



## **13040 NE 95<sup>th</sup> STREET SHORT PLAT**

### **CASE NO. SUB16-00251**

#### **CONDITIONS OF APPROVAL**

- A. 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.
- B. Prior to recording the short plat, the applicant shall:
  - 1. Obtain a demolition permit from the City of Kirkland and remove the existing house (see Section II).
  - 2. Survey the trees identified as a grove (tree numbers 13-15) and place in a Natural Preserved Grove Easement (see Attachment 4 and Conclusion V.B).



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587-3225**  
**www.kirklandwa.gov**

**SHORT PLAT DEVELOPMENT STANDARDS LIST**

**File:** 13040 NE 95<sup>th</sup> Street Short Plat (SUB16-00251)

*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.**

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. There are 18 significant trees on the site, all 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
1	X		
2	X		
3		X	
4	X		
5		X	
6		X	
7	X		
8		X	
9		X	
10	X		
11		X	
12		X	
13	X		
14		X	
15	X		
16		X	
17	X		
18	X		

**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.

**KZC 118 Hazardous Liquid Pipelines:**

If the subject property is within 150 feet of the Olympic Pipeline, include the following statement on the face of the plat "All development activity, landfilling, excavation and construction is subject to the setback requirements of KZC 118, Hazardous Liquid Pipelines"

**LAND SURFACE MODIFICATION AND/OR BUILDING PERMIT REQUIREMENTS**

**KZC 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.

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

**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.

**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,

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.

**PRIOR TO OCCUPANCY**

**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 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.

**KZC 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. A \_\_\_ shall be submitted for \_\_\_.

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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.

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

- Submittal of a Building Permit with an existing parcel number prior to subdivision recording: A Building Permit can be submitted prior to recording of the subdivision for each existing parcel number in the subject project, however in order for the Building Permit to be deemed a complete application, all of the utility and street improvements for the new home must be submitted with application. However, the Building Permit will not be eligible for issuance until after the Land Surface Modification Permit is submitted, reviewed, and approved to ensure the comprehensive storm water design required by the subdivision approval is reviewed and approved, and then shown correctly on the Building Permit plans to match the Land Surface Modification Permit.
- Submittal of Building Permits within an Integrated Development Plan (IDP): If this subdivision is using the IDP process, the Building Permits for the new homes can only be applied for after the Land Surface Modification Permit has been submitted, reviewed, and approved.
- Submittal of a Building Permit within a standard subdivision (non IDP): If this subdivision is not using the IDP process, the Building Permits for the new houses can be applied for after the subdivision is recorded and the Land Surface Modification permit has been submitted, reviewed, and approved.
- Review of Expedited or Green Building Permits: A new single family home Building Permit within a subdivision can only be review on an expedited or green building fast track if submitted electronically through MBP and the Land Surface Modification permit has been submitted, reviewed, and approved.
- Review of detached multi-family building permits: Detached multi-family building permits can only be applied for after the Land Surface Modification permit submitted, reviewed, and approved.

5. Subdivision Performance and Maintenance Securities:

- The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. This security amount will be determined by using the City of Kirkland's Improvement Evaluation Packet. Contact the Development Engineer assigned to this project to assist with this process.
- If the Developer will be installing the improvements prior to recording of the subdivision, there is a standard right of way restoration security ranging from \$10,000.00 to 30,000.00 (value determined based on amount of right-of-way disruption). This security will be held until the project has been completed.
- Once the subdivision has been completed there will be a condition of the permit to establish a two year Maintenance security.
- If a recording Performance Security has not yet been posted, then prior to issuance of the LSM Permit a standard right of way restoration security ranging from \$10,000.00 to 30,000.00 (value determined based on amount of ROW disruption) shall be posted with Public Works Department. This security will be held until the project has been completed

6. This project is exempt from concurrency review.

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.

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2. Provide a 6-inch minimum side sewer stub to each lot.
3. All side sewer stubs serving the property shall be PVC type pipe per Public Works Pre-approved Plans Sanitary Sewer Design Criteria. Any side sewer not meeting this standard shall be removed and replaced.

Water System Conditions:

1. The existing water main in the public right-of-way along the front of the subject property is adequate to serve this proposed development.
2. Provide a separate 1" minimum water service from the water main to the meter for each lot; City of Kirkland will set the water meter. The water size is determined when the Building Permit is submitted and is sized per the Uniform Plumbing Code. A ¾" meter is the typical size for new single-family home.
3. The existing water service shall be abandoned unless otherwise approved by the Development Engineer or Construction Inspector.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and the Kirkland Addendum (Policy D-10). See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. Summarized below are the levels of drainage review based on site and project characteristics:

- Small Project Drainage Review (Types I & II)

Small project drainage reviews are divided into two types, Type I and Type II, primarily based on the amount of impervious surface area. Typical Type I projects create between 500 and 1,999ft<sup>2</sup> impervious surface area. Type II projects involve between 2,000 and 9,999ft<sup>2</sup> impervious surface areas, with a total of no more than 5,000ft<sup>2</sup> of new impervious area and not more than a total of 9,999ft<sup>2</sup> impervious surface area added since 01/08/01.

- Targeted Drainage Review

A targeted project drainage review is required for projects that meet the new impervious area criteria for small projects, but also have additional characteristics that require a more in-depth level of review, such as sensitive drainage areas or the construction/modification of a 12" pipe or ditch.

- Full Drainage Review

- A full drainage review is required for any proposed project, new or redevelopment, that will:
- Adds 5,000ft<sup>2</sup> or more of new impervious surface area or 10,000ft<sup>2</sup> or more of new plus replaced impervious surface area,
- Propose 7,000ft<sup>2</sup> or more of new pervious surface or,
- Be a redevelopment project on a single or multiple parcel site in which the total of new plus replaced impervious surface area is 5,000ft<sup>2</sup> or more and whose valuation of proposed improvements (including interior improvements but excluding required mitigation and frontage improvements) exceeds 50% of the assessed value of the existing site improvements.

2. Please address the following item(s) in the LSM plans:

- a. Ensure that the LID BMPs proposed match in size between the TIR and plan set.
3. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 or L-2 (depending on drainage review) for more information on this requirement.
4. Amended soil per Ecology BMP T5.13 is recommended for all landscaped areas.
5. If a storm water detention system is required, it shall be designed to Level II standards. Historic (forested)

10. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on NE 95th St. is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include the following note:

Local Improvement District (LID) Waiver Agreement. Chapter 110.60.7.b of the Kirkland Zoning Code requires all overhead utility lines along the frontage of the subject property to be converted to underground unless the Public Works Director determines that it is infeasible to do so at the time of the subdivision recording. If it is determined to be infeasible, then the property owner shall consent to the formation of a Local Improvement District, hereafter formed by the City or other property owners. During review of this subdivision it was determined that it was infeasible to convert the overhead utility lines to underground along the frontage of this subdivision on NE 95th St. Therefore, in consideration of deferring the requirement to underground the overhead utility lines at the time of the subdivision recording, the property owner and all future property owners of lots within this subdivision hereby consent to the formation of a Local Improvement District hereafter formed by the City or other property owners

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

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