



# CONDITIONS OF APPROVAL PARKPLACE SPL09-00001

I/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 3, 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 regulations in Attachment 3 the condition of approval shall be followed (see Conclusion II.G.2).
2. Trees shall not be removed or altered following short plat approval except as approved by the Planning Department. Attachment 3, Development Standards, contains specific information concerning tree retention requirements (see Conclusion II.E.1.b).
3. Prior to recording the short plat, the applicant shall:
  - (1) Remove that portion of the structure that is currently built over the proposed common property line between Lot 1 and Lot 2. Attachment 3, Development standards describes under General Building Conditions that the existing retail structure that remains must be altered to have a 2 hour fire resistance rated exterior wall installed along the proposed property line due to its proximity. A demolition and commercial alteration permit are required to complete this requirement (see Section II.E.6.).
  - (2) Sign a statement in a form acceptable to the City Attorney, stating that each property can be used for parking by the other property after subdivided. This document shall run with the proposed new lots (see Conclusion II.E3.b).
  - (3) Amend the Short Plat mylar to show five foot-wide pedestrian access easements as follows:
    - i. A connection running from 4<sup>th</sup> Avenue across proposed Lot 1 to the east side of Peter Kirk Park.
    - ii. Another connection from the proposed east property line of Lot 2 where it meets the existing pedestrian easements at the Emerald Building over Lot 2 to the east side of Peter Kirk Park.
    - iii. A pedestrian connection along the proposed south property line of Lot 1 that will align with the existing path at the north property line of the Continental Plaza property. This pedestrian easement will also allow the Emerald Building parcel the right to access the path on the Park Place parcel.
    - iv. A connection running north and south across proposed lots 1 and 2 to allow for pedestrian traffic from Central Way to the south lot line of proposed Lot 2 (see Conclusion II.E.7.b and II.F.2)

(4) Amend the Short Plat mylar and or provide a reciprocal access easement agreement acceptable to the City of Kirkland to show the required vehicular access easements across and throughout proposed Lots 1 and 2 (see Conclusion II.E.8.b).

**CITY OF KIRKLAND****Planning and Community Development Department****123 Fifth Avenue, Kirkland, WA 98033 425.587-****3225****[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**

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**DEVELOPMENT STANDARDS LIST****File:** SPL09-00001**PARK PLACE CENTER SHORT PLAT****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.** The applicant shall design the plat so as to comply with the tree management requirements set forth in Chapter 95 of the Kirkland Zoning Code. The Planning Official is authorized to require site plan alterations to retain Type 1 trees. The applicant shall retain all viable trees at the short plat approval stage and all viable trees with the required Land Surface Modification Permit, except for those trees needed to be removed for installation of the plat infrastructure improvements. The applicant shall submit a Tree Plan II and also retain all viable trees during the development of each lot except for those trees required to be removed for the construction of the buildings and other associated site improvements. If at any stage of development, tree retention on the site falls below the minimum required tree density, replanting shall be required per KZC Section 95.35.

**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.

**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 Recording:***

**22.20.362 Short 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 short plat 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.

**22.20.366 Short Plat - Lot Corners.** The exterior short plat boundary and all interior lot corners shall be set by a registered land surveyor. If the applicant submits a bond for construction of short plat improvements and installation of permanent interior lot corners, the City may allow installation of temporary interior lot corners until the short plat improvements are completed.

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

**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.

**ZONING CODE STANDARDS**

**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.

**95.50.2.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.

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

**95.40.7.b 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.

**95.45 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.** 781 parking spaces are required for this use.

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

**105.65 Compact Parking Stalls.** Up to 50% of the number of parking spaces may be designated for compact cars.

**105.60.2 Parking Area Driveways.** Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.

**105.60.3 Wheelstops.** Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.

**105.60.4 Parking Lot Walkways.** All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. Lots with more than 25,000 sq. ft. of paved area must provide pedestrian routes for every 3 aisles to the main entrance.

**105.77 Parking Area Curbing.** All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

**105.96 Drive Through Facilities.** See section for design criteria for approving drive through facilities.

**110.52 Sidewalks and Public Improvements in Design Districts.** See section, Plate 34 and public works approved plans manual for sidewalk standards and decorative lighting design applicable to design districts.

**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.

**115.25 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.

**115.75.2 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.

**115.90 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.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.d Driveway Setbacks.** Parking areas and driveways for uses other than detached dwelling units, attached and stacked dwelling units in residential zones, or schools and day-cares with more than 12 students, may be located within required setback yards, but, except for the portion of any driveway which connects with an adjacent street, not closer than 5 feet to any property line.

**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.

**145.22.2 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:***

**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.

***Prior to issuance of a grading or building permit:***

**95.35.2.b.(3)(b)i 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.

**95.35.6 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 4 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:***

**95.50.2.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

**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.

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

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Date: 7/27/2009

DEVELOPMENT STANDARDS

CASE NO.: SPL09-00001

PCD FILE NO.:SPL09-00001

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

Building Division Conditions

Permit #: SPL08-00011

Project Name: Parkplace Center

Project Address: 457 Central Way

Date: June 24th 2008

Building Department Staff Contacts

Pre-Submittal Process:

Tom Radford Building Plans Examiner

Phone: 425-587-3600 Fax: 425-587-3651

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

General Building Conditions:

1. Building permits must comply with the International Building, Residential and Mechanical Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland. Proposed future buildings will not be reviewed for compliance to these codes until complete applications for building (BLD) permits are submitted.
2. Structure must comply with Washington State Energy Code; and the Washington State Ventilation and Indoor Air Quality Code.
3. Structures must be designed for seismic design category D, wind speed of 85 miles per hour and exposure C.
4. Prior to recording of the short plat, the existing retail structure to remain must be altered to have a 2 hour fire resistance rated exterior wall installed along the proposed property line due to its proximity. A commercial alteration permit is required for this work.
5. Demolition permits are required for complete removal of existing structures.

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

PUBLIC WORKS CONDITIONS

Permit #: SPL09-00001

Project Name: Park Place Short Plat

Project Address: 303 Park Place Center

Date: May 12, 2009

Public Works Staff Contacts

Land Use and Pre-Submittal Process:

Rob Jammerman, Development Engineering Manager

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

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

Building and Land Surface Modification (Grading) Permit Process:

John Burkhalter, Development Engineering Supervisor

Phone: 425-587-3853 Fax: 425-587-3807

E-mail: jburkhal@ci.kirkland.wa.us

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us).

2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us). The applicant should anticipate the following fees:

- o Water and Sewer connection Fees (paid with the issuance of a Building Permit)
- o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
- o Water Meter Fee (paid with the issuance of a Building Permit)
- o Right-of-way Fee
- o Review and Inspection Fee (for utilities and street improvements).
- o Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below.

3. Any new Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).

4. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

5. 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.

6. 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).

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

8. Prior to issuance of any commercial or multifamily Building Permit, the applicant shall provide a plan for garbage storage and pickup. The plan shall be approved by Waste Management and the City.

9. All subdivision recording mylar's shall include the following note:

Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer or storm water stub 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 or surface water stub, 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.

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.

Street and Utility Conditions:

1. The proposed short plat does not require any water, sewer, or surface water utility changes as the existing systems are adequate. Also, the short plat also doesn't trigger any public street improvements because all of the streets have existing improvements that are adequate for the existing use. Any changes to utilities or street improvements will be in conjunction with new buildings proposed within the short plat. If and when new buildings are proposed, the required utility and street improvements will be conditioned upon the Building Permits during the Building Permit review process.