



MEMORANDUM

To: Kirkland Hearing Examiner

From: Nick Cilluffo, Planner

Date: July 23, 2018

Subject: APPEAL OF PLANNING DIRECTOR DECISION
YUE SETBACK VARIANCE
FILE NO. VAR17-00705

I. INTRODUCTION

- A. Appellants: Two separate appeals were filed regarding the Planning Director's decision on the Yue Setback Variance application. The appeals were filed by the following parties:
- Mr. Brian Tucker (see Enclosure 1)
 - Mr. Bryan DuPaul (see Enclosure 2)
- B. Applicant: Tong Wang with T&S Design Associates, representing the property owners Jun Yue and Yaman Chen
- C. Action Being Appealed: The Planning Director's decision approving, with conditions, the variance application to reduce a setback associated with the Yue new single-family residence (see Enclosure 3).
- D. Appeal Summary: The appeal filed by Brian Tucker states that the proposal does not comply with the variance criteria in that the site does not present a special circumstance and the granting of a setback reduction would be materially detrimental and a special privilege that sets a new precedent inconsistent with the neighborhood and Comprehensive Plan. Additionally, Mr. Tucker states that the zoning code analysis has been done incorrectly and submits a procedural question relating to the Planning Director's decision.

The appeal filed by Bryan DuPaul claims that traffic safety has not been sufficiently reviewed as it relates to sight distance at the intersection adjacent to the subject property. Additionally, Mr. DuPaul has concerns relating to construction impacts associated with the proposal and other nearby development activity.

See Section IV for more information regarding the appeal issues and staff analysis.

II. RULES FOR APPEAL HEARING AND DECISION

Pursuant to Chapter 145 of the Zoning Code, the Hearing Examiner must consider the appeal in an open record appeal hearing. The scope of the appeal is limited to the specific

elements of the Planning Director's decision disputed in the letters of appeal, and the Hearing Examiner may only consider comments, testimony and arguments on these specific elements.

The appellant, applicant, and any person who submitted written comments or information to the Planning Director on the application during the comment period established in the Notice of Application may participate in the appeal hearing; except that a party who signed a petition may not participate in the appeal unless such party also submitted independent written comments or information. The applicant may submit a written response to an appeal filed by an appellant. Further, the Hearing Examiner, in their discretion, may ask questions of the appellant, applicant, parties of record or staff regarding facts in the record, and may request oral argument on legal issues. The Hearing Examiner may reasonably limit the extent of the oral testimony to facilitate the orderly and timely conduct of the hearing.

The person filing the appeal has the responsibility of convincing the Hearing Examiner that the Planning Director made an incorrect decision.

After considering all arguments within the scope of the appeal submitted in writing and given as oral testimony at the hearing by persons entitled to participate in the appeal, the Hearing Examiner shall take one of the following actions:

- Affirm the decision being appealed;
- Reverse the decision being appealed; or
- Modify the decision being appealed.

The decision by the Hearing Examiner is the final decision of the City.

III. BACKGROUND

- A. Site Location: 346 10th Ave W (re-addressed as 1006 4th Street W.)
- B. Zoning and Land Use: The subject property is zoned RS 7.2 and located at the east corner of 10th Avenue W. and 4th Street W. An existing single-family residence, constructed in 1942, is non-conforming to the required front yard setback along 4th Street W. The existing structure is proposed for demolition.
- C. Applicant's Proposal: The applicant is proposing to construct a new single-family residence with a reduced required front yard setback along 4th Street W. Pursuant to KZC 15.30.060, the applicable front yard setback dimension is 20 feet. The applicant proposed a 10-foot front yard setback in a variance application submitted to the City on November 17, 2017.
- D. Planning Director Decision: On May 1, 2018, the Planning Director issued an approval, with conditions, based on staff's analysis of the decisional criteria established for Variances and Process I reviews, which are:
 1. Criteria for Granting a Variance
 - a. KZC 120.20.1: The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and
 - b. KZC 120.20.2: The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that

conformed to the Zoning Code in effect when the improvement was constructed; and

- c. KZC 120.20.3: The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.

2. Process I Decisional Criteria:

- a. KZC 145.45.2.a: It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
- b. KZC 145.45.2.b: It is consistent with the public health, safety and welfare.

IV. APPEAL ISSUES

On May 15, 2018 and May 16, 2018, two timely appeal letters were submitted to the City in regard to the Planning Director's decision on the Yue Setback Variance (see Enclosures 1 and 2).

A. Mr. Brian Tucker Appeal

The appellant's appeal issues (see Enclosure 1) are summarized below by topic followed by staff response.

1. Specific Challenges to the Planning Director's Decision

The appellant's appeal issues are summarized below by topic followed by staff response.

a. Materially Detrimental

Appellant: The granting of this variance would be detrimental to the neighborhood as it would be inconsistent with existing conditions in the area. The variance violates KZC 120.20.1.

Staff Response:

- *The variance would not have any detrimental impact to properties to the north across 4th Street W. or to the west across 10th Avenue W. As noted in the City's original staff report dated May 1, 2018, the proposed residence is designed such that the amount of building footprint in the setback is reduced relative to the existing building, and the façade facing 4th Street W. is modulated to provide architectural interest and massing relief (see Enclosure 3, Section II.D.2.a). Deck railings were conditioned to be constructed with glass or some other 'see-through' material to further mitigate building massing.*
- *Furthermore, the proposed building will not be out of character with the existing built environment along 4th Street W., which has homes built with front yard setbacks less than 20 feet, including a ~5-foot setback (340 4th Street W.), 10-foot setback (1231 4th Street W.), and several other properties with setbacks ranging from ~12 to 16-foot setbacks (see Enclosure 4). The corner lot at 1231 4th Street W., which has identical dimensions as the subject property, was recently redeveloped with a variance (VAR16-01249) to reduce one of the front*

yard setbacks to 10 feet. The proposed residence will be consistent with the existing character of the 4th Street W. street frontage.

- *Elsewhere in the Market neighborhood, two other narrow corner lots, 602 10th Avenue W. and 1925 7th Street W., have existing non-conformances to the front setback standards. These two houses do not comply with the dual 20-foot front yard setbacks required adjacent to the right-of-way, nor do they conform to the average front yard setback of the adjacent properties. These two properties are deemed legal non-conformances and contribute to the current built environment and neighborhood character.*

b. No Special Circumstance

Appellant: Building a house that complies with the applicable setback is feasible. Granting a setback reduction is unnecessary and is simply a desire of the applicant for a wider home than the lot allows. The property is not unique due to its location on a 90-degree intersection with 60-foot wide rights-of-way. The subject property does not present a special circumstance, and therefore the proposed variance would violate KZC 120.20.2.

Staff Response:

- *Feasibility is not a criteria for granting a variance. The intent of the variance chapter, as noted in KZC 120.05, is to provide flexibility on a case-by-case basis where the provision of the zoning code would result in an unreasonable or unusual hardship.*
- *While there are several narrow lots in the Market neighborhood, the total number of similarly dimensioned lots (40 feet wide) is relatively small when compared to the total number of lots in the neighborhood. Only sixteen existing lots measure 40 feet wide or less in the area of the neighborhood located between Waverly Way/10th Street W. and Market Street, up to 9th Street W. to the north (see Enclosure 5). Of these sixteen lots, only four are corner lots.*

Aside from the narrow corner lots described above, most of the other narrow lots in the neighborhood, all mid-block locations, have either grandfathered houses that do not comply with the current side setback requirements, or have been granted a variance or variance exception to reduce setback requirements. Through this analysis of historic development style and recent allowances for setback reductions on narrow lots, the City has found that developing these narrow lots in full compliance with standard setbacks is unusual and such a case is not present anywhere in the neighborhood. The City maintains that the dimensions of the subject property present a special circumstance and that a building resulting from application of the full required front yard setbacks on the subject property would be unique and atypical when compared to the common home type in the neighborhood.

- *The City disagrees with the appellant's assertion that the corner lot averaging approach to reducing the front setback (KZC 15.30.060; DD-14) would provide a sufficient dimension to build a reasonably sized home on the site. See Section IV.A.1.d below for clarification on the corner lot averaging calculation. The site's buildable dimension is uniquely narrow even when applying the corner lot setback averaging*

calculation. The resulting home would be inconsistent with the existing development in the Market neighborhood. The similarly narrow lots identified above all have houses at least 20 feet in width, including the house at 630 18th Ave W., which the appellant incorrectly suggests may be 18 feet wide.

- *In variance criterion KZC 120.20.2, there are several items that may necessitate a variance: size, shape, topography, or location of the subject property. The City agrees with the appellant that the right-of-way configuration adjacent to the subject property is not unique; however, the characteristics of the adjacent rights-of-way were not the items within the criterion upon which the City had based its approval. The right-of-way dimensions and configuration were not factors in determining if there is a special circumstance limiting the property. Rather, the City asserts that the size, narrow configuration, and location of the subject property (corner lot) are special circumstances necessitating the variance, as noted in the analysis above. Furthermore, the variance criterion pertains specifically to the subject property, regardless of the surrounding rights-of-way and/or other exterior factors.*

c. Special Privilege

Appellant: There are no similar precedents of setback variances that support the proposal, and therefore the variance constitutes a grant of special privilege in violation of KZC 120.20.3.

Staff Response: *In the west of Market neighborhood, there have been several setback variances approved for narrow lots with width dimensions of 40 feet or less (see Enclosure 5). The City has granted variances and variance exceptions to reduce side setbacks on mid-block narrow lots, as well as front setback reductions on narrow corner lots, all of which have allowed for houses of at least 20 feet in width. In particular, VAR16-01249 at 1231 4th Street W., a 40-foot wide corner lot, allowed the front setback along 4th Street W. to be reduced to 10 feet, resulting in a buildable width of 25 feet. 1231 4th Street W. has an identical lot shape and dimensions as the subject property and is a similar corner lot configuration with frontage along 4th Street W. The appellant suggests that the lot at 1231 4th Street W. is fundamentally different than the Yue property at 346 10th Avenue W. The City disagrees with this assertion and maintains that the variance would not be a grant of special privilege as it is consistent with previous variance approvals in the neighborhood.*

d. Misapplication of Kirkland Zoning Code

Appellant: The calculation of the corner lot front setback averaging provision, per KZC 15.30.060; DD-14, is incorrect in the City's analysis.

Staff Response: *The City's staff report incorrectly used 15 feet as one of the existing adjacent setbacks when calculating the front setback reduction for the subject property. However, the appellant's calculation is also incorrect. The following table shows the various calculations, as well as the corrected calculation.*

	<i>VAR17-00705 Staff Report calculation</i>	<i>Appellant's calculation</i>	<i>Corrected Calculation</i>
<i>Existing front setback for adjacent building 1010 4th Street W.</i>	<i>15'</i>	<i>14.3'</i>	<i>14.3'</i>
<i>Existing front setback for adjacent building 844 4th Street W.</i>	<i>22.8' *20' used</i>	<i>22.8'</i>	<i>22.8' *20' used</i>
<i>Average of adjacent front setbacks that would be applied to the Yue Property</i>	<i>17.5'</i>	<i>18.55'</i>	<i>17.15'</i>

The corrected calculation results in a reduced front yard setback of 17.15 feet. Note that because the front yard setback of the adjacent existing building at 844 4th Street W. exceeds the required zone minimum of 20 feet by 2.8 feet, the averaging calculation uses the zone minimum.

The difference between the City's original analysis and the corrected averaging calculation is 4.2 inches. The resulting building dimension using the corner lot averaging is 17.85 feet. Given the minimal change, the City maintains its original analysis that application of the setback averaging provision constrains the site because it would result in an unreasonably dimensioned house.

2. Matters of Concern

In addition to the appeal items described in the previous section, the appellant's letter lists a number of concerns regarding the project. These concerns, while not identified by staff as appeal issues, are summarized below followed by staff response.

a. Clarification on similar variance VAR16-01249

Appellant: The eaves on the new house at 1231 4th Street W. were required to be reduced to match the grandfathered non-conforming house at 401 11th Avenue W.

Staff Response: *This statement is incorrect. During final inspection of the new residence at 1231 4th Street W., the eaves were discovered to extend more than 18 inches into the setback, and thus did not comply with KZC 115.115(3)(d), which limits eaves to 18 inches within a setback yard. As a result, the eaves were required to be reduced for compliance. The location of the home at 401 11th Avenue W., or any other adjacent structure, was not a factor in reducing the eaves at 1231 4th Street W.*

b. Procedural issues related to approval

Appellant: The Planning Director's signature of concurrence is dated April 25, 2018. This is six days prior to the May 1, 2018 date of the report shown on the first page.

Staff Response: The Planning Director signed and dated the staff report on April 25, 2018. Upon receiving Planning Director's signature of concurrence, the report is processed by City administrative staff to prepare the staff report for formal distribution within four business days. The date of the report was automatically updated by word processing software on the day the document was being prepared, which was May 1, 2018. This is an administrative error that was not caught prior to distribution of the staff report. The Planning Director did review and make a decision on the final version of the report.

c. References in the Comprehensive Plan

Appellant: The variance does not comply with the City's Comprehensive Plan.

Staff Response: This topic is not subject to the variance criteria (see Section III.D above). The Comprehensive Plan is not a regulatory document. Under state growth management statutes, comprehensive plans are policy documents (RCW 36.70A.030.4). Zoning regulations must be consistent with comprehensive plans. If there is an inconsistency, the regulations govern. Citizens for Mount Vernon v. City of Mount Vernon, 133 Wn.2d 861, 871-74, 947 P.2d 1208 (1997).

Additionally, the decisional criterion in KZC 145.45.2.a (see Section III.D above) calls on the Comprehensive Plan only in the absence of applicable development regulations. Setbacks are established by the required yard dimensions in KZC 15.30.060 and the process and criteria for approving a variance are established in KZC Chapter 120. An application for a setback variance is not prohibited by KZC 120.25. Therefore, the Comprehensive Plan is not a basis for review since applicable development regulations exist for the applicant's proposal.

B. Mr. Bryan DuPaul Appeal

The appellant's appeal issues (see Enclosure 2) are summarized below by topic followed by staff response.

1. Specific Challenges to the Planning Director's Decision

The appellant's appeal issues are summarized below by topic followed by staff response.

a. Sight Distance

Appellant: The sight distance requirements at the intersection of 4th Street W. and 10th Avenue W. will be violated by the proposed home with a reduced 10-foot front setback.

Staff Response: The sight distance triangle submitted by the appellant is not rooted in any specific code requirement or engineering standard. The City uses the Public Works Department's Pre-Approved Plans Policy R-13 (see Enclosure 6) to establish the required intersection sight distance. The intersection of 10th Avenue W. and 4th Street W. is a "Type F" intersection in Policy R-13, which notes that such intersections are evaluated on a case-by-case basis. The City's Traffic Engineer has confirmed that vehicular traffic traveling on 10th Avenue W. through the 4th Street W. intersection does not require a minimum sight distance because the crossing traffic on 4th Street W. is controlled with a stop sign. This stop sign provides a protected right-of-way for vehicles traveling on

10th Avenue W. Constructing the new home in the proposed location would not create a sight distance triangle violation.

2. Matters of Concern

In addition to the appeal items described in the previous section, the appellant's letter lists a number of concerns regarding the project. These concerns, while not appeal issues, are summarized below followed by staff response.

a. Traffic Safety

Appellant: There have been multiple accidents and near-misses at the intersection of 4th Street W. and 10th Avenue W., and elsewhere in the neighborhood. Vehicles routinely speed through the intersection, and increasing traffic throughout the neighborhood will present an increased risk at this intersection, especially with a decreased line of sight.

Staff Response: *As noted in Section IV.B.1.a above, the sight distance at the intersection of 4th Street W. and 10th Avenue W. is sufficient and complies with City requirements for where the cross street is controlled by a stop sign. The issue of car accidents noted by the appellant is a matter of driver behavior. Speeding and disregard for traffic control signs is a violation of traffic laws and not pertinent to the review of the proposed variance. The City has a Neighborhood Traffic Control Program that serves to address citizen concerns relating to traffic safety in their neighborhoods. The issues identified by the appellant are matters to be handled through this program by contacting the City's Traffic Control Coordinator.*

b. Construction Impacts

Appellant: Current development activity creates traffic issues during construction, including periodic alley closures. Another construction project on the north end of the alley serving the subject property may result in complete alley closure at times, presenting an inconvenience and life safety issue.

Staff Response: *The variance is a land use decision and does not authorize any construction activity. The issues identified are not subject to the variance review. Furthermore, the City will review specific construction impacts with the required building permit. Construction activity that encroaches into the public right-of-way requires a Traffic Control Plan that complies with the Public Works Department's Pre-Approved Plans Policy R-29 (see Enclosure 7).*

V. STAFF RECOMMENDATION

The appellants' comments assert that the City erred in approving the Yue Setback Variance. Mr. Tucker's claims that the proposal does not comply with the variance criteria in KZC 120.20 have been addressed, and the City maintains that the variance responds to a unique circumstance, does not present a material detriment to the City or surrounding neighborhood, and does not grant a special privilege to the property. Additionally, Mr. DuPaul's comments regarding traffic safety have been reviewed and found to be erroneous as the proposal complies with sight distance requirements. Staff's analysis of the appellants' comments has not found sufficient reason to change the original findings of fact and conclusions.

As such, Staff recommends that the Hearing Examiner uphold the Planning Director's decision approving the Yue variance request with conditions.

VI. ENCLOSURES

1. Tucker Appeal Letter
2. DuPaul Appeal Letter
3. Planning Director's Decision on VAR17-00705
4. Existing Setbacks for 4th Street W. Corner Lots
5. Market Neighborhood Narrow Lots
6. Public Works Department's Pre-Approved Plans Policy R-13
7. Public Works Department's Pre-Approved Plans Policy R-29

May 15, 2018

City of Kirkland
Planning and Building Department
123 5th Ave
Kirkland, WA 98033



Attention: City of Kirkland Hearing Examiner
Eric R. Shields, Planning Director
Nick Cilluffo, Planner

Subject: Appeal of Decision for VAR17-00705, Yue Setback Variance

References:

- a) Advisory Report; Findings, Conclusions and Recommendations dated May 1, 2018 signed by Eric Shields on April 25, 2018 for VAR17-00705
- b) Notice of Decision dated May 2, 2018 for VAR17-00705
- c) Hearing Examiner Decision for File No. ZON06-00007 dated May 11, 2006, Conclusion #7, Pages 5 & 6
- d) Advisory Report; Findings Conclusions and Recommendations dated December 16, 2016 for VAR16-001249 signed by Eric Shields December 16, 2016, Section II.D.4.b on Page 5

Please consider this letter a notice of formal appeal of the decision in Reference b approving the Subject Variance described in Reference a.

Please reverse this Variance Decision. The Applicant and the Planner mention and rely on precedent and feasibility in justifying the Approval. No actual precedents for this exist, and the zoning code makes no mention of feasibility in its requirements or criteria for variances. This variance is not required nor necessary. A detailed explanation of the specific elements of the Director's decision being disputed follows:

In their letter dated November 9, 2017 (Reference a) the Applicant states the City needs to grant a variance in order to build a new house. While a conforming new house would have an above-grade width of 15 feet, the City does not need to grant a variance just so a wider house can be built.

The Applicant also states that a 10-foot setback is consistent with the Market Neighborhood and that there are precedents for this variance. This is incorrect. In fact, a 10-foot setback is completely inconsistent with new development taking place in the Neighborhood as well as with the Kirkland Zoning Code and Neighborhood Plan, as explained next:

The Applicant uses a table (Exhibit C in their letter in Ref a) to show precedents and consistencies. That table of properties submitted with the Application has many incorrect details regarding the positions and histories of structures at each property listed. It is misleading if taken at face value. Going through it, the following items' mischaracterizations need to be understood; the Numbers below are those used in the Applicant's Exhibit C:

- 1) No variance is recorded nor was granted for this property. The new structure built in 2007 was sited based on the corner averaging method allowed in the Zoning Code based on the structures existing in 2007 at the adjacent properties.
 - 2) The original structure built in 1950 for this property is grandfathered because it was built before current zoning was adopted. Additions made to it in 1998 are at the required 20-foot setbacks.
 - 3) This structure was built in 1909 and is grandfathered.
 - 4) This structure was built in 1930 and is grandfathered. Also note that the detached garage built in 1995 is conforming to the 20-foot setback from 4th St W.
 - 5) This is the Applicants' property for which they seek this Variance, and its structure built in 1942 is grandfathered. It makes no sense to use it as a justification for a variance if it is going to be demolished.
 - 6) No variance is recorded nor was granted for this property. The new structure built in 1981 was sited based on the corner averaging method allowed in the Zoning Code based on the structures existing in 1981 at the adjacent properties.
 - 7) The covered porch extends into the 20-foot setback and is allowed per the Zoning Code. The interior structure is built at both 20-foot setbacks.
 - 8) The covered porch extends into the 20-foot setback and is allowed per the Zoning Code. The interior structure is built at both 20-foot setbacks.
 - 9) This structure was built in 1954 and is grandfathered.
 - 10) This structure was built in 1947 and is grandfathered.
 - 11) The original house was built in 1954 and was nonconforming but grandfathered. It was demolished. The new house built in 2016 conforms to both 20-foot setbacks.
 - 12) The original house built in the early 1900's had a front porch which extended into the setbacks but was grandfathered. The City issued a permit for repairs to the porch in 2003, without allowing its size and location to change. That porch, and the original structure, were demolished and the new house built in 2013 conforms to both 20-foot setbacks with conforming porches.
 - 13) This structure was built in 1920 and is grandfathered.
- A) There is no address in Kirkland for "1250 4th Ave W." Using the Assessor Tax No. in the table, the correct address for this property is 1250 4th St W. A variance (Reference c) was granted for this property in 2006 because, according to the Hearing Examiner in Ref c (Conclusion #7, Pages 5 & 6) "Given the unique configuration of right-of-way widths in this area, a 10-foot setback here would function as well as a 20-foot setback in the typical right-of-way configuration." The curved curb line along the right-of-way where this variance was granted is as much as 45 feet away from the property line, and thus ~55 feet away from the new structure which was built. (Please see the enclosed images.) The typical distance on 4th St W for a 20-foot conforming setback would be about 30 feet between the curb and the structure.
- B) This lot is 30 feet wide and is not a corner lot. A 5-foot side yard variance was granted for the new structure built in 2013. That new structure is 20 feet wide and must have been feasible since the property has sold since then and has appreciated in value.

In summary, none of the examples provided by the Applicant support their claims that this variance is in keeping with the neighborhood, as all of them are either grandfathered, conforming due to corner averaging, have a unique intersection, or are not similar in configuration to the Applicant's property.

The Applicant also mentions the variance VAR16-001249 at 401 13th Ave W (now 1231 4th St W). While this lot is also 40 feet wide and was given a variance to be 10 feet from 4th St W, that 10 feet variance was also based on the positions of existing nearby properties at 404 11th Ave W (corner averaged newer construction) and 401 11th Ave W (grandfathered older construction with conforming additions) and the unique other properties at its intersection. Please see Attachment 5 in reference d) for that Applicant's justification for their Variance and please view the images included with this letter. That Variance did not alter the feel of that corner of the 4th St W corridor because those two adjacent, downhill residential properties are already at ~10-foot setback locations (grandfathered and corner averaged). Corner averaging was not possible for that Variance because there is no other structure on the corner across 13th Ave W.; the opposite property is a parking lot with an open alley right-of-way cutting across it. Diagonally across from that property is an open City-owned parcel with just a large tree and lawn adjacent to Market St. That Applicant correctly noted the unique open feel of that intersection, because of the lack of structures on the NE side of 13th Ave W. The Planner for that Variance also notes in Ref d (Section II.D.4.b on Page 5) the unique configuration of the adjoining right-of-way intersection. Even as construction was completed, the Owner personally told me that the City of Kirkland required the owner and contractor to reduce the overhang of the eaves on the gable along 4th St W such that the fascia boards extend no further than the front of the grandfathered house at 401 11th Ave W (the position of which is grandfathered in from the original structure; see comments above). Those eaves were cut back approximately 1 foot to comply with this requirement.

This variance application is seeking to build a new structure which will not use corner averaging between the two adjacent residential structures. The intersection at this variance's property is not unique in any way; it is the 90-degree intersection of two neighborhood-typical 60-foot wide rights-of-way with residential properties on all four corners. (Please see the GIS map image included with this letter.) Allowing a setback variance at this intersection would be unique to the neighborhood and detrimental to it, while granting a special privilege to this property. It would also set an undesirable precedent.

In sum, there are no similar precedents of setback variances which support this proposal.

Next, while feasibility is not mentioned in the Zoning Code, the Applicant implies more than once that it should be a consideration, especially when they mention a "required two car garage needs at least 20' width" (notably, this is the only specific functional constraint mentioned by the Applicant, yet they are requesting a 25-foot wide house). This would be true if a 2-car garage was required, and if it was required to be above grade. Neither is a requirement. It is quite feasible to build a Zoning Code-conforming new home on this site:

- 1) The Zoning Code only requires parking spaces for 2 cars (not covered). The Applicant can build no garage, or one for 1, 2, 3 or as many vehicles as they would like and still be conforming. It is very feasible to build a garage which is no more than 15 feet wide above grade with depth for 2 cars end-to-end, or one which is wider below grade with more than 2 spaces side by side as do many newer homes in the Market and NorKirk Neighborhoods; either could have a 20-foot-wide driveway at the alley property line, and outside parking space to meet the requirement if still needed. A second, uncovered parking space could be located within the 20-foot front yard on the 4th St W frontage with access from the alley. A below-grade, 1-car-wide garage with a sloped driveway from the alley is very feasible in the neighborhood, as was done recently at 152 Waverly Way as shown

in an enclosed image; that property's garage has spaces for 3 more cars below grade (152 Waverly Way is a wider lot and could build an adjacent conforming covered space aside the driveway.) Such a below-grade garage door entrance at this Applicant's property could be as wide as the 40 feet width of this lot if the ceiling of that garage is low enough to be considered "below grade" in the Zoning Code.

- 2) A narrow house is very feasible; it requires a willing owner and architect. An example of a narrow neighborhood house which is 18-22 feet wide is at 630 18th Ave W. That house has virtually no yard nor a view but is still valuable and has appreciated in value along with the rest of the Market Neighborhood. It has sold at least twice since it was built in 1981. Another example is on a corner lot at 1925 7th St W, with a 17-foot wide residence built in 1990. It, too, has sold once since then, and has appreciated in assessed value, without any views. Designing and building a narrow house on the Applicant's lot would still allow for incredible views from it, with a large yard. An appealing façade, including covered porches in the setback, could be designed for both frontages. This lot has a moderate slope which would allow for a below-grade basement and/or garage similar to the existing structure and still leave a usable yard, with walk-in access from that yard to the lower level from the 10th Ave W front yard as shown on their current plans.

In sum, a narrow house with the required parking is feasible on this lot.

I met in person with the Planner a couple of months ago at City Hall and requested an update on his review. I noted one of his comments was that he was not allowed to restrict an owner from realizing the value of their property. Whether or not that is true, the value of the property in question is very good, even with a new structure in compliance with the current zoning. Fully utilizing the below-grade options, the sloping lot allows the Applicant to build that lower level to the width of the lot and provide the functionality of lots of total living space. The views it will enjoy, even at ground level from 20 feet back from 4th Street W, will look over the property across 10th Ave W, and even more down 4th St W and over the other downhill properties to the West. The additional 10 feet of structure width with this variance will not significantly enhance the views which would be created by a conforming structure, and that cannot be a consideration in this decision even if it did. The width of 15 feet allowed by the current setback zoning only applies to parts of the structure which have ceilings which are more than 6 feet above the finished grade; The Applicant and his Architect can use this part of the Code very creatively by creating space which will be below grade, just as the current structure has a large basement area already. Compliance with the Codes will not restrain this owner from creating and realizing value.

In Reference a), The Applicant and Planner refer to the existing structure's position. The Applicant can keep this structure in its current location and can add to it with new structure which conforms to the 20-foot setback. With creativity and willingness, it is certainly another feasible to approach the property in this manner to remodel and add to it.

Also, in Reference a) the Applicant and Planner state that because of the new frontage improvements (a planting strip) there will somehow be improved open space. The new planting strip will be required regardless of this variance, with a new conforming structure, or with significant additions to the current one. It is not a valid justification to allow this variance. The City will not require frontage improvements if

the existing structure remains as-is, so the public will continue using them as-is in that instance as it has for 70+ years.

In his Report's section II.B, the Planner states that the proposed new structure will enhance the existing (public) views because the current nonconforming structure will be removed. While true, the Zoning Code's goal over time with all new development, is to put all new structures set back 20 feet from the Property Lines (not the curb) to open the feel of the rights-of-way in the long term. Placing this new structure at 10 feet defeats this purpose and goal, even if the older nonconforming structure is worse.

Additionally, the Applicant's and Planner's calculation of the option for the corner averaging is incorrect wherein he states the average would be 17.5 feet. He further claims that this "significantly constrains the site" as justification for not imposing this option on the Applicant.

- 1) In the Application, the Applicant submitted the site survey, which clearly shows the adjacent properties' actual setbacks from 4th St W, which are 14.3 feet and 22.8 feet. Using the explicit corner averaging called for in the Zoning Code, the average would be 18.55 feet from 4th St W.
- 2) The Planning Department is charged with reviewing new development plans and making sure they comply with the City's Zoning and other Codes. Judgments of whether a constraint is too constraining are not up to the individuals or the Department, especially when an owner has not explored all available options within the constraints mandated by the City's Codes. Narrow houses are permitted by the UBC and therefore by the City of Kirkland. While they may not be preferred by builders and owners, that preference is not something which is up to the Planning Department to encourage to the detriment of compliance with the City's Codes and Comprehensive Plans. The width of a house on this Property will not appreciably enhance its assessed value; the land beneath it and its location are where much of its value resides. The owner will not be unfairly constrained from using his property if he is compelled to comply with the setbacks and also takes advantage of the slope of the lot and what can be considered below-grade.

The Planner also states that only four corner lots along 4th St W between 7th Ave W and 13th Ave W are developed with both 20-foot setbacks. While true, the ones which are nonconforming are grandfathered in because they were built before the current Zoning Code was adopted or were built using corner averaging as allowed by the Code. Notably, the structure at 1014 4th St W, while grandfathered due to age, is conforming to both setbacks; the conforming structures at these corner lots and all the others are just as notable as those which are not. All the new structures on the similar corner lots with frontage curbs at 90 degrees to each other, with the one unique exception noted above, are all conforming with either 20-foot setbacks or allowable corner-averaged setbacks. Corner lots on 5th St W are a prime example of new construction and conformance to the 20-foot setbacks, along with conforming porches in some cases. Narrow lots are very buildable if the owners and architects are creative enough to design within the Codes, as has been shown by their recent construction. Some of them have attractive, functional and conforming front porches extending beyond the 20-foot setback on one frontage; this Applicant could include that element in their plans and still conform.

Further on, the Planner states that the Comprehensive Plans' sections are either not applicable, or that this Application conforms to them. This is incorrect:

The Plan's Goal M-9 states public view corridors are important. The Planner states this section only applies to views in the "public domain." While correct, I would say the Plan envisions the public domain to include view corridors from a person viewing them in and from the public rights-of-way (which are 60 feet wide) with 20-foot setbacks from both sides, for an open, 100-foot-wide view corridor for the public's enjoyment. Even the Planner implies this with his prior mention (in his II.B comments) of the enhanced (public) view which will be achieved with demolition of the current structure. Goal M-9 explicitly mentions street views to Lake Washington and beyond, so this Goal is especially pertinent to 4th St W as it opens to this explicit view. Ignoring this Goal to allow an owner to have a wider house is not compliant with the Plan.

The Plan's Goal M-10.1 explicitly mentions setbacks as the first example of appropriate elements which contribute to satisfying this Goal. The Planner mentions the other elements in his assessment but does not mention setbacks. The Plan gives weight to setbacks by their explicit mention, and the Planner's assessment ignores them, which he should not have done. The Goal does not seek a balance between any elements to the detriment of others; it seeks long-term achievement of all of them.

The Plan's Goal M-10.2 also explicitly states that setbacks (the first item listed) are one factor which encourages appropriate scale and fit into the neighborhood. It is very feasible to design a narrower, conforming home on this lot which would have scale, especially if the allowed below-grade and covered-porch options are utilized. While the planner correctly states "the proposed residence will comply with all bulk, mass, and height regulations", he again ignores the other criteria of "setbacks" stated in Goal M-10.2. As with M10.1, setbacks have equal weight with the other criteria and none are subservient to the others.

The variance requested is detrimental to nearby properties and the neighborhood by virtue of its noncompliance with Goals M-9 and -10 of the Comprehensive Plan for the Market Neighborhood.

In his report's Section II.D, the Planner states that with installation of the new required planting strip there will be an additional 2 feet between the sidewalk and the property line. This is incorrect, as the Property Line is not being adjusted. While there is currently a retaining wall partially in the right-of-way near the edge of the existing sidewalk, moving the wall and widening the planting strip does not change the location of the proposed residence, which would still be 10 feet from the actual property line (and the sidewalk, which is not moving) instead of the required 20 feet. I found this justification to be confusing at best, and misleading at worst.

In II.D, the Planner mentions the building footprints shown by the Applicant which are currently and would be within the 20-foot setback. Those areas are not in question, so I find this topic to be confusing at best. The issue at stake in this variance is the required setback, and regardless of its approval or denial, the site is constrained by the Code to the above-grade Floor Area Ratio of 2400 sq. ft. The Applicant seems to be aware of these constraints in the proposed, nonconforming design. A discussion and comparisons of footprint areas within the 20-foot setback area are irrelevant to this variance.

The Planners Conclusion in II.D mentions that the proposed residence will be 6.1 feet further away from the property line than the current structure; it should and can be 16.1 feet further away with a conforming structure. Moving it from a grandfathered structure's smaller setback is not justification for a variance, no more than moving it 1, 2, 3 or 12 feet would be. The Conclusion also mentions, again, the spurious

Appeal of VAR17-00705

May 15, 2018

Page 7 of 7

argument that the new planting strip somehow fulfills the intent of the 20-foot setback. The 20-foot setback's intent is 20 feet from the property line, or in this case, about 30 feet from the edge of the curb. There is no 20-foot "new" yard being created on the 4th St. W frontage. Even the Applicant doesn't mention this line of logic, so it's puzzling why the Planner would be creating it to justify this variance.

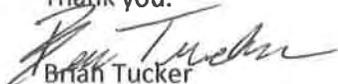
I am not privy to the details of the Presubmittal Meeting the Applicant had with the City on October 24, 2017 under Permit PRE17-00642 regarding this variance application. While it is not mentioned in the Application or the Planning Director's decision, it is obvious the Applicant has spent time and money on purchasing the property, creating the plans for this proposed residence, and did so on and before November 1, 2017 (the date on their plans) and before applying for this Variance on November 9, 2017. However, they did so at their own risk since they also knew that granting of this variance was not automatic. If discussions with anyone at the City of Kirkland did not inform them of the possibility of disapproval, or if they took those discussions as encouragement that approval would or could be likely, that should not be a persuasive factor in this decision by the Hearing Examiner. The decision needs to be made based on facts and compliance with the City's Codes and Comprehensive Plans. If the Applicant incorrectly assumed he would be granted this Variance, such assumption is not grounds for granting it upon appeal.

I am also curious that while the Planning Director's signature of concurrence is dated April 25, 2018, this Report is dated May 1, 2018. I would be concerned if the Director did not review and concur with the final version of the Report which has been provided to the Parties of Record.

In closing, this property can easily and feasibly accommodate a new structure within the 20-foot setback, even if it is 15 feet wide above grade; they could also build 16.45 feet wide using corner-averaging. It only requires a willingness to do so on the part of the new owner and their architect. They could even add an attractive covered porch in the 4th St W front yard to modulate that frontage (as long as there is not a balcony above it). There is only one precedent in the neighborhood for a similar variance, and all the others noted are not actually variances, are for a very different street configuration, or are grandfathered just like the current structure at this property. That one similar variance was granted by effectively using corner averaging at a truly unique intersection. This requested variance is not at a unique intersection. This application is setting a new precedent which does not align with the Neighborhood's Plan. It is detrimental to properties in the area, is not necessary because of special circumstances which cannot be overcome and grants an inconsistent special privilege to the property.

Please reverse the Planning Director's decision and encourage the Applicant to submit new plans for a conforming structure at either the 20-foot setback or using the 18.55-foot setback they can have using corner averaging.

Thank you.



Brian Tucker

442 13th Ave W
Kirkland, WA 98033

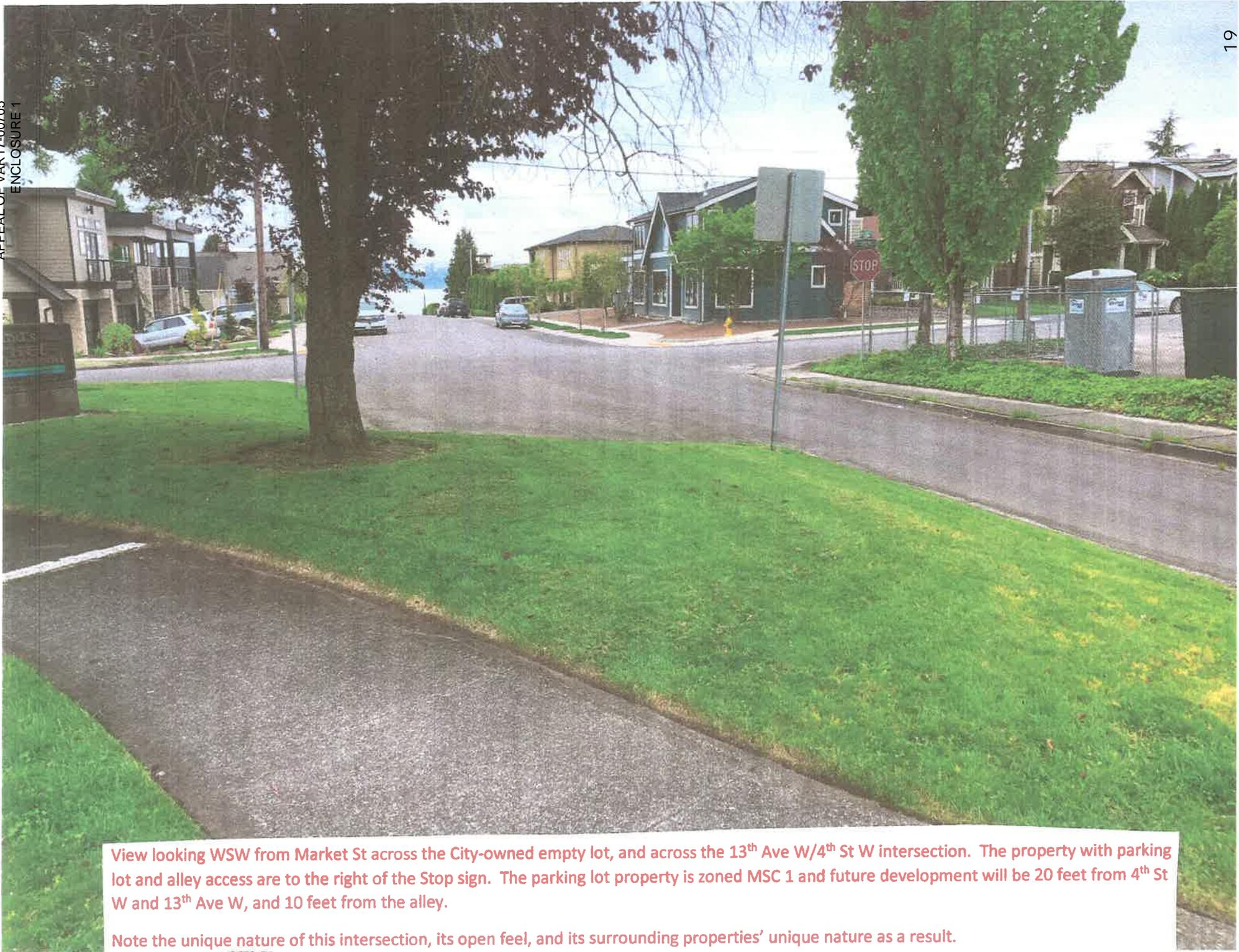
Six (6) images attached



KingCo GIS Parcel Viewer Map of Market Neighborhood

Note the unique nature of the intersection of 13th Ave W and 4th St W, where VAR16-001249 and ZON06-00007 were approved for 451 13th Ave W (now 1231 4th St W) and 1250 4th St W, respectively.

Also note the non-unique nature of the intersection of 10th Ave W and 4th St W, where VAR17-00705 is being proposed.



View looking WSW from Market St across the City-owned empty lot, and across the 13th Ave W/4th St W intersection. The property with parking lot and alley access are to the right of the Stop sign. The parking lot property is zoned MSC 1 and future development will be 20 feet from 4th St W and 13th Ave W, and 10 feet from the alley.

Note the unique nature of this intersection, its open feel, and its surrounding properties' unique nature as a result.



View looking E on 13th Ave W from 401 13th Ave W (VAR16-001249)
Note the City-owned empty lot diagonally across and Market St beyond for the unique nature of this intersection, and therefore the unique nature of the lot at 401 13th Ave W.



View looking SW on 4th St W from 13th Ave W.
401 13th Ave W is dark grey house on corner (VAR16-001249).
404 11th Ave W is next house down on right; 2005 corner-averaged setback from 401 11th Ave W and prior structure at 401 13th Ave W.
401 11th Ave W is next house down from there on right; chimney chase is visible. Structure at ~10 foot setback was built in 1950; remodel additions built in 1998 are at 20-foot setback.



View looking SE on 13th Ave W from 401 13th Ave W (VAR16-001249) and across 4th St W.

1250 4th St W (ZON06-00007) is across 4th St W. Note the unique nature of the curb and frontage of this lot as the curb for 13th Ave W curves away from the property along the entire 13th Ave W frontage. The area between the sidewalk and the curb is City-owned right-of-way and cannot be developed.

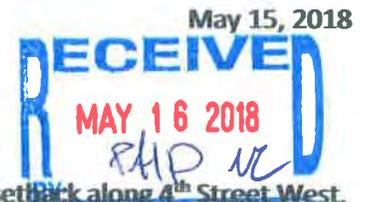
The empty, City-owned empty lot is to the left of this view, contributing to the unique nature of this intersection and therefore the unique nature of the lots at 401 13th Ave W and 1250 4th St W.



Driveway and garage entry at 152 Waverly Way. The below-grade garage has room for 3 vehicles with room to maneuver.

The 2nd required parking space does not have to be covered. A 2nd space at the proposed structure at 346 10th Ave w could be adjacent to a driveway like this, uncovered, and in the 20-foot front yard setback on 4th St W, with alley access to a 20-foot wide driveway entry at the alley property line.

Eric R. Shields, Planning Director
Kirkland Planning and Building Department
123 5th Avenue, Kirkland, WA. 98033
Subject: Notice of Appeal Yue Setback Variance, Case NO. VAR17=00705



This letter is to inform you of our request to appeal the decision to reduce the 20 foot setback along 4th Street West.

Our appeal is based primarily along traffic safety issues which, unfortunately, the Project Planner did not adequately address in his advisory report dated May 1, 2018. In section II B.g (page 4) of the report he states in his staff response to the line of sight issue "Staff Response: The proposed house will increase visibility along 4th Street W" He also includes a reference to Attachment 2. This attachment does NOT show the decreased line of sight this variance would permit nor does he take into account any traffic issues along 10th Ave West. In his report I cannot find any reference to traffic accident reports from the area which would have assisted him in determining if the granting of this variance would impact traffic safety. I can only conclude that he did not contact Kirkland Police for recommendations regarding traffic issues. If the city grants this variance then it must accept any liability that arises from safety related issues.

There were at least two accidents in this area worth noting. One of these accidents involved a garbage truck snagging an overhead transmission line along 4th Street W. This resulted in two telephone poles being knocked down along 10th Ave West. The other occurred at the intersection of 11th Ave West and 4th Street W. when a yard maintenance pickup blew threw a yield sign on 11th Ave West and collided with a car going south on 4th Street W. Both of these incidents clearly show how much damage can occur in a 25MPH speed zone.

The granting of a setback variance of 10 feet along 4th Street W along with the proposal to build within 20 feet of the property line common to 10th Ave West will significantly reduce the line of sight for vehicles entering and exiting the intersection common to 4th Street West and 10th Ave West. This is especially true when compared to the maximum size building that the current zoning provides for (see attachments 1 and A-1). I estimate that the line of sight will be reduced between 20-30 feet if this variance is granted. This is precious space when braking down a sloping street (4th Street W).

We routinely witness many near misses as cars, school buses, dump trucks, cement delivery vehicles, yard maintenance vans, etc. speed through this traffic spot or run the stop signs along 4th Street West. With the rising number of cars using Market Street the number of people trying to use the side streets as an alternative route continues to grow. These safety issues will only get worse as traffic grows and if the line of sight in the intersection is further reduced.

The West of Market Street neighborhood is undergoing a period of significant change as many old buildings are being torn down and new ones are being put up. This brings the usual traffic headaches as new projects progress toward completion. Currently we are experiencing a new building project at the east end of the 10th Street West alley. They close the east entrance to the ally from time to time in order to work on the Dibble project. We are concerned that the ally will be totally blocked by the twin construction projects on both alley entrances as they build their respective buildings. If the alley were to be completely blocked it would be more than an inconvenience but would be a significant safety concern to the 15 property owners (including a Doctor) who depend on alley access for garage, fire, ambulance, utility company and police services.

Sincerely Yours,

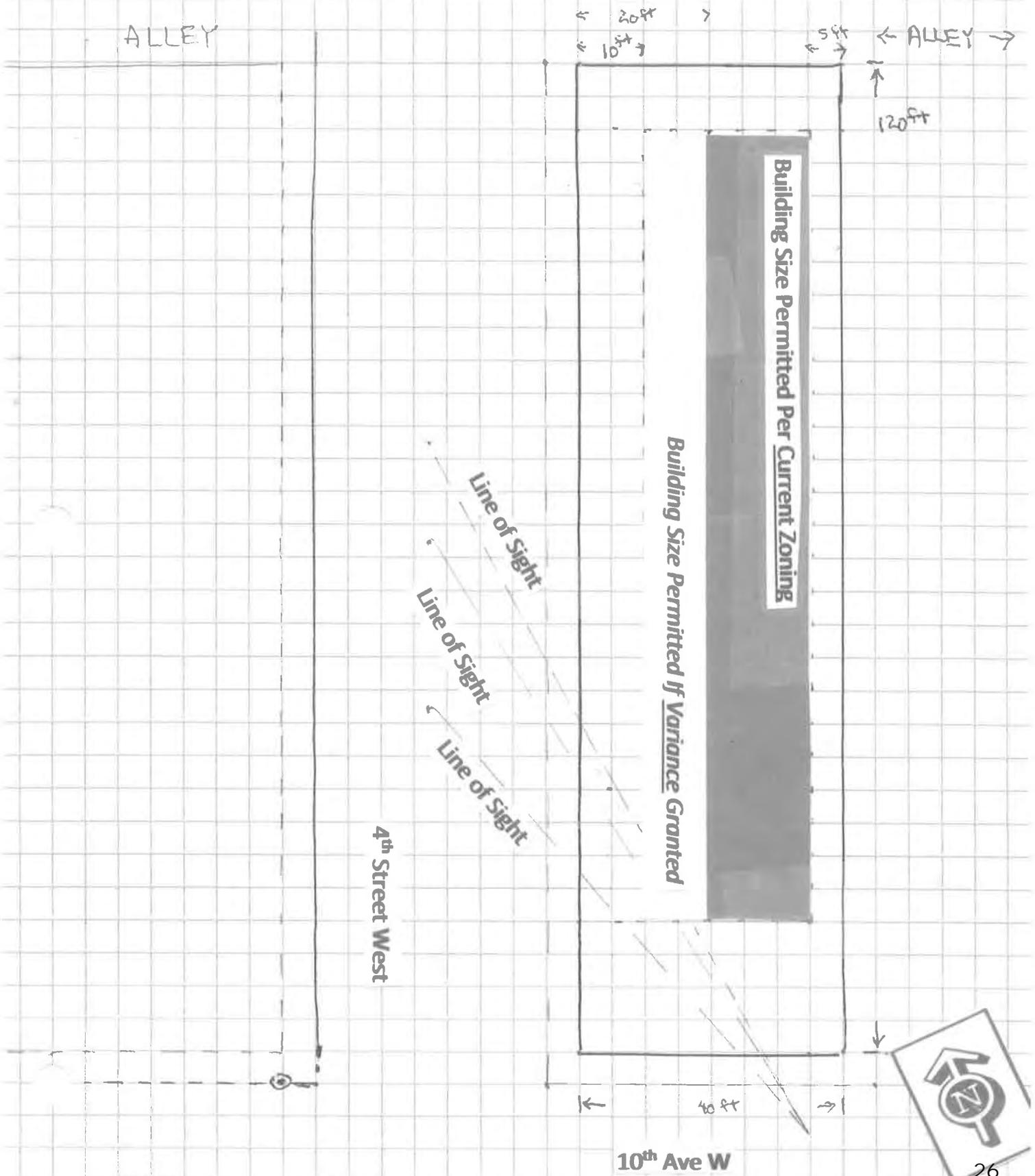
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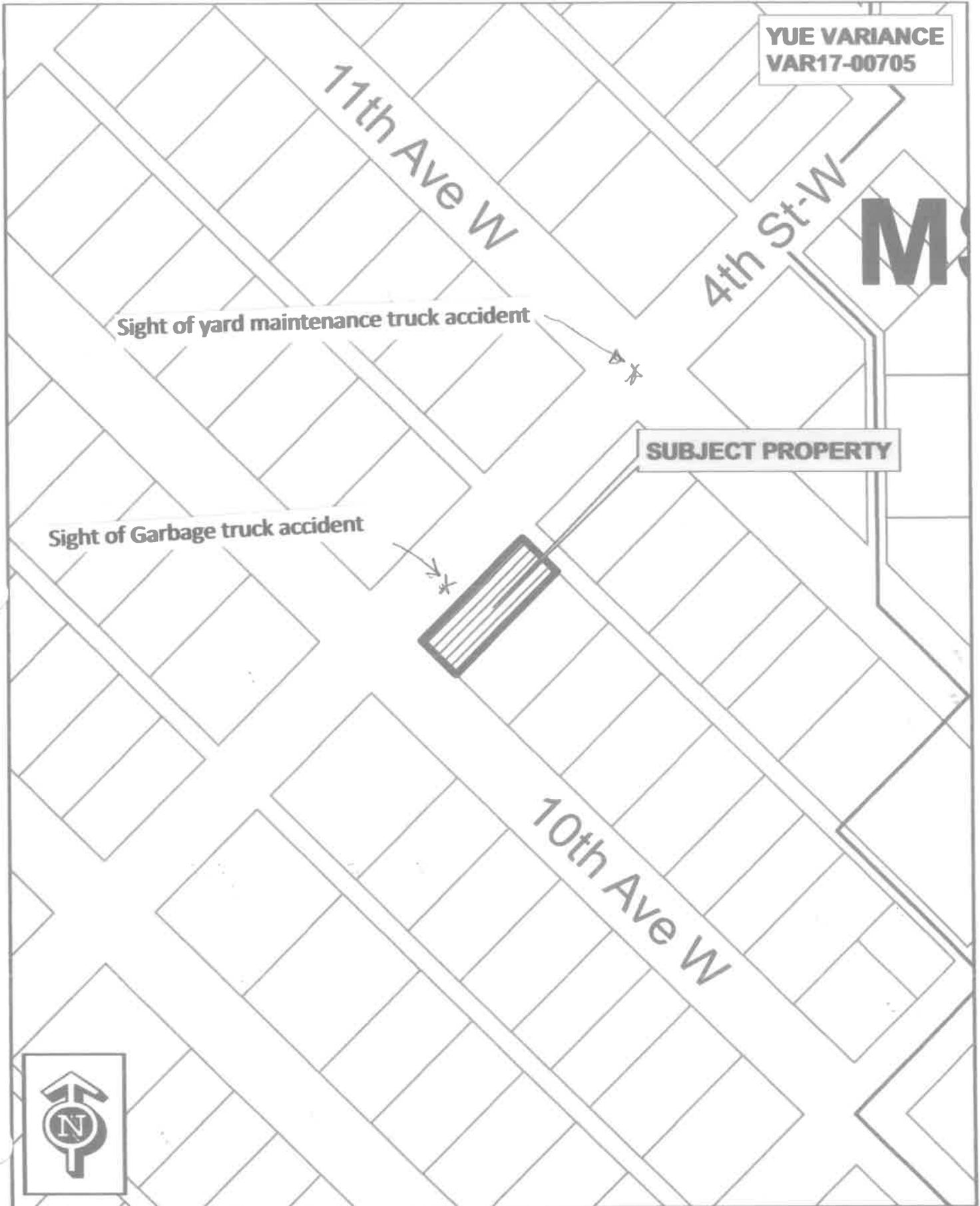
Attachments 1 and A-1 included for ref.

Eric R. Shields, Planning Director
May 15, 2018 Kirkland Planning and Building Department

Notice of Appeal Yue Setback Variance, Case NO. VAR17-00705

Attachment A-







CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600 - www.kirklandwa.gov

ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director

From: Nick Cilluffo, Project Planner

Date: May 1, 2018

File: VAR17-00705, YUE SETBACK VARIANCE

I. INTRODUCTION

A. APPLICATION

1. Applicant: Tong Wang of T&S Design Associates, Inc (for Jun Yue, owner)
2. Site Location: 346 10th Avenue W. (see Attachment 1)
3. Request: Proposal to reduce a required front yard from 20 feet to 10 feet along 4th Street W. The applicant is proposing to demolish the existing house and construct a new single-family residence on the subject property (see Attachment 2).
4. Review Process: Process I, Planning Director decision
5. Summary of Key Issues and Conclusions: Proposal must meet the variance criteria set forth in Kirkland Zoning Code Chapter 120.

B. RECOMMENDATIONS

1. Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, I/we recommend approval of this application subject to the following conditions:
2. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed (see Conclusion II.F.2).
3. As part of the building permit application for the new residence, the applicant shall submit plans consistent with the plans in Attachment 2, and include the appropriate detail and plan notes that show the decks facing 4th Street W. as having glass or some other type of see-through railing (see Conclusion II.D.1.b).

II. **FINDINGS OF FACT AND CONCLUSIONS**

A. **SITE DESCRIPTION**

1. Site Development and Zoning:

a. Facts:

(1) Size: The subject property contains 4,799 square feet of land area, with dimensions of approximately 40 feet in width and 120 feet in length.

(2) Land Use: The site is developed with a small residence built in 1942 with approximately 1,940 square feet of interior space. The existing residence is 3.9 feet from the front property line along 4th Street W. (see Attachment 4). The existing front yard setback along 4th Street W. is non-conforming to the current requirements of KZC 15.30.060, which requires a 20-foot setback from front property lines. The existing residence complies with all other required yard setbacks. An alley serves the back of the subject property.

(3) Zoning: RS 7.2, Low Density Residential with a minimum lot size of 7,200 square feet. The required yards for the zone are as follows:

Front – 20 feet (applies to property lines adjacent to 10th Ave W and 4th Street W)

Rear – 10 feet (applies to property line adjacent to the alley)

Side – Minimum of 5 feet but two side yards must equal at least 15 feet (the remaining property line must have a 5-foot setback)

(4) Terrain and Vegetation: The subject property slopes to the southwest, with approximately 10 feet of grade change between the alley and the 10th Avenue W. right-of-way. There is a retaining wall in the 10th Avenue W. right-of-way along the west property line and wrapping around the corner of the property at the intersection with 4th Street W. that measures approximately 2.5 feet tall. The retaining wall results in an existing grade of the **property's western yard that is approximately 2.5 feet higher** than the adjacent existing sidewalk along 10th Avenue W. The subject property contains one significant tree – a 13.5" cherry tree (see Attachment 5).

b. Conclusions: The size and dimensions of the subject property are constraining factors given the applicable setback requirements and the narrow lot configuration. See Section II.D for an analysis of the variance criteria.

2. Neighboring Development and Zoning:

a. Facts:

North - RS7.2, Single-Family residential

East - RS 7.2, Single-Family Residential

South - RS 7.2, Single-Family Residential

West - RS 7.2, Single-Family Residential

- b. Conclusion: The surrounding development and zoning are not constraining factors in this application.

B. PUBLIC COMMENT

1. Facts: The public comment period for this application ran from December 21, 2017 through January 8th, 2018. The City received seven public comment emails/letters during this period (see Attachment 6). A summary of the key issues identified in the public comments, as well as staff's response follows:

- a. Views: The proposed variance would result in the obstruction of views down 4th Street W. as well as the reduction of the open feel of 4th Street W.

Staff Response: The proposed variance would result in a house that is set back further than the existing house. The open feel and views down 4th Street W. will be increased with the proposed house. Also, the location of trees in a landscape strip directly behind the curb is a standard Public Works requirement and would be installed with site redevelopment regardless of this variance. See also the analysis in Section II.D.2 regarding impacts of the proposal.

- b. Setback Averaging: Corner lot front yard averaging should be used as allowed by KZC 15.30.060 (DD-14).

Staff Response: Using corner lot front yard averaging, the subject property's required front yard along 4th Street W. would be minimally reduced, by approximately 2.5 feet (see Attachment 2). This is based on the averaging of the existing setbacks at 1010 4th Street W. and 844 4th Street W., which are 15 feet and 20 feet, respectively. The resulting buildable width for the subject property would be 17.5 feet, which still significantly constrains the site.

- c. Similarly Sized Lots: Other corner lots of similar size and dimension have been developed with two 20-foot required front yards.

Staff Response: Of the 15 corner lots zoned RS 7.2 along 4th Street W between 7th Ave. W. and 13 Ave. W., only four are developed with two 20-foot required front yards. None of these lots are less than 50 feet wide and have buildable widths of at least 25 feet – the same width the applicant is requesting through this variance application.

- d. Comprehensive Plan: The proposal does not comply with Comprehensive Plan Policies M-9.1, M-10.1, and M-10.2 for the Market neighborhood.

Staff Response: Policy M-9.1 relates to views in the public domain and is not applicable to the proposed variance. Policy M-10.1 encourages building and site design that responds to the conditions of site. The proposed variance directly relates to the narrow site condition, and the proposed house is consistent with all other applicable development standards. Policy M-10.2 encourages house design that is appropriately scaled relative to the lot. The proposed residence will comply with all applicable bulk, mass, and height regulations. Lastly, none of the noted Comprehensive Plan policies preclude the applicant from proposing a variance pursuant to KZC 120.

- e. Existing Codes: The owner of the subject property should've been aware of applicable code requirements for the site.

Staff Response: Kirkland Zoning Code Chapter provides a mechanism that allows for certain development standards to be varied on a case-by-case basis if application of these standards would result in an unreasonable and unusual hardship (see analysis in Sections II.D.1 to 4).

- f. Sight Distance: The proposal will reduce vehicle line of site at intersection of 4th Street W and 10th Avenue W.

Staff Response: The proposed house will be set back further than the existing structure and will increase visibility along 4th Street W. (see Attachment 2).

- g. Construction Impacts: New construction will introduce additional impacts related to construction traffic and blocked alleys.

Staff Response: Any temporary traffic alteration or public roadway closure must be approved by the City's Public Works Department. Additionally, Kirkland Zoning Code 115.25 limits hours of construction associated with development activity to 7am-8pm Monday through Friday, 9am-6pm on Saturday, and no activity on Sundays or six major holidays.

- h. Utilities: Utilities for the new house should not be located on the neighboring property.

Staff Response: Private utility lines will be reviewed as part of the building permit for the new single-family residence. Utility lines for the proposed residence must be located on the subject property unless allowed across other private property pursuant to easements granted.

2. Conclusions: Public comment is not a constraining factor in the review of this variance application, except where they relate to the proposed variance. See Section D.1 for staff's analysis of the variance criteria.

C. STATE ENVIRONMENTAL POLICY ACT (SEPA)

1. Facts: KMC 24.02.065(a) exempts the construction of a single-family residence from SEPA. In addition, WAC 197-11-800(6)(e) provides a SEPA exemption for variance applications.
2. Conclusion: The City and applicant have satisfied the requirements of SEPA.

D. APPROVAL CRITERIA

1. VARIANCE
- a. Facts: Zoning Code Chapter 120 sets forth the mechanism whereby a provision of the Code may be varied on a case-by-case basis if the application of the provision would result in an unusual and unreasonable hardship.
- Zoning Code section 120.20 establishes three decisional criteria with which a variance request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 7. Sections II.D.2 through II.D.4 contain the staff's findings of fact and conclusions based on these three criteria.
- b. Conclusions: Based on the analysis in Subsections 2 to 4 below, the application meets the established criteria for a variance.
2. Variance Criterion 1: The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole.

a. Facts:

- (1) KZC 15.30.060 establishes a 20-foot required front yard setback from both the 10th Avenue W. and 4th Street W. property lines of the subject property.
- (2) The applicant proposes to reduce the 20-foot required front yard setback along the 4th Street W. property line to 10 feet along a portion of that facade. All other required yards will comply with standard requirements of KZC 15.30.060.
- (3) The entirety of the existing building façade is within 5 feet of the front property line along 4th Street W., with a portion of the existing residence 3.9 feet from the front property. Additionally, an upper level deck on the existing residence is located closer than 2 feet to the front property line.
- (4) The boundary survey shows approximately 12 feet between the front property line and the roadway of 4th Street W. (see Attachment 4). After installation of the required landscape strip and sidewalk, there will be an additional 2 feet between the sidewalk and the property line before applying the 10-foot setback as proposed in this application (see Attachment 2).
- (5) The proposed building façade along 4th Street W. modulates with 36.5 linear feet proposed to be set back further than the proposed 10-foot front yard setback (see Attachment 2). Portions of upper story decks are proposed within the required setback area. It is unclear whether the decks will have solid railings. There is an opportunity to reduce bulk/mass impacts of the residence if the deck had either clear or open railings.
- (6) The existing building footprint within the 20-foot required front yard measures to 571 square feet. The proposed building footprint within the 20-foot required front yard measures to 520 square feet – a reduction of 9% (see Attachment 2).
- (7) The existing home has two stories within the required front yard. The proposed home will be two stories, set back further than the existing structure, and must comply with the applicable height regulation of 25 feet above Average Building Elevation.
- (8) The Kirkland Zoning Code does not specifically regulate private views aside from the applicable height regulation.
- (9) Existing conditions to the southwest of the subject property include a 2-story residence constructed to the maximum allowed height, as well as street trees that obstruct the view to Lake Washington (see Attachment 8).

- b. Conclusion: Granting of the proposed variance would not have a materially detrimental impact to the subject property or properties in the vicinity because the proposed residence will be set back from the front property line an additional 6.1 feet or more than the existing residence (see Attachment 2). Adding this area to the 2 feet of open space between the sidewalk and property line fulfills the intent of the required front yard along 4th Street W. To reduce bulk/mass impacts, all decks along the northwest façade should have glass or some other type of see-through railing along 4th Street W.

3. Variance Criterion 2: The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of preexisting improvements on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.

a. Facts:

- (1) The required minimum lot size in the RS 7.2 zone is 7,200 square feet.
- (2) The subject property contains 4,799 square feet, with dimensions of approximately 40 feet by 120 feet.
- (3) The existing residence was legally built in 1942 and currently has an interior area of 1,940 square feet.
- (4) The subject property is a corner lot with two required front yards – one along 10th Avenue W. and one along 4th Street W.
- (5) The subject property is required to provide a 10-foot required yard along the rear property line adjacent to the alley.
- (6) The southeast property line is regulated as a side property line with a minimum 5-foot required yard.
- (7) The buildable area that would result from application of the standard required yard setbacks on the subject property is 15 feet wide by 90 feet long (see Attachment 2).
- (8) The applicant is proposing a 25-foot wide structure that provides a varied/minimum 10-foot setback along 4th Street W, a 20-foot setback along 10th Avenue W., a 10-foot setback from the rear alley, and a 5-foot setback from the interior side property line (see Attachment 2).
- (9) The proposed house will comply with applicable height and Floor Area Ratio regulations.

b. Conclusion: Due to the 40-foot width of the subject property and the requirement of two 20-foot front yard setbacks as a result of the property being a corner lot, a variance is necessary in order to construct a reasonably sized residence.

4. Variance Criterion 3: The variance would not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows for other properties in the same area and zone as the subject property.

a. Facts:

- (1) The applicant proposes a reduction to the required front yard setback along 4th Street W. from 20 feet to 10 feet.
- (2) The Market neighborhood contains several properties that do not meet the minimum lot size of the RS 7.2 zone and are narrower than the common 60-foot lot width. The City has granted similar variances in the immediate vicinity of the subject property, including required front yard reductions to 10 feet (see applicant's analysis in Attachment 7).

- (3) A nearby property in the Market neighborhood with similar conditions was recently granted the same variance request as proposed in this application, with similar modulation as this proposal. VAR16-01249 approved a 10-foot front setback at 401 13th Ave W.
 - b. Conclusion: Granting of the proposed variance would not constitute a special privilege, but rather responds to a unique dimensional characteristic of the subject property. Additionally, variances with similar proposals have been granted in the Market neighborhood on properties with similar dimensions and configuration.
5. GENERAL ZONING CODE CRITERIA
 - a. Fact: Zoning Code section 145.45.2 states that a Process I application may be approved if:
 - (1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 - (2) It is consistent with the public health, safety, and welfare.
 - b. Conclusion: The proposal complies with the criteria in section 145.45.2. It is consistent with all applicable development regulations (see Sections II.D) and the Comprehensive Plan (see Section II.E). In addition, it is consistent with the public health, safety, and welfare because it will provide infill single family housing consistent with the goals of the Comprehensive Plan.

E. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the Market neighborhood. Figure M-3 in section XV.K.5 of the Comprehensive Plan designates the subject property for LDR-6, Low Density Residential (see Attachment 9).
2. Conclusion: The proposal is consistent with the Low Density Residential designation of the Comprehensive Plan and provides infill single family housing.

F. DEVELOPMENT STANDARDS

1. Fact: Additional comments and requirements for the project are found in the Development Standards, Attachment 3.
2. Conclusion: The applicant should follow the requirements in Attachment 3.

III. SUBSEQUENT MODIFICATIONS

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

IV. APPEALS AND JUDICIAL REVIEW

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

A. APPEALS

1. Appeal to the Hearing Examiner / City Council: Section 145.60 of the Zoning Code / 22.20.245 of the Municipal Code allows the Planning Director's decision to be appealed by the applicant or any person who submitted written comments or information to the Planning Director. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., May 16, 2018, fourteen (14) calendar days following the postmarked date of distribution of the Director's decision.

B. JUDICIAL REVIEW

Section 145.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under KZC 145.115:

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 8 are attached.

1. Vicinity Map
2. Applicant Proposal
3. Development Standards
4. Survey of Existing Conditions
5. Arborist Report
6. Public Comments
7. Applicant Narrative
8. Existing View Conditions
9. Market Neighborhood Land Use Map

VII. PARTIES OF RECORD

Applicant
Planning and Building Department
Parties of Record

Review by Planning Director:

I concur I do not concur

Comments: _____



Eric R. Shields

April 25, 2018

Date

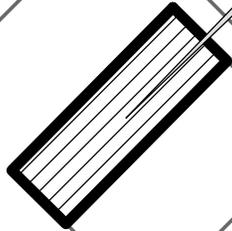
**YUE VARIANCE
VAR17-00705**

11th Ave W

4th St-W

MS

SUBJECT PROPERTY



10th Ave W

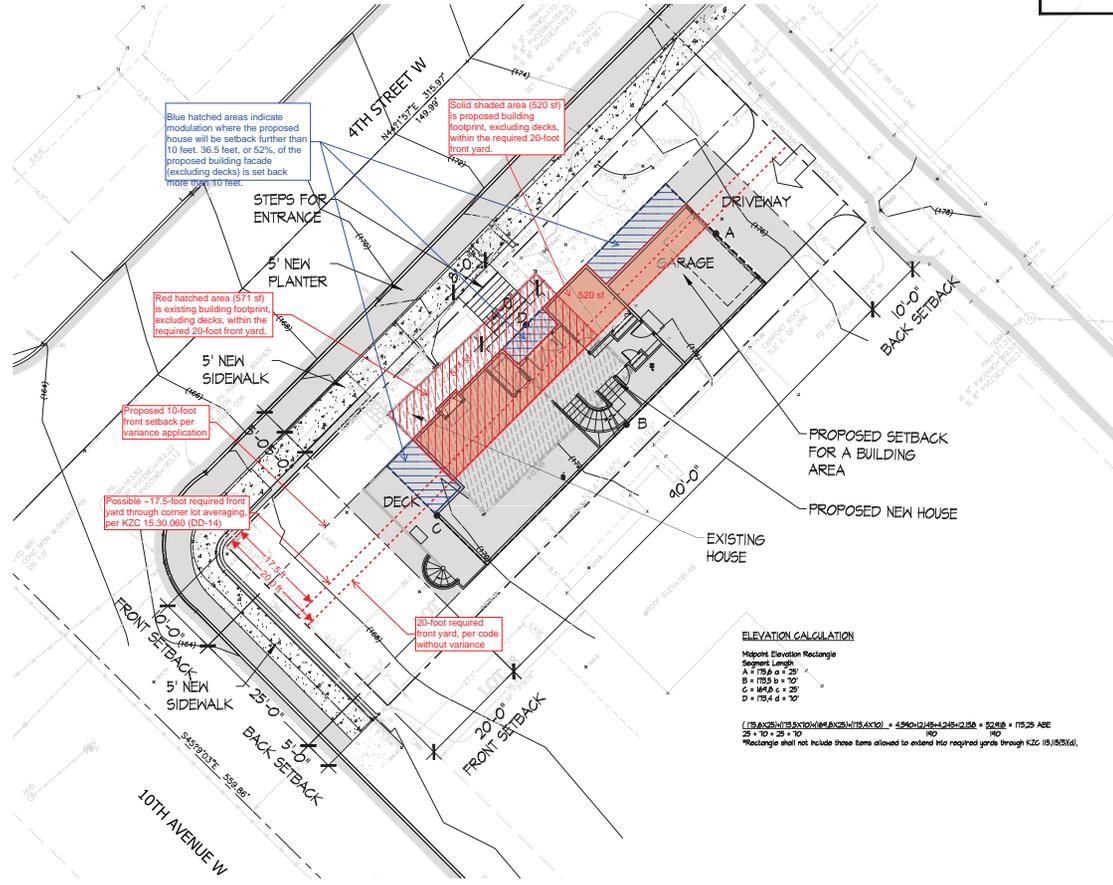


T & S DESIGN ASSOCIATES, INC
 512 NE 159th St
 Kent, WA 98032
 TEL: FAX (253) 485-3741

YUE JUN+YAMAN CHEN HOUSE
 346 10TH AVE W
 KIRKLAND WA 98033

PLAN NUMBER
 20171102
 sheet
 C1

OWNER'S NAME:
 YUE JUN+YAMAN CHEN
 SITE ADDRESS:
 346 10TH AVE W KIRKLAND 98033
 PARCEL # 388580-1470
 LEGAL DESCRIPTION:
 LOT 11 IN BLOCK 25 OF TOWN OF KIRKLAND, AS PER
 PLAT RECORDED IN VOLUME 6 OF PLATS
 PAGE 53 THROUGH 61, RECORDS OF KING COUNTY.
 APPLICANT:
 TONG WANG
 7512 NE 155TH KENMORE, WA 98028
 206-422-6094



ELEVATION CALCULATION

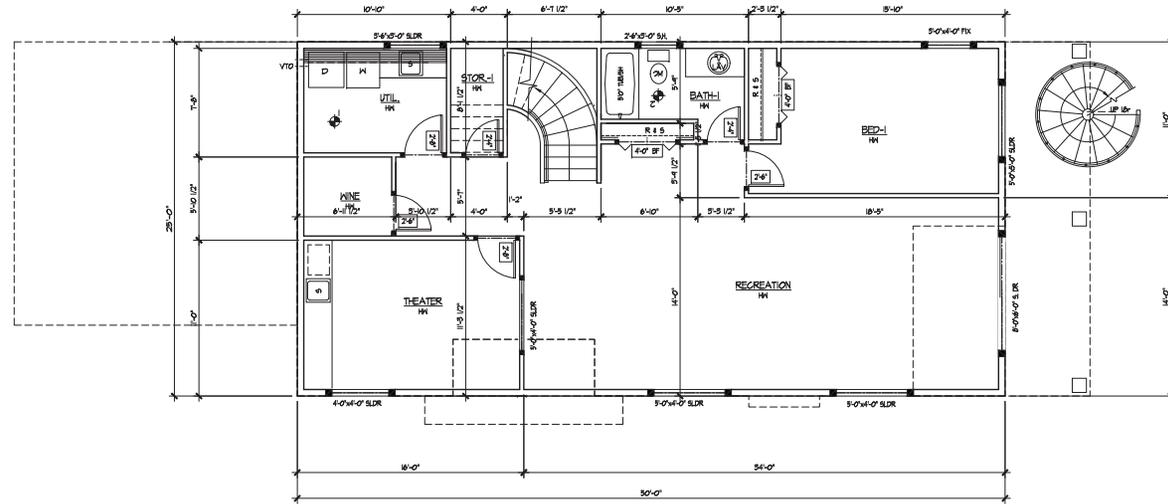
Highest Elevation	Rectangle	Segment Length
A = 73.6	a = 25'	
B = 175.3	b = 10'	
C = 142.4	c = 25'	
D = 175.4	d = 10'	

$(73.6 \times 25) + (175.3 \times 10) + (142.4 \times 25) + (175.4 \times 10) = 4290.0 + 1753.0 + 3560.0 + 1754.0 = 11357.0$

$25 \times 10 = 250$

Rectangle shall not include those items allowed to extend into required yards through KCC 15.35.016.

PROPOSED VARIANCE FOR SETBACK
 SCALE: 1" = 10'



BASEMENT FLOOR PLAN

Shear Wall Note:

1. DENOTES SHEAR WALL
2. DENOTES M10171 METAL STRAP
3. DENOTES S11014 HOLLOWCORE

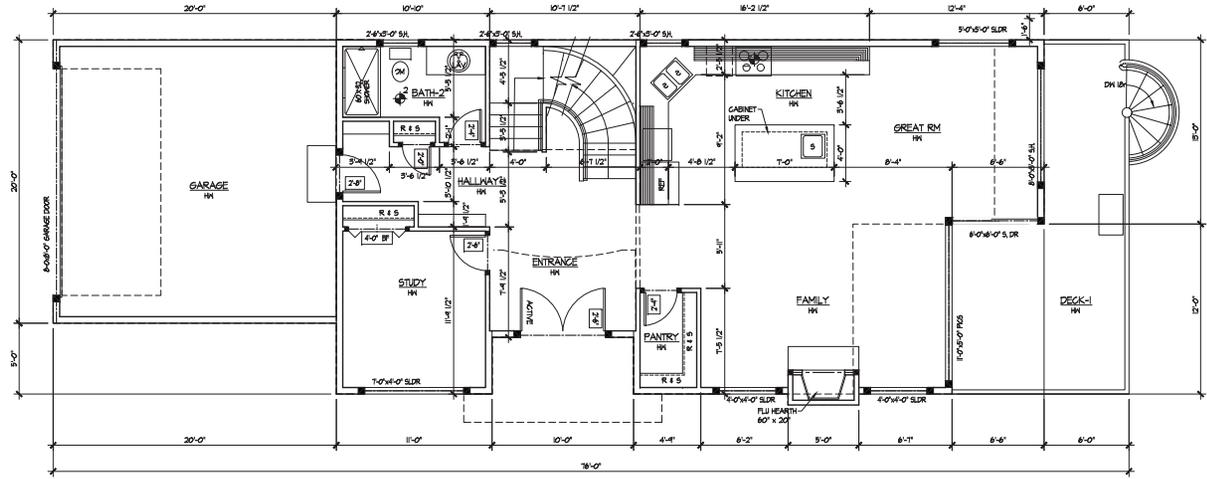
T & S DESIGN ASSOCIATES, INC
 512 NE 159th St
 Kent, WA 98032
 TEL: FAX (252) 485-3741

YUE JUN-YAMAN CHEN HOUSE
 346 10TH AVE W
 KIRKLAND WA 98033

PLAN NUMBER
20171102
SHEET
2

MAIN FLOOR FRAMING NOTES

1. AT GARAGE USE 5/8" TYPE "X" G.F.B. AT ALL COMMON LIVING HALLS AND AT ALL CEILINGS BORDERING LIVING AREAS NEAR ALL POSTS AND BEAMS.
2. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.
3. ALL HEADERS TO BE 4X10 D.F. #2 @ 2X4 WALL, AND D.F. #2 @ 2X6 WALLS UND.
4. ALL EXTERIOR WALLS 2X6 WITH R-21 INSULATION UNLESS NOTED OTHERWISE.
5. BLOCK ALL PLYWOOD EDGES AND NAIL WITH 10D AT 6" O.C. TYPICAL ALL EXT. WALLS.
6. PROVIDE DOUBLE JOISTS OR BLOCKING WHERE PARTITIONS OCCUR ABOVE.
7. PROVIDE SOLID BLOCKING OVER SUPPORTS.
8. PLATE HEIGHT TO BE 4'-1" THIS FLOOR, UNLESS OTHERWISE NOTED.
9. FIREBLOCKING AT ALL PLUMBING PENETRATIONS.
10. ALL STORAGE AND SPACES UNDER STAIRCASES TO BE FINISHED WITH 5/8" TYPE "X" G.F.B.
11. ■ DENOTES SOLID BEARING UNDER CONCENTRATED LOADS USE (2) 2X6 AT 6" WALLS, USE (2) 2X4 AT 4" WALLS UNLESS OTHERWISE NOTED.
12. FINISH ALL CEILINGS WITH 1/2" G.F.B.
13. PROVIDE 26-GAUGE GALVANIZED SHEET METAL FLASHING ABOVE WINDOWS AND DOORS, (TYP.) LAP BUILDING PAPER OVER.
14. HOLD SIDING 6" ABOVE FINISH GRADE, TYPICAL.
15. WINDOWS SPECIFIED ARE MFGOR. SEE WINDOW SCHEDULE. CONTRACTOR TO VERIFY ALL ROUGH OPENINGS.
16. FASTEN MULTI-LAM 2X BEAMS PER IRC, TYPICAL.
17. UPPER FLOOR FRAMING SEE PLAN FOR JOIST DIRECTION.
18. ALL VOIDS TO BE FIRE/DRAFT BLOCKED PER IRC.
19. ■ DENOTES BEARING FRONT AND HOLD DOWN LOCATION.
20. ADD SMOKE DETECTORS IN ALL PORTIONS OF PER IRC.
21. PROVIDE SMOKE BLOCKS UNDER THE ENDS OF SHEAR WALL THAT DO NOT HAVE FULL BEARING CONDITIONS.



AREA SUMMARY			
First Floor	1285 SF	FUR RATIO 50%+ (1600 SF)	2,400 SF
Second Floor	862 SF		
Garage	400 SF	Floor Ratio area < 2,400 SF	2,298 SQ. FT.
Sub total finished area	1,647 SQ. FT.	LOT COVERAGE 50%+ (1,600 SF)	2,400 SF
Total finished area	2,548 SQ. FT.	Lot coverage area < 2,400 sf	2,298 SQ. FT.
Basement	1,280 SF		

MAIN FLOOR PLAN

1/4" = 1'-0"

VENTILATION SCHEDULE			
Symbol	Manufacturer	Model Number, or Equal	
⊕	Nature	GT 150	10 Series 100 cfm @ .25 NE, 150 cfm @ .10 NE
⊕	Nature	GT 80	18 Series 80 cfm @ .25 NE
Notes: * Use GT 150 (100 cfm min.) @ all locations † Use GT 80 (50 cfm min.) @ all other locations.			

- SHEAR WALL NOTE**
1. // // // // DENOTES SHEAR WALL.
 2. ⊗ DENOTES M1571 METAL STRAP.
 3. ▲ DENOTES S17H14 HOLDDOWN.

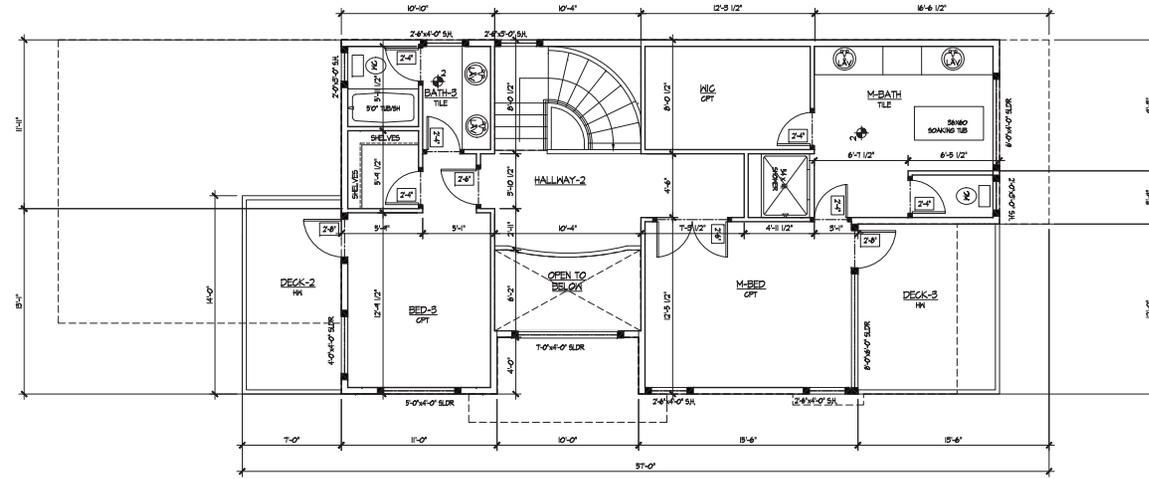
T & S DESIGN ASSOCIATES, INC.
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 20171102
 sheet
 4

T & S DESIGN ASSOCIATES, INC.
 512 NE 159th St
 Kent, WA 98032
 TEL/FAX (425)485-3741

YUE JUN+YAMAN CHEN HOUSE
 346 10TH AVE W
 KIRKLAND WA 98033



UPPER FLOOR PLAN
 1/8" = 1'-0"

SHEAR WALL NOTE:

1. DENOTES SHEAR WALL
2. DENOTES M1211 METAL STRAP
3. DENOTES STD14 HALDDOWN

UPPER FLOOR FRAMING NOTES

1. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS
2. ALL HEADERS TO BE 4X12 @ 12' #2 @ 2X4 HALL 8X10 @ 12' #2 @ 2X6 WALLS UNO.
3. BOTTOM OF HEADERS TO BE 6"± THIS FLOOR UNLESS OTHERWISE NOTED.
4. ALL EXTERIOR WALLS 2X6 WITH R-20 INSULATION UNLESS NOTED OTHERWISE.
5. ALL FRAME NAILING TO SATISFY IRC. BLOCK ALL FRAMING EDGES AND NAIL WITH 10D AT 6" O.C. TYPICAL ALL EXT. WALLS.
6. PROVIDE DOUBLE JOISTS OR BLOCKING WHERE PARTITIONS OCCUR ABOVE.
7. PROVIDE SOLID BLOCKING OVER SUPPORTS.
8. PLATE HEIGHT TO BE 8"-1" THIS FLOOR UNLESS OTHERWISE NOTED.
9. FIREBLOCKING AT ALL PLUMBING PENETRATIONS.
10. ALL STORAGE AND SPACES UNDER STAIRCASES TO BE FINISHED WITH 5/8" TYPE 'X' G.A.B.
11. DENOTES SOLID BEARING UNDER CONCENTRATED LOADS. USE (2) 2X6 AT 6" WALLS, USE (2) 2X4 AT 4" WALLS UNLESS OTHERWISE NOTED.
12. FINISH ALL CEILINGS WITH 1/2" G.A.B.
13. PROVIDE 26-GAUGE GALVANIZED SHEET METAL FLASHING ABOVE WINDOWS AND DOORS. (TYP) LAP BUILDING PAPER OVER.
14. WINDOWS SPECIFIED ARE MFR. BY MILWARD VENT. OR EQUAL U = 30 MIN. CONTRACTOR TO VERIFY ALL ROUGH OPENINGS. SEE SHEET #1 FOR MFC REQUIREMENTS.
15. FASTEN MULTI-LAM 2X BEAMS PER TABLE IRC, TYPICAL.
16. ALL VOIDS TO BE FIRE/DRAFT BLOCKED PER IRC.
17. ALL SMOKE DETECTORS TO BE 110 VOLT W/ BATTERY BACK-UP.
18. ALL HANGERS TO BE SIMPSON OR EQUAL.

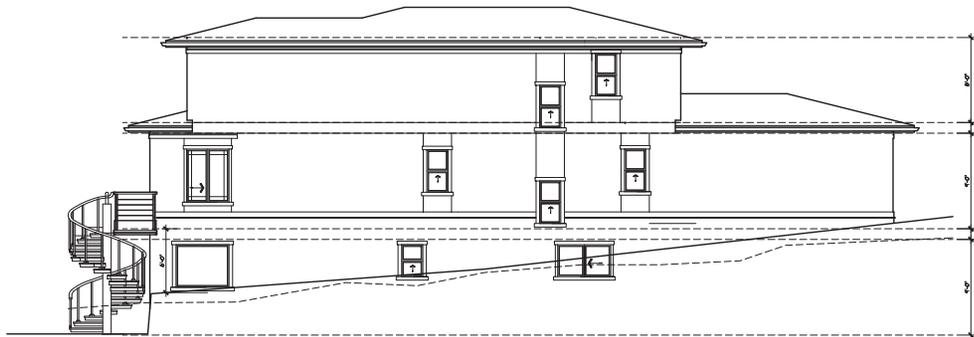
PLAN NUMBER
 20171102
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 6



1 FRONT ELEVATION
 SCALE: 3/16" = 1'-0"



2 LEFT ELEVATION
 SCALE: 3/16" = 1'-0"



3 REAR ELEVATION
 SCALE: 3/16" = 1'-0"



4 RIGHT ELEVATION
 SCALE: 3/16" = 1'-0"

T & S DESIGN ASSOCIATES, INC.
 612 NE 159th St
 Kent, WA 98032
 TEL: FAX: (206) 485-3791

YUE JUN-YAMAN CHEN HOUSE
 346 10TH AVE W
 KIRKLAND WA 98033

PLAN NUMBER
20171102
sheet
8



CITY OF KIRKLAND
 Planning and Building Department
 123 5th Avenue, Kirkland, WA 98033
 425.587.3600 ~ www.kirklandwa.gov

DEVELOPMENT STANDARDS LIST
 File: VAR17-00705, Yue Setback Variance

URBAN FORESTRY

There is 1 significant tree on the site, 0 are viable and 0 trees are proposed for retention.

Significant Trees:	High Retention Value	Moderate Retention Value	Low Retention Value
1			Not Viable

Existing on-site grove: Yes No

Conflicts between trees and utilities: Yes No

Acceptable Tree Protection Fencing Shown on plans: Yes No Redline Suggestions Below

The arborist report is accurate. There is only one significant tree on the property – an ornamental cherry located in the NW corner of the property (Figure 1). It is 13.5” in diameter with a canopy spread of approximately 24’. It has been pruned in the past for overhead utility clearance. There is a decay cavity in trunk of the tree at approximately 5’ height with several cankers and visible gummosis indicating signs of internal stress (Figure 2).

The proposed construction of the house and frontage improvements will impact approximately 44% of the roots and canopy of this tree. The location of this tree under the overhead utility lines will require continued clearance pruning. This, coupled with the current health status of this tree and the proposed construction, will likely have detrimental impacts on the health and structural status of this tree.

ZONING CODE STANDARDS

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

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

unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

95.51.2.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

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

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

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

105.20 Required Parking. Two (2) off-street parking spaces are required for this use.

105.47 Required Parking Pad. Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage.

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.

115.07.8 Accessory Dwelling Units Market and Norkirk Neighborhoods. Accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the Small Lot Single-family and Historic Preservation subdivision regulations.

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

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

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

115.42 Floor Area Ratio (F.A.R.) Limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For

garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other exceptions to these requirements.

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.n Covered Entry Porches. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

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.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

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.

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.

VAR17-00705
YUE SETBACK VARIANCE
ATTACHMENT 4

STAFF MEMORANDUM FOR
APPEAL OF VAR17-00705
ENCLOSURE 3



November 9, 2017

Project: Pre-construction assessment for lot development at 346 10th Avenue W, Kirkland, WA. Parcel number 3885801970.

Contact: Tong Wang – 7512 NE 155th Street, Bothell, WA 98028
Phone – 206 422 8099 Email – tongsusu@gmail.com

Objectives: Evaluate health of existing tree and make recommendation as to its suitability for retention.

Description: This is a small urban lot on the west side of Kirkland. The existing home was built in 1942 and few if any significant changes have happened since that time. There was a large deciduous tree present until at least 2002 (Figure 1). This tree is missing as of 2007, as is shown in Figure 2, and then a small tree appears at the side of the back yard in 2009 (Figure 3). The new tree is most likely a volunteer and could have sprouted from the roots of the original tree. It was still standing at the time of the site visit on November 9, 2017

The tree is a cherry (*Prunus sp*) with a basal diameter (taken at 6” above grade) of 13.5” and three stems which separate between there and the standard height of 54” above grade (DSH). The stems were measured at the standard height and found to be 12.5”, 7.5”, 4”, and 4” respectively. It is close to 30’ tall and has a 12’ radial spread. The cherry stands 12” inside the wooden fence on the 4th Street side of the lot and 21’ from the corner of the fence at the intersection of 4th Street and the rear alley (see Figure 4). The fence is 5’ from the City sidewalk.

The tree appears to have been cut back to near the 5’ level or it could be an ornamental which reverted to type. Either way it most likely occurred around five years ago. The tree now has multiple vertical spars (Figure 5) a number of which have been topped back for electrical line clearance (Figures 6 and 7). It has an open decay point at the center of the main stem (Figure 8) at the 5’ point and advanced black cankers (Figures 9 and 10) at each of the main stem connections.

The property was recently purchased and the new owners would like to tear down the existing house and build a new one. As the cherry is the only tree on the lot Superior NW was asked to provide their expert opinion as to whether it was worth retaining.

Methods: Tree assessment is both an art and a science. To properly perform, an arborist must have an extensive background in biology, tree mechanics, and tree structure that is equal parts academic and field knowledge. It takes years of study to recognize and correctly diagnose the subtle signs trees exhibit before their failure, whether it be partial or total. The process begins with a visual inspection (visual tree assessment, VTA) which is followed up as necessary with soundings, core testing, and/or other detection means. Each tree is examined and evaluated according to several factors including species type, size, vigor, injuries present, root and grade disturbance, deadwood, location and extent of decay, stem taper, exposure, and targets that are at risk.

Analysis: The cherry stands within the primary impact area of the development, that region which is inside or less than 10' from the excavation required to construct the new home. The tree is in weak condition overall. It stands under the electrical lines and will require repeated pruning which will prevent it from maturing with a natural form. The decay and cankers currently seen in the tree will lead to its premature demise.

It is not worth trying to protect and should be removed and replaced with a more proper species which ideally would be planted on the opposite side of the yard from the wires.

Waiver of Liability Because the science of tree assessment is constantly broadening its understanding, it cannot be said to be an exact science. Every tree is different and performing assessments is a continual learning process. Many variables beyond the control, or immediate knowledge, of the arborist involved may adversely affect a tree and cause its premature failure. Internal cracks and faults, undetectable root rot, unexposed construction damage, interior decay, and even nutrient deficiencies can be debilitating factors. Changes in circumstance and condition can also lead to a tree's rapid deterioration and resulting instability. All trees have a risk of failure. As they increase in stature and mass their risk of breakdown also increases, eventual failure is inevitable.

While every effort has been taken to provide the most thorough and accurate snapshot of the trees' health, it is just that, a snapshot, a frozen moment in time. These findings do not guarantee future safety nor are they predictions of imminent events. It is the responsibility of the property owner to adequately care for the tree(s) in question by utilizing the proper professionals and to schedule future assessments in a timely fashion.

This report and all attachments, enclosures, and references, are confidential and are for the use of the Tong Wang and his representatives only. It may not be reproduced, used in any way, or disseminated in any form without the prior consent of the clients concerned.

Anthony Moran, BS
ISA Certified Arborist
Qualified Tree Risk Assessor
#PN-5847A



Figure 1. Aerial photo of the subject property circa 2002. Note large tree in the upper right corner of the image.



Figure 2. Aerial photo circa 2007 showing empty area where the tree used to be standing.



Figure 3. Aerial photo circa 2009 showing small tree standing next to the fence.

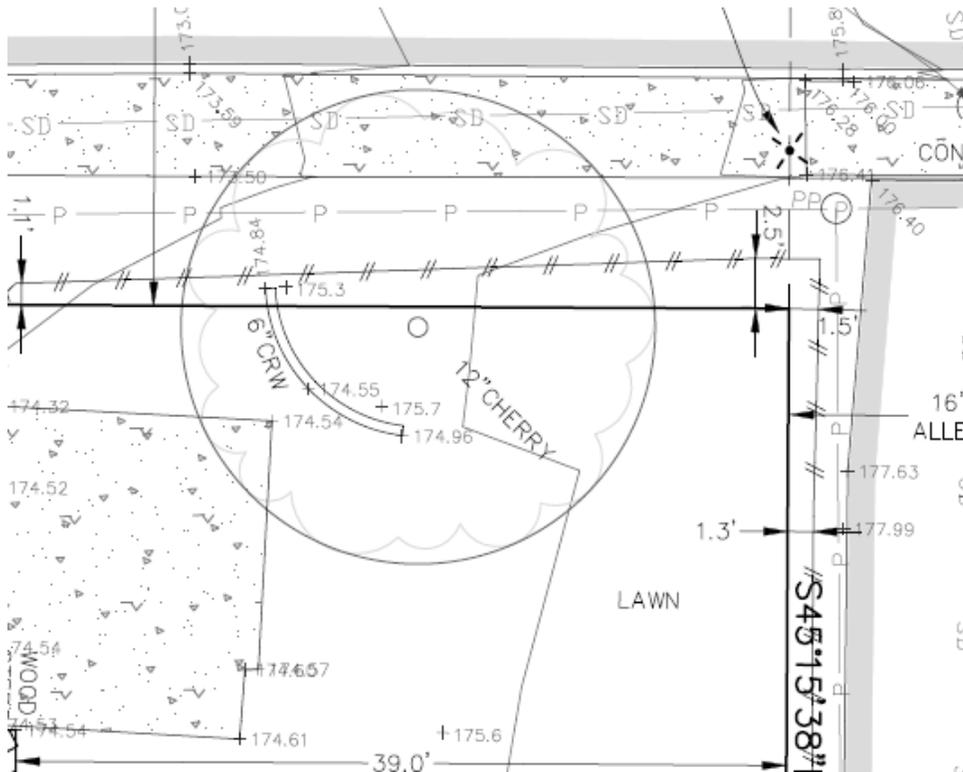


Figure 4. Excerpt from the survey plan showing location of cherry tree.

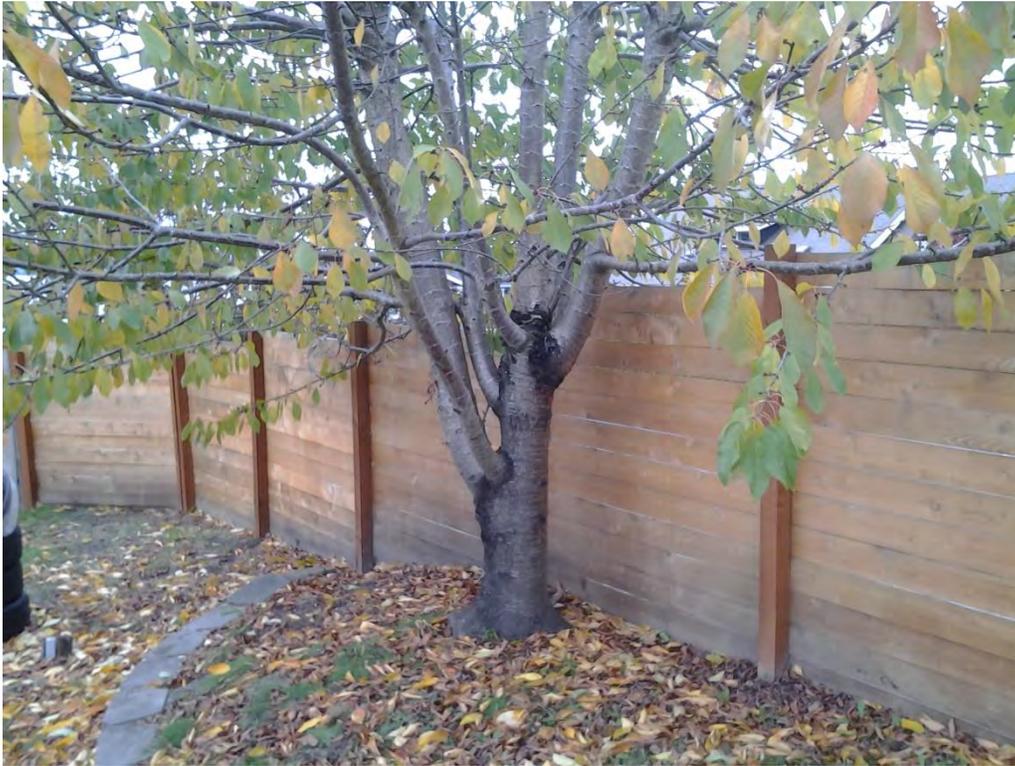


Figure 5. Photo of tree taken during site visit showing multiple vertical spars growing in response to old wounding event.



Figure 6. Photo of tree showing the topping points on the 4th Street side of the tree.



Figure 7. Photo of electrical wires crossing over and through the cherry's canopy.



Figure 8. Photo showing open cavity with decay at the top of the main stem. It was full of water at the time of the site visit.



Figure 9. Photo of one of the cankers at the junction of a spar and the main stem.



Figure 10. Photo showing canker present along an old wound track at the base of the cherry.

Nick Cilluffo

From: vickiben@comcast.net
Sent: Wednesday, December 20, 2017 12:52 PM
To: Nick Cilluffo
Cc: Isbister, kerry
Subject: Notice of Variance, Case No. VAR17-00705

Hello:

Today we received a Notice of Application for a setback variance to the front yard of the property located at 346 10th Ave West, Kirkland.

While we do not have an objection to this variance, we are concerned that it may set a precedent. We purchased our home at 340 11th Ave W with the knowledge that we would always have a view because the home across the street (1014 4th St. and property immediately west) because it has a 20' front yard setback that protects some of our view. If that setback was changed to 10', we would lose much of our view and the value of our property would decrease significantly. We would definitely oppose this same variance being allowed to the above properties on 4th Street.

Can you tell us whether allowing the variance at 346 10th Ave W. will set a precedent for other variances? If so, we would oppose.

Thank you.

Vicki Bennett
425-208-5155



December 26, 2017

Planning and Building Department
City of Kirkland
123 5th Ave
Kirkland, WA 98033

Attention: Nick Cilluffo, Project Planner

Subject: Permit VAR17-00705 for 346 10th Ave W

I object to this requested setback variance. Being on a corner lot, this property can use the corner averaging method to reduce the setback along 4th St W by averaging the setbacks of 844 4th St W and 1010 4th St W, which will accomplish the stated goals of the Market Neighborhood's Comprehensive Plan and current zoning, and will give this owner some additional building footprint beyond the normal 20 foot setback.

Allowing a setback of 10 feet from 4th St W will add mass of the new home too close to 4th St W and contribute to loss of the open feel of the 4th St W right of way. This open feel is the reason the 20 foot setbacks are required, and have been in place for the current and prior 4 owners of this property prior to each of their purchases. This goal was reaffirmed in the Market Neighborhood's Comprehensive Plan Update in 2015 (Please see references below).

These setback requirements were publicly available to be known to all buyers before they purchased. While the current structure is non-conforming, the reason the zoning setbacks are in place for new construction is to require new development to conform with the long-term goals of the Comprehensive Plan. While the new owners are entitled to keep their existing nonconforming structure, they do not have any vested rights to consume the required setbacks' space with any new construction.

This property has been zoned this way for at least 30 years, and it is a very buildable lot, even with the 20 foot setback. Other corner properties of the same small size, shape and orientation, such as at 338 4th St W, have been developed with both 20 foot setbacks in recent years, and there is no reason this property should be granted any additional setback relief beyond the corner averaging already allowed.

Please do not allow this variance, and instead encourage the new owners to design and build a new home within the current zoning regulations.

Thank you.

A handwritten signature in black ink that appears to read "Brian Tucker".

Brian Tucker
442 13th Ave W
Kirkland, WA 98033

Reference:

Market Neighborhood Comprehensive Plan Update 2015 from
www.kirklandwa.gov/Assets/Kirkland+2035+City+Council/Exhibit+10+Market.pdf

9. URBAN DESIGN

Goal M-9: Preserve public view corridors within the neighborhood.

Policy M-9.1: Preserve the public view corridors to Lake Washington, Seattle, and the Olympic Mountains.

The street system provides the Market Neighborhood with a large number of local and regional views. These view corridors that lie within the public domain are valuable for the beauty, sense of orientation, and identity that they provide to the Market Neighborhood.

Policy

Goal M-10: Encourage residential design that builds community.

Policy M-10.1: Establish development standards that contribute to a vibrant neighborhood.

Building and site design should respond to both the conditions of the site and those of the surrounding neighborhood. A variety of building forms and materials result in homes with their own individual character. Appropriate building setbacks, garage treatments, sidewalks, alley access, and architectural elements such as entry porches help foster a pedestrian orientation and encourage greater interaction between neighbors.

Policy M-10.2: Encourage appropriate scale for single-family development.

Appropriate scale results in the perception that new houses are in proportion to their lots. Setbacks, building mass, lot coverage, landscaping and building height all contribute to houses that successfully fit into the neighborhood.

Nick Cilluffo

From: susan amorosi <sueamorosi@msn.com>
Sent: Wednesday, December 27, 2017 12:08 PM
To: Nick Cilluffo
Subject: VAR17-00705

December 27, 2017

Planning and Building Department
City of Kirkland
123 5th Ave
Kirkland, WA 98033

Attention: Nick Cilluffo, Project Planner

Subject: Permit VAR17-00705 for 346 10th Ave W

I live on a 30 foot wide lot on 11th Ave W. Our house is plenty big enough for a family of 5 and we have lived in it for over 25 years. There is no reason to allow houses to be bigger than adequate especially if they choose to buy a small lot. Variancing side yard set back are more common that variancing front yard set backs.

This variance will negatively impact the open feel of 4th St W. It could impact sight lines and views of home owners if this would become the norm.

Please do not allow this variance, and instead encourage the new owners to design and build a new home within the current zoning regulations.

Sincerely,

Sue Amorosi
547 11th Ave W
Kirkland, WA 98033

Nick Cilluffo

From: Ken MacKenzie <kirklandcity@screamforicecream.net>
Sent: Friday, December 29, 2017 1:03 PM
To: Nick Cilluffo
Cc: PlanningInfo
Subject: Objection to Proposed Permit Number VAR17-00705 - 346 10th Avenue West

December 29, 2017

Planning and Building Department
City of Kirkland
123 5th Ave
Kirkland, WA 98033

Attention: Nick Cilluffo, Project Planner

Subject: Permit VAR17-00705 for 346 10th Ave W

We object to the requested setback variance.

We believe that the setback requirement in the zoning code as it applies to this lot is over 30 years old and current Market Neighborhood Comprehensive Plan Update was adopted in 2015. These rules are clear and fair and pre-date the purchase of this property by the current owners. We are sorry that they are disappointed that the rules do not allow the house they would like to build, but these rules exist for good reason and we all live and develop property according to them.

There is no hardship imposed on the new property owners by the code as it is obvious that there is plenty of room on this lot to build a really nice home that conforms to the zoning code and the comprehensive plan. The current owners should simply have more thoroughly investigated the rules before they purchased the property so that their expectations and plans would match the rules.

A 10 foot setback from 4th St W will ruin the open feel of the neighborhood. Granting this variance will set an unacceptable precedent as other developers will demand matching variances elsewhere in the neighborhood. This will damage the value of existing houses because new buyers will find the neighborhood less attractive, open, and accessible. Openness and the importance of space was reaffirmed in the Market Neighborhood's Comprehensive Plan Update in 2015. This open feel is the reason the 20 foot setbacks are required, and have been in place for the current and prior 4 owners of this property prior to each of their purchases.

We also object to any sort of variance compromise, such as a 15 foot setback along 4th St W except as permitted by corner averaging if permitted by the existing code. The property should be developed strictly according to the existing code and comprehensive plan.

Other corner properties of the same small size, shape and orientation have been developed with both 20 foot setbacks in recent years. There is no reason this property should be granted any additional setback relief beyond the corner averaging already allowed.

Please do not allow this variance. Instead, require the new owners to design and build a new home that conforms to the current zoning regulations and neighborhood comprehensive plan. The current rules are not a surprise to an informed

and wise purchaser of property. Again, we are sorry that the new property owner did not set their expectations according to the rules. Don't foist a damaging surprise on the existing property owners and residents.

Thank you.

Kenneth and Nicole MacKenzie
236 7th Ave W
Kirkland WA 98033

Please see:

Market Neighborhood Comprehensive Plan Update 2015:
www.kirklandwa.gov/Assets/Kirkland+2035+City+Council/Exhibit+10+Market.pdf

Nick Cilluffo

From: Kel Fynaardt <kelfynaardt1@yahoo.com>
Sent: Tuesday, January 02, 2018 1:40 PM
To: Nick Cilluffo
Subject: Permit number VAR17-00705

Hello,

This request for a Process I variance to reduce the required front yard setback from 20 feet to 10 feet is outrageous. The owner of this property had full knowledge of the setback requirements prior to buying this property. Now they want to get a variance so they can build a bigger house. This is not ok, and any neighbor behind this property will suffer. These setbacks are established for good reason, as property owners wish to keep the view corridors open. I strongly oppose this request, and am simply amazed that the city would even entertain this. I would encourage the city to get a vote from the property owners on this, as I am pretty sure not one neighbor in this neighborhood would approve. If we are going to start changing the rules, we are all in trouble.

Regards,
Kelvin Fynaardt
806 4th Street West
Kirkland, WA 98033

Sent from my iPad

Nick Cilluffo

From: John McGowan <mcgowj@gmail.com>
Sent: Sunday, January 07, 2018 10:27 AM
To: Nick Cilluffo
Subject: 346 10th Ave W

Dear Mr Cilluffo-

Reading over the variance request for 346 10th Ave W, I'd like to express my disapproval for elements of this proposal. The setbacks serve to preserve and protect current views. Having trees immediately next to the curb will adversely affect the corridor views of the homes behind them. I know the current home on the site sits about 10 ft off the curb as it is and I believe they should absolutely be able to keep that footprint in any remodel or build they do. The details I read seem to indicate a green strip next to the curb/gutter, with sidewalk inside the green strip. That puts the inside of the sidewalk 10 feet in and so immediately abutting the building. If this is not the case please let me know. This proposal seems to be a downtown city type of sidewalk configuration and not in keeping with the neighborhood feel of our west of Market community. We are a community of homes with at least some surrounding landscape between sidewalks and buildings. Many older homes extend in to setbacks and that is fine. The existing layout is part of the charm of the neighborhood. Residents should be able to preserve their footprints and improve their properties but this seems a bit of overreach. I am afraid that granting this variance would create a slippery slope resulting in urban city type developments scattered throughout the neighborhood.

Thanks,
John McGowan

January 8, 2018

Nick Cilluffo, Project Planner
Kirkland Building Department
123 5th Avenue, Kirkland, WA. 98033

Subject: Yue Setback Variance, Case NO. VAR17=00705

This letter is to inform you of some concerns related to the proposed building project on the property located at 346 10th Ave. West. My wife and I live right next door at 344 10th Ave West. It is our understanding that it is being proposed to maintain the current setback of 10 feet along 4th Street West while enlarging the existing building footprint an additional 20 feet south to within 20 feet of the southernmost line of the property.

The current building is quite old and was built at a time when the current zoning was not in place. As such some of the concerns related to that original project were not previously taken into account for today's zoning and will now have to be considered if this project is going to be given a green light.

Safety

The proposed project will significantly reduce the line of sight for vehicles entering and exiting the intersection common to 4th Street West and 10th Ave West. We routinely witness many near misses in this intersection as cars speed through this traffic spot or run the stop signs along 46th Street West. With the rising number of cars using Market Street the number of people trying to use the side streets as an alternative route continues to grow. These safety issues will only get worse as traffic grows and the line of sight in the intersection is further reduced.

Construction Issues

The West of Market Street neighborhood is undergoing a period of significant change as many old buildings are being torn down and new ones are being put up. This brings the usual traffic headaches as new projects progress toward completion. Currently we are experiencing a new building project at the east end of the 10th Street West alley. They close the east entrance to the alley from time to time in order to work on the Dibble project. We are concerned that the alley will be totally blocked by the twin construction projects on both alley entrances as they build their respective buildings. If the alley were to be completely blocked it would be more than an inconvenience but would be a significant safety concern to the 15 property owners who depend on alley access for garage, fire, ambulance, utility company and police services.

Utility access

Currently sewer and gas lines for the property 346 10th Ave West run across my front lawn. I can find no record that grants any sort of easement for these lines and their continued existence. They prevent me from further property development as I am not anxious to have to relocate these lines for the proposed new building next door. If a building variance is granted then the new building owners should be obligated to locate all of their utility service lines within their own property just like all the other property owners in the neighborhood are obligated to do.

Thank You for considering these concerns



Bryan DuPaul
344 10th Ave West
Kirkland, WA. 98033
bryandupaul@gmail.com



11/9/2017

To:
 Planning and Building Department
 City of Kirkland

From:
 Tong Wang
 T & S Design Associates, Inc

To whom it may concern:

YUE JUN+YAMAN CHEN bought a house at 346 10th Ave W, Kirkland WA 98033. The house is 24' wide x 36' long with basement and was built 1942. Total area of the house is 1,940 sf. The lot size is 40'x120', 4,800 sf.

Owner plans to demolish the existing house and build a new house. In order to build a new house under current city code, owner needs city to grant a setback variance.

The project site is at the intersection of 10th Avenue West and 4th Street West, west of Market Street. By current city zoning code, both frontage setbacks from 10th Ave W and 4th St W are 20' and back side setbacks 5'. It will leave only 15'x90' space for a new house which is not feasible. Owner seeks a variance to change one front setback along 4th St W to 10' to build a regular new house.

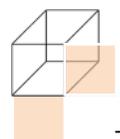
10' front setback is consistent with Market neighborhood. The existing house like its neighbor and many other houses in the neighborhood dose not conform to the current setback regulation.

The variance will allow for 25' wide new house. This width house is consistent with the scale of neighborhood houses. It will also improve 4th St frontage comparing with existing condition (The existing house only has 5' setback from 4th St W).

The proposed design will conform to all other zoning regulations.

Response to Criteria Sheet for Zoning Variance (Chapter 120 of the Zoning Code)

1. How would the Variance not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole?
 - a. Existing house has a 5 feet setback. Proposed house structure has 10 feet setback and will improve the current setback and leave more space for side walk and landscape area.
 - b. The proposed house is conformed to neighborhood houses and setback formation.
2. How is the Variance necessary because of special circumstances regarding the size, shape, topography, or location of the subject property; or the location of a pre-existing improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed?





11/9/2017

- a. The lot size is 40' x 120' and 4800 square feet. Lot shape is a skinny rectangular. With two sides facing street, the both front setbacks require 20' according to current zoning code. As the other side setback is 5', it will leave 15' width to build a house.
 - b. The house shape with 15' width is not conformed to neighborhood house.
 - c. Even required two car garage needs at least 20' width.
 - d. The existing house was built in 1942 and has only 5' setback. It does not meet the current setback requirement.
3. How would the Variance not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows to other property in the same area and zone as the subject property?
- a. There are many other houses in the Market neighborhood encroaching to the front yard setback required by the current zoning code due to age, legal non-conformance or previously approved variance.
 Examples: File No: ZON06-00007 ANSPACH SETBACK VARIANCE
 File No: VAR16-001249 SANOJA VARIANCE
 - b. The reduced 10-foot front yard setback, as requested, would be consistent with the existing development along 4th Street W. See attached exhibit.

Attached are multiple exhibits identifying many of the adjacent parcels with either non-conforming setbacks or approved variances to reduce the setbacks similarly to the above request. Additionally, the survey/site plan, proposed building elevations and floor plans are included as supporting documents.

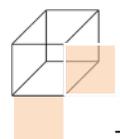
Thank you so much for your consideration of this request. Please don't hesitate to contact me if you require any additional information or clarification.

Best regard

Tong Wang

7512 NE 155th
 Kenmore WA 98028
 206-422-8099
tongsusu@gmail.com

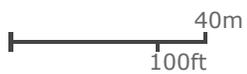
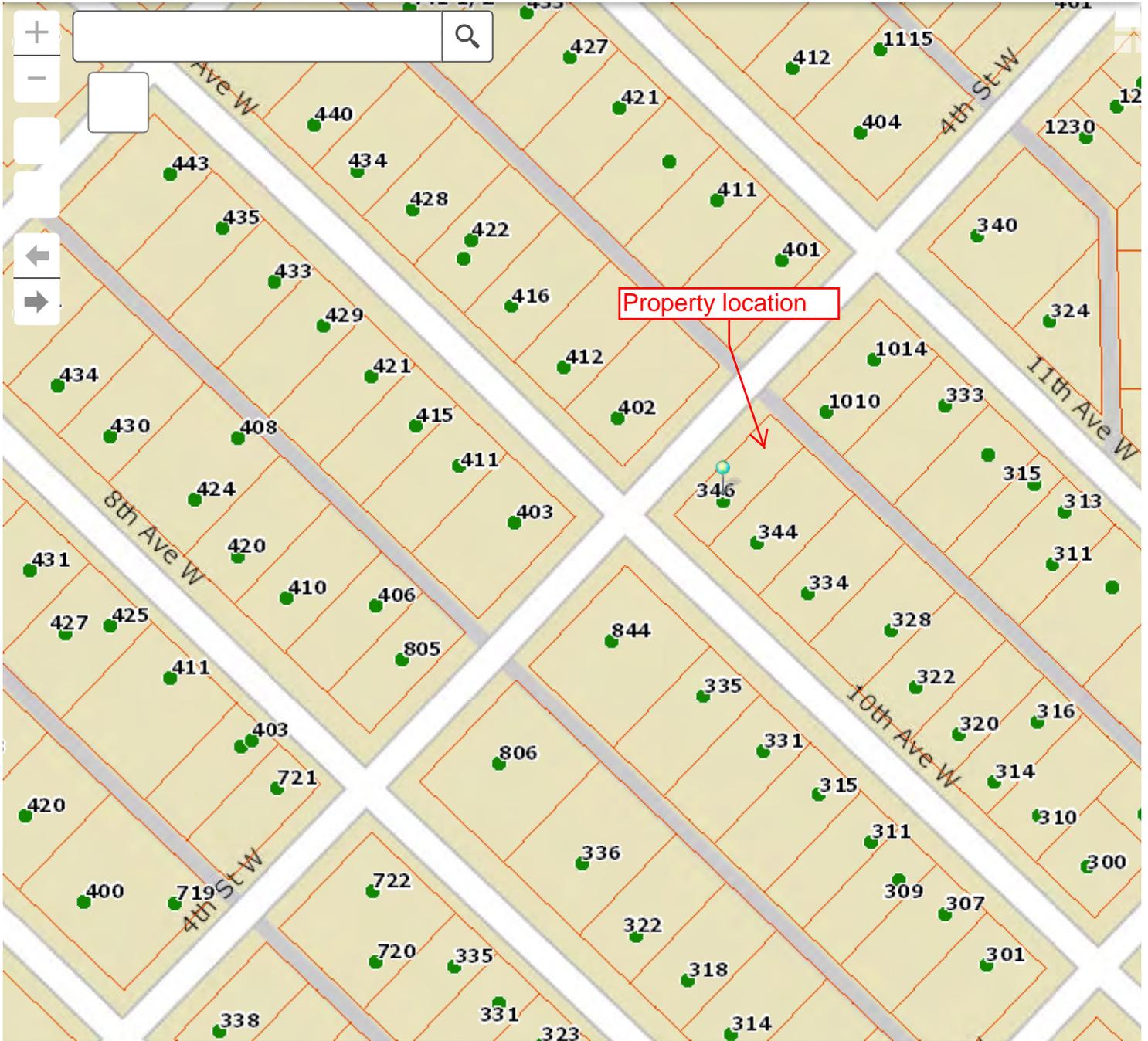
Cc: Yue Jun and Yaman Chen





iMap

iMap home

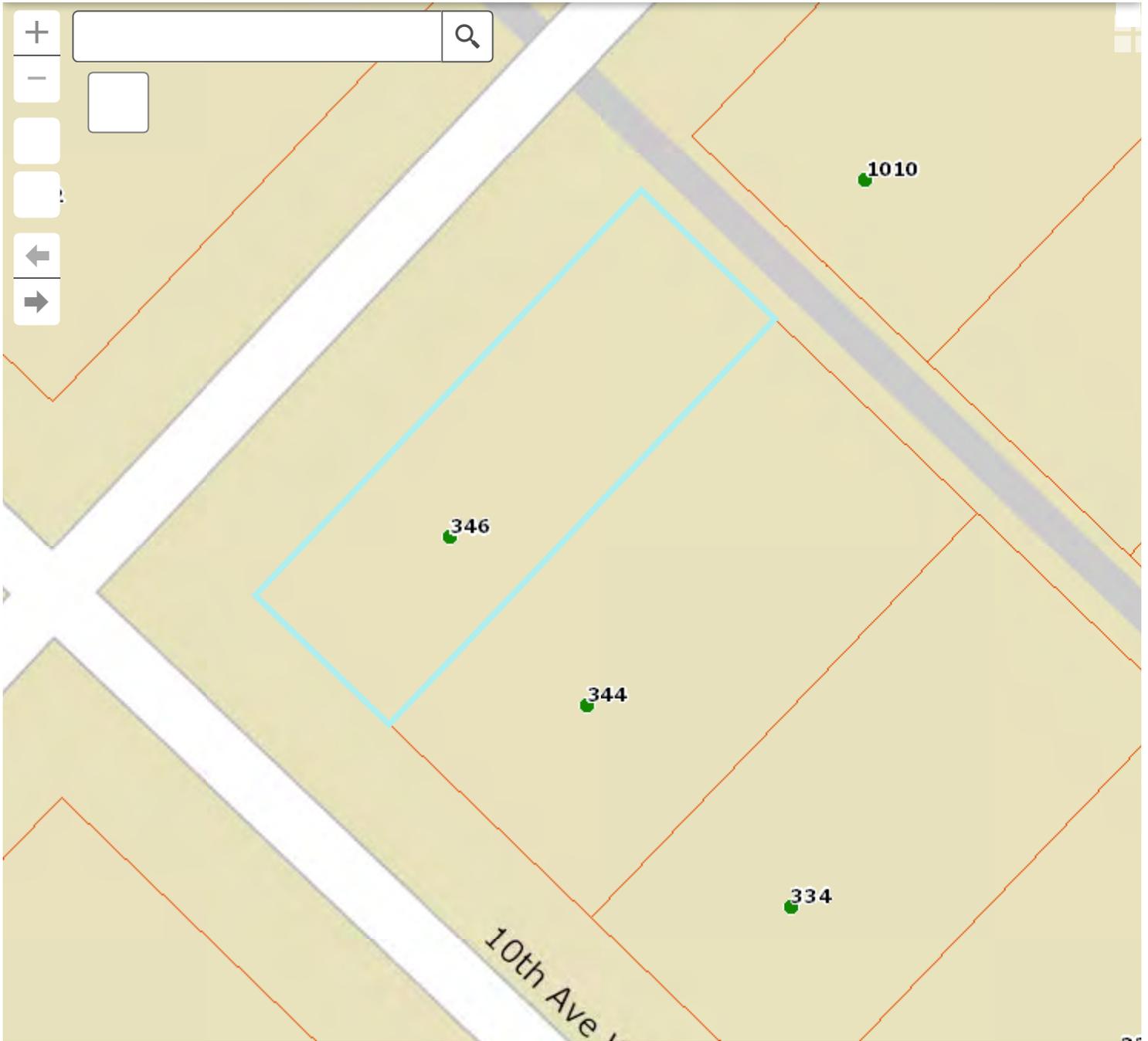


47.68528 -122.21112 Degrees



iMap

iMap home



47.68435 -122.21077 Degrees

EXHIBIT C

NEARBY NON-CONFORMING SETBACK SUMMARY

Number	Address	Assessor Tax No.	Year Built	Details
1	404 11th Ave W	3885802325	2007	Corner lot, 10-foot setback from 4th Street W
2	401 11th Ave W	3885801725	1950	Corner lot, 10-foot setback from 4th Street W
3	402 10th Ave W	3885801875	1909	Corner lot, 10-foot setback from 4th Street W
4	340 11th Ave W	3885802150	1930	Corner lot, 5-foot setback from 4th Street W
5	346 10th Ave W	3885801970	1942	Corner lot, 4-foot setback from 4th Street W
6	805 4th St W	3885801456	1981	Corner lot, 10-foot setback from 4th Street W
7	1002 5th St W	3885801805	2011	Corner lot, 10-foot setback from 5th Street W
8	1104 5th St W	3885802260	2004	Corner lot, 8-foot setback from 5th Street W/5-foot setback from 11th Ave W
9	502 11th Ave W	3885802450	1954	Corner lot, 10-foot setback from 5th Street W
10	501 13th Ave W	3885802340	1947	Corner lot, 8-foot setback from 5th Street W
11	451 13th Ave W	3885802246	1952	Corner Lot, 8-foot setback from 13th Ave W
12	444 13th Ave W	3885802760	2014	Corner lot, 5-foot setback from 5th Street W/10-foot setback from 13th Ave W
13	502 13th Ave W	3885802650	1920	Corner lot, 5-foot setback from 5th Street W
A	1250 4th Ave W	3885802136	2013	Corner lot - Variance granted for 10-foot setback from 13th Ave W
B	407 13th Ave W	3885802190	2013	Variance granted for side-yard reduction due to lot width

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PARCEL DATA

Parcel	388580-1970	Jurisdiction	KIRKLAND
Name	YUE JUN+YAMAN CHEN	Levy Code	1700
Site Address	346 10TH AVE W 98033	Property Type	R
Residential Area	074-008 (NE Appraisal District)	Plat Block / Building Number	25
Property Name		Plat Lot / Unit Number	17
		Quarter-Section-Township-Range	NE-6 -25-5

Legal Description

KIRKLAND ADD
 PLat Block: 25
 Plat Lot: 17

LAND DATA

Highest & Best Use As If Vacant	SINGLE FAMILY	Percentage Unusable	
Highest & Best Use As Improved	PRESENT USE	Unbuildable	NO
Present Use	Single Family(Res Use/Zone)	Restrictive Size Shape	YES
Land SqFt	4,800	Zoning	RS 7.2
Acres	0.11	Water	WATER DISTRICT
		Sewer/Septic	PUBLIC
		Road Access	PUBLIC
		Parking	ADEQUATE
		Street Surface	PAVED

Views		Waterfront	
Rainier		Waterfront Location	
Territorial	AVERAGE	Waterfront Footage	0
Olympics		Lot Depth Factor	0
Cascades		Waterfront Bank	
Seattle Skyline	AVERAGE	Tide/Shore	
Puget Sound		Waterfront Restricted Access	
Lake Washington	AVERAGE	Waterfront Access Rights	NO
Lake Sammamish		Poor Quality	NO
Lake/River/Creek		Proximity Influence	NO
Other View			

Designations		Nuisances	
Historic Site		Topography	
Current Use	(none)	Traffic Noise	
Nbr Bldg Sites		Airport Noise	
Adjacent to Golf Fairway	NO	Power Lines	NO
Adjacent to Greenbelt	NO	Other Nuisances	NO
Other Designation	NO		
Deed Restrictions	NO	Problems	
Development Rights Purchased	NO	Water Problems	NO
Easements	NO	Transportation Concurrence	NO
Native Growth Protection Easement	NO	Other Problems	NO
DNR Lease	NO		

Environmental	
Environmental	NO

Reference Links:

- [King County Tax Links](#)
- [Property Tax Advisor](#)
- [Washington State Department of Revenue \(External link\)](#)
- [Washington State Board of Tax Appeals \(External link\)](#)
- [Board of Appeals/Equalization](#)
- [Districts Report](#)
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- [Recorder's Office](#)
- [Scanned images of surveys and other map documents](#)
- [Scanned images of plats](#)
- Notice mailing date: 08/17/2017

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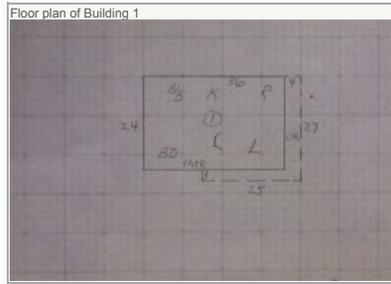
BUILDING

Building Number	1
Year Built	1942
Year Renovated	0
Stories	1.5
Living Units	1
Grade	6 Low Average
Grade Variant	0
Condition	Good
Basement Grade	5 Fair
1st Floor	860
1/2 Floor	220
2nd Floor	0
Upper Floor	0

Picture of Building 1



Finished Basement	180
Total Finished Area	1,260
Total Basement	860
Basement Garage	0
Unfinished 1/2	0
Unfinished Full	0
AGLA	1,080
Attached Garage	0
Bedrooms	2
Full Baths	0
3/4 Baths	1
1/2 Baths	0
Heat Source	Oil
Heat System	Forced Air
Deck Area SqFt	170
Open Porch SqFt	0
Enclosed Porch SqFt	0
Brick/Stone	0
Fireplace Single Story	0
Fireplace Multi Story	1
Fireplace Free Standing	1
Fireplace Additional	0
AddnlCost	0
Obsolescence	0
Net Condition	0
Percentage Complete	0
Daylight Basement	
View Utilization	



TAX ROLL HISTORY

Account	Valued Year	Tax Year	Omit Year	Levy Code	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total Value (\$)	New Dollars (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total Value (\$)	Tax Value Reason
388580197001	2017	2018		1701	966,000	1,000	967,000	0	966,000	1,000	967,000	
388580197001	2016	2017		1700	859,000	1,000	860,000	0	859,000	1,000	860,000	
388580197001	2015	2016		1700	804,000	1,000	805,000	0	804,000	1,000	805,000	
388580197001	2014	2015		1700	600,000	1,000	601,000	0	600,000	1,000	601,000	
388580197001	2013	2014		1700	546,000	1,000	547,000	0	546,000	1,000	547,000	
388580197001	2012	2013		1700	468,000	1,000	469,000	0	468,000	1,000	469,000	
388580197001	2011	2012		1700	468,000	1,000	469,000	0	468,000	1,000	469,000	
388580197001	2010	2011		1700	487,000	1,000	488,000	0	487,000	1,000	488,000	
388580197001	2009	2010		1700	487,000	1,000	488,000	0	487,000	1,000	488,000	
388580197001	2008	2009		1700	573,000	10,000	583,000	0	573,000	10,000	583,000	
388580197001	2007	2008		1700	554,000	107,000	661,000	0	554,000	107,000	661,000	
388580197001	2006	2007		1700	462,000	100,000	562,000	0	462,000	100,000	562,000	
388580197001	2005	2006		1700	385,000	136,000	521,000	0	385,000	136,000	521,000	
388580197001	2004	2005		1700	350,000	117,000	467,000	0	350,000	117,000	467,000	
388580197001	2003	2004		1700	319,000	99,000	418,000	0	319,000	99,000	418,000	
388580197001	2002	2003		1700	290,000	81,000	371,000	0	290,000	81,000	371,000	
388580197001	2001	2002		1700	270,000	75,000	345,000	0	270,000	75,000	345,000	
388580197001	2000	2001		1700	226,000	118,000	344,000	0	226,000	118,000	344,000	
388580197001	1999	2000		1700	201,000	93,000	294,000	0	201,000	93,000	294,000	
388580197001	1998	1999		1700	188,000	78,000	266,000	0	188,000	78,000	266,000	
388580197001	1997	1998		1700	0	0	0	0	150,000	74,000	224,000	
388580197001	1996	1997		1700	0	0	0	0	150,000	74,000	224,000	
388580197001	1994	1995		1700	0	0	0	0	108,000	39,200	147,200	
388580197001	1992	1993		1700	0	0	0	0	75,100	72,100	147,200	
388580197001	1990	1991		1700	0	0	0	0	71,500	72,100	143,600	
388580197001	1988	1989		1700	0	0	0	0	22,100	45,000	67,100	
388580197001	1986	1987		1700	0	0	0	0	19,800	51,200	71,000	
388580197001	1984	1985		1700	0	0	0	0	20,600	33,300	53,900	
388580197001	1982	1983		1700	0	0	0	0	17,900	34,700	52,600	

SALES HISTORY

Excise Number	Recording Number	Document Date	Sale Price	Seller Name	Buyer Name	Instrument	Sale Reason
2878573		7/20/2017	\$1,122,000.00	Recorder's Office recently updated records search application. Buyer and seller names are temporary not displayed here.	Please click the excise number on the left to visit Recorder's Office site.		
2685440	20140818001213	8/12/2014	\$785,000.00	LIPPERT JUSTIN+CHASE LIND	TAYLOR DENNIS JR	Statutory Warranty Deed	None
2613064	20130621001822	6/18/2013	\$700,000.00	BRANSTETTER STEPHEN	LIPPERT JUSTIN+LIND CHASE	Statutory Warranty Deed	None

2351820	20080624001667	6/12/2008	\$730,000.00	DIGIOVANNI THOMAS N+STEPHANIE N	BRANSTETTER STEPHEN R	Statutory Warranty Deed	None
1944301	20030311002594	3/4/2003	\$459,000.00	ENGLISH NANCY A	DIGIOVANNI THOMAS N+STEPHANIE N	Statutory Warranty Deed	Trust
1221585	199112161457	12/6/1991	\$0.00	BERGER EDWARD J+BETTY J	BERGER EDWARD J+BETTY J	Quit Claim Deed	Other

REVIEW HISTORY

PERMIT HISTORY

Permit Number	Permit Description	Type	Issue Date	Permit Value	Issuing Jurisdiction	Reviewed Date
ESF13-04469	Install new 200 amp panel and repair wiring for safety,		8/8/2013	\$5,000	KIRKLAND	8/11/2014

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Subject property (346 10th St W.)
with existing residence shown



Subject property (346 10th St W.)
with existing residence shown

4th St W

4th St W

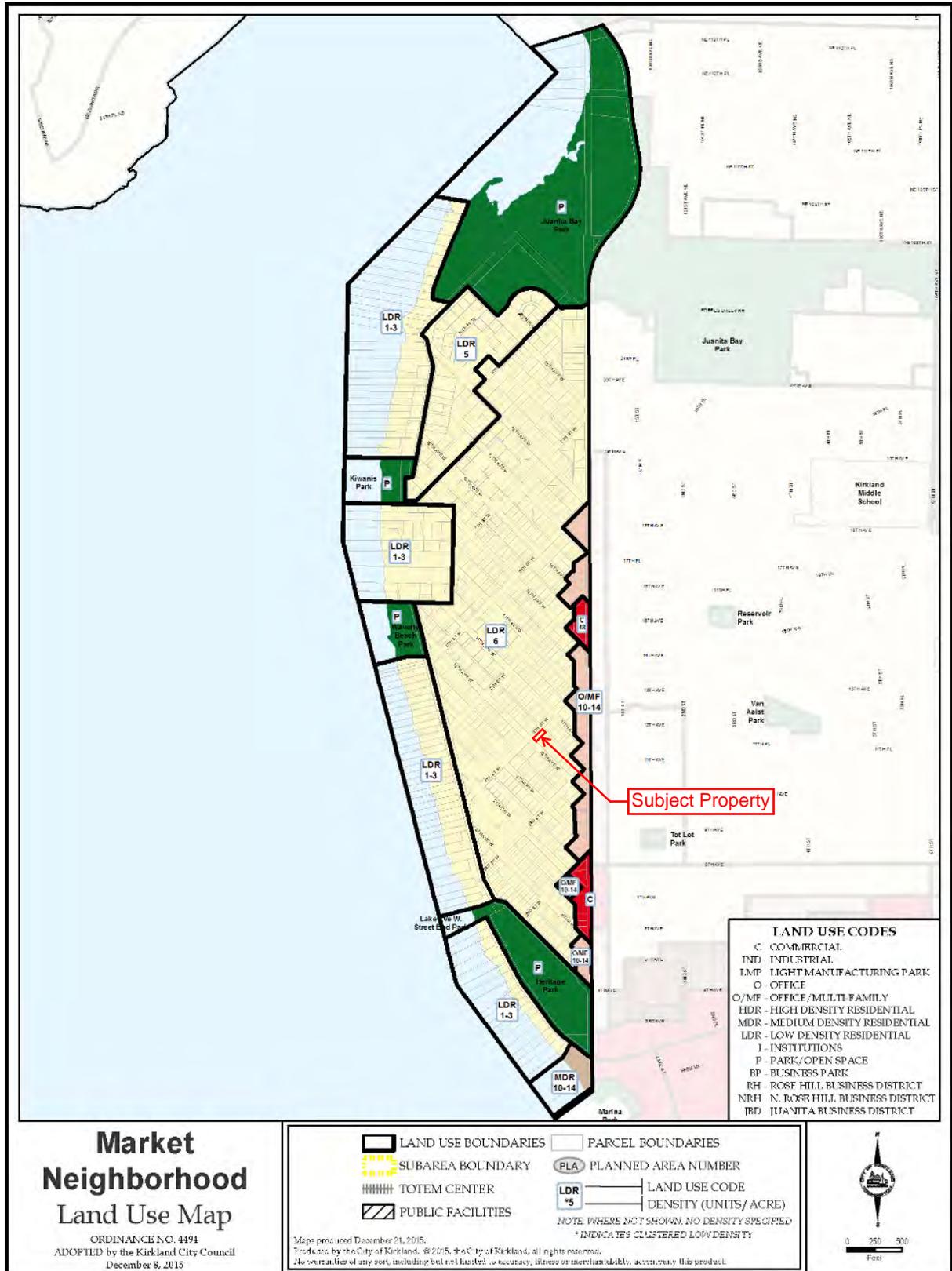
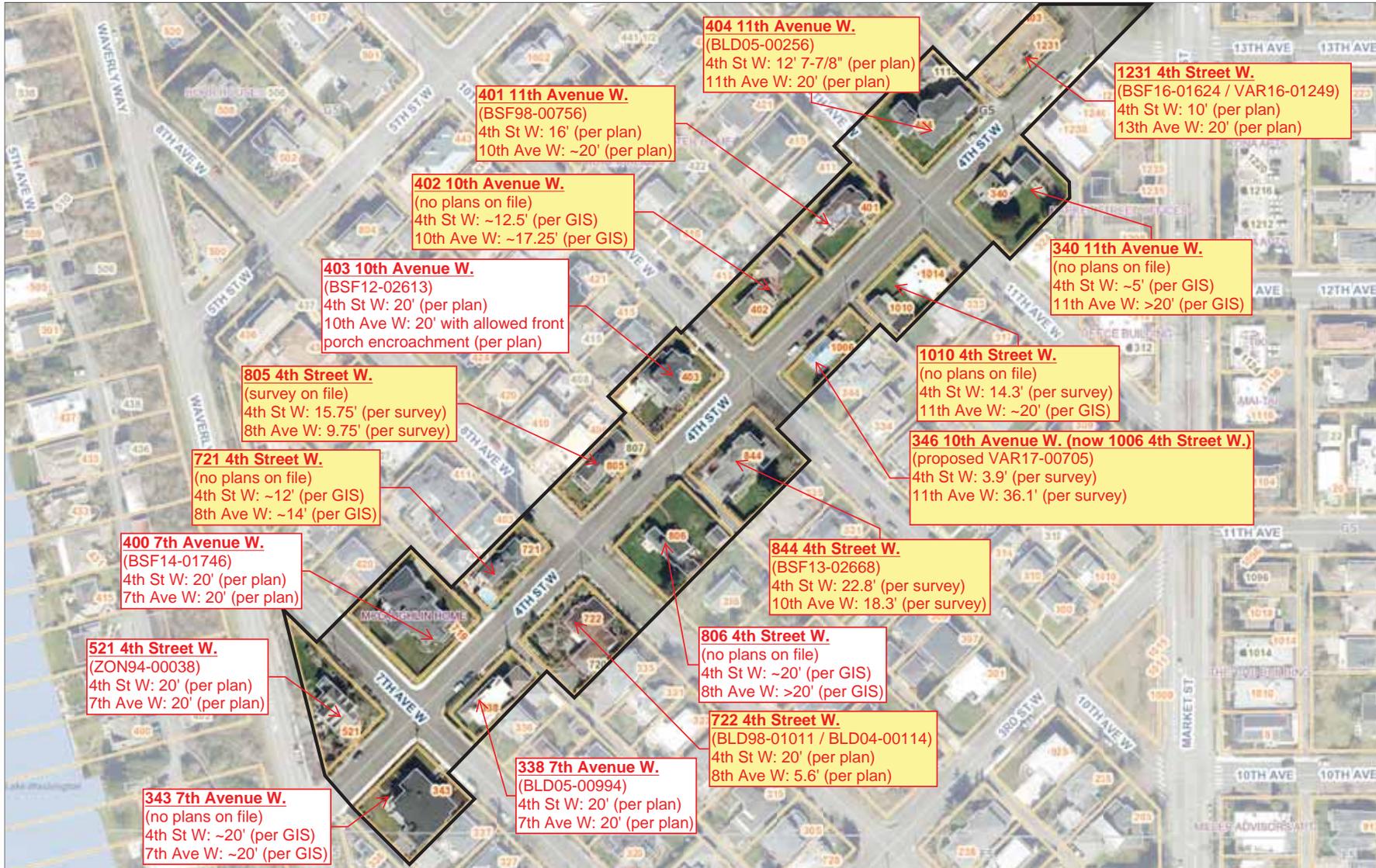


Figure M-3: Market Neighborhood Land Use



Existing Setbacks for 4th Street W. Corner Lots

STAFF MEMORANDUM FOR
APPEAL OF VAR17-00705
ENCLOSURE 4

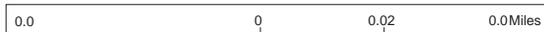


Legend

- Address
 - Other Address
 - Current Address
 - Current ADU
 - ◆ Pending Address
- City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Place Names
- Buildings
- Lakes
- Parks
- Schools
- Olympic Pipeline Corridor

4th Street W. Corner Lots
 4th Street W. front setbacks < 20'
 4th Street W. front setbacks ≥ 20'

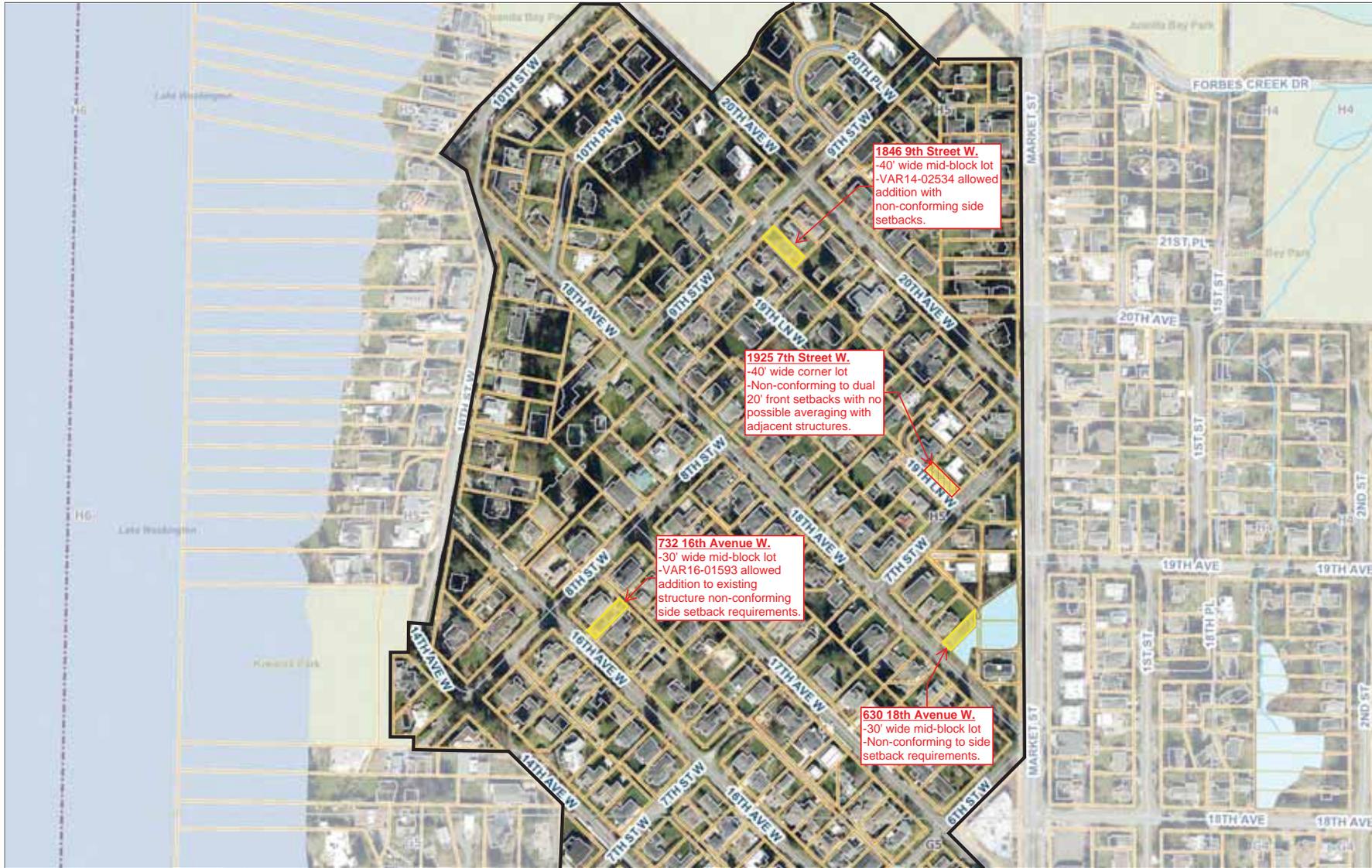
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Notes

Market Neighborhood Narrow Lots (≤ 40') (north section)

STAFF MEMORANDUM FOR
APPEAL OF VAR17-00705
ENCLOSURE 5



1846 9th Street W.
-40' wide mid-block lot
-VAR14-02534 allowed addition with non-conforming side setbacks.

1925 7th Street W.
-40' wide corner lot
-Non-conforming to dual 20' front setbacks with no possible averaging with adjacent structures.

732 16th Avenue W.
-30' wide mid-block lot
-VAR16-01593 allowed addition to existing structure non-conforming side setback requirements.

630 18th Avenue W.
-30' wide mid-block lot
-Non-conforming to side setback requirements.

- Legend**
- Streams
 - Open
 - - - Pipe
 - Wetlands
 - City Limits
 - Grid
 - QQ Grid
 - Cross Kirkland Corridor
 - Regional Rail Corridor
 - Streets
 - Parcels
 - Buildings
 - Lakes
 - Parks
 - Schools
 - Olympic Pipeline Corridor
 - RS zoning boundary
 - Mid-block lots ≤ 40'
 - Corner lots ≤ 40'
 - Yue Property (subject of VAR17-00705)

1: 3,000

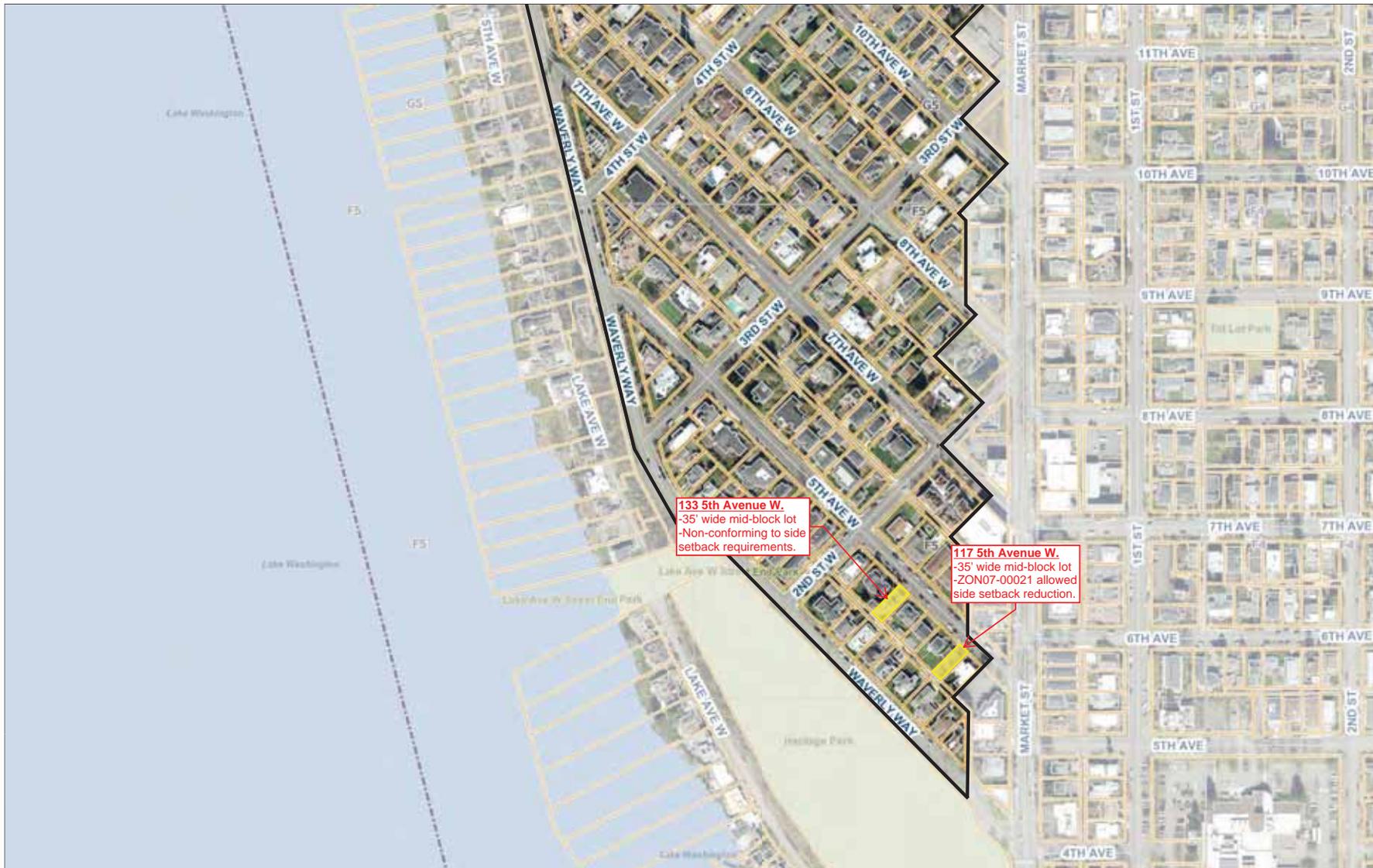
0.1 0 0.05 0.1 Miles

Notes



Market Neighborhood Narrow Lots (≤ 40') (south section)

STAFF MEMORANDUM FOR
APPEAL OF VAR17-00705
ENCLOSURE 5



133 5th Avenue W.
-35' wide mid-block lot
-Non-conforming to side
setback requirements.

117 5th Avenue W.
-35' wide mid-block lot
-ZON07-00021 allowed
side setback reduction.

Legend

- Streams
 - Open
 - - - Pipe
- Wetlands
- City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Buildings
- Lakes
- Parks
- Schools
- Olympic Pipeline Corridor
- RS zoning boundary
- Mid-block lots ≤ 40'
- Corner lots ≤ 40'
- Yue Property
(subject of VAR17-00705)

1: 3,000

0.1 0 0.05 0.1 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

Notes

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DEPARTMENT OF PUBLIC WORKS
 PRE-APPROVED PLANS POLICY

Policy R-13: INTERSECTION SIGHT DISTANCE

Sight Distance at Intersections

1. General – These guidelines establish the sight distance triangle that must be kept clear of sight obstructions for all intersections and driveways pertaining to new developments. They are also applicable to the investigation of sight-distance complaints at existing intersections and driveways. The sight distance triangle depends primarily on the required visibility at the intersection or driveway. It is determined by the type of intersection control (stop sign, traffic signal or no control) and the speed limit on the major road or street entered upon. In the following subsections, the sight distance requirements used to properly establish sight distances triangles at various types of intersections and driveways are presented. Table 2 on page 2 lists recommended (desirable) and minimum (required) sight distances values and Figures 1, 2, 3a and 3b on pages 5 through 7 show corresponding sight distance triangles.
2. Types of Intersections and Driveways. – Table 1 below summarizes the characteristics of various types of intersections and driveways.

TABLE 1: Types of Intersections and Driveways. Use this table to determine type (A through F)

All cases except driveways			
Type	Average Daily Traffic (ADT) on Major Street or Street Entered Upon.	Control Type	Speed Limit (MPH) on Major Street or street entered upon.
A	< 1000	None	25
B	Any	Stop sign	Any
C1	< 1000	Yield (four legged intersection)	25
C2	< 1000	Yield (T intersection)	25
D	Any	Signal	any
F	Cases not covered by Types A through D		
Driveways (includes vehicular access easements and tracts)			
Type	Driveway PM Peak Volume	Major Street Average Daily Traffic	
E1	<10	<6000	
E2	10 ≥ and < 50	Any	
E3	50 ≥ and ≤ 200	Any	
E4	> 200	Any	
F	Cases not covered by Types E1 through E4		

3. How to Establish Sight Distance Triangles– Sight distance triangles for various types of intersections and driveways are shown in Figures 1, 2, 3a and 3b on pages 5 through 7. In these figures, the sight distance triangles are represented by the shaded areas. Point A, or driver’s decision point, represents the location of the driver; Point B is located on the major road at a specific distance (to the right and to the left) from the driver. This distance, referred to as the required sight distance, represents how far (on the major road) the driver should be able to see so as to safely exit a minor road or driveway or to make a right turn on red at a signalized intersection. Table 2 on page 2 shows (in the right most columns) the sight distances values that need to be used to determine the sight distance triangle at various types of intersections and driveways.

For uncontrolled intersections (no traffic light, stop sign or yield sign described in Type A/Figure 1) or a yield controlled intersection described in Type C/Figure 3a, contact Iris Cabrera, City Transportation Engineer, at 425-587-3866 to have the Public Works Department determine the required sight distance triangle.

TABLE 2: Sight Distance Triangle Guidelines

Type of Intersection / Driveways	Distance from Edge of Traveled Way (ft)	Major Street (Street Entered Upon)			
		Average Daily Traffic	Speed Limit (MPH)	Sight Distance Value (ft) (a) (B-C1) and (B-C2)	
				Recommended (Desirable)	Minimum (Required) (d)
A – Uncontrolled (See Figure 1)	115 (b)	<1000	25	115	115
B - Stop Control on Minor Street (See Figure 2)	14	Any	25	280	150
			30	335	200
			35	390	250
C - Yield Sign On Minor Street					
C-1: Four-Legged Intersection (See Figure 3.a)	130 (c)	<1000	25	295	295
			30	355	355
			35	415	415
C-2: T- Intersection (See Figure 3.b)	80 (c)	<1000	25	295	295
			30	355	355
			35	415	415
D – Signalized Intersection (See Figure 2)	14	Any	25	240	150
			30	290	200
			35	335	250
E1 – E4 Driveways (See Figure 2)					
E1 (<10 Peak Hour Trips)	10	<6000	25	150	150
			30	200	200

E2 (10-49 Peak Hour Trips)	14	<6000	25	150	150
			30	200	200
			35	250	250
	>6000	25	280	150	
		30	335	200	
		35	390	250	
E3 (50-200 Peak Hour Trips)	14	<6000	25	150	150
	14		30	200	200
			>6000	25	280
		30		335	200
	35	390		250	
	E4 (>200 Peak Hour Trips)	14	<6000	25	280
14		30		335	200
		>6000		25	280
			30	335	200
35			390	250	

Footnotes:

(a) These values should be adjusted for grades with slopes of a magnitude of grade greater than 3%, number of lanes greater than two, for skewed intersections or for design vehicles other than passenger cars, using the intersection sight distance procedures in Chapter 9 of a Policy on Geometric Design, AASHTO, 4th Edition

(b) Distance back from center of intersection.

(c) Distance back from point C1 or C2 for types C-1 and C-2 intersections.

(d) Minimum (Required) only permitted if Recommended (Desired) is not possible (see page 3 for further explanation).

- a. The values in Table 2 on page 2, referred to as Recommended (Desirable) sight distance are based on the intersection sight distance procedures in Chapter 9 of A policy on Geometric Design, AASHTO, 4th Edition.
- b. The values on Table 2 on page 2, referred to as Minimum (Required) sight distance are based on the stopping sight distance values in Chapter 3 of A policy on Geometric Design, AASHTO, 4th Edition.
- c. The Recommended values are required. If the Recommended values cannot be reasonably obtained due to the presence of fixed structures that cannot be removed or roadway features such as horizontal and vertical curves then the driveway shall be relocated or designed to maximize sight distance, but in no way can the sight distance be less than the Minimum value. The Minimum values may be permitted, on a case-by-case basis, on streets that allow angle parking and have 25 MPH speed limit.
- d. To determine the Average Daily Traffic for Intersections A, B, C, C-1, C-2 and D, see the Traffic Count Summary attached to the instructions (see Attachment 2), or the "Sight Distance Procedures" section in the Public Works home page on the City's web site at www.kirkland.wa.gov go to City Departments (blue tabs on left side), Public Works (listing on right side),

Transportation and Streets (blue tabs on left side), Streets, Sight Distance Procedures.

- e. To determine the Average Daily Traffic for Driveways E1 through E4, use the **PM Peak Trips Calculation Spreadsheet under the "Sight Distance Procedures"** section in the Public Works home page on the City's web site at www.kirkland.wa.gov (go to City Departments (blue tabs on left side), Public Works (listing on right side), Transportation and Streets (blue tabs on left side), Streets, Sight Distance Procedures). Using the spreadsheet, insert the size of the project and the formula will calculate the average daily trips for the use(s) on the subject property.

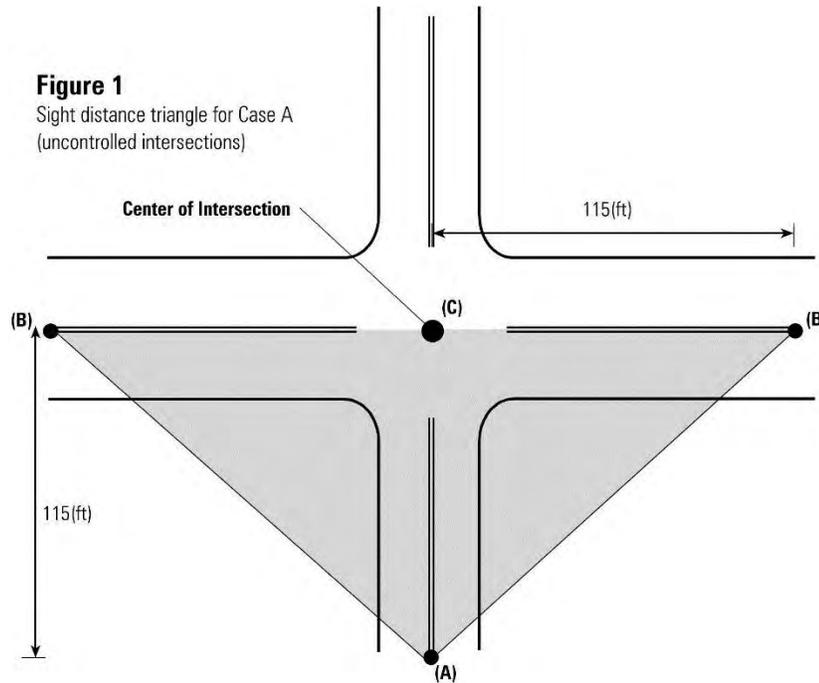
4. Permissible Intrusion in the Area To Be Kept Clear of Sight Obstruction

a. General – Except as stated in subsection (4)(b) of this section or unless specifically approved by the Public Works Director, no structure, improvement, vegetation or other objects may be within the area to be kept clear of sight obstructions between three (3) feet and eight (8) feet above the elevations of the pavement edge of each intersecting street, private driveway, or vehicular access easement or tract where that street, driveway or vehicular access easement or tract meets the points of the triangle that form this area furthest away from the intersection.

b. Exceptions – The following are permitted to be within the area that must be clear of sight obstructions:
Natural and fabricated objects and natural topography of the ground if the Public Works Director determines that adequate visual access is available. However, to fulfill the intent of this section, the Public Works Director may require land surface modification as part of any development activity on the subject property.

Type A – Uncontrolled Intersections

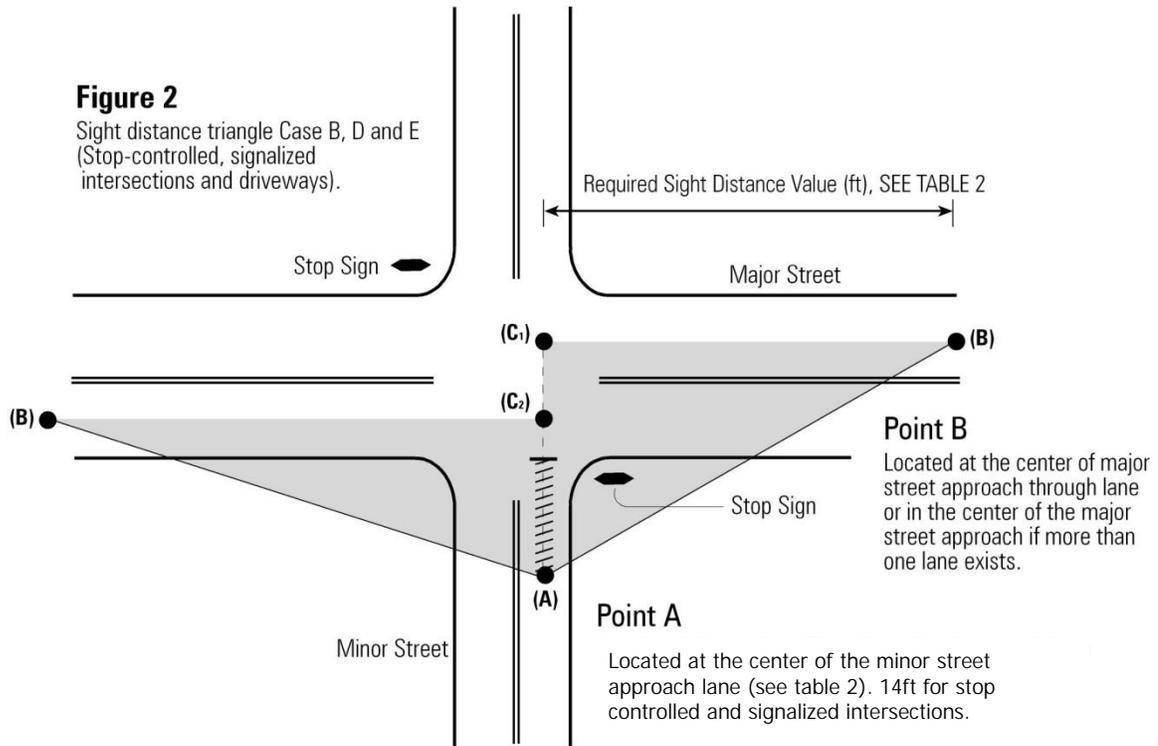
Uncontrolled intersections are not controlled by either stop or yield signs. They are usually located on streets that carry very low volumes and have a 25 MPH speed limit. Figure 1 below shows the sight distance triangle for this type of intersection. In this Figure, Point A and point B are each located on the center of the intersecting street approaches, 115 ft from Point C, which is located at the center of the intersection. The sight distance triangle area that must be kept free of sight obstructions is the shaded area limited by segments AC, BC and AB.



Type B – Stop Controlled Intersections

Type B intersections are those at which the minor street approaches are controlled by stop signs. Sight distance triangle to the left is the shaded area bounded by segments A-B, B-C2 and A-C2; whereas sight distance triangle to the right is the shaded area bounded by the A-B, B-C1 and A-C1 segments as shown in Figure 2 below. Point A, or decision point, is located in the center of the minor street approach lane, 14 ft. from the edge of the major road's traveled way. The traveled way is the portion of the road intended for the movement of vehicles and bicycles, exclusive of shoulders and turning lanes. Point B is located on the center of the through lane on the major street (or in the center of the major street approach if more than one lane exists), a specific distance left and right from Points C1 and C2. The distance C1-B (same as C2 -B) is the required sight distance, which can be found in Table 2 on page 2.

Although it is not typical to do so, if a parking lane exists on the major street, it may be excluded from the traveled way in special cases. Usually these are cases where volumes and speeds are low and therefore the overall safety risk at the intersection is considered low.



Type C – Yield Controlled Intersections

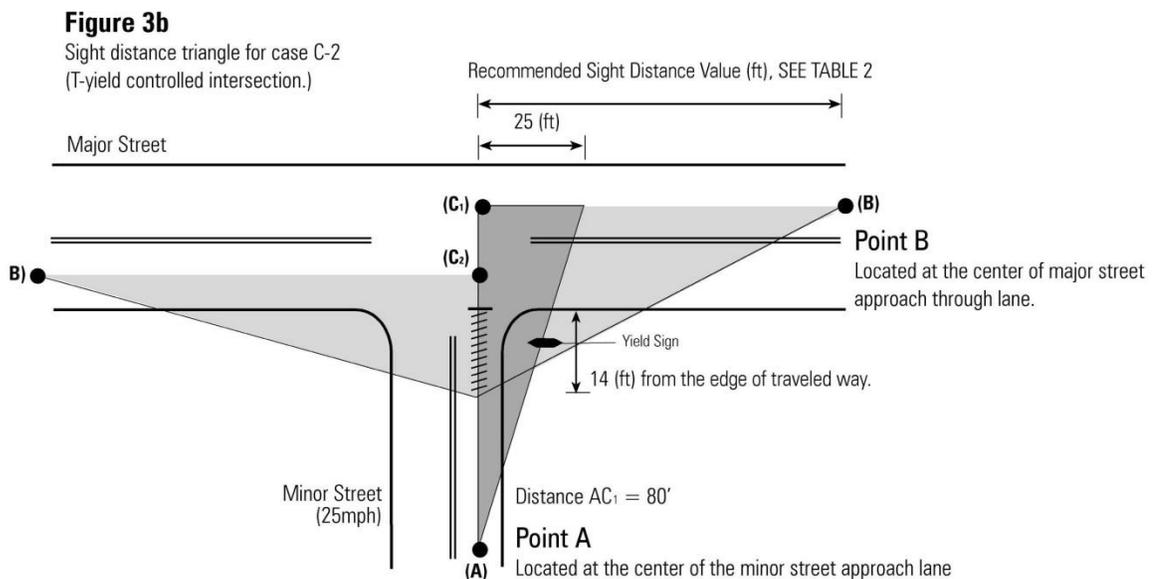
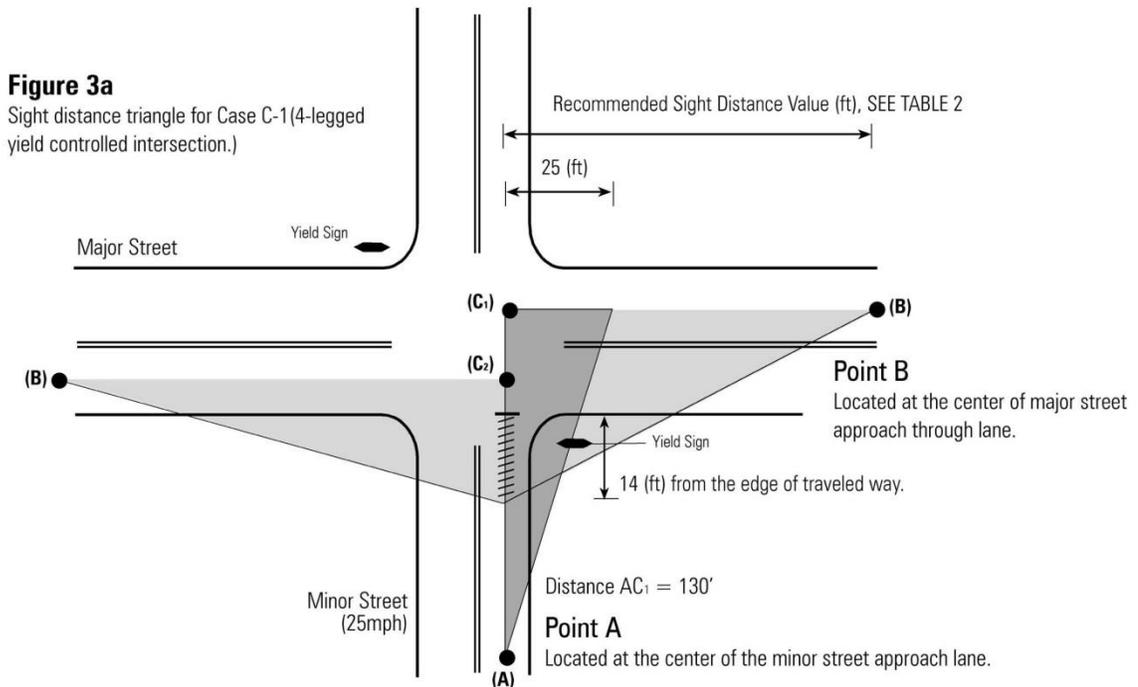
Two sight distance triangles need to be considered for Yield-controlled intersections: approach and departure sight distance triangles. The approach sight distance triangle is the area that must be free of obstructions that may block an **approaching vehicle's view of potentially conflicting vehicles**. The departure sight distance triangle is the area that must be clear of obstructions that may block the view of a stopped vehicle. These sight distance triangles are shown in Figures 3a and 3b on page 7 respectively for Types C-1, Yield-controlled Four Legged and C-2, Yield-controlled T intersections.

Figure 3a shows the approach sight distance triangles in dark shade and the departure triangle in light shade. Within the approaching sight distance triangle Point A is located in the center of the minor street approach lane, 130 ft from Point C₁, which is located at the center of the major street approach lane. The driver should be able to clearly see from Point A, a distance equal to 25 ft from C₁. At Yield –controlled T intersections (shown in Figure3b) on page 4, the recommended distance from Point A to C₁ is 80 ft.

The departure sight distance triangle (shown as the light shaded area) at both types of yield controlled intersection is similar to the sight distance triangle at stop controlled intersections (Type B above on page 3) The driver's decision point or Point A is located in the center of the minor street approach lane, 14 ft. from the edge of the major road's traveled way. The traveled way is the portion of the road intended for the movement of vehicles and bicycles, exclusive of shoulders and turning lanes. Point B is located on the center of the major street approach through lane (or at the

center of the major street approach if more than one lane exists), a specific distance to the left and to the right of Points C1 and C2. This distance is the recommended sight distance, which can be found in Table 2 on page 2.

Although it is not typical to do so, if a parking lane exists on the major street it may be excluded from the traveled way in special cases. Usually these are cases where volumes and speeds are low and therefore the overall safety risk at the intersection is considered low.



Type D- Signalized Intersections and Signalized Driveways

At signalized intersections and signalized driveways, in order to turn right on red, drivers should be able to clearly see vehicles approaching from the left; the applicable sight distance triangle is the shaded area bounded by the A-B, B-C1, and A-C1 setback lines shown in Figure 2 on page 6. Sight distance (B-C1) values are summarized in Table 2 on page 2.

Type E1 through E4 – Driveways not Controlled by Traffic Signals

Driveways not controlled by traffic signals operate as Type B, Stop-Controlled Intersections; therefore, the applicable sight distance triangles are shown in Figure 2 on page 6. For driveways Type E1, Point A is located 10 ft from the edge of the major route's traveled way. For driveway Types E2 through E4, Point A is located 14 ft from the edge of the major route's traveled way. Sight distances values (B-C1, B-C2) are summarized in Table 2 on page 2.

Type F- Intersections and Driveways not Covered in Types A-E.

The sight distance triangle for intersections and driveways that do not fit any of the types previously described are to be analyzed on a case by case basis.

CITY OF KIRKLAND

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DEPARTMENT OF PUBLIC WORKS
PRE-APPROVED PLANS POLICY

Policy R-29: Guidelines for Temporary Traffic Control Plan Preparation

PURPOSE:

The purpose of these guidelines is to assist in the preparation of Temporary Traffic Control Plans (TTCPs) in the City of Kirkland.

An acceptable TTCP provides the guidance and warning necessary for the orderly and predictable movement of traffic through and around work zones thereby minimizing inconvenience to the public while providing safety and accessibility for all road users and workers.

A Temporary Traffic Control Plan (TTCP) is required for any project that may include work within traffic lanes, shoulders, sidewalks, crosswalks, parking and bicycle facilities:

- Along arterial and collector streets.
- Signalized intersections.
- Central Business District.

In addition, a TTCP is required for:

- Projects that require full or partial road closures.
- Special Events (public or private) expected to have traffic impacts on City streets.
- Work on any street that Public Works deems necessary.

For projects or work activities that do not require a TTCP, the contractor is responsible for implementing appropriate traffic control per MUTCD (Manual of Uniform Traffic Control Devices) recommendations.

GENERAL NOTES:

1. TTCPs must conform to the most recent edition of the Manual of Uniform Traffic Control Devices (MUTCD) and any supplements.
2. TTCP must be site and project specific; therefore, typical drawings, taper tables and MUTCD illustrations, by themselves, are insufficient.
3. TTCPs must fit field conditions so field check of the project site is recommended prior to and during the preparation of a TTCP.
4. Based upon the complexity of a project, a suitable sequence of construction must be discussed with City Staff prior to fully developing TTCPs. Each construction phase shall be provided with appropriate work zone traffic control and the impacts of utility relocation, traffic delays, detours and capacity restrictions must be considered and addressed.
5. Road and/or sidewalk closure must be evaluated by Public Works with respect to both the necessity as well as the impact of the closure to the public. Road closures shall require additional temporary traffic control including advance notification, approach and detour signage.

6. Any work impacting sidewalks, pedestrian crossings and bike facilities shall be specified and appropriate detour shall be included in the proposed TTCP.
7. Any work within the public right of way shall be restricted to the hours of 9:00 AM to 3:30 PM, Monday through Friday. Work on Holidays, weekends or at night shall not occur unless an exception is granted by Public Works.
8. Construction activity, loading and unloading of equipment shall not block any traffic lane other than those previously specified on the TTCP.
9. Construction activity at signalized intersections resulting in impacts to left turn pockets and/or receiving lanes may require modifications to traffic signal operation during construction. Signal timing adjustments must be requested in writing two weeks in advance of submittal of the TTCP.
10. Access shall be maintained to all driveways unless permission for closure is granted by the property owner or manager.
11. Accessibility for emergency vehicles shall be maintained at all times.
12. Pavement excavation shall be limited to a maximum of one travel lane at a time unless otherwise specified on the TTCP.
13. Temporary "No Parking" signs shall be placed 24 hours prior to commencing work.
14. All Temporary Traffic Control (TTC) devices shall be removed as soon as practical when they are no longer needed. Similarly, when work is suspended for short periods of time, TTC devices that are no longer necessary shall be removed or covered.
15. TTCPs shall be submitted for review three weeks in advance of the beginning of work.

TTCP REQUIREMENTS:

This section specifies the elements (in content and format) that need to be included on a TTCP in order for the plan to be approved:

1. Description of the work, address/location, work schedule and contact information.
2. Vicinity map showing the location of the project.
3. The TTCP shall be drawn on 11" X 17" sheets. Electronic submittal is encouraged.
4. The TTCP drawings must use legible lettering and clear, contrasting, symbols for viewing or printing and must indicate north arrow and scale.
5. Nearby streets with street names to assure proper orientation.
6. Posted speed limit.
7. Existing channelization including travel lanes, left /right turn bays, two-way left turn lanes, curbs and gutter, driveways, sidewalks, shoulders, bike lanes, parking lanes, median islands, traffic control devices including traffic signals and signs within the traffic control zone including areas affected by taper transition.
8. Dimensions of all the work zone components shown in Figure 1. These include:
 - Advance Warning Area - Where traffic first recognizes a work zone is approaching.
 - Transition Area- Where traffic is redirected from the normal travel path. Transitions can occur as a lane or shoulder closure, lane shifting, or an entirely new alignment via a crossover or on-site diversion. Use of the proper Taper Length (L) is recommended (See Table 1) to increase the safety performance of the transition area. There are four types of tapers: merging, shifting, shoulder, one-lane/ two-way and downstream. These are shown in Figure 2.
 - Buffer space - Provides protection for motorists and workers, typical length is 50 to 100 ft. There are two types of buffer spaces: longitudinal, which provides a recovery area for errant

vehicles prior to reaching the work area, and lateral buffer or "shy distance, which is developed between the edge of the travel lane and the edge of the work area.

- Work Area - Where work is being conducted.
 - Termination area – where traffic resumes normal path, typical length 50-100 ft)
9. The TTCP drawings must show the type and size of all the appropriate TTC devices (signs, drums, cones, barricades, arrow panels, etc.) using MUTCD coding designation and sign names on each component of the work zone.
 10. The TTCP drawings must show the spacing of signs, barricades, delineators, drum and cones and identify taper length. Table 2 shows recommended sign spacing.
 11. TTCP shall show all the traffic control devices required to guide pedestrian through or around the work zone.

Table 1, Taper Length Criteria and Formula

Type of Taper	Taper Length	Taper Formula: $L=WS^2/60$, W(typical offset =12ft), S(Speed)			
		25 MPH	30MPH	35MPH	40MPH
Merging	L	120-150'	150-200'	200-250'	250-300'
Shifting	0.5L	60-80'	80-100'	100-125'	125-150'
Shoulder	0.33L	50'	60'	80'	80'
One Lane/two-Lane Taper	50-100'	50'	60'	80'	100'
Downstream	50-100'	50'	60'	80'	100'

Table 2, Sign Spacing

Posted Speed Limit (MPH)	Spacing (ft)
25	100-150
30	150-200
35	200-300
40	300-350