



CITY OF KIRKLAND

Planning and Building Department
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STAFF REPORT

To: Kirkland Hearing Examiner

From: Adam Weinstein, Planning & Building Director
Dawn Nelson, Planning Manager
Stephanie Croll, Senior Assistant City Attorney

Date: October 18, 2021

Subject: Appeal of Zoning Code Interpretation 21-4

RECOMMENDATION:

Staff recommends denial of the appeal of Kirkland Zoning Code (KZC) Interpretation 21-4, as the code interpretation is clearly consistent with relevant provisions of the KZC and supporting policies that have long been adopted in the Comprehensive Plan.

GENERAL BACKGROUND:

The fundamental reason the City has enacted housing regulations to allow for more compact housing types, such as cottage housing, is to address housing affordability and diversity in the community. As is typical of code amendments for complex topics that are grounded in Comprehensive Plan policy, interpretations are sometimes needed to clarify specific provisions, and such interpretations become apparent after the code begins to be implemented. As will be demonstrated in this memo, the cottage housing interpretation challenged here is consistent with the policies, actions and regulations that have been adopted by the City for many years.

On March 17, 2020, the City Council adopted a sweeping set of code amendments known as the Missing Middle Housing Code Amendments, making it easier to build a range of more compact housing types in Kirkland, including accessory dwelling units (ADUs), cottages, duplexes, and triplexes. The stated intent of the 2020 code amendments was to implement actions in the City's 2018 Housing Strategy Plan, including "leveraging market forces to increase the diversity and supply of housing that is more affordable than conventional single-family development," according to the staff report presented in advance of the March 3, 2020 Council meeting. The 2020 code amendments were a rational follow-up to, and based in part on, prior amendments adopted in the KZC in 2007 pertaining to cottage, carriage, and two/three-unit homes. The 2007 amendments allowed these more compact unit types in select single-family zoning districts throughout Kirkland. The intent of the 2007 code, expanded upon in 2020 is:

“ . . . to address the changing composition of households, and the need for smaller, more diverse, and oftentimes, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family development.” [excerpt from KZC 113.10, 2007 Code]

Fundamental goals for housing diversity include those that differ from the goals of conventional single-family development, particularly the creation of more compact housing and the provision of common open space (versus private open space). In general, the 2020 amendments (which applied to all single-family residential zoning districts in the City) were more permissive to developers than the 2007 amendments, with reduced parking requirements, more flexible locational requirements (i.e., no restrictions on projects built in close proximity to a similar project), additional square footage allowances (e.g., cottages could be a maximum of 1,700 square feet in size rather than 1,500 square feet) and (relevant to the subject interpretation) reduced common open space requirements. Adoption of the code amendments in 2007 and 2020 was not without controversy and debate, with many community members providing input. Many residents expressed concern that the additional density allowed under the code would be incompatible with predominantly single-family neighborhoods, creating an undue burden on the transportation network and open space resources. As a result, the 2007 and 2020 codes contain specific provisions related to walkability and open space, especially for larger projects.

In particular, the 2007 code (KZC 113.25, 2007 Code) required all cottage, duplex, and triplex projects to contain 400 square feet of common open space per unit, which was further required to be: (i) centrally located and easily accessible by all residents of the cottage project; and (ii) integrated into the housing project by being surrounded by housing units on at least two sides.

In recognition of the importance of open space, community, and walkability in cottage projects, the requirement for open space was retained in the 2020 amendments, although the requirements were generally made less burdensome for developers. For instance, the amount of required open space was reduced from 400 square feet per unit to 300 square feet, and the requirement only applies to cottage developments of five or more units. The open space requirement in cottage projects was fundamental to gaining community acceptance of the missing middle housing code amendments in 2007 and 2020. In essence, the bargain made with the community in the 2007 and 2020 code amendments was that larger cottage projects (i.e., those consisting of five or more units) were expected to mitigate their impacts on open space via the provision of *high-quality common open space*, and that this open space was to be an organizing principal for cottage project designs in order to *foster community compatibility and walkability*. In sum, open space is key to making smaller, more affordable housing units more livable for the owners *and* the surrounding community.

Since adoption of the 2020 amendments, there has been tremendous interest in developing cottage projects in Kirkland. In approximately the year following adoption of the 2020 amendments (March 2020 to February 2021), the City conducted presubmittal meetings for cottage projects totaling 125 units, and received permit applications for a total of 22 units. In comparison, in the year before the code amendments were adopted (March 2019 to February 2020), the City had conducted presubmittal meetings for only a total of 8 cottages, and received permit applications for only 14 units.

Between March 2020 and February 2021, staff deemed many of the submitted cottage proposals to be code-compliant, with projects providing sufficient common open space and cottages properly oriented around the open space. Some applications, however, were submitted where it appeared that the applicant and/or property owner was attempting to intentionally circumvent the (already reduced) open space requirement by submitting two *separate* applications for side-by-side projects that each individually contained *less* than five cottage units, but together contained *five or more* cottage units. By submitting these side-by-side projects separately, the developers contended they did not have to comply with the City's code requirement for common open space (which applies, of course, only to projects of five units or more).

On August 16, 2021, the City issued and posted on its website three interpretations to clarify sections of the KZC pertaining to missing middle housing:

1. One interpretation clarified that missing middle housing units are allowed on a substandard but legal building lot. This interpretation could be construed as a more permissive interpretation of the code from a developer's perspective. This interpretation is not on appeal.
2. A second interpretation clarified the types of structures that may be built between an open space and adjacent cottages. This interpretation could be construed as neutral. This interpretation is not on appeal.
3. A third interpretation focused on clarifying the term "cottage development containing five or more units" for the purpose of applying the code requirements in KZC 113 (regarding open space). This interpretation (see Attachment 1) is the focus of the subject appeal that was submitted by Merit Homes, on August 31, 2021 (see Attachment 2). Attachment 3 contains additional correspondence submitted by Merit's legal counsel on September 3, 2021.

In sum, the interpretation on appeal clarifies the definition of "cottage developments containing five (5) or more units" for the purposes of ascertaining when common open space and other requirements of cottage projects are required for projects of five or more units.

Specifically, the City defines the term "cottage development containing five or more units" as one or more applications for cottage projects cumulatively containing five or more units that share any of the following characteristics:

- Two or more cottage applications, each on a “subject property” as defined by KZC 5.10.920, with a shared property line that are submitted while there is an active application or issued permit by the same or “related party” (as defined in Attachment 1);
- Cottage clusters separated by lots containing proposed single-family houses and proposed cottages by the same or related development companies;
- Shared utilities; or
- Shared vehicular access.

The term “subject property” is defined by KZC 5.10.920 as “[t]he entire lot, *series of lots or parcels on which a development or use is or will be located*. . .” (emphasis added). Pursuant to the City’s code, a development is not always located on a single lot or parcel. Developments can, and often do, occur on and across multiple lots or parcels. Thus, any argument by the appellant that cottage units built on separate lots or parcels cannot be considered part of “a development” or “one development” is contrary to the City’s long-standing code provisions and development practices.

BACKGROUND ON BROWN/BABADZHANOV AND BRADLEY AND WU APPLICATIONS SUBMITTED BY MERIT HOMES:

This section of the memo discusses the two pairs of adjacent projects that the appellant discusses in the appeal letter.

Brown/Babadzhanov Projects

On August 16, 2021, Merit Homes submitted two separate applications to construct cottage projects on three parcels: the Brown site (consisting of two parcels located at 10202 and 10204 124th Ave NE) and the Babadzhanov site (10060 124th Ave NE). These sites are adjacent to each other. The Brown project consists of a total of nine units: six units organized around a driveway from 124th Ave NE and three units accessed via a driveway from 125th Ave NE. Common open space is provided between the grouping of six units and the grouping of three units.

The Babadzhanov project, which is adjacent to the Brown site and is being developed by the same developer (Merit Homes) at the same time as the Brown site, consists of three units accessed via a driveway extending from 124th Ave NE. Conspicuously, it does not provide for *any* open space for these three units. Had these projects – which are adjacent to each other and are being proposed by the same developer at the same time¹ – been submitted as one project, then the developer would have clearly been required under the City’s code to orient some of the three Babadzhanov units to common open space. Staff would also note that the applicant submitted one geotechnical report analyzing landslide and seismic conditions on both sites as part of their August 16 permit submittal.

¹ Staff would note that applications for adjacent cottage projects need not be submitted at the same time to be considered a unified project under the subject interpretation, even though that was the case for the Brown/Babadzhanov projects.

Bradley/Wu Projects

On August 16, 2021, Merit Homes also submitted two separate applications to construct cottage projects on two adjacent parcels, the Bradley site (10720 123rd Ave NE) and the Wu site (12306 NE 107th Street). The Bradley project consists of three units and the Wu projects consists of four units. No common open space is proposed as part of either project. Once again, had these projects – which are adjacent to each other and are being proposed by the same developer at the same time – been submitted as one project, then the developer would have clearly been required under the City's code to provide all of these units with access to common open space.

Both sets of projects (Brown/Babadzhanov and Bradley/Wu) are reliant on lot line adjustments (LLA) to reconfigure the lot lines between the involved parcels to achieve the proposed project shapes and sizes. The Bradley/Wu project will also require a LLA with the adjoining parcel to the east to have enough land area to support the proposed four cottages. None of the required formal LLA applications have been submitted to the City.

Attachment 4 contains the site plans for the projects described above.

PROVISIONS OF THE KZC REGARDING THE INTERPRETATION, APPEAL HEARING, AND DECISION:

Section 170.40 of the KZC states that the Planning and Building Director may “issue interpretations of any of the provisions” of the KZC, and shall base such interpretations on:

- a. The defined or common meaning of the words of the provision; and
- b. The general purpose of the provision as expressed in the provision; and
- c. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.

Pursuant to Section 170.45 of the KZC, “[a]ny person who is aggrieved by an interpretation issued by the Planning and Building Director may appeal that interpretation.” The Zoning Code details the procedures for filing an appeal within 14 days following the date an interpretation is posted and the required content of the appeal (“indicate how the interpretation affects the appellant's property and present any relevant arguments or information on the correctness of the interpretation.”). All appeals of interpretations are subject to the appeal provisions of Process I, described in Chapter 145 of the KZC (i.e., an appeal heard by a Hearing Examiner at a public hearing). Key provisions of Chapter 145 are summarized below:

- *Scope of the Appeal (KZC Section 145.75).* The appeal is an open record hearing, and is “limited to the specific elements of the Planning and Building Director's decision disputed in the letter of appeal, and the Hearing Examiner may only consider comments, testimony and arguments on these specific elements.”
- *Staff Report on the Appeal (KZC Section 145.80).* A staff report on the appeal is required that contains: the written decision of the Planning and Building Director;

all written comments submitted to the Director; the letter of appeal; all written comments on the appeal received from persons entitled to appeal and within the scope of the appeal; and an analysis of the specific elements of the Director's decision disputed in the letter of the appeal (that are within the scope of the appeal).

- *Burden of Proof (KZC Section 145.95)*. The appellant "has the responsibility of convincing the Hearing Examiner that the Planning and Building Director made an incorrect decision."
- *Decision on the Appeal (KZC Section 145.105)*. After considering information within the scope of the appeal by those entitled to participate in the appeal, the Hearing Examiner shall either: a) affirm the decision being appealed; b) reverse the decision being appealed; or c) modify the decision being appealed. The decision by the Hearing Examiner must be issued within 90 calendar days of the date the letter of appeal was filed, which in this case is **November 29, 2021**.

STAFF'S ANALYSIS OF DISPUTED ITEMS IN THE LETTER OF APPEAL:

Following is a point-by-point analysis of the items raised in the appellant's August 31, 2021 appeal letter (Attachment 2), as required pursuant to KZC Section 145.80. The appellant's claims are summarized in *italics* in the order they appear in their letter. Staff's analysis follows each claim.

1. *As a general matter, the appellant claims that the Planning and Building Director's interpretation "introduced entirely new regulatory provisions into KZC 113.25 and KZC 113.35 that require adoption by the City Council and compliance with the statutory requisites."*

This is a general statement. The appellant goes on to state more specific claims, which the City addresses below. In response to this general claim, however, the City maintains that its interpretation does not introduce any new regulatory provisions into the code as it only defines an undefined term in the KZC (i.e., what is a "cottage development containing five (5) or more units"?), consistent with other provisions of the code and consistent with the City Council's intent when it adopted this term. The City's interpretation merely clarifies that developers cannot create a loophole that allows them to avoid implementing code-required common open space and other provisions by intentionally bifurcating one cottage development into two or more smaller projects.

- a. *First, the appellant claims that the interpretation broadens the definition of "cottage developments containing five (5) or more units" to capture only "remotely related projects." In addition, the appellant claims that the interpretation misuses the term "related parties" to capture projects that only vaguely share "functional characteristics."*

The interpretation (Attachment 1) does not introduce "entirely new regulatory provisions" that must be adopted by Council. What it does do is clarify an

undefined phrase in the KZC (“cottage developments containing five (5) or more units”). The interpretation addresses the common meaning of the words of the provision, by noting that a “cottage development” is “a project or a group of projects consisting of cottages or primarily cottages that are located in the same general location” and/or share certain functional characteristics, such as shared utilities and common vehicular access (emphasis added).

The City’s definition is a common-sense interpretation of the plain words of the KZC, and does not exceed the regulatory strictures of the code, as a pair of cottage projects, proposed by the same applicant on adjacent or close-by parcels and sharing similar design, would appear to the average person as one large project. As noted in the interpretation, while lot lines and applications are important in the real estate and development process, they are not intended to allow for larger cottage projects to be intentionally divided into smaller projects for the specific purpose of avoiding the code’s common open space requirements. And as described in the background section, the provision of common open space in larger projects was a key consideration in the 2007 and 2020 amendments.

Furthermore, the interpretation does not consider “remotely related projects” to be one project as claimed by the appellant. Rather, the projects that are considered to be one project in the interpretation have a shared property line, are separated only by other residential development proposed by the same applicant or related companies, or share physical functional characteristics (shared driveways or utilities). The vast majority of the time, these shared functional characteristics would occur on adjacent lots. The related projects that are to be considered one project in the interpretation have design or locational features that make them appear as one project.

Lastly, Section 5.10.920 of the KZC defines “subject property” as “[t]he entire lot, series of lots or parcels on which a development or use is or will be located. . . . [.]” (emphasis added). This code provision is consistent with, and supports, the City’s interpretation that “cottage developments of five (5) or more units” may also consist of multiple lots, even if the development on each of those lots are submitted as different applications.

- b. Second, the appellant claims that application of “related parties” is without justification.*

The “related parties” principle is well-established and founded in the federal Internal Revenue Code (IRC Section 267). In its interpretation, the City clarified that it is following the same principle as the Internal Revenue Service to address the situation where a developer, in order to avoid the common open space requirement in a larger cottage development, divides the larger project up into more than one application and assigns these applications to presumably different developers, but it is shown that the “different” developers submitting the applications are, in reality, related entities. Again, this provision of the

interpretation is not an impermissible expansion of the existing regulatory language in KZC 113, but a common-sense and legally-defensible clarification to ensure that what is essentially the same developer does not divide up one project into smaller projects simply to escape key regulatory requirements of the cottage code. Staff would also note that, without this interpretation, a similar technique could be used to avoid the median income housing requirements that are applicable to cottage (and duplex and triplex) projects containing more than 10 units (see KZC Section 113.40).

- c. *Third, the appellant claims that the interpretation conflicts with several Comprehensive Plan provisions, including Comprehensive Plan provisions that encourage projects that “would lead to a cohesive neighborhood design.”*

The appellant’s claim here is confusing and counterintuitive. In summary, the appellant supposes that a code interpretation requiring smaller and related applications to be designed as one unified project for the purposes of providing common open space would – somehow – result in a less cohesive neighborhood. This claim is contradicted by numerous development applications and projects of all types throughout Kirkland (ranging from large mixed-use projects like Kirkland Urban, to smaller single-family and cottage projects) that encompass multiple parcels and have resulted in unified, cohesive development projects with integrated, common open space and high-quality urban design. Attachment 5 shows some representative projects consisting of five or more cottage units that have been designed in a unified fashion. The claim that this interpretation would discourage “the use of one builder on multiple but independent projects” is also countered by recent cottage applications received by staff, which combine multiple parcels, or comprise larger but subdividable parcels, that are cohesively designed. As noted in the background section, the City is experiencing significant interest in cottage projects of all sizes, including cottage projects containing more than five units that come with a requirement to provide common open space.

Furthermore, as discussed on page 4 of the interpretation (Attachment 1), following is a complete list of Comprehensive Plan policies that support the interpretation:

- *Policy H-1.1: Incorporate neighborhood character and design principles into standards for new development.*
- *Policy H-2.4: Allow a broad range of housing and site planning approaches in single-family areas to increase housing supply and choice, to reduce cost, and to ensure design quality and neighborhood compatibility.*
- *Policy CC-1.4: Encourage and develop places and events throughout the community where people can gather and interact.*
- *Policy CC-4.1: Enhance City identity by use of urban design principles that recognize the unique characteristics of different types of*

development, including single-family, multifamily, mixed-use, and various types and sizes of commercial development.

- *Policy LU-1.3: Encourage attractive site and building design that is compatible in scale and in character with existing or planned development.*
- *Policy LU-2.4: Support development patterns that promote public health and provide opportunities for safe and convenient physical activity and social connectivity.*
- *Policy LU-6.1: Distribute parks and open spaces throughout the City, with particular focus on new facilities in areas of the City facing the greatest population growth, in areas where facilities are deficient, and/or in areas where connections of the open space network could be made.*

These Comprehensive Plan policies support the subject interpretation because the holistic design of larger sites consisting of an assemblage of parcels would promote the goals referred to in the policies, including: quality design; meaningful places for people to gather and interact; places for physical activity and social connectivity; and new open space in neighborhoods where dense, new housing is being added.

- d. *Fourth, the appellant claims that the interpretation's definition of "cottage projects" contains "such a broad range of scenarios" that it results in the code being "impermissibly expanded."*

As noted above, the definition of a "cottage development" in the interpretation contains a common-sense definition of what constitutes a "development": projects with a shared property line or that are separated only by other residential development proposed by the same applicant or related companies, or projects that share physical functional characteristics (such as shared driveways or utilities). A "related party" is basically interpreted as the same applicant or developer (even if they use different names and/or supposedly different companies), as defined by the federal Internal Revenue Code.

2. *The appellant claims that the interpretation violates State law in that it regulates cottage projects "in a way that would make that individual developer or project pay for a general cost, whether financial or social," rather than mitigate effects caused by the specific development.*

This argument fails for at least two reasons. First, as noted above, the projects that are being regulated as a single "cottage development" in the interpretation share physical characteristics and/or the same or related development applicants that make them logically a single project. Second, the common open space that is required of larger cottage projects need not be publicly accessible, it need only be accessible to residents of the cottage project. This open space requirement is intended to mitigate the increased demand for open space associated with

cottage projects (which, by nature of their increased density compared to conventional single-family projects, typically contain little private open space). The City is not requiring developers to “pay for a general cost,” such as providing open space for the general population. Here, the impact that is being mitigated is associated with the size of the cottage project itself (five units or more), not solely the shared physical characteristics between two projects (as the appellant purports).

3. *The appellant claims the interpretation fails the test that “zoning regulations must be imposed in a uniform manner.”*

The appellant claims that the interpretation considers applications that are merely “developed in proximity of space and time” to be one project. For example, the appellant speculates that the interpretation “treats independently-owned projects that happen to be developed in proximity of space and time differently from those that are otherwise identical.”

As noted above, the interpretation lays out clear criteria for when two or more cottage applications are to be considered one “cottage development” – and in almost every case such applications would be adjacent and undertaken by the same developer. The applications submitted by the appellant meet both these criteria – they are not merely “developed in proximity of space and time.”

Contrary to the appellant’s claim about zoning regulations being imposed in a nonuniform manner, the interpretation actually bolsters the principle of equal treatment of similarly-situated properties by preventing some developers from intentionally dividing their larger cottage projects into smaller projects to avoid a common open space requirement that other developers of similarly large cottage projects are required to meet.

The City’s interpretation is uniform and fair. It does not require developers with several cottage projects in different locations of the City to consolidate those different projects. For example, applications filed at the same time by the same developer for a four-unit cottage project in the Kingsgate neighborhood and a four-unit cottage project in the Houghton neighborhood would not meet the City’s definition of “a cottage development of five (5) or more units.” The City has established strict, reasonable, common-sense criteria for when separate developments are considered as one development for purposes of the open space requirements in the code.

The Planning Director was well within his authority to render this interpretation because, pursuant to KZC 170.40, the Director may, “acting on his/her own initiative issue interpretations of any of the provisions of” the Zoning Code.

4. *The appellant argues that the interpretation will have adverse effects on their four applications because it would require the provision of open space, would reduce the projects’ densities, and make the projects infeasible.*

Staff can only dispute the first two points, as assessing a specific project's financial feasibility is beyond the purview of the Planning & Building Department. However, staff notes that the City has received applications for similarly-sized and configured cottage projects that other applicants are moving forward with to the building permit stage and for which good economic returns are expected, based on conversations with those developers.

Staff also notes that cottage projects have been successfully developed with common open space throughout Kirkland in the past. Attachment 5 shows some representative projects consisting of five or more cottage units that have been designed in a unified fashion and have proceeded or are likely to proceed to construction/completion.

In talking to residents of other successfully-developed cottage projects with common open space, residents frequently speak to the value of the open space as something that provides an important amenity to residents of the development and increases the property's value to them. This makes it difficult for the City to believe that common open space would diminish a project's feasibility (particularly when viewed in light of the fact that the 2020 code amendments reduced open space requirements from 400 square feet per unit to 300 square feet, in addition to allowing for density premiums and parking reductions).

The claim that the code requirement and associated interpretation would reduce the density of the appellant's project is plausible on its face (because open space absorbs a portion of the site area), but is a somewhat simplistic conclusion as developers pursue multiple decisions that limit or enhance the density that can be achieved on a specific site. In the case of the specific cottage applications referenced in the appellant's letter, each application provides more parking than the code requires, which also diverts valuable land that could otherwise be used to provide space for cottage construction. Thus, the appellant's discretionary decision to provide more parking than is required under the code also limits the density that can ultimately be achieved. Staff would note that the common open space requirement, in and of itself, is not the sole project feature that reduces density beyond what would otherwise be achieved under the code. Furthermore, it is worth noting once again that common open space has value. Density is not the only factor that adds value to a property.

CONCLUSION:

Staff believes the subject interpretation is a common-sense and Comprehensive Plan-supported approach to clarifying that two or more cottage applications with a combined total of five or more units that are adjacent and are being proposed by the same developer should be subject to the same common open space requirements as projects with the same number of units that happen to be the subject of a single application. As with the definition of "subject property" in KZC Section 5.10.920, the number of parcels

or property owners are not the determining factors that dictate what constitutes a "cottage development." Rather, the characteristics of multiple applications that constitute a single project are those that would be evident under a common-sense reading of the code: adjacency, shared utilities or access, and undertaken by the same or related developer. Staff would also note, in the context of the Comprehensive Plan policies cited on page 4 of the interpretation (and earlier in this memo), the importance of employing the common open space requirement fairly to all larger projects: to increase housing supply and choice; develop places in the community where people can interact; recognize the unique design characteristics of different types of development; and support opportunities for social connection.

Attachments

Attachment 1: Interpretation 21-4

Attachment 2: Appeal of Code Interpretation 21-4

Attachment 3: Letter of Protest re. Applications

Attachment 4: Brown/Babadzhanov and Bradley/Wu Projects

Attachment 5: Representative Cottage Projects



CITY OF KIRKLAND

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OFFICIAL ZONING CODE INTERPRETATION

INTERPRETATION NUMBER	CODE SECTION	EFFECTIVE DATE	APPEAL PERIOD
21-4	KZC 113.25 (Common Open Space) and KZC 113.35 (Required Common Open Space)	8/17/2021	8/31/2021

ISSUE:

Chapter 113 of the Kirkland Zoning Code (KZC) (Cottage, Carriage and Two/Three-Unit Homes) contains detailed regulations pertaining to more compact housing types, including architectural features, parking requirements, and site development standards. A key element of Chapter 113 is the establishment of open space standards for “cottage developments containing five (5) or more units.” While cottage developments may be as small as two units, these larger cottage projects of five or more units must contain open space that is centrally located and easily accessible by all residents of the cottage project, and that is integrated into the cottage community by being surrounded by housing units on at least two sides. In order to avoid these requirements, some project applicants have proposed multiple applications for smaller projects on adjacent sites that cumulatively total five or more cottage units and do not include common open space. Adverse impacts of this development approach include the potential for larger cottage projects that do not fulfill a fundamental intent of Chapter 113: “innovation and variety in housing design and site development” and promoting a sense of community.

INTERPRETATION:

As referenced in KZC 113.25 and KZC 113.35, “cottage developments containing five (5) or more units” are one or more applications for cottage projects cumulatively containing five (5) or more units that share any of the following characteristics:

- Two or more cottage applications, each on a “subject property” as defined by KZC 5.10.920, with a shared property line that are submitted while there is an active application or issued permit by the same or “related party” (as defined below);
- Cottage clusters separated by lots containing proposed single-family houses and proposed cottages by the same or related development companies;
- Shared utilities; or
- Shared vehicular access.

The City will consider the entire proposed cottage development or use in determining what constitutes the “subject property” for purposes of an open space requirement, even if an applicant chooses to apply to the City on an individual contiguous lot or parcel basis, either individually or through a related party. Subject property” is defined by KZC 5.10.920 as “[t]he entire lot, series of lots or parcels on which a development or use is or will be located....” The following are nonexclusive examples of circumstances under which the City will consider a cottage development application from an owner of a lot or parcel to be a “related party” to a cottage development applicant of a contiguous lot or parcel proposed for the same cottage development use:

1. Members of the same family;
2. An individual and a corporation or other entity in which the individual owns, directly or indirectly, more than 50% of the corporation or entity;
3. Two corporations or entities which are members of the same controlled group;
4. A grantor and a fiduciary of any trust; or
5. A corporation and a partnership if the same persons own more than 50% of the value of the corporation and more than 50% of the capital or profits interest of the partnership.

These “related party” categories are listed as nonexclusive examples. For general guidance, applicants can refer to the “related party” definitions utilized under the federal Internal Revenue Code, including IRC Section 267.

BACKGROUND:

The intent of Chapter 113 of the KZC is to foster alternatives to the development of detached single-family housing, to encourage “innovation and variety in housing design and site development,” and, importantly, promote a sense of community and inclusivity.

Common open space within larger cottage projects (five or more units) is a critical means of creating projects that differ from standard single-family projects, which typically focus on private open space and privacy, and are characterized by a lack of shared public space. The requirement for common open space is also one of the ways that the City of Kirkland promotes equity and inclusivity in land use planning, pursuant to Resolution 5240 (Declaring Kirkland a Safe, Inclusive, and Welcoming Community) adopted on February 21, 2017, as shared open space contributes to social interaction, reduces isolation, and promotes community. As stated in KZC 113.35.1.c, common open space is intended to “provide a sense of openness, visual relief, and community for cottage developments.” Larger cottage projects comprising five or more units that circumvent common open space requirements by filing separate and multiple applications of smaller cottage projects (or via exploiting other loopholes) do not meet the intent of Chapter 113.

APPLICABLE CODE SECTIONS:

Applicable code sections are:

KZC113.25:

Common <u>Open Space</u>	<p>300 square feet per unit for <u>cottage</u> developments containing 5 or more units and not required for <u>duplexes</u> or triplexes.</p> <p>Can be reduced to 200 square feet per unit if a permanent recreational/communal feature, such as cooking facilities, play equipment or permanent outdoor furniture, is provided.</p> <p>Private <u>open space</u> is also encouraged (see KZC <u>113.35</u>).</p>
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KZC 113.35.1.c:

c. Required Common Open Space

* * *

Common open space shall meet the following standards:

- 1) For cottage developments containing five (5) or more units, provide a total of 300 square feet per unit; provided, that the total square footage of common open space for cottage developments of five (5) or more units may be reduced to 200 square feet if a permanent recreational/communal feature is provided.

ANALYSIS:

KZC Section 170.40.1 states that the Planning Director (currently Planning & Building Director) may issue an interpretation of any of the provisions of the Code. This section requires the Planning & Building Director to base a decision on the following three criteria (the rationale is italicized under each criterion):

1. Defined or common meaning of the words of the provision.

The common meaning of a "cottage development containing five (5) or more units" is a project or group of projects consisting of cottages or primarily cottages that are located in the same general location and that share one or more functional characteristics (e.g., proximity, adjacency, shared utilities, common vehicular access). While lot lines and applications are important in the real estate and development process, the aforementioned locational and functional characteristics govern what is considered a unified cottage "development" for the purposes of the common open space provisions in KZC 113.

2. The general purpose of the provision as expressed in the provision.

The general purpose of the provisions in KZC 113.25 (Common Open Space) and KZC 113.35 (Required Common Open Space) is to "provide a sense of openness, visual relief, and community for cottage developments," which, in larger cottage developments of five or more units, cannot be achieved solely through the provision of private open space. The purpose of the exceptions for common open space was

to provide owners/developers of smaller, isolated parcels an opportunity to create smaller cottage projects subject to standards that are scaled to the size of the parcel they have to work with. Where an owner/developer has a larger parcel or multiple parcels to work with, the expectation is that the full suite of regulations applies, including, importantly, the common open space requirement.


3. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.

Many policies in the Comprehensive Plan support making the City's housing stock more diverse, affordable, and inclusive; fostering open spaces that encourage social interaction and community; and encouraging design that aligns with sound urban planning principles, including the following:

- *Policy H-1.1: Incorporate neighborhood character and design principles into standards for new development.*
- *Policy H-2.4: Allow a broad range of housing and site planning approaches in single-family areas to increase housing supply and choice, to reduce cost, and to ensure design quality and neighborhood compatibility.*
- *Policy CC-1.4: Encourage and develop places and events throughout the community where people can gather and interact.*
- *Policy CC-4.1: Enhance City identity by use of urban design principles that recognize the unique characteristics of different types of development, including single-family, multifamily, mixed-use, and various types and sizes of commercial development.*
- *Policy LU-1.3: Encourage attractive site and building design that is compatible in scale and in character with existing or planned development.*
- *Policy LU-2.4: Support development patterns that promote public health and provide opportunities for safe and convenient physical activity and social connectivity.*
- *Policy LU-6.1: Distribute parks and open spaces throughout the City, with particular focus on new facilities in areas of the City facing the greatest population growth, in areas where facilities are deficient, and/or in areas where connections of the open space network could be made.*

APPEAL PERIOD AND PROCEDURE TO APPEAL:

Any person who is aggrieved by this interpretation may appeal it. An appeal, in the form of a letter of appeal and appeal fee established by ordinance, must be delivered to the Planning & Building Department by 5:00 PM on @ , 14 days following the date the interpretation was posted to the City of Kirkland website. The letter of appeal must indicate how the interpretation affects the appellant's property and present any relevant arguments of information on why the interpretation should not be issued.



Adam Weinstein, AICP, Planning & Building Director

Effective date: August 17, 2021

Johns Monroe MitsunagaKoloušková P.L.L.C.

Darrell S. Mitsunaga
Duana T. Koloušková
Vicki E. Orrico
Dean Williams
Patricia M. Army
Mary Joy Dingler

Adam Weinstein
Planning and Building Director
City of Kirkland
123 5th Ave
Kirkland, Washington 98033
Via Messenger

August 31, 2021

Re: Appeal of Code Interpretation 21-4

Dear Mr. Weinstein:

Our firm represents Merit Homes, Inc. ("Merit"), the Applicant with regard to the four projects identified below. Merit Homes hereby appeals Code Interpretation 21-4 (the "Interpretation"), interpreting KZC 113.25 and 113.35.

Background.

Merit is the Applicant for the following four projects (the "Projects"):

- Brown Cottages, eLSM, Application ID 1006229
- Bradley Cottages, eLSM, Application ID: 1006307
- Wu Cottages, eLSM, Application ID: 1006293
- Babadzhanov Cottages, eLSM, Application ID: 1006273

Each Project is owned independently. The Brown property is owned by Jim W. Brown. The Bradley property is owned by Mitchell A. Bradley. The Babadzhanov property is owned by Yuriy and Irina Babadzhanov. Only the Wu property is owned by Merit. The Brown and Babadzhanov properties abut one another. The Bradley and Wu properties abut one another. However the two pairs of properties are not in the vicinity of one another. The Projects do not share vehicular access, and the only "shared" utility is the convergence of the separate storm pipes for each Project into a single connection at the juncture with the public storm facility.

Merit has been engaged to develop each of the Projects. Merit submitted the applications (the "Applications") on August 16, 2021. The Applications were rejected, and contained the following comment:

Based on the final interpretation by the Planning and Building Director since [Babadzhanov and Brown] [Wu and Bradley] are unified by a shared property line, and storm water conveyance, these cottage developments must come in as a joint cottage project. We will not review them as separate projects.

Code Interpretation

KZC 113.25 and KZC 113.35.1.c(1) require cottage developments containing five (5) or more units to provide a total of 300 square feet of common open space per unit. The Interpretation

Adam Weinstein
 August 31, 2021
 Page | 2

construes “5 or more units” to mean “applications for cottage projects cumulatively containing five (5) or more units that share any of the following characteristics:

- Two or more cottage applications, each on a “subject property” as defined by KZC 5.10.920, with a shared property line that are submitted while there is an active application or issued permit by the same or “related party” (as defined below);
- Cottage clusters separated by lots containing proposed single-family houses and proposed cottages by the same or related development companies;
- Shared utilities; or
- Shared vehicular access.”

The Interpretation defines “related party” to include:

- Members of the same family;
- An individual and a corporation or other entity in which the individual owns, directly or indirectly, more than 50% of the corporation or entity;
- Two corporations or entities which are members of the same controlled group;
- A grantor and a fiduciary of any trust; or
- A corporation and a partnership if the same persons own more than 50% of the value of the corporation and more than 50% of the capital or profits interest of the partnership.

The Interpretation then broadens these already-expanded definitions to include:

... a project or group of projects consisting of cottages or primarily cottages that are located in the same general location and that share one or more functional characteristics (e.g., proximity, adjacency, shared utilities, common vehicular access). While lot lines and applications are important in the real estate and development process, the aforementioned locational and functional characteristics govern what is considered a unified cottage “development” for the purposes of the common open space provisions in KZC 113.

And:

Where an owner/developer has a larger parcel or multiple parcels to work with, the expectation is that the full suite of regulations applies, including, importantly, the common open space requirement.

Why The Interpretation Should Not Be Issued - Legal Basis for Challenge.

The Interpretation Improperly Amends KZC 113.25 and KZC 113.35.

Only the City Council may adopt or amend ordinances, and such adoption or amendment must follow the statutory requisites. RCW 35A.12.130. The Director is permitted to interpret legally codified ordinances, but such *interpretation* is limited to:

- a. The defined or common meaning of the words of the provision; and
- b. The general purpose of the provision as expressed in the provision; and
- c. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.

Adam Weinstein
 August 31, 2021
 Page | 3

The Interpretation did not limit itself to the above constraints, but rather introduced entirely new regulatory provisions into KZC 113.25 and KZC 113.35 that require adoption by the City Council and compliance with the statutory requisites.

First, the Interpretation defined the common meaning of “cottage development containing 5 or more units” to include a “group of projects” in the “same general location” sharing “functional characteristics.” This is not merely applying a *common meaning* to the Council’s fairly narrow term (“cottage development containing 5 or more units”). The Interpretation then states that “the expectation is that full suite of regulations applies” whether the multiple parcels are under common ownership or the building is simply being overseen by a single company. However, the City Council did not say that *its* expectation was application of the full suite of regulations to such remotely related projects: it said a single development containing 5 or more units.

Most importantly, the Interpretation expands on its own interpretation of the term “related parties” to apply KZC 113.25 and KZC 113.35 to projects “by the same or related development companies”, without justification, explanation or demonstration of how adding that term meets the requirements of KZC 170.40 or the requirement that Code amendments be adopted by the City Council. The Interpretation impermissibly expands the City Council’s clear regulatory language to include other projects - not under common ownership or even being “developed” together - that the Director vaguely deems to share “functional characteristics.” Had the City Council intended to apply the common open space requirement to such projects, it would have drafted the ordinances accordingly.

In addition to going beyond the authority of KZC 170.40 to determine the common meaning of words and general purpose of the provision, the Interpretation conflicts with several of the Comprehensive Plan provisions cited in support of the Interpretation. For example, Policy H-1.1 encourages incorporation of “neighborhood character and design principles into standards for new development.” However, the Interpretation discourages the use of one builder on multiple but independent projects in the same general location that would lead to a cohesive neighborhood character and design. Similarly, Policy H-2.4 encourages “a broad range of housing and site planning approaches in single-family areas to increase housing supply and choice, to reduce cost, and to ensure design quality and neighborhood compatibility.” Yet the Interpretation in effect discourages use of the Cottage Housing Code by requiring separate owners of projects to dedicate property related to another project in the vicinity. The same is true for Policies CC-4.1 and Policy LU-1.3, which encourage the unique characteristics of single-family, multifamily, and mixed-use, and compatible attractive site and building designs.

The City Council adopted the ordinance requiring dedication of common open space for “cottage developments containing five (5) or more units,” and the Interpretation impermissibly broadened the definition of development containing 5 or more units to include a broad range of scenarios such as projects in the “same general location” with a common builder. The Cottage Code contains other requirements using the same or similar language that the Interpretation has impermissibly expanded. Will the City, for example, now require affordable housing for multiple projects with 10 or more units in the same general location with a common builder?

Adam Weinstein
 August 31, 2021
 Page | 4

KZC 113.25 and KZC 113.35 as Interpreted Violate RCW 82.02.020.

The Interpretation imposes significant new zoning obligations on a development that would otherwise be exempt merely because it shares a builder, utilities, driveway or ownership with another property “in the same general location.”

Every zoning regulation must comply with RCW 82.02.020, which only allows local governments to impose conditions on development that mitigate the impacts of the *specific development* but cannot regulate that development in a way that would make that individual developer or project pay for a general cost, whether financial or social. *Southwick v. City of Lacey*, 58 Wn. App. 886, 795 P.2d 712 (1990). RCW 82.02.020 does not authorize zoning regulations which are based on “all new development collectively.” *Isla Verde v. City of Camas*, 146 Wn.2d 740, 761, 49 P.3d 867 (2002). Instead, RCW 82.02.020 requires that zoning regulations address direct results of particular proposed developments. *Id.* KZC 113.25 and KZC 113.35 as interpreted do not regulate based on the impacts of a specific development proposal. The burden is on the City to show that the zoning regulation is designed to mitigate the impacts of the individual development itself. *Citizen’s Alliance for Property Rights v. Sims (CAPR)*, 145 Wn. App. 649, 187 P.3d 786 (2008).

Here, the owners of independently-owned properties cannot be required to mitigate for the impacts of one another. For example, the fact that two separately owned properties share a property line or storm water conveyance does not create an impact that may be mitigated by dedication of common open space. In fact, sharing utilities reduces impacts and cannot be the basis for determining a greater impact exists that must be redressed.

KZC 113.25 and KZC 113.35 as Interpreted Violate the Constitutional Requirement for Uniformity in Zoning Regulations.

KZC 113.25 and KZC 113.35 as interpreted will operate in an unconstitutionally random and unpredictable fashion. Zoning regulations must be imposed in a uniform manner. To pass constitutional muster, the Washington Supreme Court mandates that zoning ordinances “are required to be uniform and equal in operation and effect.” *State ex rel. Smilanich v. McCollum*, 62 Wn.2d 602, 605, 384 P.2d 358 (1963). The requirement for uniformity does not justify broad application of regulations without respect to the impacts of the particular development. *Citizens’ Alliance for Property Rights v. Sims*, 145 Wn. App. 649, 187 P.3d 786 (2008). To the contrary, uniformity and equality of operation means that similarly situated properties must be treated the same: according to the individual impacts that each project creates. The Interpretation treats independently-owned projects that happen to be developed in proximity of space and time differently than those that are otherwise identical. It is the antithesis of uniformity for a city to subject the same two developments to totally different zoning regulations based merely on the fact that one happens to share a builder, utilities, driveway or ownership with another property “in the same general location.”

Interpretation’s Effect on Appellant’s Projects

As noted above, Merit has been engaged to build cottage homes on 4 properties, none of which are under common ownership, and only one of which Merit itself owns. While none of the Projects shares a driveway or ownership, the mere fact that Merit has been engaged to develop the Projects, or that the stormwater pipes connect to the City infrastructure at the same juncture, triggers the

Adam Weinstein
August 31, 2021
Page | 5

common space requirement under the Interpretation. The common space requirement was not anticipated when the Projects were designed, and will reduce the density achievable in each of the four Projects. It is likely that this regulatory taking will make the Projects infeasible. It is also likely that the 4 property owners will be forced to hire separate builders for each Project; this will be at a significant cost, as the Projects have already been designed by Merit. As a result, the Projects will result in fewer smaller, alternative housing units being developed, which is counter to the intent of the Cottage Code.

Ironically, the Interpretation itself asks appellant to “indicate how the interpretation affects the appellant’s property,” but, by its own terms, the Interpretation has expanded its impact to developers as well as property owners.

We ask that the Hearing Examiner overturn the Director’s Interpretation and make it clear that the Projects may be developed without being consolidated and required to dedicate common open space.

Sincerely,



Vicki E. Orrico

Direct Tel: (425) 467-9968

Email: orrico@jmmklaw.com

Encl.: Appeal Fee

1370-3 Letter of Appeal Code Interpretation 21-4 KZC 113 8-31-21 f

JohnsMonroe MitsunagaKoloušková P L L C

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Vicki E. Orrico
Dean Williams
Patricia M. Army
Mary Joy Dinger

Adam Weinstein
Planning and Building Director
City of Kirkland
123 5th Ave
Kirkland, Washington 98033
Via MyBuildingPermit

September 3, 2021

Re: Letter of Protest re Applications 1006229, 1006307, 1006293 and 1006273

Dear Mr. Weinstein:

Our firm represents Merit Homes, Inc. ("Merit"), the Applicant with regard to the above-referenced projects. We are submitting this letter (1) to inform you that your rejection of the most recent submission of two of the applications is not authorized by law and in direct contravention of your newly adopted Code Interpretation 21-4, and (2) to inform you that we are resubmitting these two applications in protest of the Interpretation and reserve all rights to resubmit all four applications in the event we prevail in our appeal of the Code Interpretation or the Code Interpretation is otherwise amended or withdrawn.

By way of background, on August 16, 2021, Merit submitted applications for the following projects:

- Brown Cottages, eLSM, Application ID 1006229
- Bradley Cottages, eLSM, Application ID: 1006307
- Wu Cottages, eLSM, Application ID: 1006293
- Babadzhanov Cottages, eLSM, Application ID: 1006273

Each property related to the above applications is owned independently by totally unrelated parties. The Brown and Babadzhanov properties abut one another. The Bradley and Wu properties abut one another. These initial four applications were rejected, based on the following:

Based on the final interpretation by the Planning and Building Director since [Babadzhanov and Brown] [Wu and Bradley] are unified by a shared property line, and storm water conveyance, these cottage developments must come in as a joint cottage project. We will not review them as separate projects.

On August 17, 2021, the City adopted Code Interpretation 21-4 interpreting the 5-unit common open space requirement to include for projects that share a common builder, utilities, or driveway in the same general location regardless ownership.

As noted in our appeal of the Code Interpretation filed August 31, 2021, the Code Interpretation made development of the adjoining projects as cottage projects infeasible. As such, Merit decided to move forward with only the Brown and Wu projects, neither of which is the vicinity or under common ownership with the other. On August 31, 2021, Merit submitted its applications for these

Adam Weinstein
September 3, 2021
Page | 2

two unrelated projects. On September 1, 2021, the City rejected these two unrelated applications stating:

This project must be submitted with the [Babadzhanov] [Bradley] project . . . as these projects have a shared property line and they are being applied for by the same party. Please see Official Zoning Code Interpretation 21-4.

The City has no legal authority to require Merit to submit any applications. The Brown and Wu applications were submitted in full compliance with Code Interpretation 21-4. No application was filed for either the Babadzhanov or Bradley project. Should Merit file an application for either of these related projects, the City is welcome to invoke the Code Interpretation as it may exist at such time. In the meantime, Merit is well within its rights to submit the Brown and Wu applications and proceed with the development thereof under the Cottage Code.

Merit hereby resubmits Applications 1006229 (Brown) and 1006293 (Wu) independently and in compliance with Code Interpretation 21-4, and we demand the City accept these applications and proceed with review. However, these submissions are made under protest, and, in the event that Code Interpretation 21-4 is revised, withdrawn or found to be illegal, Merit reserves the right to submit applications for the Babadzhanov and Bradley projects under the Cottage Code.

Sincerely,



Vicki E. Orrico

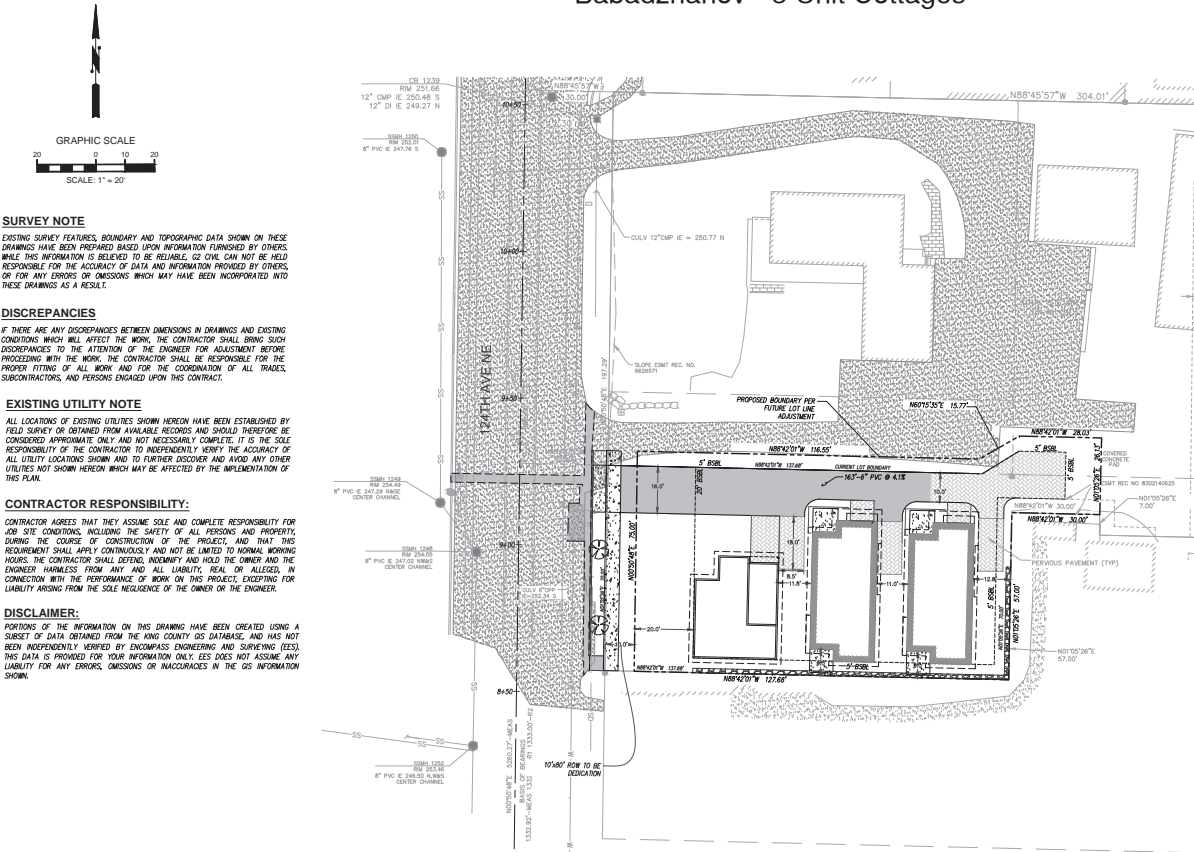
Direct Tel: (425) 467-9968

Email: orrico@jmmklaw.com

1370-3 Letter of Protest 9-2-21D



SW 1/4 OF THE SE 1/4 OF SEC. 33, T.26N., R.5E., W.M.
Babadzhanov - 3 Unit Cottages



SURVEY NOTE
EXISTING SURVEY FEATURES, BOUNDARY AND TOPOGRAPHIC DATA SHOWN ON THESE DRAWINGS HAVE BEEN PREPARED BASED UPON INFORMATION FURNISHED BY OTHERS. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, G2 CIVIL CAN NOT BE HELD RESPONSIBLE FOR THE ACCURACY OF DATA AND INFORMATION PROVIDED BY OTHERS, OR FOR ANY ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED INTO THESE DRAWINGS AS A RESULT.

DISCREPANCIES
IF THERE ARE ANY DISCREPANCIES BETWEEN DIMENSIONS IN DRAWINGS AND EXISTING CONDITIONS WHICH WILL AFFECT THE WORK, THE CONTRACTOR SHALL BRING SUCH DISCREPANCIES TO THE ATTENTION OF THE ENGINEER FOR ADJUSTMENT BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER FITTING OF ALL WORK AND FOR THE COORDINATION OF ALL TRADES, SUBCONTRACTORS, AND PERSONS ENGAGED UPON THIS CONTRACT.

EXISTING UTILITY NOTE
ALL LOCATIONS OF EXISTING UTILITIES SHOWN HEREON HAVE BEEN ESTABLISHED BY FIELD SURVEY OR OBTAINED FROM AVAILABLE RECORDS AND SHOULD THEREFORE BE CONSIDERED APPROXIMATE ONLY AND NOT NECESSARILY COMPLETE. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO INDEPENDENTLY VERIFY THE ACCURACY OF ALL UTILITY LOCATIONS SHOWN AND TO FURTHER DISCOVER AND AVOID ANY OTHER UTILITIES NOT SHOWN HEREON WHICH MAY BE AFFECTED BY THE IMPLEMENTATION OF THIS PLAN.

CONTRACTOR RESPONSIBILITY:
CONTRACTOR AGREES THAT THEY ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY, DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, AND THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR SHALL OBTAIN, IDENTIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

DISCLAIMER:
PORTIONS OF THE INFORMATION ON THIS DRAWING HAVE BEEN CREATED USING A SUBSET OF DATA OBTAINED FROM THE KING COUNTY GIS DATABASE, AND HAS NOT BEEN INDEPENDENTLY VERIFIED BY ENCOMPASS ENGINEERING AND SURVEYING (EES). THIS DATA IS PROVIDED FOR YOUR INFORMATION ONLY. EES DOES NOT ASSUME ANY LIABILITY FOR ANY ERRORS, OMISSIONS OR INACCURACIES IN THE GIS INFORMATION SHOWN.

PERMIT NOTES
* A SEPARATE PERMIT IS REQUIRED FOR DRAINAGE.

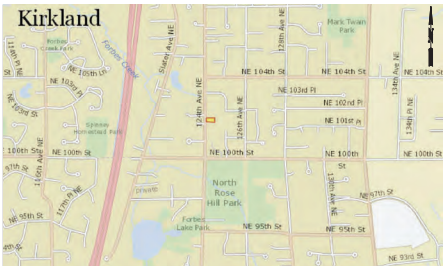
SURVEYOR'S NOTES
THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE ON JANUARY 12, 2021 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
THIS SURVEY DISCLOSES FACTORS OF RECORD AND ON THE GROUND AFFECTING THE SUBJECT PROPERTY BOUNDARY, BUT IT DOES NOT PURPORT TO LEGALLY RESOLVE RELATED PROPERTY LINE DISPUTES. WHERE AMBIGUITIES ARE NOTED, AXIS RECOMMENDS THAT THE OWNER CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW BEST TO INTERPRET THEIR PROPERTY RIGHTS AND ADDRESS ANY POTENTIAL PROPERTY LINE DISPUTES.
UTILITY LOCATIONS SHOWN HEREON ARE BASED UPON AS-BUILT FIELD LOCATION OF EXISTING STRUCTURES, FIELD LOCATION OF UTILITIES BASED ON LOCATOR PAINT MARKINGS AND LOCATIONS BASED ON UTILITY MAPS FROM CITY AND UTILITY DRAWINGS INDICATING REPORTED UTILITY INSTALLATIONS. OTHER UTILITIES MAY EXIST. NO SUB-SURFACE EXPLORATION WAS MADE TO VERIFY UTILITY ROUTINGS AND THE ROUTING OF ALL BURIED UTILITIES SHOULD BE CONFIRMED WITH THE UTILITY PURVEYOR AND EXPOSED IN AREAS CRITICAL TO DESIGN FOR VERIFICATION.
2' CONTOUR INTERVAL DERIVED FROM DIRECT FIELD OBSERVATION.
THIS SURVEY MEETS UNITED STATES NATIONAL MAP ACCURACY STANDARDS FOR VERTICAL ACCURACY OF ONE HALF THE CONTOUR INTERVAL.

F.A.R. TABLE	
COTTAGE #1:	1,735 SF
COTTAGE #2:	1,735 SF
COTTAGE #3:	1,735 SF
TOTAL PROPOSED F.A.R.:	5,205 SF
ALLOWABLE F.A.R.:	5,206 SF

PROVIDED BY ARCHITECT

LOT COVERAGE TABLE	
COTTAGE FOOTPRINT	2,898 SF
COVERED/UNCOVERED PATIOS	84 SF
DRIVEWAYS	1,509 SF
PERVIOUS PARKING SPACES	1,220 SF @ 50% = 610 SF
TOTAL PROPOSED LOT COVERAGE:	5,101 SF
ALLOWABLE LOT COVERAGE:	5,206 SF

PROVIDED BY ARCHITECT



PROJECT DATA
PROPERTY ADDRESS: 10060 124TH AVE NE, KIRKLAND WA 98033
TAX LOT NUMBERS: 6743700120
SITE AREA: 10,412 SF (0.239 AC.)
ZONING DESIGNATION: RSX 7.2 SINGLE FAMILY RESIDENTIAL

PROJECT CONTACTS
OWNER/DEVELOPER: MERIT HOMES
803 KIRKLAND AVE, SUITE 100
KIRKLAND, WA 98033
(425) 578-0541
CONTACT: MIKE SMITH
CIVIL ENGINEER: G2 CIVIL
1375 NW MALL ST, SUITE 3
ISSAQUAH, WA 98027
(425) 821-5038
CONTACT: EDWARD MECUM, PE
ARCHITECT: TROY CLAYMER
ARCHITECTS NORTHWEST INC.
18915 - 142ND AVE NE / SUITE 100
WOODINVILLE, WA 98072
PHONE: (425) 485 4900
SURVEYOR: AXIS SURVEY & MAPPING
15241 NE 90TH ST
REDMOND, WA 98052
PHONE: (425) 823-5700
CONTACT: W. TRAVIS BRADLEY, PLS
GEOTECHNICAL ENGINEER: NELSON GEOTECHNICAL ASSOCIATES, INC.
17371 150TH AVE NE, SUITE A-500
PHONE: (425) 486-1669
CONTACT: KHALED M. SHAMSH, PE
ARBORIST: LAYTON TREE CONSULTING, LLC.
P.O. BOX 575
SNOHOMISH, WA 98291
PHONE: (425) 220-5711
CONTACT: BOB LAYTON, ISA CA

BASIS OF BEARINGS
HELD A BEARING OF NORTH 290°48' EAST ALONG 124TH AVE BETWEEN THE FOUND MONUMENTS ON NE 100TH ST AND NE 104TH ST.

HORIZONTAL DATUM
NAD 83/97

VERTICAL DATUM
NAVD 88 CITY OF KIRKLAND

BENCHMARKS
ORIGINATING BENCHMARK: CITY OF KIRKLAND SURVEY CONTROL
POINT 31 FOUND PUNCH IN 3" BRASS DISC STAMPED "KCAS
TRAVERSE 19.39" IN CONCRETE MONUMENT CASE.
ELEVATION: 258.86'

TEMPORARY BENCHMARKS:
TBM 24" TOP OF MONUMENT IN CASE AT THE INTERSECTION OF 125TH AVE NE AND NE 102ND PL.
ELEVATION: 262.36'

LEGAL DESCRIPTION/TITLE REPORT NOTES
PARCEL C:
THE NORTH 70 FEET OF THE WEST 138 FEET OF LOT 6, BLOCK 2, H.C. PETT'S ALDER GROVE ADDITION TO KIRKLAND, ACCORDING TO THE PLAT THEREOF RECORDS OF VOLUME 21 OF PLATS, PAGE 63, RECORDS OF KING COUNTY, WASHINGTON.
PARCEL C DESCRIPTION PER QUIT CLAIM DEED UNDER KING COUNTY RECORDING NUMBER 2001092400131.
NO EASEMENTS, RESTRICTIONS OR RESERVATIONS OF RECORD WHICH WOULD BE DISCLOSED BY THE TITLE REPORT ARE SHOWN FOR PARCEL C.

REFERENCES
R1 H.C. PETT'S ALDER ADDITION TO KIRKLAND V.21/PL.63
R2 SHORT PLAT REC. NO. 2014102900008
R3 ESTHER PARK V.17/PL.63-43

SHEET INDEX
1. COVER SHEET
2. TESC/TREE RETENTION PLAN
3. SITE & DRAINAGE PLAN
4. SEWER & WATER PLAN
5. COMPOSITE UTILITY PLAN
6. PROFILES & SECTIONS
7. CITY OF KIRKLAND STANDARD NOTES
8. CITY OF KIRKLAND STANDARD DETAILS - 1
9. CITY OF KIRKLAND STANDARD DETAILS - 2
10. CITY OF KIRKLAND STANDARD DETAILS - 3



DATE	NOTES
08-16-21	SUBMITTED TO CLIENT
CHG BY	EDM
CHK BY	AMS

1375 NW MALL ST, SUITE 3
ISSAQUAH, WA 98027
PHONE: (425) 821-5038
G2 CIVIL

COVER SHEET
BABADZHANOV 3-UNIT COTTAGES
ENHANCED LAND SURFACE MODIFICATION (S40)

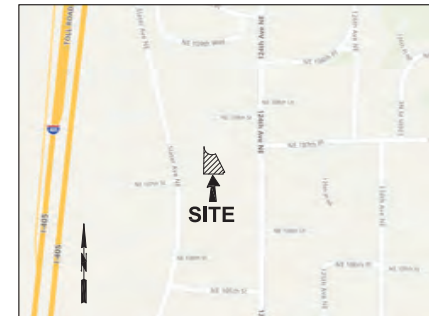
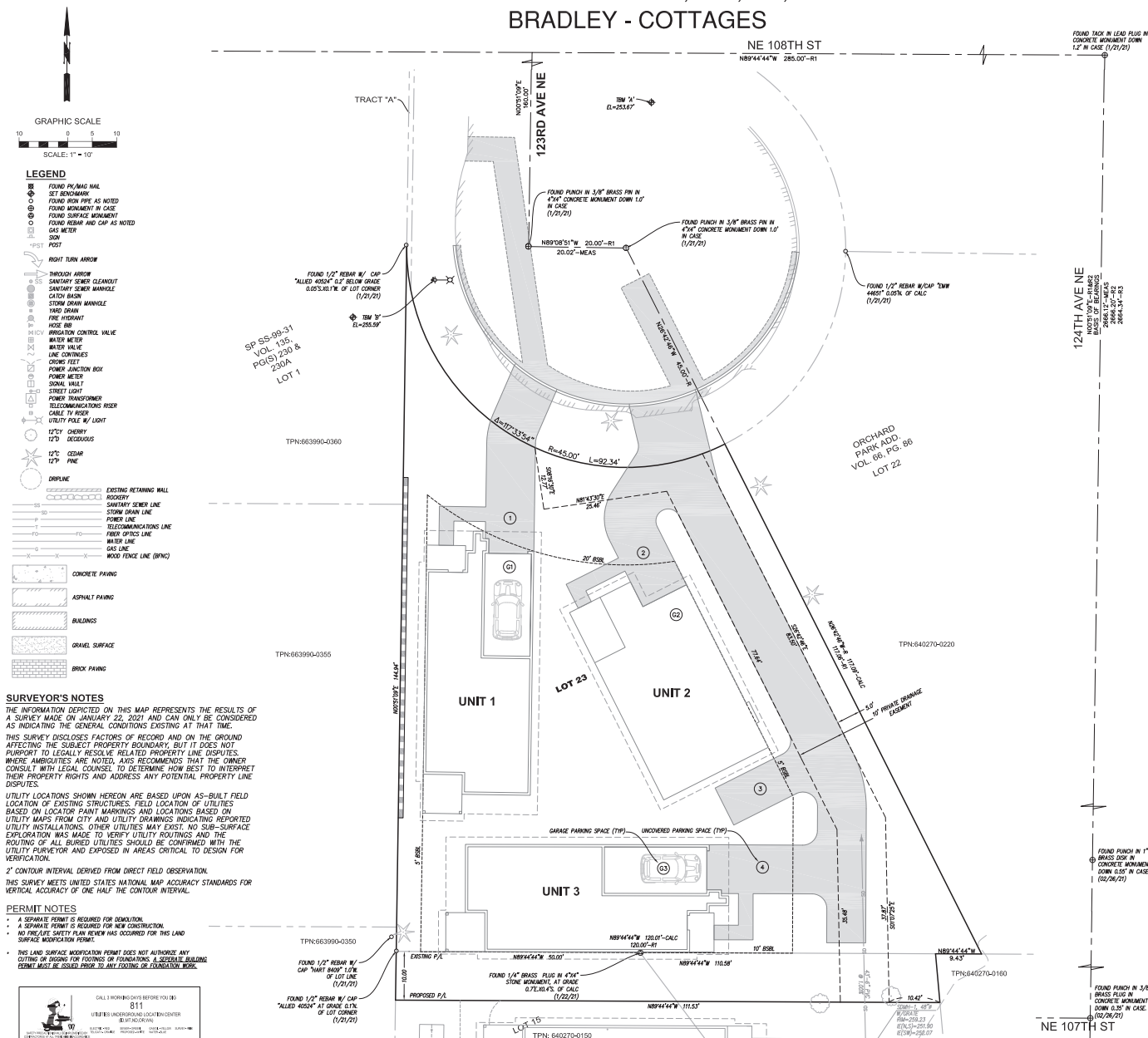
SHEET
1 of 10

JOB No.





NE 108TH ST



SITE

VICINITY MAP
NOT TO SCALE

PROJECT DATA	NOT TO SCALE
PROPERTY ADDRESS:	10720 123RD AVE NE, KIRKLAND WA 98033
TAX LOT NUMBER:	6402700230
SITE AREA:	9,853 SF (0.226 AC.) EXISTING
	10,964 SF (0.252 AC.) PENDING LLA
ZONING DESIGNATION:	RSX 7.2 SINGLE FAMILY RESIDENTIAL

PROJECT TEAM

OWNER: BRADLEY A. MITCHELL
10720 123RD AVE NE
KIRKLAND, WA 98033

DEVELOPER: MERIT HOMES
803 KIRKLAND AVE, SUITE 100
KIRKLAND, WA 98033
(425) 605-0597
CONTACT: MIKE SMITH

CIVIL ENGINEER: G2 ENGINEERING
1375 NW MALL ST, SUITE 3
ISSAQUAH, WA 98027
(425) 821-5038
CONTACT: NICOLE MECUM, PE

ARCHITECT: ARCHITECTS NORTHWEST
18915 142ND AVE NE, SUITE 101
WOODINVILLE, WA 98072
PHONE: (888) 272-4100
CONTACT: TROY CLYMER, AIA

SURVEYOR: AXIS SURVEY & MAPPING
15241 NE 90TH ST
REDMOND, WA 98052
PHONE: (425) 823-5700
CONTACT: W. TRAVIS BRADLEY,

GEOTECHNICAL ENGINEER: NELSON GEOTECHNICAL ASSOCIATES
17311 135TH AVE NE, SUITE A-
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PHONE: (425) 486-1669

ARBORIST: LAYTON TREE CONSULTING, LLC.
P.O. BOX 572
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PHONE: (425) 220-5711
CONTACT: BOB LAYTON, ISA CA

BASIS OF BEARINGS

HELD A BASIS OF BEARING OF NORTH 00°51'09" EAST ALONG THE MONUMENTED CENTERLINE OF NE 124TH STREET BETWEEN THE FOUND MONUMENT AT NE 108TH ST AND THE FOUND MONUMENT AT NE 100TH STREET (CITY OF KIRKLAND CONTROL POINT 31)

HORIZONTAL DATUM
NAD '83 CONUS GCS OF NAD

VERTICAL DATUM
NAVD '88 PER CITY OF KIRKLAND

BENCHMARKS

BENCHMARKS
ORIGINATING BENCHMARK: CITY OF KIRKLAND CONTROL POINT 31,
 FOUND PUNCH IN 3" BRASS DISC IN CONCRETE MONUMENT, DOWN
 1.7' IN CASE.
ELEVATION: 258.864'

TEMPORARY BENCHMARKS:
BM 'A' SET CHISELED "X" IN SOUTH RIM OF STORM DRAIN
 MANHOLE LOCATED WITHIN THE CUL-DE-SAC OF 123RD AVE NE,
 WEST OF HOUSE NO. 10728
 ELEVATION: 253.67'
BM 'B' SET RAILROAD SPIKE IN NORTH FACE OF UTILITY POLE
 WITH TRANSFORMER, CONDUIT, AND LIGHT, LOCATED ON THE WEST
 SIDE OF CUL-DE-SAC OF 123RD AVE NE, 1.0' ABOVE GRADE.
 ELEVATION: 255.59'

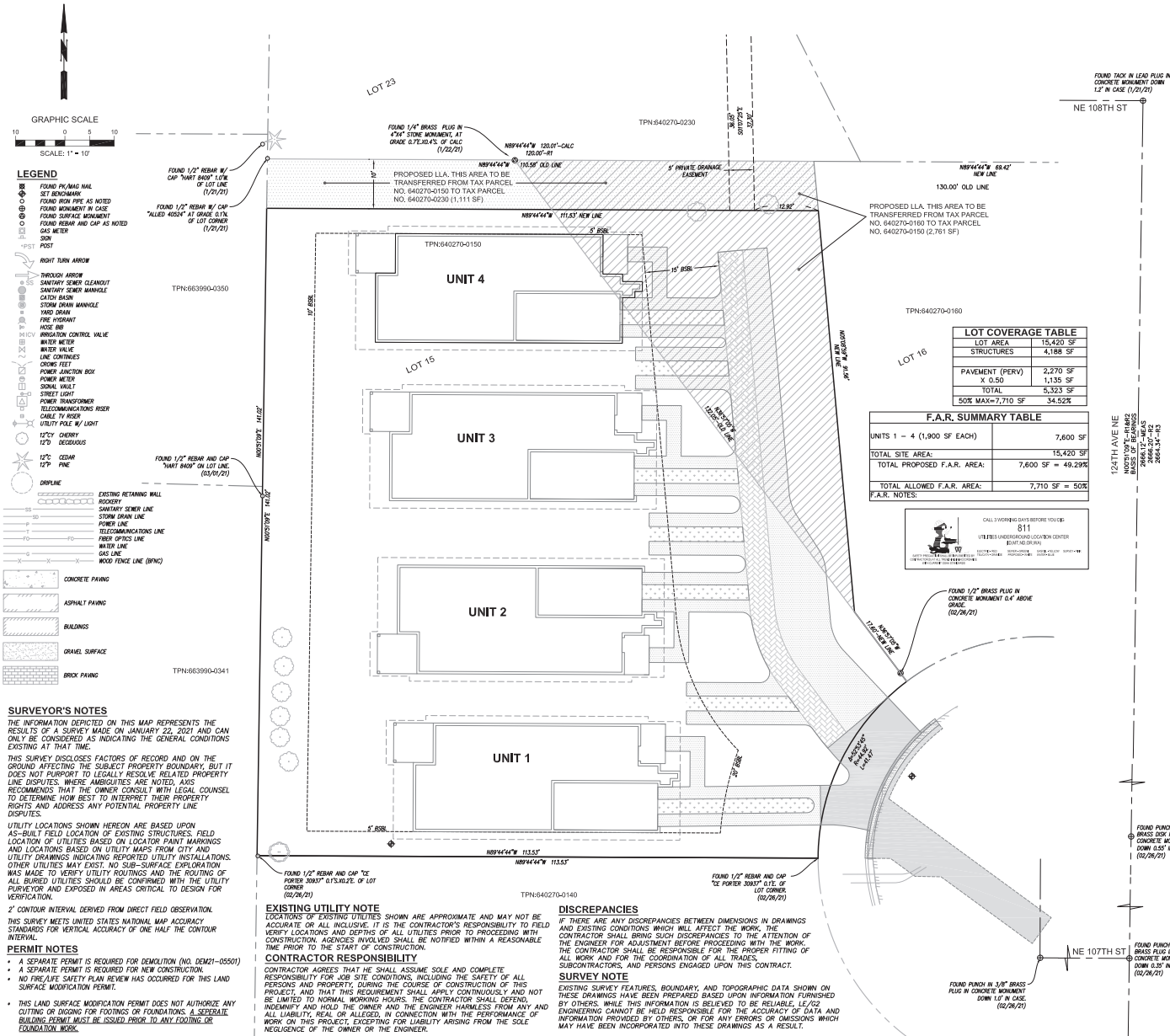
LEGAL DESCRIPTION

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

SHEET INDEX

1. COVER SHEET
2. TESC & TREE RETENTION PLAN
3. ROAD, GRADING, & DRAINAGE PLAN
4. SEWER & WATER PLAN
5. CITY OF KIRKLAND STANDARD NOTES
6. CITY OF KIRKLAND STANDARD DETAILS - 1
7. CITY OF KIRKLAND STANDARD DETAILS - 2

NE 1/4 OF THE SW 1/4 OF SEC. 33, T.26N., R.5E., W.M.
WU COTTAGES



PROJECT DATA
PROPERTY ADDRESS: 12306 NE 107TH ST, KIRKLAND WA 98033
TAX LOT NUMBER: 6402700150
SITE AREA: 13,770 SF (0.316 AC.) EXISTING
15,420 SF (0.354 AC.) PENDING LLA'S
ZONING DESIGNATION: RSX 7.2 SINGLE FAMILY RESIDENTIAL

PROJECT TEAM
OWNER/DEVELOPER: MERIT HOMES
803 KIRKLAND AVE, SUITE 100
KIRKLAND, WA 98033
(425) 605-0597
CONTACT: MIKE SMITH

CIVIL ENGINEER: G2 ENGINEERING
1375 NW MALL ST, SUITE 3
ISSAQUAH, WA 98027
(425) 821-5038
CONTACT: NICOLE MECUM, PE

ARCHITECT: ARCHITECTS NORTHWEST
18915 142ND AVE NE, SUITE 100
WOODINVILLE, WA 98072
PHONE: (888) 272-4100
CONTACT: TROY CLYMER, AIA

SURVEYOR: AXIS SURVEY & MAPPING
15241 NE 90TH ST
REDMOND, WA 98052
PHONE: (425) 823-5700
CONTACT: W. TRAVIS BRADLEY, PLS

GEOTECHNICAL ENGINEER: NELSON GEOTECHNICAL ASSOCIATES, INC.
17311 135TH AVE NE, SUITE A-500
PHONE: (425) 486-1669
CONTACT: KHALED H. SHAMSH, PE

ARBORIST: LAYTON TREE CONSULTING, LLC
P.O. BOX 372
SNOHOMISH, WA 98291
PHONE: (425) 220-5711
CONTACT: BOB LAYTON, ISA CA

BASIS OF BEARINGS
HELD A BASIS OF BEARING OF NORTH 00°51'09" EAST ALONG THE MONUMENTED CENTERLINE OF NE 124TH STREET BETWEEN THE FOUND MONUMENT AT NE 108TH ST AND THE FOUND MONUMENT AT NE 100TH STREET (CITY OF KIRKLAND CONTROL POINT 31)

HORIZONTAL DATUM
NAD 83/91 PER CITY OF KIRKLAND

VERTICAL DATUM
NAVD 88 PER CITY OF KIRKLAND

BENCHMARKS
ORIGINAL BENCHMARK: CITY OF KIRKLAND CONTROL POINT 31.
FOUND PUNCH IN 3" BRASS DISC IN CONCRETE MONUMENT, DOWN 1.7" IN CASE.
ELEVATION: 258.864'
TEMPORARY BENCHMARKS:
ITEM 1A: SET CHESLED "X" IN SOUTH RIM OF STORM DRAIN MANHOLE LOCATED WITHIN THE CUL-DE-SAC OF 123RD AVE NE, WEST OF HOUSE NO. 10728
ELEVATION: 253.67'
ITEM 1B: SET RAILROAD SPIKE IN NORTH FACE OF UTILITY POLE WITH TRANSFORMER CONCRETE FOUNDATION LOCATED ON THE WEST SIDE OF CUL-DE-SAC OF 123RD AVE NE, 1.0' ABOVE GRADE.
ELEVATION: 255.55'

LEGAL DESCRIPTION/TITLE REPORT NOTES
LOT 15 OF ORCHARD FARM ADDITION, AS PER PLAT RECORDED IN VOLUME 66 OF PLATS, PAGE 86, RECORDS OF KING COUNTY, SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

SHEET INDEX

- 1. COVER SHEET
- 2. TESC & TREE RETENTION PLAN
- 3. ROAD GRADING & DRAINAGE PLAN
- 4. SEWER & WATER PLAN
- 5. CITY OF KIRKLAND STANDARD NOTES
- 6. CITY OF KIRKLAND STANDARD DETAILS - 1
- 7. CITY OF KIRKLAND STANDARD DETAILS - 2

LOT COVERAGE TABLE	
LOT AREA	5,450 SF
STRUCTURES	4,188 SF
PAVEMENT (PERV)	2,270 SF
X 0.50	1,135 SF
TOTAL	5,323 SF
50% MAX=7,710 SF	34.52%

F.A.R. SUMMARY TABLE	
UNITS 1 - 4 (1,900 SF EACH)	7,600 SF
TOTAL SITE AREA:	15,420 SF
TOTAL PROPOSED F.A.R. AREA:	7,600 SF = 49.29%
TOTAL ALLOWED F.A.R. AREA:	7,710 SF = 50%



SURVEYOR'S NOTES

THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE ON JANUARY 22, 2021 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.

THIS SURVEY DISCLOSES FACTORS OF RECORD AND ON THE GROUND AFFECTING THE SUBJECT PROPERTY BOUNDARY, BUT IT DOES NOT PURPORT TO LEGALLY RESOLVE RELATED PROPERTY LINE DISPUTES. WHERE AMBIGUITIES ARE NOTED, AXIS RECOMMENDS THAT THE OWNER CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW BEST TO INTERPRET THEIR PROPERTY RIGHTS AND ADDRESS ANY POTENTIAL PROPERTY LINE DISPUTES.

UTILITY LOCATIONS SHOWN HEREON ARE BASED UPON AS-BUILT FIELD LOCATION OF EXISTING STRUCTURES, FIELD LOCATION OF UTILITIES BASED ON LOCATION PAINT MARKINGS, AND LOCATIONS BASED ON UTILITY MAPS FROM CITY AND UTILITY DRAWINGS INDICATING REPORTED UTILITY INSTALLATIONS. OTHER UTILITIES MAY EXIST. NO SUB-SURFACE EXPLORATION WAS MADE TO VERIFY UTILITY ROUTINGS AND THE ROUTING OF ALL BURIED UTILITIES SHOULD BE CONFIRMED WITH THE UTILITY PURVEYOR AND EXPOSED IN AREAS CRITICAL TO DESIGN FOR VERIFICATION.

2" CONTOUR INTERVAL DERIVED FROM DIRECT FIELD OBSERVATION.

THIS SURVEY MEETS UNITED STATES NATIONAL MAP ACCURACY STANDARDS FOR VERTICAL ACCURACY OF ONE HALF THE CONTOUR INTERVAL.

PERMIT NOTES

- A SEPARATE PERMIT IS REQUIRED FOR DEMOLITION (NO. DEM21-05501)
- A SEPARATE PERMIT IS REQUIRED FOR NEW CONSTRUCTION.
- NO PRELIMINARY SAFETY PLAN REVIEW HAS OCCURRED FOR THIS LAND SURFACE MODIFICATION PERMIT.
- THIS LAND SURFACE MODIFICATION PERMIT DOES NOT AUTHORIZE ANY CUTTING OR DIGGING FOR FOOTINGS OR FOUNDATIONS. A SEPARATE BUILDING PERMIT MUST BE ISSUED PRIOR TO ANY FOOTING OR FOUNDATION WORK.

EXISTING UTILITY NOTE
LOCATIONS OF EXISTING UTILITIES SHOWN ARE APPROXIMATE AND MAY NOT BE ACCURATE OR ALL INCLUSIVE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY LOCATIONS AND DEPTHS OF ALL UTILITIES PRIOR TO PROCEEDING WITH CONSTRUCTION. AGENCIES INVOLVED SHALL BE NOTIFIED WITHIN A REASONABLE TIME PRIOR TO THE START OF CONSTRUCTION.

CONTRACTOR RESPONSIBILITY
CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY, DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, AND THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

DISCREPANCIES
IF THERE ARE ANY DISCREPANCIES BETWEEN DIMENSIONS IN DRAWINGS AND EXISTING CONDITIONS WHICH WILL AFFECT THE WORK, THE CONTRACTOR SHALL BRING SUCH DISCREPANCIES TO THE ATTENTION OF THE ENGINEER FOR ADJUSTMENT BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER FITTING OF ALL WORK AND FOR THE COORDINATION OF ALL TRADES, SUBCONTRACTORS, AND PERSONS ENGAGED UPON THIS CONTRACT.

SURVEY NOTE
EXISTING SURVEY FEATURES, BOUNDARY, AND TOPOGRAPHIC DATA SHOWN ON THESE DRAWINGS HAVE BEEN PREPARED BASED UPON INFORMATION FURNISHED BY OTHERS. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, LE/CE ENGINEERING CANNOT BE HELD RESPONSIBLE FOR THE ACCURACY OF DATA AND INFORMATION PROVIDED BY OTHERS OR FOR ANY ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED INTO THESE DRAWINGS AS A RESULT.



NOTES	
DATE	SUBMITTED TO CLIENT
8-16-21	
CHG BY	DATE
MP1	

COVER SHEET
WU COTTAGES
ENHANCED LAND SURFACE MODIFICATION (ELSM)
1375 NW MALL ST, SUITE 3
ISSAQUAH, WA 98027
PHONE: (425) 821-5038
G2 CIVIL

SHEET
1 of 7
JOB No.



NE 1/4 OF SEC. 30 TWP. 26N, RGE, 05E, W.M.

JUANITA FARMHOUSE COTTAGES

INTEGRATED DEVELOPMENT PLAN/ PRELIMINARY SHORT PLAT

UTILITY PURVEYORS / SERVICES

WATER:	NORTHSHORE DISTRICT
SANITARY SEWER:	NORTHSHORE DISTRICT
STORM DRAINAGE:	CITY OF KIRKLAND
FIRE PROTECTION:	CITY OF KIRKLAND
TELEPHONE:	CENTURY LINK
ELECTRICITY:	PUGET SOUND ENERGY
NATURAL GAS:	PUGET SOUND ENERGY

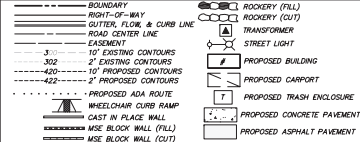
SITE INFORMATION:

PROJECT ADDRESS:	12652 94TH AVENUE NE
ZONING:	RSX 7.2
TOTAL PARCEL AREA:	0.95 ACRES (TOTAL)
TAX PARCEL NUMBER:	302605-9032

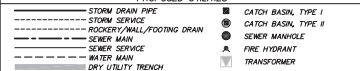
CAUTION
LOCATION OF EXISTING UTILITIES SHOWN IS APPROXIMATE AND MAY NOT BE ACCURATE OR ALL INCLUSIVE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY LOCATION OF UTILITIES PRIOR TO PROCEEDING WITH CONSTRUCTION. YOU MUST CALL 1-800-424-5555 NOT LESS THAN 2 FULL BUSINESS DAYS BEFORE BEGINNING EXCAVATION WHERE ANY UNDERGROUND UTILITIES MAY BE LOCATED. FAILURE TO DO SO COULD MEAN BEARING SUBSTANTIAL REPAIR COSTS.

LEGEND

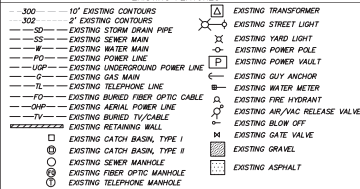
PROPOSED ROAD AND SITE IMPROVEMENTS



PROPOSED UTILITIES



EXISTING FEATURES



PROJECT INFORMATION

OWNER/APPLICANT: KIM SAUNDERS
12652 94TH AVE NE
KIRKLAND, WA 98034

ENGINEER: TRIAD ASSOCIATES
20300 WOODINVILLE-SNOHOMISH RD
WOODINVILLE WA 98072

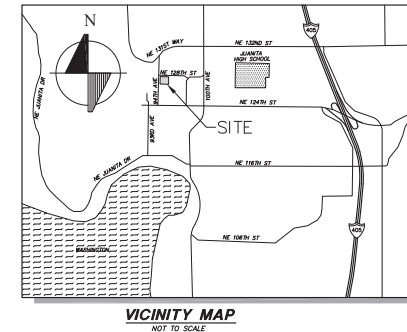
ARCHITECT: PAGE & BEARD ARCHITECTS, P.S.
910 MARKET ST
KIRKLAND, WA 98033
(425) 827-7850
CONTACT: ???

SURVEYOR: C AND C SURVEYING LLC
4509 243RD PL SW
MOUNTLAKE TERRACE, WA 98043
(425) 673-7502

GEOTECH: TERRA ASSOCIATES
12525 WILLOWS ROAD, SUITE 101
KIRKLAND, WA 98034
(425) 821-7777

SHEET INDEX

C1	COVER SHEET
C2	GENERAL NOTES
C3	TEMPORARY EROSION AND SEDIMENT CONTROL PLAN
C4	STORMWATER SITE PLAN
C5	GRADING, PAVING, AND FRONTAGE IMPROVEMENT PLAN
C6	SCHEMATIC UTILITY PLAN
C7	SITework DETAILS
C8	SITework DETAILS
C9	STORMWATER FACILITY DETAILS



DATUM AND BENCHMARKS

HORIZONTAL: NAD 83/91 (WASHINGTON STATE PLANE COORDINATE SYSTEM - WA NORTH)

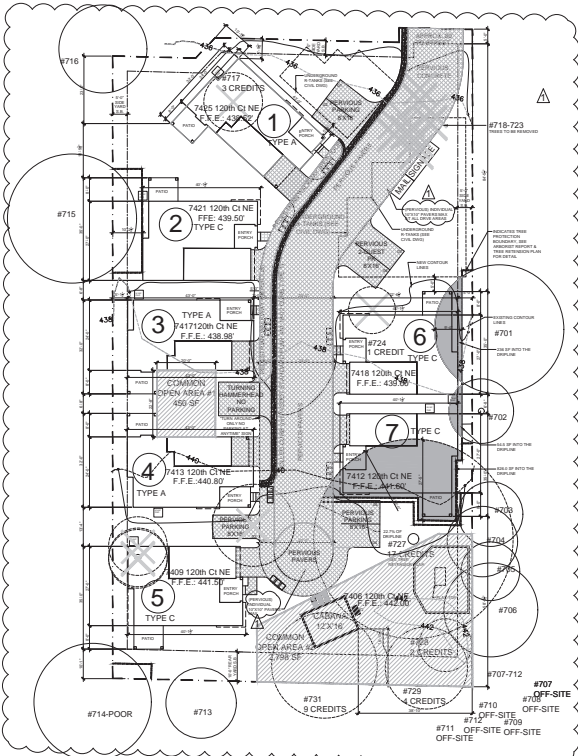
VERTICAL: NAVD88
1. CITY OF KIRKLAND SURVEY CONTROL POINT 257, BRASS DISK IN STEEL
CASE, DOWN 1.1
ELEV. 112.13 ~ DATUM: NAVD 88 (CITY OF KIRKLAND)

BASIS OF BEARING

NAD 83-91, BASED ON FOUND MONUMENTS AT THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 26, RANGE 5 E. W.M. LESS THE WEST 20 FEET, LESS THE PORTION PLATTED BROOKHAVEN NO. 2, IN THE RECORDS OF KING COUNTY, WASHINGTON.



GRAY OAK COTTAGES AT 12029 NE 75TH STREET, KIRKLAND



SITE PLAN

SCALE 1" = 20'

GENERAL NOTE:

REFER TO TREE RETENTION PLAN FOR CALCULATION AND TREE PROTECTION DETAILS.

1. WORK IS OCCURRING VERY CLOSE TO TREE #727. ALL THE CONDITIONS IN THE ARBORIST REPORT FOR EXCAVATING NEAR TREE #727 MUST BE FOLLOWED CLOSELY. THE PROJECT ARBORIST MUST BE ON SITE DURING ALL EXCAVATION WITHIN 40' OF TREE #727. WHEN EXCAVATION WORK HAS COMPLETED, A MEMO MUST BE PROVIDED TO THE CITY DETAILING WHAT WORK OCCURRED, PHOTOS OF IMPACTED ROOTS AND A DISCUSSION OF IMPACTS TO LONG TERM VIABILITY.

CODE INFORMATION

ALL MATERIALS, WORKMANSHIP, DESIGN AND CONSTRUCTION SHALL CONFORM TO THE DRAWINGS, SPECIFICATIONS, AND THE FOLLOWING APPLICABLE CODES USED IN THIS DESIGN FOR CITY OF KIRKLAND

- 2015 INTERNATIONAL BUILDING CODE (IBC)
- 2015 INTERNATIONAL RESIDENTIAL CODE (IRC)
- 2015 INTERNATIONAL MECHANICAL CODE (IMC)
- 2015 INTERNATIONAL FUEL GAS CODE (IFGC)
- 2015 INTERNATIONAL FIRE CODE (IFC)
- WASHINGTON STATE ENERGY CODE, WAC 51-11 (WSEC)
- 2015 UNIFORM PLUMBING CODE (UPC)
- 2014 NATIONAL ELECTRIC CODE (NEC)
- 2015 NATIONAL FUEL GAS CODE (NFGC) NFPA 54, WAC

LEGEND:

- PERVIOUS PAVEMENT
- IMPERVIOUS PAVEMENT (CONCRETE)
- LANDSCAPE PAVER
- IMPERVIOUS
- EXISTING TREE TO BE REMOVED
- LINE OF TREE DRIP LINE
- LINE OF ROOF ABOVE
- BUILDING FOOTPRINT
- PROPERTY LINE
- SETBACK LINE
- OPEN COMMON AREA
- PRIVATE OPEN AREA
- TRASH RECEPTACLES (ON PICKUP DAY ONLY)

PROJECT DESCRIPTION:

ELSM PERMIT: CONSTRUCT 7 (SEVEN) NEW COTTAGES, EACH WITH ATTACHED 1-CAR GARAGE, SURFACE PARKING FOR 7 (SEVEN) ADDITIONAL SPACES PROVIDED. COMMON OPEN SPACE PROVIDED.

ZONING & CODE INFORMATION

JURISDICTION: CITY OF KIRKLAND
RSx 7.2 - LOW DENSITY RESIDENTIAL
PARCEL ASSESSOR'S #: 640070-0030

LEGAL DESCRIPTION:

LOT 2 KING COUNTY SHORT PLAT #SPL05-00051, AUDITORS RECODING #20090610900004.

ORCHARD HEIGHTS, RECORDS IN VOLUME 19 OF PLATS, PAGE 89, RECORDS OF KING COUNTY, WASHINGTON.

DAN THONN'S SHORT PLAT, RECORDED IN BOOK 263 OF SURVEYS, PAGES 65 & 66, RECORDS OF KING COUNTY, WASHINGTON

BUILDING CLASSIFICATION

- A. OCCUPANCY CLASSIFICATION: SINGLE FAMILY RESIDENCE
- B. TYPE OF CONSTRUCTION:
1. AUTOMATIC SPRINKLERS PROVIDED X YES NO
SPRINKLER SYSTEM TO BE A FLOW THRU SYSTEM
 2. TYPE OF CONSTRUCTION: TYPE V.B

MIN. LOT SIZE 7,200 SF

MAX UNIT SIZE : 1,700 SF

SETBACKS:

FRONT YARD - 20'-0"
SIDE YARD - 5'-0"
REAR YARD - 10'-0"

PARKING: 1.5 SPACES PER DWELLING = 10.5

REQUIRED: 10% VISITOR PARKING = 2

TOTAL REQUIRED = 13 SPACES

PROVIDED: 7.0 IN ATTACHED GARAGE

5.0 SURFACE PARKING

2.0 GUEST PARKING STALLS

TOTAL PROPOSED = 14 SPACES > 13

MAX HEIGHT: 30' ABV ABE (ABE CALC. SHEET A0.1)

ACCESSORY STRUCTURES: 18' ABV, ABE

PROJECT LOT AREA: 26,774 SF

MAX LOT COVERAGE 50%: 26,774 SF x 50% = 13,387 SF ALLOWED

(CALC. SHEET A0.0)

F.A.R. = .5

(SEE CALC. SHEET A0.1)

TREE RETENTION: 0.615 AC * 30 = 18.5 CREDITS REQ'D

(SEE TREE RETENTION PLAN)

OPEN COMMON AREA:

REQUIRED:

PROPOSED:

7 UNITS * 200 SF/UNIT = 1,400 SF

450 SF + 2,798 SF = 3,248 SF > 1,400 SF

PROJECT TEAM:

OWNER / CONTRACTOR: ENFORT HOMES
GREG LYNCH
605 MARKET STREET
KIRKLAND, WA 98033
P: 425.879.4417
E: greg@enforhomes.com

ARCHITECT: MEDICI ARCHITECTS
EMILY BUCHWALTER, AIA
11661 SE 1ST ST., SUITE 200
BELLEVUE, WA 98005
P: 425.453.9298
E: emily@medicichitects.com

CIVIL ENGINEER: CORE DESIGN INC.
JOSHUA BEARD
12100 NE 195TH STREET, SUITE 300
BOTHELL, WA 98011
P: 206.390.3085
E: jpb@coredesigninc.com

STRUCTURAL ENGINEER: CUSTOM DESIGN & ENGINEERING, INC.
ALEX MOROSEOS
11006 60TH AVE. W
MUKILTEO, WA 98275
P: 425.343.7517
E: alex12@cdengr.com



VICINITY MAP

NTS



QT. SECT. MAP

NTS

PROJECT SHEET INDEX

- A0.0 TITLE SHEET/SITE PLAN
- A0.1 ABE/ FAR CALCULATIONS
- A0.2 AUTO TURN AROUND PLAN
- A1.0-A1.1 FLOOR PLANS
- A2.0-A2.2 EXTERIOR ELEVATIONS
- A3.0 PERSPECTIVES

1/1 TOPOGRAPHIC SURVEY

- C1.0 GRADING AND UTILITY PLAN
- C2.0 GENERAL NOTES
- C3.0 SURVEY
- C4.0 TESC PLAN
- C5.0-C6.0 STANDARD DETAILS
- C7.0 BIOPOD DETAILS
- L1.0 LANDSCAPE PLAN
- L2.0 GENERAL NOTES/SCHEDULE
- L3.0 LANDSCAPE DETAILS
- TR1/1 TREE RETENTION PLAN



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11711 SE 8TH STREET, SUITE 100
BELLEVUE, WA 98005
TEL: (425) 453-9298

REGISTRATION:



INTAKE: DATE:

REVISIONS: DATE:

- 1. 2021-04-08
- 2.
- 3.
- 4.
- 5.

PROJECT / CLIENT:

12029 NE 75TH ST COTTAGES

ENFORT HOMES
733 7TH AVE, SUITE 108
KIRKLAND, WA 98033

JOB ADDRESS:

12029 NE 75TH ST
KIRKLAND, WA 98033
PARCEL # 6400700030

DRAWING NAME:

TITLE SHEET/ SITE PLAN

Drawn By: JK, PW

Checked By: JK

Owner Approval:

PHASE:

CONSTRUCTION DOCUMENTS

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APPROVED FOR CONSTRUCTION:

PROJECT No.: 20 050

DATE: 09-17-20

PLOT SCALE: 1:1

A0.0