 OF 25

SCRIVANICH

Planned Unit Development - Preliminary Plat

Project Narrative / Benefit Analysis
October 5, 2016

I. Project Description
II. Modifications Proposed Through PUD Process
III. PUD Conformance Criteria

I. - Project Description

Site Description

The Scrivanich PUD is proposing to develop the 5.16 acre site into a 27 lot single family Planned Unit Development (PUD). The project is bounded by NE 116th St to the north and NE 112th St to the south. There are critical areas (wetlands) in the central eastern portion of the site. Access to the site would be from a Public Road accessing from NE 116th St and terminating on-site in a Cul-de-Sac. Access would also be from NE 112th to the south in the form of a Public Road. The proposed Public Road would be a modified road section with portions of the planter strip and sidewalk located in easements granted to the City. This site is currently served by public water and sewer. Zoning for the site is RS-8.5.

Neighborhood

The proposed development is within the Juanita neighborhood. The northern portion of the PUD (proposed lots 1-19), is eligible to use the higher density provisions found in North/South Juanita Neighborhood Plan. To utilize the higher density provisions of the Neighborhood plan you must satisfy the 7 criteria found in the Plan. The North/South Juanita Neighborhood Plan on page XV.I-5, under Item 3 "Living Environment" states–"Low density development up to five units per acre is allowed, and higher densities up to seven units per acre may be permitted subject to the following conditions:" While the Living Environment section makes a general reference to allowing clustered housing, there is no requirement in the code or comprehensive plan that clustered housing must be provided to achieve higher densities. Rather, the code specifies seven specific conditions that the proposed PUD must meet.

Listed below are these seven conditions followed by a response as to how the proposed PUD meets these enumerated conditions.

1. "This added increment of density would only be allowed through a Planned Unit Development permit."

   This application is in the form of a Planned Unit Development permit.

2. "Visual buffering by a landscaped setback (normally 40 feet) should separate the slightly higher density development from adjacent single-family residences."

   A 40 foot Landscape Easement is being proposed along the south side of the PUD adjacent to exiting single family detached residences. The remaining perimeter of the site abuts existing higher density developments or critical areas. To the south of the combined development is NE 112th Street.

3. "There is to be no direct access from individual dwelling units onto NE 116th Street. Access to NE 116th Street is to be limited to interior loop roads, cul-de-sacs or similar streets. The added increment of density should not be available to properties where topographic conditions pose traffic hazards due to line-of-sight problems. Furthermore, access should be limited to NE 116th Street and not onto residential streets to the south."

   No individual dwelling units will directly access directly onto NE 116th Street. Also, no access from the higher density portion of this PUD will be provided onto residential streets to the south.

4. "Pedestrian access through the development should be required to facilitate access to schools or other public destinations."

   Pedestrian access will be extended to the south property line to NE 112th Street. This will provide access to Alexander Graham Bell Elementary School on NE 112th Street and to Metro bus service and McAuliffe Park on NE 116th Street.

5. "Extensions of higher-density development should not penetrate into lower-density areas and should, therefore, be permitted only within a specified distance of NE 116th Street (approximately NE 114th Street)."

   The higher-density 7 units per acre development would be terminated at the south property line (approximately NE 114th Street). There is also a wetland to the south that provides a natural buffer between the higher density and lower densities along much of the southern property line.

6. "The height of structures should not exceed that of adjacent residential areas."

   The applicant does not propose for the height of structures to exceed that of adjacent residential areas per the attached building height exhibit. KZC 15.30.060 states building heights are measured from Average Building Elevation, we are proposing a modification to this requirement as described below.

7. "Some common open space usable for a variety of activities should be included on site."

   Open space will be provided adjacent to the wetland buffer in Tract D and on the north end of the property along NE 116th Street (Tract A), which will provide improved with amenities for the residents and general public's benefit. Tract A will be provided with

picnic facilities, including tables, so residents can enjoy the open space while still providing a natural bu8ffer between Ne 116th Street and homes within the development. Tract D will include playground equipment which will provide a great active recreation space for families to enjoy.

This proposal meets all seven of the specific conditions for "densities up to seven units per acre" contained in the North/South Juanita Neighborhood Plan on page XV.I-5, under Item 3 "Living Environment".

Proposed Site Plan

By utilizing Raingardens and the meandering sidewalk, the appearance of greater visual separation is provided between the front of the residences and the travel way. This provides a greater sense of community and a feeling of being screened from vehicular traffic by the Raingarden vegetation.

The allowed site density has been calculated per Section 125.30 which reads:
125.30 Decision on the PUD – Density

4. If the PUD is proposed in an RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0 or RSX 5.0 Zone, the City will subtract the area actually used for vehicular circulation and surface parking areas that serve more than one (1) dwelling unit, before determining the maximum number of dwelling units potentially permitted under this section (emphasis added.) The Raingardens and sidewalk will be located in an easement. The area calculated for "vehicular circulation and surface parking areas" is the area between the curb lines. This area is subtracted from the gross site area to determine the net area for density purposes

The two proposed roadway sections will be dedicated as public roads. The northern public road consists of a 35' right of way. The pavement section is 24' where on-street parking is available and 20' where parking is not available. Sidewalk is provided on one side and there is a cul-de-sac at the end of the north road which meets City standards. We believe this roadway section with meandering sidewalk and Raingardens represents a design that is superior to the current City standard while still meeting emergency vehicle requirements. The public road on the south half of the site consists of a 25' right of way with a 12' access and utility easement, with 24' of pavement, in the panhandle portion and a 35' right of way in the balance of the road with 20' of pavement. Sidewalk is provided along the entire length of the public road on one side. A hammerhead turnaround is provided at the end of the southern public road to meet emergency vehicle standards. This hammerhead also meets City standards.

Clustering

After meeting with City staff, it is unclear if the clustering requirements contained within the comprehensive plan apply to this project. However, we have designed our project to meet

the clustering requirements and have adjusted our site plan per the direction of city staff in order to do so.

Pursuant to the City of Kirkland Comprehensive Plan and Code, Clustered Development is defined as the grouping or attaching of buildings in such a manner as to achieve larger aggregations of open space than would normally be possible from lot by lot development at a given density.

Open space is not required to be provided in a standard subdivision in this zone. We have proposed Tract A, which will provide 2,986 square feet of active recreation space. We have also proposed Tract D, which contains 22,529 square feet. Although Tract D contains critical areas and required buffers, we have intentionally placed this in an open space tract as opposed to attaching it to a lot in order to provide greater open space amenities.

Open Space

Approximately 12% of the site, 25,515 square feet will be devoted to passive and active Open Space, which would not be required in a standard subdivision in this zone. Open space amenities include:

- Seating benches
- Play equipment
- Grassed play area
- A trail completing a connection between NE 116th St and NE 112th St

Open Space Tract A is located on the North end of the site and contains 2,986 square feet of active open space. Tract D contains 22,529 square feet of open space which is dedicated to detention and recreation. While the area contains some critical areas and buffer which are required to be protected, we have intentionally not included Tract D with a lot which allows the area to be enjoyed as open space by all property owners.

In addition to the open space tracts to be created, a 40' wide landscape easement, containing 12,000 square feet in area, will be created along the southern central portion of the property, adjacent to the property boundary, to provide a buffer between this proposed PUD development and the existing, traditional lot by lot residential development located to the west.

II. - Modifications Proposed through the PUD Process

City of Kirkland Zoning Code (KZC) section 125.20 details what elements may be modified with a PUD application. The following elements are requested as modifications to the PUD that would otherwise not be allowed in a standard subdivision:

- Minimum Lot Size
- Minimum Lot Width

- Front Building Setback
- Floor Area Ratio (FAR)
- Building Height calculation
- Lot coverage
- Side yard building setbacks

The City may, per KZC 125.20, modify any of the provisions of the code for a PUD except:

1. *The City may not modify any of the provisions of this chapter; and*
2. *The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under a PUD; and*
3. *The City may not modify any of the procedural provisions of this code; and*
4. *The City may not modify any provision that specifically applies to development on a regulated slope; and*
5. *The City may not modify any provision pertaining to the installation and maintenance of storm water retention/detention facilities; and*
6. *The City may not modify any provision pertaining to the installation of public improvements; and*
7. *The City may not modify any provision regulating signs; and*
8. *The City may not modify any provision regulating the construction of one (1) detached dwelling unit.*

Minimum Lot Size

Requested Modification: Minimum lot size be measured as an average of the total area in lots, plus all open space.

The minimum lot size for the RSA-8.5 zone is 8500 square feet. The proposed average lot size based on gross area, less roadway driving surface is, 5,556 square feet per lot. The PUD density increase results in smaller lot sizes than allowed by the underlying zoning and is the overarching purpose of the PUD process.

The proposed lot size averaging formula allows the development to provide areas for recreation and open space, while reducing the average lot size. This averaging also allows for compatible lot sizes and compatible housing opportunities for prospective home buyers, creating a greater sense of community.

Minimum Lot Width

Requested Modification: It is request that the lot width at the back of the required front yard shall not be less than forty feet.

The required lot width per KMC 22.28.050 is 50 feet. We are requesting it be reduced to 40 feet on 2 lots, to 42 feet on 15 lots and to 48 feet on 1 lot. The remaining 9 lots will be 50 feet or wider. The project wide average lot width is over 51 feet.

Allowing this reduction in lot width allows the development to provide additional area for open space adjacent to NE 116th St. On-site passive and active open space allows developments to create a sense of community and cohesiveness. This reduction in lot widths also means the project can approach the densities designated by the Neighborhood Plan in a clustered development.

Front Building Setbacks

Requested Modification: We are requesting that the front building setback for living space be reduced to 15' while maintaining the 20' garage setback.

Garages are setback 20' from the right of way line to provide for parking in the driveways without impeding vehicular or pedestrian traffic. With a 20' setback from R/W parked cars will not block the sidewalk.

Having living space setback only 15' from the right of way line creates an opportunity to develop a streetscape with modulation and character. It eliminates a flat home façade, setback 20' from the right of way line, dominated by garage doors. In fact, the reduced living space setback creates the opportunity for porches and other features within the front yard setback which can become focal points for neighbor interaction, creating a greater sense of community.

Floor Area Ratio (FAR)

Requested Modification: We are requesting that the FAR for the project be evaluated and measured on a site wide basis, as 50% of the net development area (gross site area less roadway driving surface.)

Chapter 125.20 of the KZC allows for provisions of the code to be modified when a PUD is proposed that is innovative or includes amenities that are otherwise beneficial to the project. Our request that the FAR be measured on a site wide basis, including the Open Space Tracts, reflects the fact that the areas within the proposed Open Space Tracts are not required to be provided under a standard subdivision. The project includes 25,518 square feet of passive and active public open space that is not required in a standard subdivision. Included within the Open Space Tracts are recreational improvements as listed previously, which are also not required in a standard subdivision.

The applicant also recognizes that a more holistic approach would provide for a better community, with similar home sizes.

The proposed modification actually would promote a more unified, yet diverse development promoting a progressive neighborhood atmosphere.

Building Height Calculation

Requested Modification: We are requesting that the building height calculation be based on the existing grade after site grading is completed.

Current City of Kirkland code requires that allowed building height be calculated based on average existing grade of a parcel prior to the time of construction. For individual residences on existing parcels this makes sense in order to protect view corridors, eliminate overly tall structures, etc.

Application of the strict building height calculation on this project creates inherent problems due to the variably sloping topography from south to north and the irregular shape of the property itself. These factors create challenges from not only a site design standpoint but

also from a grading perspective. It is imperative that the internal roads be designed to the city standards for slopes etc. That then affect at what elevation that homes can access off the road and be constructed. In order to maintain the home entries at street level, significant grading has to occur. This grading will alter the building pad elevations by up to 5-8 feet from pre-grading elevations. In fact, the site limitations are such that many of the homes, even after mass grading, will be daylight basements or tuck under garage style homes. This results in the high portion of the lot being as much as 8 feet above the low portion of the lot. To attempt to establish building height from pre-construction grades on a site like this will result in homes that do not fit the intended character and cohesiveness of the community. By utilizing post site construction grades to establish building height, as proposed, a more consistent and compatible community will be developed, which is the underlying intent of the building height calculation requirement. While we are requesting this modification for the entire plat, in fact, only 17 lots out of the 27 proposed will utilize this requested Building Height Calculation modification. These are lots 1, 2, 3, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

Most of the lots exceed the current method of calculating building height by approximately 0.55' to 5.82'. Lot 19 is the most severe in that it exceeds the current methodology of calculating building height by 11.92'. However, the impact to surrounding residences is minimal since lot 19 does not abut any adjacent properties and is located adjacent to the on-site wetland.

A cross section showing how we are complying with the requirement that the height of structures not exceed that of adjacent residential zones has been provided as part of the site plan.

Lot Coverage

Requested Modification: We are requesting that the Lot Coverage be measured at 45% of the net site area (gross area less roadway driving surface) as opposed to 45% of the individual lots themselves.

As detailed and explained previously this proposed development is providing approximately 24,158 square feet in passive and active public Open Space that would not be required as part of a standard subdivision. This results in less area available to do a standard lot coverage calculation. The requested modification is to allow the percentage to be calculated using the provided open space tracts and lot area.

Side yard Building Setbacks

Requested Modification: We are requesting that the side yard building setback be reduced from 5' minimum, total of 15' to 5' on both sides for a total of 10'.

By reducing the total side yard setback to 10 feet we are able to narrow the lot width to produce more open space. This matches the setbacks in the RSX and RSA zones.

III. - PUD Conformance Criteria

KZC 125.35 states that the City may approve a PUD only if it finds all of the following requirements are met:

1. *The proposed PUD meets the requirements of this chapter.*
2. *Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.*
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 access to the facilities that could not be required by the City for development of the subject property without a PUD.*
    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.*
    c. *The Design of the PUD incorporates active or passive solar energy systems*
    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:*
        i. *Increased provision of open space or recreational facilities.*
        ii. *Superior circulation patterns or location of screening of parking facilities.*
        iii. *Superior landscaping, buffering, or screening in or around the PUD.*
        iv. *Superior architectural design, placement, relationship or orientation of structure.*
        v. *Minimum use of impervious surfacing materials.*
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.)*

Consistency with the PUD Criteria:

1. *The proposed PUD meets the requirements of this chapter*

    The following responses to the approval criteria, in concert with the submittal materials will demonstrate that the project meets the requirements of the chapter.

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

    The terms that we need to analyze are “impacts” or “undesirable effects.” In order to approve the PUD as a subdivision overlay, public benefits must exceed the level of impact from the differing component.

An impact is the effect of the differing component, not the component itself. In the case of this proposed PUD, the differing components are:

- Minimum Lot Size
- Minimum Lot Width
- Front Building Setback
- Floor Area Ratio (FAR)
- Building Height calculation
- Lot coverage
- Side yard building setbacks

The visual effect of the above components is negligible and will most likely be unnoticed by adjacent residents. Further, the remaining requested modifications will have the positive impact of having a much more consistent, yet architecturally varied, community in terms of home size and scale. This will only result in a greater sense of community and belonging for future residents of the Scrivanich PUD.

These differences must be weighed in comparison to the identified benefits of the PUD. The proposed benefits that have been identified is the creation of active and passive public open space. The project is providing 25,518 square feet of passive and active public Open Space. Improvements include the following elements:

- Seating benches
- Play equipment
- Grassed play area
- A trail completing a connection between NE 116th St and NE 112th St

The applicant has also agreed to install a Rectangular Rapid Flashing Beacon (RRFB) across NE 116th St at McAuliffe Park, just west of 108th Ave NE.
None of the above Public Benefit items are required as part of a standard subdivision, and outweigh the minimal impacts associated with the requested modifications.

Determination of an appropriate level of Public Benefit improvements

Chapter 125 – Planned Unit Development of the Kirkland Zoning Code (KZC) discusses the need to provide Public Benefits to mitigate the impacts of requested Code modifications as part of a PUD application. However, it does not clearly define the level of Public Benefits that coincide with the PUD Code. Absent any definitive guidance from the KZC, one can attempt to quantify the value of the proposed PUD modifications and provide a commensurate level of Public Benefit improvements.

The proposed Scrivanich PUD is requesting seven modifications to the Kirkland Zoning Code. These are for:

- Minimum Lot Size
- Minimum Lot Width

- Front Building Setback
- Floor Area Ratio (FAR)
- Building Height calculation
- Lot coverage
- Side yard setback

KMC 27.06.010 Findings and Authority
The city council finds and determines that new residential growth and development in the city will create additional demand and need for public facilities (parks) in the city and finds that new residential growth and development should pay a proportionate share of the cost of new public facilities needed to serve the new growth and development. The city has conducted an extensive study documenting the procedures for measuring the impact of new residential development on public facilities and has prepared a rate study. The city council accepts the methodology and data contained in the rate study. Therefore, pursuant to Chapter 82.02 RCW, the city council adopts this chapter to assess impact fees for public facilities.

Pursuant to the above code section, the City of Kirkland recognizes that public parks are a finite resource to be scaled up with population. The City has established an impact fee system. Park Impact Fees fund the parks needs of a growing City.

By providing on site recreation, the proposed passive and active public open space areas will reduce the use and impacts on other City facilities. It should also be noted that the project will also pay mitigation fees for impacts to parks, with no requested credit.

Tracts A and D provide public open space and amenities that would otherwise not occur in a standard subdivision. Tract D also serves as a detention facility with an underground vault. Some may argue that it would be required anyway and no additional benefit is provided. However the same facility could be built as a pond, less expensively, with no lid, therefore providing no opportunity for recreation in the same area. In addition, the pond area would be fenced and gated for safety and no pedestrian access would be available.

There will be an expense incurred by the applicant in the installation of the recreation improvements to the public open space. There will also be an expense associated with the construction of the on-site public trail located between the two roads.

The applicant has also agreed to install a Rectangular Rapid Flashing Beacon (RRFB) across NE 116th St at McAuliffe Park, just west of 108th Ave NE.

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.

Tract A and D which contain the recreation elements of the project and the Trail from NE 116th St to NE 112th St. will be available for public access and use.

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.

N/A

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

N/A

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:

i. Increased provision of open space or recreational facilities.

If the project was not developed as a PUD, the 25,518 square feet of passive and active public Open Space would not be provided nor would the recreation improvements be constructed therein. Additionally, in this project the recreation facilities will be made available to the public for their use and enjoyment. In a standard subdivision these open space tracts and recreation improvements would not be required, and if developed would not have to provide public access.

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

N/A

iii. Superior landscaping, buffering, or screening in or around the PUD.

N/A

iv. Superior architectural design, placement, relationship or orientation of structure.

N/A

v. Minimum use of impervious surfacing materials.

N/A

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.)

N/A

Closing

As proposed, and demonstrated in the submitted materials, the Scrivanich PUD will provide many benefits to the residents of the project, the neighborhood, and the City. The provided public open space will be available for both passive and active uses. These elements will add to the character of the neighborhood and go beyond those elements required as part of a standard subdivision. This proposed subdivision/PUD meets the goals and intent of the Planned Unit Development code as noted in this narrative and in the other submitted materials. Respectfully, as such, it is worthy of approval by the City of Kirkland.

Prepared by: Mark Villwock, PE
Vice President
LDC, Inc (Land Development Consultants)

Wetland Resources, Inc.
Delineation / Mitigation / Restoration / Habitat Creation / Permit Assistance
9505 19th Avenue S.E.
Suite 106
Everett, Washington 98208
(425) 337-3174
Fax (425) 337-3045

CRITICAL AREAS REPORT
AND
BUFFER MODIFICATION PLAN

FOR

SCRIVANICH-116TH STREET

Wetland Resources, Inc. Project #13185

Prepared By:

Wetland Resources, Inc.
9505 19th Ave SE, Suite 106
Everett, WA 98208
(425) 337-3174

For:

Larry Scrivanich
P.O. Box 2174
Woodinville, WA 98072

September 10, 2015

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Executive Summary

Project Name: Scrivanich – 116th St.

Location: Parcel numbers 3226059114, -135, -078, -083, and -113 between NE 112th St. and NE 116th St. in the City of Kirkland.

Limit of Study: The subject properties, the adjacent parcel to the south/east (#3226059151), and those portions of adjacent properties visible from the edge of the subject property.

Applicant: Larry Scrivanich
PO Box 2174
Woodinville, WA 98072

Wetland Resources Staff: Jim Rothwell, PWS (Senior Ecologist), and Nick Whiting (Associate Ecologist).

Critical Areas Determination: One wetland (Wetland A) was observed on the subject property, extending offsite to the south and slightly to the east. This wetland is categorized as a Type 3 wetland that requires a 50-foot protective buffer per Kirkland Zoning Code (KZC) section 90.45. No streams were observed on or near the subject property.

Proposed Project: The applicant is proposing to construct a 27-lot plat on the subject property. In order to achieve this, buffer width reduction with enhancement must be employed.

1.0 PROPOSED PROJECT

1.1 INTRODUCTION

Wetland Resources, Inc. (WRI) performed a series of site investigations in August 2013, July 2014, and July 2015 to locate jurisdictional wetlands and streams on and in proximity to King County parcel numbers 3226059114, -113, -135, -083, and -078. The subject property is located between NE 116th Street and NE 112th Street in the City of Kirkland, Washington. The Public Land Survey System (PLSS) locator for the subject property is Section 32, Township 26N, Range 05E, W.M. The study site is situated within the Cedar/Sammamish Watershed, or Water Resources Inventory Area (WRIA) 8, as well as the City of Kirkland Forbes Creek Drainage Basin.

The 5.20-acre subject property is comprised of five separate parcels, three of which are developed. Parcel numbers 3226059114, -083, and -078 each contain a single-family home while parcel number -113 contains a small garage/accessory structure near the northern property boundary (the majority of the parcel is undeveloped). Parcel 3226059135 is undeveloped yet appears to be used by the parcel to the north (number -078). The subject property is located in a residential setting that also contains some commercial use. Housing subdivisions border the subject property on the east and northwest while single-family parcels are located to the south and southwest. The northern property boundary is bordered by NE 116th Street; NE 112th Street is located to the south. Interstate 405 (I-405) is approximately 2,000 feet to the east, the Totem Lake neighborhood is approximately 2,800 feet to the north and northeast, and downtown Kirkland is located approximately 2 miles to the southwest.

Vegetation on the subject property is comprised of upland forested and scrub-shrub species, wetland species, landscaped areas, and maintained lawn. A large landscaped area is located on parcel 3226059113, immediately south of parcel -114. A relatively dense forested area containing native species sits to the south of the landscaped area and encompasses the remainder of the parcel. Parcel 3226059135 is dominated by native conifers and low-growing herbaceous vegetation. The northernmost portion of the study site slopes down gently to the south-southeast while the slope gradually steepens on the center portion of the site. The southern portion (on parcel -113) then slopes down gently again to the south-southeast. Parcel -083 is relatively flat.

One Type 3 wetland was identified on the subject property during the site investigations. The subject property is located in a City of Kirkland primary basin; Type 3 wetlands found in primary basins require 50-foot buffers from their delineated edges (Kirkland Zoning Code (KZC) 90.45(1)). The Watershed Company confirmed this Type 3 rating during their June 5, 2014 site visit. The results of this visit are summarized in a June 9, 2014 review letter addressed to David Barnes with the City of Kirkland.

Figure 1: Aerial view of the subject property.

1.2 PROJECT DESCRIPTION

The applicant proposes to demolish the existing structures on the subject property and construct a 27-lot subdivision with associated infrastructure. As part of the development plan, the applicant is proposing to construct a pedestrian walkway in the outer portion of the wetland buffer adjacent to lots 25 and 26. This will require a slight reduction in buffer width in this location. To compensate for this impact, buffer enhancement will be employed. Buffer reduction with enhancement is allowable per KZC 90.60(2)(a)(2).

In addition to the aforementioned buffer impacts, construction of Road A will require two rockery/retaining walls to be assembled adjacent to the road curve, one of which will extend slightly into the northern portion of the wetland buffer. The proposed buffer enhancement actions mentioned above will compensate for this minor impact.

Two level spreaders will be placed within the wetland buffer to aid in stormwater dispersion and to maintain wetland hydrology. One level spreader will be located in the northern portion of the buffer, south of Road A and east of the stormwater detention tract. The other level spreader will be located in the western portion of the buffer, immediately east of lot 26 and the pedestrian walkway. Temporary impact areas resulting from the installation of the northern level spreader will be replanted with native vegetation. The southern level spreader will be located in the proposed buffer enhancement area.

Two stormwater ditches are located on the southern portion of the subject property (parcel #3226059083). These ditches serve to collect and remove stormwater and runoff from adjacent developments to the northwest and northeast of the subject property. The project applicant is proposing to fill these ditches and install piped conveyances in their place in order to maintain the flow of stormwater. The City of Kirkland does not recognize these features as critical areas and, as such, does not regulate them. A Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife will be secured to work within and alter the ditches.

2.0 REVIEW OF EXISTING INFORMATION

Prior to conducting the site investigation, public resources were reviewed to gather background information on the subject property and the surrounding area in regards to critical areas. The following information was examined:

2.1 USFWS NATIONAL WETLANDS INVENTORY

The National Wetland Inventory (NWI) does not indicate any wetland areas on the subject property.

2.2 USDA/NRCS WEB SOIL SURVEY

The Natural Resources Conservation Service (NRCS) web soil survey and the 2014 national hydric soil list (for Washington State) were used to identify soil types on the subject property and determine their hydric properties. The subject property is underlain by Alderwood gravelly sandy loam, 6 to 15 percent slopes, Indianola loamy fine sand, 0 to 4 percent slopes, and Everett

gravelly sandy loam, 5 to 15 percent slopes. None of these soils are classified as hydric by the Natural Resources Conservation Service. The following table describes the hydric component percentages found in these mapped soil types. The likelihood that a given map unit is a hydric soil is partly based on the percentage of hydric components found in the soil type.

Map Unit Name	Hydric Component	Component Percentage
Alderwood gravelly sandy loam (8-15%)	Shalcar	3
	Norma	2
Everett gravelly sandy loam (5-15%)	None	N/A
Indianola loamy fine sand (0-4%)	None	N/A

Table 1: Soil Units Present in the Project Area

2.3 WDFW SalmonScape Interactive Mapping System

The SalmonScape interactive map does not show any streams on or near the subject property.

2.4 WDFW Priority Habitat and Species (PHS) Maps

There are no priority habitats or listed species on the subject property per the PHS Interactive Map. The nearest PHS area is a wetland located approximately 1,000 feet to the north and northeast.

2.5 King County iMap Interactive Mapping Tool

The King County iMap does not show any wetlands or streams on the subject property.

2.6 Kirkland Sensitive Areas Map

The Kirkland Sensitive Areas Map illustrates an off-site wetland bordering the subject property to the south and east.

3.0 Methodology

3.1 Limit of Study

The initial August 2013 site visit was constrained to the subject property. Lack of legal access to adjacent parcels prevented WRI staff from performing routine wetland determinations in off-site areas at that time. Access was granted to parcel 3226059151 (east and south of the project site) during the June 2014 site investigation for the purposes of more accurately delineating Wetland A.

3.2 Wetland Determination and Delineation

Wetland boundaries were determined using the routine approach described in *the Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement*

to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0) (U.S. Army Corps of Engineers 2010). Under the routine methodology, the process for making a wetland determination is based on three steps:

1.) Examination of the site for hydrophytic vegetation (species present and percent cover);

2.) Examination of the site for hydric soils;

3.) Determining the presence of wetland hydrology

The following criteria must be met in order to make a positive wetland determination:

3.2.1 Vegetation Criteria

The Corps Manual and 2010 Regional Supplement define hydrophytic vegetation as "*the assemblage of macrophytes that occurs in areas where inundation or soil saturation is either permanent or of sufficient frequency and duration to influence plant occurrence.*" Field indicators are used to determine whether the hydrophytic vegetation criteria have been met. Examples of these indicators include, but are not limited to, the rapid test for hydrophytic vegetation, a dominance test result of greater than 50%, and/or a prevalence index score less than or equal to 3.0.

3.2.2 Soils Criteria

The 2010 Regional Supplement (per the National Technical Committee for Hydric Soils) defines hydric soils as soils *"that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part."* Field indicators are used to determine whether a given soil meets the definition for hydric soils. Indicators are numerous and include, but are not limited to, presence of a histosol or histic epipedon, a sandy gleyed matrix, depleted matrix, and redoximorphic depressions.

3.2.3 Hydrology Criteria

Wetland hydrology encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface for a sufficient duration during the growing season. Areas with evident characteristics of wetland hydrology are those where the presence of water has an overriding influence on the characteristics of vegetation and soils due to anaerobic and chemically reducing conditions, respectively. The strongest indicators include the presence of surface water, a high water table, and/or soil saturation within at least 12 inches of the soil surface.

4.0 WETLAND DETERMINATION

Wetlands identified on the subject property were rated pursuant to the City of Kirkland's Wetland Field Data Form as required by KZC section 90.40(3)(h). Wetlands were classified according to the U.S. Fish and Wildlife Service (USFWS) Classifications of Wetlands and Deepwater Habitats of the United States (Cowardin et al., 1979), also known as the Cowardin Classification System, as well as the Hydrogeomorphic (HGM) Classification System (Brinson 1993).

One wetland, referred to as Wetland A for the purposes of this report, was identified on the subject property. This feature is described below.

4.1 Wetland Boundary Determination Findings

4.1.1 Wetland A

Cowardin Classification: Palustrine, Forested, Broad-Leaved Deciduous, Seasonally flooded & Saturated

City of Kirkland Wetland Classification: Type 3 Wetland

City of Kirkland Standard Buffer Requirement: 50 feet

Figure 2: Wetland A, looking south.

Wetland A is a slope wetland per the HGM classification system and is located in the right-central portion of the subject property (the southeast corner on parcel 3226059113). It extends off-site to the south and slightly to the east. Based on the Cowardin classification system, Wetland A is a palustrine/forested/broad-leaved deciduous/seasonally flooded & saturated wetland system.

The southern, off-site portion of Wetland A extends westward across the southern parcel. Access to the off-site portion (for the purpose of continuing the wetland delineation) was granted by the current property owner in July 2014. Two data points were established on the off-site property; one in the northwest corner (data point S-5) and another in approximately the north-central portion of the site (point S-6). The soils at data point S-5 exhibited a very dark brown (10YR 2/2) matrix to a depth of 9 inches, a dark yellowish-brown (10YR 3/6) matrix between 9 and 15 inches in depth, and a brown matrix (10YR 4/3) matrix between 15 and 20 inches in depth. Although redoximorphic features were observed in the second and third soil layers, the matrix

colors are not representative of typical hydric soils; they do not meet any hydric soil indicators on the 2010 Regional Supplement Wetland Delineation Data Form. Furthermore, the soils were dry at the time of the delineation and no wetland hydrology indicators were observed (it should be noted, however, that this portion of the wetland was delineated during the summer months). The vegetation at soil log S-5 is dominated by black cottonwood (*Populus balsamifera*), Greene's mountain ash (*Sorbus scopulina*), red alder (*Alnus rubra*), Indian plum (*Oemleria cerasiformis*), trailing blackberry (*Rubus ursinus*), creeping buttercup (*Ranunculus repens*), bluegrass (*Poa* sp.), and herb Robert (*Geranium robertianum*). Although the vegetation in this area meets the hydrophytic vegetation criteria per the 2010 Regional Supplement, the lack of hydric soils and wetland hydrology signify that this area is not a wetland. Data point S-6, however, met all three wetland criteria and, thus, is located within a wetland (the wetland determination data forms for this project cant be found in Appendix B of this report). Therefore, the off-site portion of Wetland A does not extend all the way to the northwest property corner of the southern, off-site parcel.

The primary source of hydrology for Wetland A is groundwater and overland flow. Wetland A is located in a geomorphic position that is capable of collecting excess water from precipitation, runoff, groundwater, etc. A dry-season water table was observed at a depth of 14" below the soil surface during the August 2013 site inspection and soils were saturated to the surface in the off-site portion of Wetland A during the July 2014 site investigation. Small areas of surface water were also observed during the July 2014 site investigation. These characteristics meet wetland hydrology indicators A1, A3, C2 and D2 on the 2010 Regional Supplement Wetland Delineation Data Form. A non-jurisdictional watercourse/drainage channel is located in the southeast corner of Wetland A. This ditch originates off-site to the east, flows through the wetland, and continues south through the off-site portion of the wetland. It exits the southern, off-site parcel and continues to flow south and eventually to the west. A second non-jurisdictional watercourse flows in an easterly direction through parcel 3226059083, eventually connecting to the north-south oriented watercourse on the off-site parcel. The non-jurisdiction status of these watercourses has been confirmed in the June 9, 2014 review letter prepared by The Watershed Company.

Vegetation within Wetland A is comprised of deciduous forested and scrub-shrub species as well as herbaceous vegetation. Dominant species observed at data point S-1 include red alder (*Alnus rubra*), black cottonwood (*Populus balsamifera*), salmonberry (*Rubus spectabilis*), trailing blackberry (*Rubus ursinus*), lady fern (*Athyrium filix-femina*), giant horsetail (*Equisetum telmateia*), and sword fern (*Polystichum munitum*). Dominant species observed at data point S-6 (off-site wetland area) include black cottonwood (shrub layer), creeping buttercup (*Ranunculus repens*), bluegrass (*Poa* sp.), and common velvetgrass (*Holcus lanatus*). More than 50% of the dominant species within Wetland A have an indicator status of facultative (FAC) or wetter, which meets the hydrophytic vegetation criteria per the Corps Manual and the 2010 Regional Supplement.

Soils within Wetland A (at data point S-1) are black (10YR 2/1) clay loam to a depth of 11 inches, dark grayish brown (10YR 4/2) between 11 and 18 inches in depth, and pale brown (10YR 6/3) between 18 and 20 inches in depth. Distinct redoximorphic (redox) features were observed in the second soil layer; this meets the criteria for a "depleted below dark surface," or hydric soil indicator A11 on the on the 2010 Regional Supplement Wetland Delineation Data Form. The soil at data point S-6 (off-site wetland area) is black (10YR 2/1) silty clay loam to a

depth of 12 inches and grayish brown (10YR 5/2) silty clay loam between 12 and 20 inches in depth. Distinct redoximorphic features were observed in the upper soil layer while prominent redox features were observed in the bottom soil layer. The soil at data point S-6 meets hydric soils indicators F6 ("redox dark surface") and A11 on the delineation data form.

Wetland A received an overall score of 19 points on the City of Kirkland Wetland Field Data Form. This equates to a Type 3 wetland rating. Per KZC 90.45, the buffer for a Type 3 wetland located in a primary drainage basin is 50 feet (the Forbes Creek Drainage Basin is considered a primary basin per the City of Kirkland Sensitive Areas Map). In addition, a 10-foot structure setback is required from the edge of the wetland buffer.

No nesting, denning, or breeding areas were observed in Wetland A or the surrounding area during the site investigation. The wetland and surrounding buffer is most likely utilized by various songbirds, small mammals, common amphibians and reptiles, and species suited to life in urban/suburban settings.

5.0 Proposed Development Activities

The project applicant is proposing to construct a 27-lot subdivision on the subject property, which will include internal roadways and a stormwater management system. As part of the development plan, the applicant is proposing to construct a pedestrian walkway in the outer portion of the wetland buffer adjacent to lots 25 and 26.

Parts of the trail, as well as the southeast corner of the stormwater detention tract, will extend into portions of the outer wetland buffer. Therefore, buffer width reduction with enhancement will be employed to compensate for these impacts and improve buffer functions. In addition, construction of the northern access road (Road A) will require two rockery/retaining walls to be assembled adjacent to the road curve, one of which will extend slightly into the northern portion of the wetland buffer. The proposed buffer enhancement actions mentioned above will compensate for this minor impact. Finally, two level spreaders will be placed within the wetland buffer to aid in stormwater dispersion and to maintain wetland hydrology. Temporary impact areas resulting from the installation of the northern level spreader will be replanted with native vegetation. The western level spreader will already be located in the proposed buffer enhancement area.

6.0 Buffer Modification, Enhancement, and Restoration

To accommodate the proposed development, the applicant is planning to employ buffer width reduction with enhancement per KZC 90.60(2)(a)(2) and is also planning to restore the northern, temporarily impacted buffer area with native vegetation. The proposed trail, the southeast corner of the stormwater detention tract, and a portion of the rockery wall will impact 2,668 square feet (SF) of wetland buffer. The buffer enhancement area totals 4,287 SF in size. According to KZC 90.60(2)(a)(2), a wetland buffer may not be reduced by more than 1/3 of the standard buffer width listed in KZC 90.45(1). For a 50-foot buffer, this equates to a 16.7-foot

reduction to 33.3 feet. The buffer of Wetland A will measure 37.5 feet in width at its narrowest point (east of lots 25 and 26), which thereby complies with the Kirkland Zoning Code.

6.1 KIRKLAND ZONING CODE BUFFER MODIFICATION REQUIREMENTS

Per KZC 90.60(2)(b), a request for buffer width averaging shall be approved only if specific requirements are met. The requirements are listed below in italics with project-specific responses following each one.

An improvement or land surface modification shall be approved in a wetland buffer only if:

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 objective of Kirkland's Streams, Wetlands and Wildlife Study is to "*provide the foundation for development of policies, regulations and incentives that will maintain, and to the degree possible, improve the quality of Kirkland's streams, wetlands and natural areas.*" The Study provides a list of opportunities for enhancement and restoration of critical areas within the Forbes Creek Basin. Two of the wetland-specific opportunities that the proposed project/mitigation will address include:

- Establishment of vegetated buffers wherever possible along wetlands surrounded by developed areas.
- Removal of garbage and invasive vegetation from even the smallest wetlands; establishment of native buffer vegetation to provide an improvement for screening, water quality, and wildlife habitat.

The existing buffer for Wetland A is primarily vegetated with dense, native trees and shrubs. The exception to this is the buffer enhancement area (adjacent to lots 25 and 26), which primarily contains dense herbaceous vegetation and invasive species. The wetland is located in a residential area that contains several nearby developed parcels. With the exception of the small buffer impact areas, the wetland buffer width will be maintained, and enhancement of the western portion with native vegetation will improve buffer functions.

The Kirkland Sensitive Areas Regulatory Recommendations Report outlines recommendations for buffer width reductions adjacent to streams and wetlands. The Report recommends that stream buffer modification only be allowed if buffer averaging or buffer enhancement is proposed. It states, "*Similar to the stream buffer modification recommendations, we recommend that modification of wetland buffers not exceed one-third of the buffer width, regardless of the basin designation, as long as buffer enhancement or averaging is provided.*" The Report also recommends that a 10-foot building setback be required from both modified and standard buffers. The proposed project is in compliance with these recommendations.

2) It will not adversely affect water quality;

Although a portion of the wetland buffer will be reduced, the remainder of the buffer will maintain the required 50-foot width. Furthermore, the enhancement of the degraded buffer area

will compensate for the buffer reduction. The northern buffer impact area will be restored with native vegetation following construction. Maintenance of the majority of the existing buffer, enhancement actions, and restoration of the northern portion will maintain the water quality functions of the buffer and wetlands.

3) It will not adversely affect fish, wildlife, or their habitat;

There is no fish habitat within the immediate project area, so fish and fish habitat will not be affected. Wildlife habitat will be maintained by the proposed buffer enhancement and buffer restoration.

4) It will not have an adverse effect on drainage and/or storm water detention capabilities;

The overall size (square footage) of the buffer will only be slightly reduced, and the wetland itself will not be impacted by the proposed project. Any drainage and/or stormwater detention capabilities that the wetland and buffer provide will be maintained. Furthermore, a stormwater management system will serve the proposed 27-lot development.

5) It will not lead to unstable earth conditions or create an erosion hazard;

The proposed project and mitigation measures will not result in unstable earth conditions or create erosion hazards. The project site slopes gently to the southeast and no steep slopes or erosion hazard areas are present on-site. Buffer enhancement and buffer restoration will not create any hazards. Standard best management practices (BMP's) will be employed to address graded areas and bare earth areas.

6) It will not be materially detrimental to any other property or the City as a whole;

The proposed project and mitigation plan will be contained entirely on the subject property. Similar developments as well as single-family parcels surround the project site on all sides. The proposal is similar in nature to the surrounding land uses and will not negatively affect the City of Kirkland or other properties. Maintaining and protecting the critical areas will be beneficial to the surrounding area.

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

Any fill material placed on-site will not contain materials detrimental to water quality or fish and wildlife habitat.

8) All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate; and

Exposed buffer areas will be re-vegetated with native trees and shrubs. A wood chip mulch will also be applied to buffer enhancement and restoration areas.

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

The proposed development has been designed to avoid and minimize impacts to the wetland and buffer to the maximum extent practicable. The stormwater detention vault, which extends slightly into the buffer, is necessary to serve the development by managing stormwater and runoff. The trail will provide recreation opportunities for the inhabitants of the development. The proposed design represents the most efficient use of the subject property and provides adequate protection of the critical area and buffer. There are currently no other alternative proposals that will meet the goals of the project and provide greater critical area and buffer protection. The proposed buffer modification will maintain and/or improve buffer functions and restore temporarily impacted areas.

6.2 LEVEL SPREADERS

Per KZC 90.45(3), surface discharge of stormwater through a wetland buffer and buffer setback is required unless a piped system is approved by the City. Two level spreaders will be placed in the wetland buffer, one in the northern portion (east of the stormwater detention tract) and one in the western portion (east of lot 26). These level spreaders will allow for stormwater to dissipate into the buffer and wetland without causing erosion or scour and will aid in maintaining wetland hydrology. The level spreaders will be placed in the outer portions of the wetland buffer and as far from the wetland as possible. Due to the presence of the retaining/rockery walls, the roadway, and the proposed lots, the level spreaders cannot be moved entirely out of the buffer.

Per KZC 90.45(3), the City may allow stormwater outfalls to be placed in wetland buffers and buffer setbacks provided they do not:

- *Adversely affect water quality*

  The proposed level spreaders are part of a typical stormwater management system that is meant to avoid water quality impacts. They will collect concentrated runoff/flows and convert it to sheet flow, releasing it uniformly into the wetland buffer. This reduces the potential for erosion and, therefore, water quality impacts. Existing and proposed native vegetation adjacent to the level spreaders will assist in slowing dispersal water and will filter pollutants before they enter the nearby wetland.

- *Adversely affect fish, wildlife, or their habitat*

  The size of the level spreaders is so small (100 SF each) that they will not be removing any significant wildlife habitat. Furthermore, vegetated flow paths adjacent to the structures will filter the dispersal water before it enters the wetland and travels downstream to fish-bearing waters. Proposed buffer enhancement and restoration actions will improve habitat for local wildlife. It should be noted that there are no fish-bearing waters on or near the project site.

- *Adversely affect drainage or storm water detention capabilities*

  The proposed level spreaders will have no impact on the project site's drainage or stormwater detention capabilities. The proposed stormwater detention vault will handle stormwater retention/detention on the project site. In addition, the wetland will provide additional stormwater detention functions. The level spreaders will handle runoff and drainage from the project site. Ongoing drainage within the wetland and wetland buffer will continue.

- *Lead to unstable earth conditions or create erosion hazards or contribute to scouring actions*

  The level spreaders will be placed on relatively flat and gently sloping terrain and will not result in erosion hazards or unstable earth conditions. The flows exiting the level spreaders will not be excessive enough or a high enough volume to result in erosion hazards. Furthermore, the vegetated flow paths and vegetated buffer will assist with slowing dispersal water velocity.

- *Be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.*

  Due to their small size, the proposed level spreaders will not impact any surrounding properties or the City of Kirkland as a whole. The structures themselves will only occupy 200 SF and will be at ground level; therefore, they will not alter any open space or vistas. The level spreaders will be located only on the project site and will direct water into the wetland buffer and wetland.

6.3 BUFFER ENHANCEMENT

Per section 90.60(2)(a)(2), wetland buffers may be reduced in size if buffer enhancement is provided. Three portions of the existing wetland buffer are proposed for reduction. The southeast corner of the stormwater detention tract will impact 112 SF of the wetland buffer while the rockery/retaining wall will impact 80 SF. These buffer areas contain native forested and scrub-shrub vegetation and provide decent vegetative structure and habitat. The outermost 12-13 feet of the western portion of the wetland buffer (2,476 SF total) will be reduced for the pedestrian walkway. This portion of the buffer is characterized by dense herbaceous vegetation as well as invasive species. It provides limited habitat functions and wetland protection. The remainder of the western wetland buffer, immediately east of the walkway and lots 25 and 26, is being proposed for enhancement (4,287 SF total). Like the adjacent impact area, this portion of the buffer contains dense herbaceous vegetation and invasive species. Removing the existing invasive vegetation and installing native trees, shrubs, and herbaceous vegetation/ground cover will significantly improve buffer functions. Vegetative structure, wildlife habitat, wetland protection, and water quality improvement functions will all be improved with the addition of native vegetation. Table 2 lists the plant species that will be installed within the enhancement area. It must be noted that 1,511 SF of the buffer enhancement area is within the flow path of the level spreader. This area will be planted with species suited to wet/moist soils.

Table 2: Buffer Enhancement Planting Plan (4,287 square feet)

Species	Latin Name	Size	Spacing	Quantity
Douglas fir	*Pseudotsuga menziesii*	1 gallon	10'	14
Big leaf maple	*Acer macrophyllum*	1 gallon	10'	14
Black cottonwood*	*Populus balsamifera*	1 gallon	10'	15
Red-osier dogwood*	*Cornus sericea*	1 gallon	5'	45
Thimbleberry	*Rubus parviflorus*	1 gallon	5'	20
Beaked hazelnut	*Corylus cornuta*	1 gallon	5'	20
Snowberry	*Symphoricarpos albus*	1 gallon	5'	20
Vine maple	*Acer circinatum*	1 gallon	5'	20
Woodland straw.**	*Fragaria vesca*	1 gallon	3'	308

*To be installed in flow path only (1,511 SF)
** To be installed throughout entire enhancement area

6.4 Buffer Restoration

Construction of the northern level spreader will result in temporary buffer impacts. This temporary impact area will be restored with native trees and shrubs. Tables 3 and 4 list the species that will be installed in the restoration area.

Table 3: Buffer Restoration Planting Plan: Area A (501 square feet)

Species	Latin Name	Size	Spacing	Quantity
Douglas fir	*Pseudotsuga menziesii*	1 gallon	8'	4
Big leaf maple	*Acer macrophyllum*	1 gallon	8'	4
Thimbleberry	*Rubus parviflorus*	1 gallon	5'	4
Beaked hazelnut	*Corylus cornuta*	1 gallon	5'	4
Snowberry	*Symphoricarpos albus*	1 gallon	5'	4
Sword fern	*Polystichum munitum*	1 gallon	3'	36

Table 4: Buffer Restoration Planting Plan: Area B (321 square feet)

Species	Latin Name	Size	Spacing	Quantity
Black cottonwood	Populus balsamifera	1 gallon	8'	5
Red-osier dogwood	*Cornus sericea*	1 gallon	5'	3
Black twinberry	*Lonicera involucrata*	1 gallon	5'	3
Nootka rose	Rosa nutkana	1 gallon	5'	3

6.4.1 Project Notes

Pre-construction Meeting

Monitoring by the lead biologist for all portions of this project is strongly recommended. An on-site, pre-construction meeting will be held between the lead biologist, project applicant, and City of Kirkland personnel. The objective of such a meeting is to discuss project sequencing, confirm the location of the mitigation areas, and verify the mitigation actions.

Inspections
The lead biologist will periodically inspect the mitigation installation process. Minor adjustments to the original design may be necessary prior to and during construction due to unusual or unknown site conditions. A City of Kirkland representative and/or the lead biologist will make these decisions during construction.

6.4.2 Planting Notes

Planting Schedule
If possible, plant installation will take place in late fall or early spring (prior to the start of the growing season). Plants shall be obtained from a reputable nursery familiar with native vegetation and that is capable of providing local genetic stock. Limited species substitution may be allowed. City of Kirkland personnel shall approve modifications proposed by the lead biologist in regards to species substitution, spacing, plant locations, etc. BEFORE these modifications are implemented on-site.

Handling
Plants shall be handled so as to avoid damage, including breaking, bruising, root damage, sunburn, drying, freezing or other injury. Plants must be covered during transport. Plants shall not be bound with wire or rope in a manner that could damage branches. Protect plant roots with shade and wet soil in the period between delivery and installation. Do not lift container stock by trunks, stems, or tops. Do not remove from containers until ready to plant. Water all plants as necessary to keep moisture levels appropriate to the species requirements. Plants shall not be allowed to dry out. All plants shall be watered thoroughly immediately upon installation. Soak all containerized plants thoroughly prior to installation.

Storage
Plants stored for longer than one month prior to planting shall be planted in nursery rows and treated in a manner suitable to specific species requirements. Plants must be re-inspected by the lead biologist prior to installation.

Damaged plants
Damaged, dried out, or otherwise mishandled plants will be rejected at installation inspection. All rejected plants shall be immediately removed from the site.

Plant Names
Plant names shall comply with those generally accepted in the native plant nursery trade. Any question regarding plant species or variety shall be referred to the lead biologist. All plant materials shall be true to species and variety and legibly tagged.

Quality and condition
Plants shall be normal in pattern of growth, healthy, well branched, and vigorous, with well-developed root systems, and free of pests and diseases. Damaged, diseased, pest-infested, scraped, bruised, dried out, burned, broken, or defective plants will be rejected.

Roots
All plants shall be containerized unless explicitly authorized by the lead biologist. Root bound plants or B&B plants with damaged, cracked, or loose rootballs (major damage) will be rejected. Immediately before installation, plants with minor root damage (e.g. broken and/or twisted roots) must be root-pruned. Matted or circling roots of containerized plantings must be pruned or straightened and the sides of the root ball must be roughened.

Sizes
Plant sizes are indicated in Table 2, above. Larger stock may be acceptable provided that it has not been cut back to the size specified, and that the root ball is proportionate to the size of the plant. Smaller stock may be acceptable, and preferable under some circumstances, based on site-specific conditions. Any changes to the original mitigation design must be approved by the lead biologist and the City of Kirkland. Measurements, caliper, branching, and balling-and-burlapping shall conform to industry standards.

Form
Evergreen trees shall have single trunks and symmetrical, well-developed form. Deciduous trees shall be single trunked unless specified as multi-stem in the plant schedule. Shrubs shall have multiple stems and be well branched.

Weeding
Non-native and invasive vegetation in the mitigation areas will be hand weeded from around all newly installed plants at the time of installation and on a routine basis throughout the monitoring period. No chemical control of vegetation on any portion of the site is allowed without the approval of the City of Kirkland.

Site conditions
The contractor shall immediately notify the lead biologist of drainage or soil conditions likely to be detrimental to the growth or survival of plants. Planting operations should not be conducted under the following conditions: freezing weather, when the ground is frozen, excessively wet weather, excessively windy weather, or in excessive heat.

Planting Pits
Planting pits should be circular with vertical sides, and should be 6" deeper and 12" larger in diameter than the root ball of the plant. In compacted soils, the sides of the planting pits should be scarified/broken up. Set plants upright in pits. Burlap, if used, shall be removed from the planting pits. Backfill shall be worked back into holes such that air pockets are removed without compacting the soils.

Water
Plants should be watered midway through backfilling, and again upon completion of backfilling. For spring plantings (if approved), a rim of earth should be mounded around the base of the tree or shrub no closer than the drip line, or no less than 30" in diameter, except on steep slopes or in

hollows. Plants should be watered a second time within 24-48 hours after installation. The earthen rim/dam should be leveled prior to the second growing season.

Irrigation shall be provided during the first two years of the monitoring period and will occur during the summer/dry season (e.g. June through September), any extensive dry periods, and/or as determined by the lead biologist. Special attention should be paid to sword ferns, which require ample soil moisture to survive transplanting, particularly if shade is not available. Water shall be applied to the new plants at a rate of one (1) inch per week. The irrigation system shall be installed by an experienced landscaper. Watering by hand is also allowable. The chosen method shall be discussed in the as-built plan and/or the first monitoring report.

Staking

Most shrubs and trees do not require staking. If the plant can stand upright without staking in a moderate wind, stakes should not be used. If the plant needs support, then strapping or webbing should be used as low as possible on the trunk to loosely brace the tree with two stakes. Do not brace the tree tightly or too high on the trunk. Do not use wire in a rubber hose for strapping as it exerts too much pressure on the bark. As soon as supporting the plant becomes unnecessary, stakes should be removed. All stakes must be removed within two (2) years of installation.

Plant Location

Lath staking, brightly colored flagging, or another form of marking shall be placed on or near each installed plant to assist in locating the plants during maintenance and monitoring activities.

Arrangement and Spacing

The plants shall be arranged with the appropriate numbers, sizes, species, and distribution to achieve the required vegetation coverage. The actual placement of individual plants shall mimic natural, asymmetric vegetation patterns found on similar undisturbed sites in the area.

Inspection(s)

The lead biologist shall be present on site to inspect the plants prior to planting. Minor adjustments to the original design may be required prior to and during construction. City of Kirkland personnel shall approve modifications proposed by the lead biologist in regards to species substitution, spacing, plant locations, etc. BEFORE these modifications are implemented on-site.

Mulch

A layer of wood chip mulch (containing some green/vegetative material) will be placed throughout each planting area at a depth of 4 inches. Mulch shall not be allowed to contact plant stems in order to avoid plant decay and rot.

6.5 Fencing and Signage

Section 90.50 of the KZC requires temporary construction phase fencing be installed along the upland boundary of the wetland buffer. Silt screen fabric must also be installed. The construction fencing shall remain in place for the duration of the development activities. Upon

completion of the project, a 3 to 4-foot tall split rail fence shall be installed between the upland boundary of the wetland buffer and the developed portion of the site.

Sensitive/critical area signs shall be placed at the edge of the wetland buffer in lots 25 and 26 (one sign per lot) so that homeowners are aware of the adjacent critical areas and mitigation actions. Sign specifications shall be provided by the City of Kirkland.

7.0 GOALS, OBJECTIVES, AND PERFORMANCE STANDARDS

Project goals identify what the mitigation plan is attempting to accomplish. Objectives identify specific actions that are taken or components that are initiated in order to meet the project goals. Finally, performance standards provide measurable criteria for determining if the goals and objectives are being achieved (WA. State Department of Ecology et al., 2006)

7.1 GOALS

The goals of this mitigation plan include the following:

- Implementation of buffer width reduction with enhancement to compensate for 2,980 SF of buffer reduction/impact
- Restoration of approximately 626 SF of wetland buffer impacted by grading activities.
- Protection of on-site critical areas.

7.2 OBJECTIVES

The goals will be met by performing the following actions (i.e. objectives):

- Enhancing approximately 4,187 SF of existing buffer. This shall include removal of invasive and non-native vegetation and installation of three tree species, five shrub species, and one native herbaceous species (487 plants total).
- Installing two species of native trees, four species of native shrubs, and one native herbaceous species within the buffer restoration area (70 plants total).
- Installing a split-rail fence between the upland boundary of the wetland buffer and the developed portion of the site.

7.3 PERFORMANCE STANDARDS

The performance standards for the buffer restoration area include the following:

- Survival of planted trees, shrubs, and herbaceous vegetation throughout the restoration area will be 100% following the first year of monitoring; 80% following the third year; and 70% by the end of the fifth year. All dead plants shall be replaced following the first year of monitoring.
- Tree and shrub aerial coverage throughout the restoration areas will be 50% at the end of the third monitoring year and 80% at the end of the fifth monitoring year. (Note:

desirable native volunteer species may contribute up to 20% cover. If volunteer species exceed 20% cover, control measures shall be initiated in an effort to maintain species diversity).

- Herbaceous species aerial coverage throughout the restoration areas will be 25% at the end of the third year of monitoring and 50% at the end of the fifth year.
- Invasive and non-native species shall not provide more than 10% aerial coverage within any of the restoration areas at any time.
- Level spreaders shall not cause point-discharge or channelization impacts

8.0 MONITORING

A five-year monitoring plan will begin with the preparation of an as-built report following mitigation installation. This report will outline what occurred on the project site during construction and identify if any changes were made to the approved mitigation plan. Following submittal of the as-built plan, monitoring visits will occur. Monitoring will begin the first year following mitigation installation. Monitoring visits will occur twice yearly (once in the spring, once in the fall) and will continue for five years.

Monitoring techniques will include general visual observations to assess tree and shrub survivability and coverage. In addition, transects and quadrats may be used to assess plant survivability and aerial coverage. Specific monitoring techniques will be discussed in the first monitoring report.

Monitoring reports will be prepared and submitted to the City of Kirkland at the end of each monitoring year. The reports will summarize the overall conditions of the mitigation areas and discuss whether the performance standards are being met. Photos of the mitigation areas will also be provided. On year 5, the final monitoring report will be prepared and will determine if the mitigation plan has been successful per the established goals, objectives, and performance standards. If the mitigation plan is deemed unsuccessful, contingency actions will be utilized and/or the monitoring period may be extended.

9.0 MAINTENANCE

Periodic maintenance will be performed within the restoration area. Maintenance actions may include, but are not limited to, replacement of dead vegetation, removal of invasive and non-native vegetation, trash cleanup, and repair of damaged fencing. Maintenance needs will be discussed in the annual monitoring reports. Completed maintenance tasks and maintenance that needs to be performed will be addressed in each monitoring report.

10.0 CONTINGENCY

If, during any of the monitoring visits, 20% of the plants within any restoration area, or in any particular stratum within a restoration area, are severely stressed, or it appears that 20% may not survive, additional plants will be added to the mitigation areas. If invasive and non-native species

exceed 10% aerial coverage within any of the restoration areas at any time, control measures will be initiated. Additional contingency actions may include, but will not be limited to, more aggressive weed control, additional mulching, species substitution, soil amendments, and/or additional irrigation. If necessary, a meeting between the lead biologist and City of Kirkland personnel will be held to develop new contingency actions.

Should the level spreaders cause point-discharge or channelization of dispersal water, a meeting between the project engineer, lead biologist, and City of Kirkland will be held to determine the best course of action. This may include re-installation of the level spreaders or installation of new structures.

11.0 BONDING

Pursuant to requirements set forth in KZC 90.145, a performance bond is required to ensure compliance with chapter 90 of the KZC. The amount of the bond shall be 125% of the cost of the mitigation plan, including plant materials and installation, monitoring, and maintenance. The City of Kirkland shall release this bond at the end of five years, only upon successful determination for all portions of this mitigation project.

The following is a cost estimate for plant materials, labor, monitoring, maintenance, etc. based on the bond quantity worksheet included in Appendix D. This does not represent an actual bid for work:

Mitigation Preparation and Installation*	$34,898.52*
As-built documentation:	$720.00
Total:	**$35,618.52**
Performance Bond Amount:	**$44,523.15**

*See bond quantity worksheet, Appendix D

12.0 USE OF THIS REPORT

This Critical Area Study and Buffer Modification Plan is supplied to Larry Scrivanich as a means of determining on-site wetland conditions, and as a means of implementing mitigation actions for a development proposal as required by the City of Kirkland. This report is based largely on readily observable conditions and, to a lesser extent, on readily ascertainable conditions. No attempt has been made to determine hidden or concealed conditions.

The laws applicable to wetlands and streams are subject to varying interpretations and may be changed at any time by the courts or legislative bodies. This report is intended to provide information deemed relevant in the applicant's attempt to comply with the laws now in effect.

This report conforms to the standard of care employed by wetland ecologists. No other representation or warranty is made concerning the work or this report and any implied representation or warranty is disclaimed.
Wetland Resources, Inc.

Jim Rothwell, PWS
Senior Ecologist
Wetland Resources, Inc.

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Appendix A

Wetland Rating Form

Plate 26
WETLAND FIELD DATA FORM

(Note: Applicable to Chapter 90 KZC, but not Chapter 83 KZC)

WETLAND FIELD DATA FORM

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

a. The wetland is contiguous to Lake Washington;

b. The wetland contains at least 1/4 acre of organic soils, such as peat bogs or mucky soils;

c. The wetland is equal to or greater than 10 acres in size and having three or more wetland classes, as defined by the U.S. Fish & Wildlife Service (Cowardin et al., 1979), one of which is open water;

d. The wetland has significant habitat value to state or federally listed threatened or endangered wildlife species; or

e. The wetland contains state or federally listed threatened or endangered plant species.

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

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

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

1. Total wetland area

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

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

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

3. Plant species diversity.

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

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

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

4. Structural diversity.

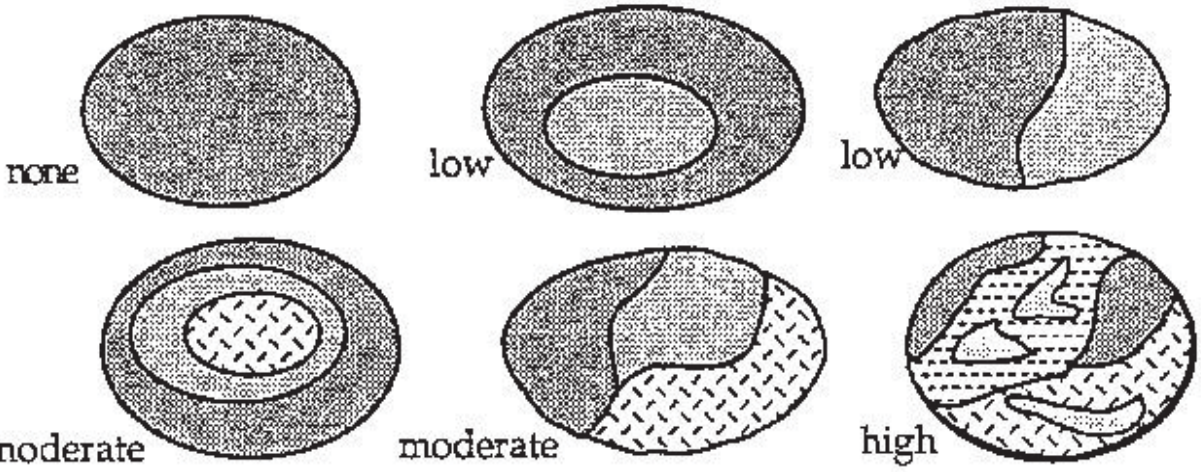
If the wetland has a forested class, add 1 point for each of the following attributes present:

Trees >50′ tall	=	**1**
Trees 20′ to 49′ tall	=	**1**
Shrubs	=	**1**
Herbaceous ground cover	=	**1**

5. Interspersion between wetland classes.

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

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



6. Habitat features

Add points associated with each habitat feature listed:	=	3
Is there evidence of current use by beavers?	=	2
Is a heron rookery located within 300′?	=	1
Are raptor nest(s) located within 300′?	=	1
Are there at least 2 standing dead trees (snags) per acre?	=	**1**
Are there any other perches (wires, poles, or posts)?	=	1
Are there at least 3 downed logs per acre?	=	**1**

7. Connection to streams

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

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

8. Buffers

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

	% of Buffer	Step 1	Width Factor	Step 2
Roads, buildings or parking lots	20% X 0 =	0	=	0
Lawn, grazed pasture, vineyards or annual crops	35% X 1 =	35	=	70
Ungrazed grassland or orchards	% X 2 =		=	
Open water or native grasslands	% X 3 =		=	
Forest or shrub	45% X 4 =	180	=	360
			Add buffer total:	**430**

Step 2: Multiply result(s) of step 1:
By 1 if buffer width is 25-50′
By 2 if buffer width is 50-100′
By 3 if buffer width is >100′

Enter results and add sub-scores

Step 3: Score points according to the following table:

Buffer Total
900-1200 = 4
600-899 = 3
300-599 = **2**
100-299 = 1

9. Connection to other habitat areas:

Is there a riparian corridor to other wetlands within 0.25 of a mile, or a corridor >100′ wide with good forest or shrub cover to any other habitat area?	=	5
Is there a narrow corridor <100′ wide with good cover or a wide corridor >100′ wide with low cover to any other habitat area?	=	3
Is there a narrow corridor <100′ wide with low cover or a significant habitat area within 0.25 mile but no corridor?	=	**1**
Is the wetland and buffer completely isolated by development and/or cultivated agricultural land?	=	0

10. Scoring

Add the scores to get a total: **19**

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

Answer:

Yes = Type 2 **No = Type 3**

Appendix B

Wetland Determination Data Forms

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Scrivanich-116th Street City/County: Kirkland/King Sampling Date: 8/26/13

Applicant/Owner: Larry Scrivanich State: WA Sampling Point: S-1

Investigator(s): JR Section, Township, Range: S32, T26N, R05E

Landform (hillslope, terrace, etc.): Flat area Local relief (concave, convex, none): _____ Slope (%): NA

Subregion (LRR): LRR-A Lat: _____ Long: _____ Datum: _____

Soil Map Unit Name: Everett gravelly sandy loam, 5 to 15 percent slopes NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☑ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☑ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☑ No ☐ Hydric Soil Present? Yes ☑ No ☐ Wetland Hydrology Present? Yes ☑ No ☐	**Is the Sampled Area within a Wetland?** Yes ☑ No ☐

Remarks:

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: 30')			
1. Alnus rubra	45%	Yes	FAC
2. Populus balsamifera	20%	Yes	FAC
3.			
4.			
	65%	= Total Cover	
Sapling/Shrub Stratum (Plot size: 30')			
1. Rubus spectabilis	50%	Yes	FAC
2. Rubus armeniacus	15%		FACU
3. Rubus ursinus	20%	Yes	FACU
4.			
5.			
	85%	= Total Cover	
Herb Stratum (Plot size: 10')			
1. Athyrium filix-femina	10%	Yes	FAC
2. Polystichum munitum	5%	Yes	FACU
3. Equisetum telmatiea	5%	Yes	FACW
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	20%	= Total Cover	
Woody Vine Stratum (Plot size:)			
1.			
2.			
		= Total Cover	

% Bare Ground in Herb Stratum 80%

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 7 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 71.4% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	0 (A)		0 (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

- ☐ Rapid Test for Hydrophytic Vegetation
- ☑ Dominance Test is >50%
- ☐ Prevalence Index is ≤3.0[1]
- ☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ☐ Wetland Non-Vascular Plants[1]
- ☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ☑ No ☐

Remarks:

SOIL

Sampling Point: S-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-11	10YR 2/1	98%	7.5YR 2.5/2	2%	C	M	Clay Loam	
11-18	10YR 4/2	97%	7.5 YR 3/4	1%	C	PL	Sandy Loam	
			10 YR 4/4	2%	C	M		
18-20	10YR 6/3	93%	10YR 5/6	7%	C	M	Silty Clay	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☑ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ☑ No ☐

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☑ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stressed Plants (D1) (**LRR A**)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ☐ Drainage Patterns (B10)
- ☑ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☑ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (**LRR A**)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☑ Depth (inches):

Water Table Present? Yes ☑ No ☐ Depth (inches): 14 inches

Saturation Present? (includes capillary fringe) Yes ☐ No ☑ Depth (inches):

Wetland Hydrology Present? Yes ☑ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Scrivanich-116th Street City/County: Kirkland/King Sampling Date: 8/26/13

Applicant/Owner: Larry Scrivanich State: WA Sampling Point: S-2

Investigator(s): JR Section, Township, Range: S32, T26N, R05E

Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): _____ Slope (%): <1%

Subregion (LRR): LRR-A Lat: _____ Long: _____ Datum: _____

Soil Map Unit Name: Alderwood gravelly sandy loam, 8 to 15 percent slopes NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☑ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☑ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☑ No ☐ Hydric Soil Present? Yes ☐ No ☑ Wetland Hydrology Present? Yes ☐ No ☑	**Is the Sampled Area within a Wetland?** Yes ☐ No ☑

Remarks:

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: 30')			
1. Alnus rubra	30%	Yes	FAC
2. Populus balsamifera	15%	Yes	FAC
3. Frangula purshiana	5%	No	FAC
4. Prunus Emarginata	5%	No	FACU
	55%	= Total Cover	
Sapling/Shrub Stratum (Plot size: 30')			
1. Rubus spectabilis	60%	Yes	FAC
2. Rubus armeniacus	20%	Yes	FACU
3. Crataegus sp.	10%	No	FAC
4.			
5.			
	90%	= Total Cover	
Herb Stratum (Plot size: 10')			
1. Polystichum munitum	5%	Yes	FACU
2. Athyrium filix-femina	5%	Yes	FAC
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	10%	= Total Cover	
Woody Vine Stratum (Plot size:)			
1.			
2.			
		= Total Cover	

% Bare Ground in Herb Stratum 90%

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 67% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	0 (A)		0 (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

- ☐ Rapid Test for Hydrophytic Vegetation
- ☑ Dominance Test is >50%
- ☐ Prevalence Index is ≤3.0[1]
- ☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ☐ Wetland Non-Vascular Plants[1]
- ☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ☑ No ☐

Remarks:

SOIL

Sampling Point: S-2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-9	10YR 2/1						Sa. Cl. Loam	
9-16	2.5YR 5/3		10YR 4/6	3%	C	M	Sa. Cl. Loam	
16-20	10YR 6/2		7.5 YR 4/6	7%	C	M	Clay	Possible restrictive layer.

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: Clay

Depth (inches): Starting at 16"

Hydric Soil Present? Yes ☐ No ☑

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stressed Plants (D1) (**LRR A**)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ☐ Drainage Patterns (B10)
- ☑ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (**LRR A**)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☐ Depth (inches): _____

Water Table Present? Yes ☑ No ☐ Depth (inches): 13 inches

Saturation Present? (includes capillary fringe) Yes ☐ No ☐ Depth (inches): _____

Wetland Hydrology Present? Yes ☐ No ☑

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Scrivanich-116th Street City/County: Kirkland/King Sampling Date: 8/26/13

Applicant/Owner: Larry Scrivanich State: WA Sampling Point: S-3

Investigator(s): JR Section, Township, Range: S32, T26N, R05E

Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): _____ Slope (%): 1%

Subregion (LRR): LRR-A Lat: _____ Long: _____ Datum: _____

Soil Map Unit Name: Everett gravelly sandy loam, 5 to 15 percent slopes NWI classification: UPL

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☑ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☑ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☐ No ☑ Hydric Soil Present? Yes ☐ No ☑ Wetland Hydrology Present? Yes ☐ No ☑	**Is the Sampled Area within a Wetland?** Yes ☐ No ☑

Remarks:

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: 30')			
1. Prunus Emarginata	15%	Yes	FACU
2. Populus balsamifera	15%	Yes	FAC
3. Pseudotsuga menzesii	10%	Yes	FACU
4.			
	40%	= Total Cover	
Sapling/Shrub Stratum (Plot size: 30')			
1. Corylus cornuta	20%	Yes	FACU
2. Oemleria cerasiformus	10%	No	FACU
3. Rubus armeniacus	20%	Yes	FACU
4. Lonicera involucrata	10%	No	FAC
5.			
	60%	= Total Cover	
Herb Stratum (Plot size: 10')			
1. Polystichum munitum	10%	Yes	FACU
2. Athyrium filix-femina	2%	No	FAC
3. Geranium robertianum	15%	Yes	FACU
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	27%	= Total Cover	
Woody Vine Stratum (Plot size: 10')			
1. Rubus ursinus	5%	Yes	FACU
2.			
		= Total Cover	

% Bare Ground in Herb Stratum 73%

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 8 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 12.5% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	27%	x 3 =	81
FACU species	105%	x 4 =	420
UPL species	0	x 5 =	0
Column Totals:	132 (A)		501 (B)

Prevalence Index = B/A = 3.80

Hydrophytic Vegetation Indicators:

- ☐ Rapid Test for Hydrophytic Vegetation
- ☐ Dominance Test is >50%
- ☐ Prevalence Index is ≤3.0[1]
- ☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ☐ Wetland Non-Vascular Plants[1]
- ☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ☐ No ☑

Remarks:

SOIL

Sampling Point: S-3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-7	10YR 2/2	100%					Sa. Cl. Loam	
7-18	7.5YR 3/4	97%	7.5YR 4/6	3%	C	M	Sa. Cl. Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ☐ No ☑

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stressed Plants (D1) (**LRR A**)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (**LRR A**)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☑ Depth (inches): _____

Water Table Present? Yes ☐ No ☑ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ☐ No ☑ Depth (inches): _____

Wetland Hydrology Present? Yes ☐ No ☑

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Scrivanich-116th Street City/County: Kirkland/King Sampling Date: 8/26/13

Applicant/Owner: Larry Scrivanich State: WA Sampling Point: S-4

Investigator(s): JR Section, Township, Range: S32, T26N, R05E

Landform (hillslope, terrace, etc.): Flat area Local relief (concave, convex, none): _____ Slope (%): NA

Subregion (LRR): A Lat: _____ Long: _____ Datum: _____

Soil Map Unit Name: Alderwood gravelly sandy loam, 8 to 15 percent slopes NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☑ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☑ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☐ No ☑	**Is the Sampled Area within a Wetland?** Yes ☐ No ☑
Hydric Soil Present?	Yes ☐ No ☑	
Wetland Hydrology Present?	Yes ☐ No ☑	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status
1. Pseudotsuga menzesii	75%	Yes	FACU
2.			
3.			
4.			
	75%	= Total Cover	
Sapling/Shrub Stratum (Plot size: 30')			
1. Mahonia nervosa	10%	Yes	FACU
2. Acer circinatum	5%	Yes	FAC
3.			
4.			
5.			
	15%	= Total Cover	
Herb Stratum (Plot size: 10')			
1. Geranium robertianum	80%	Yes	FACU
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	80%	= Total Cover	
Woody Vine Stratum (Plot size: 10')			
1. Rubus ursinus	5%	Yes	FACU
2.			
	5%	= Total Cover	

% Bare Ground in Herb Stratum 20%

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 20% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	5%	x 3 =	15
FACU species	170%	x 4 =	680
UPL species	0	x 5 =	0
Column Totals:	175 (A)		695 (B)

Prevalence Index = B/A = 3.97

Hydrophytic Vegetation Indicators:

- ☐ Rapid Test for Hydrophytic Vegetation
- ☐ Dominance Test is >50%
- ☐ Prevalence Index is ≤3.0[1]
- ☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ☐ Wetland Non-Vascular Plants[1]
- ☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ☐ No ☑

Remarks:

SOIL

Sampling Point: S-4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-5	10YR 3/2	100%					Loam	
5-17	2.5Y 4/3	99%	10YR 3/6	1%	C	M	Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:_____

Depth (inches):_____

Hydric Soil Present? Yes ☐ No ☑

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stressed Plants (D1) (**LRR A**)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (**LRR A**)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☑ Depth (inches): _____

Water Table Present? Yes ☐ No ☑ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ☐ No ☑ Depth (inches): _____

Wetland Hydrology Present? Yes ☐ No ☑

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Scrivanich-116th Street City/County: Kirkland/King Sampling Date: 7\31\14

Applicant/Owner: Larry Scrivanich State: WA Sampling Point: S-5

Investigator(s): JR Section, Township, Range: S32, T26N, R05E

Landform (hillslope, terrace, etc.): Flat area Local relief (concave, convex, none): Concave Slope (%): NA

Subregion (LRR): A Lat: Long: Datum:

Soil Map Unit Name: Everett gravelly sandy loam, 5 to 15 percent slopes NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☑ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☑ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☑ No ☐	**Is the Sampled Area within a Wetland?** Yes ☐ No ☑
Hydric Soil Present?	Yes ☐ No ☑	
Wetland Hydrology Present?	Yes ☐ No ☑	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 20')	Absolute % Cover	Dominant Species?	Indicator Status
1. Populus balsamifera	40%	Y	FAC
2.			
3.			
4.			
	40%	= Total Cover	
Sapling/Shrub Stratum (Plot size: 20')			
1. Sorbus scopulina	25%	Y	FACU
2. Alnus rubra	10%	Y	FAC
3. Oemleria cerasiformis	15%	Y	FAC
4. Rubus ursinus	10%	Y	FACU
5. Crataegus sp.	2%		
	62%	= Total Cover	
Herb Stratum (Plot size: 10')			
1. Ranunculus repens	40%	Y	FAC
2. Poa sp.	40%	Y	
3. Geranium robertianum	10%	Y	FACU
4. Taraxacum officinale	5%		FACU
5. Mycelis muralis	5%		NA
6.			
7.			
8.			
9.			
10.			
11.			
	100%	= Total Cover	
Woody Vine Stratum (Plot size:)			
1.			
2.			
		= Total Cover	

% Bare Ground in Herb Stratum

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 8 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 62.5 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	145	x 3 =	435
FACU species	50	x 4 =	200
UPL species	0	x 5 =	0
Column Totals:	195 (A)		635 (B)

Prevalence Index = B/A = 3.25

Hydrophytic Vegetation Indicators:

- ☐ Rapid Test for Hydrophytic Vegetation
- ☑ Dominance Test is >50%
- ☐ Prevalence Index is ≤3.0[1]
- ☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ☐ Wetland Non-Vascular Plants[1]
- ☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ☑ No ☐

Remarks:

Traces of snowberry (Symphoricarpos albus), and orchard grass (Dactylis glomerata) also observed.

SOIL

Sampling Point: S-5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-9	10YR 2/2	100%					Loam	
9-15	10YR 3/6	96%	10YR 4/2	2%	C	M	Sa. Loam	
			5YR 3/4	2%	C	M		
15-20	10YR 4/3	90%	10YR 3/6	10%	C	M	Sa. Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ☐ No ☑

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stressed Plants (D1) (**LRR A**)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (**LRR A**)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☑ Depth (inches): _____

Water Table Present? Yes ☐ No ☑ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ☐ No ☑ Depth (inches): _____

Wetland Hydrology Present? Yes ☐ No ☑

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Scrivanich-116th Street City/County: Kirkland/King Sampling Date: 7\31\14

Applicant/Owner: Larry Scrivanich State: WA Sampling Point: S-6

Investigator(s): JR Section, Township, Range: S32, T26N, R05E

Landform (hillslope, terrace, etc.): Flat area Local relief (concave, convex, none): Concave Slope (%): NA

Subregion (LRR): A Lat: Long: Datum:

Soil Map Unit Name: Everett gravelly sandy loam, 5 to 15 percent slopes NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☑ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☑ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☑ No ☐ Hydric Soil Present? Yes ☑ No ☐ Wetland Hydrology Present? Yes ☑ No ☐	**Is the Sampled Area within a Wetland?** Yes ☑ No ☐

Remarks:

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size:)			
1.			
2.			
3.			
4.			
	= Total Cover		
Sapling/Shrub Stratum (Plot size: 30')			
1. Populus balsamifera	15%	Yes	FAC
2.			
3.			
4.			
5.			
	15% = Total Cover		
Herb Stratum (Plot size: 10')			
1. Ranunculus repens	60%	Yes	FAC
2. Poa sp.	60%	Yes	FAC
3. Holcus lanatus	25%	Yes	FAC
4. Convolvulus sp.	20%		NA
5. Juncus tenuis	2%		FAC
6. Veronica americana	1%		OBL
7.			
8.			
9.			
10.			
11.			
	168% = Total Cover		
Woody Vine Stratum (Plot size:)			
1.			
2.			
	= Total Cover		

% Bare Ground in Herb Stratum ____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 7 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 71.4% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	0 (A)		0 (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:

- ☐ Rapid Test for Hydrophytic Vegetation
- ☑ Dominance Test is >50%
- ☐ Prevalence Index is ≤3.0[1]
- ☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ☐ Wetland Non-Vascular Plants[1]
- ☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ☑ No ☐

Remarks:

SOIL

Sampling Point: S-6

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	10YR 2/1	98%	5YR 2.5/2	2%	C	M	Si. Cl. Lo.	
12-20	10YR 5/2	93%	10YR 4/6	7%	C	M	Si. Cl. Lo.	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☑ Depleted Below Dark Surface (A11)
- ☑ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ☑ No ☐

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☑ Surface Water (A1)
- ☐ High Water Table (A2)
- ☑ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stressed Plants (D1) (**LRR A**)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (**LRR A**)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☑ No ☐ Depth (inches): Approx. 2"

Water Table Present? Yes ☐ No ☑ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ☑ No ☐ Depth (inches): Within 12"

Wetland Hydrology Present? Yes ☑ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Scrivanich-116th Street City/County: Kirkland/King Sampling Date: 7\20\15

Applicant/Owner: Larry Scrivanich State: WA Sampling Point: S-7

Investigator(s): JR Section, Township, Range: S32, T26N, R05E

Landform (hillslope, terrace, etc.): Flat area Local relief (concave, convex, none): Concave Slope (%): NA

Subregion (LRR): A Lat: Long: Datum:

Soil Map Unit Name: Everett gravelly sandy loam, 5 to 15 percent slopes NWI classification: NA

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☑ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☑ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☐ No ☑ Hydric Soil Present? Yes ☐ No ☑ Wetland Hydrology Present? Yes ☐ No ☑	**Is the Sampled Area within a Wetland?** Yes ☐ No ☑

Remarks:

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: 20')			
1. Pseudotsuga menziesii	10%	Y	FACU
2. Populus balsamifera	10%	Y	FAC
3. Betula papyrifera	2%		FAC
4. Prunus emarginata	10%	Y	FACU
	32%	= Total Cover	
Sapling/Shrub Stratum (Plot size: 20')			
1. Corylus cornuta	5%		FACU
2. Rubus armeniacus	45%	Y	FACU
3.			
4.			
5.			
	50%	= Total Cover	
Herb Stratum (Plot size: 10')			
1. Athyrium filix-femina	40%	Y	FAC
2. Polystichum munitum	5%		FACU
3. Chamerion angustifolium	5%		FACU
4. Stachys chamissonis	30%	Y	FACW
5. Rumex crispus	15%		FAC
6.			
7.			
8.			
9.			
10.			
11.			
	95%	= Total Cover	
Woody Vine Stratum (Plot size:)			
1.			
2.			
		= Total Cover	

% Bare Ground in Herb Stratum 5%

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 50% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	30	x 2 =	60
FAC species	67	x 3 =	201
FACU species	80	x 4 =	320
UPL species	0	x 5 =	0
Column Totals:	177 (A)		581 (B)

Prevalence Index = B/A = 3.28

Hydrophytic Vegetation Indicators:

- ☐ Rapid Test for Hydrophytic Vegetation
- ☐ Dominance Test is >50%
- ☐ Prevalence Index is ≤3.0[1]
- ☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ☐ Wetland Non-Vascular Plants[1]
- ☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ☐ No ☑

Remarks:

SOIL

Sampling Point: S-7

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-13	10YR 2/2	97%	7.5YR 2.5/3	3%	C	M	Sa. Loam	
13-20	10YR 4/3	80%	7.5YR 3/4	20%	C	M	Sa. Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:_____

Depth (inches):_____

Hydric Soil Present? Yes ☐ No ☑

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stressed Plants (D1) (**LRR A**)
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☑ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (**LRR A**)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☑ Depth (inches): _____

Water Table Present? Yes ☐ No ☑ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ☐ No ☑ Depth (inches): _____

Wetland Hydrology Present? Yes ☐ No ☑

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Appendix C

Site Photos

Looking south at Wetland A as it exits the subject property.

Off-site portion of Wetland A.

Buffer and non-wetland area west of Wetland A.

Buffer area near data point S-5.

Appendix D

Bond Quantity Worksheet

Department of
Environmental Review
5030 SE Douglas Str, Suite 210
Snoqualmie, WA 98065-9266
206-296-6600 TTY Relay: 711

Critical Areas Mitigation
Bond Quantity Worksheet

C24 09/09/2015
ls-wks-sensareaBQ.xls
ls-wks-sensareaBQ.pdf

Project Name: Scrivanich - 116th Street **Date: 8\3\16** **Prepared by: Jim Rothwell**

Project Number: **Project Description: 27-lot subdivision in City of Kirkland**

Location: Kirkland, WA **Applicant: Larry Scrivanich** **Phone: 425-770-1197**

PLANT MATERIALS (includes labor cost for plant installation)

Type	Unit Price	Unit	Quantity	Description	Cost
PLANTS: Potted, 4" diameter, medium	$5.00	Each			$ -
PLANTS: Container, 1 gallon, medium soil	$11.50	Each	552.00		$ 6,348.00
PLANTS: Container, 2 gallon, medium soil	$20.00	Each			$ -
PLANTS: Container, 5 gallon, medium soil	$36.00	Each			$ -
PLANTS: Seeding, by hand	$0.50	SY			$ -
PLANTS: Slips (willow, red-osier)	$2.00	Each			$ -
PLANTS: Stakes (willow)	$2.00	Each			$ -
PLANTS: Stakes (willow)	$2.00	Each			$ -
PLANTS: Flats/plugs	$2.00	Each			$ -
				TOTAL	**$ 6,348.00**

INSTALLATION COSTS (LABOR, EQUIPMENT, & OVERHEAD)

Type	Unit Price	Unit			Cost
Compost, vegetable, delivered and spread	$37.88	CY			$ -
Decompacting till/hardpan, medium, to 6" depth	$1.57	CY			$ -
Decompacting till/hardpan, medium, to 12" depth	$1.57	CY			$ -
Hydroseeding	$0.51	SY			$ -
Labor, general (landscaping other than plant installation)	$40.00	HR	16.00	Site prep (weeding, etc.)	$ 640.00
Labor, general (construction)	$40.00	HR			$ -
Labor: Consultant, supervising	$120.00	HR	4.00	During mitigation installation.	$ 480.00
Labor: Consultant, on-site re-design	$95.00	HR			$ -
Rental of decompacting machinery & operator	$70.00	HR			$ -
Sand, coarse builder's, delivered and spread	$42.00	CY			$ -
Staking material (set per tree)	$7.00	Each			$ -
Surveying, line & grade	$250.00	HR			$ -
Surveying, topographical	$250.00	HR			$ -
Watering, 1" of water, 50' soaker hose	$3.62	MSF			$ -
Irrigation - temporary	$3,000.00	Acre	0.12		$ 360.00
Irrigation - buried	$4,500.00	Acre			$ -
Tilling topsoil, disk harrow, 20hp tractor, 4"-6" deep	$1.02	SY			$ -
				TOTAL	**$ 1,480.00**

HABITAT STRUCTURES*

ITEMS	Unit Cost	Unit			Cost
Fascines (willow)	$ 2.00	Each			$ -
Logs, (cedar), w/ root wads, 16"-24" diam., 30' long	$1,000.00	Each			$ -
Logs (cedar) w/o root wads, 16"-24" diam., 30'	$400.00	Each			$ -
Logs, w/o root wads, 16"-24" diam., 30' long	$245.00	Each			$ -
Logs w/ root wads, 16"-24" diam., 30' long	$460.00	Each			$ -
Rocks, one-man	$60.00	Each			$ -
Rocks, two-man	$120.00	Each			$ -
Root wads	$163.00	Each			$ -
Spawning gravel, type A	$22.00	CY			$ -
Weir - log	$1,500.00	Each			$ -
Weir - adjustable	$2,000.00	Each			$ -
Woody debris, large	$163.00	Each			$ -
Snags - anchored	$400.00	Each			$ -
Snags - on site	$50.00	Each			$ -
Snags - imported	$800.00	Each			$ -
* All costs include delivery and installation				TOTAL	**$ -**

EROSION CONTROL

ITEMS	Unit Cost	Unit			Cost
Backfill and Compaction-embankment	$ 4.89	CY			$ -
Crushed surfacing, 1 1/4" minus	$30.00	CY			$ -
Ditching	$7.03	CY			$ -
Excavation, bulk	$4.00	CY			$ -
Fence, silt	$1.60	LF	478.00		$ 764.80
Jute Mesh	$1.26	SY			$ -
Mulch, by hand, straw, 2" deep	$1.27	SY			$ -
Mulch, by hand, wood chips, 2" deep	$3.25	SY	568.00	Mulch must be 4" thick. Adjust price accordingly.	$ 1,846.00
Mulch, by machine, straw, 1" deep	$0.32	SY			$ -
Piping, temporary, CPP, 6"	$9.30	LF			$ -
Piping, temporary, CPP, 8"	$14.00	LF			$ -
Piping, temporary, CPP, 12"	$18.00	LF			$ -
Plastic covering, 6mm thick, sandbagged	$2.00	SY			$ -
Rip Rap, machine placed, slopes	$33.98	CY			$ -
Rock Constr. Entrance 100'x15'x1'	$3,000.00	Each			$ -
Rock Constr. Entrance 50'x15'x1'	$1,500.00	Each			$ -
Sediment pond riser assembly	$1,695.11	Each			$ -
Sediment trap, 5' high berm	$15.57	LF			$ -
Sediment trap, 5' high berm w/spillway incl. riprap	$59.60	LF			$ -
Sodding, 1" deep, level ground	$5.24	SY			$ -
Sodding, 1" deep, sloped ground	$6.48	SY			$ -
Straw bales, place and remove	$600.00	TON			$ -
Hauling and disposal	$20.00	CY			$ -
Topsoil, delivered and spread	$35.73	CY	47.00		$ 1,679.31
				TOTAL	**$ 4,290.11**

GENERAL ITEMS					
ITEMS	Unit Cost	Unit			Cost
Fencing, chain link, 6' high	$18.89	LF			$ -
Fencing, chain link, corner posts	$111.17	Each			$ -
Fencing, chain link, gate	$277.63	Each			$ -
Fencing, split rail, 3' high (2-rail)	$10.54	LF	478.00		$ 5,038.12
Fencing, temporary (NGPE)	$1.20	LF			$ -
Signs, sensitive area boundary (inc. backing, post, install)	$28.50	Each	2.00		$ 57.00
				TOTAL	**$ 5,095.12**
OTHER				*(Construction Cost Subtotal)*	**$ 17,213.23**
ITEMS	Percentage of Construction	Unit			Cost
Mobilization	10%	1			$ 1,721.32
Contingency	30%	1			$ 5,163.97
				TOTAL	**$ 6,885.29**
MAINTENANCE AND MONITORING	NOTE: Projects with multiple permit requirements may be required to have longer monitoring and maintenance terms. This will be evaluated on a case-by-case basis for development applications. Monitoring and maintance ranges may be assessed anywhere from 5 to 10 years.				
Maintenance, annual (by owner or consultant)					
Less than 1,000 sq.ft. and buffer mitigation only	$ 1.08	SF		(3 X SF total for 3 annual events; Includes monitoring)	$ -
Less than 1,000 sq.ft. with wetland or aquatic area mitigation	$ 1.35	SF		(3 X SF total for 3 annual events; Includes monitoring)	$ -
Larger than 1,000 sq. ft. but less than 5,000 sq.ft. of buffer mitigation	$ 180.00	EACH		(4hr @$45/hr)	$ -
Larger than 1,000 sq. ft. but less than 5,000 sq.ft. of wetland or aquatic area mitigation	$ 270.00	EACH		(6hr @$45/hr)	$ -
Larger than 5,000 sq.ft. but < 1 acre -buffer mitigation only	$ 360.00	EACH	5.00	(8 hrs @ 45/hr)	$ 1,800.00
Larger than 5,000 sq.ft. but < 1 acre with wetland or aquatic area mitigation	$ 450.00	EACH		(10 hrs @ $45/hr)	$ -
Larger than 1 acre but < 5 acres - buffer and / or wetland or aquatic area mitigation	$ 1,600.00	DAY		(WEC crew)	$ -
Larger than 5 acres - buffer and / or wetland or aquatic area mitigation	$ 2,000.00	DAY		(1.25 X WEC crew)	$ -
Monitoring, annual (by owner or consultant)					
Larger than 1,000 sq.ft. but less than 5,000 wetland or buffer mitigation	$ 720.00	EACH		(8 hrs @ 90/hr)	$ -
Larger than 5,000 sq.ft. but < 1 acre with wetland or aquatic area impacts	$ 900.00	EACH	10.00	(10 hrs @ $90/hr)	$ 9,000.00
Larger than 1 acre but < 5 acres - buffer and / or wetland or aquatic area impacts	$ 1,440.00	DAY		(16 hrs @ $90/hr)	$ -
Larger than5 acres - buffer and / or wetland or aquatic area impacts	$ 2,160.00	DAY		(24 hrs @ $90/hr)	$ -
				TOTAL	**$ 10,800.00**
				Total	**$34,898.52**

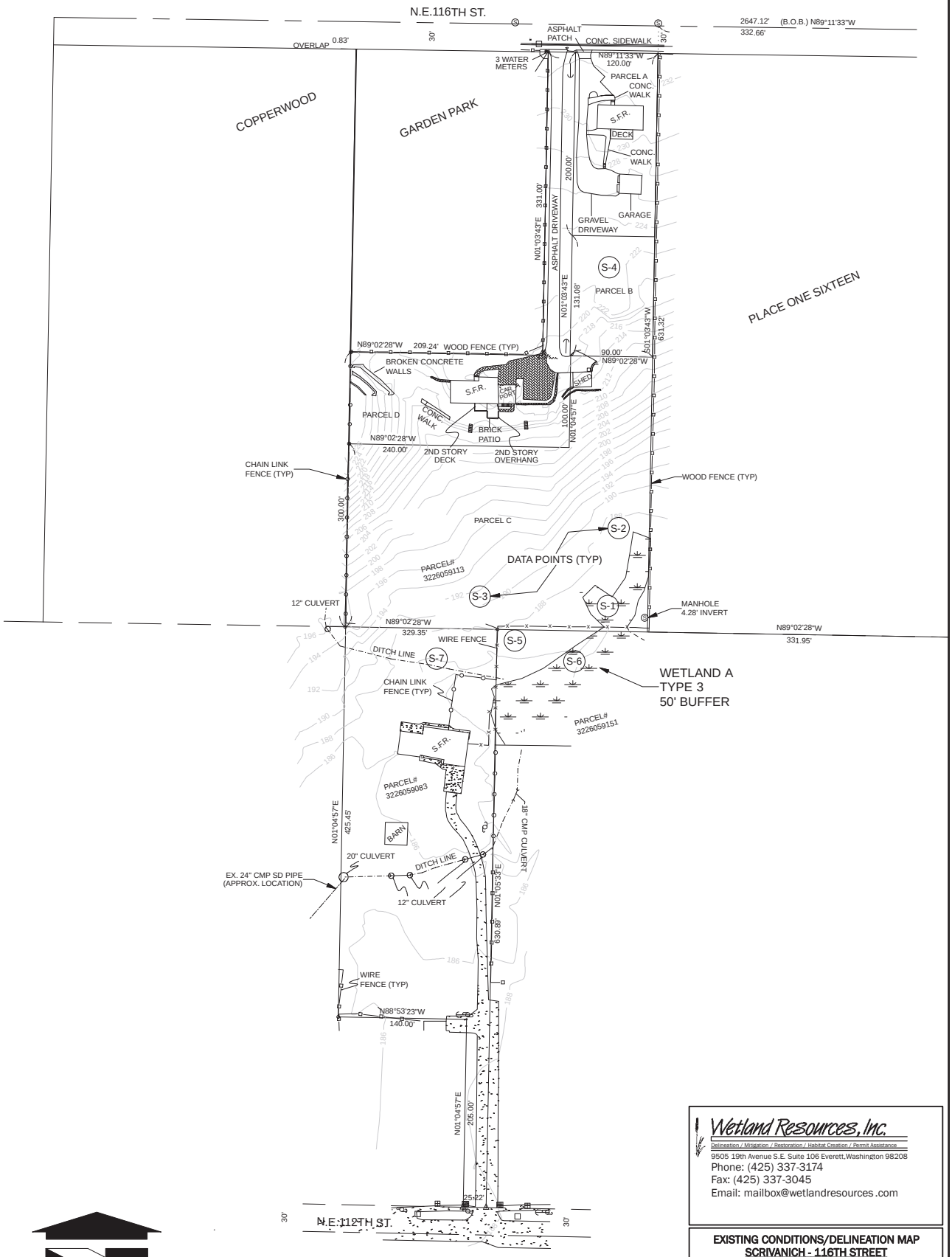
Appendix E

Maps

EXISTING CONDITIONS/DELINEATION MAP

SCRIVANICH - 116TH STREET

PORTIONS OF SECTION 32, TOWNSHIP 26N, RANGE 05E, W.M.



Scale 1" = 100'

0 50 100 150 200

Wetland Resources, Inc.
Delineation / Mitigation / Restoration / Habitat Creation / Permit Assistance
9505 19th Avenue S.E. Suite 106 Everett,Washington 98208
Phone: (425) 337-3174
Fax: (425) 337-3045
Email: mailbox@wetlandresources.com

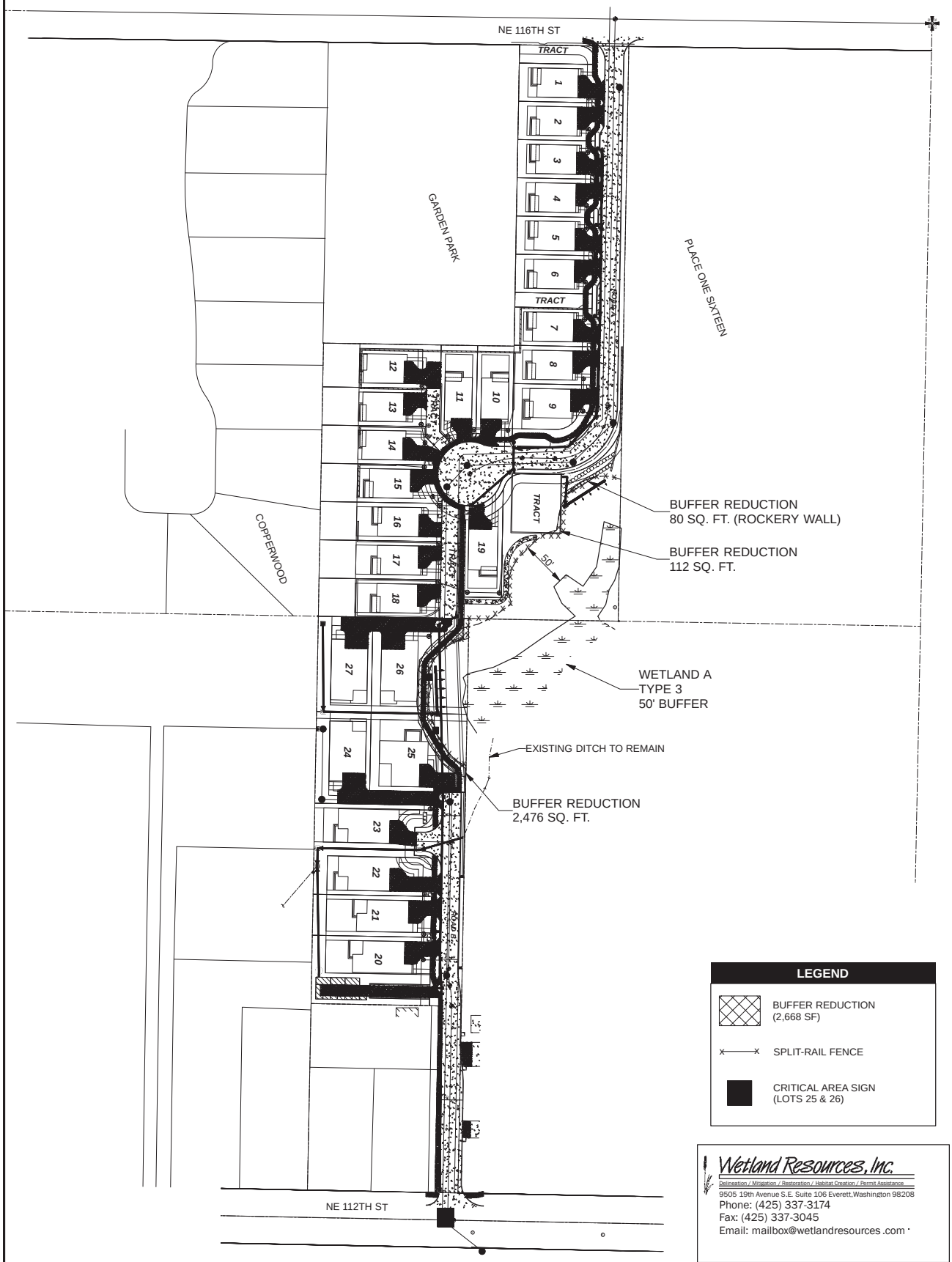
EXISTING CONDITIONS/DELINEATION MAP
SCRIVANICH - 116TH STREET
Kirkland, Washington

Sheet 1\4
WRI Job # 13185
Drawn by: JR
Date: 8.02.2016

Larry Scrivanich
P.O. Box 2174
Woodinville, WA 98072

SITE PLAN & CRITICAL AREAS MAP
SCRIVANICH - 116TH STREET

PORTIONS OF SECTION 32, TOWNSHIP 26N, RANGE 05E, W.M.



LEGEND

- BUFFER REDUCTION (2,668 SF)
- SPLIT-RAIL FENCE
- CRITICAL AREA SIGN (LOTS 25 & 26)

Wetland Resources, Inc.
Delineation / Mitigation / Restoration / Habitat Creation / Permit Assistance
9505 19th Avenue S.E. Suite 106 Everett,Washington 98208
Phone: (425) 337-3174
Fax: (425) 337-3045
Email: mailbox@wetlandresources.com

Scale 1" = 100'

0 50 100 150 200

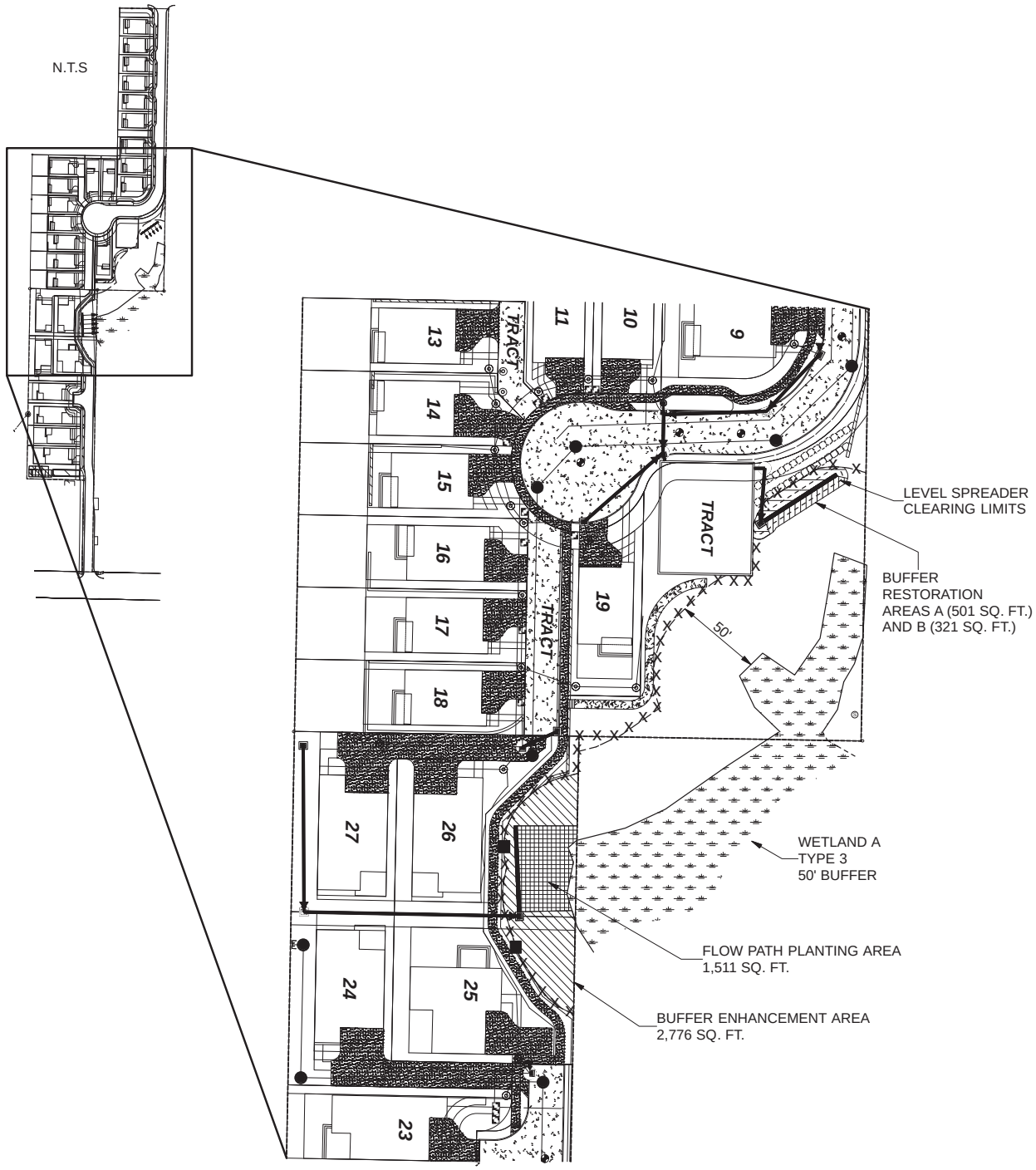
SITE PLAN & CRITICAL AREAS MAP
SCRIVANICH - 116TH STREET
Kirkland, Washington

Larry Scrivanich
P.O. Box 2174
Woodinville, WA 98072

Sheet 2\4
WRI Job # 13185
Drawn by: JR
Date: 8.02.2016

BUFFER MITIGATION PLAN
SCRIVANICH - 116TH STREET

PORTIONS OF SECTION 32, TOWNSHIP 26N, RANGE 05E, W.M.



LEGEND

- BUFFER RESTORATION AREA-A (501 SQ. FT.)
- BUFFER RESTORATION AREA-B (321 SQ. FT.)
- FLOW PATH PLANTING AREA (1,511 SF)
- BUFFER PLANTING AREA (2,776 SF)
- LEVEL SPREADER CLEARING LIMITS
- SPLIT-RAIL FENCE
- CRITICAL AREA SIGNS

Scale 1" = 60'

0 30 60 90 120

Wetland Resources, Inc.
Delineation / Mitigation / Restoration / Habitat Creation / Permit Assistance
9505 19th Avenue S.E. Suite 106 Everett,Washington 98208
Phone: (425) 337-3174
Fax: (425) 337-3045
Email: mailbox@wetlandresources.com

BUFFER MITIGATION PLAN
SCRIVANICH - 116TH STREET
Kirkland, Washington

Sheet 3\4
Larry Scrivanich
P.O. Box 2174
Woodinville, WA 98072
WRI Job # 13185
Drawn by: JR
Date: 8.02.2016

MITIGATION PLAN DETAILS
SCRIVANICH - 116TH STREET

PORTIONS OF SECTION 32, TOWNSHIP 26N, RANGE 05E, W.M.

BUFFER ENHANCEMENT PLANTING PLAN (4,287 SQ. FT.)

Species	Latin Name	Size	Spacing	Quantity
Douglas fir	*Pseudotsuga menziesii*	1 gallon	10'	14
Big leaf maple	*Acer macrophyllum*	1 gallon	10'	14
Black cottonwood*	*Populus balsamifera**	1 gallon	10'	15
Red-osier dogwood*	*Cornus sericea**	1 gallon	5'	45
Thimbleberry	*Rubus parviflorus*	1 gallon	5'	20
Beaked hazelnut	*Corylus cornuta*	1 gallon	5'	20
Snowberry	*Symphoricarpos albus*	1 gallon	5'	20
Vine maple	*Acer circinatum*	1 gallon	5'	20
Woodland Strawberry**	*Fragaria vesca***	1 gallon	3'	308

*To be installed in flow path only (1,511 sq. ft.)

**To be installed throughout entire enhancement area

BUFFER RESTORATION PLANTING PLAN: AREA A (501 SQ. FT.)

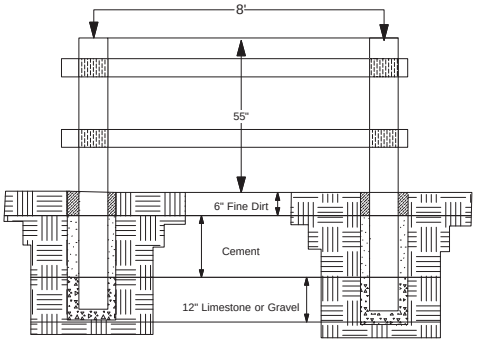
Species	Latin Name	Size	Spacing	Quantity
Douglas fir	*Pseudotsuga menziesii*	1 gallon	8'	4
Big leaf maple	*Acer macrophyllum*	1 gallon	8'	4
Thimbleberry	*Rubus parviflorus*	1 gallon	5'	4
Beaked hazelnut	*Corylus cornuta*	1 gallon	5'	4
Snowberry	*Symphoricarpos albus*	1 gallon	5'	4
Sword fern	*Polystichum munitum*	1 gallon	3'	36

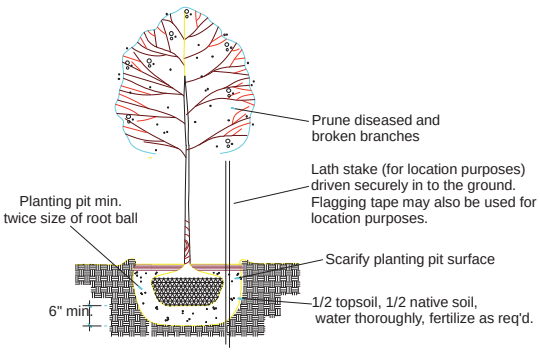
BUFFER RESTORATION PLANTING PLAN: AREA B (321 SQ. FT.)

Species	Latin Name	Size	Spacing	Quantity
Black cottonwood	Populus balsamifera	1 gallon	8'	5
Red-osier dogwood	*Cornus sericea*	1 gallon	5'	3
Black Twinberry	*Lonicera involucrata*	1 gallon	5'	3
Nootka rose	*Rosa nutkana*	1 gallon	5'	3

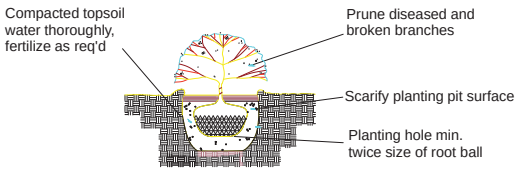
TWO-RAIL FENCE DETAIL

A two rail fence shall be installed to designate and to protect the critical areas and buffers. Fencing should be installed per the manufacturer's directions. The following installation techniques are provided as guidance.
Fence posts should be 5" x 5" x 85".
Fence posts should be spaced approximately 8' apart.
All fence post holes should be a minimum 30" deep.
Place post in hole and backfill with approximately 12" of small limestone or gravel.
Pour cement into hole (over small limestone) within 6" of existing grade.
Fill hole to grade with fine dirt.





TREE PLANTING DETAIL
Not to Scale



SHRUB PLANTING DETAIL
Not to Scale

Wetland Resources, Inc.
Delineation / Mitigation / Restoration / Habitat Creation / Permit Assistance
9505 19th Avenue S.E. Suite 106 Everett,Washington 98208
Phone: (425) 337-3174
Fax: (425) 337-3045
Email: mailbox@wetlandresources.com

MITIGATION PLAN DETAILS
SCRIVANICH - 116TH STREET
Kirkland, Washington

Larry Scrivanich
P.O. Box 2174
Woodinville, WA 98072

Sheet 4\4
WRI Job # 13185
Drawn by: JR
Date: 8.02.2016

CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600 ~ www.kirklandwa.gov

DEVELOPMENT STANDARDS LIST
File: SUB15-02157

SUBDIVISION STANDARDS

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

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

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

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

22.28.210 Significant Trees. A Tree Retention Plan was submitted with the short plat in which the location of all proposed improvements were known. There are 316 significant trees on the site, of which 96 are viable and 67 trees are proposed for retention. These trees have been assessed by the City's Urban Forester. They are identified by number in the following chart.

Lot Size: 150,176 s.f.

Tree Density Required (round up to nearest whole number): 104

Right-of-way or parks trees impacted: Yes ☒ No ☐

Trees on adjoining property impacted: Yes ☒ No ☐

Existing grove of high retention value trees: Yes ☒ No ☐ If Yes, indicate on site plan and identify proposed impacts to grove: *one grove outside of wetland buffer and boundary is to be retained, see figure 1*

Site Plan Alterations Required: Yes ☐ No ☒ (*KZC 95.30)*

Development Standards Varied: Yes ☐ No ☒ (*KZC 95.32)*

There are 316 significant trees on the site, 96 are viable and 67 trees are proposed for retention.

Significant Trees:	**High Retention Value**	**Moderate Retention Value**	**Low Retention Value** **(V)** – viable **(NV)** – not viable
1	X		

2		X	
7	X		
8	X		
9			Not viable - snag
10	X		
11	X		
12			Not viable - snag
13	X		
14	X		
15	X		
16	X		
17	X		
18	X		
19	X		
20	X		
21	X		
22	X		
23	X		
101			Not viable
102			Not viable
103			Not viable
104			Not viable
105			Not viable - UDI
106			Not viable - UDI
107			Not viable - UDI
108			Not viable - UDI
109			Not viable - UDI
110		X	
111		X	
112		X	
113	X		
114	X		
115	X		
116	X		
117		X	
118			Not viable - UDI
119			Not viable
120			Not viable - UDI
121			Not viable - UDI
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123			Not viable - UDI
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125			Not viable - UDI

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153			Not viable - UDI
154			Not viable
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156			Not viable - UDI
157			Not viable
158			Not viable
159		X	
160		X	
161			Not viable
162			Not viable - UDI
163			Not viable - UDI
164			Not viable - UDI
165			Not viable
166			Not viable - UDI
167			Not viable - UDI
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179			Not viable
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181			Not viable - UDI
182			Not viable
183		X	
184			Not viable - UDI
185			Not viable - UDI
186			Not viable - UDI
188		X	
189		X	
190			Not viable - UDI
191			Not viable - UDI
192			Not viable
206			Not viable - UDI
208		X	
213		X	
214			Not viable - UDI
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216			Not viable - UDI
217			Not viable - UDI
218			Not viable - UDI
219			Not viable - UDI
223			Not viable
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392			Not viable - UDI

393			Not viable
394			Not viable - UDI
395			Not viable - UDI
396			Not viable - UDI
397			Not viable - UDI
398			Not viable - snag
399			Not viable
400	X		
414			Not viable - UDI
417	X		
418	X		
420		X	
422	X		
423	X		
425		X	
426	X		
427	X		
428			Not viable - UDI
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441			Not viable - UDI
443	X		
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445	X		
446	X		
447	X		
448			Not viable
449	X		
450	X		
451	X		
452			Not viable – snag
453			Not viable - snag
455			Not viable - UDI
456		X	

457	X		
458			Not viable - UDI
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463			Not viable - UDI
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465			Not viable - UDI
466			Not viable - UDI
467		X	
468			Not viable
469			Not viable - UDI
470			Not viable - UDI
471			Not viable - UDI
472			Not viable - UDI
473			Not viable - UDI
474			Not viable - UDI
475			Not viable - UDI
476		X	
477		X	
478		X	
479		X	
480			Not viable - UDI
481			Not viable - UDI
482			Not viable - UDI
483			Not viable - UDI
484			Not viable - UDI
485			Not viable
486			Not viable - UDI
487			Not viable - UDI
488			Not viable
489	X		
490	X		
491			Not viable - snag
492	X		
493			Not viable - snag
494	X		
495	X		
496	X		
497	X		
498	X		
500	X		

503		X	
509			Not viable - UDI
510			Not viable - UDI
700		X	
701		X	
702		X	
703		X	
1001		X	
1002		X	
1003	X		
1004	X		
1005	X		
1006	X		
1007	X		

The arborist report is accurate. The plans have been updated to retain 7 additional trees beyond the initial proposal. They are trees #110, 111, 112, 188, 189, 347 and 457. The comments responded to were:

- Trees #110, 111 and 112 – trees should be retained, adjust grading slightly to ease impacts on these trees, they are young and vigorous enough to likely survive
- Tree #188 and 189 – trees should be retained; storm drain line is ~4.5' deep and proposal includes 1' of fill over pipe which should not detrimentally impact trees
- Tree #347 – tree should be fine to leave in place with proposed grading
- Tree #457 – lot 18 retaining wall should be moved 15 feet east to provide for limits of disturbance for this tree

I looked into saving tree #152 but at 44" DBH it is too large of a tree to be accommodated in this space.

I recommend approving the Scrivanich IDP proposal from an urban forestry perspective. The proposal meets the intent of the tree code. The number of tree retention is greatly increased compared with other subdivision efforts by the presence of wetlands. The wetland and wetland buffer would benefit from noxious weed removal and enhancement planting pursuant to KZC 95.51 (5 & 6). I suggest conditioning the permit with the requirement to submit and execute a noxious weed removal and enhancement planting plan of the wetlands and wetland buffers to meet the intent of KZC 95.51 (5 & 6). Tree protection should be erected and maintained per the arborist report

recommendations and the tree code requirements through completion and final approval of the project.

Adjacent Property Trees:
ROW trees: no concerns at this time

Neighbor's trees: The proposed wall along the eastern property line will detrimentally impact neighbor's trees #331 and 358 with a likelihood of destabilization or significant reduction in windfirmness of these two neighbor's trees. The applicant should address how they are going to ensure the protection and preservation of these trees with their proposed development, specifically this wall.

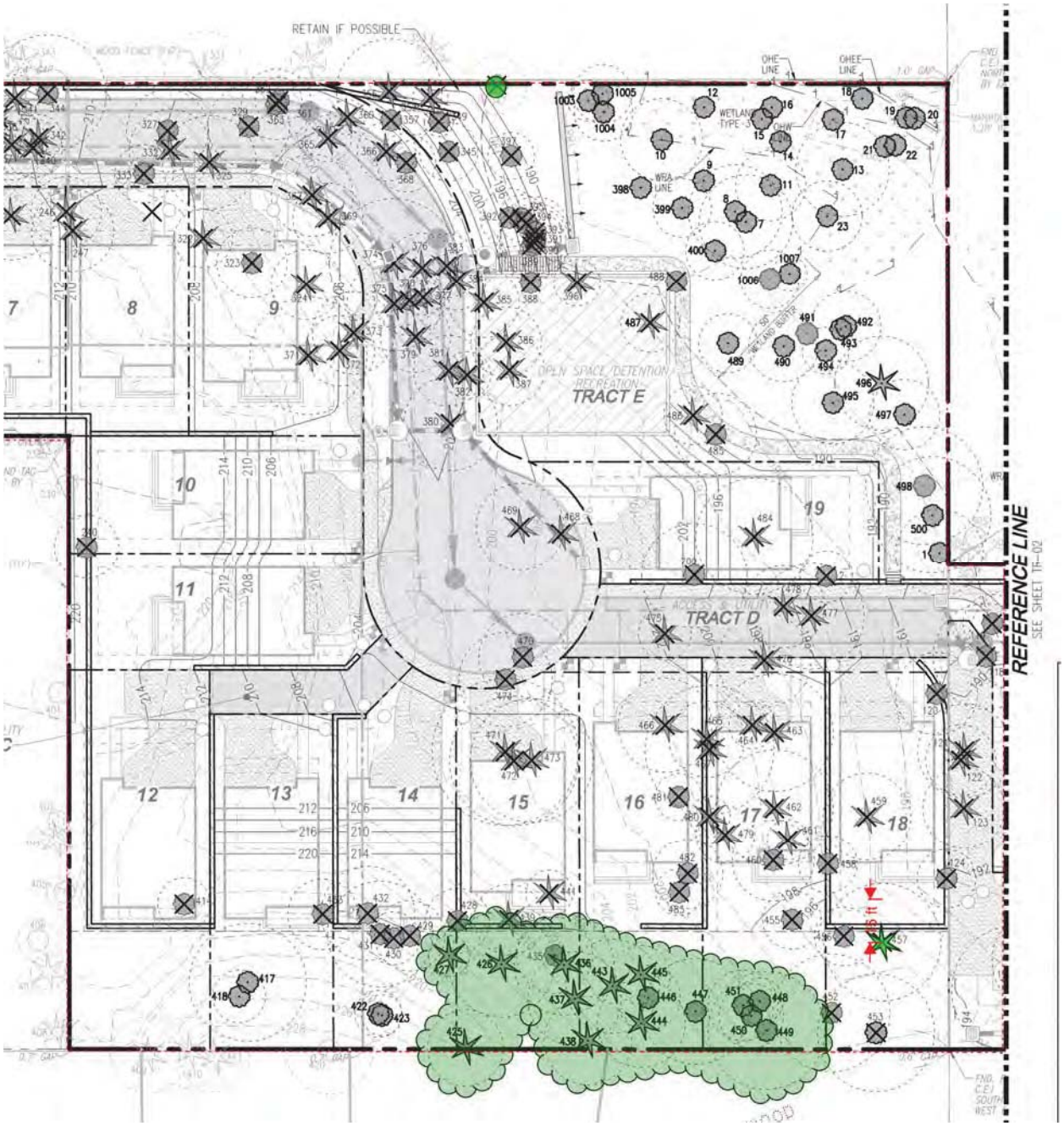


Figure 1: grove to be retained is clouded in green and trees #347 and 457 which should be retained are highlighted individually in green

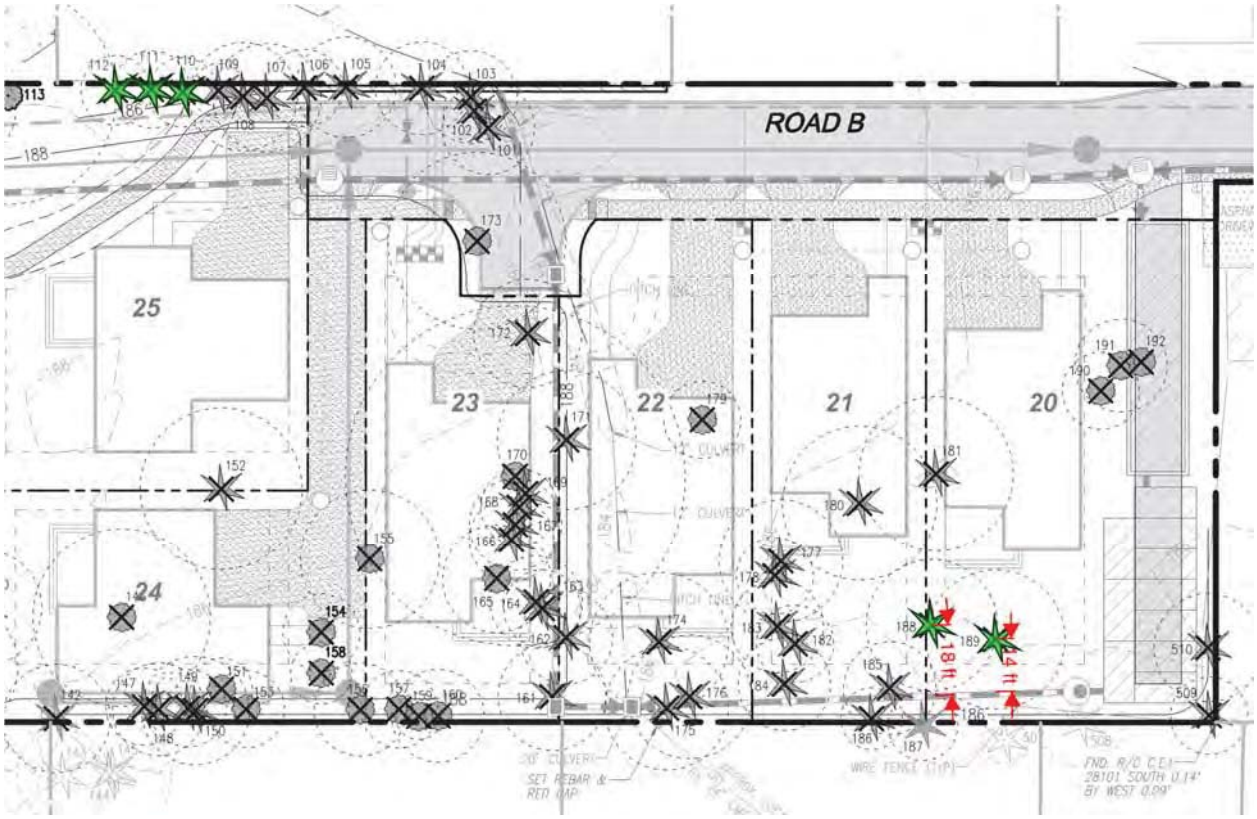


Figure 2: trees 110, 111 and 112 to be retained shown along the upper left of this figure and trees #188 and 189 to be retained shown along the lower right of this figure

Image 1: panorama of site from southeast corner

Figure 3: the proposed wall (approximately shown here) along the eastern property line will detrimentally impact neighbor's trees #331 and 358 with a likelihood of destabilization or significant reduction in windfirmness of these two neighbor's trees.

No trees are to be removed with an approved short plat or subdivision permit. Based on the approved Tree Retention Plan, the applicant shall retain and protect all viable trees throughout the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements *and* construction of the residence and associated site improvements. Modifications to the Tree Retention Plan must be approved per KZC 95.30(6)(b).

22.32.010 Utility System Improvements. All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

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

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

22.32.060 Utility Easements. Except in unusual circumstances, easements for utilities should

be at least ten feet in width.

Prior to Recording:

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

22.16.040 Final Plat - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the subdivision documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.

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

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

22.26.470 Plat Alteration - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the plat alteration documents.

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

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

22.26.690 Plat Vacation - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the plat vacation documents..

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

22.28.050 Lot Dimensions. The owner of the property shall sign a covenant to ensure that the garage will be located at the rear of any lot which is smaller than 5,000 square feet in a low density zone, has a lot width at the back of the required front yard less than 50 feet, and is not a flag lot.

22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

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

22.32.080 Performance Bonds. In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one year to ensure completion of these requirements within one year of plat/short plat approval.

Prior to occupancy:

22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to

serve each lot created.

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

ZONING CODE STANDARDS

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

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.55 Monitoring and Maintenance of Wetland Buffer Modifications: Modification of a wetland buffer will require that the applicant submit a 5-year monitoring and maintenance plan consistent with the criteria found in 95.55 and which is prepared by a qualified professional and reviewed by the City's wetland consultant. The cost of the plan and the City's review shall be borne by the applicant.

90.80 Streams. No land surface modification may take place and no improvements may be located in a stream except as specifically provided in this Section.

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

90.95 Stream Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the entire stream buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.100.3 Monitoring and Maintenance of Stream Buffer Modifications: Modification of a stream buffer will require that the applicant submit a 5-year monitoring and maintenance plan consistent with KZC section 95.55. This plan shall be prepared by a qualified professional and reviewed by the City's wetland consultant. The cost of the plan and the City's review shall be borne by the applicant.

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

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

95.51.2.a Required Landscaping. All required landscaping shall be maintained throughout

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

95.44 Parking Area Landscape Islands. Landscape islands must be included in parking areas as provided in this section.

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

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

95.52 Prohibited Vegetation. Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

100.25 Sign Permits. Separate sign permit(s) are required. In JBD and CBD cabinet signs are prohibited.

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

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

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

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

105.18 Overhead Weather Protection. All uses, except single family dwellings, multifamily, and industrial uses, must provide overhead weather protection along any portion of the building, which is adjacent to a pedestrian walkway.

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

105.18.2 Overhead Weather Protection Standards. Overhead weather protection must be provided along any portion of the building adjacent to a pedestrian walkway or sidewalk; over the primary exterior entrance to all buildings. May be composed of awnings, marquees, canopies or building overhangs; must cover at least 5' of the width of the adjacent walkway; and must be at least 8 feet above the ground immediately below it. In design districts, translucent awnings may not be backlit; see section for the percent of property frontage or building facade.

105.19 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All

new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.

105.20 Required Parking. Two parking spaces per dwelling unit are required for this use.

105.47 Required Parking Pad. Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage.

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

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

115.07.9 Accessory Dwelling Units Market and Norkirk Neighborhoods. Accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the Small Lot Single-family and Historic Preservation subdivision regulations.

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

115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

A detached dwelling unit may not have a fence over 3.5 feet in height within 3 feet of the property line abutting a principal or minor arterial except where the abutting arterial contains an improved landscape strip between the street and sidewalk. The area between the fence and property line shall be planted with vegetation and maintained by the property owner.

115.42 Floor Area Ratio (F.A.R.) Limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other exceptions to these requirements.

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

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water

quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.85 Rose Hill Business District Lighting Standards: See this section for specific requirements that apply to all exterior lighting on buildings, all open air parking areas and equipment storage yards within this business district. The intent of this section is to discourage excessive lighting and to protect low density residential zones from adverse impacts that can be associated with light trespass from nonresidential and medium to high density residential development.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

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

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

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

115.115.3.n Covered Entry Porches. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

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

115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

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

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

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

section.

150.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

Prior to recording:

90 Natural Greenbelt Protective Easement. The applicant shall submit for recording a natural greenbelt protective easement, in a form acceptable to the City Attorney, for recording with King County (see Attachment 17).

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

110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

Prior to issuance of a grading or building permit:

85.45 Liability. The applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property.

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.150 Natural Greenbelt Protective Easement. The applicant shall submit for recording a natural greenbelt protective easement, in a form acceptable to the City Attorney, for recording with King County (see Attachment 17).

90.155 Liability. The applicant shall enter into an agreement with the City which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the stream, minor lake, or wetland (see Attachment 18).

95.30(4) Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

95.34 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 6 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by

hand.

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

Prior to occupancy:

90.145 Bonds. The City may require a bond and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of the Drainage Basins chapter or any decision or determination made under this chapter. A Performance and Monitoring and Maintenance Security is required for the Wetland Buffer Modification Plan.

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

95.51.2.b Tree Maintenance. For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning and Building Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

95.51.3 Maintenance of Preserved Grove. The applicant shall provide a legal instrument acceptable to the City ensuring the preservation in perpetuity of approved groves of trees to be retained.

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

110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter.

DEVELOPMENT STANDARDS
SUB15-02157

BUILDING DEPARTMENT

*BLDG. DEPT. CONDITIONS Contact Tanya Elder at 425-587-3614 with any questions.
1. Any existing buildings to remain and all future buildings need to have appropriately constructed fire-rated walls and opening protection at the property lines. Exterior walls and projections shall comply with IRC R302.1 & Table R302.1(1). Property lines cannot go "through" existing buildings.
2. A demolition permit is required prior to removing any existing structure. You can apply for a demolition permit online at http://www.MyBuildingPermit.com.
3. A building permit is required for construction of each new structure. You can apply for a new construction permit online at http://www.MyBuildingPermit.com.
4. Prior to issuance of a Building, Demolition or Land-Surface Modification permit, applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.040
5. No excavation or fill is authorized to encroach upon a neighboring property without explicit agreement by the adjoining property owner.

FIRE DEPARTMENT

FIRE DEPARTMENT COMMENTS

Contact: Grace Steuart at 425-587-3660; or gsteuart@kirklandwa.gov

HYDRANTS

Additional hydrants will be required as shown (see red-lines for locations). All new hydrants shall be equipped with 5" Storz fittings (the hydrant on NE 116th already has a Storz fitting).

SPRINKLER THRESHOLD

Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. Included are single family homes, duplexes, and zero lot line townhouses where the aggregate area of all connected townhouses is greater than 5,000 square feet; garages, porches, covered decks, etc, are included in the gross square footage. (This comment is included in the subdivision conditions for informational purposes only.)

ACCESS

Access as shown is adequate for all lots on this subdivision.

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS CONDITIONS
Permit #: SUB15-02157
Project Name: Scrivanich PUD
Project Address: 11421 NE 116th St.
Date: September 21, 2016

PUBLIC WORKS CONDITIONS

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@kirklandwa.gov

Building and Land Surface Modification (Grading) Permit Process:
Tuan Phan, Development Engineer
Phone: 425-587-3843 Fax: 425-587-3807
E-mail: tphan@kirklandwa.gov

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.

2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The applicant should anticipate the following fees:
o Water, Sewer, and Surface Water Connection Fees (paid with the issuance of a Building Permit)
o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
o Septic Tank Abandonment Inspection Fee
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 Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the project. The credit amount for each demolished building will be equal to the most currently adopted Fee schedule.

3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit, including the required LSM Checklist.

4. Submittal of Building Permits within a subdivision prior to recording:

• Submittal and Issuance of a Building Permit with an existing legal building site prior to subdivision recording.

A. Submittal - A Building Permit can be submitted prior to recording of the subdivision for each existing legal building site in the subject subdivision if one the following is met:
I. A complete Building Permit shall include all the required utility and street improvement engineering for the legal building site; or,
II. A separate complete Land Surface Modification (LSM) Permit has been applied for prior to or at the same time that Building Permit is applied for that includes all of the required utility and street improvement engineering.
III. The Building Permit shall comply with applicable codes for that legal building site.

B. Issuance – The Building Permit will be reviewed and approved for issuance (the Building Department determines when the permit can be issued) by the Public Works Department if the following conditions are met:
I. The utility and street improvement engineering was reviewed with the Building Permit; or,
II. The LSM is approved before the Building Permit is issued; or,
III. The Development Engineer determines that the LSM review is substantially complete to allow the Building Permit issuance. In this case the Development Engineer may opt to add special conditions to the new Building Permit related to utility and street improvement engineering that must be completed prior to final inspection of the Building.

• Submittal of Building Permits within an Integrated Development Plan (IDP): If this subdivision is using the IDP process, the Building Permits for the new homes can only be issued after the Land Surface Modification Permit has

been submitted, reviewed, and approved.

• Submittal of a Building Permit within a standard subdivision (non IDP): If this subdivision is not using the IDP process, the Building Permits for the new houses can be applied for after the subdivision is recorded and the Land Surface Modification permit has been submitted, reviewed, and approved.

• Review of Expedited or Green Building Permits: A new single family home Building Permit within a subdivision can only be applied for after the subdivision is recorded and will only be reviewed as an expedited or green building fast track if submitted electronically through MBP and the Land Surface Modification permit has been submitted, reviewed, and approved.

5. Subdivision Performance and Maintenance Securities:
• The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. This security amount will be determined by using the City of Kirkland's Improvement Evaluation Packet (available in either Excel or PDF). Contact the Development Engineer assigned to this project to assist with this process.

• If a recording Performance Security has not yet been posted, then prior to issuance of the LSM Permit a standard right of way restoration security ranging from $10,000.00 to 30,000.00 (value determined based on amount of ROW disruption) shall be posted with Public Works Department. This security will be held until the project has been completed.

• Prior to Final Inspection of the Land Surface Modification improvements, there will be a condition of the permit to establish a two year Maintenance security.

6. The project has submitted and been granted a Concurrency Test Notice. The Concurrency Case is TRAN15-02338. See separate Tran Case memorandum from Thang Nguyen, Transportation Engineer, for Concurrency case details.

7. After Concurrency has passed a certificate will be issued that will read as follows: CERTIFICATE OF CONCURRENCY: This project has been reviewed and approved for water, sewer, and traffic concurrency. Any water and sewer mitigating conditions are listed within the conditions below. Any traffic mitigating conditions will be found in an attached memorandum from the Public Works Traffic Engineering Analyst to the Planning Department Project Planner. Upon issuance of this permit, this project shall have a valid Certificate of Concurrency and concurrency vesting until the permit expires. This condition shall constitute issuance of a Certificate of Concurrency pursuant to chapter 25.12 of the Kirkland Municipal Code.

8. 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 G-7, Engineering Plan Requirements. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

9. 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.

10. 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).

11. A completeness check meeting is required prior to submittal of any Building Permit applications.

12. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.

13. All subdivision recording documents shall include the following language:

o Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer, storm water stub, rain garden, permeable pavement, or any infiltration facilities (known as Low Impact Development) from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer, surface water stub, rain garden, permeable pavement, or any infiltration

facilities, which jointly serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall “run with the land” and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

o Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the maintenance of the vegetation within the abutting landscape strip. The maintenance shall “run with the land” and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

If the lots have on-site private storm water facilities, include this language on the subdivision recording document:

o Maintenance of On-site Private Stormwater Facilities: Each Lot within the Subdivision has a stormwater facility (infiltration trench, dry wells, dispersion systems, rain garden, and permeable pavement) which is designed to aid storm water flow control for the development. The stormwater facility within the property shall be owned, operated and maintained by the Owner. The City of Kirkland shall have the right to ingress and egress the Property for inspection of and to reasonable monitoring of the performance, operational flows, or defects of the stormwater/flow control facility.
If the City of Kirkland determines related maintenance or repair work of the stormwater facility is required, the City of Kirkland shall give notice to the Owner of the specific maintenance and/or repair work required. If the above required maintenance or repair is not completed within the time set by the City of Kirkland, the City of Kirkland may perform the required maintenance or repair, or contract with a private company capable of performing the stormwater facility maintenance or repair and the Owner will be required to reimburse the City for any such work performed.
The Owner is required to obtain written approval from the City of Kirkland prior to replacing, altering, modifying or maintaining the storm water facility.

If the project contains LID storm improvements that will be installed as a condition of the new home Building Permit, then include this condition on the Short Plat recording documents:

o Installation of Low Impact Development (LID) storm drainage improvements with Building Permits: All LID storm drainage features depicted on Sheet ____ of ____ of issued permit LSM1X-0XXXX shall be installed in conjunction with the construction of each new home on lots X to X. The LID improvements include, but are not limited to the rain gardens and the pervious driveways. The Building Permit for the new signal family home on lots X to X will not receive a final inspection until said LID improvements are installed. The pervious access road/Tract serving lots X and X shall be constructed or secured by a performance bond prior to recording of the short plat

Sanitary Sewer Conditions:

1. Extend an 8 inch sewer main (as shown on the plans):
o From the south side of the lot addressed 11405 NE 112th Street. (a 15 ft. wide public sewer easement will need to be obtained from this property owner) to 112th Ave. NE.
o East along NE 112th St. to access road.
o North along new access road to north end.
o North across lots 16, 17, 18, 25, and 26, in a 20 ft. wide (min) utility easement.
o Then east and north along new road A to the south property line of lot 1.

2. Within the project, extend a sewer main to the common property line of the properties addressed 11240 and 11248 NE 112th Street. The extension across shall be encompassed in a 20 ft. (min) utility easement and the extension shall terminate with a manhole.

3. A Sanitary Sewer Latecomers Agreement may be recorded with the sewer main extensions that directly benefit another property and a side sewer is provided to the lot. If a property is required to extend the sewer main in the future, it typically cannot be included in a latecomer agreement.

4. Provide a plan and profile design for the sewer line extensions.

5. Access for maintenance of the sewer manholes is required. Provide a 15' wide access easement from the right-of-way to each sanitary sewer manhole outside the right-of-way.

6. The existing septic systems shall be abandoned per City standards.

Water System Conditions:

1. Loop an 8-inch water main from NE 112th St through the project to NE 116th St.

2. The existing homes on Road B have individual water services and will need to be reconnected to the new wate main extension.

3. The water main extension between road A and road B shall be encompassed in a 15 ft. (min) wide utility easement if not located in a right-of-way.

4. Provide a separate 1" minimum water service from the water main to the meter for each lot; City of Kirkland will set the water meter. The water size is determined when the Building Permit is submitted and is sized per the Uniform Plumbing Code. A ¾" meter is the typical size for new single-family home.

5. The existing water services shall be abandoned at the main.

6. Install fire hydrants as directed by the Fire Department

Surface Water Conditions:

1. Projects submitted on or after January 1, 2017 shall be subject to updated stormwater regulations. The City plans to adopt the 2016 King County Surface Water Design Manual with a City addendum.

2. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manua and the Kirkland Addendum (Policy D-10). To determine the drainage review level required, the impervious surface area shall be based on the maximum allowable lot coverage area for the project, plus any offsite improved impervious areas. See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. The drainage review levels can be determined using the Drainage Review Flow Chart. Summarizec below are the levels of drainage review based on site and project characteristics:

- Full Drainage Review

  A full drainage review is required for any proposed project, new or redevelopment, that will:

  Adds 5,000ft2 or more of new impervious surface area or 10,000ft2 or more of new plus replaced impervious surface area,

  Propose 7,000ft2 or more of new pervious surface or,

  Be a redevelopment project on a single or multiple parcel site in which the total of new plus replaced impervious surface area is 5,000ft2 or more and whose valuation of proposed improvements (including interior improvements but excluding required mitigation and frontage improvements) exceeds 50% of the assessed value of the existing site improvements.

3. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact developmen facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 or L-2 (depending on drainage review) for more information on this requirement. If Low Impact Development (LID) is determined to be infeasible, a Surface Water Adjustment is required for the project. Also, if LID is not feasible, pervious pavement cannot be used to reduce overall impervious lot coverage.

4. Special inspections are required for Low Impact Development (LID) on this project. Provide documentation of inspections by a licensed geotechnical engineer that LID will function as designed.

5. Because this project site is one acre or greater, the following conditions apply:
- Amended soil requirements (Pre-Approved Plan CK-E.12) must be used in all landscaped areas.
- If the project meets minimum criteria for water quality treatment (5,000ft2 pollution generating impervious surface area), the enhanced level of treatment is required if the project is multi-family residential, commercial, or industrial. Enhanced treatment targets the removal of metals such as copper and zinc.
- The applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Department of Ecology. Provide the City with a copy of the Notice of Intent for the permit. 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 PW Dept. pre-construction meeting with a completed SWPPP.
- Turbidity monitoring by the developer/contractor is required if a project contains a lake, stream, or wetland.
- A Stormwater Pollution Prevention and Spill (SWPPS) Plan must be kept on site during all phases of construction and shall address construction-related pollution generating activities. Follow the guidelines in the 200 King County Surface Water Design Manual for plan preparation.

6. A storm water detention system is required, it shall be designed to Level II standards. Historic (forested) conditions shall be used as the pre-developed modeling condition.

7. The project will create or replace more than 5,000 square feet of new impervious area that will be used by vehicles (PGIS - pollution generating impervious surface). Provide storm water quality treatment per the 2009 King County Surface Water Design Manual.

8. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).

9. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system or utilize low impact development techniques.

10. Provide collection and conveyance of right-of-way storm drainage. Provide a plan and profile design for the storm sewer system. Size and material of construction shall be in accordance with the City Kirkland Pre-Approved Plans and Notes.

11. The 30-ft wide paved storm drain maintenance access (as proposed on the preliminary plans) to the detention facility south of Lot 20 is acceptable.

12. If working within an existing ditch, the applicant is hereby given notice that the Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities. Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx

Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495

13. Provide an erosion control report and plan with the Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.

14. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts NE 116th Street (an arterial type street) and proposes two new access road for the 27 lots; the new access streets will be Neighborhood Access type streets. 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:

NE 116th Street
A. At the intersection between NE 116th St and Road A, install curb and gutter, sidewalk, and ADA-compliant sidewalk ramps at the intersection radii to match with existing improvements on the south side of NE 116th St. Remove and replace any cracked curb.

New Access Road from NE 116th Street
A. Due to the number of lots being served and because this is a proposed subdivision, the access road shall be developed to public road standards.
B. Dedicate 35 ft. in width of right-of-way and an 80 ft. diameter cul-de-sac.
C. Install an R-24 type street (24 in width of asphalt). The street shall narrow to 20 ft. width through driveway aprons for lots 1-9 (this is allowed because vehicles can't park in front of driveways therefore the extra 4 ft. of width is not needed).
D. Install a 70 ft. diameter paved cul-de-sac.
E. Install curb and gutter and storm drainage collection and conveyance along both sides of the new street.
F. Install 4.5 landscape strips with street trees 30 ft. on-center along both sides of the street and around the perimeter of the cul-de-sac.
G. Install rain gardens as shown on the plans.
H. Install a 5 ft. wide sidewalk along the east side of the street to the cul-de-sac. The sidewalk shall meander into a pedestrian easement as it meanders around each rain garden.
I. Install street trees 30 ft. on center on the east and south side of road A.
J. Grant a 6 ft. wide pedestrian easement along Tract D and install a 5 ft. wide sidewalk (6 inch thick) and a 4 inch high rolled curb.
K. Grant a 10 ft. wide pedestrian easement from the south end of tract B across lots 25 and 26 to the north end of road B and install an 8 ft. wide asphalt path in the easement.

New Access Road from NE 112th Street
A. Along Access Road B dedicate the 25 ft. wide panhandle. Within this dedication the following shall occur:
- The developer has obtained a 12-ft wide access and utility easement across the properties addressed at 11420 and 11422 NE 112th St to accommodate public access and utilities. Under the current access plan, an easement is not provided nor required across the property addressed at 11416 NE 112th St.
- Install a 4 ft. wide sidewalk along the west edge of the dedicated panhandle, a 6-inch vertical curb along both sides (type A curb and gutter), 24 ft. of asphalt (20 ft. of asphalt in front of lot 11416), and storm drainage collection and conveyance. If this street section is constructed, the existing street on the private property will need to be demolished and restored as yard area and driveways.
- At the intersection with NE 112th Street, install curb and gutter, sidewalk, and ADA-compliant sidewalk ramps at the intersection radii.

B. To the north and west of the panhandle the street shall be improved with the following:
- Dedicate 35 ft. of right-of-way.
- 20 ft. of asphalt paving (street reduces in width from 24 ft. to 20 ft.)
- 6-inch vertical curb and gutter (both sides)
- 4.5 ft. wide landscape strips with street trees 30 ft. on-center (both sides).
- 5 ft. wide sidewalks along the west side only (in addition to the sidewalks along the west side of the 25 ft. wide panhandle discussed above). The sidewalk shall connect to the 8 ft. asphalt pathway discussed above.

C. At the north end of the street the following improvements will be required:
- Dedicate ROW to encompass a standard Fire Department hammerhead turnaround. Public Work supports a modification in this case to construct a hammerhead in lieu of a cul-de-sac because a cul-de-sac cannot effectively fit in the property and a fire truck turn-around can be provided with the hammerhead. The dedication for the hammerhead shall be 5 ft. wider than the paving and curbs.
- The sidewalk along road B shall connect to the 8 ft. wide asphalt path.

2. Meet the requirements of the Kirkland Driveway Policy R-4. Spacing Table from R-4, for reference:

3. Meet the requirements of the Kirkland Intersection Sight Distance Policy R.13. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle.

4. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.
- Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
- Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.

5. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.)

6. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections.

7. Install "NO PARKING ANYTIME" signs along on side of any street less than 24 ft. in width.

8. Install new monuments at new street intersections, street ends, and points of tangency along the centerline.

9. 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.

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

11. Underground any new off-site transmission lines.

12. New LED street lights may be required per Puget Sound Energy design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

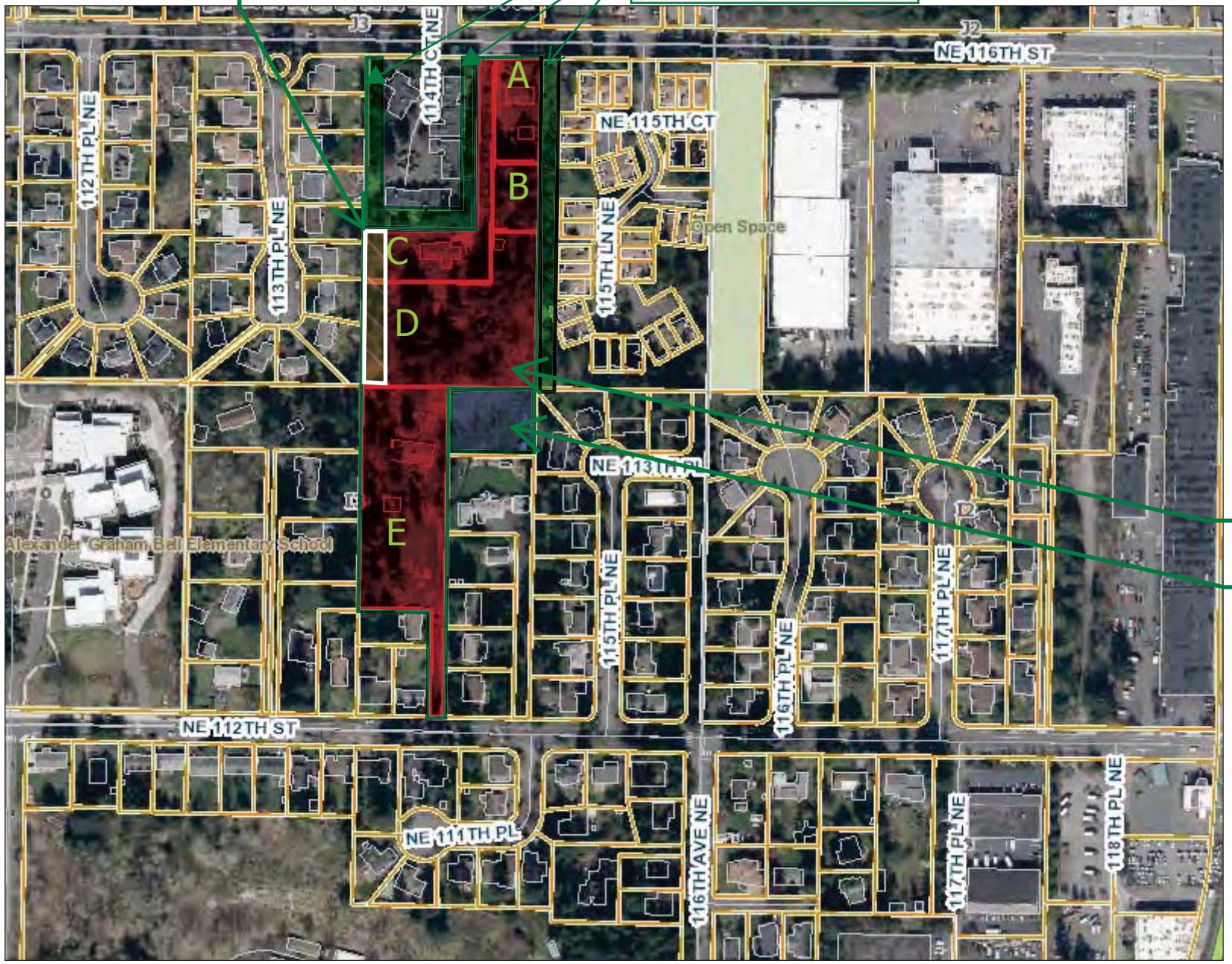
Brynja Myren - Account Sales Manager, Intolight, PUGET SOUND ENERGY
Tel 425-462-3833 I Cell 206-604-3348 | Fax 425-462-3149
Email brynja.myren@pse.com | Website: www.intolight.com

13. A striping plan for the street must be submitted with the building or grading permit.

Related City Website Links

- City of Kirkland Pre-Approved Plans and Policies
- Public Works Development Fees
- Stormwater FAQs
- Application Forms (Electronic, Paper)
- KZC105 – Private Drive, Private and Pedestrian Walkway Requirements
- KZC110 - Public Right-of-way Improvement Requirements

Scrivanich PUD and Subdivision



Attachment 6

Legend

- City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Buildings
- Lakes
- Parks
- Schools
- Olympic Pipeline Corridor

1: 3,345

Notes

0.1 0 0.05 0.1 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

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David Barnes

From: Jan Sanford <JanSan0204@msn.com>
Sent: Friday, January 01, 2016 9:36 PM
To: David Barnes
Subject: Scrivanich PUD, Case No. SUB15-02157 and Place One Sixteen Homes

Hello David,

Firstly, I wish to apologize in advance for this lengthy correspondence, while wishing to address our Homeowner concerns. I also want to thank you for all your communication thus far and keeping Place One Sixteen apprised of the above New Home Development Application and pending hearing. As you can well imagine, we are most anxious...just as I was when first seeing a surveyor a couple of years ago. However, we only wish to come across as any concerned homeowner seeking clarity; and hopeful to have others try to walk in our shoes and share our concerns.

Obviously those of us on the West side of Place 116 are very uneasy regarding our privacy issues and noise levels...both during the current process and how it will forever affect our current lives going forward. I personally have lived here for 20+ years and paid a premium for my home location, rather than two others at Place 116; as corner natural habitat, which I have embraced for all all these years. Now, however, I find myself seeking clarification and understanding of exactly what lies in our future, regarding our homes privacy and noise impact. We, who live on the Westside of Place One Sixteen have been blessed with serenity, views and sounds of nature every day, as we enjoy our backyard spaces. We have also had the privacy of living in small spaces, with lots of natural light provided by the seven windows facing West, from our first floor and loft. (The original builder made a very small Living and Dining Room feel more spacious, from the first floor to the lofts; with second story large windows, stacked nearly to the roof line. As one would imagine, we are very concerned regarding the plans and orientation of this new development; as it relates to our privacy, view, noise levels and exposure.

We look forward to viewing more detailed plans and assurance; as it relates to the following concerns and hopeful that will be possible at the yet-to-be announced public meeting and hearing. It appears on plan there has been more emphasis addressed to the maximum number of new homes, and those basic needs for privacy and noise; than their future neighbors, who have lived here for 30 years. I understand making money, selling homes and lifestyle is the primary concern of many developers; but hopeful it would not be at the expense of Place One Sixteen homeowners. Have they consulted with an Acoustical Architectural Design group, with keeping our needs of privacy and noise in mind? We wish review of plans, along with window placement and size of new homes, as it will affect our privacy in existing first and second story loft windows facing West. (These concerns are, of course, achieved by Developers own architects when determining new plans for their new home lot locations; but perhaps not Place 116 existing plans.) We question why a road does not go through the middle of the property, as does ours at Place 116. (We simply expect those on "other side of the fence" to be considered, as it regards noise and privacy issues.) The new home owners will have the peace and quiet in their backyards, that we will no longer experience, given the road currently proposed. We question the placement of a Playground/Park bordering our property, with only a couple of the new homes near that "playground" location; even though it is for 'their' families. (We have concerns regarding the noise level and size of play equipment, while do appreciate the plans showing some natural habitat being retained in the wetland area.) We also question why the road location could not reversed, with the road on the most Western side of the development...or through the center. There is currently a road to the West, that backs up to the existing Garden Park development, which was there prior.

Common initial concerns to date:

***Size of new homes. They appear to be quite large, given lot sq ft. (Are they multi-family, as ENCLAVE development on North side of 116th?) Do they have balconies and windows directly oriented towards our private patios and main living spaces; which are LR and open lofts, consisting of three large first and second story windows (total of six windows)? Is it 27 homes/lots or 27 duplex (or more) family lots consisting of 54 duplex (or more) on these 27 lots? Given the plan shows 9 lots backing up to the West side of Place 116, is it twice -18 or more "homes", with twice as many families and cars on that road?**

*****Landscape Architect aesthetics relating to our backyard views...considerations addressing Earth Berms, Walls/Fences (materials to replace current wood fence with brick or?)
*****Noise, as it relates to 9 driveways (18 or more if duplex) and long road parallel to our fence. If that is the case and each unit has two cars, that is 36 cars on that road alone...not to mention the family size and noise. Plans show double driveways off the main road, directly next to our existing fence, and leading to a park (with play equipment for 27/54 +? homes) at the end of property backing up to our backyards...rather than reverse, with road through their property and playground central for their children.
*****Construction concerns relating to noise, debris and dirt/dust (opening of our windows in the Summer). Methods of Noise reduction being recommended, during and after construction.
*****Privacy and Peacefulness in Backyards seems now shifted to those of the new homeowners, with Place 116 having a road next to their back yards?
*****Creates lifestyle change for Place 116 Homeowners. Noise, debris, dust, overspray etc during construction months, when we normally spend time in our peaceful backyards.
*****Height/size of homes behind us and (our privacy outdoors).
*****Size of new construction windows facing our buildings (our privacy within), consisting of more window than wall.
*****Fence/Brick Wall - plans to replace existing Place 116 wood fence with one of greater privacy (higher) and thicker for noise reduction (such as Brick, as at Place 116 front wall on 116th Street)
*****Landscape/Berms/Barriers/Buffer Strips between road and NEW fence/wall? - on their side or both sides (including Place 116) to control noise reduction and better aesthetic appeal. WE WISH EARTH BERMS, BRICK WALL AND PLANTINGS THAT ARE EVERGREEN SO HAVE PRIVACY AND AESTHETICALLY APPEALING DURING ALL SEASONS. (WE WOULD NOT WANT JUST A ROW OF PYRAMADALIS ARBOR VITAE used to defer noise level, as provides little and not attractive as matures.
*****Elevation Window Placement in new Homes to consider and maintain existing privacy for both new and existing development homeowners.
*****Hours of daily construction and how enforced?

I did wish to get this to you, prior to the deadline; and hopeful I have included all our current concerns to date. While perhaps a little repetitive, we wanted to note initial Place One Sixteen homeowner questions and concerns. However, we appreciate your understanding there may be more and embrace whatever guidance you can currently provide going forward.

Sincerely,
Jan Sanford
Place One Sixteen

David Barnes

From: Ken Chang <fly4taiwan@yahoo.com>
Sent: Sunday, January 03, 2016 8:22 AM
To: David Barnes
Subject: Comment on SCRIVANICH PUD, CASE NO SUB15-02157

To whom it may concern,

I am submitting a public comment on the development of a surrounding PUD:

LOCATION: 11421 NE 116th Street
NEIGHBORHOOD: South Juanita

I'm a resident in the Place OneSixteen community located on the east border of this new development.
Along the fence on the west of the community, we have a lot of tall trees (30ft to 50ft),
and I have concern on the new development, which calls for a paved street right next to the fence,
might induce harm to the root systems of these trees, which if turned unhealthy could lead to property damage should they fall down.

I also have concern due to the grading of the topography of the site, that the headlights of vehicles traveling in the new community out of the cul-de-sac might potentially shine into the 2nd floor windows of the units in my community if the fence is not tall enough to block the light, causing issues for quality of living.

Thank you for your time,

Ken Chang
11419 115th Ln NE
Kirkland, WA 98033

City of Kirkland - Attn: David Barnes, Project Planner - 123 5th Avenue, Kirkland WA 98033

Reference Permit #SUB15-02157 Scrivanich PUD

Dear Mr. Barnes,

We are writing to note our objection to that portion of the above referenced permit that appears to remove part of our driveway, a tree in front of our house and a large portion, about 1/3rd, of our front yard. We don't understand the full process and we don't object to the large project as a whole, but it would appear that the section that comes in from 112th vs 116th would unnecessarily grossly alter our property. Hopefully there are other ways to accomplish the builders' objective without permanently removing 1/3rd of our front yard.

See photo below of the front of our recently purchased home and that portion of the proposed plan that shows a road cutting through our front yard via a "proposed" easement. We are that property where the wording says "proposed" easement and the road curves through a portion of our front yard. **Our address is 11416 NE 112th Street also known as "Lot C" and parcel #322605-9153-03.** As you can see the front of our house has a two car wide driveway and a one car garage. We need the driveway that is now just over 31 feet long and there is no detail as to what will happen to our front yard.

A man approached us just as we were leaving for Christmas Holiday but we did not understand exactly what he was trying to say. He basically was saying **he was going to take 9' to 12' of our front yard.** He gave us two cards for Larry and Sam Scrivanich which prompted us to have a friend stop by City Hall to get the drawing below shown next to the picture of the front of our house.

We haven't had a lot of time to consider what this all means given we were away for the Holidays. But the deadline to send you our "comments" is Tuesday after the holiday. So please accept this as our plea for a different method of access that does not cut through our front yard. We are already on public sewer, so the sewer line will not benefit our property. Our concerns are:

1) Losing 1/3rd of our front yard, a tree and 1/3rd of our driveway.

2) Costs?

3) The City indicated that this would not be "a dedication" so it would not eradicate the current joint maintenance agreement by becoming a City street. It would seem that our current and understood shared maintenance agreement for our modest current private road might be expanded to automatically obligate us under the old agreement to maintain this much larger and complex road. So even if there are no up front costs to us, there could be expanded future costs given the proposed road is much costlier to maintain and replace than the existing one.

If the new road were the same as the old road and did not propose to cut through our front yard and the new road with a sewer line running through it were to become a City Street extinguishing the old joint maintenance agreement from back in the 70's, we likely would not have an objection.

Hoping there will be an alternative proposal with a slight modification that would not create this hardship and thank you in advance for considering our objection.

Sincerely,

Josh And Edie Pawlicki

Dear City of Kirkland,

Notice of Application – Scrivanich PUD, Case # SUB15-02157

We are writing with regards to the proposed subdivision project (SUB15-02157). Us as homeowners of lot 11420 NE 112th St Kirkland, WA have yet to hear from the developers or receive any details to the proposed development. One of our major concerns is with how the developers plan on handling the road running off on 112th St into the properties.

Our understanding is that the roadway off of 112th St is a privately owned by the various homeowners along the road. Our records indicate that east 12' of the current road is jointly owned by homeowners 11420, 11422 and 11416. Any plans by the developer to utilize or develop on this roadway would require permission from each of the homeowners. One of the homeowners passed on a diagram and information they had received from the developers that plans were being made to not only develop inwards of the 12' privately owned roadway, but also ingress into our current right of way line (removal of parts of our driveway, garden space and green space. This is of major concern as property owners as we have not been informed directly by the developers of any plans and because this would negatively reduce our property size, value and livable space. In addition, the addition of multiple new homes serviced by our roadway would greatly increase vehicle traffic and would be a huge concern as our community is comprised of many children who play on our private roadway. Naturally, the increase in traffic would pose a greater safety risk for our children and families. If any reduction in our property size were to take place, we as homeowners would expect a say in how the road were to be redeveloped and used and also some sort of remuneration for the reduction in property value.

As part of this discussion we would also like to present an existing set of plans from a previous developer where a plan was in place to subdivide property and road. During planning of the previous development, an engineering firm and the developer had presented the property owners with 3 proposed options for developing the roadway. The first option was to dedicate the 12' portion of the privately owned road to the city. The second option was to grant a public right of way easement to the city and create a new landscape strip extending the lawn and the existing driveway. The third option was to retain 12'portion of the roadway as property of the homeowners and a new roadway would be developed to the west of this property line. See attached images for diagrams of the 3 proposals. In the end, we signed an agreement for option 2 to grant the city a public right of way easement while retaining our property size with the extension of the lawn and driveway. The actual road was to be moved 7 feet west of the current location, and the existing east 7 feet of road was to be replaced with landscaping and/or grass suitable to us and the city completed at no cost to us. Each of the three lots was to receive 3 new driveway approaches at no cost with the driveways sealed from the face of the garage to the new road. Part of this signed agreement was that the developers and/or the City to decommission

property 11420 NE 112th St.'s septic, lay down a new side sewer, and connect the sewer to our home's internal plumbing at no charge to us.

We have had to maintain the road at our expense, fixing potholes created largely by city waste management vehicles. It does not make sense for us to continue maintaining the road ourselves with an additional six houses and their increased traffic. The previous plan also involved the private road becoming a public, city road with a street lamp lighting. The new road was to be properly sloped to convey storm water runoff into catch basins. The existing road is flat with little run off capabilities, and water that pools in the potholes causes further road erosion with each freeze.

The previous proposition involved a new water main with 3 new water meters to our homes and the existing long water service "spaghetti" lines removed. We have had numerous instances of the water pressure and the root system of the trees damaging pipes causing expensive water bursts with both the pipes to our home and the Hershberger residence resulting in extraordinary water bills.

The main concern is that the new plan appears to involve the homeowners on the east side to sacrifice their property and greenbelt to accommodate the new road. It seems like the newer properties would gain land from what seems to continue to be a privately owned road, while the 3 existing owners will lose land.

Would the city please keep the above concerns in mind while reviewing the proposed application. We as homeowners are not opposed the proposal itself, but want to put forth some of our concerns and hope that the developers will work with the homeowners to come to some sort of agreement.

Sincerely

Andrew Fung & Cheryl Chudyk

425-605-0474

David Barnes

From: kjmax1@aol.com
Sent: Monday, January 04, 2016 5:51 AM
To: David Barnes
Subject: SUB15-02157

Dear Mr Barnes,

We are writing this letter in regards to the notice we received of the development to the Scrivanich property off 112th. We have received no communication or information as to this development before, so please excuse us if there is reference to answer our questions and hopefully you can guide us to that location, or answer them directly for us.

Under the current proposed plan we have concerns with the changes the developer would like to make to our private road.

How does the developer plan to improve our street and does that include using our private property? If so, what are the plans for our property, and what benefits to us homeowners have been proposed to offset the loss of our property and its current useage?

When a development of our private area was proposed in 2006 by the Hamish Anderson group that later fell through due to the recession, Mr Anderson met with each of us, and asked for our input as he was proposing extending our driveways, and putting in a sidewalk on the east side of the road which is our current private property. This was to help offset us losing our parking we all have been using on our private property. Is this proposed again? All of us use this side of our private property as overflow parking, as a few of us have weekly visitors for therapists etc for our children. We did not see a proposed overflow parking either for us as there is little to no parking on 112th itself.

Next, how does the developer plan to improve our street and does that include using our private property? Is the current easement on the west side of the street to be replaced with a sidewalk and the road moved over to where it should be to reflect property lines, or does the developer hope to use our property for a road?

Our next item for address was that with the development of our private road, we currently have been responsible to maintain our road with our neighbors. Under the proposed current plan, who will be carrying the burden of maintenance? We are currently connected to the sewer, and therefore we would not like to be charged (taxed) again to maintain sewer lines we are not using. Also Mr. Anderson was planning to move each of our water meters and connections if the new lines could support such a move to avoid our pipes being under the new sidewalks, and preventing maintenance issues with our lines being buried hundreds of feet long under his developed sidewalk. Because of the current private property state, each of our water lines now runs under our neighbors property lines, and we are able to access them with permission, to make repairs. If these lines are now dug up for a rainwater retention container, or they have a sidewalk over them, how are we to access our lines in need of repair.

The last item Id like to address in this letter, however, there are others, is that during construction what are the plans to our current road in the matter of allowing us access to our homes. Since there is little to no parking on 112th, the prior proposal in 2006 was that we would have no access to our private road while a retention container was placed in our street. I have an elderly mother who is handicapped and also we all have many small children. Many of us also have multiple vehicles that our families use daily. What plans have been discussed to help us with no parking, and access to our homes?

Thank you for taking the time to listen to our concerns and hopefully be able to answer them or take them into consideration.

Sincerely,

Kelly and Mike Hershberger

David Barnes

From: Annette Eberlein <ameberle@mindspring.com>
Sent: Monday, January 04, 2016 10:27 AM
To: David Barnes
Subject: SUB15-02157

Mr. Barnes- I am writing you to give my input on the proposed 27 lot subdivision in my neighborhood. Our neighborhood has had numerous short plats in the last year but this one will impact our traffic, etc. much more that those that are currently in the pipeline, specifically the two adjacent to NE 112th east and south of this project and almost directly across NE 112th from each other.

It will have a gross impact on the traffic on 116th AVE NE, 108th AVE NE, and NE 112th street due to the increase in traffic to the development itself and to A.G. Bell Elementary which is located just south and west of the proposed development. Currently during start and dismissal times at A.G. Bell the traffic on NE 112th is nearly impossible to transit in either direction and with few options to exit our neighborhood this proposed subdivision is going to make it worse without any amelioration. At commute times, both in the morning and in the evening, 116th AVE NE is backed up past 108th AVE NE making it nearly impossible to exit the neighborhood in a timely fashion.

If this subdivision is allowed to go through it is imperative that street improvements be made to handle the added traffic. I believe that the following is absolutely necessary for the safety of everyone involved who travels this area, whether by car or by foot, with the increase in traffic that this will bring to the neighboorhood:

1. A street that goes through the development connecting 116th AVE NE and NE 112th street as another means of egress from the neighborhood to the North.
2 Complete the sidewalk on the north side of NE 112th from 100th all the way through to 120th for the safety of walkers, especially the children attending Bell Elementary.
3. Work with the LWSD to improve the traffic flow in and out of Bell Elementary at start and dismissal times and ease the back log on NE 112th during those times.
4. Complete the sidewalk on both sides of 108th AVE NE from 116th AVE NE through to NE 112th for the safety of walkers to school and in general.
5. Add speed humps or some other traffic calming device to NE 112th from Bell Elementary West to at least 104th AVE NE, and East to at least ParMac. It is alarming how fast cars traverse NE 112th in both directions and it's a NEIGHBORHOOD, not light industrial.

My husband and I have lived at our current address, 11205 108th AVE NE, for 30+ years and believe in growth but believe that along with the growth it is necessary to make the necessary infrastructure improvements to continue to keep our neighborhood safe for traffic and pedestrians alike.

I am also contacting the LWSD to get their thoughts on the impact that this will have on Bell Elementary and hope that by working together the City and the District can make this neighborhood as safe as it seems to be desirable to new home buyers to live in.

Annette Eberlein
11205 108th AVE NE
Kirkland, WA 98033
ameberle@mindspring.com

Oh yes, there are currently two proposed short plats West of our home on NE 112th that will also add to the traffic woes along NE 112th. We need improvements to continue to support these situations.

I also believe that the timeline for the posting of the Notice of Application and the comment phase is/was not fair due to the fact that the holidays were smack dab in the middle when many who may want to comment were otherwise occupied. I don't want to believe that it was deliberate on the part of the City but I am suspicious that it may have been on the part of the developer.

-- Annette Eberlein ameberle@mindspring.com

David Barnes

From: Joe O <odjoe@aol.com>
Sent: Monday, January 04, 2016 11:41 AM
To: David Barnes
Subject: Permit # SUB15-02157

Dear Mr. Barnes

We have a few questions and comments for your review regarding Case No. SUB15-02157. We reside on the private road at 11414 NE 112th Street.

1. Can we get some clarity on what the plan is for the private road off 112thStreet? We've heard several different versions and want to know what was applied for and who bears the ultimate cost for the upgrades both for the subdivision and future maintenance. And is there any offer by the owner to dedicate to City to make it a City Street? Is City willing to accept?
2. We request that any approval of the application be subject to a requirement that ALL construction equipment and crew access the project from 116th. There should be little/no impact by accessing on 116th. Between the 4 houses that use the road for driveway access there are 10 children under the age of 13. There is no reason to create a safety issue if one can be avoided.
3. During road/utility improvements to private drive that road plates will be used to cover daily to allow driveway access for residents. Parking is extremely limited on 112th Street.

Thank you for your review and consideration of these items.

Sincerely,

Joe and April O'Donnell
(425) 753-7606
Odjoe@aol.com
11414 Ne 112 street
Kirkland, WA 98033

David Barnes

From: Carolyn Baker <cyfoxy38@gmail.com>
Sent: Monday, January 04, 2016 4:37 PM
To: David Barnes
Subject: Scrivanich PUD, case no. SUB15-02157

Dear Mr. Barnes,

As a resident of Place 116 and one that backs up to your proposed project, we feel you should know that we have similar concerns as earlier expressed by our neighbor, Jan Sanford. Since she wrote an extensive, detailed letter to you with her questions, it would be redundant to pose the same so please be informed that our concerns match hers. We want to make sure that the appropriate considerations are put in place so that our privacy stays intact while your property is being developed and then occupied by new homeowners.

We'll look forward to answers to those concerns and further hearings.
Sincerely,
Keith and Carolyn Baker
Unit 14

Sent from my iPad

David Barnes

From: Tom M <mcgtom10@gmail.com>
Sent: Monday, January 04, 2016 10:56 PM
To: David Barnes
Subject: SUB15-02157 Comment

Name: Thomas McGuire
Mailing Address: 11421 NE 116th St. Kirkland 98034
Permit Number: SUB15-02157

Regarding the Type III Wetland Buffer Modification mentioned in the notice of application. It's unclear if the reduction of 25 ft. would apply to an initial 100 ft or 75 ft.

Due to the increase of disturbances for pets and humans, increased light pollution, noise pollution and alteration of the water regime buffer widths under 75 seem incapable of adequately protecting the wetland. Please take a seriously look at the impacts to the wetland areas and consider the changes to the surrounding land use and how those may impact the existing wetland rating.

Thank you for taking the time to hear my comment.
Sincerely,
-Tom McGuire

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: David Barnes, Planner

From: Rob Jammerman, Development Engineering Manager
Tuan Phan, P.E., Development Engineer
Thang Nguyen, Transportation Engineer

Date: September 7, 2016

Subject: Scrivanich PUD Public Comment Response, File No. SUB15-02157

The Public Works Department has received the public comment letters related to the Scrivanich PUD, File No. SUB15-02157. After reviewing the letters and summarizing the questions and comments, we can offer the following:

(Responses are bulleted following each question.)

1. How will Road B from NE 112th Street be improved and what land is being dedicated as public right-of-way?
    - Road B will be a 24-ft wide paved public roadway.
    - A 5-ft. wide sidewalk will be installed along the west side of Road B.
    - The 'pan handle' portion of the lot, 25 ft. in width, will be dedicated to public right-of-way from NE 112th Street. In addition, a 12 ft. access and utility easement on the east-adjacent side of the right-of-way will encompass a portion of the roadway. North of the pan handle portion, the right-of-way dedication will be 35' or greater to encompass the necessary street improvements.

2. Will on-street parking on Road B be allowed after the development is completed?
    - Yes, on-street parking on Road B will be allowed.

3. How will the existing private water and sewer lines under Road B be handled?
    - New water and sanitary sewer mains will be installed along Road B.
    - Existing services will be improved to connect to the new mains.
    - Changeover of services will be coordinated in advance with affected residences.

4. How will access to the existing homes along Road B be maintained during construction? (Also comment about road plating to maintain access).

- Appropriate construction phasing and controls will maintain access to the existing homes during the construction of Road B. The contractor may deploy a combination of devices such as barricades to delineate the work area, and plates or ramps to facilitate access over portions of roadway under construction.

5. Who will be responsible for maintenance of Road B after it is improved?
    - Once completed, the City of Kirkland will maintain Road B (and Road A).

6. How will the traffic impacts to NE 112th Street be mitigated and can the developer be require to work with Lake Washington School District to ease congestion on NE 112th Street?
    - Refer to the memorandum dated August 26, 2016 – Traffic Concurrency Test Notice Extension.

7. How many trips will be added to the streets from this project?
    - Refer to the memorandum dated August 26, 2016 – Traffic Concurrency Test Notice Extension, and Traffic Impact Analysis dated March 8, 2016.

8. Can the two streets be connected through?
    - No, the connection of Road A and Road B is not feasible for two main reasons: (a) connection of the roads will invite through traffic between NE 112th St and NE 116th St, which is not desirable for safety reasons (increase traffic volume and higher traveling speeds of through vehicles); and (b) an open space tract with a 50-ft wetland buffer at the center of the site also limits the ability to connect the two roads.

9. Can off-site sidewalks be required along NE 112th Street, and 108th Ave. NE?
    - Off-site sidewalks are not required. The Kirkland Zoning Code (KZC) only require sidewalk and other public improvements in the right-of-way(s) abutting the development.

10. Can the developer be required to install traffic calming to NE 112th Street?
    - Traffic calming is not required for the development. Traffic calming projects are managed by the Neighborhood Safety Program, in conjunction with the Capital Improvement Program.

11. Can the City require all construction access from NE 116th Street?
    - No, the City cannot require all construction access to be from NE 116th Street. Due to the extent of the site, construction access will utilize both NE 112th St and NE 116th St.

12. How will the surface water runoff be handled from NE 112th Street?
    - Surface water runoff from NE 112th St will be collected and conveyed by the public drainage system available along NE 112th St.

13. Why is Road A located along the east property line instead of the west property line?
    - Road A is located along the east property line to prevent left turn conflicts with 114th Drive NE on the north side of NE 116th St. The required minimum spacing is 50 ft. from nearest edge to nearest edge.

14. How will construction noise and dust be mitigated?
    - The contractor is required to provide noise and dust suppression measures to stay within the allowable limits. The City inspector and/or code enforcement officer will monitor for noise and dust violations, and will enforce applicable provisions of the Kirkland Municipal Code.

15. Can a privacy brick fence be required along the east property line adjacent to road A?
    - No, a privacy brick fence is not required by the KZC.

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: David Barnes, Associate Planner

From: Thang Nguyen, Transportation Engineer

Date: August 26, 2016

Subject: Scrivanich Single Family Development Traffic Concurrency Test Notice Extension, SUB15-02157.

This memo summarizes my review of the traffic impact analysis report for the proposed Scrivanich single-family development.

Project Description

The applicant proposed to replace three existing single family homes with 27 new single-family homes. One driveway from NE 116th Street will provide access to 19 single-family homes and another driveway from NE 112th Street will provide access to 8 single-family homes. There will not be a through connection between NE 116th Street and NE 112th Street. The proposed project is anticipated to be completely built and occupied by the end of 2017. The project is forecasted to generate 293 daily trips, 30 net new PM peak hour trips and 30 net new AM peak hour trips.

Staff Findings

The proposed project passed traffic concurrency. Therefore, no off-site concurrency mitigation is required.

The proposed project will not create significant SEPA traffic impacts that warrant specific off-site transportation mitigation.

Staff Recommendations

SEPA Mitigation

Staff does not recommend any SEPA traffic mitigation because the proposed project will not create significant off-site SEPA traffic impacts.

Public Works Permit Conditions:

1. Pay transportation impact fees as discussed in the Transportation Impact Fee section of this memo.
2. Construct frontage improvements to include at a minimum- curb, gutter and sidewalk.

Traffic Concurrency
Developments are tested for traffic concurrency for the weekday PM peak hour. The proposed project passed traffic concurrency. Per *Section 25.10.020 Procedures* of the KMC, this Concurrency Test Notice expires within one year of the concurrency test notice (February 8, 2017) unless a development permit and certificate of concurrency are issued or an extension is granted prior to the expiration of the concurrency test notice.

Traffic Impacts
The scope of the traffic report was completed in accordance to the City of Kirkland TIA guidelines.

The citywide trip distribution was determined by using the Bellevue-Kirkland-Redmond (BKR) traffic model.

The City's Traffic Impact Analysis Guidelines (TIAG) requires a level of service (LOS) analysis using the Highway Capacity Manual Operational Method for intersections that have a proportionate share equal or greater than 1% as calculated using the method in the TIAG. Based on the proportionate share calculation for the full build-out of the proposed project, none of the public intersections met the 1% proportionate share threshold.

Traffic Mitigation Threshold
The City requires developers to mitigate traffic impacts when one of the following two conditions is met:

1. An intersection level of service is at E and the project has a proportional share of 15% or more at the intersection.
2. An intersection level of service is at F and the project has a proportional share of 5% or more at the intersection.

Since the proposed project has less than 1% proportional share impact, the proposed project will not create significant off-site traffic impact; thus, no off-site traffic mitigation is required.

Driveway Safety and Operation
The proposed project driveway off NE 116th Street exceeds the city's sight distance requirement of 390 feet. The proposed project driveway off NE 112th Street exceeds the city's sight distance requirement of 280 feet.

The proposed driveway off NE 116th Street will meet the City's minimum spacing requirement of 150 feet. The proposed driveway off NE 112th Street will meet the City's minimum spacing requirement of 50 feet.

For the project driveway connecting to an arterial street with a 35 mile per hour speed limit, it is also required that it has a 200-foot spacing offset to the left of an existing opposing driveways. The project driveway off NE 116th Street meets this condition. The

limited frontage of the project site does not allow the project driveway meet the 200-foot spacing requirement; the project driveway has an offset of 130 feet. Although the project driveway does not meet the offset requirement, there is a straight line of view between the two driveways and the street is relatively flat. There are similar driveway conditions on NE 116th Street to the west of the project site and there haven't been any car crashes at those locations due to the limited offset spacing. Therefore, it is anticipated that the proposed driveway will operate safely.

Frontage Improvements
The applicant is required to construct curb, gutter and sidewalk along the frontages of the project site. The applicant is not required to build curb, gutter and sidewalk beyond the project's frontages.

Parking
The planning department will determine the parking requirement for the proposed project.

TRANSPORTATION IMPACT FEE
Per City's Ordinance 4502, Transportation Impact Fees is required for all developments and is calculated based on the most updated Transportation Impact Fee Schedule, January 1, 2016. Road impact fees are used to construct transportation capacity improvements throughout the City to help the City maintain traffic concurrency. Table 1 summarizes the road impact fee calculation for the proposed project. The final impact fee will be determined through the building permit process.

Table 1. Road Impact Fee

	Size	Impact Fee Rate	Impact Fee
Proposed Single-family	27	$5,009 per unit	$135,243
Existing Single-family	3	$5,009 per unit	($15,027)
Net New Impact Fee			$120,216

cc: Matthew Palmer, GTC
Rob Jammerman, Development Engineer Manager

CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
www.kirklandwa.gov ~ 425.587.3600

MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

Case No.: SEP15-02160 **DATE ISSUED:** September 13, 2016

Project Name: Scrivanich Subdivision and PUD

Project Location: 11421 and 11431 NE 116th Street, including two adjacent undeveloped parcels: 322605-9135, 322605-9113 and property at 11406 NE 112th Street

Project Description: Proposal to aggregate five parcels and subdivide them into 27 single family lots in the RS 8.5 Use Zone utilizing the Planned Unit Development (PUD) Zoning Code provisions. The project also involves a wetland buffer modification through enhancement.

Proponent: Steven Anderson, LDC Inc.

Project Planner: David Barnes

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 MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date issued. Comments must be submitted to David Barnes, project planner at dbarnes@kirklandwa.gov by 5:00 PM on September 27, 2016. Please reference case number SEP15-02160. Mitigation required to be incorporated into the Project:

1. As part of the submittal for the LSM permit (grading permit), the applicant shall submit plans showing dense evergreen tree plantings along the eastern property line on top of the retaining walls as shown on the headlight mitigation plan (see Attachment 10).

2. Prior to final inspection for any building permits for new homes on Lots 8-19 and Lots 27 and 28, the dense evergreen tree plantings required by the City shall be completed, inspected, and approved by the City.

September 9, 2016

Responsible official: _____

Eric R. Shields, AICP, Planning & Building Director Date
City of Kirkland
Planning & Building Department
123 Fifth Avenue, Kirkland, WA 98033 – 425.587.3600

☒ You may appeal this determination to the Planning & Building Department at City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 PM on September 27, 2016 (14 days from date issued) by a Written Notice of Appeal. You should be prepared to make specific factual objections and reference case number SEP15-02160. Contact David Barnes, project planner in the Planning & Building Department at 425.587.3250 to ask about the procedures for SEPA appeals. See also KMC 24.02.230 Administrative Appeals.

Publish in The Seattle Times on: September 15, 2016

Distribute this notice with a copy of the Environmental Checklist to:

GENERAL NOTICING

- Department of Ecology - Environmental Review
- Muckleshoot Tribal Council - Environmental Division, Tribal Archeologist
- Muckleshoot Tribal Council - Environmental Division, Fisheries Division Habitat
- Cascade Water Alliance – Director of Planning
- South Juanita Neighborhood Association
- Lake Washington School District No. 414: Budget Manager and Director of Support Services

AGENCIES WITH JURISDICTION, AFFECTED AGENCIES, AND/OR INTERESTED PARTIES

- Department of Fish and Wildlife – Olympia
- Department of Natural Resources – SEPA Center
- Washington State Department of Transportation – Local and Development Services Manager
- Muckleshoot Tribal Council - Environmental Division, Fisheries Division Habitat Program
- U.S. Army Corps of Engineers - Seattle District
- Eastside Audubon Society
- Parties of Record

cc: Applicant
Planning Department File, Case No. SUB15-02157
Public Works Department Transportation Engineer

Distributed by: _____ September 13, 2016
(Angela Martin, Office Specialist) Date

XV.I. North/South Juanita Neighborhood

interpretive centers. The interpretive centers should emphasize the biological importance of the wetland and the importance of protecting the resource. Measures should be taken to open significant views of the lake whenever possible which will benefit the general public, provided the action will not negatively impact the wetland. The portion of the Juanita Creek wetlands east of Juanita High School should also be left in a natural state. Public access and interpretive centers as described for the Juanita Bay wetlands should be developed in this area along with the rest of the wetland.

The policies found in the Natural Environment and Shoreline Area Chapters should be observed along with the policies described in this section when reviewing development proposals in Juanita to ensure the protection of the drainage, habitat, and aesthetic functions of the natural resources.

3. Living Environment

Most single-family residential areas in Juanita are designated at six units per acre.

Juanita is a varied neighborhood with significant and well-defined multifamily and single-family areas. The majority of the single-family residential areas in the neighborhood are designated for development at six units per acre (Figure J-2). There should be no encroachment of multifamily or commercial development into these areas. New development along collector or arterial streets should combine driveways whenever possible.

Clustered housing at up to seven units per acre is allowed on the south side of NE 116th Street, subject to conditions.

A number of sites fronting on the south side of NE 116th Street have been developed with common wall or clustered housing at a single-family density. Low-density development up to five units per acre is allowed, and slightly higher densities up to seven units per acre may be permitted subject to the following conditions:

(1) This added increment of density would only be allowed through a Planned Unit Development permit.

(2) Visual buffering by a landscaped setback (normally 40 feet) should separate the slightly higher density development from adjacent single-family residences.

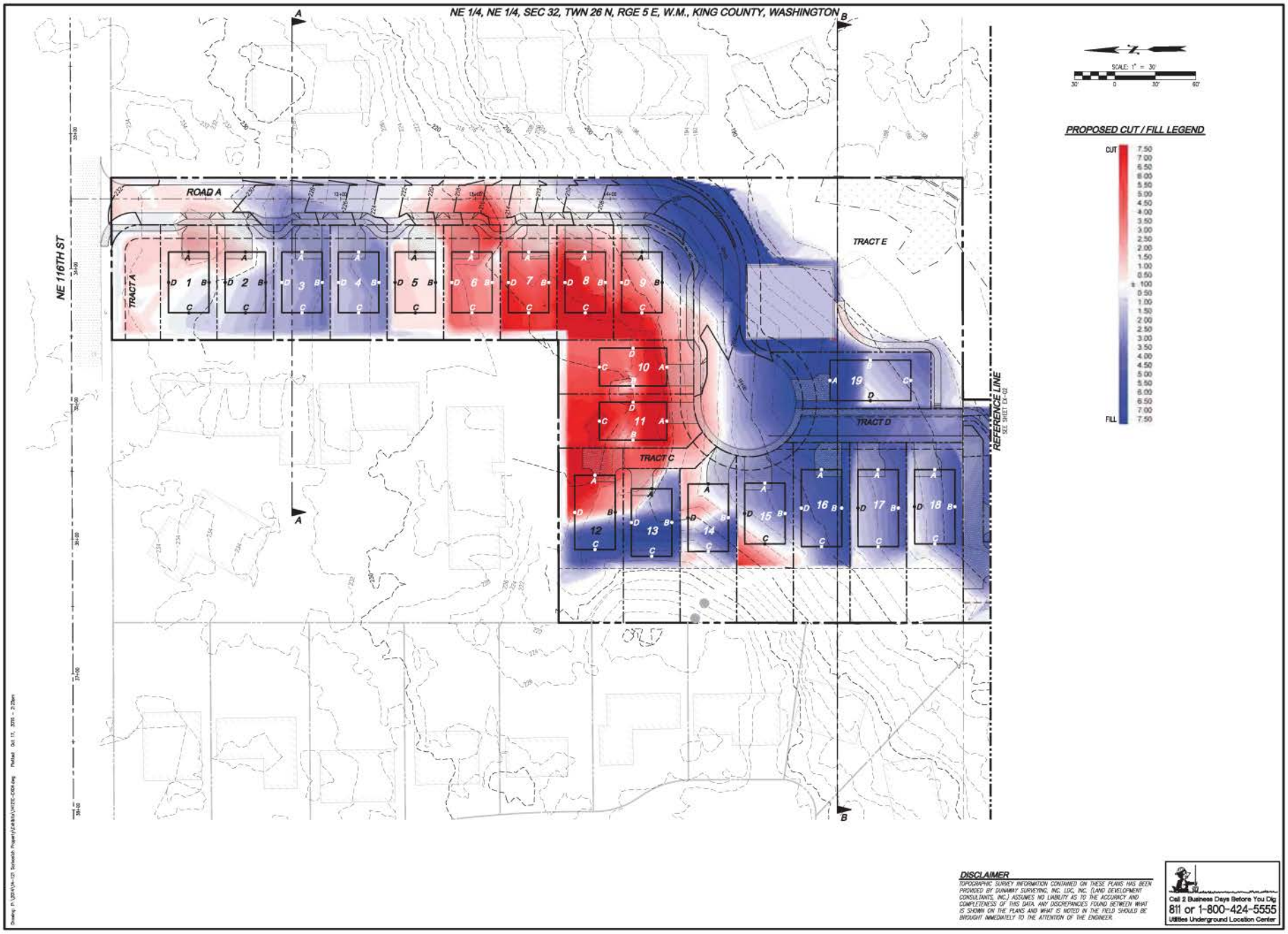
(3) There is to be no direct access from individual dwelling units onto NE 116th Street. Access to NE 116th Street is to be limited to interior loop roads, cul-de-sacs, or similar streets. The added increment of density should not be available to properties where topographic conditions pose traffic hazards due to line-of-sight problems. Furthermore, access should be limited to NE 116th Street and not onto residential streets to the south.

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

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

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

(7) Some common open space usable for a variety of activities should be included on site.


NE 1/4, NE 1/4, SEC 32, TWN 26 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON
NE 116TH ST
ROAD A
TRACT A
TRACT C
TRACT D
TRACT E
REFERENCE LINE
SEE SHEET C1-02
SCALE: 1" = 30'
PROPOSED CUT / FILL LEGEND
CUT
FILL
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Utilities Underground Location Center
REVISIONS
NO. DATE DESCRIPTION BY
LDC
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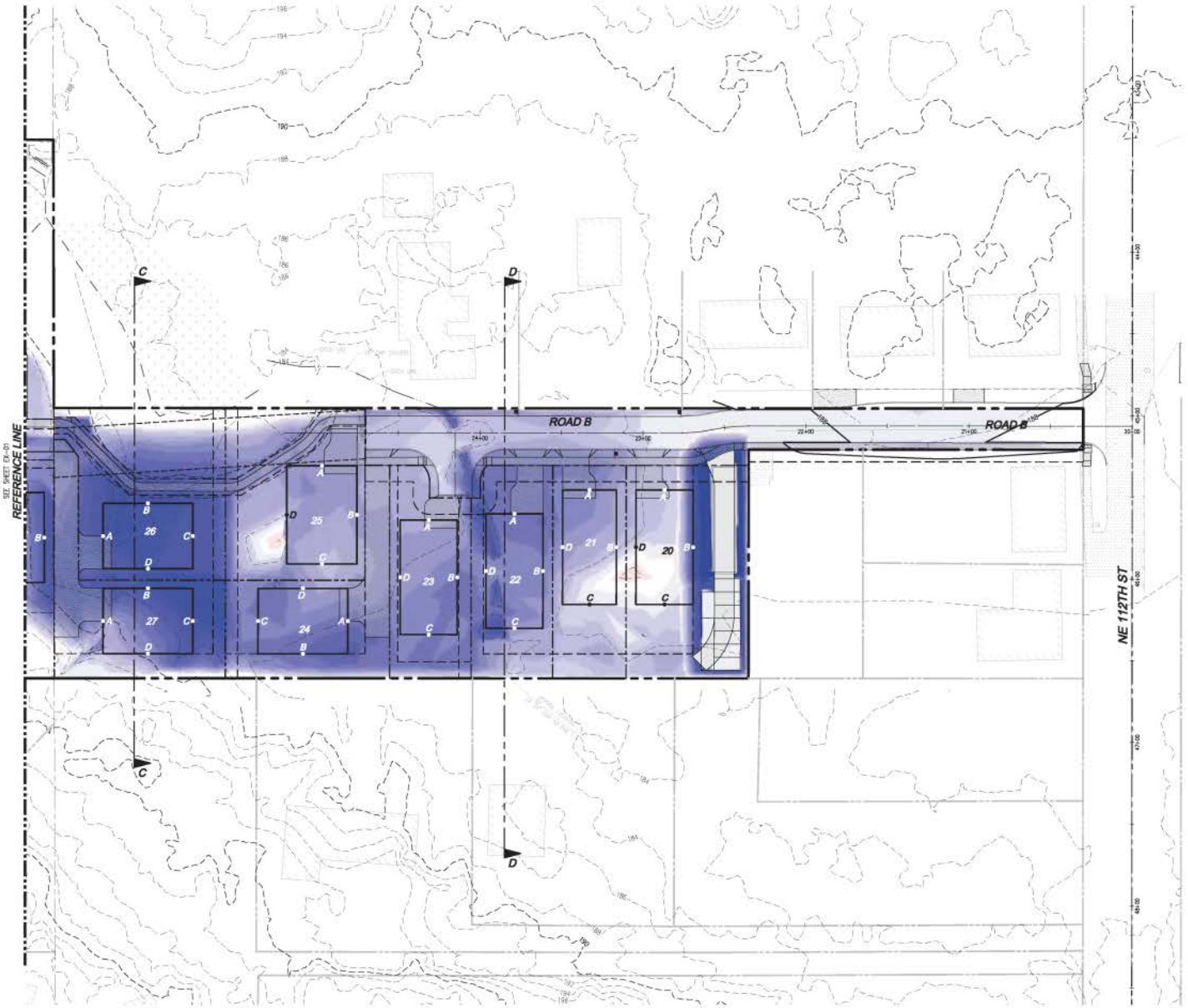
Structural
Planning
Survey
LARRY SCRIVANICH
SCRIVANICH PROPERTY
BUILDING HEIGHT EXHIBIT
JOB NUMBER: 14-121
DRAWING NAME: 14121E-EX04.dwg
DESIGNER: MEV
DRAFTING BY: BJN
DATE: 8-31-15
SCALE: 1"=30'
JURISDICTION: CITY OF KIRKLAND
EX-01
SHEET 1 OF 4

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



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LARRY SCRIVANICH

SCRIVANICH PROPERTY

BUILDING HEIGHT EXHIBIT

MARK B. VILLICH
STATE OF WASHINGTON
21009
REGISTERED
PROFESSIONAL ENGINEER

JOB NUMBER:	14-121
DRAWING NAME:	14121E-EX04.dwg
DESIGNER:	MEV
DRAFTING BY:	BJN
DATE:	8-31-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

EX-02

SHEET 2 OF 4

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

* Finished Floor Elevation is also the Post Development Average Building Elevation (ABE)

BUILDING HEIGHT TABLE

LOT #		LENGTH (FT)	EXISTING ELEV		EXISTING AVG BLDG ELEV	EXISTING MAX BLDG HEIGHT ALLOWED	ELEV @ BACK OF WALK (BOW)	FT ABOVE BACK OF WALK	FINISH FLOOR ELEV *	MAX BLDG HT	HOUSE TYPE	PROP TOP OF BLDG ELEV
1	A	32	333.13									
	B	48	330.22									
	C	32	330.30									
	D	48	333.42									
				=	331.8	356.8	331.33	0.50	331.73	356.18	A	356.73
2	A	32	330.70									
	B	48	328.91									
	C	32	328.54									
	D	48	329.79									
				=	329.8	354.8	330.60	0.50	331.10	354.19	A	354.10
3	A	32	326.27									
	B	48	325.76									
	C	32	326.61									
	D	48	327.31									
				=	326.5	351.5	326.33	0.50	326.83	352.48	A	353.83
4	A	32	323.85									
	B	48	323.80									
	C	32	324.41									
	D	48	323.04									
				=	324.0	349.0	324.27	0.50	324.77	349.26	A	351.77
5	A	32	322.81									
	B	48	322.72									
	C	32	323.24									
	D	48	323.42									
				=	323.1	348.1	320.89	0.50	321.39	346.67	A	346.33
6	A	32	320.49									
	B	48	320.80									
	C	32	321.63									
	D	48	322.39									
				=	321.6	346.6	318.14	0.50	318.64	343.81	A	343.64
7	A	32	315.82									
	B	48	316.48									
	C	32	316.91									
	D	48	316.55									
				=	316.6	343.6	312.40	0.50	312.90	340.67	A	337.90
8	A	32	313.39									
	B	48	313.80									
	C	32	317.85									
	D	48	317.85									
				=	315.5	340.5	309.97	0.50	310.47	240.78	A	335.97
9	A	32	308.91									
	B	48	308.01									
	C	32	311.97									
	D	48	311.85									
				=	309.0	334.0	307.47	0.50	307.97	333.96	A	332.97
10	A	32	308.85									
	B	48	313.10									
	C	32	314.99									
	D	48	317.66									
				=	315.6	340.6	334.24	0.50	334.74	340.01	B	338.74
11	A	32	312.53									
	B	48	314.62									
	C	32	322.29									
	D	48	317.11									
				=	316.5	341.5	333.90	0.50	334.40	341.51	B	339.40
12	A	32	320.40									
	B	48	313.84									
	C	32	313.62									
	D	48	316.80									
				=	316.7	341.7	313.00	0.50	313.50	341.71	B	338.50
13	A	32	311.61									
	B	48	310.14									
	C	32	317.20									
	D	48	312.40									
				=	312.0	337.0	310.09	0.50	311.09	337.64	B	334.09
14	A	32	304.85									
	B	48	308.51									
	C	32	313.98									
	D	48	308.99									
				=	308.0	333.0	303.70	0.50	304.20	333.03	B	329.70

LOT #		LENGTH (FT)	EXISTING ELEV		EXISTING AVG BLDG ELEV	EXISTING MAX BLDG HEIGHT ALLOWED	ELEV @ BACK OF WALK (BOW)	FT ABOVE BACK OF WALK	FINISH FLOOR ELEV *	MAX BLDG HT	HOUSE TYPE	PROP TOP OF BLDG ELEV
15	A	32	301.40									
	B	48	301.80									
	C	32	305.96									
	D	48	304.47									
				=	303.4	328.4	303.50	0.50	304.00	328.36	A	328.00
16	A	32	199.20									
	B	48	199.25									
	C	32	201.06									
	D	48	200.49									
				=	199.5	324.5	323.10	0.50	323.60	324.46	D	327.60
17	A	32	195.15									
	B	48	194.77									
	C	32	199.10									
	D	48	197.24									
				=	196.7	323.7	193.00	0.50	193.50	323.75	D	326.50
18	A	32	190.47									
	B	48	190.67									
	C	32	191.14									
	D	48	192.87									
				=	190.8	315.8	193.00	0.50	193.50	316.46	D	319.46
19	A	32	193.47									
	B	48	190.81									
	C	32	189.86									
	D	48	192.30									
				=	191.8	316.8	283.00	0.50	283.50	316.86	D	326.50
20	A	40	186.91									
	B	37	188.80									
	C	40	189.00									
	D	37	188.48									
				=	188.7	313.7	187.20	0.50	187.70	291.67	G	312.70
21	A	33	184.81									
	B	37	185.83									
	C	33	188.72									
	D	37	184.81									
				=	185.5	310.5	187.48	0.50	187.98	310.49	G	312.98
22	A	37	184.04									
	B	37	184.97									
	C	37	185.98									
	D	37	185.30									
				=	185.1	310.1	187.69	0.50	188.19	310.06	G	313.19
23	A	37	186.82									
	B	37	185.16									
	C	37	185.91									
	D	37	186.96									
				=	186.0	310.8	186.00	0.50	186.50	310.64	G	313.50
24	A	50	186.00									
	B	53	186.66									
	C	50	186.27									
	D	53	185.78									
				=	186.2	311.2	186.00	0.50	186.50	311.16	E	314.50
25	A	50	185.38									
	B	53	186.64									
	C	50	187.32									
	D	53	187.19									
				=	186.9	311.9	186.00	0.50	186.50	311.66	F	313.76
26	A	40	183.55									
	B	37	183.03									
	C	40	185.47									
	D	37	185.34									
				=	186.0	311.0	181.54	0.50	182.04	311.02	E	317.04
27	A	40	185.68									
	B	37	185.97									
	C	40	185.86									
	D	37	186.64									
				=	186.3	313.3	180.44	0.50	180.94	313.31	E	317.94

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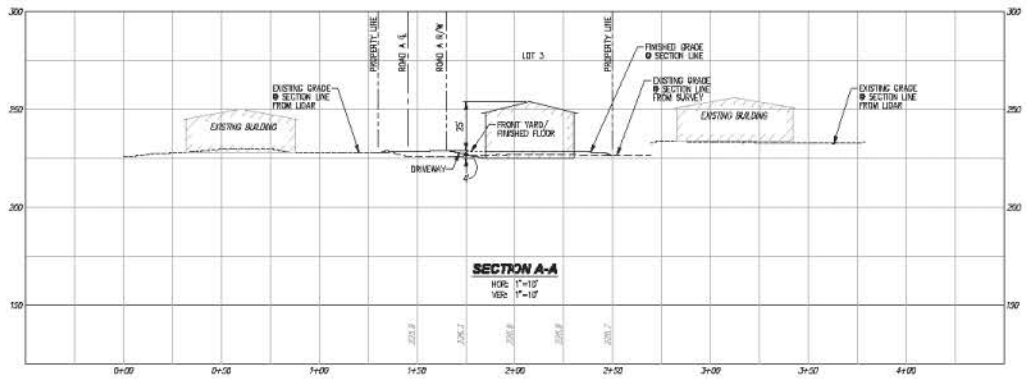
LARRY SCRIVANICH
SCRIVANICH PROPERTY
BUILDING HEIGHT EXHIBIT

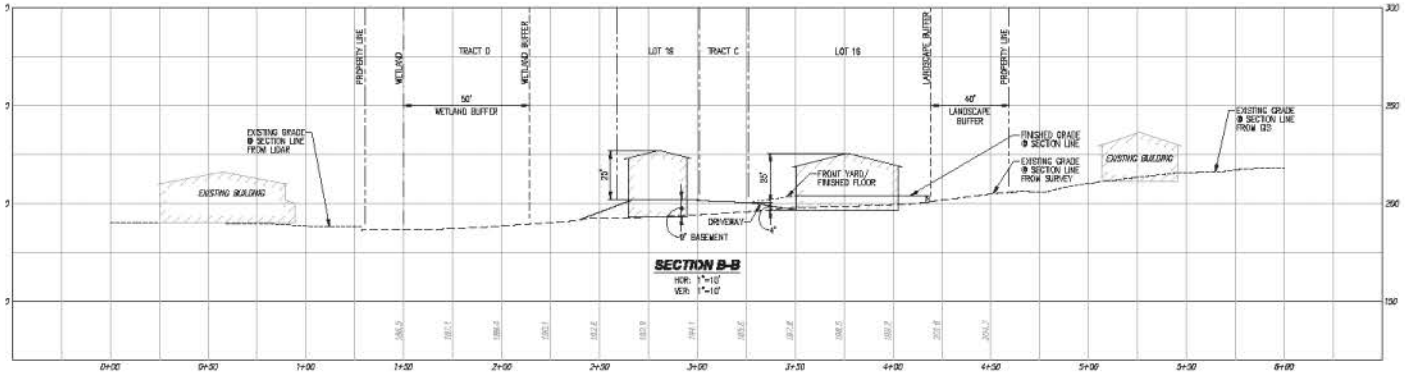
JOB NUMBER: 14-171
DRAWING NAME: 14171E-EX04.dwg
DESIGNER: MEV
DRAFTING BY: BJN
DATE: 8-31-15
SCALE: 1"=30'
JURISDICTION: CITY OF KIRKLAND

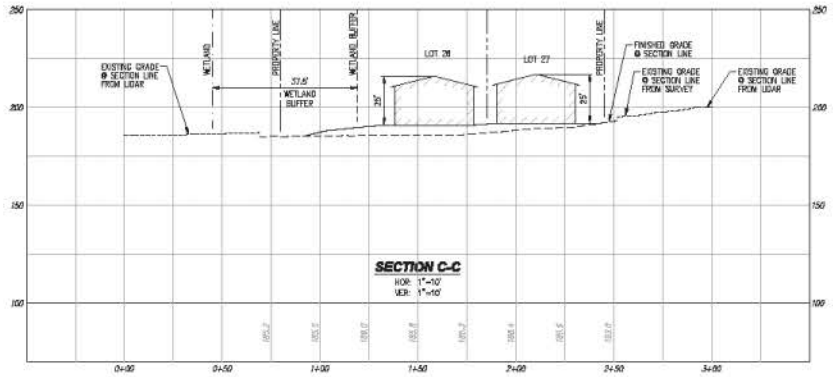
EX-03
SHEET 3 OF 4

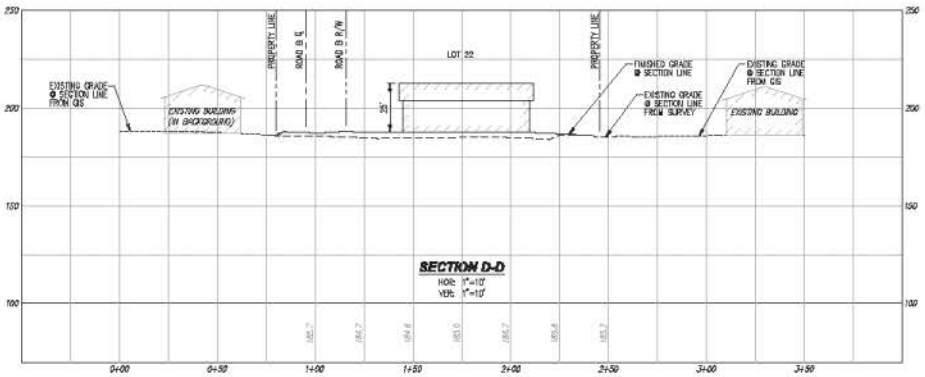
Drawing P:\2014\14-171 Scrivanich Property\Cadd\14171E-EX04.dwg Plotted: Oct 12, 2015 - 2:28pm

NE 1/4, NE 1/4, SEC 32, TWN 28 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON









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LARRY SCRIVANICH

SCRIVANICH PROPERTY

BUILDING HEIGHT EXHIBIT

JOB NUMBER:	14-172
DRAWING NAME:	14172E-D04.dwg
DESIGNER:	MEV
DRAFTING BY:	BJN
DATE:	8-21-15
SCALE:	1"=10'
JURISDICTION:	CITY OF KIRKLAND

EX-04

SHEET 4 OF 4

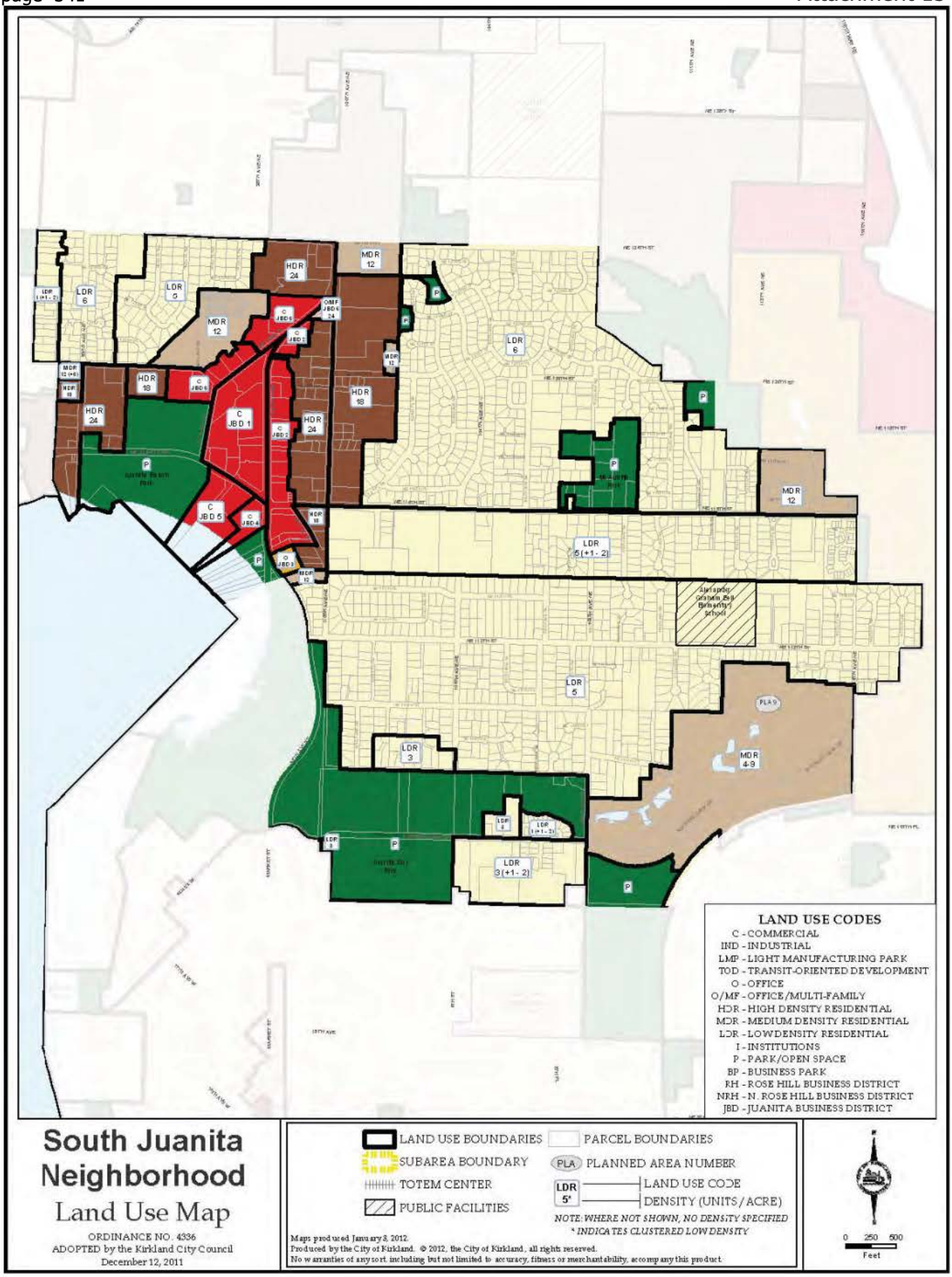


Figure J-2b: South Juanita Land Use

LANDSCAPED GREENBELT EASEMENT

Parcel Data File: _____

Grantor: _____, owner of the hereinafter described real property, hereby grants to

Grantee: The City of Kirkland, a municipal corporation.

The undersigned grantors covenant to the City of Kirkland that they are all of the fee owners of the real property described in Exhibit B and hereby grant and convey a landscaped greenbelt easement over and across the portion of said real property as described in Exhibit A.

Landscaping within the area of this easement shall be installed and maintained in accordance with the plan approved by the City of Kirkland in connection with File/Permit No. _____ at the grantor's expense.

Except for ordinary landscape maintenance, no tree trimming, tree topping, tree cutting or tree removal, nor shrub or brush-cutting, or removal, nor construction, clearing or alteration activities shall occur within the easement area without prior written approval from the City of Kirkland. Application for such written approval to be made to the Kirkland Department of Planning and Community Development who may require inspection of the premises before issuance of the written approval and following completion of the activities. Any person conducting or authorizing such activity in violation of this paragraph or the terms of any written approval issued pursuant hereto, shall be subject to the enforcement provisions of Chapter 170, Ordinance 3719, the Kirkland Zoning Code. In such event, the Kirkland Department of Planning and Community Development may also require within the immediate vicinity of any damaged or fallen vegetation, restoration of the affected area by planting shrubs of comparable size and/or trees of three inches or more in diameter measured one foot above grade. The Department also may require that the damaged or fallen vegetation be removed.

Each undersigned grantor further agrees to maintain all vegetation within the landscaped greenbelt easement.

Each of the undersigned owners agree to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, including costs, expenses and attorney's fees incurred in the investigation and defense of said claims, which may be made against the City, its officers, agents, or employees for any damage to property or injury to any person arising out of the maintenance of said landscaped greenbelt easement over said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, excepting therefrom only such claims as may arise solely out of the gross negligence of the City of Kirkland, its officers, agents, or employees.

This easement is given to satisfy a condition of the development permit approved by the City of Kirkland under Kirkland File/Permit No. _____, for construction of _____, upon the real property described in Exhibit B.

This easement shall be binding upon the parties hereto, their successors and assigns, and shall run with the land. This Easement shall, at the expense of the undersigned grantors, be recorded by the City of Kirkland with the King County Department of Elections and Records.

Exhibit A - Easement Description:

Exhibit B - Legal Description of Grantor's Property:

DATED this _____ day of _____, _____.

(Sign in blue ink)

(*Individuals Only*)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

_____

_____

_____

(*Individuals Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____and _____to me known to be the individual(s) described herein and who executed the Landscaped Greenbelt Easement and acknowledged that _____ signed the same as _____free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(*Partnerships Only*)

OWNER(S) OF REAL PROPERTY

_____
(Name of Partnership or Joint Venture)

_____
By General Partner

_____
By General Partner

_____
By General Partner

(*Partnerships Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____and _____ to me, known to be general partners of _____, the partnership that executed the Landscaped Greenbelt Easement and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

_____
(Name of Corporation)

_____
By President

_____
By Secretary

(*Corporations Only*)

STATE OF WASHINGTON)
) SS.
County of King)

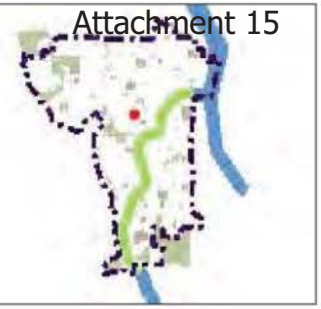
On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____and _____ to me, known to be the President and Secretary, respectively, of _____, the corporation that executed the Landscaped Greenbelt Easement and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

Rectangular Rapid Flashing Beacons Location (RRFB)



Legend

- Address
  - Other Address
  - Current Address
  - Current ADU
  - Pending Address
- City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Place Names
- Buildings
- Parks
- Schools
- Olympic Pipeline Corridor

1: 683

Notes

0.0 0 0.01 0.0 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

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No warranties of any sort, including but not limited to accuracy, fitness, or merchantability, accompany this product.

THE WATERSHED COMPANY

SCIENCE & DESIGN

September 21, 2016

David Barnes
City of Kirkland Planning and Community Development
123 – 5th Avenue
Kirkland, WA 98125

Re: Revised Wetland Buffer Modification Report Review - Scrivanich Properties
TWC project number 120622.39

Dear David:

The Wetland Resources, Inc. buffer modification plan has been revised in response to our September 9, 2016 review comments. The revised plan was apparently not updated to reflect the third revision date, presumably mid-September 2016

The proposal remains to redevelop the properties by subdividing into 27 separate single-family lots. The buffer is proposed to be reduced for a small portion of the stormwater vault, a small area of one retaining wall and to accommodate portions of lots 25 and 26. Buffer alteration due to the placement of two level-spreader stormwater outfalls is also proposed.

Findings
The bond cost estimate has been updated and now includes accurate costs for topsoil and the consultant hourly for construction monitoring.

There are no additional changes needed and the proposal now meets the buffer modification requirements of Kirkland Zoning Code Chapter 90.

Please call if you have any questions or if I can provide you with any additional information.

Sincerely,

Hugh Mortensen, PWS
President

th Street South | Kirkland, WA 98033
22.5242 | f 425.827.8136 | watershedco.com

NATURAL GREENBELT PROTECTIVE EASEMENT

Grantor: _____, owner of the hereinafter described real property, hereby grants to

Grantee: The City of Kirkland, a municipal corporation.

A natural greenbelt protective easement over and across the following described real property to wit ("Easement Area"):

No tree trimming, tree topping, tree cutting, tree removal, shrub or brush-cutting or removal of native vegetation, application of pesticides, herbicides, or fertilizers; construction; clearing; or alteration activities shall occur within the Easement Area without prior written approval from the City of Kirkland. Application for such written approval to be made to the Kirkland Department of Planning and Community Development who may require inspection of the premises before issuance of the written approval and following completion of the activities. Any person conducting or authorizing such activity in violation of this paragraph or the terms of any written approval issued pursuant hereto, shall be subject to the enforcement provisions of Chapter 170, Ordinance 3719, the Kirkland Zoning Code. In such event, the Kirkland Department of Planning and Community Development may also require within the immediate vicinity of any damaged or fallen vegetation, restoration of the affected area by planting replacement trees and other vegetation as required in applicable sections of the Kirkland Zoning Code. The Department also may require that the damaged or fallen vegetation be removed.

It is the responsibility of the property owner to maintain critical areas and their buffers by removing non-native, invasive, and noxious plants in a manner that will not harm critical areas or their buffers and in accordance with Kirkland Zoning Code requirements for trees and other vegetation within critical areas and critical area buffers.

The City shall have a license to enter the Easement Area (and the property if necessary for access to the Easement Area) for the purpose of monitoring compliance with the terms of this easement.

Development outside of this Natural Greenbelt Protective Easement may be limited by codified standards, permit conditions, or movement of the critical area.

Each of the undersigned owners agree to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, which may be made against the City, its officers, agents, or employees for any damage to property or injury to any person arising out of the existence of said Natural Greenbelt Protective Easement over said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, including all costs and expenses, and recover attorney's fees as may be incurred by the City of Kirkland in defense thereof; excepting therefrom only such claims as may arise solely out of the negligence of the City of Kirkland, its officers, agents, or employees.

This easement is given to satisfy a condition of the development permit approved by the City of Kirkland under Kirkland File/Permit No. _____, for construction of _____ upon the following described real property:

This easement shall be binding upon the parties hereto, their successors and assigns, and shall run with the land.

DATED at Kirkland, Washington, this _____ day of _____, _____.

(Sign in blue ink)

(*Individuals Only*)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

_____

_____

_____

(*Individuals Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____and _____to me known to be the individual(s) described herein and who executed the Natural Greenbelt Protective Easement and acknowledged that _____ signed the same as _____free and voluntary act and deed, for the uses and purposes therein mentioned.
WITNESS my hand and official seal hereto affixed the day and year first above written.

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(*Partnerships Only*)

OWNER(S) OF REAL PROPERTY

_____
(Name of Partnership or Joint Venture)

_____
By General Partner

_____
By General Partner

_____
By General Partner

(*Partnerships Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____and _____ to me, known to be general partners of _____, the partnership that executed the Natural Greenbelt Protective Easement and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

_____
(Name of Corporation)

_____
By President

_____
By Secretary

(*Corporations Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____and _____ to me, known to be the President and Secretary, respectively, of _____, the corporation that executed the Natural Greenbelt Protective Easement and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

SAVE HARMLESS AGREEMENT - WETLAND

The undersigned, being all of the owners of the hereinafter described real property, hereby agree to indemnify, defend, and save harmless the City of Kirkland, its officers and employees from any claim, real or imaginary, filed against the City of Kirkland, its officers, or employees, alleging damage or injury caused by fault on the part of the undersigned, their employees or agents, and/or the City of Kirkland, its officers, or employees and arising out of maintenance, flooding, damming or enlargement of the wetland existing on the hereinafter described real property; provided, however, this agreement shall not include damage resulting from the sole fault of the City of Kirkland, its officers, or employees. Fault as herein used shall have the same meaning as set forth in RCW 4.22.01. This Agreement shall also include all reasonable cost and expense, including attorney's fees, incurred by the City of Kirkland in investigation and/or defense of any such claim.

This Agreement shall be binding upon the heirs, successors, and assigns of the parties hereto and shall run with the land.

The real property subject to this Agreement is situated in Kirkland, King County, Washington, and described as follows:

DATED at Kirkland, Washington, this ____day of _____, _____.

(Sign in blue ink)

(*Individuals Only*)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

_____

_____

_____

(*Individuals Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____and _____to me known to be the individual(s) described herein and who executed the Save Harmless Agreement for a Wetland and acknowledged that _____ signed the same as _____free and voluntary act and deed, for the uses and purposes therein mentioned.
WITNESS my hand and official seal hereto affixed the day and year first above written.

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(*Partnerships Only*)

OWNER(S) OF REAL PROPERTY

_____
(Name of Partnership or Joint Venture)

_____
By General Partner

_____
By General Partner

_____
By General Partner

(*Partnerships Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____and _____ to me, known to be general partners of _____, the partnership that executed the Save Harmless Agreement for a Wetland and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

_____
(Name of Corporation)

_____
By President

_____
By Secretary

(*Corporations Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____and _____ to me, known to be the President and Secretary, respectively, of _____, the corporation that executed the Save Harmless Agreement for a Wetland and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

AFM
American Forest Management
11415 NE 128th St Suite 110 Kirkland WA 98034 • (425)820-3420 • FAX (425)820-3437
www.americanforestmanagement.com

ARBORIST REPORT
For
Scrivanich Parcels
Kirkland, WA

April 8th, 2014
Updated May 6, 2016

Table of Contents

1. Introduction....1
2. Description....1
3. Methodology....1
4. Observations....2
5. Discussion....3
6. Tree Protection Measures....3
7. Tree Replacement....4

Appendix

Site/Tree Photos – pages 5 - 11

Site Plan Specifications (To Be Incorporated onto Site Plan) – page 12

Tree Summary Tables for Both Properties- attached

Tree Plan Maps (LDC) – attached

City of Kirkland Tree Protection Fencing Specs - attached

1. Introduction

American Forest Management, Inc. was contacted by Larry Scrivanich, and was asked to compile an 'Arborist Report' for four parcels located within the City of Kirkland, WA.

The proposed development encompasses the properties located at 11431 and 11421 NE 116th St. Our assignment is to prepare a written report on present tree conditions, which is to be filed with the short plat permit application.

This report encompasses all the criteria set forth under the City of Kirkland's tree regulations. The required minimum tree density for the entire area (138,491 sq. ft. or 3.2 acres) is 95.4 tree credits.

Date of Field Examination: April 3rd and 4th, 2014 and April 7th, 2016

2. Description

The topography of the subject property is relatively flat. A small wetland exists in the south west corner. Two hundred and twenty-three significant trees were located and assessed on the property. A significant tree in the City of Kirkland is defined as having a diameter 6" or greater at DBH (diameter at breast height, 4 ½' above ground). Seven trees have been added to the original survey. Approximate locations have been plotted on a copy of the site plan, which is attached and part of this report.

The neighboring trees (with drip-lines impacting the subject parcels) were also assessed and are part of this report.

All of the significant trees on the subject property have been identified in the field with a numbered aluminum tag attached to the lower trunk. Tree tag numbers correspond with tree numbers on the attached tree summary tables and copy of the site plan.

3. Methodology

Each tree in this report was visited. Tree diameters were measured by tape. The tree heights were measured using a Spiegel Relaskop. Each tree was visually examined for defects and vigor. The tree assessment procedure involves the examination of many factors:

- The crown of the tree is examined for current vigor. This is comprised of inspecting the crown (foliage, buds and branches) for color, density, form, and annual shoot growth, limb dieback and disease. The percentage of live crown is estimated for coniferous species only and scored appropriately.

- The bole or main stem of the tree is inspected for decay, which includes cavities, wounds, fruiting bodies of decay (conks or mushrooms), seams, insects, bleeding, callus development, broken or dead tops, structural defects and unnatural leans. Structural defects include crooks, forks with V-shaped crotches, multiple attachments, and excessive sweep.

- The root collar and roots are inspected for the presence of decay, insects and/or damage, as well as if they have been injured, undermined or exposed, or original grade has been altered.

Based on these factors a determination of viability is made. Trees considered 'non-viable' are trees that are in poor condition due to disease, extensive decay and/or cumulative structural defects, which exacerbate failure potential. A 'viable' tree is a tree found to be in good health, in a sound condition with minimal defects and is suitable for its location. Also, it will be wind firm if isolated or left as part of a grouping or grove of trees. A 'borderline' viable tree is a tree where its viability is in question. These are trees that are beginning to display symptoms of decline due to age, species related problems and/or man caused problems. Borderline trees are not expected to positively contribute to the landscape for the long-term and are not recommended for retention.

4. Observations

The subject trees are comprised primarily of native species. These include in order of prevalence – Douglas-fir, bitter cherry, big leaf maple, red alder, western red cedar, black cottonwood, cascara and willow. The oldest trees on the property are in the 65 to 75 year range. For the most part, the native trees have developed typical form and structure and are in fair to good condition. Several ornamental coniferous and deciduous trees and shrubs have been planted on the property over recent years. Species include magnolia, Norway maple and Scots pine to name a few. Many of the ornamentals are of non-significant size.

The Douglas-fir trees are concentrated in large groupings along the east portion of the property. The groupings contain several smaller suppressed trees with poor trunk taper, low vigor and past broken tops. Tree #244 has died within the last couple years from root disease. Nearby trees #242 and #243 don't have any outward indications of being infected, but given how the disease spreads (via root contact below ground), there's a good chance they are infected to some degree. Tree #468 is also infected with Laminated root rot, evidenced by resin flows at the base and a thinning crown, see photos below. Tree #469 situated just to the north also has a good chance of being infected.

A small wetland exists in the southeast corner of the property. Tree composition in the wetland is primarily red alder and black cottonwood. The red alder here is in poor condition, evidenced by dead and broken tops. These are considered low risk and can be retained for wildlife habitat. Moderate to heavy concentrations of English ivy and Himalayan blackberry were observed within the wetland area and its buffer.

The bitter cherry has developed typical structure. Many trees have poor trunk taper and leans. Overall vigor appears good, even in more mature specimens.

The two mature black cottonwood trees (#452 and #453) in the southwest portion of the property are in poor condition. #452 has large codominant stems which fork low on the trunk. The buildup of included bark between the stems is vast associated with heavy pitching or bleeding. One of these stems is positioned to fall toward the proposed development. This tree is high risk and should be removed. #453 also has a high potential for failure, but leans heavily away from the property toward a vacant wooded area (no target). Retention is feasible so long as the adjacent property to the southwest remains vacant.

The grouping of cottonwood at the back of the property and which extends off of the property are considered semi-mature. These are situated on higher ground than the cottonwood in the wetland area. They are quite tall and have developed poor trunk taper from heavy competition for sunlight.

There are several volunteer European mountain ash trees, primarily at the back of the property and along the west portion. These have developed typical form with multiple stems. These are low risk and can be retained where feasible.

<u>Neighboring Trees</u>

Neighboring trees are primarily comprised of native species as well. On the adjoining property to the east, there are several Douglas-fir trees and big leaf maples trees with drip-lines that encroach upon the subject property. No outward indicators of disease or decline were observed. Trees appear sound and of good vigor.

There are also several Douglas-fir trees on the adjacent property to the west of Parcels A and B. Many have drip-lines that encroach upon the subject property. Again, no concerning conditions were observed in these trees. All appear healthy and of good vigor. These appear to be of the same age as the subject Douglas-fir trees.

A mix of native and deciduous species exists close to the north and west property lines of Parcel D. These are primarily young to semi-mature specimens. All appear to be of fairly good health and are structurally sound. No concerning conditions were observed with these trees.

5. Discussion

The extent of drip-lines (farthest reaching branches) for trees potentially impacted by development can be found in the tree summary tables at the back of this report. These have also been delineated on a copy of the site plan. The recommended Limits of Disturbance for viable trees potentially impacted by construction can be found on the tree summary tables. The information plotted on the attached site plan needs to be transferred to a final tree retention/protection plan to meet City submittal requirements. The Limits of disturbance information shall be used in the development of such plan. The trees that are to be removed shall be shown "X'd" out on the final plan. Trees to be retained outside the critical areas shall include the limits of disturbance line and tree protection fencing locations. Tree protection fencing shall be initially positioned just beyond the drip-line and only moved back to the Limits of Disturbance line when work is authorized.

The Limits of Disturbance measurements for the neighboring trees can also be found in the tables. Tree protection fencing shall be initially positioned at the drip-line, and only moved to allow work up to the Limits of Disturbance. No work shall be allowed within the recommended Limits of Disturbance as delineated on the attached plan. Include tree protection for neighboring trees on final drawing.

It is assumed all significant trees within the wetland area and within the 50' wetland buffer will be retained. Many of the red alder in the wetland and buffer is in poor condition. Most have prematurely declined, evidenced by broken tops and trunk decay. These trees are considered low risk due to size and can be safely retained as wildlife habitat. Many of these have cavity nesting inhabitants.

The wetland area has minimal tree cover, over 90% of which is deciduous. There is also a moderate to high component of invasive plant species in the wetland – English ivy and Himalayan blackberry. This area can be enhanced by the establishment of conifer trees and the removal of invasive plants. Western red cedar and Sitka spruce are the recommended species for restoration. If supplemental trees are required as part of the proposal, consider enhancing the wetland and buffer area. There is also a small area of planted bamboo near the wetland buffer. This bamboo should be eradicated before it has a chance to spread into the wetland.

The new access road will have some impacts on neighboring trees to the east. The new road will be constructed as close to existing grades as possible to limit those impacts. The intent of this proposal is to preserve all neighboring trees in a viable condition. The project arborist will be onsite to monitor all soil excavations within the drip-lines of retained trees, both those that exist on the subject property and neighboring trees. Utilities placed under the access road will be moved as far west as possible to further reduce impacts.

The proposed retaining wall on the east property line will be problematic for Tree #331, given the excavation and grading required. Alternative measures such as pilings to construct a wall should be researched.

There may be incidences with the development of the new access drive where impacts to neighboring trees that exist very close to the property line may be consequential to either long-term health or stability. These trees will be dealt with on a case by case basis to determine if alternate measures can be taken to preserve the subject tree or the tree will need to be removed and replaced.

The removal of trees from the subject property may have adverse impacts on trees to remain by exposing them to unfamiliar wind loading, particularly on the property to the east. A tree risk assessment is warranted post site clearing to determine if any hazardous conditions were created.

The old asphalt access drive shall be carefully removed next to trees to be retained. The asphalt will be broken up and removed by hand from within the drip-lines of retained trees. Use small equipment such as a tracked mini-excavator when working near neighboring trees to reduce the risk of soil compaction and surface root damage.

6. Tree Protection Measures

The following guidelines are recommended to ensure that the designated space set aside for the preserved trees are protected and construction impacts are kept to a minimum. Standards have been set forth under Kirkland Zoning Code 95.34 of Chapter 95. Please review these standards prior to any development activity.

1. Tree protection fencing shall be erected per prior to moving any heavy equipment on site. Doing this will set clearing limits and avoid compaction of soils within root zones of retained trees.
2. Excavation limits should be laid out in paint on the ground to avoid over excavating.
3. Excavations within the drip-lines of retained trees shall be monitored by a qualified tree professional so necessary precautions can be taken to decrease impacts to tree parts. A qualified tree professional shall monitor excavations when work is required and allowed up to the "limits of disturbance".
4. To establish sub grade for foundations, curbs and pavement sections near the trees, soil should be removed parallel to the roots and not at 90 degree angles to avoid breaking and tearing roots that lead back to the trunk within the drip-line. Any roots damaged during these excavations should be exposed to sound tissue and cut cleanly with a saw. Cutting tools should be sterilized with alcohol.
5. Areas excavated within the drip-line of retained trees should be thoroughly irrigated weekly during dry periods.
6. Preparations for final landscaping shall be accomplished by hand within the drip-lines of retained trees. Large equipment shall be kept outside of the tree protection zones.

7. Tree Replacement

Tree density requirements will likely be satisfied by tree retention within the wetland, wetland buffer and in the site's landscape perimeters.

New tree plantings will likely be preferred to enhance finished landscaping. New tree plantings shall be given appropriate space for the species and their growing characteristics. Refer to the *Kirkland Plant List* on the City's website for a list of desirable species. For planting and maintenance specifications, refer to chapters 95.50 and 51 of the Kirkland Zoning Code.

If supplemental trees are required as part of the proposal, consider enhancing the wetland and buffer area, by the establishment of native coniferous species – western red cedar and Sitka spruce; and by removing the invasive plant species.

There is no warranty suggested for any of the trees subject to this report. Weather, latent tree conditions, and future man-caused activities could cause physiologic changes and deteriorating tree condition. Over time, deteriorating tree conditions may appear and there may be conditions, which are not now visible which, could cause tree failure. This report or the verbal comments made at the site in no way warrant the structural stability or long term condition of any tree, but represent my opinion based on the observations made. Nearly all trees in any condition standing within reach of improvements or human use areas represent hazards that could lead to damage or injury.

Please call if you have any questions or if we can be of further assistance.

Sincerely,

Bob Layton
ISA Certified Arborist #PN-2714A
ISA Tree Risk Assessment Qualified

Subject Lawson cypress trees (#214>#219) near north property line

Existing access road looking east to NE 116th ST

Existing access road looking south toward back parcel

Mature big leaf maples on adjacent property to east

Grove of Douglas-fir on Parcel B

Grove of Douglas-fir on Parcel B – northeast corner

East property line, looking toward the wetland

Wetland area

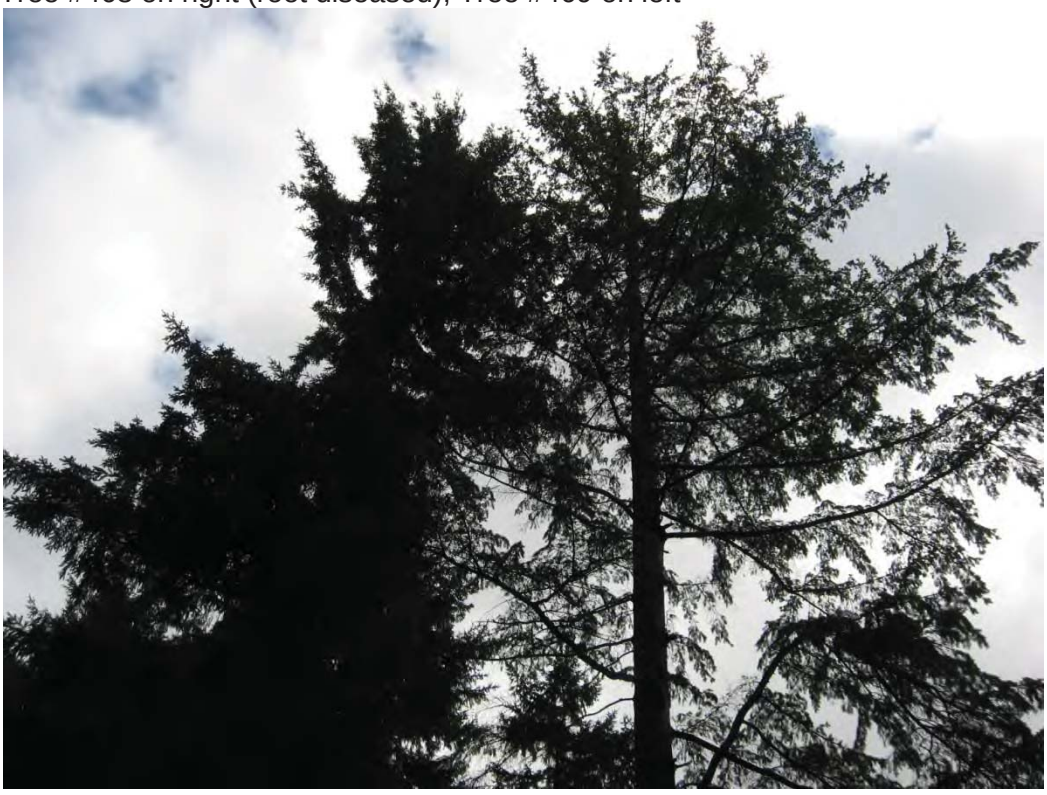
Grove of black cottonwood near south perimeter, most trees are off property

Clump of bitter cherry (#389>#395) outside wetland buffer

Tree #452, codominant stems, excessive included bark/bleeding at fork, high risk tree

Base of tree #468, infected with laminated root rot

Tree #468 on right (root diseased), Tree #469 on left



Bitter cherry on west side of parcel, typical form

City of Kirkland - Tree Protection Standards

1. Tree Protection Fencing shall be erected at prescribed distance per arborist report. Fences shall be constructed of chain link and be at least 4 feet high.
2. Install highly visible signs on protection fencing spaced no further than 15 feet apart. Signs shall state “Tree Protection Area-Entrance Prohibited”, and “City of Kirkland” code enforcement phone number.
3. No work shall be performed within protection fencing unless approved by Planning Official. In such cases, activities will be approved and supervised by a “Qualified Professional”.
4. The original grade shall not be elevated or reduced within protection fencing without the Planning Official authorization based on recommendations from a qualified professional.
5. No building materials, spoils, chemicals or substances of any kind will be permitted within protection fencing.
6. Protection Fencing shall be maintained until the Planning Official authorizes its removal.
7. Ensure that any approved landscaping within the protected zone subsequent to the approved removal of protection fencing be performed with hand labor.

In addition to the above, the Planning Official may require the following:

a. If equipment is authorized to operate within the root zone, the area will be mulched to a depth of 6” or covered with plywood or similar material to protect roots from damage caused by heavy equipment.
b. Minimize root damage by excavating a 2-foot deep trench, at edge of protection fencing to cleanly sever the roots of protected trees.
c. Corrective pruning to avoid damage from machinery or building activity.
d. Maintenance of trees throughout construction period by watering and fertilization.

Tree Density Calculation

Property Size – +/- 138,491 sq. ft.
138,491/43,560 X 30 = 95.4
Required Minimum Tree Density = 95 tree credits
Total Viable Tree Credits Existing for entire project including south portion (11406) = 1028

Tree Summary Table

For: Scrivanich Property
Kirkland

American Forest Management, Inc.

Date: 4/3/2014 Updated 4-11-16
Inspector: Layton/Wilkinson

Tree/Tag #	Species	Native/ Planted/ Volunteer	DBH	Height	Tree Credit	Drip-Line/Limits of Disturbance (feet) N	S	E	W	Condition	Viability	Comments
1	black cottonwood	N	12	105	2	15 / 6	x	8 / 6	8 / 6	good	viable	10 degree lean north
2	black cottonwood	N	6	58	1	7 / 5	7 / 5	9 / 5	5 / 5	good	viable	no concerns
7	black cottonwood	N	32	85	12	16	16	16	14	fair	viable	on higher ground, appears sound
8	red alder	N	12	40	2	8	10	16	6	fair	viable	fork, lean
9	red alder	N	10	30	na	na	na	na	na	poor	borderline	broken, trunk decay, low risk
10	black cottonwood	N	27	95	9.5	14	11	na	12	fair	viable	moderate rik, in wet soils
11	cascara	N	7	24	1	7	7	12	2	fair	viable	leans east, low risk
12	red alder	N	10	36	na	na	na	na	na	poor	borderline	broken top, 2 reg leaders, low risk
13	black cottonwood	N	35	110	13.5	14	16	12	16	fair	viable	moderate risk, in wet soils
14	red alder	N	6	30	1	na	na	na	na	fair	viable	no concerns
15	red alder	N	6	30	1	na	na	na	na	fair	viable	lean
16	red alder	N	7	35	1	na	na	na	na	fair	viable	lean
17	red alder	N	9	35	1	na	na	na	na	fair	viable	no concerns
18	red alder	N	7	35	1	na	na	na	na	fair	viable	no concerns
19	red alder	N	9		1	na	na	na	na	fair	viable	no concerns
20	red alder	N	10		1	na	na	na	na	fair	viable	no concerns
22	red alder	N	6	34	1	na	na	na	na	fair	viable	lean, low risk
23	red alder	N	11	40	1.5	12	10	8	12	fair	viable	lean, low risk
101	western red cedar	P	17	22	na	9/9	12/6	na	11/8	fair-poor	borderline	topped for power lines
102	western red cedar	P	10	20	na	5/6	8/6	na	6/6	fair-poor	borderline	topped for power lines
103	western red cedar	P	14	25	na	6/8	12/8	na	7/8	fair-poor	borderline	topped for power lines
104	Douglas-fir	P	18	55	na	9/8	12/10	na	8/8	fair-poor	borderline	topped, regen, fork
105	western red cedar	P	20	56	6	10/10	12/10	na	13/10	good	viable	no concerns
106	Douglas-fir	P	11	58	1.5	6/8	10/8	na	8/8	fair	viable	poor trunk taper, slight lean east
107	Douglas-fir	P	20	85	6	10/10	12/10	na	14/10	fair-good	viable	slight lean east, minor crooks
108	Atlas cedar	P	15	77	3.5	8/8	6/8	na	14/10	good	viable	no concerns
109	Atlas cedar	P	14	77	3	7/8	6/8	na	6/8	fair-good	viable	natural lean east
110	Atlas cedar	P	16	75	4	8/8	9/8	na	9/10	good	viable	no concerns
111	Atlas cedar	P	17	70	4.5	9/8	8/10	na	10/10	good	viable	no concerns
112	Lawson cypress	P	9	40	1	8/8	7/8	na	9/9	good	viable	somewhat suppressed
113	big leaf maple	N	16	44	4	12/10	28/12	na	24/10	fair	viable	fork, assymetric crown
114	western red cedar	P	13	38	2.5	7/10	9/10	na	13/10	fair	viable	dead top
115	western red cedar	P	10	38	1	6/6	5/6	na	9/8	fair	viable	dead top
116	western red cedar	P	15	38	2.5	14/10	7/6	na	13/10	fair	viable	dead top
117	black cottonwood	N	33	130	12.5	6/14	18/16	14/14	14/16	fair	viable	typical
118	black cottonwood	N	29	125	10.5	18/16	12/16	14/14	12/14	fair	viable	typical
119	black cottonwood	N	9	47	na	7/7	6/8	10/8	6/8	fair-poor	borderline	suppressed, mod decay column
120	bitter cherry	N	11	52	1.5	12/8	14/10	14/10	12/10	fair	viable	typical
121	Douglas-fir	N	32	115	12	10/14	16/14	14/12	14/14	fair	viable	heavy bleeding on lower trunk

Tree Summary Table

For: Scrivanich Property
Kirkland

American Forest Management, Inc.

Date: 4/3/2014 Updated 4-11-16
Inspector: Layton/Wilkinson

Tree/Tag #	Species	Native/ Planted/ Volunteer	DBH	Height	Tree Credit	Drip-Line/Limits of Disturbance (feet)				Condition	Viability	Comments
						N	S	E	W			
122	Douglas-fir	N	23	101	7.5	6/10	6/12	10/10	12/12	fair	viable	broken top
123	Douglas-fir	N	18	74	na	14/14	12/14	10/12	14/14	fair-poor	borderline	broken top, suspect trunk decay
124	European Mtn. ash	V	6	25	1	6/8	10/8	9/8	7/8	fair	viable	typical
125	western red cedar	N	38	111	15	15/16	14/16	22/16	na	good	viable	next to creek - dry
126	western red cedar	N	25	89	8.5	8/12	12/14	10/14	10/14	good	viable	sl lean west
127	big leaf maple	N	8	60	1	8/8	18/10	18/10	8/8	fair	viable	young, natural lean, next to creek
128	Norway maple	P	14	59	3	12/10	17/14	18/14	12/10	fair	viable	fork, codominant stems
129	Douglas-fir	N	26	120	na	10/12	14/14	12/12	14/14	fair	borderline	evidence of schweinitzii, crook, crown raised
130	western red cedar	N	13	62	2.5	10/10	13/12	6/10	12/12	good	viable	no concerns
131	western red cedar	N	23	70	7.5	12/14	18/18	8/12	14/14	good	viable	no concerns
132	sitka spruce	N	14	68	3	11/12	14/14	12/10	6/10	fair	viable	sparse crown
133	European white birch	V	16	53	na	12/12	14/12	22/12	8/10	fair-poor	borderline	mature, dead top, heavy lean
134	Douglas-fir	N	30	130	11	13/14	9/14	14/14	12/14	fair	viable	red ring rot, old broken top
135	Douglas-fir	N	20	124	6	8/12	12/12	11/12	10/12	fair	viable	viable in grouping only
138	Douglas-fir	N	31	140	11.5	16/16	8/16	15/16	na	fair-good	viable	appears sound
139	Douglas-fir	N	35	140	13.5	8/16	14/16	18/16	na	fair-good	viable	appears sound
140	true fir- white fir	P	27	117	9.5	9/14	10/14	15/14	na	good	viable	no concerns
142	Douglas-fir	N	14	46	na	12/12	8/12	14/14	na	fair-poor	borderline	broken top, trunk decay, major crook
146	tulip tree	P	25	95	8.5	22/16	17/14	23/18	8/14	fair-good	viable	natural lean east, crown raised
147	western red cedar	P	6	29	1	9/9	6/8	10/10	na	good	viable	somewhat suppressed
148	western red cedar	P	14	67	3	8/10	6/8	12/10	na	good	viable	no concerns
149	western red cedar	P	6	42	1	6/8	4/8	10/10	na	fair	viable	suppressed, ivy
150	western red cedar	P	20	70	6	8/12	14/14	14/14	na	good	viable	ivy
151	bitter cherry	N	7	37	1	6/6	8/6	8/6	na	fair	viable	typical
152	Douglas-fir	N	44	142	18	16/18	21/18	20/18	16/16	good	viable	crown raised in past
153	holly-variegated	P	8	28	1	4/8	10/8	6/4	6/8	fair	viable	leans south
154	bitter cherry	N	7	38	na	10/8	10/8	6/8	8/8	fair-poor	borderline	sparse crown, poor structure
155	bitter cherry	N	14	45	3	12/10	16/12	18/12	10/10	fair	viable	typical
156	lombardy poplar	P	32	110	12	8/14	12/14	8/12	na	fair	viable	typical, ivy problem
157	holly	V	8	46	na	10/8	6/8	10/8	na	fair-poor	borderline	fork, codom stems
158	bitter cherry 2	N	6,6	56	na	4/8	6/8	8/8	na	fair-poor	borderline	poor taper, susceptible to breakage
159	holly	V	7	40	1	6/7	6/7	4/6	na	fair	viable	typical
160	holly	V	8	42	1	8/8	9/8	12/8	na	fair	viable	forked top
161	Douglas-fir	N	33	86	na	14/16	12/16	12/16	na	fair-poor	borderline	susp sig trunk decay, swelled, broken top
162	Douglas-fir	N	18	120	5	10/12	12/12	10/12	na	good	viable	no concerns
163	western red cedar	P	10	45	1	8/10	10/10	10/10	na	good	viable	no concerns
164	western red cedar	P	13	57	2.5	12/12	12/12	10/10	na	good	viable	no concerns
165	sourwood	P	8	58	na	8/8	14/8	6/8	8/8	fair-poor	bord	poor form, suppressed
166	western red cedar	P	13	56	2.5	9/10	11/12	6/10	8/10	fair-good	viable	no concerns

Tree Summary Table

For: Scrivanich Property
Kirkland

American Forest Management, Inc.

Date: 4/3/2014 Updated 4-11-16
Inspector: Layton/Wilkinson

Tree/Tag #	Species	Native/ Planted/ Volunteer	DBH	Height	Tree Credit	Drip-Line/Limits of Disturbance (feet) N	S	E	W	Condition	Viability	Comments
167	western red cedar	P	11	54	1.5	12/10	12/12	6/8	6/8	fair	viable	somewhat suppressed
168	western red cedar	P	9	48	na	2/8	10/10	2/8	4/8	fair-poor	non	decay, dead top
169	western red cedar	P	10	40	na	x	x	x	x	poor	non	extensive trunk rot, dead top, supp
170	silver maple	P	32	82	na	22/10	32/16	44/16	18/14	fair-poor	borderline	fork, included bark, problematic
171	Douglas-fir	P	21	82	6.5	10/12	18/10	14/12	10/12	fair-good	viable	no concerns
172	Douglas-fir	P	21	78	6.5	12/14	14/14	14/12	12/12	fair-good	viable	moderate crook
173	big leaf maple (3)	N	11,12,15	70	6	23/14	20/16	18/12	20/12	fair	viable	poor basal attachments
174	Douglas-fir	N	28	122	10	14/14	16/16	18/14	14/16	fair-good	viable	no concerns
175	Douglas-fir	N	26	126	9	16/14	10/16	10/14	na	fair	viable	crooks
176	Douglas-fir	N	29	120	10.5	10/12	16/16	10/14	na	fair	viable	crooks
177	Douglas-fir	N	22	70	7	16/14	12/14	12/14	na	fair	viable	natural lean northeast
178	Douglas-fir	N	9	43	1	8/8	8/8	10/8	na	fair-good	viable	young
179	bitter cherry	N	7	30	na	10/8	10/8	8/8	8/8	fair-poor	borderline	in decline, fork, decay
180	Douglas-fir	N	30	127	11	20/16	14/16	14/14	14/na	fair	viable	old wound on lower trunk, susp minor decay
181	Douglas-fir	N	35	131	13.5	16/16	20/18	15/14	14/na	fair-good	viable	appears sound
182	Douglas-fir	N	19	67	na	8/12	6/12	10/12	na	fair-poor	borderline	stunted top, trunk decay
183	bitter cherry	N	7	32	1	12/8	9/8	10/8	na	fair	viable	typical
184	Douglas-fir	N	23	125	7.5	12/14	12/14	9/12	na	fair-good	viable	no concerns
185	Douglas-fir	N	23	121	7.5	12/14	12/14	9/12	na	fair-good	viable	no concerns
186	western red cedar	N	7	32	1	8/9	7/8	7/7	na	good	viable	no concerns, on property line
187	western red cedar	N	8	30	1	8/9	9/9	7/7	na	good	viable	no concerns, on property line
188	Douglas-fir	N	33	132	12.5	16/16	14/16	17/14	na	good	viable	appears sound
189	Douglas-fir	N	21	83	6.5	3/14	18/16	10/14	na	fair	viable	suppressed top, crooks
190	bitter cherry	N	8	46	1	6/8	8/8	4/8	10/8	fair	viable	typical
191	bitter cherry	N	8	42	1	12/8	4/8	8/8	6/8	fair	viable	fork, lean
192	bitter cherry	N	9	44	na	x	x	x	x	poor	non	recent dead
206	Japanese maple 7	P	4~6	18	1	14/12	12/10	12/10	13/10	fair-good	viable	shrub form
214	Lawson cypress	P	13,8	53	3.5	6/na	7/8	na	6/8	good	viable	no concerns
215	Lawson cypress	P	10,13	53	3.5	6/na	7/8	na	na	good	viable	no concerns
216	Lawson cypress	P	12	52	2	5/na	7/8	na	na	good	viable	no concerns
217	Lawson cypress	P	9,10,10	52	3	7/na	7/8	na	na	good	viable	no concerns
218	Lawson cypress	P	13	53	2.5	6/na	7/8	na	na	good	viable	no concerns
219	Lawson cypress	P	12,10	52	3	6/na	6/8	6/na	na	good	viable	no concerns
223	big leaf maple	N	6	36	na	na	na	na	na	fair-poor	borderline	growing off rotten maple stump
225	Douglas-fir	N	15	80	3.5	na	na	na	6/8	fair	viable	major crook at 30', stub
226	apple	P	8	12	1	na	na	na	na	good	viable	no concerns
235	bitter cherry	N	16	44	na	22/na	0/na	na	12/na	fair	borderline	heavy lean north, mature
240	weeping giant sequoia	P	10	32	1	2 / 5	3 / 5	2 / 8	11 / 5	fair	viable	typical
241	Douglas-fir	N	19	90	5.5	10/10	10/10	4/10	14/12	good	viable	natural lean west

Tree Summary Table

For: Scrivanich Property
Kirkland

American Forest Management, Inc.

Date: 4/3/2014 Updated 4-11-16
Inspector: Layton/Wilkinson

Tree/Tag #	Species	Native/ Planted/ Volunteer	DBH	Height	Tree Credit	Drip-Line/Limits of Disturbance (feet)				Condition	Viability	Comments
						N	S	E	W			
242	Douglas-fir	N	23	115	7.5	12/12	8/12	4/12	14/12	fair	viable	close to root rot tree
243	Douglas-fir	N	21	110	6.5	6/12	14/12	10/12	8/12	fair	viable	close to root rot tree
244	Douglas-fir	N	21	x	na	x	x	x	x	dead	dead	root rot
245	Douglas-fir	N	22	115	7	12/12	15/14	8/10	12/14	good	viable	no concerns
246	Douglas-fir	N	13	70	2.5	10/10	12/10	8/10	6/12	fair	viable	crooked top
247	Douglas-fir	n	14	72	3	10/10	14/12	4/10	14/12	fair-good	viable	crook
248	Japanese fl cherry	P	7	14	1	7/4	6/4	6/3	na	good	viable	no concerns
249	Colorado blue spruce	P	12	33	2	11/11	9/10	10/10	10/10	fair-good	viable	crooked top
250	Douglas-fir	N	28	107	10	14/12	12/12	10/10	14/12	fair-good	viable	full crown, minor crooks
251	deciduous	P	10	36	1	9/8	9/8	10/8	8/8	fair-good	viable	multiple tops
261	weeping beech	P	11	12	1.5	12/10	8/8	10/10	10/10	fair-good	viable	no concerns
262	Douglas-fir	N	15	86	3.5	8/10	10/10	4/10	10/10	good	viable	within contact of root diseased tree
263	Douglas-fir	N	13	74	2.5	14/10	5/10	4/10	12/10	fair-good	viable	natural lean north
264	Douglas-fir	N	24	110	8	14/12	14/12	12/10	12/12	good	viable	no concerns
266	Douglas-fir	N	13	74	2.5	12/8	4/10	8/8	8/10	fair	viable	forked top at old break, slight lean north
267	Douglas-fir	N	7	18	na	x	x	x	x	poor	borderline	broken top, supp
268	Douglas-fir	N	13	90	2.5	8	9	6	9	fair-good	viable	minor bend
272	Douglas-fir	N	19	98	5.5	16	4	13	14	good	viable	natural lean northwest
273	Douglas-fir	N	12	40	2	8/6	10/6	na	16/10	fair	viable	suppressed
274	Douglas-fir	N	9	25	na	12	0	0	0	poor	non-viable	dead top, suppressed
275	Douglas-fir	N	20	110	6	10	10	14	14	good	viable	no concerns
276	Douglas-fir	N	6	32	1	9	7	4	4	fair	viable	supp, over topped
277	Pacific madrone	N	8	30	1	14	0	0	0	fair	viable	heavy lean, assymetric crown
278	Douglas-fir	N	6	34	1	6	5	6	2	fair	viable	suppressed
279	Douglas-fir	N	6	28	na	4	3	2	6	fair-poor	borderline	suppressed
280	Douglas-fir	N	7	35	na	3	2	3	2	fair-poor	borderline	suppressed
281	Douglas-fir	N	18	100	5	10/10	12/10	na	13/10	good	viable	no concerns
282	Douglas-fir	N	12	72	2	0/na	12/10	na	4/10	fair	viable	natural lean south
283	Douglas-fir	N	17	96	4.5	8/8	10/10	7/8	11/10	good	viable	no concerns
284	Douglas-fir	N	9	80	1	6/6	5/6	4/6	7/8	fair	viable	can't expose, poor taper
285	Douglas-fir	N	11	66	1.5	3/8	8/8	na	2/8	fair-good	viable	no concerns
287	Douglas-fir	N	22	112	7	11/11	14/12	na	11/10	good	viable	no concerns
288	Douglas-fir	N	9	48	1	3/8	8/8	na	7/8	fair	viable	suppressed, broken leader
314	Douglas-fir	n	7	40	1	na	na	na	na	fair	viable	forks off of Tree 315
315	Douglas-fir	n	23	115	7.5	14/12	14/12	na	14/12	good	viable	no concerns
319	Douglas-fir	N	18	102	5	10/10	8/10	na	10/10	good	viable	north 1/2 of root zone cov'd in yard waste
320	Douglas-fir	N	8	52	na	4	2	5	6	fair	borderline	can't expose, intermediate, poor trunk taper
321	Douglas-fir	N	14	94	3	7/10	6/10	na	12/10	fair-good	viable	no concerns
322	scots pine blue	P	8	35	1	7/7	7/7	4/6	10/8	good	viable	slight lean west, poor trunk taper

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Kirkland

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Tree/Tag #	Species	Native/ Planted/ Volunteer	DBH	Height	Tree Credit	Drip-Line/Limits of Disturbance (feet) N	S	E	W	Condition	Viability	Comments
323	norway maple	P	9	40	1	12/8	10/8	10/8	12/8	good	viable	no concerns
324	Douglas-fir	N	18	110	5	6/10	10/10	12/10	8/10	fair-good	viable	minor crook
325	Douglas-fir	N	17	79	4.5	6/10	12/12	na	16/12	fair-good	viable	natural lean
327	big leaf maple	N	15	60	na	12	8	2	14	poor	non	hypoxylon infection, large seam at base
329	red alder	N	10	62	na	x	x	x	x	dead	non	recent dead
332	Douglas-fir	N	26	120	9	14/12	10/12	na	14/14	good	viable	nc, near pl
333	bitter cherry	N	9	40	1	3/8	6/8	na	10/8	fair	viable	suppressed, natural lean west
334	Douglas-fir	N	11	65	1.5	2/10	6/10	na	4/10	fair	viable	broken top, can't expose or isolate
335	Douglas-fir	N	6	44	1	4/6	6/6	na	3/6	fair	viable	suppressed, broken top
336	Douglas-fir	N	6	38	1	3/6	5/6	na	4/6	fair	viable	suppressed, over topped
337	Douglas-fir	N	18	94	5	2/10	12/12	6/na	12/10	fair-good	viable	no concerns
338	bitter cherry	N	6	32	1	0/4	0/4	12/na	0/4	fair	viable	natural lean east, low risk
340	Douglas-fir	N	8	30	1	2/8	10/8	na	8/8	fair	viable	suppressed, broken top
341	Douglas-fir	N	6	27	1	3/6	8/6	na	3/6	fair	viable	suppressed
342	Douglas-fir	N	6	36	1	2/6	8/6	na	2/6	fair	viable	suppressed
344	bitter cherry	N	17	62	4.5	6/12	20/12	na	16/12	fair	viable	decent form, good vigor
345	bitter cherry	N	11	60	1.5	6/8	10/10	na	10/10	fair-good	viable	decent form and vigor
347	bitter cherry	N	9	46	1	6	10	na	10	fair-good	viable	no concerns
349	bitter cherry	N	8	50	1	0/6	na	na	5/6	fair	viable	leans south, remove ivy
352	Douglas-fir	N	8	32	1	2/6	6/6	na	6/6	fair	viable	suppressed, low risk, remove ivy
356	Douglas-fir	N	32	120	12	16/14	14/14	na	18/14	good	viable	near property line
360	Douglas-fir	N	6	27	1	6/6	6/6	na	5/6	fair	viable	suppressed, young
362	bitter cherry	N	7	32	1	6/6	8/6	na	8/6	fair	viable	low risk
363	bitter cherry	N	6	28	1	6/6	6/6	na	12/6	fair	viable	low risk
365	Douglas-fir	N	8	42	1	7/8	6/8	na	8/8	good	viable	no concerns
366	Douglas-fir	N	11	42	1.5	8/8	10/8	na	10/8	fair-good	viable	remove ivy
367	Douglas-fir	N	19	105	5.5	10/10	14/12	na	8/12	good	viable	no concerns
368	red alder	N	8	42	1	0/8	10/8	na	6/6	fair	viable	natural lean south
369	western red cedar	N	10	36	1	10/10	12/10	na	10/10	good	viable	no concerns, young
371	Douglas-fir	N	25	110	8.5	16/12	10/12	10/12	20/112	good	viable	natural lean west, minor trunk sweep
372	Douglas-fir	N	18	95	5	4/10	12/12	6/10	12/12	good	viable	no concerns
373	Douglas-fir	N	21	100	6.5	11/10	14/12	12/10	5/12	good	viable	no concerns
374	Douglas-fir	N	25	120	8.5	16/12	12/12	8/10	22/14	good	viable	slight sweep to west
375	Douglas-fir	N	23	110	7.5	12/10	10/12	16/10	7/12	good	viable	no concerns
376	Douglas-fir	N	19	105	5.5	8/10	10/10	12/10	8/12	fair-good	viable	can't expose or isolate
377	Douglas-fir	N	10	60	1	2/8	6/8	3/8	4/8	fair	viable	old broken top, suppressed, can't isolate
378	Douglas-fir	N	20	105	na	12/10	10/12	10/10	6/12	fair-poor	borderline	forked at 30', codom stems, splitting apart, high risk
379	Douglas-fir	N	15	95	3.5	8/10	12/10	8/10	8/12	good	viable	no concerns
380	Douglas-fir	N	26	113	9	12/12	15/12	9/10	16/14	good	viable	no concerns

Tree Summary Table

For: Scrivanich Property
Kirkland

American Forest Management, Inc.

Date: 4/3/2014 Updated 4-11-16
Inspector: Layton/Wilkinson

Tree/Tag #	Species	Native/ Planted/ Volunteer	DBH	Height	Tree Credit	Drip-Line/Limits of Disturbance (feet) N	S	E	W	Condition	Viability	Comments
381	Douglas-fir	N	21	112	6.5	9/10	12/12	9/10	8/12	good	viable	no concerns
382	Douglas-fir	N	11	55	1.5	2/8	6/8	2/8	8/8	fair	viable	broken top, suppressed, can't isolate
383	Douglas-fir	N	13	65	2.5	3/8	11/10	7/8	2/8	fair	viable	old broken top, suppressed, can't isolate
384	Douglas-fir	N	11	70	1.5	2/8	10/10	4/8	6/8	fair	viable	old broken top, suppressed, can't isolate
385	Douglas-fir	N	16	90	4	8/10	12/10	10/10	8/12	good	viable	no concerns
386	Douglas-fir	N	16	44	4	9/10	12/10	12/10	4/12	fair	viable	broken top
387	Douglas-fir	N	17	90	4.5	5/10	12/12	6/10	10/10	fair-good	viable	fair taper
388	red alder	N	11	25	na	na	na	na	na	poor	non	broken, trunk decay
389	bitter cherry	N	9	54	1	8/8	na	2/na	12/10	fair	viable	slight lean
390	bitter cherry	N	6	50	1	0/6	na	0/na	12/8	fair	viable	leans west
391	bitter cherry	N	17	66	4.5	12/10	12/na	12/na	12/12	good	viable	no concerns
392	bitter cherry	N	8	52	1	2/8	na	0/na	10/8	fair	viable	no concerns
393	red alder	N	8	40	na	0/8	12/na	5/na	3/8	fair-poor	borderline	leans to wetland
394	bitter cherry	N	8	48	1	2/8	na	4/na	4/8	fair	viable	no concerns
395	bitter cherry	N	6	45	1	3/6	na	6/na	8/6	fair	viable	suppressed
396	western red cedar	P	9	40	1	7/8	8/na	8/na	7/8	good	viable	no concerns
397	black cottonwood	n	12	75	2	7	8	7	8	fair	viable	young
398	red alder	N	12	25	na	na	na	na	na	poor	borderline	broken, low risk, good wildlife habitat
399	red alder	N	11	35	na	10	6	10	10	poor	borderline	low risk, good habitat
400	black cottonwood	N	9	50	1	10	3	5	8	fair	viable	lean
414	common pear	P	7, 5	12	1.5	6 / 5	8 / 5	8 / 5	9 / 5	good	viable	co-dominant stems
417	bitter cherry	N	16	56	4	20 / 10	16 / 10	20 / 10	15 / 10	good	viable	good form, full crown
418	bitter cherry	N	6, 5	50	1.5	9 / 4	5 / 4	6 / 4	6 / 4	fair	viable	co-dominant stems, good attachment
422	bitter cherry	N	11	75	1.5	7 / 6	x	7 / 6	8 / 6	fair	viable	small live crown
423	bitter cherry	N	9	72	1	7 / 6	x	x	x	fair	viable	small live crown
425	Douglas-fir	N	28	110	10	13 / 10	12 / 10	12 / 10	x	good	viable	near fence, ivy on the trunk, forks at 45`
426	western red cedar	N	45	120	18	16 / 12	12 / 12	18 / 12	8 / 12	good	viable	full crown, good taper, ivy on the trunk
427	western red cedar	N	6	35	1	7 / 6	6 / 6	6 / 6	7 / 6	good	viable	full crown, no concerns
428	bitter cherry	N	11	60	1.5	8 / 6	11 / 6	9 / 6	8 / 6	fair	viable	forks et 40`, one of the stems is dead
429	bitter cherry	N	14	60	3	8 / 8	12 / 8	10 / 8	4 / 10	good	viable	no concerns
430	bitter cherry	N	12	65	2	8 / 8	5 / 8	9 / 6	8 / 10	good	viable	no concerns
431	bitter cherry	N	8	50	1	6 / 5	2 / 5	2 / 8	18 / 5	fair	viable	#430, #431, #432 are cabled together
432	bitter cherry	N	15	68	3.5	10 / 8	16 / 8	15 / 8	6 / 10	fair	viable	past mechanical wound on lower trunk
433	bitter cherry	N	8	55	1	12 / 6	6 / 6	6 / 6	9 / 6	good	viable	full crown, no concerns
435	mountain ash	V	8	19	na	8 / 6	7 / 6	13 / 6	0 / 8	fair-poor	borderline	slight lean, suppressed
436	Douglas-fir	N	21	90	6.5	6 / 8	16 / 8	17 / 8	3 / 8	good	viable	trunk is covered in ivy
437	Douglas-fir	N	29	110	10	16 / 8	5 / 8	5 / 8	11 / 8	good	viable	trunk is covered in ivy
438	big leaf maple	N	23	90	7.5	12 / 10	15 / 10	10 / 10	x	fair	viable	growing around fence post
439	western hemlock	N	6	30	1	11 / 8	8 / 4	12 / 8	3 / 4	good	viable	suppressed by #426

Tree Summary Table

For: Scrivanich Property
Kirkland

American Forest Management, Inc.

Date: 4/3/2014 Updated 4-11-16
Inspector: Layton/Wilkinson

Tree/Tag #	Species	Native/ Planted/ Volunteer	DBH	Height	Tree Credit	Drip-Line/Limits of Disturbance (feet)				Condition	Viability	Comments
						N	S	E	W			
441	Scots pine	P	6	27	1	8 / 5	6 / 5	8 / 5	3 / 5	good	viable	no concerns
443	big leaf maple	N	14, 15	90	6	10 / 8	14 / 8	16 / 8	3 / 8	fair	viable	co-dominant stems, poor attachment
444	Douglas-fir	N	33	125	13	15 / 12	5 / 12	15 / 12	x	good	viable	no concerns
445	Douglas-fir	N	31	120	11.5	10 / 8	9 / 8	8 / 8	7 / 8	good	viable	ivy covering trunk
446	bitter cherry	N	9	80	1	5 / 8	10 / 8	10 / 8	11 / 8	good	viable	ivy covering the trunk
447	big leaf maple	N	15	58	3.5	13 / 10	15 / 10	18 / 10	15 / 10	good	viable	good form, good branch attachments
448	cascara	N	6	35	1	3 / 5	8 / 5	3 / 5	3 / 5	poor	non viable	root rot
449	bitter cherry	N	7, 9	48	2	1 / 8	20 / 8	6 / 5	x	fair	viable	co-dominant stems, 30 deg lean south
450	bitter cherry	N	7	45	1	2 / 6	11 /4	1 / 6	10 / 4	good	viable	10 degree lean SW
451	bitter cherry	N	8	50	1	6 / 6	7 / 6	10 / 6	12 / 6	good	viable	no concerns
452	black cottonwood	N	49	135	na	20 / 15	x	17 / 15	x	poor	non viable	co-dom stems, high-risk
453	black cottonwood	N	35	100	na	x	20 / 15	15 / 15	x	fair-poor	borderline	likely to fall away, low risk
455	bitter cherry	N	6	58	1	8 / 6	8 / 6	10 / 6	10 / 6	good	viable	no concerns
456	black cottonwood	N	7	65	1	10 / 5	6 / 5	7 / 5	7 / 5	good	viable	no concerns
457	Douglas-fir	N	27	90	9.5	7 / 15	20 / 15	20 / 15	8 / 15	fair	viable	self corrected lean south
458	bitter cherry	N	9	55	1	8 / 6	8 / 6	10 / 6	8 / 6	good	viable	co-dominant stems, forks at 10'
459	Douglas-fir	N	23	110	7.5	13 / 10	15 / 10	12 / 10	15 / 10	good	viable	no concerns
460	big leaf maple	N	21	75	6.5	9 / 10	10 / 10	14 / 10	4 / 10	fair	viable	past wound on east side of the trunk
461	western red cedar	N	6	28	1	7 / 5	7 / 5	7 / 5	7 / 5	good	viable	no concerns
462	Douglas-fir	N	38	130	15	9 / 15	20 / 15	14 / 15	10 / 15	good	viable	ivy covering the trunk
463	Douglas-fir	N	27	135	9.5	8 / 10	20 / 10	15 / 10	12 / 10	good	viable	rope swing
464	Douglas-fir	N	19	110	5.5	8 / 10	8 / 10	8 / 10	4 / 10	good	viable	no concerns
465	Douglas-fir	N	18	110	5	13 / 10	x	12 / 10	x	good	viable	no concerns
466	Douglas-fir	N	32	140	12	15 / 13	16 / 13	15 / 13	12 / 13	good	viable	full crown, no concerns
467	Douglas-fir	N	21	125	6.5	x	22 / 10	x	17 / 10	good	viable	no concerns
468	Douglas-fir	N	27	120	na		x	x	x	poor	non viable	root rot
469	Douglas-fir	N	28	130	10	14 / 13	15 / 13	8 / 13	15 / 13	good	viable	close to root rot tree (#468)
470	Saucer magnolia	P	6, 5	28	1	9 / 8	15 / 8	13 / 8	12 / 8	good	viable	typical
471	Douglas-fir	N	26	140	9	25 / 14	x	x	25 / 14	good	viable	no concerns
472	Douglas-fir	N	23	140	7.5	x	x	22 / 14	x	good	viable	no concerns
473	Douglas-fir	N	31	140	11.5	x	21 / 14	x	x	good	viable	no concerns
474	Saucer magnolia	P	6, 3	28	1	16 / 6	14 / 6	10 / 6	10 / 6	good	viable	typical
475	blue atlas cedar	P	8	44	1	8 / 6	6 / 6	9 / 6	7 / 6	fair	viable	some foliage dieback
476	Douglas-fir	N	18	110	5	12 / 10	15 / 10	16 / 10	10 / 10	good	viable	no concerns
477	Douglas-fir	N	16	68	4	18 / 10	15 / 10	16 / 10	15 / 10	fair	viable	broken top
478	Douglas-fir	N	23	120	7.5	8 / 12	14 / 12	12 / 12	13 / 12	good	viable	no concerns
479	Douglas-fir	N	9	38	1	10 / 6	8 / 6	10 / 6	8 / 6	good	viable	no concerns
480	western red cedar	N	6	28	1	7 / 5	7 / 5	7 / 5	6 / 5	good	viable	no concerns
481	pacific madrone	N	6	35	1	6 / 6	7 / 6	8 / 6	7 / 6	good	viable	dead co-dominant stem

Tree Summary Table

For: Scrivanich Property
Kirkland

American Forest Management, Inc.

Date: 4/3/2014 Updated 4-11-16
Inspector: Layton/Wilkinson

Tree/Tag #	Species	Native/ Planted/ Volunteer	DBH	Height	Tree Credit	Drip-Line/Limits of Disturbance (feet) N	S	E	W	Condition	Viability	Comments
482	bitter cherry	N	6	45	1	8 / 6	8 / 6	12 / 6	8 / 6	fair	viable	scar on the bole
483	bitter cherry	N	7	40	1	8 / 6	6 / 6	7 / 6	8 / 6	good	viable	no concerns
484	Douglas-fir	N	22	110	7	13 / 12	20 / 12	17 / 12	15 / 12	good	viable	good taper, no concerns
485	chestnut	P	12,12	60	na	12/10	14/na	12/na	13/10	fair-poor	borderline	fork at root crown, decay, split-east stem
486	western red cedar	P	11	50	1.5	10/10	8/na	8/na	10/10	good	viable	no concerns
487	western red cedar	P	12	52	2	8/8	10/na	8/na	10/10	good	viable	no concerns
488	red alder	N	10	25	na	na	na	na	na	poor	borderline	broken, low risk, good wildlife habitat
489	European mtn ash	V	8	28	1	10/8	10	10	8/8	fair	viable	low risk
490	bitter cherry	N	10	44	1	12/10	10	8	10/10	fair	viable	decent form and vigor
491	red alder	N	15	40	na	na	na	na	na	fair-poor	borderline	broken top, good wildlife habitat
492	red alder	N	13	35	2.5	5	12	10	10	fair	viable	forked, no target, ok
493	red alder	N	6	25	na	na	na	na	na	fair-poor	borderline	low risk
494	bitter cherry	N	6	25	1	6	8	8	8	fair	viable	no concerns
495	willow	N	11	35	1.5	12/8	8/na	6/na	14/10	fair	viable	leans west
496	western red cedar	N	36	94	14	14/14	12/na	12/na	16/14	good	viable	full crown, good taper
497	willow	N	8	40	1	0	0	0	12	fair	viable	leans west
498	mountain ash	V	7, 6, 5, 5, 7	55	1	20 / 6	x	9 / 6	10 / 6	good	viable	forks at base, mult stems
500	black cottonwood	N	19	185	5.5	20 / 10	x	12 / 10	15 / 10	good	viable	no concerns
509	western red cedar	N	18	72	5	10/8	na	6/8	na	good	viable	no concerns
510	Douglas-fir	N	28	91	10	14/8	na	na	na	good	viable	no concerns
700	plum	N	6	32	1	18 / 5	9 / 5	10 / 5	10 / 5	good	viable	forks at 6`
1003	black cottonwood	N	9	55	1	7	4	6	6	fair	viable	young
1004	hawthorn	N	7	32	1	6	10	6	8	fair	viable	no concerns
1005	black cottonwood	N	6	35	1	4	5	10	4	fair	viable	low risk
1006	European mtn ash	V	7	26	1	10	6	8	4	fair	viable	low risk
1007	Douglas-fir	N	7	30	1	6	6	4	6	fair	viable	somewhat suppressed, low risk

Drip-Line and Limits of Disturbance measurements from face of trunk

Neighboring Tree Summary Table **American Forest Management, Inc.**

For: Scrivanich Property Date: 4/3/2014 Updated 3-7-16

Kirkland Inspector: Layton

Tree/Tag #	Species	Volunteer	DBH	Height	Drip-Line/Limits of Disturbance (feet)				Condition	Viability	Comments
					N	S	E	W			
136	Douglas-fir	N	33	140	14/16	10/16	10/10	na	fair	viable	suspect some trunk decay
137	Douglas-fir	N	33	135	13/16	12/16	12/10	na	fair-good	viable	appears sound, good color
141	Douglas-fir	N	33	135	12/16	14/16	9/10	na	fair	viable	root rot pocket on adj prop to west
143	Douglas-fir	N	31	132	12/16	10/16	12/12	na	fair-good	viable	ivy
144	Douglas-fir	N	34	140	12/16	14/16	16/12	na	fair-good	viable	ivy
145	Douglas-fir	N	12	32	x	x	x	x	poor	non	90% dead, broken
203	Douglas-fir	p	14		12/na	na	6/2	na	good	viable	7' off pl
204	Douglas-fir	p	11		na	na	3/2	na	good	viable	5' off pl
205	Douglas-fir	p	16		na	na	9/4	na	good	viable	5' off pl
207	Douglas-fir	p	20		na	na	8/5	na	good	viable	5' off pl
208	Douglas-fir	p	11		na	na	4/2	na	fair	viable	5' off pl sw supp
209	Douglas-fir	p	18		na	na	15/10	na	fair-good	viable	3' off pl
210	Douglas-fir	p	16		na	na	15/10	na	fair	viable	209 210, fork at 2'
211	Douglas-fir	p	18		na	na	0/2	na	good	viable	7' off pl
212	Douglas-fir	p	22		11/10	13/10	15/10	na	good	viable	on pl
213	Douglas-fir	p	18		na	na	8/4	na	good	viable	5' off pl
220	big leaf maple	n	20,24	83	24/na	16/na	na	19/12	fair	viable	stems fork at 3', ok, good form
221	western red cedar	n	18	60	na	na	na	14/10	good	viable	exc taper
228	big leaf maple	n	16		na	na	na	20/10	poor	non	broken at 12', mult tops, hypoxylon
229	western red cedar	n	15	46	na	na	na	8/6	good	viable	sw supp, 2' off pl
231	big leaf maple	n	25	90	na	na	na	22/12	fair-good	viable	good form
232	big leaf maple	n	33	90	na	na	na	23/12	fair	viable	some decay at past branch failures
238	flowering cherry	N	7, 6, 9	25	x	6 / 5	14 / 6	9 / 6	fair	viable	topped in the past
239	flowering cherry	N	11	28	x	7 / 4	8 / 5	12 / 5	fair	viable	co-dominant stems
252	Douglas-fir	p	26		na	na	3/0	na	good	viable	15' off pl nc
254	Douglas-fir	p	12		na	na	6/2	na	good	viable	7' off pl
256	Douglas-fir	p	10		na	na	7/2	na	good	viable	8' off pl
257	Douglas-fir	p	16		na	na	2/0	na	good	viable	10' off pl
258	Douglas-fir	p	11		na	na	8/3	na	good	viable	6' off pl
259	Douglas-fir	p	10		na	na	5/2	na	fair-good	viable	4' off pl
260	Douglas-fir	p	15		na	na	5/2	na	good	viable	8' off pl
271	big leaf maple	n	26	80	na	na	na	28/10	fair-good	viable	8' off pl
289	big leaf maple	n	30,18	85	na	na	na	22/10	fair	viable	10' off pl, smaller stem needs reduction
290	Douglas-fir	n	22		na	na	na	6/0	fair	viable	14' off pl, crooked top
291	Douglas-fir	n	28		na	na	na	2/0	good	viable	14' off pl

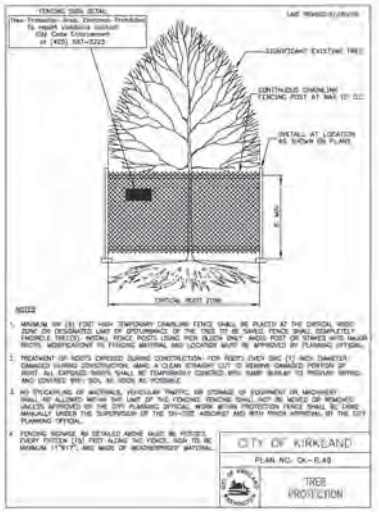
Neighboring Tree Summary Table **American Forest Management, Inc.**

For: Scrivanich Property Date: 4/3/2014 Updated 3-7-16

Kirkland Inspector: Layton

Tree/Tag #	Species	Volunteer	DBH	Height	Drip-Line/Limits of Disturbance (feet)				Condition	Viability	Comments
					N	S	E	W			
293	Douglas-fir	n	16		na	na	na	6/0	fair	viable	12' off pl
294	Douglas-fir	n	35		na	na	na	6/0	good	viable	16' off pl
295	Douglas-fir	n	16		na	na	na	12/10	good	viable	4' off pl
298	Douglas-fir	n	15		na	na	na	4/0	good	viable	12' off pl
312	Douglas-fir	n	12	58	na	na	na	2/6	fair	viable	3' off pl
316	Douglas-fir	n	17	102	na	na	na	4/4	good	viable	8' off pl
331	Douglas-fir	n	22	105	na	na	na	14/10	good	viable	4' off pl, natural lean west
343	Douglas-fir	n	16	100	na	na	na	6/6	good	viable	6' off pl
353	Douglas-fir	n	26	105	na	na	na	4/4	fair-good	viable	10' off pl, old broken top
358	Douglas-fir	n	20	110	na	na	na	6/5	good	viable	7' off pl
401	paper birch	V	10	50	x	9 / 3	x	x	fair	viable	slight lean south, sapsucker damage
402	western red cedar	N	11	35	x	2 / 0	x	x	good	viable	no concerns
404	douglas-fir	N	15	50	x	5 / 1	x	x	good	viable	no concerns
405	western red cedar	N	14	35	x	6 / 3	x	x	good	viable	no concerns
406	big leaf maple	N	12	35	x	7 / 0	x	x	good	viable	no concerns
407	douglas-fir	N	14	50	x	6 / 0	x	x	good	viable	no concerns
408	douglas-fir	N	7	35	x	2 / 0	x	x	fair	viable	co-dominant stems, suppressed
409	douglas-fir	native	15	75	x	x	13 / 5	x	viable	good	2' grade change at prop boundary
410	douglas-fir	native	12	75	x	x	12 / 8	x	viable	good	no concerns
411	douglas-fir	native	16	75	x	x	12 / 8	x	viable	good	treehouse in tree
420	big leaf maple	N	26	90	x	x	15 / 12	x	good	viable	adjacent to fence
501	European white birch	v	11	51	8/8	14/10	na	14/6	fair	viable	lean, suppressed
502	black cottonwood	n	26	118	8/8	12/12	na	5/8	fair	viable	typical
503	black cottonwood	n	14	88	na	4/8	na	4/4	fair-poor	borderline	dead top, suppressed
504	black cottonwood	n	21	110	na	8/12	na	8/8	fair	viable	typical
505	black cottonwood	n	11	67	20/10	0/8	na	4/4	poor	non	heavy lean north, suppressed
507	Douglas-fir	n	20	81	na	na	6/4	na	fair	viable	no concerns, 8' off fence line
508	Douglas-fir	p	13	61	na	na	11/5	na	fair-good	viable	young, 4' off fence line
701	black cottonwood	native	20	170	8 / 6				good	viable	no concerns
702	black cottonwood	native	15	170	6 / 2				good	viable	no concerns
703	black cottonwood	native	18	170	8 / 4				good	viable	no concerns
1001	Douglas-fir	n	10	47	na	na	na	10/5	fair	viable	4' off pl, suppressed
1002	Douglas-fir	n	20	95	na	na	na	10/8	good	viable	6' off pl

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



LEGEND

- TREE PROTECTIVE FENCING PER COK STD PLAN CK-R.49
- EXISTING CONIFEROUS TREE TO REMAIN
- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING TREE TO REMOVE
- EXISTING OFFSITE TREE
- EXISTING OFFSITE TREE TO BE REMOVED

NOTES

1. SEE LANDSCAPE PLANS FOR TREES TO BE PLANTED.
2. SEE SHEET TR-03 AND TR-04 FOR ARBORIST REPORT AND DETAILS.
3. TREES LABELED AS "RETAIN IF POSSIBLE" ARE CONSIDERED REMOVED FOR TREE DENSITY CALCULATIONS.

TREE DENSITY CALCULATIONS

SIGNIFICANT TREES ON SITE=	300
VIABLE SIGNIFICANT TREES ONSITE=	255 – 1,028 CREDITS
NON-VIABLE SIGNIFICANT TREES ONSITE=	45
TREES TO BE SAVED=	61 – 195 CREDITS
TREE CREDITS REQUIRED=	147.3
TREE CREDITS TO BE PLANTED=	*

*NOTE: TREES ARE NOT REQUIRED TO BE PLANTED BASED ON RETENTION. HOWEVER, TREES WILL BE PLANTED AS PART OF THE PROJECT. SEE PLANTING PLAN BY LANDSCAPE ARCHITECT.

DISCLAIMER

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811 or 1-800-424-5555
Utilities Underground Location Center

REVISIONS

NO.	DATE	DESCRIPTION	BY

LDC
THE CIVIL ENGINEERING GROUP
Engineering
Structural
Planning
Survey
14201 NE 200th St., #100
Woodinville, WA 98072
Ph. 425.806.1869
Fx. 425.806.2881
www.LDCcorp.com

LARRY SCRIVANICH

SCRIVANICH PROPERTY

INTEGRATED DEVELOPMENT PLAN

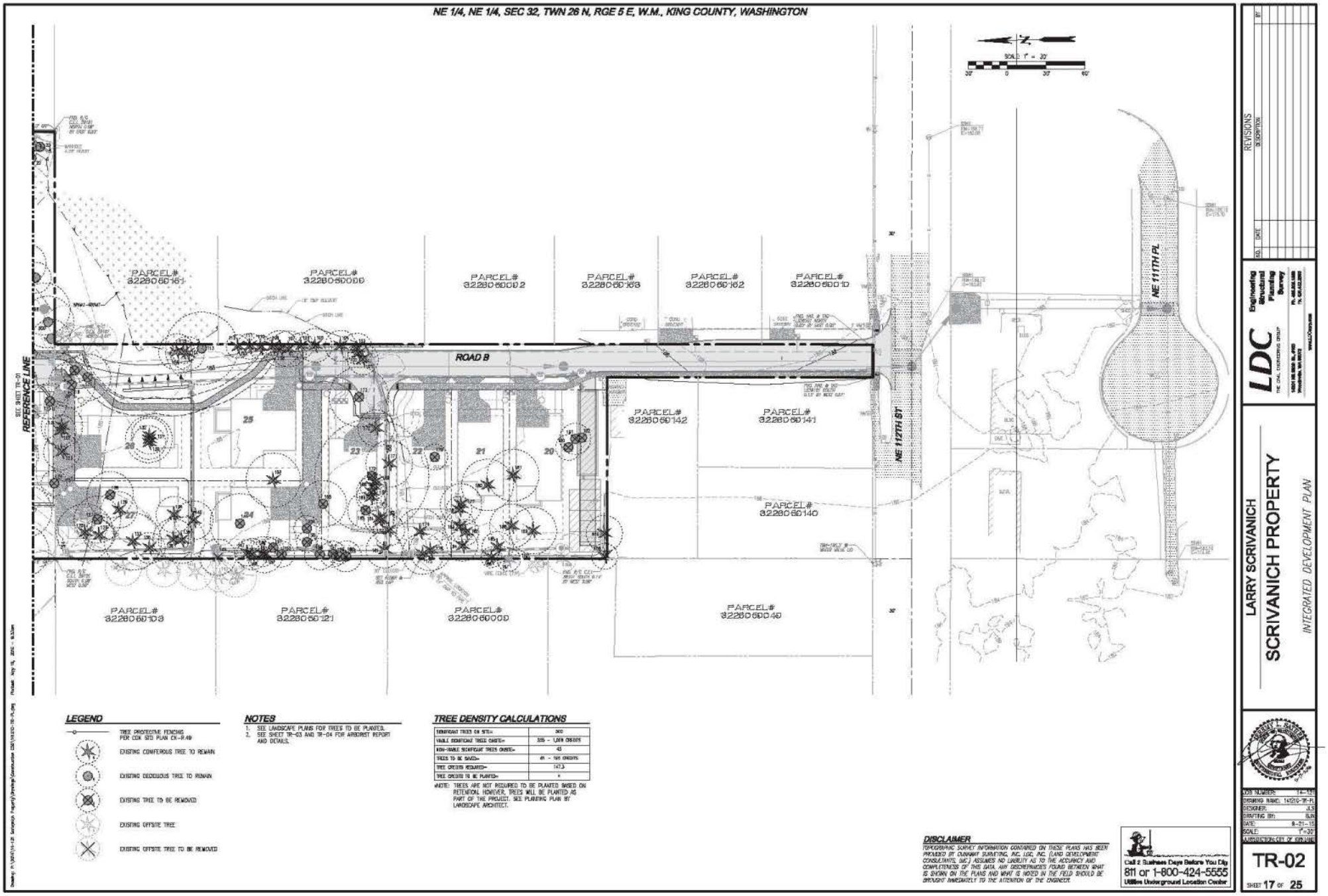
JEREMY L. SANDERS
EXPIRES: 9/17/14

JOB NUMBER:	14–121
DRAWING NAME:	14121C-TR-PL
DESIGNER:	JLS
DRAFTING BY:	BJN
DATE:	9–21–15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

TR-01

SHEET 16 OF 25

Drawing: P:\2014\14-121 Scrivanich Property\Drawings\Construction CD\14121C-TR-PL.dwg Plotted: May 18, 2016 - 8:36am


NE 1/4, NE 1/4, SEC 32, TWN 26 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON
SCALE: 1" = 30'
ROAD B
NE 111TH PL
NE 112TH ST
REFERENCE LINE
PARCEL# 3228060161
PARCEL# 3228060000
PARCEL# 3228060002
PARCEL# 3228060168
PARCEL# 3228060162
PARCEL# 3228060010
PARCEL# 3228060142
PARCEL# 3228060141
PARCEL# 3228060140
PARCEL# 3228060103
PARCEL# 3228060121
PARCEL# 3228060009
PARCEL# 3228060040
LEGEND
TREE PROTECTIVE FENCING PER COK STD PLAN CH-8.49
EXISTING CONIFEROUS TREE TO REMAIN
EXISTING DECIDUOUS TREE TO REMAIN
EXISTING TREE TO BE REMOVED
EXISTING OFFSITE TREE
EXISTING OFFSITE TREE TO BE REMOVED
NOTES
1. SEE LANDSCAPE PLANS FOR TREES TO BE PLANTED.
2. SEE SHEET TR-03 AND TR-04 FOR ARBORIST REPORT AND DETAILS.
TREE DENSITY CALCULATIONS
SIGNIFICANT TREES ON SITE=: 300
VALUABLE SIGNIFICANT TREES ONSITE=: 225 - 1,200 CREDITS
NON-VALUABLE SIGNIFICANT TREES ONSITE=: 43
TREES TO BE SAVED=: 41 - 164 CREDITS
TREE CREDITS REMAINED=: 147.3
TREE CREDITS TO BE PLANTED=: 0
*NOTE: TREES ARE NOT REQUIRED TO BE PLANTED BASED ON RETENTION; HOWEVER, TREES WILL BE PLANTED AS PART OF THE PROJECT. SEE PLANTING PLAN BY LANDSCAPE ARCHITECT.
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LDC
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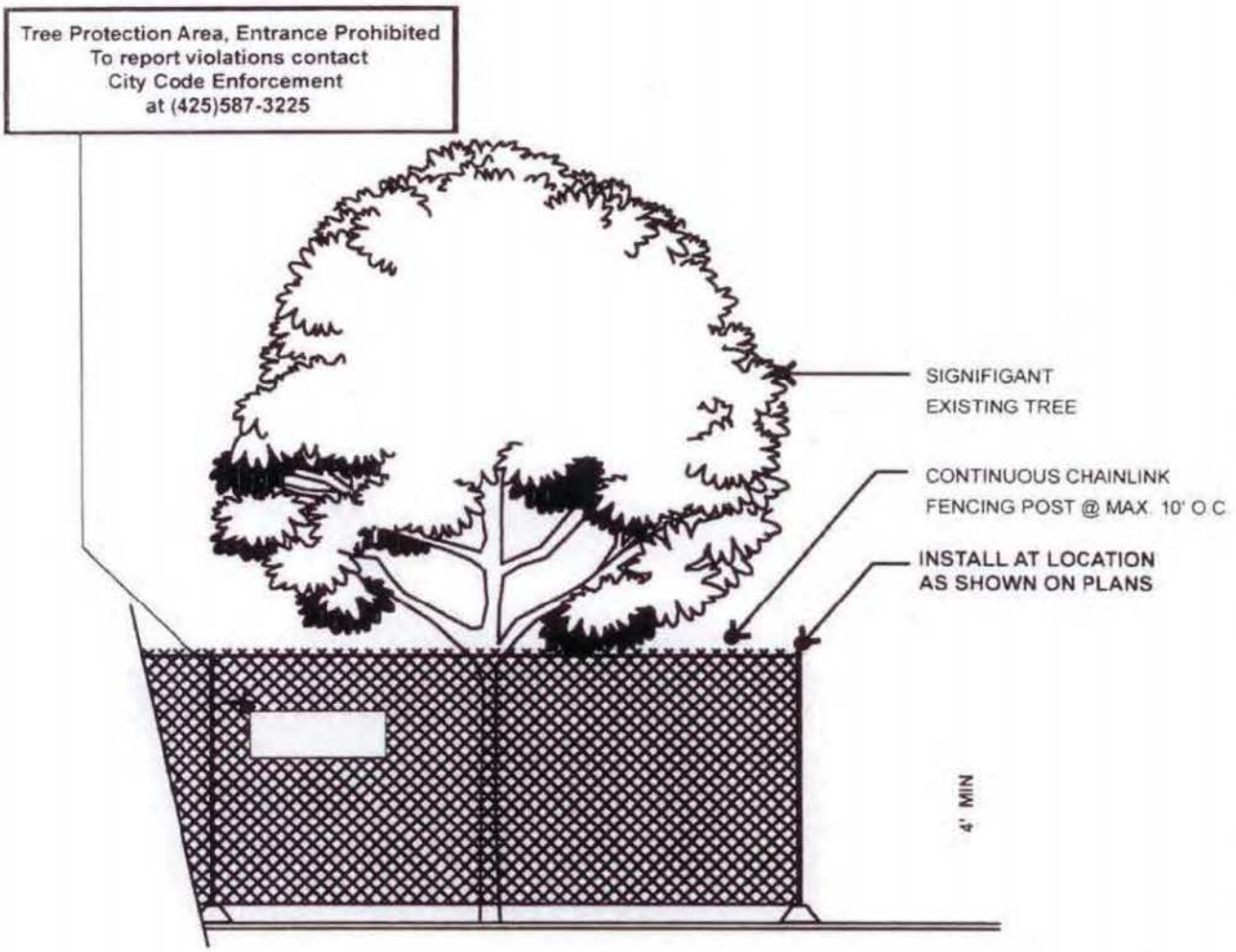
Structural
Planning
Survey
LARRY SCRIVANICH
SCRIVANICH PROPERTY
INTEGRATED DEVELOPMENT PLAN
JOB NUMBER: 14-191
DRAWING NAME: 14191C-TR-PL
DESIGNER: JLS
DRAFTING BY: SLN
DATE: 9-21-15
SCALE: 1"=30'
JURISDICTION: CITY OF KIRKLAND
TR-02
SHEET 17 OF 25

FENCING SIGN DETAIL



1. MINIMUM FOUR (4) FOOT HIGH TEMPORARY CHAINLINK FENCE SHALL BE PLACED AT THE CRITICAL ROOT ZONE OR DESIGNATED LIMIT OF DISTURBANCE OF THE TREE TO BE SAVED. FENCE SHALL COMPLETELY ENCIRCLE TREE (S). INSTALL FENCE POSTS USING PIER BLOCK ONLY. AVOID POST OR STAKES INTO MAJOR ROOTS. MODIFICATIONS TO FENCING MATERIAL AND LOCATION MUST BE APPROVED BY PLANNING OFFICIAL.

2. TREATMENT OF ROOTS EXPOSED DURING CONSTRUCTION: FOR ROOTS OVER ONE (1) INCH DIAMETER DAMAGED DURING CONSTRUCTION, MAKE A CLEAN STRAIGHT CUT TO REMOVE DAMAGED PORTION OF ROOT. ALL EXPOSED ROOTS SHALL BE TEMPORARILY COVERED WITH DAMP BURLAP TO PREVENT DRYING, AND COVERED WITH SOIL AS SOON AS POSSIBLE.

3. NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMIT OF THE FENCING. FENCING SHALL NOT BE MOVED OR REMOVED UNLESS APPROVED BY THE CITY PLANNING OFFICIAL. WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY UNDER THE SUPERVISION OF THE ON-SITE ARBORIST AND WITH PRIOR APPROVAL BY THE CITY PLANNING OFFICIAL.

4. FENCING SIGNAGE AS DETAILED ABOVE MUST BE POSTED EVERY FIFTEEN (15) FEET ALONG THE FENCE.

CITY OF KIRKLAND WASHINGTON

TREE PROTECTION FENCING DETAIL

SCRIVANICH

Planned Unit Development – Modification request

October 5th, 2016

Background

The project applicant is seeking a modification from the requirements of KZC 115.115.3.g.1 and 115.115.3.g.2 regarding rockery/retaining wall height and fences within five (5) feet of retaining walls exceeding six (6) feet in height.

KZC 115.115.3.g.1 states that retaining walls may be a maximum of 4 feet in height in a required yard unless a modification is granted. Modifications are granted by the Planning Official if it is necessary because of the size, configuration, topography or location of the subject property and either the wall is terraced or will not have a substantial detrimental effect on abutting properties or the City as a whole.

KZC 115.115.3.g.2 states that the combined height of fences and retaining walls within five (5) feet of each other in a required yard may be a maximum of six (6) feet unless a modification is granted. Modifications are granted by the Planning Official if a) an open guard railing is required by the Building Code and the height of the guard railing does not exceed the minimum required; or b) because the size, configuration, topography or location of the subject property makes it necessary and either the wall is terraced or will not have a substantial detrimental effect on abutting properties or the City as a whole.

Modification request

This modification request is being prepared in two sections. The first request is for the internal retaining walls which are within a required yard. The second portion of the request is directed at the retaining wall and existing fence along the east side of the property.

1) Modification to KZC 115.115.3.g.1 for retaining wall greater than 4' in height between internal lots.

   The applicant is seeking a modification to KZC 115.115.3.g.1 for internal retaining walls greater than 4' in height between lots 6-18 as depicted on the site plan.

   This modification request meets the requirements of KZC 115.115.3.g.1 because the retaining walls in excess of 4 feet are necessary because of the topography, size and configuration of the property. These retaining walls are all internal

retaining walls for the lots and have been reviewed by the City. No comments were received from the City or adjoining property owners. The proposed retaining walls also meet the requirements of KZC 115.115.3.g.1.ii because the modification will not have a substantial detrimental effect on abutting properties or the City as a whole.

2) The City has asked the project applicant to request a modification from the requirements of KZC 115.115.3.g.1 and 115.115.3.g.2 for the proposed retaining wall on the east side of the property (located within Tract D and the road easement) and the existing fence located within five (5) feet of the proposed retaining wall because the combined height is greater than 6 feet in some areas. Although KZC 115.115.3.g.1 and 115.115.3.g.2 only apply to retaining walls over 4' and fences within 5' of retaining walls where the height is greater than 6' in a required yard as defined in KZC 5.10.775, we provide the following analysis showing that we meet the requirements for a modification.

   The retaining wall is necessary because of the size, configuration, topography and location of the subject property. The City required the project applicant to construct the road entrance on the north side of the site (instead of where the existing driveway is on the south side) because of distance requirements between roads on NE 116th St. The road is also designed to meet the road standard requirements of the City which requires grading because of the topography of the site. In addition to the requirements for placement of the road which dictates the configuration of the proposed project, the property is narrow and the topography of the property dictates the need for retaining walls over 4 feet in height.

   The retaining wall itself will not have a substantial detrimental effect on abutting properties or the City as a whole. The City has reviewed this proposal numerous times and has not expressed any issue with the placement of the retaining wall.

   In terms of adjacent neighbors to the east we believe that there are numerous issues to consider:

   a) The distance between the proposed retaining wall and homes on the neighboring property is 40' or greater.
   b) The existing fence, as shown on the attached drawing, shows that much of the wall will be behind the fence. As indicated in the attached drawing, the highest point of the wall is on the south end, where it breaks toward the interior of the proposed development so it will be farther away from neighboring properties.

c) The project applicant has agreed to plant dense vegetation, such as arborvitae on top of the wall, in order to address concerns regarding headlights. This has been incorporated as a SEPA condition.
d) As shown in the attached exhibit, there are numerous trees within the 40' vegetation buffer on the neighboring property. The neighboring property has additional room to plant vegetation if they desire.

Based upon this information, the proposed modification meets KCZ 115.115.3.g.1 because the proposed retaining wall will not cause a substantial detrimental effect on abutting properties or the City as a whole.

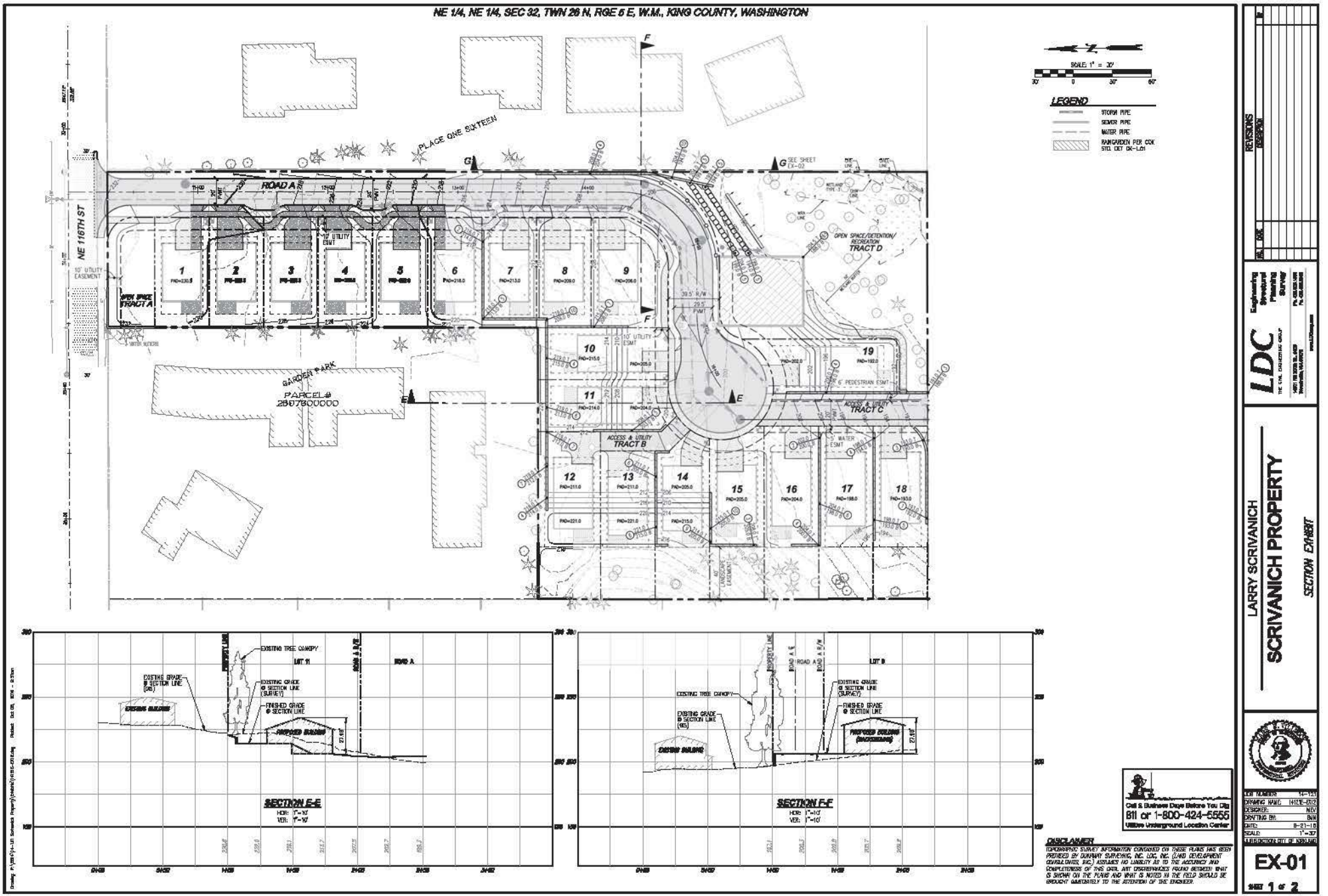
With the required placement of the road, the road easement extends to the east side of the property which dictates the placement of the retaining wall. As shown in the attached pictures, there is an existing fence between this project and the property to the east. This is proposed to be retained. The proximity of the proposed retaining wall and fence are necessary because of the size, configuration, and topography of the subject property as described above. The retention of the fence will have a positive impact because it will provide a visual buffer for neighboring properties to the east. For these reasons, the modification request meets the requirements of KCZ 115.115.3.g.2 and 115.115.3.g.2.b.ii.

Closing

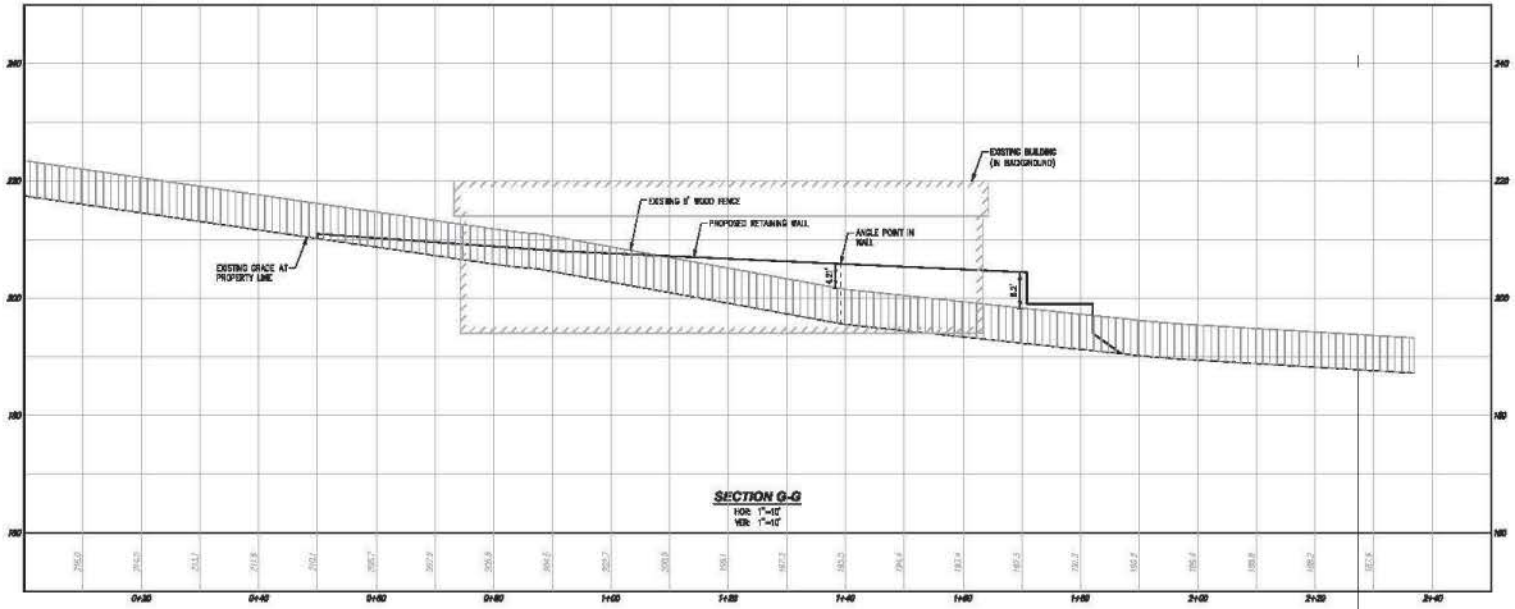
As proposed, the Scrivanich PUD meets the requirements for a modification from the requirements of KZC 115.115.3.g.1 and 115.115.3.g.2. Please let me know if you have any further questions.

Prepared by: Clay White, Principal Planner
Vice President
LDC, Inc (Land Development Consultants)

Attachments: Road section profile
Pictures
Map showing orientation of pictures.


NE 1/4, NE 1/4, SEC 32, TWN 26 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON
SCALE: 1" = 30'
LEGEND
STORM PIPE
SEWER PIPE
WATER PIPE
RAINGARDEN PER COK STD. DET. SK-L01
PLACE ONE SIXTEEN
NE 116TH ST
ROAD A
OPEN SPACE/DETENTION/ RECREATION TRACT D
OPEN SPACE TRACT A
GARDEN PARK
PARCEL # 2887600000
ACCESS & UTILITY TRACT B
ACCESS & UTILITY TRACT C
6' PEDESTRIAN ESMT
5' WATER ESMT
10' UTILITY ESMT
SEE SHEET EX-02
SECTION E-E
HOR: 1"=10'
VER: 1"=10'
EXISTING TREE CANOPY
EXISTING GRADE @ SECTION LINE (SURVEY)
FINISHED GRADE @ SECTION LINE
PROPOSED BUILDING
EXISTING BUILDING
LOT 11
LOT 9
PROPERTY LINE
Call 8 Business Days Before You Dig
811 or 1-800-424-5555
Utilities Underground Location Center
DISCLAIMER
LDC
LARRY SCRIVANICH
SCRIVANICH PROPERTY
SECTION EXHIBIT
REVISIONS
JOB NUMBER: 14-141
DRAWING NAME: 1412E-EX12
DESIGNER: NEV
DRAFTING BY: BAM
DATE: 8-21-15
SCALE: 1"=30'
JURISDICTION: CITY OF KIRKLAND
EX-01
SHEET 1 OF 2

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



REVISIONS

NO.	DATE	DESCRIPTION	BY

LDC
Engineering
Structural
Planning
Survey

LARRY SCRIVANICH

SCRIVANICH PROPERTY

SECTION EXHIBIT

JOB NUMBER:	14-179
DRAWING NAME:	1413E-EX02
DESIGNER:	MEV
DRAFTING BY:	BJM
DATE:	9-23-15
SCALE:	1"=10'
JURISDICTION:	CITY OF BREMERTON

EX-02

SHEET 2 OF 2

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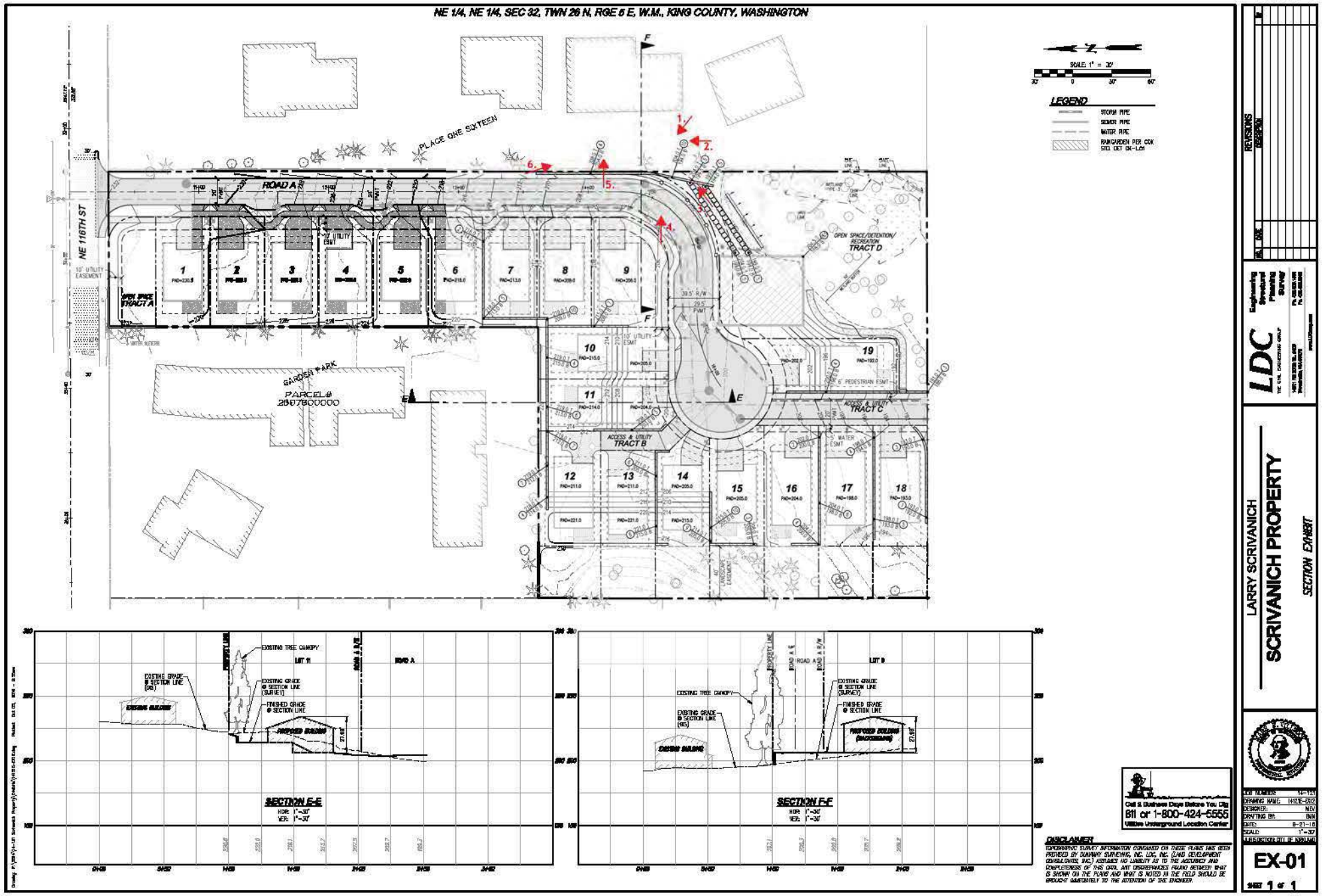
NE 1/4, NE 1/4, SEC 32, TWN 26 N, RGE 5 E, W.M., KING COUNTY, WASHINGTON
SCALE: 1" = 30'
LEGEND
STORM PIPE
SEWER PIPE
WATER PIPE
RAINGARDEN PER COK STD. DET DK-L01
PLACE ONE SIXTEEN
NE 116TH ST
ROAD A
10' UTILITY EASEMENT
OPEN SPACE TRACT A
GARDEN PARK
PARCEL # 2887600000
OPEN SPACE/DETENTION/ RECREATION TRACT D
ACCESS & UTILITY TRACT B
ACCESS & UTILITY TRACT C
6' PEDESTRIAN ESMT
5' WATER ESMT
39.5' R/W
29.5' PVMT
1
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18
19
SECTION E-E
HOR: 1"=30'
VER: 1"=30'
EXISTING TREE CANOPY
EXISTING GRADE @ SECTION LINE (SURVEY)
FINISHED GRADE @ SECTION LINE
EXISTING GRADE @ SECTION LINE (GIS)
EXISTING BUILDING
PROPOSED BUILDING
PROPOSED BUILDING (BACKGROUND)
27.5 MF
SECTION F-F
HOR: 1"=30'
VER: 1"=30'
Call 5 Business Days Before You Dig
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Utilities Underground Location Center
DISCLAIMER
REVISIONS
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DESIGNER: NEV
DRAFTING BY: BAN
DATE: 8-21-15
SCALE: 1"=30'
JURISDICTION: CITY OF KIRKLAND
EX-01
SHEET 1 OF 1

Scrivanich Proposed Wall Location Exhibit
Oct 5, 2016

Photo 1: Looking Northwest

Photo 2: Looking North

Scrivanich Proposed Wall Location Exhibit
Oct 5, 2016

Photo 3: Looking East

Photo 4: Looking East

Scrivanich Proposed Wall Location Exhibit
Oct 5, 2016

Photo 5: Looking East

Photo 6: Looking Southeast

David Barnes

From: David Barnes
Sent: Monday, October 31, 2016 9:46 AM
To: 'Supriya Kelkar'
Cc: georgiana.unger@gmail.com
Subject: RE: Written comments for Permit No. SUB15-02157
Attachments: Scrivanich Upper Site Plan.pdf

Good Morning Supriya Kelkar,

I will give this letter to the Hearing Examiner for the upcoming hearing on November 3rd 2016 (7PM) here at City Hall.

I wanted to address the questions that you posed and that I know the answers to. I have attached an Upper site plan that shows your property (green) in relationship to the proposed development. I also highlighted the 40 foot landscape easement. It will be 40 feet deep and run behind lots 12-18 (see #2 below)

1. There is extensive grading that needs to be done on the site to meet the requirements for developing a road that meets the City standards. Therefore grading on the proposed lots need to occur so that homes can be accessed from this road. The City requires all new development to capture the stormwater that will be present due to the additional impervious surfaces. The site has a detention vault(in the south western portion of the site that will capture water from all new road, driveway, roofs and patios and slowly release it into the wetland buffer as our code requires.

2. There is a required 40 foot landscape easement that serves to buffer proposed lots 12-18 from the common property line that the Scrivanich development shares with your rear property line. It appears that ½ of Lot 12 and all of Lot 13 will be adjacent to your rear property line. There does not appear to be any grading proposed within the 40 foot landscape easement. The City has proposed that the development could propose landscape features such as benches, fire pit, picnic tables and seating area within the first 10 feet of the 40 foot landscape buffer. In addition, the staff report for the project also puts some additional landscaping requirements to fill out the existing landscaping where there may be gaps along the western property line (your rear property line).

3. The Public Works Traffic Engineer has examined the Traffic Report submitted be the applicant and has determined that the roads along NE 116th Street and NE 112th Street have the capacity to serve 27 lots. The upper portion of the development will **not** have a through road that connects to NE 112th. No traffic mitigation has been required by the City's Transportation Engineer.

4. The wetland is not being filled. The buffer is being enhanced and planted with native shrubs and trees and invasive plants are being removed. The wetland buffer will function better and is required to be monitored and maintained for five years after the planting occurs. The entire onsite wetland and its buffer (approximately 14,500 square feet) will be placed in a Native Growth Protective Easement in perpetuity. The applicant's plan has been peer reviewed by the City's Environmental Consultant, the Watershed Company. I have conditioned the enhancement plan to add more buffering and to have a final review by the City's consultant.

I hope this information is helpful and as stated, I will give your letter to the Hearing Examiner. Here is a link to the hearing examiner's packet. You can click on the agenda for November 3rd and the meeting packet is broken into 8 parts as it is quite large.

Thank you,

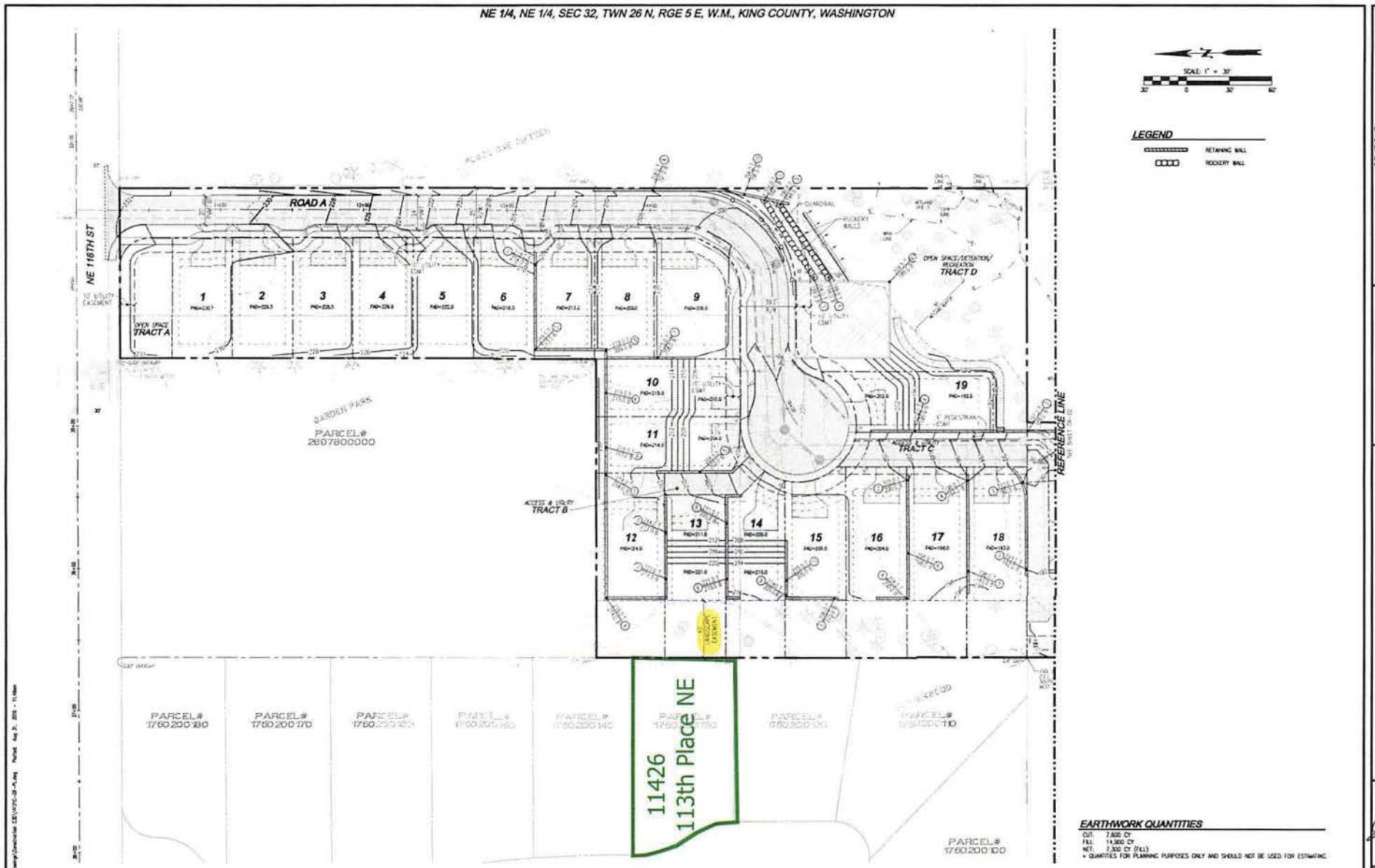
CITY OF KIRKLAND
Hearing Examiner Exhibit
Appellant ___
Respondent ___ ADMITTED X
Department X DENIED ___
FILE # SUB 15-02157
5

David Barnes, CSBA, **LEED AP**
Associate Planner
Planning & Building Department
City of Kirkland
425-587-3250
dbarnes@kirklandwa.gov

Please don't print this e-mail unless you really need to. Reduce, Reuse, Recycle. Incorporate sustainable practices and plan to execute them in your daily routine.

From: Supriya Kelkar [mailto:sdhawade@hotmail.com]
Sent: Sunday, October 30, 2016 7:33 PM
To: David Barnes <DBarnes@kirklandwa.gov>
Cc: georgiana.unger@gmail.com
Subject: Written comments for Permit No. SUB15-02157

Hi David,
I'm a concerned neighbor writing to find out more about this new development (Scrivanich PUD SUB 15-02157) planned in my neighborhood. My property on 113th Place NE backs on to the proposed subdivision. There are many issues with this development that I see need to be addressed, namely-
1. The grade in this proposed subdivision is very steep, especially on the west side lots that back 113th Place NE properties. How are these proposed to be graded? How will this affect the surface drainage of the area?
2. There are many trees that provide privacy and screening between the properties along the west edge. Will the tree buffer be maintained? If not, what mitigation does the City propose?
3. Having 27 new lots proposed behind my property, how does it affect property value of my land as there will be increased traffic and congestion associated with the addition of these homes. How is the City planning to mitigate this impact?
4. What mitigation measures are proposed for filling up the wetland, removal of numerous trees and loss of animal habitat?
We have lived in the neighborhood for more that 16 years and do not want to see our backyard being crowded and privacy lost. I would request that these concerns be conveyed as written comments for the hearing that is proposed for November 3, 2016.
Please do not hesitate to contact me if there are any questions.
Sincerely,
Supriya Kelkar
11426 113th Place NE
Kirkland WA 98033



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Utilities Underground Location Center

REVISIONS

NO.	DATE:	DESCRIPTION	BY:
1	8-19-15	PUBLIC WORKS COMMENTS TRCM 8-17-15	A.S.
2	8-31-15	SAVED TREE #57 AND PARKING	A.S.

LDC
Engineering
Structural
Planning
Survey

LARRY SCRIVANICH
SCRIVANICH PROPERTY
GRADING PLAN

JOB NUMBER:	14-121
DRAWING NAME:	1412SC-GR-PL
DESIGNER:	A.S.
DRAWING BY:	B.N.
DATE:	9-21-15
SCALE:	1"=30'
JURISDICTION:	CITY OF KIRKLAND

GR-01

SHEET 6 OF 25

Jan Sanford

From: "Jan Sanford" <JanSan0204@msn.com>
To: "David Barnes" <DBarnes@kirklandwa.gov>
Sent: Monday, September 26, 2016 8:48 PM
Subject: Fw: SCRIVANICH PUD, Case No SUB15-02157

Hello David,

Thank you so very much for taking time from your busy schedule to meet with us this AM. Within Comment period 9-27-2016, I wish to share the following comments regarding the Scrivanich PUS, Case No SUB15-02157

SITE PLAN LAYOUT:

*The structure wall supporting the new public street which abutts Place 116 existing development is ten (10) feet high. The wall is located on the common property line with Place 116. The street design includes an additional two (2) feet of slope above the top of the wall to the street elevation. In addition, for safety, it is likely Kirkland will require a fence to be located on top of the wall. The design is done to maximize the number of lots without regard to the abutting residences. The adverse impact to Place 116 is substantial.

*The street supported structural wall is a "structure" and has the same impact on abutting properties as any other wall structure or building and does not meet the intent of Kirkland's zoning code. The zoning code permits only a four (4) foot wall to be placed on a common property line. We understand that there may be other governing guidelines that allow modification, but any variance should not be self imposed for the sake of just gaining additional lots.

*In addition, the wall is a permanent structure and its placement should take into consideration structure building code setback requirements. In this zone, the setback along this common property line would be ten (10) feet.

*The issue is self imposed by the developer's design. The development could eliminate the wall compliance issue by eliminating one lot in the vicinity of lots 8 & 9.

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Appellant ___
Respondent ___ ADMITTED X
Department X DENIED ___
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FILE # SUB 16-02157

SITE DRAINAGE & WETLANDS:

*The project detention vault discharge will likely expand the boundaries of the existing wetland. The roadway and other impervious surface runoff into the detention vault will not accommodate all storm events. During those events, roadway and other impervious runoff will discharge directly into the wetland without metering the flow. Even without additional flows, the current surface area of the wetland expands during peak storm winter events. The water table in the southern vicinity of Place 116 units will like increase with the additional flows. There is a high likelihood that the expansion of the wetland will cause infiltration in the crawl space of the southernmost Place 116 homes. What kind of ongoing financial instrument guarantee will the developer be required to have in place to mitigate such?

GENERAL PROJECT COMMENTS:

*As a design comment, the concrete retention vault has a sixteen (16) foot elevation along the wetland buffer. In addition, it is likely Kirkland will require a safety fence a top the box structure. We question the developer's Project Narrative/Benefit submittal. Section III, 3.b, which indicates that "The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property...." 3.d.iv. indicates "Superior architecture, design, placement, relationship or orientation of structure."

In addition, Consistency with PUD Criteria section submittal, paragraph 2., indicates in part, "The visual effect of the above components is negligible and will most likely be unnoticed by adjacent residents."

*Place 116 would take exception to such claims in consideration of the issues noted above.

Thank you for the opportunity to comment on the proposed development and trust the City of Kirkland will take our comments seriously.

Sincerely,

Jan Sanford

11409 115th Lane NE

Kirkland, Wa

206-310-6768

Attn: City of Kirkland

PUD

Re: Scrivanich Development

To whom it may concern,

We have several questions we would appreciate being addressed regarding the changes being made to our private property due to the Scrivanich development.

1. Will there be a "Dead End" or a "No Outlet" sign? We have been a private road, maintained by our homes for many years, not by the city, but it is our understanding that the city will now maintain the road? Wouldn't we need permission to get this sign placed?

2. From our understanding on the new road design, our landscape will now be brought out into our current parking strip which is our private property, using 3 and a half feet or so of our property for a new road. Does this mean that people from this development can park in front of our home whenever they want, or do we still maintain our privacy on our private property? Our concern is with the lack of overflow parking in this development, and given the narrow driveway leading to the homes, and no parking pad, that we will be affected by overflow parking.

Thanks for helping answer our questions,

Kelly and Mike Hershberger
11422 NE 112th ST
Kirkland, WA 98033

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FILE # SUB 15-02157
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My name is Cheryl Chudyk My husband, Andrew Fung and I live at 11420 NE 112 St.

When we originally offered the right of way to the city many years ago with another development they were going to provide us with sewer hook up at no charge. We are on septic and would like to be put on sewer with this subdivision.

Cheryl Chudyk
11420 NE 112 St
Kirkland WA 98033
425-605-0474
abfung@gmail.com

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Thank you.

For the record, my name is Clay White, Principal Planner with LDC. Our address is 14201 NE 200th Street #100. Woodinville, WA. 98072. I am here with my associate Mark Villwock, who is the engineer on this project and our Vice President. We are representing the applicant Larry Scrivanich.

We appreciate the staff presentation and agree with most of the staff conclusions. There are just a few issues we would like to address and of course we are here to answer any questions you might have.

1) Within the introduction, it lists Steven Anderson with LDC as the applicant. This should be corrected. The applicant is Scrivanich/Little Lion LLC.

2) I would also like to note that on page 9 of the staff report, it lists the uses adjacent to this project. It states that to the west is RS 8.5, Detached Single Family. This is true for a portion of the west side, adjacent to lots 12-18. This is where we are proposing a 40' landscaped visual buffer. However, there are higher densities west of this site, adjacent to lots 1-8 and north of lots 10-12. This is the Garden Park development. We ask that the record be corrected on this issue.

3) Next, I would like to address the proposed benefits this PUD application will bring to the city. This is discussed within the introduction and on page 19-20 of the staff report. The staff report correctly notes that we are proposing Rectangular Rapid Flashing Beacon RRFB) on 116th street west of McAuliffe Park and west of 108th ave NE at a cost of nearly 100,000. The report also notes that the application is proposing a 40' visual landscape buffer between this project and the neighboring properties on the western property line between lots 12-18.

   It is important to note, however, that the project is also proposing other benefits to the city that were not included within the public benefits section. Approximately 12% of the site, 25,515 square feet will be devoted to passive and active Open Space, which would not be required in a standard subdivision in this zone. Open space amenities include:

   - Seating benches
   - Play equipment
   - Grassed play area

   Open Space Tract A is located on the North end of the site and contains 2,986 square feet of active open space. At the request of the city, we moved this tract to the north end. It will not only provide active recreation space but provide a visual buffer between the development and NE 116th. Next, Tract D contains 22,529 square feet of open space which is dedicated to detention and recreation. While the area contains some critical

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areas and buffer which are required to be protected, we have intentionally not included Tract D within a lot, which allows the area to be enjoyed as open space by all property owners. Lastly, we are providing a 10' pedestrian easement which will provide a great trail and connectivity between 116th and 112th.

We believe that these additional items should be considered when evaluating the project as it relates to public benefits and incorporated into the project findings. The RRFB, 40 landscape setback, pedestrian easement, and both Tract A and D provide significant public benefits not otherwise required as part of a regular subdivision.

4) Next. We would like to clarify staff report recommendation 6.h which is located on page 6 of the staff report.

The condition reads "A 40-foot landscape easement shall be placed at the rear of Lots 12-18 prior to recording the subdivision along with the appropriate Landscape Green Belt Easement language which shall include provisions to allow minor improvements to encroach 10 feet into the 40 foot landscape easement". A copy of the greenbelt easement is found on page 193 of the staff report.

We are asking that the condition simply be modified to read "A 40-foot visual landscape setback shall be maintained at the rear of Lots 12-18".

The additional language added by staff to this condition goes beyond what the applicant was proposing and was not discussed with the applicant. We were also not made aware of any requirement to record a Landscape Green Belt Easement for this portion of the property or that the property would be restricted beyond that of the plain language of the Comprehensive Plan policy regarding this issue which reads: (2) Visual buffering by a landscaped setback (normally 40 feet) should separate the slightly higher density developments from the adjacent single-family residences.

We were told that this language is consistent with what has been done in the past. However, this is not what the Comprehensive Plan policies says or requires and we have not been given and code authority to require a Green Belt Easement. It is also worthy to note that within the staff report, the language changes from calling this area a 40' landscaped visual buffer to being called a greenbelt. They are clearly two different things.

As stated in the comprehensive plan and the application, the 40'visual landscape setback is being proposed to provide a visual buffer between homes. There is nothing in the comprehensive plan or code that states that these areas need to be restricted to the same level as a critical area greenbelt as is described in condition 6.a.

As proposed and without the additional language, this 40' landscaped visual buffer will provide a significant public benefit that is not required under a regular subdivision (in addition to the

other public benefits proposed). There is existing vegetation and we will be adding additional landscaping to this area as part of the proposed project (that is in the staff report as a condition).

Vancil, Ryan

From: David Barnes <DBarnes@kirklandwa.gov>
Sent: Tuesday, November 08, 2016 9:34 AM
To: Vancil, Ryan
Cc: Jon Regala
Subject: FW: Place 116 Arborist Report
Attachments: Davey Trees - Arborist Report on Developement.pdf

Hi Ryan,

Here is the arborist report, I have been out sick and am still not feeling well. This is a very generic letter and not specific enough to address what the applicant is saying except that removal of trees on the applicant's property will cause the Place 116 trees to be not protected from wind as they have in the past. However, the arborist recommends an impact report which could tell us more.

If we get something else in the meantime by Wednesday, we will forward it on to you.

Thank you,

David Barnes, CSBA, **LEED AP**
Associate Planner
Planning & Building Department
City of Kirkland
425-587-3250
dbarnes@kirklandwa.gov

Please don't print this e-mail unless you really need to. Reduce, Reuse, Recycle. Incorporate sustainable practices and plan to execute them in your daily routine.

From: John Klevens [mailto:john@klevenscapital.com]
Sent: Sunday, November 06, 2016 11:12 AM
To: David Barnes <DBarnes@kirklandwa.gov>
Cc: Jan Sanford <JanSan0204@msn.com>; Gildas Cheung <gildas.cheung@gmail.com>; Ken Chang <fly4taiwan@yahoo.com>
Subject: Place 116 Arborist Report

Mr. Barnes,

Following up on the planning meeting of last Thursday regarding the Scrivinach project and impact upon Place 116 attached is a letter from one of the arborists. Due to the short time frame this documentation is just a letter, not a detailed report. Clearly though, the expert opinion is that under the current developmental plan Place 116 would be adversly impacted.

Additionally, we have another report from a second arbortist being drafted at the moment and I hope to have to that to you tomorrow afternoon. He has given us iindication that his findings are similar - that Place 116 may be negatively impacted - and I anticipate his report to reflect that finding.

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Given that we have two expert opinions reaching the same conclusion Place 116 respectuflly requests that before the Scrivinach project is approved the applicant be required to gather additonal data and propose solutions to the issues that are acceptable to Place 116.

For clarification - the letter from Davey Trees is addessed to Rob. That's referring to Robert Baughman, who is employed by Suhrco Property Management and is the Place 116 property manager.

Please feel free to contact me directly if you have any questions or require additional information. Again, our intent is not to stop the Scrivinach project. However, we have serious concerns about its impact upon our property and quality of life. We'd like to work together to have a favorable outcome for both parties.

Respectfully,

John Klevens

November 4, 2016

Rob,

Thank you for allowing Davey Tree to inspect the trees on the property.

While we were inspecting property you mentioned that the area to the south – southwest of your property was going to be developed. You have some very mature trees along that property line and you said there would be construction very close to the property line. The critical root zones of a lot of those trees run into the neighboring property. This would be an issue I would bring up to the people responsible for the development as well as the city.

All the large trees on the neighboring property act as a wind blockage to your property. If removed your trees will be expose to the prevailing southwest winds. These trees not being used to the direct winds could become a risk to people places and things.

You may consider having a consulting arborist do a study on the impact of this development on your trees.

If you have any questions or are in further need of clarification, please feel free to contact us.

Thank you.

Roy Hisler | Assistant District Manager
ISA Certified Arborist #PN-0494A | ISA Certified Tree Risk Assessor
The Davey Tree Expert Company | SE Seattle – 138431
P.O. Box 50393, Bellevue, WA 98015
P: 425.462.8829 | C: 206.510.3379 | F: 425.462.8874

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Vancil, Ryan

From: Jon Regala <JRegala@kirklandwa.gov>
Sent: Thursday, November 10, 2016 4:54 PM
To: Vancil, Ryan
Cc: David Barnes
Subject: RE: Scrivanich additional arborist report

Ryan,
Below is an email from Tom Early, our Urban Forester in response to the applicant's arborist letter from Roy Hisler with The Davey Tree Expert Company dated November 4, 2016.

-Jon

From: Tom Early
Sent: Thursday, November 10, 2016 4:39 PM
To: David Barnes
Cc: Jon Regala
Subject: Re: Scrivanich additional arborist report

Hi Jon and David,
The attached memo touches on some relive the concerns for the neighbors. The proposed development includes removing trees which currently buffer the neighbor trees from wind. In addition to this the development proposal includes a wall and fill within the critical root zone of at least two of the neighbors trees. These trees are located in the neighbors required buffer planting area.

I suggest requiring an action plan for the development which includes monitoring the trees for increased risk during construction. The monitoring memo's should be looking at root zone compromise and risk reduction recommendations if the tree risk is enhanced to a high risk. This monitoring effort will help identify additional concerns with these trees as the development proceeds.

Tom Early

On Nov 8, 2016, at 10:30 AM, David Barnes <DBarnes@kirklandwa.gov> wrote:

> Tom,
>
> Here is the letter. Please reply to Jon as well.
>
> The arborist report should come in later today. The comment period for staff (that is you) is open until end of business Thursday.
>
> Thank you for the quick turn around.
>
> David Barnes, CSBA, LEED AP
> Associate Planner
> Planning & Building Department
> City of Kirkland
> 425-587-3250
> dbarnes@kirklandwa.gov

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<Davey Trees - Arborist Report on Developement.pdf>.

Council Meeting: 08/06/2018
Agenda: Other Business
Item #: 8. h. (8).

CITY OF KIRKLAND
City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Brenda Cooper, Chief Information Officer
Stephanie Croll, Senior Assistant City Attorney

Date: July 26, 2018

Subject: Second Presentation of Renewal Cable Franchise for Comcast

RECOMMENDATION:

That the City Council approves the attached ordinance, which renews the Cable Television Franchise of Comcast Cable Communications, LLC ("Comcast") to continue operation of its cable television facilities in the City's right-of-way.

BACKGROUND DISCUSSION:

On March 10, 2006, the City granted Comcast of California/Colorado/Washington I, Inc., now operating as Comcast Cable Communications, LLC, a nonexclusive cable franchise that authorized Comcast to install, maintain and repair its facilities in the City's rights-of-way. The 2006 Franchise had an initial term of ten years. The 2006 Franchise has expired, so a new renewal franchise is required.

Franchises are typically granted to trusted cable providers. There is one other cable provider currently in the City, Frontier Communications, which is also in negotiation with the City for a renewal franchise. A cable franchise grants the franchisee the authority to use the City's rights-of-way to provide cable services to the public and the City.

Prior to the granting of the initial cable franchise, the City Council was required to hold a public hearing to receive information and comments on the issues set forth at Kirkland Municipal Code (KMC) 30.08.040:

(a) That the public will be benefited by the granting of a franchise to the applicant;
(b) That the terms of the proposed franchise promote the needs and interests of the city and its citizens;
(c) That the applicant has the requisite financial and technical resources and capabilities to build, operate and maintain a cable system in the franchise area;

(d) That the applicant will comply with all terms and conditions placed upon a franchisee by this title;
(e) That the applicant is capable of complying with all relevant federal, state, and local regulations pertaining to the construction, operation and maintenance of the facilities proposed in its application for a franchise;
(f) That there is sufficient capacity in the rights-of-way to accommodate the cable system;
(g) That the present and future use of the rights-of-way will be compatible and consistent with the use by the cable system;
(h) The potential disruption to existing users of the rights-of-way to be used by the cable system and the resultant inconvenience which may occur to the public;
(i) Any other conditions that the city may reasonably deem appropriate.

The City should ensure that the above criteria are being met and will continue to be met if the franchise is renewed. Based upon Comcast's good performance under the 2006 Franchise, staff reports that all of the above-listed criteria from KMC 30.08.040(a)-(i) are being met. Staff also believes all of these criteria will continue to be met in the future by Comcast if its Franchise with the City is renewed.

The language in the Ordinance reflects updates staff made in the past year of negotiation with Comcast to match current law and reflect modern terminology. The Franchise has a ten-year term, which will expire in 2028 if approved at the August 6, 2018 Council meeting. It also has a provision for an additional ten-year extension. This is the normal term offered to cable franchisees.

PUBLIC HEARING

Under RCW 35A.47.040, the City Council may not adopt a franchise until after a public hearing and at least five days after its introduction. Thus, the Council held a public hearing on the attached Ordinance at its meeting on July 17, 2018. Present at the hearing was Brenda Cooper, Chief Information Officer; Stephanie E. Croll, Senior Assistant City Attorney; Gail Karish, Attorney for the City of Kirkland; and Terry Davis, Representative of Comcast. Council heard from Brenda Cooper for the City and Terry Davis for Comcast. No other persons commented on the Franchise. There was no opposition to renewing the Comcast Franchise.

During the public hearing, Councilmember Jay Arnold asked if the city can request certain stations be provided. Staff has requested that Comcast carry all over the air broadcasts. Comcast has expressed that it intends to always carry the stations, but cannot commit to that as part of the franchise agreement as it has separate contracts with each broadcasting network. Per federal law, the City has no authority over cable provider channel lineups, and cannot compel Comcast to carry certain channels.

Staff recommends that the Council approve the Franchise by approving the attached Ordinance.

ORDINANCE O-4652

AN ORDINANCE OF THE CITY OF KIRKLAND GRANTING COMCAST CABLE COMMUNICATIONS, LLC, RENEWAL OF A NON-EXCLUSIVE FRANCHISE FOR TRANSMISSION OF CABLE TELEVISION SERVICES IN, THROUGH, OVER AND UNDER THE STREET RIGHTS-OF-WAY OF THE CITY OF KIRKLAND.

WHEREAS, Comcast Cable Communications, LLC ("Grantee") has requested that the City renew its right to install, operate and maintain cable television facilities within the public rights of way of the City; and

WHEREAS, the City Council finds it desirable for the welfare of the City and its residents that such a non-exclusive franchise be granted to Grantee; and

WHEREAS, the City Council has the authority under state and local laws to grant franchises for the use of its street rights of way; and

WHEREAS, the City is willing to grant the rights requested by Grantee subject to certain terms and conditions as set forth in Exhibit A entitled "The City of Kirkland, Washington, Cable Television Franchise" between the City and Grantee, incorporated by reference as if fully set forth herein; and

WHEREAS, the City has reviewed Grantee's performance under the prior franchise and the quality of service during the prior franchise term, has identified the future cable-related needs and interests of the City and its citizens, has considered the financial, technical and legal qualifications of Grantee, and has determined that Grantee's plans for constructing, operating and maintaining its Cable System are adequate, in a full public proceeding affording due process to all concerned; and

WHEREAS, the public has had adequate notice and opportunity to comment on Grantee's proposal to provide cable television service within the City.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The City Manager is authorized to execute the agreement attached hereto as Exhibit A entitled "The City of Kirkland, Washington, Cable Television Franchise" between the City of Kirkland and Comcast Cable Communications, LLC, the

terms of which are incorporated by reference as if fully set forth herein.

Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 6th day of August, 2018.

Signed in authentication thereof this ____ day of _____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
Kathi Anderson, City Clerk

Approved as to Form:

_____
Kevin Raymond, City Attorney

O-4652
Attachment A

THE CITY OF KIRKLAND, WASHINGTON

COMCAST CABLE TELEVISION FRANCHISE

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CABLE TELEVISION FRANCHISE

This Cable Television Franchise ("Franchise") is entered into in Kirkland, Washington, this ____ day of _____, 2018, by and between the City of Kirkland, Washington, a municipal corporation, (hereinafter "City") and Comcast Cable Communications, LLC. (hereinafter "Grantee"). The City and Grantee are sometimes referred to hereinafter collectively as the "parties."

WHEREAS, the City has reviewed Grantee's performance under the prior franchise and the quality of service during the prior franchise term, has identified the future cable-related needs and interests of the City and its citizens, has considered the financial, technical and legal qualifications of Grantee, and has determined that Grantee's plans for constructing, operating and maintaining its Cable System are adequate, in a full public proceeding affording due process to all concerned; and

WHEREAS, the public has had adequate notice and opportunity to comment on Grantee's proposal to provide cable television service within the City; and

WHEREAS, the City has a legitimate and necessary regulatory role in ensuring the availability of cable service in the franchise area; and

WHEREAS, the Grantee's Cable System should offer a broad range of programming services; and

WHEREAS, flexibility to respond to changes in technology and subscriber interests within the cable service market should be an essential characteristic of this Franchise; and

WHEREAS, the City is authorized by applicable law to grant one or more nonexclusive franchises to construct, operate and maintain a cable system or systems within the boundaries of the City.

NOW, THEREFORE, in consideration of the mutual promises made herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City and Grantee do hereby agree as follows:

SECTION 1. DEFINITIONS

For the purposes of this Franchise, the following terms, phrases, words and their derivations shall have the meanings given herein and as provided in the Kirkland Municipal Code. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning. The word "shall" is always mandatory and not merely directory.

1.1 "Access" means the availability for noncommercial use by various governmental and educational agencies, institutions, organizations, and other groups and individuals in the community, including the City and its designees, of particular channels on the Cable System to distribute programming to subscribers, as permitted under applicable law.

(A) **"Public Access"** means Access where the public is the primary user.

(B) **"Educational Access"** means Access where Schools are the primary users having editorial control over programming and services.

(C) **"Government Access"** or **"Governmental Access"** means Access where governmental institutions or their designees are the primary users having editorial control over programming and services.

(D) **"PEG"** means Public, Educational and Governmental Access.

1.2 "Affiliate" when used in connection with Grantee means any Person who owns or controls, is owned or controlled by, or is under common ownership or control with, Grantee.

1.3 "Bad Debt" means amounts lawfully owed by a subscriber and accrued as revenues on the books of Grantee, but not collected after reasonable efforts by Grantee.

1.4 "Cable Operator" means any Person or groups of Persons, including Grantee, who provides Cable Service over a Cable System and directly or through one or more Affiliates owns a significant interest in such Cable System or who otherwise control(s) or is(are) responsible for, through any arrangement, the management and operation of such a Cable System.

1.5 "Cable Service" means the one-way transmission to subscribers of Video Programming, or other programming service and subscriber interaction, if any, which is required for the selection or use of such Video Programming or other programming service.

1.6 "Channel" As it is defined under Section 602 of the Cable Act as may be amended from time to time.

1.7 "City" means the City of Kirkland, Washington, a municipal corporation.

1.8 "Designated Access Provider" means the entity or entities designated by the City to manage or co-manage Access channels and Access facilities. The City may be a Designated Access Provider.

1.9 "Dwelling Unit" means any residential building, or each portion thereof that has independent living facilities, including provisions for cooking, sanitation and sleeping and that is designed for residential occupancy.

1.10 "FCC" means the Federal Communications Commission or its lawful successor.

1.11 "Franchise" means this document which is executed between the City and Grantee, containing the specific provisions of the authorization granted and the contractual agreement created thereby.

1.12 "Fully Allocated Costs" means the City's proportionate share of all direct and actual material and labor costs (excluding profit) of designing, engineering, constructing, relocating or placing additional ducts, conduit or related structures by Grantee for the City alongside or together with ducts, conduit or structures by and for Grantee.

1.13 "Gross Revenues" means any and all revenues derived directly or indirectly by the Grantee or its Affiliates from the operation of the Cable System to provide Cable Services within the franchise area. Fees, payments or other consideration received by the Grantee from programmers for carriage of programming on the Cable System and advertising sales commissions shall be included as part of Gross Revenues if they are recognized as revenues under generally accepted accounting principles ("GAAP"). Gross Revenues shall not include (i) Bad Debt, provided however that all or part of any such Bad Debt that is written off but subsequently collected shall be included in Gross Revenues in the period collected; or (ii) any taxes on services furnished by the Grantee which are imposed directly on any subscriber by the State, City or other governmental unit and which are collected by the Grantee on behalf of said governmental unit; or (iii) the ongoing PEG Capital Contributions. Franchise fees are not a tax and are included in Gross Revenues.

1.14 "Incremental Costs" means the direct and actual material and labor costs (excluding profit) of designing, engineering, constructing, relocating or placing additional ducts, conduit or related structures by Grantee for the City, excluding the cost of design, engineering, trenching, boring, pipe bedding, backfilling, compacting, restoring the surface, and other charges, costs or expenses that Grantee would incur anyway to construct, relocate or place its own ducts, conduit or related structures.

1.15 "Leased Access Channel" means any Channel or portion thereof that is commercially available for programming in accordance with Section 612 of the Cable Act.

1.16 "Person" means an individual, partnership, association, trust, corporation or any other form of entity.

1.17 "Rights-of-Way" means the surface and the space above and below streets, roadways, highways, avenues, courts, lanes, alleys, sidewalks, rights-of-way, and similar public areas, but does not include the portion of the Eastside Rail Corridor (a rail corridor that has been railbanked pursuant to 16 U.S.C. §1247(d)) within the City).

1.18 "School" means any state accredited K-12 public educational institution.

1.19 "State" means the State of Washington.

1.20 "System" or "Cable System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (2) a facility that serves subscribers without using any Rights-of-Way;

(3) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the federal Communications Act (47 U.S.C. 201 et seq.), except that such facility shall be considered a cable system (other than for purposes of 47 U.S.C. 541(c)) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; (4) an open video system that complies with 47 U.S.C. 573 and federal regulations; or (5) any facilities of any electric utility used solely for operating its electric utility systems. When used herein, System or Cable System refers to Grantee's Cable System in the franchise area.

1.21 "Video Programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

SECTION 2. GRANT OF FRANCHISE

2.1 Grant

(A) The City hereby grants to Grantee a nonexclusive and revocable authorization to make reasonable and lawful use of the Rights-of-Way within the franchise area to construct, operate, maintain, upgrade and reconstruct a System for the purpose of providing Cable Services, subject to the terms and conditions set forth in this Franchise. This Franchise shall constitute both a right and an obligation to provide the Cable Services required by, and to fulfill the obligations set forth in, the provisions of this Franchise.

(B) Grantee, through this Franchise, is granted the right to operate its System using the Rights-of-Way within the franchise area. Such use must be in compliance with the Kirkland Municipal Code. In the event of a conflict between the Kirkland Municipal Code and this Franchise, this Franchise shall control. However, nothing in this Franchise shall be deemed to waive the requirements of ordinances of general applicability lawfully enacted, or hereafter lawfully enacted, by the City. Grantee reserves the right to challenge provisions of any ordinance or other enactment of the City that it alleges conflicts with its contractual rights hereunder.

(C) Grantee promises and guarantees, as a condition of exercising the privileges granted by this Franchise, that any Affiliate of the Grantee offering Cable Service over the Cable System in the franchise area will also comply with the terms and conditions of this Franchise.

(D) No rights shall pass to Grantee by implication. Without limiting the foregoing, by way of example and not limitation, this Franchise shall not include or be a substitute for:

(1) Any other permit or authorization lawfully required for the purpose of conducting business within the City pursuant to the ordinances and laws of the City; or

(2) Any permit, agreement or authorization lawfully required by the City for Rights-of-Way users in connection with operations on or in Rights-of-Way or public property including, by way of example and not limitation, street cut permits; or

(3) Any permits or agreements for occupying any other property of the City to which access is not specifically granted by this Franchise including, without limitation, permits and agreements for placing devices on poles, in conduits or in or on other structures.

(E) This Franchise is intended to convey limited rights and interests only as to those Rights-of-Ways in which the City has an actual interest. It is not a warranty of title or interest in any Rights-of-Way; it does not provide the Grantee with any interest in any particular location within the Rights-of-Way; and it does not confer rights other than as expressly provided in the grant hereof.

(F) This Franchise expressly authorizes Grantee to provide Cable Services over its Cable System. This Franchise is not a bar to imposition of any lawful conditions on Grantee with respect to non-Cable services. This Franchise does not relieve Grantee of any obligation it may have to obtain from the City an authorization to provide non-Cable services or relieve Grantee of its obligation to comply with any such authorization(s) that may be lawfully required. However, this Franchise shall not be read as a concession by Grantee that it needs authorization to provide non-Cable services.

2.2 Use of Rights-of-Way

(A) Subject to the City's regulatory authority, Grantee may erect, install, construct, repair, replace, reconstruct, and retain in, on, over, under, upon, across, and along the Rights-of-Way within the franchise area, such wires, cables (both coaxial and fiber optic), conductors, ducts, conduit, vaults, manholes, amplifiers, pedestals, attachments and other property and equipment as are necessary and appurtenant to the operation of the System for the provision of Cable Services within the franchise area.

(B) Grantee must comply with City regulations related to the placement of System facilities in the Rights-of-Way, and must install System facilities in a manner that minimizes interference with the use of the Rights-of-Way by others, including others that may be installing communications facilities. If necessary to protect the public health, safety and welfare, the City may condition permits accordingly. Further, the City may require removal of any facility that is not installed in compliance with the regulations enacted by the City at the time of installation. If Grantee does not take corrective action after written notice and an opportunity to cure are provided, then the City may remove the facility and bill Grantee for those costs directly related to the removal of the cable facility.

2.3 Duration

The term of this Franchise and all rights, privileges, obligations and restrictions pertaining thereto shall be ten (10) years from the effective date of this Franchise, unless terminated or shortened as hereinafter provided.

2.4 Effective Date

(A) This Franchise and the rights, privileges, and authority granted hereunder and the contractual relationship established hereby shall take effect and be in force from and after the effective date of this Franchise.

(B) The effective date of this Franchise shall be the latter of the dates on which it is accepted in writing by Grantee and by the City.

2.5 Franchise Nonexclusive

This Franchise shall be nonexclusive. The City may at any time grant authorization to use the Rights-of-Way for any purpose not incompatible with Grantee's authority under this Franchise and for such additional franchises for cable systems as the City deems appropriate.

2.6 Other Franchises

(A) The City reserves the right to grant additional franchises or similar authorizations to provide video programming services via cable systems or similar wireline systems located in the Rights-of-Way. It is not the City's intent to treat competitors in a discriminatory manner and to advantage one competitor over another by regulation. If the City grants such an additional franchise or authorization to use the Rights-of-Way to provide video programming services on a retail basis to residential subscribers via such a system, and Grantee believes the Material Obligations (as defined below) of that franchise are, considered as a whole, more favorable than the Material Obligations under this Franchise, then the provisions of this paragraph will apply.

(B) Material Obligations include franchise provisions related to: a 5% franchise fee, PEG funding, PEG channels, customer service obligations, reports and records, and complimentary services.

(C) Within ninety (90) days, of City's grant of the competitor's franchise or similar authorization, Grantee must notify the City in writing of the Material Obligations in Grantee's Franchise that are materially different from the Material Obligations of the competitor's franchise or similar authorization, and why Grantee believes, considered as a whole, the competitor's obligations are materially more favorable. Grantee's notice must also provide text for any proposed Franchise amendments (together with a written explanation of why the proposed amendments are necessary) and must confirm whether Grantee is willing to accept any additional obligations that may be contained within the new franchise that are not contained within its Franchise. Upon receipt of such written notice, the City shall have sixty (60) days to notify Grantee either: (i) that City is willing to enter into negotiations with Grantee to amend its Franchise; or (ii) that City believes the Material Obligations of the competitor's franchise are, considered as a whole, not materially more favorable than the Material Obligations under this Franchise and that the new competitor is not being afforded a competitive advantage. In the event the City notifies Grantee that paragraph (i) applies, the City and the Grantee shall use best efforts in good faith to negotiate the proposed Franchise modifications to achieve competitive equity of regulatory and financial burdens, consistent with any limitations on the City's regulatory authority with respect to the systems, and will endeavor to conclude such negotiations within sixty (60) days from the date of such notice. In the event the City notifies Grantee

that paragraph (ii) applies, Grantee may notify the City that it elects to immediately commence the renewal process under 47 USC 546 and to have the remaining term of the franchise shortened to not more than 36 months.

(D) The parties agree that in determining whether Material Obligations are materially more favorable, this provision shall not require a word for word identical franchise or similar authorization for a competitive entity so long as the overall regulatory and financial burdens on each entity are materially equivalent such that neither is afforded a material competitive advantage over the other. Nothing in this section is intended to alter the rights or obligations of either party under state law, and it shall only apply to the extent permitted under applicable FCC orders. The parties agree that: (1) the Grantee may not withhold, delay or enjoin any performance or otherwise refuse to comply with its obligations whether or not it believes it is entitled to relief under this provision; (2) any relief shall be prospective only, and limited to the relief agreed upon, or the modifications obtained through any renewal of this Franchise; and (3) the City will not be liable for any damages to Comcast for any breach of this provision. In no event will the City be required to refund or to offset against future amounts due the value of benefits already received; and the Grantee may not obtain any relief from obligations it may have under settlements or other contracts with the City via this provision.

(E) Notwithstanding anything contained herein to the contrary, this provision does not apply if the City is ordered or required to issue a franchise or other authorization on different terms and conditions, or it is legally unable to do so; and the relief is contingent on the new franchisee actually commencing provision of video programming service in the City to its first customer, and continuously providing service. Should the new franchisee fail to continuously provide service for a period of six (6) months, the City has the right to implement this Franchise with its original terms upon three (3) months' notice to Grantee. This provision does not apply to: (i) open video systems, and common carrier systems exempted from franchise requirements pursuant to 47 U.S.C. Section 571; (ii) systems that serve less than 10% (ten percent) of the geographic area of the City (iii) a system that only provides video services via the public Internet; (iv) systems where video programming services are only delivered over the public Internet or wireless networks; (v) telecommunications services; or (vi) existing cable franchises for entities occupying the Right-of-Ways as of the date of this Franchise.

2.7 Familiarity with Franchise

Grantee acknowledges and warrants by acceptance of the rights, privileges and agreement granted herein, that it has carefully read and fully comprehends the terms and conditions of this Franchise and is willing to and does accept all lawful and reasonable risks of the meaning of the provisions, terms and conditions herein. The Grantee further acknowledges and states that it has fully studied and considered the requirements and provisions of this Franchise, and finds that the same are commercially practicable at this time.

2.8 Effect of Acceptance

By accepting the Franchise, the Grantee: (1) acknowledges and accepts the City's legal right to issue and enforce the Franchise; (2) accepts and agrees to comply with each and every provision of this Franchise, subject to applicable law; and (3) agrees that the Franchise was granted pursuant to processes and procedures consistent with applicable law, and that it will not raise any claim to the contrary.

SECTION 3. FRANCHISE FEES AND FINANCIAL CONTROLS

3.1 Franchise Fees

As compensation for the use of the City's Rights-of-Way, Grantee shall pay as a franchise fee to the City, throughout the duration of this Franchise, an amount equal to five percent (5%) of Grantee's Gross Revenues. Accrual of such franchise fees shall commence as of the effective date of this Franchise.

3.2 Payments

Grantee's franchise fee payments to the City shall be computed for the preceding quarter. Each payment shall be due and payable no later than thirty (30) days after the end of the preceding quarter. The quarters shall end respectively on the last day of March, June, September and December.

3.3 Acceptance of Payment

No acceptance of any payment shall be construed as an accord by the City that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable or for the performance of any other obligation of Grantee. However, the period for recovery of franchise fees payable hereunder is limited to three (3) years from the date on which payment by the Grantee was due.

3.4 Franchise Fee Reports

Each payment shall be accompanied by a written report to the City, verified by an authorized representative of Grantee, containing an accurate statement in summarized form, as well as in detail, of Grantee's gross revenues and the computation of the payment amount.

3.5 Audits

At any time, upon thirty (30) days prior written notice specifying the period covered by the audit (which shall not be less than one year), the City shall have the right to conduct an independent audit of Grantee's records if necessary for the enforcement of this Franchise and to recompute any amounts determined to be payable under this Franchise. If Grantee cooperates in making all relevant records available to the City, the City will attempt to complete each audit within six (6) months. Any amounts due to the City as a result of the audit shall be paid within sixty (60) days following written notice to Grantee by the City, which notice shall include a copy of the audit findings. If the audit shows that there has been an underpayment of franchise fees, by five percent (5%) or more in a calendar year,

then Grantee shall pay the costs of the audit up to ten thousand dollars ($10,000) for each year of the audit period. .

3.6 Financial Records

Grantee agrees to meet with a representative of the City upon request to review Grantee's methodology of record-keeping, financial reporting and the computing of franchise fees as necessary for the enforcement of this Franchise.

3.7 Late Payments

In the event any payment due the City is not timely made, Grantee shall pay, in addition to the amount due, interest at the maximum allowed rate as provided under State law until the date the City receives the payment.

3.8 Underpayments

If franchise fee underpayments are discovered as a result of an audit, Grantee shall pay, in addition to the amount due, interest at the maximum allowed rate as provided under State law, calculated from the date the underpayment was originally due until the date the City receives the payment. Any prior claims of the City related to underpayment of Franchise Fees against the Grantee arising from the prior franchise are not affected by and survive the adoption of this Franchise.

3.9 Maximum Franchise Fees

The parties acknowledge that, at present, applicable federal law limits the City to collection of a franchise fee of five percent (5%) of annual Gross Revenues. In the event that at any time throughout the term of this Franchise, the City is authorized to collect an amount in excess of five percent (5%) of Grantee's gross revenues and the City elects to do so, then Franchisee agrees to pay such amounts commencing on the effective date of the City's election, subject to Federal Law, provided however that all other Cable Operators within the franchise area are treated similarly.

3.10 Additional Commitments Not Franchise Fees

No term or condition in this Franchise shall in any way modify or affect Grantee's obligation to pay franchise fees. Grantee agrees that the additional commitments herein are not franchise fees, nor are they to be offset or credited against any franchise fee payments due to the City, nor do they represent an increase in franchise fees to be passed through to subscribers.

3.11 Payment on Termination

If this Franchise is terminated, the Grantee shall file with the City within one hundred twenty (120) days of the date of the termination, a financial statement, certified by an independent certified public accountant, showing unpaid franchise fees and PEG fees. Within thirty (30) days of the filing of the certified statement with the City, Grantee shall fulfill any remaining franchise required financial obligations. If the Grantee fails to pay its remaining financial obligations as required in this Franchise,

the City may satisfy the same by asserting any remedy at law or equity, including accessing the funds available through any security provided by the Grantee.

3.12 Tax Liability

The franchise fees shall be in addition to any and all generally applicable taxes or other levies or assessments which are now or hereafter required to be paid by Grantee and similar businesses pursuant to any law of the City, the State or the United States including, without limitation, sales, use, utility and other taxes, business license fees or other payments. Payment of the franchise fees under this Franchise shall not exempt Grantee from the payment of any other license fee, permit fee, tax or charge on the business, occupation, property or income of Grantee that may be lawfully imposed by the City.

3.13 Cable and Non-Cable Services

In the event that Grantee offers Cable Services and non-cable services to its subscribers in the City, and those services are included in one monthly bill to each subscriber, then Grantee shall clearly itemize each of the respective services on the bill. The rates for Cable Service shall accurately reflect the rate card rates less discounts, if any exist.

SECTION 4. ADMINISTRATION AND REGULATION

4.1 Authority

The City shall be vested with the power and right to administer and enforce the requirements of this Franchise and the regulations and requirements of applicable law, including the Cable Act, or to delegate that power and right, or any part thereof, to the extent permitted under law, to any agent in the sole discretion of the City.

Nothing in this Franchise shall expand or limit the City's right of eminent domain under State law.

4.2 Rate Regulation

All of Grantee's rates and charges related to or regarding Cable Services shall be subject to regulation by the City to the full extent authorized by applicable federal, State and local laws.

4.3 No Rate Discrimination

All of Grantee rates and charges shall be published (in the form of a publicly-available rate card), and shall be nondiscriminatory for all Persons pursuant to the provisions of federal and state law. However, if any non-Grantee installed in-home connection requires service from Grantee due to poor signal quality, signal leakage or other factors, caused by improper installation of such in-home wiring or faulty materials of such in-home wiring, the subscriber may be charged appropriate service charges by Grantee or Grantee may disconnect the problem in-home connection to solve the matter. Nothing herein shall be construed to prohibit:

(A) The temporary reduction or waiving of rates or charges in conjunction with valid promotional campaigns;

(B) The offering of reasonable discounts to similarly situated Persons; or

(C) The offering of bulk discounts for Multiple Dwelling Units.

Grantee voluntarily offers a discount program to those individuals who are low income and who are also either permanently disabled or 65 years of age or older and who are the legal owners or tenants of the Dwelling Unit. Such discounts consist of thirty percent (30%) off of basic or the basic portion of digital starter package (or equivalent) when not discounted by inclusion in other promotional or programming package rates at which time the promotional or programming package rate will apply. In the event Grantee elects to discontinue this discount program, Grantee shall provide the City and affected subscribers with one-hundred twenty (120) days' advance notice.

4.4 Leased Access Channel Rates

Upon request, Grantee shall provide a complete schedule of current rates and charges for any and all Leased Access Channels, or portions of such Channels, provided by Grantee. The schedule shall include a description of the price by day-part.

4.5 Late Fees

(A) For purposes of this subsection, any assessment, charge, cost, fee or sum, however characterized, that the Grantee imposes upon a subscriber solely for late payment of a bill is a late fee and shall be applied in accordance with applicable local, State and federal laws.

(B) The Grantee's late fee and disconnection policies and practices shall be nondiscriminatory, and such policies and practices, and any fees imposed pursuant to this subsection, shall apply equally in all parts of the City without regard to the neighborhood or income level of the subscribers.

4.6 Reserved Authority

The City reserves all of its rights and authority arising from the Cable Act and any other relevant provisions of federal, state or local laws.

4.7 Time Limits Strictly Construed

Whenever this Franchise sets forth a time for any act to be performed by Grantee, such time shall be deemed to be of the essence, and any failure of Grantee to perform within the allotted time may be considered a breach of this Franchise.

SECTION 5. INDEMNIFICATION AND INSURANCE REQUIREMENTS

5.1 Indemnification

(A) General Indemnification. Grantee shall indemnify, defend and hold harmless the City, and its officers, officials, boards, commissions, agents and employees (while acting in an official capacity) from any action, claim, damage, loss, liability, cost or expense, including court and appeal costs and reasonable attorneys' fees and expenses, arising from any negligent action, neglect, omission or inaction of the Grantee its agents or employees including, but not limited to, delays on City construction projects caused by or arising out of Grantee's failure to relocate its facilities in a timely manner. Grantee shall consult and cooperate with the City while conducting its defense of the City.

(B) Procedures and Defense. The City shall give the Grantee timely written notice of any claim or of the commencement of any action, suit or other proceeding covered by the indemnity in this Section. If a claim or action arises, the City or any other indemnified party shall then tender the defense of the claim to Grantee within six (6) business days of receipt of such notice, which defense shall be at Grantee's expense. The City may participate in the defense of a claim and, in any event, Grantee may not agree to any settlement of claims financially affecting the City without the City's prior written approval, which approval shall not be unreasonably withheld.

(C) Expenses. If separate representation to fully protect the interests of both parties is necessary, such as a conflict of interest between the City and the counsel selected by Grantee to represent the City, Grantee shall pay the expenses incurred by the City in defending itself with regard to any action, suit or proceeding indemnified by Grantee. The City's expenses shall include all out-of-pocket expenses that are necessary for the City's defense, such as consultants' fees, and shall also include the reasonable value of any services rendered by the City Attorney or his/her assistants or any employees of the City or its agents but shall not include outside attorneys' fees for services that are unnecessarily duplicative of services provided the City by Grantee.

(D) Indemnification of the Grantee. To the extent permitted by law, the City shall indemnify, defend and hold harmless the Grantee for claims arising out of the City's use of the Government Access Channels and Emergency Alert System.

(E) The grant of this Franchise shall have no effect on the Grantee's duty under the prior franchise to indemnify, defend, hold harmless, or insure the City against acts and omissions occurring during the period that the prior franchise was in effect, nor shall it have any effect upon Grantee's liability to pay all franchise fees which were due and owed under a prior franchise.

5.2 Insurance Requirements

(A) General Requirement. Grantee must have adequate insurance during the entire term of this Franchise (and for a period of twelve [12] months thereafter) to protect the City against claims for death or injuries to Persons or damages to property or equipment which in any way relate to, arise from or are connected with this Franchise, or involve Grantee, its agents, representatives, contractors, subcontractors and their employees.

(B) Minimum Insurance Limits. Grantee must keep insurance in effect in accordance with the minimum insurance limits herein set forth:

(1) Commercial General Liability: Two million dollars ($2,000,000) per occurrence and five million dollars ($5,000,000) general aggregate for bodily injury, personal injury and property damage.

(2) Automobile Liability: Three million dollars ($3,000,000) combined single limit per accident for bodily injury and property damage.

(3) Workers Compensation Insurance: In accordance with State law requirements.

(4) Excess Liability or Umbrella Coverage: One million dollars ($1,000,000).

The amounts listed above are the minimum deemed necessary by the City to protect the City's interests in this matter. The City has made no recommendation to the Grantee as to the amount of insurance coverage necessary to protect the Grantee's interests. Any decision by the Grantee to carry or not carry insurance amounts in excess of the above is solely that of the Grantee.

(C) Endorsements.

(1) All policies shall contain, or shall be endorsed so that:

(a) The City shall be designated as an additional insured;

(b) Any insurance or self-insurance maintained by the City, its officers, officials, boards, commissions, employees and agents shall be in excess of the Grantee's primary insurance and shall not contribute to it; and

(c) The policy shall contain a severability of interests provision. Grantee's insurance shall apply separately to each insured against whom a claim is made or lawsuit is brought, except with respect to the limits of the insurer's liability.

(2) The insurance provided herein shall not be cancelled or the limits reduced so as to be out of compliance with the requirements of this Section without forty-five (45) days written notice first being given to the City. If the insurance is cancelled Grantee shall provide a replacement policy. Grantee agrees to maintain continuous uninterrupted insurance coverage, in the amounts required, for the duration of this Franchise (and as specified above, thereafter).

(D) Acceptability of Insurers. The insurance obtained by Grantee shall be placed with insurers with a Best's rating of no less than "A VII".

(E) Verification of Coverage. The Grantee shall furnish the City with certificates of insurance. The certificate for each insurance policy is to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificate for each insurance policy must be on standard forms or on such forms as are consistent with standard industry practices, and are to be provided to

the City upon acceptance of this Franchise. The Grantee hereby warrants that its insurance policies satisfy the requirements of this Franchise.

(F) Verification of Additional Insured Coverage. The Grantee shall furnish the City with a written copy of the contract of additional insured coverage in a form acceptable to the City. If the additional insured coverage is part of the Grantee's insurance policy, then the Grantee shall furnish a copy of those pages of its policy showing the City is covered as an additional insured to the City.

5.3 Letter of Credit

(A) If there is an uncured breach by Grantee of a material provision of this Franchise or a pattern of repeated violations of any provision(s) of this Franchise, then Grantee shall, upon written request, establish and provide to the City, as security for the faithful performance by Grantee of all of the provisions of this Franchise, a letter of credit from a financial institution satisfactory to the City in the amount of twenty-five thousand dollars ($25,000).

(B) If a letter of credit is furnished pursuant to subsection (A), the letter of credit shall then be maintained at that same amount throughout the remaining term of this Franchise.

(C) After written notice has been provided to Grantee and expiration of any applicable cure period, the letter of credit may be drawn upon by the City for purposes including, but not limited to, the following:

(1) Failure of Grantee to pay the City sums due under this Franchise;

(2) Reimbursement of costs and expenses borne by the City to correct Franchise violations not corrected by Grantee;

(3) Monetary remedies or damages assessed against Grantee as provided in this Franchise.

(D) Within thirty (30) days following notice that a withdrawal has occurred, Grantee shall restore the letter of credit to the full amount required by subsection (A). Grantee's maintenance of the letter of credit shall not be construed to excuse unfaithful performance by Grantee or limit the liability of Grantee to the amount of the letter of credit or otherwise limit the City's recourse to any other remedy available at law or in equity.

(E) Grantee shall have the right to appeal to the City Council for reimbursement in the event Grantee believes that the letter of credit was drawn upon improperly. Grantee shall also have the right of judicial appeal if Grantee believes the letter of credit has not been properly drawn upon in accordance with this Franchise. Any funds the City erroneously or wrongfully withdraws from the letter of credit shall be returned to Grantee with interest, from the date of withdrawal at the maximum allowed rate as provided under State law.

5.4 Bonds

(A) Grantee shall comply with all bonding requirements provided for in the Kirkland Municipal Code related to construction activity.

(B) Grantee's maintenance of the bond(s) shall not be construed to excuse unfaithful performance by Grantee or limit the liability of Grantee to the amount of the bond(s) or otherwise limit the City's recourse to any other remedy available at law or in equity.

SECTION 6. CUSTOMER SERVICE

6.1 Customer Service Standards

Grantee shall comply with Customer Service Standards as the same may be adopted and amended from time to time by the City Council. Grantee reserves the right to challenge any customer service standard that it believes is inconsistent with its contractual rights granted under this Franchise or State or Federal law.

6.2 Subscriber Privacy

Grantee will comply with privacy rights of subscribers in accordance with federal, State and local laws.

SECTION 7. REPORTS AND RECORDS

7.1 Open Records

The City shall have access to, and the right to inspect, any books and records of Grantee and its Affiliates if necessary for the enforcement of the provisions of this Franchise. Grantee shall not deny the City access to any of Grantee's records on the basis that Grantee's records are under the control of any Affiliate or a third Person. The City may, in writing, request copies of any such records or books, and Grantee shall provide such copies within thirty (30) days of receipt of such request. One copy of all such reports and records required under this or any other section of the Franchise shall be furnished to the City at the sole expense of Grantee. If the requested books and records are too voluminous, or for security reasons (in Grantee’s sole discretion) cannot be copied or removed, then Grantee may request that the City inspect them at Grantee's local office. If any books or records of Grantee are not kept in a local office and not made available in copies to the City upon written request as set forth above, and if the City determines that an examination of such records is necessary for the enforcement of this Franchise, then all reasonable travel expenses incurred in making such examination shall be paid by Grantee.

7.2 Confidentiality

The City agrees to keep confidential any proprietary or confidential books or records of Grantee to the extent permitted by law. Grantee shall be responsible for clearly and conspicuously identifying the records as confidential or proprietary, and shall provide a brief written explanation as to why such information is confidential or proprietary and how it may be treated as such under State or federal law. If the City receives a request from any Person for disclosure of any information designated by

Grantee as confidential, the City shall, so far as consistent with applicable law, advise Grantee and provide Grantee with a copy of such request by the Person demanding access to such information within six (6) business days of its receipt.

7.3 Records Required

Grantee shall provide to the City, upon request:

(A) A route map that depicts the general location of the Cable System facilities placed in the Right-of-Ways. The route map shall identify Cable System facilities as aerial or underground and is not required to depict cable types, number of cables, electronic equipment, and service lines to individual Subscribers. The Grantee shall also provide, if requested, an electronic format of the aerial/underground facilities in relation to a Right-of-Way centerline reference to allow the City to add this information to City's geographic information system program;

(B) A copy of all FCC filings issued by Grantee or its Affiliates which relate to the operation of the System in the franchise area;

(C) A list of Grantee's Cable Services, rates and Channel line-up;

(D) A compilation of subscriber complaints, actions taken and resolution, and a log of service calls; and Grantee shall make available at its local office for inspection, as-built maps of the Cable System in the franchise area.

7.4 Submittal of Documents

Upon written request, Grantee shall submit to the City copies of any applications, notifications, communications and documents of any kind, submitted by Grantee or its Affiliates to any federal, State or local courts, regulatory agencies and other government bodies if such documents directly relate to the operations of Grantee's System within the franchise area. Grantee shall submit such documents to the City no later than forty-five (45) days after receipt of the City's request, and Grantee shall not claim confidential, privileged or proprietary rights to such documents unless under federal, State, or local law such documents have been determined to be confidential by a court of competent jurisdiction, or a federal or State agency.

7.5 Reports

Within ninety (90) days of receipt of a written request by the City, Grantee shall submit to the City a written report, which shall include, but not necessarily be limited to, the following information:

(A) A gross revenue statement for the preceding year and all deductions and computations for the period. Such statement shall be reviewed by a certified public accountant, who may also be the chief financial officer or controller of Grantee, prior to submission to the City;

(B) A summary of the previous year's activities regarding the development of the Cable System, including, but not limited to, beginning and ending plant miles constructed, any technological changes occurring in the Cable System;

(C) A description of planned construction, if any, for the current year; and

(D) An executive summary of subscriber complaints received in the previous year from subscribers in the franchise area, broken down by quarter. Such summary shall include the number and the category of subscriber complaints (e.g. billing) received during each quarter.

7.6 False Statements

Any intentional false or misleading statement or representation in any report required by this Franchise shall be deemed a material breach of this Franchise and may subject Grantee to all remedies, legal or equitable, which are available to the City under this Franchise or otherwise.

7.7 Failure to Report

The failure or neglect of Grantee to file any of the information required under this Franchise (not including clerical errors or errors made in good faith) may, at the City's option, be deemed a breach of this Franchise.

SECTION 8. PROGRAMMING

8.1 Broad Programming Categories

Grantee shall provide at least the following initial broad categories of programming to the extent such categories are reasonably available:

(A) Educational programming;

(B) News, weather and information;

(C) Sports;

(D) General entertainment including movies;

(E) Children, family oriented;

(F) Arts, culture and performing arts;

(G) Foreign language programming; and

(H) Science/documentary.

8.2 Deletion of Broad Programming Categories

(A) Grantee shall not delete or so limit as to effectively delete any broad category of programming within its control without prior written notice to the City.

(B) In the event of a modification proceeding under federal law, the mix and quality of Cable Services provided by Grantee on the effective date of this Franchise shall be maintained.

8.3 Ascertainment of Customer Satisfaction

Upon written request of the City, but not more frequently than once every three (3) years, the Grantee shall conduct a statistically valid telephone survey of its subscribers. The Grantee shall consult and cooperate with the City in developing survey questions. The City may suggest new or modified questions, which the Grantee, in the reasonable exercise of its discretion, will add to the telephone survey. Upon completion of the telephone survey of subscribers in the City, but no later than one month thereafter, Grantee shall provide the results thereof to the City. Nothing herein shall be construed to limit the right of the City to conduct its own surveys at its own expense.

8.4 Obscenity

Grantee shall not transmit, or permit to be transmitted, over any Channel subject to its editorial control any programming which is obscene under applicable federal, State or local laws, statutes, regulations or standards now existing or hereafter adopted.

8.5 Parental Control Device

Upon request by any subscriber, Grantee shall make available a parental control or lockout device, traps or filters to enable a subscriber to control access to any or all Channels. Grantee shall inform its subscribers of the availability of the lockout device at the time of their initial subscription and periodically thereafter. Such devices, traps or filters will be provided at no charge to the subscriber, unless otherwise provided by federal law.

8.6 Services for the Disabled

Grantee shall comply with the Americans with Disabilities Act, the Twenty-First Century Communications and Video Accessibility Act of 2010, implementing regulations and orders, and any amendments or successor legislation thereto.

SECTION 9. ACCESS

9.1 Access Channels

Grantee shall make available, at its expense throughout the term and franchise area of this Franchise two (2) Government Access Channels, in standard digital format.

The City acknowledges that the Grantee's Cable System provides additional benefits to Access programming needs beyond the requirements listed above. This is accomplished through the inclusion of other regional Access programming within the regional channel line-up that services the

franchise area, like Public Access on Channel 77 and the Puget Sound Educational Service District and Community College Educational Access Channels on Channels 26 & 28 that are not controlled by the City. The Grantee will use best efforts to provide the subscribers in the franchise area with the other regional Access channels so long as the programmers offer them for use on the Cable System.

If Grantee makes a change in its Cable System and related equipment and facilities, or in its signal delivery technology, which directly or indirectly affects the signal quality or method or type of transmission of Access programming or services, Grantee shall take all necessary technical steps and provide necessary technical assistance, including the acquisition of all necessary equipment, up to the point of demarcation to ensure that the capabilities of the Access Channels and delivery of access programming are not diminished or adversely affected by such change.

9.2 Management and Control of Access Channels

(A) The City may authorize Designated Access Providers to control, operate and manage the use of any and all Access facilities made available by Grantee under this Franchise, including, without limitation, the operation of access channels. The City or its designee may formulate rules for the operation of the access channels, consistent with this Franchise.

(B) Grantee shall cooperate with the City and its Designated Access Providers in the use of the System and Access facilities for the provision of PEG channels.

9.3 Simulcast High Definition Access Channels

The Grantee agrees to simulcast the two (2) Government Access Channels in high-definition (HD PEG Channels) format under the following conditions:

(A) Within one (1) year of passage of this Franchise, Grantee shall activate both simulcast HD PEG Channels as directed by the City.

(B) For the purpose of monitoring the HD PEG Channels, the Grantee shall provide one (1) HD cable box to the City at City Hall with no monthly cost for the equipment.

(C) The Grantee shall be responsible for all capital engineering costs associated with fulfilling the request to activate the simulcast HD PEG Channels.

(D) Upon activation of the simulcast HD PEG Channels, Comcast shall own and maintain the encoder equipment used to transmit the high-definition signal from City Hall (the demarcation point).

(E) The City shall provide the HD PEG Channel signal as specified by the Grantee's engineering standards, as amended by the Grantee from time to time because of changes in technology.

9.4 Location of Access Channels

Grantee will endeavor to continue carriage of the City's programming on Channels 21 and 75. The HD PEG Channels will be assigned a number near other high definition local broadcast stations, or if that is not possible, near HD news/public affairs programming channels, or if that is not possible as reasonably close as available channel numbering will allow. Grantee shall have sole discretion to determine the Channel placement of the City's simulcast HD PEG Channels within its HD channel line-up. Grantee shall use its best efforts to provide one hundred twenty (120) days advance written notice to the City prior to any relocation of the PEG channels. In connection with the movement of any of the City's Government Access Channels to other Channel numbers, Grantee shall provide a bill message on subscribers' bills along with a message on subscribers' converter boxes.

9.5 Capital Contribution

The PEG contribution provided by Grantee hereunder shall be the sum of twenty-five cents ($0.25), per month, per subscriber within the City. Payment of the PEG contribution shall be contingent upon the City imposing a PEG contribution requirement of at least twenty-five cents ($0.25) per subscriber, per month on all Cable Operators in the City (except to the extent the City cannot legally require such PEG contribution from those Cable Operators). Upon enactment of this Franchise, both parties acknowledge there is one additional City-franchised Cable Operator offering Cable Services within the City which is collecting and remitting a PEG Fee of $0.25 per subscriber per month to the City, under their franchise commitment. The per subscriber, per month amount of the PEG contribution imposed on the Grantee can be modified as determined by the City provided that the same or a higher amount is required of all other Cable Operators in the City (except to the extent the City cannot legally require such PEG contribution from those Cable Operators). Notwithstanding the foregoing, in no event may the PEG contribution requirement imposed on the grantee be greater than $0.50 per subscriber per month. If, during the term of this Franchise, the City implements an increase of one (1) percent or more in its utility occupations tax applicable to Cable Service (which at the time of enactment of this Franchise is six (6) percent per Section 5.08.050(7) of the Kirkland Municipal Code), the Grantee may, within thirty (30) days of the utility occupations tax increase taking effect, request that the City modify the amount of the PEG contribution imposed on the Grantee so that it does not exceed $0.35 per subscriber per month. The City shall have one hundred and twenty (120) days in which to implement the requested reduction. The capital contributions may only be used for capital expenditures related to the Access Channels. The capital amounts may be reduced, as determined by the City Council. The capital contribution shall be paid quarterly to the City. Grantee shall not be responsible for paying the capital contribution with respect to gratis or Bad Debt accounts. Upon written request, Grantee shall provide a report to the City no more frequently than annually, regarding such gratis or Bad Debt accounts. To the extent allowed by federal law, the capital contribution may be treated as an external cost by Grantee and itemized on subscribers' bills. The City shall have discretion to allocate the capital contribution in accordance with applicable law. To the extent the City makes Access capital investments using City funds prior to receiving the capital advance or capital contribution funds, the City is entitled to apply the subsequent capital advance or capital contribution payments from Grantee toward such City capital investments. Upon request, the City shall submit to Grantee, within ninety (90) days of the end of each calendar year, a comprehensive report of all purchases made from the capital contributions submitted the prior year along with the remaining fund balance.

The City and Grantee agree that any Capital Contribution itemization shall be referred to on subscribers' bills as a "PEG fee" or language substantially similar thereto.

With regard to the Government Access Channels, the City will dedicate the time, personnel and other resources needed to operate those Access Channels.

9.6 Access Channels On Lowest Tier

All PEG Channels shall be made available to all subscribers and shall be provided to every subscriber without charge beyond the charge the subscriber pays for the Cable Services and equipment the subscriber receives. The City acknowledges that the simulcast HD PEG Channels will be available only to those subscribers who elect to subscribe to Grantee's high-definition Cable Service.

9.7 Access Channel Signal

Grantee shall not exercise editorial control over the programming of any Access Channel. Grantee will not interrupt the signal provided on any Access Channel except during circumstances beyond Grantee's control or if necessary for testing or planned system maintenance purposes.

9.8 Technical Quality

It is the responsibility of the designated access provider(s) to provide a quality PEG signal, to the Grantee at the point of demarcation, which meets or exceeds any applicable FCC technical standards. The Grantee will deliver Access Channels to subscribers with a PEG signal of the same resolution and quality it receives from the designated access provider(s) without degradation and in accordance with the FCC technical standards. Grantee may implement HD carriage of the Access Channel in any manner (including selection of compression, utilization of IP, and other processing characteristics) that produces a signal for the subscriber that is as accessible, functional, useable and of a quality equivalent from the perspective of the viewer to HD channels of the same resolution carried on the Cable System. In the event the City believes that Grantee fails to meet this standard, City will notify Grantee of such concern, and Grantee will respond to any complaints in a timely manner. FCC technical standards shall be used for all testing and assessment of quality under this section.

9.9 Underutilized Access Channels

Grantee and the City agree that it is their mutual goal to fully and efficiently use the Channel capacity of the Cable System, which may include allowing the Grantee to use underutilized time on the dedicated Access Channels. If Grantee believes that any Access Channel has underutilized time, Grantee may file a request with the City to use that time. In response to the request, the City will consider a combination of factors, including, but not limited to, the community's needs and interests, and the source, quantity, type and schedule of the programming carried on the Access Channel. The City will also consider, taking into account the mission of Access programming, whether it is feasible for the Designated Access Providers to cluster Access programming into blocks of time such that the Channel space can be compatibly shared between the Designated Access Provider and the Grantee

and/or if several Designated Access Providers can combine their programming onto a single Access Channel. The City shall render its decision regarding the matter within thirty (30) days of receiving the request. Should the City find that the Access Channel or a portion of the Access Channel may be used by the Grantee, then Grantee may begin using such time sixty (60) days after receipt of the decision. The Grantee's request shall not be unreasonably denied. Any permission granted pursuant to this subsection for use of an Access Channel or a portion thereof shall be considered temporary.

At such time as a Designated Access Provider believes that it has the resources and ability to utilize the Access Channel time that is temporarily being used by the Grantee pursuant to this subsection, a Designated Access Provider may request that the City return such Channel or portion of the Channel for Access purposes. In response to the request, the City will consider a combination of factors, including, but not limited to, the community's needs and interests, and the source, quantity, type and schedule of the programming proposed to be carried on the Access Channel as well as the applicant's ability and resources to acquire or produce the proposed Access programming. The City will also consider, taking into account the mission of the Access programming, whether it is feasible for the Designated Access Providers to cluster Access programming into blocks of time such that the Channel space can be compatibly shared between the Designated Access Provider and the Grantee and/or if several Designated Access Providers can combine their programming onto a single Access Channel. The City shall render its decision regarding the matter within thirty (30) days of receiving the request. Should the City find that the evidence exists to support the return of the Access Channel or a portion of the Access Channel to the Designated Access Provider, then Grantee shall surrender the Access Channel or the requested time on the Access Channel, as applicable, within thirty (30) days of receiving the decision. The Designated Access Provider's request shall not be unreasonably denied.

9.10 Information About Access Programming

The Grantee, upon request, shall provide the City the opportunity to include one (1) bill insertion per year. The City shall be responsible for the cost of printing its bill insertion, the cost of inserting the information into Grantee's bills and for any incremental postage costs. Bill insertions must conform to Grantee's reasonable mailing requirements. The Grantee shall be provided an opportunity to review and approve all Access bill insertions, which approval shall not be unreasonably withheld.

9.11 Return Lines

(A) Prior to the commencement of this Franchise, Grantee built a fiber optic return line to its headend from City Hall to enable the distribution of Governmental Access programming to residential subscribers on the Governmental Access Channels. Grantee shall maintain and repair, if necessary, this return line throughout the term of this Franchise.

(B) For purposes of enabling the City to produce live PEG Access programming from remote locations throughout the City, the City intends to construct and maintain new fiber optic return lines from the PEG Access origination sites listed in Exhibit A to the production facility located at City Hall. All return line construction costs shall be paid by the City or the Designated Access Provider. Funds provided via the monthly Capital Contributions referenced in this section may be used for such projects.

9.12 Electronic Programming Guide

Grantee shall facilitate the listing of the City's Government Access programming (HD and digital) on the Grantee's interactive programming guide. The City shall be responsible for any associated direct cost of listing the access programming on the programming guide.

SECTION 10. GENERAL RIGHTS-OF-WAY USE AND CONSTRUCTION

10.1 Right to Construct

Subject to generally applicable laws, regulations, rules, resolutions and ordinances of the City and the provisions of this Franchise, Grantee may perform all construction in the Rights-of-Way for any facility needed for the maintenance, operation or extension of Grantee's Cable System.

10.2 Rights-of-Way Meetings

Subject to receiving advance notice, Grantee shall make reasonable efforts to attend and participate in meetings of the City regarding Rights-of-Way issues that may impact the Cable System.

10.3 General Standards

All work authorized and required hereunder shall be done in a safe, thorough and workmanlike manner. All installations of equipment shall be durable and installed in accordance with good engineering practices and in compliance with all federal, State and local laws and regulations.

Grantee shall promptly respond to any construction issues raised by the City and remedy any construction related problems in a timely and responsive manner.

10.4 Joint Trenching/Boring

To the extent it is economically feasible, Grantee shall joint trench or share bores or cuts and work with other providers (such as, but not limited to, telecommunications, gas and electric companies), licensees, permittees and franchisees so as to reduce the number of Rights-of-Way cuts within the City.

10.5 Movement of Facilities During Emergencies

In the case of fire, disaster or other emergency, the City may move, remove or disconnect Grantee's facilities and equipment located in the Rights-of-Way or on any other property of the City. The City shall provide reasonable notice to the Grantee prior to taking such action and shall provide the Grantee with the opportunity to perform such action unless, in the City's sole judgment, the imminent threat to public health, safety or welfare makes such notice impractical.

10.6 One Call

Grantee will maintain membership in good standing with the Utilities Underground Location Center or other similar or successor organization which is designated to coordinate underground equipment locations and installations. Grantee shall abide by the State's "Underground Utilities" statutes (Chapter 19.122 RCW) and will further comply with and adhere to City regulations related to the one call locator service program.

10.7 Permits Required for Construction

Prior to doing any work in the Rights-of-Way or other public property, Grantee shall apply for and obtain any permits necessary from the City. As part of the permitting process, the City may impose such conditions and regulations as are necessary for protecting any structures in such Rights-of-Way, for restoration of such Rights-of-Way and for protection of the public and the continuity of pedestrian or vehicular traffic. Grantee shall pay all generally applicable fees for the requisite City permits.

10.8 Emergency Permits

In the event that emergency repairs are necessary, Grantee shall immediately notify the City of the need for such repairs. Grantee may initiate such emergency repairs, and shall apply for appropriate permits within forty-eight (48) hours after completion of the repair.

10.9 Compliance with Applicable Codes

(A) City Codes. Grantee shall comply with all lawful and applicable City codes, including, without limitation, construction codes, building codes, the Fire Code and zoning codes and regulations that do not conflict with Grantee's contractual rights under this Franchise.

(B) Regulations and Safety Codes. Grantee shall comply with all lawful and applicable federal, State and City safety requirements, rules, regulations, laws and practices. By way of illustration and not limitation, Grantee shall comply with the National Electric Code, National Electrical Safety Code and Occupational Safety and Health Administration (OSHA) Standards.

10.10 Least Interference

Work in the Rights-of-Way, or on other public property, shall be done in a manner that causes the least interference with the rights and reasonable convenience of adjacent property owners. The Grantee's Cable System shall be located, erected and maintained so as not to endanger the lives of Persons, or to interfere with new improvements the City may deem proper to make or to unnecessarily hinder or obstruct the free use of the Rights-of-Way or other public property, and shall not interfere with travel and use of public places by persons during the construction, repair, operation or removal thereof. The City may require the removal or relocation of Grantee's lines, cables, equipment and other appurtenances that are in violation of this Section from the property in question at Grantee's expense.

10.11 Prevent Injury/Safety

Grantee shall provide and use any equipment and facilities necessary to control and carry Grantee's signals so as to prevent injury to the City's property or property belonging to any Person. Grantee, at its own expense, shall repair, renew, change and improve its facilities to keep them in good repair, and safe and presentable condition. All excavations made by Grantee in the Rights-of-Way shall be properly safeguarded for the prevention of accidents.

10.12 Notice to Private Property Owners

Except in the case of an emergency involving public safety or an outage, or service interruption to a large number of subscribers, Grantee shall give reasonable advance notice to private property owners of construction work on or in adjacent Rights-of-Way.

10.13 Underground Construction

New facilities shall be installed underground pursuant to Section 10.14 of this Franchise. Grantee acknowledges the City's policy of undergrounding of facilities within the franchise area. Grantee will cooperate with the City and with the other affected utilities in the undergrounding of Grantee's existing facilities within the franchise area. If, during the term of this Franchise, the City shall direct Grantee and other utilities to underground facilities within the franchise area, such undergrounding shall be at no cost to the City except as may be provided in RCW Chapter 35.99. Grantee shall comply with all federal, state, and City regulations on undergrounding. Amplifiers and associated equipment in Grantee's transmission and distribution lines may be in appropriate housing upon the surface of the ground. Nothing in this Section shall be construed to require the Grantee to construct, operate, or maintain underground any ground-mounted appurtenances such as pedestals, provided that such facilities must be placed in accordance with the City Code and any permit requirements.

10.14 Location and Relocation of Facilities

(A) Grantee shall place any new facilities underground where existing power, telecommunications and cable facilities are located underground. Any new facilities to be located above-ground shall be placed on existing utility poles. No new utility poles shall be installed in connection with placement of new above-ground facilities.

(B) Grantee recognizes the need for the City to maintain adequate width for installation and maintenance of sanitary sewer, water and storm drainage utilities owned by the City, the Northshore Utility District, and other public utility providers. Thus, the City reserves the right to maintain clear zones with the Rights-of-Way for installation and maintenance of said utilities. The clear zones for each Rights-of-Way segment shall be noted and conditioned with the issuance of each Rights-of-Way permit. If adequate clear zones are unable to be achieved on a particular Right-of-Way, Grantee shall locate in an alternate Right-of-Way or propose alternate construction methods which maintain and/or enhance the existing clear zones.

(C) Except as otherwise required by law, Grantee agrees to relocate, remove or reroute its facilities as ordered by the City where such relocation is necessary to protect the public health, safety and welfare, at no expense or liability to the City, except as may be provided under RCW Chapter

35.99. The City's decision to require the relocation of Grantee's facilities shall be made in a reasonable, uniform and non-discriminatory manner.

(D) If the City determines that a project necessitates the relocation of the Grantee's existing facilities, then:

(1) Within a reasonable time, which shall be no less than 90 days prior to the commencement of the project, the City shall provide the Grantee with written notice requiring relocation; provided that in the event of an emergency beyond the control of the City and which will result in severe financial consequences to the City or its citizens or businesses, the City shall give the Grantee written notice as soon as practicable;

(2) The City shall provide the Grantee with copies of information for such improvement project and a proposed location for the Grantee's facilities so that Grantee may relocate its facilities in other Rights-of-Way in order to accommodate the project; and

(3) The Grantee shall complete relocation of its facilities at no charge or expense to the City so as to accommodate the project timeline. In the event of an emergency as described in this Section, the Grantee shall relocate its facilities within the time period specified by the City.

(E) The Grantee may, after receipt of written notice requesting a relocation of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise the Grantee in writing if one or more of the alternatives are suitable to accommodate the work, which would otherwise necessitate relocation of the facilities. If so requested by the City, the Grantee shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by the Grantee full and fair consideration, within a reasonable time, so as to allow for the relocation work to be performed in a timely manner. In the event the City ultimately determines that there is no other reasonable alternative, the Grantee shall relocate its facilities as otherwise provided in this Section.

(F) In the event that the City orders the Grantee to relocate its facilities for a project which is primarily for private benefit, or the benefit of a third-party public agency, the private party or parties causing the need for such project shall reimburse the Grantee for the cost of relocation in the same proportion as their contribution to the total cost of the project.

(G) In the event of an unforeseen emergency that creates a threat to public safety, health or welfare, the City may require the Grantee to relocate its facilities at its own expense, any other portion of this Section notwithstanding.

(H) In the event of a City-driven facilities relocations project that requires conversion of overhead facilities to underground, such as projects that may include, but not be limited to: road widening, surface grade changes or sidewalk installation, Grantee agrees to bear the costs of converting Grantee's Cable System from an overhead system to an underground system as follows:

(1) Engineering -- To ensure proper space and availability in the supplied joint trench, Grantee shall pay for the work (time and materials) necessary to complete Cable System related engineering and coordination with the other utilities involved in the project.

(2) Cost(s) -- Grantee shall pay its proportionate share of the cost of labor and materials necessary to place its cables, conduits and vaults/pedestals in the supplied joint trench and/or stand-alone cable trench. If, however, the City's costs for Grantee are not agreeable to Grantee, then Grantee shall have the right to hire its own contractor(s) to complete the work within the joint trench.

(3) If Grantee decides to use its own contractor(s) to complete its portion of the work, then Grantee and its contractor(s) are responsible for coordinating with the City to provide reasonable notice and time to complete the placement of Grantee's cables, conduits and vaults/pedestals in the trench. If the Grantee fails to complete the above work within the time prescribed and to the City's reasonable satisfaction, the City may cause such work to be done and bill the reasonable cost of the work to the Grantee, including all reasonable costs and expenses incurred by the City due to Grantee's delay. In such an event, the City shall not be liable for any damage to any portion of the Grantee's Cable System. Within forty-five (45) days of receipt of an itemized list of those costs, the Grantee shall pay the City.

(4) Within the underground conversion area, Grantee shall cooperate with the City and its contractor on any on-site coordination. The City shall be responsible for traffic control, trenching, backfill, and restoration of all work performed by its contractor. The Grantee shall be responsible for traffic control, trenching, backfill, and restoration of all work performed by its contractor for stand-alone cable trenches.

In the event a Local Improvement District (LID) has been created to fund a relocation or conversion project, Grantee shall be reimbursed by the LID for all expenses incurred as a result of the project.

(I) The Grantee shall, upon reasonable prior written request of any private third party, relocate its wires or cables underground; provided that (i) the Grantee may impose a charge for all time and material costs associated with the project to the private third party for the relocation of its facilities, and such charge may be required to be paid in advance of the relocation of its wires or cables, and (ii) if a permit is required, Grantee's permit application is approved by the City.

(J) The Grantee shall utilize existing poles and conduit wherever possible. New poles will not be allowed.

(K) This Franchise does not grant, give or convey to the Grantee the right or privilege to install its facilities in any manner on specific utility poles or equipment of the City or of any private third party. In the event an underground conversion of cable facilities is required as part of a street improvement condition of a new land use development that is not associated with a City designated capital improvement project, this Franchise shall in no way limit the Grantee's right to recoup its direct costs associated with the conditioned underground conversion of the Cable System from the private third party responsible for the project.

10.15 Additional Ducts and Conduits

The Grantee and the City recognize that situations may occur in the future where the City may desire to place its own fiber optic cable in trenches or bores opened by the Grantee. The Grantee agrees to cooperate with the City in any construction that involves trenching or boring, provided that the City has first provided reasonable notice to the Grantee in some manner that it is interested in sharing the trenches or bores in the area where the Grantee's construction is occurring. The Grantee shall allow the City to lay City conduit and fiber optic cable in the Grantee's trenches and bores, provided that the City shares pro rata in the cost of the trenching and boring with Grantee. The City shall be responsible for maintaining its respective conduit and fiber optic cable, which is buried in the Grantee's trenches and bores. The City agrees that any conduit or fiber optic cables placed in these projects shall not now or throughout the term of this Franchise be utilized to provide cable services that are similar to or in competition with the cable services provided by Grantee.

(A) If Grantee is constructing, relocating, or placing ducts or conduits in the Rights-of-Way and upon request by the City, additional duct or conduit and related structures necessary to access the duct or conduit shall be provided for the City, subject to the following conditions:

(1) The City shall enter into a contract with the Grantee consistent with the principles of RCW 80.36.150. The contract rates to be charged should include recovery of the incremental costs of the Grantee. If the City makes the additional duct or conduit and related access structures available to any other entity for the purposes of providing Cable Service for hire, sale or resale to the general public, the rates to be charged, as set forth in the contract with the Grantee shall recover at least the Fully Allocated Costs of the Grantee. The Grantee shall state both contract rates in the contract. The City shall inform the Grantee of the use, and any change in use, (if such use pertains to Cable Service) of the requested duct or conduit and related access structures to determine the applicable rate to be paid by the City.

(2) The City shall not require that the additional duct or conduit space be connected to the access structures and vaults of the Grantee.

(3) The value of the additional duct or conduit requested by the City shall not be considered a public works construction contract.

(B) Upon written request by the City for a cost estimate to share a trench or bore within a Right-of-Way, Grantee shall prepare such estimate and present the same to the City within sixty (60) days thereafter regarding the incremental costs and Fully Allocated Costs of providing the City with ducts, conduits and related structures necessary to access the conduit or duct and of the date such construction, relocation or placement will begin. If Grantee and the City disagree regarding the appropriateness of the proposed incremental and Fully Allocated Costs, the parties may negotiate.

(C) The City may require Grantee to furnish such additional duct or conduit and the related structures necessary to access the conduit or duct for the incremental costs by so notifying Grantee

no later than sixty (60) days after the information referred to in subsection (B) is provided by Grantee or a court.

(D) If the City requires Grantee to furnish additional duct, conduit or related structures pursuant to this subsection, the Grantee shall construct the facilities to the same standards as Grantee's other new facilities, and shall turn such additional duct, conduit or related structures over to the City upon completion of same and satisfactory inspection thereof by the City.

(E) Any duct or conduit and related structures necessary to access the duct or conduit that are furnished by the Grantee to the City pursuant to this Section may be used by the City for any commercial or noncommercial purposes, and there shall be no restrictions thereon (with the exception that the City shall not provide Cable Services).

10.16 Restoration of Property

(A) The Grantee shall protect public and private property from damage. If damage occurs, the Grantee shall promptly notify the property owner within twenty-four (24) hours.

(B) In the event Grantee disturbs or damages any Rights-of-Way or other public property, Grantee shall promptly restore the Rights-of-Way or property to at least its prior condition, normal wear and tear excepted.

(C) Grantee shall warrant any street restoration work performed by or for Grantee in the Rights-of-Way or on other public property for the greater of one (1) year or for the life of the asphalt street patch until overlay occurs, provided that no action by a third party materially affects the integrity of Grantee's street cut work, unless a different period is required by the City Code. If street cut work is not satisfactorily performed by the Grantee within a reasonable time, the City may, after prior notice to the Grantee, or without notice where the disturbance or damage may create a risk to public health or safety, cause the work to be done and recover the reasonable cost of the work from the Grantee. Within forty-five (45) days of receipt of an itemized list of those costs, including the costs of labor, materials and equipment, the Grantee shall pay the City.

(D) Upon completion of the work that caused any disturbance or damage, Grantee shall promptly commence restoration of the property, and will use its best efforts to complete the restoration within twenty-four (24) hours, considering the nature of the work that must be performed.

10.17 Discontinuing Use

Whenever Grantee intends to discontinue using any facility within the Rights-of-Way, Grantee shall notify the City of its intention. Grantee may remove the facility or request that the City permit it to remain in place. Notwithstanding Grantee's request that any such facility remain in place, the City may require Grantee to remove the facility from the Rights-of-Way or modify the facility to protect the public health, welfare or safety. The City may require Grantee to perform a reasonable combination of modification and removal of the facility. Grantee shall complete such removal and/or modification respectively in accordance with a schedule reasonably set by the City. Until such time

as Grantee removes or modifies the facility as reasonably directed by the City, or until the rights to and responsibility for the facility are accepted by another Person having authority to use, construct and/or maintain such facility, Grantee shall retain all liability for such facility and shall remain responsible for all necessary repairs and relocations of the facility in the same manner and degree as if the facility were in active use.

10.18 Public Works and Capital Improvements.

Nothing in this Franchise shall prevent the City from constructing any public work or capital improvement.

10.19 Movement of Cable System Facilities for Other Franchise or Permit Holders

If any removal, replacement, modification or disconnection of the Cable System is required to accommodate the construction, operation or repair of the facilities or equipment of another City franchise or permit holder, Grantee shall, after at least forty-five (45) days advance written notice, take action to effect the necessary changes requested by the responsible entity. Grantee may require that the costs associated with the removal, replacement, modification or disconnection of the Cable System be paid by the benefited party, and Grantee may require a reasonable deposit of the estimated payment in advance.

10.20 Reservation of City Use of Rights-of-Way

Nothing in this Franchise shall prevent the City from constructing sewers; grading, paving, repairing or altering any Rights-of-Way; laying down, repairing or removing water mains; installing conduit or fiber optic cable; or constructing or establishing any other public work or improvement. All such work shall be done, insofar as practicable, so as not to obstruct, injure or prevent the use and operation of Grantee's Cable System.

10.21 Tree Trimming

Grantee may prune or cause to be pruned, using proper pruning practices, any tree in the Rights-of-Way which interferes with Grantee's Cable System. Grantee shall comply with any and all City regulations regarding tree trimming, including obtaining a permit, if required, to remove right-of-way trees. Except in emergencies, Grantee may not prune trees at a point below thirty (30) feet above sidewalk grade until one (1) week written notice has been given to the owner or occupant of the premises abutting the Rights-of-Way in or over which the tree is growing. The owner or occupant of the abutting premises may prune such tree at his or her own expense during this one (1) week period. If the owner or occupant fails to do so, Grantee may prune such tree at its own expense. For purposes of this subsection, emergencies exist when it is necessary to prune to protect the public or Grantee's facilities from imminent danger only.

10.22 Inspection of Construction and Facilities

The City may inspect any of Grantee's facilities, equipment or construction within the Rights-of-Way and on other public property in the franchise area. If an unsafe condition is found to exist, the City,

in addition to taking any other action permitted under applicable law, may order Grantee, in writing, to make the necessary repairs and alterations specified therein forthwith to correct the unsafe condition within a reasonable amount of time established by the City. The City has the right to inspect, repair and correct the unsafe condition if Grantee fails to do so, and to reasonably charge Grantee therefore.

10.23 Stop Work

(A) On notice from the City that any work is being performed contrary to the provisions of this Franchise, or in an unsafe or dangerous manner as reasonably determined by the City, or in violation of the terms of any regulations or permits issued, then the work may immediately be stopped by the City.

(B) The stop work order shall:

(1) Be in writing;

(2) Be given to the person doing the work, or be posted on the work site;

(3) Indicate the nature of the alleged violation or unsafe condition; and

(4) Establish conditions under which work may be resumed.

10.24 Nonconforming or Unauthorized Conditions

Whenever the City determines that the Grantee has taken any action or caused any condition within the franchise area in violation of the City Code that results in or produces any unsafe, nonconforming or unauthorized condition, the City may order the correction or discontinuance of such condition or any activity causing such condition, or order the taking of any other remedial action, pursuant to applicable provisions of the City Code.

10.25 Work of Contractors and Subcontractors

Grantee's contractors and subcontractors shall be licensed and bonded in accordance with the City's generally applicable regulations. Work by contractors and subcontractors is subject to the same restrictions, limitations and conditions as if the work were performed by Grantee. Grantee shall be responsible for all work performed by its contractors and subcontractors and others performing work on its behalf as if the work were performed by it, and shall ensure that all such work is performed in compliance with this Franchise and other applicable laws, and shall be jointly and severally liable for all damages and correcting all damage caused by them. It is Grantee's responsibility to ensure that contractors, subcontractors or other Persons performing work on Grantee's behalf are familiar with the requirements of this Franchise and other applicable laws governing the work performed by them.

SECTION 11. TECHNICAL STANDARDS

11.1 Subscriber Network

(A) Grantee's Cable System, throughout the term of this Franchise, will have the following minimum design characteristics: two-way transmission capacity of at least 750 MHz or equivalent capacity, hybrid fiber coaxial cable or all fiber cable design, and capable of distributing Cable Services throughout the franchise area.

(B) Equipment must be installed so that all closed captioned programming received by the Cable System shall include the closed captioned signal, so long as the closed captioned signal is provided consistent with FCC standards. Equipment must also be installed so that all signals received in stereo are retransmitted in stereo.

(C) Grantee will take prompt corrective action if it finds that any facility or equipment related to the Cable System is not operating as expected, or if it finds that the facility or equipment does not comply with the requirements of this Franchise or applicable law.

(D) Grantee's construction decisions shall be based solely upon legitimate engineering decisions and shall not take into consideration the income level of any particular community within the franchise area.

11.2 Hearing on Services

The City may hold a hearing at any time to review whether or not the Cable Services offered by the Grantee in the City are meeting demonstrated community needs and interests, taking into account the cost of meeting those needs and interests. The parties recognize that, as of the effective date of this Franchise, the City is not permitted to require the provision of specific video programming pursuant to this subsection.

11.3 Technical Performance

The technical performance of the Cable System shall meet or exceed all applicable federal technical standards, as they may be amended from time to time, regardless of the transmission technology utilized. The City shall have the full authority permitted by applicable law to enforce compliance with these technical standards.

11.4 Cable System Performance Testing

(A) Grantee shall perform all tests required by the FCC on its Cable System. Upon written request, all FCC required tests may be witnessed by representatives of the City.

(B) Grantee shall maintain written records of all Cable System test results performed by or for Grantee. Copies of such test results will be available as part of its public file available for inspection at Grantee's local office.

(C) Grantee shall promptly take such corrective measures as are necessary to correct any performance deficiencies fully and to prevent their recurrence as far as possible. Sites shall be re-tested following correction.

11.5 Additional Tests

(A) Where there exists a pattern of evidence which in the judgment of the City casts doubt upon the reliability or technical quality of the Cable System, the City shall have the right and authority, upon thirty (30) days prior written notice, to require Grantee to conduct additional tests and analyze and report on the performance of the Cable System. Grantee shall fully cooperate with the City in performing such tests and shall prepare a report, if requested, within thirty (30) days after testing. Such report shall include the following information:

(1) The nature of the complaint or problem which precipitated the special tests;

(2) The Cable System component tested;

(3) The equipment used and procedures employed in testing;

(4) The method, if any, in which such complaint or problem was resolved; and

(5) Any other information pertinent to said tests and analysis, which may be required.

SECTION 12. SERVICE EXTENSION AND SERVICE TO PUBLIC BUILDINGS

12.1 Service Availability

(A) In General. Subject to the density provisions described in Section 12.1(D) below, Grantee shall provide Cable Service within seven (7) business days of a request by any potential residential subscriber within the City provided, however, that service can be installed via a standard installation, as described below. For purposes of this subsection, a request shall be deemed made on the date of signing a service agreement, receipt of funds by Grantee, receipt of a written request by Grantee or receipt by Grantee of a verified verbal request. Grantee shall provide such service:

(1) With no line extension charge except as specifically authorized elsewhere in this Section.

(2) At a nondiscriminatory installation charge for a standard installation, consisting of a one hundred twenty-five (125) foot aerial drop from the cable plant in the Rights-of-Way to the exterior demarcation point for residential subscribers, with additional charges for non-standard installations computed according to a nondiscriminatory methodology for such installations.

(3) At nondiscriminatory monthly rates in accordance with applicable laws.

(B) Provision of Cable Service. Grantee shall not arbitrarily refuse to provide Cable Service to any Person within its franchise area. Notwithstanding the foregoing, Grantee may introduce new or expanded Cable Services on a geographically phased basis, where such services require an upgrade of the Cable System.

(C) Service to Multiple Dwelling Units. The Grantee shall provide Cable Service to Multiple Dwelling Units in accordance with this Franchise and separately negotiated agreements between the property owner(s) and the Grantee.

(D) Customer Charges for Extensions of Service. For unusual circumstances, such as the existence of more than one hundred twenty-five (125) feet of aerial distance from the distribution cable to connection of service to customers, or a density of less than twenty-five (25) Dwelling Units per 5280 cable-bearing strand feet of aerial distribution cable, or a density of less than sixty (60) Dwelling Units per 5280 cable-bearing trench feet of underground distribution cable, service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor and easements. For the purpose of determining the amount of capital contribution in aid of construction to be borne by the Grantee and customers in the area in which service may be expanded, the Grantee will contribute an amount equal to the construction and other costs per mile, multiplied by a fraction whose numerator equals the actual number of Dwelling Units per 5280 cable-bearing strand or trench feet respectively of its distribution cable and whose denominator equals twenty-five (25) or sixty (60), as applicable. Potential customers who request service hereunder will bear the remainder of the construction and other costs on a pro rata basis. The Grantee may require that the payment of the capital contribution in aid of construction borne by such potential customers be paid in advance.

12.2 Connection of Public Facilities

Grantee shall, without charge, provide a standard installation and one outlet of digital starter (or equivalent) and any necessary converters to all City owned (or leased) and occupied buildings (including, but not limited to, City Hall, the Municipal Courthouse, fire stations and police stations), schools, Access facilities and public libraries. If the distance is greater than one hundred twenty-five (125) aerial feet, the City or other entity may agree to pay the incremental cost of such drop line in excess of one hundred twenty-five (125) aerial feet, including the cost of excess labor and materials. Such Cable Service shall not be extended to areas of City buildings where the Grantee would normally enter into a commercial contract to provide such Cable Service (i.e., a golf course).

The Cable Service provided in accordance with this subsection can only be distributed beyond the originally installed outlet with authorization from the Grantee. If additional outlets are requested from Grantee, the building owner and/or occupant shall be required to pay the usual installation fees associated therewith; however, there shall be no additional charge for the Cable Service. Outlets of Cable Service provided in accordance with this subsection may be used to distribute Cable Services throughout such buildings, provided such distribution can be accomplished without causing Cable System disruption and general technical standards are maintained. Such outlets may only be used for lawful purposes.

The Cable Service described in this subsection is being provided by Grantee for the betterment of the community and shall be provided throughout the term of the Franchise. The City gratefully acknowledges this provision of free Cable Service by the Grantee.

The Cable Service provided shall not be used for commercial purposes, and the City shall take reasonable steps to limit display in public areas. In addition, the City shall take reasonable precautions to prevent any inappropriate use of the Cable Service or the Cable System that could result in damage to the Cable System.

SECTION 13. FRANCHISE VIOLATIONS

13.1 Procedure for Remedying Non-Material Franchise Violations

(A) If the City believes that Grantee has failed to perform any non-material obligation under this Franchise, the City shall notify Grantee in writing, stating with reasonable specificity the nature of the alleged default. Grantee shall have thirty (30) days from the receipt of such notice to:

(1) Respond to the City, contesting the City's assertion that a default has occurred, and request a meeting in accordance with subsection (B), below; or

(2) Cure the default; or

(3) Notify the City that Grantee cannot cure the default within thirty (30) days, because of the nature of the default. In the event the default cannot be cured within thirty (30) days, Grantee shall promptly take all reasonable steps to cure the default and notify the City in writing and in detail as to the exact steps that will be taken and the projected completion date. In such case, the City may set a meeting in accordance with subsection (B) below to determine whether additional time beyond the thirty (30) days specified above is indeed needed, and whether Grantee's proposed completion schedule and steps are reasonable.

(B) If Grantee does not cure the alleged default within the cure period stated above, or denies the default and requests a meeting in accordance with subsection (A)(1), or the City orders a meeting in accordance with subsection (A)(3), the City shall set a meeting to investigate said issues and the existence of the alleged default. The City shall notify Grantee of the meeting in writing and such meeting shall take place no less than thirty (30) days after Grantee's receipt of notice of the meeting. At the meeting, Grantee shall be provided an opportunity to be heard and to present evidence in its defense.

(C) If, after the meeting, the City determines that a default exists, Grantee and the City may agree on a plan and schedule to cure the default. Absent such agreement, the City shall order Grantee to correct or remedy the default or breach within such reasonable timeframe as the City shall determine. In the event Grantee does not cure the default within such time to the City's reasonable satisfaction, the City may:

(1) Recommend the revocation of this Franchise pursuant to the procedures in subsection 13.2; or

(2) Recommend any other legal or equitable remedy available under this Franchise or any applicable law.

13.2 Revocation

(A) The City may revoke this Franchise and rescind all rights and privileges associated with this Franchise in any of the following circumstances:

(1) If Grantee fails to perform any material obligation under this Franchise;

(2) If Grantee willfully fails for more than three (3) days to provide continuous Cable Service;

(3) If Grantee attempts to evade any material provision of this Franchise or to practice any fraud or deceit upon the City or subscribers;

(4) If Grantee willfully misrepresents material facts in the negotiation of this Franchise; or

(5) If Grantee repeatedly breaches a material provision of the Customer Service Standards.

(B) Prior to forfeiture or termination of the Franchise, the City shall give written notice to the Grantee of its intent to revoke the Franchise. The notice shall set forth the exact nature of the noncompliance. Grantee shall have forty-five (45) days from receipt of such notice to object in writing and to state its reasons for such objection and provide any explanation or cure the alleged default.

In the event the City does not receive a timely and satisfactory response from Grantee, it may then seek a termination of the Franchise in accordance with this subsection.

(C) The City Council shall designate a Hearing Examiner as the hearing officer to conduct a public hearing to determine if revocation of the Franchise is warranted and to make a recommendation to the City Council. The City Council shall act as the final decision maker for the City.

(1) At least thirty-five (35) days prior to the public hearing, the City Clerk shall issue a public hearing notice that shall establish the issue(s) to be addressed in the public hearing; provide the time, date and location of the hearing; provide that the City shall hear any persons interested therein; and provide that the Grantee shall be afforded fair opportunity for full participation, including the right to introduce evidence, to require the production of evidence, to be represented by counsel and to question witnesses.

(2) The Hearing Examiner shall hear testimony, take evidence, hear oral argument and receive written briefs. A transcript shall be made of such proceeding and the cost shall be shared equally between the parties. The Hearing Examiner shall create for the City Council a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording.

(3) Within twenty (20) days after the close of the hearing, the Hearing Examiner shall issue a written decision that shall include the recommendation of the Hearing Examiner on the revocation and termination of the Franchise, findings of fact upon which the recommendation is based and the conclusions derived from those findings.

(D) The City Council shall, at a public meeting, consider and take final action on the recommendation of the Hearing Examiner. The City Council shall consider the complete record developed before the Hearing Examiner and the recommendation of the Hearing Examiner.

(E) At the public meeting, the City Council shall:

(1) Accept the recommendation of the Hearing Examiner; or

(2) Reject the recommendation of the Hearing Examiner; or

(3) Remand the decision to the Hearing Examiner for an additional hearing limited to specific issues identified by the City Council (and if so, at the conclusion of such additional hearing, again follow the other applicable procedures enumerated herein).

(F) The City Council shall adopt an ordinance that accepts, rejects or remands the recommendation of the Hearing Examiner by a majority vote of the members of the City Council. If the decision of the City Council is to revoke and terminate the Franchise, then the ordinance shall declare that the Franchise is revoked and terminated, and any form of surety is forfeited. The City Council's written decision shall include findings of fact and conclusions derived from those facts which support the decision of the City Council. The City Council may by reference adopt some or all of the findings and conclusions of the Hearing Examiner.

(G) Grantee shall be bound by the City Council's decision to revoke the Franchise unless an appeal to a court of competent jurisdiction is filed within forty-five (45) days of the date of the City Council's decision.

13.3 Procedures in the Event of Termination

(A) If this Franchise lawfully terminates, the City may, subject to applicable law:

(1) Require Grantee to maintain and operate its Cable System on a month-to-month basis until the Cable System is sold; or

(2) Purchase Grantee's Cable System in accordance with the procedures set forth in subsection 13.4, below.

(B) The City may order the removal of the above-ground Cable System facilities and such underground facilities from the City at Grantee's sole expense within a reasonable period of time as determined by the City. In removing its plant, structures and equipment, Grantee shall refill, at its own expense, any excavation that is made by it and shall leave all Rights-of-Way and public places in as good a condition as that prevailing prior to Grantee's removal of its equipment and without affecting electrical or telephone wires or attachments. The indemnification and insurance provisions, and the letter of credit, if any, shall remain in full force and effect during the period of removal.

(C) If Grantee fails to complete any removal required by subsection 13.3 (B) to the City's satisfaction, after written notice to Grantee, the City may cause the work to be done and Grantee shall reimburse the City for the costs and expenses incurred within thirty (30) days after receipt of an itemized list of the costs and expenses, or the City may recover the costs and expenses through the letter of credit, if any, or other surety if Grantee has not paid such amount within the foregoing time period.

13.4 Purchase of Cable System

(A) If at any time this Franchise lawfully terminates, the City shall have the option to purchase the Cable System subject to the requirements of federal law.

(B) The City may, at any time after Franchise termination, offer in writing to purchase Grantee's Cable System. In any case where the City elects to purchase the Cable System, the purchase shall be closed within one hundred twenty (120) days of the date of the City's audit of a balance sheet and current profit and loss statement of Grantee's Cable System. The City shall, as applicable, pay for the Cable System by wire transfer or certified funds, and Grantee shall deliver appropriate bills of sale and other instruments of conveyance.

(C) For the purposes of this subsection, the price for the Cable System shall be determined as follows:

(1) In the case of the expiration of the Franchise without renewal, at fair market value determined on the basis of Grantee's Cable System valued as a going concern, but with no value allocated to the Franchise itself. In order to obtain the fair market value, this valuation shall be reduced by the amount of any lien, encumbrance, or other obligation of Grantee which the City may assume.

(2) In the case of revocation for cause, the equitable price of Grantee's Cable System.

13.5 Alternative Remedies

No provision of this Franchise shall be deemed to bar the City or the Grantee from seeking appropriate judicial relief. Neither the existence of other remedies identified in this Franchise nor the exercise thereof shall be deemed to bar or otherwise limit the right of the City to recover monetary damages for violations by Grantee, or to seek and obtain judicial enforcement of Grantee's obligations by means of specific performance, injunctive relief or mandate, or any other remedy at law or in equity. If applicable and without limitation, the withdrawal of amounts from the letter of credit (see Section 5.3), or the recovery of amounts under the insurance, indemnity, bonding or monetary damages provisions of this Franchise shall not be construed as a limit on the liability of the Grantee under the Franchise or an excuse of faithful performance of any obligation of the Grantee.

13.6 Assessment of Monetary Damages

The City and Grantee recognize the delays, expense and unique difficulties involved in proving in a legal proceeding the actual loss suffered by the City as a result of Grantee's breach of certain provisions of this Franchise. Accordingly, instead of requiring such proof, the City and Grantee agree that Grantee shall pay to the City, at the discretion of the City, the sums set forth below for each day or part thereof that Grantee shall be in breach of specific provisions of this Franchise. Such amounts are agreed to by both parties as a reasonable estimate of the actual damages the City would suffer in the event of Grantee's breach of such provisions of this Franchise.

Subject to the City's giving written notice to the Grantee and a thirty (30) day opportunity to cure period, the City may assess against Grantee monetary damages as follows: one hundred dollars ($100.00) per day for material departure from the FCC technical performance standards; one hundred dollars ($100.00) per day for failure to follow the undergrounding requirements of this Franchise; one hundred dollars ($100.00) per day for failure to timely remedy any construction related problem; one hundred dollars ($100.00) per day for failure to provide the access channels or any equipment related thereto which is required hereunder; one hundred dollars ($100.00) per day for each material violation of the Customer Service Standards; fifty dollars ($50.00) per day for failure to provide reports or notices as required by this Franchise; and one hundred dollars ($100.00) per day for any material breaches or defaults not previously listed.

Monetary damages as defined by this subsection may be assessed for no more than twenty-five thousand dollars ($25,000) for any individual incident, after which time the City may implement other remedies as defined in this Franchise and under applicable law.

13.7 Effect of Abandonment

If the Grantee abandons its Cable System during the Franchise term, the City, at its option, may obtain an injunction, or operate the Cable System or designate another entity to operate the Cable System temporarily until either the Grantee restores service pursuant to the terms of the Franchise, or until the Franchise is revoked and a new franchisee is selected by the City. If the City operates the Cable System or designates another entity to operate the Cable System, the Grantee shall reimburse the City or the City's designee, as applicable, for all reasonable costs, expenses and damages incurred.

SECTION 14. FRANCHISE RENEWAL

(A) The City and Grantee agree that any proceedings undertaken by the City that relate to the renewal of the Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, unless the procedures or substantive protections set forth therein shall be deemed to be preempted and/or superseded by any subsequent provision of federal or State law.

(B) In addition to the procedures set forth in said Section 626(a), the City agrees to notify Grantee of the completion of its assessments regarding the identification of future cable-related community needs and interests, as well as the past performance of Grantee under the then current Franchise term. Notwithstanding anything to the contrary set forth herein, Grantee and the City agree that at any time during the term of the then current Franchise, while affording the public adequate notice and opportunity for comment, the City and Grantee may agree to undertake and finalize negotiations regarding renewal of the then current Franchise and the City may grant a renewal thereof. Grantee and the City consider the terms set forth in this subsection to be consistent with the express provisions of Section 626 of the Cable Act.

SECTION 15. FRANCHISE TRANSFER

(A) The Cable System and this Franchise shall not be sold, assigned, transferred, leased or disposed of, either in whole or in part, either by involuntary sale or by voluntary sale, merger or consolidation; nor shall title thereto, either legal or equitable, or any right, interest or property therein pass to or vest in any Person without the prior written consent of the City, which consent shall not be unreasonably withheld. If such consent is given, such consent shall not be deemed to waive any rights of the City to subsequently enforce noncompliance issues relating to this Franchise.

(B) The Grantee shall promptly notify the City of any actual or proposed change in, or transfer of, or acquisition by any other party of control of the Grantee. The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. Every change, transfer or acquisition of control of the Grantee shall make this Franchise subject to cancellation unless and until the City shall have consented thereto.

(C) The parties to the sale, transfer or change of control shall make a written request to the City for its approval of a sale, transfer or change of control and shall furnish all information required by law.

(D) In seeking the City's consent to any change in ownership or control, the proposed transferee or controlling party shall indicate whether, as applicable, it:

(1) Has ever been convicted or held liable for acts involving deceit including any violation of federal, State or local law, or is currently under an indictment, investigation or complaint charging such acts;

(2) Has ever had a judgment in an action for fraud, deceit, or misrepresentation entered against it by any court of competent jurisdiction;

(3) Has pending any material legal claim, lawsuit, or administrative proceeding arising out of or involving a cable system;

(4) Is financially solvent, by submitting financial data, including financial statements as required by FCC Form 394; and

(5) Has the legal, financial and technical capability to enable it to maintain and operate the Cable System for the remaining term of the Franchise.

(E) In reviewing a request for sale, transfer or change of control, the City may inquire into the legal, technical and financial qualifications of the prospective controlling party or transferee, and Grantee shall assist the City in so inquiring. The City may condition said sale, transfer or change of control upon such terms and conditions as it deems reasonably appropriate and as are consistent with federal law; provided, however, any such terms and conditions so attached shall be related to the legal, technical and financial qualifications of the prospective controlling party or transferee. Additionally, such Person shall effect changes as promptly as practicable in the operation of the Cable System, if any changes are necessary to cure any violations or defaults presently in effect or ongoing.

(F) The City shall act by ordinance or resolution on the request within one hundred twenty (120) days of the request, provided it has received all information required by law, such as a complete FCC Form 394. Subject to the foregoing, if the City fails to render a final decision on the request within one hundred twenty (120) days, such request shall be deemed granted unless the requesting party and the City agree to an extension of time.

(G) Within sixty (60) days of any transfer, sale or change of control, if approved or deemed granted by the City, Grantee shall file with the City a copy of the deed, agreement, lease or other written instrument evidencing such sale or transfer of ownership or control, certified and sworn to as correct by Grantee and the transferee or new controlling entity. In the case of a sale or transfer of ownership or change of control, the transferee or the new controlling entity shall file its written acceptance agreeing to be bound by all of the provisions of this Franchise, subject to applicable law. In the event of a change in control, in which the Grantee is not replaced by another entity, the Grantee will continue to be bound by all of the provisions of the Franchise and will not be required to file an additional written acceptance.

(H) Notwithstanding anything to the contrary in this Section, the prior approval of the City shall not be required for any sale, assignment or transfer of the Franchise or Cable System to an intra-company Affiliate; provided that the proposed assignee or transferee must show legal, technical and financial responsibility as may be determined necessary by the City and must agree in writing to comply with all of the provisions of the Franchise, subject to applicable law. Further, Grantee may pledge the assets of the Cable System for the purpose of financing without the consent of the City; provided that such pledge of assets shall not impair or mitigate Grantee's responsibilities and capabilities to meet all of its obligations under the provisions of this Franchise.

SECTION 16. MISCELLANEOUS PROVISIONS

16.1 Local Employment Efforts

Grantee shall use reasonable efforts to utilize qualified local contractors, including minority business enterprises and woman business enterprises, whenever the Grantee employs contractors to perform work under this Franchise.

16.2 Notices

Throughout the term of this Franchise, each party shall maintain and file with the other a local address for the service of notices by mail. All notices shall be sent to such respective address, and such notices shall be effective upon the date of mailing. At the effective date of this Franchise:

Grantee's address shall be:

Comcast Cable Communications, LLC.
P.O. Box 97007
Redmond, WA 98073-9707
Attention: Franchising Department

With a copy to:

Comcast Cable Communications, LLC.
15815 25th Ave West
Lynnwood, WA 98087
Attention: Franchising Department

City's address shall be:

City of Kirkland
123 5th Avenue
Kirkland, Washington 98033
Attention: City Clerk;
Finance Director; and
Chief Information Officer

16.3 Cumulative Rights

Subject to applicable law, all rights and remedies given to the City by this Franchise or retained by the City herein shall be in addition to and cumulative with any and all other rights and remedies, existing or implied, now or hereafter available to the City, at law or in equity, and such rights and remedies shall not be exclusive, but each and every right and remedy specifically given by this Franchise or otherwise existing may be exercised from time to time and as often and in such order as may be deemed expedient by the City, and the exercise of one or more rights or remedies shall not be deemed a waiver of the right to exercise at the same time or thereafter any other right or remedy.

16.4 Costs to be Borne by Grantee

Grantee shall reimburse the City for all costs of publication of this Franchise, and any notices prior to any public hearing regarding this Franchise, within forty-five (45) days of receipt of a statement from the City stating the amount owed.

16.5 Binding Effect

This Franchise shall be binding upon the parties hereto, their permitted successors and assigns.

16.6 Authority to Amend

In addition to certain amendment provisions of subsection 3.9, this Franchise may also be amended at any time by mutual written agreement between the parties.

16.7 Venue

Venue for any dispute related to this Franchise shall be in King County Superior Court.

16.8 Governing Laws

This Franchise shall be governed, construed and enforced in accordance with the laws of the State of Washington (as amended), the Cable Act as amended, any applicable rules, regulations and orders of the FCC, and any other applicable local, State and federal laws, rules, regulations, legislation or orders (as such now exist, are later amended or subsequently adopted).

16.9 Captions

The captions and headings of this Franchise are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of any provision of this Franchise.

16.10 No Joint Venture

Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties, and neither party is authorized to, nor shall either party act toward third persons or the public in any manner which would indicate any such relationship with the other.

16.11 Waiver

The failure of the City at any time to require performance by Grantee of any provision hereof shall in no way affect the right of the City hereafter to enforce the same, nor shall the waiver by the City of any breach of any provision hereof be taken or held to be a waiver of any succeeding breach of such provision, or as a waiver of the provision itself or any other provision.

16.12 Severability

If any Section, subsection, paragraph or provision of this Franchise is determined to be illegal, invalid or unconstitutional by any court or agency of competent jurisdiction, such determination shall have no effect on the validity of any other Section, subsection, paragraph or provision of this Franchise, all of which will remain in full force and effect for the term of the Franchise.

16.13 Entire Agreement

This Franchise and Exhibit represent the entire understanding and agreement between the parties hereto with respect to the subject matter hereof and supersede all prior oral and written negotiations between the parties.

16.14 Force Majeure

In the event Grantee is prevented or delayed in the performance of any of its obligations under this Franchise by a reason beyond the control of Grantee, Grantee shall have a reasonable time, under the circumstances, to perform the affected obligation under this Franchise or to procure a substitute for such obligation which is satisfactory to the City. Those conditions which are not within the control of Grantee include, but are not limited to, natural disasters, civil disturbances, severe or unusual weather conditions which have a direct and substantial impact on the Grantee's ability to provide Cable Services in the City, work delays caused by waiting for utility providers to service or perform make-ready services on their utility poles or other facilities to which the Grantee's Cable System is attached, and Grantee's inability to obtain federal, State or railroad permits despite Grantee's best efforts to do so.

If Grantee believes that a reason beyond its control has prevented or delayed its compliance with the provisions of this Franchise, Grantee shall provide documentation as reasonably required by the City to substantiate the Grantee's claim. If Grantee has not yet cured the deficiency, Grantee shall also provide the City with its proposed plan for remediation, including the timing for such cure.

16.15 Attorneys' Fees

If any action or suit arises in connection with this Franchise, the prevailing or substantially prevailing party (either the City or Grantee, as the case may be) shall be entitled to recover all of its reasonable attorneys' fees, costs and expenses in connection therewith, in addition to such other relief as the court may deem proper.

16.16 Actions of the City or Grantee

In any action by the City or Grantee mandated or permitted under the terms hereof, it shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

16.17 Acceptance

Within forty-five (45) days of receipt of the Franchise after its execution by the City, this Franchise shall be accepted by Grantee by filing with the City Clerk an unconditional, written acceptance of all

of the terms, provisions and conditions of this Franchise. The failure of Grantee to file such an acceptance shall be deemed a rejection by Grantee, and this Franchise shall then be voidable at the discretion of the City.

IN WITNESS WHEREOF, this Franchise is signed in the name of the City of Kirkland, Washington, this 6th day of August, 2018.

CITY OF KIRKLAND

By _____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ACCEPTED AND APPROVED this 6th day of August, 2018.

Comcast Cable Communications, LLC

By _____
Its _____

ATTEST:

_____
Secretary

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4652

AN ORDINANCE OF THE CITY OF KIRKLAND GRANTING COMCAST CABLE COMMUNICATIONS, LLC, RENEWAL OF A NON-EXCLUSIVE FRANCHISE FOR TRANSMISSION OF CABLE TELEVISION SERVICES IN, THROUGH, OVER AND UNDER THE STREET RIGHTS-OF-WAY OF THE CITY OF KIRKLAND.

SECTION 1. Authorizes and directs the City Manager to execute on behalf of the City a renewal of a non-exclusive Franchise Agreement relating to granting Comcast Cable Communications, LLC, the right to install, operate and maintain cable television facilities withing the public rights of way of the City.

SECTION 2. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 6th day of August, 2018.

I certify that the foregoing is a summary of Ordinance O-4652 approved by the Kirkland City Council for summary publication.

_____
Kathi Anderson, City Clerk

Council Meeting: 08/06/2018
Agenda: Other Business
Item #: 8. h. (9).

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Parks & Community Services Director
John Lloyd, Parks & Community Services Deputy Director

Date: August 6, 2018

Subject: Youth Eastside Services Use and Occupancy Agreement for the Forbes House at Juanita Beach Park

RECOMMENDATION:

It is recommended that City Council adopt a resolution to approve an updated Use and Occupancy agreement between the City of Kirkland and Youth Eastside Services for the use of Forbes House at Juanita Beach Park.

BACKGROUND DISCUSSION:

The City has a long history of partnering with the Youth Eastside Services (YES) dating back to the 1980's. In 1984 the City Council passed R-3072 **(Attachment A)** to authorize a contract to provide a variety of services including Counseling, Community Education, Consultation, and Youth Development Activities to the City of Kirkland and its residents. The partnership expanded in 2008 when the City of Kirkland leased the Forbes House at Juanita Beach Park to YES. The initial 10-year Use and Occupancy Agreement **(Attachment B)** included an option to renew for an additional 10-year term provided YES provide written notice to the City with their intention to do so. On December 21, 2017 the City received such notice from YES **(Attachment C)**.

ABOUT YOUTH EASTSIDE SERVICES:

In 2018, Youth Eastside Services (YES) will celebrate its 50th year providing counseling and behavioral health services to the eastside. Specific areas of service include mental health counseling for anxiety, depression, suicide, and other concerns. YES provides these services to youth age 0 – 22 years of age. It is their practice to never turn anyone away based on the ability to pay, offering a sliding scale of fees for service, all the way down to no cost.

YES offers their services in several eastside communities with similar facility lease agreements. They lease their facilities in Bellevue and Sammamish from the city for only $1 per year. The lease with the City of Bellevue is for a 50 year term. Additionally, YES operates out of many school sites, including several Lake Washington School District schools in Kirkland. They tailor their services based on the needs of the community and the school.

By providing services at the Forbes House, YES is more centrally located within the city, and is able to meet their strategic goal of providing services within a 20 min drive for most people on the eastside. Unfortunately, the services provided by YES are being utilized more and more by the community. Data comparing usage from 2017 to the first five months of 2018 is shown in the following table:

	2017	**2018 (Jan-May)**
Number of Clients Served at the Forbes House:	72	102
Kirkland Residents seen at the Forbes House:	43	74
Total Number of Sessions at the Forbes House:	852	804

FINANCIAL SUPPORT OF YOUTH EASTSIDE SERVICES

In addition to the rental value of the Forbes House (approximately $39,000/year), YES receives Human Services Grant Funding for five programs, totaling over $120,000 annually. A recent rental analysis was completed on the Forbes House and can be found in **Attachment D.** The Parks and Community Services Facility Sinking Fund has approximately $142,000 set aside to complete facility repair and upgrades scheduled to be completed in 2018 with another $33,000 scheduled for 2028.

UPDATED TERMS

The terms and conditions of the updated agreement are very similar to the previous agreement. Below are the changes being proposed in the updated agreement:

Section 2.1 I: Youth Eastside Services shall provide an annual report to the Human Services Commission. This previously called for a quarterly report, which had not been requested by City staff, nor provided by YES.

Section 3.1: The term of the agreement have been updated to September 2018 – August 2028.

Section 3.2: YES is given the opportunity to renew for a third term, by mutual agreement, provided written notice is submitted no later than December 31, 2027.

Section 6: Added language to this section to better define responsibilities of the City as it relates to the maintenance of the facility.

Attachment A: Resolution 3072
Attachment B: Original Use and Occupancy Agreement
Attachment C: YES notice of option to renew lease
Attachment D: Rental analysis on the Forbes House

RESOLUTION NO. R 3072

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF KIRKLAND, A CONTRACT WITH YOUTH EASTSIDE SERVICES TO PROVIDE TO THE CITY AND ITS RESIDENTS, CERTAIN COUNSELING, EDUCATION AND CONSULTATION, SUPPORT, FAMILY AND YOUTH SERVICES.

Whereas, Youth Eastside Services provides counseling, education and other similar support services to youth, their parents and families directed toward improving the family environment of the City and its citizens, as well as modifying disfunctional, personal, social and family relationships; and

Whereas, the City of Kirkland recognizes the nature and quality of the services performed by Youth Eastside Services and further recognizes the City's need for such services to be available to the City, its residents and its citizens, and is therefore willing and interested in obtaining such services in order to enhance the public health, safety and welfare of the City of Kirkland, now, therefore,

Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. That certain agreement between the City of Kirkland and Youth Eastside Services, copy of which is attached to this resolution and by this reference incorporated herein, wherein Youth Eastside Services will provide certain youth and family oriented counseling and preventive education services and programs to the City of Kirkland and its inhabitants is hereby approved.

Section 2. The City Manager is hereby authorized and directed to sign on behalf of the City of Kirkland said contract.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 21st day of February, 1984.

Signed in authentication thereof this 21st day of February, 1984.

Doris Cooper
MAYOR

ATTEST:

Janice Lewis
Deputy City Clerk

OFFICIAL FILE

COPY

R-3072

RECEIVED FEB 2 0 1984

AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of JANUARY, 1984 is by and between the City of Kirkland, a municipal corporation of the State of Washington, hereinafter referred to as "City," and Youth Eastside Services, a private non-profit corporation of the State of Washington, hereinafter referred to as "YES," and covers the provision of youth services by YES to the City.

WHEREAS, the City Council has made a commitment to support services to youth and families who reside inside its borders; and

WHEREAS, the services sought by the City Council for Kirkland youth and their families are available from YES:

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained to be kept, performed and fulfilled by the respective parties hereto, and other valuable consideration, it is mutually agreed as follows:

SERVICES

1-A. General Program Description YES shall provide general youth counseling and prevention education programs, hereinafter referred to as services, directed toward (1) improving the family environment of City youth and parents, and (2) modifying dysfunctional personal, social, and family relationships. Prevention education programs will be geared to the interest and abilities of the City's youth and parents.

1-B. Services Defined Those services authorized and which have been or will be performed by YES under the terms of this agreement are defined as follows:

(1) Counseling: This is an activity conducted by trained personnel. It's goal is to alter or change illegal, disruptive, or dysfunctional behavior patterns in adolescents and families. It generally occurs in one-hour sessions, whereby one or more trained persons meet with the recipient or recipients in a private setting. Generally, sessions occur one time per week, but may occur more frequently as the recipient may require. There are three (3) types of counseling covered by this agreement.

1) Individual counseling: Defined as one recipient meeting with one counselor.

2) Family: Two or more recipients who are related meeting with one or more counselors.

3) Group: Three or more non-related recipients meeting with one or more counselors.

(2) Community Education: This is a planned, structured activity designed to improve, enhance and extend citizens' knowledge and skills in the following areas: Parenting, discipline, drug use/misuse, communication skills, adolescent development, limit-setting, and other areas as requested by the community. The formats include seminars, classes, workshops, speeches, media presentations, and recreational alternatives.

(3) Consultation and Technical Assistance: This is a face-to-face activity, delivered at the recipients' request by a YES staff member. Its purpose is to improve the quality and quantity of the recipients' knowledge about a wide variety of subject areas where YES has expertise. These areas include, but are not limited to: Adolescent behavior/development, juvenile crime, family and marital problems, drug

use/misuse, recreational alternatives, special education approaches, management techniques, social policy questions, supervision, student training, and volunteerism.

(4) Youth Development Activities: The goal of this service is to promote healthy adolescent development through positive contacts with interested adults and other young people. These adults and young people are recruited, screened, and trained by YES.

(5) Administrative Services: This activity is designed to monitor, evaluate, support, and supervise the aforementioned YES services. Activities include, but are not limited to: Accounting, record keeping, supervision, purchasing, hiring, firing, training, screening, coordinating, planning, maintenance, payroll, vouchering, statistics gathering, receipting, budgeting, secretarial services, and the audit.

1-C. Said services, and all duties incidental or necessary thereto, shall be conducted and performed diligently and competently and in accordance with professional standards.

1-D. YES is and shall be at all times during the term of this agreement an independent contractor.

COMPENSATION

2-A. The rate of compensation to YES for completed services rendered under this agreement shall be determined annually. All such payments shall be approved by the City Manager or his designee. In no event shall the total of all payments for completed services rendered under this agreement exceed the budgeted amount approved by the City Council.

2-B. Payments made pursuant to Paragraph 2-A shall be the total compensation for all services performed by YES including all reports, supporting data, supervision, labor, supplies, materials, equipment, or the use thereof and for all other necessary incidentals.

2-C. YES will submit a monthly voucher statement to the City describing services that it has rendered under the terms of this agreement. Within four (4) weeks of the date the statement is received by the City, the City will pay the amount approved by the City Manager or his designee.

2-D. YES agrees that those services for which it seeks compensation under the terms of this agreement shall be or have been performed solely for residents of the City.

GENERAL ADMINISTRATION AND MANAGEMENT

3-A. The City Manager or his designee shall have administrative responsibility for the City's performance under this agreement and shall review and may approve for payment all statements and bills submitted by YES to the City for its performance under this agreement.

3-B. The Executive Director of YES shall be responsible for overall administration of the provision of services by YES under the terms of this agreement and for coordination with the City.

TERMINATION OF AGREEMENT

4-A. Either party hereto may terminate or suspend this agreement at any time, with or without cause, by giving at least ten (10) days notice to the other party in writing. Termination or suspension shall be effective ten (10) days after notice thereof is delivered to the other party, or deposit in the United States Mail, postage prepaid, Certified or

Registered Mail. In the event that the City terminates or suspends this agreement, YES shall be entitled to receive just and equitable compensation for any satisfactory services rendered prior to the effective date of termination or suspension.

GENERAL PROVISIONS

5-A. YES shall indemnify and hold the City harmless from and against any and all liability, loss, damages, claims, suits, actions at law or otherwise, judgments and costs (including but not limited to reasonable attorney's fees) that may arise from, grow out of or otherwise be attributable to any injury or death to any person or damage to any property, caused by, resulting from or otherwise attributable to the performance of services and duties under this agreement.

5-B. YES agrees to maintain and keep in force during the term of this agreement a standard form public liability insurance policy naming City as additional insured, with personal injury limits of not less than $100,000 per person and $300,000 per occurrence, and property damage limits of not less than $100,000; and a standard form professional liability insurance policy with combined single limits of not less than $300,000 per claim.

5-C. This agreement may not be assigned or otherwise transferred by either of the parties hereto.

5-D. YES agrees not to discriminate in employment against any person on the basis of race, color, creed, sex, age, national origin, or physical or other motor handicap, unless based upon a bona fide occupational qualification; and YES shall not violate any of the terms of Chapter 49.60 of the Revised Code of Washington. YES will take affirmative action to

insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, sex, age, national origin, or physical or other motor handicap.

5-E. No change, alteration, modification or addition to this agreement will be effective unless it is in writing and properly signed by both parties hereto.

5-F. This agreement shall continue indefinitely or until terminated in accordance with provisions outlined above.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first above written.

CITY OF KIRKLAND

By _____

Approved as to form

_____

Assistant City Attorney

YOUTH EASTSIDE SERVICES

By _____

RAW/pcn:1-13-84

YOUTH EASTSIDE SERVICES
MONTHLY VOUCHER STATEMENT

CITY OF KIRKLAND

MONTH_____

	Cost of Services	Paid by other Sources	Balance
1. Counseling Services			
_____Direct service staff hour provided to Kirkland citizens @ $47.03			
2. Community Education Services			
_____Direct service staff hour provided to Kirkland citizens @ $49.99			
3. Consultation and Technical Assistance / Program Development			
_____Staff hours to Kirkland city departments and organizations @ $32.18			
4. Youth Development Services			
_____Youth Served @ $50.84			
TOTAL COST OF SERVICES TO KIRKLAND CITIZENS			
FUNDING FROM OTHER SOURCES			
BALANCE OF COST OF SERVICES			
AMOUNT REQUESTED THIS INVOICE			

Submitted by:_____
Robert A. Watt, Executive Director Date

Rev: 1-30-84/pcn

LEASE AGREEMENT
Between
The City of Kirkland
And
Youth Eastside Services
For
The Use and Occupancy of the Forbes House
at Juanita Beach Park

THIS LEASE AGREEMENT between Youth Eastside Services, a nonprofit corporation organized under the laws of the state of Washington, and the City of Kirkland, a municipal corporation of the state of Washington (hereinafter referred to as "City").

WITNESSETH:

SECTION 1
PREMISES

1.1 The City hereby leases to Youth Eastside Services, upon the terms and conditions set forth, the first and second floors of the building and parking area located at the Forbes House at Juanita Beach Park situated in the City of Kirkland, King County, Washington, and legally described as follows (hereinafter referred to as "Forbes House"):

COURT COMM PLAT SECS 30 & 31-26-5 ALL LOT 34 TGW S 175 FT & N 25 FT OF S 200 FT OF W 185 FT OF LOT 35 TGW ALL LOT 36 TGW POR OF GL 7 OF STR 30-26-05 LY S OF RR FORBES RD & W OF EDMONDS & STEVENS RD & N OF CONOVER RD LESS N 308.29 FT THOF TGW 32-32 A & 36 OF SD PLAT LY SLY OF JUANITA DR NE & POR VAC ST TGW LOTS 29 - 29A-30-30A-31-31A & 33A SD PLAT SLY OF RD TGW LOTS 1 THRU 8 BLK 38 & LOTS 1 THRU 5 BLK 39 OF WATERFRONT ADD TO KIRKLAND TGW BLK N OF LK WASH SH LDS ADD TGW VAC STS ADJ

The basement of the Forbes House will be used by the City of Kirkland, Parks and Community Services Department.

SECTION 2
USE OF PREMISES

2.1 The Forbes House shall be used for Youth Eastside Services as a community facility for operation of youth and family counseling and with the general business activities incident thereto and for no other purpose without the prior consent of the City. Consistent with the Master Plan for Juanita Beach Park, Youth Eastside Services is expressly subject to the following conditions and limitations which

shall be strictly observed and construed in Youth Eastside Services' use and occupancy of the Forbes House:

A. Keep the premises neat, clean and in sanitary condition.
B. Post the hours of operation on an external sign.
C. Work with the King County Historical Society, and the City to ensure the preservation of the historical significance of the Forbes House.
D. Work with the City's Fire and Building Department to satisfy the International Building Code requirements for occupancy.
E. Work with the City's Planning and Community Development Department to satisfy all Zoning Code provisions related to parking and signage.
F. Work with the City to keep the grounds around the Forbes House free of litter and garbage.
G. Work with the Parks and Community Services Department on implementation of the Juanita Beach Master Plan.
H. Noise from the use shall not exceed the State standards found in Chapter 70.107 RCW as regulated in Kirkland Zoning Code 115.95.
I. Youth Eastside Services shall provide the City's Human Services Advisory Committee a quarterly report on the operations of the services, any neighborhood concerns, and how the concerns have been addressed.

SECTION 3
TERM

3.1 This lease shall be for a term of ten years, commencing September 2008, and ending August 31, 2018.

3.2 Youth Eastside Services shall have one option to renew the lease for a second term of ten years so long as, no later than December 31, 2017, Youth Eastside Services provides written notice to the City of its intention to exercise its option. In order to exercise its option to renew, Youth Eastside Services shall not be in default hereunder at the time of the giving of the notice or on the date of expiration of the original term hereon. If Youth Eastside Services exercises its option to renew, each party has the option to renegotiate the terms and conditions of this agreement.

3.3 Upon the occurrence of any event of default described in this Lease Agreement, the City or Youth Eastside Services may terminate this Lease Agreement. Upon no less than one (1) year's notice to the City, Youth Eastside Services may terminate this agreement. Upon no less than one (1) year's notice to Youth Eastside Services, the City may terminate this agreement. In the event that this Agreement is terminated, Youth Eastside Services shall surrender the Premises to the City.

SECTION 4
RENTAL

4.1 In consideration of the value of Youth Eastside Services contribution to the human service needs of residents of the City of Kirkland, to the tenant improvements of the Forbes House, to the maintenance and operations of the Forbes House, and subject to the terms of this Agreement, Youth Eastside Services shall pay no rent for the Premises during the initial term of this agreement.

SECTION 5
UTILITIES

5.1 Youth Eastside Services shall timely pay the charges for all of the following utilities: water, storm sewer, sewer, garbage, electricity, natural gas, internet access and telephone.

SECTION 6
MAINTENANCE BY CITY

6.1 The City shall maintain in good condition and repair, the structural components and systems and exterior components of Forbes House which include, but are not limited to, the roof, exterior walls, foundation, beams, siding, stairs and all load bearing members of the structure. The City shall also maintain the mechanical, electrical and plumbing systems (except as set forth in section 7.2) of the Forbes House and will maintain the sidewalks and paths and grounds around the Forbes House in a safe and clean condition. In the event of any damage to the Forbes House or its grounds or if any of the elements described above needs repair or maintenance, Youth Eastside Services shall notify the City and the City will timely repair all such damage unless it is caused by Youth Eastside Services or its clients, in which case the repair shall be the responsibility of Youth Eastside Services.

6.2 Notwithstanding the foregoing provision of this Section, in the event the Forbes House is destroyed or damaged to such an extent that the City deems that it is not economically feasible to restore the same, then the City may terminate the Lease as of the date of the damage or destruction by giving Youth Eastside Services notice to that effect.

SECTION 7
ALTERATIONS, REPAIRS, AND MAINTENANCE BY YOUTH EASTSIDE SERVICES

7.1 Youth Eastside Services shall make no structural changes, improvements or alterations to the Forbes House without the prior consent of the City. All such changes, improvements and alterations and repairs, if any, made by Youth Eastside Services shall remain in the Forbes House and shall become the

property of the City upon expiration or sooner termination of this Lease. Youth Eastside Services will retain any removable items provided by them, including furniture, supplies, removable fixtures, and shall repair any damage caused by their removal.

7.2 Youth Eastside Services is responsible for daily maintenance and repair of the interior of the Forbes House which shall include tenant improvements, telephone equipment, lighting fixtures, kitchen and bathroom plumbing drain and trap down to the junction with the line into the wall or floor. Youth Eastside Services janitorial and routine maintenance responsibilities include: timely repair or replacement of light fixtures or bulbs, electrical switches or controls; and interior and exterior cleaning of windows, any damage caused by tenant, i.e. broken window, etc.

7.3 Youth Eastside Services is responsible for the parking area in front of the Forbes House. Youth Eastside Services will work with the City's Planning and Community Development Department to adequately designate parking and display signage per City Zoning Code.

SECTION 8
TAXES

8.1 Youth Eastside Services shall pay, before delinquency, all taxes, levies, and assessments of whatever kind or nature are imposed or become due during the term of this Lease and arise from any activity on or use of the Forbes House pursuant to this Lease. As the Forbes House is publicly owned property, the Lease is subject to a leasehold excise tax under Ch. 82.29A RCW. Youth Eastside Services shall complete the necessary paperwork to receive an exemption from the leasehold excise tax. In the event the State of Washington makes any demand upon the City for payment of any tax resulting from Youth Eastside Services use or occupancy of the Forbes House, including but not limited to any leasehold interest created thereby under RCW 82.29A, Youth Eastside Services shall indemnify the City for all sums expended by the City or withheld by the State from the City in connection with such taxation.

SECTION 9
INDEMNIFICATION

9.1 Youth Eastside Services shall defend, indemnify and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, suits, actions or liability for injury or death of any person, or for loss or damage to property, which arises out of the Youth Eastside Services use and occupancy of the Forbes House or from Youth Eastside Services operations or from any activity, work or thing done, permitted or suffered by Youth Eastside Services in or about the Forbes House except Youth Eastside Services shall not be liable for and shall not have any obligation of defense or indemnity for any such injury,

loss or damages to property or injury or death of any person caused by or arising from the sole negligence or willful act of the City or that to its officers, officials, employees or volunteers. In the event of concurrent negligence, Youth Eastside Services and the City shall each be liable to the other to the extent of the negligence of each and each shall defend, indemnify and hold the other harmless as to that percentage of the negligence attributable to each to them. For example, if the City were determined to be 30% negligent for injury to a person and Youth Eastside Services were determined to be 70% negligent, Youth Eastside Services would be responsible for 70% of the loss and would indemnify the City for that 70%; the City would be responsible for 30% of the loss and would indemnify Youth Eastside Services for that 30%.

SECTION 10
INSURANCE

10.1 Youth Eastside Services shall, at Youth Eastside Services expense, procure and maintain for the duration of this Lease, insurance against claims for injuries or to persons or damage to property which may arise from or in connection with Youth Eastside Services operation and use of the Forbes House.

A. **Scope of Coverage.**
Youth Eastside Services shall obtain insurance of the types described below:

1. Commercial General Liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover premises and contractual liability. The City shall be named as an insured on Youth Eastside Services General Liability insurance policy using ISO Additional Insured-Managers or Lessors Premises Form CG 20 11 or a substitute endorsement providing equivalent coverage.

2. Property insurance shall be written on an all risk basis.

B. **Minimum Amounts of Insurance.**
Youth Eastside Services shall maintain the following insurance limits:

1. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.

2. Property insurance shall be written covering the full value of Youth Eastside Services property and improvements with no coinsurance provisions.

10.2 The insurance policies are to contain, or be endorsed to contain, the following provisions for Commercial General Liability Insurance:

A. Youth Eastside Services insurance coverage shall be primary insurance as respects to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of Youth Eastside Services insurance and shall not contribute to it.

B. Youth Eastside Services insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

10.3 Insurance to be placed with insurers with a current A.M. Best rating of not less than A:VII.

10.4 Youth Eastside Services shall furnish the City with the original certificate or a copy, and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of Youth Eastside Services.

10.5 Youth Eastside Services and City hereby release and discharge each other from all claims, losses and liabilities arising from or caused by any hazard covered by property insurance on or in connection with the Forbes House. This release shall only apply to the extent that such claim, loss or liability is covered by insurance.

10.6 City shall purchase and maintain during the term of the Lease all-risk property insurance for the Forbes House for its full replacement value without any coinsurance provisions.

SECTION 11
ASSIGNMENT

11.1 Obligations or rights of Youth Eastside Services under this Lease may not be assigned, subleased, or otherwise transferred by Youth Eastside Services without the prior written consent of the City, which consent may be withheld at the sole discretion of the City.

SECTION 12
COMPLIANCE WITH LAWS

12.1 Youth Eastside Services shall comply with all federal, state, and local laws, statutes, ordinances, and regulations in the performance of their obligations under this Lease. This includes working with the King County Historical Society to maintain the historic significance of the Forbes House.

SECTION 13

CHOICE OF LAW

13.1 This Lease shall be governed by and construed in accordance with the laws of the State of Washington. The venue of any suit or arbitration arising under this Lease shall be in King County, Washington.

SECTION 14
NOTICES

14.1 Any notice, demand, document, or other communication that is required by this Lease to be given shall be in writing and shall be deemed to have been given when delivered, if delivered in person, to the City or Youth Eastside Services, as appropriate, or three days after mailing if sent by registered or certified mail, return receipt requested, addressed as follows:

If to the City:	If to Youth Eastside Services:
City Manager	Patti Skelton-McGougan
City of Kirkland	Executive Director
123 5th Avenue	999 164th Avenue N.E.
Kirkland, WA 98033-6189	Bellevue, WA 98008

This Lease and any amendments shall be executed in three counterparts. Each such counterpart shall be deemed to be an original instrument. All such counterparts together will constitute one and the same Lease.

SECTION 15
DEFAULT

15.1 The following events shall constitute a default and material breach of this Lease:

A. The failure to comply with any of the terms of this Lease regarding insurance.

B. The material violation of any law, ordinance, rule or regulation which, after notice and reasonable time to cure, remains uncured;

C. The abandonment or vacating of the Forbes House for a period of thirty (30) days or more;

D. The assignment for transfer of this Lease without prior written consent of the City as described in Section 10 of this Lease; and

E. The failure to perform any other condition or covenant of this Lease where such failure in performance is not remedied within the time allowed by this Lease, or such other period for remedial action as is expressly agreed upon by both parties.

Neither the City nor Youth Eastside Services shall be in default unless such party fails to perform an obligation required of it within (30) days after written notice

from the aggrieved party has been sent to the other, specifying the particular obligation that the other has failed to perform.

SECTION 16
REMEDIES UPON DEFAULT AND MATERIAL BREACH

16.1 Upon the occurrence of any event of default by Youth Eastside Services, the City shall have the option to pursue any one or more of the following remedies without notice or demand:

A. Terminate this Lease, in which event Youth Eastside Services shall immediately surrender the Forbes House to the City;

B. If Youth Eastside Services fails to immediately surrender the Forbes House upon termination of this Lease, the City may enter and take possession of the Forbes House and expel or remove Youth Eastside Services and any other person who may be occupying the Forbes House or any part thereof by any suitable proceeding at law;

C. Commence a legal action against Youth Eastside Services to recover the amount of all loss and damage the City may suffer by reason of such default.

16.2 If an action is commenced to enforce any of the provisions of this Lease, the prevailing party shall, in addition to its other remedies, be entitled to recover its reasonable attorneys' fees.

SECTION 17
REMEDIES CUMULATIVE

17.1 The rights under this Lease are cumulative; the failure to exercise promptly any right recognized hereunder shall not operate to forfeit any such right. The use of one remedy shall not be taken to exclude the right to use another.

SECTION 18
AMENDMENT OR WAIVER

18.1 This Lease may not be modified nor amended except in writing. No course of dealing between the parties or any delay in exercising any rights hereunder shall operate as a waiver of any rights of any party. No term or provision of this Lease shall be deemed waived and no breach excused unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. No consent by any party to, or waiver of, a breach by the other whether express or implied, shall constitute a waiver of or consent to any other breach. No amendment or supplement to this Lease shall be effective unless approved in writing by the City.

SECTION 19
ENTIRE AGREEMENT

19.1 This Lease contains the entire agreement and understanding of the City and the Youth Eastside Services with respect to the subject matter hereof, and supersede all prior or contemporaneous oral or written understandings, agreements, promises or other undertakings between the parties.

IN WITNESS WHEREOF the parties hereto have executed this document as of the day and year first above written.

CITY OF KIRKLAND

Marilynne Beard
~~David Ramsay~~ Marilynne Beard
Asst City Manager

Approved as to Form:

Robin S. Jenkinson, City Attorney

YOUTH EASTSIDE SERVICES

Patti Skelton-McGougan
Executive Director

STATE OF WASHINGTON)
ss:
COUNTY OF KING)

On this 17th day of September, 2008, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared David Ramsay, to me known to be the City Manager of the City of Kirkland, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said City, for the uses and purposes therein set forth, and on oath stated that he was authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

VICTORIA L. DAVIES
COMMISSION EXPIRES
NOTARY
PUBLIC
JUNE 20, 2009
STATE OF WASHINGTON

Victoria L. Davies
Print Name: VICTORIA L. DAVIES
NOTARY PUBLIC in and for the State
Washington, residing BOTHELL
Commission expires: 6/20/09

STATE OF WASHINGTON)
ss:
COUNTY OF KING)

On this 8 day of Sept, 2008, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Patti Skelton-McGougan, to me known to be the Executive Director of Youth Eastside Services, the organization that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said organization, for the uses and purposes therein set forth, and on oath stated that she was authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Marian Tillman
Print Name: MARIAN TILLMAN
NOTARY PUBLIC in and for the State Washington, residing Bellevue Wa
Commission expires: 10-6-09

Attachment C

YOUTH EASTSIDE SERVICES

999 164th Avenue NE, Bellevue, WA 98008
425.747.4937 • FAX 425.274.0728

www.YouthEastsideServices.org
Bellevue • Kirkland • Redmond • Sammamish

December 21, 2017

City Manager
City of Kirkland
123 5th Ave.
Kirkland, WA 9803-6139

Re: Lease between the City of Kirkland & Youth Eastside Services
Forbes House
11829 97th Ave NE
Kirkland

Gentlemen:

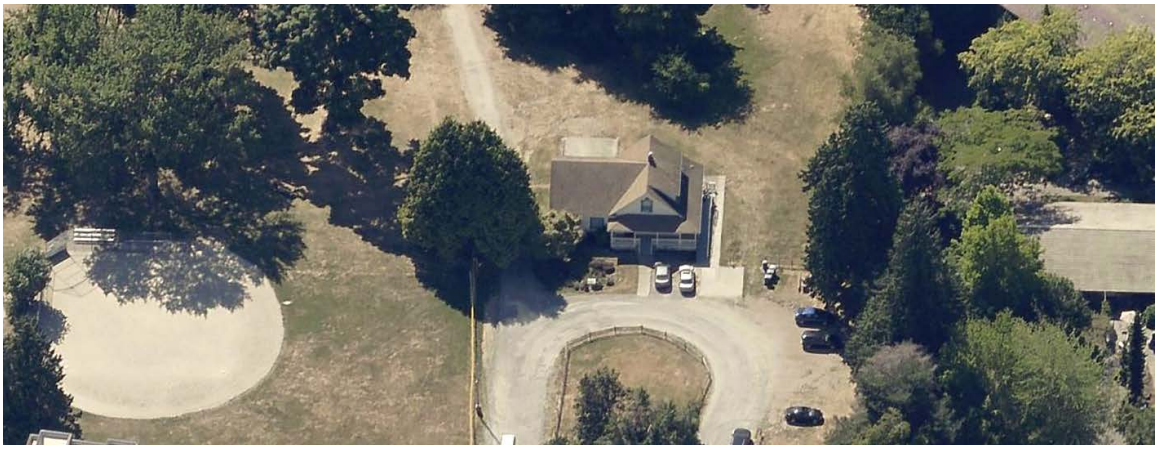
Pursuant to paragraph 3.2 of the lease between the City and Youth Eastside Services, please be advised that Youth Eastside Services hereby exercises its option to renew the lease for an additional 10 years beginning September 1, 2018.

Sincerely,

Patti Skelton-McGougan
Executive Director

FORBES HOUSE

9703 JUANITA DRIVE | KIRKLAND, WA 98034



PROPERTY DESCRIPTION

The subject property has a total gross square footage of 2,173 on two floors. Additionally, the subject property comprises of 21.94 acres (955,706 sq. ft.) of land area. It consists of one parcel which is part of Juanita Beach Park and is zoned P, City of Kirkland.

PROPERTY OVERVIEW

EASTSIDE
SUBMARKET

KIRKLAND
LOCATION

2,173 SF
FORBES HOUSE

21.94 ACRES
SITE ACREAGE

1905
BUILT

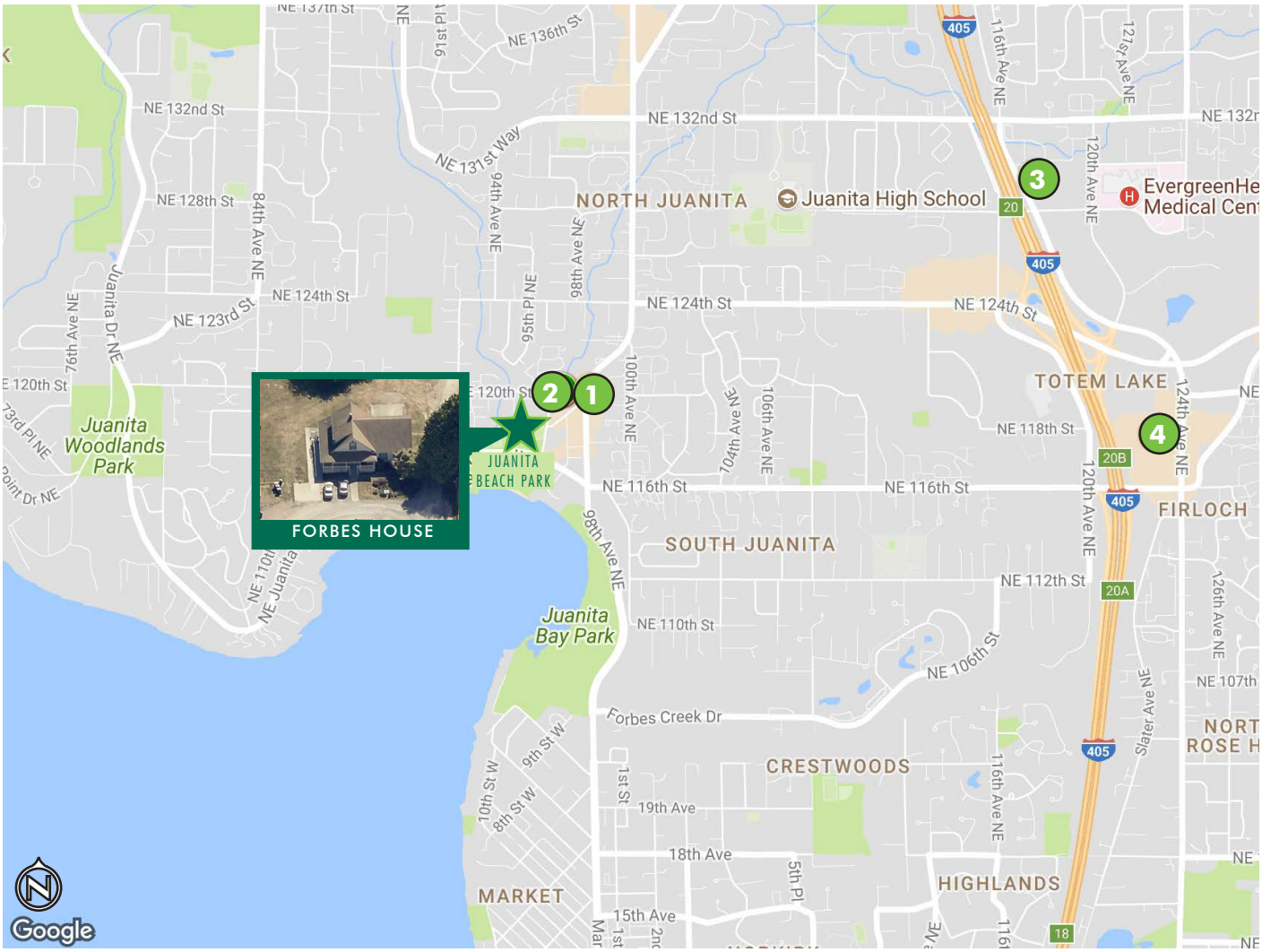
2
FLOORS

SITUATION

- The City of Kirkland has requested that CBRE provide to them a Rental Opinion of Value for the house.
- The City of Kirkland owns the property as part of Juanita Beach Park.
- Juanita Beach Park is a total of 21.94 acres (955,706 SF). The property is located on both the south and north side of Juanita Drive. The 2,173 SF Forbes House is on the northeast corner of the property.
- The Forbes House is currently occupied by Youth Eastside Services.

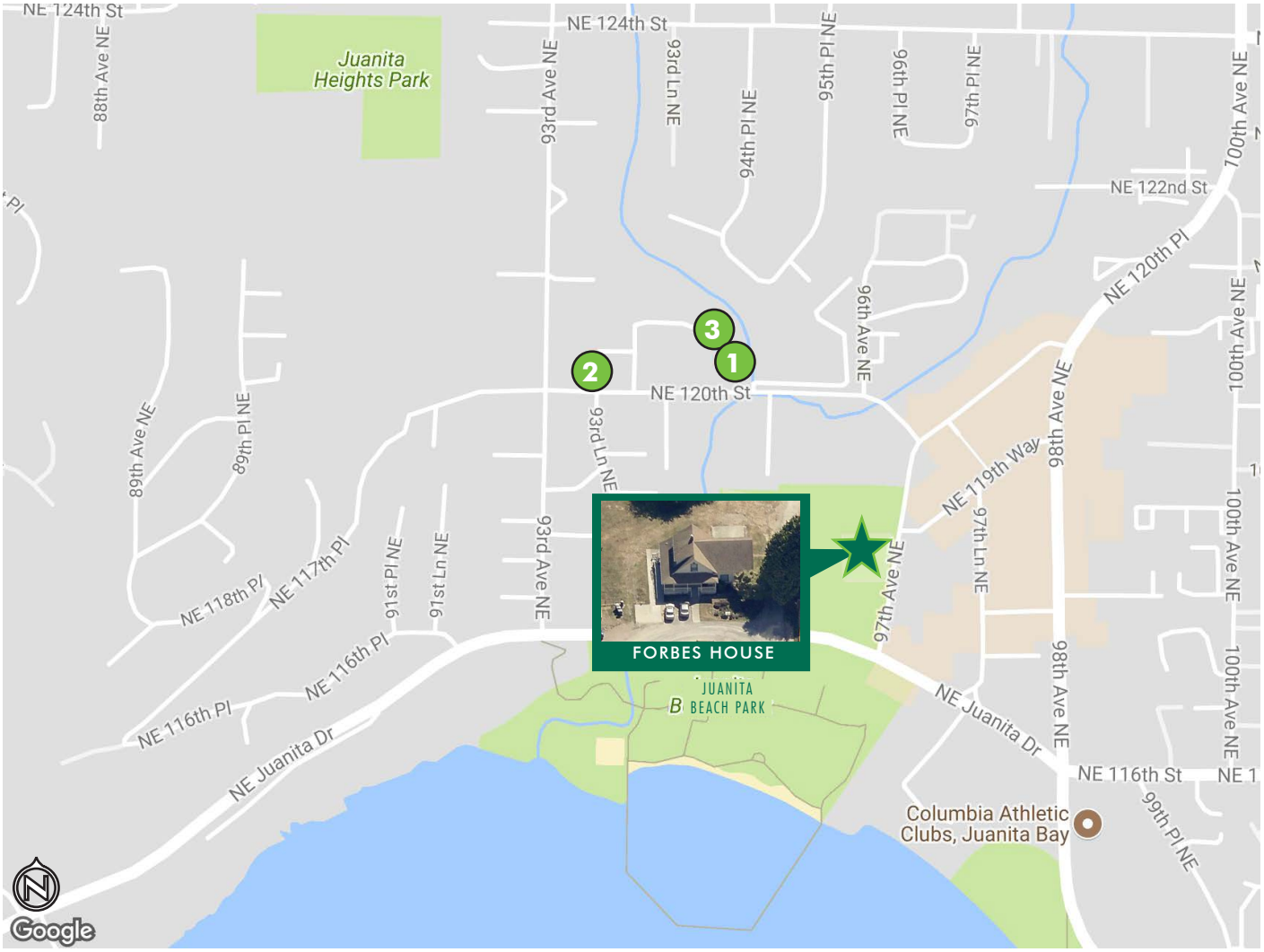
CBRE

OFFICE LEASE COMPARABLES



	ADDRESS	BUILDING SF	AVAILABLE SF	ASKING RENT
	12006 98th Avenue NE Kirkland, WA 98034	11,732	2,114	$18.00/SF, NNN
	9720 NE 120th Place Kirkland, WA 98034	10,500	7,904	$24.00/SF, NNN
	12910 Totem Lake Blvd. Kirkland, WA 98034	60,562	38,848	$17.00/SF, NNN
	12041 124th Ave NE Kirkland, WA 98034	16,800	5,600	$16.00/SF, NNN

RESIDENTIAL LEASE COMPARABLES



ADDRESS	HOUSE SF	HOME VALUE	RENT (MONTH/YEAR)	TAXES (ANNUAL)	NET RENT (ANNUAL)	RENT/SF
SUBJECT PROPERTY 9703 Juanita Drive Kirkland, WA 98034	2,173	$1,200,000	$3,300/month $39,600/year	$,9,000	$30,600	$14.08/SF
9394 NE 120th Kirkland, WA 98034	2,820	$951,361	$2,800/month $33,600/year	$6,325	$27,275	$9.67/SF
12015 93rd Place NE Kirkland, WA 98034	2,450	$1,091,427	$3,000/month $36,000/year	$,8,040	$27,960	$11.41/SF
9376 NE 120th Kirkland, WA 98034	3,100	$1,140,218	$3,000/month $39,600/year	$8,317	$31,283	$10.09/SF

Using Zillow as a source for value, rent and taxes for purchase in close proximity to the subject property, CBRE has concluded an estimate of value for the Forbes House at **$1,200,000** and a rented value of **$3,300 per month ($39,000 annually)**. With taxes estimate at $9,000 annually, an annual net income would be **$30,600 or $14.08 per square foot**.

OFFICE LEASE RENTAL OPTION

In review of the office lease comparables, CBRE concludes that the Forbes House would be at the lower end of the office lease comparables provided. CBRE would conclude per the office lease comparables, a rental opinion of value of **$15.00 to $15.50 per square foot, triple net.**

RESIDENTIAL LEASE RENTAL OPTION

CBRE has concluded an estimate of value for the Forbes House at **$1,200,000** and a rented value of **$3,300 per month ($39,000 annually)**. With taxes estimate at $9,000 annually, an annual net income would be **$30,600 or $14.08 per square foot.**

CONCLUSION

CBRE concludes that the Forbes House Rental Opinon of Value would be **$15.25 per square foot, triple net.**

JOE STEELE
Senior Vice President
+1 425 462 6925
joe.steele@cbre.com

CBRE, Inc.
929 108th Avenue NE, Suite 700
Bellevue, WA 9004

CBRE © 2018 All Rights Reserved. All information included in this letter/proposal pertaining to CBRE, Inc.—including but not limited to its operations, employees, technology and clients—is proprietary and confidential and supplied with the understanding that such information will be held in confidence and not disclosed to any third party without CBRE's prior written consent. This letter/proposal is intended solely as a preliminary expression of general intentions, is for discussion purposes only, and does not create any agreement or obligation by CBRE to negotiate or continue negotiations. CBRE shall have no contractual obligation with respect to the matters referred to herein unless and until a definitive, fully-executed agreement has been delivered by the parties. Prior to delivery of a definitive executed agreement, and without any liability to the other party, either party may (1) propose different terms from those summarized herein, (2) enter into negotiations with other parties and/or (3) unilaterally terminate all negotiations with the other party hereto.

THIS VALUATION ANALYSIS OR BROKER OPINION OF VALUE (SHOULD SAY BROKER PRICE OPINION IF THIS IS DONE IN TEXAS OR NEVADA) IS NOT AN APPRAISAL AND HAS NOT BEEN PERFORMED IN ACCORDANCE WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE. NEITHER YOU, NOR ANY THIRD PARTIES, MAY RELY ON THIS ANALYSIS FOR ANY TAX PURPOSES, ESTATE WORK, LITIGATION, LENDING OR ANY OTHER MATTER OTHER THAN YOUR DIRECT USE IN CONNECTION WITH A CONTEMPLATED TRANSACTION.

RESOLUTION NO. R-5327

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT BETWEEN YOUTH EASTSIDE SERVICES AND THE CITY OF KIRKLAND REGARDING THE USE AND OCCUPANCY OF THE FORBES HOUSE LOCATED AT JUANITA BEACH PARK.

WHEREAS, The City of Kirkland recognizes the nature and quality of the services performed by Youth Eastside Services and further recognizes the City's need for such service to be available to the City and its residents; and

WHEREAS, Youth Eastside Services ("YES") is organized for a express purpose of providing mental health counseling services for anxiety, depression, suicide and other concerns; and

WHEREAS, both parties agree that the use of the Forbes House makes access to YES services more accessible to the City and its residents, and thereby fulfills an important public purpose; and

WHEREAS, both parties agree that it would be in the best interests of the City, as Landlord, and YES, as Tenant, for YES to lease and have exclusive operational control of the top two floors of the Forbes House; and

WHEREAS, both parties intend that YES occupy the Forbes House for the purpose of providing direct services to patients; and

WHEREAS, the parties hereto desire to document the terms and conditions they have agreed upon with respect to the use and occupancy of the Forbes House.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is authorized to execute on behalf of the City the agreement substantially similar to that attached as Exhibit "A", which is entitled "Lease Agreement Between the City of Kirkland, Washington and Youth Eastside Services For the Use and Occupancy of the Forbes House at Juanita Beach Park."

Passed by majority vote of the Kirkland City Council in open meeting this ___ day of ____, 2018.

Signed in authentication thereof on the ___ day of ____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
Kathi Anderson, City Clerk

LEASE AGREEMENT

Between The City of Kirkland

and

Youth Eastside Services

for

The Use and Occupancy of

The Forbes House

at Juanita Beach Park

September 1, 2018 – August 31, 2028

AGREEMENT BY AND BETWEEN THE CITY OF KIRKLAND, WASHINGTON

AND YOUTH EASTSIDE SERVICES

THIS USE AND OCCUPANCY AGREEMENT is dated as of, September 1, 2018 and entered into by and between the CITY OF KIRKLAND (hereinafter referred to as the "City"), a Washington municipal corporation, and the YOUTH EASTSIDE SERVICES (hereinafter referred to as "YES"), a Washington non-profit corporation.

WHEREAS, The City of Kirkland recognizes the nature and quality of the services performed by YES and further recognizes the City's need for such service to be available to the City and its residents; and

WHEREAS, YES is organized for a express purpose of providing mental health counseling services for anxiety, depression, suicide and other concerns; and

WHEREAS, both parties agree that the use of the Forbes House makes access to YES' services more accessible to the City and its residents, and thereby fulfills an important public purpose; and

WHEREAS, both parties agree that it would be in the best interests of the City, as Landlord, and YES, as Tenant, for YES to lease and have exclusive operational control of the top two floors of the Forbes House; and

WHEREAS, both parties intend that YES occupy the Forbes House for the purpose of providing direct services to patients; and

WHEREAS, the parties hereto desire to document the terms and conditions they have agreed upon with respect to the use and occupancy of the Forbes House;

NOW, THEREFORE, in consideration of the mutual undertakings and promises contained herein, and as a direct benefit to the City, the parties agree as follows:

THIS LEASE AGREEMENT between Youth Eastside Services, a nonprofit corporation organized under the laws of the state of Washington, and the City of Kirkland, a municipal corporation of the state of Washington (hereinafter referred to as "City").

WITNESSETH:

SECTION 1
PREMISES

1.1 The City hereby leases to Youth Eastside Services, upon the terms and conditions set forth, the first and second floors of the building and parking area located at the Forbes House at Juanita Beach Park situated in the City of Kirkland, King County, Washington, and legally described as follows (hereinafter referred to as "Forbes House"):

COURT COMM PLAT SECS 30 & 31-26-5 ALL LOT 34 TGW S 175 FT & N 25 FT OF S 200 FT OF W 185 FT OF LOT 35 TGW ALL LOT 36 TGW POR OF GL 7 OF STR 30-26-05 LY S OF RR FORBES RD & W OF EDMONDS & STEVENS RD & N OF CONOVER RD LESS N 308.29 FT THOF TGW 32-32 A & 36 OF SD PLAT LY SLY OF JUANITA DR NE & POR VAC ST TGW LOTS 29 - 29A-30-30A-31-31A & 33A SD PLAT SLY OF RD TGW LOTS 1 THRU 8 BLK 38 & LOTS 1 THRU 5 BLK 39 OF WATERFRONT ADD TO KIRKLAND TGW BLK N OF LK WASH SH LOS ADD TGW VAC STS ADJ

The basement of the Forbes House will be used by the City of Kirkland, Parks and Community Services Department.

SECTION 2
USE OF PREMISES

2.1 The Forbes House shall be used for Youth Eastside Services as a community facility for operation of youth and family counseling and with the general business activities incident thereto and for no other purpose without the prior consent of the City. Consistent with the Master Plan for Juanita Beach Park, Youth Eastside Services is expressly subject to the following conditions and limitations which shall be strictly observed and construed in Youth Eastside Services' use and occupancy of the Forbes House:

A. Keep the premises neat, clean and in sanitary condition.
B. Post the hours of operation on an external sign.
C. Work with the King County Historical Society, and the City to ensure the preservation of the historical significance of the Forbes House.
D. Work with the City's Fire and Building Department to satisfy the International Building Code requirements for occupancy.
E. Work with the City's Planning and Community Development Department to satisfy all Zoning Code provisions related to parking and signage.
F. Work with the City to keep the grounds around the Forbes House free of litter and garbage.
G. Work with the Parks and Community Services Department on implementation of the Juanita Beach Master Plan.

H. Noise from the use shall not exceed the State standards found in Chapter 70.107 RCW as regulated in Kirkland Zoning Code 115.95.
I. Youth Eastside Services shall provide the City's Human Services Council an annual report on the operations of the services, any neighborhood concerns, and how the concerns have been addressed.

SECTION 3
TERM

3.1 This lease shall be for a term of ten years, commencing September 2018, and ending August 31, 2028.

3.2 This is the first extension of the lease originally executed in 2008.Youth Eastside Services may have the option to renew the lease, by mutual agreement, for a third term of ten years so long as, no later than December 31, 2027, Youth Eastside Services provides written notice to the City of its interest to renew. In order to renew the agreement, Youth Eastside Services shall not be in default hereunder at the time of giving of the notice or on the date of expiration of the original term hereon. If Youth Eastside Services notifies the City of its interest to renew, each party has the option to renegotiate the terms and conditions of this agreement.

3.3 Upon the occurrence of any event of default described in this Lease Agreement, the City or Youth Eastside Services may terminate this Lease Agreement. Upon no less than one (1) year's notice to the City, Youth Eastside Services may terminate this agreement. Upon no less than one (1) year's notice to Youth Eastside Services, the City may terminate this agreement. In the event that this Agreement is terminated, Youth Eastside Services shall surrender the Premises to the City.

SECTION 4
RENTAL

4.1 In consideration of the value of Youth Eastside Services contribution to the human service needs of residents of the City of Kirkland, to the tenant improvements of the Forbes House, to the maintenance and operations of the Forbes House, and subject to the terms of this Agreement, Youth Eastside Services shall pay no rent for the Premises during the term of this agreement.

SECTION 5
UTILITIES

5.1 Youth Eastside Services shall timely pay the charges for all of the following utilities: water, storm sewer, sewer, garbage, electricity, natural gas, internet access and telephone.

SECTION 6
ALTERATIONS, REPAIRS, AND MAINTENANCE
BY CITY OF KIRKLAND

6.1 The City shall maintain in good condition and repair, the structural components and systems and exterior components of Forbes House which include, but are not limited to,

the roof, exterior walls, foundation, beams, siding, stairs and all load bearing members of the structure. The City shall also maintain the mechanical, electrical and plumbing systems (except as set forth in section 7.2) of the Forbes House and will maintain the sidewalks and paths and grounds around the Forbes House in a safe and clean condition.

6.2 The City shall strive to coordinate Maintenance work with YES so as not to interfere with YES's operations. At minimum the City shall give YES at least twenty-four (24) hour notice; provided that, such maintenance and repair work shall not unduly interfere with the use of the premises. In the event of an emergency, however, no such notice shall be required.

6.3 In the event of any damage to the Forbes House or its grounds or if any of the elements described above needs repair or maintenance, Youth Eastside Services shall notify the City and the City will timely repair all such damage unless it is caused by Youth Eastside Services or its clients, in which case the repair shall be the responsibility of Youth Eastside Services.

6.4 Notwithstanding the foregoing provision of this Section, in the event the Forbes House is destroyed or damaged to such an extent that the City deems that it is not economically feasible to restore the same, then the City may terminate the Lease as of the date of the damage or destruction by giving Youth Eastside Services notice to that effect.

SECTION 7
ALTERATIONS, REPAIRS, AND MAINTENANCE BY YOUTH EASTSIDE SERVICES

7.1 Youth Eastside Services shall make no structural changes, improvements or alterations to the Forbes House without the prior consent of the City. All such changes, improvements, alterations and repairs, if any, made by Youth Eastside Services shall remain in the Forbes House and shall become the property of the City upon expiration or sooner termination of this Lease. Youth Eastside Services will retain any removable items provided by them, including furniture, supplies, removable fixtures, and shall repair any damage caused by their removal.

7.2 Youth Eastside Services is responsible for daily maintenance and repair of the interior of the Forbes House which shall include tenant improvements, telephone equipment, lighting fixtures, kitchen and bathroom plumbing drain and trap down to the junction with the line into the wall or floor. Youth Eastside Services janitorial and routine maintenance responsibilities include: timely repair or replacement of light fixtures or bulbs, electrical switches or controls; and interior and exterior cleaning of windows, any damage caused by tenant, i.e. broken window, etc.

7.3 Youth Eastside Services is responsible for the parking area in front of the Forbes House. Youth Eastside Services will work with the City's Planning and Community Development Department to adequately designate parking and display signage per City Zoning Code.

SECTION 8
TAXES

8.1 Youth Eastside Services shall pay, before delinquency, all taxes, levies, and assessments of whatever kind or nature are imposed or become due during the term of this Lease and arise from any activity on or use of the Forbes House pursuant to this Lease. As the Forbes House is publicly owned property, the Lease is subject to a leasehold excise tax under Ch. 82.29A RCW. Youth Eastside Services shall complete the necessary paperwork to receive an exemption from the leasehold excise tax. In the event the State of Washington makes any demand upon the City for payment of any tax resulting from Youth Eastside Services use or occupancy of the Forbes House, including but not limited to any leasehold interest created thereby under RCW 82.29A, Youth Eastside Services shall indemnify the City for all sums expended by the City or withheld by the State from the City in connection with such taxation.

SECTION 9
INDEMNIFICATION

9.1 Youth Eastside Services shall defend, indemnify and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, suits, actions or liability for injury or death of any person, or for loss or damage to property, which arises out of the Youth Eastside Services use and occupancy of the Forbes House or from Youth Eastside Services operations or from any activity, work or thing done, permitted or suffered by Youth Eastside Services in or about the Forbes House except Youth Eastside Services shall not be liable for and shall not have any obligation of defense or indemnity for any such injury, loss or damages to property or injury or death of any person caused by or arising from the sole negligence or willful act of the City or that to its officers, officials, employees or volunteers. In the event of concurrent negligence, Youth Eastside Services and the City shall each be liable to the other to the extent of the negligence of each and each shall defend, indemnify and hold the other harmless as to that percentage of the negligence attributable to each to them. For example, if the City were determined to be 30% negligent for injury to a person and Youth Eastside Services were determined to be 70% negligent, Youth Eastside Services would be responsible for 70% of the loss and would indemnify the City for that 70%; the City would be responsible for 30% of the loss and would indemnify Youth Eastside Services for that 30%.

SECTION 10
INSURANCE

10.1 Youth Eastside Services shall, at Youth Eastside Services expense, procure and maintain for the duration of this Lease, insurance against claims for injuries or to persons or damage to property which may arise from or in connection with Youth Eastside Services operation and use of the Forbes House.

A. Scope of Coverage

Youth Eastside Services shall obtain insurance of the types described below:

1. Commercial General Liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover premises and contractual liability. The City shall be named as an insured on Youth Eastside Services General Liability insurance policy using ISO Additional Insured-Managers or Lessors Premises Form CG 20 11 or a substitute endorsement providing equivalent coverage.
2. Property insurance shall be written on an all risk basis.

B. Minimum Amounts of Insurance
Youth Eastside Services shall maintain the following insurance limits:
1. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.
2. Property insurance shall be written covering the full value of Youth Eastside Services property and improvements with no coinsurance provisions.

10.2 The insurance policies are to contain, or be endorsed to contain, the following provisions for Commercial General Liability Insurance:

A. Youth Eastside Services insurance coverage shall be primary insurance as respects to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of Youth Eastside Services insurance and shall not contribute to it.
B. Youth Eastside Services insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

10.3 Insurance to be placed with insurers with a current A.M. Best rating of not less than A:Vll.

10.4 Youth Eastside Services shall furnish the City with the original certificate or a copy, and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of Youth Eastside Services.

10.5 Youth Eastside Services and City hereby release and discharge each other from all claims, losses and liabilities arising from or caused by any hazard covered by property insurance on or in connection with the Forbes House. This release shall only apply to the extent that such claim, loss or liability is covered by insurance.

10.6 City shall purchase and maintain during the term of the Lease all-risk property insurance for the Forbes House for its full replacement value without any coinsurance provisions.

SECTION 11
ASSIGNMENT

11.1 Obligations or rights of Youth Eastside Services under this Lease may not be assigned, subleased, or otherwise transferred by Youth Eastside Services without the prior written consent of the City, which consent may be withheld at the sole discretion of the City.

SECTION 12
COMPLIANCE WITH LAWS

12.1 Youth Eastside Services shall comply with all federal, state, and local laws, statutes, ordinances, and regulations in the performance of their obligations under this Lease. This includes working with the King County Historical Society to maintain the historic significance of the Forbes House.

SECTION 13
CHOICE OF LAW

13.1 This Lease shall be governed by and construed in accordance with the laws of the State of Washington. The venue of any suit or arbitration arising under this Lease shall be in King County, Washington.

SECTION 14
NOTICES

14.1 Any notice, demand, document, or other communication that is required by this Lease to be given shall be in writing and shall be deemed to have been given when delivered, if delivered in person, to the City or Youth Eastside Services, as appropriate, or three days after mailing if sent by registered or certified mail, return receipt requested, addressed as follows:

If to the City:
Kurt Triplett
City Manager
City of Kirkland
123 5th Avenue
Kirkland, WA 98033-6189

If to Youth Eastside Services:
Patti Skelton-McGougan
Executive Director
Youth Eastside Services
999 164th Avenue N.E.
Bellevue, WA 98008

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DEFAULT

15.1 The following events shall constitute a default and material breach of this Lease:

A. The failure to comply with any of the terms of this Lease regarding insurance.
B. The material violation of any law, ordinance, rule or regulation which, after notice and reasonable time to cure, remains uncured;
C. The abandonment or vacating of the Forbes House for a period of thirty (30) days or more;
D. The assignment for transfer of this Lease without prior written consent of the City as described in Section 10 of this Lease; and
E. The failure to perform any other condition or covenant of this Lease where such failure in performance is not remedied within the time allowed by this Lease, or such other period for remedial action as is expressly agreed upon by both parties.

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REMEDIES UPON DEFAULT AND MATERIAL BREACH

16.1 Upon the occurrence of any event of default by Youth Eastside Services, the City shall have the option to pursue any one or more of the following remedies without notice or demand:

A. Terminate this Lease, in which event Youth Eastside Services shall immediately surrender the Forbes House to the City;

B. If Youth Eastside Services fails to immediately surrender the Forbes House upon termination of this Lease, the City may enter and take possession of the Forbes House and expel or remove Youth Eastside Services and any other person who may be occupying the Forbes House or any part thereof by any suitable proceeding at law;

C. Commence a legal action against Youth Eastside Services to recover the amount of all loss and damage the City may suffer by reason of such default.

16.2 If an action is commenced to enforce any of the provisions of this Lease, the prevailing party shall, in addition to its other remedies, be entitled to recover its reasonable attorneys' fees.

SECTION 17
REMEDIES CUMULATIVE

17.1 The rights under this Lease are cumulative; the failure to exercise promptly any right recognized hereunder shall not operate to forfeit any such right. The use of one remedy shall not be taken to exclude the right to use another.

SECTION 18
AMENDMENT OR WAIVER

18.1 This Lease may not be modified nor amended except in writing. No course of dealing between the parties or any delay in exercising any rights hereunder shall operate as a waiver of any rights of any party. No term or provision of this Lease shall be deemed waived and no breach excused unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. No consent by any party to, or waiver of, a breach by the other whether express or implied, shall constitute a waiver of or consent to any other breach. No amendment or supplement to this Lease shall be effective unless approved in writing by the City.

SECTION 19
ENTIRE AGREEMENT

19.1 This Lease contains the entire agreement and understanding of the City and the Youth Eastside Services with respect to the subject matter hereof, and supersede all prior or contemporaneous oral or written understandings, agreements, promises or other undertakings between the parties.

IN WITNESS, WHEREOF, the authorized representatives of the parties hereto have executed this Agreement by affixing their signatures in the spaces below.

DATED this _____ day of _____, 2018.

CITY OF KIRKLAND

By:_____
Kurt Triplett, City Manager

YOUTH EASTSIDE SERVICES

By:_____
Patti Skelton-McGougan, Executive Director

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I certify that I know or have satisfactory evidence that **Patti Skelton-McGougan** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute this instrument and acknowledged it as the Executive Director of Youth Eastside Services, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____

_____
_____[Print Name]
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires: _____

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I certify that I know or have satisfactory evidence that **Kurt Triplett** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument and acknowledged it as the City Manager of the City of Kirkland, a Washington Municipal corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____

_____
_____[Print Name]
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires: _____

CITY OF KIRKLAND
City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jim Lopez, Assistant City Manager
Kevin Raymond, City Attorney

Date: July 26, 2018

Subject: PROPOSED RESOLUTION PROVIDING FOR SUBMISSION OF BALLOT PROPOSITION TO KIRKLAND VOTERS AUTHORIZING ONE-TENTH OF ONE PERCENT (0.1%) INCREASE IN SALES AND USE TAX TO FUND ENHANCED POLICE SERVICES AND COMMUNITY SAFETY

RECOMMENDATION:

It is recommended that the City Council hold a Public Hearing the attached Resolution with any revisions from the study session conducted as part of the City Council special meeting on Monday, August 6, 2018. After receiving public comment, it is further recommended that the Council then consider taking action on the Resolution. If adopted, the Resolution would provide for the submission to the voters of Kirkland, at the November 6, 2018 election, of a proposition authorizing an increase in the sales and use tax of one-tenth of one percent (0.1%) of the selling price to fund enhanced police services and community safety measures on an ongoing basis beginning in 2019. Several amendments have been made to the Resolution based on public and Council comments at the public hearing held at the Council's July 17, 2018 regular meeting. Redlined and clean versions of the revised Resolution are attached hereto, and the revised Resolution has been reviewed by the City Attorney and outside legal counsel to ensure compliance with state law.

BACKGROUND DISCUSSION:

Safe, Inclusive and Welcoming Kirkland

The City Council declared Kirkland a Safe, Inclusive and Welcoming City in 2017. Among many other issues related to that goal, including immigration status, religious affiliation, non-discrimination and tolerance, Kirkland has been engaged in a series of civic conversations about community safety. In particular, the issue of gun safety has been significantly elevated in recent years due in large part to mass shootings in schools and at other locations in the United States.

The Council's goal of keeping Kirkland Safe, Inclusive and Welcoming is challenged as Kirkland experiences unprecedented economic growth and redevelopment. The Planning Department identifies over 4,500 residential units and over two million square feet of commercial and institutional development currently under construction or at some phase in the permitting process. This prosperity brings new jobs, shops, restaurants, services and housing options, but also more people, businesses and traffic. It also brings new types of commercial and residential structures to protect with police and fire services. Providing public safety services that match

this economic growth and redevelopment is further challenged by the expiration of the annexation sales tax credit in 2021, resulting in the loss of nearly four million dollars annually from the City's general fund. The City has implemented effective economic development strategies to replace the lost annexation sales tax revenue but the pace of growth is creating new demands for service beyond the potential revenues from those strategies.

At the Council's May 24, 2018 fiscal retreat, the Council received a financial forecast that projects deficits of $8.4 million in the 2021/2022 biennium and $17.9 million dollars in the 2023/2024 biennium, partially caused by the expiration of the annexation sales tax credit. Recognizing that adding additional public safety investments while faced with pending deficits was not financially sustainable, the Council, at the June 5, 2018 meeting, directed staff to engage the public on strategies to enhance police services and community safety in Kirkland as part of a potential two-step public safety ballot measure initiative. As generally described in the "Enhanced Safety for a Thriving City" document provided as Attachment A, Phase 1 of this strategy anticipates the possibility of a voter-approved sales tax measure in 2018 focused on police services, school safety and gun safety. Phase 2 of this strategy anticipates the possibility of a voter-approved property tax measure in 2020 for new fire stations, equipment and firefighters, as well as new and renovated fire stations to provide enhanced response times for fire and emergency medical services.

More detailed background on the potential for a two-phased ballot measure approach is included in the June 5, 2018 staff report.

Public Safety Sales and Use Tax Ballot Measure Authorized by RCW 82.14.450

State law allows the City to increase the sales and use tax by up to 0.1% (one tenth of one percent) of the selling price by placing a measure on the ballot. The measure would require 50% plus one approval by voters. Fifteen percent (15%) of the tax proceeds must be shared with King County. Motor vehicle sales are exempt from the tax and one-third of funds received must be used "solely for criminal justice purposes, fire protection purposes, or both." The remainder may be used for any City purpose. The Finance Department estimates that the net revenue from this sales tax after factoring out car sales and the portion provided to King County would be approximately $1.8 million annually. The Council has provided direction that all of the revenues from such a sales tax measure be used to improve public safety for the community.

Following Council direction, City staff has actively engaged with the Kirkland community and others on issues related to police services and community safety, including gun safety and safer schools. Those efforts have included meetings with concerned parents and students, town hall meetings, focus groups, interactive City social media, and public comment at Council meetings.

A detailed summary of those efforts and associated findings, entitled "Gun Safety and Community Safety Outreach Findings Report" was part of the July 17, 2018 Council meeting and the subject of a special presentation at the public hearing at that meeting. In addition, the City engaged the survey firm, EMC Research to conduct a statistically valid live telephone survey of Kirkland residents to help gauge community priorities around police and community safety, and also the preferred methods of funding identified priorities. Survey results were also presented at the July 17, 2018 Council meeting.

As a starting point for the discussions, staff drafted a proposed Resolution using implementation of Phase 1 of the "Enhanced Safety for a Thriving City" initiative as the framework.

The proposed Resolution would put to the voters of Kirkland, at the November 6, 2018 election, the question of whether the sales and use tax in Kirkland should be increased by one-tenth of

one percent (0.1%) of the selling price on applicable goods and services to fund the following police services and community safety priorities on an ongoing basis beginning in 2019 (and including estimated annual costs in 2019 dollars):

- A Police ProAct Unit consisting of (4) full-time police officers and one (1) support position focused on illegal drugs, car prowls, burglaries, mail theft, shoplifting, enforcing extreme protection orders and court-ordered gun forfeitures. ($680K)
- Four (4) full-time school resource officers ("SROs") in Finn Hill Middle School, Kamiakin Middle School, Kirkland Middle School and the International Community School, with the costs shared equally by the City and the Lake Washington School District ("LWSD"). ($320K)
- One (1) additional Neighborhood Resource Officer to focus on community policing, code enforcement and emergency calls involving mental health complications. ($140K)
- One (1) full-time mental health professional to help resolve police and emergency medical calls involving individuals with mental health complications, including domestic violence, suicide attempts and assisting homeless individuals. This service might also be contracted rather than through the hiring of a new City employee ($120K)
- Additional dedicated grant funding for the social and emotional health of children and teenagers and to expand existing mental health, human services and after-school programs that provide suicide prevention, domestic violence prevention and drug addiction services. ($350K)
- New annual funding for firearms safety training in the community and safe storage of firearms, including subsidized trigger locks and gun safes. ($100K)
- New annual funding to support women and family shelter operations, providing a safe place for women and families experiencing homelessness during their transition to stable housing. ($100K)

As noted previously, City staff recommends a modest increase in the sales and use tax in Kirkland to continuously fund these investments. For context, the recommended sales and use tax increase of one-tenth of one percent (0.1%) would equate to 1 penny on a $10 purchase or 10 cents on a $100 purchase. These recommendations are consistent with community feedback, including the EMC survey results, which favored a sales tax increase over other new revenue-generating options.

City staff estimates that the annual costs of the identified enhanced police services, school safety and community safety measures identified above are approximately $1.8 million in 2019 dollars, which is the approximate amount the recommended increase in the sales and use tax would raise annually.

If the Council wishes to place this proposition before the Kirkland voters in November, it would need to enact the proposed Resolution, or a substitute, at the August 6, 2018 special meeting. Under mandatory statutory timelines, August 7 (the date of this year's Primary Election in the state of Washington) is the deadline for the transmittal of an adopted resolution to King County Elections asking that the proposition be included on the November 6, 2018 ballot.

Revised Resolution

The changes to the draft Resolution proposed by staff are few, and shown in the attached redlined and clean versions of that revised document. The changes are summarized below:

- Amends a "whereas" provision to make explicit reference to the requirement of state law that at least one-third (1/3) of the money received from the sales tax increase be used "solely for criminal justice purposes, fire protection services, or both";
- Indicates in Section 1, Purpose of Ballot Proposition, that the identified list of enhanced police and community safety services are those which the City "anticipates" would be funded beginning in 2019 subject to available resources;
- Deletes from Section 1 the estimated annual costs of those initial anticipated services as unnecessary to the Resolution (while nevertheless retained in this staff report for general information purposes);
- Repeats in Section 1 the requirement that at least one-third (1/3) of the money received from the sales tax increase be used solely for criminal justice purposes, fire protection services, or both and making it more explicit that the services provided over time will be those permitted under applicable state law and not necessarily static (e.g. subject to available resources and the City's budget process);
- Deletes the words "AND USE" and adds the words "ENHANCED" and "SERVICES" to the capitalized caption in Section 3, Submission of Ballot Title to the County, directly above the ballot title and proposition in order to parallel the language already used in the proposition itself and to remain within the ten word limit required by state law; and
- Amends the ballot proposition to make it clear the delineated services are those which the City anticipates will be initially funded from the sales tax increase.

Summary

Once the Public Hearing has been conducted and closed, staff will be requesting direction from the Council on the following items:

- Should any edits be made to the proposed resolution and ballot title prior to final Council consideration?

- Should a ballot measure be placed on the November 6, 2018 ballot providing for enhanced police services and community safety?

Attachment A – Enhanced Safety for a Thriving City
Attachment B – Clean Version of Revised Resolution

ENHANCED SAFETY For a Thriving City

The Village at Totem Lake

Coming Soon to Kirkland

$4 million / year
LOSS OF STATE ANNEXATION AID IN 2021

4500
NEW HOUSING UNITS

1.5 Million
SQ. FT. OF OFFICE RETAIL

7600
NEW RESIDENTS

4500
NEW EMPLOYEES

Downtown Kirkland's mixed-use urban center: Kirkland Urban

Kirkland is blossoming. Our waterfront parks, strong schools, innovative companies, tree lined streets and small town feel is attracting new investment, new jobs, new shops, new restaurants and new housing options for all ages, incomes and abilities.

Public safety is our top priority. This new prosperity requires even better protection for new people and new buildings. New high rise structures require new training, new equipment and new firefighters to keep occupants safe. Cyber-crimes, mail theft, shoplifting and car prowls require new tools, new technologies and new officers to combat more sophisticated criminals. And more families moving to Kirkland means more children in schools that need to be protected from gun violence like suicide and mass shootings.

To learn more about the Council's idea to keep Kirkland safe, look on the back page.

ENHANCED SAFETY For a Thriving City

Keeping a Thriving City Safe

PHASE 1 – 2018. A voter-approved .1% sales tax (a penny on every $10.00 purchase) measure focused on enhanced police service and community safety. Elements could include:

- **A new dedicated, proactive police unit** to focus on illegal drugs, car prowls, burglaries, mail theft, shoplifting, and enforcing extreme protection orders and court ordered gun forfeitures. Bellevue and Redmond have such units, and they are proven, effective teams that reduce crime.
- **Four new School Resource Officers (SROs)** in the International Community School, and Finn Hill, Kamiakin and Kirkland Middle Schools.
- **A new Neighborhood Resource Officer paired with dedicated Mental Health professionals** to help resolve police and fire calls with mental health complications including domestic violence, suicide attempts, assisting homeless persons, as well as code enforcement and non-emergency calls.
- **Additional dedicated funding for effective mental health and human services programs** that provide suicide prevention, domestic violence prevention, drug addiction services, and after school programs.
- **Dedicated funding for gun safety training** in the community, as well as safe storage of existing guns, such as subsidized trigger locks and gun safes.
- **Dedicated funding to reduce homelessness**, especially among women and families.

PHASE 2 – 2020. A voter-approved property tax measure for new fire stations, equipment and firefighters to provide enhanced response times for fire and emergency medical services. Elements could include:

- **Construction of a new Fire Station 27** located near Evergreen Health on the East side of I-405 to serve the Village at Totem Lake and surrounding developments.
- **Seismic renovation, modernization and expansion of Fire Station 26,** Fire Station 22, and Fire Station 21 which protect the central and south part of Kirkland.
- **Additional firefighters to fully staff new Fire Station 24** in North Juanita when completed in 2020.
- **New dedicated Aid Cars to respond to increasing medical calls**, especially among the growing elderly population.
- **New training center investments** respond to new high rise and mixed-use development to keep Kirkland firefighters the best trained and best equipped department in the region.

For more information, please contact
David Wolbrecht at 425-587-3011 or
dwolbrecht@kirklandwa.gov

RESOLUTION R-5324

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF KIRKLAND AT AN ELECTION TO BE HELD ON NOVEMBER 6, 2018 OF A PROPOSITION AUTHORIZING AN INCREASE TO THE SALES AND USE TAX IN KIRKLAND OF ONE-TENTH OF ONE PERCENT (0.1%) ON THE SELLING PRICE TO FUND ENHANCED POLICE SERVICES AND COMMUNITY SAFETY; SETTING FORTH THE TEXT OF THE BALLOT PROPOSITION; DIRECTING PROPER CITY OFFICIALS TO TAKE NECESSARY ACTIONS; AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS.

WHEREAS, the City Council ("Council) of the City of Kirkland, Washington ("City") has declared Kirkland a Safe, Inclusive and Welcoming City; and

WHEREAS, the Council's goal of keeping Kirkland Safe, Inclusive and Welcoming is challenged as Kirkland experiences unprecedented economic growth and redevelopment, with over 4,500 residential units and over two million square feet of commercial and institutional development currently under construction or at some phase in the permitting system, bringing new jobs, shops, restaurants, services and housing options, as well as more people, businesses and traffic, and new types of commercial and residential structures that need police and fire services; and

WHEREAS, providing public safety services that match this economic growth and redevelopment is further challenged by the expiration of the annexation sales tax credit in 2021, resulting in the loss of nearly four million dollars annually from the City's general fund; and

WHEREAS, to help keep the community safe the Council, over the past five years, completed both a Police Strategic Plan and a Fire Strategic Plan to identify needed investments in staffing, equipment and technology to provide for more proactive community policing and better response times for fire and emergency medical services, as well as needed renovation and expansion of existing fire stations and the construction of a new, relocated Fire Station 27 east of I-405; and

WHEREAS, while the 2017-2018 City Work Program originally called for the exploration of potential property tax measures for fire station modernization and public safety operations, the Council deferred this item in December of 2017 to at least 2020 due to resident concerns about current property tax levels due to state and regional actions; and

WHEREAS, as the Council considers how to meet these challenges during the 2019-2020 Biennial Budget process, staff is

using the adopted public safety strategic plans to guide the next round of public safety investments; and

WHEREAS, the Police Strategic Plan's top priorities are additional patrol officers as well as the full funding and activation of a ProAct Unit focused on illegal drugs, car prowls, burglaries, mail theft, shoplifting, and other property crimes, as well as enforcing extreme protection orders and court-ordered gun forfeitures; and

WHEREAS, The ProAct Unit requires five (5) positions, including four (4) ProAct Police Officers and a support staff position with an approximate cost of $680,000 per year in ongoing expenditures, in addition to one-time investments for vehicles and equipment; and

WHEREAS, a top staffing priority of the Fire Strategic Plan is to add five (5) additional Firefighter/EMTs to fully staff new Station 24 in Juanita when it is completed in 2020, at an additional cost of approximately $590,000 per year in ongoing expenditures; and

WHEREAS, on February 14, 2018, a mass shooting occurred at Marjory Stoneman Douglas High School in Parkland, Florida, resulting in seventeen students and staff killed and seventeen others wounded, reigniting conversations across the nation about actions that could be taken to reduce gun violence in the country and sparking strong activism from students and parents of school age children; and

WHEREAS, local groups including Kirkland Indivisible, Kirkland Safe, Moms Demand Action for Gun Sense in America, LWPTSA Council, Alliance for Gun Responsibility, the Forward Together Network, the Iman Center, Lake Washington Christian Church, Kirkland Interfaith Network, and the Lutheran Peace Fellowship, have asked to the Council to identify actions that Kirkland can take to reduce gun violence in Kirkland and Washington State; and

WHEREAS, on March 14, 2018, the City Council welcomed over 70 parents from various Kirkland schools to City Hall to discuss actions that could be taken to keep students safe from gun violence, and on March 21, 2018 the Lake Washington School District and the City hosted a community discussion about school safety and community action at Lake Washington High School Theater and both events included requests of the Council to work through Kirkland's state legislative delegation to move legislation related to firearms safety and firearms regulation; and

WHEREAS, also in response to the Parkland and other school shootings, the Lake Washington School District has proposed to share the cost of adding four (4) new full-time school resource officers, one officer each in the Finn Hill Middle School, Kamiakin Middle School,

Kirkland Middle School and the International Community School, all in Kirkland; and

WHEREAS, on April 23, 2018, the City Clerk received a petition, now formally designated as Petition G-18-233, calling for the Council to adopt a gun safety resolution at the May 1, 2018, Council meeting with an addendum including additional signatures presented on April 30, 2018 for a total of 184 signatures and 58 letters of support; and

WHEREAS, the Council adopted Resolution R-5312 on May 1, 2018, calling for further community engagement on the topics of gun safety and community safety to provide feedback to the Council ahead of the formation of the City's 2019 state legislative agenda and supplement outreach efforts for the 2019-2020 biennial budget and 2019-2020 City Work Program; and

WHEREAS, Resolution R-5312 authorized the City Manager to: seek the community's input on the topics of gun safety and community safety through a Town Hall and additional engagement strategies; research methods of promoting safe and responsible gun ownership at the state and local levels; collaborate with public and private partners on possible state and local legislation around gun safety and community safety; and report the results of these efforts to the Council, no later than July 17, 2018, including options for potential changes to City ordinances and policies, City budget initiatives, and the City's state legislative agenda based on the community engagement results; and

WHEREAS, at the Council's May 24, 2018 fiscal retreat, the Council received a financial forecast that projects deficits of $8.4 million in the 2021/2022 biennium and $17.9 million dollars in the 2023/2024 biennium, partially caused by the annexation sales tax credit expiration; and

WHEREAS, to sustainably fund these police investments, community safety investments, school district investments and fire investments would therefore require new revenues or a significant reprioritization of existing general fund programs such as parks maintenance and street maintenance; and

WHEREAS, at the May 24, 2018 fiscal retreat, the Council directed to staff to engage the community through a survey, focus groups and additional outreach on a two-phased public safety ballot measure approach that includes a police services and community safety sales tax measure in 2018 and fire and emergency medical services property tax ballot measure in 2020 for fire facilities and staffing; and

WHEREAS, police and community safety are significant elements of the ongoing, local outreach efforts and the nationwide conversation

related to community safety, including in response to repeated acts of gun violence, including in our community and schools and frequently involving mental illness, domestic violence and suicides; and

WHEREAS, on July 17, 2018, staff reported back to Council with the results of the engagement program including a summary of the community's desire for the City to take action now to implement programs designed to make our schools safer, increase mental health awareness programs, provide funding for firearms training and safe storage programs, and improve the effectiveness of existing gun related laws and policies, as well as the request by some members of the community to effect changes to state and local legislation regulating guns; and

WHEREAS, in addition to a ProAct Unit and new school resource officers, the City has identified that an effective action to reduce gun violence includes the addition of one (1) full-time mental health professional to help resolve police and emergency medical calls involving individuals with mental health complications, including domestic violence incidents, suicide attempts and assisting homeless individuals; and

WHEREAS, an additional effective action includes new dedicated funding for the social and emotional health of children and teenagers, and expanded funding for mental health, human services and after-school programs that provide suicide prevention, domestic violence prevention and drug addiction services; and

WHEREAS, and additional effective action includes new annual funding for firearms safety training in the community and safe storage of firearms, including subsidized trigger locks and gun safes; and

WHEREAS, a safe community must ensure that all residents, but especially women and children, have adequate shelter and are safe from hunger, illness, crime and weather exposure and a key component of reducing homelessness is funding operations for the eastside women and family shelter; and

WHEREAS, the estimated annual cost of the police and community safety priorities referenced above is $1.8 million in 2019 dollars; and

WHEREAS, RCW 82.14.450(2) authorizes the Council to submit an authorizing proposition to the Kirkland voters at an election and, if the proposition is approved by a majority of persons voting, to impose an additional sales and use tax of up to one-tenth of one percent (0.1%) of the selling price in the case of a sales tax or the value of the article used in the case of a use tax, provided that one-third (1/3) of all money

received must be used solely for criminal justice purposes, fire protection purposes, or both; and

WHEREAS, such an increase in the sales tax in Kirkland is the equivalent of one penny on every ten dollar purchase, and would increase revenues to the City in the amount of approximately $1.8 million per year in 2019 dollars.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. **Purpose of Ballot Proposition**. The City Council determines it to be in the public interest to fund, or in the case of school resources officers to share equally in the funding together with the Lake Washington School District, the following enhanced police and community safety services beginning as soon as practicable. The City anticipates that beginning in 2019, and within available resources, these services would include:

- A Police ProAct Unit consisting of (4) full-time police officers and one (1) support position focused on illegal drugs, car prowls, burglaries, mail theft, shoplifting, enforcing extreme protection orders and court-ordered gun forfeitures.
- Four (4) full-time school resource officers ("SROs") in Finn Hill Middle School, Kamiakin Middle School, Kirkland Middle School and the International Community School, with the costs shared equally by the City and the Lake Washington School District ("LWSD").
- One (1) additional Neighborhood Resource Officer to focus on community policing, code enforcement and emergency calls involving mental health complications.
- One (1) full-time mental health professional to help resolve police and emergency medical calls involving individuals with mental health complications, including domestic violence, suicide attempts and assisting homeless individuals. This service might also be contracted rather than hiring a new City employee.
- Additional dedicated grant funding for the social and emotional health of children and teenagers and to expand existing mental health, human services and after-school programs that provide suicide prevention, domestic violence prevention and drug addiction services.
- New annual funding for firearms safety training in the community and safe storage of firearms, including subsidized trigger locks and gun safes.
- New annual funding to support women and family shelter operations, providing a safe place for women and families

experiencing homelessness during their transition to stable housing.

The amounts collected pursuant to the sales tax increase authorized shall be used solely for public safety purposes, which may include but are not limited to personnel and related costs of recruiting, hiring, training, equipping and employing the public safety professionals described above, and to pay other related public safety expenses including costs of enhanced mental health, human services and firearms safety programs described above, and for any additional purposes authorized by RCW 82.14.450; provided, however, that at least one-third (1/3) of all money received under this section must be used for criminal justice purposes. The Council reserves the right, in accordance with its biennial budget process, to determine the levels of service to be provided as permitted under applicable state law and within the available revenues collected from this increase. If revenues are sufficient, the Council reserves the right to use such additional funds to contract for, or pay personnel and related costs of recruiting, hiring, training, equipping and employing additional personnel in other capacities authorized by RCW 82.14.450 and to further expand mental health and human services programs.

Section 2. **Calling of Election**. It is hereby found that the best interests of the inhabitants of Kirkland require the submission to the qualified electors of Kirkland for approval or rejection at the election to be held on November 6, 2018 of a proposition authorizing an additional sales and use tax of one-tenth of one percent (0.1%) on the selling price in the case of a sales tax or the value of the article used in the case of a use tax pursuant RCW 82.14.450(2)(a). King County Elections, as *ex officio* supervisor of elections in the City, is hereby requested to assume jurisdiction of and to submit to the qualified electors of Kirkland the proposition hereinafter set forth.

Section 3. **Submission of Ballot Title to the County**. The City Clerk is hereby authorized and directed, not less than 84 days prior to such election date (i.e., no later than August 7, 2018), to certify the proposition to King County Elections in substantially the following form, prepared pursuant to RCW 29A.36.071:

CITY OF KIRKLAND
PROPOSITION 1
ADDITIONAL SALES AND USE TAX FOR
ENHANCED POLICE SERVICES AND
COMMUNITY SAFETY

The Kirkland City Council adopted Resolution No. R-5324 concerning a proposition for funding enhanced police services and community safety. If approved, this proposition would increase the sales and use tax rate by one-tenth of one percent (0.1%) to provide ongoing funding for the public safety purposes permitted under RCW 82.14.450, anticipated to include additional police officers, school resource officers in Kirkland middle schools, after school programs and expanded mental health and human services programs focusing on gun safety, domestic violence, suicide prevention, and related public safety issues and services to the homeless. The increase would become effective in 2019.

Should this proposition be:

APPROVED? ..... ☐

REJECTED? ..... ☐

For purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the City hereby designates its City Attorney (Kevin Raymond, 425-587-3031, kraymond@kirklandwa.gov) and its Special Counsel, Stradling Yocca Carlson & Rauth, PC (Alice Ostdiek, 206-829-3002, aostdiek@sycr.com), as the persons to whom such notice shall be provided.

Section 4. **Authorization of Local Voters' Pamphlet**. The City Council authorizes preparation and distribution of a local voters' pamphlet, including an explanatory statement and statements in favor of and in opposition to the ballot measure, if any. The preparation of explanatory statement, the appointment of pro/con committees and the preparation of statements in favor or and in opposition to the ballot title shall be in accordance with chapter 29A.32 RCW and the rules and guidelines of the King County Elections Office.

Section 5. **General Authorization; Ratification**. Certification of such proposition by the City Clerk to King County Elections, in accordance with law, prior to the date of such election, and any other acts consistent with the authority, and prior to the effective date, of this Resolution, are hereby ratified. Other proper City officials are authorized to perform such duties as are necessary or required by law to the end that the ballot proposition described in this Resolution shall be submitted to the voters of the City at the November 6, 2018 election. Any action taken consistent with the authority and prior to the effective date of this Resolution is hereby ratified, approved and confirmed.

Passed by a majority vote of the Kirkland City Council in open meeting this __ day of _____, 2018 and approved by the City Council as required by law.

Signed in authentication thereof this ____ day of _____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
Kathi Anderson, City Clerk

Approved as to Form:

_____
Kevin Raymond, City Attorney

CITY OF KIRKLAND
Department of Parks and Community Services
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director, Parks and Community Services

Date: August 6, 2018

Subject: Cost Recovery Study Update

RECOMMENDATION

That the Council receive a briefing from staff on the next steps in the cost-recovery study. Council will receive a presentation on the draft recommended community versus individual benefit pyramid and corresponding cost recovery target ranges.

BACKGROUND:

The City of Kirkland has defined fiscal policies that are reaffirmed every two years through the adoption of the biennial budget. The current policies are presented in the 2017-2018 budget book, approved by City Council during the budget process. The fiscal policy related to parks and Community Services is stated below.

> "All fees for services shall be reviewed and adjusted (where necessary) at least every three years to ensure that rates are equitable and cover the total cost of service, or that percentage of total service cost deemed appropriate by the City."

Parks and Community Services carried out a financial analysis resulting in updated financial guidelines for the Department in 1999, 2002 and 2005. These previous studies yielded cost recovery targets as a percentage of total service cost versus covering the total cost of service. This is due to the mission and status of the department as a service to the community with many of the programs and services offered by the Department being non-revenue generating (e.g., human services, youth services, general park use, etc). In accordance to financial policy and previous practice, staff embarked upon an updated study in February 2018.

At the June 5 Kirkland City Council Meeting, staff presented background information and an overview of the current cost recovery study. Background on the 2005 study was presented along with the philosophical foundation of cost recovery based in equity, sustainability and meeting the community need. More detailed information can be found in the June 5 Council Packet located here.

At the July 17 City Council Study Session, staff presented the results of a financial analysis carried out by the financial consulting firm MGT of America Consulting, LLC (MGT). This portion

of the study incorporated analyzing true costs for providing parks, recreation and community services by programmatic category. Based on this information, the current cost recovery level for each programmatic category was calculated. Definitions of terms used and the breakdown of programmatic categories is shown in **Addendum A**.

Another component of the study included engaging the community to complete a "community benefit" versus "individual benefit" assessment. This component of the study was carried out by the parks and recreation consulting firm GreenPlay, LLC (GreenPlay). Their methodology is based in the Pyramid Model, which allows for the sorting of each programmatic category into the 5 tiers of a pyramid. The bottom of the pyramid is Tier 1, which is understood to have the most community benefit and expected to be supported through tax funding. The top of the pyramid is Tier 5, which is understood to have the most individual benefit and expected to receive the least tax dollar support. Tiers 2 through 4 have both community and individual benefits and would be supported by a mix of tax dollars, fees and other alternative revenue sources.

Their Pyramid Methodology and results of community outreach workshops, along with MGT's financial analysis can be found in the July 17 Council Packet located here.

INITIAL RECOMMENDATIONS

City staff and GreenPlay analyzed the community feedback provided in the "community benefit" versus "individual benefit" assessment. This analysis, along with initial feedback from City Council yielded a recommended Pyramid Model.

On July 31, staff will present the draft recommended community benefit versus individual benefit Pyramid Model (**Figure A**) and draft cost recovery targets (**Figure B**) to the Park Board. The proposed recovery targets are "0%+" for Tier 1, "25%+" for Tier 2, "50%+" for Tier 3, "75%+" for Tier 4, and "100%+" for Tier 5. Staff will also present the 2005 to 2018 comparison (**Addendum B**), and the draft key elements of a fiscal policy to the Park Board. The Park Board feedback will be presented to Council on August 6. In order to continue the process of developing a resource allocation and fiscal policy, staff is seeking Council feedback on the following items.

1. The recommended sorting of programmatic categories within the community/individual benefit tiers.
2. The proposed cost recovery ranges by tier.
3. The method of calculating cost recovery the Council prefers. (See discussion at the end of the memo.)

Figure A: Recommended Pyramid

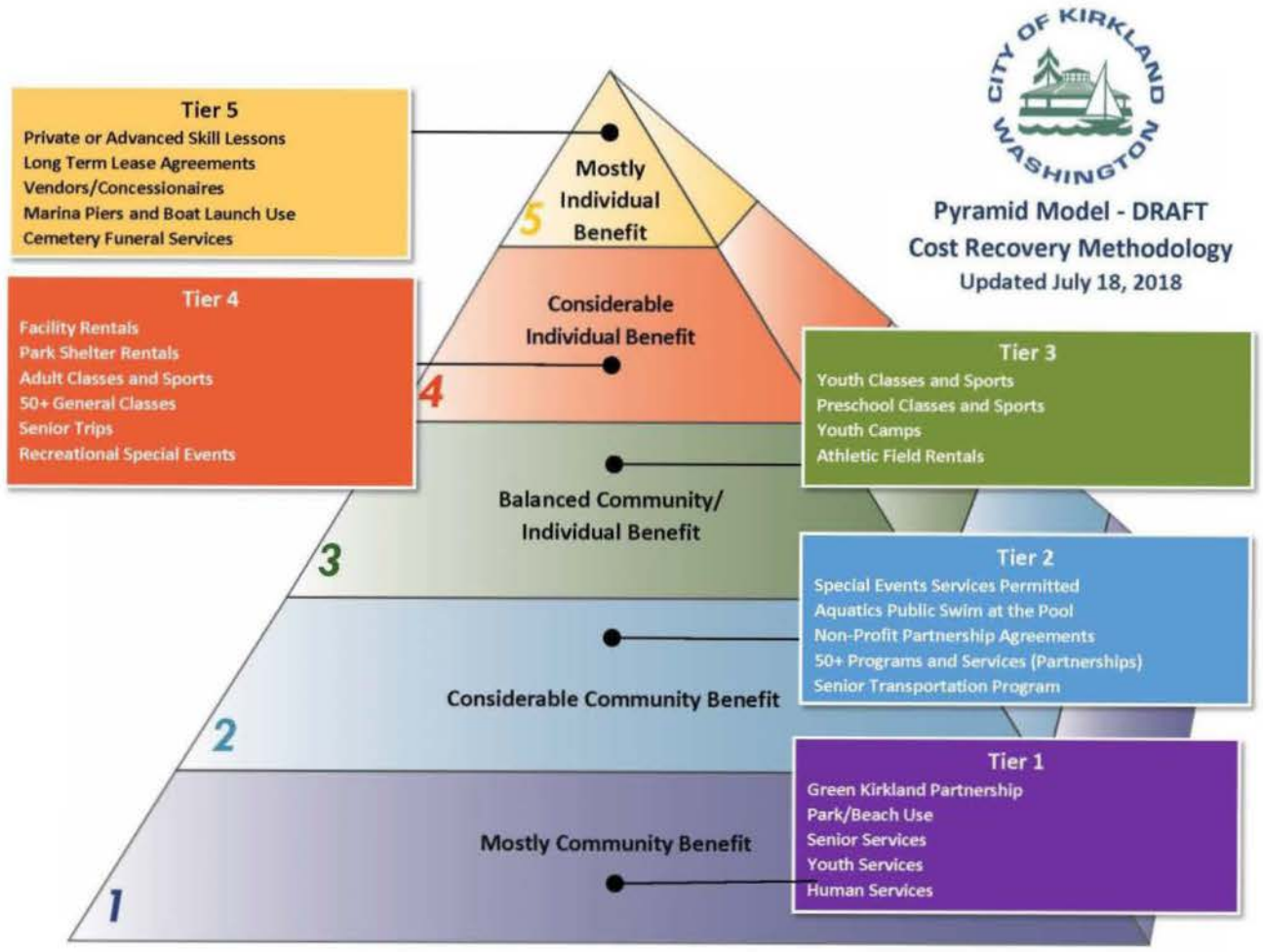

Figure B: Recommended Target Cost Recovery by Tier

	DRAFT **City of Kirkland Parks and Community Services** **Pyramid Recommendation**		Current Cost Recovery % Total Cost	Recommended Target Minimum Cost Recovery % Total Cost	Tier as % of Total Expense
TIER 5	**Private or Advanced Skill Lessons**	5	148%		**3%**
	Long Term Lease Agreements	5	104%		
	Vendors/Concessionaires	5	300%		
	Marina Piers and Boat Launch Use	5	106%		
	Cemetery Funeral Services	5	143%		
	Tier 5 Cost Recovery		**126%**	**100%+**	
TIER 4	**Facility Rentals**	4	18%		**10%**
	Park Shelter Rentals	4	93%		
	Adult Classes and Sports	4	66%		
	50+ General Classes	4	62%		
	Senior Trips	4	53%		
	Recreational Special Events	4	38%		
	Tier 4 Cost Recovery		**44%**	**75%+**	
TIER 3	**Youth Classes and Sports**	3	89%		**21%**
	Preschool Classes and Sports	3	86%		
	Youth Camps	3	114%		
	Athletic Field Rentals	3	5%		
	Tier 3 Cost Recovery		**44%**	**50%+**	
TIER 2	**Special Events Services Permitted**	2	7%		**5%**
	Aquatics Public Swim at the Pool	2	64%		
	Non-Profit Partnership Agreements	2	na		
	50+ Programs and Services (Partnerships)	2	6%		
	Senior Transportation Program	2	10%		
	Tier 2 Cost Recovery		**20%**	**25%+**	
TIER 1	**Senior Services**	1	1%		**61%**
	Youth Services	1	0%		
	Human Services	1	4%		
	Green Kirkland Partnership	1	2%		
	Park/Beach Use	1	2%		
	Tier 1 Cost Recovery		**2%**	**0%+**	

DIRECT AND INDIRECT COST CALCULATIONS

The analysis in the cost-recovery study to this point includes all Parks and Community Services indirect and overhead costs in calculating cost-recovery percentages. At the July 17 Council Study Session there was a discussion of whether to remove the indirect and overhead costs from the calculations. The industry best practice is to include all indirect and overhead costs in order to provide the Council and the public with the full and true cost of the programs. Staff recommends including all costs in the calculations and has continued to do so in the work to date. An alternative to removing indirect costs from the calculations would be to lower the cost-recovery percentages to account for the impacts of indirect costs and overhead. Staff will be seeking final direction on this issue at the August 6 Council meeting.

NEXT STEPS

MGT will complete an assessment of financial impact to the City based on the proposed draft target cost recovery ranges. They will also calculate impact to select fees and charges for programs and services. GreenPlay will complete benchmarking and market assessment of select fees and charges. These components of the study are anticipated to be presented to Council in September. Based on Council feedback, staff will work collaboratively with the consultants to generate final recommendations and reports.

Addendum A: Cost Recovery Study Terms and Programmatic Categories
Addendum B: 2005 to 2018 Cost Recovery Comparisons

Glossary of Key Terms

Ability to Pay: wherewithal to exchange cash for service based on an individual's financial circumstances; it is not related to who benefits from programs and services.

Activity: specific program or service offered by the Department.

Actual expenditures and revenues: fiscal year reporting from a completed fiscal year of operation.

Alternative Funding: other ways to increase cost recovery in addition to fees and charges; may include grants, sponsorships, partnerships, fundraising, and volunteers.

Benchmarking: comparison of certain attributes of the Department's management practices, fee structure, and fees; also known as comparative analysis.

Benefit: degree to which services (including programs, facilities and parks) impact the public (individual and community), or in other words, the results or outcomes of services.

- **Community Benefit:** economic, environmental, social value; maintains or improves quality of life for the taxpaying community in general
- **Individual Benefit:** skill building, entertainment, exclusive use, relationship building, financial gain, etc.

Benefits Filter: a set of criteria, used in cost recovery models to evaluate services, that delineates between the value that accrues to the community as a whole and the value that accrues to an individual or individual group when a service is received.

Best Practice: professional procedures that are accepted or prescribed as being correct or most effective.

Budgeted expenditures and revenues: projection of anticipated expenditures and revenues for a fiscal year.

Category of Service: a collection of activities offered through the Parks and Community Services Department combined based on similarity in type of activity, target market, and/or desired outcome.

Comparative Analysis: comparison of certain attributes of the Department's management practices, fee structure, and fees; also known as benchmarking.

Competitive Pricing: setting the price of a product or service based on what the competition or alternative providers are charging.

Core services: activities and services that satisfy an agency's mission and vision, typically benefiting all community members.

Cost: specific, identifiable expenses (fixed and variable) associated with providing a service.

- **Direct Costs:** budgeted costs associated with providing programs including:
  - Instructor(s) or Program leader(s) (contract and/or staff)
  - Supervision of the program staff and/or contractor(s)
  - Supplies (office and disposable/consumable)
  - Telephone, Postage & Duplicating (specifically identified)
  - Vehicle leases/rentals and local mileage reimbursement
  - Division or section management
  - Special training
- **Indirect Costs:** costs related to general support of programs within the section, and other general costs that are specifically related to program activities. Costs included at this level are allocated to each activity/program according to the size of the program's budget (i.e., costs are allocated on a "percentage of budget" basis).
  - Division or section Administrative Support staff
  - Advertising and Publications
  - Public information and assistance
  - Registration handling/processing
  - Facility maintenance (including associated other Department costs)
- **Department Overhead Costs:** costs incurred for the overall administration and management of the Department. These costs are allocated to all departmental programs and activities, based on size of the budget, and include:
  - Department Director and Managers
  - Department Administrative Support Services (Clerical, Budget, Finance, HR and Special Projects)
  - Departmental portion of shared costs which may include telephone, postage and duplicating; strategic planning
- **City Overhead Costs**: costs incurred for the overall administration and support necessary by the City in order to provide the activities of the Department. These costs are allocated to all departmental programs and activities, based on size of the budget, and include:
  - Human Resources (HR Analyst, Clerical)
  - Finance (Budget Analyst, Payroll, Accounts Payable)
  - Information Technology (servers, computers, software, website)
  - City Attorney's Office (contract development, client representation)
- **Full Cost or True Cost** Department's direct, indirect, and overhead cost.

- **Net Cost:** a calculation of expenses minus revenue generated by a service or collection of services. (also known as subsidy)

Cost Recovery: degree to which the cost (direct and/or indirect) of services including programs, facilities and parks is supported by user fees and/or other designated funding mechanisms such as grants, partnerships, etc.

Cost Recovery Model: a framework with a philosophical underpinning that guides the Department's pricing for programs and services.

Cost Recovery Rate: the performance metric for cost recovery, expressed as a percentage (revenue divided by expense).

Cost Recovery Target: a goal set for the performance metric, such as percentage of cost recovery.

Exclusive Use: scheduled, planned or programmed use of a facility or space that is limited or restricted to an identified individual or group for a specified period of time.

Fee or Price: the amount charged to the customer for the service.

Fee Reduction: a waiver or discount in fee, allowed by policy, to best fulfill the mission of the City and its residents.

Gross Revenue: all of the income from a transaction or delivery of a service before any commission is recognized and/or before a supplier receives some of the sales revenue, such as when a contractor receives the total (gross) revenue and passes along the percent of that amount owed to the City by contract.

Market Rate Fee: fee based on demand for a service or facility. One consideration for establishing a market rate fee is determined by identifying all providers of an identical service (i.e. private sector providers, other municipalities, etc.), and setting the highest fee. Another consideration is setting the fee at the highest level the market will bear.

Marketplace Comparisons: what other public agencies and/or private companies charge for the same or similar programs or activities.

Mission: a clear and concise formal summary of the purpose, aims and values of the organization.

Non-Resident: A person who does not meet a verification qualification or test established by the jurisdiction.

Non-Fee-Based Programs: activities for which it has been determined that no fee will be

charged.

Outcome-Based Activities: activities designed with goals to be achieved; by the end of the recreational or educational experience, each participant should have achieved the goals.

Performance Measures: quantifiable evaluations of the organization's key performance areas on a pre-determined set of criteria measured over time. The agreed upon standard performance measures allows the organization to judge its progress over time (internal and external benchmarking) and identify areas of strength and weakness.

Performance Metric: an agreed upon standard for measurement of performance such as a cost recovery rate.

Pricing Philosophy: theoretical reasoning behind the structural model used to assign fees to activities.

Resource Allocation: how appropriated tax dollars and alternative sources of funding are determined to be used by an agency in its delivery of services.

Revenue Streams: the variety of sources from which revenue is generated to support all operations of an organization; may include property, sales, or other tax sources, as well as fees and charges, grants, donations, partnerships, and other alternatives.

Scholarship: registration subsidies to income-eligible residents to facilitate their participation in limited programs and activities.

Services Assessment: a detailed look at services and service delivery strategies to assist in determining what activities should be advanced, affirmed, changed, or divested (discontinued).

Special Populations: groups of people with unique needs to which the Department may target services such as seniors, people with disabilities, economically disadvantaged, etc.

Subsidy: taxes and other vehicles that are used to financially support Department services including programs, facilities and parks. Subsidy dollars provide for service costs (direct and/or indirect) that are not covered by user or participant fees, or other forms of alternative funding.

Subsidy allocation: how appropriated tax dollars are determined to be used by an agency in its delivery of services.

Target Market: a particular segment of the population at which a product or service is aimed.

Tiers: levels that provide the framework for the cost recovery model that function to define activities by outcomes or benefits and target markets.

Addendum B: 2005 Comparison to 2018 Recommendation Pyramid

2005				2018			
Pyramid Tier	**Program/Service**	**2005 Actual Cost Recovery**	**2005 Staff Recommended Cost Recovery Targets**	**Pyramid Tier**	**Program/Service**	**2018 Actual Cost Recovery**	**2018 Target Cost Recovery**
Tier 5	N/A	N/A	N/A	Tier 5			100%+
Tier 2/3/4	Private Lessons	N/A	N/A		Private Lessons	148%	
	Long Term Leases	N/A	N/A		Long Term Leases	104%	
	Vendors/Concessionaires	N/A	N/A		Vendors/Concessionaires	300%	
	Marina/Moorage	24%	24%		Marina/Moorage	106%	
	Cemetery	82%	82%		Cemetery	143%	
	Facility Rentals	N/A	N/A	Tier 4	Facility Rentals	18%	75%+
	Heritage Hall	2%	10%		Park Shelter Rentals	93%	
	Adult Classes and Sports	68%	70%		Adult Classes and Sports	66%	
	Senior General Classes	72%	50%		50+ General Classes	62%	
	Senior Trips	72%	50%		Senior Trips	53%	
	Community/Family Recreation Events	55%	0%		Recreation Special Events	38%	
	Swim Lessons	68%	60%	Tier 3	~~Swim Lessons~~		50%+
	Preschool Classes and Sports	N/A	N/A		Preschool Classes and Sports	86%	
	Athletics/Youth	49%	40%		~~Athletics/Youth~~		
	Youth Classes, Camps	55%	40%		Youth Classes and Sports	89%	
					Youth Camps	114%	
	Athletic Field Rentals	6%	6%		Athletic Field Rentals	5%	
	Special Events	26%	26%	Tier 2	Special Events	7%	25%+
	Aquatics: Beaches and Pool Lifeguarding	16%	10%		Public Swim at Pool	64%	
	Non-Profit Partnership Agreements	N/A	N/A		Non-Profit Partnership Agreements		
	50+ Programs and Services	N/A	N/A		50+ Programs and Services	6%	
	Senior Transportation Program	N/A	N/A		Senior Transportation Program	10%	
Tier 1	Park/Beach Use			Tier 1	Park/Beach Use	2%	0%+
	Senior Services	2%	0%		Senior Services	1%	
	Youth/Human Services	0%	0%		Youth Services	0%	
					Human Services	4%	
					Green Kirkland Partnership	2%	

CITY OF KIRKLAND
City Manager's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Deputy City Manager
Joe Sanford, Fire Chief
Dave Van Valkenburg, Deputy Fire Chief
Mark Jung, Fire Marshal
Elijah Panci, Sr. Financial Analyst – Public Safety

Date: July 26, 2018

Subject: Fire Prevention Bureau Development Fee Increases

RECOMMENDATION:

City Council receives follow up information related to Fire Prevention Bureau fee recommendations and considers approval of an ordinance updating fees for sprinkler and alarm fees and other housekeeping items in the Kirkland Municipal Code (KMC).

BACKGROUND DISCUSSION:

At the June 5, 2018 Study Session, the Council received a report on the functions of the Fire Prevention Bureau and related staffing needs and fee-setting options. Based on direction received at that meeting, an additional 1 FTE fire inspection position was included in the mid-year budget adjustments approved by the Council on June 19, 2018. That action was summarized in the budget adjustment staff report as follows:

- *Fire Inspection Staffing – Based on direction from the June 5th City Council Study Session on Fire Prevention Bureau Staffing and Fees, this adjustment adds 1 FTE Fire Inspector position in 2018, funded with a combination of proposed increases to Alarm and Sprinkler System review and inspection fees, and an adjustment to the 2018 Sales Tax forecast. The total appropriation change is $130,498 in 2018, with $25,000 from new fees and $105,498 from higher sales taxes.*

The purpose of this memorandum is to provide follow up information and summarize the staff recommendation for changes to development-related fire fees and funding for the inspector position in 2019-2020.

Sprinkler Fee Structure

As presented on June 5, the existing Sprinkler Fee structure does not scale for large projects, which has become more apparent in this period of high development activity. For example, under the current fee schedule, a sprinkler system with 1,000 heads costs the same as a system with 3,000 heads. Larger systems incur a significantly larger workload. The new fee structure allows for scalability of fees for systems above 1,000 heads, as well as a smoother scale between 0 and 1,000 heads. Staff analyzed the workload associated with these activities and developed a revised fee structure. The current fee schedule and recommended fee structure are summarized in the tables that follow.

Sprinkler Fee Schedule - Current					
System Specifications				Fees	
System Type	*New or Alteration?*	*Min Heads*	*Max Heads*	*Base Rvw*	*Base Insp*
13D	New and Alteration	1	50	$ 181.90	$ 411.24
13D	New and Alteration	51	100	$ 260.98	$ 490.33
13D	New and Alteration	101		$ 102.81	$ 332.16
13/13R	New and Alteration	1	25	$ 144.37	$ 216.56
13/13R	New and Alteration	26	100	$ 144.37	$ 288.74
13/13R	New and Alteration	101	1,000	$ 446.11	$ 446.11
13/13R	New and Alteration	1,001		$ 1,805.67	$ 1,805.67

Sprinkler Fee Schedule - Proposed							
System Specifications				Fees			
System Type	*New or Alteration?*	*Min Heads*	*Max Heads*	*Base Rvw*	*Base Insp*	*Per Head Rvw*	*Per Head Insp*
Standpipe	N/A			$ 181.90	$ 332.16	N/A	N/A
Pump	N/A			$ 340.07	$ 648.50	N/A	N/A
13D	New	1	25	$ 181.90	$ 411.24	$ -	$ -
13D	New	26		$ 260.98	$ 490.33	$ -	$ -
13D	Alteration			$ 102.81	$ 332.16	$ -	$ -
13/13R	New and Alteration	1	25	$ 181.90	$ 253.07	$ -	$ -
13/13R	New and Alteration	26	50	$ 260.98	$ 332.16	$ -	$ -
13/13R	New and Alteration	51	100	$ 340.07	$ 411.24	$ 3.16	$ 4.74
13/13R	New and Alteration	101	1,000	$ 498.24	$ 648.50	$ 0.79	$ 1.23
13/13R	New and Alteration	1,001		$ 1,210.00	$ 1,755.69	$ 0.72	$ 1.11

*Per Device Fees apply only to incremental devices within the specified range for the system. For Example, a system with 102 Devices will only pay a per device fee for 2 devices.

Alarm Fee Structure

The recommended alarm fee structure also changes the basis on which fees are calculated. The previous structure was based on the valuation of the alarm system, which is not easily determined and can potentially be understated, resulting in the payment of a fee lower than the cost of the review. The proposed structure uses the number of devices as a basis, similar to the structure used by the City of Redmond. Using the number of devices as a basis for the fee schedule resolves this problem and makes the fee more predictable and in line with the work required. The current and proposed fee schedules are shown in the tables that follow.

Alarm Fee Schedule - Current					
System Specifications				Fees	
Min Valuation		*Max Valuation*		*Review*	*Inspection*
$ -		$ 25,000		$ 233.06	$ 144.37
$ 25,001		$ 50,000		$ 288.74	$ 288.74
$ 50,001		$ 100,000		$ 288.74	$ 577.48
$ 100,001				$ 577.48	$ 1,753.07
Transmitter Only				$ -	$ 216.00

Fire Alarm Fee Schedule - Proposed						
System Specifications			Fees			
System Type	*Min Devices*	*Max Devices*	*Base Review*	*Base Inspection*	*Per Device Review*	*Per Device Inspection*
Transmitter	N/A	N/A	$ 31.63	$ 284.71	$ -	$ -
FACP	N/A	N/A	$ 189.80	$ 173.99	$ -	$ -
Alarm	1	10	$ 189.80	$ 173.99	$ -	$ -
Alarm	11	25	$ 229.35	$ 233.30	$ -	$ -
Alarm	26	100	$ 288.66	$ 351.93	$ -	$ -
Alarm	101	500	$ 347.97	$ 490.33	$ 1.18	$ 1.58
Alarm	500		$ 822.48	$ 1,123.01	$ 1.07	$ 1.43

*Per Device Fees apply only to incremental devices within the specified range for the system. For Example, a system with 102 Devices will only pay a per device fee for 2 devices.

At the June 5 meeting, Council requested information about the impact of these fee changes on some large projects. Attachment A summarizes the impacts on selected pending projects (and on a couple of projects in process that would not pay the revised fees because they have vested to the current fees, but provide useful data points). The fee increase for the large projects shown ranges from $3,880 for Kirkland Urban Building A to $14,776 for Totem Lake Phase II. To provide scale, the fee increase represents less than 3% of review and inspection fees on these projects. The Fire Marshal has begun to reach out to large projects that would be impacted and will provide a summary of feedback he receives at the August 6 meeting.

Staff recommends approving these changes to the KMC through adoption of the attached ordinance. Estimated additional revenues from these changes are estimated at $25,000 in 2018 and $75,000 per year in 2019 and subsequent years, depending on development activity.

IFC Permits and Occupancy Inspections

The June 5 Study Session included options to expand the International Fire Code (IFC) permits in the KMC. These fees are for inspection of a variety of potentially hazardous commercial conditions, such as hot work operations, hazardous materials and flammable liquids, and compressed gasses. Based on feedback at that meeting, staff recommends leaving the current IFC permits and fees in place and using the additional 1 FTE inspector position to ensure that this work is being done in a timely manner. The top table in Attachment B lists the IFC permits currently in the KMC and an estimate of the number of permits in each category. The current fees are $150-300, depending on whether review is required in addition to inspection. Staff estimates that revenues from the existing IFC fees will be approximately $87,000 per year beginning in 2019 when the new inspector is expected to start. The lower table in Attachment B shows the IFC inspections that are not reflected in the KMC (and are therefore not subject to fees) and the estimated number of potential permits in those categories. As part of carrying out the occupancy inspections described below, staff will evaluate how many uses would fall under the expanded list and whether to include those fees in a future update.

The other Fire Prevention function discussed on June 5 was the regular inspection of all non-single family occupancies where the complexity of hazards does not require the experience and expertise of a full-time Fire Inspector. Operations crews (engine companies) have successfully inspected as many as 2,000 of these less-complex occupancies per year. The new inspector position will focus on getting this program up and running in 2019. Staff is recommending that no fee be charged for this activity in 2019-2020, at which time staff will report back on progress and provide further feedback on fee options.

Funding for New Inspector

The table that follows summarizes the estimated funding for the new inspector position in 2018-2020.

Costing New Inspector 2018-2020			
	2018*	**2019**	**2020**
Costs			
Ongoing Costs			
Salaries & Benefits	51,408	159,720	166,811
IT Rates	-	9,200	9,200
Fleet Rates	-	11,500	11,500
Up-Front GF Costs			
Vehicle	50,000	-	-
Uniforms/PPE/Academy	20,590	-	-
Computer & Furniture	8,500	-	-
Total Cost	**130,498**	**180,420**	**187,511**
Revenues			
IFC Revenues	-	86,994	86,994
GF Cash Available After Fee Increase	25,000	75,094	75,094
Total Revenues	**25,000**	**162,088**	**162,088**
General Fund Contribution	**105,498**	**18,333**	**25,424**

*The 2018 costs reflect hiring and training a firefighter now to be ready to backfill the new inspector starting January 1, 2019 and was approved in the mid-year budget adjustments. Staff will incorporate the 2019-2020 funding into the proposed 2019-2020 budget.

Summary

Staff recommends that Council approve the proposed development-related fees by passing the attached ordinance. The fee table also reflects a clarification that Fire Prevention charges its own hourly rate for services billed hourly (rather than the rate charged by Planning & Building) and reflects a housekeeping change to show current Fire Prevention fees that are not increasing based on this action, but have been previously updated administratively to reflect inflation since the last change to the KMC. For reference, Attachment C contains a fee sheet with fees that are actually changing based on this action highlighted in yellow.

In a future comprehensive fee update, staff will likely recommend removing all individual fee amounts from the development services sections of the KMC to avoid the confusion of the Code reflecting older fees than the current levels that have been increased for inflation administratively.

Once the new inspector position is in place, the periodic inspection program will begin and staff will report back on progress and any further fee recommendation during the 2019-2020 biennium.

Attachment A - Present Versus Proposed Fire Sprinkler System Fee Schedule (Large Developments)

Project Name	Totem Lake Phase II	Lennar	Life Bridge Assisted Living	Life Bridge Market East and West	Totem Lake Building "C" excluding parking garage	Eastside Prep Tali Hall	Kirkland Urban Building "A"
Building Permit #	BMU17-06261	BMU17-02939	BMF18-00556	BMF18- 00762	BMU17-07550	BNR17-02476	BMU16-04332
Units	650	339	153	204	202	742	957
Square Feet	650,008	292,277	162,224	279,738	162,090	46,000	185,784
Vested in current fee schedule? (Y/N)	No	No	No	No	No	Yes	Yes
Fire Sprinkler Systems							
Standpipe(s)	8	3	3	3	4	3	2
Sprinker Heads	6,500	3,390	1,530	2,040	2,020	742	957
Present fee schedule	10,200	3,611	3,611	3,611	3,611	892	892
Proposed fee schedule	24,905	10,712	7,308	8,241	8,719	3,986	4,108
Difference	14,705	7,100	3,696	4,630	5,107	3,094	3,216
Difference %	144%	197%	102%	128%	141%	347%	360%
Fire Alarm Systems							
Transmitter(s)	3	1	1	1	1	1	1
Alarm Pannel(s)	3	1	1	1	1	1	1
Device count	2,275	1,187	536	714	707	210	648
Present fee schedule	6,992	2,331	866	2,331	2,331	377	2,331
Proposed fee schedule	7,063	4,342	2,714	3,161	3,143	1,822	2,994
Difference	71	2,011	1,848	830	813	1,445	664
Difference %	1%	86%	213%	36%	35%	383%	28%
Total Impact							
Present fee schedule	17,192	5,942	4,478	5,942	5,942	1,270	3,223
Proposed fee schedule	31,968	15,053	10,022	11,402	11,862	5,808	7,102
Difference	14,776	9,112	5,545	5,460	5,920	4,538	3,880
Difference %	86%	153%	124%	92%	100%	357%	120%
Building valuation	79,432,744	58,287,879	19,500,000	22,952,422	26,950,000	18,684,000	30,597,577
Development Fees	733,173	594,620	190,164	221,200	249,580	155,496	283,672
Difference as %	2.02%	1.53%	2.92%	2.47%	2.37%	2.92%	1.37%

Attachment B - IFC Fee Categories

Fire Code	International Fire Code Permit Description	Estimated number of permits in Kirkland
Fees Currently in KMC		
105.6.10	Covered mall buildings	0
105.6.38	Pyrotechnic special effects material	4
105.6.32	Open burning	5
105.6.33	Open flames and torches	0
105.6.1	Aerosol products	2
105.6.11	Cryogenic fluids	8
105.6.12	Cutting and welding	25
105.6.14	Exhibits and trade shows	0
105.6.15	Explosives	0
105.6.2	Amusement buildings	0
105.6.20	Fumigation and thermal insecticidal fogging	3
105.6.21	Hazardous materials	120
105.6.24	Hot work operations	100
105.6.28	LP-gas	8
105.6.29	Magnesium	1
105.6.34	Open flames and candles	15
105.6.4	Carbon dioxide systems	20
105.6.43	Spraying or dipping	15
105.6.45	Temporary membrane structures and tents	6
105.6.49	Marijuana extraction systems	3
105.6.5	Carnivals and fairs	20
105.6.7	Combustible dust-producing operations	2
105.6.8	Combustible fibers	0
105.6.9	Compressed gases	50
Subtotal Estimated Permits in KMC		**407**

IFC Permits Not in KMC		
105.6.17	Flammable and combustible liquids	50
105.6.19	Fruit and crop ripening	0
105.6.13	Dry cleaning plants	15
105.6.16	Fire hydrants and valves	0
105.6.18	Floor finishing	10
105.6.22	HPM facilities	0
105.6.23	High-piled storage	25
105.6.25	Industrial ovens	0
105.6.26	Lumber yards and woodworking plants	1
105.6.27	Liquid- or gas- fueled vehicles or equipment in	2
105.6.3	Aviation facilities	0
105.6.30	Miscellaneous combustible storage	5
105.6.31	Motor fuel- dispensing facilities	20
105.6.35	Organic coatings	0
105.6.36	Places of assembly	200
105.6.37	Private fire hydrants	0
105.6.39	Pyroxylin plastics	0
105.6.40	Refrigeration equipment	15
105.6.41	Repair garages and motor fuel- dispensing facilities	40
105.6.42	Rooftop heliports	0
105.6.44	Storage of scrap tires and tire byproducts	8
105.6.46	Tire-rebuilding plants	0
105.6.47	Waste handling	0
105.6.48	Wood products	0
105.6.50	Emergency responder radio coverage system	10
105.6.6	Cellulose nitrate film	0
Subtotal Estimated Permits Not in KMC		**401**

Total Estimated Potential IFC Permits	**808**

Fire Prevention
123 Fifth Avenue Kirkland, WA 98033
425-587-3661 www.mybuildingpermit.com

ATTACHMENT C

Fire Department Fees

Building permit plan review fee shall be assessed at time of submittal.
Valuation is as calculated by the building Department

=< $100,000	$148.71
$100,000-$499,999.99	$594.81
$500,000-$2,500,000	$754.14
>$2,500,000	$1,497.65

Fire Protection Sprinkler System Fees**

System Specifications				Fees Due at Application		Fees Due at Issuance	
System Type	*New or Alteration?*	*Min Heads*	*Max Heads*	*Base Rvw*	*Per Head Rvw*	*Base Insp*	*Per Head Insp*
Standpipe	N/A			$ 181.90	N/A	$ 332.16	N/A
Pump	N/A			$ 340.07	N/A	$ 648.50	N/A
13D	New	1	25	$ 181.90	$ -	$ 411.24	$ -
13D	New	26		$ 260.98	$ -	$ 490.33	$ -
13D	Alteration			$ 102.81	$ -	$ 332.16	$ -
13/13R	New and Alteration	1	25	$ 181.90	$ -	$ 253.07	$ -
13/13R	New and Alteration	26	50	$ 260.98	$ -	$ 332.16	$ -
13/13R	New and Alteration	51	100	$ 340.07	$ 3.16	$ 411.24	$ 4.74
13/13R	New and Alteration	101	1,000	$ 498.24	$ 0.79	$ 648.50	$ 1.23
13/13R	New and Alteration	1,001		$ 1,210.00	$ 0.72	$ 1,755.69	$ 1.11

*Per Device Fees apply only to incremental devices within the specified range for the system. For Example, a system with 102 Devices will only pay a per device fee for 2 devices.

Fire Alarm and Detection Systems**

System Specifications			Fees Due at Application		Fees Due at Issuance	
System Type	*Min Devices*	*Max Devices*	*Base Review*	*Per Device Review*	*Base Inspection*	*Per Device Inspection*
Transmitter	N/A	N/A	$ 31.63	$ -	$ 284.71	$ -
FACP	N/A	N/A	$ 189.80	$ -	$ 173.99	$ -
Alarm	1	10	$ 189.80	$ -	$ 173.99	$ -
Alarm	11	25	$ 229.35	$ -	$ 233.30	$ -
Alarm	26	100	$ 288.66	$ -	$ 351.93	$ -
Alarm	101	500	$ 347.97	$ 1.18	$ 490.33	$ 1.58
Alarm	500		$ 822.48	$ 1.07	$ 1,123.01	$ 1.43

*Per Device Fees apply only to incremental devices within the specified range for the system. For Example, a system with 102 Devices will only pay a per device fee for 2 devices.
**New fee schedule.

Other Fire System Features	**Application**	**Issuance**
Underground Supply Main	$554.00	$298.00
Building Radio Coverage	$393.00	$595.00
Fixed fire suppression (hoods)	$233.00	$298.00
Smoke Control systems	$744.00	$744.00
Base fee plus 3rd party		

Additional inspections are billed at employee cost: minimum two hours. Technology surcharge for mybuildingpermit.com added to all plan review and inspections.

Fire Prevention
123 5th Avenue Kirkland, WA 98033
425-587-3661 www.mybuildingpermit.com

Fire Department Operating Permit Fees

IFC permits (permits not requiring review)			
		Plan Review Fee* Due at application	**Inspection Fee* Due at Issuance**
Amusement Buildings			$150.00
Carnivals, Fairs, Exhibits and Trade shows			$150.00
Open Flame or Gas Fired Equipment within a Mall			$150.00
Cutting and Welding			$150.00
Fumigation and Insecticidal fogging			$150.00
Hot Work			$150.00
Open Flames and Bon Fires			$150.00
Spraying or Dipping			$150.00
Essential oils and extractions			$150.00
Temporary membrane structures and tents			$150.00
Carbon Dioxide			$150.00
Sparklers		No fee	No fee
IFC permits (permits requiring review)			
Hazardous materials		$150.00	$150.00
Aerosol Products		$150.00	$150.00
Combustible dust and fibers		$150.00	$150.00
Compressed Gases		$150.00	$150.00
Cryogenic fluids		$150.00	$150.00
LP Gas		$150.00	$150.00
Magnesium		$150.00	$150.00
Flammable/reactive metals		$150.00	$150.00
Battery systems		$150.00	$150.00
Explosives		$150.00	$150.00
Temporary Housing		$150.00	$150.00
Fireworks		$100.00	$ No fee
Special Events		$150.00	$150.00
Underground storage tank removal		$150.00	$150.00

Permits may also be required as identified in the International Fire Code or when deemed hazardous by the Fire Marshal.

ORDINANCE O-4654

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DEVELOPMENT FEES CHARGED BY THE KIRKLAND FIRE DEPARTMENT.

WHEREAS, the City periodically reviews and updates the fees charged for development services provided by the fire prevention section of the Fire Department; and

WHEREAS, the current fee schedules do not scale for very large projects, which means the City is not recovering the costs associated with the development services provided for these projects; and

WHEREAS, the Department is recommending an adjustment to Fire Alarm and Fire Sprinkler fees to improve cost recovery and update the hourly rate billed in order to help support sufficient staff resources to provide this critical public safety function; and

WHEREAS, the City has previously updated other fire prevention fees administratively to reflect inflation, resulting in the need for a housekeeping adjustment to the Kirkland Municipal Code to reflect current fee amounts,

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 21.74.030 Table 13 is amended as follows:

21.74.030 General provisions for construction and permit fees.

(h) Fire Prevention Fees.
(1) Scope. The fees established here apply to development services by the fire prevention office of the fire department.
(2) Review Fee Schedule. Table 13 is used to calculate the fees for the bureau of fire prevention review and inspection of applications and operational conditions.

Table 13—Fire Prevention Review and Inspection Fees

		Plan Review Fee Due at Application	**Inspection Fee Due at Issuance**
Fire Department Building Plan Review			
Valuation as Calculated by the Planning and Building Department	=< $100,000	~~$140.00~~148.71	N/A

Table 13—Fire Prevention Review and Inspection Fees

		Plan Review Fee Due at Application	Inspection Fee Due at Issuance
	$100,000—499,999	~~$560.00~~594.81	N/A
	$500,000—2,500,000	~~$710.00~~754.14	N/A
	>$2,500,000	~~$1,410.00~~1,497.65	N/A
~~**Fire Protection Sprinkler Fees Commercial**~~			
~~Size of System~~	~~1—25 heads~~	~~$140.00~~	~~$210.00~~
~~-~~	~~26—100 heads~~	~~$140.00~~	~~$280.00~~
~~-~~	~~101—1,000 heads~~	~~$420.00~~	~~$420.00~~
~~-~~	~~>1,000 heads~~	~~$1,700.00~~	~~$1,700.00~~
~~**Fire Protection Sprinkler Fees Residential 13D**~~			
~~Size of System~~	~~1—50 heads~~	~~$140.00~~	~~$210.00~~
~~-~~	~~51—100 heads~~	~~$140.00~~	~~$280.00~~
~~-~~	~~101—1,000 heads~~	~~$420.00~~	~~$420.00~~

Sprinkler Fee Schedule							
System Specifications				**Fees Due at Application**		**Fees Due at Issuance**	
System Type	*New or Alteration?*	*Min Heads*	*Max*	*Base Rvw*	*Base Insp*	*Per Head Rvw*	*Per Head Insp*
Standpipe	N/A			$ 181.90	$ 332.16	N/A	N/A
Pump	N/A			$ 340.07	$ 648.50	N/A	N/A
13D	New	1	25	$ 181.90	$ 411.24	$ -	$ -
13D	New	26		$ 260.98	$ 490.33	$ -	$ -
13D	Alteration			$ 102.81	$ 332.16	$ -	$ -
13/13R	New and Alteration	1	25	$ 181.90	$ 253.07	$ -	$ -
13/13R	New and Alteration	26	50	$ 260.98	$ 332.16	$ -	$ -
13/13R	New and Alteration	51	100	$ 340.07	$ 411.24	$ 3.16	$ 4.74
13/13R	New and Alteration	101	1,000	$ 498.24	$ 648.50	$ 0.79	$ 1.23
13/13R	New and Alteration	1,001		$ 1,210.00	$ 1,755.69	$ 0.72	$ 1.11

*Per Device Fees apply only to incremental devices within the specified range for the system. For Example, a system with 102 Devices will only pay a per device fee for 2 devices.

Other Fire System Features			
		Fee Due at Application	**Fee Due at Issuance**
Underground Supply Main		~~$520.00~~554.00	~~$280.00~~298.00
Building Radio Coverage		~~$370.00~~393.00	~~$560.00~~595.00
Fixed Fire Suppression (Hoods)		~~$220.00~~233.00	~~$280.00~~298.00
Smoke Control Systems	Base fee; plus 3rd party	~~$700.00~~744.00	~~$700.00~~744.00
~~**Fire Alarm/Detection**~~			
~~Based on Valuation of System~~	~~<$25,000~~	~~$226.00~~	~~$140.00~~
~~-~~	~~$25,000 – 50,000~~	~~$280.00~~	~~$280.00~~
~~-~~	~~$50,000 – $100,000~~	~~$280.00~~	~~$560.00~~
~~-~~	~~>$100,000~~	~~$560.00~~	~~$1,700.00~~
~~Transmitter Only Replacement (NO review)~~	~~-~~	~~-~~	~~$210.00~~

Fire Alarm Fee Schedule

System Specifications			**Fees Due at Application**		**Fees Due at Issuance**	
System Type	*Min Devices*	*Max Devices*	*Base Review*	*Base Inspection*	*Per Device Review*	*Per Device Inspection*
Transmitter	N/A	N/A	$ 31.63	$ 284.71	$ -	$ -
FACP	N/A	N/A	$ 189.80	$ 173.99	$ -	$ -
Alarm	1	10	$ 189.80	$ 173.99	$ -	$ -
Alarm	11	25	$ 229.35	$ 233.30	$ -	$ -
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Alarm	500		$ 822.48	$ 1,123.01	$ 1.07	$ 1.43

*Per Device Fees apply only to incremental devices within the specified range for the system.
For Example, a system with 102 Devices will only pay a per device fee for 2 devices.

IFC Permits (Permits Not Requiring Review)			
Amusement Buildings			~~$140.00~~150.00

Carnivals, Fairs, Exhibits and Trade Shows			~~$140.00~~150.00
Open Flame or Gas Fired Equipment within a Mall			~~$140.00~~150.00
Cutting and Welding			~~$140.00~~150.00
Fumigation and Insecticidal Fogging			~~$140.00~~150.00
Hot Work			~~$140.00~~150.00
Open Flames			~~$140.00~~150.00
Spraying or Dipping			~~$140.00~~150.00
Essential Oils and Extractions			~~$140.00~~150.00
Temporary Membrane Structures and Tents			~~$140.00~~150.00
Carbon Dioxide			~~$140.00~~150.00
Sparklers		No fee	No fee
IFC Permits (Permits Requiring Review)			
Hazardous Materials		~~$140.00~~150.00	~~$140.00~~150.00
Aerosol Products		~~$140.00~~150.00	~~$140.00~~150.00
Combustible Dust and Fibers		~~$140.00~~150.00	~~$140.00~~150.00
Compressed Gases		~~$140.00~~150.00	~~$140.00~~150.00
Cryogenic Fluids		~~$140.00~~150.00	~~$140.00~~150.00
LP Gas		~~$140.00~~150.00	~~$140.00~~150.00
Magnesium		~~$140.00~~150.00	~~$140.00~~150.00
Flammable/Reactive Metals		~~$140.00~~150.00	~~$140.00~~150.00
Battery Systems		~~$140.00~~150.00	~~$140.00~~150.00
Explosives		~~$140.00~~150.00	~~$140.00~~150.00
Temporary Housing		~~$140.00~~150.00	~~$140.00~~150.00

Fireworks		$100.00	N/A
Special Events		~~$140.00~~150.00	~~$140.00~~150.00
Underground Storage Tank Removal		~~$140.00~~150.00	~~$140.00~~150.00

(3) Permits may also be required as identified in the International Fire Code or when deemed hazardous by the fire marshal.
(4) Additional fees for review or inspection, including those referenced in Table 2, are charged at ~~one hundred twenty dollars~~ $158 an hour.
(5) There is a two-hour minimum charge for inspections outside of normal business hours.
(6) Work requiring a third party will be billed at actual cost.
(i) MyBuildingPermit.com Surcharge. In addition to the fees listed in this section there shall be a three and five-tenths percent surcharge collected to pay for the city's MyBuildingPermit.com membership fees and to help offset the cost of the enhancements and maintenance of the MyBuildingPermit.com and permit tracking software.
Exception: The MyBuildingPermit.com surcharge does not apply to the following:
(1) The State Building Code Council surcharge.
(2) Landlord tenant complaint fees.
(j) Determination of Value or Valuation. The applicant for a permit shall provide an estimated permit value at time of application. The value or valuation for any permit under any of the provisions of this chapter shall be that provided by the applicant or as determined by the building official, whichever is higher. When applicable, the valuation determinations by the building official will be made on the basis of the building valuation data table published by the International Code Council. The area referenced in the ICC valuation data table shall be the "gross area" which means the total areas of all floors, measured from the exterior face of the walls including basements, cellars, and balconies, but not including unexcavated areas. Where walls are omitted in the construction of a building, such as a carport or porch, the edge of the roof will be considered the exterior wall of the open side.
For building permits the valuation will include the total value of all construction work, including labor and materials, for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, or any other permanent work or permanent equipment. The building official may exempt unusually expensive equipment from the valuation of work. The valuation for a building permit issued to complete the work of an expired permit shall be based upon the value of all work not completed under the previous permit, with a minimum valuation of four thousand dollars for each required remaining inspection.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the

ordinance or the application of the provision to other persons or circumstances is not affected.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2018.

Signed in authentication thereof this _____ day of _____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
Kathi Anderson, City Clerk

Approved as to Form:

_____
Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4654

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DEVELOPMENT FEES CHARGED BY THE KIRKLAND FIRE DEPARTMENT.

SECTION 1. Amends the fees for general provisions for construction and permit fees charged by the Fire Department.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2018.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

_____
Kathi Anderson, City Clerk

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Blair Daly, Transportation Planning Intern
Stephen Padua, Transportation Planner
Joel Pfundt, Transportation Manager
Kathy Brown, Public Works Director

Date: August 6, 2018

Subject: PROPOSED BIKE SHARE PILOT PROGRAM FOLLOW-UP

RECOMMENDATION:

That the City Council receive a briefing on a proposed draft bike share pilot program and provide feedback on the program design. If the Council wishes to proceed, then staff will get community feedback on the proposed pilot and then return at a subsequent meeting with the refined program for approval.

BACKGROUND DISCUSSION

On July 3, 2018, the City Council received a briefing on the evolution of bike share programs in Seattle and surrounding communities. Staff requested direction from Council on whether to develop a bike share pilot program for Kirkland. The Council asked questions and provided initial direction for preliminary elements of a Kirkland program. Council also encouraged seeking community input of a bike share program prior to any implementation. Initial contacts with key stakeholders such as the Chamber and the KDA showed a general interest in the concept, but wanted more details on a specific proposal in order to provide feedback. Staff is therefore proposing that the Council review and approve a "draft" pilot program that can be taking out to the community for feedback. The draft program detailed in this memo is based on similar programs from Seattle, Bellevue, Redmond and Bothell, and also incorporates Council's feedback from the July 3 meeting.

Key issues identified by the Council which are incorporated in the draft program design include:

- Limiting the total number of bikes allowed in the city
- Identifying additional bike parking to alleviate cluttering
- Keeping the Cross Kirkland Corridor clear of bike obstructions that impede general use
- Establishing a city crew response process for neglected bikes that fully recovers costs
- Including a robust public outreach process

PROPOSED DRAFT KIRKLAND PROGRAM

Staff is proposing this draft program in order to have a framework to discuss with the community and receive feedback. In addition, because surrounding jurisdictions have authorized bike share programs, bike share bikes are already appearing in Kirkland, so it is prudent for Kirkland to develop a formal program to help manage the impact of the bikes on the community.

Staff is therefore proposing a twelve-month pilot program to be administered by the Public Works Director, which would be authorized by the draft resolution included. Initially, the Director would propose allowing no more than four companies to launch a fleet of up to 100 standard bikes each in Kirkland, plus an additional 50 electric-assist bikes per company for those companies that offer them. Companies would be given the option to launch 150 electric-assist bikes in substitution for standard bikes. This limit is deemed necessary to reduce bike clutter. The limit on permits is necessary to insure staff will be able to properly administer the program. If circumstances allow, the resolution would give the Director the authority to increase either limit for the pilot program.

The mechanism for reviewing, approving or denying, and conditioning bike share operators and fleet locations during the pilot program would be a Terminable Right-of-Way (ROW) Use Permit issued under the broad permit authority provided in KMC Section 19.04.050. During the pilot program, staff would evaluate whether this or another mechanism is the best instrument for regulating bike share. Also, each company would need to obtain a Kirkland business license in order to be approved.

Fleet parking locations would be identified, and are initially proposed to be in the public rights-of-way, in parks and on streets connecting to the Cross Kirkland Corridor (CKC). More specific locations will be developed through outreach to stakeholders such as park users, community members, and merchants and businesses. In response to Council input, permit provisions would require customers to park their bikes off the CKC onto connecting streets so not to impede access to and on the CKC. Signs would be placed on the CKC to make this requirement clear. In high activity centers, such as Downtown Kirkland, designated parking areas would be identified and marked to keep access convenient but more organized. Customers would be given the option to park in these areas so that the convenience of floating bike share is maintained, but the permitted operators would also be required to re-distribute bikes to these designated spots on a regular basis. Response times for bike pick-up and redistribution by the companies would also be built into the permit.

Near the end of the pilot program, staff would return to the Council to review data, evaluate the performance of the operators, and determine how best to proceed.

Throughout the duration of the pilot, city staff is proposing to have an open public process with a direct phone line and email to provide feedback. A website also would be created to provide up–to-date information regarding program changes and contact information for each of the permitted bike share operators. Staff also proposes partnering with the Kirkland Alliance of Neighborhoods (KAN) to provide regular updates and opportunities for community members to

give staff feedback on the bike share pilot. Near the end of the pilot, staff would release a city-wide survey to solicit bike share pilot feedback from the community to inform future decisions.

Anticipated conditions (including bike parking requirements) in the Terminable Right-of-Way (ROW) Use Permits include the following:

Subject	Anticipated Conditions
Safety	• Requiring bicycle equipment that meets international safety standards • Requiring a helmet-use encouragement plan • Maintaining safe and functional bicycles
Bike Parking	• Establishing 'optional' designated parking areas • Allowing bikes to be parked in parks and on streets near the Cross Kirkland Corridor, with additional conditions • Requiring operator response requirements to resolve problems in a timely manner • Authorizing City crews to move improperly parked bikes not attended to by the operators, and recovering the cost of such actions
Operations	• Permitting a limited number of bikes per operator in the City • Requiring the operator to rebalance/redistribute the bikes regularly • Requiring a staffed location within ten miles of City Hall • Minimizing the impacts to accessing public transit
Data Sharing	• Requiring data reports at specified frequencies • Authorizing the City to terminate the permit if data is not provided

Bike Parking Requirements from ROW Use Permit

P1: Bicycles shall be parked upright in the landscape/furniture zones of the sidewalk, subject to restrictions outlined in P2 below, or at public bike racks. Bike share operators shall proactively inform customers about how to park a bicycle properly. Operators must submit with their applications a plan for an educational outreach campaign, which emphasizes that users should not leave bikes in locations that block walkways in addition to any other unauthorized areas.

P2: Restrictions to eligible bicycle parking zones on sidewalks:

> *P2.1. Bicycles shall not be parked at the corners of sidewalks.*
> *P2.2. Bicycles shall not be parked on sidewalks where the pedestrian travel lane is narrower than 5 feet. On sidewalks with pedestrian lanes 5 feet or wider, bicycles shall be parked in a way that leaves a minimum unimpeded 5 feet pedestrian lane.*
> *P2.3. Bicycles shall not be parked in the landscape/furniture zone adjacent to or within: a. Sidewalk cafes; b. Loading zones; c. ADA parking zones; d. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.); e. Curb ramps; f. Entryways; and g. Driveways.*
> *P2.4. Bicycles shall not impede any travel lanes including vehicle and bicycle travel lanes.*
> *P2.5 Bicycles shall not be parked within 5 feet of transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks or if designated under P3;*

P3: This permit is only valid for operations within the City of Kirkland Right-of-Way, as well as designated parking locations within City parks and on the Cross Kirkland Corridor (CKC). Additional zones may be established; for example, publicly-accessible plazas, on-street parking spaces, off-street parking lots/garages, or campuses. However, permission for bikes to be parked in those zones shall require written approval from the appropriate department, agency, or property owner; and shall be communicated to the customer through signage approved by the respective entity and/or through the mobile and web application.

P3.1. Parks

a. Operating in parks. Bike share users must yield to pedestrians.

b. Parking bikes in parks. Bikes may only be parked at bike racks or other designated bike parking areas.

P3.2. Cross Kirkland Corridor

a. Operating on the CKC. Bike share users must yield to pedestrians. Users must not ride faster than 15mph.

b. Parking on the CKC. Bikes may only be parked at designated bike parking areas which will be indicated with City-installed signs. Bikes must not impede use of any part of the trail at any time.

P4: Bicycles shall not be parked on any property not allowed under this permit without permission from the property owner. If an operators' bikes are parked on private property, and if a complaint is made and the bike is not removed within the time windows specified in requirement P7. Bike share operators are subject to code enforcement under the Kirkland Municipal Code 1.12.020 (j), (k), and (m).

P5: Any bicycle that is parked in one location for more than 7 consecutive days without moving may be removed by City crews and dropped off at one of the pre-determined drop locations around the city. The City will invoice the violating operator. See requirement O11 for invoicing information.

P6: Bicycles can only be parked on hard surfaces within the landscape/furniture zone (e.g. concrete, asphalt).

P7: Any bicycle that is parked improperly shall be re-parked in a correct manner or shall be removed by the operator based on the type of issue and the response times below: · for any issue perceived to pose risk to public safety, within two (2) hours of receiving notice, 6am to 9pm seven days a week (not including holidays), otherwise by 7:00am the following day. · for any issue related to impeding transit operations or transit customer access, as determined by the city or transit agencies, within two (2) hours of receiving notice, 6am to 9pm seven days a week including holidays, otherwise by 7:00am the following day · for any parking or other non-safety issue, within twenty-four (24) hours of receiving notice.

P8: In high activity centers identified by city staff, city staff may designate and mark bike share parking hubs to focus customer parking and encourage compliance of the requirements in this permit. Operators shall communicate to the bike share users the locations of the parking hubs through the mobile application, any supporting websites and marketing campaigns.

Note: The City does not intend to dedicate city resources to the movement of bike share bicycles, however, in instances when the operator fails to comply with the expectations of P7, the City reserves the right to charge a fixed crew and vehicle use fee of $127 per bike for work done by City crews to relocate improperly parked bikes. See requirement O11.

BIKE SHARE DATA

The data the City would require the bike share companies to track includes the total number of rides, average ride duration, average time to resolve a complaint, number of reported collisions, and other data. This data would be used during and after the pilot to monitor, evaluate, and adjust the program. Additionally, the pilot would include a public education component for topics such as safety, helmet use, and proper bike parking.

The fees proposed for bike share companies are an annual permit fee of $2,032.00 and an annual program fee of $15.00 per bike, which would be imposed by the Council adopting the proposed Ordinance. The annual permit fee was calculated using the Public Works Department's established hourly rate of $127 multiplied by 16 hours—four hours of staff time to review the permit, and one hour per month to monitor performance. Revenue from the $15.00 per bike annual program fee will be held in reserve and used if the City sees a need for special signage or other minor program enhancement. The City also would invoice operators $127.00 per occurrence in the event City crews need to move bicycles.

RECOMMENDED ACTIONS

To launch the Kirkland program, staff would recommend three actions for approval at a subsequent City Council meeting. At this time, staff is requesting feedback from the City Council on those actions that will be proposed later as follows:

- **Update the Public Works Pre-Approved Plans and Policies:** The kinds of activities that can or cannot be permitted in the rights-of-way are identified in Exhibit A, policy G-10 of the Public Works Department's "Pre-Approved Plans and Policies," which is attached. With Council consent, staff proposes to add bike share bicycle operations as an activity that can be permitted through a Terminable Right-of-Way Use permit. If desired, this amendment could be made by approving the Resolution at a subsequent meeting. A draft of such a Resolution is included with this staff report.

- **Designation of Program Administration to Public Works Director:** Bike share is a new program and for this pilot staff are likely to make minor changes to how the program is managed. In order to efficiently manage necessary program changes, staff will be requesting approval of a resolution similar to the attached resolution. This will give the Public Works Director the ability to set program limits that address potential issues that do not align with the program goals or negatively impact the community.

- **Authorize Fees:** Staff proposes to amend KMC 5.74.040, "Fees Charged by the Public Works Department" to add a new $15 per bicycle program fee to pay for unanticipated minor program enhancements during the pilot, which would be accomplished using the proposed ordinance.

ITY OF KIRKLAND
TERMINABLE RIGHT-OF-WAY USE PERMIT

All Rights of Way in the City of Kirkland (location of site)

In consideration of the fees, covenants, conditions and agreements herein contained the **CITY OF KIRKLAND,** a Washington municipal corporation (the "City"), hereby grants **LEGAL COMPANY NAME (a/k/a COMPANY DBA)** a Washington corporation ("Permittee"), a non-exclusive terminable right-of-way use permit (the "Permit") to use public right-of-way, per KMC Section 19.04.050, in the City of Kirkland, King County, Washington, subject to the following:

1. The Permit Area.

   The Permit Area includes any and all rights-of-way in the City of Kirkland. It does not include privately owned properties. Permittee is responsible for obtaining formal approval from the owner to operate on privately owned properties.

2. Use of Permit Area.

   The Permit is granted to Permittee for the purpose of allowing Permittee's free-floating bike share bicycles to temporarily be parked on City right-of-way, in City parks, and on the Cross Kirkland Corridor during the period of time between rides by customers, subject to requirements in Attachment A: Bike Share Permit Requirements. Violation of these requirements are subject to code enforcement under the Kirkland Municipal Code, including but not limited to, KMC Section 1.12.020 (j), (k), and (m) or other applicable law.

3. Term of Permit.

   The initial term of this Permit shall be for twelve (12) months, commencing on the date of this Permit. This Permit may be renewed upon the mutual written consent of the City and the Permittee. The City and the Permittee shall each have the right to terminate this Permit on 90 days written notice to the other party.

4. Fees.

   The Permittee shall pay to the City an annual permit fee of $2,032 and a program fee of $15 per bike at the commencement of the term.

5. Required Attachments to Permit

   Any company interested in applying for a permit shall submit an application to the City of Kirkland. The application must include a Bike Share Management Plan in accordance with the requirements as defined in Attachment A: Bike Share

Requirements. The below elements are required in the Bike Share Management Plan:

A. Table listing all the policies in the Bike Share Permit Requirements document and the applicant's response;
B. Size of fleet at launch, and size of fleet desired to roll out if given approval to expand;
C. Service area at launch
D. Plan for educating users on proper bicycle parking;
E. Plan for encouraging compliance with the King County Helmet Law 9.10.010;
F. Deposit including the permit fee and the total amount of the program fee for the fleet size.
G. Proof of approved city of Kirkland Business License.

If the application meets all the requirements, operators will need to submit the items below prior to issuance of the permit.

A. Bond (Requirement O4);
B. Two account logins for City oversight;
C. Deposit check made payable to City of Kirkland;
D. Program program fee (Requirement F2) to City of Kirkland.

7. Indemnification.

To the greatest extent permitted by law, Permittee shall defend, indemnify and hold the City, its officers, official, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with activities or operations performed by the Permittee, or on Permittee's behalf, and the users of Permittee's bikes resulting from the issuance of this Permit, except for injuries and damages caused by the sole negligence of the City. To the extent permitted by law and except to the extent solely caused by a negligent act by the City, its officers, agents or employees, or by omission or breach of any term or condition hereof, the City shall not be liable for any injury (including death) to any persons or for damage to any property regardless of how such injury or damage may be caused, sustained or alleged to have been sustained by Permittee or by any other as a result of any condition whatsoever related in any way to the Permit Area or to Permittee's use or occupancy of the Permit Area.

In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Permittee and the City, its officers, officials, employees, and volunteers, Permittee's liability hereunder shall be only to the extent of Permittee's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes Permittee's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Permit.

8. Assumption of Risk

Permittee acknowledges and assumes all risk of damage to its property in City right of way.

9. Insurance.

A. Permittee shall procure and maintain Commercial General Liability insurance, as required in this Section, without interruption from commencement of this Permit through its termination, including insurance against claims for injuries to persons or damage to property which may arise from or in connection with this permit. A failure to obtain and maintain such insurance or to file required certificates and endorsements shall be a material breach of this Permit.

Permittee's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of Permittee to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

B. The Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate and $2,000,000 products-completed operations aggregate limit

C. Permittee's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of Permittee's insurance and shall not contribute with it.

D. Acceptability of Insurers
Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

E. Verification of Coverage
Contractor shall furnish the City with original certificates and a copy of the amendatory endorsement, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Permitee before commencement of operations or activities under this Permit.

F. Public Entity Full Availability of Contractor Limits
If Permittee maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella Liability maintained by the Permittee, irrespective of whether such limits maintained by Permittee are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by Permittee.

10. Notice of Cancellation of Insurance.

Permittee shall provide the City with written notice of any policy cancellation within two business days of Permittee's receipt of such notice.

11. Failure to Maintain Insurance.

Failure on the part of the Permittee to maintain the insurance as required in this Permit shall constitute a material breach of the Permit, upon which the City may, after giving five business days' notice to the Permittee to correct the breach, immediately terminate the Permit or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City.

12. Maintenance and Repair.

Permittee shall, at its sole cost and expense, and throughout the term of this Permit, keep its bicycle equipment in good condition and in a good state of maintenance and repair.

13. Assignment.

This Permit and all rights hereunder shall not be transferable by Permittee for any reason whatsoever without the prior consent of the City.

14. Termination.

Either party may terminate this permit on 30 days written notice to the other and Permittee is responsible for removing all bikes from the City's right of way within that period of time.

In the event the Public Work's Director determines 1) Permittee's operation poses an immediate threat to public health, safety or welfare or 2) at the Director's sole discretion, a sufficient number of private property owner's complain about the bikes being left on their property, then the Director may immediately terminate the permit by giving notice as provided in Section 15. In either event, Permittee agrees to permanently remove its bikes from Kirkland's rights of way, parks and the CKC by the date given in the notice of termination.

In the event of termination, Permittee agrees the City may remove and store or dispose of Permittee's bikes if they have not been removed within the applicable period of time and Permittee will reimburse the City for any costs it incurs.

14. Attorneys' Fees.

In the event that either party shall be required to bring any action to enforce any of the provisions of this Permit, or shall be required to defend any action brought by the other party with respect to this Permit, and in the further event that one party shall entirely prevail in such action, the non-prevailing party shall, in addition to all other payments required therein, pay all of the prevailing party's actual costs in connection with such action, including such sums as the court or courts may adjudge reasonable as attorneys' fees in the trial court and in any appellate courts.

15. Notices.

All notices and payments hereunder may be delivered or mailed. If mailed, they shall be sent to the following respective addresses or to such other respective addresses as either party may hereafter designate in writing:

To the City: City of Kirkland
123 Fifth Avenue
Kirkland, Washington 98033
Attention: Department of Public Works

To Permittee: _____

_____

_____

_____

Notices and payments sent by certified or registered mail shall be deemed to have been given when and if properly mailed, and the postmark affixed by the United States Post Office shall be conclusive evidence of the date of mailing.

16. Compliance with Laws.

Permittee shall comply with all applicable State, Federal, and City laws, ordinances, regulations, and codes. Permittee must maintain a City of Kirkland business license or otherwise comply with Kirkland Municipal Code Chapter 7.02.

IN WITNESS WHEREOF, the parties hereto have signed this Permit as of the _____ day of _____, 2018 (the "Commencement Date").

CITY OF KIRKLAND

_____
Kathy Brown, Public Works Director

Approved as to form:

_____
City Attorney

PERMITTEE

_____

By: _____

Its: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Kathy Brown, to me known to be the Public Works Director of The CITY OF KIRKLAND, the Washington municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____

Print Name: _____

Notary Public in and for the State of

Washington, residing: _____

My Commission Expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the _____ of _____, the Washington corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____

Print Name: _____

Notary Public in and for the State of

Washington, residing: _____

My Commission Expires: _____

August 6, 2018

The following requirements address several issues related to bike share systems in the following categories:

- Safety
- Bike Parking
- Operations
- Data Sharing
- Fees

As part of the 12 month permit pilot, Kirkland will conduct a 6 month evaluation of the pilot and the effectiveness of the requirements to minimize the impact on public use of the right of way. During the evaluation period, Kirkland staff may propose modified restrictions to continue permitting bike share operations within the city or to discontinue the use until a later date.

Any bike share operator which places their bikes in the City of Kirkland without a permit may be found guilty of operating without a license (Kirkland Municipal Code 7.02.050). Consequences may include conviction of a misdemeanor crime and the business being declared a public nuisance.

Safety Requirements

S1: All bicycles used in systems issued a permit shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, permitted systems shall meet the safety standards outlined in ISO 43.150 – Cycles, subsection 4210.

S2: Any electric bicycles used in systems issued a permit shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of *low-speed electric bicycles*; and shall be subject to the same requirements as ordinary bicycles (described in Requirement S1). This means that electric bicycles shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. Electric bicycles must also comply with Washington RCW 46.04.168 regarding the operation of electric bicycles on public roadways. Additionally, the City reserves the right to terminate any permit if the battery or motor on an electric bicycle is determined by the City to be unsafe for public use.

S3: All bicycles shall meet the Revised Code of Washington's (RCW) requirements for lights during hours of darkness, described in RCW 46.61.780. This includes a front light that emits white light and a rear red reflector.

S4: All operators shall provide a mechanism for customers to notify the operator by phone and email of safety and maintenance issues with bicycles.

S5: All permitted operators shall have general liability insurance as stipulated in the ROW permit.

S6: All permitted operators must provide an incentive plan for encouraging customers to wear helmets while riding the operators' bicycles in the City of Kirkland.

S7: Permitted operators agree that the City of Kirkland is not responsible for educating users regarding laws applicable to riding and operating a bicycle in the City of Kirkland and King County. The City is also not responsible for educating users on how to ride or operate a bicycle. Permitted operators agree to inform users:

1. Bicyclists shall wear helmets when riding at all times in accordance with King County Code Section 9.10.010.
2. Bicyclists shall yield to pedestrians at all times.

Bike Parking Requirements

P1: Bicycles shall be parked upright in the landscape/furniture zones of the sidewalk, subject to restrictions outlined in P2 below, or at public bike racks. Bike share operators shall proactively inform customers about how to park a bicycle properly. Operators must submit with their applications a plan for an educational outreach campaign, which emphasizes that users should not leave bikes in locations that block walkways in addition to any other unauthorized areas.

P2: Restrictions to eligible bicycle parking zones on sidewalks:

P2.1. Bicycles shall not be parked at the corners of sidewalks.

P2.2. Bicycles shall not be parked on sidewalks where the pedestrian travel lane is narrower than 5 feet. On sidewalks with pedestrian lanes 5 feet or wider, bicycles shall be parked in a way that leaves a minimum unimpeded 5 feet pedestrian lane.

P2.3. Bicycles shall not be parked in the landscape/furniture zone adjacent to or within:

a. Sidewalk cafes;
b. Loading zones;
c. ADA parking zones;
d. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);
e. Curb ramps;
f. Entryways; and
g. Driveways.

P2.4. Bicycles shall not impede any travel lanes including vehicle and bicycle travel lanes.

P2.5 Bicycles shall not be parked within 5 feet of transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks or if designated under P3;

P3: This permit is only valid for operations within the City of Kirkland Right-of-Way, as well as designated parking locations within City parks and on the Cross Kirkland Corridor (CKC). Additional zones may be established; for example, publicly-accessible plazas, on-street parking spaces, off-street parking lots/garages, or campuses. However, permission for bikes to be parked in those zones shall require written approval from the appropriate department, agency, or property owner; and shall be communicated to the customer through signage approved by the respective entity and/or through the mobile and web application.

P3.1. **Parks**

a. **Operating in parks**. Bike share users must yield to pedestrians.
b. **Parking bikes in parks.** Bikes may only be parked at bike racks or other designated bike parking areas.

P3.2. **Cross Kirkland Corridor**

a. **Operating on the CKC**. Bike share users must yield to pedestrians. Users must not ride faster than 15mph.

b. **Parking on the CKC**. Bikes may only be parked at designated bike parking areas which will be indicated with City-installed signs. Bikes must not impede use of any part of the trail at any time.

P4: Bicycles shall not be parked on any property not allowed under this permit without permission from the property owner. If an operators' bikes are parked on private property, and if a complaint is made and the bike is not removed within the time windows specified in requirement P7. Bike share operators are subject to code enforcement under the Kirkland Municipal Code 1.12.020 (j), (k), and (m).

P5: Any bicycle that is parked in one location for more than 7 consecutive days without moving may be removed by City crews and dropped off at one of the pre-determined drop locations around the city. The City will invoice the violating operator. See requirement O11 for invoicing information.

P6: Bicycles can only be parked on hard surfaces within the landscape/furniture zone (e.g. concrete, asphalt).

P7: Any bicycle that is parked improperly shall be re-parked in a correct manner or shall be removed by the operator based on the type of issue and the response times below:

- for any issue perceived to pose risk to public safety, within two (2) hours of receiving notice, 6am to 9pm seven days a week (not including holidays), otherwise by 7:00am the following day.
- for any issue related to impeding transit operations or transit customer access, as determined by the city or transit agencies, within two (2) hours of receiving notice, 6am to 9pm seven days a week including holidays, otherwise by 7:00am the following day
- for any parking or other non-safety issue, within twenty-four (24) hours of receiving notice.

P8: In high activity centers identified by city staff, city staff may designate and mark bike share parking hubs to focus customer parking and encourage compliance of the requirements in this permit. Operators shall communicate to the bike share users the locations of the parking hubs through the mobile application, any supporting websites and marketing campaigns.

Note: The City does not intend to dedicate city resources to the movement of bike share bicycles, however, in instances when the operator fails to comply with the expectations of P7, the City reserves the right to charge a fixed crew and vehicle use fee of $127 per bike for work done by City crews to relocate improperly parked bikes. See requirement O11.

Operations Requirements

Rebalancing and customer service

O1: All permitted operators shall have a staffed operations center within 10 miles of Kirkland City Hall. At the time of application, operators shall inform the City:

a. the number of staff who will be available daily to physically move bicycles in Kirkland;
b. the daily working hours of the operations staff
c. the daily rebalancing schedule which applies to bicycles in Kirkland

After launch, operators shall provide the above information when requested by the City.

O2: All permitted operators shall accept reports of safety concerns and improperly parked bikes by phone from at least 6am to 9pm seven days a week, except holidays.

O3: Requirements for every bicycle:

O3.1. a unique identifier number that is clearly visible somewhere on the bicycle structure and on a license plate attached to the rear of the bicycle

O3.2. a clearly visible a phone number and email address for reaching the operator to report improperly parked bikes. Requests shall be acted upon according to the response times in P7.

O4: All permitted operators shall provide the City with a direct contact for bicycle share company staff that are capable of rebalancing bicycles. All permitted operators shall relocate or rebalance bicycles based on the type of issue and the response times below:

- for any issue perceived to pose risk to public safety, within two (2) hours of receiving notice, 6am to 9pm seven days a week (not including holidays), otherwise by 7:00am the following day.
- for any issue related to impeding transit operations or transit customer access, as determined by the city or transit agencies, within two (2) hours of receiving notice, 6am to 9pm seven days a week <u>including</u> holidays, otherwise by 7:00am the following day
- for any parking or other non-safety issue, within twenty-four (24) hours of receiving notice.

O5: Any bicycle that is inoperable or unsafe to operate shall be removed from the right-of-way according to the time windows in O4. Such bikes shall be repaired before returning to revenue service.

O6: Bike share operators shall minimize impacts to accessing public transit or to public transit operations. Operators shall comply with written, phoned or in-person requests of King County Metro and Sound Transit to remedy impacts. In conjunction with transit agencies, the City may add or revise requirements for parking locations, customer education, frequency of collection/removal of the operators' bicycles from properties and facilities leased, managed or owned by King County Metro and Sound Transit, and company access to those properties for such removal.

O7: In high activity centers identified by city staff, city staff may designate and mark bike share parking hubs that operators shall communicate to bike share users per requirement P8.

Number of bicycles

O8: When the pilot period starts, operators are permitted a fleet target of 100 standard bicycles and 50 Class 1 or Class 2 electric-assist bikes in compliance with RCW 46.04.169. If the operator chooses not to launch standard bikes as part of their fleet, the operators may instead launch 150 electric-assist bikes. Increases in numbers of bicycles over the pilot period may be permitted at the Public Works Director's discretion. All permitted operators shall have a minimum fleet of 100 bicycles throughout the pilot period. Operators shall meet this fleet size within 30 days of their initial rollout.

O9: All applicants shall submit their plan for initial bicycle rollout, including when and where bicycles will be deployed. Permitted operators shall notify the City if they plan to change their fleet size 30 days before deployment and shall include the additional program fee for the expanded fleet (Requirement F2), and documentation of their updated performance bond (Requirement O10).

Other Requirements

O10: Per Section 5 of the Right-of-Way Use Permit, the City of Kirkland Public Works department may determine additional or altered permit conditions based on data received as part of the data sharing requirements specified in DS1.

O11: All permitted operators shall have a performance bond of $80/bicycle, with a cap of $10,000. The form of the bond shall be approved by the City. These funds shall be accessible to the City for future public property repair and maintenance costs that may be incurred when removing and storing bicycles improperly parked or if a company is not present to remove bicycles if its permit is terminated. If a permitted operator increases the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional bicycles.

O12: If any City of Kirkland department or office incurs any costs addressing or abating any violations of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of the City costs, the permitted operator shall reimburse the City for such costs within thirty (30) days of invoicing to the permitted operator.

O13: The City reserves the right to terminate permits at any time and require that the entire fleet of bicycles be removed from Kirkland streets. The decommissioning shall be completed within thirty (30) days of formal notice, unless a different time period is determined by the City.

Data Sharing Requirements

DS1: The operator shall provide a monthly report to the City on or before the second Monday of each month following the reporting period. The report must include all the data outlined in Attachment B - Data Reporting Requirements. If any data is not provided, the operator will be subject to non-compliance under DS3 below and then enforcement of requirement O12.

DS2: The City of Kirkland may employ the services of a third party entity to evaluate all bike share services at any time. The operator agrees to comply with any and all requests made by a third party entity.

DS3: If the operator does not comply with all requirements under this permit, operator will have a probationary period of thirty (30) days to resolve the issues in coordination with City staff. Non-compliance after the probationary period will result in termination of the operators permit per requirement O12.

Note: if a public disclosure request is submitted that could result in Kirkland sharing data required by this permit, Kirkland will notify all vendors prior to sharing data.

Education Requirements

E1: All permitted operators shall submit a helmet use incentive plan per requirement S6, which encourages all bike share customers to use helmets.

E2: All permitted operators shall educate bike share customers on the applicable laws to operating a bicycle on a public roadway, per requirement S7.

E3: All permitted operators shall submit a plan to educate bike share users on proper parking of bicycles in accordance with the requirements P2.

E4: All permitted operators shall communicate to their customers that the bicycles must be stored within the areas allowed under this permit.

#5: All permitted operators shall communicate to bike share users the location of parking hubs per requirement P8 and O7.

Fee Requirements

F1: Applicants shall pay $2,032.00 for an Annual Permit for the pilot bike share program. If any stations or other structures are proposed, each site shall require additional review deposits and permitting.

F2: Applicants shall pay a program fee of $15/bike to the City during the pilot permit program.

F3: In instances when the operator fails to comply with response requirements, the City shall invoice the operator for a fixed crew and vehicle use fee of $127 per bike for work done by City crews to relocate improperly parked bikes. See requirement O11.

Bike Share Data Reporting - ***Monthly*** Summary

INTRODUCTION	
Date report sent to Kirkland staff:	
Date range covered in this report:	
Operator staff to contact with questions about content of this report:	

INVOICES	
Invoices received in month:	
Invoices paid, with dates and amounts (**Required payment within 30 days**):	

ACTIVE FLEET INVENTORY	
Weekly Average of bikes in Kirkland's jurisidction based on daily 5:00 PM time stamps.	

CUSTOMER SERVICE
*All customer service information should be provided on an excel sheet in addition to each Monthly Summary. The list of issues should include the below list of issues for each month:
Parking
Maintenance
Safety

RIDERSHIP INFORMATION
* Bike share use information should be provided separately in addition to this Monthly Summary. The type of information should include:
Total rides starting and/or ending within Kirkland
Total Number of riders
Total Number of trips
A heat map for all trips

Trip Data Information Required

MONTH

Ref #	Start Date	Start time	Latitude	Longitude	End Date	End Time	Latitude	Longitude
Ex #1	6/20/2018	16:00:00	47.6769	-122.2031	6/20/2018	16:37:27	47.679211	-122.184495

DRAFT

Attachment B

	Seattle	Bellevue	Kirkland	Redmond	Bothell
Pilot Duration	1 year	1 year	1 year	TBD	City Business License
Public Outreach	Post Pilot survey	Public Survey - Nov 2017	Outreach then pilot launch	Public Survey - April/May 2018	None
# Companies in Pilot	3 Limebike, Spin, Ofo	Limebike	Unknown Limiting to 4 companies	Unknown Limiting to 2 companies	1 company permitted
Start Date	Started - June 2017 / New permit - July 30, 2018	Launch July 31 2018	Council intro July 3, 2018 Council review August 6 , 2018 Council ask for approval September 2018	Proposed - Fall 2018	Launched January 2018
# Bikes	Max 20,000 bikes no more than 4 companies	Initial: 400 total; min 100/Co. if good compliance, increase iteratively Never more than 1200 for pilot	Initial: 100 standard /Co. max, 150 if 50 are ebikes or 150 ebikes Director discretion for any fleet increases 100 minimum/company, no scooters	TBD	Unknown
Bike Type	Mix - Company Decision	Electric Assist Only - Initially	Mix - Company Decision	Mix - Company Decision	Mix - Company Decision
Contact Options	24-hour customer service phone# 6am-6pm M-F - City direct contact	24-hour customer service phone# 6am-6pm M-F - City direct contact	by phone 6am-9pm all days - 6am-6pm M-F - City direct contact	by phone 6am-9pm all days - direct to local rep from City	by phone 6am-9pm all days - direct to local rep from City
Complaint Response Time	24 hour customer service 2 hr response - 6am-6pm M-F 24 hr otherwise	2 hr - 6am-6pm M-F 24 hr otherwise	Risk to Safety - 2 hr - 6am-9pm all week Blocks transit - 2 hr- 6am-9pm all week All other issues - 24 hours	Risk to Safety - 2 hr - 6am-9pm all week Blocks transit - 2 hr- 6am-9pm all week All other issues - 24 hours	Unknown
Helmet Requirement	Parking & Rider education plans required Notify - Must wear helmet in King County	Notify users of helmet law in King County	Permittee must submit Encouragement Program - Notify users of helmet law in King County	Notify users of helmet law in King County	Unknown
Parking Requirements	Permittees to inform users on parking 7-day max in one place No Parking Areas - Parks Bike Hubs - on app, Increase capacity, encourage use	Permittees to inform users on parking 7-day max in one place No Parking Areas - Parks Bike Hubs - on app, encourage use	List of prohibited locations 5 ft walkway clearance in furniture zone, hard surface 7-day max in one place	List if prohibited locations (drwg) 6 ft walkway clearance In furniture zone, hard surface 7-day max in one place	None
Rebalancing Requirements	20% Tier 1 equity area coverage required - includes low income plan	50% active fleet at activity centers / 25-50% downtown / ~10% BelRed, Crossroads, Eastgate, Factoria, and Wilburton/Hospital / ~10% Transit service areas / ~15% Neighborhoods	-	TBD	None
Fees	4 companies - $250,000/ea 3 or less companies - $50/bike Performance Bond $80/bike ($10K max) Can Invoice company for City time	$40,000	Permit Fee: $2,032, Admin fee $15/bike + City Business License Fee Performance Bond $80/bike ($10K max) Can Invoice companies for City time	Permit Fees using misc fee schedule Performance Bond: $10K Can invoice company for City time	City Business License Fees
Performance Measures	Parking & Rider education plans required	TBD / company	Daily Bike Location Snapshot Weekly Complaint Reports, Usage	Daily Bike Location Snapshot Weekly Complaint, Usage, Miles Rpts Monitor values and create standards - TBD	None
Repair Response Time	24-hours	Same as Complaint Response Time	Same as Complaint Response Time	Same as Complaint Response Time	None
Crew Costs	Per incident basis on crew time	$315 / incident 5 bikes in 4 week period - probation	$126/ bike	TBD	TBD

RESOLUTION R-5328

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND REVISING POLICY G-10 OF THE PUBLIC WORKS DEPARTMENT'S PRE-APPROVED PLANS TO ALLOW PERMITTING FOR BIKE SHARE OPERATION USE OF RIGHT-OF-WAY.

WHEREAS, the City Council recognizes that Policy G-10 in the Public Works Department Pre-Approved Plans ("Policy"), does not currently allow bike share operations as a permissible use in the public rights-of-way; and

WHEREAS, the City Council recognizes that when properly regulated, bike share programs enhance access to transit, economic vitality, and livability in Kirkland; and

WHEREAS, the City Council desires to encourage and permit properly regulated bike share options in Kirkland; and

WHEREAS, Policy G-10 must be amended in order to permit bike share operators to occupy and use the public rights-of-way.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is authorized and directed to revise Policy G-10 (Guidelines for Temporary use of the Right-of-Way) of the General Policies in the Public Works Department's Pre-Approved Plans as shown in Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting on the ___ day of _____, 2018.

Signed in authentication thereof this ___ day of _____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
City Clerk

R-5328
Exhibit A
Last revised: 09/2017

CITY OF KIRKLAND
123 FIFTH AVENUE ● KIRKLAND, WASHINGTON 98033-6189 ● (425) 587-3800

DEPARTMENT OF PUBLIC WORKS
PRE-APPROVED PLANS POLICY

Policy G-10: GUIDELINES FOR TEMPORARY USE OF RIGHT-OF-WAY

Before allowing use of the right-of-way, consider the following factors:

1. Is it at all possible to find a way to do the activity outside the right-of-way? All options should be pursued. Consider times when parking is not regulated.
2. Is parking regulated (time limits) in the area and during the time where the activity is taking place? If so, coordinate with the Public Works Transportation Group before permitting any activities.
3. Is the work part of a permitted development review project? If it is, then it should be handled as part of that permitted project. Coordinate with project inspectors or others.
4. The City does not provide any barricades or other traffic control devices.
5. Make sure that use of the right-of-way does not interfere with any Special Events.

Type of Activity	**Action**
Moving vehicles	Can be permitted in areas with hourly regulated parking stalls. Three days maximum stay. Fee is charged. If parking is regulated where the moving vehicle is to be located, spots may be reserved with permission of PW Transportation Group and coordinated with the Police Department as needed.
• PODS or other storage containers • Job Shacks • Portable toilets • Piling of materials (bark, gravel, etc.)	Not allowed in right-of-way
Parking for construction workers	Can be permitted for small construction jobs in areas with hourly regulated parking stalls. One month maximum stay. Fee is charged. If parking is regulated where the moving vehicle is to be located, spots may be reserved with permission of PW Transportation Group and coordinated with the Police Department as needed. Otherwise, follow existing parking regulations.
Special Events that do not qualify for a Special Event Permit	Can be permitted in areas with hourly regulated parking stalls. One day maximum stay. Fee is charged. If parking is regulated where the vehicle is to be located, spots may be reserved with permission of PW Transportation Group and coordinated with the Police Department as needed.
Dumpster	Can be permitted. Activity must be construction related. One week maximum stay. Permits are issued through the Public Works Development Engineering Group.

Maintenance of building, loading/unloading of construction materials. Painting, crane needed to unload objects, etc.	Can be permitted. Fee may be charged. In the CBD, parking stalls are usually available only in front of the site where work is occurring. However, the parking stalls used for the Argosy Cruises may be available during certain times of the year. Work should be short term (the maximum stay time in a regulated stall or 4 hours – whichever is less) and no lane or sidewalk is blocked. Coordinate with Public Works Transportation Group as needed. If work is not in the CBD or short term: Applicant must submit sketch and traffic control plan. Approval by Public Works Transportation Group. Coordinate with Police Department as needed.
Bike share bicycle operations	Can be permitted. Bike share company must obtain a Kirkland business license as well as a Terminable Right-of-Way Use Permit from the Public Works Department. Applies to all rights-of-way in the city except those specifically excluded in the permit. Permit review fees and individual bike program fees are charged. Coordinate with the Public Works Transportation Group.

RESOLUTION R-5329

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PROVIDING THE PUBLIC WORKS DIRECTOR THE ABILITY TO SET RULES AND LIMITATIONS FOR THE PILOT BIKESHARE PROGRAM.

WHEREAS, the City Council recognizes that the Kirkland Municipal Code does not specifically authorize pilot programs in rights of way under KMC Chapter 19.04 to be managed by the Public Works Department; and

WHEREAS, KMC Section 19.04.050 nonetheless does allow for street use permits that could encompass pilot programs managed by Public Works but provides no direction on how to administer such a program; and

WHEREAS, the City Council recognizes that a bike share pilot program might enhance access to transit, economic vitality, and livability in Kirkland and therefore desires to authorize the Public Works Director to administer such a pilot program under the authority of KMC 19.04.050 and provide the necessary direction without committing the Public Works Department to administering other pilot programs.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Public Works Director is authorized to administer and manage a pilot bike share program under KMC 19.04.050, which includes but is not limited to, the authority to determine the number of bikes that may be distributed within the City and the number of permits that the staff can reasonably manage during the pilot period. This authority must be reasonably exercised with the interests of the public's health, welfare and safety as paramount considerations.

Passed by majority vote of the Kirkland City Council in open meeting on the ___ day of _____, 2018.

Signed in authentication thereof this ___ day of _____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
City Clerk

ORDINANCE O-4655

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 5.74.040 OF THE KIRKLAND MUNICIPAL CODE ADDING AN ANNUAL FEE FOR PROGRAM ENHANCEMENTS ASSOCIATED WITH BIKE SHARE OPERATIONS IN THE CITY.

WHEREAS, bike sharing has become an increasingly prevalent program regionally and nationally; and

WHEREAS, when properly regulated, bike sharing provides the public with a healthy and pollution-free option for leveraging transportation options; and

WHEREAS, the City Council desires to encourage and permit private bike share operators to do business in the City, including granting conditional permission to use and occupy the City's rights-of-way; and

WHEREAS, from time to time the City may desire or need to cause certain enhancements to the bike share program or to City infrastructure or property in order to improve the program; and

WHEREAS, the private bike share operators should participate financially in those enhancements.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 5.74.040 is amended to read as follows:

5.74.040 Fees charged by the public works department.

(a) The schedule below establishes permit, program, and administrative fees charged by the public works department.

Fee Type	**Fee Amount**
Water—Meter installation	
(Each fee includes a $50.00 administration charge)	
3/4" meter	$156.00
1" meter	$184.00

Fee Type	**Fee Amount**
1-1/2" meter	$199.00
2" meter	$383.00
Greater than 2"	Time and materials
Water—Billing	
Customer-requested service shutoff during business hours	$30.00
Customer-requested service shutoff during nonbusiness hours	$80.00
Water service shutoff or turn-on for unpaid user bill before 3:00 p.m. on business days	$40.00
Water service shutoff or turn-on for unpaid user bill after 3:00 p.m. on business days	$90.00
Service calls if broken water line was caused by owner/occupant	$20.00
Special water meter reading	$40.00
Alternate billing	$10.00
Cut lock fee	$60.00
Shutoff tag	$20.00
Water restrictions penalty	Up to $50.00/day
Sewer—Permits	

Fee Type	**Fee Amount**
New or replacement side sewer inspection	$436.00
Side sewer repair (< 10 feet) inspection	$60.00
Side sewer cap inspection	$60.00
Septic system abandonment inspection	$60.00
Side sewer stub fee (for city-installed stub)	$1,1091.00 min. or as documented
Sewer—Discharge regulation	
Penalty for late discharge report (late after 30 days)	$25.00/day for first 20 days, then $100.00/day, for a maximum of $1,000.00 total.
Penalty—Discharge compliance, incomplete actions	$100.00/day for 60 days max.
Penalty—Nonmaintenance of FOG systems	$500.00 + city maintenance costs. Second year: $1,000.00 + city maintenance costs
Penalty—Inaccurate or incomplete report	$100.00 for first offense
Sewer—Billing	

Fee Type	**Fee Amount**
Sewer service call (customer problem)	$20.00
Right-of-Way	
Permit to work in ROW—Standard	$382.00
Permit to work in ROW—Basic	$109.00
Street cut fee 1—50 sq. ft.	$205.00
Street cut fee 51—100 sq. ft.	$411.00
Street cut fee 101 sq. ft. or larger	$411.00 + $411.00 for each additional 100 sq. ft.
Street cut administration fee	$26.00
Temporary Parking Permit	$20 + $12 for each additional day.
<u>Bike share program fee</u>	<u>$15 annually per each permitted bike share bicycle</u>
Storm Drainage (Surface Water)	
Surface water drainage plan check fees	
(see PW pre-approved plans and policies for description of review types):	
(a) Basic review	$385.00

Fee Type	**Fee Amount**
(b) Simplified review	$1,327.00
(c) Targeted review	$1,623.00
(d) Full review	$3,245.00
(e) Roof/driveway drain connection inspection	$654.00
(f) Surface water adjustment process (see PW pre-approved plans and policies for full description)	$154.00 for up to 2 hours of process, and then $120.00/hour thereafter
Miscellaneous Review and Inspection Fees	
When the public works department provides engineering review or inspections services, and a fee for such service is not published, the applicant shall pay the following rate for such services	$120.00 per hour
Impact fee—Independent fee review	$205.00, plus $120.00 per hour of review
Right-of-way nonuser relinquishment review fee	$600.00 for up to 5 hours' process, and $120.00/hour thereafter

(b) Whenever any construction work, public improvement or other activity is required or permitted to be performed upon any public right-of-way, or within or upon any property which, upon completion of said work or activity, is to be conveyed or dedicated as public right-of-way

or public easement, the city shall not accept for maintenance or otherwise such work, improvement, facility or activity until there has been paid to the city by the person required or permitted to perform such work or activity an amount equal to ten percent of the estimated cost of construction of such work, improvement, facility or activity as and for reimbursement to the city for its cost of review and inspection of such work, improvement, facility or activity. In addition, prior to the release of any permit for construction of storm drainage collection and conveyance on private property, the permit applicant shall pay a fee equal to ten percent of the estimated cost of construction of such work, improvement, facility or activity as and for reimbursement to the city for its cost of review and inspection of such work, improvement, facility or activity. Estimated cost of construction shall be determined by the director of the department of public works. Whenever such a review and inspection fee is required, the public works department is authorized to collect up to one-half of the fee at permit application with the remainder being due at permit issuance.

(c) This section shall not apply to:

(1) Work performed under public works construction contracts let by the city pursuant to Chapter 3.85; or

(2) So much of such work performed under a developer's extension agreement (Chapter 35.91 RCW facilities agreement) as is determined by the director of public works to be for the benefit of the Kirkland water or Kirkland sewer system rather than for the benefit of the property being concurrently subdivided, developed or improved by the signors to the developer extension agreement.

(d) The director is authorized to interpret the provisions of this chapter and may issue rules for its administration. This includes, but is not limited to, correcting errors and omissions and adjusting fees to match the scope of the project. The fees established here will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased by an adjustment, rounded to the nearest dollar, to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain the cost recovery objectives established by the city council.

(e) MyBuildingPermit.com Surcharge. In addition to the fees listed in this section there shall be a three and five-tenths percent surcharge collected to pay for the city's MyBuildingPermit.com membership fees and to help offset the cost of the enhancements and maintenance of the MyBuildingpermit.com and permit tracking software.

Exception: the MyBuildingPermit.com surcharge does not apply to the following:

(1) Water meter installation.

(2) Water billing.

(3) Sewer discharge and penalties.

(4) Sewer billing.

(5) Street cut fees.

(6) City trees or civil penalties.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2018.

Signed in authentication thereof this _____ day of _____, 2018.

_____
Amy Walen, Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4655

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 5.74.040 OF THE KIRKLAND MUNICIPAL CODE ADDING AN ANNUAL FEE FOR PROGRAM ENHANCEMENTS ASSOCIATED WITH BIKE SHARE OPERATIONS IN THE CITY.

SECTION 1. Adds a bike share bicycle fee to the Public Works fee schedule.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2018.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

_____
Kathi Anderson, City Clerk

Council Meeting: 08/06/2018
Agenda: New Business
Item #: 11. a.

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Aparna Khanal, P.E., Senior Project Engineer
Jenny Gaus, P.E. Surface Water Engineering Supervisor
David Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: July 25, 2018

Subject: FIRST ADVANCE MITIGATION PROJECT (CNM-7777 & CTR-7777)

RECOMMENDATION:

City Council to:

- Receive an update on the progress that has been made to create an Advance Mitigation Program (AMP);
- Review the general scope of the proposed first AMP project; and
- Concur by motion with the proposed funding source.

BACKGROUND DISCUSSION:

Some City capital projects—whether they be transportation, parks, facilities or other projects—require incursion into wetland and stream buffers because there is not a practical or financially acceptable way to avoid them. When this has been necessary in the past, the City's practice has been to mitigate the impacts as close to that location as possible. As a result, a series of small mitigation projects were created all around the City that compensated for the critical areas that were lost. These small, scattered mitigation sites do not necessarily provide as meaningful a benefit as they could from an environmental perspective, nor is the piecemeal approach cost effective. In thinking about this, staff discussed the merits of combining such mitigation requirements into larger projects at specific sites in the City that would provide a greater environmental benefit in a more cost-effective manner.

Staff discussed this idea of "advance mitigation" with Council in association with the review and adoption of amendments to chapter 90 of the Zoning Code, "Critical Areas," in late 2016 (KZC 90.145.4.c, Ordinance 4551, December 13, 2016). This zoning code provision allows smaller, scattered mitigation to be centralized and is available to the City and other public agencies.

The Advance Mitigation Program (AMP) for permanent impacts to critical area buffers is described by the Kirkland Zoning Code (KZC) 90.145.4.c, as follows:

"City-Responsible Mitigation – Advance Mitigation. The City does mitigation on City owned property as mitigation credit either for City critical area projects or at the discretion of the City for other public agencies with critical area projects. The mitigation program shall be implemented pursuant to federal and state rules, and state water quality regulations

The I-405 Nickel project provided a Kirkland-specific example of this type of program. Instead of creating a series of small, low-quality wetlands in the freeway corridor to mitigate for wetland impacts, WSDOT purchased property around Forbes Lake and created a large and well-functioning wetland ecosystem, resulting in a greater benefit to the watershed.

Staff has worked with the consulting firm The Watershed Group to develop the draft framework and criteria for such a program (see "Administrative Framework," Attachment A). Further work determined that in total the City needs about six acres of off-site mitigation land to meet the needs of the projects proposed in the draft 2019-2024 CIP. As a result of this work, staff evaluated sites for the first advance mitigation project.

During the March 6, 2018 Council discussion about the ratification of the 2017 update of the "WRIA 8 Chinook Salmon Conversation Plan," staff again discussed the Advance Mitigation Program (AMP) and noted that staff soon would be coming forward with the proposed first AMP project, which would be to make wetland enhancements in Juanita Bay Park (see Vicinity Map, Attachment B), which enhancements are referred to as "Forbes A" and "Forbes B." These two sites ranked the highest in a site screening process, and also met the projected mitigation needs for City CIP projects through 2022.

In addition to ecological benefits, the AMP will increase the certainty of both the cost and timing of the required mitigation, leading to overall CIP project efficiencies. The result of a fully-implemented AMP will be improved ecological outcomes at a lower price and within a shorter timeframe than could be provided by a site-by-site mitigation process. This is a win-win for both use of public funds and for environmental protection.

General Scope of Proposed First Project
Bid-ready documents for this Project have not yet been finalized. In general the scopes of the Project are as follows:

- **Forbes A** (see Attachment B) has available mitigation area totaling 2.2 acres. It provides significant opportunity for wetland and wetland/stream buffer restoration through the hand planting of hundreds of live willow stakes. The potential wetland restoration area is dominated by a reed canary grass monoculture interspersed with native willow trees. The buffer areas are dominated by a Himalayan blackberry monoculture.

- **Forbes B** (see Attachment B) has available mitigation area of 3.1 acres. It provides significant opportunity for wetland restoration through the hand planting of hundreds of live willow stakes. Much of the wetland area also functions as stream buffer for Forbes Creek. The potential restoration area is dominated by a reed canary grass monoculture interspersed with native willow trees.

The estimated construction cost for these two projects is in range of $1,250,000 to $1,655,000, including monitoring and establishment, though this Project has not yet been advertised for bids. The total estimated costs, including all soft costs, is closer to $1,900,000, as shown in Table 2 below. Once the projects are completed, CIP projects can access the AMP projects for advanced mitigation credits.

Budget Impacts
At its May 2016 retreat, City Council received information on key emerging issues affecting the development of the 2017-22 CIP. One of the key issues discussed was the potential impact to the capital program from significant changes to environmental regulations and, in particular, the planned 2016 adoption of the City's new Critical Areas Ordinance (CAO) and the Surface Water Design Manual (SWDM).

A series of projects were included in the 2017-2022 CIP to account for the uncertainties of the then-new regulations, including "placeholder" funding in Transportation, Surface Water, and Utilities, all with the same project identifier number "7777" (e.g. U-7777). To date, only $200,000 of the original funding has been used from NM-7777 to account for CAO impacts to NM 0095 – 124th Avenue NE Sidewalk Improvement Project. All TR-7777 funds remain unspent. Combined, there is an available balance of $1,900,000. Staff is recommending using those funds this year to construct the first AMP project. Beginning the Project now will enable planned 2019 transportation CIP projects to take advantage of the mitigation credits that will be created.

Table 1: Proposed Project Funding

Category	Amount
NM-7777 - Annual Non-Motorized CAO/SWDM Surface Water Support	$1,400,000
TR-7777 - Annual Traffic CAO/SWDM Surface Water Support	$500,000
TOTAL	**$1,900,000**

Table 2: AMP Project Expenses

Category	Amount
Engineering/Design/Permitting	$120,000
Contract Management/Inspection	$125,000
Construction	$1,250,000
Contingency	$125,000
5-years Monitoring and Establishment	$280,000
TOTAL	**$1,900,000**

Schedule

If Council concurs with the staff recommendation, staff is seeking a motion approving reallocating the funding to the Advanced Mitigation Project. With City Council's concurrence, the plans, specifications and permitting will be completed by late-September, 2018, with construction planned for mid-October, 2018. In advance of construction, Public Works staff will inform local residents with of the upcoming work. Public outreach will include a construction informational flyer with project timelines and pertinent contact information in addition to regular updates to the Project's website information.

Attachment A – AMP Framework Document
Attachment B – Vicinity Map
Attachment C – Project Budget Report

City of Kirkland Critical Area Buffer Advance Mitigation Program

Administrative Framework

Prepared on behalf of: The City of Kirkland

Prepared by: The Watershed Company

June 29 Draft, 2018

1 Introduction

The City of Kirkland is developing an Advance Mitigation Program (AMP) for permanent impacts to critical area buffers, enabled by Kirkland Zoning Code (KZC) 90.145.4.c, as follows:

> *"City-Responsible Mitigation – Advance Mitigation. The City does mitigation on City-owned property as mitigation credit either for City critical area projects or at the discretion of the City for other public agencies with critical area projects. The mitigation program shall be implemented pursuant to federal and state rules, and state water quality regulations."*

The program is intended to support ecologically beneficial mitigation measures while also facilitating a quicker and more cost-effective permitting process for public projects. The AMP will promote focused environmental protection and restoration actions at targeted locations in direct support of City master planning efforts and public infrastructure priorities. In many cases, the AMP may be more effective in compensating for ecological losses compared to on-site mitigation. This may occur for a number of reasons, including the following:

1. AMP projects occur in locations that support and accelerate citywide conservation priorities,
2. Maintenance and monitoring can be more focused on a few AMP projects, resulting in greater confidence in mitigation outcomes,
3. AMP projects have time to develop and functions to build following installation before credits are used to offset impacts.

This document provides the administrative and operation framework for implementation of Kirkland's AMP.

1.1 AMP Administrative Roles

The Director of Planning and Development will be the Program Administrator. The Program Administrator will be responsible for approving any new mitigation sites and assessment of the number of credits generated per site. The Program Administrator will also be responsible for determining the eligibility of projects to use the AMP in-lieu of on-site mitigation (see Section 3.1). The Program Administrator or his/her designee will also be responsible for credit accounting, including maintaining all records of credits and debited mitigation.

The Deputy Director of the Department of Parks and Community Services will be the Site Administrator. The Site Administrator will be responsible for reviewing plans for and coordinating the implementation of ecological restoration of individual mitigation sites, as well as maintenance, monitoring, and long-term stewardship. The Site Administrator will be responsible for activating the contingency plan for any site not meeting the performance standards of the approved wetland/buffer enhancement plan. The Site Administrator will also lead efforts to select additional mitigation sites. Credit use by any non-City entities will also require approval by the Site Administrator. Mitigation Approach

1.2 Site-Selection Criteria

Site-selection criteria are described in the *City of Kirkland Critical Area Buffer Advance Mitigation Program: Site Selection Prioritization*[1]. Areas adjacent to ongoing grant-funded restoration or concurrent permit-required mitigation sites may be considered as potential AMP sites. For sites where advance mitigation is adjacent to these areas, only those areas not part of grant-funded restoration (if ineligible for use as mitigation) or required for concurrent mitigation are to be assigned credits.

1.3 Design Standards for Mitigation Sites

Any AMP mitigation site will need to meet the applicable minimum standards for wetland and stream buffer mitigation, as described in KZC Chapter 90.

1.4 Selected Location(s)

See Appendix for a description of proposed initial AMP locations, existing conditions, and mitigation designs.

---

[1] Prepared by The Watershed Company, March 2018.

2 Conditions for Use of Kirkland Advance Mitigation Program

The AMP addresses mitigation for wetland and stream buffer impacts within the City of Kirkland. It does not distinguish between stream or wetland buffer impacts, meaning that projects with either stream or wetland buffer impacts are eligible to use mitigation credits developed through the AMP. The credits are interchangeable. Direct impacts to wetlands or streams are not addressed through this AMP. If the project directly affects wetlands or streams, then state and federal agencies will have a role in determining the appropriate mitigation for associated buffer impacts. Furthermore, projects with impacts to critical area buffers within shoreline areas cannot make use of this program at this time (since these areas are governed under a separate section of the KZC).

City departments (e.g., Parks, CIP) are eligible to use mitigation credits developed through the AMP subject to Planning Official approval (see Section 3.1). Other public agencies with buffer impacts within the City of Kirkland, such as school districts, state agencies, Sound Transit, or utility districts could be eligible to use mitigation credits with approval from both the Program and Site Administrators.

NOTE: This AMP has not being reviewed or sanctioned by other permitting agencies (WDFW, USACOE, Ecology, etc.), any project with federal funding or that needs state or federal permitting should verify this mitigation approach will be suitable for buffer impacts on those projects.

2.1 Eligibility for Credit-Use

Projects with any of the following characteristics that will result in permanent impacts to critical area buffers are generally eligible to use the AMP:

- The Applicant does not own or control the land between the impact and the edge of the wetland or stream;
    - Example: As is often the case for road and sidewalk projects, if the Applicant does not own the land between the impact and the critical area and the right-of-way does not extend up to the edge of the critical area, then the project is eligible to use the AMP.
- The area between the impact and the edge of the wetland or stream is well functioning (i.e. dense native vegetation with limited invasive coverage), and therefore mitigation would provide limited opportunity for ecological lift;

- Example: If the Applicant owns the land between the impact and the critical area, but that area offers little potential for ecological enhancement because it includes dense native vegetation, then the project is eligible to use the AMP.

- Mitigation of the area between the impact and the edge of the wetland or stream would conflict with other planned uses;

  - Example: Even if the area between the impact and the critical area is degraded and owned by the Applicant, if the Applicant has specific plans to further develop or use the area between the impact and the critical area for public access or public facilities, then the project is eligible to use the AMP.

- The ecological lift provided through the AMP is greater on a city-wide basis than would be provided on-site.

  - Example 1: If the impact is less than 1,000 square feet, the effectiveness of mitigation is likely to be limited in the long-term because of edge effects and encroachment by adjoining areas. By focusing mitigation in a larger area, the AMP is expected to have better success in maintaining ecological lift over the long-term. Therefore, the project would eligible to use the AMP.

  - Example 2: If the impact is larger than 1,000 square feet but the available mitigation area is long and narrow, the effectiveness of mitigation is likely to be limited in the long-term because of edge effects and encroachment by adjoining areas. By focusing mitigation in larger blocks, the AMP is expected to have better success in maintaining ecological lift over the long-term. Therefore, the project would eligible to use the AMP.

  - Example 3: If the Applicant owns some of the land adjoining the impact in the outer portion of the buffer, but other ownership or uses are present immediately adjacent to the critical area, the functional lift from mitigation on the Applicant's land may be relatively limited. Therefore, the project would be eligible to use the AMP.

  - Example 4: If the potential ecosystem functions associated with the critical area adjacent to the impact are limited (e.g., small, isolated, Category III or IV wetland or ditched intermittent stream), and therefore, the potential benefit from riparian enhancement would be limited, the AMP would provide greater ecological lift because AMP sites address the

most ecologically significant areas within the City. Therefore, the project would be eligible to use the AMP.

- Example 5: If the Applicant owns the land adjoining the impact, but the average slope of the buffer is steeper than 30 percent, the functional lift from mitigation on the Applicant's land may be relatively limited. Therefore, the project would be eligible to use the AMP.

- It is otherwise not possible to mitigate for unavoidable impacts on-site; or
  - Example: If the impact directly abuts the critical area, or if the area between the impact and critical area cannot be enhanced because of existing infrastructure, then the project is eligible to use the AMP.

If it is not feasible to mitigate all of the impacts on-site, then only those impacts that meet one of the above criteria are eligible to be mitigated through the AMP.

Impacts to exceptional second growth forest may only be mitigated through the AMP with approval from the Program Administrator, and in those cases, a higher mitigation ratio may be required per KZC 90.150.2.c. On a case-by-case basis, the Program Administrator may allow use of the AMP under other circumstances, in addition to those described above.

Consistent with KZC 90.35, any temporary damage to, or alteration of, a critical area or buffer shall be restored, rehabilitated, or replaced on-site to prior condition or better.

3 Credit Transaction Procedures

3.1 Mitigation Credit Ratios

One AMP credit is generated from one square foot of mitigation of a highly degraded area (i.e. area where invasive plants predominate and/or little native vegetation is present). Where portions of a mitigation area provide partial enhancement (e.g., in-fill planting to improve diversity in an existing area dominated by native plants), those areas shall generate one-half of a mitigation credit. The assessment of how many mitigation credits are created at a given mitigation site will be decided by the Program Administrator at the site selection or site design stage.

KZC 90.65 and 90.150.2 establish a minimum buffer mitigation ratio of 1:1. In other words, the buffer area required for mitigation is at least as large as the area of buffer impacted. In general, one square foot of buffer impact requires one AMP credit. The only exception is that the Program Administrator may require more credits if impacts to

exceptional second growth forests are allowed to be mitigated through the AMP. If an AMP site includes wetland enhancement, the area of enhanced wetland is considered equivalent to the same area of buffer enhancement.

3.2 Credit-Use Approval Process

Early in the project development, the City department or public agency proposing to use the AMP (Applicant) may submit a preliminary AMP eligibility and availability request to the Program Administrator. The Program Administrator will issue a preliminary determination of eligibility and confirm that credits are available.

The Applicant's official request to use AMP credits will accompany its Chapter 90 land use application. The use-request will include a description of how the proposed use meets eligibility requirements, as well as the square footage of impacts, which is equivalent to the number of credits needed to offset impacts. Where only a portion of permanent impacts to a site would be mitigated through the AMP, this should be noted. The Program Administrator will issue a final determination of eligibility with the Chapter 90 land use approval. This determination will include the number of AMP credits approved for use. At this time, credits will be reserved for the project in the credit ledger.

If the Program Administrator determines that the project is eligible to use the AMP, the Applicant will submit payment for credits once the Planning and Building Department approves the Land Surface Modification (LSM) Permit. The Program Administrator will deduct the credits from the ledger upon receipt of payment. The Applicant may release reserved credits at any time if credits are no longer needed or credit use will be delayed significantly. The Applicant will be reimbursed by the account when reserved credits are released.

3.3 Credit Accounting

In order to ensure that credits are appropriately used and accounted for, a single method of accounting for credits and debits will be required.

When a credit is used as mitigation for one project, that credit will be debited from the total credits available in the AMP, and will no longer be available for future projects. The total buffer credits used and available credits remaining will be recorded and maintained in a credit/debit ledger by the Program Administrator**.** An electronic version of the ledger will be maintained by the Planning Department.

An example credit/debit ledger is provided in Table 1. The ledger will report the starting number of credits and track debits to that number over time. Once half of the credits are

used, the City will evaluate whether and at what pace additional mitigation areas should be developed.

Table 1. Example ledger to track availability and use of credits.

Transaction Date and Description	AMP Buffer Credits Used	Status of Credit Use	AMP Buffer Credits Remaining
Starting credit value April 2018	--	--	**200,000**
10/22/2018 (CIP XXX)	10,000	Final	190,000
4/18/2019 (CIP XYZ)	5,000	Final	185,000
8/2/2021 (CIP XYZ)	65,000	Final	120,000
10/23/2023 (CIP LMN)	20,000	Reserved	100,000

3.4 Credit Release Schedule

The total credits (starting value) of the AMP will be based on as-built conditions of the mitigation sites. The total credits generated will be approved by the Program Administrator. Credits from each mitigation site will be added to the AMP and are available for use by eligible projects immediately upon submittal of the as-built report to the Kirkland Planning and Building Department.

The Program Administrator may withhold issuance of AMP credits at any time if the Administrator determines that the AMP site is not meeting the performance standards of the approved wetland/buffer enhancement plan. All credits will be withheld until such time as corrective maintenance and monitoring measures are made to the AMP site and approved by the Program Administrator.

3.5 Credit Fee Determination

The credit fee will be based on costs of installation, monitoring, maintenance, and administration. In addition, the credit fee may include an additional portion of funds to support future acquisition of additional mitigation properties at some point in the future. Credit pricing will also account for long-term stewardship.

In addition to the above fee considerations, if another public entity uses the AMP, an opportunity cost will be included in the credit fee to account for the dedication of City property to fulfill a mitigation need outside of the City's direct responsibility.

4 Monitoring, Maintenance, and Adaptive Management Measures

Consistent with the monitoring and maintenance standards described in KZC 90.160, AMP projects will be monitored annually for the first five years following planting. Additional monitoring may be required by the Planning Official should the site(s) not meet performance standards. The cost per credit will cover completion of monitoring (including as-built documentation), maintenance, and adaptive management.

Each monitoring report will document findings, and include required corrective actions and suggestions for adaptive management actions to take. Monitoring reports will be submitted to the Program Administrator.

4.1 Monitoring

Monitoring shall occur on a twice annual basis, once in the spring to provide maintenance recommendations prior to the summer growing season and once in the late summer to assess progress toward meeting performance standards.

4.1.1 Performance Standards

Programmatic performance standards are described below:

Survival

a. Minimum 100% survival of planted woody vegetation following the first growing season (replacement of plants will occur in first year per contractor warranty).
b. Minimum 80% survival of planted woody vegetation following the second growing season. Standard is achievable through direct survival or through replanting during the subsequent dormant season. Survival beyond the third growing season is difficult to track; see diversity standard, below.

Native Cover

a. Minimum 50% areal cover of planted and volunteer native woody species by the end of the third growing season.
b. Minimum 50% areal cover of planted species and 80% areal cover of planted and volunteer native woody species by the end of the fifth growing season.

Diversity

a. In the growing season of Year 5, two out of three of the following strata of native plant species each must compose at least 20 percent areal cover:

(1) Trees;
(2) Shrubs; and
(3) Woody groundcover (such as kinnikinnick, salal and sword fern);

b) By the end of the growing season of Year 5, at least three native species shall each make up a minimum of 10 percent coverage;

Invasive weed cover

Invasive cover shall not exceed 10% aerial cover in any monitoring year. Invasive weeds include Himalayan or evergreen blackberry, scots broom, morning glory bindweed, common reed, and other non-native plants found to be threatening the establishment of planted vegetation. If an existing reed canarygrass monoculture is pre-existing within the mitigation area, monocultures[2] will not persist at the end of Year 5. If an existing reed canarygrass monoculture is adjacent to the mitigation area, reed canarygrass shall not exceed 20 percent cover at the end of Year 5. The presence of any amount of knotweed species shall initiate invasive weed contingency measures.

Contingency Plan

A contingency plan shall be prepared detailing corrective measures and a timetable for action if monitoring indicates that the performance measures have not been met.

4.1.2 Monitoring Schedule

The following table outlines the monitoring schedule:

[2] A monoculture area is defined as a 50 square-foot patch of 100% reed canarygrass that is entirely absent of healthy native trees, shrubs or groundcover/emergent species. Patches are not linear or long and narrow (e.g. 2 feet wide and 25 feet long). Rather, patches are roughly square, circular, or otherwise simply shaped polygons.

Table 2. Proposed Monitoring Schedule.

Parameter	Documentation	Monitoring Year
Plant Survival	Survival count or estimate	Year 0 (As-built documentation) Years 1, 2
Plant Diversity	Species counts	Years 3-5
Native and Invasive Plant Cover	• Line intercept transects (established in as-built) sufficient to yield representative sample • Photo points from permanently established posts	Year 0 (As-built documentation) Years 1-5

4.2 Maintenance

Each AMP site shall be maintained for five years following successful installation or until the Year-5 performance standards are met.

Maintenance activities shall include weeding, mulching, irrigation, and plant replacement as needed.

Weeding shall be conducted twice annually at a minimum, including removal of competing grasses and weeds from the base of installed plants and removal of noxious weeds from the AMP area.

Replacement plantings shall be installed as necessary based on annual monitoring visits to meet performance standards. Replacement plantings shall be installed in the dormant season (October 15-March 1).

Where appropriate, irrigation shall be supplied for at least the first two growing seasons, to deliver plantings with one inch of water per week from June 1st to September 30th.

4.3 Adaptive Management

The program will identify contingency measures to apply in the event that monitoring parameters fall short of defined performance standards. The program will also identify maintenance activities, which will be conducted during the 5-year performance monitoring period by the City or by a selected contractor with appropriate expertise.

5 Long-Term Protection Measures

5.1 Protection Mechanism

Each mitigation site will be protected by a legal mechanism, such as a restrictive covenant that is recorded by the County. A restrictive covenant will prohibit future development and use of the site that is incompatible with the mitigation goals of the AMP.

The City will own and manage the AMP sites in perpetuity unless ownership is transferred to state or federal agencies; tribal governments; or private nonprofit nature conservancy corporations under RCW 47.12.370. If transferred, the mechanism for transfer will require that the site be maintained in a manner that complies with applicable permits, laws, and regulations pertaining to the maintenance and operation of the mitigation site. If not, the site will revert to City ownership.

Once performance standards are achieved and monitoring has been completed, long-term stewardship of the site will begin.

5.2 Long-Term Stewardship

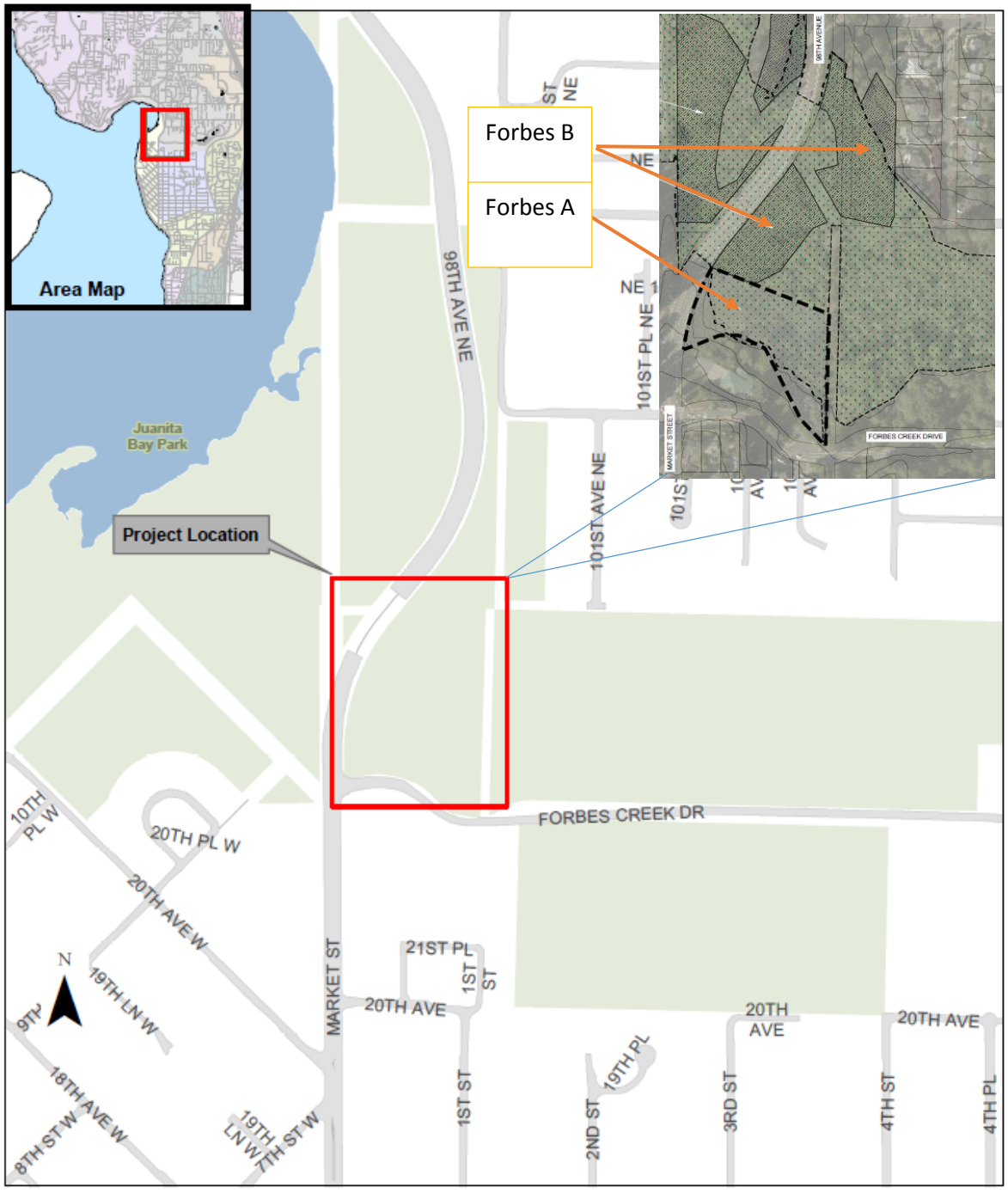
Long-term stewardship describes the maintenance activities that will be conducted after the initial 5-year monitoring is complete to ensure the integrity of the restoration project in the long term (approximately 15 additional years). The goal of this stewardship will be to ensure that the functions of the site are monitored and maintained over the long term. Maintenance and monitoring requirements during the long-term stewardship period should be substantially reduced compared to the initial 5-year establishment period. Generally, stewardship activities will include maintaining vegetation, control of invasive vegetation, and removal of anthropogenic debris. Project failure due to natural catastrophes such as flood, drought, disease, regional pest infestation, and other *force majeure* events are outside the scope of long-term stewardship. Long-term stewardship, including maintenance and monitoring, will either be performed by the Green Kirkland Partnership, or by another City of Kirkland or third-party steward.

Signatures

The undersigned agree that the City of Kirkland will administer this AMP as described in the City of Kirkland Critical Area Buffer Advance Mitigation Program Administrative Framework.

Eric Shields, Planning and Building Director	Date
Kathy Brown, Public Works Director	Date

Attachment B



Vicinity Map
Advance Mitigation Projects

ADVANCE MITIGATION PROJECT
(CNM-7777 & CTR -7777)
Project Budget Report