



**BARTO RESIDENCE VARIANCE  
CONDITIONS OF APPROVAL  
FILE NO. VAR13-00426**

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 4, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 4, the condition of approval shall be followed.
2. As part of the building permit application, the applicant shall install a 5 foot wide landscape buffer along the east property line that complies with the landscaping requirements of KZC Section 95.42.2 (see Conclusion II.E.3). Additionally, any landscaping or other improvements shall comply with the City's Site Distance requirements.
3. Prior to submittal of or as part of the building permit application, the applicant shall submit a Substantial Development Permit Exemption Application for review (see Conclusion II.F).



CITY OF KIRKLAND  
Planning and Building Department  
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## DEVELOPMENT STANDARDS LIST FILE: BARTO VARIANCE, VAR13-00426

### ZONING CODE STANDARDS

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

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

**105.20 Required Parking.** 2 parking spaces are required for this use.

**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.

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

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

**115.75.2 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.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.

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

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

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

***Prior to occupancy:***

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

# DEVELOPMENT STANDARDS

## VAR13-00426



### BUILDING DEPARTMENT

#### BUILDING DEPARTMENT CONDITIONS

TOM JENSEN (425) 587-3611

1. Prior to issuance of Building, Demolition or Land surface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.040
2. Currently, building permits must comply with the 2009 editions of 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. Permit applications received on or after July 1, 2013 will need to comply with the 2012 editions as amended.
3. Currently, structures must comply with the 2009 Washington State Energy Code. Permit applications received on or after July 1, 2013 will need to comply with the 2012 edition.
4. Structures to be designed for seismic design category D, wind speed of 85 miles per hour and exposure C.
5. Plumbing meter and service line shall be sized in accordance with the current UPC.
6. Demolition permit required for removal of existing structure.

### PUBLIC WORKS DEPARTMENT

Permit #: VAR13-00426

Project Name: Barto Variance

Project Address: 4617 LWB

Date: April 5, 2016

#### PUBLIC WORKS CONDITIONS

##### General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site.
2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The applicant should anticipate the following fees:
  - o Water, Sewer, and Surface Water Connection Fees (paid with the issuance of a Building Permit)
  - o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
  - o 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. This project is exempt from concurrency review.
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 G-7, 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).

Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the public right-of-way along the front of the property is adequate to serve the proposed project.
2. 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. All of the site drainage shall be collected and conveyed to an approved storm system. The on-site drainage cannot run off onto the neighboring property.
2. The Building Permit plans shall provide temporary and permanent storm water control per the most currently adopted King County Surface Water Design Manual (currently 2009 edition) 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. The drainage review levels can be determined using the Drainage Review Flow Chart. 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.

3. This project is in a Level 1/Potential Direct Discharge Area, and is required to comply with core drainage requirements in the 2009 King County Surface Water Design Manual.

To qualify for direct discharge, the applicant must demonstrate (at a minimum):

- The conveyance system between the project site and Lake Washington will be comprised of manmade conveyance elements and will be within public right-of-way or a public or private drainage easement, AND
- The conveyance system will have adequate capacity per Core Requirement #4, Conveyance System, for the entire contributing drainage area, assuming build-out conditions to current zoning for the equivalent area portion and existing conditions for the remaining area; or;
- This project may qualify for an exception to flow control if the target surfaces will generate no more than a 0.1 cfs

increase in the existing site conditions 100-year peak flow.

4. 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.
5. Amended soil per Ecology BMP T5.13 is recommended for all landscaped areas.
6. Provide an erosion control report and plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.
7. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.
8. Provide a plan and profile design for the storm sewer system.
9. A storm sewer "Joint Maintenance Agreement" must be recorded with the property for the jointly used storm sewer lines.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts Lake Washington Blvd. This street is an Arterial type street. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:
  - A. Replace the existing curb and gutter.
  - B. Remove the existing sidewalk and install a new 10 ft wide sidewalk with one 4x6 tree well and one street tree.
2. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.
  - Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
  - Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2 -inches thick and the subgrade shall be compacted to 95% density.
3. The driveway and parking area has been reviewed and approved by the Transportation Engineer.
4. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.