



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

**ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

To: Eric R. Shields, AICP, Planning Director
From: _____ Tony Leavitt, Associate Planner
_____ Eric R. Shields, AICP, Planning Director
Date: March 25, 2009
File: JACKLING TOWNHOMES PROJECT (ZON08-00021)
Hearing Date and Place: April 2, 2009
City Hall Council Chamber
123 Fifth Avenue, Kirkland

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I. INTRODUCTION

A. APPLICATION

1. Applicant: Anne Van Dyne of Tangent Architects representing Michael Jackling, Property Owner
2. Site Location: 403 2nd Avenue South (see Attachment 1)
3. Request: Process IIA Zoning Permit Application to construct 6 multi-family units on a 7,475 square foot parcel in the Planned Area 6D zone. Per Kirkland Zoning Code Chapter 112, the applicant is proposing one affordable housing unit as part of the project and taking advantage of an incentive that allows two additional units ("bonus units") to be constructed (see Attachments 2 and 3). An associated underground parking garage with a total of 12 parking stalls will be constructed. The existing residence and accessory structures would be demolished as part of the project.
4. Review Process: Process IIA, Hearing Examiner conducts public hearing and makes final decision.
5. Summary of Key Issues:
 - Compliance with Process IIA Zoning Permit Approval Criteria (see Section II.D)
 - Compliance with Affordable Housing Affordable Housing Incentives and Provisions (see Section II.E)

B. 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 5, 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 5, the condition of approval shall be followed.
2. As part of the building permit application, the applicant shall:
 - a. Submit detailed plans that show compliance with all requirements of KZC Section 112.35 (see Conclusion II.E.4).
 - b. Submit plans for a landscape buffer that complies with KZC Section 95.40.6 (see Conclusion II.F.1).
 - c. Submit a final tree retention plan that incorporates the recommendations of the City's Urban Forester and the applicant's Arborist (see Conclusion II.F.2).
 - d. Submit a lighting plan showing the location, height, fixture type and wattage of all proposed exterior lights. The lighting plan shall be consistent with the requirements in KZC Section 115.85 (see Conclusion II.F.4).
 - e. Submit plans to increase the amount of common recreational open space for the proposed development to 850 square feet (II.E.3)

3. Prior to issuance of a building permit, the applicant shall
 - a. Submit a signed agreement, provided by the City, that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the affordable housing units (see Conclusion II.E.4).
 - b. Designate one of the two-bedroom units to be the affordable housing unit for the project (See Conclusion II.E.4).
 - c. Submit a signed covenant, provided by the City, restricting the occupants of the affordable housing unit to a maximum of one automobile (see Conclusion II.E.3).
4. Prior to final inspection of the building permit, the applicant shall:
 - a. Provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City (see Conclusion II.F.1).
 - b. Ensure compliance with all requirements of KZC Section 112.35 including interior finish requirements and occupancy timeframe (see Conclusion II.E.4).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:
 - a. Facts:
 - (1) Size: 7,475 square feet (.17 acres).
 - (2) Land Use: The subject property contains an existing single family residence that will be demolished to accommodate the proposed structure.
 - (3) Zoning: The subject property is zoned Planned Area (PLA) 6D, which is a high density residential zone. The PLA 6D zone establishes a density of one unit per 1,800 square feet of land, resulting in an allowed base density of 4 units. The application proposes additional density pursuant to the City's affordable housing incentives in Kirkland Zoning Code Chapter 112. The PLA 6D Use Zone Chart requires that an "Attached Dwelling Units" use with less than 3,600 square feet of lot area per unit be approved thru a Process I review process (see Attachment 5). Per KZC Section 145.10, the entire proposal shall be considered thru the Process IIA review process required by KZC Section 112.25.1.
 - (4) Terrain: The subject property slopes up gradually from the southeast property corner to the northwest property corner
 - (5) Vegetation: The subject property contains a total of 4 significant trees. Staff addresses tree retention in Section II.F.2.
 - b. Conclusions:
 - (1) Size, land use, terrain, and vegetation are not relevant factors in the review of this application.
 - (2) Zoning is a relevant factor in the review of this application; due to the fact that the proposed "Attached Dwelling Units" Use in a PLA 6D Zone must be approved through a zoning review process.

2. Neighboring Development and Zoning:
- a. Facts: The neighboring properties are zoned as follows and contain the following uses:
- North**: Zoned PLA 6J. Developed with a 31 unit apartment complex (The Mont Clare Apartments) and a 41 unit condominium development (Park 410).
- West**: Zoned PLA 6D. Developed with 6 unit condominium development (337 Kirkland Condos).
- East**: Zoned PLA 6D. Developed with a single-family residence.
- South**: Zoned PLA 6D. Developed with single-family residences.
- b. Conclusions:
- (1) Zoning of neighboring properties is not a relevant factor in the review of this application.
- (2) The neighboring development to the east of the subject property is a relevant factor in terms of landscape buffering requirements (see Section II.F.1).

B. INITIAL PUBLIC COMMENTS

1. Facts: The initial public comment period ran from December 30, 2008 until the drafting of this Staff Advisory Report. The Planning Department received a total of 6 comment emails and letters (see Attachment 6) during this comment period. The issues raised in the letters along with staff responses are below.
- Street Parking Impacts
Concerns about impacts to street parking and providing an adequate number of parking stalls onsite.
Staff Response: The proposed development complies with City parking requirements by providing a total 12 parking stalls onsite.
 - Traffic Impacts
Concerns that the project will increase traffic on 2nd Avenue South.
Staff Response: The project is exempt from Traffic Concurrency. The City has determined that exempt projects will not have a negative impact on the City's Transportation Network. The applicant will be required to pay Traffic Impact Fees that will be used to pay for the cost of new public facilities, including intersection and road improvements.
 - Proposed Density
Concerns about the density of the proposed development.
Staff Response: Staff addresses density of the proposed development in Sections II.E and II.G.
 - Compliance with Comprehensive Plan
Concerns that the proposed development does not comply with policies in the City's Comprehensive Plan.
Staff Response: Staff addresses compliance with the City's Comprehensive Plan in Section II.G.

C. STATE ENVIRONMENTAL POLICY ACT (SEPA) AND TRAFFIC CONCURRENCY

The proposed development is exempt from the State Environmental Policy Act (SEPA) and Traffic Concurrence Review.

D. PROCESS IIA ZONING PERMIT APPROVAL CRITERIA

1. Facts: Zoning Code section 150.65.3 states that a Process IIA application may be approved if:
 - It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 - It is consistent with the public health, safety, and welfare.
2. Conclusions: The proposal complies with the Process IIA Zoning Permit Approval criteria in KZC Sections 150.65.3. It is consistent with all applicable development regulations (see Sections II.E, II.F, and II.H). In addition, it is consistent with the public health, safety, and welfare because the project will provide the City with an additional affordable housing unit while meeting the goals of the Comprehensive Plan for this neighborhood (see Section II.G) and minimizing impacts on neighboring properties.

E. AFFORDABLE HOUSING INCENTIVES AND PROVISIONS

1. Defined Density Bonus
 - a. Facts:
 - (1) KZC Section 112.20.2.a states that in zones where the number of dwelling units allowed on the subject property is determined by dividing the lot size by the required minimum lot area per unit, two additional (bonus units) may be constructed for each affordable housing unit provided (see Attachment 7).
 - (2) KZC Section 112.20.2.d states that the maximum number of bonus units achieved through a defined affordable housing incentive shall be 25 percent of the base density of the underlying zone of the subject property.
 - (3) The base density for the subject property is 4 units. A 25 percent increase would allow one additional unit.
 - (4) The applicant is proposing a total of 6 units, including 3 market rate housing units, 1 affordable housing unit, and 2 “bonus units”. This represents the permitted density for the subject property. The permitted density is an increase of 50 percent over the base density allowed on the subject property.
 - b. Conclusions:
 - (1) The proposed development complies with the density bonus allowance of KZC Section 112.20.2.a.
 - (2) Since the proposed development does not comply with Defined Maximum Bonus requirement of KZC Section 112.20.2.d, the project must comply with the Non-Defined Density Bonus requirements of KZC Section 112.25.2 (see Section II.E.2).

2. Additional Incentives - Non-Defined Density Bonus

a. Facts:

- (1) KZC Section 112.25.1 states that the applicant may request affordable housing incentives in addition to or in place of the defined affordable housing incentives allowed in KZC 112.20 due to specific site conditions. Review of such a proposal is through a Process IIA permit.
- (2) KZC Section 112.25.2 states that an applicant may propose more than two bonus units for every affordable housing unit. However, in no event may a project receive a bonus that would result in a total number of units that exceeds 50 percent of the number of units allowed based on the underlying zone of the subject property.
- (3) The applicant is proposing two bonus units and one affordable housing unit. The two bonus units would be a 50% increase over the base density of four units allowed on the site.
- (4) In order to achieve the permitted number of bonus units allowed by KZC Chapter 112, the proposed development must receive approval of an additional affordable housing incentive. The applicant is not requesting an increase in the number of bonus units allowed for each affordable housing unit provided.
- (5) KZC Section 112.25.4 states that the City may approve an additional affordable housing incentives listed in KZC 112.25.2, in addition to or in place of the defined affordable housing incentives, if one or more of the following requirements are met:
 - The additional incentive is necessary to provide sufficient economic incentive to the applicant to offset the cost of providing the affordable housing units.
 - The additional incentive is necessary to reasonably achieve the permitted density, including the bonus units.
 - The additional incentive is necessary to achieve a greater number of affordable housing units than the defined affordable housing incentives would prescribe or a greater level of affordability than is defined by the term affordable housing unit.
- (6) The economic analysis of the affordability incentives in KZC 112 that was reviewed by the City Council prior to adoption of the regulations is included as Attachment 12. The cost of providing one two bedroom affordable housing unit in downtown Kirkland was determined to be approximately \$150,000 for an ownership unit and approximately \$160,000 for a rental unit. The total value of all incentives available to an applicant, including two bonus units to offset the affordable unit, was approximated at \$237,000. This is the magnitude of incentive that the Council determined was necessary to provide sufficient economic incentive to offset the cost of providing an affordable housing unit.

b. Conclusion: Approval of an additional incentive to allow a 50% increase in the base density is needed to achieve the permitted density, including the bonus units, allowed for the subject property by KZC Chapter 112. Achieving this density will provide the level of incentive necessary to offset the cost of providing the affordable housing unit.

3. Defined Dimensional Standard Modifications

a. Facts:

- (1) KZC Section 112.20.3 lists the standards of the Kirkland Zoning Code that can be modified to accommodate the bonus units.
- (2) The applicant is proposing to modify the parking requirement, a required front yard, and the common recreational open space requirement.
- (3) KZC Section 112.20.3.b states that the required parking may be reduced to 1.0 parking stall per affordable housing unit. If parking is reduced through this provision, the owner of the affordable housing unit should sign a covenant, in a form acceptable to the City Attorney, restricting the occupants of each affordable housing unit to a maximum of one automobile.
- (4) The PLA 6D Use Zone Chart and KZC Section 105.20 requires that the development have 2.2 parking stalls per non-affordable unit or a total of 11 parking stalls.
- (5) The applicant is proposing a total of 12 parking stalls (11 for non-affordable units and one for the affordable unit).
- (6) KZC Section 112.20.3.d allows structures containing affordable housing units to encroach up to five feet into any required yard except that in no case shall a remaining required yard be less than five feet.
- (7) The PLA 6D Use Zone Chart requires a 20 foot front required yard along the north and west property lines and a 5 foot side required yard, with a combined side yard setback of 15 feet, along the south and east property lines.
- (8) The applicant is proposing 20.5 foot and 17.25 foot front required yards and 6.5 foot and 8.5 foot side required yards.
- (9) KZC Section 115.23.2 requires that the proposed use provide 200 square feet per unit of common recreational open space with a length and width of at least 25 feet.
- (10) Per KZC Section 115.23.2.c, the required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playing equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.
- (11) The applicant is proposing to reduce the common recreational open space requirement to 150 square feet per unit by providing permanent outdoor furniture and cooking facilities in the common open space. The common open space must have a length and width of at least 18.75 feet per the minimum dimension reduction provision of KZC Section 115.23.2.c.
- (12) KZC Section 112.20.3.e allows the common recreational open space to be reduced by 50 feet per affordable housing unit.

- (13) The proposed development must provide a total of 850 square feet of common recreational open space with a minimum width and length of 18.75 feet.
- (14) The applicant is proposing a total of 813 square feet of common recreational open space with a dimension of 20.5 feet by 39.66 feet.

b. Conclusions:

- (1) The proposed development complies with the dimensional standards modifications for parking, required yards, and common recreational open space.
- (2) Prior to issuance of a building permit, the applicant should submit a signed covenant, provided by the City, restricting the occupants of the affordable housing unit to a maximum of one automobile
- (3) As part of the building permit application, the applicant should submit plans to increase the amount of common recreational open space for the proposed development to 850 square feet.

4. Affordability Provisions

a. Facts:

- (1) KZC Section 112.35 outlines the standards that affordable housing units must comply with prior to issuance of any permits (see Attachment 7).
- (2) The applicant has identified the one bedroom unit on the east side of the development as the affordable housing unit.
- (3) KZC Section 112.35.1.a requires that the affordable housing units be intermingled with all other dwelling units in the development.
- (4) The affordable housing unit in this proposed development will be attached and incorporated with the other units.
- (5) KZC Section 1125.35.1.b requires the type of ownership of the affordable housing units be the same as the type of ownership for the rest of the housing units in the development.
- (6) The applicant will be required to verify the type of ownership as part of the building permit application process.
- (7) KZC Section 125.35.1.c requires that the affordable housing units consist of a range of number of bedrooms that are comparable to units in the overall development.
- (8) The proposed development will have 4 two-bedroom units and 2 one-bedroom units. The two bedroom units will be approximately 1,100 gross square feet in size and the one-bedroom units will be approximately 980 gross square feet.
- (9) KZC Section 125.35.1.d requires that the size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the development, must be approved by the Planning Director. In no case shall the affordable housing units be more than 10 percent smaller than the comparable dwelling units in the development, based on number of bedrooms, or less than 600 square feet for a one bedroom unit, 800 square feet for a two bedroom unit, or 1,000 square feet for a three bedroom unit, whichever is less.

- (10) All of the units in the proposed development are approximately the same size in terms of square footage.
- (11) KZC Section 125.35.1.e requires that the affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.
- (12) KZC Section 125.35.1.f requires that the exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development.
- (13) Per the project's development plans, the exterior design of all units will be the same.
- (14) KZC Section 125.35.1.g requires that the interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the City of Kirkland.
- (15) The applicant has not yet specified interior finishes for any of the units in the project. This information is typically provided as part of the building permit application.
- (16) KZC Section 125.35.2 requires that prior to issuing a certificate of occupancy, an agreement in a form acceptable to the City Attorney that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the affordable housing units should be recorded with King County Department of Records and Elections. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. Additionally, affordable housing units that are provided under this section should remain as affordable housing for a minimum of 30 years from the date of initial owner occupancy for ownership affordable housing units and for the life of the project for rental affordable housing units.

b. Conclusion:

- (1) The majority of the units in the development are two-bedroom units and the applicant is proposing that a one-bedroom unit be the affordable housing unit.
- (2) In order to comply with KZC Section 125.35.1.c, the applicant should designate one of the two-bedroom units to be the affordable housing unit for the project. The designation should occur prior to issuance of a building permit.
- (3) As part of the building permit application, the applicant should submit detailed plans that show compliance with all requirements of KZC Section 112.35. Additionally, prior to final inspection of the building permit, the applicant should ensure compliance with all requirements of KZC Section 112.35 including interior finish requirements and occupancy timeframe.
- (4) Prior to issuance of a building permit, the applicant should submit a signed agreement, provided by the City, that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the affordable housing units

F. DEVELOPMENT REGULATIONS

1. Required Landscape Buffers

a. Facts:

- (1) KZC Section 60.72.020 requires an "Attached Dwelling Unit" use in a PLA 6D zone to comply with Landscape Category D.
- (2) KZC Section 95.40.4 requires a landscape buffer for a use adjoining low density residential uses to comply with KZC Section 95.40.6.b.
- (3) KZC Section 95.40.6.b (Buffering Standard 2) requires a 5 foot wide landscape buffer that is planted with a mixture of trees, shrubs, and ground cover.
- (4) KZC Section 95.40.6.d requires that the applicant provide the required buffer along the entire common border between the subject property and the adjoining property.
- (5) The subject property adjoins a low density residential use to the east.
- (6) The proposed development does not identify a land use buffer along the east property line.

b. Conclusions:

- (1) As part of the building permit application, the applicant should submit plans for a landscape buffer that complies with KZC Section 95.40.6.
- (2) Prior to final inspection of the building permit, the applicant should provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City (see Attachment 9).

2. Natural Features- Significant Vegetation

a. Facts:

- (1) Pursuant to KZC Section 95.35.2.b.2, the applicant submitted a Tree Plan II for the subject property (see Attachments 8) that focused on trees on the subject property and on neighboring properties that could be potentially impacted by development activities.
- (2) The applicant's arborist identified 4 significant trees on the subject property and a hedge row of photinia plants on an adjoining property near the east property line.
- (3) The applicant's arborist concluded that all onsite trees would be impacted by the proposed development and be required to be removed or could be transplanted onsite. A final determination will be made during the building permit review process.
- (4) The applicant's arborist recommends that the hedge row of photinia plants on an adjoining property be protected during construction.
- (5) The City's Urban Forester reviewed the Tree Plan II and concluded that all trees on the subject property are Type 3 trees that need to be removed to accommodate the development. Additionally, since the hedge row of photinia plants on the neighboring property are not significant trees, tree fencing is not required. Finally, she notes that the trees specified along the south property line attain a canopy spread of 30'. The landscape plan shows them spaced at 10' on center. The applicant may want to consider using a narrower-growing cultivar.

- b. Conclusions:
 - (1) The applicant has complied with the requirements of KZC Section 95.35.2.b.2.
 - (2) As part of the building permit application, the applicant should submit a final tree retention plan that incorporates the recommendations of the City's Urban Forester and the applicant's Arborist.
- 3. PLA 6D Special Regulation
 - a. Facts:
 - (1) The PLA 6D Use Zone Chart requires that an "Attached Dwelling Units" comply with Special Regulation 2 (see Attachment 5).
 - (2) Special Regulation 2 states that if the proposed development contains less than 3,600 square feet of the lot area per unit, the following right-of-way improvements should be required on right-of-ways serving the subject property. On 2nd Avenue South: 20 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on the north side adjacent to curb and two foot utility strip on each side.
 - (3) Per the Public Works Department the improvements required by Special Regulation 2 were installed as part of a previous development to the east of the subject property (see Attachment 4).
 - b. Conclusion: The proposed development complies with Special Regulation 2.
- 4. Site Lighting
 - a. Facts: KZC Section 115.85 requires that the applicant use energy efficient light sources, comply with the Washington Energy Code with respect to the selection and regulation of light sources, and select, place, and direct light sources both directable and nondirectable so that glare produced by any light source, to the maximum extent possible, does not extend to adjacent properties or to the right-of-way. The current submittal does not contain a detailed lighting plan that would show the location, height, fixture type, and wattage of proposed lights.
 - b. Conclusion: As part of its building permit application, the applicant should submit a lighting plan showing the location, height, fixture type and wattage of all proposed exterior lights. The lighting plan shall be consistent with the requirements in KZC Section 115.85.

G. COMPREHENSIVE PLAN

- 1. Facts:
 - a. The subject property is located within the Moss Bay Neighborhood. The Moss Bay Land Use Map designates the subject property for high density residential at 12 to 24 units per acre (see Attachment 10).
 - b. Land Use Element Table LU-3 states that higher unit per acre counts may occur within each classification if developed under the City's affordable housing programs (see Attachment 11).
 - c. The proposed development will have a base density of 24 units per acre and an overall density of 35 units per acre. The applicant is requesting approval of additional density through the Process IIA zoning permit process.

- d. Section XV.D.4 of Comprehensive Plan states that:
- Subarea D is designated for medium-density residential (up to 12 dwelling units per acre).
 - The future development potential for Subarea D is considerable, given the amount of vacant or undeveloped land, particularly in the northern third of the subarea.
 - Because of its close proximity to existing high-density residential development, residential densities up to 24 dwelling units per acre may be appropriate.
 - The area, however, now lacks adequate public facilities, such as sewers, water, sidewalks, and streets to support higher densities.
 - Until these facilities are adequately upgraded, development should be limited to medium density (12 dwelling units per acre).
 - In addition, multifamily development should be regulated to ensure compatibility with existing single-family homes within and bordering this area.
- e. Public Works Staff has reviewed the project for adequate public facilities (sewers, water, sidewalks, and streets) and concluded that the project complies with all City requirements (see Attachment 4).
- f. Policy H-2.3 in the Housing Element of the Comprehensive Plan looks to develop special incentives for the development of low- and moderate-income housing that could be used as a means to promote the provision of these units by private or nonprofit developers. Existing programs which provide density bonuses for affordable housing could be expanded, and other types of incentives also should be explored.
- g. Based on this policy, the City adopted a package of incentives (KZC Chapter 112) that included density bonuses and site development flexibility to encourage development of affordable housing as part of market rate housing developments in multifamily zones.
2. Conclusions: The proposed development complies with applicable development regulations that were adopted based on the Comprehensive Plan's Housing Element and the Moss Bay Neighborhood Plan. As a result, the proposed development is consistent with the City's Comprehensive Plan.

H. DEVELOPMENTS STANDARDS

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 5.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 5.

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. APPEALS AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

A. APPEALS

Appeal to City Council:

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____ fourteen (14) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

B. JUDICIAL REVIEW

Section 150.130 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 21 calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under Section 150.135 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 150, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 150.130, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 150 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 12 are attached.

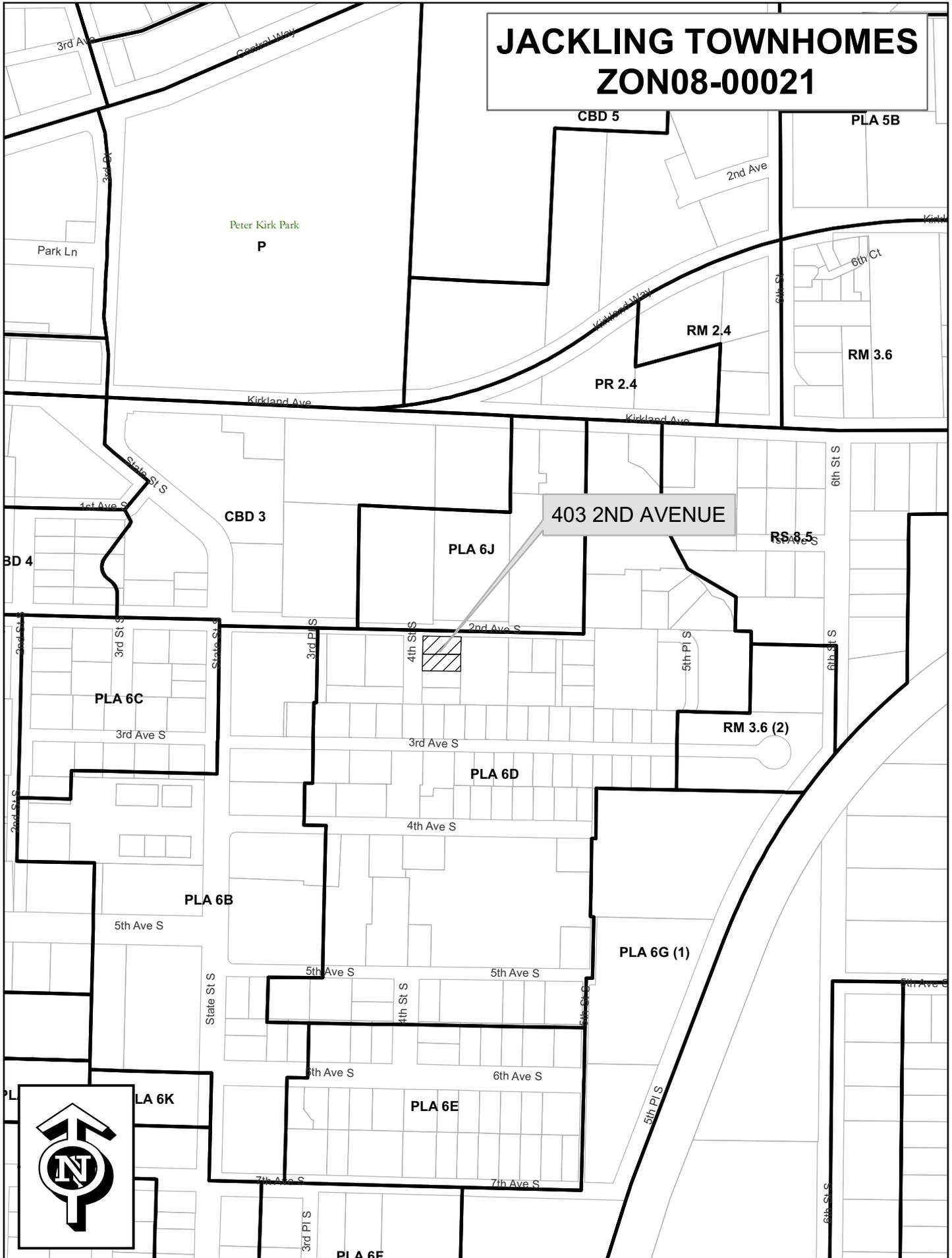
1. Vicinity Map
2. Development Plans
3. Project Information and Analysis
4. Development Standards
5. PLA 6D Use Zone Chart
6. Initial Public Comments
7. KZC Chapter 112- Affordable Housing Incentives- Multifamily
8. Arborist Report prepared by Gilles Consulting dated November 21, 2008
9. Landscape Maintenance Agreement
10. Moss Bay Neighborhood Land Use Map
11. Comprehensive Plan Table LU-3
12. Economic Analysis of Affordability Incentives

VII. PARTIES OF RECORD

Applicant: Anne Van Dyne, Tangent Architects, 514 East Pike Street, Seattle, WA 98122
Property Owner: Michael Jackling, 403 2nd Avenue South, Kirkland, WA 98033
Party of Record: Don and Margaret Gerloff, 87903 Old Highway, Islamorada, FL 33036-3023
Party of Record: Greg and Connie Elliot, 212 4th Street South, Kirkland, WA 98033
Party of Record: Ken Muse, PO Box 400, Kirkland, WA 98083
Party of Record: Marypat Meuli, 489 2nd Avenue South, Kirkland, WA 98033
Party of Record: Ilana Bebchick and Currier McEwen, 216 4th Street South, Kirkland, WA 98033
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

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

JACKLING TOWNHOMES ZON08-00021





Project Data

Housing Type Proposed One 6 Unit Townhouse
with underground parking

Site Area: 7,475 s.f.

Zoning Planned Area 6D

Construction Type VB, I (Parking Structure)

Building GFA 11,000 s.f.

Average Building Elevation

Midpoint Elev	Segment Length
A 25.0	a=62.5
B 27.0	b=57.67
C 28.5	c=62.5
D25.5	d=57.67

$(25.0 \times 62.5) + (27.0 \times 57.7) + (28.5 \times 62.5) + (25.5 \times 57.7) = 26.6 \text{ ABE}$
 $62.5 + 57.7 + 62.5 + 57.7$

Parking Required

5 Market Rate @ 1.7 plus 0.5 for guest parking and 1 affordable stall

Parking Required	12 Parking spaces
Parking Provided	12 Parking spaces

Lot Coverage

Total Lot Area:	7,475 s.f.
Lot Coverage Allowable: (65%)	4,858 s.f.
Lot Coverage Proposed	3,605 s.f. ok

Required Setbacks

Front	15.0 f.t.
Side	5.0 f.t.
Rear	5.0 f.t.

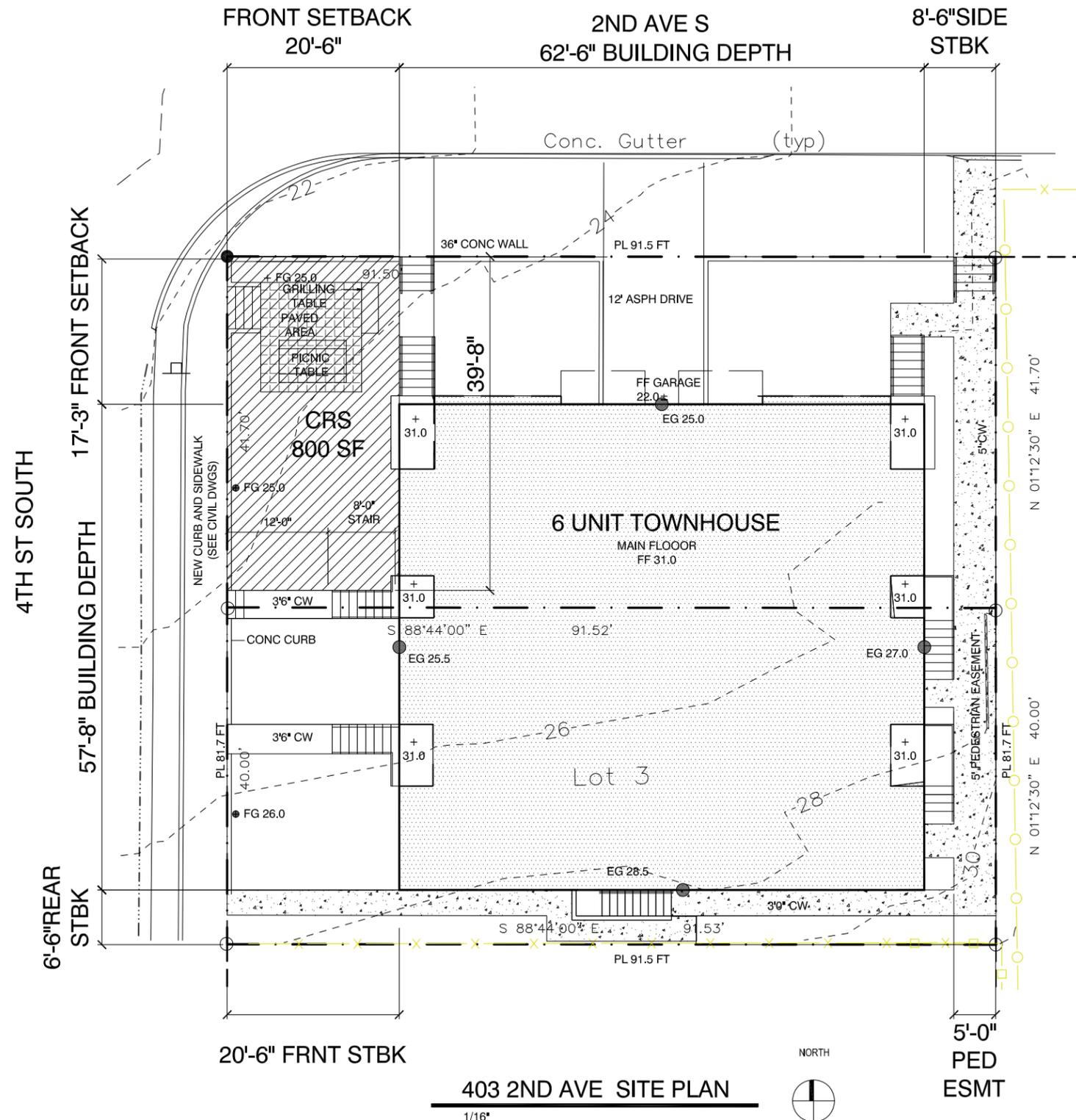
Common Recreation Space

Required = 5 Units x 150 s.f. with the addition of permanent recreational items. Added paved area, picknick table, and masonry grilling table.

Recreation Space Provided: 800 s.f. > 750 s.f. OK

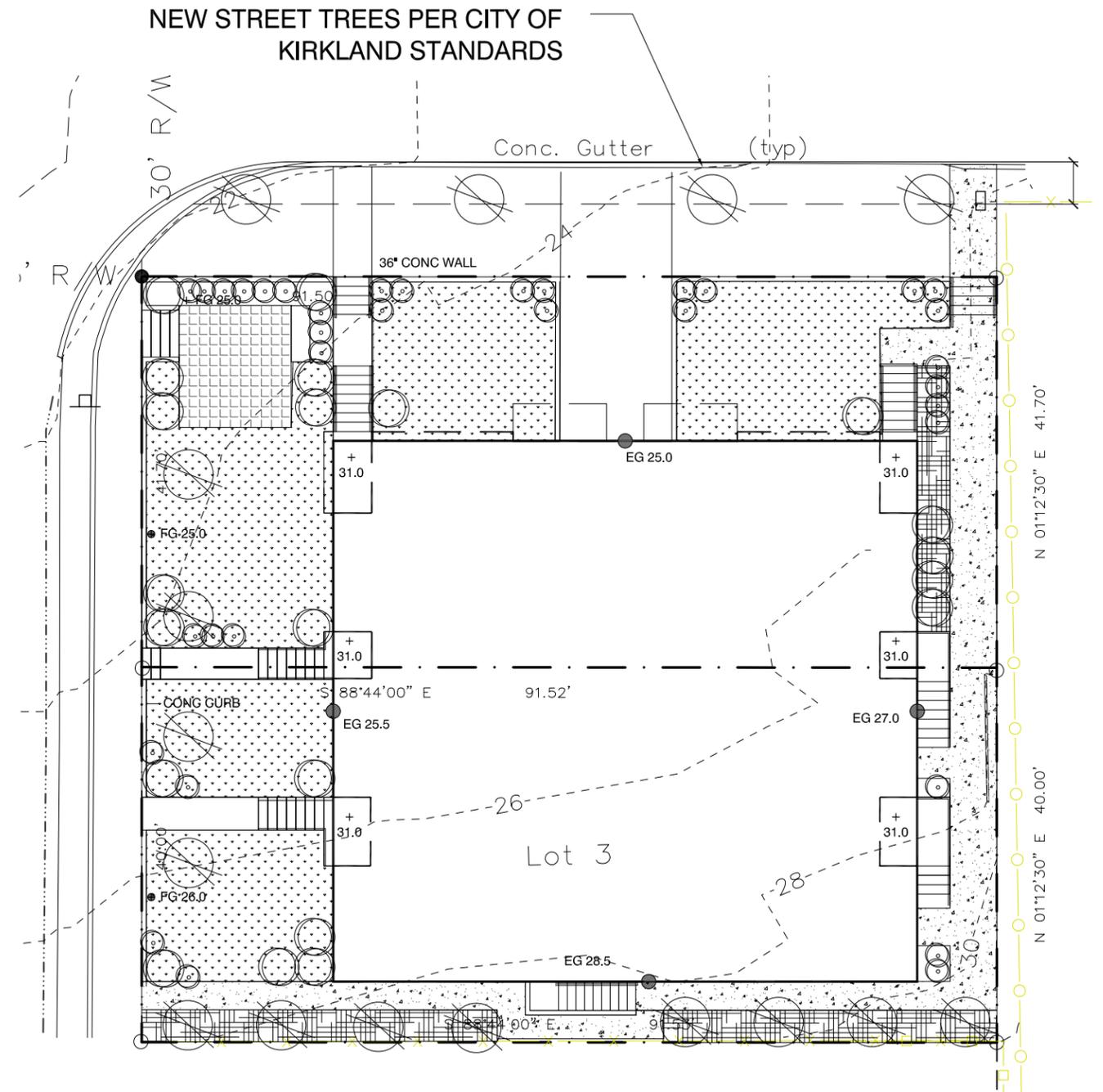
Affordable Housing

Process IIA: 3 market units + 1 affordable unit + 2 bonus units = 6 units (.5 max allowed x4 units based on Section 112.25.2) and meeting criterial in Section 112.25.4



Landscaping

Symbol	Common Name	Botanical Name	Size/Condition @ Planting
	American Sweetgum	Liquidambar styraciflua	B & B Cal. 1.5" Above Grade
	Howard McMinn Manzanita	Arctostaphylos dessifl	30" min.ht.when required for screening (Drought tolerant) 18" min ht. other locations. 6' at Maturity
	Japanese Barberry (Drought resistant)	Berberis thunbergii	1 Gal, Min 12" @ Planting
	Drought resistant ground cover to be one or more of the following drought resistant species planted per DPD standards and sited at the descretion of the owners representative. Fragaria Chiloensis/ Beach Strawberry (sun) Ceanothus gloriosus/ Pint Reyes Ceanothus (sun) Rubus pentalobus/Brambleberry (sun) Arctostaphylos uva-ursi/ Kinnikinick (sun) Gaultheria procumbens / Wintergreen (shade) Mahonia repens/ Creeping Mahonia (shade)		
	Drought resistant grass lawn		

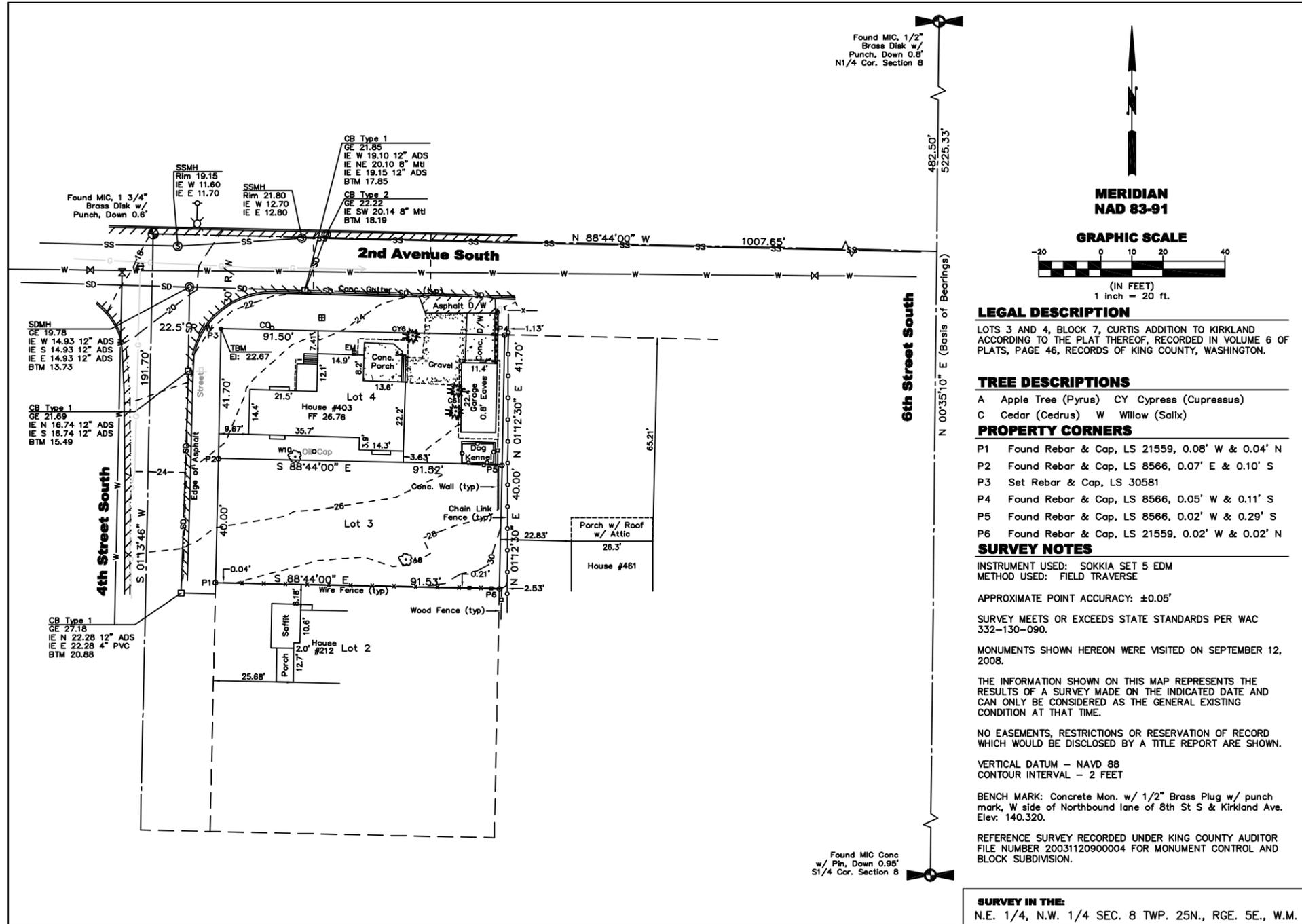


4.5FT PLANTER STRIP AT STREET FRONTAGE

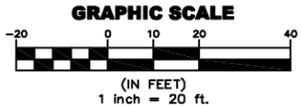
LANDSCAPE PLAN

1/16"





MERIDIAN
NAD 83-91



LEGAL DESCRIPTION
LOTS 3 AND 4, BLOCK 7, CURTIS ADDITION TO KIRKLAND ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 6 OF PLATS, PAGE 46, RECORDS OF KING COUNTY, WASHINGTON.

TREE DESCRIPTIONS
A Apple Tree (Pyrus) CY Cypress (Cupressus)
C Cedar (Cedrus) W Willow (Salix)

PROPERTY CORNERS
P1 Found Rebar & Cap, LS 21559, 0.08' W & 0.04' N
P2 Found Rebar & Cap, LS 8566, 0.07' E & 0.10' S
P3 Set Rebar & Cap, LS 30581
P4 Found Rebar & Cap, LS 8566, 0.05' W & 0.11' S
P5 Found Rebar & Cap, LS 8566, 0.02' W & 0.29' S
P6 Found Rebar & Cap, LS 21559, 0.02' W & 0.02' N

SURVEY NOTES
INSTRUMENT USED: SOKKIA SET 5 EDM
METHOD USED: FIELD TRAVERSE
APPROXIMATE POINT ACCURACY: ±0.05'
SURVEY MEETS OR EXCEEDS STATE STANDARDS PER WAC 332-130-090.
MONUMENTS SHOWN HEREON WERE VISITED ON SEPTEMBER 12, 2008.
THE INFORMATION SHOWN ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE ON THE INDICATED DATE AND CAN ONLY BE CONSIDERED AS THE GENERAL EXISTING CONDITION AT THAT TIME.
NO EASEMENTS, RESTRICTIONS OR RESERVATION OF RECORD WHICH WOULD BE DISCLOSED BY A TITLE REPORT ARE SHOWN.
VERTICAL DATUM - NAVD 88
CONTOUR INTERVAL - 2 FEET
BENCH MARK: Concrete Mon. w/ 1/2" Brass Plug w/ punch mark, W side of Northbound lane of 8th St S & Kirkland Ave. Elev. 140.320.
REFERENCE SURVEY RECORDED UNDER KING COUNTY AUDITOR FILE NUMBER 20031120900004 FOR MONUMENT CONTROL AND BLOCK SUBDIVISION.

SURVEY IN THE:
N.E. 1/4, N.W. 1/4 SEC. 8 TWP. 25N., RGE. 5E., W.M.

RECORDING CERTIFICATE
Filed for record this ___ day of _____, 20__ at _____ M in Volume _____ of Surveys on Page _____, Records of _____ KING County, Washington at the request of BRENT EBLE
Auditor _____ Deputy Auditor _____

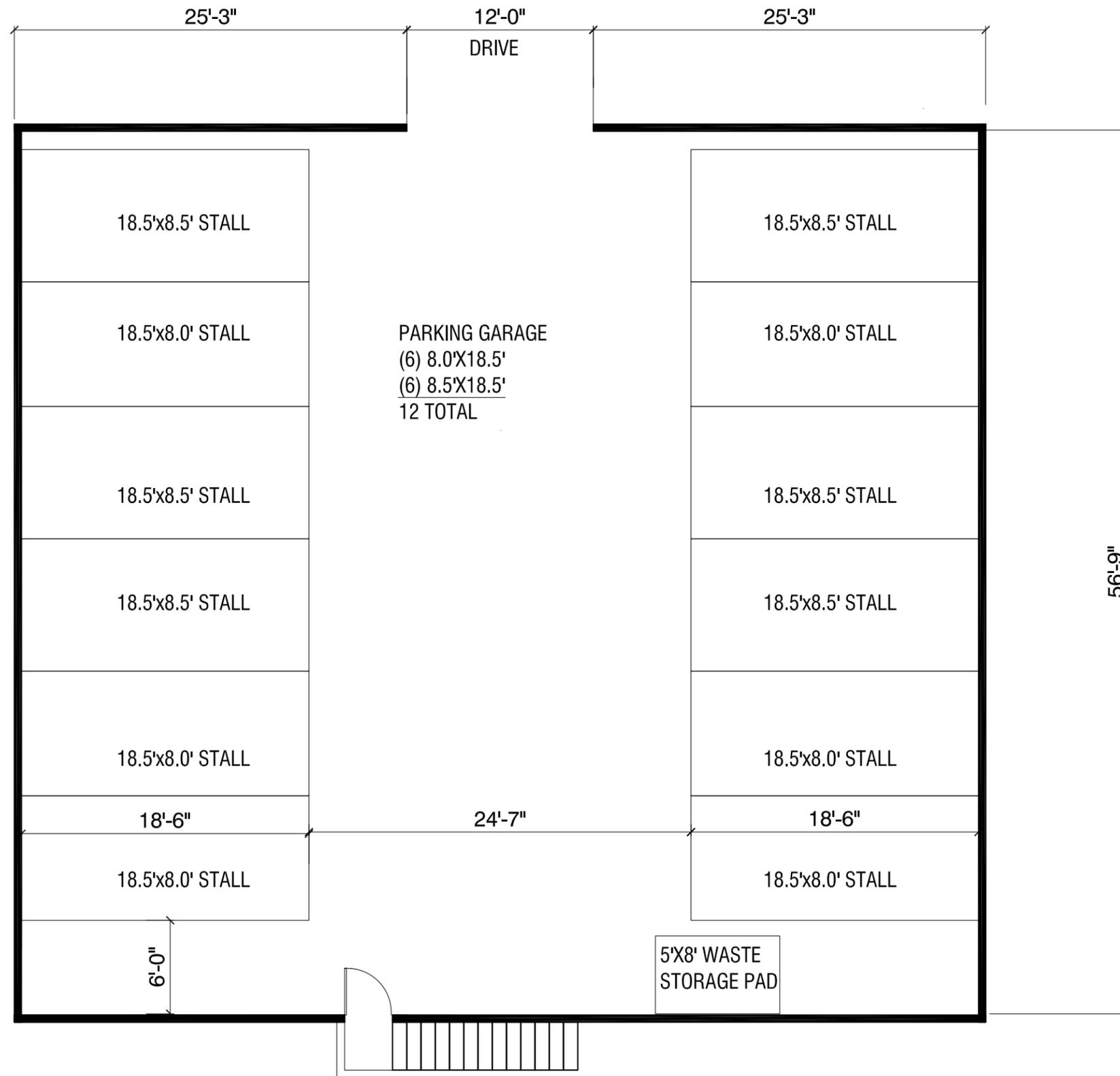
SURVEYOR'S CERTIFICATE
This map represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of MICHAEL JACKLING in _____, 2008.
Certificate Number 30581



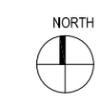
RECORD OF SURVEY
Michael Jackling
403 2nd Avenue South
Kirkland, WA 98033
EMERALD LAND SURVEYING, INC.
PO BOX 13694 MILL CREEK, WA 98082 PH. (425) 359-7198

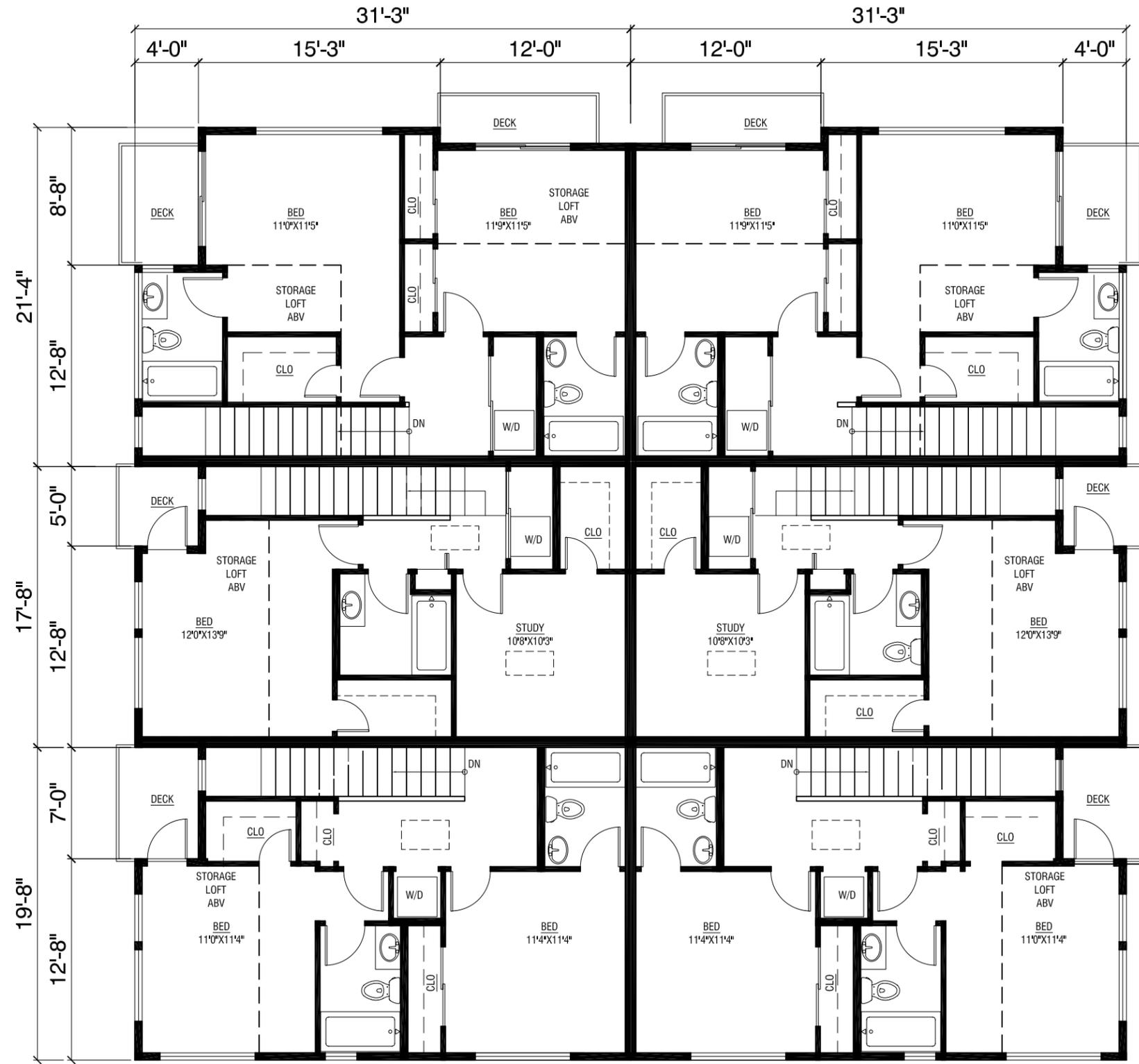
DRAWN BY: HMM
CHECKED: BLE
PROJECT: 08887
DATE: 9/28/08

SHEET 1 OF 1



GARAGE PLAN
1/8"=1'-0"





SECOND FLOOR PLAN

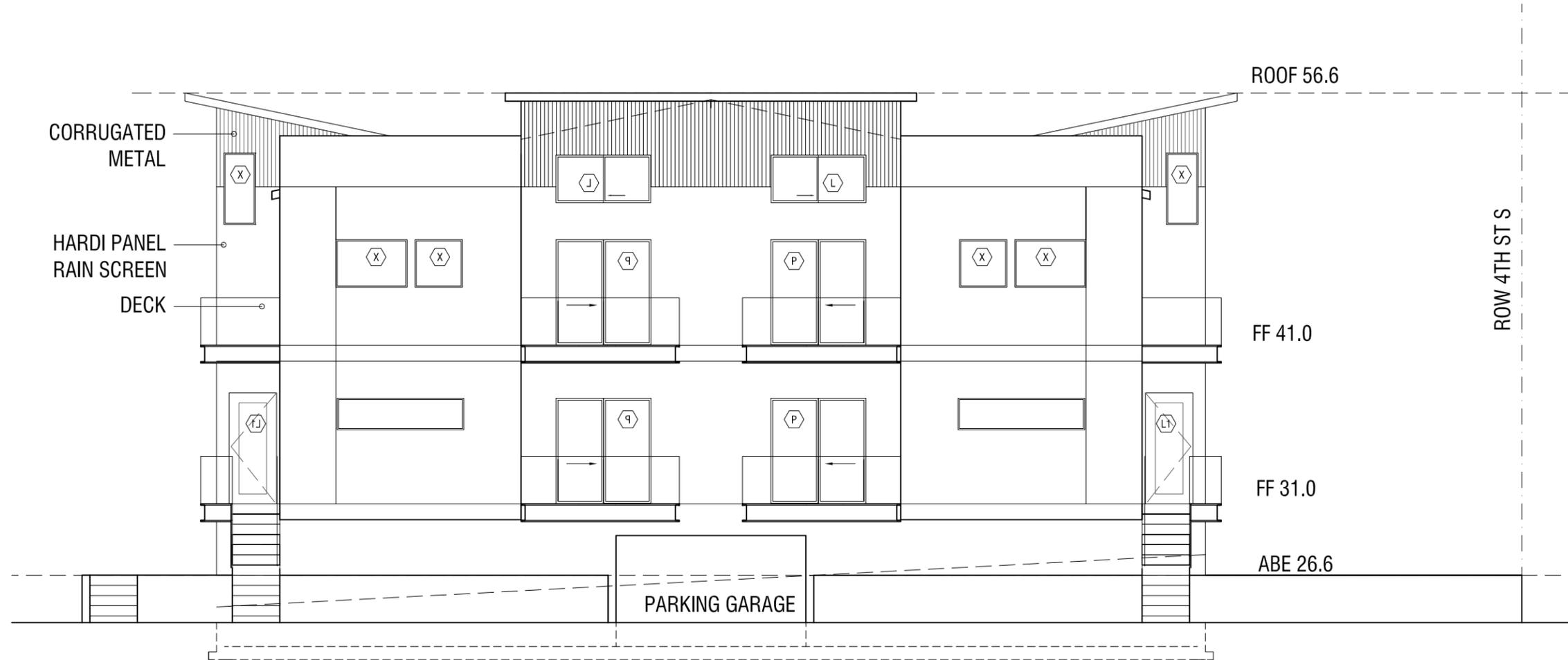
1/8" = 1'-0"





WEST ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

BLUELINE



32126

EXPIRES: 5/9 10

BLUELINE



32126

EXPIRES: 5/9 10

BLUELINE



32126

EXPIRES: 5/9 10

$2\frac{3}{8}$ RAMP
 ξ
 $2\frac{3}{8}$
 PLAN
 $3\frac{16}$ $3\frac{8}$ $1/2"$ R
 $7\frac{8}$
 ELEVATION

BLUELINE



