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Project Information

Statement Describing How Application Specifically Complies with Zoning Code

Property Address: 403 2nd Ave S., Kirkland. 98033
Owner: Michael Jackling, 403 2nd Ave S., Kirkland, 206-849-5038

A. Tax Assessor's Parcel #'s: 1875000290 & 1875000295

B. Lot Size: 7,477 sf

C. Zone: Planned Area 6D

D. Review Process: Process IIA to request 2 extra bonus lots

E. Sensitive Area Map: No sensitive areas identified on City maps

F. Affordable Housing Incentives:
Definition of Affordable Housing Unit: If owner-occupied, 70% of KC median household income or if renter, at 50% of KC median income.

1. Bonus Density Options at 2 to 1 ratio (Section 112.2)
   - Process IIA: 3 market units + 1 affordable unit + 2 bonus units = 6 units

2. Modified Standards to Accommodate Bonus Units (Section 112.20.3) Appendix "A"
   - Maximum Lot Coverage: 65% allowable, 48% actual (7,477/3.605)
   - Parking: 5 market rate units x 1.7 plus .5 for guest parking = 11 stalls and 1 affordable stall = 12 stalls instead of 14
   - Height: 36' at 20' back from property line allowable, 26.6' (ABE) actual
   - Required setback yards: Front: 15' minimum, 17'-3" and 20'- 6" actual front setback. Side: 5' minimum, 8'-6" actual. Rear: 5' minimum, 6'-6"' actual.•
   - Common recreational space: 1,150 sf required, but providing permanent outdoor recreational furniture and cooking equipment. The actual common open space is 800 sf with the dimensions of 20'-6" by 17'-3". See Appendix "B" for an explanation of a deviation in minimum length and width requirement, per KZC 112.25).

3. Permit Fees Reduction and Property Tax Exemptions for the affordable unit (Sections 1122.20.4 and 5)
   - Check to City of Kirkland for $6,877, plus $390 for 4 units (no charge for bonus units) = $8,437.

G. Neighborhood Meeting:
   - Although a neighborhood meeting was not required as the project is under ten units of housing, it was recommended.
   - Project Architect, Anne Van Dyne, gave a presentation about the project at Moss Bay Neighborhood Association on November 17, 2008.
   - Meeting agenda and Meeting notes provided in Appendix "D"

H. Landscaping Requirements:

1. Tree Plan II (KZC 95.35)
   • A report from an arborist: Analysis of Selected Trees on the Jackling Property, prepared by Gilles Consulting, Brian Gilles, certified arborist is included in this application as Appendix "C".
2. Landscape Plan Required
   • A Landscape Plan is part of the Architectural Plans submittal, it lists the quantity, location, species, and size of plant materials proposed to comply with KZC 95.35(2).
3. Minimum Land Use Buffer with Adjoining Property
   • Complying with 95.40(b)(b) Buffering Standard 2, Landscape Plan and Site Plan show a side setback of 6'-6" with 60% ground cover and trees to be planted at 10' spacing, with a 6' high fence at the property line.

I. Parking:
   • 12 stalls required and provided – 5 Market Rate @ 1.7 plus 0.5 for guest parking and 1 affordable stall.
   • Covenant restricting affordable unit to one vehicle will be provided per Section 112.20.
   • Turnaround in Garage: Per KZC Section 105.62, garage provides 6' deep turnaround.

J. Plans (5 copies provided, 11"x17", folded to 81/2", 1 copy of all plans 81/2 x 11)
   • Property survey
   • Site Plan
   • Landscape plan
   • Garage Plan (showing size and number of parking stalls, driveway, turnaround space, waste storage pad, and room for bicycle parking.
   • Building Elevations (two facades shown with existing and finished grade information.
   • Building Floor Plans
   • Conceptual Storm Drainage Plans (packet includes proposed utility lines, filtration system, and mailbox location.
   • Perspective Drawing

K. Electronic Format
   • All plans and reports submitted on attached CD as PDF documents.

L. No recorded easements on property

M. No professional engineering report for proximity to landslide area required, per Theresa Swan.

APPENDIX

Appendix "A"
Modified Standards to Accommodate Bonus Units (Section 112.20.3)

Appendix "B"
Dimensional Standards Modification to Common Recreational Space (Section 112.25)

Appendix "C"
Tree Plan II • (Section 95.35)

Appendix "D"
Neighborhood Meeting

Appendix "A"
Modified Standards to Accommodate Bonus Units (Section 112.20.3)

- Maximum Lot Coverage: 65% allowable, 48% actual (7,477/3.605)
- Parking: 5 market rate units x 1.7 plus .5 for guest parking = 11 stalls and 1 affordable stall = 12 stalls instead of 14

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Appendix "B"
Dimensional Standards Modification to Common Recreational Space
(Section 112.25)

The length and width of the Common Recreational Space is 20'-6" x 17'-3", instead of the required minimum of 25' for both length and width. The parking requirements for the garage prevented having 25' in the front setbacks for the common space. Each of the six housing units have a separate entrance, and four of the housing units have individual "front yards".

Moss Bay Neighborhood Association
Meeting Agenda
November 17, 2008

1. **Welcome - Don Winters & Mark Eliasen (7:00 - 7:05)**

2. **Traffic, Parking & Transit issues in Kirkland – Daryl Grigsby and members of Kirkland's Public Works Department will discuss the infrastructure topics and answer your questions (7:05 – 8:05)**

3. **Park Lane – Kari Page, Kirkland Neighborhood Coordinator (8:05 – 8:15)**

4. **New regulations that will impact property within 200 feet of Lake Washington – Teresa Swan, Senior Planner, City of Kirkland (8:15 – 8:40)**

5. **Development proposal for a 6-unit multifamily project at 403 2nd Ave. S.– Anne Van Dyne, Tangent Architects (8:40 – 8:55)**

6. **Neighborhood projects (8:55 – 9:00)**

7. **Adjourn**

The Next Moss Bay Neighborhood Assoc. meeting will be on January 19, 2008 at Heritage Hall at 7PM.

The purpose of the Moss Bay Neighborhood Association is to maintain and improve the unique residential and commercial characteristics of the Moss Bay Neighborhood.

Visit our web site at **http://www.mossbay.org**

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Performance Center
Kirkland Downtown (KDA)
Kirkland Heritage Society

Meeting Minutes --Nov 17, 2008

- Welcome - Don Winters & Mark Eliasen: Welcome and we are here to learn more about local issues. Want to recognize Deputy Mayor Joan McBride for coming to the meeting.

- Development proposal for a 6-unit multifamily project at 403 2nd Ave. S.– Anne Van Dyne, (annevandyne@mac.com) Tangent Architects: Size is below the standard for a neighborhood meeting, (10 units or more require a meeting) but they wanted to update the neighborhood on what is going on. 4th St S and 2nd Ave South. They are applying for a zoning permit to build a 6 unit townhome project. There is currently an existing small house on the lot. Across from some townhomes. Zoning is 6D already – no variance needed. Using the affordable housing incentive. One unit will be affordable housing. This allows for two additional units as an incentive bonus. All units will be the same in design and construction. However, the affordable units have restrictions on how much they can be rented for or sold for. They will remain affordable for 30 years – so if sold they must be sold under the affordable housing guidelines. Must be sold to someone who makes less than 80% of the median income in King County. If leased then renter must make less than 50% median income. Common open space between the units with recreational areas – probably grilling and picnic areas. Trees every 10 feet. Garage is sunk – 12 parking spaces. Interior storage areas in garage. Two story units. Each unit has their own entry way and deck on the second floor. Not sure yet if they are sale or rental. May be a combination of both. Michael Jaklin is the owner of the site.

- Traffic, Parking & Transit issues in Kirkland – Daryl Grigsby Director of Public Works Department will discuss the infrastructure topics and answer your questions:

  - Signal at Third and Kirkland: Balancing issues with the Park and Transit Center and Condos and the Hotels. A lot of traffic and pedestrians. Signal is part of the Transit Center project and they are paying for part of it. Opening bids for the project are going out on Friday, November 21st. Expecting a lot of bids due to the economy and hoping to have the project done by March 30, 2009. Might go longer – wiring is the key issue, but anticipating being done by March. If anything slips they will let us know.

  - Transit Center: 90% done with design. Construction will start in November, 2009 and should be completed by November 2010. Will follow same routes they do now. Hoping this will be a key link between Peter Kirk Park and Park Lane and downtown. During the height of construction there will be one lane Northbound and no Southbound lane for most of the year. Coordination with other building plans. Sewer pumping (King County) building behind Papa John's Pizza place and Library expansion will also be done at that time. There will be a new sewer line and this will result in streets being torn up. This will also result in the loss of about 40 parking stalls total for the duration of the plans. The parking across from Wendy's will need to be used for bus staging. Will also lose some spots on Park Lane. Some bus routes (like 255) will now go up Central to 6th as opposed to State. Kirkland Wednesday market will not be on Park Lane next year because of this. Library garage will remain open. If you have issues with the proposed bus routes contact the Kirkland transportation commission of the city or King County

Transit.

- Does Kirkland manage the electrical grid? No, there is a franchise from the City. Electrical grid has not been upgraded and some condos have had issues. Daryl will follow up with the electric company.

- Central Way: Has the narrowing of the street achieved its objectives which were to make it more pedestrian friendly, providing more parking, and calming traffic. No hard statistics, but seems to have worked well and is a more pleasant environment. Parking is used. Antidotal evidence shows it works. Did this result in any traffic backups because of this? At peak times there is some backup, but it flows fairly quickly. Only usually really bad if there is an accident on the I-405 so people get off to go up Market.

- Comment made that pedestrian crossing areas are too distracting and there are a lot of close calls. However, point was made that people are stopping more often and further back. As long as you are paying attention it works. One by Park Lane blinks too long. Needs to be adjusted. City Council is out in front of other places in the Nation. Have 30 in pavement flashing lights and 70 places with flags. This is many more than other cities. Take it to Make it was 8% usage initially. Did a marketing survey on why people did not use them. Changed signage on buckets and usage has gone up 67%. Flags are $4 each – replace a flag about 5 times a year- spend about $5,000 annually on flags. Puget Sound grant paid for the marketing survey.

- Plans to improve intersection in front of Heritage Hall – Market and Central. Will look at this to see if anything can be done.

- The City approved the new Solid Waste rate effective January 1, 2009. Has an incentive for recycling for signal family homes. 96, 64, 35 gallon recycling bin sizes. There will now be linear. The smaller bin you use – the less you pay. The 35 gallon bin rate is going down and the 64 and 96 gallon bin rates are going up. So the more you recycle the more you can save.

- Houghton parking lot – is this lot being misused by local office workers? Supposed to be for park use, but since lot is not strictly enforced it is being misused. The city will follow up with the Parks department on enforcement.

- Sidewalks: Both sides of Kirkland Way between 5th and 6th street is in poor shape. Tree roots keep growing up and the sideway is very uneven. What will be done about this? Other sidewalks are bad as well. The dilemma is the trees and had a City Council session on this issue. Do want to have trees – have a lot of benefits with environment issues, traffic calming benefits and rainwater absorption. But trees do have root issues for sidewalks. Thought about moving the sidewalk out – take away the parking so that the trees would be back from sidewalk. Decided not to do this. Also thought about doing rubber sidewalk that bends with the root structure– pilot project. Want to see how it works before putting it in elsewhere. On 103rd at the moment. So what is the best thing to do and how can the

city pay for it?

- State and 68th and on LakeView drive – planters and brush – who maintains these? Property owner is responsible. If there is no property owner present then Kirkland grounds crew will clean it. If a complaint is made then a letter is sent to the owner to have them clean it up. However, with the current budget cutbacks that are being planned some of the medians and other grounds areas there will be cutbacks and you may see some dwindling areas of care. One suggestion made was to get volunteer groups to take care of these issues. Might be some Union issues with volunteers taking over.

- If you have public works issues e-mail the Moss Bay association and they will pass them on.

- Park Lane – Kari Page, Kirkland Neighborhood Coordinator : Park Lane from Lake to 3rd . Issues are sidewalks are cracking, tree roots are showing and what do we want Park Lane to look and feel like. Since there is a lot of construction going on now is a good time. There is no funding at the moment. Got together a group of Stakeholders including business owners, reps from Moss Bay Association, the library, the transit commission, parking board and residents. What did people like and dislike?

  - § Enhance Park Lane as a destination

  - § Accommodate diverse retail – not just restaurants or galleries.

  - § Accommodate all forms of access – walking, driving, bikes

  - § High performance landscape

  - § Make the section up by Antique Mall match lower Park Ave

- Three kinds of streets proposed – Most likely be a hybrid of these ideas.

  - § Hybrid– lots of walking, but still cars – two way street on Main and Third and will not lose parking

  - § Festival street – no curbs – more space for tents and areas. Lose parking

  - § Complete street – slow down cars but still allow them. Make it easier to understand that it is a one way street.

- Looking to improve intersection at Main and Park. What kinds of trees would be appropriate for upper section of Park Lane. Have an arborist report to see how existing trees can be replaced as they age and are no longer viable. Will be slowly replaced. Trees will stay in some form or another.

- Hoping to have the recommendation for the final vision by December and will send it out.

- For more information check out the Park Lane Page:

http://www.ci.kirkland.wa.us/depart/Public_Works /Capital_Improvements/Park_Lane.htm

- New regulations that will impact property within 200 feet of Lake Washington – Teresa Swan, Senior Planner, City of Kirkland: 30 years ago the City adopted Shoreline regulations. Has not been updated since. The State passed the Shoreline Management Act which requires Cities to update their plans and regulations. Salmon is an issue, as is use and shoreline access. There can be no net loss. Any new additions cannot cause any net loss of access. Does not impact existing areas, but anything new or a teardown and rebuilding will be subject to the new regulations. City is looking to see what they can do to replace piers and other bulkheads. Trying to improve the habitat for the Lake. Making changes to the zoning code to make sure they are consistent with the new Shoreline standards. Need to update Shoreline program to be consistent with the new Department of Ecology regulations on wetlands protection. Will be an open house in the Spring for people to make recommendations Planning commission is looking at these and then it will go to the City Council for approval and then the Department of Ecology will need to sign off. Some Cities have already gone and had to go back and make changes. About 80% of the Shoreline currently is bulkheads and walls. Not the best situation for the ecology. Will work with what we have and try to improve where we can – most shoreline homes have lawns next to the shore. Department of Ecology would like to see more natural vegetation. Only would be an issue if you are re-development. If you want new bulkhead you will have to prove that you need it. If not, a soft shoreline will be put into place. For example gravel or logs. Need to make sure they are well designed in order to stand up to the high winds, but if well designed the softer shorelines can be effective. Shoreline regulations planning can be found on the website at: http://www.ci.kirkland.wa.us/depart/Planning /Code_Updates/Shoreline_Master_Program_Update.htm These do effect everything within 200 feet of the shore. Will be several meetings in the spring and you can send comments any time. Probably no major changes – just slow changes as people renovate. If you do renovate your pier it might need to be narrowed and changed to a more open grating. Vegetation needs to be low. Fencing people need to be able to see through. 30% of the property needs to have a view corridor. Is there a study or a chart showing where the salmon are? If you do not know the path then how can you justify these regulations? What is the City going to do? Answer is that the City is responding to the Department of Ecology and they are the ones setting the regulations and their goal is to bring back the salmon. If Kirkland has no spawning areas in Kirkland then why do we need to have such restrictions? Answer is the State wants to improve them to bring them back. Question does the State have a map? City will find out or you can request maps from the State Department of Ecology http://www.wdfw.wa.gov/hab/release.htm

- Neighborhood projects:

  - ParkPlace Update – Carolyn Hayek – for over a year the Planning Commission has been looking at ParkPlace. Vote of 5 to 2 to approve the rezone of ParkPlace for eight stories. Has a lot of restrictions and suggestions. This is a recommendation to the City Council. The Council will need to vote on this. For documents you can see the Planning Commissions website http://www.ci.kirkland.wa.us/depart/Planning /Planning_Commission.htm or Kirkland Views article: http://www.kirklandviews.com/2008/11/17/planning-commission-to-recommend-approval-of-kirkland-parkplace-par-and-costco-gas-station-par/ Planning commission has tried to make this green

and good for the community, but cannot mandate everything. Have tried to make this as foolproof as possible. If the City Council does approve then Moss Bay will bring Touchstone back in to show final plans.

- Costco adding a gas station to their North end and the Planning Commission is recommending that this be approved as well. This is the only Costco in the state without a gas station. Both ParkPlace and Costco gas station should be voted on by the City Council in December.

- B of A building has reached a settlement and a 5 story will be built with some changes. For details check out Kirkland Views at: http://www.kirklandviews.com/2008/11/05/settlement-bank-of-america-site-to-be-developed/

- Google is taking all three buildings and sublease one of the three buildings. The manager of the Google site will be coming to the next meeting in January. Had a tour, but it was just a shell at that time. Been working on the site 6 days a week on the buildout.

- McLeod project – may just be from Hectors to Tully's. Might leave section from Tully's to Ben and Jerry's intact. However, project is having financing issues so no firm plans.

- The KDA – Kirkland Downtown Association is taking donations to help get the Christmas lights back up. You can e-mail them at julie@kirklanddowntown.org for details

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

DEVELOPMENT STANDARDS LIST
PCD FILE NO. ZON08-00021 (JACKLING TOWNHOMES)

ZONING CODE STANDARDS

95.50.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.

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

100.25 Sign Permits. Separate sign permit(s) are required. In JBD and CBD cabinet signs are prohibited.

105.18 Pedestrian Walkways. All uses, except single family dwelling units and duplex structures, must provide pedestrian walkways designed to minimize walking distances from the building entrance to the right of way and adjacent transit facilities, pedestrian connections to adjacent properties, between primary entrances of all uses on the subject property, through parking lots and parking garages to building entrances. Easements may be required. In design districts through block pathways or other pedestrian improvements may be required. See also Plates 34 in Chapter 180.

105.32 Bicycle Parking. All uses, except single family dwelling units and duplex structures with 6 or more vehicle parking spaces must provide covered bicycle parking within 50 feet of an entrance to the building at a ratio of one bicycle space for each twelve motor vehicle parking spaces. Check with Planner to determine the number of bike racks required and location.

105.18.2 Walkway Standards. Pedestrian walkways must be at least 5' wide; must be distinguishable from traffic lanes by pavement texture or elevation; must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20' above the ground.

105.18.2 Overhead Weather Protection Standards. Overhead weather protection must be provided along any portion of the building adjacent to a pedestrian walkway or sidewalk; over the primary exterior entrance to all buildings. May be composed of awnings, marquees, canopies or building overhangs; must cover at least 5' of the width of the adjacent walkway; and must be at least 8 feet above the ground immediately below it. In design districts, translucent awnings may not be backlit; see section for the percent of property frontage or building facade.

105.20 Required Parking. 12 parking spaces are required for this use.

105.65 Compact Parking Stalls. Up to 50% of the number of parking spaces may be designated for compact cars.

105.60.2 Parking Area Driveways. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.

105.60.3 Wheelstops. Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.

105.60.4 Parking Lot Walkways. All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. Lots with more than 25,000 sq. ft. of paved area must provide pedestrian routes for every 3 aisles to the main entrance.

105.77 Parking Area Curbing. All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

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

115.45 Garbage and Recycling Placement and Screening. For uses other than detached dwelling units, duplexes, moorage facilities, parks, and construction sites, all garbage receptacles and dumpsters must be setback from property lines, located outside landscape buffers, and screened from view from the street, adjacent properties and pedestrian walkways or parks by a solid sight-obscuring enclosure.

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

115.115.3.p HVAC and Similar Equipment: These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

115.115.5.b Driveway Setbacks. For attached and stacked dwelling units in residential zones, driveways shall have a minimum 5' setback from all property lines except for the portion of any driveway, which connects with an adjacent street. Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for the use.

115.120 Rooftop Appurtenance Screening. New or replacement appurtenances on existing buildings shall be surrounded by a solid screening enclosure equal in height to the appurtenance. New construction shall screen rooftop appurtenances by incorporating them in to the roof form.

115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

150.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

Prior to issuance of a grading or building permit:

95.35.2.b.(3)(b)i Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

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

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

Prior to occupancy:

95.40 Bonds. The City may require a maintenance agreement or bond to ensure compliance with any aspect of the Landscaping chapter.

95.50.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City

110.60.5 Landscape Maintenance Agreement. The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way (see Attachment). It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

Date: 3/24/2009

DEVELOPMENT STANDARDS
CASE NO.: ZON08-00021
PCD FILE NO.:ZON08-00021

You can review your permit status and conditions at www.kirklandpermits.net

PUBLIC WORKS CONDITIONS

Permit #: ZON08-00021
Project Name: Jackling 6-unit Multi
Project Address: 403 2nd Ave. So.
Date: January 8, 2009

Public Works Staff Contacts
Land Use and Pre-Submittal Process:
Rob Jammerman, Development Engineering Manager
Phone: 425-587-3845 Fax: 425-587-3807
E-mail: rjammer@ci.kirkland.wa.us

Building and Land Surface Modification (Grading) Permit Process:
John Burkhalter, Development Engineering Supervisor
Phone: 425-587-3853 Fax: 425-587-3807
E-mail: jburkhal@ci.kirkland.wa.us

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at www.ci.kirkland.wa.us.

2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at www.ci.kirkland.wa.us. The applicant should anticipate the following fees:
- Water and Sewer connection Fees (paid with the issuance of a Building Permit)
- Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
- Water Meter Fee (paid with the issuance of a Building Permit)
- Right-of-way Fee
- Review and Inspection Fee (for utilities and street improvements).
- Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below.

3. Because this project is exempt from SEPA, it is also exempt from concurrency review.

4. Building Permits associated with this proposed project will be subject to the traffic impact fees per

Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).

5. Any existing single family homes within this project which are demolished will receive a Traffic Impact Fee credit. The credit amount for each demolished single family home will be equal to the most currently adopted Traffic Impact Fee schedule.

6. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

7. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.

8. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).

9. A completeness check meeting is required prior to submittal of any Building Permit applications.

10. Prior to issuance of any commercial or multifamily Building Permit, the applicant shall provide a plan for garbage storage and pickup. The plan shall be approved by Waste Management and the City.

11. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.

Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the public right-of-way along the front of the property is adequate to serve the proposed project.

2. Provide a 6-inch minimum side sewer stub to the new building. The existing side sewer may be used if it is at least 6-inch diameter, video inspected, and determined by the Public Works Inspector to be in good condition. Because the condition of the side sewer is unknown at this time, the applicant should plan on installing a new side sewer until the condition of the existing side sewer is determined.

Water System Conditions:

1. The existing water main in the public right-of-way along the front of the subject property is adequate to serve the proposed project.

2. Provide a water service to the building sized per the Uniform Plumbing Code. Each unit can be served with an individual service and meter or a master meter can serve the entire building.

3. The existing water service may be used provided that it is in the right location, is not galvanized or blue poly, is not attached to our water main with a Hayes fitting (need to verify at the main) and is sized adequately to serve the building (per the Plumbing Code). Since the project should have a separate irrigation meter, the existing meter may be converted to serve as the irrigation meter, but all of the said conditions above must be met.

4. Provide fire hydrants per the Fire Departments requirements.

5. The available fire flow at this project location is approximately 2200 gpm.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 1998 King County Surface Water

Design Manual. Contact City of Kirkland Surface Water Staff at (425) 587-3800 for help in determining drainage review requirements. This project is located in a direct discharge area and a storm water detention system is not required unless a downstream capacity issue is identified.

2. Provide an erosion control plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 1998 King County Surface Water Design Manual.

3. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from April 1 to October 31, all denuded soils must be covered within 15 days; between November 1 and March 31, all denuded soils must be covered within 12 hours. If an erosion problem already exists on the site, other cover protection and erosion control will be required.

4. Provide collection and conveyance of right-of-way storm drainage

5. All roof and driveway drainage must be tight-lined to the storm drainage system.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 2nd Ave. So and 4th St. So. (both are Neighborhood Access type streets). Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

2nd Ave. So.
A. Replace any cracked curb and gutter.
B. Install a 4.5 ft. planter strip with street trees 30 ft. on-center.
C. The special street improvements for 2nd Ave. So., noted in Kirkland Zoning Code PLA 6d, have already been completed by previous development projects.

4th St. So.
A. Widen the street to 14 ft. from centerline to face of curb (R-28 Street Standard)
B. Install storm drainage, curb and gutter, a 5 ft walk directly behind the curb, and street trees 30 ft. on-center 2.5 ft behind the sidewalk. The sidewalk is required because it helps complete a link to a pedestrian connection at the south end of the street. The street trees are behind the sidewalk because the right-of-way width is not sufficient to install a landscape strip between the sidewalk and curb.
C. Dedicated public right-of-way at the northwest corner of the property to allow for the new sidewalk (plans depict the dedication).

2. A 2-inch asphalt street overlay will be required where three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.

3. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle. See Public Works Pre-approved Policy R.13 for the sight distance criteria and specifications.

4. The driveway entrance shall be 22-24 feet wide to allow a car to enter and exit at the same time; the plans currently depict 12 ft in width.

5. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.

6. Underground all new and existing on-site utility lines and overhead transmission lines.

7. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has

determined that undergrounding of existing overhead utility on 2nd Ave. So and 4th St. So. is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The agreement shall be signed and recorded prior to issuance of any Building Permits.

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

FIRE DEPARTMENT CONDITIONS

One additional hydrant is required to be installed on the corner of 2nd Avenue South and 4th Street South. It shall be equipped with a 5" Stortz fitting.

Fire sprinkler system is required.

A fire alarm system is required.

Fire extinguishers required.

A key box is required for fire department access.

BUILDING DEPARTMENT CONDITIONS

Buildings must comply with current editions of the International Building, Mechanical and Fire Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland. As currently designed, the International Residential Code is not applicable.

Structure must comply with Washington State Energy Code (WAC 51-11) and the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13).

Structures must be designed for seismic design category D, wind speed of 85 miles per hour and exposure C.

Plumbing meter and service line shall be sized in accordance with the UPC.

Demolition permit(s) required for removal of existing structures.

Geotechnical report required to address development activity. Report must be prepared by a Washington State licensed Professional Engineer. Recommendations contained within the report shall be incorporated into the design of the subsequent structures.

All internal lot lines must be vacated. Parcels must be consolidated by restrictive covenant as a notice on title. The City can prepare a Lot Consolidation by Restrictive Covenant for signature by the property owner(s) prior to issuance of the building permit to be sent to the County for recording.

Section 60.72 Zone PLA6D USE ZONE CHART

Section 60.72	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation. See Spec. Reg. 6.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units	If less than 3,600 sq. ft. of lot area per unit, then Process I, Chapter 145. Otherwise, None. See Special Regulation 2.	3,600 sq. ft. with at least 1,800 sq. ft. per unit.		5′ for detached units. For attached or stacked units, 5′, but 2 side yards must equal at least 15′. See Spec. Reg. 4.	10′ See Spec. Reg. 5.			D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If proposed development contains less than 3,600 square feet of lot area per unit, the following right-of-way improvements shall be required on rights-of-way which serve the subject property. The improvements shall extend from State Street to the eastern boundary of the subject property/ frontage on the right-of-way. a. On 2nd Avenue South, 3rd Avenue South, and 5th Avenue South: 20 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on north side adjacent to curb and two-foot utility strip on each side. In addition, right-of-way dedication on 5th Avenue South will be required as necessary to install these improvements. b. On 4th Avenue South: 24 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on north side adjacent to curb and five-foot six-inch utility strip on each side. 3. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 4. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 5. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. 6. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.

Kirkland Permit
Web Comments Regarding Case: ZON08-00021
January 6, 2009

From:
Connie Elliot
212 4th St. S.
Kirkland, WA 98033

My husband and I live next door to the proposed project, Jackling Townhomes.

We have a few concerns. One of our concerns is street parking. We already have a problem on 4th St., which is a very narrow, dead end, and poorly-designed road. We have called the city complaining about people parking across from our driveway, blocking the mailbox, and making it difficult for us to enter/exit our driveway. Because it's a dead end, people try to turn around in our drive, and because our drive and the street are so narrow, people have, on many occasions, driven through our yard, destroying vegetation in the process. There often is not enough parking now for the residents who presently live on the street, since some park their extra vehicles on the street, making it difficult for guests to park and, at times, even other residents. We are wondering, with 6 more houses located on this street, where guests will park, since parking on 2nd Ave. is not an option. We're afraid it will be on 4th St., which, as we have said, is already overloaded.

We are also concerned about the potential for increased volumes of traffic, since 2nd Ave. is the only way in and out of our neighborhood, which keeps gaining population.

Another concern is the density of this project; it seems like a lot of houses for such a small lot.

We realize the owner should be allowed to develop his property, but we hope the city will take into consideration our concerns. Thank you!

Tony Leavitt

From: Elliot, Greg (CPM) [ElliotG@edmonds.wednet.edu]
Sent: Tuesday, January 06, 2009 8:34 AM
To: Tony Leavitt
Subject: Jackling Townhomes

Mr. Leavitt,

My name is Gregory Elliot and my wife Connie and I live at 212 4th St. S. in Kirkland. Our property is located adjacent to the
Jackling property referred to in file number ZON08-00021.

The owner is a good friend and has already discussed his plans with us.

Our major concern is parking. Does the plan for the property include garages? How many spaces per unit would be accounted for by garage space? The streets in the area (2nd Ave. and 4th St. S.) have limited space for on street parking and are already stretched to the maximum by the density of the neighborhood and the narrowness of the streets.

I would also like to know what the "proposed modification of the common recreation open space dimensional requirement" involves.

Thank you,

Greg & Connie Elliot
212 4th St. S. Kirkland 98033
cdgelliot@comcast.net
425 827 1855

Tony Leavitt

From: ken.muse@comcast.net
Sent: Thursday, January 08, 2009 12:28 PM
To: Tony Leavitt
Subject: Permit # Zon08-00021

1/8/09

To: Tony Leavitt
Sub: Jackling Townhomes
Ref: Zon08-00021

Tony,

My concern is with the parking situation in that area.

On any given weekend, 4th St S. is packed with cars parallel parked on the road. This is due to the fact that there is not any extra parking for visitors at those properties already. Also, since the new apartments on 2nd Ave S / State Street are now full – there is no evening or weekend parking along 2nd Ave S. It is getting very congested for cars to maneuver around on this narrow street, especially during the weekends.

Given six new units, how many mandated parking spots are required for them?

Thanks

Ken Muse
POB 400
Kirkland WA 98083

ken.muse@comcast.net

Tony Leavitt

From: Marypat [marypat_meuli@hotmail.com]
Sent: Saturday, January 31, 2009 5:50 AM
To: Tony Leavitt
Subject: comments about permit # ZON08-00021

Hi, Tony. This is regarding a proposal to add six multi-family units on 2nd Ave S. This is a site quite close to our house and I walk past it every day. My concern is around parking for the residents. Street parking is already fully utilized in the vicinity of the proposed construction. As such, I would like the construction to include allowances for on-site parking for two cars per unit.

I'm also not clear about the wording of proposal. Will there be six units PLUS two bonus units as a result of the incentive for a total of eight units, or will there be six units in total?

Thanks,
Marypat

Marypat Meuli
489 2nd Ave S
Kirkland, WA 98033

Ilana Bebchick & Currier McEwen
216 4th St. S.
Kirkland, WA 98033
425-739-6539

February 10, 2009

Mr. Tony Leavitt
City of Kirkland Planning Department
123 5th Ave.
Kirkland, WA 98033

Dear Mr. Leavitt:

We are writing to express our concerns over and opposition to the Jackling Townhomes application (Permit No. ZON08-00021). We believe that the proposed six multi-family units will have a negative impact on our neighborhood. In a recent telephone conversation you stated that you would accept comments after the January 30, 2009 deadline since you will not be able to give the proposal your attention until the middle of February.

Our specific concerns are set forth below.

1. PROJECT INCOMPATIBLE WITH SURROUNDING SINGLE FAMILY HOMES.

As you know, the proposed six unit townhouse building is a large, bulky building located on a small (7,475 square foot) lot. It is located in a neighborhood of mostly single-family homes. The building's character, appearance and size are at complete variance from the surrounding uses.

The applicant seeks special approval to add two additional uses based on the provision of a single "affordable housing" unit. To secure such approval, the project must be reviewed under Process IIA of the City of Kirkland zoning code.

The property is located in the Moss Bay Neighborhood in one of the several "Perimeter Areas" set forth in the City of Kirkland Comprehensive Plan. In particular it is located in Subarea 6D, in which the comprehensive plan calls for the following controls:

> In addition, multifamily development should be regulated to ensure compatibility with existing single-family homes within and bordering this area.

See page XV.D-26. Even a brief review of the plans demonstrates that the proposal is inconsistent with the existing homes in this neighborhood. For example, the plans show a high, largely blank wall on the south facade, adjacent to existing single-family homes.

Based on the foregoing, the size of the development should be changed. The number of units should be reduced and the size and bulk of the proposed building should be altered to demonstrate compatibility with the surrounding community.

2. INCOMPATIBLE DENSITY.

As set forth above, the proposed development is located in Subarea 6D of the Moss Bay neighborhood. The proposal calls for the construction of six dwelling units based on the provision of so-called "bonus units" because of the provision of an affordable housing unit. Based on the lot size of 7,475 square feet, the density of this proposal would be nearly 35 units per acre.

Subarea 6D under the comprehensive plan is to have a limited number of dwelling units:

> Subarea D is designated for medium density residential (up to 12 dwelling units per acre).

Page XV.D-25. As may be seen, the proposed development is <u>nearly three times</u> the density allowed under the comprehensive plan.

Though Subarea D does contemplate up to 24 units to the acre, that is only under certain limited circumstances, as follows:

> 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 units per acre).

Page XV.D-25. Since the adoption of the comprehensive plan, there have been no significant improvements of these urban services in Subarea 6D and certainly none in the immediate vicinity of the current proposal. There are no sidewalks on 2nd Avenue South on the same side of the street as this proposal and no sidewalks at all on 4th Street South. The streets in the area continue to be substandard and narrow, both only 20 feet in width, particularly unsuitable for high-density development. Second Avenue South and 4th Street South are both dead-end streets without proper turn-around areas for cars, trucks, and emergency vehicles. Parking is also very limited because of the deficiencies. In summary, this property does not qualify for additional density.

Based on the foregoing, the development on this property should be limited to 12 units per acre. On this 7,475 square foot property, two dwelling units should be the maximum permitted. These units should be consistent and compatible with the existing character of this single-family neighborhood. Even if it might be concluded that these urban facilities are provided, a maximum of four units should be allowed.

3. PARKING ISSUES.

A major concern over this proposal is the effect of the town homes on street parking. Fourth Street South is a short street with approximately five parking spaces on the west side of the street. On most nights, three to four of the spaces are occupied by vehicles. Currently, if any of the residents have guests, the street becomes packed with cars.

We understand that the current plans for the Jackling Townhomes include a number of "guest parking" spaces. However, with six units and a total of only 12 parking spaces, it is very likely that most if not all of the spaces will be used by the residents of the Jackling Townhomes. Parking is prohibited along most of 2nd Avenue, including the area of the proposed development. As a result, guests will be compelled to park on 4th Street South. This will make an already congested parking situation untenable. Furthermore, it will increase traffic and density on the substandard, narrow streets.

4. RECREATION SPACE REDUCTIONS.

While the proposal does meet most of the relaxed requirements for an Affordable Housing development, it fails to comply with those for common recreational space, and we see no sound reason for permitting a deviation or variance. The salient feature of this proposal is that it seeks, by offering a single and small affordable housing unit, to virtually double the size of the development.

Thank you for this opportunity to provide comments. Please make us parties of record in this matter.

Thank you.

Sincerely,

Ilana Bebchick & Currier McEwen
Property Owners

GERLOFF ENTERPRISES

Don & Margaret Gerloff
87903 Old Highway
Islamorada, FL 33036-3023

July, August, September
P.O. Box 133
Kirkland, WA 98083 or
504 2nd Ave. South, #B
Kirkland, WA 98033
(425) 822-5615

Miami: (305) 757-2800
Keys: (305) 852-0000
Voice Mail: (877) 896-3931 Toll Free
Toll Free: (800) 503-6902
Fax: (305) 853-0085
E-mail: dgerloff@gulxnet.net

1-11-09

DEAR KIRKLAND PLANNING DEPT:

WE ARE OPPOSED TO 2 ADDITIONAL RESIDENCES ON ~~4~~03 2ND AVE SOUTH

2ND AVE SOUTH IS A NARROW, CROWDED DEAD-END STREET WITH TOO MANY CARS ON IT ALREADY. EVEN 3 MORE RESIDENCES ON WHAT WAS FORMALLY A SINGLE RESIDENCE LOT IS TOO MANY MORE CARS.

SINCERELY
DON & MARGARET GERLOFF

RECEIVED
JAN 15 2009
PM
PLANNING DEPARTMENT
BY

Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY

Sections:
112.05 User Guide
112.10 Voluntary Provisions
112.15 Applicable Use Zones
112.20 Defined Affordable Housing Incentives
112.25 Additional Affordable Housing Incentives (Non-Defined)
112.30 Alternative Compliance
112.35 Affordability Provisions
112.40 Regulatory Review and Evaluation

112.05 User Guide

This chapter offers dimensional standard flexibility and density and economic incentives to encourage construction of affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

If you are interested in proposing affordable housing units in commercial zones, high density residential zones, medium density zones or office zones, or you wish to participate in the City's decision on a project including affordable housing units, you should read this chapter.

112.10 Voluntary Provisions

The provisions of this chapter are available, at the sole discretion of the property owner as incentives to encourage the construction of multifamily affordable housing units. There is a limited stock of land within the City zoned and available for residential development and there is a demonstrated need in the City for housing which is affordable to persons of low and moderate income. Therefore, this chapter provides development incentives in exchange for the public benefit of providing affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

112.15 Applicable Use Zones

The affordable housing incentives described in this chapter may be used in commercial, high density residential, medium density and office zones that allow dwelling units.

112.20 Defined Affordable Housing Incentives

1. Approval Process – The City will process an application for the affordable housing incentives identified in this section through the same required review process as if no affordable housing units were provided.

2. Density Bonus

   a. Bonus Units. In use 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 units ('bonus units') may be constructed for each affordable housing unit provided. (See Plate 32 for example of bonus unit calculations.)

   b. Bonus FAR. In use zones where the density allowed on the subject property is expressed as a maximum floor area ratio (FAR), two additional square feet of floor area ('bonus FAR') may be constructed for each square foot of floor area constructed in affordable housing units. (See Plate 32 for example of bonus FAR calculations.)

   c. Alternative Calculation of Density Bonus. Except in those zones that have an

established affordable housing requirement, an applicant may propose alternative affordability levels for the affordable housing units. The ratio of bonus units or bonus floor area per affordable housing unit for alternative affordability levels will be as follows:

Affordability Level	Density Bonus to Affordable Ratio
Renter Occupied Housing	
60% of median income	1.33 to 1
70% of median income	1 to 1
Owner Occupied Housing	
80% of median income	1.6 to 1
60% of median income	2.67 to 1

Depending on the level of affordability provided, the affordable housing units may not be eligible for the impact fee waivers described in subsections (4)(a) and (4)(b) of this section.

d. Maximum Bonuses. The maximum number of bonus units or amount of bonus FAR achieved through a defined affordable housing incentive shall be 25 percent of the number of units or floor area allowed based on the underlying zone of the subject property.

e. Density Bonus for Assisted Living Facilities. The affordable housing density bonus may be used for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25 percent of the base density of the underlying zone of the subject property.

3. Dimensional Standards Modification – The following requirements of the Kirkland Zoning Code may be modified through the procedures outlined in this subsection, to the extent necessary to accommodate the bonus units on-site. These modifications may not be used to accommodate the units resulting from the base density or FAR calculation.

a. Maximum Lot Coverage. The maximum lot coverage may be increased by up to five percentage points over the maximum lot coverage permitted by the underlying use zone. Maximum lot coverage may not be modified through this provision on properties with streams, wetlands, minor lakes or their buffers.

b. Parking Requirement. The required parking may be reduced to 1.0 space per affordable housing unit. No additional guest parking is required for affordable housing units. If parking is reduced through this provision, the owner of the affordable housing unit shall 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.

c. Structure Height. Maximum height for structures containing affordable housing units may be increased by up to six feet for those portions of the structure(s) that are at least 20 feet from all property lines. Maximum structure height may not be modified through this provision for any portion of a structure that is adjoining a low density zone.

d. Required Yards. Structures containing affordable housing units may encroach up to five feet into any required yard except that in no case shall a remaining required yard be less than five feet.

e. Common Recreational Space. Common recreational open space per unit, when required, may be reduced by 50 square feet per affordable housing unit.

4. Permit Fee Calculation

a. Applicants proposing affordable housing units may request an exemption from payment of road impact fees for the affordable housing units as established by KMC 27.04.050.

b. Applicants proposing affordable housing units may request an exemption from payment of park impact fees for the affordable housing units as established by KMC 27.06.050.

c. Applicants proposing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees and sewer capital facility charges for the bonus units as established in KMC 5.74.070 and 15.12.063 and KMC Title 21.

5. Property Tax Exemption – A property providing affordable housing units may be eligible for a property tax exemption as established in Chapter 5.88 KMC.

112.25 Additional Affordable Housing Incentives (Non-Defined)

1. Approval Process for Additional Affordable Housing Incentives (Non-Defined) – An applicant may request that the City grant 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. Such a request shall be reviewed and decided upon using Process IIA, described in Chapter 150 KZC. If the development, use, or activity requires approval through Process IIB or Process III, the entire proposal will be decided upon using that other process.

2. Density Bonus – An applicant may propose more than two bonus units or two additional square feet of floor area for every affordable housing unit or square foot of affordable housing unit, as applicable. However, in no event may a project receive a bonus that would result in a total number of units or floor area that exceeds 50 percent of the number of units or floor area allowed based on the underlying zone of the subject property.

3. Dimensional Standards Modification – An applicant may request further modification from the dimensional standards listed in KZC 112.20(3). Approval of any further modification of the dimensional standards will be based on the applicant's demonstration that the subject property cannot reasonably achieve the permitted density, including the bonus units.

4. Criteria for Approving Additional Affordable Housing Incentives (Non-defined) – The City may approve one or more of the additional affordable housing incentives listed in KZC 112.25(2) or 112.25(3), in addition to or in place of the defined affordable housing incentives, if one or more of the following requirements are met:

a. The additional incentive is necessary to provide sufficient economic incentive to the applicant to offset the cost of providing the affordable housing units.

b. The additional incentive is necessary to reasonably achieve the permitted density, including the bonus units.

c. 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.

In making its decision on additional incentives, the City will consider the value of any property tax exemptions available to the project from the City as established in Chapter 5.88 KMC, as well as other fee waivers or reductions as established in the Kirkland Municipal Code.

112.30 Alternative Compliance

1. Approval Process for Alternative Compliance – As an alternative to providing some or all of the affordable housing units on the subject property, the Planning Director may approve a request for alternative compliance. Alternative compliance may include providing affordable housing units at another location within the City of Kirkland or such other means proposed by the applicant and approved at the discretion of the Planning Director, consistent with the following criteria for alternative compliance.

2. Criteria for Alternative Compliance – The City may approve a request for alternative compliance if both of the following requirements are met:

   a. The applicant demonstrates that the proposed alternative compliance method achieves an affordable housing benefit to the City equal to or better than providing the affordable housing units on-site.

   b. The affordable housing units provided through the alternative compliance will be based on providing the same type of ownership of units as would have been provided on-site.

3. Requirements for Off-Site Alternative Compliance – Off-site affordable housing units are subject to the following requirements:

   a. The off-site location chosen for the affordable housing units shall not lead to an undue concentration of affordable housing either at the off-site location or in any particular area of the City.

   b. Any building permits required for off-site affordable housing units shall be submitted prior to submittal of building permits for the subject property. Certificates of occupancy for off-site affordable housing units shall be issued prior to issuance of the final certificate of occupancy for the subject property.

112.35 Affordability Provisions

1. Approval of Affordable Housing Units – Prior to the issuance of any permit(s), the City shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:

   a. The affordable housing units shall be intermingled with all other dwelling units in the development.

   b. The type of ownership of the affordable housing units shall be the same as the type of ownership for the rest of the housing units in the development.

   c. The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall development.

   d. 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.

e. 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.

f. The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development.

g. 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.

2. Affordability Agreement – 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 shall 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.

   Affordable housing units that are provided under this section shall 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.

112.40 Regulatory Review and Evaluation

At least every two years, the Planning Department shall submit a report that tracks the use of these regulations to the Houghton Community Council, Planning Commission and City Council.

ANALYSIS OF SELECTED TREES ON THE

JACKLING PROPERTY
403 Second Ave So.
Kirkland, WA 98033

November 21, 2008

PREPARED FOR:

Mike Jackling
403 Second Ave So.
Kirkland, WA 98033

PREPARED BY:

GILLES CONSULTING
Brian K. Gilles, Consulting Arborist
ISA Certified Arborist # PN-0260A
ASCA Registered Consulting Arborist # RCA-418
PNW-ISA Certified Tree Risk Assessor #148

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EXECUTIVE SUMMARY

5	Trees were evaluated:
	- There is a row of Photinia planted in a hedge on the adjacent property to the east.
	- These can be adequately protected during construction.
	- Significance:
	Tree # 281 is less than 6 inches in diameter and is *Non-Significant.*
	Trees # 280, 282, 283, and 284 are greater than 6 inches diameter and are *Significant.*
	- Viability:
	- Tree 284 has center rot and base rot in the trunks. It is *Non-Viable.*
	- Trees # 280, 282, 283, and 284 are all in good health and structure. They are all *Viable.*
	- Tree Credits:
	- The four *Viable* Trees comprise a total of 3.5 *Tree Credits.*

ASSIGNMENT

Mike Jackling contracted with Gilles Consulting to evaluate the trees on his property at 403 Second Avenue South in Kirkland, Washington. The property is being re-developed and the City of Kirkland requires an analysis of the trees as part of the permit process. This report provides the analysis. The information in this report can be utilized to create a Tree Plan as required by Chapter 95 of the Kirkland Code.

METHODOLOGY

To evaluate the trees and to prepare the report, I drew upon my 25+ years of experience in the field of arboriculture and my formal education in natural resources management, dendrology, forest ecology, plant identification, and plant physiology. I also followed the protocol of the International Society of Arboriculture (ISA) for Visual Tree Assessment (VTA) that includes looking at the overall health of the trees as well as the site conditions. This is a scientifically based process to look at the entire site, surrounding land and soil, as well as a complete look at the trees themselves.

In examining each tree, I looked at such factors as: size, vigor, canopy and foliage condition, density of needles, injury, insect activity, root damage and root collar health, crown health, evidence of disease-causing bacteria, fungi or virus, dead wood and hanging limbs. While no one can predict with absolute certainty which trees will or will

not fail, we can, by using this scientific process, assess which trees are most likely to fail and take appropriate action to minimize injury and damage.

Tree Tags
The trees were tagged and numbered 280 through 285. The tags are made of shiny aluminum approximately one inch by three inches in size and are attached to the tree with staples and a one foot strip of brightly colored survey tape. The tags were placed as high as possible to minimize their removal and were generally placed on the backsides of the trees as inconspicuously as possible. Please refer to *Attachment 1, Site Plan* for an orientation to the site and the approximate location of the trees.

OBSERVATIONS
The property is located at the southeast corner of the intersection of 2nd Avenue South and 4th Street South. The property has a gentle slope from the southeast corner to the northwest corner of approximately 8 vertical feed of elevation drop. Currently the property is occupied by a single-family wood house, a detached wood garage, a gravel driveway, lawn areas, and planter beds.

Photo # 1: Panorama of the front yard of 402 2nd Ave

Photo #2: Tree 283

Photo # 3: # 284

Photo # 4: View of the southeast property corner and # 285 the row of Photinia on the neighbor's lot to the east

DISCUSSION AND CONCLUSIONS

Right-of-Way Trees

There are currently no trees in the right of way on either street.

Trees on Adjacent Properties

There are no significant trees on the adjacent properties to the east and south with canopies that over-hang the subject property. There is a hedge row of Photinia plants growing just east of the east property line. The bases of the tall shrubs are approximately 8 to 12 inches east of the east property line fence. Their canopies overhang the subject property by four to six feet. They should be adequately protected with tree protection fence placed 5 feet west of the east property line.

Trees on the Subject Property

There are five trees on the subject property. One of the trees, # 284, has rot in the multiple trunks and the rot extends down into the base. It is located near the property line between lots 3 and 4. It is not worthy of retention. It should be removed.

The Apple tree, # 283, in the lawn area of lot 3 is in fair condition. However, it is never going to be any better than it is now. It will decline over time due to its structure and past pruning. It will not survive the stresses of construction. Given its condition it is not worthy of transplantation either.

Trees 280, 281, and 282 are small evergreens in Excellent condition. They are worthy or retention. However, their current location may not allow their retention where they are. All three are excellent candidates for transplantation on site.

Minimum Tree Density Calculations

The City of Kirkland's Tree Code now requires that each lot have a minimum density of at least 30 tree credits per acre. The density may consist of existing trees, supplemental

trees, or a combination of existing and supplemental trees. The tree credits are calculated, as indicated below, by dividing the size of the individual lot by the square footage in an acre and multiplying by 30: lot area in square feet / 43,560 square feet x 30 (rounded to the nearest whole #) = the number of tree credits required for each lot.

In this case, the two lots combined total square footage is approximately 7,478 square feet. Therefore:

7,478 / 43,560 x 30 = 5.2 or 5 minimum tree credits.

Please refer to Chapter 95, Tree Management and Required Landscaping, Section 95.35.5 and Table 95.35.1 of the Kirkland Municipal Code to see how tree credits are assigned and for more information. The information from this report will need to be transferred to a *Tree Plan* as required in Kirkland Code section 95.35.2.B.1.b) Tree Plan Requirements, page 6 of 29 of the code.

WAIVER OF LIABILITY

There are many conditions affecting a tree's health and stability, which may be present and cannot be ascertained, such as, root rot, previous or unexposed construction damage, internal cracks, stem rot and more which may be hidden. Changes in circumstances and conditions can also cause a rapid deterioration of a tree's health and stability. Adverse weather conditions can dramatically affect the health and safety of a tree in a very short amount of time. While I have used every reasonable means to examine these trees, this evaluation represents my opinion of the tree health at this point in time. These findings do not guarantee future safety nor are they predictions of future events.

The tree evaluation consists of an external visual inspection of an individual tree's root flare, trunk, and canopy from the ground only unless otherwise specified. The inspection may also consist of taking trunk or root soundings for sound comparisons to aid the evaluator in determining the possible extent of decay within a tree. Soundings are only an aid to the evaluation process and do not replace the use of other more sophisticated diagnostic tools for determining the extent of decay within a tree.

As conditions change, it is the responsibility of the property owners to schedule additional site visits by the necessary professionals to ensure that the long-term success of the project is ensured. It is the responsibility of the property owner to obtain all required permits from city, county, state, or federal agencies. It is the responsibility of the property owner to comply with all applicable laws, regulations, and permit conditions. If there is a homeowners association, it is the responsibility of the property owner to comply with all Codes, Covenants, and Restrictions (CC&R's) that apply to tree pruning and tree removal.

This tree evaluation is to be used to inform and guide the client in the management of their trees. This in no way implies that the evaluator is responsible for performing recommended actions or using other methods or tools to further determine the extent of internal tree problems without written authorization from the client. Furthermore, the evaluator in no way holds that the opinions and recommendations are the only actions required to insure that the tree will not fail. A second opinion is recommended. The client shall hold the evaluator harmless for any and all injuries or damages incurred if the evaluator's recommendations are not followed or for acts of nature beyond the evaluator's reasonable expectations, such as severe winds, excessive rains, heavy snow loads, etc.

This report and all attachments, enclosures, and references, are confidential and are for the use of the client concerned. They may not be reproduced, used in any way, or disseminated in any form without the prior consent of the client concerned and Gilles Consulting.

Thank you for calling Gilles Consulting for your arboricultural needs.

Sincerely,

Brian K. Gilles, Consulting Arborist
ISA Certified Arborist # PN-0260A
ASCA Registered Consulting Arborist # RCA-418
PNW-ISA Certified Tree Risk Assessor #148

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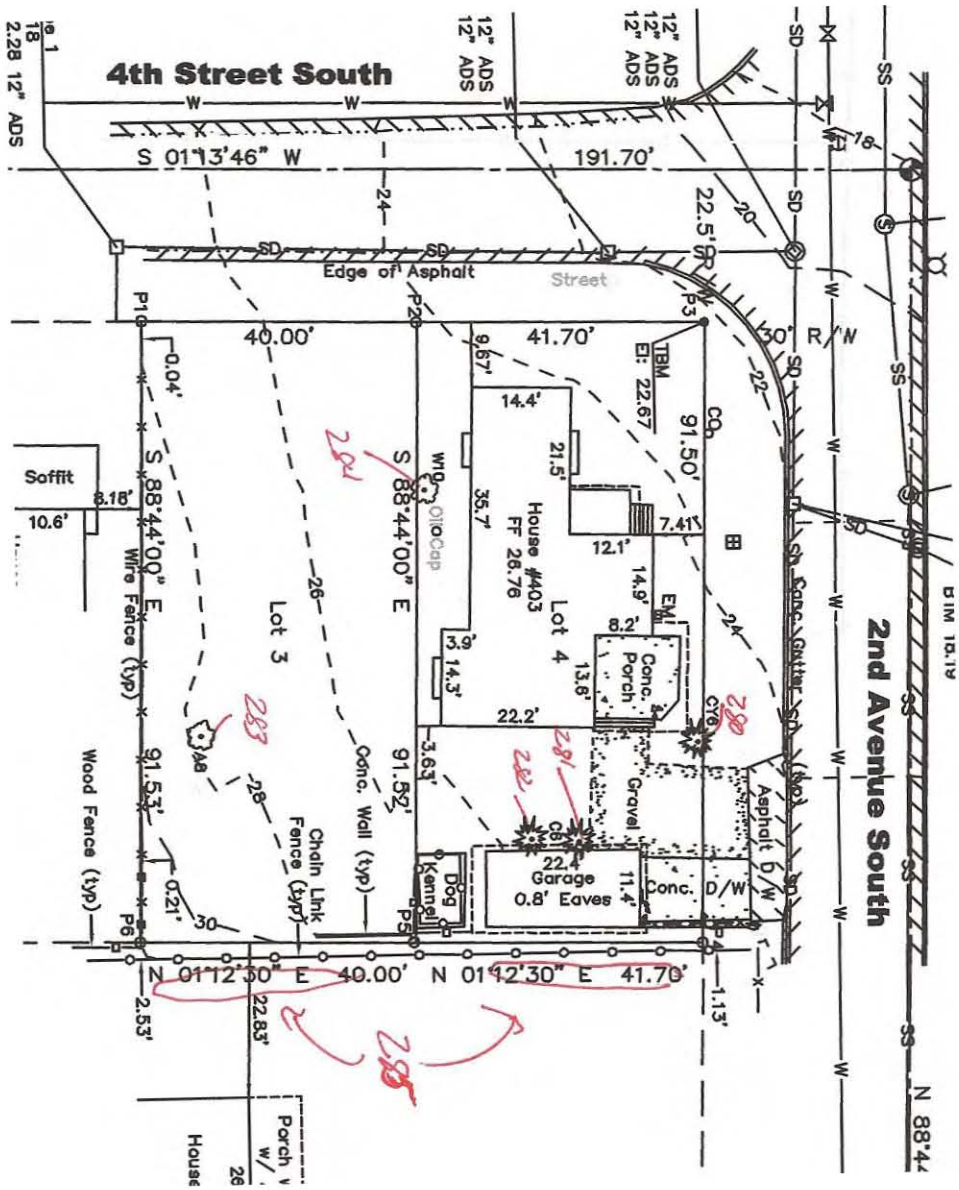
ATTACHMENT 1 - SITE PLAN



ATTACHMENT 2 - TREE INVENTORY/CONDITIONS SPREADSHEET

SITE: 402 8th Avenue So, Kirkland, WA 98033 — **Date of Evaluation: November 21, 2008**

#1 ***Tree Location:*** General location of tree on site, or whether tree is Off Project property.
#2 ***Tree #:*** Individual tree number.
#3 ***Species:***

Ap/Msp	Apple, *Malus sp.*
HC/Co	Hinoki Falsecypress, *Chamaecyparis obtusa*
Ph/Pxf	Photinia, *Photinia x fraseri*
unk dec	Unknown Deciduous Tree

#4 ***DBH:*** Trunk diameter @ 4.5' above average ground level.
#5 ***Tree Credit:*** This is based upon Table 95.35.1, Page 12, Chapter 95 of the Kirkland Municipal Code
#6 ***Drip Line:*** The radius, the distance from the trunk to the furthest branch tips.
#7 ***Limits of Disturbance:*** The boundary between the area of minimum protection around a tree and the allowable site disturbance as determined by a qualified professiona

#8 ***LCR:*** *Live Crown Ratio* - the amount of live canopy expressed as a % of the entire tree height
#9 ***Symmetry:*** General shape of canopy and weight distribution of the tree around the trunk.
#10 ***Foliage:*** General description of foliage density that indicates tree health and vigor.
#11 ***Crown Condition:*** The most important external indication of tree health and vigor.
#12 ***Trunk:*** Description of trunk condition or abnormalities if any.
#13 ***Root Collar:*** The base of the tree where the trunk flares into the roots--deformities or problems are noted here.
#14 ***Roots:*** Root problems are noted here.
#15 ***Comments:*** Additional observations about the tree's condition.
#16 ***Significance:*** A "significant" tree is at least 6" in diameter measured at 4.5' above the average ground level.
#17 ***Current Health Rating:*** A description of general health ranging from dead, dying, hazard, poor, suppressed, fair, good, very good, to excellent.
#18 ***Viability***: A significant tree that is in good health with a low risk of failure due to structural defects, is relatively wind firm if isolated or remains as part of a grove, and is a species that is suitable for its location.
#19 ***Recommendation:*** This is an estimate of whether or not the tree is of sufficient health, vigor, and structure to consider retaining.

1	2	3	4	5	6	7 -- LIMITS OF DISTURBANCE				8	9	10	11	12	13	14	15	16	17	18	19
TREE LOCATION	**TREE #**	**SPECIES**	**DBH**	**TREE CREDIT**	**DRIP LINE**	**North**	**South**	**East**	**West**	**LCR**	**SYMMETRY**	**FOLIAGE**	**CROWN CONDITION**	**TRUNK**	**ROOT COLLAR**	**ROOTS**	**COMMENTS**	**SIGNIFICANCE**	**CURRENT HEALTH RATING**	**VIABILITY**	**RECOMMENDATION**
near driveway	280	HCy/Co	6.8"	1.0	6'	to curb	to existing step	to drive way	6'	80%	Gen. sym.	Dense	Healthy	Straight	NAD	Restricted	on mound next to driveway.	Significant	Excellent	Viable	Potential to retain with Tree Protection Measures
west side of garage	281	EGP/To 'P-EG'	5.1" @ 4"	0.5	2'	4'	4'	to garage	4'	90%	Gen. sym.	Dense	Healthy	Fork at 10', Typical	NAD	Restricted	growing in 2' wide planter bed on west side of garage	Significant	Excellent	Viable	Potential to retain with Tree Protection Measures
west side of garage	282	HC/Co	6.9"	1.0	5'	6'	6'	to garage	6'	70%	Gen. sym.	Dense	Healthy	slightly serpentine	NAD	Restricted	growing in 2' wide planter bed on west side of garage	Significant	Excellent	Viable	Potential to retain with Tree Protection Measures
Lot 3 in lawn	283	Ap/Msp	7.7"	1.0	8'	8'	8'	8'	8'	85%	Min. Asym.	Average	Regenerating - Average	Leans NW, Fork at 3'	NAD	-	growing in lawn area south of existing house. Over pruned in the past.	Significant	Fair	Viable	Potential to retain with Tree Protection Measures
south side of house	284	Unk Dec	5.4",	0.0	12'	n/a	n/a	n/a	n/a	70%	Maj. Asym.	Necrosis, thin	Weak	Center rot	Base rot	Restricted	Carpenter ant infestation. Bases is 5 feet south of basement excavation	Significant	Poor	Non-viable	Remove
East of East Property line	285	Ph/Pxf	Row of 9 shrubs	0.0	8'	6'	6'	n/a	5'	95%	Gen. sym.	Dense	Healthy	Typical	NAD	-	Bases are approximately 12 inches east of the east property line fence. Canopies over hang the subject property by 4 to 6 feet. There are 4 shrubs adjacent to the existing garage. There are five more shrubs in a row south of the garage to the southeast property corner. The hedge continues on the property further south.	Not Significant	Very good	Viable	Potential to retain with Tree Protection Measures
				3.5	**Total number of Tree Credits existing on the property at time of evaluation.**																

SUMMARY:

5 Trees were evaluated:
- There is a row of Photinia planted in a hedge on the adjacent property to the east.
  - These can be adequately protected during construction.

- Significance:
- Tree # 281 is less than 6 inches in diameter and is *Non-Significant*.
- Trees # 280, 282, 283, and 284 are greater than 6 inches diameter and are *Significant*.

- Viability:
- Tree 284 has center rot and base rot in the trunks. It is *Non-Viable*.
- Trees # 280, 282, 283, and 284 are all in good health and structure. They are all *Viable*.

- Tree Credits:
- The four *Viable* Trees comprise a total of 3.5 *Tree Credits*.

ATTACHMENT 3 - GLOSSARY

Terms Used in This Report, on the Tree Condition / Inventory Spreadsheet, and Their Significance

In an effort to clearly present the information for each tree in a manner that facilitates the reader's ability to understand the conclusions I have drawn for each tree, I have collected the information onto a spreadsheet format. This spreadsheet was developed by Gilles Consulting based upon the *Hazard Tree Evaluation Form* from the book, *The Evaluation of Hazard Trees in Urban Areas*, by Matheney and Clarke. The descriptions were left brief on the spreadsheet in an effort to include as much pertinent information as possible, to make the report manageable, and, to not bore the reader with infinite levels of detail. A review of these terms and descriptions will allow the reader to rapidly move through the report and understand the information.

1) **TREE LOCATION--**indicates what general area of the site the tree is on, or whether the tree is Off the Project property.
2) **TREE #**—the individual number of each tree.
3) **SPECIES**—this describes the species of each tree with both most readily accepted common name and the officially accepted scientific name.
4) **DBH**—Diameter Breast Height. This is the standard measurement of trees taken at 4.5 feet above the average ground level of the tree base.
    i) Occasionally it is not practical to measure a tree at 4.5 feet above the ground. The most representative area of the trunk near 4.5 feet is then measured and noted on the spreadsheet. For instance, a tree that forks at 4.5 feet can have an unusually large swelling at that point. The measurement is taken below the swelling and noted as, '28.4" at 36"'.
    ii) Trees with multiple stems are listed as a "clump of x," with x being the number of trunks in the clump. Measurements may be given as an average of all the trunks, or individual measurements for each trunk may be listed.
        (1) Every effort is made to distinguish between a single tree with multiple stems and several trees growing close together at the bases.
5) **TREE CREDIT**—Tree Credit based on Trunk Diameter
6) **DRIP LINE**— the radius, the distance from the trunk to the furthest branch tips.
7) **LIMITS OF DISTURBANCE**— the boundary between the area of minimum protection around a tree and the allowable site disturbance as determined by a qualified professional.
8) **% LCR**—Percentage of Live Crown Ratio. The relative proportion of green crown to overall tree height. This is an important indication of a tree's health. If a tree has a high percentage of Live Crown Ratio, it is likely producing enough photosynthetic activity to support the tree. If a tree has less than 30 to 40% LCR it can create a shortage of needed energy and can indicate poor health and vigor.
9) **SYMMETRY**—is the description of the form of the canopy. That is, the balance or overall shape of the canopy and crown. This is the place I list any major defects in

the tree shape—does the tree have all its foliage on one side or in one unusual area. Symmetry can be important if there are additional defects in the tree such as rot pockets, cracks, loose roots, weak crown etc. Symmetry is generally categorized as Generally Symmetrical, Minor Asymmetry or Major Asymmetry:

i) Gen. Sym.—Generally Symmetrical. The canopy/foliage is generally even on all sides with spacing of scaffold branches typical for the species, both vertically and radially.
ii) Min. Asym.—Minor Asymmetry. The canopy/foliage has a slightly irregular shape with more weight on one side but appears to be no problem for the tree.
iii) Maj. Asym.—Major Asymmetry. The canopy/foliage has a highly irregular shape for the species with the majority of the weight on one side of the tree. This can have a significant impact on the tree's stability, health and hazard potential—especially if other defects are noted such as cracks, rot, root defects.

10) **FOLIAGE/BRANCH**—describes the foliage of the tree in relation to a perfect specimen of that particular species. First the branch growth and foliage density is described, and then any signs or symptoms of stress and/or disease are noted. The condition of the foliage, or the branches and buds for deciduous trees in the dormant season, are important indications of a tree's health and vigor.

i) For Deciduous trees in the dormant season:
   (1) The structure of the tree is visible,
   (2) The quantity and quality of buds indicates health, and is described as good bud set, average bud set, or poor bud set. These are abbreviated in the spreadsheet as: gbs, abs, or pbs.
   (3) The amount of annual shoot elongation is visible and is another major indication of tree health and vigor. This is described as:
      a) Excellent, Good, Average, or Short Shoot Elongation. These are abbreviated in the spreadsheet as ESE, GSE, ASE, OR SSE.
ii) For evergreen trees year round and deciduous trees in leaf, the color and density of the foliage indicates if the tree is healthy or stressed, or if an insect infestation, a bacterial, fungal, or viral infection is present. Foliage is categorized on a scale from:
   (1) Dense—extremely thick foliage, an indication of healthy vigorous growth,
   (2) Good—thick foliage, thicker than average for the species,
   (3) Normal/Average—thick foliage, average for the species, an indication of healthy growth,
   (4) Thin or Thinning—needles and leaves becoming less dense so that sunlight readily passes through; an indication that the tree is under serious stress that could impact the long-term survivability and safety of the tree,
   (5) Sparse—few leaves or needles on the twigs, an indication that the tree is under extreme stress and could indicate the future death of the tree

(6) Necrosis—the presence of dead twigs and branchlets. This is another significant indication of tree health. A few dead twigs and branches are reasonably typical in most trees of size. However, if there are dead twigs and branchlets all over a certain portion of the tree, or all over the tree, these are indications of stress or attack that can have an impact on the tree's long-term health.

(7) Hangers—A term to describe a large branch or limb that has broken off but is still hanging up in the tree. These can be particularly dangerous in adverse weather conditions.

11) **CROWN CONDITION**—the crown is uppermost portion of the tree, generally considered the top 10 to 20% of the canopy or that part of the canopy above the main trunk in deciduous trees and above the secondary bark in evergreen trees.

i) The condition of the tree's crown is a reflection of the overall health and vigor of the entire tree. The crown is one of the first places a tree will demonstrate stress and pathogenic attack such as root rot.

ii) If the **Crown Condition** is healthy and strong, this is a good sign. If the crown condition is weak, broken out, or shows other signs of decline, it is an indication that the tree is under stress. It is such an important indication of health and vigor that this is the first place a trained forester or arborist looks to begin the evaluation of a tree. Current research reveals that, by the time trees with root rot show significant signs of decline in the crown, fully 50% or more of the roots have already rotted away. **Crown Condition** can be described as:

(1) Healthy Crown—exceptional growth for the species.

(2) Average Crown—typical for the species.

(3) Weak Crown—thin spindly growth with thin or sparse needles.

(4) Flagging Crown—describes a tree crown that is weak and unable to grow straight up.

(5) Dying Crown—describes obvious decline that is nearing death.

(6) Dead Crown—the crown has died due to pathological or physical injury. The tree is considered to have significant stress and/or weakness if the crown is dead.

(7) Broken out—a formerly weak crown condition that has been broken off by adverse weather conditions or other mechanical means.

(8) Regenerated or Regenerating—formerly broken out crowns that are now growing back, Regenerating crowns may appear healthy, average, or weak and indicate current health of the tree.

(9) Suppressed—a term used to describe poor condition of an entire tree or just the crown. Suppressed crowns are those that are entirely below the general level of the canopy of surrounding trees which receive no direct sunlight. They are generally in poor health and vigor. Suppressed trees are generally trees that are smaller and growing in the shade of larger trees around them. They generally have thin or sparse

needles, weak or missing crowns, are prone to insect attack as well as bacterial and fungal infections.

12) **TRUNK**—this is the area to note any defects that can have an impact on the tree's stability or hazard potential. Typical things noted are:
    i) FORKED—bifurcation of branches or trunks that often occur at a narrow angle.
    ii) INCLUDED BARK—a pattern of development at branch or trunk junctions where bark is turned inward rather than pushed out. This can be a serious structural defect in a tree that can and often does lead to failure of one or more of the branches or trunks especially during severe adverse weather conditions.
    iii) EPICORMIC GROWTH—this is generally seen as dense thick growth near the trunk of a tree. Although this looks like a healthy condition, it is in fact the opposite. Trees with Epicormic Growth have used their reserve stores of energy in a last ditch effort to produce enough additional photosynthetic surface area to produce more sugars, starches and carbohydrates to support the continued growth of the tree. Generally speaking, when conifers in the Pacific Northwest exhibit heavy amounts of Epicormic Growth, they are not producing enough food to support their current mass and are already in serious decline.
    iv) INTERNAL STRUCTURAL WEAKNESS—a physical characteristic of the tree trunk, such as a **kink, crack, rot pocket, or rot column** that predisposes the tree trunk to failure at the point of greatest weakness.
    v) BOWED—a gradual curve of the trunk. This can indicate an Internal Structural Weakness or an overall weak tree. It can also indicate slow movement of soils or historic damage of the tree that has been corrected by the curved growth.
    vi) KINKED—a sharp angle in the tree trunk that indicates that the normal growth pattern is disrupted. Generally this means that the internal fibers and annual rings are weaker than straight trunks and prone to failure, especially in adverse weather conditions.
    vii) GROUND FLOWER—an area of deformed bark near the base of a tree trunk that indicates long-term root rot.
13) **ROOT COLLAR**—this is the area where the trunk enters the soil and the buttress roots flare out away from the trunk into the soil. It is here that signs of rot, decay, insect infestation, fungal or bacterial infection are noted. **NAD** stands for **N**o **A**pparent **D**efects.
14) **ROOTS**—any abnormalities such as girdling roots, roots that wrap around the tree itself that strangle the cambium layer and kill the tree, are noted here.
15) **COMMENTS**—this is the area to note any additional information that would not fit in the previous boxes or attributes about the tree that have bearing on the health and structure of the tree.
16) **SIGNIFICANCE**—a "significant" tree is at least 6" in diameter measured at 4.5' above the average ground level.

17) **CURRENT HEALTH RATING**— a description of general health ranging from dead, dying, poor, senescent, suppressed, fair, good, very good, to excellent.
18) **VIABILITY—** a significant tree that is in good health with a low risk of failure due to structural defects, is relatively wind firm if isolated or remains as part of a grove, and is a species that is suitable for its location.
    (1) Please note that many trees may be listed as "Non-Viable" due to poor health, poor structure, or the tree may be below the size threshold for a "Viable Tree." However, it is worth examining the Non-Viable Trees to determine if any or all of them can be left on the property. They can add significant benefit to the landscape and contribute to wildlife habitat.
19) **RECOMMENDATION**—this is an estimate of whether or not the tree is of sufficient health, vigor, and structure to consider retaining.

NOTE: TREES WITH THE SAME DESCRIPTION AND DIFFERENT RATINGS: Two trees may have the same descriptions in the matrix boxes, one may be marked "Significant," while another may be marked "Non-Significant." The difference is in the degree of the description—early necrosis versus advanced necrosis for instance. Again, these descriptions were left brief in an effort to include as much pertinent information as possible, to make the report manageable, and, not to bore the reader with infinite levels of detail.

ATTACHMENT 4 - REFERENCES

1. Dirr, Michael A. *Manual of Woody Landscape Plants, Their Identification, Ornamental Characteristics, Culture, Propagation, and Uses*. Champaign: Stipes Publishing Company, 1990.

2. Harris, Richard W. et al. *Arboriculture, Integrated Management of Landscape Trees, Shrubs, and Vines*. 4th ed. Upper Saddle River: Prentice Hall, 2004.

3. Johnson, Warren T. and Lyon, Howard H. *Insects That Feed on Trees and Shrubs*. Ithaca: Comstock Publishing Associates, 1991.

4. Matheney, Nelda P. and Clark, James R. *Evaluation of Hazard Trees*. 2nd ed. Savoy: The International Society of Arboriculture Press, 1994

5. Matheney, Nelda P. and Clark, James R. *Trees & Development, A Technical Guide to Preservation of Trees During Land Development*. Savoy: The International Society of Arboriculture Press, 1998.

6. Mattheck, Claus and Breloer, Helge. *The Body Language of Trees, A Handbook for Failure Analysis.* London: HMSO, 1994.

7. Pacific Northwest Chapter-ISA. *Tree Risk Assessment in Urban Areas and the Urban/Rural Interface.* Course Manual. Release 1.2. PNW-ISA: Silverton, Oregon, 2008.

8. Watson, Gary W., and Neely, Dan, eds. *Trees & Building Sites*. Savoy: The International Society of Arboriculture Press, 1995.

MAINTENANCE AND RETENTION AGREEMENT FOR TREES AND REQUIRED LANDSCAPING

Project Name:

Address:

Parcel No:

This agreement is entered into between each undersigned owner of the real property and the City of Kirkland, in consideration of approval by the City of a permit under City of Kirkland File/Permit No. for the hereinafter described real property in Kirkland, King County, Washington.

Each undersigned owner jointly and severally hereby agrees to maintain and retain the trees and other vegetation required by the City to be planted or retained on the real property described below, in accordance with the final approved landscaping plan/site plan (on file in the Kirkland Department of Planning and Community Development) throughout the life of the project, pursuant to Chapter 95 of the KZC unless written approval for removal is granted by the Kirkland Department of Planning and Community Development.

Each of the undersigned agree to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, which may be made against the City, its officers, agents, or employees for any damage to property or injury to any person arising out of the maintenance of said trees and other said vegetation on said owner's property or out of the actions of the undersigned in carrying out the responsibilities under this agreement, excepting therefrom only such claims as may arise solely out of the negligence of the City of Kirkland, its officers, agents, or employees.

This Agreement shall be binding upon the heirs, successors and assigns of each of the undersigned and shall run with the land. This Agreement shall, at the expense of the undersigned, be recorded by the City of Kirkland with the King County Department of Elections and Records.

Failure to maintain and retain said trees and other said vegetation in accordance with this agreement may subject the undersigned to civil penalties as authorized by Chapter 95 of the KZC.

The real property owned by the undersigned and the subject property of this Agreement is situated in Kirkland, King County, Washington and described as follows:

DATED at Kirkland, Washington, this _____ day of _____, _____

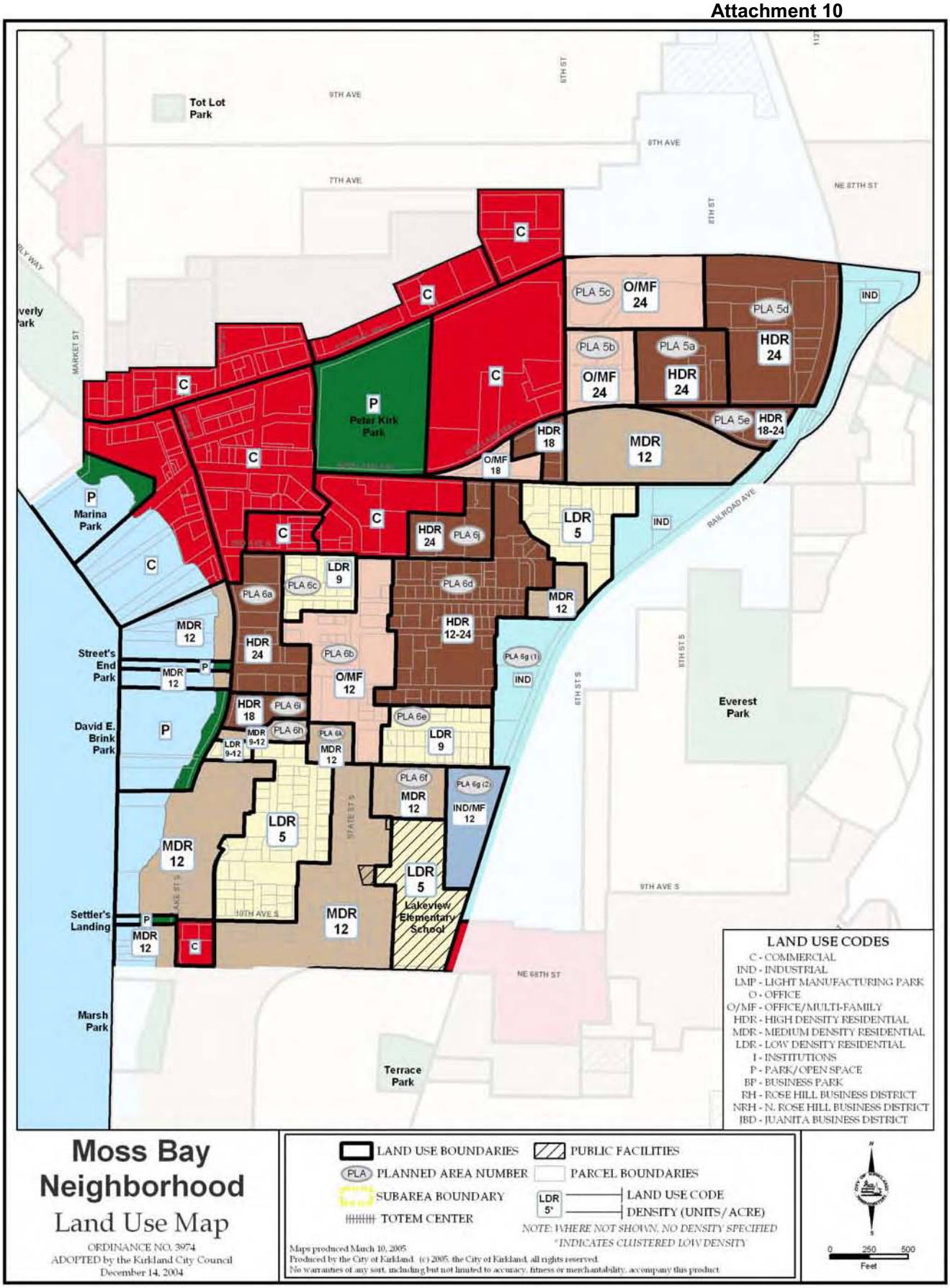


Figure C-2: Moss Bay Area Land Use

VI. Land Use

Table LU-3 below provides a range of residential densities described in the Comprehensive Plan with comparable zoning classifications.

Table LU-3

Residential Densities and Comparable Zones

General Residential Densities	Residential Densities as Specified in Comprehensive Plan in Units per Net Acres (d/a)	Comparable Zoning Classification
LOW DENSITY	Up to 1 d/a	RS – 35,000
	Up to 3 d/a	RS – 12,500
	4 – 5 d/a	RS – 8,500 RS – 7,200
	6 d/a	RS – 7,200
	7 d/a	RS – 6,300
	8 – 9 d/a	RS – 5,000
MEDIUM DENSITY	8 – 9 d/a	RM – 5,000
	10 – 14 d/a	RM – 3,600
HIGH DENSITY	15 – 18 d/a	RM – 2,400
	19 – 24 d/a	RM – 1,800

Higher unit per acre counts may occur within each classification if developed under the City's PUD, innovative or affordable housing programs.

~~ATTACHMENT 1~~

ECONOMIC ANALYSIS OF AFFORDABILITY INCENTIVES

HIGHER DENSITY / MIXED USE HOUSING

I. IMPACT OF PROVIDING AFFORDABLE UNITS

A. RENTAL HOUSING

MARKET RENTS

	ONE BEDROOM UNIT		TWO BEDROOM UNIT	
	NORTH KIRKLAND	DOWNTOWN	NORTH KIRKLAND	DOWNTOWN
Monthly Rent	$ 1,250	$ 1,450	$ 1,575	$ 1,800
Income Affordability				
Annual Income	$ 51,840	$ 59,840	$ 66,080	$ 75,080
% King County Median Income	83%	96%	94%	107%
King County Median Income (adjusted for household size)	$ 62,320	$ 62,320	$ 70,110	$ 70,110
Average Unit Size	700	700	900	900
Rent Per Square Foot	$ 1.79	$ 2.07	$ 1.75	$ 2.00
King County Median Income	$ 77,900			

AFFORDABILITY OBJECTIVE

Income Level Serving				
Hourly	$ 15.50	$ 15.50	$ 17.50	$ 17.50
Annual	$ 31,000	$ 31,000	$ 35,000	$ 35,000
% of median	**50%**	**50%**	**50%**	**50%**
Corresponding Affordable Rent	$ 729	$ 729	$ 798	$ 798
(30% income for rent/ less a utility allowance)				
Utility Allowance	$ 46	$ 46	$ 77	$ 77

GAP / INCENTIVE VALUE (PER UNIT)

Monthly Rent Gap (market rent - affordable rent)	$ 521	$ 721	$ 777	$ 1,002
Cap Rate	7.5%	7.5%	7.5%	7.5%
Present Value	**$ 83,360**	**$ 115,360**	**$ 124,320**	**$ 160,320**

B. OWNERSHIP HOUSING

MARKET SALES PRICE

Sales Price	$ 200,000	$ 240,000	$ 250,000	$ 300,000
Size (square feet)	800	800	1000	1000
Price per square foot	$ 250	$ 300	$ 250	$ 300

AFFORDABILITY OBJECTIVE

Income Level Serving				
Hourly	$ 22.00	$ 22.00	$ 25	$ 25
Annual	$ 44,000	$ 44,000	$ 50,000	$ 50,000
% of median	**71%**	**71%**	**71%**	**71%**
Corresponding Affordable Sales Price	$ 130,000	$ 130,000	$ 150,000	$ 150,000

(assumes 10% down, 7.0% mortgage rate, homeowner dues of approximately $130 - $140.)

GAP / INCENTIVE VALUE (PER UNIT)

Sales Price Gap per Unit	**$ 70,000**	**$ 110,000**	**$ 100,000**	**$ 150,000**

~~ATTACHMENT 1 (Page 2)~~

II. VALUE OF PUBLIC INCENTIVES (Higher Density / Mixed Use Housing)

INCENTIVES (Per Unit Value)	One Bedroom		Two Bedroom	
	North Kirkland	**Downtown**	**North Kirkland**	**Downtown**
Development Capacity Incentives				
Per Unit Land Cost	$ 35,000	$ 45,000	$ 35,000	$ 45,000
Bonus per affordable unit	2	2	2	2
Value of Density Bonus	**$ 70,000**	**$ 90,000**	**$ 70,000**	**$ 90,000**
Permitting/Fee Costs				
Fee Waivers				
Transportation	$ 586	$ 586	$ 586	$ 586
Parks	$ 430	$ 430	$ 430	$ 430
Land Use/Building Permits				
Reduced Fees (For incremental permitting)	$ 2,400	$ 2,400	$ 2,400	$ 2,400
Value of Time Saved				
Sub-Total	**$ 3,416**	**$ 3,416**	**$ 3,416**	**$ 3,416**
Reduced Parking	Basic Structured	Complex Structured	Basic Structured	Complex Structured
Cost Per Stall	$ 15,000	$ 25,000	$ 15,000	$ 25,000
Parking Reduction per unit	0	0	1	1
Net Value	**$ -**	**$ -**	**$ 15,000**	**$ 25,000**
Increased Profits				
Profit per additional unit (8% of cost)	$ 9,800	$ 10,600	$ 11,800	$ 12,600
Additional Units per affordable unit	1	1	1	1
Net Value	**$ 9,800**	**$ 10,600**	**$ 11,800**	**$ 12,600**
Smaller Units				
Reduced Size (square feet)	50	50	50	50
Hard Costs per square foot	$ 100	$ 100	$ 100	$ 100
Soft Costs (as percent of hard cost)	25%	25%	25%	25%
Total savings per unit	**$ 6,250**	**$ 6,250**	**$ 6,250**	**$ 6,250**
Soft Cost Savings	Undetermined			
SUB-TOTAL	**$ 89,466**	**$ 110,266**	**$ 106,466**	**$ 137,266**
Property Tax 10 Year Exemption				
Tax Rate	1.12%	1.12%	1.12%	1.12%
Improvement Value	$ 100,625	$ 100,625	$ 129,375	$ 129,375
Annual Tax Saving	$ 1,127	$ 1,127	$ 1,449	$ 1,449
Discount Rate	7.5%	7.5%	7.5%	7.5%
Present Value per Exempt Unit	$7,735.82	$7,735.82	$9,946.05	$9,946.05
Ratio of Market Rate to Affordable Units	**10**	**10**	**10**	**10**
Present Value per Affordable Unit	**$77,358.19**	**$77,358.19**	**$99,460.53**	**$99,460.53**
TOTAL VALUE OF INCENTIVES	**$ 166,824**	**$ 187,624**	**$ 205,927**	**$ 236,727**