



**STAFF REPORT TO THE BOARD OF ARCHITECTURAL REVIEW
DEPARTMENT OF COMMUNITY DEVELOPMENT
Prepared September 28, 2018**

HEARING DATE: October 11, 2018

STAFF CONTACT: Jaimie Reavis, Senior Planner

NOTIFICATION:

- Notice of Application posted on site and mailed to surrounding properties and agencies with jurisdiction on September 7, 2018.
- Notice of Public Hearing published in the Seattle Times, posted on site, and mailed to surrounding properties and agencies with jurisdiction September 27, 2018.

FILE NUMBERS: L08-079 Preliminary Subdivision
L18-0065 Design Review Major Modification

ASSOCIATED FILES: PW18-0096 (Public Works/Site Construction Permit)
L14-0066 Final Subdivision for Phase 1
L12-005 Design Review Major Modification
C09-014 Traffic Concurrency Certificate
L09-002 Rezone
E08-022 SEPA/Environmental Review
L08-076 Public Hearing Design Review
L08-077 Comprehensive Plan Amendment
PRE08-011 Pre-Application Meeting

APPLICANT: Mike Overbeck

REQUEST: Request for approval of a Design Review Major Modification and a new Subdivision Preliminary Plat approval for the Osterly Park Townhomes subdivision. The original decision was issued in November 2009 and was updated in March 2012.

The current proposal is to reduce the total number of townhomes constructed in Phase 2 from 23 to 15. The three condo buildings previously proposed to be demolished will remain, resulting in the need for the design of Phase 2 to change. The access road, recreation spaces, and townhomes have been reconfigured to accommodate this change.

LOCATION: 14424 34th Ave S (parcel #6391110000)
14426 34th Ave S (parcel #0040000083)
14401-14420 34th Lane S
Parcel #s 6433600090 and 6433600110

COMPREHENSIVE
PLAN DESIGNATION/
ZONING DISTRICTS: High Density Residential (HDR)

SEPA COMPLIANCE: The City of Tukwila, as the lead agency for this project, issued a Determination of Non-Significance for this project on October 28, 2009.

PUBLIC COMMENTS Emails from two owners of the existing townhomes in the Osterly Park Townhomes project were received during the Notice of Application period for this project. They are included as Attachment G to this staff report.

RECOMMENDATIONS: **L18-0065 Design Review Major Modification**
Staff recommends approval with conditions of the design review major modification.

L08-079 Preliminary Subdivision
Staff recommends approval with conditions of the Preliminary Subdivision application.

ATTACHMENTS:

- A. Applicant's request
- B. Chronology of Site Development (site plans submitted for applications in 2008, 2012, and 2018)
- C. Recorded Plat for Phase 1
- D. Plan Sheets
 - Phase 2 Landscape Plan
 - Site Lighting & Photometric Study
 - Plat of Osterly Park Townhomes (Sheets 1, 2, 3)
 - Civil Plans (Sheets 1-14)
- E. Draft Codes, Covenants & Restrictions
- F. Easement Agreement between Mengstab Tzegai and 144th Street REO Partners, LLC/Michael D. Overbeck
- G. Email comments received in response to Notice of Application



FINDINGS

PROJECT DESCRIPTION

The Osterly Park Townhomes project was the first townhouse project to receive approval following the March 2008 adoption of Ordinance 2199 by the Tukwila City Council. Ordinance 2199 allows development of zero lot line and fee simple townhouses. The original project approved by the Board of Architectural Review (BAR) in November 2009 included an approximately 1.7-acre site with 31 townhouse units along with the required landscaping, guest parking, utilities, access, recreation areas, and frontage improvements. The BAR subsequently approved a Phasing Plan and a Design Review Major Modification for the project in 2012, which broke the project construction into two phases, and created a temporary recreation space and conditions of approval related to the design of Phase 1 to ensure the Phase 1 could meet all code requirements in case the applicant did not proceed with Phase 2. Phase 1 received Final Subdivision Approval from the Tukwila City Council in 2016, and the first eight townhomes approved in Phase 1 have been constructed. Site plans showing the chronology of site plans approved by the BAR in 2009, 2012, along with the current proposal for Phase 2 are in Attachment B. The recorded survey for Phase 1 is in Attachment C.

The major change proposed with the current proposal is for the condo properties at 14420-14422 34th Ave S, originally proposed to be redeveloped as part of the project, to be removed from the project area and remain as-is. The blue shaded area at right shows the parcels to be completely removed from the project; the third condo building property not included in the blue shaded area (referred to in this report as the 14424 Building) is providing an easement across its east side for Osterly Townhomes



private access and utilities. The 14424 Building property will gain the lawn area on its north side as part of its parcel and will share this as a recreation space with the Osterly Park Townhomes. The 14424 Building will also have use of two on-street parking spaces within the Osterly Park Townhomes private access drive adjacent to their site and accessed through a pedestrian gate in the fence separating the two developments.

Removal of the existing condo building properties from the development significantly reduces the

Phase 2 development area. As a result, the total number of townhomes in the development is scaled back, from 31 to 23. Rather than having sidewalks on both sides of the street throughout the development, the sidewalk is on only one side of the private access road for most of Phase 2. The total number of guest parking spaces is proposed to be reduced from 12 to 8.

Criteria for design review and preliminary subdivision approval have not changed since the original approval for this project was granted by the BAR in November 2009. The Comprehensive Plan was updated in 2015; discussion of the project's consistency with the updated policies is contained in section two of this staff report. The Preliminary Subdivision Approval issued by the BAR for this project on March 26, 2012 will expire on March 26, 2019. A new Subdivision Preliminary Approval is being requested to review the design changes to make sure the project will meet the subdivision criteria and to ensure adequate time for installation of improvements in preparation for review of the Final Plat application by the Tukwila City Council.

VICINITY/SITE DESCRIPTION

Site Description

The project site is located on the east side of 34th Ave S and on the south side of S 144th St between Tukwila International Blvd and Military Rd South. Most of the project area of Phase 2 is on two existing parcels. An existing recreation tract and a parcel developed with a 4-unit condominium building are also part of Phase 2. The eight existing unit lots developed in Phase 1 will share access, utilities, and recreation space with Phase 2. Access to the site will be from driveways located off S 144th Street and 34th Ave S. The site is within walking distance to many neighborhood destinations, including grocery stores, schools, and parks.

Existing Development

Phase 1 of the Osterly Park Townhomes has frontage on the south side of S 144th St, east of the intersection with 34th Ave S. Phase 1 included eight new townhomes on individual unit lots and an access and utilities tract.

Phase 2 of the Osterly Park Townhomes has approximately 80 feet of frontage along 34th Ave S. A single-family home from the 1940s was previously located on the site and demolished in 2013-2014. An existing mobile home located on the property will be removed prior to Subdivision Final Approval.

Surrounding Land Uses

The Osterly Park Townhouse development site is located within the High Density Residential (HDR) zoning district, which allows for up to 22 dwelling units per net acre. The HDR zone is intended to provide a high-density, multiple-family district which is also compatible with commercial and office areas.

The project site is adjacent to multifamily development on parcels located directly to the east, west, and south, which are also zoned HDR. The parcel directly to the east is developed as a large apartment

complex (the La Roche apartments). Farther to the east is neighborhood retail including grocery and drug stores, and the newly constructed Tukwila Village development, including multifamily housing and the Foster Library.

To the south of the site is another large apartment complex (the Park Avenue Apartments). The three other parcels which border the project site on its south side are developed with smaller apartment complexes, including one duplex and two 4-unit complexes.

The two parcels to the west of the entrance to the site off S 144th Street are zoned Medium Density Residential (MDR), developed with one single family home on each parcel. The area in between the southeastern corner of 34th Ave S and S 144th St and the Osterly Park Townhomes is developed with one more single-family home and the three condominium buildings that were originally proposed to be redeveloped as part of Phase 2 but will now remain. Farther west is an area zoned Neighborhood Commercial Center (NCC), developed with single family homes and small-scale commercial development. Businesses located in these homes and commercial developments include a salon, a dentist office, a restaurant, and a small grocery store.

On the north side of S 144th Street, the area is zoned HDR and is developed with a large apartment complex (the Samara 1), a single-family home, and the Cascade View Park. West of 34th Ave S, there is an area zoned MDR containing multi-family development.

Topography

Topography at the site is currently relatively flat. The topography is proposed to remain relatively flat after development; the northern portion of the site will be all at one grade, and there will be a gradual slope down from the western side of the site to the eastern area of the site.

Vegetation

Existing vegetation on the site includes a lawn area originally installed as the temporary recreation space to serve Phase 1. This area is on the south side of Phase 1 (in the upper left-hand corner of Phase 2) and is proposed to become part of the condominium parcel, to be a shared recreation space between 14424 34th Ave S and the Osterly Park Townhomes. The remainder of the project site has been cleared of any vegetation.

Access

There will be two access points to the development from public streets. These include 34th Ave S and S 144th Street. Vehicular access to the condominium building will remain the same, via a separate driveway off 34th Ave S which provides access to all three condo buildings located at 14420-14424 34th Ave S. Pedestrian access to the Osterly Park Townhomes private access road and the shared recreation space will be available to the residents of the 14424 Building via a gate in the wooden fence located at the northeastern corner of the condo property.

REVIEW PROCESS

Phase 2 of the Osterly Park Townhomes project proposes to subdivide two existing parcels into 15 unit lots, an access and utility tract and easement across 14424 34th Ave S, a recreation tract, additional recreation areas to be in easements and shared among Phase 1 and Phase 2 units, and the condo units located at 14424 34th Ave S. Any land being divided into ten or more unit lots shall receive preliminary plat approval by the Tukwila Planning Commission as a Type 4 decision according to the provisions of 18.108.040.

Townhouse development in Tukwila is restricted to the Medium Density Residential (MDR) and High Density Residential (HDR) zoning districts. According to 18.14.060, design review by the Board of Architectural Review is required for all multi-family structures over 1,500 square feet in size. Design review criteria for townhouse development are contained in the Townhouse Design Manual, which is available online at <http://www.ci.tukwila.wa.us/dcd/dcdplan.html>.

Once a townhouse project receives preliminary subdivision and design review approval by the Planning Commission/Board of Architectural Review, the applicant must apply for a Public Works permit for construction of project infrastructure. The project must receive final approval from the Tukwila City Council prior to construction of the dwelling units.

REPORT ORGANIZATION

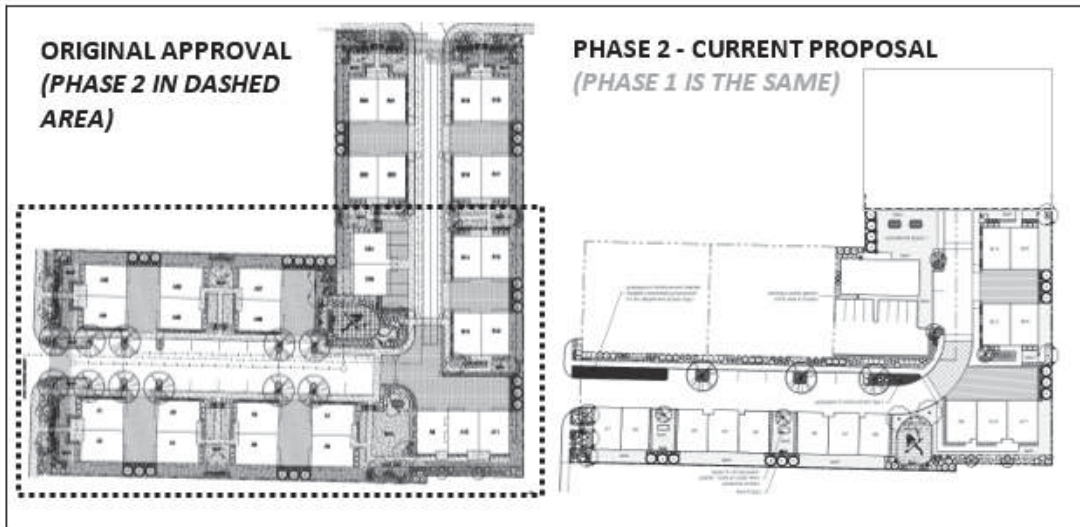
This staff report has been divided into two sections. The first section covers the Design Review Major Modification; the second covers the new Subdivision Preliminary Plat. Staff's conclusions and recommendations follow each section.

SECTION ONE - DESIGN REVIEW MAJOR MODIFICATION

DECISION CRITERIA - DESIGN REVIEW

The Osterly Park Townhomes project is subject to design review under 18.14.060 requiring all multi-family structures to receive design review approval. Per TMC 18.60.050 (C), townhouse development is subject to the design criteria contained in the Townhouse Design Manual, available online at <http://www.tukwilawa.gov/dcd/dcdplan.html>.

Phase 1 of the project was constructed as originally proposed. Phase 2 of the project is proposed to be modified from the design that was originally approved (see graphic below for side-by-side view of the site design as originally approved and the current proposal). The following is a discussion of the changes to the design of the project proposed in relation to the applicable architectural review criteria in the Townhouse Design Manual.

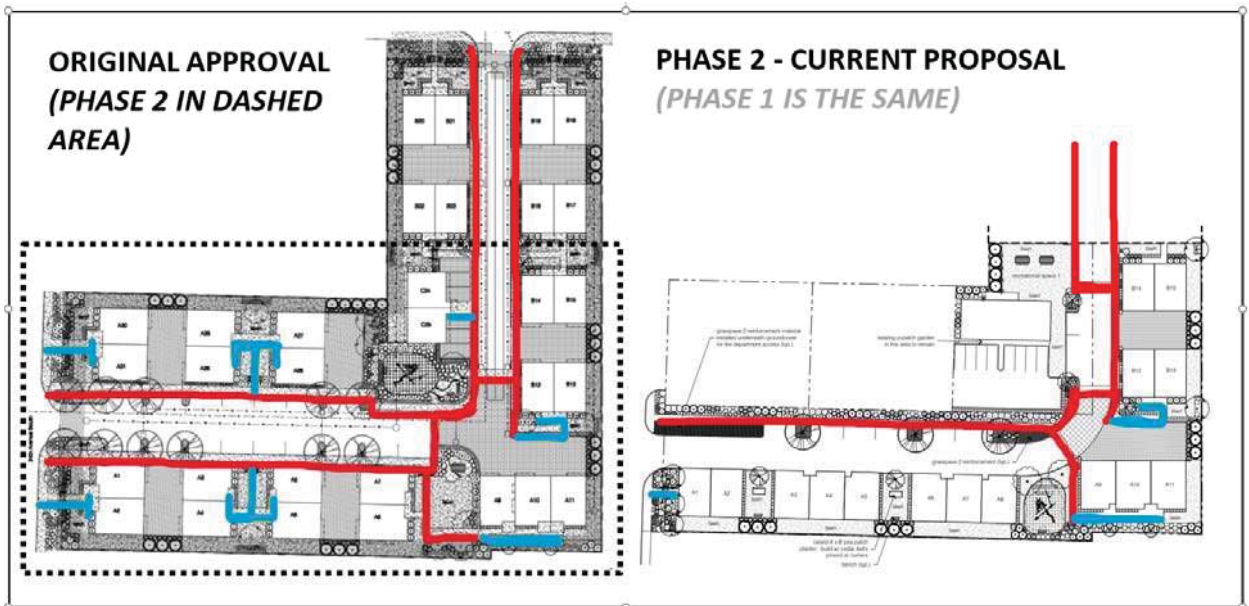


I. SITE PLANNING

Circulation (Pedestrian and Vehicular)

There are two access points to the site for vehicles for the completed project; one from S 144th Street and another from 34th Ave S. These two driveways allow through-movement from 34th Ave S to S 144th Street.

The graphic below shows the original pedestrian circulation, with red areas showing sidewalks and pedestrian crossings along the private access road linking to the project entries, recreation spaces, and on-street parking areas. Blue areas show linkages from the red/common walkway



areas to the private entries to Osterly Park Townhomes units. The proposed reconfiguration of Phase 2 includes sidewalks linked to recreation areas, on-street parking, and unit entries, except those units on the south side of the private access drive that will have garage and front doors on the same building elevation. Staff recommends a condition of approval to require the pavement area outside of the units having garage and front doors on the same building elevation be colored and patterned material similar the shared garage access areas, to symbolize shared use of the private road area for pedestrians and vehicles.

The addition of two on-street parking spaces east of the condo building and the grade difference between the Osterly Park Townhomes site and the condo site prevent the sidewalk from providing a continuous path along the west side of the private access road. Two pedestrian crossings of the private access road are proposed: (1) to connect the east and west sides of the sidewalk north of the on-street parking spaces adjacent to the condo building, and (2) to connect the sidewalk on the north side of the private access road to the recreation space located on the south side of the private access road. Pedestrian crossings of the private access road are proposed to be constructed of concrete and raised six inches to make these areas more visually prominent and to slow down vehicle traffic through the development.

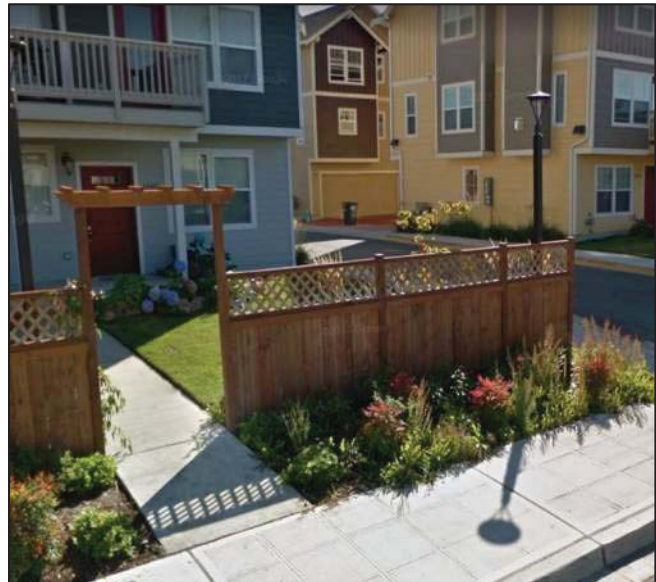
Parking

Tukwila parking requirements contained in TMC 18.56.065 require two off-street parking spaces for each dwelling unit which contains up to three bedrooms. Parking for residents of Phase 2 of the Osterly Park Townhomes project will be the same as in Phase 1; within the attached two-car garage for each unit. Units on the east side of Phase 2 will access each unit's garage from shared garage access areas located off the private access road. The intent of the shared garage access area design was to minimize conflicts between autos and pedestrians and to better screen garage areas from view.

The centerline of the private road in the originally approved site design for Phase 2 is the approximate location of the southern property line for the condo properties. Removal of the condo properties from the project requires that the townhouse units be reoriented to fit in the private access road, guest parking spaces, separated sidewalk area, and landscaping. On-street guest parking spaces were originally approved on both sides of the access road in Phase 2. Removal of the condo properties and elimination of spaces on the north side of the access road to meet Fire Department access requirements results in a reduction in the total of number of on-street guest parking spaces from 12 originally approved to 8 in the current proposal.

Crime Prevention

The design of this project proposes to continue crime prevention design elements of Phase 1. Landscaping is clustered to help physically and symbolically separate shared recreation spaces from private recreation spaces on individual unit lots. A six foot tall, wooden perimeter fence will separate the Osterly Park Townhomes site from adjacent properties, including the condo buildings that were originally proposed to be demolished as part of this project. The design of the wooden fence along the street frontage of 34th Ave S will be consistent with the design of the fence at the existing project entry off S 144th St.



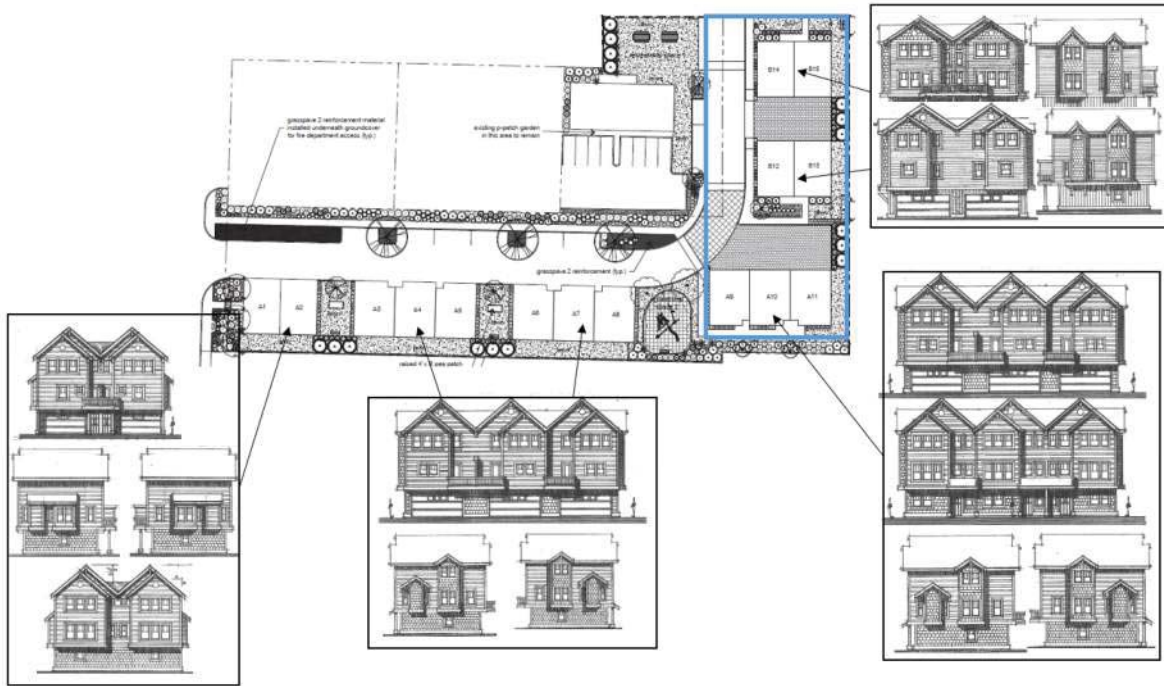
The applicant has discussed installation of a gate for security at both vehicular entries due to theft and trespassing issues he has experienced during project construction. This type of gate may also help to reduce vehicle speeds if the private road starts to be used as a cut-through. Security gates are not proposed at this time, but staff recommends the design and installation of the security gates be able to be reviewed administratively if they are deemed to be necessary by the Osterly Park Townhomes property owners.

A lighting plan was submitted by the applicant to demonstrate how lighting will be provided within the private access road, on-street parking, and sidewalk and recreation areas. The site design has changed since the lighting plan was submitted; during staff review with the applicant, the location of the sidewalk moved, and two recreation spaces were added to the project. Staff recommends a condition of approval to require an updated lighting plan be submitted as part of the Public Works Construction Permit, to be reviewed administratively to ensure lighting levels are adequate for safety and security along the private access drive, sidewalk areas, common recreation spaces, and mailbox cluster area.

II. BUILDING DESIGN

The building design in Phase 2 is generally the same as the design originally approved in 2009. There are fewer buildings proposed than originally approved, and Phase 2 will include more three-unit buildings instead of two-unit buildings as originally proposed to maximize the number of units that can be developed in the reduced project area. The diagram below shows the building elevations associated with the structures on the site plan.

The building design outlined in blue remains as originally approved, including two, two-unit buildings, and one three-unit building. The other units on the south side of the private access road are where the townhome design and configuration are proposed to change most significantly from the original approval.



The original plan included two-unit townhome structures located on the north and south sides of the private access road. Townhome development west of the recreation space is now limited to the south side of the private access lane. To construct eight townhomes on the south side of the access road as originally approved, the townhomes have been reconfigured to include two three-unit townhome structures and one two-unit structure with frontage along 34th Ave S. These reconfigured units have both the garage doors and front doors on the same elevation facing the private access road. The architectural drawings shown above have not been revised to show (1) the front and rear elevations of the three-unit building, with garage doors and front doors on the north elevation and the design of the south elevation; and (2) the design of the two-unit building to show how the west elevation will have a front door and porch facing 34th Ave S. Staff recommends a condition of approval to require that these elevations be provided by the applicant and reviewed administratively as part of the building permits for these units.

Consistent with the units in Phase 1, each townhome structure will read as a unified building mass through use of the same colors and materials. The colors of each townhome structure and the use and placement of lap, shingle, and board and batten siding will vary. The color drawings below demonstrate a typical treatment for a townhome structure in the Osterly Park

Townhomes development.



The pictures below illustrate the variation of colors and roof modulation from structure to structure within the development. These design elements are proposed to be carried through to Phase 2 structures.



III. LANDSCAPE / SITE TREATMENT

Landscape Design and Design for Screening and Separation

Major changes to the landscape design from what was originally approved include removal of the street trees on the south side of the private access drive. The perimeter landscaping on the north side of the private access drive will no longer be side yards of the townhomes as originally approved, but instead a 10-to 12-foot wide perimeter landscaping area consisting of a sidewalk and a 6-foot landscaping area that widens out to 8 feet on the south side of the 14424 Building property. This landscape area will separate the Osterly Park Townhomes property from the condo properties to the north and will help screen the wooden fence that also separates the development from the condo properties. The previous approval for the landscaping area allowed perimeter landscaping to be clustered at the end of shared garage access areas, to provide lawn areas free of shrubs and trees for use of the townhome units as private yard areas.

New landscaping regulations were adopted in the Tukwila Zoning Code in 2017. The new regulations provide a set of criteria projects must meet to allow modifications to required landscaping areas. The current landscaping design proposes a sidewalk in the perimeter

landscaping area on the north side of the private access drive, as well as landscape perimeter averaging for the west perimeter adjacent to the 14424 Building, and clustering of the required shrubs and trees in perimeter areas on the east and south sides of Phase 2. These are all modifications which may be considered through design review, per TMC 18.52.100, according to the following criteria:

1. *The modification or revision does not reduce the landscaping to the point that activities on the site become a nuisance to neighbors; and*
2. *The modification or revision does not diminish the quality of the site landscape as a whole; and*
3. *One or more of the following are met:*
 - a. *The modification or revision more effectively screens parking areas and blank building walls; or*
 - b. *The modification or revision enables significant trees or existing built features to be retained; or*
 - c. *The modification or revision is used to reduce the number of driveways and curb cuts and allow joint use of parking facilities between neighboring businesses; or*
 - d. *The modification or revision is used to incorporate pedestrian facilities; or*
 - e. *The modification is for properties in the NCC or RC districts along Tukwila International Boulevard, where the buildings are brought out to the street edge and a primary entrance from the front sidewalk as well as from off-street parking areas is provided; or*
 - f. *The modification is to incorporate alternative forms of landscaping such as landscape planters, rooftop gardens, green roof, terraced planters or green walls; or*
 - g. *The modification is to incorporate a community garden, subject to the provisions of TMC Section 18.52.030, Note 11.*

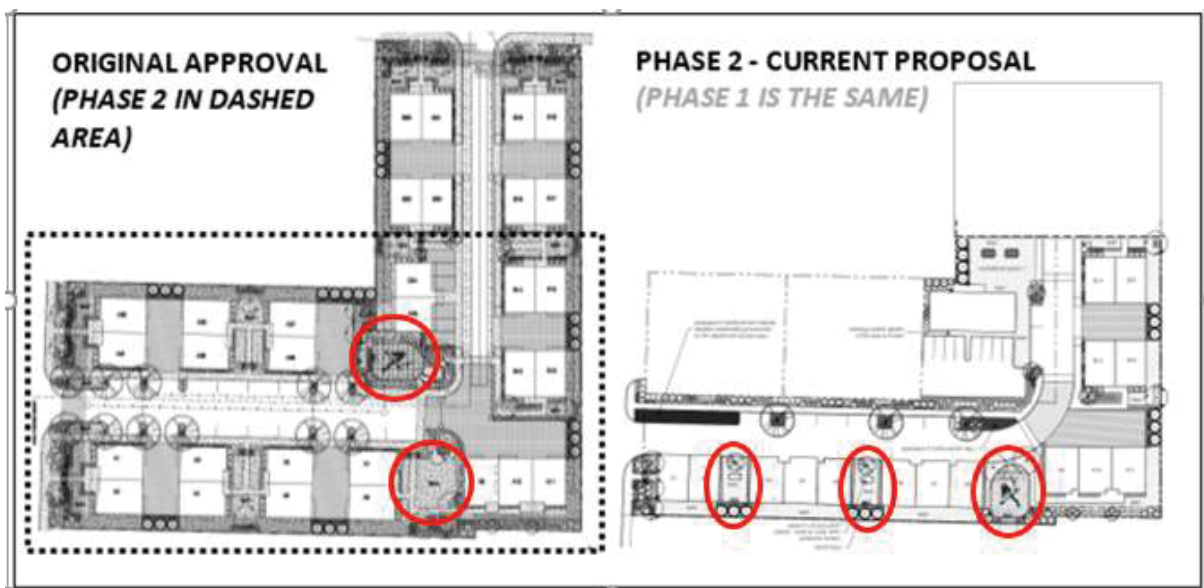
Staff recommends approval of the proposed landscape modifications. Some areas of the site provide more landscaping than required, which makes up the square footage where perimeter landscaping is not provided or where the width of the landscaping provided does not meet the full 10-foot width of landscaping required for side and rear yards. Areas that provide more landscaping than required include the frontage along 34th Ave S where a 20-foot-wide landscaping area is proposed instead of the 15-foot area required, as well as perimeter landscape areas in the southeastern corner of the site, near "recreation space 2". Additional landscaping is proposed in landscape islands between the on-street guest parking spaces. The total width of the landscaping area on the north side of the private access road is 10 feet. It includes only 6-8 feet of landscaping to incorporate a sidewalk separated from the access road. This is consistent with item d in criteria number 3 above.

Landscape clustering does not diminish the quality of the landscape as a whole: the appearance of the development is enhanced by grouping plantings at focal points at the ends of shared spaces such as garage access areas or recreation spaces, where they screen the perimeter fence and help to delineate shared spaces from private yard areas.

The new landscaping regulations, which apply to this project, require sites where more than 24 trees will be planted to have no more than 20 percent of trees planted on a site be of one species. Two of the tree species proposed, including the Green Arrow Alaska Cedar (*Chamaecyparis nootkatensis* 'Green Arrow') and the Serbian Spruce (*Picea omorika*), make up more than 20 percent of the total number of trees proposed. Staff recommends a condition of approval to require more diversity in the tree species.

Outdoor Space Design

The original and current proposal for provision of common open space is shown below. The original design included two common open space areas, in the middle of the development; the one on the north side of the access drive was designed as a child play area and the space on the south side of the access drive was designed to be a passive recreation space with a picnic table and open lawn area. The common open spaces now proposed for the project include a child's play area on the south side of the private access road in the middle of the site and two lawn areas with benches and raised-bed planters located in between the townhome buildings on the south side of the private access road.



The amount of shared open space provided in the current proposal exceeds the square footage required by code for the total of 23 townhome units in Phases 1-2. Calculations in the table below show the distribution of private recreation space among the lots. The zoning code requires a minimum of 400 square feet of recreation space per unit. For townhome development, a minimum of 250 square feet out of the 400 is required to be private, ground-level recreation space. To determine the amount of shared recreation space required, the amount of private recreation space was measured on the Landscaping Plan. The amount of

private recreation space provided for each unit was then subtracted from 400 to come up with the total amount of shared recreation space required for the development. The table at right shows that 2,165 square feet of shared recreation space is required, and 2,550 square feet is provided.

The existing lawn area on the south side of Phase 1 (originally constructed as a temporary recreation space for Phase 1) will formally become part of the 14424 Building condo property. Lawn areas between the townhome buildings located on the south side of the private access road will contain open lawn areas, seating, and raised-bed planters for gardening.

The child’s play area has been relocated to the south side of the private access road due to the

removal of the condo properties from the project. This location is consistent with the design criteria, which call for the following:

- An area that is centrally located and visually accessible to casual surveillance by passersby and residents.
- Provides separation of play areas from general passersby for security: A low, black metal fence will contain the area in which the playground equipment is proposed, to keep children playing from running out into the private access road. The narrow street, street curb, trees, and low fence will also help keep vehicles from running off the road into the area.
- Equipment to satisfy the specific sensory and skill needs up to age 12 (see attached cut sheet for planned playground equipment).
- An adjacent sitting area for monitoring the children.

PROPERTY	PRIVATE RECREATION SPACE (sq. ft. min. 250/unit)	SHARED RECREATION SPACE (sq. ft.)
LOT 1	250	150
LOT 2	250	150
LOT 3	250	150
LOT 4	250	150
LOT 5	250	150
LOT 6	250	150
LOT 7	250	150
LOT 8	250	150
LOT 9	325	75
LOT 10	562.5	0
LOT 11	286	114
LOT 12	612	0
LOT 13	765	0
LOT 14	330	70
LOT 15	308	92
LOT 16	250	0
LOT 17	253	147
LOT 18	320	80
LOT 19	320	80
LOT 20	253	147
LOT 21	320	80
LOT 22	320	80
LOT 23	600	0
TOTAL REQUIRED SHARED RECREATION SPACE		2165
TOTAL PROVIDED SHARED RECREATION SPACE (based on analysis of Phase 2 Landscape Plan, Sheet L-1) Tract C = 1350 square feet Two lawn areas on south side of access road are 600 square feet each		2550

IV. MISCELLANEOUS STRUCTURES / STREET FURNITURE

Lighting

The lighting fixtures proposed for Phase 2 will be the design as those that have already been installed during Phase 1. Lighting fixtures include street lights along the private access road and within common open space/recreation areas, and building-mounted lights on each townhome unit. Pictures of the lighting fixtures are included in Attachment D.

Service Areas

The location and type of mailboxes to serve the units in this project has been reviewed by the postmaster. The location of the cluster mailbox structure for the development approved by the postmaster will be located adjacent to 34th Ave S. The trash and recycling containers for the townhomes are individual containers provided by Waste Management; the same as those provided for other single-family properties. The homeowners' association requires that the trash and recycling containers for each townhome be stored within the garage and be brought out by the residents to be emptied on trash pickup day.

Street Furniture

Street furniture proposed with the project includes benches and playground equipment. Pictures of these are shown right.



CONCLUSIONS - DESIGN REVIEW

1. Site Planning

Pedestrian and vehicle circulation are accommodated in the design of the Osterly Park Townhomes project. Phase 2 includes sidewalks linked to recreation areas, on-street parking, and unit entries, except those units on the south side of the private access drive reoriented to have their entrances directly off the private access drive. Staff recommends a condition of approval to require the drive aisle from 34th Ave S to the recreation tract to be of colored and patterned material similar the shared garage access areas, to symbolize shared use of the private road area for pedestrians and vehicles.

The changes to the site design will result in 23 townhomes instead of the 31 originally proposed for both phases of the Osterly Park Townhomes. The original project design included 12 on-street guest parking spaces; the modified project includes eight on-street guest parking spaces, two of which are proposed to be shared with the 14424 Building.

Like the originally approved site design, the current proposal uses landscaping to help delineate and transition from more public areas of the site (street frontage, recreation spaces) to private yard areas. A six-foot tall wooden fence will separate the Osterly Park Townhomes from surrounding properties. The applicant has discussed installation of a gate for security at both vehicular entries due to theft and trespassing issues he has experienced during project construction. This type of gate may also help to reduce vehicle speeds if the private road starts to be used as a cut-through. Security gates are not proposed at this time, but staff recommends the design and installation of the security gates be able to be reviewed administratively if it they are deemed to be necessary by the Osterly Park Townhomes property owners.

A lighting plan was submitted by the applicant to demonstrate how lighting will provided within the private access road, on-street parking, and sidewalk and recreation areas. The site design has changed since the lighting plan was submitted. Staff recommends a condition of approval to require an updated lighting plan be submitted as part of the Public Works Construction Permit, to be reviewed administratively to ensure lighting levels are adequate for safety and security along the private access drive, sidewalk areas, common recreation spaces, and mailbox cluster area.

2. Building Design

The building design in Phase 2 is generally the same as the building design originally approved in 2009. The front doors of the units on the south side of the private access drive will be located on the same elevation as the garage doors. Additionally, the current proposal will only have one townhome with frontage on 34th Ave S. Technically the side of the building, the façade of the townhome fronting 34th Ave S will be designed with a front door and a porch so that the unit faces the street. Building elevations showing these design elements have not yet been submitted by the applicant. Staff recommends a condition of approval to require that building elevations be submitted and reviewed administratively as part of building permits showing (1) the front and rear elevations of the three-unit buildings, with garage doors and front doors on the north elevation and the design of the south elevation; and (2) the design of the two-unit building to show how the west elevation will have a front door and porch facing 34th Ave S.

3. Landscape and Site Treatment

The City of Tukwila adopted new landscaping regulations since the last time the landscaping design of the project received approval from the BAR. Staff recommends approval of the applicant's request for a landscape modification to use landscape perimeter averaging to meet

the requirements providing more than the required amount of landscape perimeter in some areas of the site to make up for other areas that do not meet the full landscape perimeter width required, and in areas where a sidewalk is proposed to be located within the 10-foot landscape perimeter area. Staff also recommends the applicant's request for a landscape modification to cluster the required landscape plantings, to create landscaping focal points at the end of shared garage access areas and recreation spaces, while leaving private yard areas free of shrubs and trees to provide homeowners the flexibility to decide how they would like to use the space.

The new landscaping regulations require sites where more than 24 trees will be planted to have no more than 20 percent of trees planted on a site be of one species. Two of the tree species proposed, including the Green Arrow Alaska Cedar (*Chamaecyparis nootkatensis* 'Green Arrow') and the Serbian Spruce (*Picea omorika*), make up more than 20 percent of the total number of trees proposed. Staff recommends a condition of approval to require more diversity in the tree species.

The outdoor spaces included for common and private recreation space meet the square footage requirements for the number of units proposed, including the four units in the existing 14424 Building. The four spaces proposed include a variety of active and passive activities for the residents of the development.

4. Miscellaneous Structures and Street Furniture

The lighting fixtures proposed for Phase 2 will be the design as those that have already been installed during Phase 1. Lighting fixtures include street lights along the private access road and within common open space/recreation areas, and building-mounted lights on each townhome unit.

The location and type of mailboxes to serve the units in this project has been reviewed by the postmaster. The trash and recycling containers for the townhomes are individual containers provided by Waste Management and are required by the CC&Rs to be stored inside the garage of each unit. Street furniture proposed with the project includes benches and playground equipment.

RECOMMENDATIONS - DESIGN REVIEW

Staff recommends approval of the major modification to the design of the Osterly Park Townhome project, subject to the following conditions:

1. The drive aisle from 34th Ave S to the recreation space Tract C shall be of colored and patterned material similar the shared garage access areas, to symbolize shared use of the private road area for pedestrians and vehicles.

2. Security gates are not proposed at this time, but staff recommends the design and installation of the security gates be able to be reviewed administratively if they are deemed to be necessary by the Osterly Park Townhomes property owners.
3. An updated lighting plan be submitted as part of the Public Works Construction Permit, to be reviewed administratively to ensure lighting levels are adequate for safety and security along the private access drive, sidewalk areas, common recreation spaces, and mailbox cluster area.
4. Two of the tree species proposed, including the Green Arrow Alaska Cedar (*Chamaecyparis nootkatensis* 'Green Arrow') and the Serbian Spruce (*Picea omorika*), make up more than 20 percent of the total number of trees proposed. Landscape plan shall be revised to provide more diversity in the tree species.
5. Building elevations shall be submitted and reviewed administratively as part of building permits showing (1) the front and rear elevations of the three-unit buildings, with garage doors and front doors on the north elevation and the design of the south elevation; and (2) the design of the two-unit building to show how the west elevation will have a front door and porch facing 34th Ave S.

SECTION TWO – SUBDIVISION PRELIMINARY PLAT APPLICATION

REVIEW PROCESS – SUBDIVISION PRELIMINARY PLAT AND FINAL PLAT APPROVAL

There are three basic steps in the subdivision approval process:

1. Preliminary Approval

Any land being divided into ten or more unit lots shall receive preliminary plat approval by the Tukwila Planning Commission as a Type 4 decision according to the provisions of 18.108.040. Criteria for Preliminary Plat Approval are contained in section 17.14.020(D). The application was reviewed by the Tukwila Short Subdivision Committee, and staff's response to each of the criteria for preliminary plat approval and recommended conditions of approval are included below.

Once a townhouse project receives preliminary subdivision and design review approval by the Planning Commission/Board of Architectural Review, the applicant must apply for a Public Works permit for construction of project infrastructure. The project must receive final approval from the Tukwila City Council.

2. Final Approval

After construction of project infrastructure and compliance with conditions of preliminary approval, the applicant must apply to receive final approval for the subdivision plat. The final approval decision on a subdivision plat is made by the Tukwila City Council. Before the final plat is submitted to the City Council, it shall be signed by the Tukwila Finance Director, Director of Public Works, and the Director of the Department of Community Development.

3. Recording

Upon approval by the City Council, the subdivision plat shall be signed by the Mayor and attested by the City Clerk. It is the applicant's responsibility to record the City-approved final subdivision plat documents with the King County Department of Records. The applicant will need to pay the recording fees and submit the approved original final subdivision plat to King County. The final subdivision plat is not complete until the recording occurs, and copies of the recorded documents are provided to the Department of Community Development. The approved final subdivision plat must be filed with the King County Department of Records five years from the date of this preliminary approval or the application will expire. The Planning Commission may grant a single one-year extension.

DECISION CRITERIA – SUBDIVISION PRELIMINARY PLAT APPROVAL

17.14.020 (D) Criteria for Preliminary Plat Approval

The Planning Commission shall base its decision on an application for preliminary plat approval on the following criteria:

- 1. The proposed subdivision is in conformance with the Tukwila Comprehensive Plan and any other city adopted plans.***

Following are the relevant policies of the Tukwila Comprehensive Plan:

Community Image and Identity

Goal 1.10 Food security, local food production and public health are promoted.

Policy 1.10.2 Encourage locally-based food production, distribution, and choice through urban agriculture, community gardens, farmers markets and food access initiatives.

Two of the common open space/recreation areas proposed in the design of this project include raised-bed planters, providing the opportunity for community gardens in which residents of the Osterly Park Townhomes can grow food.

Housing

Goal 3.6 Increase long-term residency in the City.

Policy 3.6.1 Encourage long-term residency by improving neighborhood quality, health and safety.

Policy 3.6.3 Support neighborhood associations and groups that actively work to improve neighborhood quality and strengthen sense of community within the neighborhood.

The Osterly Park Townhomes development proposes to add a total of 23 townhomes to a site zoned for High Density Residential that previously had a few single-family homes. The new townhomes add home ownership opportunities to the HDR zoning district in an area dominated by apartments. Home ownership tends to increase long-term residency, and the addition of new development, constructed to current code requirements improves neighborhood quality, health, and safety. The Osterly Park Townhomes will be managed by a homeowner's association

to ensure landscaping and shared areas such as access, utilities, and recreation spaces are managed and maintained in support of strengthened neighborhood quality.

Residential Neighborhoods

Goal 7.3 Neighborhood Quality: Stable residential neighborhoods that support opportunities for improved educational attainment, employment, engagement, economic security, and personal safety.

Policy 7.3.4 Use new development to foster a sense of community and replace lost vegetation and open spaces with improvements of at least equal value to the community.

Goal 7.5 Neighborhood Development: Tukwila's residential neighborhoods have a high-quality, pedestrian character with a variety of housing options for residents in all stages of life.

Policy 7.5.2 Ensure that residential development, when applicable, reflects high design quality in harmony with identified, valued features of the natural environment and historic development.

7.5.10 Ensure that all multi-family residential developments contribute to a strong sense of community through:

- *Site planning focused on neighborhood design integration;*
- *Building design architecturally linked with the surrounding neighborhood and style;*
- *Streetscapes that encourage pedestrian use and safe transition to private spaces, with trees reducing the effects of large paved areas;*
- *Recreational spaces and facilities on site;*
- *Creative project design that provides a diversity of housing types within adopted design criteria, standards and guidelines; and*
- *Operational and management policies that ensure safe, stable living environments.*

The Osterly Park Townhomes will offer homeownership opportunities in an area currently receiving public and private reinvestment. New landscaping provides a transition from the public street frontage to the units in the development. Vegetation proposed to be added to the perimeter and recreation spaces replaces minimal vegetation formerly located on the site and helps reduce the effects of paved areas.

Tukwila International Boulevard (TIB) District

Goal 8.6 Walkability and Connectivity: A larger network of streets, sidewalks, trails and other public spaces throughout the TIB District supports community interaction; connects neighborhoods, commercial areas, civic areas, and destinations; and improves community health. The TIB District's circulation network makes the neighborhood a great place to walk, improves mobility and safety for all users, encourages walking, bicycling and use of public transit, and supports the envisioned land uses.

Policy 8.6.1 Establish a more walkable and connected street network throughout the TIB District by investing in public sidewalks and requiring private redevelopment projects to organize site plan elements to allow for through connections.

Goal 8.8 The TIB District has stable neighborhoods, and residents and businesses that are actively engaged in improving the quality of life in the area.

Policy 8.8.1 Encourage private landowners to maintain and upgrade their property to protect the neighborhood from adverse impacts of vacant and underutilized sites and blighted buildings and structures.

The Osterly Park Townhomes project is located several blocks west of Tukwila International Boulevard but falls within the boundaries of the TIB District depicted in the Comprehensive Plan. The L-shaped private access road provides through-access from 34th Ave S to S 144th St, integrating the development into the surrounding neighborhood. A network of sidewalks within the development encourages pedestrian activity. The shared spaces within the Osterly Park Townhomes and the sidewalk network connected to the surrounding walkable neighborhood will help foster a sense of community.

The Osterly Park Townhomes represents an upgrade to the existing underutilized property. The project's Codes, Covenants, and Restrictions (CC&Rs), as well as future formation of the homeowners' association, will encourage maintenance of the new improvements proposed with this project.

2. Appropriate provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the subdivision that are consistent with current standards and plans.

Plans for water, storm drainage, erosion control, and sanitary sewage disposal are contained in the Civil Plans for the project (see Attachment D) and have been reviewed by the Public Works Department for compliance with city standards. Basic Development Standards for the HDR zoning district (TMC Section 18.14.070) require townhouse developments with development coverage of over 50% to incorporate low-impact development techniques, if feasible (including such features as pervious pavement, raingardens, etc.).

The development area coverage for the Osterly Park Townhomes project exceeds 50%. However, meetings were held early on during project development among the applicant, the applicant's civil engineer, and Tukwila's surface water engineer, where it was determined that soil conditions on the project site do not allow stormwater infiltration. These site conditions preclude the applicant's ability to incorporate low-impact development techniques as part of this project.

3. Appropriate provisions have been made for road, utilities and other improvements that are consistent with current standards and plans.

Provisions for access, utilities, and other improvements have been reviewed for conformance with current standards and plans by multiple departments, including the Planning, Fire, Building, and Public Works, as well as the Valley View Sewer District and Water District 125.

4. Appropriate provisions have been made for dedications, easements and reservations.

The applicant has submitted a plat survey showing proposed easements (see Attachment D), and a draft copy of easement documents and codes, covenants, and restrictions (see Attachment E). These documents have been reviewed by the Public Works and Planning departments. These documents shall be revised to reference BAR approval, and to include joint maintenance agreements for access road, utilities, landscaping areas, and recreation areas. Transportation, Parks, and Fire impact fees will apply to the future Building Permit(s).

5. *The design, shape and orientation of the proposed lots are appropriate to the proposed use for which the lots are intended and are compatible with the area in which they are located.*

The configuration of unit lots (the lot area corresponding to each townhouse unit) is appropriate for this development type. The lots are arranged around the L-shaped access road, which will provide a through- vehicular and pedestrian connection for the residents of the Osterly Park Townhomes, as well as for emergency vehicle access. The scale of the development fits in with surrounding development, providing a transition between the existing single family homes and higher density development on adjacent properties.

6. *The subdivision complies with the relevant requirements of the Tukwila Subdivision and Zoning Ordinances, and all other relevant local regulations.*

The project has been reviewed for compliance with the requirements of the Tukwila Subdivision and Zoning Ordinances. Issues that will need to be addressed prior to final subdivision approval are listed under the “Conclusions” section below.

7. *Appropriate provisions for maintenance of privately-owned common facilities have been made.*

The applicant has submitted a draft of the Codes, Covenants, and Restrictions (CC&Rs) for the Osterly Park Townhomes subdivision. These rules outline common responsibilities of owners and residents of property within the development for maintenance of common areas, including recreation spaces, parking areas, and the access drive, as well as how owners who share a common wall will coordinate to make repairs to their homes (i.e. roof repairs, painting, etc.) so that the aesthetic appearance and function of each building remains intact. Prior to final approval, the “Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for Osterly Park Townhomes” shall be revised to reference the latest BAR approval, and to include joint maintenance agreements for access road, utilities, recreation areas, and landscaping.

8. *The subdivision complies with RCW 58.17.110.*

Review of this project by multiple departments at the City of Tukwila, including Building, Community Development, Public Works, and Fire, and written findings based on the project review found here meet the requirements of RCW 58.17.110. According to plans submitted by the applicant, appropriate provisions have been made for the public health, safety, and general welfare, for recreation areas, and for infrastructure including access and utilities. The proposed subdivision is consistent with the Tukwila Comprehensive Plan and will serve the public interest.

CONCLUSIONS - SUBDIVISION PRELIMINARY PLAT APPROVAL

The following conclusions are numbered according to the Subdivision Preliminary Plat criteria:

1. The project complies with applicable goals and policies of the Tukwila Comprehensive Plan.
2. The project has been reviewed by the Public Works department to ensure that appropriate provisions, consistent with city standards and plans, are included for water, storm drainage, erosion control, and sanitary sewage disposal.
3. Proposed infrastructure, including access road, utilities, and frontage improvements have been reviewed by the Public Works, Planning, Building, and Fire department for consistency with current standards and plans.

4. Appropriate provisions have been made for easements and for codes, covenants, and restrictions. Prior to final subdivision approval, easements and the “Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for Osterly Park Townhomes” shall be revised to reference the latest BAR approval, and to include joint maintenance agreements for access road, utilities, and landscaping areas.
5. The design, shape and orientation of the proposed lots are appropriate for the proposed use of the site for townhouse development. The type of development and site design is compatible with the area in which it will be located.
6. The subdivision complies with the zoning requirements of the HDR zone and has been reviewed for compliance with the subdivision code.
7. The “Declaration of Covenants, Conditions, Restrictions, Easements and Agreements” includes provisions for use and maintenance of privately-owned common facilities, including private access road, recreation areas, and landscaping.
8. The proposed subdivision is consistent with Tukwila’s Comprehensive Plan, zoning and subdivision regulations, and other city plans. The subdivision as proposed will serve the public interest and will comply with RCW 58.17.110.

RECOMMENDATION – SUBDIVISION PRELIMINARY PLAT APPROVAL

Staff recommends approval of the Subdivision Preliminary Plat application with the following conditions:

PRELIMINARY APPROVAL CONDITIONS

The following shall be addressed as part of the Public Works Construction Permit:

1. All utilities for the project, private access road and sidewalks, and recreation areas (including children’s play equipment), shall be completed and built per the approved Civil Plans (Attachment D) as part of the Public Works construction permit.
2. The applicant shall obtain an NPDES construction permit for this project.
3. A street light mast arm shall be added to the existing wooden pole.
4. Overhead utilities along 34th Ave S shall be moved underground, unless the applicant applies for and obtains a waiver from this requirement from the Public Works Director. The applicant shall submit an estimate for work to underground these utilities with the waiver request.
5. Storm drainage for roof drains, foundation drains, and paved areas shall be infiltrated and/or dispersed on-site, or detention provided. Civil site plans shall be reviewed as part of the PW infrastructure permit. Contact the Tukwila Public Works Department for submittal and design requirements.
6. Access road, utilities, undergrounding of power, and extension of sewer and water lines to the unit lots shall be approved by the appropriate departments and/or utility and conform to the Civil Plans. As-built plans shall be provided to the Public Works Department prior to final approval.
7. Install all required site improvements, including those proposed in the application and those identified above as conditions of approval. You will need to obtain all required permits prior to beginning any construction. For water and sewer permits, contact the individual provider District. For City of Tukwila utilities, contact Tukwila Public Works at (206) 433-0179 for a Public Works (PW) type ‘C’ permit for approval. A Street Use will be part of this permit and require bonding, insurance, and a Hold Harmless Agreement for work within the Public Right-of-Way.
8. Minimum clear access road width is 20 feet. Fire lane marking/stenciling will be required as necessary to ensure width is maintained.

The following shall be addressed as part of the Demolition Permit(s):

1. The existing mobile home shall be removed or demolished prior to final approval, unless a bond for removal or demolition is submitted to and approved by the Director of the Department of Community Development.

The following shall be addressed prior to final approval of the subdivision plat:

1. Survey and "Declaration of Covenants, Conditions, Restrictions, Easements and Agreements for Osterly Park Townhomes" shall be revised to reference the latest BAR approval, and to include joint maintenance agreements for access road, utilities, and landscaping areas. Easements and the amended codes, covenants, and restrictions shall be recorded prior to final subdivision approval.
2. Submit a set of recording documents in either legal or record of survey format that meet the King County Recorder's requirements and contain the following items:
 - a) A survey map as described in the application checklist that is consistent with all the conditions of approval. The surveyor's original signature must be on the face of the plat.
 - b) Easements across lots 18, 19, 21, 22, and 24 (the 14424 Building) for the shared recreation spaces.
 - c) Reference the recorded easement included in Attachment F.
 - d) Revise type on Sheet 1 over "City of Tukwila Treasurer's Certificate."
 - e) Separate easement document with legal descriptions for any common access/utility infrastructure.
 - f) Separate joint Maintenance Agreements for the access road, drainage system, landscaping areas, and recreation spaces.
 - g) Add Tukwila land use file number L08-079 for the subdivision application to all sheets of the survey.
 - h) Add "After" legal description to the survey sheets for the boundaries of the new subdivision. Also add legal descriptions for each of the tracts.
 - i) The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot, shall be noted on the plat.

The following shall be addressed as part of the Building Permits:

1. Transportation, Parks, and Fire impact fees will apply to the future Building Permit(s).
2. Buildings will be required to meet fire flow requirements per the International Fire Code.
3. Adequate ground ladder access area of 15 feet minimum depth to be provided for 2nd and 3rd story bedroom rescue windows.