

RESOLUTION R - 3310

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING SETTLEMENT OF CERTAIN LAND USE JUDICIAL REVIEW ACTIONS RELATING TO APPROVAL BY THE CITY OF KIRKLAND OF A PRELIMINARY PLANNED UNIT DEVELOPMENT WITHIN THE AREA APPEARING ON THE KIRKLAND ZONING MAP AS PLANNED AREA 9 AND AUTHORIZING AND DIRECTING THE KIRKLAND CITY ATTORNEY TO SIGN ON BEHALF OF THE CITY SUCH COURT DOCUMENTS, INCLUDING STIPULATION FOR JUDGMENT AND AGREED JUDGMENT, AS MAY BE NECESSARY TO AFFECT SAID SETTLEMENT.

Whereas, the Kirkland City Council by Resolution R2925 adopted June 21, 1982, approved a preliminary planned unit development for the area appearing on the Kirkland zoning map as Planned Area 9; and

Whereas, thereafter the applicant therefor and certain citizens and a citizens group known as ECHO did appeal said approval under King County Superior Court Consolidated Cause Numbers 82-2-09147-0 and 82-2-09448-0; and

Whereas, the parties through their respective attorneys in said consolidated judicial review causes have proposed settlement which will affect or modify said preliminary unit development in the following particulars:

1. The provisions of the preliminary planned unit development, for the property as adopted and approved by the City of Kirkland on June 21, 1982 in Resolution R2925 shall be unchanged and shall apply to the preliminary planned unit development except as follows:

(a) The site plan to be allowed for the preliminary planned unit development, including structures three stories in height, shall be that certain illustrative site plan - Forbes Creek Property (the revised site plan) prepared by TRA under project no. 39600 dated August, 1986, a copy of which is attached as Exhibit A-3, and incorporated herein by reference.

(b) The unit density to be allowed by the preliminary planned unit development shall be reduced from 522 to 496.

(c) The parking spaces to be allowed by the preliminary planned unit development shall be reduced from 933 to 920.

(d) The conditions of the preliminary planned unit development, a copy of which is attached hereto as Exhibit A-4, as adopted by the City of Kirkland in said Resolution R2925, shall be

unchanged and shall apply to the preliminary planned unit development; except that:

- (i) The water and sewer fees shall in accordance with the memorandum from Larry Larse to Ralph Thomas dated June 26, 1986, copy of which is attached as Exhibit A-5.
- (ii) The traffic mitigation conditions shall be revised in accordance with the memorandum dated June 12, 1986 from Larry Larse to Joe Tovar and Ralph Thomas, copy of which is attached hereto as Exhibit A-6.
- (iii) Phasing shall not be required in the construction of the project depicted on the revised site plan, provided, however, that if the project construction schedule is for a period of less than five (5) years, the City of Kirkland shall be reimbursed for any resultant of hiring extra construction inspectors.
- (iv) In lieu of paying the parks fee described in the conditions of approval attached as Exhibit A-4, the owners of the property shall, upon completion of the project, donate and convey to the City of Kirkland for park purposes, the open space between Crestwood Park and the extension of N.E. 106th, to be built in conjunction with the project, except a 100 foot wide strip running along the southern edge of the roadway as depicted by shading on said revised site plan in the southwesternmost corner of the property. The said donated parkland shall be left in a natural state by the City and no public parking, picnic area, structures or roads shall be placed upon the donated parkland by the City.
- (v) All remaining open space areas depicted on the revised site plan, including buffers shall be made permanent open space areas through recorded covenants running with the land. Such covenants to be in the form of Exhibit A-7 attached.

Whereas, the Kirkland City Council has reviewed said proposed settlement and the preliminary planned unit development modifications resulting therefrom, and finds the same to be not in violation of the development standards for said Planned Area 9, and to be in the public interest; now, therefore,



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Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The proposed settlement and resultant modifications to the preliminary planned unit development heretofore approved by City of Kirkland Resolution R2925 adopted July 21, 1982, all as set forth in the Stipulation for Judgment attached to the original copy of this Resolution as Exhibit A and by this reference incorporated herein, are hereby approved by the Kirkland City Council.


Section 2. The City Attorney for the City of Kirkland is hereby authorized and directed to sign on behalf of the City of Kirkland said Stipulation for Judgment, together with any and all other court documents including an agreed Judgment consistent with said Stipulation which may be required to affect said settlement.

Section 3. The SEPA responsible official for the City of Kirkland, having reviewed the action hereby taken by the City Council in adopting this Resoltuion, and having issued a Declaration of Nonsignificance pursuant to the provisions of RCW Chapter 43.21C and Kirkland Ordinance 2830, the City Council hereby directs that there be published a notice of this action in the manner provided for by RCW 43.21C.080(1).

Passed by majority vote of the Kirkland City Council in regular open meeting on September 2, 1986.

  
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 MAYOR

ATTEST:

  
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 Deputy City Clerk  
 Director of Administration & Finance  
 (ex officio City Clerk)



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4 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

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6 NAN PARTNERS )  
7 Plaintiffs, ) NO. 82-2-09417-0  
8 vs. ) NO. 82-2-09448-0  
9 CITY OF KIRKLAND, a ) (CONSOLIDATED CASES)  
Municipal corporation, et al., )  
10 Defendants )  
11 STIPULATION FOR JUDGMENT  
12 ENVIRONMENTALLY CONCERNED )  
HOMEOWNERS, et al., )  
13 Plaintiffs, )  
14 vs. )  
15 CITY OF KIRKLAND, a )  
Municipal corporation, et al., )  
16 Defendants. )  
17

18 COME NOW all parties to the above-captioned consolidated  
19 cases, by and through their undersigned attorneys of record, and  
20 do stipulate and agree to the following development of that  
21 certain property located in the Juanita Slough area of Kirkland,  
22 Washington, consisting of approximately 72 acres and legally  
23 described on Exhibit "1" attached hereto and incorporated herein  
24 by this reference (the "Property"), and do further stipulate and  
25 agree to entry of an Agreed Judgment in these consolidated cases  
26 as provided for and on the conditions stated herein only:  
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28 Stipulation for Judgment - 1

Exhibit A

LAW OFFICES  
SMITH, SMART, HANCOCK & TABLER  
3200 WESTIN BUILDING  
SIXTH AND VIRGINIA  
SEATTLE, WASHINGTON 98121  
(206) 728-7171

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2 1. The provisions of the Preliminary Planned Unit  
3 Development for the Property as adopted and approved by the City  
4 of Kirkland on June 21, 1982, in Resolution R-2925, a copy of  
5 which is attached hereto as Exhibit "2" and incorporated herein  
6 by this reference, shall be unchanged and shall apply to the  
7 Preliminary Planned Unit Development as amended by the Agreed  
8 Judgment provided for herein, except as follows:

9 A. The site plan to be allowed by the Preliminary Planned  
10 Unit Development shall be that certain "Illustrative Site Plan  
11 -- Forbes Creek Property" (the "Revised Site Plan") prepared by  
12 TRA under Project No. 39600 dated August, 1986, a copy of which  
13 is attached hereto as Exhibit "3" and incorporated herein by  
14 this reference;

15 B. The unit density to be allowed by the Preliminary  
16 Planned Unit Development shall be reduced from 522 to 496, which  
17 shall be in three-story multi-family buildings in the  
18 configuration depicted on the Revised Site Plan;

19 C. The parking spaces to be allowed by the Preliminary  
20 Planned Unit Development shall be reduced from 933 to 920, which  
21 shall be in the configuration depicted on the Revised Site Plan;

22 D. The conditions of the Preliminary Planned Unit  
23 Development, a copy of which is attached hereto as Exhibit "4"  
24 and incorporated herein by this reference, as adopted by the  
25 City of Kirkland in the aforesaid Resolution R-2925, shall be  
26 unchanged and shall apply to the Preliminary Planned Unit  
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2 Development as amended by the Agreed Judgment provided for herein,  
3 except that:

4 (i) The water and sewer fees shall be reduced in ac-  
5 cordance with the Memorandum from Larry Larse to Ralph Thomas  
6 dated June 26, 1986, a copy of which is attached hereto as Exhibit  
7 "5" and incorporated herein by this reference;

8 (ii) The traffic mitigation conditions shall be  
9 revised in accordance with the Memorandum dated June 12, 1986,  
10 from Larry Larse to Joe Tovar and Ralph Thomas, a copy of which  
11 is attached hereto as Exhibit "6" and incorporated herein by  
12 this reference;

13 (iii) Phasing shall not be required in the construction  
14 of the project depicted on the Revised Site Plan; provided, how-  
15 ever, that if the project construction schedule is for a period  
16 of less than five (5) years, the City of Kirkland shall be reim-  
17 bursed for any resultant costs of hiring extra construction  
18 inspectors;

19 (iv) In lieu of paying the parks fee described in  
20 Paragraph 11 of the Conditions attached hereto as Exhibit "4",  
21 Seafirst or its successor(s) to ownership of the Property shall,  
22 upon completion of the project, donate and convey to the City  
23 of Kirkland, for park purposes, the open space between Crestwood  
24 Park and the extension of N.E. 106th to be built in conjunction  
25 with the project, except a 100' wide strip running along the  
26 southern edge of the roadway, as depicted by shading on the  
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2 Revised Site Plan in the southwesternmost corner of the Property.  
3 The said donated parkland shall be left in a natural state by  
4 the City and no public parking, picnic areas, structures or roads  
5 shall be placed upon the donated parkland by the City. Unpaved  
6 pedestrian trails may be installed and maintained upon the donated  
7 parkland by the City for the use of the general public and for  
8 parkland maintenance; and

9 (v) All remaining open space areas depicted on the  
10 revised site plan, including buffers, shall be made permanent  
11 open space areas through recorded covenants running with the  
12 land, such covenants to be in the form of Exhibit "7" attached  
13 hereto and incorporated herein by this reference.

14 2. In the event that Seafirst, or its successor(s) to  
15 ownership of the Property, complies with the conditions of the  
16 Preliminary Planned Unit Development amended as provided for  
17 herein, Seafirst, or its successor(s) in interest, shall then  
18 be entitled to issuance of a Final Planned Unit Development  
19 permit for the Property upon timely application therefor,  
20 together with such street vacation(s) and building permit(s) as  
21 may be consistent with the Preliminary Planned Unit Development  
22 as so amended and with the general laws related to street vacations  
23 and building permits. It is understood that City of Kirkland  
24 approval of this Stipulation and the Agreed Judgment provided  
25 for herein must be by Resolution duly enacted by the Kirkland  
26 City Council. By his signature hereinbelow, Kirkland's City  
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28 Stipulation for Judgment - 4

LAW OFFICES  
SMITH, SMART, HANCOCK & TABLER  
3200 WESTIN BUILDING  
SIXTH AND VIRGINIA  
SEATTLE, WASHINGTON 98121  
(206) 728-7171

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2 Attorney binds the City only to provide such formal approval, if  
3 at all, no later than September 9, 1986.

4 3. In the event that the City's aforesaid approval is  
5 issued, it shall be preceded or accompanied by a determination  
6 that no new or supplemental Environmental Impact Statement is  
7 required in connection with the City's approval of this Stipula-  
8 tion, the Agreed Judgment provided for herein and the Preliminary  
9 Planned Unit Development amended as provided for herein, since  
10 it is agreed that the unit reductions and revised site plan for  
11 the Preliminary Planned Unit Development are intended to and  
12 will mitigate impacts previously analyzed in the existing environ-  
13 mental documents. Provided that the City of Kirkland's  
14 responsible official acting pursuant to SEPA is able to and does  
15 issue such determination, the City's said determination and the  
16 City's approval of the settlement provided for herein shall be  
17 publicized in the manner provided for by RCW 43.21C.080(1). In  
18 the event that the City of Kirkland's said determination and  
19 approval are not judicially challenged by any third party within  
20 the time limitations provided for in RCW 43.21C.080(2), counsel  
21 for all parties hereto shall promptly present this Stipulation  
22 and the Agreed Judgment provided for herein to the Court for  
23 entry.

24 4. ECHO, the individual plaintiffs Oswald and Rethke and  
25 all individual shareholders and/or members of ECHO agree, by the  
26 signature of their attorney hereinbelow, that they will neither  
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2 initiate nor join in any judicial challenge to the City of Kirk-  
3 land's approval of this Stipulation, the Agreed Judgment provided  
4 for herein and/or the amended Preliminary Planned Unit  
5 Development, should such approval of same by the City be  
6 forthcoming. Said parties further agree that, following entry  
7 of the Agreed Judgment provided for herein, they shall not  
8 challenge any subsequent applications by Seafirst or its  
9 successor(s) to ownership of the Property for a Final Planned  
10 Unit Development permit and any related street vacation(s) or  
11 building permit(s) so long as such application(s) are fully  
12 consistent with the Preliminary Planned Unit Development as  
13 amended by the said Agreed Judgment. For good cause and  
14 consideration, all such parties hereby specifically waive and  
15 relinquish any such rights to challenge such  
16 actions/applications.

17 5. In the event that Seafirst shall not have approved  
18 this settlement by its counsel's execution of this Stipulation  
19 at or before the close of business on August 25, 1986; or in the  
20 event that ECHO and the individual plaintiffs shall not have  
21 approved this settlement by their counsel's execution of this  
22 Stipulation at or before the close of business on September 2,  
23 1986; or in the event that the City of Kirkland shall not have  
24 approved this settlement by duly enacted Resolution of the Kirk-  
25 land City Council at or before the end of business on September  
26 9, 1986; or if the City's said approval of this settlement is  
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2 judicially challenged by any party within the time limitations  
3 of RCW 43.21C.080(2), then in any such event the parties'  
4 settlement provided for herein shall not be consummated and the  
5 parties' above-captioned litigation testing the validity of the  
6 Preliminary Planned Unit Development as originally approved by  
7 the City of Kirkland shall proceed to trial.

8 6. The pertinent terms of this Stipulation shall be  
9 incorporated into an Agreed Judgment to be executed by all parties  
10 hereto. Said Agreed Judgment shall be presented to the court  
11 for entry only upon satisfaction of all terms and conditions  
12 hereof, including that the time limitations of RCW 43.21C.080(2)  
13 shall have passed with no judicial challenge to the City's  
14 approval of this settlement. If and when the Agreed Judgment  
15 is entered by the Court, Seafirst shall pay \$5,000.00 of Peter  
16 J. Eglick's attorneys fees incurred in this matter on behalf of  
17 ECHO and the individual plaintiffs.

18 DATED this 25<sup>th</sup> day of August 1986.

19 SMITH, SMART, HANCOCK & TABLER

20  
21 By: David Hancock

22 David Hancock

23 Attorneys for Seafirst Mortgage  
24 Corporation

25 As substituted for NAN Partners

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VAN EATON, THOMAS, SLUSHER  
& PHIPPARD

By: Ralph Thomas  
Attorney for City of Kirkland

LAW OFFICES OF PETER J. EGLICK

PETER J. EGLICK  
Attorney for ECHO, OSWALD and RETHKE

DH:19/df

LEGAL DESCRIPTION

Lots 5, 6, and 7, Block 21, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 9, according to the Plat recorded in Volume 19 of Plats on Page 69, King County, Washington.

TOGETHER WITH Lots 16, 17, 18, 19, 20, 21, 22 and 23, Block 22, said Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9.

EXCEPT that portion of said Lot 16, described as follows:

Beginning at the Northwest corner of said Lot 16; thence South  $80^{\circ} 42' 53''$  East, along the North Line of Said Lot 16, for 101.06 feet; thence South  $0^{\circ} 57' 06''$  West, parallel with the West line of said Lot 16, for 113.00 feet; thence North  $89^{\circ} 01' 22''$  West, parallel with the South Line of said Lot 6, for 100.00 feet to the West line of said Lot 6; thence north  $0^{\circ} 57' 06''$  East, along said West line, for 127.60 feet to the Northwest corner of said Lot 6 and the Point of Beginning.

EXCEPT that portion of said Lot 18 conveyed to King County for Road Purposes as shown on Road Survey No. 32-26-5.1

TOGETHER WITH Lots 24, 25, 26, 27, 28, 29, and 30, Block 23, said Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9.

EXCEPT that portion of said Lots 28, 29, and 30 acquired in fee by the Municipality of Seattle under condemnation proceedings in King County Superior Court Case No. 730713.

ALSO EXCEPT that portion of said Lot 30 conveyed to King County for road purposes by deed recorded under Auditor's File Number 2761967 and as shown on Road Survey No. 32-26-5.1.

TOGETHER WITH Lot 17, Kirkland-Juanita Acre Tracts, according to the Plat recorded in Volume 16 of Plats on Page 63. King County, Washington: EXCEPT the West 90.00 feet of the East 540.00 feet of the North 125.00 feet thereof.

ALSO EXCEPT the North 130.00 feet of the West 90.84 feet thereof.  
AND ALSO EXCEPT the North 133.00 feet of the East 450.00 feet thereof.

TOGETHER WITH Lots 18, 19, 20, and 21 said Kirkland-Juanita Acre Tract EXCEPT that portion of said Lot 20 conveyed to King County for road purposes by deed recorded under Auditor's File No. 2761966 and as shown on Road Survey 36-26-5.1.

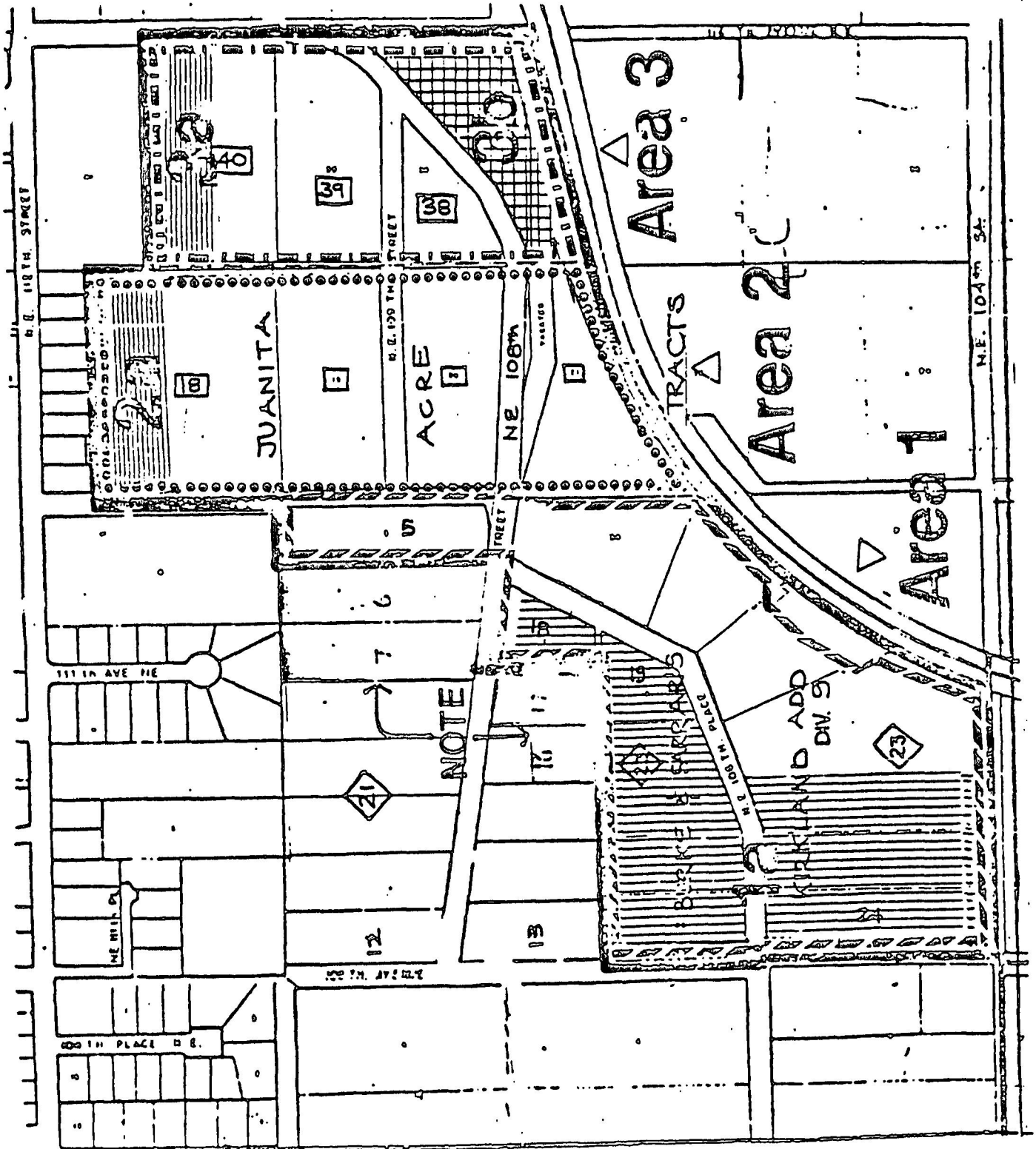
ALSO EXCEPT that portion of said Lot 21, acquired in Fee by the Municipality of Seattle under condemnation proceedings in King County Superior Court Case No. 730713.

TOGETHER WITH that portion of the unnamed platted street, as vacated under City of Kirkland Ordinance No. 824, lying between Lots 20 and 21, said Kirkland-Juanita Acre Tracts.

TOGETHER WITH that portion of the unnamed platted street, as vacated under Commissioners Journal No. 39, Page 79, King County Washington, lying between the Southerly line of Lot 21, said Kirkland-Juanita Acre Tracts and the Northerly margin of the Northern Pacific Railway passing through Section 32, Township 26 North, Range 5 East, W.M.

Legal Description

TOGETHER WITH Lots 38, 39, and 40 said Kirkland-Juanita Acre Tracts.  
EXCEPT the North 25.00 feet of the East 250.00 feet of said Lot 40.  
ALSO EXCEPT the South 30.00 feet of said Lot 39 for road purposes.  
AND ALSO EXCEPT the North 30.00 feet of said Lot 38 for road purposes.  
AND ALSO EXCEPT those portions of Lots 38, and 39 conveyed to King  
County for road purposes, as shown on Road Surveys No. 32-26-5.1 and  
No. 1227.



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PRELIMINARY PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. P-PUD-79-116(P), BY N.A.N. PARTNERSHIP, INC. TO CONSTRUCT A RESIDENTIAL PROJECT BEING WITHIN RS 35,000, RS 8,500 AND PLANNED AREA 9 ZONES, AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLANNED UNIT DEVELOPMENT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a PRELIMINARY PLANNED UNIT DEVELOPMENT filed by N.A.N. Partnership, Inc., the owner of said property described in said application and located within RS 35,000, RS 8,500 and Planned Area 9 zones, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission which held hearings thereon on December 15, 16 and 17 of 1981 as well as on January 7 and 20 and on May 6, 20 and 27 of 1982, and

WHEREAS, pursuant to City of Kirkland Ordinance No. O-2473 concerning environmental policy and the State Environmental Policy Act, a Final Environmental Impact Statement was prepared by the City of Kirkland and issued on August 26, 1981, and

WHEREAS, said Final Environmental Impact Statement has been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission after their public hearings and consideration of the recommendations of the Department of Community Development and having available to them the Final Environmental Impact Statement did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the PRELIMINARY PLANNED UNIT DEVELOPMENT subject to the specific conditions set forth in said recommendations, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission, and

WHEREAS, the City Council did consider the letter of appeal filed by the appellant and other persons subsequent to the issuance of the recommendation of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:



Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairman thereof and filed in the Department of Community Development File No. P-PUD-79-116(P) are adopted by the Kirkland City Council as though fully set forth herein. In addition, the City Council makes the following conclusions based on the record compiled in Department of Community Development File No. P-PUD-79-116(P).

(a) It is concluded that Resolution No. 2474 applies to the project site. Under the portions of this resolution that apply to most of the site, the applicant may apply for a Planned Unit Development (PUD) at a density of one dwelling unit for each 3600 square feet of lot area. The provisions of the PUD Chapter (Chapter 23.28) of the Kirkland Zoning Ordinance, Ordinance No. 2183, as amended, apply to this project. The reduction of 122 units from the proposed project is based upon policies contained in the City's Land Use Policies Plan, Zoning Code and other related ordinances, and is necessary to protect the public health, safety and welfare through reduction of the following impacts described and identified in the Environmental Impact Statement:

- (1) Visual and traffic impacts on nearby residential areas generated by the development.
- (2) Impacts on environmentally fragile areas on the site.
- (3) The impact on public services, including schools.

(b) The deletion of the 48 units on the southern hillside as part of the total 122 to be deleted will mitigate or eliminate the impacts identified in the Environmental Impact Statement and conform with specific policies of Kirkland's Land Use Policies Plan, Zoning Code and other related ordinances. The specific mitigations or eliminations are as follows:

- (1) Elimination of the additional 336 trips that would otherwise be added to 6th St. and 19th Avenue.
- (2) Elimination of the passing of eight additional vehicles every 15 minutes on 19th Avenue during the time when school children are walking to Kirkland Junior High School.
- (3) Mitigation of the potential for active creep and shallow slumping and the potential of reducing down-slope stability.
- (4) Mitigation of the risk of impacts by shallow lower-slope failures.

R-2925

- (5) Elimination of removal of the southerly portion of the entire broadleaf forest habitat.
- (6) Elimination of impacts on Crestwoods Park adjacent to the project site.

(c) The deletion of six townhouse units in the northeast corner of the site and relocation of all roadways adjacent to single family residences will mitigate impacts identified and described in the environmental impact statement and conform with policies in Kirkland's Land Use Policies Plan; the Zoning Code and other related ordinances. The specific mitigations are as follows:

- (1) Mitigation of expected noise levels by up to 15 dBA by moving driving surfaces and buildings further away from adjacent single family residences.
  - (2) Mitigation of impacts on habitat by retention of more of the existing Douglas Fir habitat.
  - (3) Mitigation of noise and impacts on views from adjacent homes in the northeast corner due to retention of a greater vegetative screen.
- (d) It is concluded that the 48 units on the southern hillside are not oriented towards the remainder of the site. Traffic from these units would severely impact existing residential areas of the City. Poor soil conditions exist on portions of this area. This area is presently densely vegetated. The townhouse units identified on the site plan as Building 51 are out of scale and incompatible with existing nearby single family residences. The access driveway to serve these units will unreasonably impact nearby residences. It is appropriate under the PUD Chapter of the Zoning Ordinance and consistent with the public health, safety and welfare to eliminate the southerly 48 units and the units in Building 51.
- (e) It is concluded that the driveways along 116th N.E. and the internal access roads serving the easterly portions of the site will unreasonably impact nearby single family residences. These driveways and access roadways should be relocated and reconfigured in order to provide greater separation of ingress and egress from adjacent single family areas. Buildings should be relocated so as to further separate and buffer the on-site driving and parking areas from off-site single family residences.

- (f) It is concluded that protection against on-site and downstream flooding and water quality degradation should be afforded by means of adequate on-site storm water management. In the event that storm detention facilities are proposed, then they should be designed to accommodate at least a 100-year storm with a maximum release rate of .2 cfs per acre.
- (g) It is concluded that a pedestrian network through the site should provide for public viewing of Forbes Creek as well as safe and reasonable linkage of the Crestwoods Park area to the A.G. Bell area. This should be assured by means of easements or rights-of-way dedication and should be reviewed at time of street vacation and final Planned Unit Development hearings.
- (h) It is concluded that hazards presented by trash, car bodies, etc. exist on the site and should be eliminated by the removal of these materials prior to commencing construction.

Section 2. The PRELIMINARY PLANNED UNIT DEVELOPMENT shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council, together with the following additional conditions that the City Council deems appropriate and necessary:

- (a) Of the 122 units to be deleted, all of the units in Buildings 1, 2, 3, 4 and 51 are specifically deleted.
- (b) The most northerly of the driveway accesses onto 116th Ave. N.E. shall, consistent with the policy expressed in conclusion (e), Section 1, of this resolution, be relocated away from the boundary with the single family area. The internal configuration of roads, parking areas and buildings shall be modified as is necessary to accommodate this new driveway as well as to achieve buffering of adjacent residential areas from internal site traffic.
- (c) If on-site detention of storm water is proposed, it shall be designed to accommodate at least a 100-year storm with a maximum release rate of .2 cfs per acre.
- (d) The public shall be assured pedestrian access rights on any paths along or crossing Forbes Creek as well as on walkways necessary to provide north to south linkage from A.G. Bell school to Crestwoods Park.
- (e) Prior to issuance of grading permits, the applicants shall remove all abandoned car bodies or other debris now on the site.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the PRELIMINARY PLANNED UNIT DEVELOPMENT or evidence thereof delivered to the permittee.

Section 4. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.


Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the PRELIMINARY PLANNED UNIT DEVELOPMENT is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:


- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) Project and Construction Management Division of the Public Services Department of the City of Kirkland
- (f) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

Passed by majority vote of the Kirkland City Council on the 21st day of June, 1982.

SIGNED IN AUTHENTICATION THEREOF on the 21st day of June, 1982.

  
\_\_\_\_\_  
Mayor Pro-Tem

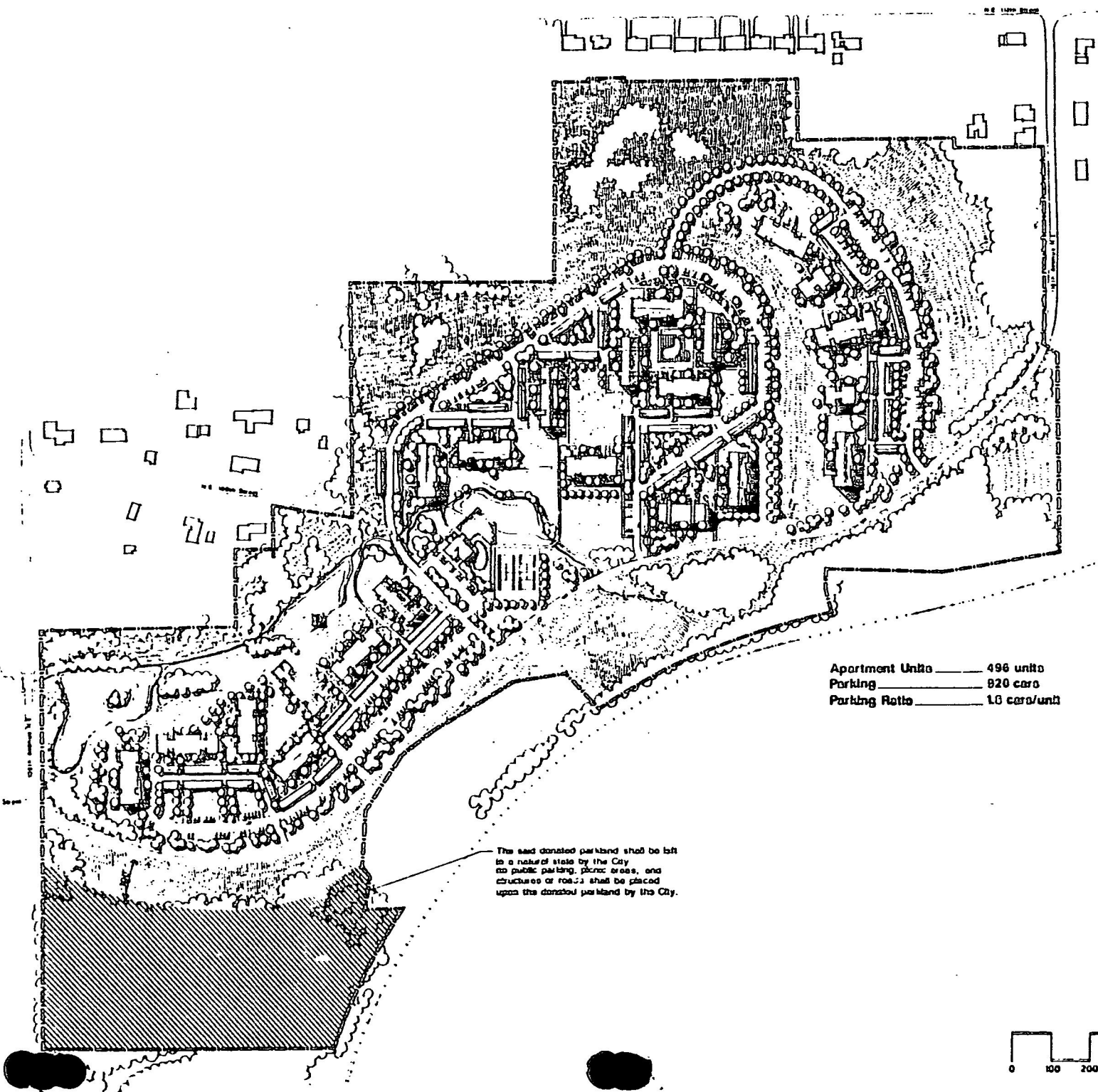
ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(Ex officio City Clerk)

0705B/bk

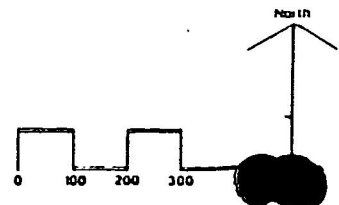
Illustrative  
Site Plan

Forbes  
Creek  
Property



Apartment Units \_\_\_\_\_ 498 units  
Parking \_\_\_\_\_ 920 cars  
Parking Ratio \_\_\_\_\_ 1.8 cars/unit

The said donated parking shall be left  
in a state of state by the City  
for public parking, picnic areas, and  
structures or roads shall be placed  
upon the donated parking by the City.



## PLANNED UNIT DEVELOPMENT

1. The Land Use Policies Plan identifies Lots 6, 7, 16 and 17 as a transition area which could relate to possible uses in Planned Area 9. In order to protect single family residences to the west, the design and overall density of townhouses or clustered development should be consistent with neighborhood standards. A Planned Unit Development compatible to an RS 8500 zone would not stack units but would allow two story attached townhouses at an RS 8500 density. The maximum horizontal dimension should not exceed 50 feet within a 100 foot setback from the western property line. A Planned Unit Development density bonus is not appropriate and should not be granted.
2. This project should provide buffering around its perimeter when adjacent to a low density designation. A vegetated 40 foot buffer is recommended with supplemental planting wherever necessary. An exception to supplemental planting may occur west of Building 9 which has a 130 foot setback. The need to retain the existing Riparian Woodland habitat in this area is discussed in the Fauna Section.
3. A forty foot buffer should not be required along the southern property because Crestwoods Park is not zoned residential. Because of the railroad tracks, there is a substantial grade drop.
4. The Court Stipulation clearly allows flexibility in its proposed buffer guidelines, and the 40 foot width will allow substantial retention of significant trees, will provide a natural break between multi-residential and single family development and has proven to be effective in past PUD's. A 40 foot buffer should also occur along the project frontage of 116th Ave. N.E. to soften building mass, screen the light industrial development from future residents and dampen the light industrial noises. All buffers shall be identified by a recorded greenbelt easement and shown on appropriate Final Planned Unit Developments. No buildings nor construction activity should occur within this buffer except for utility lines and access entrances.
5. Landscaping in general and the utility strip along right-of-way should include flowering shrubs to enhance the residential character of the development. It should be determined at time of final Planned Unit development if parking in the front yard setback is allowed per Section 23.34.100.
6. Open space areas should be retained through a recorded document which is approved by the City of Kirkland.
7. In the Final PUD, detailed landscaping plans should be submitted. Lawn should be indicated wherever possible and beauty bark should be avoided. Minimum plant sizes and a description of the types of soils imported to the site shall be submitted with each final Planned Unit Development phase. The recommendations on pages 101-104 of the E.I.S. should be followed with the exception that open lawn instead of "naturalized areas" should predominate.

8. Some public benefit provided through improvements required as outlined in the Recommendation Section of this report. Included as beneficial improvements are: right-of-way improvements which enhance the safety of pedestrian, bicyclists and vehicles; rechannelizing Forbes Creek, and completion of a water system connection. Installing a gravel road to the storm water detention pond as recommended on the storm water control section represents a public benefit since it would allow access to periodically clean the pond.

9. The trail system connecting Alexander Graham Bell School with Crestwoods Park should be developed according to the standards set forth in transportation and circulation for vehicles and pedestrians, safety hazards and schools sections.

10. Final Planned Unit Development Plans should detail all right-of-way improvements, street and pedestrian improvements.

11. Kirkland Zoning Ordinance

Provisions for Parks and Open Space: In order to more equitably distribute the cost of providing additional neighborhood and community park facilities to meet the needs of a growing population, Section 23.28.131 of the Kirkland Zoning Code specifies that PUDs that include residential uses shall pay into the "In Lieu Park and Open Space Fund". The amount of this payment that applied at the date of application for this project is 6% of the assessed valuation or \$200 per unit, whichever is greater.

12. To comply with the Zoning Ordinance and the Land Use Policies Plan, buildings within 100 feet of a low density area must conform to Section 23.10.090. This applies only to buildings developed at an RM 3600 density. Deviation to this provision is not consistent with the Land Use Policies Plan. Prior to Final PUD, buildings should be deleted, relocated or reconfigured as is necessary to conform to 23.10.090.

13. The application for the Planned Unit Development partially recognizes the soils limitation of Lots 16 and 17 in that no buildings are located on these parcels. However, the boggy soils and high water table represent inappropriate soils conditions for storm water detention ponds. Unit credits may be transferred from this site with the stipulation that no buildings or storm water detention facilities be constructed and no construction activity is allowed. In keeping these lots undeveloped, the public interest is served as the soils are unsuitable for development and a buffer between the project and low density residential lands is established. A drainage/greenbelt easement should be placed over these properties which prohibits land development or vegetative clearing.

14. On May 27, 1982 the Planning Commission reached the following conclusion: "Therefore, based on Policies of the Land Use Policies Plan and PUD requirements, it is the conclusion that the NAN Village density should be reduced to 522 units subject to the conditions of the staff report as modified. The final design of the PUD should specifically respond to the findings of the Planning Commission and that conditions will be reviewed to evaluate potential reduction based on reduction of impacts.
  15. Of the 122 units to be deleted, all of the units in Buildings 1, 2, 3, 4 and 51 are specifically deleted.
  16. The most northerly of the driveway accesses onto 116th Ave. N.E. shall, consistent with the policy expressed in conclusion (e), Section 1, of this resolution, be relocated away from the boundary with the single family area. The internal configuration of roads, parking areas and buildings shall be modified as is necessary to accommodate this new driveway as well as to achieve buffering of adjacent residential areas from internal site traffic.
  17. If on-site detention of storm water is proposed, it shall be designed to accommodate at least a 100-year storm with a maximum release rate of .2 cfs per acre.
  18. The public shall be assured pedestrian access rights on any paths along or crossing Forbes Creek as well as on walkways necessary to provide north to south linkage from A.G. Bell school to Crestwoods Park.
  19. Prior to issuance of grading permits, the applicants shall remove all abandoned car bodies or other debris now on the site.
- Fauna
20. Because of its unique habitat value, the Riparian Woodland should be designated as a greenbelt easement and no planting permitted in this area in order to preserve a corridor for existing habitat on the site (see Forbes Creek and Planned Unit Development Sections). However, where the proposed stream location runs through this habitat, appropriate planting shall be permitted along the stream bank.



21. A greenbelt easement could be recorded for the Canyon Conifer Habitat in order to preserve the wildlife value of this area and protect the stream running through it. This supports the Court Stipulation which prohibits development in this natural area. To increase the extent of naturalized areas, the Canyon Conifer habitat should be extended along the steep slopes east of the ravine. The timing of this supplemental planting shall be decided at time of Final Planned Unit Development of Phase I, and shall be completed during the early stages of the project.
22. The selection of species for detailed planting should include species which have food value for a variety of birds (see Page 104, E.I.S.).
23. Most of the Douglas Fir Habitat should be retained. The applicant should be required to retain a portion of the existing vegetation undisturbed in order to preserve some habitat area for small animals and provide a buffer. This will probably support large animals such as raptors or deer. (see Planned Unit Development Section, Perimeter Transition).
24. The applicant is proposing to eliminate the entire brushland habitat which will eliminate any habitat area for mammals including coyotes. The proposed plantings should approximate some of the existing habitat and provide some value for birds.
25. Because of the substantial wildlife value of the Broad Leaf Forest Habitat, a greenbelt easement should be recorded for the portion of this habitat from the toe to the crown of the slope (see Soils Section) in this area to require that this area be preserved in its natural state.
26. For recommendations concerning protection of the fisheries habitat of Forbes Creek, see Forbes Creek Section.

#### FORBES CREEK

27. A 50 foot wide drainage easement should be recorded on the condominium plat for both sides of the creek measuring from the thread of the creek running through the project site in order to protect this habitat area from intrusion by humans and domestic animals. A note should be included on the condominium plat that no grading, clearing, construction or excavation can occur within the greenbelt except for necessary planting and path and rockery construction adjacent to the relocated stream reach or upon approval by the Building and Community Development Departments.
28. The proposed open space area adjacent to the rechanneled portion of the creek should only allow visual, and limited physical access, to the creek and should be planted and developed according to Sheet 11 and as shown on Exhibit "W" with vegetation within the 50 foot area proposed as a drainage easement.

...building should be ...ved so that it does not encro...h on any portion of the proposed 50 foot drainage easement. At the time of Final Planned Unit Development for the road and stream phase:

- (a) The applicant shall present information to determine the impact of the concrete dam on fisheries habitat, stream bank stability and vegetation.
- (b) The City shall determine if the concrete dam upstream of the proposed realignment should be removed.

- 30. The Forbes Creek crossing of 108th Ave. N.E. should be redesigned by the applicant using a bridge or box culvert with head and wing walls in order to reduce the flooding potential of this culvert. The design should be approved by the Department of Public Services prior to issuance of Final P.U.D. for the road realignment and stream phase.
- 31. The proposed new creek channel should be constructed at the time of road realignment during the proposed "stream and road phase" (see Exhibit "M") in order to insure that adequate management and inspection can occur and that this phase occurs in the most expedient manner.
- 32. Prior to issuance of the Final PUD for the road and stream phase, detailed engineering plans for Forbes Creek relocation should be reviewed and approved by all appropriate departments of the City and the Department of Fisheries and Game in writing. The plans should include plans for all of the stretch of creek running through the project site. It should also include a construction and phasing schedule and planting plan. The proposed stream relocation plan should conform to all of the recommendations of the Department of Fisheries as stated in their letter of February 13, 1981 (Exhibit "F4").
- 33. Prior to commencement of any work on any portion of either the existing or proposed new stream bed, a copy of the Hydraulics Project Approval permit from the State Department of Fisheries and Game must be on file with the City of Kirkland.
- 34. All stream relocation plans should be accompanied by a hydraulic and hydrologic design analysis showing that the realigned stream reach has at least the same flow capacity as the reach it will replace. These plans should also indicate any shifting in the flood plain area as mapped by the Federal Insurance Administration. This should be submitted to the Federal Insurance Administration for review and revision of the flood plain surrounding Forbes Creek prior to issuance of Final PUD for the road and stream phase.
- 35. In order to control flooding, the stream bypass line, which will be constructed in the existing stream bed, should be designed to discharge under water.

36. Prior to diversion of the stream, the newly constructed channel should be inspected by the Department of Fisheries and written approval submitted to the City.
37. A representative from the Department of Fisheries should be on site at the time of stream diversion in order to direct construction crews in the proper procedures and minimize the potential for problems downstream of the diversion.
38. Proper erosion control measures in accordance with Appendix E of the Final Environmental Impact Statement, must be operational prior to any work being done on the stream in order to prevent increases in erosion and sedimentation from impacting the stream channel (See Section E - Soils Hydrology and Erosion Control). Erosion control measures should include placement of a silt fence and a temporary chain link fence along the entire reach of the existing channel on the creek during construction and until such time as vegetation along the realigned section forms an adequate barrier to intrusion so that diversion can occur. This should be determined by inspection by the City of Kirkland Building Department.
39. The new stream bank should be hydroseeded and planted with native trees and shrubs that will reduce the need for watering and maintenance, prevent intrusion and provide optimal overhanging vegetation to maintain stream temperatures (see Exhibit "W").
40. All new vegetative planting adjacent to the new creek bed should be done at least one growing season prior to the time of proposed diversion of the stream in order for the vegetation to become established. Actual diversion should only be permitted at low flow periods.
41. A revised trail plan should be submitted prior to approval of the final Planned Unit Development for the road and stream phase.
42. The elevation of the substrata in the diverted portion of the creek should be such that it does not affect the creek substrate above or below diversion points.
43. Silt and sand built up at the downstream end of the diversion should be removed prior to diverting so that slushing action will not impact the lower stream.
44. After the diversion pipe is laid in the old creek bed, the bed should be filled in and appropriately planted with native vegetation. A detailed planting plan for treatment of the old creek bed should be submitted prior to Final PUD for the road and stream phase.
45. The proposed 90 degree angle in the stream relocation should be changed to 20 and 30 degree angles with straight portions in between (see Exhibit "F1").

46. At the time of final Planned Unit Development for the road and stream phase, the City shall determine if the twin 24" culverts upstream of the proposed realignment (in the ravine) should be removed to enhance upstream migration and eliminate a source of plugging and impoundment of downstream storm flows. Information should be presented by the applicant on the impacts removal of the concrete dam and two fir trees would have on fisheries, stream bank stability and vegetation.

47. The applicant should be required to prepare a public information brochure, prior to issuance of Certificate of Occupancy, to be distributed to all project residents describing the value of the creek as a fisheries habitat and recommending ways for residents to assist in maintaining the quality of the creek.

#### SOILS, HYDROLOGY

Phase -- Geologic Areas 5 and 7 (Southern Hillside and Field)

48. The soil study states that the upper and lower buildings can be built with appropriate preventative and remedial measures. Community policies, the risk to public safety if these measures fail, and the nature and extent of these measures, indicate that careful attention during the Final PUD phase must be given to development in this area. Soil borings, construction methods, locating the crown of the steep slope in the field and on a two foot contour map, surface and subsurface water control must be available at Final PUD review.

49. The upper hillside does not indicate active slide or slump movement. Water seepage has been referenced (see soil log of test pit 30 and statement "numerous seeps were observed on the hillside..." Page A22) The soil has been described as bearing excellent strength properties when undisturbed. Because water seepage is present and grading will disturb the soils, the applicant should demonstrate that the excavation and fill work required for Buildings 1, 2, 3 and 4 will not diminish the quality of existing slope stability.

50. The applicant should also demonstrate that excavation along the southern property line will not lessen the slope stability to the south and that the newly tapered slope will not erode.

51. Areas of construction activity should be identified on a grading plan. Buildings should be safely setback from areas of active slope movement and the applicant must demonstrate that grading and clearing activities will not compound the slope problem.

52. The applicant should establish a greenbelt easement covering the area of active slope movement. This area must be specifically identified at the time of Final PUD. The wording of the greenbelt easement should be determined at time of Final P.U.D. A suitable barrier to prevent intrusion should be erected along the north and south edges of this greenbelt easement prior to issuance of the building/grading permits to prevent intrusion onto the unstable slope. The barrier should be removed at issuance of the Certificates of Occupancy.

53. Water discharge from seepage and the ravine should be controlled if buildings 5 through 8 are constructed. This water discharge at the base and possibly the top of hill causes wet soils, drainage and slope stability problems. The drainage system should be conceptually indicated before Final P.U.D. approval is granted. It may be necessary to relocate building 7 away from the ravine discharge point.
54. Earth work construction should be confined to the dry months. Fill material such as sand or a sand and gravel mix may need to be imported.
55. Rockery walls constructed for erosion protection are not similar to retaining walls and should not be used to hold up a slope.
56. A maximum amount of vegetation should be kept wherever possible in the construction areas. A detailed vegetation retention plan should be submitted and reviewed at time of Final P.U.D.
57. The location and number of buildings may be altered at time of Final PUD based on detailed soils investigation and vegetative retention.
58. If final foundation grades for the lower buildings, Buildings 5 through 8, require extensive cuts into the colluvium deposits, subsurface drainage and retaining structures may be necessary.
59. Prior to issuance of any grading or building permit, the applicant should sign and record a Hold Harmless Agreement in a form approved by the City Attorney. The agreement would require that the applicants defend and save the City of Kirkland harmless of all damage due to the physical conditions on the property.

#### Phase 1, Geologic Areas 7 and 6 (Field and Stream Flood Plain)

60. No construction should occur in the stream flood plain area because of the extremely high water table, boggy soils and community policies. The soils cannot support the heavy equipment used in piling and pier construction. Also, over-excavation and backfilling will require massive amounts of soil disruption with potentially adverse impacts on the water table and Forbes Creek. Therefore, Buildings 9, 10, 11, 12, 13 and 14 should be outside of the flood plain area. A more detailed soils investigation should demonstrate that buildings, storm water detention ponds, and related construction activity requiring heavy equipment do not occur over soils described in the text concerning the stream flood plain. Minor grading, clearing, revegetation, the rock wall, the tot lot, benches and the asphalt trail may be proposed if the applicant presents a detailed proposal of the construction techniques prior to Final PUD approval. A drainage easement should be required in the flood plain area.

All building sites should have a detailed soil investigation and description of individual foundation design at time of Final P.U.D. Overexcavation and backfill may be considered if construction methods and impacts are fully described. If subsurface drainage that intercepts and lowers the groundwater table is proposed, it may be approved at time of Final P.U.D. only if rough calculations with conceptual designs are approved by the Public Services Department and will not affect the hydrology of the flood plain area.

62. The previous conclusions outlined above in 2.a. and b. may drastically affect the location and number of buildings proposed. Therefore buildings may be relocated and reduced at time of Final P.U.D approval when the applicant responds to these conclusions with additional information and a new site plan.
63. Earth work construction should be confined to the dry mo... Fill material such as a sand or sand and gravel mix may need to be imported.
64. A maximum amount of vegetation should be kept wherever possible. A detailed vegetation retention plan should be submitted at time of Final Planned Unit Development.
65. Prior to issuance of any grading permit, the applicant should sign and record a hold harmless agreement in a form approved by the City Attorney. The agreement holds the City harmless of all damage due to the physical conditions of the property.
67. Erosion control surrounding Forbes Creek is of particular concern and erosion control measures are described in this section, Subsection 6.
68. The location and number of buildings may be altered at time of Final PUD based on detailed soils investigation and vegetative retention.
69. There are no soil problems evident in the construction of the cluster of passive recreation activities within the eastern edge of the site.

#### Geologic Areas 3, 7 and 8 (Southern Gravel Pit, ... Ravine)

70. Unless the applicant can show sufficient documentation that the fill bank is not lending support to the Metro interceptor or the BNRR tracks and that excavation or regrading will not increase soil slumping or creeping, no excavation nor significant regrading of the fill bank should be allowed. This should be determined at time of Final PUD.
71. Metro should be contacted at least two full working days prior to any disturbance of this fill area, and all plans for grading, erosion control and construction activities affecting this fill should be approved by METRO and their acceptance provided in writing.

Phase IV, Geologic Areas 4 & 2 (Northern Hillside and Main Gravel Pit)

72. A detailed soils and grading report should be required for Buildings 15, 16 and 21 at time of Final P.U.D. to ensure that slope stability is maintained.
73. If subsurface drainage is proposed, conceptual designs and calculations should be presented at time of Final P.U.D.
74. Grading the new channel for Forbes Creek will occur in colluvium soils and possibly the boggy flood plain soils. A finished grading plan with two foot contours and detailed information on erosion control as well as slope stability should be required at Final P.U.D. review. Construction of Buildings 1 and 2 and other grading at the base of the hillside, should also demonstrate that slope stability will not be affected.
75. Construction of building 21 must also follow the recommendations for construction of buildings in the lower portion of the main gravel pit.
76. If grading work disturbs the Vashon Till soils, earth work should only occur during the dry period.
77. A maximum amount of vegetation should be kept wherever possible in the construction areas. A detailed vegetation retention plan should be submitted and reviewed at time of Final P.U.D.
78. The location and number of buildings may be altered at time of Final PUD based on detailed soils investigation and vegetative retention.
79. Prior to issuance of any grading or building permit, the applicant should sign and record a Hold Harmless Agreement in a form approved by the City Attorney. The agreement would require that the applicants defend and save the City of Kirkland harmless of all damage due to the physical conditions on the property.

Phases III, V, VI AND VII, Geologic Areas 1 and 2 (Plateau and Main Gravel Pit).

80. Generally, till soils cannot be compacted during the rainy season due to their "moisture sensitivity". The till soils in the plateau area, however, are relatively deep (test pits 6 and 7) and may not be exposed with site development (see finished grading plan). At time of Final PUD for Phases VII and VI the applicant should demonstrate that the till soils will not be disturbed. If these soils are disturbed, grading activity should be confined to the dry months.
81. Development of the northern hillside should include a subsurface drainage system, retaining structures where appropriate and/or flattening cut slopes. Otherwise, slope failure may occur.

82. To control erosion, steep slopes should be covered with protective facing of vegetation or other erosion protection measures approved at time of Final Planned Unit Development.

83. Drainage control of off-site waters which discharge onto the site should be addressed at time of Final PUD for Phase VII.

84. Because of the variable fill in the lower portion of the gravel pit, post-construction settlement may occur. At time of Final PUD for Phases II, V, VII and Building 21 in Phase IV, all buildings in this area should have a detailed individual soils and foundation design investigation. If subsurface drainage is proposed, a conceptual design and rough calculations should also be submitted.

85. A maximum amount of vegetation should be kept wherever possible in the construction areas. A detailed vegetation retention plan should be submitted and reviewed at time of Final P.U.D.

86. The location and number of buildings may be altered at time of Final PUD based on detailed soils investigation and vegetative retention.

87. Prior to issuance of any grading or building permit, the applicant should sign and record a Hold Harmless Agreement in a form approved by the City Attorney. The agreement would require that the applicants defend and save the City of Kirkland harmless of all damage due to the physical conditions on the property.

Other Storm Water and Ground Water Controls, Seismic Sensitivity, Erosion Control

88. Analysis of the impact, both cumulative and by phase, that offsite subsurface drainage systems will have on Forbes Creek and its flood plain areas must be considered. These drainage systems may be approved, modified or denied based on this impact. It is acknowledged that modification or denial of a drainage system may require a reduction or relocation of dwelling units. (See Section F, Storm Water Control)

89. Seismic Sensitivity. Appropriate foundations and soil recompaction to avoid consolidation or liquefaction of soils in some areas should be required.

90. Erosion Control. The recommendations found on pages A54 through A61, Appendix E, of the Final E.I.S. should be followed unless specifically modified or waived by the City of Kirkland. Final PUD review for each phase shall include a detailed consideration of temporary and permanent erosion control measures. A silt fence should be erected along the steep southern hillside slope and the flood plain boundary when adjacent to construction. A chain link fence to prevent intrusions into the flood plain, steep southern hillside slope and ravine area should also be considered.



91. Dirt stockpiling and excavation can occur within a one-acre area located within the old gravel pit area. This site must be approved by City staff, comply with all erosion control recommendations and cannot operate during the rainy season.

92. The Building Department shall determine the months that constitute the rainy season.

#### POLICY DOCUMENT STATEMENTS

93. Strong policy statements regarding development on steep slopes, areas of differential settlement and high water tables exist in the City of Kirkland. Their applicability to this development is analyzed in the previous conclusion statements of the Soils, Hydrology and Erosion Section.

#### STORM WATER CONTROL

94. A detailed construction drainage plan including timing and project construction phasing for the entire site should be submitted prior to Final P.U.D. approval for the road and stream phase.

95. In accordance with the existing Drainage Easement Agreement (6/2/78), the applicant may include some of the detention capacity of the pond adjacent to the Lincoln Properties warehouse on the southeast corner of the project site as part of the permanent storm water detention system.

96. Any modification of the METRO storm drain should be coordinated with and approved by METRO in writing prior to approval by the City of Kirkland of the Final PUD for the road and stream phase.

97. A gravel restricted access road should be provided to the existing detention pond next to the Lincoln Properties warehouse on the southeast corner of the project site and any other detention facilities approved as part of the permanent storm water detention system in order to insure adequate access for maintenance.

98. Water leaving the subject property must comply with State water quality standards.

99. As part of the application for any Building Permits, a storm water hydrograph for the proposed development calculated by the Rational Method based on a 100 year storm and using the SeattleRenton Hydrograph should be prepared. The applicant should also prepare full engineering designs and specifications for the permanent control system for the proposed development on the subject property.

100. The City will inspect all permanent control systems prior to occupancy. All facilities must be clean and fully operational before the City will issue a Certificate of Occupancy (Grading permit for the road and stream phase).

101. The method of storm water control shall be determined at time of final Planned Unit Development of the stream and road phase. The system should be designed with the capacity to handle a 100 year storm.

In any case, the applicant should submit a design, obtain approval, and construct a system which will continually maintain the existing annual water table in the Riparian Woodland area and the existing stream water levels, that are attributable to water presently collected on the site or passed across the site.

102. All permanent storm water detention systems are subject to inspection by City of Kirkland inspectors, who may require immediate maintenance by the then owner following inspection.

103. The applicants should be required to submit a detailed perpetual maintenance plan for all proposed storm water detention facilities to be approved prior to issuance of the final Planned Unit Development Permit.

104. Unless the applicant can demonstrate that a storm water detention system will not impair the function of the flood plain, no storm water detention should be located in the 100-year flood plain, within the stream flood plain.

105. If the construction phase storm water detention system makes use of part or all of the permanent storm water control system, the permanent system should be cleaned and 100% operational prior to final inspection.

106. All permanent systems should be designed to maintain the water quality level established by State standards and administered by the Department of Ecology. Oil/silt separators shall be installed into the storm water collection system before the water enters the public system.

107. All storm drainage systems should be bonded for maintenance and operation for two years following their completion. Should the storm water controls be built and structures built on the site after the bonding period has expired, each subsequent building permit shall require the appropriate rebonding.

108. Because of the extremely sensitive nature of the site and the existence of a major water course and in order to insure that the site is adequately protected during all phases of construction, the applicant should be required to establish an assigned savings account at a local banking institution or to post an irrevocable letter of credit from a banking institution within the City of Kirkland so that the City can correct emergency storm water runoff or erosion problems on site when the developer is unable or unwilling to correct the problem. The amount of the assigned savings account or irrevocable letter of credit shall be established by the Director of the Department of Public Services. This amount shall be no less than the amount required to stabilize all disturbed areas and to prevent any environmental degradation. Should this fund be utilized, a "Stop Work Order" shall be in effect until the fund is re-established at its original level.

109. If three "Stop Work Orders" are issued for construction phase storm water control violations, a review of all controls, bonding agreements should be conducted by the appropriate City department. During this review, a "Stop Work Order" should be in effect and, should changes be required, the "Stop Work Order" should be in effect until changes are completed. The City shall send a letter within 5 working days which details the problem and how to resolve it.

110. Any changes in the temporary storm water control system shall be authorized only by the responsible inspector who shall approve any required changes or modifications.

111. Water presently traversing the site from adjacent properties and not contained in the stream, may be collected and transported across the site in a permanent system. However, before introduction into Forbes Creek, that water must be reduced to a velocity which shall cause no harm to the stream, stream bank or other riparian features of the creek and oil/silt separators should be installed to clean the water prior to introduction into Forbes Creek. All designs/ devices used in this system must be approved by the Department of Public Services prior to construction.

#### LIGHT AND GLARE

112. Parking lot and street lighting should be shielded to obscure outward and upward glare. Since most residences with views into or across the N.A.N. Village site are located above the elevation of proposed N.A.N. Village exterior lighting, no glare problems are anticipated. (See Section J, Transportation and Circulation for Vehicles and Pedestrians for street lighting.)

113. The applicant should utilize energy efficient light sources. The selection and regulation of light sources should comply with the 1980 King County Building Energy Code.

114. The applicant should select, place, and direct light sources, both directable and non-directable, so that the measurable effect of the light as defined by the City of Kirkland does not extend beyond the subject property.

115. The proposed parking lot lighting, designated to create a lighting level of at least 1 foot candle and probably 1.2 foot candles is excessive. Lamp standard spacing should be increased from approximately 150 feet apart to 200 to 250 feet apart to reduce the intensity of lighting. Lighting levels should be designed to provide an illumination level of 0.25 to 0.5 foot candles.

116. The Kirkland Police Department should review and approve a lighting plan for each final PUD. Modifications may be made to enhance public safety. The lighting plan shall include: sidewalks, trails, parking areas, recreation areas and all internal roadways.

## SAFETY HAZARDS

117. All construction and storage areas should be fenced in order to prevent school children using the site from any potential hazards associated with heavy equipment or other construction activities. The applicant should submit a fencing plan prior to Final Planned Unit Development for each phase.
118. Because of the extensive traffic that will be generated internally on the site, all lot lots should be located at a minimum of 50 feet from all driving surfaces both public and private.
119. The applicant should be required to remove all underground fuel tanks prior to issuance of grading permits for the road and stream phase in order to eliminate any risk of accident.
120. All connector trails that may be required as discussed in other sections of this report shall be all weather surface trails in order to prevent any accidents during wet or icy weather.

## NOISE

121. Vehicle speed should be controlled through the site in order to keep noises associated with vehicular traffic at reasonable limits. (E.I.S., page 106)
122. Natural vegetation should be retained on the perimeters of the site at a depth of 40 feet wherever possible in order to deflect and break up loud and consistent noises as well as to provide a buffer to adjacent uses. In addition, wherever necessary to achieve a 40 foot depth, additional vegetation composed of evergreens should be planted in order to provide a noise barrier to adjacent single family residential uses. An exception to supplemental planting may occur west of Building 9 which has a 130 foot setback. The need to retain the existing riparian woodland habitat in this area is discussed in the Fauna Section. More detail on the location of the 40 foot buffer is found in the Planned Unit Development Section.
123. The applicant shall comply with the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107.
124. At final PUD, site design and landscaping should mitigate noise as much as possible. A narrative explanation should describe how this will be done.

## TRANSPORTATION AND CIRCULATION FOR VEHICLES AND PEDESTRIANS

Each transportation improvement recommended in this report requires submittal of engineering drawings to be reviewed by the Department of Public Services and approval prior to issuance of building permits. If, in the design review other

construction is necessary in order to install the recommended improvement, the design shall be modified accordingly. All construction costs necessary to install the recommended improvement should be borne by the applicant unless otherwise noted.

#### Intersection of Market Street and 19th Avenue

125. As directed by the Department of Public Services, the applicant should replace the landscape island to the north in part with a protected left turn lane.
126. To the south, the applicant should reduce in height the island structure and/or remove the structure to a point to allow left turning movements from 19th Ave. and to facilitate a safe sight distance between drivers stopped at the intersection on 19th Avenue and approaching traffic on Market Street. Diagram 2 shows the suggested intersection improvements.

Road Improvements: From 5th to 6th St. on 19th Avenue.

127. 219th Avenue between 5th and 6th Streets should be widened to 28 feet to match with the existing section between 4th Place and 5th St.
128. Curbs, gutters, underground storm sewer and a 5 foot sidewalk should also be built on the south side to match with improvements between 4th Place and 5th St., thus providing a safe pedestrian route along 19th Avenue to Kirkland Junior High School.
129. On the north side of 19th Avenue shoulder improvements should be made as directed by the Department of Public Services. Diagram 5 shows the proposed cross-section of 19th Ave.

Roadway Improvements: From 19th Ave. to Site Entrance on 6th Street.

130. The traffic volumes projected on 6th St. with N.A.N. Village warrant increased improvement levels at the neighborhood access level from the site.
131. These improvements should include construction by the applicant of any additional roadway construction to attain a full 28 foot width to the project entrance to the north and on both sides, curb, gutter, underground storm sewers, 5 foot landscape strip, street trees, and a 5 foot concrete sidewalk.
132. Crosswalks as needed from 6th St. across 19th Ave. should be constructed as directed by the Department of Public Services. Diagram 8 shows the proposed cross-section of improvements for 6th St.

#### Intersection of Market Street and N.E. 106th Street

133. Rechannelization should include a left turn lane, an acceleration lane, within Market Street in order to increase the intersection capacity for left turns to or from Market Street. Cost of this rechannalization should be borne by the developer.

134. Signalization of the intersection will be warranted as this area continues to develop and the applicant should contribute proportionately the cost of this future signal improvement. Information on when the signal will be installed should be presented at time of Final PUD.

Roadway improvements: From the Market St. intersection along N.E. 106th St. to and along N.E. 108th St., to and along 116th Ave. N.E. and terminating at N.E. 112th Street.

135. It is recommended that the applicant design and construct improvements within the existing right-of-way of N.E. 106th from the western boundary of the site to the intersection of Market St. and N.E. 106th St. in the following manner:

- (a) 28' of asphalt driving surface with 18' from the centerline to the south and 10 feet to the north.
- (b) Shoulder improvements north of the asphalt driving surface as needed.
- (c) To the south of the driving surface; vertical curb, gutter and all necessary elements of underground storm sewers.
- (d) To the south where topography permits, a 4 foot unimproved landscape buffer.
- (e) To the south and after the landscape buffer, an 8 foot combination pedestrian/bicycle trail as designed by the Department of Public Services.

Diagram 12 shows a cross section of these improvements.

136. Heavier vehicular traffic is projected to be generated from the site to the east. The applicant should construct full collector arterial improvements from the western boundary of the site and N.E. 106th eastward within the N.E. 106th/N.E. 108th/116th Ave. NE right-of-way to the intersection of 116th Ave. N.E. and N.E. 112th St. These are to include:

- (a) 36 foot wide asphalt driving surface.
- (b) Vertical curb, gutter and underground storm sewers on both sides.
- (c) On both sides, 5 foot concrete sidewalks and a 7 foot landscaped utility strip with street trees planted 30 feet apart along the property line (species to be approved by the City). Diagram 13 shows a cross-section of the improvements.

Intersection of 116th Ave. N.E. and N.E. 112th St.

137. Separate left and right turn lanes within 116th Avenue N.E. should be constructed by the applicant due to the heavy right turning movements onto N.E. 112th and the concomitant left turns onto N.E. 112th created by the project. These improvements are shown in Diagram 15.

Roadway Improvements: N.E. 112th St. from 116th Ave. N.E. to 120th Ave. N.E.

138. The applicant should install a left turn lane from and along the full length of the segment.

On the north side of N.E. 112th St. W. and E. of the Burlington Northern railroad tracks, the applicant should install shoulders and a painted asphalt curb 5 feet from the northern pavement edge, to provide a protected pedestrian/bicycle trail to the intersection of 120th Ave. N.E. and N.E. 112th. This curbing should be placed as directed by the Department of Public Services. Crosswalks as necessary should be installed or funded by the applicant as directed by the Department of Public Services. Diagram 19 shows the left turn lane installation and the asphalt curb location.

Roadway Improvements: Along 120th Ave. N.E. from N.E. 112th St. to N.E. 116th St.

139. Pedestrian protection should be provided by a painted asphalt curb installed 5 feet to the east of the western pavement edge of this segment. Construction should be done by the applicant as directed by the Department of Public Services.

Intersection of N.E. 116th St. and 120th Ave. N.E.

140. To accommodate the N.A.N. Village traffic, signal phasing should be changed to utilize the 5-phase capability of the existing traffic controller.
141. A percent of signal warrant analysis should be done to establish the percent of contribution by N.A.N. Village.
142. Additionally, the northbound approach lane should be modified to provide the addition of a right turn only lane to facilitate N.A.N. Village generated right-turn movements.
143. The applicant should bear the full cost of this right lane improvement as the need for the lane is necessitated by N.A.N. Village traffic. Diagram 22 shows the intersection as redesigned to accommodate the right turn lane.

144. The applicant should hire a traffic consultant to establish the traffic volumes contributed to the intersections by N.A.N. Village.
145. From this information, the City should establish the percent of signal warrant attributable to N.A.N. Village and the applicant should then contribute their percent of the signal warrant for the intersection.

Intersection of 112th Ave. N.E. and N.E. 112th St. and Southern Extension

146. At the southern terminus of this right-of-way and the north project boundary, a cul-de-sac bulb with a 45 foot radius, 28 foot pavement width and a landscape island should be built. Around the bulb and for all right-of-way to the north to N.E. 112th Street (not already constructed) the following improvements should be built.

28 feet of pavement width;

vertical curb, gutter and underground storm sewer;

5 foot landscape strip with street trees planted 30 foot on center; and

5 foot wide concrete sidewalk.

147. The right-of-way terminus should not connect to N.E. 108th St. due to the adverse impacts of an additional stream crossing. Diagram 24 shows a cross section and plan view of these improvements.

148. Right-of-way in which these improvements are constructed should not be vacated.

N.E. 108th St. and Eastward Extension

149. Where N.E. 108th St. is proposed to dead-end, a 45 foot cul-de-sac with a landscape island in the center and curb, gutter, landscape strip, street trees, and sidewalk around the outer edge should be required. Diagram 25 shows the design for this improvement.

150. Alternative driveway designs for the private road connecting the cul-de-sac to the project should be explored, with the intention of discouraging through traffic.

151. The necessary amount of private land for the cul-de-sac must be purchased by the applicant or the cul-de-sac must be built on the site and dedicated as right-of-way to the City.



## Pedestrian Access.

152. The applicant should also construct pedestrian access connectors (within the existing right-of-way and per City of Kirkland standards), between N.E. 106th and the sidewalk to be constructed on 6th Street and between N.E. 106th and the sidewalk to be constructed on the bulb of the cul-de-sac on 112th Avenue N.E.
153. These connections should be lighted to enhance the safety of school children using them and be retained as right-of-way by the City of Kirkland. The applicant shall submit a lighting plan for these connectors prior to final Planned Unit Development for Phase I.

## Internal Circulation and Parking

154. The applicant shall submit engineering drawing showing internal circulation which should be approved by the Department of Fire Services and the Department of Public Services prior to the Final PUD for Phase I. In these drawings, the applicant should reduce the number of curb cuts shown on the preliminary drawing as directed by the Department of Public Services.
155. All curb cuts and internal roadways, both access and emergency, should be designed to discourage any through off-site traffic and this design shall be approved by the Department of Public Services. Designs such as a band of different paving material, an entrance constriction or signing should be considered to discourage through traffic. The driveway intersection located where 116th Ave. N.E. bends should be reconsidered, relocated or eliminated and reviewed at Final PUD.
156. All emergency access entrances should receive approval by the Department of Fire and Police Services prior to construction.
157. All internal pedestrian circulation routes should link with public sidewalks and connectors for continuity of the pedestrian circulation routes.

## Emergency Access to the Site

158. It is recommended that the applicant should investigate a variety of methods for achieving this emergency access with the assistance and direction of the Departments of Community Development and Public Services. Prior to the Final PUD for Phase I, alternate access routes should be proposed by the applicant to the City of Kirkland.
159. After evaluating these proposals, the City should select an alternative and the applicant should then submit detailed engineering drawings and construct the access as directed by the Department of Public Services. Until a suitable alternative is selected, neither 108th Avenue N.E. (6th Street) south of N.E. 106th nor N.E. 104th Street should be vacated.

160. A shuttle van (vans as needed) should be purchased and operated by the applicant for the transfer of residents during extended peak hours (6:30-8:30 A.M. and 4:00-6:30 P.M.) to the Park and Ride facility located at 116th Ave. N.E. and N.E. 132nd. This should be provided upon release of Certificates of Occupancy of Phase II (the proposed Division I). At project completion the vans should be turned over to the condominium association for operation and replacement (costs to be incurred in condominium fees). Operation should continue unless the City of Kirkland approves discontinuance.
161. The applicant should encourage transit and HOV (high occupancy vehicle) usage by giving all necessary transit information to new owners and by providing priority parking (where necessary) for HOV vehicles, as directed by the Department of Public Services.

#### Phasing of Improvements

162. Prior to the issuance of the Final PUD for Phase I, engineering drawings must be submitted, approved, and construction completed for all improvements to N.E. 106th Street/N.E. 108th Street/ 116th Avenue N.E. and adjacent to the site, as described in the recommendation section. This entails full, right-of-way improvements for any right-of-way which is adjacent to the site as per Public Improvements Ordinance 2576. All percent of signal warrants should be contributed at this time.
163. Prior to the issuance of grading permits beyond the first fifth of the total units to be constructed; the following improvements shall have engineering designs submitted, approved and the improvements constructed:  
  
All improvements to the east and north of the site except for improvements to 112th Avenue N.E. The emergency access route should also be constructed by this time.
164. Prior to the issuance of grading permits beyond the second fifth of the total units to be constructed, the following improvements should have engineering designs submitted, approved and the improvements constructed:  
  
The reconstruction of N.E. 106th Street westward of the site and channelization of Market Street at its intersection with N.E. 106th Street.
165. Prior to the issuance of grading permits for the dwelling units accessing from 6th Street, all improvements to 6th Street, 19th Avenue, and the intersection of 19th Avenue and Market Street, should have the engineering designs submitted, approved and the improvements constructed.
166. Prior to the issuance of grading permits for the dwelling units indicated in the applicant's phasing schedule as Phase VII, all improvements to 112th Avenue N.E. should have engineering designs submitted, approved and the improvements constructed.

167. Transit improvements shall be phased as described in the Transit Section of this Chapter.

#### POLICE

168. The project should be required to be phased over a minimum of five years in order for required services to be on-line to meet the demands of the increased population unless otherwise negotiated under Condition P.2.1. of the Construction Management Section.

169. Because of the remote nature of the project and relatively long police response time, at the time of issuance of Building Permits, applicants should demonstrate provision of good quality locks, doors and windows for security purposes. In addition, a detailed lighting plan shall be submitted at the time of Final Planned Unit Development for each phase (see Section G - Light and Shade).

170. In order to improve emergency services response time to N.A.N. Village, the applicant should be required to identify alternate circulation patterns (see Section J - Transportation and Circulation for Vehicles and Pedestrians).

#### FIRE SERVICES

171. During construction, adequate ingress and egress should be maintained for heavy emergency vehicles; these on-site lanes should receive asphalt treated base (ATB) surfacing.

172. Other parking restrictions may be considered at the time of Final PUD approval at the discretion of the Department of Fire Services.

173. Any change in traffic circulation due to the stages and nature of construction should be approved by the Building Department immediately.

174. The project should be required to be phased over a minimum of five years in order for required services to be on-line to meet the demands of the increased population unless otherwise negotiated under Condition P.2.1. of the Construction Management Section.

175. N.E. 108th St. is classified as a collector arterial, and as such the Department of Fire Services does not feel that this roadway should be designed with breakaway firegates. The applicant should be required to finish the extension of N.E. 108th St. as a cul-de-sac street. (See Section J, Transportation/ Circulation).

176. In order to improve response time to N.A.N. Village, the applicant should be required to identify alternate circulation patterns (see Section J - Transportation and Circulation for Vehicles and Pedestrians).

177. The applicant should be required to improve the current trail running along 108th Avenue N.E. (6th St.) on the southwest border of property from N.E. 106th St. to N.E. 104th Street according to the requirements of the City of Kirkland Parks Department. This path should be connected with the internal circulation path proposed by the applicant and linked with another pedestrian path along the current alignment of 112th Ave. N.E. to provide pedestrian access to A.G. Bell Elementary School on N.E. 112th St. This path should be constructed of a hard all weather, impermeable surface such as asphalt, and be well lit for safe use by children in the winter months. The trail should be set back at least 10 feet from any adjacent shrubs or trees. The design of any proposed walkway should be subject to review by all City departments for design and safety standards.

178. The project should be phased over a minimum of five years (unless otherwise negotiated under Condition P.2.i. of the Construction Management Section) so that the projected increase in school age children will impact the system incrementally. The expected general decline in enrollment in the district could offset the impact of additional children from the N.A.N. project and thus help the district absorb these additional students with no appreciable effect.

#### UTILITIES - WATER

179. If the Building Department determines that it is necessary, as a condition of final utility permit approval for each phase, the applicants should be required to install new or larger water mains.

180. Instead of the proposed new 8 inch line in 108th Avenue N.E. (6th St.) from N.E. 106th to 19th Avenue N.E., the applicant should be required to construct a 12 inch line to provide adequate sizing to handle existing and proposed flow.

181. To control the pressure from the proposed new line described in b. above, the applicant should be required to remove the existing PRV at 6th St. and 19th Ave. and install a PRV just west of the connection of this line with the proposed new 12 inch line along N.E. 106th Street (see Exhibit "J").

182. To reduce the impact of flow from the existing high pressure zone to the low pressure zone, the applicant should be required to move the proposed PRV along N.E. 108th Street west of the gate valve (see Exhibit "J").

#### UTILITIES - SANITARY SEWERAGE

183. The applicant should be required to demonstrate using appropriate flow calculations, that Kirkland's 8" collection main to the west of the project along N.E. 108th Street will have the capacity to handle the projected sewage flow from the southern hillside area of the project at time of final PUD approval for the first units proposed to be connected to this line.

184. The applicant should be forewarned that the City may withhold occupancy permits, if adequate sewer capacity is not available from Metro. Any approval of N.A.N. Village Building Permits, other than for those units proposed to be hooked up to Kirkland's 8 inch line west of the site, should be subject to signing of agreements between the City of Kirkland and Metro and coordination of the applicant's construction schedule with Metro's.

185. The construction plans for N.A.N. Village should be accompanied by detailed grading plans which locate (both horizontally and vertically) all existing and proposed sewer lines in or near the construction area. Approval of the N.A.N. Village construction plans by the City of Kirkland should be conditioned on the prior approval of earth moving plans by both City of Kirkland and Metro sewerage engineers to assure that there will be no conflicts between earth moving and security of existing sewer lines.

186. If the applicant proposes a direct connection with Metro, they must submit evidence of certification in accordance with Metro Resolution No. 2933 prior to issuance of grading permits.

#### OTHER UTILITIES

187. "Given the need for feeder line and substation construction by Puget Power to service this development, the developers should keep Puget Power informed of their construction schedule and anticipate dates when hook-ups will be required" (E.I.S., page 164).

188. "Construction plans for N.A.N. Village should provide for screened, easily accessible solid waste disposal stations placed and equipped in accordance with the service criteria of the collector.

189. Electrical and telephone lines should be undergrounded, as well as cable TV if provided to project residents.

#### CONSTRUCTION MANAGEMENT AND PROJECT PHASING

190. Because of the location and magnitude of the project and the proposed construction schedule, at the discretion of the Building Department, the applicant should be required to cover the costs of an additional full time inspector to be hired by and responsible to the Building Department. At the time of Final PUD for the stream and road phase, the applicant should be required to sign a concomitant agreement to cover the costs of an additional full time inspector. This inspector should have "stop work" authority and have knowledge of creek relocation and erosion control methods.

191. In order to adequately manage and inspect construction on the project site, to reduce potential impacts on environmentally sensitive areas of the site and have appropriate governmental services on-line to handle increased project demand, at the time of Final Planned Unit Development

For the road and stream phase, the applicant should be required to submit a revised construction phasing schedule that extends the construction of the project over a period of not less than five years with approximately 130 units could be built each year (unless otherwise negotiated under Condition P.2.1.). No more than two phases should be under construction at any one time. The phasing boundaries and sequence shall be determined at time of Final Planned Unit Development for the first phase, (Phase I shown on the applicants' Phase Plan).

192. Due to the sensitive nature of the stream rechannelization, the proximity of the proposed N.E. 106th Street improvements to Forbes Creek and the need to remove culverting from Forbes Creek, the stream rechannelization and N.E. 106th Street improvements should occur at the same time and be completed before Phase I Certificates of Occupancy are issued. Phase I is located on variable fill and will require extensive City supervision. A Final Planned Unit Development must be granted before stream and road work begins (see Soils Section, Erosion Control Section and Forbes Creek Section).
193. Because of numerous Metro storm water and sewer facilities on and adjacent to the project site, all final construction and grading plans should be reviewed, with written response from Metro, prior to issuance of grading permits.
194. Any public information brochure prepared for project residents (see Forbes Creek Section) should be distributed to all members of the construction crew prior to any work beginning on site. The public information brochure would encourage the crew to help preserve the creek.
195. All construction areas should be fenced to prevent intrusion by children using the site to go to and from school in order to reduce the risk of accidents (see Safety Hazards). Location of fences should be determined at the time of Final P.U.D. for each phase.
196. The applicant should design and have approval of the construction phase stormwater and groundwater control system for the entire site at the time of Final Planned Unit Development for the stream and road phase.
197. If the project schedule is reduced to a minimum of 3 years, a mutually agreed fee to compensate for the extra services required of the City could be negotiated by the City Manager and the applicant.

01178/bk

CITY OF KIRKLAND  
Department of Public Works  
MEMORANDUM

COPY

To: Ralph Thomas

From: Larry Larse *Larry Larse*

Date: June 26, 1986

Subject: NAN/Lincoln Utility Fees

Attached is a memo from Fred French concerning the current, 1986, utility fees applied to NAN/Lincoln development. In summary these are:

Water	84,972.41
Sewer	43,383.40
Total	<u>128,355.81</u>

The water fees and a portion of the sewer fees is based upon the area of property. These area charges are estimates only and may change as more information becomes available concerning the development, its area and unit count connecting directly to the existing sewer system.

The sewer fees were developed assuming that the developer will install a system that not only serves their property, but also provides future service to adjacent properties. This is known as a developer extension. The necessary sewers to provide the extensions are shown on the attached sketch as dashed lines. These extensions would be located in public rights-of-ways or easements and would become a part of the City system. The portion of the development served by existing lines is approximately 12.3% of the total area and this figure was used to calculate the trunkage fees.

An alternative would be to serve only the NAN/Lincoln property without any consideration of extensions to provide service to other properties. This approach would increase the sewer fee significantly to around \$236,000.

In addition to the above connection charges there will be meter, sewer and right-of-way permit fees. The 1986 rates are as shown in the memo from Fred French.

Memo to Ralph Thomas  
June 26, 1986  
Page Two

Mr. Phillip's letter to you of May 23rd, points out that the specific design of the systems may change due to the new proposal. These details will be reviewed with Dodds Engineers, the Project Engineer, Fred French and Joe Tovar, when specific designs are available.

pj

c: Plat File

attachments



DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Larry Larse  
 FROM: Fred French *FF*

DATE: June 26, 1986

SUBJECT: NANNING LINCOLN UTILITY FEES

The utility fees for the Nan site would be:

Total Area	2,847,195 square feet
Area in LID	1,581,260 square feet
Area subject to fees	1,265,935 square feet

Water fees:

Area 1	751,823 square feet	x \$0.059 =	\$44,357.56
Area 2	514,112 square feet	x \$0.079 =	\$40,614.85
Total Water	<u>1,265,935</u> square feet		<u>\$84,972.41</u>

Water meter fees are:

	<u>Per meter</u>	<u>units 0/89</u>
5/8" x 3/4"	\$213 each	
1"	\$378 each	
1 1/2"	\$526 each	
2"	\$823 each	

installed by city forces

Sewer fees:

With approved developer extensions per the attached sketch, the sewer fees would be:

*to be @ 12.3%*

1.	351,389 square feet x \$0.073 =	\$25,651.40
	(12.3% of total area)	
2.	62 units x \$286 =	\$17,732.00
	(12.3% of total units) —	
	Total trunkage fees	<u>\$43,383.40</u>

The sewer permit fee is \$50 for each new account or building whichever is greater, and an additional \$200 fee in lieu of trunkage for those accounts not included in 1 or 2 above. *so-obs meter*

The total utility fees for this project, exclusive of the permit and meter fees is \$128,355.81.

Other public works fees would be charged for right-of-way permits, development review (3% of the cost of the public improvements) and possibly grading permits.

3221C/205A/FF:cw



DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Joe Tovar and Ralph Thomas ✓

FROM: Larry Larse *Larry Larse*

COPY

DATE: June 12, 1986

SUBJECT: Traffic Impact Mitigations, Lincoln Properties  
AKA Nan Village

Due to the proposed change in character of the subject development, the following is a suggested revised list of conditions on this project with respect to traffic impacts. The utility conditions will be reviewed shortly.

Condition  
No. 125 thru 132 Deleted

No. 133 - No Change Intersection of Market Street and N.E. 106th Street  
Rechannelization should include a left-turn lane and an acceleration lane within Market Street in order to increase the intersection capacity for left turns to or from Market Street. Cost of this rechannalization should be borne by the developer.

No. 134 - Modified Signalization of the intersection will be warranted as this area continues to develop, and the applicant should contribute proportionately the cost of this future signal improvement. Information on when the signal will be installed should be presented at time of Final Pud and an agreement to contribute the fair share entered into if there is a significant delay as to time of signalization.

No. 135 - Modified Roadway improvements: From the Market Street intersection along N.E. 106th Street to and along N.E. 108th Street, to and along 116th Avenue N.E. and terminating at N.E. 112th Street.

- It is recommended that the applicant design and construct improvements within the existing right of way of N.E. 106th from the western boundary of the site to the intersection of Market Street and N.E. 106th Street in the following manner:
- (a) 24' of asphalt driving surface
  - (b) shoulder improvements north of the asphalt driving surface to include on 8' bike/pedestrian lane
  - (c) 2' shoulder along south side
  - (d) & (e) deleted

-32/af

No. 136 - (c) Modified

Heavier vehicular traffic is projected to be generated from the site to the east. The applicant should construct full collector arterial improvements from the western boundary of the site and N.E. 106th eastward within the N.E. 106th/N.E. 108th/116th Avenue N.E. right of way to the intersection of 116th Avenue N.E. and N.E. 112th Street. These are to include:

- (a) 36-foot wide asphalt driving surface
- (b) vertical curb, gutter and underground storm sewers on both sides
- (c) on the north side, 5-foot concrete sidewalk and a 7-foot landscaped utility strip with Street trees planted 30-feet apart along the property line (species to be approved by the City)

No. 137 - No changes

Intersection of 116th Avenue N.E. and N.E. 112th Street  
Separate left and right-turn lanes within 116th Avenue N.E. should be constructed by the applicant due to the heavy right-turning movements onto N.E. 112th and the left turns onto N.E. 112th created by the project.

No. 138 - No change

Roadway Improvements: N.E. 112th Street from 116th Avenue N.E. to 120th Avenue N.E.

The applicant should install a left-turn lane from and along the full length of the segment. On the north side of N.E. 112th Street west and east of the Burlington Northern railroad tracks, the applicant should install shoulders and a painted asphalt curb 5 feet from the northern pavement edge to provide a protected pedestrian/bicycle trail to the intersection of 120th Avenue N.E. and N.E. 112th. This curbing should be placed as directed by the Department of Public Works. Crosswalks as necessary should be installed or funded by the applicant as directed by the Department of Public Works.

No. 139 - No change

Roadway Improvements: Along 120th Avenue N.E. from N.E. 112th Street to N.E. 116th Street

Pedestrian protection should be provided by a painted asphalt curb installed 5 feet to the east of the western pavement edge of this segment. Construction should be done by the applicant as directed by the Department of Public Works.

No. 140 - No change

Intersection of N.E. 116th Street and 120th Avenue N.E.  
To accommodate the Lincoln Properties traffic, signal phasing should be changed to utilize the 5-phase capability of the existing traffic controller.

No. 141 - No change

A percent of signal warrant analysis should be done to establish the percent of contribution by Lincoln Properties Village.

No. 142 - No change

Additionally, the northbound approach lane should be modified to provide the addition of a right-turn lane to facilitate Lincoln Properties generated right-turn movements.

No. 143 - No Change

The applicant should bear the full cost of this right-lane improvement as the need for the lane is necessitated by Lincoln Properties traffic.

No. 146 - Modified

Intersection of 112th Avenue N.E. and N.E. 112th Street and Southern Extension

At the southern terminus of this right of way and the north project boundary, a cul-de-sac bulb with a 50-foot radius, 28-foot pavement width and a landscape island should be built. Around the bulb and for all right of way to the north to N.E. 112th Street (not already constructed), the following improvements should be built:

- 28 feet of pavement width;
- vertical curb, gutter and underground sewer;
- Street trees planted 30 feet on center; and
- 5-foot wide concrete sidewalk from the existing sidewalk at the cul-de-sac bulb to the project street to the south

No. 149 - Modified

N.E. 108th Street and Eastward Extension

Where N.E. 108th Street is proposed to dead-end, a 50-foot cul-de-sac with a landscape island in the center and curb, gutter, landscape strip, Street trees, and sidewalk from the cul-de-sac bulb to the project street to the east.

3078C/318A/LL:cw

When Recorded, Return to:  
Dave West  
Seafirst Mortgage Corp.  
14th Fl. Columbia Seafirst Center  
Seattle, Washington 98104

EQUITABLE COVENANT

The undersigned, Seafirst Mortgage Corporation, a Washington Corporation, being the owner of certain real property located in King County, Washington, which is legally described on Exhibit "A" hereto, and

\_\_\_\_\_ (insert names of owners of benefitted land),  
being the owners of that certain real property located in King County, Washington, which is legally described on Exhibit "B" hereto, desiring to impose an equitable servitude upon the real property described in Exhibit "A" hereto for the benefit of the real property described in Exhibit "B" hereto, do now publish and declare the following restriction to be applicable to the real property described in Exhibit "A" hereto:

The property described in Exhibit "A" hereto shall be permanently restricted to use as open space, which shall be defined as land not covered by buildings, roadways, parking areas, or surfaces through which water cannot percolate into the underlying soil.

This restriction shall inure to the benefit of and be binding upon all parties in interest in and to the properties described in Exhibits "A" and "B" hereto and their respective successors, assigns, personal representatives and heirs, and shall run with the land.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

SEAFIRST MORTGAGE CORPORATION

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT 7



EXHIBIT "A" TO EQUITABLE COVENANT

All of that certain real property located in the City of Kirkland, King County, Washington, which is described on pages 4 and 5 attached hereto and incorporated herein by this reference EXCEPT those portions of said property colored in yellow on the site plan of said property consisting of page 6 attached hereto and incorporated herein by this reference. At time of execution and recordation of the Equitable Covenant, this Exhibit "A" shall be replaced by a metes and bounds legal description of the said real property to be affected by the Equitable Covenant.

JSS:7/cg



LEGAL DESCRIPTION

Lots 5, 6, and 7, Block 21, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 9, according to the Plat recorded in Volume 19 of Plats on Page 69, King County, Washington.

TOGETHER WITH Lots 16, 17, 18, 19, 20, 21, 22 and 23, Block 22, said Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9.

EXCEPT that portion of said Lot 16, described as follows:  
Beginning at the Northwest corner of said Lot 16; thence South 80° 42'53" East, along the North Line of Said Lot 16, for 101.06 feet; thence South 0°57'06" West, parallel with the West line of said Lot 16, for 113.00 feet; thence North 89 01'22" West, parallel with the South Line of said Lot 6, for 100.00 feet to the West line of said Lot 6; thence North 0°57'06" East, along said West line, for 127.60 feet to the Northwest corner of said Lot 6 and the Point of Beginning.

EXCEPT that portion of said Lot 18 conveyed to King County for Road Purposes as shown on Road Survey No. 32-26-5.1

TOGETHER WITH Lots 24, 25, 26, 27, 28, 29, and 30, Block 23, said Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9.

EXCEPT that portion of said Lots 28, 29, and 30 acquired in fee by the Municipality of Seattle under condemnation proceedings in King County Superior Court Case No. 730713.

ALSO EXCEPT that portion of said Lot 30 conveyed to King County for road purposes by deed recorded under Auditor's File Number 2761967 and as shown on Road Survey No. 32-26-5.1.

TOGETHER WITH Lot 17, Kirkland-Juanita Acre Tracts, according to the Plat recorded in Volume 16 of Plats on Page 63. King County, Washington  
EXCEPT the West 90.00 feet of the East 540.00 feet of the North 125.00 feet thereof.

ALSO EXCEPT the North 130.00 feet of the West 90.84 feet thereof.  
AND ALSO EXCEPT the North 133.00 feet of the East 450.00 feet thereof.

TOGETHER WITH Lots 18, 19, 20, and 21 said Kirkland-Juanita Acre Tracts  
EXCEPT that portion of said Lot 20 conveyed to King County for road purposes by deed recorded under Auditor's File No. 2761966 and as shown on Road Survey 36-26-5.1.

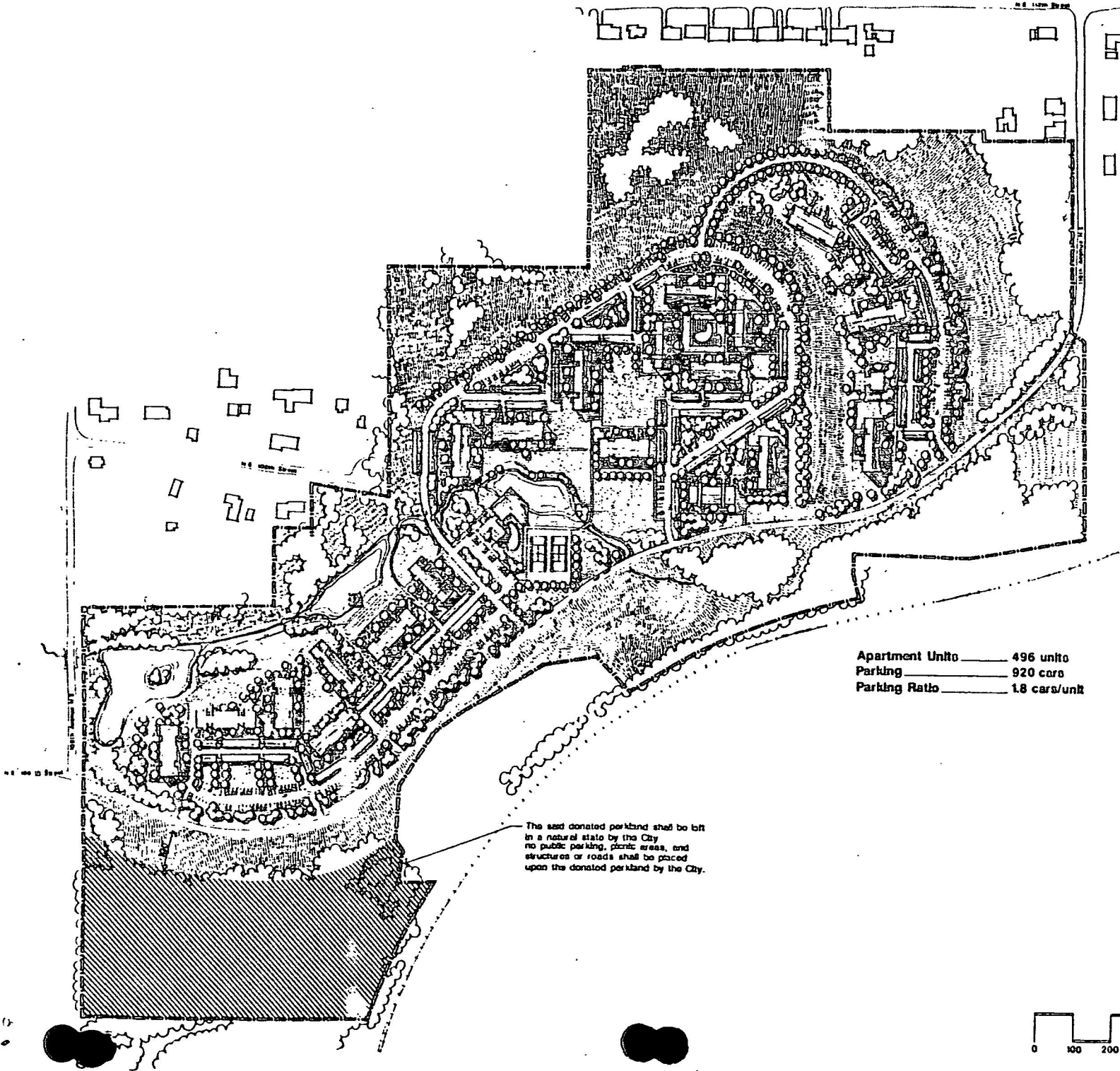
ALSO EXCEPT that portion of said Lot 21, acquired in Fee by the Municipality of Seattle under condemnation proceedings in King County Superior Court Case No. 730713.

TOGETHER WITH that portion of the unnamed platted street, as vacated under City of Kirkland Ordinance No. 824, lying between Lots 20 and 21, said Kirkland-Juanita Acre Tracts.

TOGETHER WITH that portion of the unnamed platted street, as vacated under Commissioners Journal No. 39, Page 79, King County Washington, lying between the Southerly line of Lot 21, said Kirkland-Juanita Acre Tracts and the Northerly margin of the Northern Pacific Railway passing through Section 32, Township 26 North, Range 5 East, W.M.

Legal Description

TOGETHER WITH Lots 38, 39, and 40 said Kirkland-Juanita Acre Tracts.  
EXCEPT the North 25.00 feet of the East 250.00 feet of said Lot 40.  
ALSO EXCEPT the South 30.00 feet of said Lot 39 for road purposes.  
AND ALSO EXCEPT the North 30.00 feet of said Lot 38 for road purposes.  
AND ALSO EXCEPT those portions of Lots 38, and 39 conveyed to King  
County for road purposes, as shown on Road Surveys No. 32-26-5.1 and  
No. 1227.



Apartment Units — 496 units  
 Parking — 920 cars  
 Parking Ratio — 1.8 cars/unit

The said donated parkland shall be left in a natural state by the City no public parking, picnic areas, and structures or roads shall be placed upon the donated parkland by the City.

Illustrative Site Plan

Forbes Creek Property



Scale: 1" = 100'-00"  
 Date: 12/14/84  
 By: E.A. J. J.

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT  
DETERMINATION OF NONSIGNIFICANCE

Adoption for (check appropriate box)  DNS  EIS  Other

Description of current proposal Resolution approving settlement of certain land use, judicial review actions relating to approval of a preliminary PUD in PLA-9 including reduction of units to 496.

Proponent City of Kirkland/Sea-1st Mortgage Corporation

Location of current proposal 72.9 acres identified as PLA-9 on the Kirkland Zoning Map, around the intersection of NE 108th St. and 112th Ave. NE

Title of document being adopted Draft and Final E.I.S. N.A.N. Village Condominium project.

Agency that prepared document being adopted City of Kirkland

Date adopted document was prepared Draft E.I.S. - Nov. 1979, Final E.I.S.-August 1981

Description of document (or portion being adopted) Complete E.I.S. for a 644 unit condominium project in 56 separate buildings and a commercial recreation complex located in the Juanita Slough area of Kirkland.

If the document being adopted has been challenged (197-11-630), please describe: No challenge other than as raised in judicial review action and resolved by settlement modification to Preliminary PUD to be approved per Resolution of approval (current proposal).

The document is available to be read at (place/time) Dept. of Planning & Community Dev., City of Kirkland, 123 5th Ave., Kirkland, Mon-Friday 8am - 5 pm

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period for this DNS.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by \_\_\_\_\_.

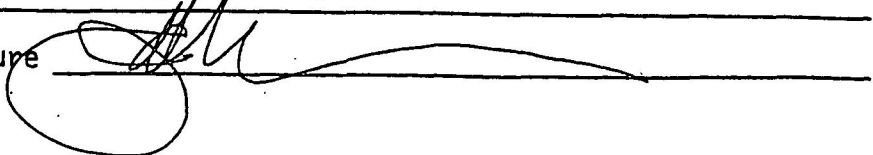
We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decisionmaker.

Name of agency adopting document City of Kirkland

Responsible official Joseph W. Tovar

Position/title Director, Planning & Community Dev. Phone 828-1262

Address City of Kirkland, 123 5th Avenue, Kirkland, WA 98033

Date 8/22/86 Signature 

(over)

You may appeal this determination to (name) Nancy L. Carlson  
at (location) Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033  
no later than (date) August 29, 1986  
by (method) WRITTEN NOTICE OF APPEAL

You should be prepared to make specific factual objections.  
Contact Nancy Carlson to read or ask about the procedures for SEPA appeals.

Distribute to "Checked" Agencies on Reverse side of this form along with a copy of the Checklist.

Publish in the Daily Journal American, Date: \_\_\_\_\_

Mailed to the following along with environmental checklist:

- \_\_\_\_\_ Department of Ecology, Environmental Review Section,  
Mail Stop PV-11, Olympia, WA 98504-8711
- \_\_\_\_\_ Department of Fisheries, 115 General Admin. Bldg.,  
Olympia, WA 98504
- \_\_\_\_\_ Department of Game, 600-N. Capitol Way, Olympia, WA 98504
- \_\_\_\_\_ Seattle District, U.S. Army Corps of Engineers,  
P.O. Box C-3755, Seattle, WA 98124

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

cc: Planning & Community Development File No. PPUD-R-79-116

\_\_\_\_\_ Building Department (Permit No. \_\_\_\_\_)

Applicant and/or Agent

Conditions: Seattle First Mortgage Corp.  
Environmentally Concerned Homeowners