



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033**  
**425.587.3225 ~ [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**BASRA SHORT PLAT I**  
**NOTICE OF APPROVAL**  
**DECEMBER 2, 2014**

PERMIT NO. SUB13-01475

PROJECT NAME: Basra Short Plat I

PROJECT ADDRESS: 10522 130<sup>th</sup> Avenue NE

NEIGHBORHOOD: North Rose Hill

APPLICANT OR AGENT: Jag Basra

CITY OF KIRKLAND APPROVAL DATE:      Date Application Approved: November 7, 2014  
Date Decision mailed: November 12, 2014

LAPSE OF APPROVAL: The short plat must be recorded with King County within seven (7) years (November 7, 2021) of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

This NOTICE OF APPROVAL is granted subject to the attached conditions and development standards. Failure to meet or maintain strict compliance shall be grounds for revocation in accordance with the Kirkland Zoning Ordinance No. 3719 as amended.

The applicant must also comply with any federal, state or local statutes, ordinances or regulations applicable to this project. This Notice of Approval does not authorize grading, building or tree removal without issuance of the necessary permits from the Kirkland Building Department.

CITY OF KIRKLAND  
PLANNING AND COMMUNITY DEVELOPMENT

By:   
Sean LeRoy  
Planner

Attachments:  
Conditions of Approval  
Development Standards



**BASRA SHORT PLAT NORTH  
CONDITIONS OF APPROVAL  
FILE NO. SUB13-01475**

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of these development regulations. This attachment references current regulations and does not include all of the additional regulations. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.
2. Prior to recording the short plat:
  - a. Obtain a demo permit and remove the existing home and associated improvements.
  - b. Include in the final plat documents a 10' pedestrian access easement from the north end of the 130<sup>th</sup> Ave NE street improvements to Mark Twain Park (see Conclusion V.C.1b).
  - c. Secure the signature of the City of Kirkland Parks Department on the face of the plat documents (see Conclusion V.B.2).
  - d. Parties who hold an interest in the proposed short plat to the south (SUB14-01474) shall dedicate their portion of property which will constitute the south half of the proposed new NE 105<sup>th</sup> Street right of way and 130<sup>th</sup> Ave NE. Plat documents shall also be revised to show the entirety of the required new right of way (see Conclusion V.C.2b).
  - e. As part of any land surface modification permit, the application shall install an 8 foot wide asphalt path into Mark Twain Park to the north within the 10 foot wide public access easement (see Conclusion V.C.1b).





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**SHORT PLAT DEVELOPMENT STANDARDS LIST**

**File:** SUB13-01475

*This application must comply with all applicable standards. The listing below outlines those standards in a typical development sequence.*

*KMC refers to Kirkland Municipal Code, KZC refers to Kirkland Zoning Code*

**TREE PLAN SUMMARY**

**KMC 22.28.210 & KZC 95.30 Significant Trees.**

**OPTION 2 – Phased Review** A Tree Retention Plan was submitted with the short plat. During the review of the short plat, all proposed improvements were unknown. Therefore KZC Section 95.30 (6)(a) – Phased Review applies in regards to tree retention. 23 significant trees were evaluated as part of the applicant’s proposal, 23 of which are viable. These trees have been assessed by staff and the City’s Arborist. They are identified by number in the following chart.

<b>Significant Trees:</b>	<b>High Retention Value</b>	<b>Moderate Retention Value</b>	<b>Low Retention Value</b> (V) – viable (NV) – not viable
329	✓		
330	✓		
331	✓		
332	✓		
333			Viable
334	✓		
336	✓		
337	✓		
338		✓	
339		✓	
340		✓	
341		✓	
342		✓	
343		✓	
344	✓		
345	✓		
346		✓	
347		✓	
348		✓	
349		✓	
350	✓		

351	✓		
355	✓		

**No trees are to be removed with an approved short plat or subdivision permit.** Based on the approved Tree Retention Plan, the applicant shall retain and protect all viable trees throughout the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements with an approved Land Surface Modification permit. Subsequent approval for tree removal is granted for the construction of the house and other associated site improvements with a required Building Permit. **The Planning Official is authorized to require site plan alterations to retain High Retention value trees at each stage of the project.** In addition to retaining viable trees, new trees may be required to meet the minimum tree density per KZC Section 95.33.

**PRIOR TO RECORDING**

**KMC 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.

**KMC 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.

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

**KMC 22.28.110-130 Vehicular Access Easements.** Municipal Code sections 22.28.110 and 22.28.130 establish that if vehicular access within the plat is provided by means other than rights-of-way, the plat must establish easements or tracts, compliant with Zoning Code Section 105.10, which will provide the legal right of access to each of the lots served.

**KMC 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.

**KMC 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.

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

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

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

**KMC 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.

<b>LAND SURFACE MODIFICATION AND/OR BUILDING PERMIT REQUIREMENTS</b>
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**KMC 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.

**KZC 95.34 Tree Protection.** Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 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.

**KZC 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.

**KZC 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.

**KZC 95.50.2.b Tree Maintenance.** For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

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

**KZC 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.

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

**KZC 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.

**KZC 115.40 Fence Location.** Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed

within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

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

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

**KZC 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.

**KZC 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.

**KZC 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.

**KZC 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.

**KZC 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.

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

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

**KZC 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.

**KZC 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.

**KZC 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.

**KZC 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.

## **PUBLIC WORKS CONDITIONS**

### Public Works Staff Contacts

#### Land Use and Pre-Submittal Process:

Rob Jammerman, Development Engineering Manager

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

E-mail: [rjammer@kirklandwa.gov](mailto:rjammer@kirklandwa.gov)

#### Building and Land Surface Modification (Grading) Permit Process:

John Burkhalter, Development Engineer Supervisor

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

E-mail: [jburkhalter@kirklandwa.gov](mailto:jburkhalter@kirklandwa.gov)

OR

#### Building and Land Surface Modification (Grading) Permit Process:

Philip Vartanian, Development Engineer

Phone: 425-587-3856 Fax: 425-587-3807

E-mail: [pvartanian@kirklandwa.gov](mailto:pvartanian@kirklandwa.gov)

### General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at [www.kirklandwa.gov](http://www.kirklandwa.gov).
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.kirklandwa.gov](http://www.kirklandwa.gov) 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 Septic Tank Abandonment Inspection Fee
  - o Water Meter Fee (paid with the issuance of a Building Permit)
  - o Right-of-way Fee
  - o Review and Inspection Fee (for utilities and street improvements).
  - o Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which

are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the project. The credit amount for each demolished building will be equal to the most currently adopted Fee schedule.

3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit. If a Building Permit for a new house is applied for prior to applying for the LSM Permit, the Building Permit will not be issued until a complete LSM Permit is applied for.

4. The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. Contact the Development Engineer assigned to this project to assist with this process.

5. Because this short plat is exempt from SEPA, it is also exempt from concurrency review.

6. Any existing single family homes within this project which are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permit that is applied for within the. The credit amount for each demolished single family home will be equal to the most currently adopted Fee schedule.

7. 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.

8. 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.

9. 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).

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

11. 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 t



## **WETLAND AND STREAM ENFORCEMENT GUIDELINES**

### **Scenarios for wetlands and streams – grading or improvements**

Wetland or stream on-site, no active permit, no greenbelt easement (Trager) – do not intensify use, no chemicals, no structures

Wetland or stream on-site, no active permit, yes greenbelt easement (White) – remove improvements, restore\* + maintenance

Wetland or stream on-site, yes active permit (Roman) – remove improvements, restore\* + maintenance, comply before finaling permit

### **Scenarios for trees – removals without permits**

Private tree removal in critical area or NGPE – civil penalty\*\* and restoration (must plant native tree min. 6 ft in close proximity to removed tree per 95.23) including maintenance plan

\*\*Director may waive

### **Mowing in buffers**

Not clearly a LSM. Therefore, without a NGPE or other code authority, the City cannot prohibit mowing.

After 2011 (annexation) if we have photographic evidence of no mowing, it is a violation to begin if the activity meets the definition of LSM. Prior to annexation, KC allowed mowing and it is therefore grandfathered.

### **Use of City's Wetland Consultant**

- Wetland determination, mitigation and monitoring in shoreline jurisdiction (83.500)
- Wetland determination (90.40)
- Preparing report about storm water outfalls in buffers and setbacks (90.45.3) – use of qualified professional under contract to the city paid for by applicant
- Reviewing wetland modification reports (90.55)
- Reviewing wetland buffer modification reports (90.60)
- \*Wetland restoration (90.65) refers to 90.55 which requires review by city consultant when wetland (not wetland buffer) restoration required
- Reviewing stream buffer modification reports (90.100)
- \*Stream rehabilitation (90.120) refers to 90.55 which requires review by city consultant when stream (not stream buffer) rehabilitation required

