Department of Community Development – Jack Pace, Director

CHAIR DENNIS MARTINEZ; VICE-CHAIR, HEIDI WATTERS; COMMISSIONERS, SHARON MANN, MIKE HANSEN, LOUISE STRANDER, KAREN SIMMONS AND DIXIE STARK

BOARD OF ARCHITECTURAL REVIEW PUBLIC MEETING AGENDA JANUARY 24, 2019 - 6:30 PM TUKWILA CITY HALL COUNCIL CHAMBERS

I. CALL TO ORDER II. **ATTENDANCE** III. **ADOPT MINUTES**

IV. CASE NUMBERS: L18-0026 Design Review

L18-0027 Conditional Use Permit

APPLICANT: Sean Hill of Broderick Architects on behalf of Vietnamese Martyrs Parish

REQUEST: The applicant proposes a 7,000 sf² addition to an existing office

> building to create a learning center, partial demolition of and construction of an addition to the main church building (67,500 sf²), and related improvements including restriping

and expanding the parking lot and landscaping.

6841 and 6847 S. 180th Street LOCATION:

CASE NUMBERS: L18-0112 (Variance)

L18-0065 (Design Review)

L08-079 (Preliminary Approval)

APPLICANT: Mike Overbeck

REQUEST: (1) Variance from side and rear yard setbacks, landscaping standards;

and design review for construction of a third story on the building

located at 14424 34th Ave S, and (2) Design Review Major

Modification and Preliminary Subdivision Approval for Phase 2 of the Osterly Park Townhomes. The 14424 34th Ave S building will share recreation spaces and parking spaces within the Osterly Park Townhomes. Phase 2 of the Osterly Park Townhomes includes construction of 15 townhomes, guest parking, access, recreation

space, and landscaping.

14426 34th Ave S; 14424 34th Ave S; and 14401-14420 34th LOCATION:

Lane S:

(Tax parcel numbers: 6433600090, 0040000083, 6433600110,

6391110000)

V. DIRECTOR'S REPORT

VI. **ADJOURN**



Planning Commission

BOARD OF ARCHITECTURAL REVIEW (BAR) MINUTES

Date: January 10, 2019

Time: 6:30 PM

Location: Council Chambers

Present: Chair Dennis Martinez, Vice-Chair Heidi Watters, Commissioners Sharon Mann, Mike

Hansen, Louise Strander, Karen Simmons and Dixie Stark

Staff: Planning Supervisor Minnie Dhaliwal, Senior Planner Lynn Miranda and Planning

Commission Secretary Wynetta Bivens

Chair Martinez called the public hearing to order at 6:33 PM.

Adopt

Minutes: Commissioner Mann made a motion to adopt the August 23, 2018 minutes.

Commissioner Hansen seconded the motion. Motion passed.

Commissioner Mann made a motion to adopt the September 27, 2018 minutes.

Commissioner Hansen seconded the motion. Motion passed.

Commissioner Strander made a motion to adopt the October 11, 2018 minutes.

Commissioner Hansen seconded the motion. Motion passed.

Commissioner Strander made a motion to adopt the November 8, 2018 minutes.

Commissioner Watters seconded the motion. Motion passed.

Commissioner Stander requested to amend the December 13, 2018 minutes, she wanted it reflected in the minutes that she asked about the proposed Tukwila International Boulevard ritualization effect on the project. Commissioner Martinez made a motion to accept the minutes as amended. Commissioner Hansen second. Motion passed.

Chair Martinez opened the public hearing and swore in those wishing to provide testimony for:

CASE NUMBER: L18-0087

APPLICANT: Alliance Residential Company

REQUEST: Approve Design Review for 7-story, 134-unit Assisted Living with Memory Care

Facility

LOCATION: 112 Andover Park East, Tukwila, WA 98188

Lynn Miranda, Senior Planner, Department of Community Development (DCD) asked the appearance of fairness questions. No one objected to the Commissioners hearing the project.

An overview was given on the design review process and background information was provided on the site and project as well as information on the applicant's requests for modifications. It was noted that several permits were previously approved by the DCD Director, including a Parking Determination and

Shoreline Substantial Development permit. It was also noted that SEPA is not required because the project is covered under a Planned Action SEPA previously prepared for the entire Southcenter area.

Staff entered into the record a comment letter received on January 8th, 2019, which was handed out to the Commissioners along with the applicant's responses and some notes by staff.

MODIFICATIONS REQUESTED BY THE APPLICANT

On-Site Surface Parking Location/Width

On neighborhood corridors, surface parking between the building and the back of the sidewalk is limited to a maximum depth of 63 ft. the width needed for a double-loaded aisle of parking. The standard is exceeded on the eastern side of the building, between the building and Christensen Road, primarily due to the shoreline regulations which limits the maximum height of the building to 45 ft. in the shoreline jurisdiction. It constrains the site and affects the building placement. Therefore, the applicant requested a modification to locate the bulk of the building outside of the 200 ft. Shoreline environment, adjacent to Andover Park E., which will cause them to exceed the maximum standard 63 ft. of parking between the building and Christensen Road. The maximum height of the building for the portion of the building within the 200 ft. shoreline buffer is limited to a maximum of 45 ft. in height.

Staff recommends approval of the modification request.

Landscaping Standards

- 1) The project does not meet the interior parking lot landscape island requirement at the end of the parking aisles. Therefore, the applicant is requesting approval of smaller islands two feet wide;
- 2) Approval for less landscaping than required at the end of the parking isles. The modification would allow the parking requirement to be met and preserve and enhance the landscaping in the parking lot perimeter adjacent to Christensen Road.
- 3) Approval to place a portion of the street trees on Christensen Road behind the sidewalk and to be added to the parking lot perimeter landscaping.

The proposal will meet the minimum landscaping requirement.

Staff recommends approval of the modification request.

RECOMMENDATION

Staff recommends approval of the project including the proposed modifications with three conditions, as listed in the January 10, 2019 staff report.

Staff answered clarifying questions pertaining to the recommendation.

Commissioner Watters expressed concern with the proposed landscaping species. The applicant said they could revisit the species, and staff noted an additional condition could be added.

Chad Lorentz, Architect for the applicant, introduced Alex Dalzell, Architect and Bob Fazio, Landscape Architect. They gave the presentation providing background information. It was noted that the way the Green River bends it comes very close to the street and there is no green space. Therefore, they used it as an opportunity to define the massing of the building by stepping it down in height towards the river. An overview was also given on the site design, landscape design, building modulation and materials. It was noted that the project site provided a lot of opportunities and challenges which the applicant thanked staff for helping them to work through.

Commissioner Strander requested to see the materials board.

The applicant and staff answered clarifying questions for the Commissioners.

PUBLIC TESTIMONY:

There was no public testimony.

The public hearing was closed.

DELIBERATION:

Commissioner Watters requested adding the following two conditions.

- Where a medium-large sized tree should be used, replace the Cascara trees in the plantings along Christensen Road with, at maturity, a type of medium-large sized, disease-resistant tree native to the region at proper spacing for their size.
- The Western Hemlock trees in the plantings along Christensen Road appear to be planted too closely based on their size at maturity. Review and revise the spacing of the Western Hemlock trees while keeping the same number of proposed plantings.

•

The Commissioners were in consensus that it is a great project and will be an access to Tukwila.

Commissioners Mann and Watters complimented staff on the great presentation and thanked them for working with the applicant to bring a great project to Tukwila.

MOTION:

Commissioner Strander made a motion to approve the two new conditions. Commissioner Mann seconded the motion. All were in favor.

Commissioner Mann moved to approve Case Number L18-0087, L18-0086 and L18-0081 Design Review based on staff's findings and conclusions and conditions as listed in the January 10, 2019 staff report, as amended with two additional conditions. Commissioner Hansen seconded the motion. All were in favor

DIRECTOR'S REPORT:

- Nora Gierloff, Deputy Director welcomed the new Commissioners, Karen Simmons and Dixie Stark to the Board.
- The next meeting will be January 24, 2019.

ADJOURNED: 8:00 PM

Submitted by: Wynetta Bivens

Planning Commission Secretary



Addendum to the Staff Report Board of Architectural Review for Vietnamese Martyrs Expansion January 15, 2019

Hearing on this item was held on October 25, 2018 and was kept open because the comment period for the SEPA determination had not ended. Additionally, the applicant submitted a letter at the hearing requesting relief from public access requirements of the Shoreline Master Program.

FILE NUMBERS: L18-0026 Design Review

L18-0027 Conditional Use Permit

APPLICANT: Sean Hill of Broderick Architects on behalf of Vietnamese Martyrs

Parish

REQUEST: Conditional Use Permit Approval and Design Review approval for

a 7,000 sf² addition to an existing office building to create a learning center; partial demolition of and construction of an addition to the main church building (67,500 sf²); and related improvements including restriping and expanding the parking and

landscaping.

LOCATION: 6841 and 6847 S. 180th St. Tukwila, WA

COMPREHENSIVE

PLAN AND ZONING Tukwila Urban Center- Workplace (TUC-WP) with portions of

Public Recreation Overlay

SEPA DETERMINATION: A Determination of Non-Significance (DNS) was issued on

October 17th, 2018.

SHORELINE DECISION: Shoreline Substantial Development permit was issued on January

15, 2018.

STAFF: Minnie Dhaliwal, Planning Supervisor

ATTACHMENTS: A. Staff report prepared for the October 25, 2018 hearing. The

attachments included with the staff report can be found online at http://records.tukwilawa.gov/WebLink/1/fol/309027/Row1.aspx

B. Pedestrian access exhibit prepared January 3, 2019 by Broderick

Architects

BACKGROUND:

The public hearing on the Conditional Use Permit and Design Review was opened on October 25, 2018. However, since the SEPA comment period had not ended before the hearing and the applicant submitted a letter requesting relief from public access requirements of the Shoreline Master Program, the hearing was continued.

NOTIFICATION:

In addition to the previous notice of hearing for the October 25, 2018 hearing, additional notice was provided for the January 24, 2019 hearing. A notice of hearing was mailed to property owners and tenants within 500 feet of the site and agencies with jurisdiction on January 10, 2019. The notice of hearing was also posted on site on January 9, 2019. It was published in the Seattle Times on January 10, 2019.

ADDITIONAL INFORMATION:

Since the hearing the applicant submitted the revised location of the public access easement. See Attachment B for the location of the new proposed easement. Public access requirements are reviewed as part of the Shoreline Substantial Development permit. After resolution of the public access issue, the Director of Community Development approved the Shoreline Substantial Development permit.

RECOMMENDATION:

At this time staff recommends approval of the Conditional Use Permit and Design Review applications with the following conditions based on findings and conclusions listed in the staff report prepared for the October 25, 2018 hearing:

CONDITIONAL USE PERMIT- CONDITIONS OF APPROVAL:

- 1. The applicant shall be responsible for obtaining and recording a Shared or Covenant Parking Agreement between the subject property and the adjoining overflow parking area properties if either: the seating is expanded such that site does not meet the requirement of one parking space per four seats, or if the parking demand cannot be met on the property and there are offsite parking impacts as determined by the City. The language of the Shared or Covenant Parking Agreement shall be approved by the City and shall be consistent with TMC 18.56.070. Also, the applicant shall be responsible for obtaining a street use permit from the City's Public Works Department to use on street parking on Olympic Ave S, Cascade Ave S and Riverside Drive.
- 2. The applicant shall adopt a Parking Management Program for special events that shall include the following: a) Information and education: Educate the congregation families to encourage them to carpool, use transit, bike, or walk to the church. b) Demand Reduction Strategies: Establish a preferred parking area for families and groups that carpool with four or more persons per car; c) Demand Management Strategies: Continue to implement measures to ensure that sufficient parking is available. These measures could include agreements with the surrounding businesses; shuttles; establishing a team of parking attendants to help direct drivers to available parking locations.

DESIGN REVIEW- CONDITIONS OF APPROVAL:

- 1. At the time of building plan submittal, submit a complete and detailed landscaping plan that includes irrigation, planting and soil details in conformance with the requirements of TMC 18.28; Tukwila Urban Center. The landscape plan shall be revised to include trellises and vines or other vegetative screening to break up the massing of the large wall with no window openings on the south side of the church building.
- 2. At the time of building plan submittal, submit plans for screening mechanical equipment for the Learning Center and the church buildings, or create elevations and renderings showing that mechanical equipment will be screened from view.

EXTENSION OF EXPIRATION DATE:

Additionally, staff recommends that the expiration date of the conditional use permit and design review approval be extended to match the expiration of the underlying shoreline substantial development permit. Under WAC 197-27-090, construction shall commence within two years of the effective date of the shoreline permit; and substantial development be complete within 5 years. One year extension can be granted by the Department of Community Development Director based on reasonable factors.



Department of Community Development – Jack Pace, Director

Staff Report Board of Architectural Review for Vietnamese Martyrs Expansion Prepared for the October 25, 2018 Meeting

FILE NUMBERS: L18-0026 Design Review

L18-0027 Conditional Use Permit

APPLICANT: Sean Hill of Broderick Architects on behalf of Vietnamese Martyrs

Parish

REQUEST: The applicant proposes a 7,000 sf² addition to an existing office

building to create a learning center, partial demolition of and construction of an addition to the main church building (67,500 sf²), and related improvements including restriping and expanding

the parking lot and interior remodeling.

LOCATION: 6841 and 6847 S. 180th St. Tukwila, WA

COMPREHENSIVE

PLAN AND ZONING Tukwila Urban Center- Workplace (TUC-WP) with portions of

Public Recreation Overlay

SEPA DETERMINATION: A Determination of Non-Significance (DNS) was issued on

October 17th, 2018.

NOTIFICATION: A Notice of Application was mailed on May 11, 2018 to property

owners within 500' of the site and agencies with jurisdiction and was also posted on site. Comments were received from the Muckleshoot Indian Tribe. A Determination of Non-Significance was issued on October 17th, 2018. A Notice of Hearing was mailed

on October 10, 2018 and published in the Seattle Times on

October 11, 2018.

RECOMMENDATION: Approval with conditions

STAFF: Lindsay Brown, Assistant Planner

ATTACHMENTS:

A. Large Plan Sheets- Site and Landscaping Plans

Survey Site Plan

Exhibit C Trees to be Removed Sheet A4 Proposed Site Plan Sheet A4.1 Luminaire Plan Sheet A5 Landscaping Plan Exhibit D Shoreline Public Access

B. Large Plan Sheets- Floor Plans and Elevations
Sheet A7 Church Ground Floor
Sheet A8 Church Second Floor
Sheet A6 Leaning Center Floor Plan and Elevations
Sheet A9 Church- North and West Elevations
Sheet A10 Church- South and East Elevations

- C. Hearing Examiner's decision approving the Conditional Use Permit on May 15, 2013.
- D. Applicant's response to Conditional Use Criteria
- E. Church attendance report dated 9/25/2018 prepared by Broderick Architects
- F. Traffic Management Plan dated 9/25/2018 prepared by Broderick Architect
- G. Applicant's response to Design Review Criteria
- H. Exterior Material information dated 10/16/2018 prepared by Broderick Architects
- I. Tukwila Municipal Code sections TMC Table 18-1 Summary of applicable review process and standards/guidelines; TMC Table 18-3 Tukwila Urban Center District Standards; TMC Figures 18-25 and 18-27, Commercial Corridor and Workplace Standards
- J. Public Comments and Applicant's response
- K. Materials Board will be presented at the meeting

REPORT ORGANIZATION

Following a detailed project description for the expansion of the Vietnamese Martyrs Church, the report is divided for analysis of the conditional use permit and design review requests. In both of these sections, the proposal will be compared to the criteria for permit approval.

TMC 18.104.030 allows for all permit applications related to a single project to be bundled together in a consolidated hearing and approval procedure, using the highest numbered land use decision type applicable to the project application. Conditional Use Permits are Type 3 land use decisions made by the Hearing Examiner. Design Review is a Type 4 decision made by the Board of Architectural Review. The Conditional Use Permit and Design Review requests will both be decided by the Board of Architectural Review. An open record public hearing is scheduled on October 25, 2018.

A SEPA Determination of Non-Significance (DNS) was issued on October 17th, 2018 the comment period for SEPA determination shall end on October 31, 2018. Per WAC 197-11-340 an agency cannot act on a proposal for 14 days after the issuance of DNS if there is another agency with jurisdiction. Since the project is subject to Shoreline Substantial Development permit, the Department of Ecology is another agency with jurisdiction. Therefore, the Board of Architectural Review could hold the hearing on October 25, 2018 but will need to keep the hearing open until the next meeting on November 8, 2018 to make a decision on the design review and conditional use permit for the project.

FINDINGS

Site Information

The Vietnamese Martyrs church expansion is planned for three parcels at the terminus and east side of Sperry Drive, in the Tukwila Urban Center- Workplace District. The Green River Trail is routed atop a bermed levee maintained by the King County Flood Control District, forming the western, southern, and eastern edges of the development site. The Public Recreation Overlay zone covers approximately 100' of the east, west, and south edges of the site measured from the landward bottom of the levee. There is an access road used by the Flood District running from the southeast edge of the church building along the bottom of the levee to about midway along the site's eastern edge. Vehicular access to the site is from Sperry Drive; there are no other driveways onto S. 180th Street. A steep bank divides the mostly flat developable area of the site from S. 180th Street.



The area including this site and across the river west of West Valley Highway was annexed to Tukwila in 1958 under Ordinance 258. The current Shoreline Master Program, adopted in 2011, establishes a Shoreline buffer width of 125 feet for areas within the Urban Conservancy Environment protected by levees, measured from the Ordinary High Water Mark (OHWM). The area within the Shoreline Overlay but outside of the buffer comprises an additional 75 feet from the buffer edge.

Existing Development

The site is developed with two older buildings, each partially surrounded by surface parking areas, and separated from each other by a grassy undeveloped area.

At the northeast corner of the site sits a 17000 sf² former Wells Fargo bank building constructed in 1968, with one row of parking between the building and S. 180th Street and two rows of parking between the east side of the building and the levee. The exit for the parking area routes parallel to the west side of the building before intersecting with Sperry Drive, a private street.

The church building of 62,250 sf² was built in 1973. It is located near the southern edge of the developable site, with a grouping of mature evergreen trees located between the southern edge of the church and the landward edge of the levee. There is asphalt parking west, north and east of the building, and a small parking area and loading area located at the southwest corner of the building. The church area of the site forms the terminus of Sperry Drive.

Surrounding Land Uses

West of the Sperry Drive but east of the Green River is two parcels owned and used by Wells Fargo bank. North of the site across S. 180th Street are other commercial uses- a Taco Time restaurant, oil change business, and Home Depot. All of these sites are zoned TUC-WP, and the Wells Fargo parcel also has the Public recreation Overlay along the river trail at the western property line.

South of the site and across the river is an office park zoned commercial/light industrial (CLI). East of the church and across the river is a small strip commercial center and a Residence Inn, both located in the City of Kent.

Environmentally Sensitive Areas

The Shoreline Overlay comprises 200' landward of the Ordinary High Water Mark (OHWM), along the site's western, southern, and eastern boundaries. There is a small strip of steep slopes at the northern edge of the site, sloping sharply up to S. 180th Street.

Topography

The majority of the site is flat; the edges of the site sit above the developable area, formed by levees of three sides and a steep slope on the northern site edge.

Vegetation

Streetscape landscaping along Sperry Drive consists of five large, healthy trees on the west side of the street and grassy lawn underneath. This landscaped area begins 120' south of S. 180th St. and runs for 140', ending at the vehicular ingress for Wells Fargo. On the east side of Sperry Drive is a landscape strip with five ornamental trees with gravel underneath the canopies, ending approximately 160' south of S. 180th Street at the egress for the Wells Fargo building.

There are mature evergreen trees on the northeast edge of the site on a steep slope/levee berm between the parking lot edge of the office building and the river, and between the church's southern wall and the levee. Additionally, there are three large evergreens between the church and office buildings, one evergreen at the northwest corner of the church, six cherry trees in front of the church, and one small deciduous tree east of the church.

Project Description

The project proposes an expansion of the existing main church building, expanding and converting a former bank building into classrooms, expanding and restriping the parking lot, and

other site changes including additional landscaping and pedestrian access. These improvements are divided into three phases. The renovations and expansions planned are to accommodate the existing church congregation; an increase in the congregation and demand for classroom space, parking spaces, etc. is not anticipated with project approval.

Phase I will add 7,000 sf² to the existing 17,000 sf² office building fronting S. 180th street, to create a Learning Center with classrooms. Phase I includes expanding the parking area south of the proposed Learning Center and east of the church, and installing perimeter parking lot landscaping, marked pedestrian paths of pervious pavement, and a small bioswale for natural filtration of stormwater runoff.

Phase II consists of partial demolition of the church and an expansion; total construction area will cover approximately 67,500 sf². Phase II will demolish about 50% of the existing building on the northern side, constructing a sanctuary, chapel, administrative offices and six classrooms over a ground-level parking garage.

Phase III consists of interior renovations to the southern half of the existing church. Approximately 27,000 sf² will be renovated, improving the kitchen and cafeteria and creating an auditorium.

Behind the elevated levee which routes along the western, southern, and eastern edges of the parcels, the ground is generally flat with a steep slope up to S. 180th from the northern parking area of the proposed Learning Center. The Flood Control District requires 30' wide access easements for levee maintenance at the eastern edge of the site between existing Learning Center parking and a proposed landscaped planting area, and on the northwestern corner of the church parcel site. Additionally, an existing levee access road along the landward edge of the berm along the southern and eastern edges of the site will be paved to provide the District and the Tukwila Fire Department access for their needs.

Almost half of the project site is within the 200-foot shoreline jurisdiction of the Green River, in the Urban Conservancy Shoreline Environment, protected by levees. The work occurring within the 125- foot buffer zone and within the 200 ft. Shoreline Overlay includes parking lot restriping and expansion and installation of landscaping and lighting. No lighting or glare from proposed improvements will reach the Ordinary High Water Mark (OHWM) (Luminaire Plan, Attachment A). No work will occur waterward of the OHWM or on the levee banks or top.

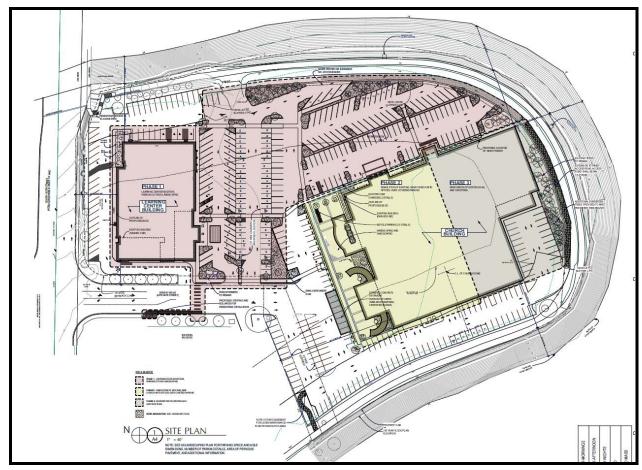


Figure 1. Proposed Site Plan

Building Design



Figure 2. Rendering of the site from Sperry drive and S. 180th Street

The architectural renderings and description of the church building expansion and remodel show a French colonial design reminiscent of the architecture of Saigon, with towers topped by spires framing the main entrance and forming the narthex. The processional doors to the sanctuary are centered by a series of steps flanked by ADA-accessible ramps rising from a courtyard surfaced in brick-colored stamped concrete. Doorways are arched, but this main façade is peaked over the second-story circular stained glass window.

The church building's roof material is primarily red clay roofing tiles, with ribbed metal roofing forming the spires, color matched to the clay tiles. The exterior wall treatment is Nichiha Fiber Cement in Sandstone Desert Beige, a pale tan color. Portions of the base will have a stone veneer treatment applied approximately 4' from ground level, as will the Learning Center façade.

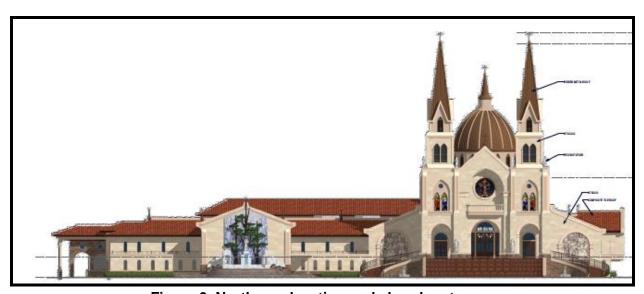


Figure 3. Northern elevation and church entrance

Looking left of the main entrance, you see the shorter 2-story section of the building housing offices and classrooms. This portion of the building has an exterior arcade running across the length of the second story, and the eastern edge is framed by a taller arched roof over a ground-floor east-facing exterior stage. There is a secondary entrance along this section, also accessed by stairs ascending from the plaza, but the entrance is recessed and smaller than the principal entrance.

Behind the northern façade but visible and prominent behind the principal entrance is a large dome with clerestory windows forming the roof directly over the sanctuary. The dome and all portions of the building taller than 45' are non-habitable, religious architectural features integral to the church design.



Figure 4. West elevation; renovated portion only

The renovated northernmost section of the church building seen above in Figure 4 is designed with a single story of conditioned space (sanctuary, chapel, offices and classrooms) over a ground-floor garage with 105 parking spaces, storage space, and two vehicular entries each on the western and eastern sides of the building.

The learning center will be expanded slightly to the west and south, and all facades will be renovated to match the church's warm beige coloring and clay roofing tiles. The Learning Center will have Hardie Panel Vertical Siding in Sail Cloth, a pale tan color matching the church's façade. The Learning Center will have the same stone veneer treatment applied to the bottom 4' of all facades (precast stone veneer- El Dorado Autumn Leaf) and will be reroofed in red clay roofing tiles (Boral Clay Tile- El Camino Blend). The applicant has proposed Stucco as an alternate material for Hardie Panel Vertical Siding. Also, Met Tile Metal Roofing Tile in Mission Clay color is proposed as an alternate material for roofing. See Attachment H for photos of the proposed materials. Materials board shall be provided at the meeting.

Site Plan

The project expands the building footprints and parking areas of the site without expanding the developable area defined as the flat expanse landward of the levee berms. The existing nonconforming parking areas will remain, but the parking area will be increased by paving the flat areas of patchy grass and dirt between the Learning Center and the church and between the church's eastern façade and the levee. A stormwater treatment and detention tank will be buried underneath some of the parking spaces created by paving the area between the two buildings.

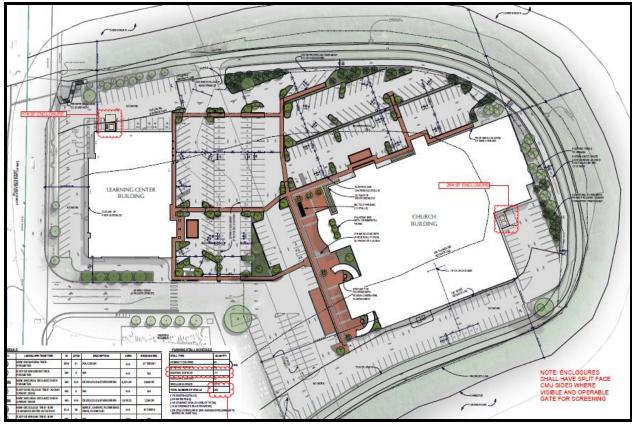


Figure 5. Proposed site plan showing pedestrian pathways

Vehicular and pedestrian circulation will be improved with project approval. The existing parking areas are devoid of landscaping islands, integrated site lighting, and pedestrian pathways. Vehicular circulation will be improved via the paving of an existing gravel pathway following the levee berm around the southern and eastern edges of the development area, marked and defined drive aisles and clear traffic patterns, and shielded, directed parking lot lighting. The expanded parking lot areas meet all landscaping and lighting requirements and feature 6' wide pedestrian paths to the buildings easily identifiable by colored pervious pavement and framed by pedestrian lighting fixtures. The section of pedestrian pathway adjacent to the Learning Center's southern wall from Sperry Drive to the trail will be accessible to the public via a recorded public access easement, marked with appropriate signage, and maintained for the life of the project by the applicant. When selecting a route that could be used for public shoreline access, several routes were considered including a stairway descending from the S. 180th St. bridge terminus at the northeast corner of the site down to the trail, and a sidewalk extension on the east side of Sperry Drive. The sidewalk extension on the west side of Sperry Drive, crossing over and continuing east in a straight line was selected because of problems identified with the other two options by the Flood Control District, Tukwila Parks Department, and Public Works staff. Additionally, it was noted that the large deciduous trees on the west side of Sperry Drive are lush and healthy while the trees on the east side are over pruned and struggling. The proposed public access route saves the healthy trees, improved pedestrian circulation to and throughout the site, and replaces unhealthy and struggling landscaping.

Landscaping

When there is a change of use or expansion proposed that would increase the required parking spaces by less than 100% of existing, the new parking areas only must comply with current development standards; the existing areas may remain legally nonconforming. Outside of the Shoreline Overlay, Per TMC 18.70.080 Nonconforming Parking Lots, parking lots need only come into compliance with current code requirements (stall size, drive aisle width, interior landscaping requirements) if a change of use is proposed, or if additional parking is required to support building additions. As the proposed building expansions do not change the use of the site and no increase in parishioners is anticipated, the landscaping requirements for parking lot islands in the existing parking areas onsite do not apply.

The existing levee berms maintained by the Flood Control District provide screening for the proposed expanded parking areas located between the river and buildings. No plantings or structures including fencing are allowed on the levee berms. The Flood Control District and the Tukwila Fire Department both require the applicant to pave the access road that runs along the interior edge of the levee berm, preventing plantings or fencing to reduce visual impacts.

Landscape plans show significant clustering of evergreen trees with shrubs and groundcover between the proposed expanded parking areas east and northeast of the church building. 28 evergreen trees (Douglas Fir and Western Red Cedar) will be planted in the perimeter landscaping areas. The applicant has agreed to give the 5 trees that will be removed from the Shoreline Overlay to King County for use as large woody debris for riverine habitat.

Throughout the new parking areas, landscaped islands are positioned no more than 150 feet apart. These landscaped areas are planted with deciduous trees, shrubs and groundcover. The plans show 4,457 sf² of new landscaping proposed with project approval. East of the church between two rows of parking, a bioretention area will accept runoff from the adjacent parking spaces, naturally filtering it through the landscaping and soil.

There are small landscaped areas framing the church's northern facade adjacent to the ramps to the sanctuary, between the two entrances, and hugging the building's northeast corner. Streetscape landscaping proposed is a replanting of the 15' wide landscaping strip on the eastern side of Sperry Drive adjacent to the Learning Center with a mix of deciduous and evergreen trees, with shrubs and groundcover planted underneath.

Public Comments

Notice was sent to property owners and tenants within 500' of the site and agencies with jurisdiction. No comments were received from the general public regarding the proposed work. Comments were received from the Muckleshoot Indian Tribe related to SEPA and Shoreline permit. These comments were forwarded to the applicant, who replied to each comment and

submitted revisions incorporating some of the Tribe's concerns. These comments and applicant's response are included as Attachment J. The applicant has incorporated several suggestions from the Tribe into the site, landscaping and luminaire plans. In response to concerns about artificial lighting, the applicant has submitted design specification sheets for lighting fixtures showing that light sources will be shielded to minimize light spillover and glare, and a luminaire plan showing that no light generated from the project will reach the ordinary high water mark. The Tribe requested tree species substitutions of tall conifer trees (that could provide shade over part of the river) for the mostly deciduous trees initially proposed as perimeter landscaping. The applicant has since revised the landscaping plan showing Douglas Fir and Western Red Cedar in the perimeter landscaping areas, in addition to significantly expanding the size of landscaping areas within the Shoreline Overlay. The applicant has agreed to give the 5 trees that will be removed from the Shoreline Overlay to King County for use as large woody debris for riverine habitat.

CONDITIONAL USE PERMIT L18-0027

Vietnamese Martyrs Parish requests approval of a conditional use permit to allow the church to operate and expand in the TUC-WP zone. Conditional use permits are utilized as a way to establish review and permit approval procedures for unusual or unique types of land uses which due to their nature, require special consideration of their impact on the neighborhood and land uses in the vicinity. There was a conditional use permit approved by the Hearing Examiner in 2013, for establishing this church use in an existing manufacturing building at 6801 S 180th Street. Expansion of the church use requires a new conditional use permit. See Attachment C for the Hearing Examiner's decision issued in 2013.

Criteria for Approval

The proposed project must comply with criteria detailed in the Conditional Use Permit Chapter of the Tukwila Municipal Code (TMC 18.64.050). The applicant's response to the conditional use permit criteria is Attachment D to this staff report. Staff makes the following findings using the Code's conditional use permit criteria (TMC 18.64.050) listed in italics:

1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated.

The project will improve the appearance of the church building and provide site improvements such as water quality measures and additional parking spaces needed to adequately serve the existing church congregation. The improvements planned will improve vehicular and pedestrian circulation, create additional access to the trail and shoreline, and improve the quality of development significantly while maintaining the site's use as a church serving the Catholic Vietnamese community in Tukwila and environs.

2. The proposed use shall meet or exceed the performance standards that are required in the district it will occupy.

The Tukwila Urban Center- Workplace District (TUC-WP) is intended to provide a wide range of distribution, warehousing, light industrial, "big box" retail, and furniture outlets, with incremental infill by office and other complementary commercial uses. S. 180th Street is designated as a Commercial Corridor in the Tukwila Urban Center. Commercial corridors are designed to provide greater capacity for vehicles, and attractive streetscapes along heavily travelled roadways serving auto-oriented commercial uses, with modest improvements for pedestrian safety. Sperry Drive is a private street but designated as a Workplace Corridor. Workplace Corridor standards are designated to provide streets serving truck loading and parking access for primarily warehouse/distribution uses in the southern part of the Southcenter area, with modest improvements for pedestrian safety.

The following relevant standards exist in the TUC-WP District (TUC-WP), Commercial Corridors (S. 180th St.) and Workplace Corridors (Sperry Dr.) and are found in the identified section of the Tukwila Municipal Code:

<u>Setbacks (Table 18-3; Figures 18-25 and 18-27)</u>: Side and rear- 5 feet. Front yard setback for properties along Sperry Drive and S. 180th Street is 15 feet.

Off-street parking (TMC Figure 18-7): Religious facilities are required to provide 1 parking space for each 4 fixed seats. The closest use to the educational facilities proposed as an accessory use of the site is a high school, with required parking determined as 1 space for each staff member plus 2 for every 5 students or visitors. Bicycle parking minimums are set at 1 space for every 50 required vehicular parking spaces for both religious facilities and high school uses. Landscaping (TMC Table 18-3; Figure 18-27): There are no side or rear landscaping requirements of the District. Front yards are required to have 15 feet of landscaping based on the corridor standards for Sperry Dive. The public frontage standard for both Sperry Drive and S. 180th Street is street trees planted 30-50 feet apart in a continuous landscaped strip 9 feet wide at the back of the curb. The parking lot and perimeter landscaping requirements in the Shoreline Chapter of the Tukwila Municipal Code also apply.

<u>Building height (Table 18-3):</u> Buildings may be a maximum of 45 feet high, excluding portions of buildings extending beyond the primary building mass such as cupulas, bell towers, other architectural features, and non-habitable spaces. The building height provisions in the Shoreline Chapter of the Tukwila Municipal Code also apply.

Both buildings meet the minimum setbacks of the Tukwila Urban Center Workplace District and Commercial and Workplace Corridors.

The proposal will add 314 parking spaces west of the church and between the church and learning center, providing a total of 485 off-street parking spaces. Religious uses have a parking requirement of 1 space per every 4 fixed seats. There is no parking standard for the education activities to be held on the site, but the high school standard seems to be the closet equivalent use, with parking needs expected of staff and some students.

The applicant has submitted an attendance report (Attachment E) showing the activities hosted by the parish, their days of the week and times, and attendance numbers. Because activities and events at the church take place on different days and times, parking demand should be calculated based on the site's uses and the time of greatest demand. The event with the largest attendance (and greatest demand for parking) is Sunday mass held at 9:30 am, with an estimated 1200 attendees. Mass is held in the church sanctuary, which will have 1,318 fixed seats, requiring 330 parking spaces. Weekday 11am mass has the lowest attendance of 50 parishioners.

There are 20 classrooms in the Learning Center and the church building, with an estimated 20 staff members requiring 30 parking spaces under the high school land use parking requirement. The parking requirements of religious facilities and high school uses are met even if educational

classes and the largest mass service are held simultaneously. Additional parking has been provided onsite and a Traffic Management Plan (Attachment F) has been submitted for consideration because the parish occasionally hosts large events such as the Summer Festival held in August, which replaces some of the parking areas with stages and temporary shade structures while larger attendance numbers increase the demand for parking.

General landscaping requirements are discussed in detail in the Design Review section later in the staff report. TMC 18.44.130.E regulates nonconforming parking and landscaping areas within the Shoreline Overlay. When there is a change of use or expansion proposed that would increase the required parking spaces by less than 100% of existing, the new parking areas only must comply with current development standards; the existing areas may remain legally nonconforming. Outside of the Shoreline Overlay, Per TMC 18.70.080 Nonconforming Parking Lots, parking lots need only come into compliance with current code requirements (stall size, drive aisle width, interior landscaping requirements) if a change of use is proposed, or if additional parking is required to support building additions. As the proposed building expansions do not change the use of the site and no increase in parishioners is anticipated, the landscaping requirements for parking lot islands in the existing parking areas onsite do not apply.

A portion of the church building is located in the Shoreline Overlay, outside of the buffer. The development standards for the Urban Conservancy Environment, non-buffer areas restricts building height to 45 feet. The Learning Center and the habitable portions of the expanded church building meet the 45 feet maximum height allowed in the TUC-WP zone. The dome, bell towers, and all portions of the church building taller than 45' are non-habitable, religious architectural features integral to the church design. TMC 18.50.080 Exemption of Rooftop Appurtenances states "The height limitations specified in this chapter shall not apply to church spires, monuments, chimneys, water towers, elevator towers, mechanical equipment, and other similar rooftop appurtenances usually required to be placed above the roof level and not intended for human occupancy or the provision of additional floor area; provided, that mechanical equipment rooms or attic spaces are set back at least 10 feet from the edge of the roof and do not exceed 20 feet in height." The proposed development meets the Tukwila Urban Center and Shoreline development standards regarding building height.

3. The proposed use shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design.

Traffic from the church will be most noticeable during Sunday mornings and at the occasional festival or large event held on a weekend. The parking lot will be expanded with project approval, and vehicular and pedestrian circulation patterns significantly improved. Parking management for the occasional large event or festival is provided via agreements with the owners of three nearby sites. The Traffic Management Plan (Attachment F) shows the location of these three areas. Two are private properties and the third location is on street parking on Olympic Ave S, Cascade Ave S and Riverside Dr. No on street parking is allowed on these

streets unless a street use permit is obtained from the City's Public Works Department and traffic control plan approved by the City. The applicant has previously obtained this permit for past events. The church has a fleet of three vans and two busses that will transport parishioners and festival attendees between these overflow parking areas and the church property. Pedestrian circulation within and access to the site will be improved via a sidewalk extension along Sperry Drive, marked crosswalk, distinctive pedestrian pathways from the parking areas to the Learning Center and church buildings, and a marked route and dedicated easement providing pedestrian public access to the shoreline.

Outdoor noise associated with traffic or events held at the church could be heard from the adjacent Wells Fargo bank parcels and potentially across the river, where the primary uses are offices and warehouses operating during weekdays only. As the church has existed in its current location and design for many years with minimal conflicts with the neighborhood and no additional increase in parishioners is anticipated, approval of the CUP will not decrease the church's compatibility within the neighborhood.

4. The proposed use shall be in keeping with the goals and policies of the Comprehensive Land Use Policy Plan.

The proposed church expansion implements several goals and policies in the Tukwila Urban Center and Shoreline chapters of the 2015 Tukwila Comprehensive Plan.

Chapter 10- Tukwila's Urban Center

10.2.4 Pedestrian Accessibility. Ensure that pedestrians have safe, convenient and comfortable paths from adjacent public ways to key building entrances. This could include utilizing driveways or internal streets with sidewalks for access to primary entrances, or by providing clearly marked pathways through large parking lots from the public sidewalks and from parked cars to key building entrances. There should be minimum interruption to the pedestrian pathway by driveways and other vehicular conflicts.

<u>Chapter 5- Shorelines</u>

- 5.4.2 Design and locate public access in a way that is appropriate for the site, depending on site conditions and private property concerns.
- 5.5.1 Require that shoreline development outside of the MIC: Ensures no net loss of shoreline function; Is designed to be consistent with Tukwila river design guidelines; Reflects principles of high-quality design in such areas as site planning, architecture and landscaping; and Includes setbacks, bulk, height, density, landscape buffers and provisions for open space that enhance the shoreline environment

The proposed redevelopment of the site includes dedicated public access and meets the design guidelines of the zone where its situated and the Shoreline, as well as the no net loss criteria of

the Shoreline Master Plan. Improvements proposed to fulfill the above Tukwila Urban Center and Shoreline Comprehensive Plan policies include enhanced landscaping, better stormwater drainage design and a new stormwater detention tank, and sidewalk and pedestrian crossing upgrades.

5. All measures shall be taken to minimize the possible adverse impacts which the proposed use may have on the area in which it is located.

The possible adverse impacts stemming from the church's expansion are minor and primarily limited to the parking impacts associated with the occasional large event or festival, and removal of trees in the Shoreline. As the parking spaces provided exceed code requirements for the church and school uses, the parking impacts are limited to the occasional events or festivals hosted by the church onsite. During these events or festivals, the site experiences a temporary increased demand for parking while the supply of parking spaces is decreased due to the construction of temporary stages and structures supporting the festival. The applicant has submitted a traffic management plan that utilizes offsite parking areas and the Church's fleet of vehicles to transport festival attendees to and from the property; an additional 359 parking spaces are available to event attendees via these overflow parking spaces. The applicant shall be responsible for obtaining and recording a Shared or Covenant Parking Agreement between the subject property and the adjoining overflow parking area properties if either: the seating is expanded such that site does not meet the requirement of one parking space per four seats, or if the parking demand cannot be met on the property and there are off-site parking impacts as determined by the City. The language of the Shared or Covenant Parking Agreement shall be approved by the City and shall be consistent with TMC 18.56.070. Also, the applicant shall be responsible for obtaining a street use permit from the City's Public Works Department to use on street parking on Olympic Ave S, Cascade Ave S and Riverside Drive.

Additionally, the applicant shall adopt a Parking Management Program for special events that shall include the following:

- a) Information and education: Educate the congregation families to encourage them to carpool, use transit, bike, or walk to the church.
- b) Demand Reduction Strategies: Establish a preferred parking area for families and groups that carpool with four or more persons per car;
- c) Demand Management Strategies: Continue to implement measures to ensure that sufficient parking is available. These measures could include agreements with the surrounding businesses; shuttles; establishing a team of parking attendants to help direct drivers to available parking locations.

The impact the removal of 5 trees may have on riverine habitat has been compensated for by planting 28 new evergreen plantings close to the levee (along the parking lot perimeter and between the church's southern façade and the levee) and additional deciduous trees planted inside the parking areas and within the Shoreline Overlay.

CONCLUSIONS

- 1. Criteria 1: The improvements planned will improve vehicular and pedestrian circulation, create additional access to the trail and shoreline, and improve the quality of development significantly while maintaining the site's use as a church serving the Catholic Vietnamese community in Tukwila and environs. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated.
- 2. Criteria 2: The proposed church expansion meets the setback, landscaping, parking and building height standards of the Tukwila Urban Center- Workplace District, Commercial and Workplace Corridor standards for streets in the Tukwila Urban Center, and development standards required of projects within the Shoreline Overlay. The proposed use shall meet or exceed the performance standards that are required in the district it will occupy.
- 3. Criteria 3: As the church has existed in its current location and design for many years with minimal conflicts with the neighborhood and no additional increase in parishioners is anticipated, approval of the CUP will not decrease the church's compatibility within the neighborhood. The proposed uses shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design.
- 4. Criteria 4: The project's enhanced landscaping, better stormwater drainage design, new stormwater detention tank, and sidewalk and pedestrian crossing upgrades implement several Tukwila Urban Center and Shoreline Comprehensive Plan Policies.

 The proposed use shall be in keeping with the goals and policies of the Comprehensive Land Use Policy Plan.
- 5. Criteria 5: The potential for parking impacts related to occasional events and festivals and habitat impacts stemming from the removal of 5 trees near the levee have been alleviated by a traffic management plan providing an additional 359 parking spaces and shuttle service via overflow parking lots, and the planting of 28 trees near the levee in and deciduous trees planted throughout the Shoreline parking areas. In order to alleviate any potential offsite parking impacts the applicant shall be responsible for obtaining and recording a Shared or Covenant Parking Agreement between the subject property and the adjoining overflow parking area properties if demand cannot be met onsite. Also, the applicant shall be responsible for obtaining a street use permit from the City's Public Works Department to use on street parking on Olympic Ave S, Cascade Ave S and Riverside Drive. Additionally, the applicant shall adopt a Parking Management Program for special events.

All measures have been taken to minimize the possible adverse impacts which the proposed use may have on the area in which it is located.

RECOMMENDATION

Staff recommends adoption of the above findings and conclusions and approval of the conditional use permit including Attachments A and B with the following conditions:

- 1. The applicant shall be responsible for obtaining and recording a Shared or Covenant Parking Agreement between the subject property and the adjoining overflow parking area properties if either: the seating is expanded such that site does not meet the requirement of one parking space per four seats, or if the parking demand cannot be met on the property and there are off-site parking impacts as determined by the City. The language of the Shared or Covenant Parking Agreement shall be approved by the City and shall be consistent with TMC 18.56.070. Also, the applicant shall be responsible for obtaining a street use permit from the City's Public Works Department to use on street parking on Olympic Ave S, Cascade Ave S and Riverside Drive.
- 2. The applicant shall adopt a Parking Management Program for special events that shall include the following:
- a) Information and education: Educate the congregation families to encourage them to carpool, use transit, bike, or walk to the church.
- b) Demand Reduction Strategies: Establish a preferred parking area for families and groups that carpool with four or more persons per car;
- c) Demand Management Strategies: Continue to implement measures to ensure that sufficient parking is available. These measures could include agreements with the surrounding businesses; shuttles; establishing a team of parking attendants to help direct drivers to available parking locations.

Additionally, staff recommends that the expiration date of the conditional use permit be extended to match the expiration of the underlying shoreline substantial development permit. Under WAC 197-27-090, construction shall commence within two years of the effective date of the shoreline permit; and substantial development be complete within 5 years. One year extension can be granted by the Department of Community Development Director based on reasonable factors

DESIGN REVIEW L18-0038

Tukwila Municipal Code Table 18-1 specifies which criteria apply to developments meeting certain thresholds within the Tukwila Urban Center. The proposed church redevelopment is classified as "Other large-scale new construction or exterior expansions" in the Workplace District, so the below criteria are applicable to the Design Review application.

Tukwila Municipal Code 18.70.090 Nonconforming Landscape Areas requires all projects undergoing Design Review to comply with current landscaping requirements. The Board of Architectural Review may modify the requirements in circumstances where strict compliance would create substantial practical difficulties, the existing and proposed additional landscaping and screening materials together will adequately screen or buffer possible use incompatibilities, soften the barren appearance of parking or storage areas, and/or adequately enhance the premises appropriate to the use district and location of the site.

In the following discussion, the District standards of the Workplace zone are described and the project's adherence to the standards is discussed. Following the District standards, the project proposal is assessed for compliance with the Tukwila Urban Center's Corridor Standards for Workplace and Commercial Corridors, the Supplemental Standards, and other parking and landscaping requirements.

Finally, the Design Review criteria for commercial and light industrial projects from TMC Section 18.60.050(B) are shown below in italics, followed by Staff's comments on how the church redevelopment proposal compares to the guidelines.

District-Based Standards

I. District-Based Standards

Structure Height (TMC 18.28.070): The Learning Center's height is single-story and well below the 45 ft. height limit. The proposed church building reaches a maximum height of 45 feet for the habitable areas, which is in conformance with the building height restriction of 45 feet for the TUC-WP zone. Footnote 1 on *Table 18-3- District Standards* states "portions of the building that extend above the primary building mass, such as non-habitable space (clock towers, roof-top cupolas, elevator and mechanical equipment enclosures), unenclosed space (roof deck trellises, gazebos), and other special architectural features, shall not exceed the maximum height requirement by more than 20 feet, provided they are set back a minimum of 10 feet from the edge of the roof (see also TMC 18.50.080).

Maximum Block Face Length (TMC 18.28.080): The site does not propose any new streets, and Sperry Drive is less than 900 linear feet long.

Side and Rear Setbacks and Landscaping Requirements (TMC 18.28.100-.110): Both the Learning Center and church buildings meet the 5-foot rear and side yard setback requirements. There are no landscaping requirements for side and rear yard setbacks in the TUC-WP District.

II. Corridor-Based Standards

S. 180th Street is classified as a Commercial Corridor and Sperry Drive is a Workplace Corridor. S. 180th Street is a public street maintained by the City while Sperry Drive is a private street; a tract jointly maintained by the church and Wells Fargo.

Public Frontage Standards (TMC 18.28.150):

Unfortunately, the steep slope forming the site's northern boundary prevents construction of a sidewalk along S. 180th Street. There is currently no sidewalk here, and discussions with Public Works staff revealed there is no reasonably feasible alternative allowing for a sidewalk along this section of the street. Because there is no reasonable way to install a sidewalk along S. 180th Street, the 6' wide requirement can be waived. The landscaped steep slope from the Learning Center's northern parking area to the street exceeds the 9 ft. of landscaping required of Commercial Corridors.

The 15 ft. wide landscaping strip along the east side of Sperry Drive exceeds the 9 ft. of landscaping required of Workplace Corridors. The over pruned and struggling existing trees and gravel surface will be replaced by a mix of deciduous and evergreen trees, shrubs and groundcover. The sidewalk extension and pedestrian crossing along Sperry Dr. meet the frontage standards of Workplace Corridors. The infeasibility of a sidewalk along S. 180th Street, the presence of healthy trees on the west side of Sperry Drive and struggling trees on the east side of the street all combined to influence the proposed pedestrian improvements. The proposed configuration preserves the healthy, mature streetscape landscaping along the Wells Fargo parcels while improving mobility and connectivity.

Building Orientation/Placement & Landscaping (TMC 18.28.160-.190):

Neither S. 180th Street nor Sperry Drive require building orientation to the street. Both Commercial and Workplace Corridors allow parking in the front, rear or side yard. The proposed project has parking along S. 180th Street and Sperry Drive, and in front of, on the side and in the rear of buildings.

III. Supplemental Standards

Special Corner Feature (TMC 18.28.220): No special corner feature is planned; the criterion is not applicable.

Landscaping Types and General Landscaping Requirements (TMC 18.28.230-.240): There is no requirement for landscaping in the setbacks, but both S. 180th Street and Sperry Drive corridor types require a 9' wide landscaping strip at the back of the curb. Perimeter and interior landscaping square footage requirements of the Tukwila Urban Center and areas within the Shoreline have been satisfied. Landscaping islands and trees provided within the landscape islands are consistent with the code requirements. The City's Urban Environmentalist has reviewed and approved the proposed plant material to ensure appropriate species selection and spacing. The applicant will need to provide irrigation plans and planting details in conformance with the TMC 18.28 with the building permit application as a condition of approval.

The spacing of landscape islands in the parking lot is slightly modified for a section of parking just south and west of the Learning Center. A 30' wide easement for the Flood Control District is required to route through this general area to the levee bank for levee maintenance purposes. An additional reason is that historically during the church's Summer Festival, a stage has been placed in this area of the parking lot. The parish would like this area to remain free of structures and impediments not just for the easement but also to maintain the flexibility of placing a temporary stage here. Accordingly, the landscaped islands are placed a little further apart than in other parking areas, yet still are placed no further than 150' apart per a requirement of areas within the Shoreline Overlay. TMC 18.28.240.B.6.b(3) provides for such accommodation: "Flexibility is allowed for the layout of parking lots and landscaped areas, but the goal is to provide shade from trees that are evenly distributed throughout the parking lot."

Open Space Regulations (TMC 18.28.250): Only multifamily residential and office uses are required to provide open space in the Workplace District; this criterion is not applicable.

General Parking Requirements and Guidelines (TMC 18.28.260-.270): The proposed project provides 415 parking stalls, which is above the 360 number of parking stalls required for religious use and high school parking standards per number of classrooms. The parking lot meets requirements for compact car stalls, stall dimensions, setbacks, curb cuts, access, and provision of pedestrian walkways. Parking lot landscaping, layout, and bicycle parking are provided per code requirements. TMC 18.28.260.D.5.b. requires that pedestrian pathways be separated from vehicular parking and travel lanes by use of contrasting paving material, curbing, or landscaping and may be raised above the vehicular pavement. The site plan shows that the pedestrian pathways are 6' wide, have small sections of concrete but are mostly comprised of warm-colored pervious pavement.

Site Requirements (TMC 18.28.280): Pedestrian pathways through the parking area have been provided to facilitate pedestrian circulation and reduce plant damage from pedestrian traffic. The pedestrian crosswalks within the parking lot shall be finished with the same pervious pavement as that used in the plaza in order to enhance pedestrian safety, comfort, and the attractiveness of the site.

Commercial and Light Industrial Design Review Criteria. The following criteria shall be considered in all cases, except that multi-family and hotel or motel developments shall use the multi-family, hotel and motel design review criteria; developments within the MUO, NCC and RC districts of the Tukwila International Boulevard corridor (see Figure 18-9) shall use the Tukwila International Boulevard design review criteria of this chapter; and developments within the TSO district shall use the Tukwila South design review criteria instead:

1. RELATIONSHIP OF STRUCTURE TO SITE.

- a. The site should be planned to accomplish a desirable transition with streetscape and to provide for adequate landscaping and pedestrian movement.
- b. Parking and service areas should be located, designed and screened to moderate the visual impact of large paved areas.

c. The height and scale of each building should be considered in relation to the site.

Frontage improvements along Sperry Drive provide a significantly improved pedestrian environment, allow for public access to the Shoreline, and save the mature landscaping existing along the east side of the street. Protected and marked pathways within the site's parking help to provide safe travel routes for pedestrians.

The principle refuse and disposal area will remain in the same location after redevelopment, but with redevelopment, this area will be enclosed behind a split cmu wall with a door. This refuse area is behind the church in the loading and small parking area at the building's southwest corner; it will be screened from the river by the existing grove of mature evergreen trees and the additional evergreens proposed to be planted between this parking and refuse area and the levee. The refuse area for the Learning Center is on the eastern elevation, on the southern side of the building. This refuse area will also be enclosed, with materials to match the Learning Center's exterior building finishes.

The project utilizes decorative awnings, roofline differentiation, variation in materials, vertical and horizontal modulation, and architectural details including weather-protection awnings for a second floor arcade and a stage to reduce the perceived scale and add visual interest. The proposed project meets the site design criteria.

2. RELATIONSHIP OF STRUCTURE AND SITE TO ADJOINING AREA.

- a. Harmony of texture, lines and masses is encouraged.
- b. Appropriate landscape transition to adjoining properties should be provided.
- c. Public buildings and structures should be consistent with the established neighborhood character.
- d. Compatibility of vehicular pedestrian circulation patterns and loading facilities in terms of safety, efficiency and convenience should be encouraged.
- e. Compatibility of on-site vehicular circulation with street circulation should be encouraged.

The French colonial architectural style of the church has easily identifiable entrances, unifying the massing and notable architectural elements such as the dome and the bell towers and spires. Landscape transition to the river is provided with interior and perimeter parking lot landscaping improvements proposed, adding to the existing mature evergreen trees located on the site's northeast and southern edges. The proposal's vehicular traffic patterns will be modified and more organized with project approval, all paved areas will have the direction of traffic indicated by markings on the pavement. The vehicular entrances to the site are clearly defined by landscaping improvements, and loading facilities are appropriately located behind the Learning Center and church buildings, screened from the street. The design criteria are met.

3. LANDSCAPING AND SITE TREATMENT.

a. Where existing topographic patterns contribute to beauty and utility of a development, they should be recognized, preserved and enhanced.

- b. Grades of walks, parking spaces, terraces and other paved areas should promote safety, and provide an inviting and stable appearance.
- c. Landscape treatment should enhance architectural features, strengthen vistas and important axis, and provide shade.
- d. In locations where plants will be susceptible to injury by pedestrian or motor traffic, mitigating steps should be taken.
- e. Where building sites limit planting, the placement of trees or shrubs in paved areas is encouraged.
- f. Screening of service yards and other places that tend to be unsightly should be accomplished by use of walls, fencing, planting or combination.
- g. In areas where general planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone or gravel may be used.
- h. Exterior lighting, when used, should enhance the building design and the adjoining landscape. Lighting standards and fixtures should be of a design and size compatible with the building and adjacent area. Lighting should be shielded, and restrained in design. Excessive brightness and brilliant colors should be avoided.

The site is bordered on three sides by the Green River and the Green River Trail. This significant amenity will be enhanced with the landscaping improvements and public access provided for by the redevelopment proposal. The potential for shading along the river's edge in particular has increased substantially by the proposal, with 28 large western red cedar and Douglas Fir trees proposed for the area about 125' from the OHWM; the closest area to the river that the church may plant trees due to the restriction of vegetative plantings on the levee berm.

Throughout the new parking areas, landscaped islands are positioned no more than 150 feet apart. These landscaped areas are planted with deciduous trees, shrubs and groundcover. The plans show 4,457 sf² of new landscaping proposed with project approval. There are small landscaped areas framing the church's northern facade adjacent to the ramps to the sanctuary, between the two entrances, and hugging the building's northeast corner, enhancing the church's architectural features. The landscaping plan submitted at this time does not include planting, soil and irrigation details. At the time of building plan submittal, applicant shall submit irrigation and planting details in conformance with the requirements of TMC 18.28; Tukwila Urban Center.

Frontage improvements along Sperry Drive provide a significantly improved pedestrian environment, allow for public access to the Shoreline, and save the mature landscaping existing along the east side of the street. Protected and marked pathways within the site's parking help to provide safe travel routes for pedestrians. A pervious pavement open plaza along the church's northern entrances provides open space for parishioners to mingle and gather before and after services.

The principle refuse and disposal area will remain in the same location after redevelopment, but with redevelopment, this area will be enclosed behind a split cmu wall with a door. This refuse area is behind the church in the loading and small parking area at the building's southwest

corner; it will be screened from the river by the existing grove of mature evergreen trees and the additional evergreens proposed to be planted between this parking and refuse area and the levee. The refuse area for the Learning Center is on the eastern elevation, on the southern side of the building.

The exterior pole-style lighting fixtures are compatible with the building design, and are designed to shield the river from artificial light from the site. Building-mounted fixtures are proposed. Downward- facing sconces will be used to provide lighting for walkways, entrances and public areas adjacent to the church and Learning Center.

4. BUILDING DESIGN.

- a. Architectural style is not restricted; evaluation of a project should be based on quality of its design and relationship to its surroundings.
- b. Buildings should be to appropriate scale and in harmony with permanent neighboring developments.
- c. Building components such as windows, doors, eaves, and parapets should have good proportions and relationship to one another. Building components and ancillary parts shall be consistent with anticipated life of the structure.
- d. Colors should be harmonious, with bright or brilliant colors used only for accent.
- e. Mechanical equipment or other utility hardware on roof, ground or buildings should be screened from view.
- f. Exterior lighting should be part of the architectural concept. Fixtures, standards, and all exposed accessories should be harmonious with building design.
- g. Monotony of design in single or multiple building projects should be avoided. Variety of detail, form and siting should be used to provide visual interest.

The project meets the design criteria, with conditions. The French colonial architectural style of the church has easily identifiable entrances, unifies the massing and notable architectural elements such as the dome and the bell towers and spires. The primary entrance to the church on the north side of the building has high visibility (large concrete steps to the entrance, framed by tall bell towers) and is consistent with the building's architectural style. The Learning Center is a secondary building on the site and is appropriately designed to be less prominent than the church, including the location and design of the entrances.

The project utilizes decorative awnings, roofline differentiation, variation in materials, vertical and horizontal modulation, and architectural details including weather-protection awnings for a second floor arcade and a stage to reduce the perceived scale and add visual interest. The ground floor facade of both the church and Learning Center is finished with a stone veneer (first 4' of building height) to provide horizontal articulation and a durable and distinct base. The clay tile of the church and Learning Center and metal ribbed roofing materials of the church are distinctive in color and materials from the façade finishes, distinguishing the tops of the buildings from the exterior walls. Additionally, the religious architectural features of bell towers and a

dome articulate distinctive rooflines for the church building. All facades of the Learning Center will be renovated to match the church's warm beige coloring and clay roofing tiles. The Learning Center will have Hardie Panel Vertical Siding in Sail Cloth, a pale tan color matching the church's façade. The Learning Center will have the same stone veneer treatment applied to the bottom 4' of all facades (precast stone veneer- El Dorado Autumn Leaf) and will be reroofed in red clay roofing tiles (Boral Clay Tile- El Camino Blend). The applicant has proposed Stucco as an alternate material for Hardie Panel Vertical Siding. Also, Met Tile Metal Roofing Tile in Mission Clay color is proposed as an alternate material for roofing. The church building will use Nichiha Fiber Cement Panel in sandstone desert beige color with precast stone veneer- El Dorado Autumn Leaf along the base. Asc Ribbed metal roof is proposed for the dome and spires. Boral Clay Tile- El Camino Blend is proposed for the roof. The applicant has proposed Stucco as an alternate material for Hardie Panel Vertical Siding and Fiber Cement panel. Also, Met Tile Metal Roofing Tile in Mission Clay color is proposed as an alternate material for clay roofing. See Attachment H for photos of the proposed materials. Materials board shall be provided at the meeting.

As no mechanical equipment or screening of equipment is shown on plans, the applicant will need to provide appropriate screening or renderings showing that all mechanical equipment will be screened from view at the time of building permit submittal. Staff recommends a condition requiring the applicant to provide appropriate screening or renderings showing that all mechanical equipment will be screened from view at the time of building permit submittal. The project is also subject to Shoreline Substantial Development permit and the design guidelines for properties within the shoreline zone are listed under TMC 18.44.110. These guidelines require screening of blank walls along the river. The landscape plan shall be revised to include trellises and vines or other vegetative screening to break up the massing of the large wall with no window openings on the south side of the church building.

5. MISCELLANEOUS STRUCTURES AND STREET FURNITURE.

- a. Miscellaneous structures and street furniture should be designed to be part of the architectural concept of design and landscape. Materials should be compatible with buildings, scale should be appropriate, colors should be in harmony with buildings and surroundings, and proportions should be to scale.
- b. Lighting in connection with miscellaneous structures and street furniture should meet the guidelines applicable to site, landscape and buildings.

Miscellaneous features onsite are limited to the signage required for the designated public access, whose design is limited by conditions of the Shoreline Substantial Development Permit and the requirements of the Shoreline code, TMC Chapter 18.44. The lighting proposed along pedestrian pathways internal to the site is sufficient for the use of pedestrians using the public access pathway. This design criteria is met.

CONCLUSIONS

- The proposed project complies with the applicable District Based Standards; Corridor Based Standards and Supplemental Standards of the TMC 18.28 for the subject property; which lies in the TUC-WP zone.
- 2. The proposed project complies with the design review criteria listed under TMC 18.60.050 B.
- 3. The project complies with design guidelines for buildings in the shoreline zone as listed under TMC 18.44.110; provided additional vegetative screening is included to break up the massing of the blank wall on the south side of the church building.
- 4. The landscape plan submitted with the design review application needs additional details including irrigation, planting and soil details. A complete landscaping plan that includes all the details in conformance with the requirements of TMC 18.28 shall be submitted with the building permit.
- 5. Screening details for the mechanical equipment shall be required as part of the building permit submittal.

RECOMMENDATION

Staff recommends adoption of the above findings and design review approval for the Vietnamese Martyrs expansion with the conditions below:

- 1. At the time of building plan submittal, submit a complete and detailed landscaping plan that includes irrigation, planting and soil details in conformance with the requirements of TMC 18.28; Tukwila Urban Center. The landscape plan shall be revised to include trellises and vines or other vegetative screening to break up the massing of the large wall with no window openings on the south side of the church building.
- 2. At the time of building plan submittal, submit plans for screening mechanical equipment for the Learning Center and the church buildings, or create elevations and renderings showing that mechanical equipment will be screened from view.

Additionally, staff recommends that the expiration date of the design review be extended to match the expiration of the underlying shoreline substantial development permit. Under WAC 197-27-090, construction shall commence within two years of the effective date of the shoreline permit; and substantial development be complete within 5 years. One year extension can be granted by the Department of Community Development Director based on reasonable factors.



January 3, 2019

City of Tukwila – Department of Community Development Attn: Minnie Dhaliwal 6300 Southcenter Blvd., Suite 100 Tukwila, WA 98188

RE: Public Access Easement and King County Flood Control Easement

Address: 6801 S. 180th Street (formerly 6841 & 6847 S. 180th Street)

Reference #: PL18-0020

Project Name: Vietnamese Martyrs Expansion

Dear Ms. Dhaliwal,

The existing King County Flood Control Easement will be amended and reinstated to indicate the new location between the blue lines of *Exhibit A* – 12/28/18.

The proposed Public Access Easement will be recorded as a companion document to the King County Flood Control Easement to indicate the area between the red lines of *Exhibit A* – 12/28/18. The proposed Public Access Easement will be 6 feet wide and located over part of the southern side of the 30 feet wide King County Flood Control Easement.

Broderick Architects will continue to work with King County officials to record the aforementioned easements. Please contact me if you have any questions or concerns regarding his matter.

Thank you for your help with this project.

Sincerely,

(Sean) John J. Hill

John Mill

LANDSCAPING REQUIREMENTS

18.28.240 (item in italics pertain to shoreline jurisdiction)

LANDSCAPING AT PERIMETER OF PARKING LOT

5 Foot setback at perimeter of parking lot
 1 evergroop shrub per 4 linear feet of property line

1 evergreen shrub per 4 linear feet of property line
Groundcover to cover 100% within 3 years (see planting details)

• 1 tree every 20 lineal feet

LANDSCAPING AT INTERIOR OF PARKING LOT

• Lots adjacent to public streets require

20 SF of landscaping per stall
 Lots located behind buildings or screened from streets/public spaces require

10 SF per stallLandscaped islands must be minimum 6 Feet wide and 100 SF

Landscaped islands required at end of each parking row
1 large-canopy tree or 2 medium-canopy trees per 100 SF of island, groundcover

required

10 SF of interior landscaping per 300 SF of paved surface
Landscaped Islands separated by no more than 150 Feet between islands

Note: 1 parking stall equals approximately 162 SF (8.5x19)

LANDSCAPE TOTAL AREAS (SEE LANDSCAPE SCHEDULE FOR OTHERS):

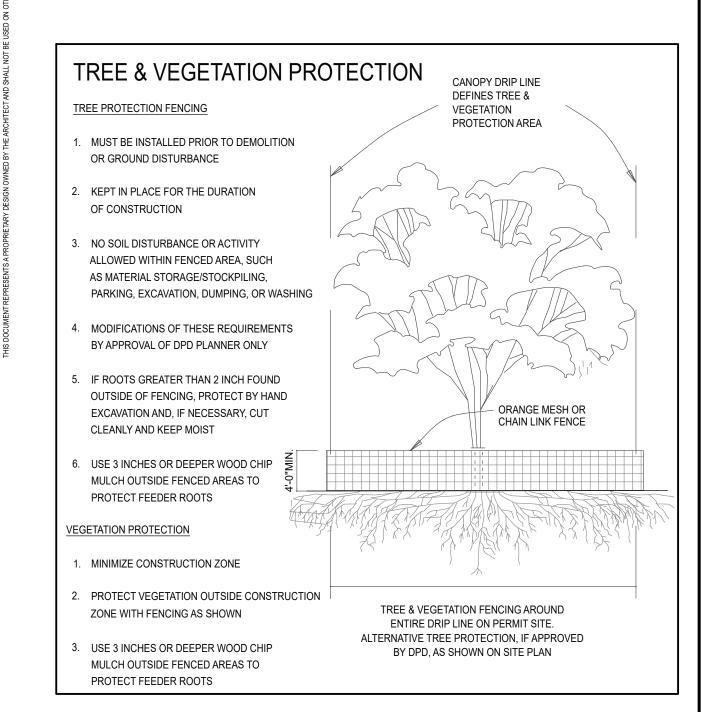
TOTAL AREA OF PAVING IN WORK AREAS: 95,974 SF
TOTAL AREA OF ISLAND LANDSCAPING IN WORK AREAS: 4,447 SF

A. TREES TO BE REMOVED IN SHORELINE AREA				
TREE SPECIES	SIZE OF TREE TO BE REMOVED	NO. OF REPLACEMENT TREES REQUIRED		
DECIDUOUS	6"	3		
CHERRY	8"	4		
DOUGLAS FIR	18"	6		
DOUGLAS FIR	16"	6		
CEDAR	24"	8		
		SUB-TOTAL 27		

B. TREES TO BE REMOVED OUTSIDE SHORELINE AREA.				
TREE SPECIES	SIZE OF TREE TO BE REMOVED	NO. OF REPLACEMENT TREES REQUIRED		
CHERRY CHERRY CHERRY CHERRY CHERRY DECIDUOUS PINE	8" 10" 12" 16" 18" 10"	1 1 1 1 1 1		
		SUB-TOTAL 7		

TOTAL NUMBER OF REPLACEMENT TREES REQUIRED : 34

NOTE: Replacement tree calculations based on Table 4 Tree Replacement Requirements SMP 9-10 C and the Tukwila Municipal Code 18.28.24 Tree Replacement





STAFF REPORT TO THE BOARD OF ARCHITECTURAL REVIEW **DEPARTMENT OF COMMUNITY DEVELOPMENT** Prepared January 14, 2019

HEARING DATE: January 24, 2019

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.

 Notice of Application posted on site and mailed to surrounding properties and agencies with jurisdiction on December 27, 2018

• Notice of Public Hearing published in the Seattle Times, posted on site, and mailed to surrounding properties and agencies with jurisdiction January 10, 2019.

L18-0112 Variance **FILE NUMBERS:**

L18-0065 Design Review Major Modification

L08-079 Preliminary Subdivision

ASSOCIATED FILES: E08-022 SEPA/Environmental Review

L08-076 Public Hearing Design Review

L12-005 Design Review Major Modification (Phasing Plan Approval) L14-0066 Final Subdivision for Phase 1 (City Council Approval)

APPLICANT: Mike Overbeck

REQUEST: Request for approval of a Variance, Design Review Major Modification and

a new Subdivision Preliminary Plat approval for the Osterly Park

Townhomes subdivision.

14424 34th Ave S (parcel #6391110000) LOCATION:

14426 34th Ave S (parcel #004000083)

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 original Notice of

Application period for the previous hearing on the project held in October 2018 and were included in the October 2018 packet. A new Notice of Application was issued for all three permit applications in December 2018, and there were no comments submitted in response to the new Notice of

Application.

RECOMMENDATIONS: L18-0112 Variance

Staff recommends approval with conditions of the variance to zoning

setback and landscape standards.

L18-0065 Design Review Major Modification

Staff recommends approval with conditions of the design review major

modification.

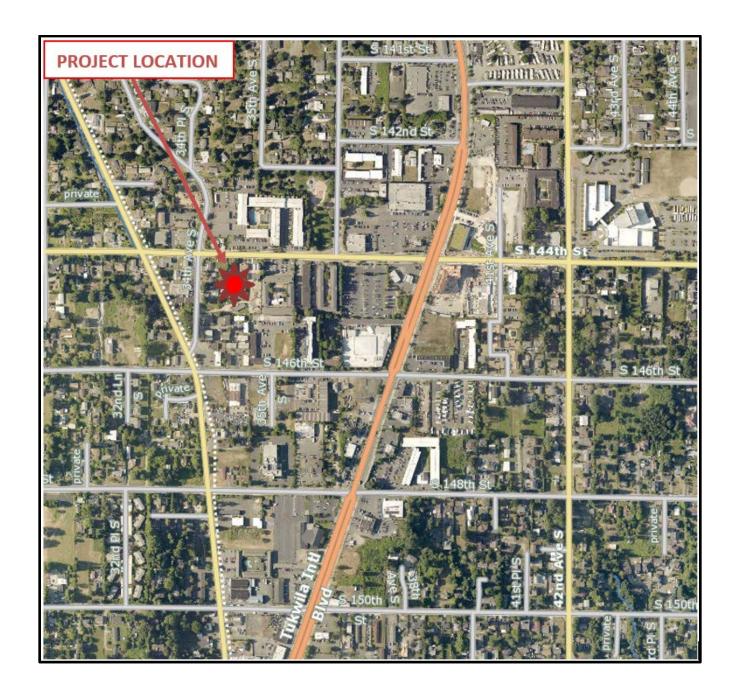
L08-079 Preliminary Subdivision

Staff recommends approval with conditions of the Preliminary Subdivision

application.

ATTACHMENTS:

- A. Applicant's narratives
- B. Draft Codes, Covenants & Restrictions
- C. Public Comments via Email
- D. Plan Sheets for Phase 2
 - Site Plan (L-1)
 - Phase 2 Landscape Plan (L-2)
 - Site Lighting & Photometric Study
 - Building Elevations
 - Plat of Osterly Park Townhomes (Sheets 1, 2, 3,4)
 - Civil Plans (Road and Storm System Plan, Sanitary Sewer System Plan, Water Plan & Profile, Gas Main Extension)



FINDINGS

PROJECT DESCRIPTION

The Osterly Park Townhomes 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 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 to allow construction of the project in two phases. Phase 1 included construction of eight townhomes, private access lane and utilities to serve the first eight townhomes, and a temporary recreation space. Phase 1 received Final Subdivision Approval from the Tukwila City Council in 2016, after which the plat map and Codes, Covenants and Restrictions (CC&Rs) for Phase 1 were recorded, and the first eight townhomes were constructed.

The original approval of Phase 2 included the demolition of the existing buildings and redevelopment of the three parcels located at 14420, 14422, and 14424 34th Ave S. The buildings at 14420 34th Ave S and 14422 34th Ave S, shown in the blue shaded area at right, are proposed to remain as-is. The property located at 14424 34th Ave S is proposed to become Lot 24 of the Osterly Park Townhomes subdivision. Lot 24 will continue to be owned by the existing owner, Menstab Tzegai. A third story addition is proposed to



be added by Mr. Overbeck, in exchange for an easement for a private access lane across the eastern portion of Lot 24 for Osterly Park Townhomes. The temporary recreation area recorded as part of Phase 1 (on the north side of Lot 24) will remain, will be owned by the Osterly Park Townhomes Homeowners Association, and will be among the shared recreation spaces for the Osterly Park Townhomes and the residents of Lot 24. Lot 24 will also have two parking spaces on the east side of its parcel within the private access lane for the Osterly Park Townhomes.

The proposed revision to the site and building design of the townhomes and recreation spaces in Phase 2 are subject to a Design Review Major Modification. The revised lot, recreation space, access and utilities configuration are subject to a new Subdivision Preliminary Approval. The Design Review Major

Modification also includes review of the third story addition to the building located on Lot 24. A Variance to setbacks and landscaping is requested to allow this third story addition to the building on Lot 24/14424 34th Ave S.

VICINITY/SITE DESCRIPTION

Site Description

The project site is in the area east of 34th Ave S and south of S 144th St. 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 located on Lot 24 of the subdivision map 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.

Existing Development

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

Phase 2 of the Osterly Park Townhomes will have 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.

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 property directly to the east is developed with 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 with multifamily housing and the Tukwila 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-plexes.

Three parcels to the west of the entrance to the site off S 144th Street are zoned Medium Density Residential (MDR) and are developed with one single family home on each parcel. To the south of the MDR zone at the corner of S 144th Street and 34th Ave S is the High Density Residential (HDR) zone, including the three 4-plex properties originally proposed to be redeveloped as part of Phase 2. Farther

west is an area zoned Neighborhood Commercial Center (NCC), developed with single family homes and small-scale commercial development.

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.

Topography

The area where the townhomes will be constructed is relatively flat. However, there is a grade difference between the townhouse development area and the properties located at 14420, 14422, and 14424 34th Ave S. The grade slopes down from 34th Ave S to a low point on Lot 24, which sits three to five feet below the townhomes. A retaining wall on the north, east, and south sides of Lot 24 and the other 4-plex properties at 14420-14422 34th Ave S has recently been constructed by the applicant. Stairs proposed on the east and north sides of Lot 24 are to connect residents of Lot 24 to the shared parking and recreation spaces within the rest of the plat.

Vegetation

Existing vegetation on the site includes a lawn area originally installed as the temporary recreation space to serve Phase 1. This area is proposed to have additional landscaping and raised bed gardens for residents of Lot 24 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 Osterly Park Townhomes from public streets. These include driveways off 34th Ave S and S 144th Street. Vehicular access to the condominium building on Lot 24 will remain via a separate driveway off 34th Ave S which provides access to all three 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 Lot 24 via stairs with gate entries through the wooden fence on the north and east sides of the property.

REVIEW PROCESS

The Variance to setback and landscaping requirements requested for the addition of the third story on the 14424 34th Ave S building is subject to the review criteria of Tukwila Municipal Code (TMC) section 18.72.020. A Variance to zoning requirements is a Type 3 Decision made by the Hearing Examiner. This Variance request has been consolidated with the Preliminary Subdivision and Design Review Major Modification applications per TMC 18.104.030, to be heard before the Board of Architectural Review.

The third-story addition to the building located on Lot 24 requires design review approval, since the cost of the exterior work will exceed 10% of the building's assessed valuation. Review of the proposed changes to the building design are being included in the Design Review Major Modification for site and building design changes to the Osterly Park Townhomes. Multifamily building design is subject to the design review guidelines contained in the Multi-Family Design Manual.

Modifications to the originally-approved site and building design of Phase 2 of the Osterly Park Townhomes requires approval of a Design Review Major Modification. 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 according to the criteria contained in TMC 18.60.050.C. Design guidelines for townhouse development are contained in the Townhouse Design Manual. The Multi-Family Design Manual and the Townhouse Design Manual can be found under the "Planning Division Informational Documents" section of the following webpage: http://www.tukwilawa.gov/departments/permit-center/.

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, recreation tracts, 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.

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 three sections. The first section covers the Variance for setbacks and landscaping on Lot 24; the second covers the Design Review Major Modification; and the third section covers the new Subdivision Preliminary Plat. Staff's conclusions and recommendations follow each section.

SECTION ONE – VARIANCE

The existing building located on Lot 24 was constructed in 1968 when the underlying area was part of unincorporated King County. The property was part of the Cascade View annexation to Tukwila, which occurred in 1990. Existing building setbacks and landscaping requirements were not applicable to the Lot 24 property at the time of the building's construction. Existing setbacks and landscaping requirements for development in the HDR zone are included in the tables at right.

The building on Lot 24 is set back approximately 45 feet from the south/front yard property line, 26 feet from the east side yard property line, 3.5 feet from the west side yard property line, and 8.5 feet from the rear yard property line on the building's north side. Comparing existing building setbacks to the requirements at right, the building meets the requirements on the front and east side yards. The west and north sides of the building are nonconforming.

(Applied to paterition	
(Applied to parent lot for townhouse plats)	
15 feet	
20 feet	
30 feet (20 feet for townhouses)	
45 feet (20 feet for townhouses)	
7.5 feet	
10 feet	
15 feet (10 feet for townhouses)	
22.5 feet (10 feet for townhouses)	
10 feet	
20 feet	
(10 feet for townhouses	
unless adjacent to LDR)	
20 feet	
(30 feet if adjacent to LDR;	
10 feet for townhouses	
unless adjacent to LDR)	
30 feet (20 feet for townhouses	
unless adjacent to LDR)	
10 feet	
20 feet	
(10 feet for townhouses	
unless adjacent to LDR)	
20 feet	
(30 feet if adjacent to LDR; 10 feet for townhouses	
unless adjacent to LDR)	

The entire rear building elevation is nonconforming to the rear yard building setback requirement. The proposed third story addition to the existing building is proposed to be at the same setback on the north and west sides as the rest of the building and will not encroach any further into these

nonconforming setback areas. Modulations have been designed on the south and east sides of the addition area, where both the existing building and the proposed addition will meet the required setbacks.

Landscape requirements (minimum): See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements	Applied to parent lot for townhouse plats
• Front(s)	15 feet
• Sides	10 feet
• Rear	10 feet

Existing landscaping on the Lot 24 property is

also nonconforming to the code requirements due to nonconforming setback widths. When incorporated into the Osterly Park Townhomes, the perimeter landscaping requirements apply to the entire site as a whole, making the front setback area along S 144th St; the second front along 34th Ave S, and sides along the south and east sides of the plat.

DECISION CRITERIA – ZONING CODE VARIANCE

Consideration of a request for variances to the zoning requirements of TMC Title 18 require a project to demonstrate conformance with the facts and conditions of TMC 18.72.020. Each of these facts and conditions are listed in italics, followed by staff's assessment of project conformance. The applicant's narrative of project conformance with the criteria are included as Attachment A.

- 1) The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located.
 - The side and rear yard setback requirements for the second and third stories of the building are 20 feet from the property line. The third story addition along the north and west is not proposed to extend any further into the required setback area than the existing second story of the building already does. This is in conformance with TMC section 18.70.050, which allows additions or enlargements to nonconforming structures if the work done does not extend further into any required yard.

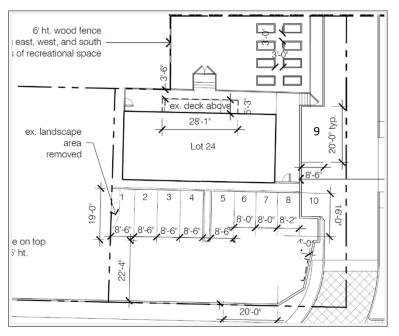
The site is also legally nonconforming with respect to perimeter landscaping requirements. Due to the nonconforming building setback on the west and north sides of the building on Lot 24, the 10-foot required side and rear yard landscaping width cannot be met. The project proposes to enhance the existing landscaping on the site through the addition of plantings in the existing setback areas on the west and north sides of Lot 24. As part of the Osterly Park Townhomes plat, Lot 24 is able to count perimeter landscape areas of the plat as a whole towards meeting perimeter landscape requirements.

2) The variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located. Lot 24 is located at the end of a driveway shared with 14420-14422 34th Ave S. The properties located at 14420-14424 34th Ave S will likely need to be redeveloped all at the same time, since they share common access and utilities. The grade differences between 34th Lane S serving the Osterly Park Townhomes and the 14424 34th Ave S property also make it difficult for the 14424 34th Ave S property to become part of the Osterly Park Townhomes project without the cooperation of the other two 4-plex properties. Therefore, the 14424 34th Ave S building is effectively landlocked and difficult to redevelop without cooperation of neighboring properties due to location. For the Osterly Park Townhomes project, construction of the private lane extension and the water main serving Phase 2 is dependent on use of the eastern portion of the Lot 24 (the 14424 34th Ave S property). The addition of the third story to the existing building on Lot 24 is the arrangement Mr. Overbeck has made with the owner of the 14424 34th Ave S property to provide compensation for Osterly Park Townhomes' use of the easement area. This arrangement allows the owner to participate in the Osterly Park Townhomes project and improve his property in the absence of complete redevelopment of all three properties at 14420-14424 34th Ave S.

3) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is situated.

The Building Division and Fire Department have reviewed the proposed addition to the building. Per the Building Division, where the building does not meet a five-foot minimum setback, that entire wall from foundation to the roof and extending 10 feet on the roof shall have a 3-hour separation, or a 2-hour separation if sprinkled. There shall be no openings on that side (i.e., windows, ducts or similar). Engineering for the entire building shall be required for the additional construction of the third floor. Per the Tukwila Fire Marshall, Lot 24 will require fire sprinklers and a fire alarm system. This shall be installed per TMC 16.40 and TMC 16.42. These requirements are recommended conditions of approval of this application, to be addressed as part of the building permit for the addition to Lot 24.

The addition to the structure will add housing to the City's housing stock and improve the aesthetics of the area. The site is legally nonconforming with respect to the number of parking spaces. It has six existing parking spaces for the four existing dwelling units. Per TMC 18.70.080.B., if an addition is proposed which requires an increase in the parking area by an increment less than 100%, the requirements of the Off-street Parking and Loading Regulations chapter shall be complied with for the additional parking area. Four additional spaces are required for the two units proposed with the third story addition.



Two additional spaces are proposed to be added to the existing parking area on the south side of the building by restriping the existing parking spaces and removing part of a landscape island. Two more spaces are proposed to be located on the east side of the property within 34th Lane S for Lot 24 building residents. Some cars are regularly parked illegally on the south side of the access road to the 14420-14424 34th Ave S properties (including Lot 24). A condition of approval on the Preliminary Subdivision application is being added to require the 20-foot area on the south side of the parking areas of 14420-14424 be painted and signed as "no parking" as part of the Public Works permit.

4) The authorization of such variance will not adversely affect the implementation of the Comprehensive Land Use Policy Plan.

This variance is consistent with the following goals and policies of the Tukwila Comprehensive Plan:

- 3.1.2 Work with residents and property owners to consider housing options that meet current and future needs.
- 3.6.1 Encourage long-term residency by improving neighborhood quality, health and safety.
- 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 7.4 Neighborhood Sustainability: Continuing enhancement and revitalization of residential neighborhoods to encourage long-term residency and environmental sustainability.
- 5) The granting of such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity.
 - In the absence of the ability to redevelop his property as originally planned, the granting of the variance to allow the third story addition will allow the owner of Lot 24 to have his property updated and improved. Inclusion of the Lot 24 building as part of the Osterly Park Townhomes subdivision allows the development as a whole to achieve the density allowable within the HDR district.
- 6) The need for the variance is not the result of deliberate actions of the applicant or property owner. The original plan for the Osterly Park Townhomes was for the 14424 34th Ave S building on Lot 24 to be demolished and redeveloped. The applicant submitted the original design review and subdivision permits for the Osterly Park Townhomes in 2008. Prior to 2008, Mr. Overbeck worked with Tukwila on code revisions to support townhouse development in the City of Tukwila. The original project approvals coincided with the economic downturn of the Great Recession, beyond the applicant's control. The downturn in the economy caused slower implementation of the project than the applicant had originally planned, and the existing 4-plex properties at 14420-14424 34th Ave S were not able to be acquired due to changes in ownership and economic circumstances.

CONCLUSIONS – ZONING CODE VARIANCE

- 1. The existing building on Lot 24 does not meet side or rear yard setbacks on the west and north sides respectively, nor does it meet landscaping standards.
- 2. The third story addition is not proposed to extend any further into nonconforming setback areas than the existing building does. Per TMC section 18.70.050, additions or enlargements to nonconforming structures may be allowed if the work done does not extend further into any required yard.
- 3. Due to the nonconforming building setback on the west and north sides of the building on Lot 24, the 10-foot required side and rear yard landscaping width cannot be met. The project proposes to enhance the existing landscaping on the site through the addition of plantings in the setback area that does exist on the west and north sides of Lot 24.
- 4. The location of Lot 24 at the end of an access road used by the other 4-plexes at 14420-14422 34th Ave S landlocks the property in terms of access and ties its redevelopment to the other two properties to the west. Approval of the variance allows the property owner to participate in the

- Osterly Park Townhomes project in the absence of agreement to participate from the other two property owners at 14420-14422 34th Ave S.
- 5. The recommended conditions of approval from the Tukwila Building Division and Fire Department will help ensure granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and the zone in which the subject property is located.
- 6. The proposal is consistent with the Tukwila Comprehensive Plan.

RECOMMENDATIONS – ZONING CODE VARIANCE

Staff recommends approval of the major modification to the design of the Osterly Park Townhome project, subject to the following conditions in order to comply with the International Building Code:

- 1. Where the building does not meet a five-foot minimum setback, that entire wall from foundation to the roof and extending 10 feet on the roof shall have a 3-hour separation, or a 2-hour separation if sprinkled. There shall be no openings on that side (i.e., windows, ducts or similar).
- 2. Engineering for the entire building shall be required for the additional construction of the third floor.
- 3. Lot 24 will require fire sprinklers and a fire alarm system. This shall be installed per TMC 16.40 and TMC 16.42.

SECTION TWO - DESIGN REVIEW MAJOR MODIFICATION

DECISION CRITERIA - DESIGN REVIEW

The Osterly Park Townhomes and the third story addition to the building on Lot 24 are subject to design review under 18.14.060 requiring multi-family structures to receive design review approval. The design criteria contained in TMC 18.60.050 (C) shall be used by the Board of Architectural Review in its decision making, as well as the Multi-Family Design Manual or Townhouse Design Manual. For this project, both design manuals apply. The townhomes are subject to the Townhouse Design Manual and the design of the third story addition to the Lot 24 building is subject to the Multi-Family Design Manual. Both design manuals are online at http://www.tukwilawa.gov/dcd/dcdplan.html.

The following is a discussion of the proposal in relation to the applicable architectural review criteria.

I. SITE PLANNING

a. Building siting, architecture, and landscaping shall be integrated into and blend harmoniously with the neighborhood building scale, natural environment, and development characteristics as envisioned in the Comprehensive Plan. For instance, a multi-family development's design need not be harmoniously integrated with adjacent single-family

- structures if that existing single-family use is designated as "Commercial" or "High-Density Residential" in the Comprehensive Plan. However, a "Low-Density Residential" (detached single-family) designation would require such harmonious design integration.
- b. Natural features, which contribute to desirable neighborhood character, shall be preserved to the maximum extent possible. Natural features include, but are not limited to, existing significant trees and stands of trees, wetlands, streams, and significant topographic features.
- c. The site plan shall use landscaping and building shapes to form an aesthetically pleasing and pedestrian scale streetscape. This shall include, but not be limited to facilitating pedestrian travel along the street, using architecture and landscaping to provide a desirable transition from streetscape to the building, and providing an integrated linkage from pedestrian and vehicular facilities to building entries.
- d. Pedestrian and vehicular entries shall provide a high-quality visual focus using building siting, shapes and landscaping. Such a feature establishes a physical transition between the project and public areas, and establishes the initial sense of high quality development.
- e. Vehicular circulation design shall minimize driveway intersections with the street.
- f. Site perimeter design (i.e., landscaping, structures, and horizontal width) shall be coordinated with site development to ensure a harmonious transition between adjacent projects.
- g. Varying degrees of privacy for the individual residents shall be provided, increasing from the public right-of-way, to common areas, to individual residences. This can be accomplished through the use of symbolic and actual physical barriers to define the degrees of privacy appropriate to specific site area functions.
- h. Parking and service areas shall be located, designed and screened to interrupt and reduce the visual impact of large paved areas.
- i. The height, bulk, footprint and scale of each building shall be in harmony with its site and adjacent long-term structures.

Circulation (Pedestrian and Vehicular)

The project design reflects the originally approved design from 2009 through construction of an L-shaped private access lane for vehicular and pedestrian access from S 144th Street and 34th Ave S.

Phase 2 includes sidewalks linked to recreation areas, and on-street parking. Proposed sidewalks link to the townhome unit entries, except for those located 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.

Two pedestrian crossings of the private access road are proposed to connect to recreation spaces within the development. Pedestrian crossings of the private access road are proposed to be constructed of concrete to be more visually prominent and to enhance pedestrian safety within the development.

The site design visually and functionally separates Lot 24 from the Osterly Park Townhomes. A separate primary vehicle and pedestrian entrance provides access to Lot 24, as well as the buildings located at 14420-1442234th Ave S. Access from Lot 24 to the rest of the Osterly Park

Townhomes plat is limited to pedestrian connections. Gates on the north and east sides of Lot 24 are proposed to be constructed within the wood fences separating Lot 24 from the Osterly Park Townhomes to allow residents of Lot 24 to connect to the Osterly Park Townhomes parking and recreation spaces. A walkway exists on the east side of the building on Lot 24 to connect residents to the stairs up to the Osterly Park Townhomes development. However, there is no walkway from the building entrance to the walkway on the east side of the building. Staff recommends a condition of approval to require stepping stone pavers be placed within the landscape and drainage area on the south side of the building on Lot 24 (shown in dashed



white line areas at right) to provide a pathway connecting from the building entrance to the east side of the building. A similar treatment should also be provided on the north side of the building to connect pedestrians to the stairs proposed to connect Lot 24 residents to the recreation space.

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. Each of the townhomes will have three bedrooms, with an attached garage for two cars. The existing private access lane for Phase 1 includes two guest parking spaces. These spaces will be removed when the private access lane is extended as an L-shaped private access lane connecting from S. 144th St. to 34th

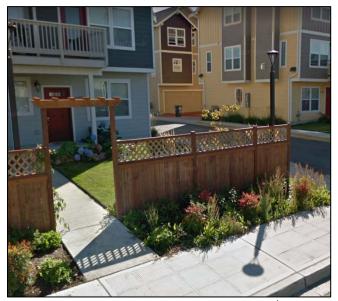
Ave S. Six new on-street guest parking spaces for the Osterly Park Townhomes will be located on the north side of the private access lane constructed for Phase 2.

Most of the parking for residents of Lot 24 will be located on the south side of the Lot 24 building, accessed off the separate driveway for 14420-14424 34th Ave S. There are six existing surface parking stalls on the south side of the Lot 24 building serving the four existing units in the building. For the addition of two more units to the Lot 24 building, four additional off-street parking spaces are required. Existing landscaping island areas on the west and east sides of the existing parking stalls will be removed and existing parking restriped to add two more parking spaces. The remaining two required spaces for Lot 24 are proposed to be on-street stalls on the west side of 34th Lane S (the private access lane for the Osterly Park Townhomes). Residents of Lot 24 using these stalls will use the Osterly Park Townhomes private access lane to access the parking stalls and will connect from the parking spaces to Lot 24 through the pedestrian gate located on the east side of Lot 24.

Crime Prevention

The design of this project includes multiple elements to promote crime prevention. Landscaping is clustered to help physically and symbolically separate shared recreation spaces from private recreation spaces on individual unit lots. Recreation spaces and on-street parking spaces are in areas easily seen from the private access lane and from adjacent townhomes.

A six-foot tall, wooden perimeter fence will separate the Osterly Park Townhomes site from adjacent properties, including the 14420-14424 34th Ave S 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 (see picture above).

A fence is proposed to close off the rear and side yard areas of the Lot 24 building, to limit access from Lot 24 to the Osterly Park Townhomes development to Lot 24 residents only. Residents of the other 4-plex buildings located at 14420-14422 34th Ave S will not be able to pass through the yard of the Lot 24 building to connect to the private lane within the Osterly Park Townhomes site.

The applicant has discussed installation of a gate for security at both vehicular entries to the Osterly Park Townhomes 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 security gates proposed in the future be able to be reviewed administratively if they are deemed to be necessary by the Osterly Park Townhomes property owners. Per the Tukwila Fire Department, gates across Fire Department access roads must be installed per TMC 16.16 and allow automatic entry. An electrical permit is also required from the City for installation of these types of gates.

A lighting plan has been submitted (see Site Lighting & Photometric Study in Attachment D). This plan demonstrates how a combination of pole- and building- mounted lighting will be distributed throughout the Osterly Park Townhomes development to provide adequate lighting levels for security within shared recreation spaces, driveway areas, private access lane, and sidewalk areas. Existing building-mounted lighting on the Lot 24 building and buildings located at 14420-14422 34th Ave S will provide lighting to Lot 24 and associated access drive.

II. BUILDING DESIGN

- a. Architectural style is not restricted; evaluation of a project shall be based on the quality of its design and its ability to harmonize building texture, shape, lines and mass with the surrounding neighborhood.
- b. Buildings shall be of appropriate height, scale, and design/shape to be in harmony with those existing permanent neighboring developments that are consistent with, or envisioned in, the Comprehensive Plan. This will be especially important for perimeter structures. Adjacent structures that are not in conformance with the Comprehensive Plan should be considered to be transitional. The degree of architectural harmony required should be consistent with the nonconforming structure's anticipated permanence.
- c. Building components, such as windows, doors, eaves, parapets, stairs and decks shall be integrated into the overall building design. Particular emphasis shall be given to harmonious proportions of these components with those of adjacent developments. Building components and ancillary parts shall be consistent with the anticipated life of the structure.
- d. The overall color scheme shall work to reduce building prominence and shall blend in with the natural environment.
- e. Monotony of design in single or multiple building projects shall be avoided. Variety of detail, form, and siting shall be used to provide visual interest. Otherwise monotonous flat walls and uniform vertical planes of individual buildings shall be broken up with building modulation, stairs, decks, railings, and focal entries. Multiple building developments shall use siting and additional architectural variety to avoid inappropriate repetition of building designs and appearance to surrounding properties.

The townhome structures and the third story addition to the building on Lot 24 are well within the 45-height limit of the HDR zone. The scale of the townhome structures and the third story addition provide multifamily development that is in between the scale of the single-family homes adjacent to the west, the 4-plex units to the west and south, and the large apartment complexes to the north, east, and south.

Phase 2 of the Osterly Park Townhomes will include three buildings containing two units each, and three buildings containing three units each. 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 roof modulation is also varied among the buildings to add visual interest. The pictures below demonstrate the variation of colors and roof modulation from structure to structure within the development.







The architectural style of the townhomes and the third-floor addition to the Lot 24 building is a Pacific Northwest contemporary style, consistent with the townhome units constructed for Phase 1 of the Osterly Park Townhomes. The architectural style makes use of traditional design elements including roof pitch, roof eaves, window treatments, building modulation, and variation in the arrangement of horizontal, vertical, and shingle siding. Decks are included in the design of all the townhome units, and are at least six feet in depth, adding to the amount of private open space for each unit. As a condition of approval, the depth of the decks of units on lots 16-23 will need to be reduced to meet the 10-foot rear setback requirement.

The design of the third story addition to the Lot 24 blends the existing design of the 4-plex buildings at 14420-14424 34th Ave S with the design of the Osterly Park Townhomes. The existing building design is mimicked in the third story addition through use of the same size and arrangement of windows. Existing windows on the east and west sides of the building are long and rectangular. These windows and any other openings (i.e., ducts) on the west side of the building will need to be removed to meet building code requirements since the side yard setback on the west side is



less than five feet. Additionally, where the building does not meet a minimum setback from the property line of five feet, that entire wall from foundation to the roof and extending 10 feet on the roof shall be a 3-hour separation, or a 2-hour separation if the building has fire sprinklers. This design is reflected in the building elevations (see Attachment D). The proposed pitched roof form and modulation of the addition to the building on Lot 24 reflects the design of the townhomes, as does the window treatment, the proposed horizontal band between the second and third floors, and the proposed vertical siding to contrast and provide variation with the existing horizontal siding. The lower grade at which the building on Lot 24 sits will help reduce the visual impact of the third-floor addition on surrounding development and will provide variation in building heights within the Osterly Park Townhomes plat.

III. LANDSCAPE / SITE TREATMENT

- a. Existing natural topographic patterns and significant vegetation shall be reflected in project design when they contribute to the natural beauty of the area or are important to defining neighborhood identity or a sense of place.
- b. Landscape treatment shall enhance existing natural and architectural features, help separate public from private spaces, strengthen vistas and important views, provide shade to moderate the effects of large paved areas, and break up visual mass.
- c. Walkways, parking spaces, terraces, and other paved areas shall promote safety and provide an inviting and stable appearance. Direct pedestrian linkages to the public street, TITLE 18 ZONING Produced by the City of Tukwila, City Clerk's Office Page 18–201 to on-site recreation areas, and to adjacent public recreation areas shall be provided.
- d. Appropriate landscape transition to adjoining properties shall be provided.

Landscape Design and Design for Screening and Separation

The landscape design focuses plantings and design attention to address the public street in the area adjacent to 34th Ave S, and along the pedestrian pathways and shared recreation spaces. Private yards are designed as lawn areas in order to leave the flexibility for them to be customized by the individual property owners. Clustering of landscaping at the ends of shared garage access areas and the lawn areas in between townhome units on the south side of the site helps both to create focal points and to delineate shared spaces from private yard areas.

The perimeter landscaping on the north side of the private access drive will consist of a 10-to 12-foot wide area that is proposed to include a sidewalk and a 6- to 8- foot wide landscaping area. This area will separate the Osterly Park Townhomes property from the condo properties to the north and will help screen the wooden fence.

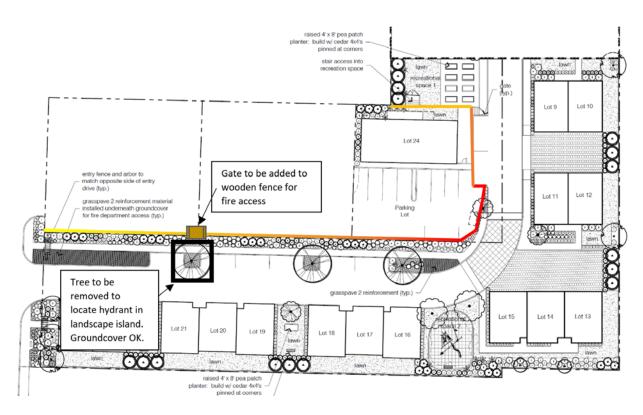
New landscaping regulations were adopted in the Tukwila Zoning Code in 2017. The new regulations provide a set of criteria projects must meet to allow modifications to required landscaping areas. The current landscaping design proposes a sidewalk in the perimeter landscaping area on the north side of the private access drive 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
- 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. The sidewalk provides a pedestrian facility separated from vehicular traffic. 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 also 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.



Retaining Wall and Changes to Landscape Design for Fire Access

The applicant has constructed a retaining wall separating the Osterly Park Townhomes site from the 4-plex properties located at 14420-14424 34th Ave S. The retaining wall runs along the south side of the access driveway to the 4-plexes and starts at a height of approximately 18 inches near 34th Ave S, increasing in height to over five feet along Lot 24. The yellow, orange and red lines in the diagram above are meant to illustrate this; yellow and orange areas represent lower retaining walls; the height of retaining walls is greatest in the red areas. The retaining wall is topped with a six-foot fence on the south, east, and north sides of Lot 24. From the Osterly Park Townhomes side, all that can be seen is the wood fence. However, from Lot 24

and the other 4-plex properties located at 14420-14422 34th Ave S, the retaining wall increases the amount of hardscape. Staff recommends a condition of approval to require vines such as

Boston Ivy or Evergreen Clematis be planted within the landscape area on the south side of the fence, with modifications made to the fence to allow it to cover the view of the fence and retaining wall from the properties located at 14420-14424 34th Ave S (including Lot 24). This will help soften the appearance of the fence



and retaining wall from these properties (see existing view in picture above.

The diagram on the previous page also illustrates changes to the landscape plan necessary for fire access. The proposed hydrant at the corner of the L-shaped access road will need to be moved to the landscape island north of Lot 21 in order to serve both the townhomes and Lot 24. This requires the tree proposed in that landscape island to be relocated within the landscape strip between the fence and the sidewalk. The hydrant will require bollards to protect it from vehicle damage. A minimum 4-foot wide gate will also be required to be built into the fence. Conditions to require these changes have been added to the conditions of Preliminary Subdivision application under items to be addressed as part of the Public Works Construction Permit.

Outdoor Space Design

The shared open spaces proposed for the project include a recreation space with raised beds for vegetable gardens, 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 23 townhome units in Phases 1-2 of the Osterly Park Townhomes. Calculations in the table at right 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 4,989 square feet of shared recreation space is required for all the townhomes and the two new units on Lot 24. A total of 4,990 square feet of shared recreation space is provided. If additional shared recreation space is desired on the Lot 24 building, rooftop recreation space, decks, or indoor space could be added.

The location of the child's play area on
the south side of the private access lane
and at the center of the development 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.

PROPERTY		
PROPERTY	PRIVATE	SHARED
	RECEATION	RECREATION
	SPACE (sq. ft. min. 250/unit)	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	275	125
LOT 10	665	0
LOT 11	322	78
LOT 12	737	0
LOT 13	768	0
LOT 14	308	92
LOT 15	350	50
LOT 16	250	150
LOT 17	253	147
LOT 18	250	150
LOT 19	250	150
LOT 20	253	147
LOT 21	250	150
LOT 22	250	150
LOT 23	600	0
Lot 24	0	2400
TOTAL REQUIRED SHARED RECREATION SPACE		4989
TOTAL PROVIDED SHARED RECEATION SPACE		4990
(based on analysis of Phase 2 Landscape Plan, Sheet L-2)		
	, ,	

- 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.

IV. MISCELLANEOUS STRUCTURES / STREET FURNITURE

- a. Miscellaneous structures shall be designed as an integral part of the architectural concept and landscape. Materials shall be compatible with buildings, scale shall be appropriate, colors shall be in harmony with buildings and surroundings, and structure proportions shall be to scale.
- b. The use of walls, fencing, planting, berms, or combinations of these shall accomplish screening of service yards and other places that tend to be unsightly. Screening shall be effective in winter and summer.

- c. Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from view. Screening shall be designed as an integral part of the architecture (i.e., raised parapets and fully enclosed under roof) and landscaping.
- d. Exterior lighting standards and fixtures shall be of a design and size consistent with safety, building architecture and adjacent area. Lighting shall be shielded and restrained in design with no off-site glare spill-over. Excessive brightness and brilliant colors shall not be used unless clearly demonstrated to be integral to building architecture

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 the Site Lighting and Photometric Study plan sheet of Attachment D.

Service Areas

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.

The trash receptacle for Lot 24 is a large metal bin shared among the units in the building. The proposed location for the bin is at the east side of the site, adjacent to the retaining wall. This location allows the bin to be screened by parked vehicles and the retaining wall.

Street Furniture

Street furniture proposed with the project includes benches, raised bed planters, and playground equipment. Pictures of these are shown below.







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.

Gates on the north and east sides of Lot 24 are proposed to be constructed within the wood fences separating Lot 24 from the Osterly Park Townhomes to allow residents of Lot 24 to connect to the Osterly Park Townhomes parking and recreation spaces. A walkway exists on the east side of the building on Lot 24 to connect residents to the stairs up to the Osterly Park Townhomes development. However, there is no walkway from the building entrance to the walkway on the east side of the building. Staff recommends a condition of approval to require stepping stone pavers be placed within the landscape and drainage area on the south side of the building on Lot 24 (shown in dashed white line areas above) to provide a pathway connecting from the building entrance to the east side of the building. A similar treatment should also be provided on the north side of the building to connect pedestrians to the stairs proposed to connect Lot 24 residents to the recreation space.

Like the originally approved site design from 2009, 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. Per the Tukwila Fire Department, gates across Fire Department access roads must be installed per TMC 16.16 and allow automatic entry. An electrical permit from the City is also required.

2. Building Design

The height and scale of the proposed townhomes the third story addition are consistent with and fit in with the neighborhood and surrounding area. The proposed design provides variation of housing types available in the neighborhood and provides a building scale that fits between the single-family homes adjacent to the west, the 4-plex units to the west and south, and the large apartment complexes to the north, east, and south.

The architectural style of the townhomes and the third-floor addition to the Lot 24 building is a Pacific Northwest contemporary style, consistent with the townhome units constructed for Phase 1 of the Osterly Park Townhomes. The architectural style makes use of traditional design elements including roof pitch, roof eaves, window treatments, building modulation, and variation in the arrangement of horizontal, vertical, and shingle siding. Decks are included in the design of all the townhome units and are at least six feet in depth. As a condition of approval, the depth of the decks of units on lots 16-23 will need to be reduced as part of building permit review to meet the 10-foot rear setback requirement.

The proposed pitched roof form and modulation of the addition to the building on Lot 24 reflects the design of the townhomes, as does the window treatment, the proposed horizontal band between the second and third floors, and the proposed vertical siding to contrast and provide variation with the existing horizontal siding. The lower grade at which the building on Lot 24 sits will help reduce the visual impact of the third-floor addition on surrounding development and will provide variation in building heights within the Osterly Park Townhomes plat.

3. Landscape and Site Treatment

The landscape design focuses plantings and design attention to address the public street in the area adjacent to 34th Ave S, and along the pedestrian pathways and shared recreation spaces. Staff recommends the applicant's request for landscape modifications to allow a sidewalk within the perimeter landscape area, and to allow clustering of landscaping at the ends of shared garage access areas and the lawn areas in between townhome units on the south side of the site to create focal points and to delineate shared spaces from private yard areas.

A retaining wall topped with a six-foot fence is located on the south, east, and north sides of Lot 24. Staff recommends a condition of approval to require vines such as Boston Ivy or Evergreen Clematis be planted within the landscape area on the south side of the fence (on the Osterly Townhomes side), with modifications made to the fence to allow it to cover the view of the fence and retaining wall from the properties located at 14420-14424 34th Ave S (including Lot 24). This will help soften the appearance of the fence and retaining wall from these properties.

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.

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 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. Stepping stone pavers shall be placed within the landscape and drainage area on the south side of the building on Lot 24 (shown in dashed white line areas above) to provide a pathway connecting from the building entrance to the east side of the building. A similar treatment shall also be provided on the north side of the building to connect pedestrians to the stairs proposed to connect Lot 24 residents to the recreation space.
- 3. 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. Per the Tukwila Fire Department, gates across Fire Department access roads must be installed per TMC 16.16 and allow automatic entry. An electrical permit from the City is also required.
- 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. The depth of the decks of units on lots 16-23 shall be reduced as part of building permit review to meet the 10-foot rear setback requirement.
- 6. Vines such as Boston Ivy or Evergreen Clematis shall be planted within the landscape area on the south side of the fence separating the Osterly Park Townhomes from 14420-14424 34th Ave S, with modifications made to the fence to allow it to grow on the north side of the fence and retaining wall to soften the appearance of the fence and retaining wall as viewed from the north side of the fence.

SECTION THREE – 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 Board of Architectural Review, the applicant must apply for a Public Works permit for construction of project infrastructure.

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 <u>original</u> 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.

Three 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. Phases 1-2 of the Osterly Park Townhomes development propose to add a total of 23 townhomes to a site zoned for High Density Residential that previously had a few single-family homes. Two new units will be added to the existing 4-plex on Lot 24 for a total of 29 dwelling units within the subdivision. 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 improves neighborhood quality, health, and safety. The remodel of the building on Lot 24 will help improve the aesthetic appearance of that property. The similar design the building is proposed to have will help tie Lot 24 in with the townhome development. The Osterly Park Townhomes will be governed 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. Use of parking and shared recreation spaces by the residents of Lot 24 is part of the Codes, Covenants and Restrictions (CC&Rs) for the Osterly Park Townhomes subdivision.

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. The site design includes multiple recreational spaces and facilities. The building design includes townhome buildings with two units and three units. The addition to the building on Lot 24 is a creative project design that will offer a diversity of housing types to the development. 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) and homeowners' association will encourage maintenance of the new improvements proposed with this project.

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. The site is within the Valley View Sewer District, which will also review sewer plans as part of the Public Works Construction Permit. Conditions are recommended to ensure the applicant obtains the necessary permits from the Department of Ecology (NPDES permit) and is aware the of the storm drainage design requirements to be further reviewed as part of the Public Works Construction Permit.

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. Conditions are recommended to ensure changes are made to the current design to comply with current standards and plans, including providing a street light mast arm at the project entry at 34th Ave S, hydrant location and access changes, road and site design for emergency access, sprinkler and fire alarm system requirements, and water design to meet fire flow requirements.

- 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 B). 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, fire lane, utilities, landscaping areas, and recreation areas. Transportation, Parks, and Fire impact fees will apply to the future Building Permit(s).
- 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 project and building 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, retaining walls, fire access lane, 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. Conditions are recommended to ensure the applicant obtains the necessary permits from the Department of Ecology (NPDES permit) and is aware the of the storm drainage design requirements to be further reviewed as part of the Public Works Construction Permit.
- 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. Conditions are recommended to ensure changes are made to the current design to comply with current standards and plans, including providing a street light mast arm at the project entry at 34th Ave S, hydrant location and access changes, road and site design for emergency access, sprinkler and fire alarm system requirements, and water design to meet fire flow requirements.
- 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.

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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:

- 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. Fire Department access road shall be designed to support the weight of Fire Department apparatus. Submitted plans do not show tanks within the access road. If there are any underground tanks within the access road, they need to support aerial point loading, or the ground needs to be clearly stenciled with "No Outrigger Placement".
- 9. Maintain inside turning radius of 28 feet for Fire Department access road and clearly mark "no parking" with signs and paint, from 34th Ave S to S 144th St.
- 10. Maintain 20-foot width for the entire Fire Department Access road and clearly mark "no parking" with signs and paint, from 34th Ave S to S 144th St.
- 11. No obstructions under 13'6" shall be located within the Fire Department Access road.
- 12. No parking shall be located in the entire 20-foot area of the Fire Department Access road to Lot 24. This area shall be marked with "no parking" signs and paint.
- 13. The hydrant shown north of Lot 16 shall be moved to the landscape island north of Lot 21. Provide protection from vehicular damage and install per the Tukwila Municipal Code. A 4' wide gate for

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fire access shall be installed on the north side of this hydrant within the fence separating the Osterly Park Townhomes site from the driveway to 14420-14424 34th Ave S.

- 14. Hydrant spacing shall be maintained per TMC 14.24.
- 15. The mailbox location to serve Phase 2 shall be approved by the Postmaster and Public Works.
- 16. A private street sign will be required for S 144th Ln.

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

- 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, retaining walls, fire lane, 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 <u>original</u> signature must be on the face of the plat.
 - b) Separate easement document with legal descriptions for any common access/utility infrastructure.
 - c) Separate joint Maintenance Agreements for the access road, drainage system, landscaping areas, retaining walls, fire lane, and recreation spaces.
 - d) Add Tukwila land use file number L08-079 for the subdivision application to all sheets of the survey.
 - e) Add "After" legal description to the survey sheets for the boundaries of the new subdivision. Also add legal descriptions for each of the tracts.
 - f) 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.
 - g) A note stating that all homes require sprinklers shall be added to the plat map.
 - h) The following assigned addresses and private street names shall be added to the plat map. The recorded document showing these addresses shall be returned to the Fire Marshall's Office with parcel numbers.

C 4 4 4 1 L L L L	2415 1216
S 144th LN:	34th LN S:
• 3401 Lot #23	• 14418 Lot #15
• 3403 Lot #22	• 14420 Lot #14
• 3407 Lot #21	• 14422 Lot #13
• 3411 Lot #20	• 14416 Lot #12
• 3415 Lot #19	• 14414 Lot #11
• 3419 Lot #18	• 14412 Lot #10
• 3423 Lot #17	• 14410 Lot # 9
• 3427 Lot #16	

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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. Water to all buildings will be required to meet fire flow requirements per the International Fire Code.
- 3. Bedrooms require rescue windows with ladder access, with a flat 12' deep by 4' wide area.
- 4. All townhomes require fire sprinklers.
- 5. Lot 24 will require fire sprinklers and a fire alarm system. This shall be installed per TMC 16.40 and TMC 16.42
- 6. Lot 24 will retain the original addresses but addresses of new units will be assigned when the building permit showing layout of the new units is submitted.
- 7. Per the Building Division, where the building on Lot 24 does not meet a five-foot minimum setback, that entire wall from foundation to the roof and extending 10 feet on the roof shall have a 3-hour separation, or a 2-hour separation if sprinkled. There shall be no openings on that side (i.e., windows, ducts or similar). Engineering for the entire building shall be required for the additional construction of the third floor.
- 8. Water and sewer availability letters are required for the new units on Lot 24.

Variance Discussion 14424 34th Ave S

We are asking for a variance for lot 14424 in order to make it a part of Osterly Park Townhomes. The townhouse development needs access of the 8 ft of the eastern boarder of this lot in order to have access to its back lot and a through private road. This came as a result of one of the other owners dropping out of the approved subdivision. The owner of 14424 agreed to trade the easement for an improvement to his unit and in order to finish the development this was required. This improvement was a 1250 sq. ft addition, that includes two more 2-bedroom units that would be constructed as a third floor to the existing 2 story townhouse. He was not interested in selling any of his land and this was his only offer. The architect helped us create exterior features that mirror the newly constructed townhouses in the subdivision. Even though it would become a small six plex multifamily dwelling it would have a belonging visually appearance to the townhome community.

The 3rd story does not change the foot print of the building. However here are the 3 areas that will require a variance to current zoning code. The first is the building set backs on the western side of the building and 12 feet in the northwest corner of the building. On this private drive in 1968, there were three 4 plex multifamily units constructed on 2 lots and it appears that from the recorded history, that years later the back 2 units turned in to condominiums in order to subdivide them and sell them separately. The 2 buildings are 25 feet apart, but our subject property is only 3.5 feet away from the dividing property line and it appears in order to keep lot sizes equal this was done. The condominium status played a role in this as it apparently didn't meet the 5 ft set back in King County. These abnormal condo plats are singly owned and not part of the same association as shown on the survey. Currently, you need a 20 ft setback from the property line and we only have 3.5. However, going straight up would not have an effect on his next-door neighbor because of the fire department requirements of 20 feet between buildings that are 3 stories for safety reasons even if we could.

The second is the parking. We would need to have 12 spots per code and would have 11 with the possibility of a tandem on the end. Making the 12 required. There is a 1/3 spot left over on the western property line and sharing a spot with the neighbor each contributing, is a possibility. We are also within a block of the TIB border where 1.5 cars per spot is acceptable.

The 3rd is landscaping area. The landscaping plan we turned in prepared by our landscape architect shows 2440 square feet of recreation space that would meet the requirement however, this does include 180 sq. ft in front of the unit that the tenants have turned in to a pea patch on their own and 2240 square feet in the rear of the property, that was given to him by a vote of 7 of 7 owners that showed up to the OSTERLY PARK HOA meeting about this issue. We feel like if it is part of the town house development, that it is fair to give it the same side yard benefits that townhouses get in the unique situation. The planning staff had said that the side backs would not be the same for the Multifamily. So even in that case, we would be asking for a variance because of the entire benefit to the development. Without this variance there is no phase 2.

Varience 14424 34th ave s Tukwila

Criteria for Zoning code Varience (TMC 18.72.020)

- 1. Most all of the HDR zoning within 2 blocks originally had a 5 ft Setback. This includes aprtments bordering the west side of Osterly Park Townhomes as well as apartments and 3 multifamily structures to the south of Osterly Park townhomes. In the northweterm corner 12 fett of the building currently sets at 8 feet from the property line and a single family home in the HDR zoning is on this property and they have the backside of their recently remodeled external garage along the 5 feet back property line where it is closest to our building. It is unlikely in the next 30 years that these buildinds will be removed and will enjoy their 5 f setbacks in the meantime.
- 2. Long before this area was Tukwila the narrow lot lines where recorded. Thes long narrow lots pre sent a change to modern day zoning regulations. These 62 to 68 ft wide lots in HDR are presented with enormous clanges. For example 10 ft on each side for landscaping, 20 ft road wouls only leave as much as 28 ft for multi unit buildings and the original size escially in this project was very changling and required joing 2 lots and sharing a road in the middle. We had a 300 ft deep lot and wiith out sharing a road it would have been almost impossible. Other lots in this area that are narrow also share these chalges and make be stuck if they can't share a road.
- 3. In this case granting us a varience would have no impact on the surrounding cuminty except in a positive light. For starters the foot print is the same we are only going up and slightly out as in 2 ft on the front and east side of the building for artitecture appeal. No traffic will be affected as the driveway and surrounding townhouse acess are being approved. Asteticlly our appeal will improve drasticly and fit in with the new townhomes rather than the run down 4 plexes that are run down and desmal in appearance. The cunnity has been asking for these 3 multifamily buildings to be approved for some time and this a great first step. A lighting plan for the unit will be turned in as well with the building permit by david buttler who designed the townhouse complex.
- 4. AS part of the recent changes to the city comprehensive plan the 2 lots south 343417 and 3421 were changed from MDR to HDR and the rest of the bording units in the area were HDR to begin with. a block and a half away starts the TIB district and this project is consistant with the uses in the imdeiate area.
- 5. Osterly Park townhomes originally included 6 lots and removing the existing multifamily and constructing a zero lot townhome on the site. One of the properties was lost during the ecomonic crash and one of the contributing meters lost his home.this project had ben through 2 years of planning, approval by planning commission and the city counsil. Because the approval was listed on title the bank allowed our agent to broker and sell the property to some one whom understood this and was alright with proceeding. He changed his mind in 2018 and would not sign on as part of the development. Thank fully the owner of 14426 agreed to sit down and grant an easement but asked for equal value in return to benefit his property. This varience makes his unit look very similar to the existing towhhomes.

3rd story addition

14424 was one of 3 buildings built in 1968 on this private drive. The 3 buildings are 4 plex units and were built with exact same lay out and materials. Over time, the buildings have become run down and in need of repair. Menstab Tzegai, the owner of 14424 our subject property, has begun remodeling kitchen counters and cabinets among other things. His unit is a very clean and nice additions to the community. The other two buildings are still in dire need of repair.

The building is a two story 4-unit complex that has a two bedroom and one-bedroom unit on each level. It was originally built with 6 parking spaces. The roof is a flat torch down roof.

Originally, this unit was to be replaced with 2 zero lot line townhouse buildings in the original approval of Osterly Park Townhomes, but after one of the owners withdrew from the project, that was not possible. So, in order to finish Osterly Park Townhomes an agreement for the easement was reached and in exchange for a 3rd story the owner would still allow the easement for the through road that was a necessity for the townhome project to continue. Jim Barker, who designed Osterly Park townhomes, designed a 3rd story addition to this building to make it consistent with the rest of the townhomes and the 3rd story very much resembles the 2nd and 4th buildings in the complex.

The exterior will have Hardie sheet siding with decorative striping, a 6 /12 pitch roof with architectural roofing shingles. The existing siding on floors one and two will remain on Unit. They are similar but older that the Hardie siding used on the townhomes but are still in good shape and have recently been mended and painted. Two more two bedroom units will be added on the top floor and access is via the front hall way. Each unit has a private deck on the back of the unit.

Mike Overbeck Osterly Park Developer

Osterly Park Phase 2

Preliminary Plat Review Criteria

- 1. The plat located within 3 blocks of the Tukwila Village. It is in an area next to TIB zone that the city has spent considerable resources for improvement. Small developments like this in this area are also contributing to the improvement of the community. This project was one of 3 that they city used as an intro townhouse living within the zoning code. Phase 1 has tremendous feedback from the community and I believe that the city would be happy that they adopted the new townhouse code after this and a few others in the city have been a success.
- 2. In June of 2018, a developer's extension was approved by water district 125, this includes 13 new units and a fire hydrant in phase 2. The storm draining system was approved in 2010 by public works, 80 % of the nearly 6000 sq. ft storage was installed in phase one and the rest of it was installed with building 5 permit in 2017. All roofs, streets, sidewalks, and driveways are diverted to the storage are under the main under 34th lane and then drain into the city storm system. The entire plat is circled with a retaining wall preventing fill from leaving the lot, minimizing any chance for an erosion problem to occur. In July of 2018, A developer's extension for a 250 ft long 8-inch sewer main down the southern most property line was approved and installation should be completed by mid-August, serving 13 new units in phase 2. All standards for materials and installation are current with 2018 codes and manuals.
- 3. The 23 units are served by a 20 ft private drive the comes off 144th street and through to 34th Ave S. All utilities in the original plat had final drawings and plans that were in place with the changes to the plat. Some of the utilities were moved to locations that could better suit the new configuration.
- 4. All the varying types of easements are listed on the survey. These include utility and access easements. There are common easements for all parties, as well as limited ones such as shared drive ways. Seattle City light, PSE gas, Water District 125 and Valley View Sewer have their own easements as well. There are 2 common recreation spaces, an adult/family one and one aimed at the 5-12yr. age group. These 2 areas and the main driveway plus sidewalks are separate trac's inside of the plat.
- 5. A tremendous amount of thinking about how the lot layout was involved in this phase 2 redesign. The planning staff, architect, Landscape architect and owners of the property all spent a lot of time discussing ways and what if's in an attempt to come up with an outstanding product that is something the community can be proud of. All of the code requirements were reviewed carefully considered in the plat layout. It is not an easy process and it takes time. The area that this development in is has challenges because of its history and previous codes when it was part of King county including the shape of the lots when they were created many years ago.
- 6. The subdivision is in HDR Zoning. 2000 square feet per unit, the required setbacks and lot coverage are uniform with the TMC manual listed specifications. Some key elements are, the public works permit requirements that support the subdivision, including storm drain storage as to not over load the city's drainage systems, 2 fire hydrants and road access, A through road with 7 guest parking, two common recreation spaces, and conformance with the Tukwila Townhouse design manual.

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Community Development

- 7. Osterly Park Townhome plat has CCR's recorded on title, the HOA has the job of enforcing them. The planning staff has carefully reviewed the CCR's and approved them as per Phase 1. All common areas and lighting, as well as storm drain and road maintenance are a shared cost. There are maintenance plans recorded for the storm drain detention. The upkeep and maintenance of lighting, asphalt and common areas is covered in the CCR's and it is a shared cost of the home owners.
- 8. To comply with subdivision 58.17.110, the subdivision has illustrated it complies with public safety. All utilities have been correctly addressed to comply with city and local district policy's and standards. The sidewalk area's have been placed in safe areas, as well as a slow down area in the middle of the development for safety to children. The recreation space created meets more than the minimum and gives a couple of different choices to the tenants. There is a park less than 2 blocks away, 2 major buss lines, and 15 blocks from the Light Rail Station. The new library is 4 blocks away in Tukwila Village as well. The architecture is new to the area that is heavily dominated by multi family and apartment living and the feed back from the community has been extremely positive.

1/27/18

When Recorded, Return to:

144th Street REO Partners, LLC 13975 Interurban Ave S Tukwila, WA 98168

DECLARATION

OF

COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND AGREEMENTS

FOR

OSTERLY PARK TOWNHOMES

Grantor: 144th St REO Partners, LLC and/or Michael D. Overbeck and Mengstab Tzegai

Grantee:

144th Street REO Partners, LLC

Legal Description

(Abbreviated):

Osterly Park Townhomes, Lots 1 through 24

Complete on:

EXHIBIT A

Assessor's Tax Parcel ID #: Phase II

6433600100,6433600090,0040000083,6391110000

Reference Nos. of Documents Released or Assigned:

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DECLARATION

COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND AGREEMENTS

FOR

OSTERLY PARK TOWNHOMES

IT IS THE INTENT OF THE GRANTOR THAT THIS AGREEMENT SHALL NOT BE EXTINGUISHED BY THE DOCTRINE OF MERGER

THIS DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS is dated for reference purposes this ____ day of _____, 2018, and is made by Michael D. Overbeck, and/or 144th Street REO Partners, LLC, and Mengstab Tzegai ("Declarant").

RECITALS

- **A.** Declarant is the owner of the real property located in the City of Tukwila, King County, Washington, more particularly described on the attached **EXHIBIT A** ("Property").
- B. Declarant desires to subject the Property to the provisions of this Declaration to create a residential community of twenty three (23) town-homes. Full build out of the Community will include 23 townhomes and the renovation of one multi-family building owned by Declarant, all of which will be subject to this Declaration as amended during final subdivision approval for Phase II of the Osterly Park Townhomes ("Community").

Now, THEREFORE, Declarant hereby declares that the Property, including the improvements constructed or to be constructed thereon, is hereby subjected to the provisions of this Declaration and shall be held, sold, transferred, conveyed, used, occupied and mortgaged or otherwise encumbered subject to the covenants, conditions, restrictions, easements, assessments and liens hereinafter set forth, which are for the purpose of protecting the value and desirability of, and which shall run with the title to, the Property, and shall be binding on all persons having any right, title or interest in all or any portion of the Property, their respective heirs, legal representatives, successors, successors-in-title and assigns and shall inure to the benefit of each and every owner of all or any portion thereof.

Osterly Park Townhomes Declaration

ARTICLE1. DEFINITIONS

1.1. WORDS DEFINED. THE FOLLOWING WORDS, WHEN USED IN THIS DECLARATION (UNLESS THE CONTEXT SHALL PROHIBIT), SHALL HAVE THE FOLLOWING MEANING:

- **1.1.1.** "Association" shall mean the Osterly Park Townhomes Owners Association, a Washington nonprofit corporation, its successors and assigns to be formed.
 - 1.1.2. "Board of Directors" or "Board" shall mean the appointed or elected board of directors of the Association having its normal meaning under Washington law.
- **1.1.3.** "Bylaws" shall refer to the duly adopted Bylaws of the Association.
- 1.1.4. "Common Areas" shall mean all real and personal property, including easements which the Association owns or leases or in which it otherwise holds possessory or use rights, all for the common use and enjoyment of the Owners including, without limitation, those areas and facilities described on attached EXHIBIT B. Common areas also include both Tract C, Common Areas Easements 1 and 2.
- 1.1.5. "Common Expenses" shall mean expenditures made by, or financial liabilities of, the Association which are related to the Common Areas and the general operation of the Association, including, without limitation, maintenance and repair of certain exterior portions of the residential improvements constructed on the Lots as provided herein, certain utilities and systems serving such improvements, landscaping maintenance for the Lots and allocations to reserves.
- 1.1.6. "Community" shall mean and refer to the Property described in **EXHIBIT A**, attached hereto, and all improvements to such Property including, without limitation, the townhomes constructed on the Lots.
- 1.1.7. "Community-Wide Standard" shall mean the standard of conduct, maintenance, or other activity as initially established by Declarant and as generally prevailing in the Community. Such standard may be more specifically determined by the Board of Directors.
- 1.1.8. "Declarant" shall mean and refer to 144th Street REO Partners, LLC, a New Mexico limited liability company, and its successors-in-title and assigns, provided, in the instrument of conveyance to any such successor-in-title or assign, such successor-in-title or assign is designated as the "Declarant" hereunder by the grantor of such conveyance, which grantor shall be the "Declarant" hereunder at the time of such conveyance; provided, further, upon designation of a successor Declarant, all rights of the former Declarant in and to such status as "Declarant" hereunder shall cease.
- 1.1.9. "Declarant Control Period" shall mean the period of time during which Declarant is entitled to appoint the members of the Board. The Declarant Control Period shall expire on the first to occur of the following: (a) when Declarant owns less than 4 Lots for development and/or sale in the Community; (b) when, in its sole discretion, Declarant so determines in a notice recorded in the real property records of King County, Washington.

- 1.1.10. "Declaration" shall mean this Declaration of Covenants, Conditions, Restrictions and Easements for Osterly Park Townhomes, as it may be amended.
- **1.1.11.** "Governing Documents" shall mean this Declaration, as it may be amended, the Articles of Incorporation and Bylaws of the Association and any rules and regulations adopted by the Association.
- 1.1.12. "Lot" shall mean any legally conveyable parcel of land within the Community, together with the improvements constructed thereon, which constitutes a residence, as shown on a plat recorded in the land records of King County, Washington. The ownership of each Lot shall include, and there shall pass with each Lot as an appurtenance thereto, whether or not separately described, all of the right, title and interest of an Owner in the Common Areas, which shall include, without limitation, membership in the Association.
- **1.1.13.** "Mortgage" means any mortgage, deed of trust and any and all other similar instruments used for the purpose of encumbering real property in the Community as security for the payment or satisfaction of an obligation.
 - **1.1.14.** "Mortgagee" shall mean the holder of a Mortgage.
- **1.1.15.** "Occupant" shall mean any Person occupying all or any portion of a residence or other property located within the Community for any period of time, regardless of whether such Person is a tenant or the Owner of such property.
- 1.1.16. "Owner" shall mean and refer to the record owner, whether one or more Persons, of the fee simple title to any Lot located within the Community, excluding, however, any Person holding such interest merely as security for the performance or satisfaction of any obligation.
- **1.1.17.** "Person" means any natural person, as well as a corporation, joint venture, partnership (general or limited), association, trust, or other legal entity.
- **1.1.18. "Plat"** means that certain subdivision of the Property more particularly described on the attached **EXHIBIT A**.
 - **1.1.19.** "Property" shall mean the real property described in **EXHIBIT A** attached hereto.
- 1.1.20. "Total Association Vote" means all of the votes attributable to members of the Association (including votes of Declarant), and the consent of Declarant so long as Declarant owns any Property for development and/or sale in the Community.

 The owner of Lot 24, "Mengstab Tzegai", a Declarant, does not have any voting rights, may not withhold consent, and is a limited non-voting member.

1.1.21. "Townhome" shall mean and refer to any structure located on a Lot, which structure is designed and intended for use and occupancy as a residence by a single family.

ARTICLE 2. PROPERTY SUBJECT TO THIS DECLARATION

The Property which is, by the recording of this Declaration, subject to the covenants, conditions and restrictions hereafter set forth and which, by virtue of the recording of this Declaration, shall be held, transferred, sold, conveyed, used, occupied and mortgaged or otherwise encumbered subject to this Declaration is the real property described in **EXHIBIT A**, attached hereto and by reference made a part hereof.

ARTICLE 3. ASSOCIATION

3.1. FORM OF ASSOCIATION. The Association shall be a non-profit corporation formed under the laws of the State of Washington; provided that from and after the formation of such non-profit corporation, the rights and duties of the members of such corporation shall continue to be governed by the provisions of this Declaration.

3.2. MEMBERSHIP.

- **3.2.1.** *Qualification.* Each Owner (including Declarant) shall be a member of the Association and shall be entitled to one membership for each Lot so owned; provided that if a Lot has been sold on contract, the contract purchaser shall exercise the rights of the Lot Owner for the purposes of the Association, this Declaration and the Bylaws, except as hereinafter limited, and shall be the voting representative unless otherwise specified. Ownership of a Lot shall be the sole qualification for membership in the Association. Lot 24 shall not have any voting rights.
- 3.2.2. Transfer. The Association membership of each Owner (including Declarant) shall be appurtenant to the Lot giving rise to such membership, and shall not be assigned, transferred, pledged, hypothecated, conveyed or alienated in any way except upon transfer of the title to said Lot, and then only to the transferee of title to such Lot. Any attempt to make a prohibited transfer shall be void. Any transfer of title to a Lot shall operate automatically to transfer the membership in the Association to the new Owner of such Lot.

3.3. VOTING.

3.3.1. *Number of Votes.* The Association shall have two classes of voting membership:

- (a) Class A. Class A members shall be all Owners with the exception of Declarant. Each Owner shall be entitled to one vote for each Lot owned.
- (b) Class B. The Class B member shall be the Declarant who shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership upon expiration of the Declarant Control Period. Lot 24 shall remain a non-voting member.
- 3.3.2. Voting Owner. There shall be one (1) voting representative of each Lot, excluding Lot 24 which shall be non-voting. Declarant shall be considered an "Owner" and shall be the voting representative with respect to any Lot owned by Declarant. If a person (including Declarant) owns more than one Lot, the person shall have the votes for each Lot owned. The voting representative shall be designated by the Owner but need not be an Owner. The designation shall be revocable at any time by actual notice to the Association from a party having an ownership interest in a Lot, or by actual notice to the Association of the death or judicially declared incompetency of any person with an ownership interest in the Lot. This power of designation and revocation may be exercised by the guardian of an Owner, and the administrators or executors of an Owner's estate. Where no designation has been made, or where a designation has been made but is revoked and no new designation has been made, the voting representative of each Lot shall be the group composed of all of its Owners.
- 3.3.3. *Joint Owner Disputes.* The vote of a Lot must be cast as a single vote, and fractional votes shall not be allowed. In the event that joint Owners are unable to agree among themselves as to how their votes shall be cast, they shall lose their right to vote on the matter in question. In the event more than one vote is cast for a particular Lot, none of said votes shall be counted and said votes shall be deemed void.
- 3.3.4. Pledged Votes. If an Owner is in default under a first Mortgage on a Lot for ninety (90) consecutive days or more, the Mortgagee shall automatically be authorized to declare at any time thereafter that the Owner has pledged his or her vote on all issues to the Mortgagee during the continuation of the default. If the Association has been notified of any such pledge to a Mortgagee, or in the event the record Owner or Owners have otherwise pledged their vote regarding special matters to a Mortgagee under a fully recorded mortgage, or to the vendor under a duly recorded real estate contract, only the vote of such Mortgagee or vendor will be recognized in regard to the special matters upon which the vote is so pledged, if a copy of the instrument with this pledge has been filed with the Association. Amendments to this Section shall only be effective upon the written consent of all of the voting Owners and their respective Mortgagees and vendors, if any.

3.4. MEETINGS, AUDITS, NOTICES OF MEETINGS.

- 3.4.1. Annual Meetings, Audits. There shall be an annual meeting of the Owners in the first quarter of each calendar year, or such other fiscal year as may be adopted by the Association, at such reasonable place and time as may be designated by written notice of the Association delivered to the Owners no less than fourteen (14) nor more than sixty (60) days prior to the date fixed for said meeting. At the annual meeting, there shall be presented a report of the itemized receipts and disbursements for the preceding fiscal year, and allocation thereof to each Owner, and the estimated expenses, if any, for the Association for the coming fiscal year. Any Owner, at the Owner's own expense, may at any reasonable time make an audit of the books of the Association.
- 3.4.2. Special Meetings. Special meetings of the Owners may be called at any time for the purpose of considering matters which by the terms of this Declaration require the approval of all or some of the Owners, or for any other reasonable purpose. Such meeting shall be called by the petition of Owners holding not less than 10% of the Class A votes or as otherwise provided in the Bylaws. Such notice shall be delivered not less than fourteen (14) nor more than sixty (60) days prior to the date fixed for said meeting. The notice shall specify the date, time and place of the meeting and, in general, the matters to be considered.
- 3.4.3. Quorum Requirements for Association Meeting. At all meetings of the Owners, 25% of the Owners present in person or by proxy shall constitute a quorum. A majority of Owners present and entitled to vote, either in person or by proxy, shall be sufficient for the passage of any motion or the adoption of any resolution, except in connection with amendment or repeal of this Declaration. If the required quorum is not present, another meeting may be called subject to the requirement of written notice sent to all members at least ten (10) days in advance of such meeting. In the absence of a quorum of a members' meeting, a majority of those present in person or by proxy may adjourn the meeting to another time but may not transact any other business. An adjournment for lack of a quorum shall be to a date not less than five (5) nor more than thirty (30) days from the original meeting date.

3.5. BYLAWS OF ASSOCIATION.

- 3.5.1. Adoption of Bylaws. Bylaws for the administration of the Association and the Property, and for other purposes not inconsistent with the intent of this Declaration shall be adopted by the Declarant as the original Owner of the Lots. Subsequent amendments may be adopted by the Association as provided therein.
- 3.5.2. *Bylaws Provisions*. The Bylaws shall contain provisions substantially as provided for in this Article 3 and in Article 4, and may contain supplementary, not inconsistent, provisions regarding the operation and administration of the Property. The Bylaws shall establish the provisions for quorum, ordering of

meetings, and details regarding the giving of notices as may be required for the proper administration of the Association and the Community.

ARTICLE 4. MANAGEMENT OF THE ASSOCIATION

- 4.1. INTERIM BOARD OF DIRECTORS. Until expiration of the Declarant Control Period, the affairs of the Association shall be governed by a board of three (3) directors (who need not be Lot Owners) named by Declarant from time to time or as otherwise provided in the Bylaws.
- 4.2. MANAGEMENT BY ELECTED BOARD OF DIRECTORS. Upon expiration of the Declarant Control Period, administrative power and authority shall vest in a board of three (3) directors elected from among the Owners. The Board may delegate all or any portion of its administrative duties to a manager, managing agent, or officer of the Association. All Board positions shall be open for election at said organizational meeting. The Board shall elect from among its members, a president (who shall preside over meetings of the Board and the meetings of the Association), a secretary and a treasurer, all of which officers shall have such duties and powers as may be specified by the Board from time to time.
- 4.3. AUTHORITY AND DUTIES OF THE BOARD. The Board, for the benefit of the Community and the Owners, shall enforce the provisions of this Declaration, shall have all powers and authority permitted to the Board under this Declaration, and shall acquire and shall pay for out of the Common Expense fund hereinafter provided for, all goods and services requisite for the proper functioning of the Community. Without limitation, the Board shall have the following powers and authority:
- **4.3.1. Assessments.** The establishment and collection of Assessments pursuant to Article 5 of this Declaration.
- **4.3.2. Services.** Obtaining the services of persons or firms as required to properly manage the affairs of the Community to the extent deemed advisable by the Board, including legal and accounting services, property management services, as well as such other personnel as the Board shall determine are necessary or proper for the operation of the Community.
- **4.3.3.** Utilities. Obtaining all utility services (i) commonly metered (if any) for the Townhomes and providing for the submetering of such utilities for payment by the Owners where applicable and (ii) as necessary for the Common Area utilities, landscape irrigation, and lighting.
- **4.3.4. Insurance.** Obtaining and paying for policies of insurance or bonds as provided by this Declaration.

4.3.5. Maintenance/Repair. Performing and paying for maintenance, repair, replacement of Common Areas and Exterior Maintenance.

4.4. BOARD ORGANIZATION AND OPERATION.

- 4.4.1. Election of Board of Directors and Terms of Office. Upon expiration of the Declarant Control Period, the Owners shall elect two (2) Directors for two (2) year terms and one (1) Director for a one (1) year term to assure that the expiration dates for the term of the Board members are staggered. Thereafter, all Directors shall be elected for two (2) year terms.
- 4.4.2. *Vacancies*. Vacancies in the Board caused by any reason other than the removal of a Board member by a vote of the Association shall be filled by vote of the majority of the remaining Board members, even though they may constitute less than a quorum; and each person so elected shall be a Board member until a successor is elected at the next annual meeting of the Association.
- 4.4.3. Removal of Board Members. At any regular meeting or at any special meeting called for that purpose, any one or more of the Board members may be removed with or without cause, by a majority of all of the Owners, and a successor may then and there be elected to fill the vacancy thus created. Any Board member whose removal has been so proposed by the Owners shall be given an opportunity to be heard at the meeting. Notwithstanding the above, until the organizational meeting, only Declarant shall have the right to remove a Board member.
- **4.4.4.** Organizational Meeting. The first meeting of a newly elected Board shall be held immediately following the annual organizational meeting of the Association, and no notice shall be necessary to the newly elected Board members in order legally to constitute such meeting.
- 4.4.5. Regular Meeting. Regular meetings of the Board may be held at such time and place as shall be determined, from time to time, by a majority of the Board members, but at least two such meetings shall be held during each fiscal year and one such meeting shall be held immediately following the annual meeting of Owners. Notice of regular meetings of the Board shall be given to each Board member as and when provided in the Bylaws.
- 4.4.6. *Special Meetings*. Special meetings of the Board may he called by the President or at least two Board members with notice given to each Board member as and when provided in the Bylaws.
- 4.5. PROFESSIONAL MANAGEMENT. Any contract with a professional manager for the Community (i) shall have a term no longer than one (1) year, (ii) may be renewed by agreement of the Association and the manager for successive one (1) year

periods and (iii) shall require the manager to carry insurance as deemed appropriate by the Board.

ARTICLE 5 ASSOCIATION FINANCES

- 5.1. BUDGETING AND ALLOCATING COMMON EXPENSES. At least sixty (60) days before the beginning of each fiscal year, the Board shall prepare a budget of the estimated Common Expenses for the coming year, including any contributions to be made to a reserve fund. The budget shall reflect the sources and estimated amounts of funds to cover such expenses, which may include any surplus to be applied from prior years, any income expected from sources other than assessments levied against the Lots, and the amount to be generated through the levy of Base Assessments and Special Assessments against the Lots.
- 5.1.1. The Association is hereby authorized to levy Base Assessments equally against all Lots, except Lot 24 subject to assessment hereunder to fund the Common Expenses. In determining the Base Assessment rate per Lot, the Board may consider any assessment income expected to be generated from any additional Lots reasonably anticipated to become subject to assessment during the fiscal year. Notwithstanding this Section, it is understood that Lot 24, "Mengstab Tzegai" and/or his successors and/or assigns shall be permanently exempt from any Associations, costs, charges, assessments, maintenance, or any other financial obligations to the Association in exchange for his contribution of land to the tract.
- 5.1.2. Declarant may, but shall not be obligated to, reduce the Base Assessment for any fiscal year by payment of a subsidy, which may be either a contribution, an advance against future assessments due from Declarant, or a loan, in Declarant's discretion. Any such subsidy shall be disclosed as a line item in the income portion of the budget. Payment of such subsidy in any year shall not obligate Declarant to continue payment of such subsidy in future years, unless otherwise provided in a written agreement between the Association and Declarant.
- 5.1.3. Within thirty (30) days after the adoption of a final budget by the Board, the Board shall send to each Owner a copy of the final budget, notice of the amount of the Base Assessment to be levied pursuant to such budget, and notice of a meeting to consider ratification of the budget. Such meeting shall be held not less than fourteen (14) nor more than sixty (60) days from the mailing of such materials. The budget and assessment shall be ratified unless disapproved at a meeting by Members representing at least 51% of the Total Association Vote. Such ratification shall be effective whether or not a quorum is present.
- 5.1.4. If any proposed budget is disapproved or the Board fails for any reason to determine the budget for any year, then the budget most recently in effect shall continue in effect until a new budget is determined.
- 5.1.5. The Board may revise the budget and adjust the Base Assessment Osterly Park Townhomes Declaration page9

from time to time during the year, subject to the notice requirements to disapprove the revised budget as set forth above.	uirements and	the right	of the
Osterly Park Townhomes Declaration		Į.	page16

- 5.2. BUDGETING FOR RESERVES. The Board shall prepare and periodically review a reserve budget for the Common Areas and for Exterior Maintenance requirements. The reserve budget shall take into account the number and nature of replaceable assets, the expected life of each asset and the expected repair or replacement cost. The Board shall include in the budget, a capital contribution to fund reserves in an amount sufficient to meet the projected need with respect both to amount and timing.
- 5.3. SPECIAL ASSESSMENTS. In addition to other authorized assessments, the Association may levy Special Assessments to cover unbudgeted expenses or expenses in excess of those budgeted. Except as otherwise specifically provided in this Declaration, any Special Assessment shall require the affirmative vote or written consent of Owners representing more than 50% of the Total Association Vote. Special Assessments shall be payable in such manner and at such times as determined by the Board, and may be payable in installments extending beyond the fiscal year in which the Special Assessment is approved.
- 5.4. SPECIFIC ASSESSMENTS. The Association shall have the power to levy Specific Assessments against a particular Lot as follows:
- (a) to cover the costs, including overhead and administrative costs, of providing services to Lots upon request of an Owner pursuant to any menu of special services which may be offered by the Association. Specific Assessments for special services may be levied in advance of the provision of the requested service; and
- (b) to cover costs incurred in bringing the Lot into compliance with the Governing Documents, or costs incurred as a consequence of the conduct of the Owner or occupants of the Lot, their agents, contractors, employees, licensees, invitees, or guests, including any such costs related to maintenance, repair or replacement of the exteriors of improvements or of utilities or other systems serving such improvements; provided, the Board shall give the Lot Owner prior written notice and an opportunity for a hearing, in accordance with the Bylaws, before levying any Specific Assessment under this subsection (b).
- 5.5. AUTHORITY TO ASSESS OWNERS. Declarant hereby establishes and the Association is hereby authorized to levy assessments as provided for in this Article and elsewhere in this Declaration. The obligation to pay assessments shall commence as to each Lot, after the Board first determines a budget and levies assessments, and after the Lot is first conveyed to an Owner by Declarant. The first annual Base Assessment levied on each Lot shall be adjusted according to the number of months remaining in the fiscal year at the time assessments commence on the Lot. Lot 24 is exempt from any assessments.
- 5.6. TIME OF PAYMENT. Assessments shall be paid in such manner and on such dates as the Board may establish. The Board may require advance payment of assessments at closing of the transfer of title to a Lot and impose special requirements for Owners with a history of delinquent payment. If the Board so elects, annual assessments

may be paid in monthly or quarterly installments. If any Owner is delinquent in paying any assessments or other charges levied on the Owner's Lot, the Board may require the outstanding balance on all assessments to be paid in full immediately.

5.7. OBLIGATION FOR ASSESSMENTS.

- 5.7.1. Personal Obligation. Each Owner, by accepting a deed or entering into a recorded contract of sale for any portion of the Property, is deemed to covenant and agree to pay all assessments authorized herein. All assessments, together with interest (computed from its due date at a rate of 12% per annum or such higher rate as the Board may establish, subject to the limitations of Washington law), late charges as determined by Board resolution, costs and reasonable attorneys' fees, shall be the personal obligation of each Owner and a lien upon each Lot until paid in full. Upon a transfer of title to a Lot, the grantee shall be jointly and severally liable for any assessments and other charges due at the time of conveyance.
 - (a) Failure of the Board to fix assessment amounts or rates or to deliver or mail each Owner an assessment notice shall not be deemed a waiver, modification, or a release of any Owner from the obligation to pay assessments. In such event, each Owner shall continue to pay Base Assessments on the same basis as during the last year for which an assessment was made, if any, until a new assessment is levied, at which time the Association may retroactively assess any shortfalls in collections.
 - (b) No Owner is exempt from liability for assessments by nonuse of Common Areas, abandonment of the Owner's Lot, or any other means, except Lot 24. The obligation to pay assessments is a separate and independent covenant on the part of each Owner. No diminution or abatement of assessments or setoff shall be claimed or allowed for any alleged failure of the Association or Board to take some action or perform some function required of it, or for inconvenience or discomfort arising from the making of repairs or improvements, or from any other action it takes.
 - (c) Upon written request, the Association shall furnish to any Owner liable for any type of assessment a certificate in writing signed by an Association officer setting forth whether such assessment has been paid. Such certificate shall be conclusive evidence of payment. The Association may require the advance payment of a reasonable processing fee for the issuance of such certificate.
- 5.7.2. Declarant's Option to Fund Budget Deficits. During the Declarant Control Period, Declarant may satisfy its obligation for assessments, if any, on Lots which it owns either by paying such assessments in the same manner as any other Owner or by paying the difference between the amount of assessments levied on all other Lots subject to assessment and the amount of actual expenditures by the Association

during the fiscal year. Unless Declarant otherwise notifies the Board in writing at least sixty (60) days before the beginning of each fiscal year, Declarant shall be deemed to have elected to continue paying on the same basis as during the immediately preceding fiscal year. Regardless of Declarant's election, Declarant's obligations hereunder may be satisfied in the form of cash or by "in kind" contributions of services or materials, or by a combination of these. After termination of the Declarant Control Period, Declarant shall pay assessments on its unsold Lots in the same manner as any other Owner.

- 5.8. LIEN FOR ASSESSMENTS. The Association shall have a lien against each Lot to secure payment of delinquent assessments, as well as interest, late charges (subject to the limitations of Washington law) and costs of collection (including attorneys' fees). Such lien shall be superior to all other liens, except (a) the liens of all taxes, bonds, assessments and other levies which by law would be superior and (b) the lien or charge of any recorded first Mortgage (meaning any recorded Mortgage with first priority over other Mortgages) made in good faith and for value. Such lien, when delinquent, may be enforced by suit, judgment and judicial or non-judicial foreclosure.
- 5.8.1. The Association may bid for the Lot at the foreclosure sale and acquire, hold, lease, mortgage and convey the Lot. While a Lot is owned by the Association following foreclosure: (a) no right to vote shall be exercised on its behalf; (b) no assessment shall be levied on it; and (c) each other Lot shall be charged, in addition to its usual assessment, its pro rata share of the assessment that would have been charged such Lot had it not been acquired by the Association. The Association may sue for unpaid assessments and other charges authorized hereunder without foreclosing or waiving the lien securing the same.
- 5.8.2. Sale or transfer of any Lot shall not affect the assessment lien or relieve such Lot from the lien for any subsequent assessments. However, the sale or transfer of any Lot pursuant to foreclosure of the first Mortgage shall extinguish the lien as to any installments of such assessments due prior to the Mortgagee's foreclosure. The subsequent Owner to the foreclosed Lot shall not be personally liable for assessments on such Lot due prior to such acquisition of title. Such unpaid assessments shall be deemed to be Common Expenses collectible from Owners of all Lots subject to assessment under Section 4.6, including such acquirer, its successors and assigns.
- 5.9. EXEMPT PROPERTY. The following property shall be exempt from payment of Base Assessments and Special Assessments:
- (a) Any property dedicated or conveyed to and accepted by any governmental entity or public utility; and
- (b) Property owned by the Association for the common use and enjoyment of such Associations' members.
- 5.10. CAPITALIZATION OF ASSOCIATION. Upon acquisition of record title to a Lot by the first Owner thereof other than Declarant, a contribution shall be made by or on

behalf of the purchaser to the working capital of the Association in an amount equal to one-sixth of the annual Base Assessment per Lot for that year. This amount shall be in addition to, not in lieu of, the annual Base Assessment and shall not be considered an advance payment of such assessment. This amount shall be deposited into the purchase and sales escrow and disbursed therefrom to the Association for use in covering operating expenses and other expenses incurred by the Association pursuant to this Declaration and the Bylaws.

ARTICLE 6 MAINTENANCE; CONVEYANCE OF COMMON AREAS TO ASSOCIATION

- 6.1. ASSOCIATION'S RESPONSIBILITY FOR COMMON AREAS. The Association shall maintain and keep in good repair the Common Areas. This maintenance shall include, without limitation, maintenance, repair and replacement of all landscaping including the maintenance of the irrigation system and improvements (Water District 125) situated on the Common Areas. Common areas include Tract C, and Common Easement 1 and 2.
- 6.1.1 ASSOCIATION'S RESPONSIBILITY FOR STORM DRAINAGE SYSTEM. The storm drainage system was installed under Public Works permit number PW____ and should be maintained to the current Operations and Maintenance Standards of the City of Tukwila.
- 6.2.1. Unless and until the Owners vote in favor of the Association providing such painting and roofing as part of the Exterior Maintenance, each Owner shall remain responsible for such maintenance on the Owner's Townhome.
- 6.2.2. No Owner may modify the exterior of their Townhome or the screens, doors, awnings or other portions of their Townhome visible from outside the Townhome without the prior written consent of the Board or in accordance with the rules and regulations of the Association. In particular, except as otherwise provided by law, no solar panel, radio or television antenna, satellite dish or other appliance may be installed on the exterior of a Townhome without the prior written consent of the Board which shall not be unreasonably withheld. The Owners shall not repaint, reroof or replace the glass or screens in the windows or doors of their Townhomes except with materials of similar color and quality to those originally installed or as otherwise approved pursuant to Section 7.3.
- 6.2.3. Exterior Maintenance shall be performed at such time as the Board considers necessary to preserve and protect the appearance and condition of the Townhomes within the Community.

6.3. OTHER ASSOCIATION MAINTENANCE PROVISIONS.

- **6.3.1.** The Association shall have the right, but not the obligation, to maintain other property not owned by the Association, whether within or without the Community, where the Board has determined that such maintenance would benefit all Owners. Without limitation, such maintenance may include portions of any Lot that contribute to the overall appearance of the entrance to the Community or otherwise as reasonably determined by the Board.
- 6.3.2. In the event that the Association determines that the need for maintenance, repair, or replacement, which is the responsibility of the Association hereunder, is caused through the willful or negligent act of an Owner, or the family, guests, lessees or invitees of any Owner, and is not covered or paid for by insurance, in whole or in part, then the Association may perform such maintenance, repair or replacement at such Owner's sole cost and expense, and all costs thereof shall be added to and become a part of the assessment to which such Owner is subject and shall become a lien against the Lot of such Owner.
- 6.3.3. All maintenance undertaken by the Association shall be performed consistent with the Community-Wide Standard.
- 6.4. OWNER'S RESPONSIBILITY. Except for the Exterior Maintenance undertaken by the Association pursuant to Section 6.2 above, each Owner is responsible for maintenance, repair and replacement of the Owner's Townhome, any portions of the Lot or improvements thereon not made subject to maintenance, repair and replacement by the Association herein. Each Owner shall, at the Owner's sole expense, keep the interior of the Owner's Townhome and its equipment, appliances and appurtenances in a clean and sanitary condition, free of rodents and pests, and good order, condition and repair and shall do all redecorating and painting at anytime necessary to maintain the good appearance and condition of the Townhome.
- **6.4.1.** In the event that the Board of Directors of the Association determines that any Owner has failed or refused to discharge properly any of such Owner's obligations with regard to the maintenance, repair, or replacement of items for which such Owner is responsible hereunder, the Association shall, except in an emergency situation, give the Owner written notice of the Association's intent to provide such necessary maintenance, repair or replacement at the Owner's sole cost and expense. The notice shall set forth with reasonable particularity the maintenance, repairs, or replacement deemed necessary.
- 6.4.2. The Owner shall have ten (10) days after receipt of such notice within which to complete such maintenance, repair or replacement, or, in the event that such maintenance, repair or replacement is not capable of completion within a ten (10) day period, to commence such work which shall be completed within a reasonable time. If any Owner does not comply with the provisions hereof, the Association may provide

any such maintenance, repair or replacement at such Owner's sole cost and expense, and all costs shall be added to and become a part of the assessment to which such Owner is subject and shall become a lien against the Lot.

- 6.4.3 MAINTENANCE OF SHARED DRIVEWAYS. Each unit owner shall pay an equal pro rata share of driveway maintenance and repair expenses for the driveway specific to that unit owner. It is anticipated that every two buildings or (4) units shall each share a driveway so there will be two shared driveways for the initial (8) units and so on. Therefore, each unit owner shall be responsible for 25% of the expense(s) related to the maintenance and repair of each shared driveway specific to or belonging to that unit owner. Driveways not shared by the unit owner shall be shared amongst the unit owners which share each specific driveway.
- 6.5. CONVEYANCE OF COMMON AREAS BY DECLARANT TO ASSOCIATION. Declarant may transfer or convey to the Association any personal property and any improved or unimproved real property, leasehold, easement, or other property interest. Such conveyance shall be accepted by the Association, and the property shall thereafter be Common Areas to be maintained by the Association for the benefit of all or a part of its Members.

ARTICLE 7 USE RESTRICTIONS AND RULES

- 7.1. GENERAL. The Board may, from time to time, without consent of the Members, promulgate, modify or delete other use restrictions and rules and regulations applicable to the Community so long as any such restrictions, rule or regulation is not contrary to the terms of this Declaration. Such use restrictions and rules shall be distributed to all Owners and Occupants prior to the date that they are to become effective and shall thereafter be binding upon all Owners and Occupants until and unless overruled, canceled or modified in a regular or special meeting by a majority of the Total Association Vote.
- 7.2. RESIDENTIAL USE. All Lots shall be used for residential purposes exclusively. No business or business activity shall be carried on, in or upon any Lot at any time except that an Owner or occupant of a Lot may conduct business activities within the Lot so long as: (a) the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from outside the Lot; (b) the business activity conforms to all zoning requirements; (c) the business activity does not involve regular visitation of the Lot by clients, customers, suppliers, or other business invitees or door-to-door solicitation of residents of the Community; and (d) the business activity is consistent with the residential character of the Community and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Community, as may be determined in the Board's sole discretion. This Section 7.2 shall not apply to any activity conducted by the Declarant or a builder approved by the Declarant with respect to its development and sale of any Lot.
- 7.3. ARCHITECTURAL STANDARDS. All Townhomes and other structures (including, without limitations, concrete or masonry walls, rockeries, fences or other structures) to be constructed within the Community, and all exterior alterations and repairs (including, but not limited to, reroofing or repainting) of any Townhomes or other structures on the Property must be approved by an Architectural Review Committee ("ARC") composed of three or more Owners designated from time to time in writing by the Board; provided, that so long as Declarant owns any Lots within the Community, Declarant at its option may exercise all of the rights and powers of the ARC under this

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Section 7.3 including without limitation the appointment of members of the ARC. Complete plans and specifications of all proposed buildings, structures, and exterior alterations and repairs together with detailed plans showing the proposed location of the same on the particular Lot and other data requested by the ARC, shall be submitted to the ARC before construction, alteration or repair is started. This project was subject to City of Tukwila design review under permit numbers L08-076 and L12-005. Any major changes to the development shall be reviewed by the City.

- **7.3.1.** The ARC will review submittals as to the quality of workmanship and materials planned and for conformity and harmony of the external design with proposed or existing structures on neighborhood residential Lots or building sites, and as to location of the building with respect to topography, finish grade elevation and building setback restrictions.
- **7.3.2.** In the event the ARC fails to approve or disapprove such design and location within 30 days after said plans and specifications have been submitted to it, such approval will not be required.
- **7.3.3.** All plans and specifications for approval by the ARC must be submitted in duplicate at least 30 days prior to the proposed construction or exterior alteration or repair starting date. The maximum height of any building shall be established by the ARC as part of the plan approval and shall be given in writing together with the approval.
- 7.3.4. The ARC may require that said plans or specifications shall be prepared by an architect or a competent house designer, approved by the ARC. One complete set of said plans and specifications shall in each case be delivered to and permanently left with the ARC. All buildings or structures shall be erected or constructed, and all exterior alterations or repairs made, by a contractor, house builder or other person or entity approved by the ARC. The ARC shall have the right to refuse to approve any design, plan or color for such improvements, construction, or exterior alteration or repair visible from a public street, Common Area or other Lot which is not suitable or desirable, in the ARC's reasonable opinion, aesthetic or otherwise.
- 7.3.5. In so passing upon such design, the ARC shall have the right to take into consideration the suitability of the proposed building or other structure, the material of which it is to be built, the exterior color scheme, the site upon which it is to be erected, the harmony thereof with the surroundings, and the effect or impairment that said structures will have on the view or outlook of surrounding building sites, and any and all factors, which, in the ARC's opinion, shall affect the desirability or suitability of such proposed structure, improvements, or exterior alteration or repair.
- 7.3.6. The ARC shall have the right to disapprove the design or installation any recreational structure or equipment, in the ARC's reasonable opinion, aesthetic or otherwise. In so passing upon such design or proposed installation, the ARC shall have the right to take into consideration the visual impact of the structure and the noise impact of the related activities upon all of the Lots

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located in close proximity. Any enclosure or cover used in connection with such a recreational structure or equipment, whether temporary, collapsible, seasonal, or whatever, shall be treated as a permanent structure for the purpose of these covenants, and shall be subject to all the conditions, restrictions, and requirements as set forth herein for all buildings and structures.

- 7.3.7. The ARC shall have the right to require, at Owner's expense, the trimming (or, if deemed necessary by the ARC, removal) of any tree, hedge, or shrub on a Lot which the ARC determines is unreasonably blocking or interfering with the view or access to sunlight or another Lot.
- 7.3.8. Notwithstanding any provision contained in this Article, under no circumstance shall the ARC approve any action to construct, alter, restore or repair any structure, improvement, landscape, etc., which would be contrary to any condition of approval of the Plat of Osterly Park Townhomes as set forth under City of Tukwila subdivision file for the Plat.
- 7.3.9. Declarant (including any successor in interest to Declarant's status as Declarant) shall not be subject to the restrictions on this Section 7.3 as to any Lot owned by the Declarant. However, Lot 24 shall be subject to and governed by the same rules and regulations as all other members controlled by Section 7.
- 7.4. SIGNS. Except as otherwise provided by RCW 64.38.034, no sign of any kind shall be erected by an Owner or Occupant within the Community without the prior written consent of the Board. Notwithstanding the foregoing, the Board and the Declarant shall have the right to erect reasonable and appropriate signs. "For Sale" and "For Rent" signs and security signs consistent with the Community-Wide Standard and any signs required by legal proceedings may be erected upon any Lot. The provisions of this Section shall not apply to any Person holding a Mortgage who becomes the Owner of any Lot as purchaser at a judicial or foreclosure sale conducted with respect to a first Mortgage or as transferee pursuant to any proceeding in lieu thereof.
- 7.5. OCCUPANTS BOUND. All provisions of the Governing Documents which govern the conduct of Owners and which provide for sanctions against Owners shall also apply to all Occupants even though Occupants are not specifically mentioned. Fines may be levied against Owners or Occupants. If a fine is first levied against an Occupant and is not paid timely, the fine may then be levied against the Owner.
- 7.6. NUISANCE. Except for the exterior maintenance responsibilities of the Association, it shall be the responsibility of each Owner and Occupant to prevent the development of any unclean, unhealthy, unsightly or unkempt condition on his or her Lot. No property within the Community shall be used, in whole or in part, for the storage of any property or thing that will cause such Lot to appear to be in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing or material be kept that will emit foul or obnoxious odors or that will cause any noise or other condition that will or might disturb the peace, quiet, safety, comfort or serenity of the

occupants of surrounding property. No noxious or offensive activity shall be carried on within the Community, nor shall anything be done tending to cause embarrassment, discomfort, annoyance, or nuisance to any Person using any property within the Community. No plant or animal or device or thing of any sort shall be kept on any Lot whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant or of a nature as may diminish or destroy the enjoyment of the Community. Without limiting the generality of the foregoing, no speaker, horn, whistle, siren, bell, amplifier or other sound device, except such devices as may be used exclusively for security purposes, shall be located, installed or maintained upon the exterior of any Lot unless required by law.

- 7.7. SUBDIVISION OF LOT. No Lot shall be subdivided or its boundary lines changed except with the prior written approval of the Board. Declarant, however, hereby expressly reserves the right to replat any Lot or Lots owned by Declarant. Any such division, boundary line change or replatting shall not be in violation of the applicable subdivision and zoning regulations.7.8. FENCES. Except as originally installed by Declarant, no fence or fencing type barrier of any kind shall be placed, erected, allowed or maintained upon any portion of the Community, including any Lot, without the prior written consent of the ARC.
- 7.9. AIR-CONDITIONING UNITS. Except as may be permitted by the ARC, no air-conditioning units may be installed. Installation of any permitted air-conditioning unit shall be performed by a professional air-conditioning contractor licensed and bonded in the State of Washington.
- 7.10. LIGHTING. Except as may be permitted by the ARC, exterior lighting visible from the street shall not be permitted except for (a) approved lighting as originally installed on a Lot or (b) seasonal decorative lights, subject to such restrictions as may be established by the Board. Common payment and maintenance shall be shared equally. Lighting hours of operation will be from 9pm to 6am.
- 7.11. MAILBOXES. All mailboxes serving the Lots shall be clustered in a kiosk style as originally installed by Declarant or as otherwise approved by the ARC.
- 7.12. PARKING. Unless kept within a garage, no inoperable vehicle, recreational vehicle, house trailer, mobile home, boat, trailer or commercial vehicle shall be parked within the Community overnight. In addition, no parking shall be allowed on the private streets within the Community at anytime, except within on-street guest parking spaces as shown on the Plat of Osterly Park Townhomes. Guest parking spaces are reserved for guests visiting an occupant or owner of a residence in the Osterly Park Townhomes; no owner or occupant of any townhome may park in the guest parking spaces. Guests shall be limited to a maximum parking time per space of 24 hours.
- 7.12(a) 6 of the 7 parking spaces on S 144^{th} Lane are for use of the 23 townhome units.

7.13. PETS. No more than two (2) household pets may be kept on a Lot at anytime and then only when in compliance with rules and regulations adopted by the Board. The Board may at anytime require the removal of any such pet that it concludes is disturbing any other Owner through noise or other behavior. The Board may exercise

this authority with regard to specific pets even though other pets are permitted to remain on the Property.

- 7.14. GARBAGE. Owners shall regularly dispose of their garbage and other debris in containers designed for such purpose. Such containers shall be kept in the Owner's garage until the day designated for pickup. Disposal of garbage and recycling of materials shall be subject to such rules and regulations as may be adopted by the Association.
- 7.15. EXTERIOR SECURITY DEVICES. No exterior security devices, including, without limitation, window bars, shall be permitted on any Lot. Signs placed on the Lot or the exterior of the residence stating that such residence is protected by a security system shall not be deemed to constitute an exterior security device.
- 7.16. EXTERIOR AREAS OF LOTS. The exterior areas of Lots (i.e., any area outside the Townhome built on any Lot) are generally restricted to use for landscaping; provided, however, that an Owner may keep typical patio furniture and one barbeque on the exterior of the Owner's Lot so long as any such furniture or equipment is clean and in good working order. In no event shall an Owner keep or maintain a hot tub, spa, pool or similar facility on the exterior of the Owner's Lot. Similarly, no lawn statuary, basketball hoops or similar play equipment shall be maintained on the exterior of any Lot.
- 7.17. LANDSCAPING. Except for plantings in pots on decks, porches or patios, no Owner shall alter the landscaping on the Owner's Lot without the express consent of the ARC.

ARTICLE 8 INSURANCE

- 8.1. ASSOCIATION INSURANCE. The Association shall, subject to change by Board action on advice of the Association's insurance advisors, maintain at all times as an Association expense a policy or policies and bonds written by companies licensed to do business in Washington providing:
- 8.1.1. If and only if the Board, upon advice of its insurance advisors, determines it to be necessary in light of the limited nature of the Common Areas, property insurance covering the Common Areas with premiums being paid as a common expense of all Owners, protecting against fire and all other hazards normally covered by standard extended coverage endorsements and all other perils customarily covered for similar property, including those covered by the standard "all risk" endorsements, if available. If obtained, such insurance shall be in the amount of 100% of the current replacement cost of the Common Areas. The Association shall be named as the insured as trustee for the benefit of the Owners and Mortgagees, as their interests appear.

- 8.1.2. Liability insurance insuring the Board, the Association, Owners, Declarant, and any managing agent, with a "Severability of Interest Endorsement" or equivalent coverage that would preclude the insurer from denying the claim of an Owner because of the negligent acts of the Association or of another Owner, and shall cover liability of the insureds for property damage, bodily injury, and death of persons arising out of the operation, maintenance, and use of the Common Areas, and such other risks as are customarily covered with respect to residential projects of similar construction, location, and use. The limits of liability shall be in amounts generally required by Mortgagees for projects of similar construction, location and use, but shall be at least \$1,000,000 combined single limit for bodily injury and property damage per occurrence and \$2,000,000 general aggregate.
- 8.1.3. Workers' compensation insurance to the extent required by applicable laws.
- 8.1.4. A fidelity bond or insurance for any person who either handles or has responsibility for funds that the Association holds or administers, whether or not such person is compensated for services, naming the Association as the obligee and said bond or insurance should cover the maximum amount of funds to be handled at any time while the bond or insurance is in force and a minimum three months' assessments for all Unit Lots within the Community. If a professional manager is employed by the Association and such manager handles funds for the Association, the manager shall maintain the same coverage as the Association.
- 8.1.5. Such other insurance as the Association deems advisable; provided, that notwithstanding any other provisions herein, the Association shall continuously maintain in effect coverage meeting the insurance and fidelity bond requirements for similar projects established by Federal National Mortgage Association, Governmental National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Housing Authority, and Veterans Administration ("Secondary Market Agencies"), so long as any of them is a Mortgagee or Owner, except to the extent such coverage is not available or has been waived in writing by such agencies.
- 8.2. PAYMENT AND ENDORSEMENTS. Funds to cover the costs of insurance to be maintained by the Association shall be included in the Association's operation reserve account. The policies of insurance shall include endorsements as required by any Mortgagee or any Secondary Market Agency and all such insurance shall be continuously in effect.
- 8.3. OWNER'S INSURANCE. Each Owner shall continuously maintain in effect insurance with respect to such Owner's Unit Lot and the improvements constructed thereon covering such casualties and liabilities and meeting the insurance requirements as now or hereafter established by the Secondary Market Agencies so long as any such agencies are either a Mortgagee or an Owner of a Unit Lot, except to the extent such coverage is not available or has been waived in writing by such agencies. Upon request

by the Association, each Owner shall provide satisfactory written evidence that such insurance is being maintained and that all premiums therefore have been paid. If an Owner fails to obtain any required insurance or fails to pay the premium therefor, the Association may (but shall not be obligated to) obtain such insurance and/or make such payments for such Owner, and add the cost of such payments, as a specific assessment, to the normal assessment of such Owner.

8.4. RECONSTRUCTION. In the event of damage or destruction by fire or other casualty of any Unit Lot and improvement thereon, the Owner thereof shall repair or rebuild such damage or destroyed portions of the Unit Lot and improvements in a good workmanlike manner substantially the same as the original plans and specifications of said property in accordance with plans approved by the Association pursuant to Section 7.3. If the Owner refuses or fails to so repair or rebuild within thirty (30) days or such greater period as may be reasonably determined by the Board, the Association may perform such repair and rebuilding. The Owner must reimburse the Association for the amount actually expended for such repairs or reconstruction, and the Association shall have a lien securing such payment in the same manner provided for herein for assessments.

ARTICLE 9EASEMENTS

9.1. EASEMENTS FOR ENCROACHMENT AND OVERHANG.

- (a) There shall be an appurtenant easement for that portion of the roof of any improvements constructed on any Lot which overhangs an adjacent Lot or Lots to the extent the roof overhang was originally constructed by Declarant. This easement shall allow for the Owner of the benefited Lot to have temporary access to the servient Lot for maintenance, repair and replacement of such roof overhang so long as the benefited Lot Owner indemnifies and holds the servient Owner harmless from any damage to the servient Lot in connection with such maintenance, repair or replacement.
- (b) At some point in time there may be reciprocal appurtenant easements for encroachment and overhang as between adjacent Lots due to the unintentional placement or settling or shifting of the improvements constructed, reconstructed, or altered thereon (in accordance with the terms of this Declaration) to a distance of not more than five (5) feet, as measured from any point on the common boundary between each Lot and the adjacent portion of the Common Areas or as between adjacent Lots, as the case may be, along a line perpendicular to such boundary at such point.

9.2. EASEMENTS FOR USE AND ENJOYMENT.

9.2.1. Every Owner of a Lot shall have a right and easement of ingress and egress, use and enjoyment in and to the Common Areas which shall be appurtenant to and shall pass with the title to each Lot, subject to the right of the Association to establish

reasonable rules and regulations with regard to the operation, maintenance, repair and replacement of the Common Areas including its use and enjoyment by an Owner, and the Owner's family, tenants, guests and invitees. Without limitation, the Common Areas include those easements more particularly described aforementioned and hereinafter.

- 9.2.2. Any Owner may delegate such Owner's right of use and enjoyment in and to the Common Areas and facilities located thereon to the members of such Owner's family and to such Owner's tenants and guests and shall be deemed to have made a delegation of all such rights to the occupants of such Owner's Lot, if leased.
- 9.3. GRANT OF EASEMENT FOR UTILITIES. The following easements with regard to utilities serving the Community are hereby granted and declared by Declarant.
- Declarant declares that electrical power wires, natural gas pipelines, cable wires, water pipelines and plumbing pipelines which provide services to the Lots were installed within the Townhomes at locations which are not clearly identified on any map or plan. Such wires, pipes and lines were installed between the floor or ceiling joists and/or in the party wall in accordance with applicable building and electrical codes. Declarant grants an easement for utility purposes over and across each Lot where each such wire, pipe and/or line currently lies in favor of the Lots served by such wires, pipes and/or lines. In the event any repair or replacement of any such wire, line or pipe is required by any Owner and such repair or replacement requires entry into another Owner's Townhome, the "Consenting Owner" (i.e., the Owner of the Lot which will be entered) agrees to grant reasonable rights of entry for such purposes and further grants such other Townhome Owner the right to make such repairs or replacements from within such Consenting Owner's Townhome, on condition that the Owner in need of such entry and such work pays the cost of such work and restores the Consenting Owner's Townhome to the same condition it was before such entry and work therein. This provision is intended to be interpreted in favor of the Consenting Owner who must grant entry for such purposes and shall be liberally interpreted to ensure that a Consenting Owner is not damaged by such work.
- 9.3.2. Declarant grants an easement for water, drainage pipes and related equipment which form a part of the drainage and retention system which services the property, electric power, cable, natural gas, telephone, over, under and across the Lots and Common Areas, as constructed, in favor of the utility suppliers serving the Community. The intent of this easement is to allow the suppliers of such utility services (and the Association with respect to the drainage and retention system) a reasonable right to access and right to make necessary repairs and replacement of component parts of the utility service systems. The Owners who benefit from any work in such utility easement area shall bear the cost of such repair and replacement and are obligated to restore the ground surface or the side of the structure to the same condition it was prior to such utility repair or replacement.

- 9.4. EASEMENT FOR ASSOCIATION'S ENTRY ON LOTS. The Association shall have the right, but shall not be obligated, to enter upon any Lot within the Community for emergency, security and safety reasons, which right may be exercised by the Association's manager, and all police officers, firefighters, ambulance personnel and similar emergency personnel in the performance of their respective duties. Except in an emergency situation, entry shall only be during reasonable hours and after notice to the Owner. This right of entry shall include the right of the Board to enter to cure any condition which may increase the possibility of a fire, slope erosion or other hazard in the event an Owner or Occupant fails or refuses to cure the condition upon request by the Board.
- 9.5. EASEMENT FOR MAINTENANCE. Declarant hereby expressly reserves a perpetual easement for the benefit of the Association across such portions of the Property (including Lots), determined in the sole discretion of the Association, as are necessary to allow for the Association's performance of Exterior Maintenance as set forth in Section 6.2 and all other work required under Article 6. Such maintenance shall be performed with a minimum of interference to the quiet enjoyment of Owner's property, reasonable steps shall be taken to protect such property, and damage shall be repaired by the Person causing the damage at its sole expense.
- 9.7. CONSTRUCTION AND SALE PERIOD EASEMENT. So long as Declarant owns any Property in the Community for development and/or sale, Declarant reserves a right of access across all Property for Declarant and any builder or developer approved by Declarant to maintain and carry on, upon such portion of the Property as Declarant may reasonably deem necessary, such facilities and activities as in the sole opinion of Declarant may be required, convenient or incidental to Declarant's and such builder's or developer's development, construction and sales activities related to Property subject to this Declaration, including, but without limitation: the right of access, ingress and egress for vehicular and pedestrian traffic and construction activities over, under, on or in the Community, including, without limitation, any Lot; the right to tie into any portion of the Community with driveways, parking areas and walkways; the right to tie into and/or otherwise connect and use (without a tap-on or any other fee for so doing), replace,

relocate, maintain and repair any device which provides utility or similar services including, without limitation, electrical, telephone, natural gas, water, sewer and drainage lines and facilities constructed or installed in, on, under and/or over the Community; the right to carry on sales and promotional activities in the Community; and the right to operate model residences and a sales office for the Community.

- **9.8.** EASEMENTS **FOR VEHICULAR** ACCESS. Declarant hereby declares that that the Owners of the following Lots shall have the following easements for vehicular and pedestrian access:
- **9.8.1.** Lots [1], [2], {5} and [6] are hereby declared to have a non-exclusive easement for vehicular and pedestrian ingress and egress, and for all other functions normally associated with a driveway, over, under and across that certain portion of Lots [1], [2], {5} and [6], legally described on **Exhibit A** attached hereto and incorporated herein by this reference..
- 9.8.2. Lots [3], [4], [7] and [8] are hereby declared to have a non-exclusive easement for vehicular and pedestrian ingress and egress, and for all other functions normally associated with a driveway, over, under and across that certain portion of Lots [3], [4], [7] and [8], legally described on **Exhibit A** attached hereto and incorporated herein by this reference.
- 9.8.3. Phase II Lots [11],[12], [13], {14} and [15] are hereby declared to have a non-- exclusive easement for vehicular and pedestrian ingress and egress, and for all other functions normally associated with a driveway, over, under and across that certain portion of Phase II Lots [11],[12], [13], {14} and [15], legally described on **Exhibit A** attached hereto and incorporated herein by this reference.
- 9.8.4. Phase II Lots [9], [10] and [11], [12] are hereby declared to have a non-- exclusive easement for vehicular and pedestrian ingress and egress, and for all other functions normally associated with a driveway, over, under and across that certain portion of Phase II Lots [9], [10] and [11], [12] legally described on Exhibit A attached hereto and incorporated herein by this reference.
- 9.8.5 Phase II Lots [13], [14] and [15] are hereby declared to have a non-exclusive easement for vehicular and pedestrian ingress and egress, and for all other functions normally associated with a driveway, over, under and across that certain portion of Phase II Lots [13], [14] and [15] legally described on **Exhibit A** attached hereto and incorporated herein by this reference.

ARTICLE 10 PARTY WALLS AND OTHER SHARED STRUCTURES

- 10.1. GENERAL RULES OF LAW TO APPLY. Each wall or similar structure built as a part of the original construction on the Lots which serves and/or separates any two adjoining Lots shall constitute a party structure. To the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.
- 10.2. MAINTENANCE; DAMAGE AND DESTRUCTION. The cost of reasonable repair and maintenance of a party structure shall be shared equally by the Owners who make use of the party structure.

If a party structure is destroyed or damaged by fire or other casualty, then to the extent that such damage is not covered by insurance and repaired out of the proceeds of insurance, any Owner who has used the structure may restore it. If other Owners thereafter use the structure, they shall contribute to the restoration cost in equal proportions. However, such contribution will not prejudice the right to call for a larger contribution from the other users under any rule of law regarding liability for negligent or willful acts or omissions.

10.3. RIGHT TO CONTRIBUTION RUNS WITH LAND. The right of any Owner to contribution from any other Owner under this Section shall be appurtenant to the land and shall pass to such Owner's successors-in-title.

ARTICLE 11 CONSENSUS FOR ASSOCIATION LITIGATION

Except as provided in this Article, the Association shall not commence a judicial or administrative proceeding without the approval of Owners representing at least 75% of the Total Association Vote. This Article shall not apply, however, to (a) actions brought by the Association to enforce the Governing Documents (including, without limitation, the foreclosure of liens); (b) the collection of assessments; (c) proceedings involving

challenges to ad valorem taxation; (d) counterclaims brought by the Association in proceedings instituted against it; or (e) actions brought by the Association against any contractor or vendor arising out of a contract for services or supplies between the Association and such contractor or vendor. This Article shall not be amended unless such amendment is approved by the percentage of votes, and pursuant to the same procedures, necessary to institute proceedings as provided above.

ARTICLE 12 MORTGAGEE PROTECTION

- 12.1. ABANDONMENT OF DECLARATION. Neither the Association nor the Owners shall, without consent of 75% of all first Mortgagees of record of the Lots, seek by act or omission to abandon this Declaration or cause any Lot to be removed from the provisions hereof.
- 12.2. PARTITIONS AND SUBDIVISIONS. Neither the Association nor the Owners shall combine or subdivide any Lot or accept any proposal to do so without the prior approval of 75% of all first Mortgagees of record of the Lots, and without the unanimous approval of the Mortgagee(s) of the Lot(s), so affected.
- 12.3. CHANGE IN ASSESSMENT METHODS, ETC. Neither the Association nor the Owners shall make any material amendment to the Declaration or Bylaws (including changes in the methods of allocating assessments among the various Lots) without the prior approval of 75% of all first Mortgagees of record of the Lots, and without the unanimous approval of the Mortgagee(s) of the Lot(s) for which the method of assessment allocation would be changed.
- 12.4. COPIES OF NOTICES. Written notice that an Owner/Mortgagor of a Lot has for more than thirty (30) days failed to meet any obligation under the Declaration or Bylaws shall be given by the Association to any first Mortgagee of such Lot who has requested to so be notified. Any first Mortgagee shall, upon request, be entitled to receive written notice of all meetings of the Association and be permitted to designate a representative to attend all such meetings.
- 12.5. EFFECT OF DECLARATION AMENDMENTS. No amendment to this Declaration shall be effective to modify, change, limit or alter the rights expressly conferred upon Mortgagees in this instrument with respect to any unsatisfied mortgage duly recorded unless the amendment shall be consented to in writing by the holder of such mortgage. Any provisions of this Declaration conferring rights upon Mortgagees which is inconsistent with any other provisions of said Declaration or the Bylaws shall control over such inconsistent provisions.
- 12.6. INSPECTION OF BOOKS. First Mortgagees shall be entitled to inspect at all reasonable hours of week days all of the books and records of the Association, and, upon

request, to receive the annual financial statement of the Association within ninety (90) days following the end of the fiscal year of the Association.

12.7. AMENDMENTS BY BOARD. Should the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, HUD or VA subsequently delete any of their respective requirements which necessitate the provisions of this Article or make any such requirements less stringent, the Board, without approval of the Owners, may cause an amendment to this Article to be recorded to reflect such changes.

ARTICLE 13 GENERAL PROVISIONS

- 13.1. ENFORCEMENT. Each Owner and Occupant shall comply strictly with the Bylaws, the rules and regulations, the use restrictions, as they may be lawfully amended or modified from time to time, and with the covenants, conditions and restrictions set forth in this Declaration and in the deed to such Owner's Lot, if any. The Board of Directors may impose fines or other sanctions, which shall be collected as provided herein for the collection of assessments. Failure to comply with this Declaration, the Bylaws or the rules and regulations shall be grounds for an action to recover sums due for damages or injunctive relief, or both, maintainable by the Board of Directors, on behalf of the Association, or, in a proper case, by an aggrieved Owner. Failure by the Association or any Owner to enforce any of the foregoing shall in no event be deemed a waiver of the right to do so thereafter. The Board shall have the right to record in the appropriate land records a notice of violation of the Declaration, Bylaws, rules and regulations, use restrictions, or design guidelines and to assess the cost of recording and removing such notice against the Owner who is responsible (or whose Occupants are responsible) for violating the foregoing.
- Association or its duly authorized agent shall have the power to enter upon any Lot or any other portion of the Community to abate or remove, using such force as may be reasonably necessary, any structure, thing or condition which violates this Declaration, the Bylaws, the rules and regulations or the use restrictions. Unless an emergency situation exists, the Board shall give the violating Lot Owner ten (10) days' written notice of its intent to exercise self-help. Notwithstanding the foregoing, vehicles may be towed after reasonable notice. All costs of self-help, including, without limitation, reasonable attorneys' fees actually incurred, shall be assessed against the violating Lot Owner and shall be collected as provided for herein for the collection of assessments.
- 13.3. DURATION. The covenants and restrictions of this Declaration shall run with and bind the Community, and shall inure to the benefit of and shall be enforceable by the Association or any Owner, their respective legal representatives, heirs, successors and assigns, perpetually to the extent provided by law.

AMENDMENT. This Declaration may be amended unilaterally at any time and from time to time by Declarant, except Lot 24 Declarant (a) if such amendment is necessary to bring any provision hereof into compliance with any applicable governmental statute, rule, or regulation or judicial determination which shall be in conflict therewith; (b) if such amendment is necessary to enable any title insurance company to issue title insurance coverage with respect to the Lots subject to this Declaration; (c) if such amendment is required by an institutional or governmental lender or purchaser or mortgage loans, including, for example, the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, to enable such lender or purchaser to make or purchase Mortgage loans on the Lots subject to this Declaration; or (d) if such amendment is necessary to enable any governmental agency or private insurance company to insure or guarantee Mortgage loans on the Lots subject to this Declaration; provided, however, any such amendment shall not adversely affect the title to any Owner's Lot unless any such Lot Owner shall consent thereto in writing. Further, during the Declarant Control Period, Declarant may unilaterally amend this Declaration for any other purpose; provided, however, any such amendment shall not materially adversely affect the substantive rights of any Lot Owners hereunder, nor shall it adversely affect title to any Lot without the consent of the affected Lot Owner.

In addition to the above, this Declaration may be amended upon the affirmative vote or written consent, or any combination thereof, or the Owners of at least 67% of the Lots and the consent of Declarant until expiration of the Declarant Control Period. Amendments to this Declaration shall become effective upon recordation, unless a later effective date is specified therein.

- 13.5. GENDER AND GRAMMAR. The singular, wherever used herein, shall be construed to mean the plural, when applicable, and the use of the masculine pronoun shall include the neuter and feminine.
- 13.6. SEVERABILITY. Whenever possible, each provision of this Declaration shall be interpreted in such manner as to be effective and valid, but if the application of any provision of this Declaration to any person or to any property shall be prohibited or held invalid, such prohibition or invalidity shall not affect any other provision or the application of any provision which can be given effect without the invalid provision or application, and, to this end, the provisions of this Declaration are declared to be severable.
- 13.7. CAPTIONS. The captions of each Article and Section hereof, as to the contents of each Article and Section, are inserted only for convenience and are in no way to be construed as defining, limiting, extending, or otherwise modifying or adding to the particular Article or Section to which they refer.
- 13.8. INDEMNIFICATION. To the fullest extent allowed by applicable Washington law, the Association shall indemnify every officer and director against any and all expenses, including, without limitation, attorneys' fees, imposed upon or

reasonably incurred by any officer or director in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the then Board of Directors) to which such officer or director may be a party by reason of being or having been an officer or director. The officers and directors shall not be liable for any mistake of judgment, negligent or otherwise, except for their own individual willful misfeasance, malfeasance, misconduct or bad faith. The officers and directors shall have no personal liability with respect to any contract or other commitment made by them, in good faith, on behalf of the Association (except to the extent that such officers or directors may also be members of the Association), and the Association shall indemnify and forever hold each such officer and director free and harmless against any and all liability to others on account of any such contract or commitment. Any right to indemnification provided for herein shall not be exclusive of any other rights to which any officer or director, or former officer or director, may be entitled. The Association shall maintain adequate general liability and officers' and directors' liability insurance to fund this obligation, if such coverage is reasonably available.

13.9. BOOKS AND RECORDS.

- 13.9.1. Inspection by Members and Mortgagees. This Declaration, the Bylaws, copies of rules and use restrictions, membership register, books of account and minutes of meetings of the members of the Board and of committees shall be made available for inspection and copying by any member of the Association or by the duly appointed representative of any member and by holders, insurers, or guarantors of any first Mortgage at any reasonable time and for a purpose reasonably related to such Person's interest as a member or holder, insurer, or guarantor of a first Mortgage at the office of the Association or at such other reasonable place as the Board shall prescribe.
- **13.9.2. Rules for Inspection.** The Board shall establish reasonable rules with respect to:
 - (a) notice to be given to the custodian of the records;
 - (b) hours and days of the week when such an inspection may be made; and
 - (c) payment of the cost of reproducing copies of documents.
- 13.9.3. Inspection by Directors. Every director shall have the absolute right at any reasonable time to inspect all books, records and documents of the Association and the physical properties owned or controlled by the Association. The right of inspection by a director includes the right to make extra copies of documents at the reasonable expense of the Association.
- 13.10. FINANCIAL REVIEW. A review of the books and records of the Association shall be made annually in the manner as the Board of Directors may decide; provided, however, after having received the Board's financial statements at the annual

meeting, by a majority of the Total Association Vote, the Owners may require that the accounts of the Association be audited as a common expense by a certified public accountant. Upon written request of any institutional holder of a first Mortgage and upon payment of all necessary costs, such holder shall be entitled to receive a copy of audited financial statements within ninety (90) days of the date of the request.

- 13.11. NOTICE OF SALE, LEASE OR ACQUISITION. In the event an Owner sells or leases such Owner's Lot, the Owner shall give to the Association, in writing, prior to the effective date of such sale or lease, the name of the purchaser or lessee of the Lot and such other information as the Board may reasonably require. Upon acquisition of a Lot each new Owner shall give the Association, in writing, the name and mailing address of the Owner and such other information as the Board may reasonably require. The Association reserves the right to limit the number of non-owner occupied rental leases in the Osterly Park Townhomes Community to allow for no more than 20% of the total number of townhomes at any one time.
- 13.12. AGREEMENTS. All agreements and determinations, including settlement agreements regarding litigation involving the Association, lawfully authorized by the Board of Directors shall be binding upon all Owners, their heirs, legal representatives, successors, assigns and others having an interest in the Community or the privilege of possession and enjoyment of any part of the Community.
- 13.13. IMPLIED RIGHTS. The Association may exercise any right or privilege given to it expressly by this Declaration, the Bylaws, the Articles of Incorporation, any use restriction or rule, and every other right or privilege reasonably to be implied from the existence of any right or privilege given to it therein or reasonably necessary to effectuate any such right or privilege.
- 13.14. VARIANCES. Notwithstanding anything to the contrary contained herein, the Board of Directors or its designee shall be authorized to grant individual variances from any of the provisions of this Declaration, the Bylaws and any rule, regulation or use restriction promulgated pursuant thereto if it determines that waiver of application or enforcement of the provision in a particular case would not be inconsistent with the overall scheme of development for the Community; provided, however, that no variance shall be contrary to City of Tukwila ordinances, all of which must be complied with by Owners.

EXECUTED as of the day and year first set forth above.

DECLARANT:

144th Street REO Partners, LLC,

			By: Print Name:	Michael D. Overbeck
			Its:	Managing Member
STATE OF WASHINGTON	}	99		
COUNTY OF KING	5	SS.		

On this day personally appeared before me Michael D. Overbeck to me known to be the Managing Member of 144th Street REO Partners, LLC a limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that [he/she] was duly authorized to execute such instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington, residing at Seattle, WA

EXECUTED as of the day and year first set forth above.

DECLARANT:

Michael D. Overbeck,

By:	
Print Name:	Michael D. Overbeck

STATE OF WASHINGTON		
	>	SS.
COUNTY OF KING	•	

On this day personally appeared before me Michael D. Overbeck to me known to be the <u>individual</u> that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such individual, for the uses and purposes therein mentioned, and on oath stated that [he/she] was duly authorized to execute such instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington, residing at Seattle, WA

EXECUTED as of the day and year first set forth above.

DECLARANT:

Mengstab Tzegai,

			By:		
			Print Name:	Mengstab Tzegai	
STATE OF WASHINGTON)				
COUNTY OF KING	\(\)	SS.			

On this day personally appeared before me Mengstab Tzegai to me known to be the <u>individual</u> that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such individual, for the uses and purposes therein mentioned, and on oath stated that [he/she] was duly authorized to execute such instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington, residing at Seattle, WA

Re: Project # PL18-0054 (Osterly Park Townhomes Major Mod.)

Ashok Bandaranayake <ashoknight@gmail.com>

Wed 9/12/2018 2:58 PM

To Jaimie Reavis <Jaimie.Reavis@TukwilaWA.gov>;

Cc Kanchana Seneviratne <ksenev@gmail.com>;

thanks again Jaimie, I'll update the rest of the home owners and get back to you with any further comments. We're not fans of having that access point for security reasons but i'm guessing we'll have to take that up with Mike.

best, Ashok

On Wed, Sep 12, 2018 at 11:56 AM Jaimie Reavis < Jaimie Reavis@tukwilawa.gov> wrote: Ashok,

The planned extension of the private access lane for the Osterly Townhomes runs across a portion of the condo building property. Mr. Overbeck has constructed two parking spaces on the west side of the private access lane extension for use by the condo building, in exchange for a temporary easement across the condo property. Once the final plat is recorded, the area of the condo property that's used for the private access lane will become part of the access and utilities tract owned by the Osterly Park Townhomes. The parking spaces will remain part of the condo building property, even though they'll be separated from the condo property by a fence. I'm not sure who will be responsible for maintenance of the fence and the parking spaces, but it seems like it would be joint responsibility between the condo owner and the Osterly Park Townhomes (homeowners association), or the sole responsibility of the Osterly Park Townhomes homeowners association. The residents of the condo will have access to the parking spaces through a fence located near the recreation space.

Let me know if you have any follow-up questions.

Thank you,

Jaimie

Jaimie Reavis

Senior Planner | City of Tukwila 6300 Southcenter Blvd, Suite 100 Tukwila, WA 98188 ph: (206) 431-3659

Jaimie.Reavis@TukwilaWA.gov | www.tukwilawa.gov

The City of opportunity, the community of choice.

From: Ashok Bandaranayake <ashoknight@gmail.com> Sent: Wednesday, September 12, 2018 9:19:49 AM

To: Jaimie Reavis

Cc: Kanchana Seneviratne

Subject: Re: Project # PL18-0054 (Osterly Park Townhomes Major Mod.)

Jaimie, thank you for your quick response. One of the main issues the current tenants are concerned with is access of the condo building onto 34th Lane S, which is supposed to be a private lane. I can't tell from the PDF you sent me but do you see an access point close to the picnic benches?

thanks. Ashok

On Tue, Sep 11, 2018 at 3:42 PM Jaimie Reavis < Jaimie Reavis@tukwilawa.gov > wrote:

Hi Ashok.

Thank you for your email. Attached is the latest site plan for Phase 2, including the two townhomes Mr. Overbeck is finishing up (labled B14 and B15 on the attached plan sheet). I'd be happy to meet with you to talk more about the project, if it would be helpful to see other materials within the file as you're putting your comments together.

Jaimie

Jaimie Reavis

Senior Planner | City of Tukwila 6300 Southcenter Blvd, Suite 100 | Tukwila, WA 98188 ph: (206) 431-3659

Jaimie.Reavis@TukwilaWA.gov | www.tukwilawa.gov

The City of opportunity, the community of choice.

From: Ashok Bandaranayake ashoknight@gmail.com>

Sent: Tuesday, September 11, 2018 3:05:28 PM

To: Jaimie Reavis

Cc: Kanchana Seneviratne

Subject: Project # PL18-0054 (Osterly Park Townhomes Major Mod.)

Hi Jaimie,

I'm a current owner of one of the Osterly park townhomes and received a mailer providing notice of application for a major modification of the Osterly Park project. Our builder has not given us much information about this modification and I was wondering if you would be able to provide us with a detailed plan regarding this major modification?

I and many of the other owners of Osterly Park would then like to send you our comments as we already have some concerns regarding some of the changes we saw mentioned in the project description portion of the mailer we received.

thanks in advance.

Ashok Bandaranayake 14403 34th Lane S. Tukwila, WA 98168

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Project # PL18-0054

Allison Long <allisonlong1980@gmail.com>

Mon 10/1/2018 5:26 PM

To Jaimie Reavis <Jaimie.Reavis@TukwilaWA.gov>,

1 attachments (1 MB)

Osterly park og.jpg;

Dear Miss Reavis.

I am writing to you to express concern over an application made by Mike Overbeck. I am a resident of Osterly Park Townhouses. When I purchased my townhouse in April 2016, I was told by Mr. Overbeck that the entirety of Osterly Park would be finished in about 2 years. I have attached a photo of what I was told it would look like. In over 2 years I have observed things that were not in line with what I was promised. First off, the neighborhood is about 30% done. Second, we were promised that the apartment complex that edges up against the property was purchased and would be torn down. I was promised a communal park and 10 guest parking spots. In over two years we have no communal park, 4 guest parking spots and come to find out, the apartment complex was never purchased, will not be torn down, and Mr. Overbeck has now promised said apartment complex 2 of our guest parking spots, built them a passage way through our neighborhood, and has promised to build them a third level on their apartment complex. This is absolutely not what we agreed to.

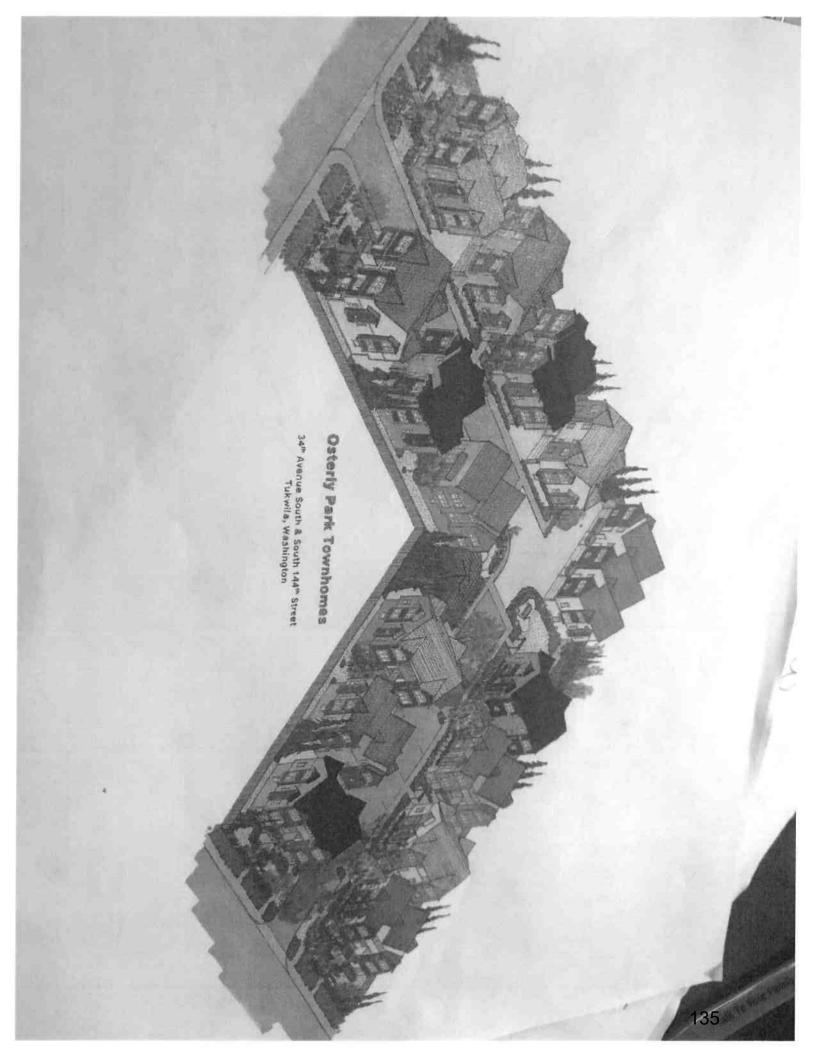
To make matters even more frustrating, I get this notice of design review for phase 2 of the neighborhood. From what I can tell from the picture he is absorbing this apartment complex into the townhome community. This is unacceptable. This is not what I and my neighbors agreed to. That apartment building is a dilapidated eyesore full of junkies and criminals. Since Mr. Overbeck has opened an access point for the residents of the complex to use we have had more packages stolen and car prowls. My son can no longer play in the driveway because strangers are constantly walking through our community.

I know that you asked for comments before Sept. 21st, but I have struggle to figure out what course of action we even have. I don't want to live in a construction zone anymore, but if I get a lawyer involved and I sue Mr. Overbeck and win, I might still be living in a construction zone. I can't sell my house because I doubt anyone wants to buy a place in the middle of a construction zone.

I would like to know what recourse I and my neighbors have in this decision to grant Mr. Overbeck permits, etc. Thank you.

Allison Long

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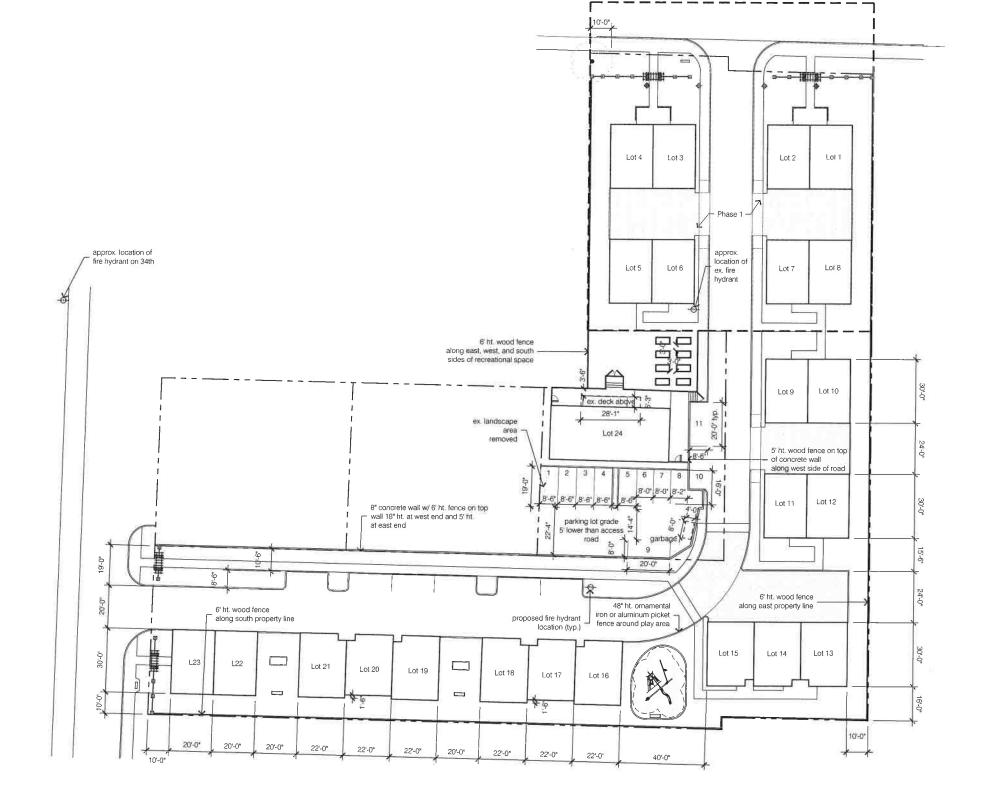
ATTACHMENT D

Osterly Park Townhomes

3429 South 144th Street Tukwila, Washington







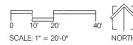


CHAD S. WICHERS CERTIFICATE NO. 931

project number: 20081020 drawn; CSW checked: Studio 342

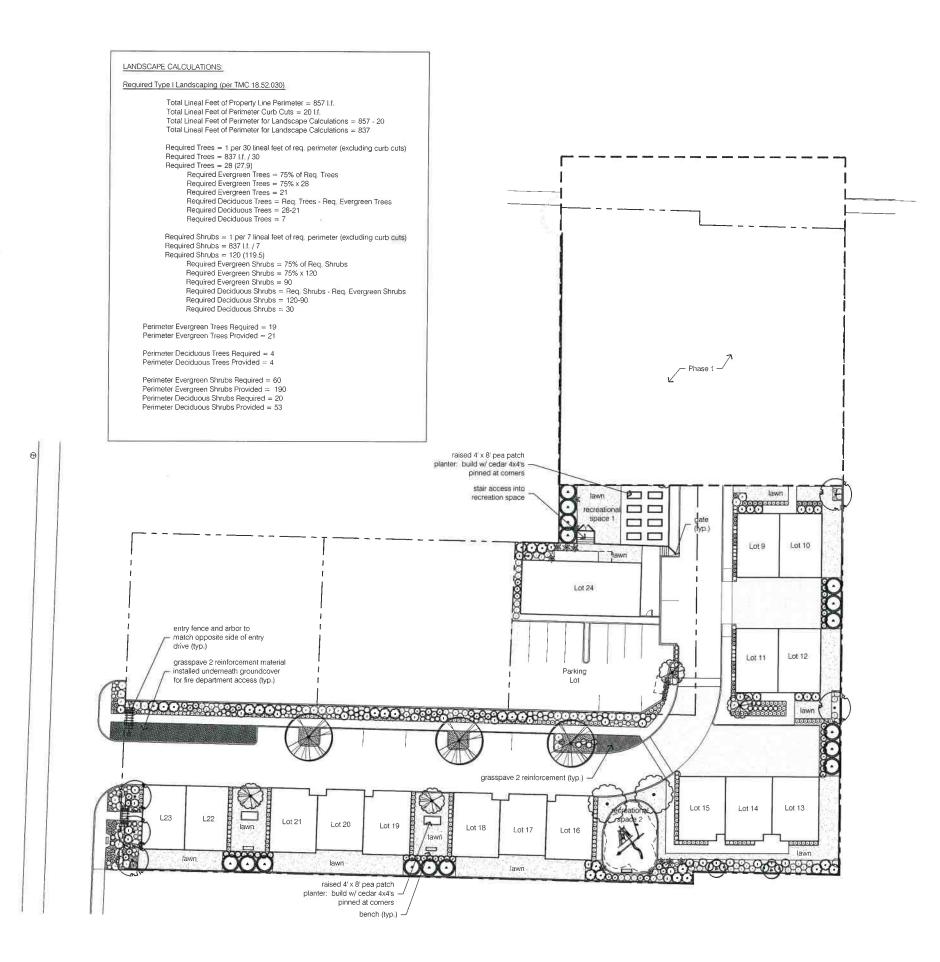
date	issue / revision
9/10/2008	Prelim. Review
9/22/2009	Revision
8/9/2010	Revision
9/9/2010	Utility Update
2/2/2011	Phase 1
2/3/2012	Phase 1 Revision
5/11/18	Phase 2 Revision
7/31/18	Phase 2 Landscape
8/19/18	Phase 2 Revisions
1/06/19	Ph 2 Site Plan Revision

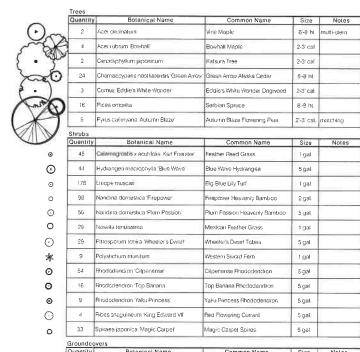
Phase 2 Landscape Site Plan



|_-

© Studio 342 Landscape Architecture LLC 2005





GENERAL NOTES

2 Clematis armandii

- Required perimeter planting shall meet the following size requirements per TMC 18.52.030 Deciduous trees shall be 2" caliper minimum Evergreen trees shall be 6' height minimum Shrubs shall be 18" height minimum
- All planting and lawn areas shall be served by an automatic irrigation system per TMC 1852.040.H. Irrigation plan shall be Design/Build by installing contractor and shall meet all applicable codes and Design/Build Irrigation Specifications found on Sheet L-2, Installing contractor shall provide the irrigation design to Landscape Architect for approval prior to construction

Beach Strawberry

Evergreen Clematis

1 gal per wood

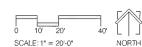
PLANTING NOTES:

- Plant quantities listed on this sheet are total quantities for each species. Landscape Architect (L.A.) or Owner shall approve all plant material upon delivery
- 3. Contractor to layout all plant material and get approval from L.A. prior to planting anything in the
- 4. Plants shall meet the current Arrierican Standard for Nursery Stock and shall be healthy, vigorous and well-formed, with well-developed, fibrous root systems, free from dead branches or roots. Plants shall be free from damage caused by temperature extremes, lack of or excess moisture, insects, disease, and mechanical injury. Plants in leaf shall be well foliated and of good color. Plants shall be habituated to outdoor environmental conditions (hardened-off)
- 5. Root balls of potted and balled and burlapped (B&B) plants must be loosened and pruned as necessary to ensure there are no encircling roots prior to planting. At least the top half of burlap and any wire straps are to be removed from B&B plants prior to planting. The plant should be completely vertical. The top of the root flare, where the roots and the trunk begins, should be about one inch from the surrounding soil

- 1. Incorporate 6" of 3-Way topsoil from Cedar Grove (or approved equal) tilled to a depth of 12" into all planting areas and mounded to account for setting.

 2. Incorporate 6" of 80/20 top dress topsoil from Cedar Grove (or approved equal) tilled to a depth of
- 12" into all lawn area and mound to account for settling,
- 3. Install 2" top course of Cedar Grove Landscape Mulch (or approved equal) to all planting areas Cedar Grove (877) 764-5748

- 1. Contractor to modify existing irrigation system to provide head to head coverage for all planting and lawn areas. See Sheet L-2 for Irrigation specifications.
- 2 Irrigation water shall be applied with goals of avoiding runoff and over-spray onto adjacent property, non-irrigated areas, and impervious surfaces.
- 3. Modified irrigation system to follow water conservation best management practices and include a rain sensor.





Osterly Park

Townhomes

3429 South 144th Street

Tukwila, Washington

studio342

project number: 20081020 drawn: CSW checked: Studio 342

issue / revision
Permit Submittal
Revisions

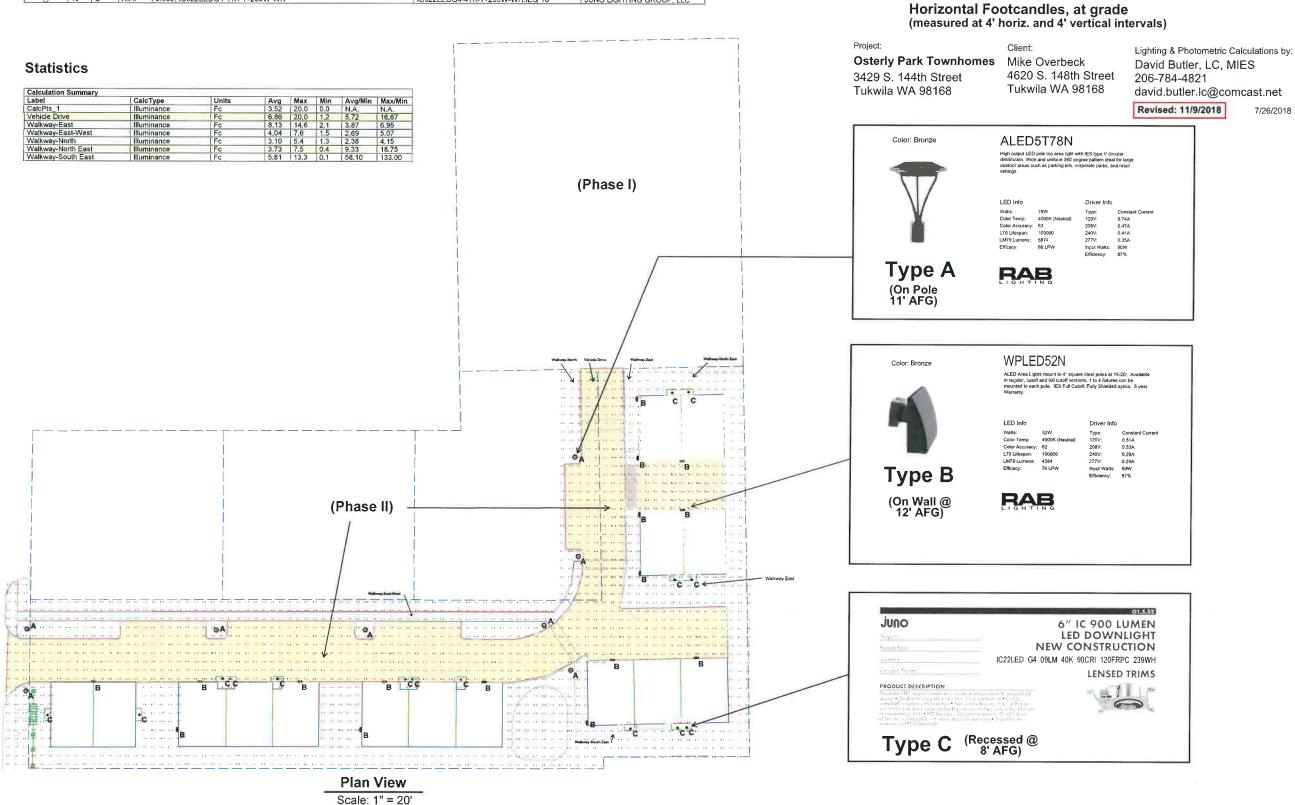
Phase 2 Landscape Plan

© Studio 342 Landscape Architecture, LLC 2008

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Luminaire Schedule

Luminaire Schedule								
Symbol	Qty	Label	Lumens	LLF	Description	Filename	Lum. Watts	[MANUFAC]
0	[8]	Α	N.A.	0.900	ALED5T78N_D10, ALED5T78N	rab02350.ies	83	RAB LIGHTING INC.
_ O	16	B	N.A.	0.900	ALED52N_WPLED52N (15 - DEGREE UPTILT - STANDARD CUTO)	Fhab02587mod5240,ies	58.2	RAB LIGHTING INC.
0	115	C	N.A.	0.900	IC922I FDG4-41K-1+239W-WH	IC922LEDG4-41K-1+239W-WHIES	16	JUNO LIGHTING GROUP LLC



OSTERLY PARK TOWNHOMES

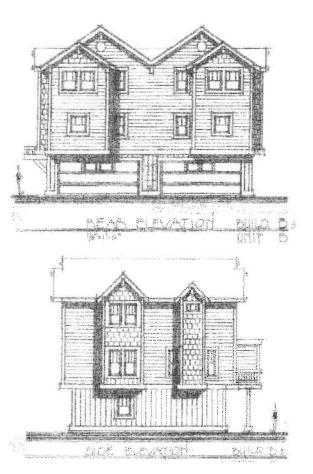
PHOTOMETRIC STUDY Phase II (Revised)

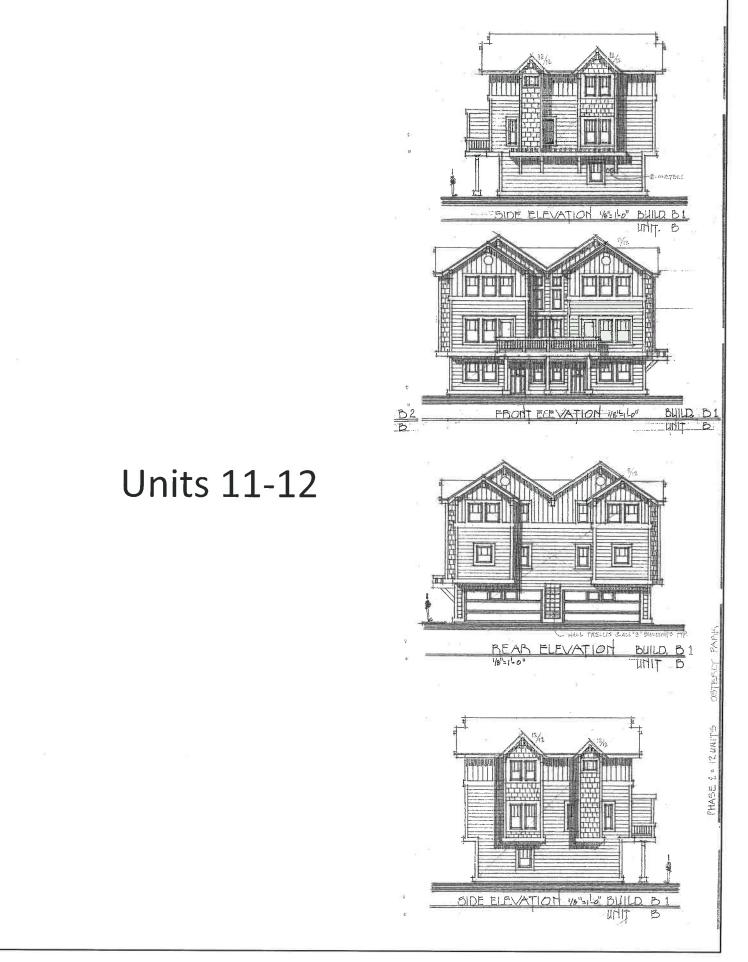
Photometric Calculations:

SITE LIGHTING &



Units 9-10







BUILDING D6 FRONT ELEVATION



BUILDING D6 REAR ELEVATION



BUILDING D6 SIDE ELEVATION



BUILDING D6 SIDE ELEVATION

Unit 13-14-15



Unit 16-17-18 Units 19-20-21



LOT 24



CITY OF TUKWILA FILE NO. City of Tukwila

City of Tukwila

Plat of Osterly Park Townhomes (PHASE TWO)

G NO.	VOL. /PAGE

Department of Community Development

6300 Southcenter Boulevard, Tukwila, WA 98188 Portion of the NW 1/4 of the NW 1/4 of Section 22, Township 23 North, Range 4 East, W.M., in King County, Washington

DED	CAT	FION

KNOW ALL PEOPLE BY THESE PRESENTS, THAT WE, THE UNDERSIGNED OWNER(S) IN FEE SIMPLE OF THE LAND HEREIN DESCRIBED DO HEREBY MAKE A SUBDIVISION THEREOF PURSUANT TO RCW 58.17.16. THE UNDER SIGNED FURTHER DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF SAID SUBDIVISION AND THE SAME IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED. DWNERS IN FEE SIMPLE AND LIEN HOLDERS OF THE LAND HEREBY PLATTED, DECLARE, DEDICATE ALL TRACTS AND EASEMENTS, TO THE PERSON(S) OR ENTITY(S) IDENTIFIED AND FOR THE PURPOSE STATED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED UNDER KING COUNTY RECORDING NUMBER

IN WITNESS WE HAVE SET DUR HANDS AND SEALS THIS _____ DAY DF ____, 20___

MIKE OVERBECK

MENGSTAB TZEGAL

144TH ST. REO PARTNERS, LLC, A NEW MEXICO LIMITED LIABLILTY COMPANY

ACKNOWLEDGMENT	rs
----------------	----

STATE OF WASHINGTON COUNTY OF

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT TO BE (HIS/HER) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT,

> SIGNATURE OF NOTARY PUBLIC _____ PRINTED NAME MY APPOINTMENT EXPIRES _____

ACKNOWLEDGMENTS

STATE OF WASHINGTON COUNTY OF _____

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT TO BE (HIS/HER) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT

> SIGNATURE OF NOTARY PUBLIC . DATED_ MY APPOINTMENT EXPIRES ____

DAMAGE WAIVER

PER TMC 17.04.060 THE FOLLOWING PERSONS OR CORPORATIONS HAVING AN INTEREST IN THE SUBDIVIDED LAND WAIVE BY THEM AND THEIR SUCCESSORS ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY ARISING FROM THE CONSTRUCTION AND MAINTENANCE OF PUBLIC FACILITIES AND PUBLIC PROPERTY WITHIN THE SUBDIVISION:

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS ____DAY OF _____, 20____ AT _____OF ____OF AT THE REQUEST OF _

This MAP correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of

SOUTH 146TH STREET

SITE

ROAD

EXISTING LEGAL DESCRIPTIONS

(REFERNECE: NEXTITLE ORDER NO. NXWA-0288250, DATED MARCH 12. 2018 AT 8:00 AM)

PARCEL A: TAX LOT 0040000083

THE SOUTH HALF OF LOT 3, BLOCK 2, ADAM'S HOME TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 31, RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON

PARCEL B: TAX LOT 6391110005

UNITS 1, 2, 3, AND 4, 14424 THIRTY FOURTH SOUTH CONDOMINIUM, A CONDOMINIUM, AND USE OF LIMITED COMMON ELEMENTS, IF ANY, RECORDED IN VOLUME 47 OF CONDOMINIUMS, PAGES 61 THROUGH 93. INCLUSIVE, ACCORDING TO THE DECLARATION THEREOF, RECORDED UNDER RECORDING NO.: 8010200753, AND ANY AMENDMENTS THERETO, RECORDS OF KING COUNTY, STATE OF WASHINGTON.

PARCEL C: TAX LOT 5433600090

LOT 9 OF OSTERLY PARK TOWNHOMES (PHASE ONE), AS PER THE PLAT RECORDED IN VOLUME 272 OF PLATS, PAGE 59 THROUGH 62, RECORDS OF KING COUNTY AUDITOR; SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

ACKNOWLEDGMENTS

STATE OF WASHINGTON COUNTY OF ___

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT SIGNED THIS INSTRUMENT SIGNED THIS INSTRUMEN AND ACKNOWLEDGED IT TO BE (HIS/HER) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

SOUTH 144TH STREET

VICINITY

NOT TO SCALE

SIGNATURE OF	
NOTARY PUBLIC	
PRINTED NAME	
DATED	
MY APPOINTMENT EXPIRES	

TUKWILA APPROVALS

PUBLIC WORKS DIRECTOR'S CERTIFICATE

I HEREBY APPROVE THE SURVEY DATA, THE LAYOUT OF THE STREETS, ALLEYS AND OTHER RIGHTS-OF-WAY, DESIGN OF DRAINAGE SYSTEMS AND OTHER

RECORDIN

I CERTIFY THAT THE SUBDIVIDER HAS COMPLIED WITH ONE OF THE

FOLLOWING;

A. ALL IMPROVEMENTS HAVE BEEN INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF TUKWILA MUNICIPAL CODE TITLE 17 AND WITH THE PRELIMINARY PLAT APPROVAL, AND THAT ORIGINAL AND REPRODUCIBLE MYLAR OR ELECTRONIC RECORDS IN A FORMAT APPROVED BY PUBLIC WORKS AND MEETING CURRENT PUBLIC WORKS DRAWING STANDARDS FOR ROAD, UTILITY AND DRAINAGE CONSTRUCTION PLANS CERTIFIED BY THE DESIGNING ENGINEER AS BEING 'AS CONSTRUCTED' HAVE BEEN SUBMITTED FOR CITY RECORDS.

B. AN AGREEMENT AND BOND OR OTHER FINANCIAL SECURITY HAVE BEEN EXECUTED IN ACCORDANCE WITH SECTION 17.24.030 OF THIS TITLE SUFFICIENT TO ASSURE COMPLETION OF REQUIRED IMPROVEMENTS AND CONSTRUCTION

EXAMINED AND APPROVED BY THE CITY OF TUKWILA DEPARTMENT OF PUBLIC THIS _____, 20____

DIRECTOR

DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed and approved by the DIRECTOR OF COMMUNITY DEVELOPMENT and hereby certified for filing

this	day	of	 20

DIRECTOR OF COMMUNITY DEVELOPMENT

CITY OF TUKWILA TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS, AND THAT ALL SPECIAL ASSESSMENTS OF THE PROPERTY HEREIN CONTAINED DEDICATED FOR STREETS, ALLEYS OR FOR OTHER PUBLIC USE AND ARE PAID IN FULL ON THIS _ DAY OF _____, 20____

FINANCE DIRECTOR

MAYOR AND CLERK'S APPROVAL

EXAMINED AND APPROVED THIS_____ DAY OF_____

CITY CLERK

KING COUNTY APPROVALS

KING COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL THIS ______ DAY OF _____, 20____,

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS	DAY OF	, 20 .
KING COUNTY ASSESSOR	DEPUTY KING	COUNTY ASSESSOR

ACCOUNT NUMBER 0040000083, 0040000087, 6391100005 and 6391110005

SHEET 1 OF 4

SCHROETER LAND SURVEYING							
PROFESSIONAL LAND SURVEYORS							
P.D. Box 813, Seahurst, Washington 98062 (206) 242-6621							
DATE: 12/6/18 PROJECT NO. 18008 DRWN BY LAW							
JOB NO. 530/4	FIELD DATE 11/11/07	REVISED					

City of Tukwila

Plat of Osterly Park Townhomes (PHASE TWO)

RECORDING NO.

Department of Community Development Telephone (206) 431-3670 FAX (206) 431-3665

6300 Southcenter Boulevard, Tukwila, WA 98188 Portion of the NW 1/4 of the NW 1/4 of Section 22, Township 23 North, Range 4 East, W.M., in King County, Washington

TRACT B: INGRESS, EGRESS AND UTILITIES EASEMENT

TRACT B IS A PRIVATE JOINT USE INGRESS, EGRESS, AND UTILITIES TRACT FOR THE BENEFIT OF THE OWNERS OF LOTS 1 THROUGH 8, OSTERLY PARK TOWNHOMES PHASE ONE, RECORDED UNDER RECORDING NUMBER 20160308000498, RECORDS OF KING COUNTY, WASHINGTON AND LOTS 9 THROUGH 23 OF OSTERLY PARK TOWNHOMES, PHASE TWO, APPROVED UNDER TUKWILA FILE NUMBERS

OWNERSHIP OF LOTS WITHIN OSTERLY PARK TOWNHOMES (PHASE ONE) AND OSTERLY PARK TOWNHOMES (PHASE 2) OF THESE PLATS INCLUDES AN EQUAL AND UNDIVIDED RESPONSIBILITY FOR THE MAINTENANCE OF SAID TRACT AND ANY UNDERLYING UTILITIES. OWNERSHIP, OPERATION AND MAINTENANCE OF TRACT A SHALL BE THE OSTERLY PARK TOWNHOMES OWNERS ASSOCIATION. DETAILED MAINTENANCE RESPONSIBILITIES SHALL BE AS LISTED UNDER THE DECLARATION OF CONVENTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND AGREEMENTS FOR THE OSTERLY PARK TOWNHOMES UNDER KING COUNTY RECORDING NUMBER

LEGAL DESCRIPTION FOR TRACT B, AN INGRESS, EGRESS AND UTILITIES EASEMENT: THAT PORTION LOT 9, OSTERLY PARK TOWNHOMES, PHASE ONE, RECORDED UNDER RECORDING NUMBER 20160308000498, RECORDS OF KING COUNTY, WASHINGTON AND THE SOUTH HALF OF LOT 3, BLOCK 2, ADAM'S HOME TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 31, RECORDS OF KING COUNTY, WASHINGTON, SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A, A PRIVATE JOINT USE INGRESS, EGRESS, AND UTILITIES TRACT A PER THE PLAT OSTERLY PARK TOWNSHOMES, PHASE ONE, RECORDED UNDER RECORDING NUMBER 20160308000498, RECORDED OF KING COUNTY, WASHINGTON;

THENCE SOUTH 87°33'54" EAST, ALONG THE SOUTH LINE OF SAID TRACT A, 13.22 FEET TO THE TRUE POIUNT OF BEGINNING;

THENCE SOUTH 87'33'54" EAST, ALONG THE SOUTH LINE OF SAID TRACT A, 16.79

THENCE SOUTH 01'09'52" WEST 77.27 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE RIGHT IN A SOUTHWESTERLY DIRECTION WITH A RADIUS OF 40.00 FEET AN ARC OF 63.73 FEET;

THENCE NORTH 87'32'24" WEST 245.20 FEET TO THE EAST MARGIN OF 34TH AVE

THENCE NORTH 02'59'12" EAST, ALONG SAID MARGIN, 39.02 FEET; THENCE SOUTH 87'33'11" EAST 268.08 FEET;

THENCE NORTH 01'09'52" EAST 79.09 FEET TO THE SOUTH LINE OF SAID TRACT A, OSTERLY PARK TOWNHOMES (PHASE ONE) AND THE TRUE POINT OF BEGINNING;

SUBJECT TO AND TOGETHER WITH SEATTLE CITY LIGHT EASEMENT RECORDED UNDER KING COUNTY RECORDING NUMBER 20110420000543

SUBJECT TO A DRAINAGE PIPELINE UNDER KING COUNTY RECORDING NUMBER

SUBJECT TO RIGHT TO MAKE NECESSARY CUTS AND FILLS UNDER KING COUNTY

SUBJECT TO AND TOGETHER WITH AN EASEMENT FOR SEWER LINE RECORDED UNDER KING COUNTY RECORDING NO. 6591979

SUBJECT TO AND TOGETHER WITH SEATTLE CITY LIGHT EASEMENT RECORDED UNDER KING COUNTY RECORDING NUMBER 20110420000543;

TOGETHER WITH AND SUBJECT TO A PUGET SOUND ENERGY EASEMENT RECORDED UNDER KING COUNTY RECORDING NUMBER 20150129001483

SUBJECT TO AND TOGETHER WITH A PRIVATE INGRESS, EGRESS, STORM AND UTILITIES EASEMENT KC REC. NO. 20131001001350

TOGETHER WITH AND SUBJECT TO A WATERLINE EASEMENT KC REC. NO.

PROVISIONS SET FORTH ON THE SURVEY MAP AND PLANS AND AMENDMENTS THERETO, RECORDED UNDER RECORDING NO. 8010200750.

PROVISIONS SET FORTH ON THE SURVEY MAP AND PLANS AND AMENDMENTS THERETO, RECORDED UNDER RECORDING NO. 8010200752.

EASEMENT FOR INGRESS, EGRESS AND UTILITIES

KC REC. NO. 20180927001053:

THAT PORTION OF UNITS 1, 2, 3, AND 4, 14424 THIRTY FOURTH SOUTH CONDOMINIUM, A CONDOMINIUM, AND USE OF LIMITED COMMON ELEMENTS, IF ANY, RECORDED IN VOLUME 47 OF CONDOMINIUMS, PAGES 61 THROUGH 93, INCLUSIVE, ACCORDING TO THE DECLARATION THEREOF, RECORDED UNDER RECORDING NO. 8010200753, AND ANY AMENDMENTS THERETO, RECORDS OF KING COUNTY, STATE OF WASHINGTON, DESCRIBED

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A, A PRIVATE JOINT USE INGRESS, EGRESS, AND UTILITIES TRACT A PER THE PLAT OSTERLY PARK TOWNSHOMES, PHASE ONE, RECORDED UNDER RECORDING NUMBER 20160308000498, RECORDED OF KING COUNTY, WASHINGTON, BEING ON THE NORTH LINE OF 14424 THIRTY FOURTH SOUTH CONDOMINIUM; THENCE SOUTH 87'33'54" EAST, ALONG SAID NORTH LINE, 13.22 FEET; THENCE SOUTH 01'09'52" WEST 79.09 FEET; THENCE NORTH 87'33'11" WEST 15.00 FEET; THENCE NORTH 01°09'52" EAST 22.85 FEET: THENCE SOUTH 88°50'08" EAST 7.00 FEET: THENCE NORTH 01'09'52" EAST 46.20 FEET; THENCE NORTH 88'50'00" WEST 5.21 FEET; THENCE NORTH 01"05'16" EAST 10.00 FEET TO THE BOUNT OF BEGINNING.

TRACT A: INGRESS, EGRESS AND UTILITIES EASEMENT

TRACT A: INGRESS, EGRESS AND UTILITIES EASEMENT TRACT A IS A PRIVATE JOINT USE INGRESS, EGRESS, AND UTILITIES TRACT FOR THE BENEFIT OF THE OWNERS OF LOTS 1 THROUGH 9 AND FUTURE PHASES OF THE OSTERLY PARK TOWNHOMES, AS APPROVED UNDER TUKWILA FILE NUMBERS LO8-079 AND L12-0005, OWNERSHIP OF LOTS 1 THROUGH 9 OF THIS PLAT INCLUDES AN EQUAL AND UNDIVIDED RESPONSIBILITY FOR THE MAINTENANCE OF SAID TRACT AND ANY UNDERLYING UTILITIES. OWNERSHIP, OPERATION AND MAINTENANCE OF TRACT A SHALL BE THE OSTERLY PARK TOWNHOMES OWNERS ASSOCIATION DETAILED MAINTENANCE RESPONSIBILITIES SHALL BE AS LISTED UNDER THE DECLARATION OF CONVENTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND AGREEMENTS FOR THE OSTERLY PARK TOWNHOMES UNDER KING COUNTY RECORDING NUMBER 20160308000498.

DRIVEWAY EASEMENTS

A. PRIVATE 24 FOOT DRIVEWAY EASEMENT FOR THE BENEFIT OF TOWNHOMES ON 9, 10, 11 AND 12. FOR DETAILED MAINTENANCE RESPONSIBILITIES SEE THE CONVENTS, CONDITIONS, AND RESTRICTIONS UNDER KING COUNTY RECORDING NUMBER LEGAL DESCRIPTION AS FOLLOWS:

THAT PORTION OF LOTS 9, 10, 11 AND 12 OF THE PLAT OF OSTERLY PARK TOWNHOMES (PHASE TWO) CITY OF TUKWILA FILE NO. L-, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9, PLAT OF OSTERLY PARK TOWNHOMES (PHASE TWO);

THENCE NORTH 01'09'52" EAST, ALONG THE WEST LINE OF SAID LOT 14. 12.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 88'50'22" EAST 41.93 FEET: THENCE SOUTH 01°09'35" WEST 24.00 FEET;

THENCE NORTH 88'50'22" WEST 41,94 FEET TO THE WEST LINE OF SAID

THENCE NORTH 01'09'52" EAST 24.00 FEET TO THE TRUE POINT OF **BEGINNING**

B. PRIVATE 24 FOOT DRIVEWAY EASEMENT FOR THE BENEFIT OF TOWNHOMES ON 13, 14 AND 15. FOR DETAILED MAINTENANCE RESPONSIBILITIES SEE THE CONVENTS, CONDITIONS, AND RESTRICTIONS UNDER KING COUNTY RECORDING NUMBER LEGAL DESCRIPTION AS FOLLOWS:

THAT PORTION OF LOTS 13, 14 AND 15 OF THE PLAT OF OSTERLY PARK TOWNHOMES (PHASE TWO) CITY OF TUKWILA FILE NO. L-, DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 13, PLAT OF OSTERLY PARK TOWNHOMES (PHASE TWO);

THENCE NORTH 88°50'22" WEST, ALONG THE NORTH LINE OF SAID LOT 13, 10.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 88'50'22" WEST 42.42 FEET TO A POINT ON A CURVE WHICH BEARS SOUTH 79'57'05" EAST 40.00 FEET FROM THE CENTER POINT OF SAID CURVE;

THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHWESTERLY DIRECTION WITH A RADIUS OF 40.00 FEET AND AN ARC OF 27.99 FEET; THENCE SOUTH 88'50'22" EAST 55.69 FEET; THENCE NORTH 01'09'38" EAST 24.00 FEET TO THE TRUE POINT OF BEGINNING.

TRACT C: RECREATION TRACT

OWNERSHIP, OPERATION AND MAINTENANCE OF TRACT C SHALL BE THE OSTERLY PARK TOWNHOMES HOMEOWNERS ASSOCIATION; LEGAL DESCRIPTION FOR TRACT B, A RECREATION TRACT: THAT PORTION OF THE LOT 3, BLOCK 2, ADAM'S HOME TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 31, RECORDS OF KING COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 87'32'19' WEST, ALONG THE SOUTH LINE THEREOF, 8.60 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 87'32'19" WEST, ALONG THE SOUTH LINE THEREOF, 40.00 FEET; THENCE NORTH 02'59'12" EAST 40.01 FEET; THENCE SOUTH 87'32'24" EAST 23.20 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT IN A

PROPERTY NOTES

1. THE UNIT LOTS ARE NOT SEPARATE BUILD ABLE LOTS, AND ADDITIONAL DEVELOPMENT ON THE INDIVIDUAL UNIT LOTS MAY BE LIMITED AS A RESULT OF THE APPLICATION OF DEVELOPMENT TO THE PARENT LOT. DEVELOPMENT SHALL BE PER THE APPROVED DESIGN REVIEW RECEIVED FROM THE CITY OF TUKWILA UNDER FILE

NORTHERLY DIRECTION WITH A RADIUS OF 40.00 FEET AN ARC OF 15.87 FEET; THENCE SOUTH 01'09'38" WEST 43.12 FEET TO THE TRUE POINT OF BEGINNING

2. THE FOLLOWING CONDITIONS OF PRELIMINARY APPROVAL SHALL BE DEFERRED TO

BUILDING PERMIT FOR INDIVIDUAL UNITS:

A) CONSTRUCTION OF PERIMETER FENCE, RECREATION AREA, IRRIGATION, LIGHTING, LIGHTING FIXTURES, COLORED AND PATTERNED SHARED DRIVEWAY AREAS, RECREATION AREA LANDSCAPING (IRRIGATION AND EQUIPMENT) AND LANDSCAPING SHALL BE DEFERRED TO THE BUILDING PERMITS.

B) SCREENING OF THE INDIVIDUAL METERS, ELECTRICAL BOXES AND SIMILAR EQUIPMENT NECESSARY FOR PROJECT INFRASTRUCTURE SHALL BE REVIEWED AS PART OF THE BUILDING PERMIT FOR EACH UNIT.

SIDEWALK EASEMENTS

A. PRIVATE 4 FOOT SIDEWALK EASEMENT FOR THE BENEFIT OF TOWNHOMES 13, 14 AND 15. FOR DETAILED MAINTENANCE RESPONSIBILITIES SEE THE CONVENTS, CONDITIONS, AND RESTRICTIONS UNDER KING COUNTY RECORDING NUMBER

THAT PORTION OF LOTS 14 AND 15 AND TRACT C OF THE PLAT OF OSTERLY PARK TOWNHOMES (PHASE TWO) CITY OF TUKWILA FILE NO. L-, DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 01'09'38" EAST, ALONG THE WEST LINE OF SAID LOT 15, 15.54 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87'49'57 EAST 45.33 FEET; THENCE NORTH 01'09'38" EAST 4.00 FEET; THENCE NORTH 87'49'57 WEST 45.33 FEET TO THE WEST LINE OF SAID LOT 15: THENCE NORTH 01"09"38" EAST, ALONG SAID WEST LINE, 23.59 FEET TO A POINT ON A CURVE WHICH BEARS SOUTH 2016'20" EAST 40.00 FEET FROM THE CENTER POINT OF CURVE; THENCE ON A CURVE IN THE SOUTHWESTERLY DIRECTION WITH A RADIUS OF 40.00 FEET AND ARC OF 4.22 FEET;

THENCE SOUTH 01'09'38"WEST 26.18 FEET; THENCE SOUTH 87'49'57" EAST 4.00 FEET TO THE TRUE POINT OF BEGINNING

B. PRIVATE 6 FOOT SIDEWALK EASEMENT FOR THE BENEFIT OF TOWNHOMES 11 AND 12. FOR DETAILED MAINTENANCE RESPONSIBILITIES SEE THE CONVENTS, CONDITIONS, AND RESTRICTIONS UNDER KING COUNTY RECORDING NUMBER LEGAL DESCRIPTION AS FOLLOWS:

THE SOUTH 6.00 FEET OF LOT 11 OF THE PLAT OF OSTERLY PARK TOWNHOMES (PHASE TWO) CITY OF TUKWILA FILE NO. L-_

RECREATION EASEMENTS

A. THAT PORTION OF THE SOUTH HALF OF LOT 3, BLOCK 2, ADAM'S HOME TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 31, RECORDS OF KING COUNTY, WASHINGTON, SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, ON THE EAST MARGIN OF 34TH AVENUE SOUTH; THENCE SOUTH 87'32'19" EAST 146.00 FEET; THENCE NORTH 02'59'12" EAST 10.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 87°32'19" WEST 10.00 FEET; THENCE NORTH 02'59'12' EAST 30.00 FEET; THENCE SOUTH 87'32'24" EAST 20.00 FEET; THENCE SOUTH 02'59'12" WEST 30.00 FEET; THENCE NORTH 87'32'19"

WEST 10.00 FEET TO THE TRUE POINT OF BEGINNING;
DETAILED MAINTENANCE RESPONSIBILITIES SHALL BE AS LISTED UNDER THE CONVENTS,
CONDITIONS, AND RESTRICTIONS UNDER KING COUNTY RECORDING NUMBER

B. THAT PORTION OF THE SOUTH HALF OF LOT 3, BLOCK 2, ADAM'S HOME TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 31, RECORDS OF KING COUNTY, WASHINGTON, SITUATE IN THE COUNTY OF KING, STATE OF

WASHINGTON, DESCRIBED AS FOLLOWS: AVENUE SOUTH; THENCE SOUTH 87'32'19" EAST 60.00 FEET; THENCE NORTH 02'59'12" EAST 10.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 87'32'19" WEST 10.00 FEET; THENCE NORTH 02'59'12' EAST 30.00 FEET; THENCE SOUTH 87'32'24" EAST 20.00 FEET; THENCE SOUTH 02'59'12" WEST 30.00 FEET; THENCE NORTH 87'32'19" WEST 10.00 FEET TO THE TRUE POINT OF BEGINNING: DETAILED MAINTENANCE RESPONSIBILITIES SHALL BE AS LISTED UNDER THE CONVENTS,

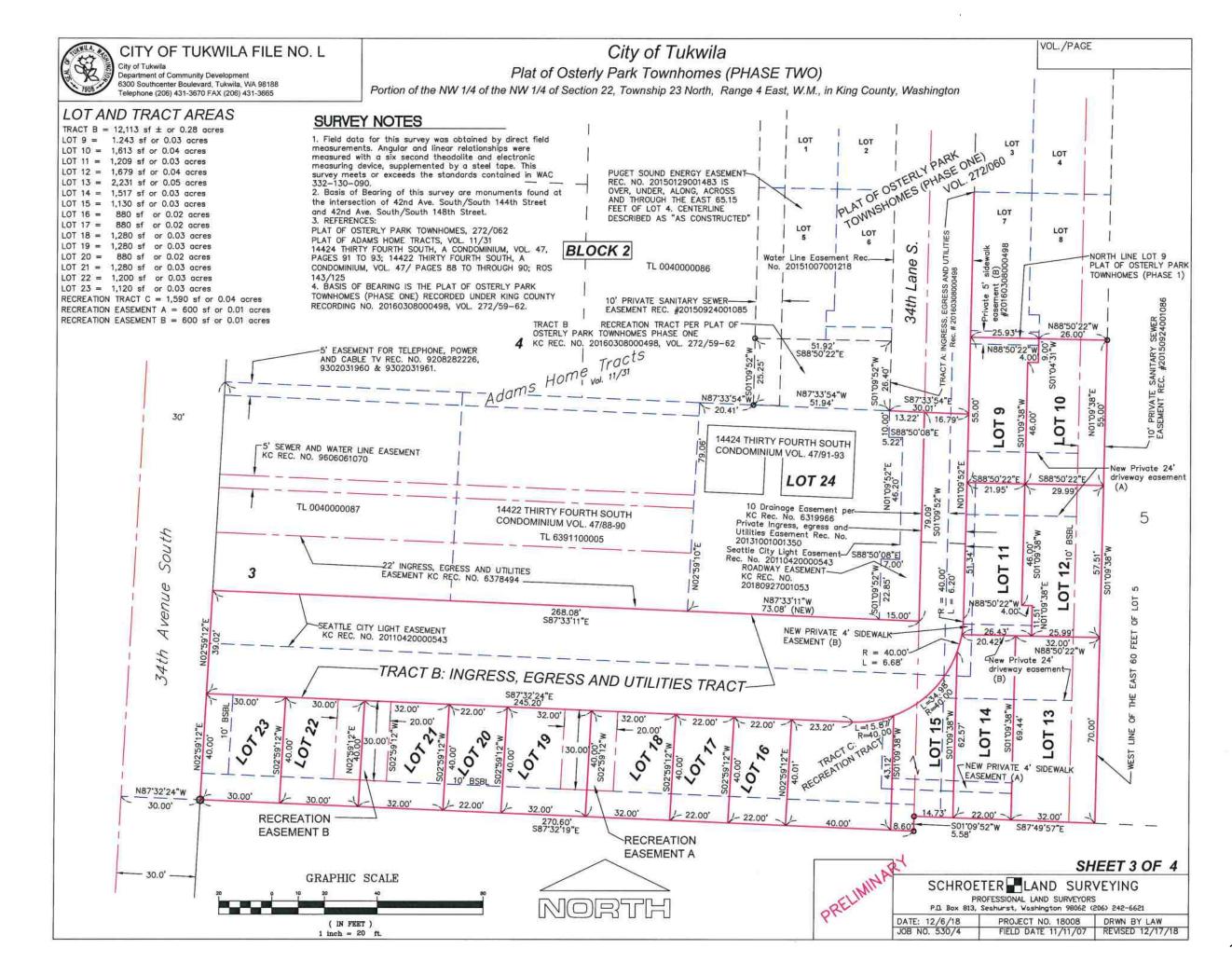
CONDITIONS, AND RESTRICTIONS UNDER KING COUNTY RECORDING NUMBER

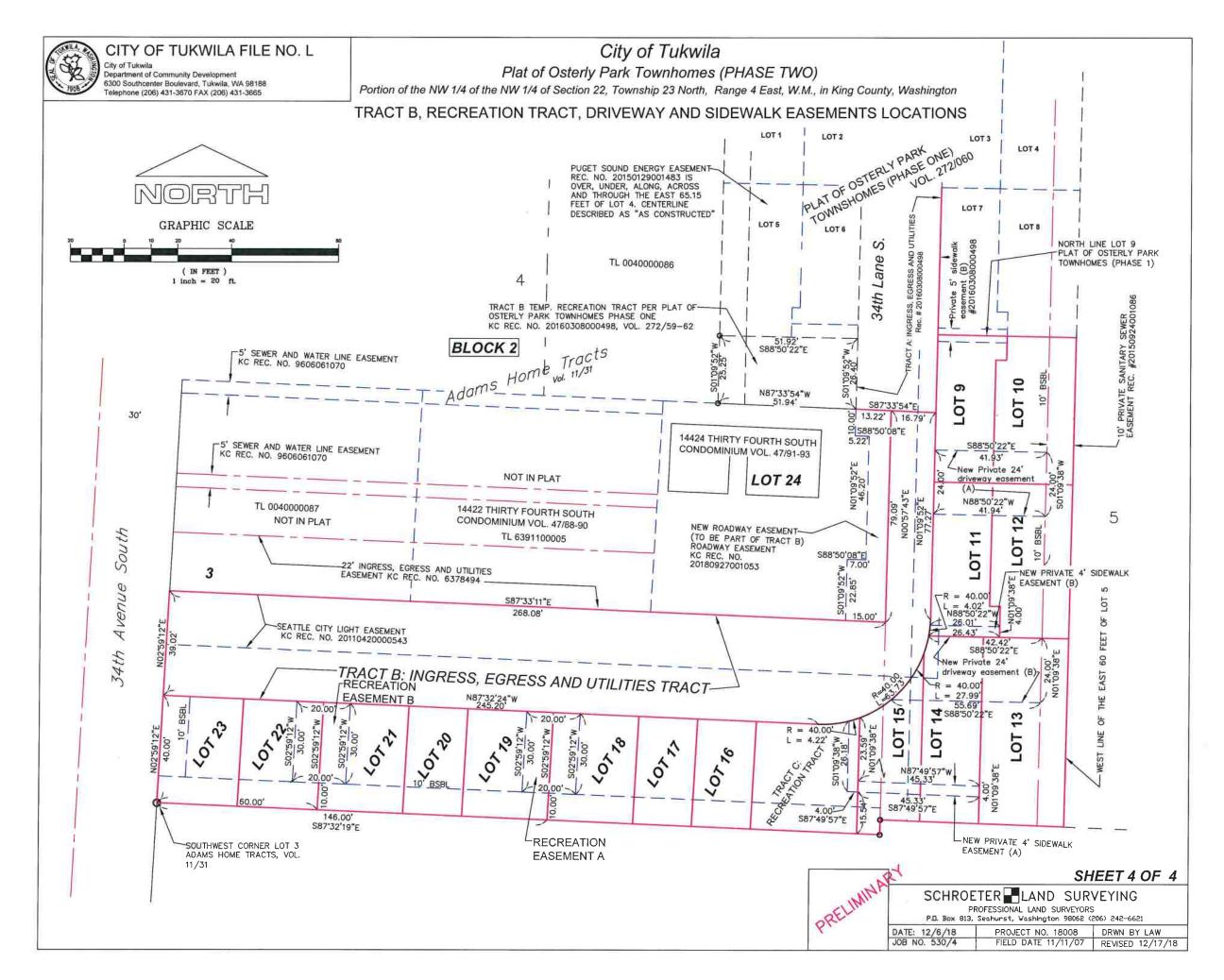
SHEET 2 OF 4

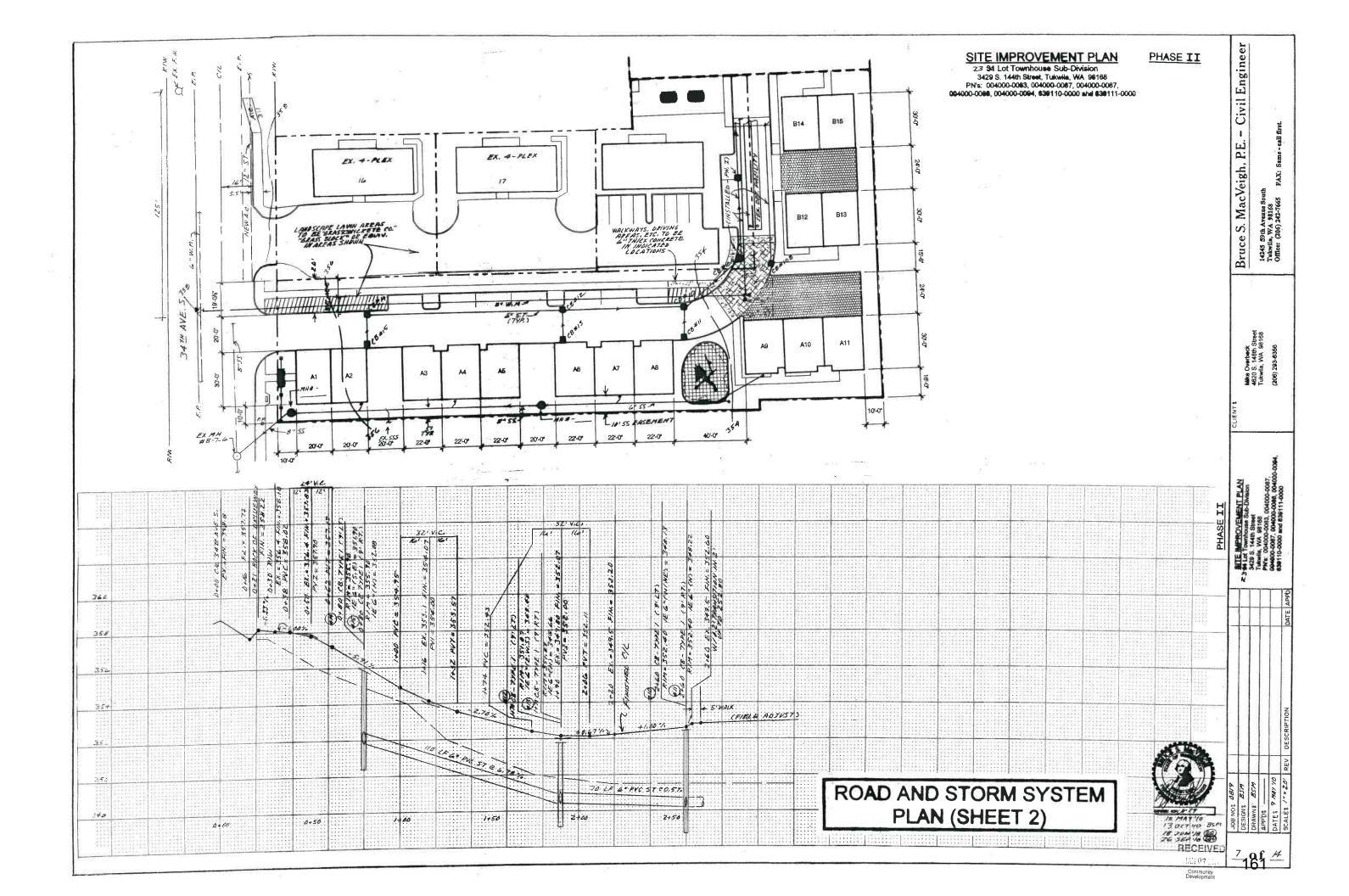
SCHROETER LAND SURVEYING

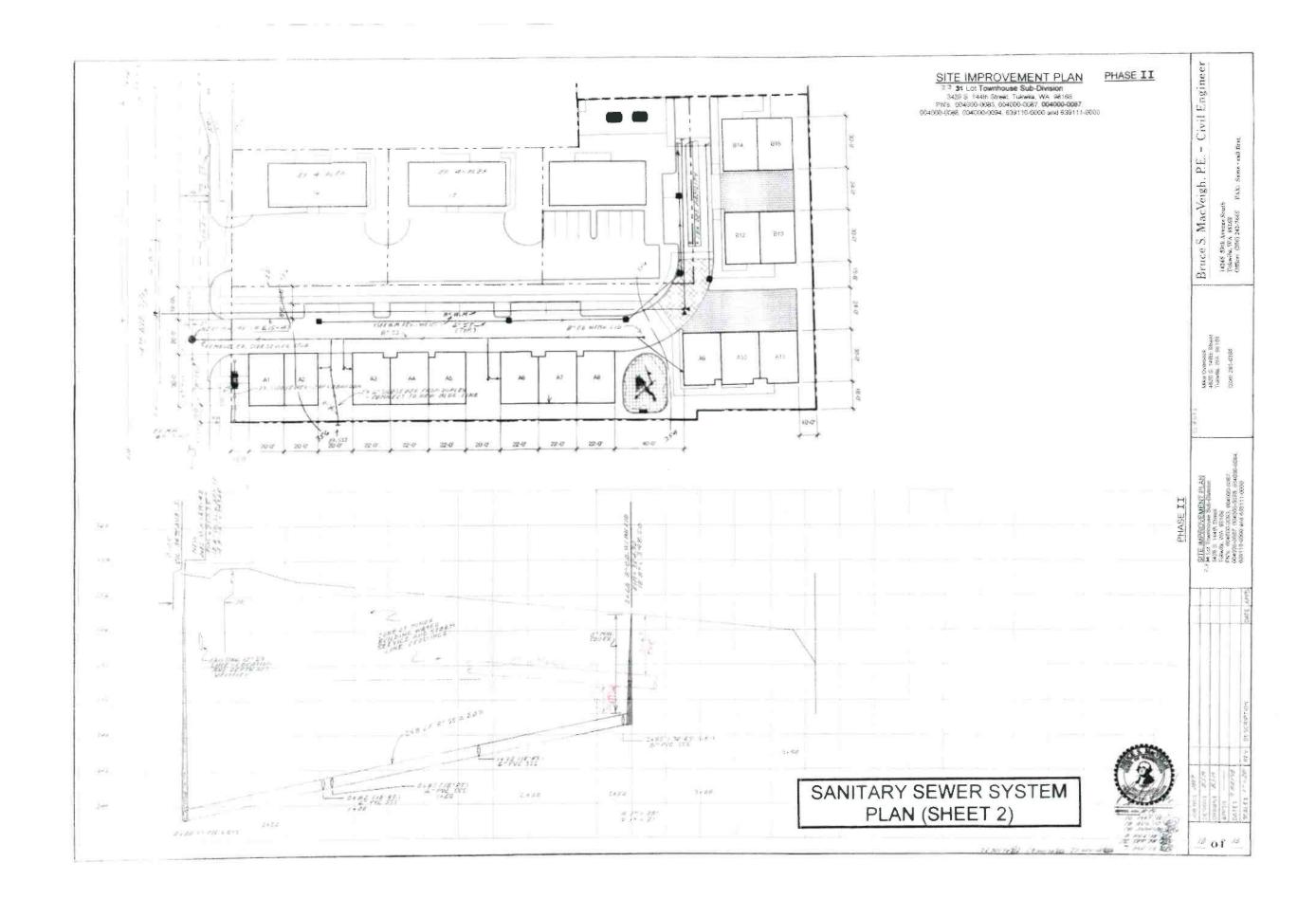
PROFESSIONAL LAND SURVEYORS P.D. Box 813, Seahurst, Washington 98062 (206) 242-6621

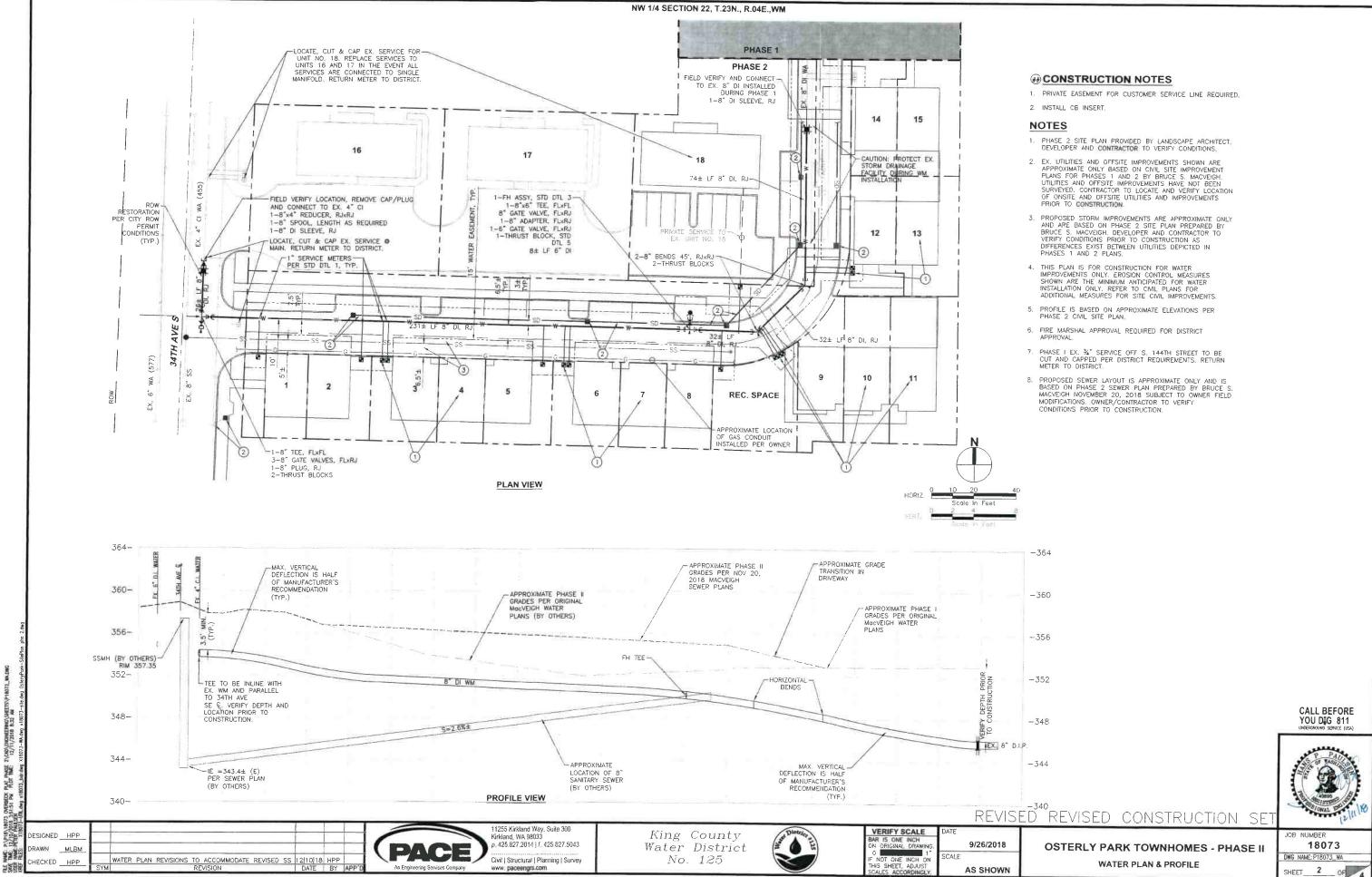
DATE: 12/6/18 PROJECT NO. 18008 DRWN BY LAW FIELD DATE 11/11/07 | REVISED 12/17/18











OXXX

(XOD) B

000

DESIGN

LOCATION

')ECL

nect

')SCL

2" CAP EOM/WIREBOX 9'SCL, 30'ECL)'SCL, ()'ECL

S 144TH ST

- COORDINATION OF THE PROPERTY OF THE PROPERTY

000

LENGTH EFV (FT) SIZE

2600

2600

2600

2600

2600

2" FUSED TIE-IN/BEGIN JT MAIN 174'SCL, 12'ECL

)'SCL, ()'ECL

JOINT 2" MPE-7 387' @ 12'ECL TO 9'SCL (_____)' @ (____)'ECL T

AS-BUILT

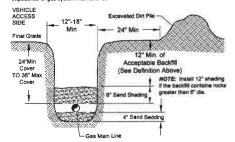
)'ECL TO (

REMARKS

GAS SERVICE PIPE TABLE

PIPE

Backfill for Direct Bury - The final backfill may be soil-based select material or native soil, but free of construction debris and shall not contain rocks larger than 10"-in. diameter to prevent



TYPICAL GAS MAINLINE TRENCH DETAIL

CROSSINGS CONDUIT TABLE

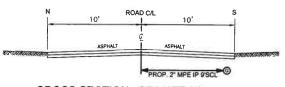
X-ING NO.	LOCA	LOCATION		GAS			Length	Remarks (type of crossing)
			SIZE	Туре	Qty	Location		(Primary, Feeder, Secondary, St.
	FROM	TO	(in)	sched	each	N-S-E-W	(ft)	Light, Gas Only, etc.)
X01	'A'	'B'	4	40	1	N	80	GAS MAIN SLEEVE
X02	,C,	'D'	4	40	1	E	EXISTING	EXISTING GAS MAIN SLEEVE INSTALLED IN PHASE 1

80 = 4" YELLOW SCH 40 PVC (ft) 2 = Total 4" PVC Plug / Caps

GASSED UP PIPELINE		Verify Testing Requirements, Chart vs Gauge							
PIPE FOREMAN'S DATE			GOS 2525.3300 sec. 5, Table 5-1 and sec. 5.5						
SEGMENT	NAME	ONTE	GAS MAIN PRESSURE & TESTING						
			TYPE TEST	☐ SOAP	☐ AIR	NITROGEN	☐ WATER		
			DATE ON	1 1	START TIME		TESTED B		
	1 1		DATE OFF	1 1	STOP TIME				
			PRESSURE		TEST RESULTS	OP OF			
			TYPE TEST	☐ SOAP	☐ AIR	NITROGEN	☐ WATER		
	1 1		DATE ON	1 1	START TIME		TESTED B		
			DATE OFF	1 1	STOP TIME				
			PRESSURE		TEST RESULTS	□P □F			
			TYPE TEST	□ SOAP	☐ AIR	□NITROGEN	☐ WATER		
	1 1		DATE ON	1 1	START TIME		TESTED B		
	1 1		DATE OFF	1 1	STOP TIME				
			PRESSURE	-23	TEST RESULTS	□P □F			
			TYPE TEST	☐ SOAP	☐ AIR	□NITROGEN	☐ WATER		
	1 1		DATE ON	1 1	START TIME		TESTED B		
	1 1		DATE OFF	1 1	STOP TIME				
	1		PRESSURE		TEST RESULTS	□P □F			
			TYPE TEST	☐ SOAP	☐ AIR	□NITROGEN	□ WATER		
			DATE ON	1 1	START TIME		TESTED B		
	1 1		DATE OFF	1 1	STOP TIME				
			PRESSURE		TEST RESULTS	□P □F			
			TYPE TEST	☐ SOAP	☐ AIR	□ NITROGEN	☐ WATER		
			DATE ON	1 1	START TIME		TESTED BY		
	1		DATE OFF	1 1	STOP TIME				
			PRESSURE		TEST RESULTS	□P □F			
			☐ TESTED B	Y PSE PRESS	URE CONTROL,	SEE FORM 192	3		
			DESIGN PRESS	45	SYS MAOP	IP 058-4	15		
			2023 03/10						

EX 2" MPE IP - 12'E

CROSS SECTION - PRIVATE RD



CROSS SECTION - PRIVATE RD NOT TO SCALE

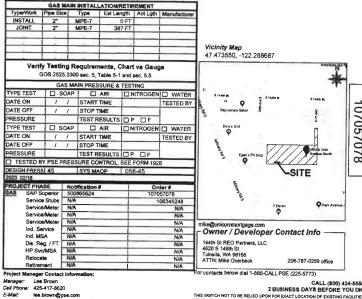
FITTER'S CHECKLIST (CHECK BOX TO CONFIRM COMPLETION)

Inspected Steel and PE pipe per GOS 2450.1400 and 2450.1500
Reviewed and compiled with all construction notes.
Revorded all required information on the sat-built per GOS 2500.1700.
Completed post installation inspection per GOS 2555.1200 and 2525.2700.
Left the work seen in a clean and aske condition.

Foreman's Name (printed) _

GENERAL NOTES - GAS (JOINT TRENCH):

- 1. Excavator to contact Utilities Underground Location Center (One-Call) 48 hours prior to construction, to two working days prior to construction. 1-800-424-5555
- 2. Notify appropriate permitting agency prior to job start (see permit requirements).
- Erosion and sediment control shall be per PSE Standard Practice 0150.3200 Techniques for Temporary Erosion and Sediment Control and any additional local jurisdiction requirements.
- Any change in route, pipe size/type, tie-in method or additional main footage must be approved by the appropriate Engineer/Project Manager.
- Complete "Exposed Pipe Condition Report" on all exposed existing Steel PSE Facilities. Check box on report for wire box (Test Lead) installation.
- 6. Pipeline Markers and Warning Signs shall be installed and recorded by the Contractor per PSE Gas Operating
- 7. To prevent accidental overpressure of adjoining systems, no two mains shall be connected, except as shown on this design, unless approved by the appropriate Engineer/Project Manager.
- System MAOP denoted by System MAOP = 45 PSIG
- 9. Install Main Valves out of traffic where possible
- 10. Gauge (use Manometer for LP Systems) and monitor use of all stoppers and squeezes to insure adequate feed.
- Install one pound Anode for every 1000' of locating wire. Install Anode and Test Lead Wires per PSE Gas Operating Standards 2525.1200 and 2525.2300.
- 12. If STW pipe involved, coordinate installation with CP Tech. N/A Cell # N/A
- Purge Points and Pressure Taps shall be installed per PSE Gas Operating Standards 2525.3400 and PSE Gas Field Procedures Manual 0812 and 0813.
- 14. Mains and services shall be tested and purged per PSE Gas Operating Standards 2525,3300 and 2525,3400.
- Customer to dig and backfill on private property or easement only, Trenches must conform to PSE Gas Operating Standards 2525.1500, 2525.1600 and 2525.1700.
- 17. Note all recordable footages, locations and material changes on the as-built in red.
- Upon completion of the project send the print copy, along with the completed work order, listing crew & actual
 materials used to the appropriate design group.
- 19. On site pre-con required before start of job.
- At symbol: _______ install natural gas main piping and fixtures. Size as indicated on tables and work sketch (gas main is to parallel power system unless otherwise shown on work sketch).
- 21. Inclement weather conditions may cause delays in construction times and dates.



REAL ESTATE/EASEMENT "Locates Required" Yes 🛣
"Flagging Required" Yes 🛣 RW-110823 REV# DATE BY DESCRIPTION CONTACT | PHONE NO | DATE L. BROWN 425-417-8620 8/29/1 NGR - GAS J YANG | 206-503-0706 | 8/29/1 J.YANG 206-503-0706 8/29/18
| 9/11/11
| 75/45/25/6 9/16/18 HECKED BY KING CIKNC APPROVAL NW S22-T23-R04 208.074

		JOINT FACILITIES ARRANG	EMENTS	_		
UTILITIES	COMCAST	CENTURYLINK	RIGHT OF V	VAY	PSE PROJECT MANAGER	
CONTACT	JERRY STEELE	JOSEPH THOMAS	AMBER	YANG	LEE BROWN	
PHONE#	253-288-7533	206-345-4905	495-456-29	24	425-417-8620	
	PUGET OSTERLY PARK TOWNHOMES PH.2					
SOUNI	ELEC Order Number N/A					

2" MPE-7 GAS MAIN EXTENSION 5 BLDGS - 13 UNITS 14426 34TH AVE S TUKWILA, WA 98168