



**City of Kenmore Development Services**  
**Findings, Conclusions, and Conditions of Approval**  
**February 9, 2024**  
**Beachwood II Apartments**  
**Commercial Site Plan Review and Shoreline Substantial Development Permit**  
**File # CSP22-0086 & SSDP22-0087 (PRJ22-0055)**

---

**I. SUMMARY OF PROPOSAL:**

Proposed development of one (1) 6-story apartment building consisting of 53 multi-family residential units and 48 parking stalls. Of the units, 48 are market-rate and 5 are affordable (50-70% AMI). The western portion of the property is located within 200 feet of Swamp Creek, and the southwestern corner of the property is located within the 150-foot Swamp Creek stream buffer. Approximately 150 linear feet of frontage improvements (i.e. curb, gutter, and sidewalks) are proposed along 80th Avenue NE. The property is zoned Residential-18 (R-18) and is within the Transit Oriented Development (TOD) overlay district. Although the project is not located in a Design Standards Area, TOD proposals are subject to the Area 1 Downtown Design Standards.

**Project Background:** A pre-application meeting was held on April 22, 2021 (PRE21-0020) for a townhome project on the subject site. On February 14, 2022, Ordinance No. 22-0543 became effective, which adopted interim TOD regulations that prohibited townhome development in the TOD. In order to comply with the TOD regulations, the project was redesigned and on July 7, 2022, a second pre-application meeting was held (PRE22-0055) for an apartment building. On August 2nd, 2022, Ordinance No. 22-0555 became effective, which extended the interim TOD regulations (including the prohibition on townhomes). On November 2nd, 2022, the applicant filed a submittal for a Commercial Site Plan, Shoreline Substantial Development Permit, and SEPA (land use application), which is vested to the TOD regulations under Ordinance Nos. 22-0543 and 22-0555.

**II. PROJECT INFORMATION:**

Property Owner, Applicant, Authorized Agent, and Project Contact:	MSR Beachwood 2, LLC. DBA MSR Communities Attn: Kranthi Puttamaneni	18323 Bothell Everett Hwy Suite 310 Bothell, WA 98012 <a href="mailto:kranthi@msrcommunities.com">kranthi@msrcommunities.com</a>
---	---	---

Project Architect:	Clark Barnes Attn: Max Foley	1401 W Garfield Street Seattle, WA 98119 <a href="mailto:mfoley@clarkbarnes.com">mfoley@clarkbarnes.com</a>
Project Civil Engineer:	Harmsen, LLC Attn: David Harmsen, PE	2822 Colby Ave, Suite 300 Everett, WA 98201 <a href="mailto:davidh@harmсенllc.com">davidh@harmсенllc.com</a>
Project Traffic Engineer:	Kimley Horn Attn: Bradly Lincoln	2828 Colby Ave, Suite 200 Everett, WA 98201
Project Ecologist:	Wetland Resources, Inc. Attn: Scott Brainard, PWS	9505 19 <sup>th</sup> Ave SE, Suite 106 Everett, WA 98208 <a href="mailto:mailbox@wetlandresources.com">mailbox@wetlandresources.com</a>
Project Geotechnical Engineer:	Earth Solutions NW, LLC. Attn: Brian Snow, LG and Keven Hoffmann, PE	15365 NE 90 <sup>th</sup> St, Suite 100 Redmond, WA 98052 <a href="mailto:info@esnw.com">info@esnw.com</a>
Project Arborist:	Arbor Info, LLC. Attn: Thomas Hanson	2406 N Castle Way Brier, WA 98036
Property Location ("Site" or "Subject Property"):	Address:	Parcel Number:
	17715 80 <sup>th</sup> Avenue NE Kenmore, WA 98028	011410-0843
Gross Property Size:	21,600 square feet (0.5 acres)	
Current Zoning:	Residential – 18 Dwelling Units Per Acre (R-18)	
Zoning Overlays:	Transit-Oriented Development (TOD)	
Comprehensive Plan Zoning:	High-Density Residential	
Shoreline Jurisdiction:	Urban Conservancy (UC)	
Affordable Housing:	50% AMI:	1 unit
	70% AMI:	4 units
	Market Rate:	48 units
Dwelling Units:	53 rental units are proposed (total)	
Critical Areas:	Seismic Hazard Area Type S Stream (Swamp Creek) - Offsite	
Unbuildable Areas:	Native Growth Protection Area/Stream Buffer (protective easement)	
Parking Spaces:	48 stalls (screened/enclosed parking garage on level 1)	
Public Right-of-Way Dedication:	None	
Anticipated Subsequent Applications and Permits <sup>1</sup> :	Engineering permits (clearing, grading, site development, etc.), demolition permit, building permit, trade permits (plumbing, mechanical, electrical, etc.), fire permits, water and sewer permits, and continued coordination and compliance with Washington State Department of Ecology, as may be required.	

<sup>1</sup> This list is an estimate of subsequent permits and may not be inclusive of all required permit types.

**III. REVIEW PROCESS:**

Pursuant to Kenmore Municipal Code (KMC) 18.105.020, a Site Plan Review (sometimes referred to as a “Commercial Site Plan” or “CSP”) is required for the proposed development. Pursuant to KMC 16.75.010, RCW 90.58.03, and Washington Administrative Code (WAC) section 173-27-040, the use is considered a substantial development and a Shoreline Substantial Development Permit (SSDP) is required. A CSP and SSDP were applied for on 11/02/2022 via electronic submittal (“land use application”). The CSP and SSDP applications have been processed concurrently as a Type 2 administrative decision pursuant to KMC 19.25.020 and KMC 16.75. The land use application has been reviewed for compliance with applicable codes by the following reviewers:

<b>Name and Title</b>	<b>Agency</b>
Samantha Loyuk, Director and SEPA Official	City of Kenmore
Reilly Rosbotham, Planner	City of Kenmore
Thomas Joachimides, Senior Civil Engineer	City of Kenmore
Christian Nichols, Civil Engineer	PACE Engineers (Consultant)
Thema Crenshaw, Permit Specialist	Northshore Utility District
Ryan Burgess, Deputy Fire Marshal	Shoreline Fire Department
Susan Rembold, Transportation	Northshore School District
Terrell Edwards, Housing Planner	A Regional Coalition for Housing (ARCH)

The key milestones on the application to date are as follows:

<b>Date</b>	<b>Milestone</b>
4/22/2021	Pre-application meeting #1; reference file no. PRE21-0020 (for townhomes)
2/14/2022	Ordinance No. 22-0543 effective date, adopting interim TOD regulations prohibiting townhome development
7/7/2022	Pre-application meeting #2; reference file no. PRE22-0055 (for apartments)
8/2/2022	Ordinance No. 22-0555 effective date, extending interim TOD regulations
11/2/2022	CSP, SSDP, and SEPA applications filed online (“intake”)
11/17/2022	Applications determined complete pursuant to KMC 19.25.050 (Exhibit B-1)
12/1/2022	Notice of Application and Optional SEPA notice (NOA) with 30-day comment period issued pursuant to KMC 19.25.060 and WAC 173-27-110.
12/30/2022	NOA and SEPA public comment period ended.
12/1/2022 – 1/31/2023	The City reviewed and considered public comments as part of SEPA and the first review of the land use application.
2/15/2023	Review #1 completed: The City completed the first review and sent corrections to the applicant. Copies of all public comments received during the NOA comment period were forwarded to the applicant.
5/16/2023	The applicant responded to public comments via email (Exhibit B-5.2).
5/16/2023	The applicant submitted a complete response to corrections (e.g., revised reports, plans, etc.). The resubmittal included a copy of the applicant’s written response to parties of interest (Exhibit B-5.2).
5/17/2023	The applicant sent a revised response to public comments (Exhibit 5.3).
9/25/2023	Review #2 completed: The City completed the second review and sent corrections to the applicant.

10/10/2023	The applicant submitted a complete response to corrections (e.g., revised reports, plans, etc.).
11/22/2023	Review #3 completed: The City completed the third review with no additional comments. City staff started preparing the Staff Report and SEPA DNS.
2/9/2024	They City issued a SEPA Determination of Non-significance (DNS) concurrent with the land use decision.

**IV. FINDINGS AND CONCLUSIONS:**

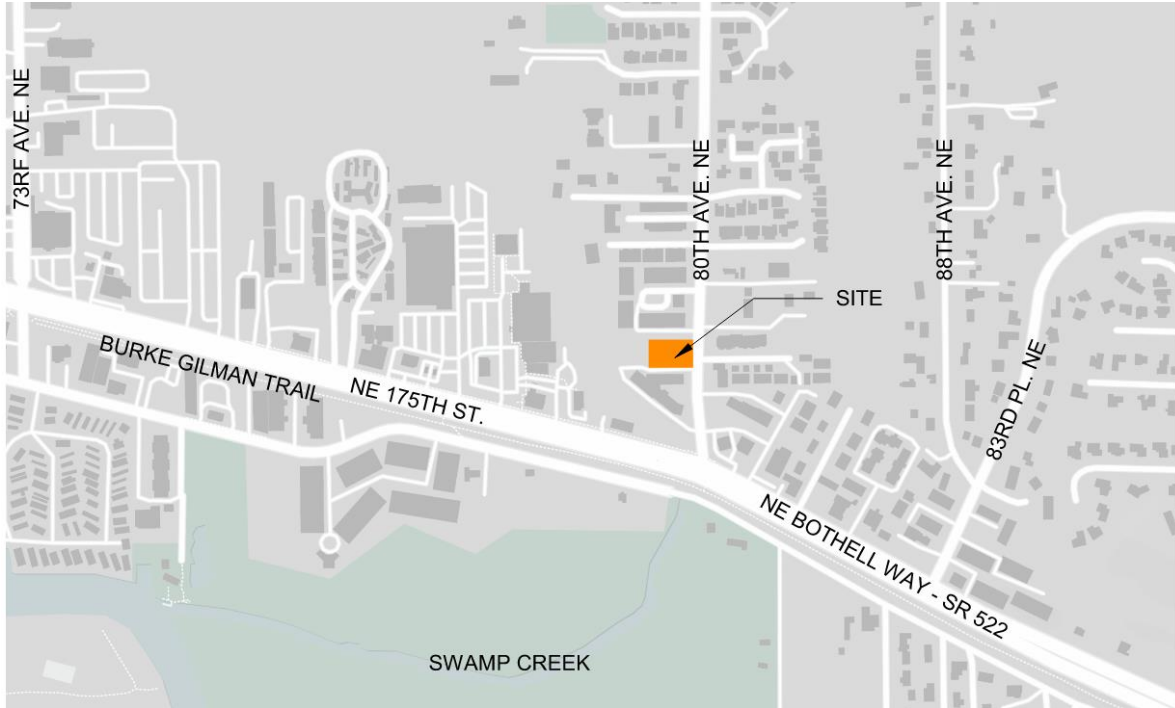
The Site Plan (CSP) application and Shoreline Substantial Development Permit (SSDP) have been reviewed for compliance with WAC 173-27, Kenmore Zoning Code (KMC Title 18), Shoreline Management Code (KMC Title 16), 2021 King County Surface Water Design Manual (KCSWDM) as adopted and amended by KMC 13.35, the 2021 City of Kenmore Road Standards (KRS) as adopted by KMC 12.50, and other applicable City codes and regulations. The following are the City of Kenmore’s Findings and Conclusions:

**1. Property Description**

The subject property consists of one (1) parcel totaling 21,600 square feet (0.5 acres). The site contains an existing vacant residence that will be demolished (DEM23-0041). The property is zoned R-18 and is located in the TOD overlay district. The aerial image and vicinity maps provided help illustrate the location of the subject property. The adjacent uses are as follows:

- |               |  |               |   |
|---------------|--|---------------|---|
| <b>North:</b> | Multi-family – Creekside Townhomes Condominiums                      | <b>South:</b> | Multi-family – Asteria Place Apartments |
| <b>East:</b>  | 80 <sup>th</sup> Avenue NE and beyond that, multi-family (townhomes) | <b>West:</b>  | One single-family residence             |





**2. Kenmore Comprehensive Plan**

The application has been reviewed for compliance with the adopted policies of the Kenmore Comprehensive Plan, including but not limited to, the Shoreline and Land Use Sub-Elements of the plan. Title 16 KMC “Shoreline Management,” Title 18 KMC “Zoning,” and other applicable City development regulations have been adopted to implement the Kenmore Comprehensive Plan.

The application is consistent with the following goals and policies (among others) of the Land Use and Shoreline Sub-Elements of the Comprehensive Plan:

- a. Goal 2 of the City of Kenmore Comprehensive Plan is to provide for orderly development. Policy LU-2.1.2.b states that in the the High Density Residential land use classification, land uses are predominantly larger apartment or condominium buildings according to district. In the area near the Metro/Sound Transit Park and Ride (“Kenmore Park & Ride”), development intensities support and are supported by multi-modal transportation options, including high-capacity transit. The provision of affordable housing is a key feature of this transit-oriented development. The proposed apartment building is consistent with providing higher-density housing in the vicinity of transit, and provides affordable units as well. According to Google Maps (2024), the nearest bus stop is a 3-minute walk from the subject property and the Kenmore Park & Ride is only a 10-minute walk.
- b. Section 17.4 of the Comprehensive Plan addresses the purpose and goals for the Urban Conservancy Shoreline Environment. Policy LU-17.4.10 states that developments should be regulated so as to minimize the following: erosion or sedimentation, the adverse impact on aquatic habitats and substantial degradation of the existing character of the Urban Conservancy Environment. The proposed development will implement erosion control measures to prevent erosion and sedimentation and has been found to comply

with all standards of the Shoreline Master Program. The proposed apartment building is located approximately 165 feet landward of Swamp Creek and is consistent with the Urban Conservancy Shoreline Environment.

**CONCLUSION:** The application has been reviewed for consistency with the goals and policies of the Kenmore Comprehensive Plan. The project is consistent with said goals and policies.

**3. Public Notification (KMC19.25) and SEPA (RCW 43.21C, KMC 19.35)**

The application exceeds the categorical exemptions from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800. A SEPA Environmental Checklist was prepared by the applicant and filed with the application (Exhibit B-6). The Optional Determination of Non-Significance process was used to integrate the comment period for the Notice of Application (NOA) and the SEPA review, pursuant to WAC 197-11-355.

- a. The subject project is a Type 2 land use decision subject to SEPA. The public received notification pursuant to KMC 19.25 and WAC 173-27-110 (Exhibits B-2, B-3, and B-4). The 30-day NOA and Optional SEPA public comment period was in effect from 12/1/2022 to 12/30/2022.
- b. The city received nine (9) comments and/or requests for notification during the NOA and SEPA public comment period. Each comment was responded to by the city and/or the applicant. In addition to the 9 comments, the City received a petition in opposition to the development signed by 47 people. The comments received are summarized in the table below (see also Exhibits 4.0 and 4.1).
- c. In consideration of public comments and consistent with the Kenmore Municipal Code, the project will be conditioned in the following ways (this list does not represent all of the conditions placed on the project – see *Section V* for a complete list of conditions):
  - Increase in number of parking spaces from 44 to 48; and
  - Levels 2-6 of the building are setback 25 feet from the north property line to provide greater privacy and sunlight to the neighboring townhomes to the north.

POI #	Party of Interest	Topic of Comment
1	Rick Heckenlaible 17813 80 <sup>th</sup> Ave NE, D9 Kenmore, WA 98028 <a href="mailto:r.hecken@comcast.net">r.hecken@comcast.net</a>	Traffic, parking, environment, privacy, property value
2	Liz Rogers <a href="mailto:lrogers24@gmail.com">lrogers24@gmail.com</a>	Affordable housing
3	Curtis McGann <a href="mailto:curtis.mcgann@icloud.com">curtis.mcgann@icloud.com</a>	Traffic
4	Robin Shuler 17827 80 <sup>th</sup> Ave NE, D102 Kenmore, WA 98028 <a href="mailto:robshuler@comcast.net">robshuler@comcast.net</a>	Height, state public notice signage was insufficient, environment, parking
5	Kimberly Taylor <a href="mailto:k_taylor88@hotmail.com">k_taylor88@hotmail.com</a>	Swamp Creek, seismic hazard, trees, environment, height, sunlight, parking

6	Jan Howard 17813 80 <sup>th</sup> Ave NE, D5 Kenmore, WA 98028 <a href="mailto:janchoward@outlook.com">janchoward@outlook.com</a>	TOD, environment, scale of development, easements, trees
7	James Pinkerton <a href="mailto:jpinkert@outlook.com">jpinkert@outlook.com</a>	Affordable housing, neighborhood character, parking, height, trees, noise
8	Annie Mathews 17813 80 <sup>th</sup> Ave NE, D3 Kenmore, WA 98028 <a href="mailto:anniemathews@yahoo.com">anniemathews@yahoo.com</a>	Affordable housing, neighborhood character, parking, traffic, environment, trees.
9	Brian Houten 17813 80 <sup>th</sup> Ave NE, D8 Kenmore, WA 98028 <a href="mailto:brian.houten@yahoo.com">brian.houten@yahoo.com</a>	Open space, parking noise, trees, Swamp Creek, moratorium on condo development, parking, affordable housing, traffic
PETITION		
10	Abby London 19507 73 <sup>rd</sup> Ave NE Kenmore, WA 98028	Parking
11	Aileen Hammar 6511 NE 192 <sup>nd</sup> PI Kenmore, WA 98028 <a href="mailto:aileen.hammar@comcast.net">aileen.hammar@comcast.net</a>	General opposition
12	Amanda Taylor 19721 61 <sup>st</sup> PI NE Kenmore, WA 98028 <a href="mailto:dancinggypsydesigns@gmail.com">dancinggypsydesigns@gmail.com</a>	General opposition
13	Amy Bornemeier 19155 66 <sup>th</sup> PI NE Kenmore, WA 98028 <a href="mailto:amybysegger@gmail.com">amybysegger@gmail.com</a>	General opposition
14	Andriy Zhylenko 17815 80 <sup>th</sup> Ave NE, C1 Kenmore, WA 98028 <a href="mailto:andrew777seattle@gmail.com">andrew777seattle@gmail.com</a>	Neighborhood character
15	Angela DeRosa 18916 68 <sup>th</sup> Ave NE, E201 Kenmore, WA 98028 <a href="mailto:sanjerardo2001@gmail.com">sanjerardo2001@gmail.com</a>	General opposition
16	Behzad Khamneian 15312 78 <sup>th</sup> Ave NE Kenmore, WA 98028 <a href="mailto:baze.khamneian1@gmail.com">baze.khamneian1@gmail.com</a>	General opposition
17	Carol Figura 19309 65 <sup>th</sup> PI NE Kenmore, WA 98028 <a href="mailto:carolfigura1951@hotmail.com">carolfigura1951@hotmail.com</a>	General opposition
18	Celia Milota 15015 75 <sup>th</sup> Ave NE Kenmore, WA 98028 <a href="mailto:celia.milota@gmail.com">celia.milota@gmail.com</a>	General opposition
19	Chris Lohman 17819 80 <sup>th</sup> Ave NE, A7 Kenmore, WA 98028 <a href="mailto:clohman@gmail.com">clohman@gmail.com</a>	General opposition
20	Connor Harrel 6640 NE 198 <sup>th</sup> St Kenmore, WA 98028	General opposition

	<a href="mailto:connorharrel@comcast.net">connorharrel@comcast.net</a>	
21	Corey Holder 18200 73 <sup>rd</sup> Ave NE, A114 Kenmore, WA 98028 <a href="mailto:bravingthenoise@gmail.com">bravingthenoise@gmail.com</a>	General opposition
22	Corinne Harrel 6640 NE 198 <sup>th</sup> St Kenmore, WA 98028 <a href="mailto:corinne887@gmail.com">corinne887@gmail.com</a>	General opposition
23	Donna Brown 7728 NE 203 <sup>rd</sup> St Kenmore, WA 98028 <a href="mailto:dmpbrown9@gmail.com">dmpbrown9@gmail.com</a>	General opposition
24	Fran Myer 17817 80 <sup>th</sup> Ave NE, #B1 Kenmore, WA 98028 <a href="mailto:pickleballstuff@comcast.net">pickleballstuff@comcast.net</a>	Parking, environment
25	Gary Rook 7301 NE 175 <sup>th</sup> St, 202 Kenmore, WA 98028 <a href="mailto:rook.gary@gmail.com">rook.gary@gmail.com</a>	General opposition
26	Judy Arnold 7911 NE 143 <sup>rd</sup> St Kirkland, WA 98035	Parking
27	Justin Humke 15969 82 <sup>nd</sup> PI NE Kenmore, WA 98028 <a href="mailto:jhumke@hotmail.com">jhumke@hotmail.com</a>	General opposition
28	Karin Winter 8809 NE 163 <sup>rd</sup> St Kenmore, WA 98028 <a href="mailto:jkagwinter@aol.com">jkagwinter@aol.com</a>	General opposition
29	Kathy Jacobs 12945 74 <sup>th</sup> PI NE Kirkland, WA 98034 <a href="mailto:jake.irish@mac.com">jake.irish@mac.com</a>	General opposition
30	Katy Hayes 20315 60 <sup>th</sup> Ave NE Kenmore, WA 98028 <a href="mailto:katyhayes@comcast.net">katyhayes@comcast.net</a>	Swamp Creek, parking
31	Kim Wilton 13852 70 <sup>th</sup> Ave NE Kirkland, WA 98034 <a href="mailto:kimmccrea@hotmail.com">kimmccrea@hotmail.com</a>	Parking
32	Lianne Caster 16200 81 <sup>st</sup> PI NE Kenmore, WA 98028	Wetlands, environment, traffic
33	Linda Jackson 7031 NE 175 <sup>th</sup> St, Unit 9 Kenmore, WA 98028 <a href="mailto:mimi.49@hotmail.com">mimi.49@hotmail.com</a>	Height, parking, affordable housing
34	Marie Van Gerpen 18522 62 <sup>nd</sup> Ave NE Kenmore, WA 98028 <a href="mailto:mvangerp54@gmail.com">mvangerp54@gmail.com</a>	Environment
35	Mary Pennington 8518 NE 176 <sup>th</sup> St Bothell, WA 98011 <a href="mailto:cutietone@gmail.com">cutietone@gmail.com</a>	General opposition
36	Morgan McGinn 10620 39 <sup>th</sup> Ave SW Seattle, WA 98146 <a href="mailto:glordog@aol.com">glordog@aol.com</a>	Swamp Creek, height
37	Natalie Sherbert	Infrastructure

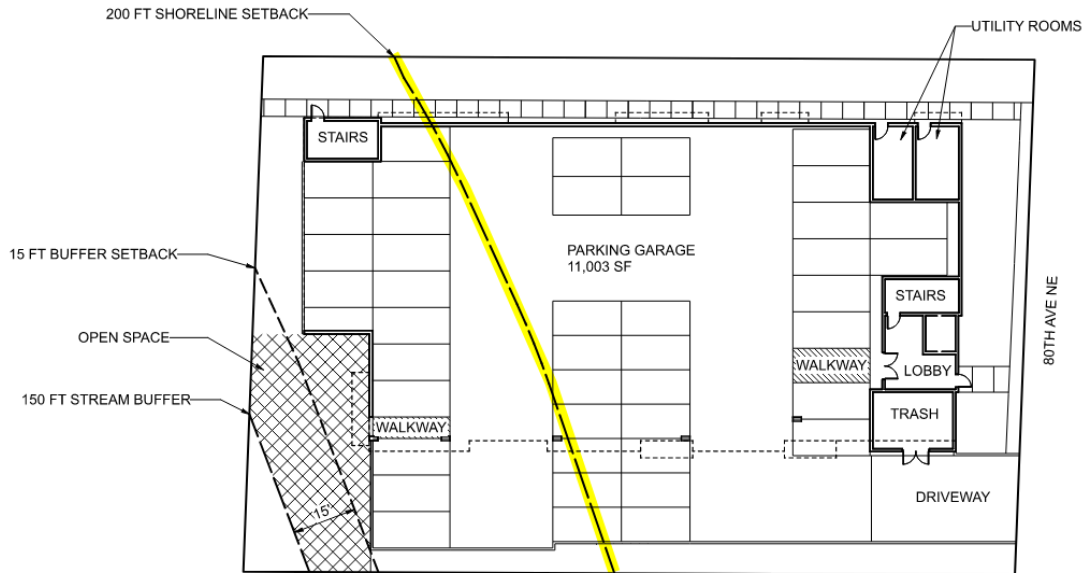


	1827 235 <sup>th</sup> PI SW Bothell, WA 98021 <a href="mailto:nachristie@gmail.com">nachristie@gmail.com</a>	
38	Patricia Brown 6307 NE 196 <sup>th</sup> St Kenmore, WA 98028 <a href="mailto:glitterfaeriequeen@yahoo.com">glitterfaeriequeen@yahoo.com</a>	General opposition
39	Paul O'Neill 380 Sage Rd Ellensburg, WA 98926 <a href="mailto:poneill5775@gmail.com">poneill5775@gmail.com</a>	General opposition
40	Reed Peacocke 8028 NE 145 <sup>th</sup> St Kenmore, WA 98028 <a href="mailto:reed.peacocke@yahoo.com">reed.peacocke@yahoo.com</a>	General opposition
41	Shannon Kershner 5925 NE 201 <sup>st</sup> St Kenmore, WA 98028 <a href="mailto:cyndi.kershner@gmail.com">cyndi.kershner@gmail.com</a>	General opposition
42	Stacey Valenzuela 7031 NE 175 <sup>th</sup> St, Unit 8 Kenmore, WA 98028 <a href="mailto:svalenz229@gmail.com">svalenz229@gmail.com</a>	Wetlands, Heron Rookery, height
43	Tracy Robinson 17919 83 <sup>rd</sup> Ave NE Kenmore, WA 98028 <a href="mailto:trobinson10@frontier.com">trobinson10@frontier.com</a>	General opposition
44	Vanessa Nelson 14022 95 <sup>th</sup> Ave NE Kirkland, WA 98034 <a href="mailto:theebengers@gmail.com">theebengers@gmail.com</a>	Parking
45	Wendy Reynolds 16416 84 <sup>th</sup> Ave NE Kenmore, WA 98028 <a href="mailto:wendysmail@comcast.net">wendysmail@comcast.net</a>	Parking
46	Yogesh Kakodkar 5915 NE 158 <sup>th</sup> St Kenmore, WA 98028 <a href="mailto:yogeshkakodkar@yahoo.com">yogeshkakodkar@yahoo.com</a>	Height, parking
47	Mari Carpenter 5811 NE 197 <sup>th</sup> St Kenmore, WA 98028 <a href="mailto:mar.m.carpenter@gmail.com">mar.m.carpenter@gmail.com</a>	Trees, height, character, family-friendly
48	Mark Carpenter 17819 80 <sup>th</sup> Ave NE A1 Kenmore, WA 98028 <a href="mailto:markcarpenter1@me.com">markcarpenter1@me.com</a>	Height, Swamp Creek, trees, open space, parking, seismic hazard, deceptive marketing

#### 4. Shoreline Management and Protection (RCW 90.58, KMC Title 16)

Swamp Creek is a Shoreline of the State under the Shoreline Management Act (RCW 90.58) and defined as a Shoreline Environment by the City of Kenmore (KMC 16.15). The purpose of the shoreline management code is to implement the Shoreline Management Act of 1971 and to provide for the regulation of development, which impacts those areas in Kenmore under the jurisdiction of the Shoreline Management Act consistent with Chapter 173-26 WAC and the goals and policies of the City of Kenmore comprehensive plan Shoreline Sub-Element. The scope of the project exceeds the exemption thresholds for Shoreline Substantial Development in WAC 173-27-040 and is subject to a Shoreline Substantial Development Permit (SSDP). The project was reviewed based on WAC 173-27-050 and determined to comply. The findings below describe compliance followed by conditions applicable to the project (*Section V*).

- a. A portion of the west side of the property is located within 200-feet of the ordinary high water mark (OHWM) of Swamp Creek, and is considered a “shoreland” pursuant to KMC 16.10.440. The critical areas study map (Exhibit D-2) illustrates the extent of the 200-foot shoreline jurisdiction, as is highlighted in the image below (see following page). The map mistakenly calls it a “shoreline setback,” which is the incorrect term; it should say, “shoreline jurisdiction” or something similar.



- b. The shoreland portion of the site (the area west of the yellow line shown in the image above) is within the Urban Conservancy (UC) Shoreline Environment.
- o The purpose of the UC Environment is to protect and restore ecological functions of open space, streams, wetlands, and floodplains where they exist in urban and developed settings, including areas below the ordinary high-water mark in Swamp Creek, while allowing a variety of compatible uses.
- c. The project has been reviewed for compliance with the general shoreline development standards in KMC 16.45.010. Precautions must be adhered to during construction to protect the site and critical areas from potential spills, construction impacts, erosion, hazardous waste, etc. A Stormwater Pollution Prevention Plan (SWPPP) is required to address how the contractor will protect against these possibilities. The project will be conditioned as necessary to ensure compliance with shoreline development standards.
- d. The proposed use is a multi-family residential (apartments) and is permitted in the UC Environment consistent with KMC 16.50.090. Pursuant to KMC 16.50.090.A.1.c, the site is physically separated from the shoreline by another property.
- e. Pursuant to KMC 16.50.090.A.2.b, the development provides a significant public benefit to help achieve the goal of public access to the shoreline. The project provides public access through the property (east-west) via a public easement with the intent being to continue it westward to Swamp Creek when or if the adjacent single-family property develops. This exceeds the requirements of KMC 16.45.050. The project will be conditioned as necessary to ensure the property provides such public access.

- f. The project has been reviewed for compliance with applicable vegetation conservation standards in Chapter 16.60 KMC. The vegetation conservation area consists of the 150-foot shoreline buffer, measured from the OHWM of Lake Washington. No vegetation removal is proposed within the shoreline buffer, and native plantings are proposed within the shoreline buffer to restore and enhance the shoreline.
- g. Pursuant to KMC 16.60.010.E, landscaping plans for shoreline buffers associated with shoreline development regulated under the shoreline code shall be prepared by a landscape architect or certified professional wetland scientist (PWS). The proposed mitigation/planting plan was prepared by Ken Loney, Registered Landscape Architect with Main Street Design (Exhibit C-4). A detailed, construction-level planting plan stamped by a landscape architect or PWS shall be included with the subsequent engineering permit application. The project shall be conditioned as necessary to ensure compliance with the vegetation conservation area requirements.
- h. The project has been reviewed for compliance with applicable shoreline density and dimensions requirements in Chapter 16.65 KMC. Pursuant to KMC 16.65.020.A, Shoreline Density and Dimensions Table, there is a 150-foot buffer from the OHWM of Swamp Creek for residential development in the Urban Conservancy shoreline environment. There is an additional 15-foot building setback from the shoreline buffer. A small portion of the southwest corner of the project site is located within the shoreline buffer and building setback. The proposed building will be located outside both the shoreline buffer and building setback from the buffer.
- i. The area on the southwest corner of the property that is located within the 150-foot shoreline buffer shall be placed in a protective easement, which shall be recorded prior to Certificate of Occupancy. The project shall be conditioned as necessary to ensure compliance.
- j. Pursuant to KMC 18.55.140, the city may require that the applicant install permanent signs along the boundary of a critical area buffer, at an interval of every 50 feet. Because the length of the critical area buffer is less than 50 feet, one sign is required at the edge of the 150-foot stream buffer from Swamp Creek. Critical area fencing is not required due to the small area of stream buffer located on the site. To ensure long-term maintenance of signs and fencing, the owner shall file a maintenance agreement as directed by the City.

**CONCLUSION:** The project is located within the jurisdiction of the Kenmore Shoreline Master Program (SMP), containing the Swamp Creek shoreline. The application has been reviewed for compliance with the Shoreline Management Act consistent with Chapter 173-26 WAC, Kenmore SMP, WAC 173-27-150. Staff have determined the project complies, subject to conditions. The SSDP decision will be sent to Washington Department of Ecology (“DOE” or “Ecology”) for their review and consideration.

## **5. Zoning (KMC Title 18)**

The purpose of the City Zoning regulations is to encourage land use decision making in accordance with the public interest and applicable laws of the State of Washington, protect the general public health, safety, and welfare, implement the comprehensive plan’s policies

and objectives through land use regulations, provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards, provide for adequate public facilities and services in conjunction with development, promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development; and minimize uses of land that impose negative externalities on persons or properties outside of the property on which the negative externalities are generated. The City has determined that the project is consistent with Zoning code requirements of Title 18 KMC. Land use approval will be conditioned so that compliance with the findings described below is verified prior to issuance of subsequent permits:

- a. **Residential – 18 Dwelling Units Per Acre (R-18) Zone:** The R-18 zone features a mix of predominantly apartment and townhouse dwelling units, with a variety of densities and sizes in locations appropriate for residential use. Permitted uses emphasize housing, including both multiple-family dwellings and single detached dwelling units, offices, and educational services (KMC 18.21.040). The proposal is for a multiple-family dwelling, which is a permitted use in the R-18 zone.
- b. **Residential Density:** Although the property is in the R-18 zone, the applicant chose to develop the property using the Transit-Oriented Development (TOD) District standards. The subject property is 0.50 acres in size. Per KMC 18.29.050, Table B, the TOD district has a minimum density of 60 dwelling units per acre and a maximum density of 150 dwelling units per acre. The minimum and maximum density calculations are as follows:
  - Minimum density: 0.50 acres x 60 du / acre = 30 dwelling units
  - Maximum density: 0.50 acres x 150 du / acre = 75 dwelling units

The proposal for 53 dwelling units provides a density of 106 dwelling units per acre, which meets density requirements of the TOD district.

- c. **Affordable Housing & Bonus Units:** Pursuant to KMC 18.29.060, for properties choosing to develop under the TOD district overlay, development shall provide affordable housing as described in Chapter 18.77 KMC. KMC 18.77 determines the number and type of affordable units required based on the number of bonus units provided. Terrell Edwards with A Regional Coalition for Housing (ARCH) reviewed the project and determined that 5 affordable units are required (Exhibit J-1). The number of required affordable units is determined using the following methodology:

A “Bonus Unit” means a dwelling unit achieved that exceeds the number of units allowed by the base density of the underlying zoning district. At the time of application, the underlying zoning district of the subject property was R-18, which has a base density of 18 dwelling units per acre. The base density calculation is as follows:

- Base density: 0.50 acres x 18 du / acre = 9 dwelling units

The project provides 53 dwelling units total, meaning 44 bonus dwelling units are provided. The share of bonus units makes up 83% of the total number of dwelling units.

Pursuant to KMC 18.77.030.B, affordable housing requirements shall be capped at 10 percent of the total number of dwelling units being provided.

- 53 dwelling units x 10% = 5 dwelling units

Based on this calculation, the affordable housing requirement is capped at 5 units.

- d. **Affordable Unit Mix:** Terrell Edwards with A Regional Coalition for Housing (ARCH) reviewed the project and determined that the project requires four (4) units affordable at 70% AMI and one (1) unit affordable at 50% AMI (Exhibit J-1). The mix of affordable units is determined using the following methodology:

The project is subject to the Tier 2 affordability requirement in KMC 18.77.030.C.2, because the number of bonus units is greater than 30% of the total number of dwelling units and the project density is less than 120 dwelling units per acre. Tier 2 projects shall provide a combination of low-income and moderate-income affordable housing units. Per KMC 18.77.030.C.1, for every three bonus units, one dwelling unit shall be a moderate-income affordable housing unit and two bonus dwelling units may be market rate units. For every four bonus units allowed beyond that needed to achieve the 10% moderate-income affordable housing units, one of the moderate-income affordable housing units shall be made into a low-income affordable housing unit up to a maximum of 33 percent of the affordable housing units (or 3.3 percent of the total dwelling units in the development).

Since the number of bonus units (44) is greater than 30% of the total units (53), Five (5) of the 44 bonus units must be affordable, meeting the 10% affordability cap. Four (4) of these are affordable to moderate-income households and one (1) is affordable to low-income households (15 of the bonus units used towards achieving 10% affordable units (5 x 3) plus 29 of the bonus units applied towards making one (1) of the affordable units low-income affordable (29 x 0.25 = 7.25)). A maximum of 33 percent of the affordable housing units are required to be low-income (1 out of 5 affordable housing units).

Based on this calculation the following affordable units are required:

- 4 Moderate Income Affordable Housing Units (70% of area median income "AMI")
- 1 Low Income Affordable Housing Unit (50% of area median income "AMI")

The project shall be conditioned to ensure the affordable housing requirements are met. An affordable housing covenant shall be recorded on the title prior to issuance of the engineering permit.

- e. **Height:** The maximum height in the TOD District is 65 feet. The proposed apartment building is 65 feet in height, which complies with this standard. The proposed height is shown on the elevations (Exhibit C-2). Pursuant to KMC 18.30.050, when a proposed building height is within one foot of the maximum allowable height, the applicant shall provide a survey prior to final inspection, performed by a licensed surveyor,

demonstrating compliance with the City’s height regulations. The project will be conditioned to require a height survey at various points throughout construction including but not limited to prior to building permit final inspection.

- f. **Development Standards:** The development standards described in KMC 18.21.050, Table E apply in the R-18 zone. Compliance with development standards is described in the table below and reflected in the Exhibits.

Standard	Zoning Requirement	Proposed Project
Minimum Lot Width:	30 feet	30+ feet
Minimum Street Setback:	10 feet	10 feet
Minimum Side Setback:	5 feet	5 – 15 feet
Minimum Rear Setback:	5 feet	10 – 24 feet
Maximum Impervious Surface:	85%	82%

- g. The project is subject to light and glare requirements described in KMC 18.30.070. The proposed lighting plan demonstrates compliance (Exhibit C-7). Subsequent plans shall reflect compliance with the lighting plan.
- h. Per KMC 18.30.115, the project shall comply with public nuisance standards.
- i. Per KMC 18.30.130(A), a common recreation open space is required for multi-family residential projects that exceed nine (9) units. Common recreational open space shall comply with the following requirements:
- 45 SF per dwelling unit: 53 x 45 SF = 2,385 SF required (2,448 SF proposed)
  - Be adjacent to main pedestrian paths or near building entrances.
  - Be suitable and safe as a play space for children.
  - Be graded and landscaped to encourage use by occupants of the development, including children.

The prepared plan includes appropriate landscaping, lighting, a connection to pedestrian pathway for a potential future connection to Swamp Creek, active and passive play areas, bicycle parking areas, seating, and connection to the sidewalk along 80<sup>th</sup> Avenue NE. The proposed common recreation open space complies with the standards in KMC 18.30.130(B). Final plans provided for construction shall comply with conceptually approved plans (Exhibit C-2, C-3, and C-4); deviations from the approved plans will be construed narrowly.

- j. Maintenance of the common recreation open space and landscaped areas shall be the responsibility of the owner(s) or other separate entity capable of long-term maintenance (i.e. Homeowners association or “HOA”) and operation in a manner acceptable to the City.
- k. Financial guarantees for construction of recreation facilities required by KMC 18.30.130 shall be provided consistent with the provisions of KMC Title 21.

- l. Pursuant to KMC 18.30.250.A, storage space for the collection of trash and recyclables shall be provided at a rate of 1.5 SF per dwelling unit in multiple-family dwelling developments. Based on this ratio, 79.5 SF of storage space is required. The project includes a storage room approximately 436 SF in size, which complies with the size requirement. There are trash collection points located on each floor of the building. Collection points shall be designed to comply with KMC 18.30.250.D, and will be reviewed at the time of building permit.
- m. Pursuant to KMC 18.30.250.E, only trash and recyclable materials generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.
- n. The proposed project demonstrates conceptual compliance with landscaping requirements described in KMC 18.35 (Exhibit C-4). A finalized (construction-level) landscape plan shall be provided at the time of engineering permit. Financial guarantees for landscaping required by KMC 18.35 shall be provided consistent with the provisions of KMC Title 21.
- o. Pursuant to KMC 18.35.045, 5 feet of Type II landscaping is required along the north and south property lines. There is a 10-foot wide access easement along the north property line, which precludes landscaping from this area. Pursuant to KMC 18.35.100, the applicant utilized an alternative landscaping option to provide the landscaping required along the north property line elsewhere on the site (Exhibits C-1, C-2, and C-4). The alternative landscaping complies with KMC 18.35.100.
- p. Per KMC 18.35.120, all landscaping shall be maintained for the life of the project. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. Modified, reduced, or removed landscaping requires replacement. Landscape areas shall be kept free of trash.
- q. **Parking:** The project is considered a “Pioneer Project” because the project will provide some of the first 100 bonus housing units provided under the TOD district overlay regulations. The project is eligible for the Pioneer Project Incentive per KMC 18.29.070, and may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit. Per KMC 18.29.070 and 18.40.030, the minimum required parking is as follows:

• 0.6 spaces per bonus dwelling unit:	0.6 x 44	= 26.4
• 0.6 spaces per affordable dwelling unit:	0.6 x 5	= 3
• 1.0 spaces per remaining market-rate dwelling unit:	1.0 x 4	= 4
• 1.0 guest spaces per five market-rate dwelling units:	1.0 x (48/5)	= 9.6
• <b>Total Required:</b>		<b>= 43</b>

The project proposes a total of 48 parking spaces, which exceeds the minimum number of required parking spaces (Exhibits B-7 & C-1).

- r. **Bicycle Parking:** One indoor bicycle storage space shall be provided for every two dwelling units in apartment residential uses. Based on this ratio, a total of 27 bicycle

storage spaces are required. The project includes a bicycle storage area providing space for 28 bicycles, meeting this requirement (Exhibit C-2). A planning inspection prior to certificate of occupancy is required to verify compliance with bicycle parking.

- s. Pursuant to KMC 18.40.100.B.1, all residential uses of five or more dwelling units shall provide pedestrian and bicycle access within and onto the site. The proposal provides pedestrian and bicycle access from the sidewalk along 80<sup>th</sup> Avenue NE, which complies with this requirement. Pedestrian and bicycle access walkways meet the design standards in KMC 18.40.100.D (Exhibit B-7).
- t. Signs are subject to the requirements of KMC 18.42. To ensure compliance site distance and safety requirements, free standing signs shall be identified on the engineering plans. A separate building permit is required for all signs, unless otherwise exempt under KMC 18.42.030. Signs shown on the project renderings, including but not limited to Exhibit C-2, are not approved. A separate review will occur to determine compliance as part of the plan review for the required sign permit.
- u. Per KMC 18.29.080, development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter 18.52 KMC, and is therefore subject to the requirements of KMC 18.52 Articles II, III, and V, as applicable.

**Article II. Site Design**

- Pedestrian walkways
- NW Quadrant circulation plan
- Public spaces and plazas
- Furnishings
- Site lighting
- Building setbacks
- Surface parking lot location
- Parking lot screening
- Location of driveways
- Outdoor service and storage areas

**Article III. Building Design**

- Corner features
- Roof form
- Structured parking
- Blank wall and side wall screening

**Article V. Building Design – Residential Uses**

- Primary residential entrances
- Building mass and bulk
- Materials
- Windows

The proposal was reviewed for compliance and determined to comply (Exhibit B-7). Subsequent plans shall comply with the associated design exhibits; deviations and/or design departures will be construed narrowly. A planning inspection prior to certificate of occupancy is required to verify compliance with design standards.

- v. The subject property is mapped within a seismic hazard area. A geotechnical report was prepared by Brian C. Snow, Senior Staff Geologist for Earth Solutions, NW (ESNW) per KMC 18.55.630 (Exhibit D-3). The geotechnical report determined that site susceptibility to liquefaction may be considered low to very low. The report states that the site does not meet the KMC definition of a seismic hazard area, and specialized design considerations for seismic hazard areas are not applicable to the subject project. The City takes no exception to this determination and finds the project in compliance with the requirements of KMC 18.55.



- w. Per KMC 18.55.400, Swamp Creek is considered a Type S stream and is subject to the SMP (Title 16 KMC). See *Section IV.4* for additional information on Swamp Creek.
- x. **Tree Protection:** The project has been reviewed for compliance with tree management and protection requirements set forth in KMC 18.57. Existing significant trees were surveyed, tagged with identification numbers, and assessed by a certified arborist (Exhibit D-2). The applicant provided a preliminary tree management and protection plan ("tree plan") and arborist report to demonstrate compliance with KMC 18.57 (Exhibits C-5 and D-2).
- y. Pursuant to KMC 18.57.060, the minimum tree density required for each site is 30 tree units per acre of net buildable area. Based on this ratio, 14.34 tree units are required for the site:
- 30 tree units per acre \* 0.478 acres net buildable area = 14.34 tree units

The project proposes to provide 38.2 tree units overall, including 6.5 retained tree units and 31.7 replacement tree units. The project complies with the tree density requirement.

- z. Per KMC 18.57.100, trees shall be maintained in accordance with International Society of Arboriculture (ISA) guidelines and standards.
- aa. Per KMC 18.57.085, a windthrow evaluation shall be conducted as part of the preparation of the tree protection plan. A windthrow evaluation in compliance with KMC 18.57.085 was provided as part of the arborist report (Exhibit D-2).
- bb. Per KMC 18.57.090, Prior to initiating tree removal and any clearing and grading on the site, trees to be protected and preserved shall be protected from potentially damaging activities. Storage of materials and/or access is not allowed within tree protection zones. Prior to the start of any work on site, a City inspection is required to verify tree protection measures. The applicant shall not remove tree protection measures until approval from the City has been given to do so.
- cc. Per KMC 18.57.100, replacement trees or groves that are damaged or die within a period of three years after planting or transplanting must be replaced in kind at a ratio of one-to-one within six months of the tree's death or the date of discovery of the damage. Existing trees that are damaged or die within a period of three years after completion of construction activities and as a cause of construction activities as determined by a qualified tree protection professional shall be replaced in kind at a ratio of two-to-one within six months of the tree's death or date of discovery of the damage. A financial guarantee as defined and regulated under KMC Title 21 shall be required as a mechanism to cover any potential cost associated with replacing dead or dying replacement or existing trees required to satisfy tree unit requirements.
- dd. The raising, keeping, breeding or boarding of small animals and household pets are subject to KMC 6.05 and KMC 18.70.

- ee. Per KMC 20.47, all new dwelling units within the development will be subject to City of Kenmore park impact fees to be assessed at the time of building permit issuance based on a rate in effect at the time of complete permit application. Except as provided in KMC 20.47.030, impact fees shall be paid at the time of building permit issuance. The project receives one (1) credit for the existing single-family residence to be removed.

CONCLUSION: The project meets the zoning requirements of Title 18 KMC. The application will be conditioned as necessary to ensure implementation of applicable standards.

#### **6. Site Plan Approval Criteria (KMC 18.105.050):**

- a. Per KMC 18.105.050.A, the City of Kenmore may approve, deny, or approve with conditions an application for a site plan review. The decision shall be based on the following approval criteria:

- (1) *Conformity with adopted City and State rules and regulations in effect on the date the complete application was filed;*

The project has been reviewed for compliance with the Kenmore Shoreline Code (KMC Title 16), Zoning Code (KMC Title 18), Land Use Policies and Procedures Code (KMC Title 19), and other applicable land use and environmental regulations including but not limited to the State Environmental policy Act. The project has been found to comply with these regulations subject to conditions, as documented in this report.

- (2) *Consideration of the recommendations or comments of interested parties and those agencies having pertinent expertise or jurisdiction, consistent with the requirements of Title 18 – Zoning;*

During the course of review, the City and the applicant considered and responded to all public comments from parties of interest. The applicant incorporated some changes to the project design to meet the intent of the comments received. Some of these changes include:

- Increase in number of parking spaces from 44 to 48;
- Increase in the square footage of recreational/open space areas from 2,417 square feet to 2,595 square feet; and
- Levels 2-6 of the building are setback 25 feet from the north property line to provide greater privacy and sunlight to the neighboring townhomes to the north.

- (3) *Compatibility with the character and appearance of existing or proposed development in the vicinity of the subject property;*

The project was designed in accordance with the Downtown Design Standards and the development standards of the TOD overlay. While the proposed building is taller than surrounding developments, upper levels 2-6 of the building are stepped back on the north and east sides to provide a streetscape that is compatible with the neighboring developments and that provides privacy and sunlight to the neighboring townhomes to the north (note: the height complies with zoning requirements). The

building design uses natural materials and neutral and earth tones, which is consistent with surrounding developments. The project is located in a transitional area, and is bordered by both apartments, townhouses, and a single-family residence. The character of surrounding existing development is eclectic; the area is evolving and slowly transitioning to multi-family housing.

(4) *Compatibility with plans for existing and proposed pedestrian and vehicular traffic in the vicinity of the subject property; and;*

The project will provide frontage improvements on 80<sup>th</sup> Avenue NE along the length of the site. These improvements include a new sidewalk, curb cuts, and landscaping. Adjacent to the sidewalk will be a plaza with seating, exterior lighting, and landscaping. The proposed improvements along the project frontage are consistent with the City of Kenmore Road Standards as well as the Downtown Design standards, which regulate pedestrian and vehicular traffic in the vicinity of the subject property.

(5) *Conformity with the City's comprehensive plan.*

The project site is designated High Density Residential on the City of Kenmore Future Land Use Map. The Comprehensive Plan states that in High Density Residential areas, *"land uses are predominantly larger apartment or condominium buildings with a variety of densities according to district. Base densities generally exceed 18 dwelling units per acre. In the area near the Metro/Sound Transit Park and Ride, development intensities support and are supported by multi-modal transportation options, including high capacity transit. The provision of affordable housing is a key feature of this transit-oriented development."* The project provides a density exceeding 18 dwelling units per acre, within the TOD Overlay, and includes affordable housing. The project conforms to the City's comprehensive plan.

- b. The applicant provided justification for the proposed CSP (Exhibit B-7). The City finds that the proposed project demonstrates compliance with the CSP approval criteria established in KMC 18.105.050, provided all conditions are met (see *Section V*).
- c. Per KMC 18.105.050, subsequent permits for the subject site shall be issued only in compliance with the approved site plan review.
- d. Per KMC 18.105.060, a site plan review approved without a phasing plan shall be null and void if the applicant fails to file a complete building permit application for all buildings within three years of the approval date, and fails to have all valid building permits issued within four (4) years of the site plan review approval date. The City may grant an extension of the time limits if the extension request meets the findings in KMC 18.105.060:
  - Initial building permits have not been submitted or the project has not been completed due to causes beyond the applicant's control, such as litigation, acts of God, unanticipated site conditions or adverse economic market conditions;
  - The applicant has shown a good faith effort to commence or complete the project

within the time previously allotted;

- Conditions identified as part of SEPA or other permit processes remain appropriate to address project impacts. The city manager has the authority to establish additional conditions designed to address incremental changes in project impacts arising or occurring as a result of any extension of time; and
- The period of the extension granted is reasonable in light of the conditions warranting the extension and the incremental changes, if any, in project impacts.

**CONCLUSION:** The City finds that the proposed project demonstrates compliance with the CSP approval criteria established in KMC 18.105.050, provided all conditions are met.

## **7. Surface Water (KMC 13.35 & 2021 KCSWDM)**

The City finds that surface water management is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface water and stormwater and erosion control, especially that which preserves and utilizes the many values of the City's natural drainage system, including open space, fish and wildlife habitat, recreation, education and urban separation. The project has been reviewed for compliance with surface water regulations set forth in the 2021 King County Surface Water Design Manual (KCSWDM), as adopted with amendments by KMC 13.35. The City's development review engineer, Thomas Joachimides, and consulting review engineer Christian Nichols (PACE Engineers) reviewed the project for compliance with surface water standards and has determined that on a conceptual level that the project complies and/or is capable of compliance with surface water standards (Exhibit E-1). Land use approval will be conditioned so that compliance with the findings described below is verified prior to issuance of subsequent permits.

- a. A subsequent engineering permit is required and will be reviewed in greater detail for compliance with KMC 13.35 and the KCSWDM. Subsequent plans shall generally comply with the Exhibits, unless otherwise approved by the City.
- b. The project is subject to a Stormwater General Facility Charge that will be assessed at the time of building permit application.
- c. Per KRS 1.09.A, engineering plans, including a final Technical Information Report (TIR), for site improvement work shall be prepared and submitted to the city. The plans provided were prepared by a licensed professional engineer licensed in the state of Washington (Exhibits C-3 & D-4). Subsequent engineering plans shall also be prepared by a professional engineer licensed in the state of Washington and must be signed and stamped by the responsible professional engineer prior to final acceptance by the city. The engineering plans shall generally comply with Chapter 2 of KCSWDM, including minimum plan size, minimum scale, vertical and horizontal datum, and general content; the City may require supplemental plan elements in addition to those listed in KCSWDM.
- d. Per KCSWDM 1.2.3 and the City of Kenmore Addendum to the 2021 KCSWDM, a flow control facility is required. The project site is located within the Swamp Creek Drainage Basin and therefore shall meet Level 3 flow control standards.
- e. Per KCSWDM 1.2.9.2.1, Flow Control Best Management Practices (BMPs) must be

implemented, at minimum, for an impervious area equal to at least 10% of the site/lot for site/lot sizes up to 11,000 square feet and at least 20% of the site/lot for site/lot sizes between 11,000 and 22,000 square feet. Specific credits for this requirement will be fully reviewed for compliance at the time of engineering permit review. Site constraints limit the implementation of Flow Control BMPs. No Flow Control BMPs are proposed other than the placement of amended topsoil to be used on all landscape areas.

- f. Access easements to the City of Kenmore for the right but not necessarily the obligation to perform inspections and maintenance of proposed surface storm water flow control facilities (FCBMPs), including catch basins and piping, shall be provided and shall include descriptions of the beneficiaries, allowable activities, and maintenance responsibilities for the easement area(s). Prior to recording the easement, the City of Kenmore shall review the proposed language. A copy of the recorded easement is required prior to certificate of occupancy.
- g. The recommendations of the approved geotechnical report shall be fully implemented during construction of the improvements. A final (non-draft) version of the geotechnical report is required at the time of engineering permit.
- h. Markups have been made on the preliminary civil plans (Exhibit C-3). Plans submitted at the time of engineering and building permits shall be updated per the markups. Plans submitted without such updates will not be accepted.

CONCLUSION: The application has been reviewed for compliance with surface water requirements. The project complies on a conceptual-level and/or demonstrates an ability to comply. The project will be conditioned as necessary to ensure compliance and will be reviewed in greater detail at the time of engineering permit (construction-level detail).

#### **8. Road Standards & Traffic (KMC 12.50, 2021 KRS)**

The City strives to create a safe and efficient network of multi-modal transportation throughout the City which serves the needs of its citizens. The City seeks to balance the needs of pedestrians, bicyclists, transit users, freight vehicles, emergency services, and drivers of personal vehicles to create a vibrant and mobile community, and is conscious of long term maintenance needs and must pair future development with a sustainable maintenance program for public improvements. The City seeks to develop in a manner which provides comfort and aesthetic value to our community. The standards provided in the 2021 City of Kenmore Road Standards (KRS), as adopted by KMC 12.50, are intended to ensure that future improvements are planned, designed, and constructed in a manner which best meets these City goals and best serves the needs of our citizens. The project has been reviewed for compliance with the road standards regulations set forth in the 2021 KRS. The City's development review engineer, Thomas Joachimides, and consulting review engineer Christian Nichols with PACE Engineers reviewed the project for compliance with road standards and has determined that on a conceptual level that the project complies and/or is capable of compliance with road standards (Exhibit E-1). Land use approval will be conditioned so that compliance with the findings described below is verified prior to issuance of subsequent permits.

- a. A subsequent engineering permit is required and will be reviewed in greater detail for compliance with the KRS. Subsequent plans shall generally comply with the Exhibits,

unless otherwise approved by the City.

- b. Right-of-way dedication is not required. No right-of-way dedication is proposed, however, the project includes a 4-foot wide sidewalk easement adjacent to the right-of-way.
- c. Per KRS 1.08, all impacts to any significant cultural resources shall be avoided to the maximum extent feasible. The property is not a known historic property, per Washington Information System for Architectural & Archaeological Records Data (WISAARD). The project will be conditioned as necessary to ensure that if inadvertent discovery were to occur, work would be required to immediately stop, and the appropriate authorities be notified without delay.
- d. The adjacent roadway (to the east), 80<sup>th</sup> Avenue NE, is classified as a Minor Arterial. The existing frontage improvements are non-conforming. Except as otherwise noted, frontage improvements are required for the entire frontage along 80<sup>th</sup> Ave NE (approximately 132 linear feet). Additional overlays may be required depending on final utility cuts required, per KRS 11.03.E.
- e. Per KMC 12.80.040, transportation concurrency is based on mobility units. There are adequate mobility units remaining in the City capacity bank to accommodate the development as proposed.
- f. New driveways shall be reviewed at the time of engineering and/or building permit. Driveways shall conform to KMC 18.30.240 and KRS Section 5.
- g. KMC 12.80, the project shall demonstrate safe site access. At the time of engineering permit, the civil plans shall be updated to demonstrate compliance with the 2021 KRS and an updated sight distance analysis shall be provided.
- h. Per KRS 5.01, any portion of a paved surface or any parking areas, driveways, and/or private roads located on private property, whether paved or not, shall be setback a minimum of 5 feet from all property lines unless approved otherwise through a Road Standards Variance.
- i. Per KMC 17.20.070, a Level 2 Traffic Impact Analysis (TIA) was required for this project. A TIA was prepared by Bradly Lincoln, traffic engineer with Kimley Horn. The report concludes that "The Beachwood Apartments II development is proposed to consist of 53 multifamily residential units with 1 existing single-family residential unit being removed. The development is anticipated to generate 232 new average daily trips with 20 new PM peak-hour trips. The site is proposed to have at least 43 parking spaces, which will satisfy the Kenmore Municipal Code with the reductions for high frequency transit in the area. The development is anticipated to result in City of Kenmore traffic mitigation fees of \$411,513.36, based on the current transportation impact fees." (Section 9 of Exhibit D-5). The City takes no exception to the report and would like to emphasize that the anticipated traffic mitigation fee described in the TIA is an *estimate only*. The project is not vested to this amount. Subsequent plans provided shall comply with the recommendations of the approved TIA (Exhibit D-5).
- j. The project generates a new traffic impact and shall pay traffic impact fees in

accordance with KMC 12.80 & KMC 20.47. Each new apartment residence (dwelling unit) is subject to the traffic impact fee, based upon the impact fee ordinance in effect at the time of building permit application. Except as provided in KMC 20.47.030.F, impact fees shall be paid at the time of building permit issuance. The project receives one (1) credit for the existing single-family residence to be removed.

- k. A Street Lighting Plan shall be provided at the time of engineering permit to demonstrate compliance with KRS 8.11.
- l. KRS 1.09.A, engineering plans for shall be prepared and submitted to the city. The engineering plans shall be prepared by a professional engineer licensed in the State of Washington and must be signed and stamped by the responsible professional engineer prior to final acceptance by the city. The plans provided were prepared by a licensed professional engineer licensed in the State of Washington (Exhibit C-1). Subsequent plans shall also be prepared by an engineer.
- m. Per KRS 8.13, necessary improvements are required for mail delivery in accordance with the United States Postal Service (USPS) Bothell Post Master. Existing mailboxes impacted by the project, as determined by the City of Kenmore and the USPS Bothell Post Master, shall be replaced at the expense of the developer. This includes but is not limited to installation of new Cluster Box Units (CBUs). The project will be conditioned to ensure compliance. Prior to engineering permit issuance, the applicant shall provide Post Master approval of the proposed mailbox location and details for installation. Mailboxes shall be installed prior to substantial and/or final construction approval of the engineering permit.
- n. Trash/refuse collection shall be reviewed to ensure garbage collection can be accomplished for the current proposal. An approved site plan showing compliance with standards provided by the City's trash service provider (Republic Services) is required at the time of engineering permit. Preliminary approval from Republic Services was provided (Exhibit H-1). The applicant shall obtain written approval from Republic Services (which includes a site plan and description of proposed pick-up plan (e.g., where bins will be stored, pick-up, etc.) prior to issuance of the engineering permit.
- o. The applicant shall submit a completed site improvement bond quantity worksheet at the time of engineering permit. The applicant shall post required financial performance and maintenance guarantees per KMC Title 21.

CONCLUSION: The application has been reviewed for compliance with the 2021 KRS and KMC 18.40. The project complies on a conceptual-level and/or demonstrates an ability to comply. The project will be conditioned as necessary to ensure compliance.

#### **9. Fire Protection and Emergency Access (Title 15 KMC & KMC 18.45)**

All new development shall be served by adequate fire protection. City staff and the Shoreline Fire Department (SFD) reviewed the project for compliance with fire protection and emergency access requirements set forth in KMC 18.45.080 and KMC Title 15 (Exhibit F-1). Land use approval will be conditioned so that compliance with the conditions described below is verified by NFD prior to issuance of subsequent permits.

- a. Current fire flow calculations per IFC appendix B will require one (1) additional fire hydrant. The additional hydrant must be within 75 feet of the FDC. The water supply shall be in place and available prior to combustible construction. When in place the FDC shall be clearly marked and accessible during construction.
- b. Approved vehicle access for firefighting shall be provided within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. Vehicle access road shall be designed to the specifications and requirements of City of Kenmore Road Standards.

CONCLUSION: The project was reviewed for compliance with fire safety and access requirements and adopted codes. The project has been determined to comply, subject to conditions. The project will be conditioned as necessary to ensure compliance.

#### **10. Water & Sewer (KMC Title 13 & KMC 18.45)**

The proposed development will be served with water and sewer services by the Northshore Utility District ("NUD" or "the District"). Certificates of water and sewer availability were provided by NUD (Exhibit A-2). NUD reviewed the project for compliance with KMC 18.45.030 and 18.45.040 (Exhibit G-1). Land use approval will be conditioned so that compliance with the findings described below is verified prior to issuance of subsequent permits.

- a. The site currently contains an existing single-family home that is connected to the water system only. Prior to demolition, the developer shall contact the District to have the existing water meter removed.
- b. New sewer and water main line extensions and a Developer Extension Agreement (DEA) are required for the project. The new main lines shall extend to the western property line.
- c. The water meter for the neighboring parcel number 011410-0841 shall be relocated to the new water main. The private water service line for that parcel shall be located and staked onsite during construction to prevent damage and interruptions to the neighbor's water service. A side sewer stub shall be provided for the neighboring parcel off the new sewer main. The existing unused sewer stubs and water services in 80<sup>th</sup> Avenue NE shall be abandoned.
- d. 15-foot-wide water and sewer easement are required for all main lines not constructed in public rights-of-way. Buildings, building overhangs, building footings, walls, trees, rockeries, or other obstructions are prohibited in easement areas. A copy of the easement is required prior to certificate of occupancy.
- e. If the building is required to have a dedicated fire service line, the fire vault shall be located just inside the property line (not inside the building). Other fire-related requirements shall be coordinated with the Shoreline Fire Department.
- f. Full-sized, engineered, sewer and water plans shall be submitted directly to the District for review and approval. A DEA is required to accompany the plan submittal for both



water and sewer.

CONCLUSION: The project was reviewed by Northshore Utility District for compliance with water and sewer requirements and has been determined to comply on a conceptual level (Exhibit G-1). The District will continue to work directly with the applicant for water and sewer requirements. The project will be conditioned as necessary to ensure compliance.

**11. Schools (RCW 58.17 & KMC 18.45)**

The proposed development will be served by the Northshore School District (NSD). The application was reviewed by the NSD (Exhibit H-1). City staff also reviewed the proposal for compliance with RCW 58.17.110 as adopted by reference in KMC 17.15.060, which requires the City to review the land use application for safe walking conditions to and from schools.

- a. The NSD notes that school children residing at the subject property will attend schools represented in the table below. School assignments are subject to change.

	Kenmore Elementary School	Kenmore Middle School	Inglemoor High School
Will children walk to school?	No	No	No
Will children walk to the bus stop?	Yes	Yes	Yes
Will busses pick up children within/adjacent to this project?	No	No	No
Where is the closest bus stop location?	NE 179 <sup>th</sup> Place & 80 <sup>th</sup> Avenue NE (0.1 miles north / 3-minute walk)		

- b. Safe walking pathways to schools and bus stops are essential for students. Raised sidewalks are considered the NSD standard of safe pathways for students walking to the bus stop, school, and home. The project includes approximately 150 linear feet of frontage improvements on the west side of 80<sup>th</sup> Avenue NE (for the length of the property).
- c. Children walking to school will walk north from the subject property, utilizing the newly constructed sidewalk along the project frontage and a combination of existing sidewalks and paved shoulders. The school bus stop located at NE 179<sup>th</sup> Place and 80<sup>th</sup> Avenue NE is a 3-minute walk (0.1 miles).
- d. All new units within the development are subject to NSD school impact fees to be assessed by the City at a time and amount established by ordinance. Except as provided in KMC 20.47.030.F, impact fees shall be paid at the time of building permit issuance. The project receives one (1) credit for the existing single-family residence to be removed.

CONCLUSION: The application has been reviewed for compliance schools and safe walking pathways. The project complies and will conditioned as necessary to ensure compliance.

**V. CONDITIONS OF APPROVAL:**

Based upon the above Findings and Conclusions, City staff has come to the determination that the above referenced application(s) comply with KMC Title 18, as well as other adopted City, State, and Federal regulations. **The Site Plan Review Application and Shoreline Substantial Development Permit Application are hereby approved, subject to the following conditions of approval:**

**1. General Conditions:**

- a. Land use approval is based upon the review of the documents submitted to the City as described in the "Exhibits" section below of this document (*Section V.5*). Unless otherwise approved by the City of Kenmore, the proposed development shall comply with Exhibits C-1 through G-2, including any red-lined comments made by the city (as applicable). Final plans provided for construction shall comply with conceptually approved plans; design deviations from the approved plans will be construed narrowly.
- b. City of Kenmore approval does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body.
- c. Inspections completed by the City of Kenmore and/or special inspection agency does not limit the applicant's responsibility to obtain any required permit and/or inspection from the State or other regulatory body.
- d. Necessary construction permits shall be obtained, prior to the start of any construction activity. Applicable building codes to be reviewed by the City include, but are not limited to, the International Building Code (IBC), as adopted and amended by KMC 15.20.
- e. Although the property is not a known historic property, per Washington Information System for Architectural & Archaeological Records Data (WISAARD), if inadvertent discovery were to occur, work shall immediately stop and the appropriate authorities shall be notified without delay.
- f. City of Kenmore approval does not affect the right of the property owner to request a change in valuation for property tax purposes, notwithstanding any program of revaluation (RCW 36.70B.130). Such requests may be pursued by the property owner with King County Department of Assessments.
- g. Projects where demolition of structure(s), earth moving and material handling, heavy equipment operations, and/or disposing of vegetative matter is to occur, are subject to Puget Sound Clean Air Agency (PSCAA) regulations. The applicant is responsible for compliance with these regulations, apart from the requirements set forth by the City.
- h. A site development engineering (ENG) permit is required prior to beginning any construction activity on site.
- i. Maintenance of the common recreation open space areas shall be the responsibility of the owner(s) or other separate entity capable of long-term maintenance (i.e. Homeowners association or "HOA") and operation in a manner acceptable to the City.
- j. Per KMC 18.30.115, the project shall comply with public nuisance standards.

- k. The raising, keeping, breeding or boarding of small animals and household pets are subject to KMC 6.05 and KMC 18.70.
- l. Subsequent permits for the subject site shall be issued only in compliance with the approved Site Plan Application (CSP) and Shoreline Substantial Development Permit Application.
- m. Pursuant to KMC 18.30.250.E, only trash and recyclable materials generated on-site shall be collected and stored at on-site collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.
- n. Per KMC 18.35.120, all landscaping shall be maintained for the life of the project. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. Modified, reduced, or removed landscaping requires replacement. Landscape areas shall be kept free of trash.

## **2. Engineering Permit and Building Permit Conditions:**

- a. The project shall provide four (4) affordable units for rent at 70% AMI and one (1) affordable unit for rent at 50% AMI. An affordable housing covenant approved by the City Attorney and A Regional Coalition for Housing (ARCH) shall be fully executed and recorded prior to issuance of engineering and/or building permits.
- b. The proposed building height is within one (1) foot of the maximum height. A height survey is required at the time of Roof Sheathing ("nailing") inspection, and at Final Building Inspection (prior to Certificate of Occupancy).
- c. Subsequent plans shall reflect compliance with light and glare requirements described in KMC 18.30.070 and the approved lighting plan.
- d. Financial guarantees for construction of recreation facilities required by KMC 18.30.130 shall be provided consistent with the provisions of KMC Title 21.
- e. A finalized (construction-level) landscape plan shall be provided at the time of engineering permit. Financial guarantees for landscaping required by KMC 18.35 shall be provided consistent with the provisions of KMC Title 21.
- f. Trash and recycling collection points shall be designed to comply with KMC 18.30.250.D, and will be reviewed at the time of building permit.
- g. Signs are subject to the requirements of KMC 18.42. To ensure compliance site distance and safety requirements, free standing signs shall be identified on the engineering plans.
- h. A separate building permit is required for all signs, unless otherwise exempt under KMC 18.42.030.
- i. The project was reviewed for compliance with the Downtown Design Standards in KMC 18.52 and determined to comply. Subsequent plans shall comply with the associated

design exhibits; deviations, and/or design departures will be construed narrowly.

- j. Per KMC 18.57.100, trees shall be maintained in accordance with International Society of Arboriculture (ISA) guidelines and standards.
- k. Per KMC 18.57.090, prior to initiating tree removal and any clearing and grading on the site, trees to be protected and preserved shall be protected from potentially damaging activities. Storage of materials and/or access is not allowed within tree protection zones. Prior to the start of any work on site, a City inspection is required to verify tree protection measures. The applicant shall not remove tree protection measures until approval from the City has been given to do so.
- l. Per KMC 18.57.100, replacement trees or groves that are damaged or die within a period of three years after planting or transplanting must be replaced in kind at a ratio of one-to-one within six months of the tree's death or the date of discovery of the damage. Existing trees that are damaged or die within a period of three years after completion of construction activities and as a cause of construction activities as determined by a qualified tree protection professional shall be replaced in kind at a ratio of two-to-one within six months of the tree's death or date of discovery of the damage. A financial guarantee as defined and regulated under KMC Title 21 shall be required as a mechanism to cover any potential cost associated with replacing dead or dying replacement or existing trees required to satisfy tree unit requirements.
- m. An easement ensuring protection of the site area within the stream buffer shall be established and recorded prior to Certificate of Occupancy.
- n. Pursuant to KMC 18.55.140, the applicant shall install one sign at the edge of the 150-foot stream buffer from Swamp Creek. To ensure long-term maintenance of signs and fencing, the owner shall file a maintenance agreement as directed by the City.
- o. Per KMC 20.47, all new dwelling units within the development will be subject to City of Kenmore park impact fees to be assessed at the time of building permit issuance based on a rate in effect at the time of complete permit application. Except as provided in KMC 20.47.030, impact fees shall be paid at the time of building permit issuance. The project receives one (1) credit for the existing single-family residence to be removed.
- p. Precautions must be adhered to during construction to protect the site and critical areas from potential spills, construction impacts, erosion, hazardous waste, etc. A Stormwater Pollution Prevention Plan (SWPPP) is required to be submitted with the Engineering Permit to address how the contractor will protect against these possibilities.
- q. The development shall provide a public pedestrian easement from 80<sup>th</sup> Avenue NE to the western side of the property, so that it can be extended to the shoreline in the event of future development of the neighboring property to the west.
- r. A finalized shoreline buffer revegetation and enhancement plan ("mitigation plan" / planting plan) is required at the time of engineering permit.
- s. Current fire flow calculations per IFC appendix B will require one (1) additional hydrant.

The additional hydrant must be within 75 feet of the FDC. Water supply shall be in place and available prior to combustible construction. When in place the FDC shall be clearly marked and accessible during construction.

- t. Approved vehicle access for firefighting shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. Vehicle access road shall be designed to the specifications and requirements of City of Kenmore road standards.
- u. The site currently contains an existing single-family home that is connected to the water system only. Prior to demolition, the developer is to contact the District to have the existing water meter removed.
- v. New sewer and water main line extensions and a Developer Extension Agreement (DEA) are required for the project. The new main lines are to extend to the western property line.
- w. The water meter for the neighboring parcel number 011410-0841 is to be relocated to the new water main. The private water service line for that parcel is to be located and staked onsite during construction to prevent damage and interruptions to the neighbor's water service. A side sewer stub is to be provided for the neighboring parcel off the new sewer main. The existing unused sewer stubs and water services in 80<sup>th</sup> Ave NE are to be abandoned.
- x. 15-foot-wide water and sewer easement are required for all main lines not constructed in public rights-of-way. Buildings, building overhangs, building footings, walls, trees, rockeries, or other obstructions are prohibited in easement areas. A copy of the easement is required prior to certificate of occupancy.
- y. If the building is required to have a dedicated fire service line, the fire vault is to be located just inside the property line and not inside the building. Other specific fire related requirements are to be coordinated directly with the Shoreline Fire Department.
- z. Full-sized, engineered, sewer and water plans are to be submitted directly to the District for review and approval. A DEA is required to accompany the plan submittal for both water and sewer.
- aa. All new units within the development are subject to NSD school impact fees to be assessed by the City at a time and amount established by ordinance. Except as provided in KMC 20.47.030.F, impact fees shall be paid at the time of building permit issuance. The project receives one (1) credit for the existing single-family residence to be removed.
- bb. A subsequent engineering permit is required and will be reviewed in greater detail for compliance with KMC 13.35 and the KCSWDM. Subsequent plans shall generally comply with the Exhibits, unless otherwise approved by the City.

- cc. The project is subject to a Stormwater General Facility Charge that will be assessed at the time of building permit application.
- dd. Per KRS 1.09.A, engineering plans, including a final Technical Information Report (TIR), for site improvement work shall be prepared and submitted to the city. The plans provided were prepared by a licensed professional engineer licensed in the state of Washington (Exhibits C-3 & D-4). Subsequent engineering plans shall also be prepared by a professional engineer licensed in the state of Washington and must be signed and stamped by the responsible professional engineer prior to final acceptance by the city. The engineering plans shall generally comply with Chapter 2 of KCSWDM, including minimum plan size, minimum scale, vertical and horizontal datum, and general content; the City may require supplemental plan elements in addition to those listed in KCSWDM.
- ee. Per KCSWDM 1.2.3 and the 2021 City of Kenmore Surface Water Design Manual Addendum to the 2021 KCSWDM, a flow control facility is required. The project site is located within the Swamp Creek Drainage Basin and therefore shall meet Level 3 flow control standards.
- ff. Per KCSWDM 1.2.9.2.1, Flow Control Best Management Practices (BMPs) must be implemented, at minimum, for an impervious area equal to at least 10% of the site/lot for site/lot sizes up to 11,000 square feet and at least 20% of the site/lot for site/lot sizes between 11,000 and 22,000 square feet. Specific credits for this requirement will be fully reviewed for compliance at the time of engineering permit review. Site constraints limit the implementation of Flow Control BMPs. No Flow Control BMPs are proposed other than the placement of Amended Topsoil to be used on all landscape areas.
- gg. Access easements to the City of Kenmore for the right but not necessarily the obligation to perform inspections and maintenance of proposed surface storm water flow control facilities (FCBMPs), including catch basins and piping, shall be provided and shall include descriptions of the beneficiaries, allowable activities, and maintenance responsibilities for the easement area(s). Prior to recording the easement, the City of Kenmore shall review the proposed language. A copy of the recorded easement is required prior to certificate of occupancy.
- hh. The recommendations of the approved geotechnical report shall be fully implemented during construction of the improvements. A final (non-draft) version of the geotechnical report is due at the time of engineering permit.
- ii. Markups have been made on the Preliminary Civil Plans (Exhibit C-3). Plans submitted at the time of engineering and building permits must be updated per the markups.
- jj. A subsequent engineering permit is required and will be reviewed in greater detail for compliance with the KRS. Subsequent plans shall generally comply with the Exhibits, unless otherwise approved by the City.
- kk. Right-of-way dedication is not required. No right-of-way dedication is proposed, however, the project includes a 4-foot wide sidewalk easement adjacent to the right-of-way.
- ll. Per KRS 1.08, all impacts to any significant cultural resources shall be avoided to the

maximum extent feasible. The property is not a known historic property, per Washington Information System for Architectural & Archaeological Records Data (WISAARD). The project will be conditioned as necessary to ensure that if inadvertent discovery were to occur, work would be required to immediately stop, and the appropriate authorities be notified without delay.

- mm. The adjacent roadway (to the east), 80<sup>th</sup> Ave NE, is classified as a Minor Arterial. The existing frontage improvements are non-conforming. Except as otherwise noted, frontage improvements are required for the entire frontage along 80<sup>th</sup> Ave NE (approximately 150 linear feet). Additional overlays may be required depending on final utility cuts required, per KRS 11.03.E.
- nn. Per KMC 12.80.040, transportation concurrency is based on mobility units. There are adequate mobility units remaining in the City capacity bank to accommodate the development as proposed with 53 multi-family units and parking within a six story building.
- oo. New driveways shall be reviewed at the time of engineering and/or building permit. Driveways shall conform to KMC 18.30.240 and KRS Section 5.
- pp. KMC 12.80, the project shall demonstrate safe site access. At the time of engineering permit, the civil plans shall be updated to demonstrate compliance with the 2021 KRS and an updated sight distance analysis shall be provided.
- qq. Per KRS 5.01, any portion of a paved surface or any parking areas, driveways, and/or private roads located on private property, whether paved or not, shall be setback a minimum of 5 feet from all property lines unless approved otherwise through a Road Standards Variance.
- rr. Per KMC 17.20.070, a Level 2 Traffic Impact Analysis (TIA) was required for this project. Subsequent plans provided shall comply with the recommendations of the approved TIA.
- ss. The project generates a new traffic impact and shall pay traffic impact fees in accordance with KMC 12.80 & KMC 20.47. Each new apartment residence (unit) is subject to the traffic impact fee, based upon the impact fee ordinance in effect at the time of building permit application. Except as provided in KMC 20.47.030.F, impact fees shall be paid at the time of building permit issuance. The project receives one (1) credit for the existing single-family residence to be removed. A note to this effect shall be made on the engineering plans. The existing conditions are as follows:
  - (1) The property contains one (1) existing single-family dwelling unit to be removed.
- tt. A Street Lighting Plan shall be provided at the time of engineering permit to demonstrate compliance with KRS 8.11.
- uu. KRS 1.09.A, engineering plans for shall be prepared and submitted to the city. The engineering plans shall be prepared by a professional engineer licensed in the State of Washington and must be signed and stamped by the responsible professional engineer

prior to final acceptance by the city. The plans provided were prepared by a licensed professional engineer licensed in the State of Washington (Exhibit C-1). Subsequent plans shall also be prepared by an engineer.

- vv. Per KRS 8.13, necessary improvements are required for mail delivery in accordance with the United States Postal Service (USPS) Bothell Post Master. Existing mailboxes impacted by the project, as determined by the City of Kenmore and the USPS Bothell Postmaster, shall be replaced at the expense of the developer. This includes but is not limited to installation of a new Cluster Box Unit (CBU). The project will be conditioned to ensure compliance. Prior to engineering permit issuance, the applicant shall provide Post Master approval of the proposed mailbox location and details for installation of the box. The mailbox shall be installed prior to substantial and/or final construction approval of the engineering permit.
- ww. Trash/refuse collection shall be reviewed to ensure garbage collection can be accomplished for the current proposal. An approved site plan showing compliance with standards provided by the City's trash service provider (Republic Services) is required at the time of engineering permit. Preliminary approval from Republic Services was provided (Exhibit H-1). The applicant shall obtain written approval from Republic Services (which includes a site plan and description of proposed pick-up plan (e.g., where bins will be stored, pick-up, etc.) prior to issuance of the engineering permit.
- xx. The applicant shall submit a completed site improvement bond quantity worksheet at the time of engineering permit. The applicant shall post required financial performance and maintenance guarantees per KMC Title 21.

**3. Exhibits**

Land use approval is based upon the review of the documents submitted to the City as described in the exhibits below. The exhibits described below are referenced throughout the City's Findings, Conclusions and Conditions of Approval. Exhibits are public record and are available at City Hall upon request.

<b>Exhibit Number</b>	<b>Description of Document</b>	<b>Document Prepared By</b>	<b>Date</b>
A-1	Permit Application	Carl F. Pirscher, CDA & Pirscher Architects, Inc.	11/2/22
A-2	Certificates of Water and Sewer Availability	Tyler Johnson, Engineering Permit Technician, Northshore Utility District	10/28/22
A-3	Title Report	Chicago Title Company of Washington	10/7/22
B-1	Complete Application Letter	Samantha Loyuk, Development Services Director, City of Kenmore	11/17/22
B-2	Notice of Application (NOA) and SEPA Notice	Reilly Rosbotham, Planner, City of Kenmore	12/1/22
B-3	NOA and SEPA Affidavit of Posting	Hossein Mansouri, MSR Communities	11/28/22
B-4	NOA and SEPA Affidavit of Service	Maura Query, Administrative Assistant, City of Kenmore	12/1/22



B-5.1	Combined Public Comments & City Response	Multiple Authors	12/5/22-12/30/22
B-5.2	Applicant Response to Public Comments	Dante Watts, Operations Manager, MSR Communities	5/16/23
B-5.3	Revised Applicant Response to Public Comments	Dante Watts, Operations Manager, MSR Communities	5/17/23
B-6	SEPA Environmental Checklist	Max Foley, Project Manager, Clark Barnes	5/16/23
B-7	Project Narrative	Max Foley, Project Manager, Clark Barnes	5/16/23
C-1	Site Plan	Clark Barnes	10/10/23
C-2	Preliminary Architectural Plans	Clark Barnes	10/10/23
C-3	Preliminary Civil Plans (with markups)	David W. Harmsen, PE, Harmsen LLC	10/20/23
C-4	Preliminary Landscape Plans	Ken Loney, Registered Landscape Architect, Main Street Design	9/28/23
C-5	Conceptual Tree Management Plan	Ken Loney, Registered Landscape Architect, Main Street Design	9/28/23
C-6	Preliminary Utility Plans	David W. Harmsen, PE, Harmsen LLC	10/10/23
C-7	Preliminary Lighting Plans	Mark D. Robison, PE, Robison Engineering, Inc.	5/16/23
C-8	Survey	James Gergory Reichhoff, PLS, D.R. Strong Consulting Engineers	10/18/22
D-1	Critical Areas Report	Scott Brainard, PWS, Wetland Resources, Inc.	10/25/22
D-2	Arborist Report	Thomas M. Hanson, Arborist, Arbor Info LLC	10/3/23
D-3	Geotechnical Report	Brian C. Snow, LG, Earth Solutions NW, LLC	5/12/23
D-4	Technical Information Report (TIR)	David W. Harmsen, PE, Harmsen LLC	10/4/23
D-5	Traffic Impact Analysis	Bradly James Lincoln, PE, Kimley Horn	5/23
D-6	Noise Analysis	Max Foley, Project Manager, Clark Barnes	5/16/23
E-1	Engineering Department Conditional Approval	Christian Nichols, PE, Contract Review Engineer, PACE Engineers	1/16/24
F-1	Northshore Fire Department (NFD) Conditional Approval	Ryan Burgess, Deputy Fire Marshal, Shoreline Fire	12/13/22
G-1	Northshore Utility District (NUD) Conditional Approval	Thema Crenshaw, Permit Specialist, Northshore Utility District	2/16/23
H-1	Republic Services Approval Letter	Bradley Cooper, Operations Supervisor, Republic Services	--
I-1	NSD Comments	Susan Rembold, Northshore School	6/12/23

		District	
J-1	ARCH Email	Terrell Edwards, A Regional Coalition for Housing (ARCH)	1/30/24

**VI. APPEALS:**


The Site Plan Review (CSP) decision may be appealed to the City of Kenmore Hearing Examiner. A Notice and Statement of appeal must be filed with the Kenmore City Clerk within 21 days from the date of this decision. The Notice and Statement of appeal shall state: 1) Specific reasons why the decision should be reversed or modified; and 2) The harm suffered or anticipated by the appellant and the relief sought. The scope of an appeal shall be based on matters or issues raised in the Statement of Appeal. Failure to file a Notice and Statement of appeal deprives the Hearing Examiner jurisdiction to consider the appeal.

The Notice and Statement of appeal must be submitted to the City Clerk at City Hall by 4:30 p.m., **March 1<sup>st</sup>, 2024**, and be accompanied with a filing fee of \$134.40 payable to the City of Kenmore.

This Shoreline Substantial Development Permit (SSDP) decision is being filed with the Department of Ecology. Pursuant to KMC 19.25.020, KMC 16.75.080, and as provided in RCW 90.58.180 the SSDP can be appealed to the State Shoreline Hearings Board. The Shorelines Hearings Board 21-day appeal period starts with the date of filing, which is the date that Ecology receives the City decision. Information on the appeal procedures may be obtained from the Shoreline Hearings Board.

Decision prepared by: Reilly Rosbotham, Planner

Date of Decision: February 9, 2024

Decision issued by:   
 Samantha Loyuk, Development Services Director

TRANSMITTED TO: PROPERTY OWNER; APPLICANT; KING COUNTY DEPT. OF ASSESSMENTS;  
 ATTORNEY GENERAL; WA DEPT. OF ECOLOGY