



CITY OF KIRKLAND
Planning and Community Development Department
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**ADVISORY REPORT
 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

To: Kirkland Hearing Examiner

From: Janice Coogan Janice Coogan, Project Planner
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File: **C AND G PRELIMINARY SUBDIVISION AND PUD, FILE SUB12-00560**

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 123 Fifth Avenue, Kirkland

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I. INTRODUCTION

A. APPLICATION

1. Applicant: Mike Smith of Toll WA LP.
2. Site Location: 7707 128th Avenue NE (see Attachment 1)
3. Requests: The applicant requests approval of a preliminary subdivision and planned unit development (PUD) described below.

- a. Preliminary Subdivision- Proposal to subdivide one 278,113 square foot parcel (6.38 acres) into 35 separate lots (see Attachment 2 and 3).

Access to the lots will be from both NE 75th ST within a dedicated public right of way. The applicant requests a modification to the right of way standards of KZC Chapter 110 to construct a narrower street, with sidewalk and landscape strip on one side instead of both sides of the street (street trees will be provided on both sides of the street). In exchange for the modified street standards, the proposal includes construction of off-site street improvements from the north property line to NE 80th ST. This will result in providing a vehicular and pedestrian through street connection from NE 75th ST to NE 80th ST within the alignment of 128th Avenue NE (see Attachment 3).

Three vehicular access tracts will provide access from the new street to interior lots on the west side of the plat.

- b. PUD- A request for a preliminary and final Planned Unit Development (PUD) for a 10% density bonus, resulting in three additional lots, and modification of the following Zoning Code requirements:
 - (1) Provide smaller lot sizes than the minimum lot size of 7,200 sq. ft. required in the RSX 7.2 zone. The average lot size would be 5,435 sq. ft..
 - (2) Calculate maximum lot coverage at 50% on a project wide basis rather than per lot required by code.
 - (3) Calculate maximum floor area ratio of 50% on a project wide basis rather than per lot .

Proposed Benefits To City- Pursuant to the PUD KZC Chapter 125 approval criteria (discussed further in Section II.D.2) the proposal includes the following improvements to address potential impacts or undesirable effects of the PUD and provide benefits to the community that would not typically be required for a subdivision under city codes and regulations:

- (1) Increased Open Space and Landscaping- Common open space is planned above the underground storm detention facility at the north end of the development (with recreation amenities such as sports court, play equipment and picnic bench). At the north and south entrances, landscape tracts will be provided incorporating existing and new trees and landscaping. A six foot tall wood fence is proposed along the east and west property lines.
- (2) Superior architectural design of homes and superior site design- Attachment 8 includes 14 home designs that range in size from 2,600 to 3,750 gross floor area. The homes will be two stories with varied roof forms, porches, decks and a variety of exterior

materials of stone, brick, vertical and horizontal siding and shake. The proposed site plan includes large open space tracts at the north and south boundaries of the subdivision.

- (3) Installation of a flashing Rectangular Rapid Flash Beacon (RRFB) to the existing crosswalk at the corner of NE 80th ST and 128th Avenue NE to improve pedestrian access to Rose Hill Elementary School.
 - (4) Installation of missing sidewalks along NE 80th ST at the intersection of NE 80th ST and 128th Avenue NE (south leg only) to improve pedestrian crossing across 128th Ave NE to the crosswalk.
 - (5) Offsite street improvements north of the site along 128th Ave NE to NE 80th ST (also provided to meet KZC Chapter 110 modification criteria).
4. History: The original site plan submitted on June 12, 2012 showed a dead end cul de sac street with vehicular access from NE 75th ST and no street improvements beyond the north property line. At the request of City staff, the plans were revised to show a through street connection from NE 75th ST to NE 80th ST but with a modification request to KZC Chapter 110 to provide a narrower interior street with a sidewalk on the west side of the street. The site plan was recently revised to move the sidewalk to the east side of the street to provide direct pedestrian connection to the existing crosswalk across NE 80th ST to Rose Hill Elementary school. Staff recommends the through street to improve pedestrian and vehicular connectivity within the neighborhood. See more detailed discussion in Section II.E.2 and Attachment 4, Public Works conditions.
 5. Review Process: Process IIB, Hearing Examiner conducts public hearing and makes a recommendation to City Council for final decision.
 6. Summary of Key Issues and Conclusions:
Compliance with Kirkland Municipal Code for subdivision requirements, with Zoning Code Approval Criteria for the PUD (see Section II.D), and with applicable Development Regulations contained in Attachment 4 (see Section II.E.).

A. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 4, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 4, the condition of approval shall be followed (see Conclusion II.G).
2. The applicant shall comply with the applicable tree retention requirements of KZC Chapter 95 throughout each phase of construction. The tree retention conditions are outlined in Attachment 4. The applicant shall implement the recommendations of the City's Arborist (see Conclusion II.E.5).
3. Prior to recording the subdivision and final PUD approval, the applicant shall:

- a. Record a covenant on the face of the plat that restricts the total lot coverage to not exceed 50% of the area of the 35 lots and Tracts A, B, C, and G. The applicant shall provide tracking of total lot coverage with each building permit in the plat (see Conclusion II.D.3).
- b. Record a covenant on the face of the plat that restricts the total floor area ratio of all homes to 55% of the area of the 35 lots and Tracts A, B, C, and G. The applicant shall provide tracking of total lot coverage with each building permit in the plat (see Conclusion II.D.4)
- c. Record on the face of the plat language that establishes equal maintenance responsibilities for the owners of all lots served by each vehicular access tract (see Conclusions II.E.3).
- d. As part of the land surface modification, the applicant shall install the required improvements as described in Attachment 4 and as follows:
 - (1) Within the new internal road from NE 75th St. to the north property line, dedicate a 36.5 ft. public right-of-way and install:
 - (a) 24 ft. of asphalt paving, vertical curb, gutter and storm collection and conveyance system along both sides of the street. Install no parking signs along the east side of the street.
 - (b) On the west side of the street provide a 5 ft. wide Public Landscape Easement to be recorded with King County Records, with street trees planted 30 ft. on-center.
 - (c) Along the east side of the street install a 5 ft. wide concrete sidewalk and a 4.5 ft. wide landscape strip with street trees planted 30 ft. on-center.
 - (2) From the north property line of the subject property to NE 80th St. within the existing 128th Avenue NE right-of-way, install the following improvements:
 - (a) 24 ft. of asphalt paving with vertical curb and gutter along both sides of the street.
 - (b) A 5 ft. wide concrete sidewalk along the west side of the street with street trees planted 30 ft. on-center, 3 ft. behind the new sidewalk (within a landscape easement).
 - (c) A storm drainage collection and conveyance system.
 - (3) Install the following improvements incorporated into the proposal (see Conclusions II.C):
 - (a) A Rectangular Rapid Flash Beacon (RRFB) lighted crosswalk at the intersection of NE 80th Street /128th Avenue NE.
 - (b) A STOP sign on 128th Avenue NE at NE 75th Street.
 - (c) A STOP sign on the south leg of the existing intersection of NE 75th Street/128th Avenue NE.
 - (d) Complete the two small missing sections of sidewalks at the intersection of NE 80th Street/128th Avenue NE with the installation of the RRFB at the NE 80th St. crosswalk.

- (4) The following half-street improvements within the NE 75th St. right-of-way bordering the subject property (see Conclusion II.E.2):
 - (a) Widen the street to 28 ft. from the existing curb on the south side of the street to the new face of curb; the new curb should align with the existing curb to the east.
 - (b) Install storm drainage, curb and gutter, a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk.
 - (c) Dedicate right-of-way to encompass said improvements.
 - (5) Install the three vehicular access tracts to the requirements in KZC 105.10) with a 16 foot wide paved road within a 21 foot wide tract. Vehicular access rights for each lot served by the tract shall be established by segregating each roadway into a separate tract in which each lot served has an undivided ownership interest and by recording the tract document or showing the ownership interest on the face of the plat.
 - (6) Prior to installing the above improvements, plans must be submitted for approval by the Department of Public Works.
 - (7) In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of final plat approval (see Conclusion II.E.).
- e. Submit for approval by the Department of Planning and Community Development a Landscape Greenbelt Easement to be shown on the face of the plat for the landscape buffer areas along the south entrance to the development (approximately 30' in width) to retain existing trees designated for retention and proposed new landscaping (see Conclusion II.E.5
 - f. Attachment 7 is the arborist report from Washington Forestry Consultants Inc. dated January 17, 2013. Attachment 4 describes the trees to be retained along with the City's contract arborist's comments on the arborist report. As part of the building permit for each lot, the applicant shall meet the tree density requirements of KZC section 95.33 (see Conclusion II.E.1).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:
 - a. Facts:
 - (1) Size: 278,113 sq. ft. (6.38 acres)
 - (2) Land Use: The subject property contains a one story structure housing a radio station and related transmission towers (these structures will be removed as part of this proposal).
 - (3) Zoning: RSX 7.2, residential single family with a minimum lot size

of 7,200 sq. ft.

- (4) Terrain: The site slopes gently from the southeast to southwest corners of the site.
- (5) Vegetation: The site contains approximately 122 trees with many located on the property lines.

2. Neighboring Development and Zoning:

- a. Facts: The neighboring properties in all directions are zoned RSX 7.2 and contain single family residences, with the exception of the church located on the adjacent parcel to the west. A neighbor's fence encroaches over the north property line onto the subject property. According to the applicant the fence will remain.
- b. Conclusions: Size, land use, zoning and terrain are not constraining factors in the review of this application. Retention of significant trees is addressed in Section II.E.5.

B. PUBLIC COMMENT

1. Facts: Prior to submitting the zoning permit application the applicant held a neighborhood meeting to inform the public about the preliminary development plans. On two occasions City staff attended the South Rose Hill Neighborhood Association meetings to explain the review process and status of the proposal. The initial public comment period for this application ran from March 14, 2013 to April 1, 2013. Attachment 5 contains the public comment letters and emails received to date. Below is a summary of the comments received and staff response to the issues:

- The original cul de sac street design received many comments related to whether or not access should be from NE 75th ST or NE 80th ST. Earlier comments also raised the issue of whether or not NE 75th ST should be opened to 126th Avenue to the west.

A PowerPoint presentation by a group of South Rose Hill neighborhood residents was submitted on August 13, 2012 supporting the cul de sac access from NE 80th ST and opposing the overall development because it will negatively affect traffic flow, quality of life, child safety, housing prices and storm sewers etc.

Staff response: The internal street was later revised to show a through street connection between NE 75th ST and NE 80th ST. Staff does not recommend NE 75th ST be opened to the west at this time, however improvements to NE 75th ST along the property frontage will be required including pavement widening, sidewalks and street trees (see Section II.E.2 and Attachment 4).

- Concerns related to whether or not 128th Ave NE should be opened and improved between NE 75th ST and NE 80th ST were raised. A petition received on March 29, 2013 contains 39 signatures opposing the through connection and the development in general. Many letters and email comments were received supporting the through connection of 128th Avenue NE.

Staff response: Overall, the majority of comments received support having dual entrances to the subdivision from the north and to spread out the traffic evenly through the neighborhood and improve pedestrian

connections.

- Concerns regarding existing conditions on NE 80th ST related to pedestrian and bicycle safety, speed of cars, congestion before and after school starts at Rose Hill Elementary and Lake Washington High School and cars bypassing congestion on NE 85th ST.

Staff response: In response to the public concerns related to existing traffic conditions on NE 80th ST, the applicant has agreed to install a flashing crosswalk on NE 80th ST, missing sidewalk segments near the crosswalk, and stop signs at each entrance to the property (and at NE 80th ST and 128th Ave NE). In addition, the City is scheduled this summer to restripe NE 80th ST to widen bike lanes and narrow driving lanes, which should help slow traffic down and improve bike travel.

- Concerns related to speed of vehicles through unmarked intersections along NE 75th ST and other streets immediately surrounding the development.

Staff response: In response and recommended by the Public Works Department, the applicant has agreed to install a stop sign at the intersection of 128th Ave NE and NE 75th ST (see Attachment 4).

- The developer should be required to install a traffic light at the intersection of NE 80th ST and 128th Avenue NE because of the amount of traffic that passes through the intersection and to slow traffic on NE 80th ST.

Staff response: The level of vehicle trips generated from the proposed development does not warrant that the developer be required to install a traffic signal at that location.

- Smaller lot sizes than zoning allows and the increase of 3 additional lots is inconsistent with the character of the surrounding neighborhood. The subdivision should reduce the number of lots.

Staff response: The proposal includes reducing the lot size in order to cluster lots together to provide an increase in open space and retain more trees. See Section II.D.2 regarding staff's discussion and recommendation regarding the number of lots proposed. The City Council will consider the Hearing Examiner's recommendation and determine if the proposal meets the PUD approval criteria.

- The number of lots should be reduced to reduce traffic impacts, air and noise pollution.

Staff response: The traffic impact analysis and environmental review evaluation determined that the number of lots proposed will not result in significant adverse impacts related to traffic, air or noise pollution.

- More trees should be saved and concerns related to habitat. A few comments were received regarding the concern that the rats need to be eliminated and reversely that they should be allowed to remain for food for local raptors in the area.

Staff response: The applicant submitted an arborist plan that described the health of each tree and a tree retention plan. The City's contract arborist reviewed the report and made additional recommendations for tree retention that will be further assessed as part of the land surface

modification review process. KZC 95 describes the requirements for tree retention and protection. The applicant will be required to protect all adjacent property trees during construction and where feasible high and moderate viable trees. See Section II.E.5 and Attachment 4 for more discussion. Rat abatement is a code requirement prior to any land surface modification.

- Private park and open space and architectural design should not be considered public benefits because the open space will be private for residents and superior architectural design is difficult to define.

Staff response: See Section II.D.2 regarding staff's discussion and recommendation regarding the number of lots proposed. The City Council will consider the Hearing Examiner's recommendation and determine if the proposal meets the PUD approval criteria.

2. **Conclusions:** In summary, the key concerns raised by the public comments are related to the proposed through street connection, the density of the proposed subdivision, tree removal, weighing the code modifications and potential impacts with the public benefits proposed, and existing traffic concerns on NE 80th ST and surrounding neighborhood streets. Based on the amount of vehicle trips related to the development the applicant is not required to install a traffic signal. The applicant is not responsible for installing offsite improvements to address existing conditions on NE 80th ST. However, in response to the public comments the applicant submitted revised plans to address many of these concerns discussed elsewhere in this report including the SEPA review section below. Tree retention requirements are set forth in KZC Chapter 95 and will be assessed with each phase of construction during land surface modification and each house permit to maximize tree retention.

C. STATE ENVIRONMENTAL POLICY ACT (SEPA) AND CONCURRENCY

1. **Facts:** A Mitigated Determination of Nonsignificance (DNS) was issued on May 6, 2013. The Environmental Checklist, Determination, and additional environmental information including the traffic impact analysis is contained in Attachments 6.
2. **Conclusion:** The applicant and the City have satisfied the requirements of SEPA. The City approved the applicant's concurrency application on May 11, 2012. The applicant will need to file an extension for concurrency.

D. APPROVAL CRITERIA

1. PRELIMINARY PLATS
 - a. **Facts:** Municipal Code section 22.12.230 states that the Hearing Examiner may approve a proposed plat only if:
 - (1) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
 - (2) It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Hearing Examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.
 - (3) Zoning Code section 150.65 states that the Hearing Examiner may approve a proposed plat only if it is consistent with all the applicable development regulations, including but not limited to the Zoning Code and Subdivision Code, and to the extent there is

no applicable development regulation, the Comprehensive Plan.

- b. Conclusion: The proposal complies with Municipal Code section 22.12.230 and Zoning Code section 150.65. It is consistent with the Comprehensive Plan (see Section II.F.). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (see Sections II.D) and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because the proposal will create infill residential development while meeting the goals of the Comprehensive Plan.
2. PLANNED UNIT DEVELOPMENT (PUD)
 - a. Fact:
 - (1) A PUD is a mechanism for a person to propose a development that is innovative or otherwise beneficial, but which does not strictly comply with the provisions of the Code. It is intended to allow developments which benefit the City more than would a development which complies with the specific requirements of the Code.
 - (2) Zoning Code section 125.30.1 and 4 establishes that through a PUD the applicant may request a 10% density bonus for the three additional lots. After removal of the area for right of way dedication and vehicular access tracts 32 lots would be permitted under the RSX 7.2 zone. With the PUD request the applicant is proposing a 10% bonus density or 3 additional lots for a total of 35 lots.
 - (3) Zoning Code section 125.35 establishes four decisional criteria with which a PUD request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 2. Sections below contain the staff's findings of fact and conclusions based on these four criteria.
 - b. Conclusions: Based on the following analysis, the application meets the established criteria for a PUD and therefore staff recommends approval along with the conditions of approval in Section I.
 3. PUD Criterion 1: The PUD meets the requirements of KZC Chapter 125. Section 125.20 establishes the code provisions that may or may not be modified.
 - a. Facts: Under the PUD proposal the following Zoning Code modifications are requested (see Attachment 2):
 - (1) Smaller lot sizes than the minimum lot size of 7,200 sq. ft. required in the RSX 7.2 zone.
 - (2) Calculate the maximum allowed lot coverage of 50% on a project wide basis rather than per lot as required by code. Attachment 9 describes how the applicant estimates the amount of lot coverage for the development.
 - (3) Calculate the maximum floor area ratio of 50% on a project wide basis rather than per lot as required by code. Attachment 10 describes the estimated FAR for the development.

- b. Conclusion: The proposed PUD meets the requirements of Zoning Code Chapter 125. Covenants will need to be added to the face of the plat restricting the maximum lot coverage to 50% and floor area ratio to 50% and calculated on a total plat basis (excluding right-of-way and access tracts) rather than per lot. This covenant will notify future property owners of these limitations.
4. PUD Criterion 2: Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the city.

a. Facts:

- (1) Clustering the lots to provide smaller lots than the 7,200 sq. ft. to allow for more open space may be considered an undesirable design. The surrounding lots (platted in the 1970's or before) tend to be larger than 7,200 sq. ft. than what is proposed here. The average lot size will be 5,435 sq. ft. Some public comments received are concerned with the smaller lots (see Attachment 5). Wood fences along the east and west property lines and maintaining the existing trees along the south entrance will help visually soften the impact of the smaller lots.
 - (2) The RSX 7.2 zone limits the lot coverage of impervious surface to 50% per lot size (e.g. - for a 7,200 sq. ft. lot a maximum of 3,600 sq. ft of impervious allowed). The applicant proposes to calculate the maximum lot coverage of 50% on a project wide basis. Attachment 9 shows the proposed lot coverage per lot and project basis. Individual lots will exceed the maximum lot coverage, but the overall project will not.
 - (3) Floor area ratio (the amount of gross floor area) per lot in an RSX zone is limited to 50% of the lot size, or 3,600 sq. ft. of gross floor area for a 7,200 sq. ft. lot. The applicant proposes to calculate the maximum floor area ratio on a project wide basis rather than per lot. Attachment 10 shows the estimated house plan gross floor area per lot (excluding open space; figures could change depending on house style) and calculated at 52% total for the lots. Attachment 10 also shows that when the open space tracts are included in the base land area, the FAR for the project is below the allowed 50%. Home designs that range in size from 2,600 to 3,750 gross floor area and FAR for each lot from 38% on a 7,863 sq. ft. lot to 61% on a 5,199 sq. ft. lot. Individual lots will exceed the maximum floor area ratio, but the overall project will not.
- b. Conclusion: The potential impacts of the smaller lots and three additional lots will be reduced by installing the fence, retaining the trees at the south end and new landscaping. With the increased common open space, the calculation of lot coverage and floor area ratio on a project wide basis results in minimal affect compared to standard code requirements. Restrictions should be recorded on the plat to limit the amount of impervious surface 50% and limit the amount of floor area ratio to 50% calculated based on the total area of the 35 lots and open space tracts A, B, C, and G.

In summary, the adverse impacts and undesirable effects of the proposed

PUD are minimal when considered on a project basis. These impacts are clearly outweighed by the identified benefits discussed below.

5. PUD Criterion 3: The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:
- ◆ The applicant is *providing public facilities* that could not be required by the City for development of the subject property without a PUD.
Staff response: Meets Criteria. See discussion below.
 - ◆ The proposed PUD will *preserve, enhance or rehabilitate natural features of the subject property* such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve enhance or rehabilitate through development of the subject property without a PUD.
Staff response: Does not meet. See discussion below.
 - ◆ The design of the *PUD incorporates active or passive solar energy systems.*
Staff response: Not applicable.
 - ◆ The *design of the proposed PUD is superior* in one or more of the following ways to the design that would result from development of the subject property without a PUD:
 - Increased provision of open space or recreational facilities.
Staff response: Meets Criteria. See discussion below.
 - Superior circulation patterns or location or screening of parking facilities.
Staff response: Meets Criteria.
 - Superior landscaping, buffering, or screening in or around the proposed PUD.
Staff response: Meets Criteria. See discussion below.
 - Superior architectural design, placement, relationship orientation of structure.
Staff response: Meets Criteria. See discussion below.
 - Minimum use of impervious surfacing materials.
Staff response: Meets Criteria. See discussion below.
- a. Facts: The proposal includes providing the following public improvements and superior plat design that would not normally be included in a subdivision as discussed below:
- (1) The applicant proposes the following improvements that can be considered *providing public facilities* and considered beneficial to the neighborhood and overall city:
 - ◆ Installation of a flashing Rectangular Rapid Flash Beacon (RRFB) to the existing crosswalk at the corner of NE 80th ST and 128th Avenue NE to Rose Hill Elementary School to improve pedestrian safety and connectivity.
 - ◆ Installation of missing sidewalks along NE 80th ST at the

south leg of the intersection of NE 80th ST and 128th Avenue NE to improve safe street crossing across 128th Ave NE to the crosswalk to the school.

- ◆ Installation of offsite street improvements north of the site along 128th Avenue to NE 80th ST to make the through street connection. Although the improvements fulfill the right of way modification criteria for the reduced street standards along the interior street, providing a through street connection offsets the modified street and for a greater public benefit to the neighborhood.

- (2) *The subdivision and PUD proposal provides increased open space and recreational facilities.* A subdivision of this size would typically require storm detention with a percent of low impact development remedies to handle the storm water. A minimum requirement would be a storm detention pond with a chain link fence. By undergrounding the storm water detention the common open space may be provided with recreation amenities (sports court, play equipment, and picnic bench) for the residents which is not a code requirement.
- (3) The proposed subdivision and PUD *provides superior circulation* by extending 128th Avenue NE with sidewalks and street trees and installing the improved crosswalk and sidewalks leading to it (offsite improvements not typically required).
- (4) *The subdivision and PUD proposal will provide superior landscaping, buffering, or screening in or around the site:* The PUD proposal shows retention of groves of existing trees at the south entrance (approximately 25-30 feet wide), retaining trees in rear yards and planting of supplemental landscaping throughout the site. Additional trees are required to be planted based on the tree credit requirements in KZC Chapter 95. Because the groves of existing trees and supplemental landscaping on the south entrance are proposed as a PUD benefit, a Landscape Greenbelt Protective Easement should be recorded over the buffer area and shown on the face of the plat to ensure perpetual retention of the trees. Along the east and west property lines, a six foot tall wood fence is proposed that is not a code requirement.
- (5) *The subdivision and PUD proposal will provide superior architecture and site design:* Attachment 8 includes the 14 home designs planned for the plat that range in size from 2,600 to 3,750 gross floor area. The homes will be two stories with varied roof forms, porches, decks and a variety of exterior materials of stone, brick, vertical and horizontal siding and shake. Although architectural design is subjective, many of the planned building materials, roof design, use of porches and decks and site design elements are encouraged in Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan. In addition, the proposed site design allows for large landscape/open space tracts at the north and south boundaries of the plat.

- b. Conclusion: Staff concludes that the proposal includes public improvements and superior plat design that would not normally be included in a subdivision. The proposed benefits to the neighborhood

and city at large outweigh the impacts of the development and therefore the PUD should be approved. Section 95.51.1 and 3 authorizes the City to require groves of trees and landscaping, to be maintained and preserved with the recording of a landscape greenbelt easement (LGE) (see Attachment 11). Prior to recording the face of the plat should include the LGE easement language.

6. PUD Criterion 4: Any PUD which is proposed as special needs housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, entertainment, senior centers, public transit, etc).
 - a. Facts and Conclusion: Not applicable. No special needs housing is proposed.

E. DEVELOPMENT REGULATIONS

1. General Lot Layout and Site Development Standards
 - a. Facts:
 - (1) Municipal Code section 22.28.030 requires all lots to meet the minimum size requirements established for the property in the Kirkland Zoning Code or other regulatory documents. The applicant has requested through the PUD process to provide lots smaller than the minimum lot size of 7,200 sq. ft. (lots range in size from 4,678 sq. ft. to 7,863 sq. ft.). See Section II D. regarding the PUD request for smaller lot sizes.
 - (2) Municipal Code section 22.28.050 states that lots must be of a shape so that reasonable use and development may be made of the lot. For lots smaller than 5,000 square feet in size located in "low density zones" as defined in the Zoning Code, the lot width at the back of the required front yard shall be no less than 50' (unless the lot is a flag lot or a covenant is signed prior to plat recording ensuring that the garage will be located at the rear of the lot). Four lots are shown to be less than 5,000 sq. ft. (Lots 7, 10, 11, 14). These four lots measure the minimum 50' width at the back of the required front yard.
 - (3) Municipal Code section 22.28.070 states that, generally, blocks should not exceed five hundred feet in length.
 - (4) Municipal Code section 22.28.080 states that access shall be provided to each lot according to the requirements in KZC Section 105.10 and 110 (see below).
 - (5) The fundamental site development standards pertaining to a detached dwelling unit in an RSX 7.2 zone are set forth in Zoning Code section 17.10.010.
 - b. Conclusion: The proposal complies with the regulations as set forth in Municipal Code section 22.28.050, 070 and 080 and Zoning Code section KZC 17.10, except that the proposed lots are smaller than allowed in the RSX 7.2 zone. Lot coverage and floor area ratio are proposed to be calculated on a total plat basis rather than an individual lot basis as discussed in the PUD section above.
2. Right-of-Way Improvements

- a. Facts: Municipal Code section 22.28.090 requires the applicant to comply with the requirements of Chapter 110 of the Zoning Code with respect to dedication and improvement of adjacent and for new rights-of-way.
- (1) Zoning Code Chapter 105 establishes that for five or more detached dwelling units a dedicated and improved public right of way is required KZC Chapter 110 establishes right-of-way improvement requirements.
 - (2) Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property. The subject property abuts NE 75th ST on the south and along the north property line an unimproved section of 128th Avenue NE (south of NE 80th ST). Both streets are shown on the City Rights-of-Way Designation Map as a Neighborhood Access Streets.
 - (3) Attachment 4 establishes the Public Works Department recommendations and conditions regarding the required street improvements for the internal street, adjacent to NE 75th ST and the street connection north of the site.
 - (a) Along NE 75th ST, installation of half street improvements is required including dedication, curbs and gutter, sidewalks and landscape strip with street trees.
 - (b) In the design of street systems, dead end cul de sacs are avoided especially where feasible to make a street connection to an existing grid system as is the case here. Comprehensive Plan policies discourage cul de sac streets and support pedestrian and vehicular connectivity (see Section II.F.
 - (c) The north property line adjoins a section of unimproved 128th Avenue NE. Staff is recommending that the new access road be extended within the existing 128th Ave. NE right-of-way to NE 80th Street to promote pedestrian, bicycle, vehicular, and emergency access to this project and the surrounding neighborhood.
 - (4) Section 110.70 establishes the authority of the City to require or grant a modification to normal right-of-way requirements.
 - (a) The applicant has requested a modification to the standards of KZC 110.10 and 110.25 (45' width; sidewalks and landscape strip both sides) in order to install a narrower internal street (36.5' width) with sidewalks and landscape strip on one side rather than sidewalks both sides of the street. Street trees would be planted on both sides of the street. Parking would be allowed on one side of the street. The applicant's response to the Chapter 110 modification criteria is shown in Attachment 2.
 - (b) Under a typical subdivision City standards would require the applicant to only improve a 20' wide paved road from the north property line to NE 80th ST to make this connection. As recommended by staff, the applicant proposes to improve the portion of 128th Avenue NE from

the north property line to NE 80 ST with 24' of pavement, curbs, gutter and sidewalk with street trees on the east side of the street and missing segments of sidewalks on both corners at NE 80th ST.

- (c) The modified, narrower internal street allows the applicant to provide a through street connection from NE 75th ST to NE 80th ST.

b. Conclusions: The proposal meets the standard street improvements along NE 75th ST. The Public Works Department recommends that the requested modification for the internal street be approved for the following reasons. Because of the number of curb cuts staff recommends the no parking signs be installed along the east side of the street.:

- (1) A sidewalk along one side of the street will meet the pedestrian needs of the proposed project and the surrounding neighborhoods.
- (2) The proposal meets the modification criteria KZC 110.70.3.c. It is an unusual circumstance that the City is presented with the opportunity to establish a two-block through road connection to enhance the transportation network. We are recommending using this opportunity to establish superior pedestrian, bicycle, vehicular, and emergency access improvements within the connection than the Code would otherwise require. This requires focusing some of the improvements to the northern connection rather than within the proposed plat, and doing so precludes construction of the improvement that would otherwise be required if this opportunity were not available.
- (3) The benefits of the proposed off-site street improvements outweigh the benefit of having sidewalks along both sides of the subject street. As mentioned above, by constructing the off-site improvements, superior pedestrian, bicycle, vehicular, and emergency access is provided for this project and the surrounding neighborhood
- (4) Street trees will be planted along the east side of the new street, but they will be encompassed in a public landscape easement instead of public right-of-way. The care and maintenance of the trees will match trees planted in public right-of-way.
- (5) Consequently, the applicant should improve the internal new street, extension of 128th Ave NE north of the site and adjacent right of way along NE 75th ST as described in the Public Works Department conditions in Attachment 4.

3. Vehicular Access Easements or Tracts

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

- (1) Zoning Code section 105.10 establishes dimensional standards for

vehicular access easements or tracts. Easements or tracts which serve 1-4 lots must be 21 feet wide and contain a paved surface 16 feet in width.

- (2) Three vehicular access tracts with 20' of pavement in 21' wide tracts are proposed to provide access to interior lots.

- b. Conclusion: The proposed vehicular access tracts comply with section 105.10. A minimum 16' wide paved road should be installed within the proposed vehicular access tracts.

4. Bonds and Securities

a. Facts:

- (1) Municipal Code section 22.32.080 states that in lieu of installing all required improvements and components as part of a plat the applicant may propose to post a bond for a period of one year to ensure completion of these requirements within one year of the decision approving the plat or short plat.

- (2) Zoning Code section 175.10.2 establishes the circumstances under which the City may consider the use of a performance security in lieu of completion of certain site work prior to occupancy. The City may consider a performance security only if: the inability to complete work is due to unavoidable circumstances beyond the control of the applicant; there is certainty that the work can be completed in a reasonable period of time; and occupancy prior to completion will not be materially detrimental to the City or properties adjacent to the subject site.

- b. Conclusions: Site and right-of-way improvements required as a result of the plat should be completed prior to recording, unless a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of final plat approval is submitted.

5. Natural Features - Significant Vegetation

a. Facts:

- (1) Regulations regarding the retention of trees can be found in Chapter 95 of the Kirkland Zoning Code. The applicant is required to retain and protect all high and moderate value trees on the site following the subdivision approval. The applicant is proposing a phased review pursuant to Section 95.30.6a. Tree removal will be considered at the land surface modification and throughout the building permit stages of development.

- (2) The applicant submitted an arborist report by Washington Forestry Consultants, Inc. (revised January 17, 2013; original submitted on June 12, 2012; see Attachment 7). The applicant's arborist report evaluates 140 trees. The report states that there are a total of 122 trees on the subject property and 15 off site trees. Eighteen trees are proposed to be retained in two tracts at the south end of the project and five on the rear of four lots (p. 6 of report).

- (3) KZC Chapter 95 requires that 30 units per acres of tree credits provided in the buildable area of the site. According to the applicant's arborist and estimated number of trees on site the tree density shortfall is 56.9 tree units requiring at least 57 trees must be planted to meet the minimum density requirement.
- (4) In February of 2013 the City's contract arborist conducted a site visit, reviewed the plans, typed the trees based on their condition as high, moderate and low retention trees, and noted additional trees off site needed to be shown on the plans. Additional tree protection and adjustments in grading were recommended for 1 surveyed and 3 un-surveyed trees along the east property line. In addition plans for the off site street improvements to the north do not note trees to be retained, removed or protection (see Attachment 7). According to the City's arborist there are 75 High Retention Value trees on site and 24 Moderate Retention Value trees.
- (5) The applicant responded to the City's contract arborist disagreeing with some of the recommendations which should be clarified with at time of land surface modification application. Attachment 4, Development Standards, outlines the tree retention requirements.

b. Conclusions:

The applicant has provided a tree retention plan and has been reviewed by the City's Arborist. The applicant should retain all high and moderate viable trees during the construction of plat improvements and houses, comply with the specific recommendations of the City's arborist, and meet the tree density requirements.

F. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the South Rose Hill neighborhood. Figure SRH-3 on page XV.G-7 designates the subject property for low density residential at 6 units per acre. The proposed density including the additional lots equates to a density of 5.49 units per acre. The Public Services/Facilities section discusses a few key points summarized below related to maintaining and improving pedestrian and vehicular connectivity in the neighborhood:
 - a. *An underlying goal is to provide efficient and safe movement within and through the neighborhood while at the same time the street system should promote and maintain the integrity of the residential district.*
 - b. *The original circulation pattern in South Rose Hill was laid out in a grid pattern. Maintenance and enhancement of this grid system will promote neighborhood mobility and will provide for equitable distribution of traffic on neighborhood streets.*
 - c. *South of NE 80th ST, 128th Avenue NE should be upgraded with a pedestrian route connecting to the South Rose Hill Park and beyond to NE 70th ST (through the radio broadcasting tower property)...The unimproved portion of the right of way between NE 80th ST...should be developed as a pedestrian path until the site redevelops, with the goal to*

complete a connection between North Rose Hill and Bridle Trails Neighborhoods along the 128th Ave alignment.

d. *The text also discusses the desire to have a pedestrian connection along the unopened portion of NE 75th ST between 126th and 127th Avenues.*

2. Conclusion: The proposal is consistent with the Comprehensive Plan.

G. DEVELOPMENT STANDARDS

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 4.

2. Conclusion: The applicant should follow the requirements set forth in Attachment 4.

III. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

IV. CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges and judicial review. Any person wishing to file or respond to a challenge should contact the Planning Department for further procedural information.

A. CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner

B. JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under KMC 22.16.010 Final Plat – Submittal – Time limits a final plat shall be submitted to the City Council within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. Any final plat not submitted within the time limits set forth in RCW 58.17.140 shall be void. (Ord. 4372 § 2 (Att. B) (part), 2012.

Under KMC 22.16.130 of the Subdivision Ordinance, After the plat documents are signed, they will be transmitted to the city clerk's office for recording with the appropriate offices in King County. Unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six months of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated per Section [22.16.110](#), the running of the six months is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat. (Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 3705 § 2 (part), 19

VI. APPENDICES

Attachments 1 through 11 are attached.

1. Vicinity map
2. Project description and response to PUD approval criteria
3. Plans submitted May 13, 2013
4. Development Standards
5. Comment letters and emails
6. SEPA Determination
7. Arborist Report
8. House Plans
9. Lot coverage calculations
10. FAR calculations
11. Sample LGPE

VII. PARTIES OF RECORD

Applicant – Mike Smith, Toll WA LP
Parties of Record
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

A written recommendation will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.

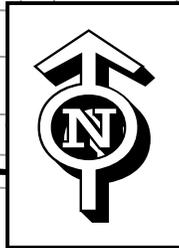
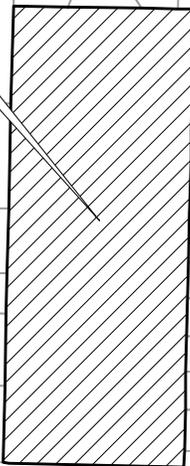
**C&G PLAT AND PUD
SUB12-00560 &
ZON12-00571**

School

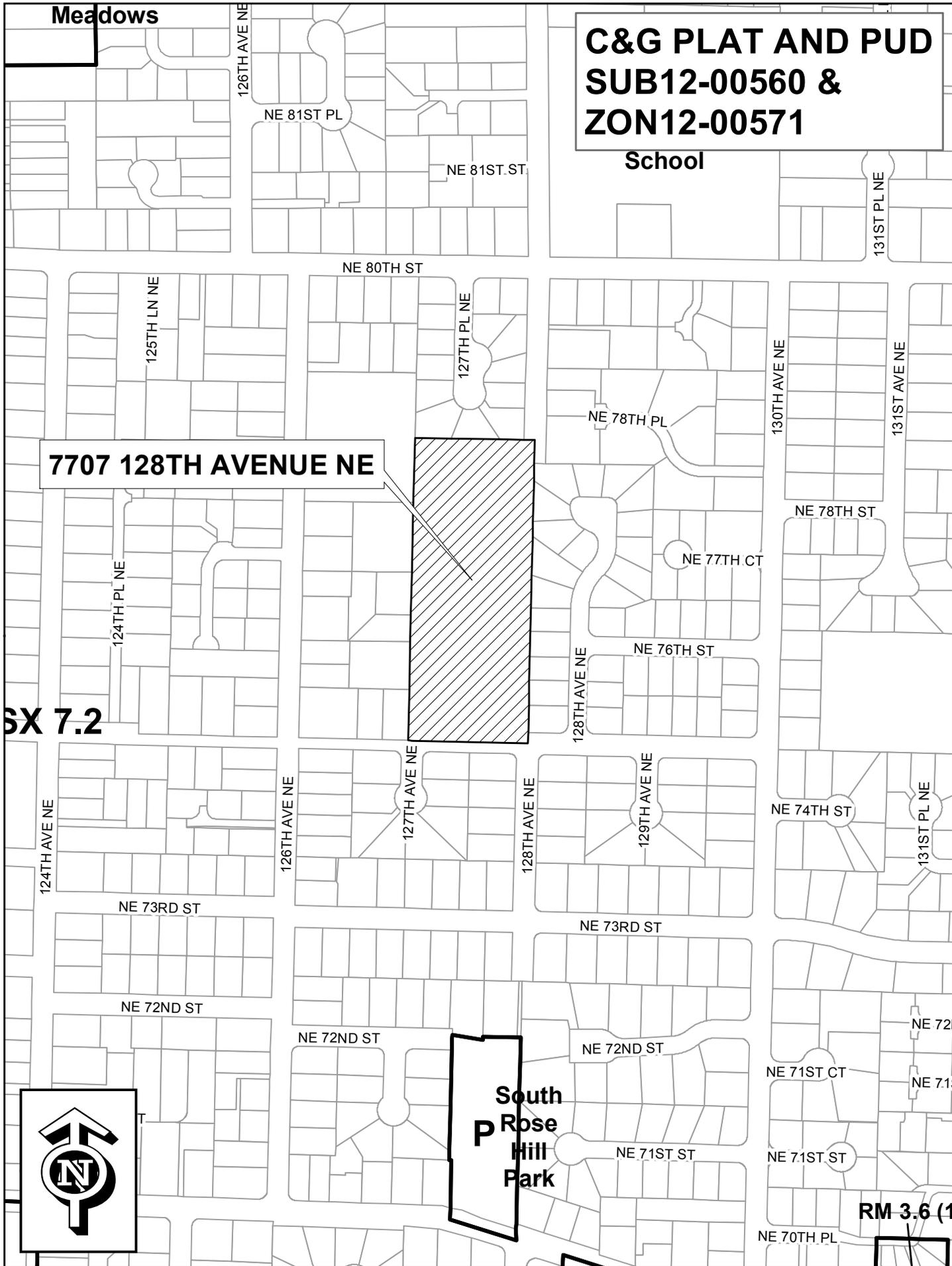
Meadows

7707 128TH AVENUE NE

SX 7.2



RM 3.6 (1)



C AND G PROPERTY

PLANNED UNIT DEVELOPMENT/PLAT

Project Narrative, including Benefit Analysis

Revised 5/13/13

- I. PROJECT DESCRIPTION**
- II. MODIFICATIONS PROPOSED THROUGH THE PUD PROCESS**
- III. YIELD CALCULATION AND CONFORMANCE TO PUD APPROVAL CRITERIA**

I. PROJECT DESCRIPTION:

Site and Surrounding Neighborhood

Toll WA LP is redeveloping the C and G Property radio antenna site in the South Rose Hill area as a residential Planned Unit Development and will be constructing 35 new single family detached residences on the property and a 27,000 square foot park. Considerable tree retention is planned. The C and G site comprises about 6.4 acres and will bring high-quality infill to an existing, mature neighborhood.

The Landin Terrace subdivision is south of the site, Rosewood Glen and part of the Pacific Park subdivision adjoin to the east. Inland Park No. 8 lies north; a church and single family homes to the west.

The site's southern edge is bounded by NE 75th Street, currently developed as a "half-street", to be completed with site development. Access into the project will be obtained from NE 75th Street and a new connection north to NE 80th St. A large private park over a half-acre is planned.

The property is currently developed as a radio tower transmission site for two AM radio stations and is mostly open, with five radio towers and one building supporting both radio stations. An existing cluster of evergreen trees is along the southern boundary near NE 75th St, which sits slightly higher than the site and these trees. Upon road widening, some of these trees will be lost.

Site Plan

The Planned Unit Development has been consciously designed to include a wide variety lot sizes and home types to foster an interesting streetscape. Garage under or "tuck under" homes are proposed east of the southern entrance to utilize the moderate slope at the site's southeastern corner. Zipper lots are planned further north, as eastern grades become level.

Lots on the west side of the main street through the community will vary from 48 to 72 feet wide and about 4,800 SF to over 7,800 SF in area to promote varied home plans and streetscape interest. Specific home designs are provided in the preliminary design (PD) package which has been updated several times and included herewith. Individual homes built on particular lots may vary from the footprint shown, depending on buyer's preferences but all homes will be from the design menu included in the PD package.

Proposed lot sizes, mass, and architectural designs will complement the existing neighborhood. While some lot sizes will be reduced through the PUD process, perception of increased density will be offset through

perimeter fencing, inclusion of a large park, and retention of existing trees and perimeter buffer landscaping at the project entrance.

Park and Open Space

A large private park of approximately 27,000 SF will provide significant recreational opportunities at the site's northern end, including a sizable, paved sport court. A play structure and picnic tables will also be included, and a large open lawn will allow for active play. The park will be partially screened by a buffer of trees.

Additionally, two open space tracts (Tracts A and G) are proposed at the south end of the project. These tracts contain approximately 3,000 SF and 5,600 SF respectively. The tracts are approximately 30 feet wide and expressly configured to preserve existing coniferous trees under an arborist's guidance (Washington Forest Consultants). Supplemental tree plantings will bolster vegetative density per our Tree Protection Plan.

Tract B is approximately approximately 4,200 SF with a Low Impact Development rain garden planned. This feature will collect runoff from rooftops, driveways and roads and, designed/landscaped to allow stormwater runoff to naturally infiltrate while providing meaningful open space.

Architectural Design

The homes proposed in the PUD range in size from approximately 2,600 to 3,750 gross square feet including porches, decks and garages. A total of fourteen unique home designs are proposed with multiple variations thereof. Architecture is contemporary Northwest classic style, 2-3 stories in height, to include a variety of exterior materials (stone, brick, vertical and horizontal siding and shake), decorative dormers, varied roof lines and pitches, shutters, windows grids, and significant articulation. The variety of types and designs will ensure an appealing streetscape.

Tree Retention

Several higher-value trees are found on the property. Specifically, a grove of existing conifers adjacent to NE 75th St. will be kept within Tracts A and G. Many trees within this grove are located within the future right-of-way for NE 75th St. and road elevations are two to four feet above the surrounding property. Some trees in this grove will be lost due to necessary grading for road construction, but several large conifers will be retained. Tree retention is a primary goal of this project design.

Also, some large existing conifers including hemlock and large western red cedars will be kept within the rear yards of Lots 33 and 35 adjacent to Tract G. Supplemental plantings are planned for Tracts A and G to facilitate the Final Tree Protection Plan.

The last review included new requests for tree retention. While the plan as presented exceeds retention minimums, we are willing to study additional opportunities during the engineering stage and to keep as many further, high-value trees as possible.

Vehicular and Pedestrian Circulation and Parking

The internal roadway (Road A) is 24 feet wide which allows parking on one side of the street. A sidewalk and planter strip will be constructed along the western edge. This section will continue through the entire development and beyond. Over five hundred feet of offsite City street will be constructed, to connect NE 75th St. and NE 80th St. While the City has said a 20-foot section with no planter and no sidewalk would meet standards, a section matching the on-site street is preferred, including the wider 24 feet of pavement plus planter plus walk. The preferred section is proposed.

The new street will provide vehicle and pedestrian circulation to (a new) intersection of 128th Ave. NE and NE 80th St. Rose Hill Elementary lies across 80th. City staff believed a new-standard crosswalk connecting 128th to the school by spanning 80th would be a significant benefit. This improvement has been preliminarily designed and is included with the latest plan package.

NE 75th St. will be widened with a vertical curb and sidewalk providing for an ultimate improvement width of 28 feet. On the east side of NE 75th Street the sidewalk will abut back of curb to allow further separation from mature trees within Tract A.

Three tract roads are planned. Tracts D and F will serve five homes each at 21 feet width and paved to 20 feet. Tract E will build to the same standard while serving four homes.

Each home will have a minimum of two parking spaces in a garage. Also, garages will be set back from the edge of its direct access a minimum of 20 feet, thereby allowing for two cars to be parked on driveways.

Road A will now be connected to NE 80th St. Where the first submittal terminated in a loop at its northern extent, a connection is now designed all the way to 80th. The latest traffic impact analysis takes this into account, prepared by The Transpo Group and on file with Kirkland.

The northern connection does not meet Level-of-Service warrants for requiring a second access. Indeed, the old plan performed at LOS “B” or better, far from demanding a second connection. However the community and City staff strongly advocated the benefits of such change, now included. Newer traffic studies show a signal is also not warranted at the added intersection at 128th and 80th.

II – MODIFICATION TO STREET STANDARDS

- *Construct a narrower Road A with sidewalks, landscape strip and street trees on one side rather than both sides as required in KZC 110. Road A does not meet KZC 110 standards (45’ width, dual sidewalks, street trees in landscape strip).*

First submittal of the PUD included 35 lots and a loop road toward the site’s northern end. This design included sidewalks and planter strips on both sides of the street. Traffic analysis showed neighborhood circulation through the single street connection at 75th to be excellent before and after project completion.

City staff strongly advocated for a through-connection, not just provision for a future connection but actual street construction as well. CamWest objected to this requirement both because of the tremendous cost of building another street, and the consequent loss of lot area and project yield.

Several discussions between CamWest and Public Works effected a compromise – CamWest would build the requested northern street connection using sidewalk and planter on one side of the street instead of both. This solution achieves a City priority without undue yield penalty. If not for the PUD, offering the street connection would be more difficult.

Most public comments on street design support our two-access plan.

This proposal requests modifications to street standards – specifically right-of-way width to accommodate sidewalk and planter strips on one side of the street instead of both. City Code allows such flexibility:

KZC 110.70.3. Modifications – *The City may require or grant a modification to the nature or extent of any required improvement for any of the following reasons:*

- If the improvement as required would not match the existing improvements.*
- If unusual topographic or physical conditions preclude the construction of the improvements as required.*
- If other unusual circumstances preclude the construction of the improvements as required.*

d. If the City and a neighborhood has agreed upon a modified standard for a particular street (see the Public Works Pre-Approved Plans and Policies Notebook for a description of the Neighborhood Access Street Improvement Modification and Waiver Process).

There is clearly no improvement pattern to follow – surrounding streets do not meet current standards having been historically developed, and the entirety of the proposal supplies a tremendous benefit to neighborhood connectivity – both vehicular and pedestrian.

Preceding issuance of the SEPA Threshold Determination, Public Works found conformance with c., above. Following, underlined comments are copied from their February 14 memorandum:

Chapter 110 of the Kirkland Zoning Code includes criteria and language that guides the Public Works Department when considering requests for modifications to standard street improvements. In this case, Public Works has considered the following language when reviewing this request: KZC 110.35 R-24 Neighborhood Access Streets:

Sidewalks: (1) A 5-foot wide sidewalk is required on both sides of the street unless otherwise specified in the Comprehensive Plan, the Nonmotorized Transportation Plan, a design report for the specific street, elsewhere in this code, or as a special condition of development. (underlined for emphasis)

KZC 110.70.3 Modifications - The City may require or grant a modification to the nature or extent of any required improvement for any of the following reasons:

c. If other unusual circumstances preclude the construction of the improvements as required.

Given the above language, the Public Works Department recommends that the requested modification be approved for the following reasons:

Sidewalk along one side of the street will meet the pedestrian needs of the proposed project and the surrounding neighborhoods.

It is an unusual circumstance that the City is presented with the opportunity to establish a two-block through road connection to enhance the transportation network. We are recommending using this opportunity to establish superior pedestrian, bicycle, vehicular, and emergency access improvements within the connection than the Code would otherwise require. This requires focusing some of the improvements to the northern connection rather than within the proposed plat, and doing so precludes construction of the improvement that would otherwise be required if this opportunity were not available.

The benefits of the proposed off-site street improvements outweigh the benefit of having sidewalks along both sides of the subject street. As mentioned above, by constructing the off-site improvements, superior pedestrian, bicycle, vehicular, and emergency access is provided for this project and the surrounding neighborhood.

Street trees will be planted along the east side of the new street, but they will be encompassed in a public landscape easement instead of public right-of-way. The care and maintenance of the trees will match trees planted in public right-of-way.

III - MODIFICATIONS PROPOSED THROUGH THE PUD PROCESS:

The following modifications to the Kirkland Zoning Code are requested through the PUD process:

- *10% density bonus to allow 3 additional lots*

Adding a planter strip and sidewalk on the east side of Road A would be about 10 feet in additional width for a total of 8,500 square feet lost for lot yield. Total site area minus roads is 230,586/7,200 SF per lot = 32 lots. Adding 10% for PUD yields 35 lots total for a bonus of 3 lots. Deducting 8,500 SF from the base area = 222,086 SF/7,200 = 30.8 units. Adding 10% bonus = 33.9 units. This outcome would have penalized the concession of building a new street with reduction in allowable lots.

The proposed road width reduction was suggested by DPW to offset this inequitable dual penalty.

- *Calculate the maximum lot coverage limitation of 50% on a total project basis rather than on individual lots.*

Impervious coverage has been meticulously calculated in Excel, which worksheet has been printed out and included with this package. Excluding the considerable open space total lot coverage is 52.5%. If open space is included the number goes down to 44.6%. Since a conventional subdivision would have no open space offset and would be allowed 50% coverage, our reduction to 44.6% could easily be considered a benefit.

- *Calculate the floor area ratio limitation of 55% on a project basis rather than a per lot basis*

Chapter KZC 125.20 allows for provisions of the code to be modified when a PUD is proposed that is innovative or includes amenities that are otherwise beneficial to the project. We request the 50% lot coverage limit be calculated on a *project* basis rather than lot-by-lot, and that allowed coverage not exceed 50% of the total area of all lots and open space tracts.

A companion worksheet has been prepared for FAR calculations. Similar to the impervious findings, FAR excluding all open space is at 53% but including open space drops to 43.7%. Again, a standard subdivision would have no open space offset and could build every lot to 50% coverage with actually more massing than what is proposed on C&G. We are not opposed to including building permit restrictions ensuring we live within these project-wide limits.

- *Smaller lots than the minimum 7,200 SF allowed in the RSX 7.2 zone.*

Smaller lots are proposed, currently 4,678 to 7,863 SF. Preserving trees in permanently protected tracts, establishing LID measures outside lots, and creating a park leaves reduced area for individual homesites.

The PUD code allows the flexibility to create smaller lots than would be created in a conventional plat. Creating smaller lots allows additional land area to be set aside for amenities and benefits to the PUD for parks and tree preservation. Here, that leads to creation of open space, park, and significant tree retention totaling nearly a full acre. Providing such amenities should not “steal” from would otherwise be acceptable home sizes.

Although lot sizes will be reduced, perception of density and bulk relative to existing, surrounding development will be minimized through fencing, the large park, and retention of existing trees/perimeter buffer landscaping at the project entrance.

Creating smaller lots to provide these benefits leads to an unintended consequence – the FAR calculation restricts the size of homes that may be built. Modifying the FAR will allow development of homes similar in size to a non-PUD and also allow harmonious continuation of the existing neighborhood.

IV - YIELD CALCULATION AND CONFORMANCE TO PUD APPROVAL CRITERIA:Yield Calculation

Total Site Area: 278,113 SF
 Less ROW Dedication: 38,328 SF
 Less Tract Roads: 9,199 SF
 Net Developable Area: 230,586 SF

Dwelling Units: 32.03 DU
 PUD 10% Density Bonus: 35.23 DU

Number of Units Proposed: 35 DU

KZC 125.35 Decision on the PUD – Criteria for Approving a PUD

KZC 125.35 of the zoning code states that the City may approve a PUD only if it finds all of the following requirements are met:

1. *The proposed PUD meets the requirements of this chapter.*
2. *Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.*
3. *The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:*
 - a. *The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.*
 - b. *The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.*
 - c. *The design of the PUD incorporates active or passive solar energy systems.*
 - d. *The Design of the proposed PUD is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:*
 - i. *Increased provision of open space or recreational facilities.*
 - ii. *Superior circulation patterns or location of screening of parking facilities.*
 - iii. *Superior landscaping, buffering, or screening in or around the PUD.*
 - iv. *Superior architectural design, placement, relationship or orientation of structure.*
 - v. *Minimum use of impervious surfacing materials.*
4. *Any PUD which is proposed as special needs housing shall be reviewed for its proximity to existing or planned services (i.e. shopping centers, medical centers, churches, parks, entertainment, senior centers, public transit, etc.)*

Consistency With the PUD Criteria

1. *The Proposed PUD meets the requirements of this chapter.*

The proposal meets the lot yield requirements of the code, provides public benefit far outweighing any negative effects, and does not include any modifications expressly prohibited by KZC 125.20.

2. *Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.*

To decide if something “outweighs” another, both sides of the comparison must be examined. Here, “undesirable effects” should be interchangeable with “impacts” - so in order to approve a PUD as a subdivision overlay, public benefits must exceed the level of impact which obviously differs with individual plans.

Impact is an effect of a change, not the change itself, though general tendency is to equate the two. Here, the net change versus a conventional subdivision is 1) three additional houses; and 2) home clustering to allow open space, tree retention, and Low Impact Development drainage measures.

Identifying the change is easy, consequent effect/impact less so. Road circulation is the most commonly voiced concern from neighbor letters, though connection-alternatives are identical regardless of PUD or not. According to the submitted traffic study, levels of service are excellent and expected to remain so in all scenarios. Identifying any real-world traffic difference (impact) of the three ‘extra’ homes resulting from the PUD overlay would be nearly impossible.

It could be argued that “having more neighbors” with three additional homes creates some impact, but it is more likely this small change would be unnoticeable. It should be emphasized that 3 additional houses within a 6.4-acre project equates to less than half a unit per acre and innocuous.

An adjacent neighbor might worry that additional density could cause some hardship. However, there are no such assertions yet filed.

In short, if there are any “undesirable effects” needing to be “*clearly outweighed by specifically identified benefits to the residents of the City*”, they are yet-unidentified and by logical extension quite minor.

In contrast, benefits of the PUD are significant:

Park and Open Space - The project is not required to provide any recreational open space. However, a 27,000 square foot park is planned in Tract C, including a sport court, play structure, picnic tables, large lawn area and perimeter buffer landscaping. These facilities would be available for public conveyance with City interest, until then they are planned as private. Even a private park generates public good:

KMC 27.06.010 Findings and authority.

The city council finds and determines that new residential growth and development in the city will create additional demand and need for public facilities (parks) in the city and finds that new residential growth and development should pay a proportionate share of the cost of new

public facilities needed to serve the new growth and development. The city has conducted an extensive study documenting the procedures for measuring the impact of new residential developments on public facilities and has prepared a rate study. The city council accepts the methodology and data contained in the rate study. Therefore, pursuant to Chapter 82.02 RCW, the city council adopts this chapter to assess impact fees for public facilities.

Kirkland recognizes public parks are a finite resource to be scaled up with population, and like nearly every jurisdiction around Puget Sound has created an impact fee system to grow its park system accordingly. Park impact fees fund the parks a growing city needs.

By providing considerable on-site recreation, the new private park will reduce use and impact on other City facilities. Because the Project will also pay full mitigation fees, no credit for this benefit is requested and no effort made to quantify it, though it unequivocally provides something a conventional subdivision would not.

Tract C does include a stormwater component – an underground storage vault. The vault is about half the total area of the tract. It could be argued that some area would be needed for stormwater anyway, diminishing ‘benefit’. However, an open pond would be meet that requirement, and would be perimeter-fenced with no recreational nor any other active use.

Tracts A and G are designed to preserve mature trees and allow for supplemental plantings along the southern frontage, at the site’s primary community interface. Sufficient dimensions will allow true depth of arboreal view and separation from the community pedestrian-route at NE 75th St. to nearest planned homes.

Tract B is an LID rain garden which will add to perceived un-built land area. While 10% of lot area is required to be infiltrated, this area can be in yards which would not add to the project’s sense of space. Other rain gardens are incorporated elsewhere.

111 tree credits out of a total requirement of 120 will be met through tree retention. Intensive landscaping at the north end around the park, and supplemental plantings in the south will fulfill significant visual buffering at those edges. Cohesive wooden fencing along the western and eastern edges will provide some separation there.

Architectural Excellence - Fourteen unique home designs have been submitted as part of the PUD approval, which plans outline the lot layout. These homes present quality design, with differing elevations lending interest to the streetscape including varying porches, decks, exterior materials (stone, brick, vertical and horizontal siding shake) dormers, varied roof lines, and shutters. All homes will place garage doors behind front façades. All homes have been designed by the same architect, to be built by a common builder. In aggregate, the visual effect will be vastly superior to a ‘dumb plat’ lacking integration of subdivision and product design.

Differing front building and garage setbacks are a code standard, but no requirement that the front façade be pulled forward exists. Without a PUD, blank walls could be built 28 feet from the right-of-way edge. While some home changes will occur, those will be from the PD menu submitted. We are further committed to diversity of building materials and colors represented in that package.

CamWest has developed numerous projects in Kirkland, and our history of demonstrating architectural superiority is no more difficult than visiting any of these neighborhoods. We expect City staff to be involved with the building permit process to ensure follow-through of these points.

Public Street Construction - In response to neighborhood and City requests, C&G now plans to connect 128th Ave. NE from NE 75th St. to NE 80th. This will include over 500 feet of off-site street construction which is not needed for site access. Further, instead of twenty-foot, fire-lane standard we are volunteering an improved 24-foot pavement section per City request. This will also provide a missing north/south pedestrian link to connect the larger neighborhood directly with Rose Hill Elementary and 80th St. NE.

This submittal includes a newly added crosswalk across NE 80th St. to Rose Hill Elementary to Kirkland's current standard (drawings included herewith). This crosswalk was strongly promoted as a key to the overall neighborhood pedestrian plan. Combined with the newly relocated eastern sidewalk, this overall development will provide much more than 'just a new neighborhood'.

Population Capacity – Kirkland has a state-mandated population target. Allowing 3 additional housing units on a site without critical areas and with excellent transportation and utility services reduces demand elsewhere.

3. *The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:*

a. *The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.*

The street and pedestrian connection, including new lighted crosswalk across NE 80th St. are not needed for project access and go far beyond "normal" plat conditioning.

b. *The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.*

A grove of conifers is located along the southern portion of the site. Many of these trees will be retained within two open space tracts on either side of the entrance. Additionally, large cedars will be retained on Lots 33 and 35 adjacent to Tract G.

c. *The design of the PUD incorporates active or passive energy systems.*

N/A.

d. *The design of the proposed PUD is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:*

1) *Increased provision of open space or recreational facilities.*

If the project were not developed as a PUD, no open space would be required, only the payment of a park mitigation fee. The project includes four open space tracts. One of these tracts includes approximately 27,000 SF of active park area. Two additional tracts containing approximately 8,600 SF are proposed as vegetative buffer and which saves some of the highest value trees on the property. Tract B provides stormwater infiltration – a requirement which otherwise could be provided in yards.

2) *Superior circulation patterns or location of screening of parking facilities.*

Surrounding road circulation will be improved considerably, and project design places all garages within the neighborhood interior. Garages and driveways are either hidden or only partially visible from existing perimeter streets.

3) *Superior landscaping, buffering, or screening in or around the proposed PUD.*

A park is included along the northern boundary of the site and property immediately north of the park will be buffered with trees. The park itself will be professionally landscaped and maintained. The southern boundary of the property will be visually separated from adjoining properties by these protected areas. The east and west boundaries of the property will be screened and buffered by a six-foot high wooden fence to be constructed with the project.

4) *Superior architectural design, placement, relationship or orientation of structure.*

Home designs are of high quality and preliminary designs for the homes are provided with the application. None of the homes are oriented toward perimeter streets. The design of the neighborhood and homes therein will be an asset to the area.

5) *Minimum use of impervious surfacing materials.*

A narrower, 24-foot street section will be employed and sidewalk is planned on one side only. All streets are double-fronted which raises impervious-efficiency. Access drives are also planned to the minimum allowable width. The final product will present an extremely low impervious area for the number of single-family homes proposed.

4. *Any PUD which is proposed as special needs housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, entertainment, senior centres, public transit, etc.).*

N/A.

Closing

As submitted, the C and G PUD will provide numerous assets to the surrounding neighborhood and City at large. The plan has evolved through the review process, adding first a street connection north to 80th, later a crosswalk connecting that new road across 80th to Rose Hill Elementary, then finally moving the sidewalk to the eastern side to promote the most direct route. These elements will greatly add to neighborhood circulation and provide infrastructure far beyond development need. As such it should be approved.

S. Michael Smith,
Land Entitlement Manager