



CITY OF KIRKLAND  
Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## MEMORANDUM

**To:** Kurt Triplett, City Manager **QUASI-JUDICIAL**

**From:** Jon Regala, Senior Planner  
Eric Shields, AICP, Planning Director

**Date:** June 7, 2012

**Subject:** Totem Station - Preliminary and Final Planned Unit Development  
File No. ZON11-00026

## RECOMMENDATION

Staff recommends that the City Council consider the Process IIB application for the Totem Station Mixed-Use Planned Unit Development (PUD) and pass the enclosed ordinance to grant the application as recommended by the Hearing Examiner. Prior to voting on the ordinance, the Council must pass a motion to allow the vote to occur at the June 19, 2012 Council meeting, rather than at the following (July 3, 2012) meeting.

## BACKGROUND DISCUSSION

### *City Council Rules of Procedure*

Under the Council Rules of Procedure, Section 26, the City Council shall consider a Process IIB application at one meeting and vote on the application at the next or a subsequent meeting. The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting.

### *Quasi-Judicial Decisions*

This application is reviewed under Process IIB in which the Hearing Examiner holds a public hearing and then makes a recommendation to the City Council for the final decision. It is a quasi-judicial process. Quasi-judicial processing is for permits that:

- Require a hearing (held by the Hearing Examiner);
- Involve discretionary criteria for approval; and
- Require the decision-maker to review the facts and applicable code in order to issue a decision (similar to a judge).

### *City Council Consideration*

The City Council must consider the Process IIB and PUD application based on the record before the Hearing Examiner and the recommendation of the Hearing Examiner. Process IIB does not provide for testimony and oral arguments at the Council meeting. However, the City Council, in its discretion, may ask questions of the applicant and the staff regarding facts in the record, and may request oral argument on legal issues.

The City Council has four options when reviewing a Process IIB application:

- Grant the application; or
- Modify and grant the application; or
- Deny the application; or
- If the Council determines that the record compiled by the Hearing Examiner is incomplete or inadequate for the Council to make a decision, direct that the application be considered at a reopening of the hearing before the Hearing Examiner and specify the issues to be considered at the rehearing.

### ***Totem Station Project***

The applicant is proposing to construct a new 4 to 5-story mixed use project. The majority of the project will be 4-stories. Lofts for three apartment units situated at building corners results in a 5-story building at those locations. The project also includes approximately 10,200 square feet of commercial/retail space, 108 one-unit/studio apartment units, and a total of 128 parking stalls. An urban forest and dog park is proposed at the southwest corner of the site. Attachment 1 contains the applicant's proposal as found in Exhibit A of the Hearing Examiner's recommendation.

The applicant is requesting approval of a preliminary and final Planned Unit Development (PUD) in order to place residential parking spaces on the ground floor of the building. The Kirkland Zoning Code (KZC) currently does not allow for stacked dwelling units and associated residential parking on the ground floor of a building in a development located in the NRH 1A zone. Residential parking is allowed outside of the building at the ground level. The applicant is also proposing a shared parking approach between the different uses on the subject property and requesting a parking modification to allow 16 on-street parking stalls to count towards the parking requirement for the development.

With a PUD request, the applicant is required to provide one or more of the eight benefits listed in KZC Section 125.35.3 that clearly outweigh any adverse impacts. Staff does not anticipate any adverse impacts with the PUD request to place residential parking on the ground floor of the building. The project includes liner commercial space and a high-density residential component (54 units/acre) consistent with the land use goals for North Rose Hill Business District. The project would not present a significant impact to the long term economic development goals for the City given the mixed-use nature of the project. By placing parking for the residential uses behind the liner commercial spaces, the parking is screened from the adjoining streets and properties. The PUD benefits proposed by the applicant are summarized below.

- A new south facing pedestrian oriented plaza along NE 115th Place
- Superior urban streetscape along NE 115<sup>th</sup> Place and 124<sup>th</sup> Avenue NE to include wider sidewalks and 16 on-street parking stalls
- Traffic calming island and associated striping south of NE 112<sup>th</sup> Street within Slater Avenue
- Superior building design

Key recommendations made by staff include requiring consistency with the Design Review Board approval (file DRC11-00002) and providing a parking management plan to be reviewed and approved by the City.

### ***Public Hearing***

The Hearing Examiner held an open record public hearing on May 17, 2012. The agenda and audio recording of the hearing are available at the following link:

[http://www.kirklandwa.gov/depart/Planning/Hearing\\_Examiner\\_Meeting\\_Information/hem.htm](http://www.kirklandwa.gov/depart/Planning/Hearing_Examiner_Meeting_Information/hem.htm)

City staff, the applicant, the applicant's traffic consultant, and four people from the public (Ms. Carnegie, Ms. Whittle, Ms. Hoyer, and Mr. Kreager) testified during the hearing (see Attachment 2 for minutes of the Hearing). Many of the concerns raised by the public were related to traffic, transportation improvements, and traffic calming. Another concern was that a North Rose Hill Neighborhood sign was not required to be installed at the gateway corner of NE 116<sup>th</sup> Street and 124<sup>th</sup> Avenue NE. All of these concerns were submitted as written comments to the City during the public comment period for the project and were reviewed as part of the SEPA and PUD processes. The City Transportation Engineer responded to all of the neighbors traffic concerns in his memo dated March 5, 2012. The public comment emails/letters and staff responses can be found in Exhibit A of the Hearing Examiner's recommendation at the following link:

<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Totem+Station+Exh+A.pdf>

- For public comment emails/letters see pages 53 -67
- For City Transportation Engineer response see pages 73-75
- For staff response to gateway sign concern see Section II.C.1.b on page 6

The Hearing Examiner, in her recommendation, stated that she has no jurisdiction regarding the DRB's decision on the gateway design and transportation issues since they were reviewed under the DRB and SEPA processes and that both decisions were not appealed (see Attachment 6, page 3).

At the public hearing, Mr. Kreager, the chair of the Quality Growth Alliance Recognition Program, also testified and submitted a letter in support of the project (see Attachment 3).

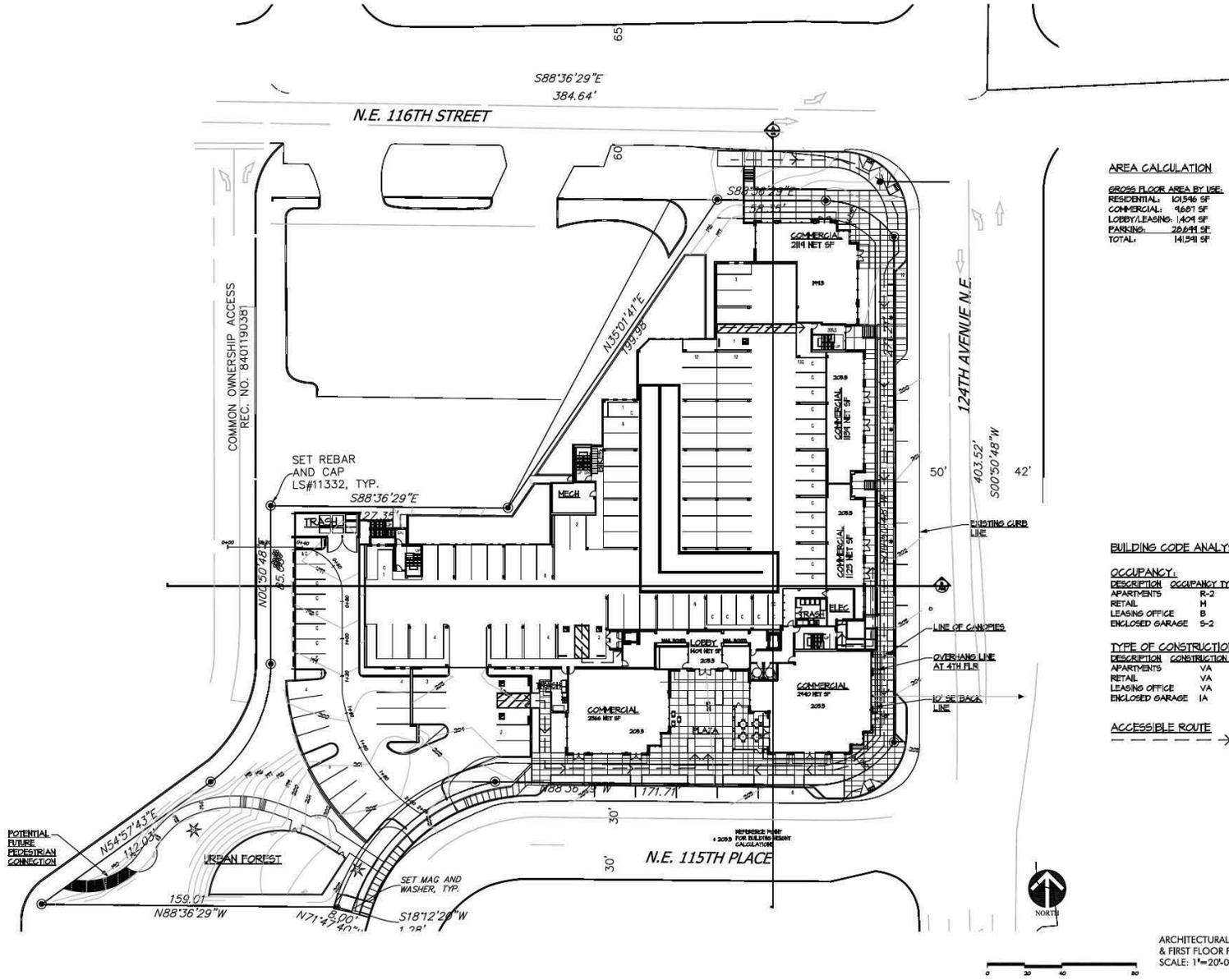
On May 21, 2012 the Hearing Examiner recommended approval of the application (see Attachment 6), per Staff's recommended Conditions of Approval. The staff report and all other exhibits to the Hearing Examiner's recommendation can be found at the following link listed under the May 17, 2012 meeting date.

[http://www.kirklandwa.gov/depart/Planning/Hearing\\_Examiner\\_Meeting\\_Information.htm](http://www.kirklandwa.gov/depart/Planning/Hearing_Examiner_Meeting_Information.htm)

The Conditions of Approval referenced by the Hearing Examiner can be found in Attachment 4.

## **ATTACHMENTS**

1. Applicant Plans from Hearing Examiner Recommendation Exhibit A, Enclosure 2
2. Hearing Minutes – May 17, 2012 Public Hearing
3. Exhibit C – Quality Growth Alliance Letter dated May 16, 2012
4. Conditions of Approval
5. Ordinance Approving the Application
6. Hearing Examiner Recommendation (without Exhibits)



**AREA CALCULATION**

GROSS FLOOR AREA BY USE:
RESIDENTIAL: 12,546 SF
COMMERCIAL: 4,681 SF
LOBBY/LEASING: 1,401 SF
PARKING: 28,641 SF
TOTAL: 44,949 SF

**BUILDING CODE ANALYSIS**

**OCCUPANCY:**

DESCRIPTION	OCCUPANCY TYPE
APARTMENTS	R-2
RETAIL	M
LEASING OFFICE	B
ENCLOSED GARAGE	S-2

**TYPE OF CONSTRUCTION:**

DESCRIPTION	CONSTRUCTION TYPE
APARTMENTS	VA
RETAIL	VA
LEASING OFFICE	VA
ENCLOSED GARAGE	IA

**ACCESSIBLE ROUTE** →

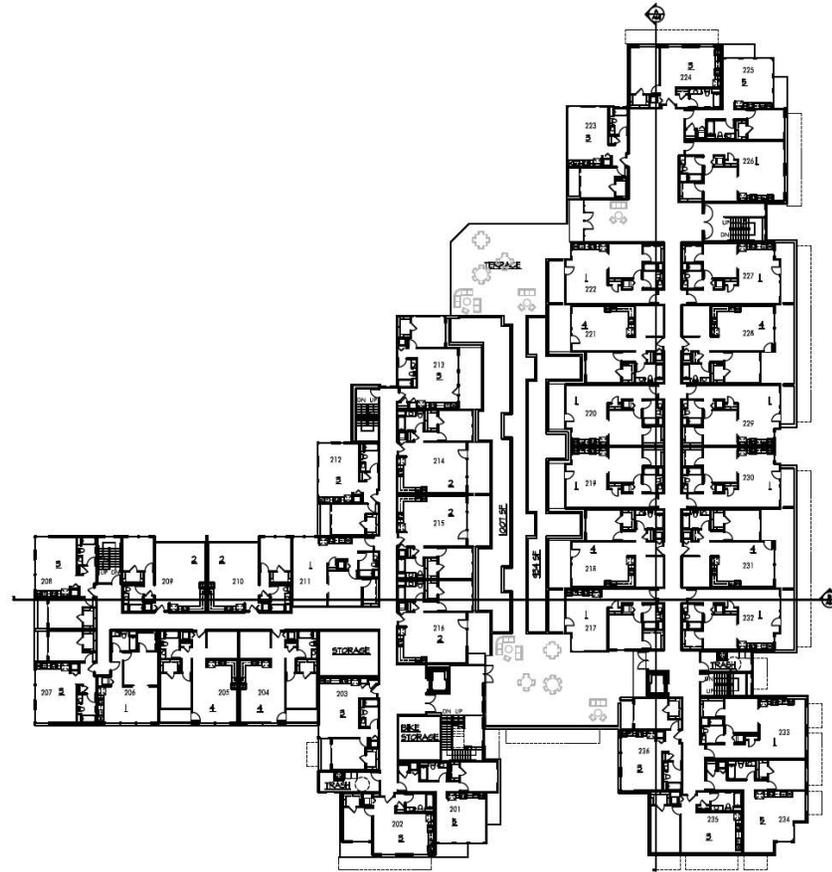
**TOTEM STATION**  
KIRKLAND, WASHINGTON

ARCHITECTURAL SITE  
& FIRST FLOOR PLAN  
SCALE: 1"=20'-0"  
JANUARY 11, 2012 PROJECT NO: 113-195



5865 Owens Drive  
Preston, CA 94358  
925.251.7200  
925.251.7201 Fax

A1.1



SECOND FLOOR PLAN  
SCALE: 1/16"=1'-0"

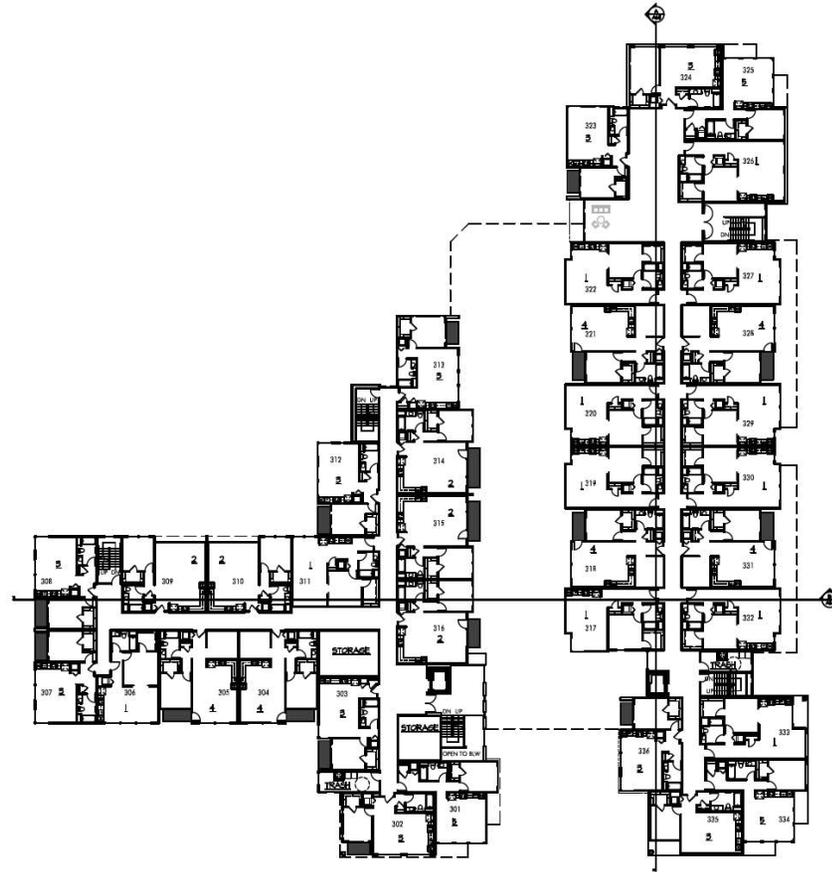
JULY 27, 2011 PROJECT NO: 113-195



TOTEM STATION  
KIRKLAND, WASHINGTON

5865 Owens Drive  
Pleasanton, CA 94588  
925.251.7200  
925.251.7201 Fax

A2.1



THIRD FLOOR PLAN  
SCALE: 1/16" = 1'-0"

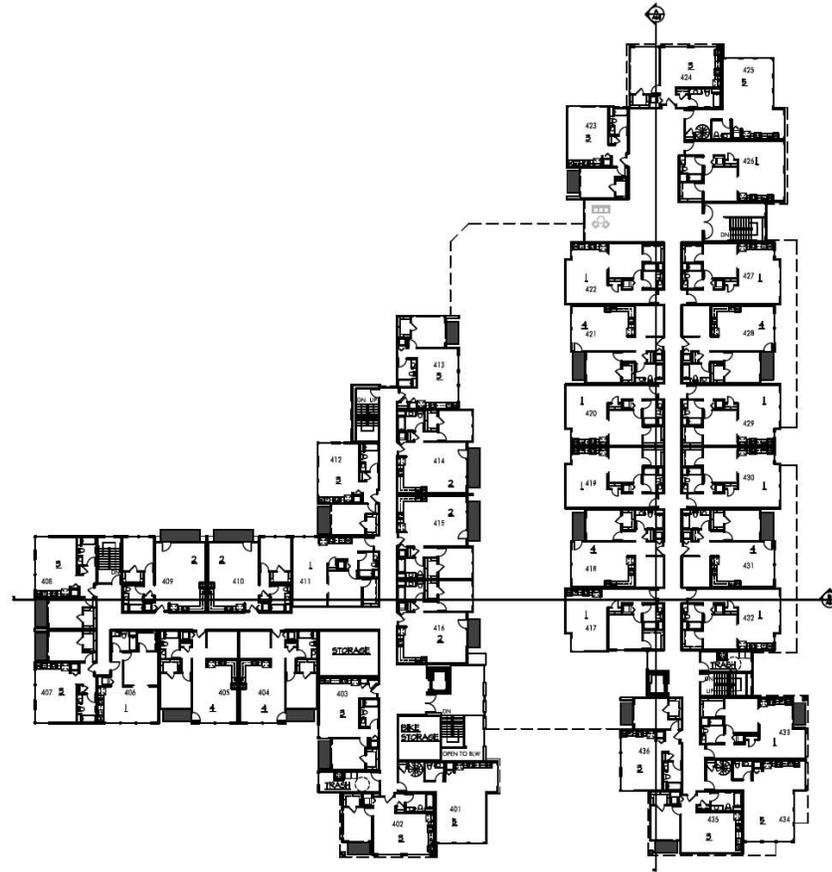
JULY 27, 2011 PROJECT NO: 113-195



TOTEM STATION  
KIRKLAND, WASHINGTON

5845 Owens Drive  
Pleasanton, CA 94588  
925.251.7200  
925.251.7201 Fax

A2.2



FOURTH FLOOR PLAN  
SCALE: 1/16" = 1'-0"

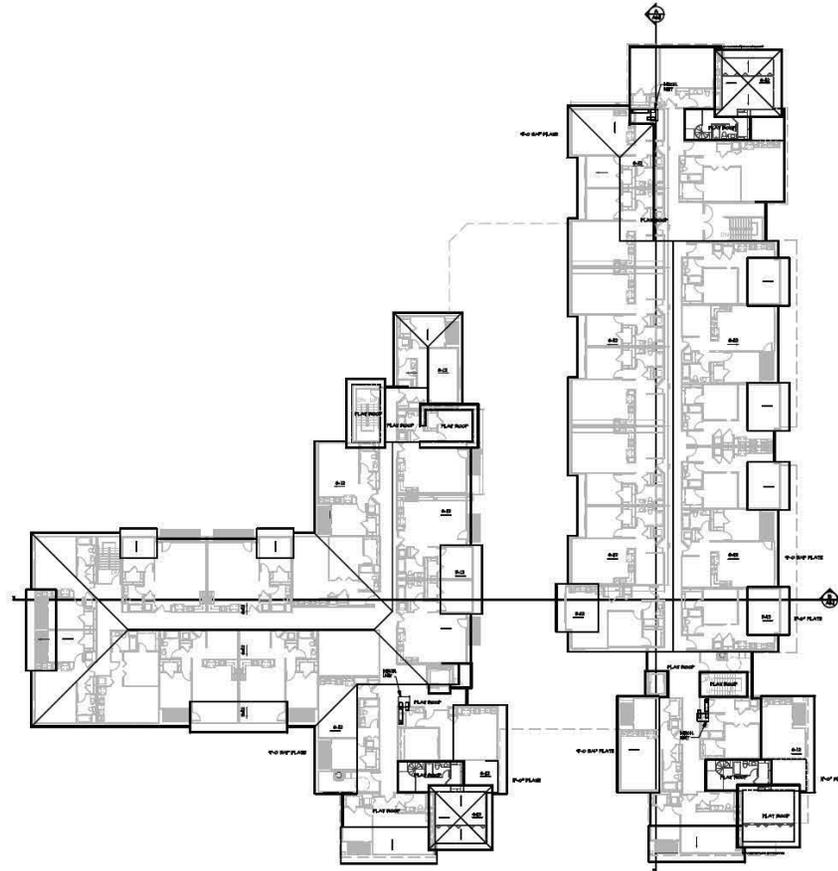
JULY 27, 2011 PROJECT NO: 113-195



TOTEM STATION  
KIRKLAND, WASHINGTON

5865 Owens Drive  
Pleasanton, CA 94588  
925.251.7200  
925.251.7201 Fax

A2.3



ROOF PLAN  
SCALE: 1/16" = 1'-0"

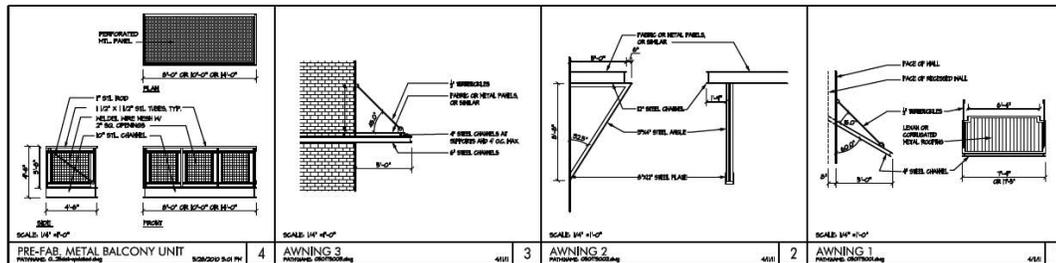
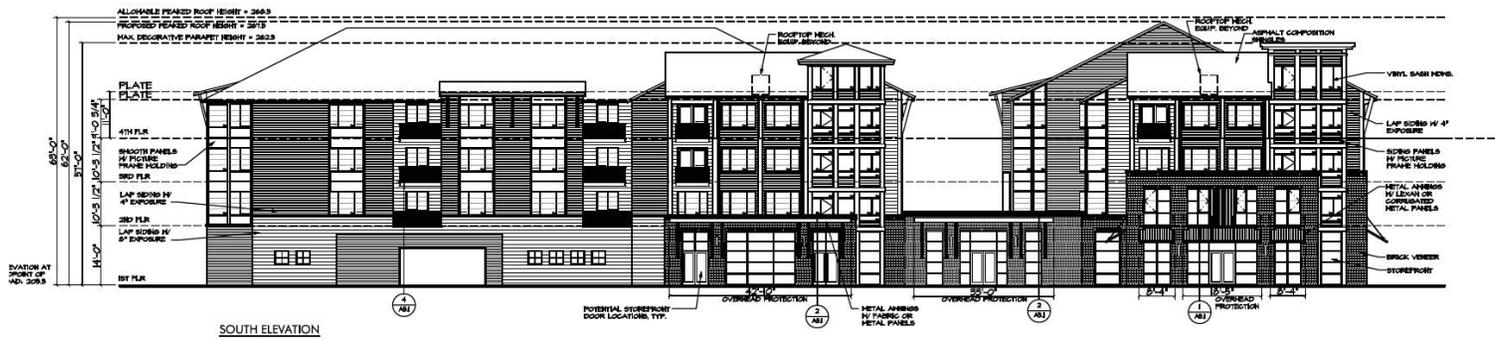
OCTOBER 25, 2011 PROJECT NO: 113-195



5865 Owens Drive  
Pleasanton, CA 94588  
925.251.7200  
925.251.7201 Fax

TOTEM STATION  
KIRKLAND, WASHINGTON

A2.4



NOTE: BUILDING HEIGHT TO BE MEASURED AT FINISH FACE OF 5TH FLOOR - 30'-8"

EAST & SOUTH ELEVATIONS  
SCALE: 3/32" = 1'-0"



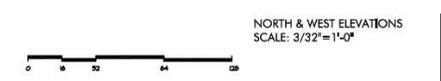
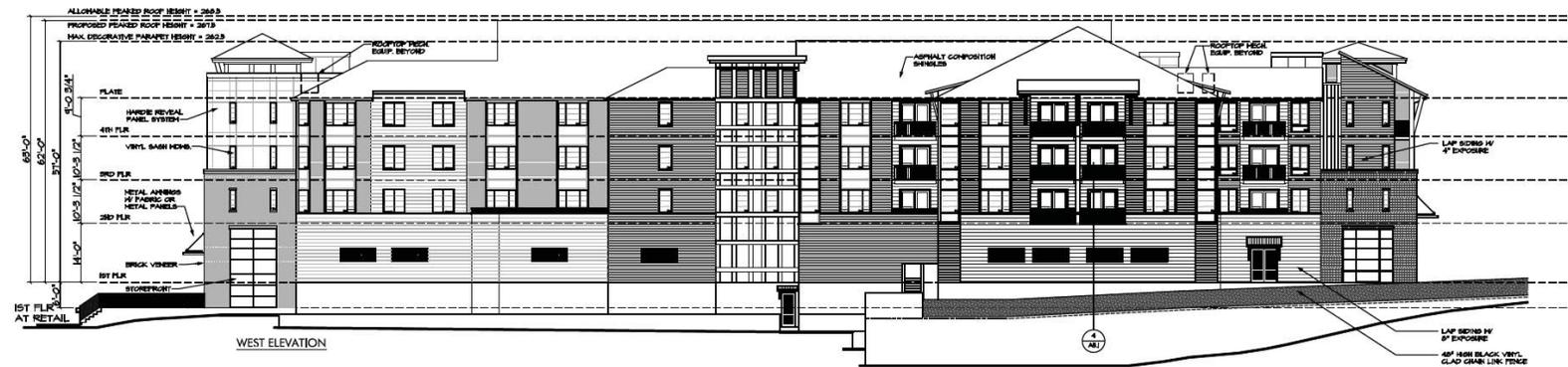
JANUARY 11, 2012 PROJECT NO: 113-195



TOTEM STATION  
KIRKLAND, WASHINGTON

5865 Owens Drive  
Fresno, CA 94388  
925.251.7260  
925.251.7261 Fax

A5.1



TOTEM STATION  
KIRKLAND, WASHINGTON



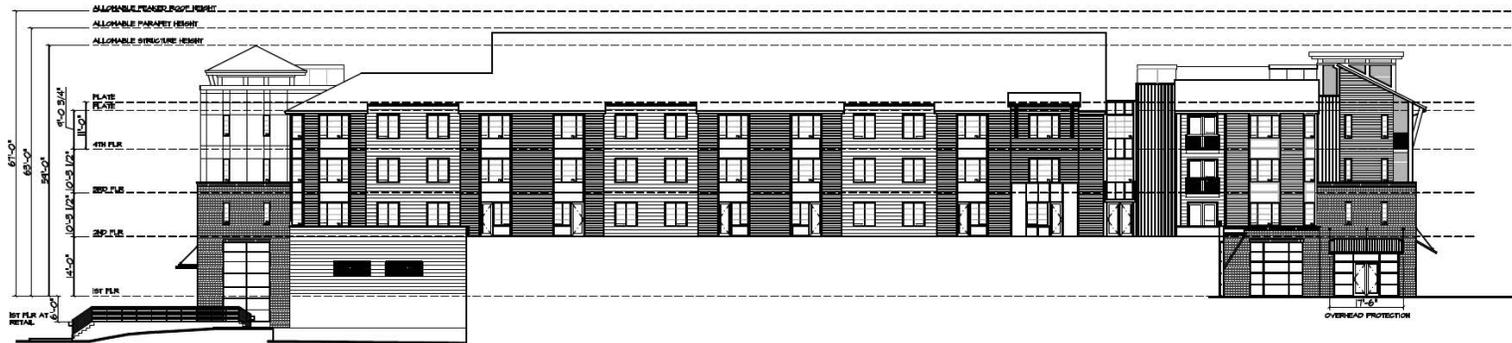
JANUARY 11, 2012 PROJECT NO: 113-195

5865 Owens Drive  
Pleasanton, CA 94588  
925.251.7200  
925.251.7201 Fax

A5.2



COURTYARD WEST ELEVATION



COURTYARD EAST ELEVATION



COURTYARD EAST & WEST  
ELEVATIONS  
SCALE: 3/32" = 1'-0"

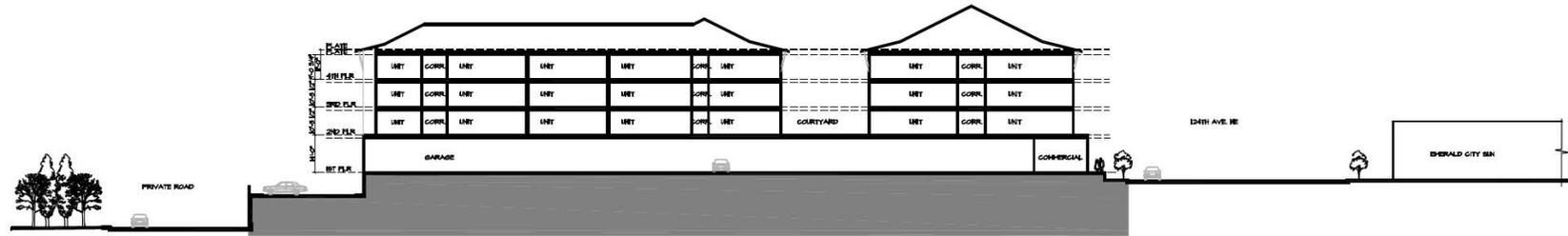
NOVEMBER 7, 2011 PROJECT NO: 113-195



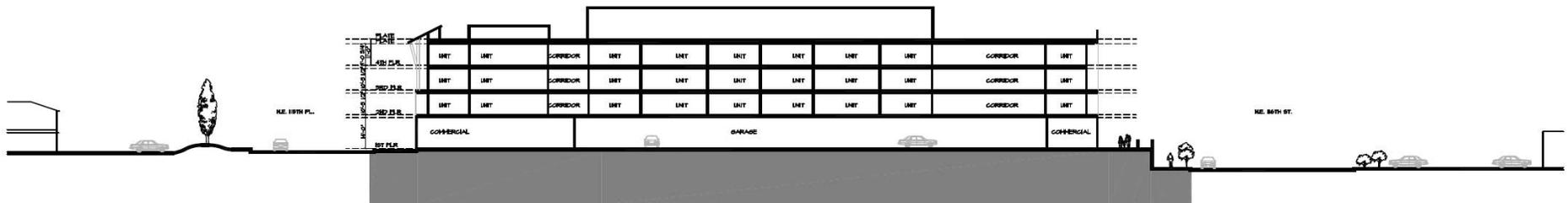
TOTEM STATION  
KIRKLAND, WASHINGTON

5865 Owens Drive  
Fresno, CA 94188  
925.251.7200  
925.251.7201 Fax

A5.3



SECTION 'B'



SECTION 'A'

SITE SECTIONS  
SCALE: 1/16"=1'-0"



JULY 27, 2011 PROJECT NO: 113-195



TOTEM STATION  
KIRKLAND, WASHINGTON

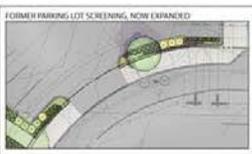
5865 Owens Drive  
Redwood, CA 94588  
925.251.7200  
925.251.7201 Fax

A6.1







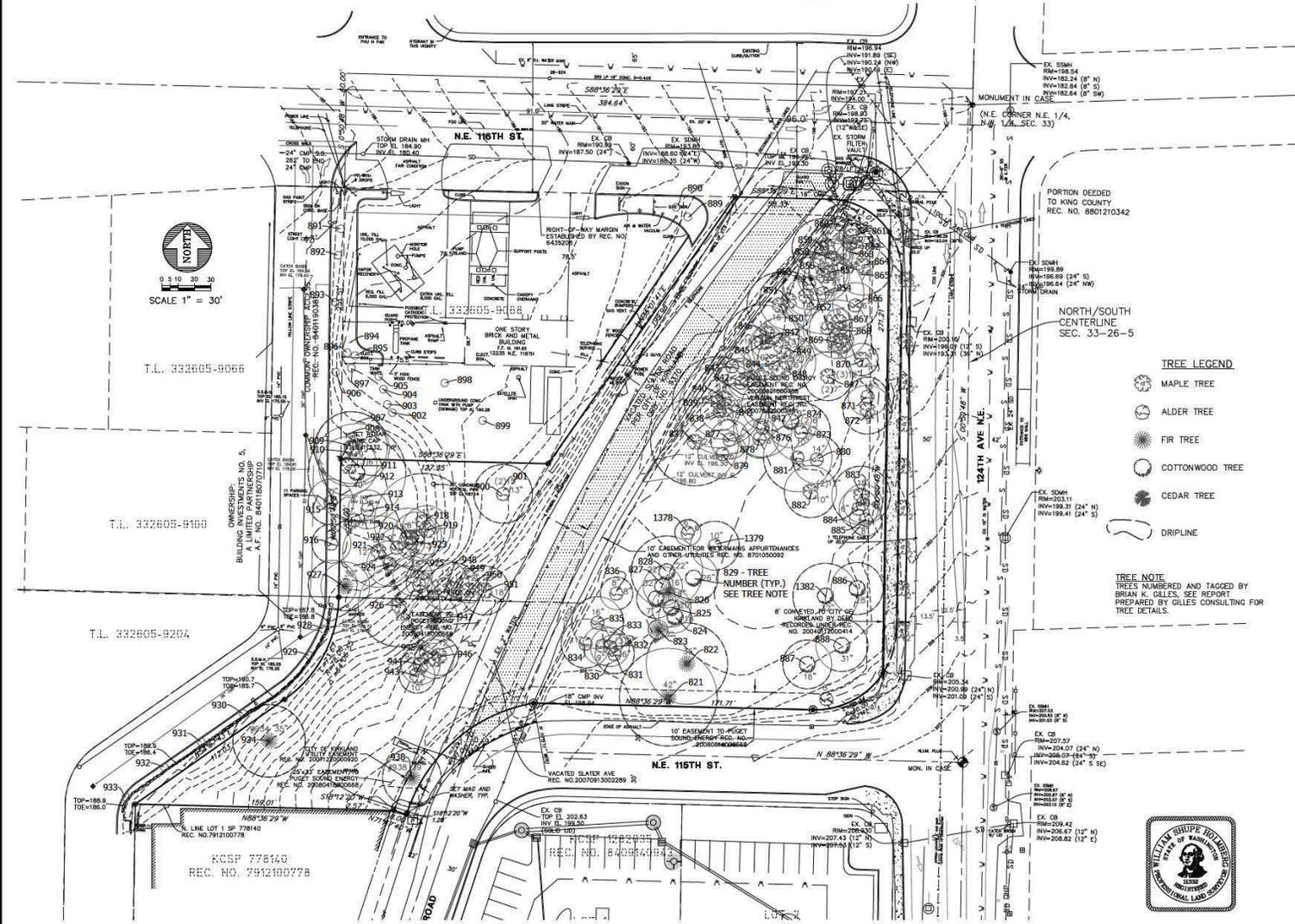


PRELIMINARY LANDSCAPE SCHEDULE			PRELIMINARY LANDSCAPE SCHEDULE		
SYMBOL	BOTANICAL / COMMON NAME	SIZE AND CONDITION	SYMBOL	BOTANICAL / COMMON NAME	SIZE AND CONDITION
(Green circle)	EXISTING TREES TO REMAIN	SPECIMEN QUALITY: 3" CAL. 12'-18' HT., WELL-BRANCHED, BBB, SPACING AS SHOWN ON PLAN.	(Green circle)	BIORETENTION EVERGREEN TREES	8'-10' HT., FULL AND BUSHY, BBB, SPACING AS SHOWN ON PLAN.
(Green circle)	SPECIMEN ACCENT TREES		(Green circle)	BIORETENTION DECIDUOUS TREES	MIN. 2" CAL., 12'-14' HT., FULL, WELL-BRANCHED ABOVE 6' HT., BBB, SPACING AS SHOWN ON PLAN.
(Green circle)	DECIDUOUS TREES	MIN. 2" CAL., 12'-14' HT. MATCHED, FULL, WELL-BRANCHED ABOVE 6' HT., BBB, SPACING AS SHOWN ON PLAN.	(Green circle)	BIORETENTION LOW SHRUBS	MIN. 24-30" HT. & SPL. FULL & BUSHY, SPACING AS SHOWN ON PLAN.
(Green circle)	EVERGREEN TREES	10'-12' HT., FULL AND BUSHY, BBB, SPACING AS SHOWN ON PLAN.	(Green circle)	BIORETENTION PERENNIALS, FERNS AND GRASSES	1 GAL. FULL & BUSHY, @ 18" O.C., TRIANGULAR SPACING
(Green circle)	SCREENING PLANTS	MIN. 30-36" HT., FULL AND BUSHY, BBB OR CONT., SPACING AS SHOWN ON PLAN.	(Green circle)	ACCENT SHRUBS	MIN. 18" HT. SPREAD, FULL AND BUSHY, SPACING AS SHOWN ON PLAN.
(Green circle)	ROSES	MIN. 30-36" HT., FULL AND BUSHY, BBB OR CONT., SPACING AS SHOWN ON PLAN.	(Green circle)	GRASSES	MIN. 1 GAL. FULL & BUSHY, SPACING AS SHOWN ON PLAN.
(Green circle)	LARGE ACCENT SHRUBS	MIN. 30-36" HT., FULL AND BUSHY, BBB OR CONT., SPACING AS SHOWN ON PLAN.	(Green circle)	ACCENT SHRUBS	MIN. 18" HT. SPREAD, FULL AND BUSHY, SPACING AS SHOWN ON PLAN.
(Green circle)	EVERGREEN SHRUBS	MIN. 18"-24" HT., FULL AND BUSHY, BBB OR CONT., SPACING AS SHOWN ON PLAN.	(Green circle)	VINES	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	SCREENING EVERGREEN TREES	MIN. 10'-12' HT., FULL AND BUSHY, BBB, SPACING AS SHOWN ON PLAN.	(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	TREE GRATES ALONG 124TH AVE, TYP.		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	RESIDENT COMMUNITY SPACE		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	UPPER RETAIL SPACE		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	PLANTING STRIP AT RETAINING WALL WITH CLIMBING VINES		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	PRIVATE PATIO SPACE, TYP.		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	8'-6" SIDEWALK, TYP.		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	ADA RAMP ACCESS		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	ADA RAMP ACCESS		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	MOVABLE PLANTERS AND SEATING AND FUNCTIONAL TENANT SPACE		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	EXPANDED PARKING LOT SCREENING AREAS		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	SMALL SEATING NOOD WITH BENCH		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	EXISTING DOUGLAS FIR TO REMAIN		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	SMALL SEATING NOOD WITH BENCH		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	EXISTING DOUGLAS FIR TO REMAIN		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	FUTURE PEDESTRIAN CONNECTION		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.
(Green circle)	PLANTED SCREENING		(Green circle)	GROUNDCOVERS / PERENNIALS	MIN. 1 GAL. CONTAINERS, FULL AND BUSHY, 15" O.C. TRIANGULAR SPACING.

TOTEM STATION  
KIRKLAND, WASHINGTON



PORTION OF THE N.E. 1/4 OF THE N.W. 1/4, OF SEC. 33 TWN. 26 N., RNG 5 E., WM  
CITY OF KIRKLAND, WASHINGTON



**LEGAL DESCRIPTION**

LOTS 2 AND 3, CITY OF KIRKLAND ALTERATION OF LOT LINE NO. LL-98-83, RECORDED UNDER RECORDING NUMBER 9811249010; BEING A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE EAST 8 FEET CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20040115000414;

TOGETHER WITH THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 33; THENCE NORTH 88°36'29" WEST ALONG THE NORTH LINE THEREOF, 384.64 FEET;

THENCE SOUTH 00°51'09" WEST PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SAID SECTION 33, 311.5 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 311.5 FEET OF SAID SUBDIVISION AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 78.00 FEET AND THE TRUE POINT OF BEGINNING;

THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 73.67 FEET THROUGH A CENTRAL ANGLE OF 54°06'55" TO A POINT OF TANGENCY;

THENCE SOUTH 54°59'04" WEST 112.00 FEET, MORE OR LESS, TO THE NORTH LINE OF LOT 1 IN SHORT PLAT NUMBER 778140, ACCORDING TO SHORT PLAT RECORDED UNDER KING COUNTY RECORDING NUMBER 7912100778;

THENCE SOUTH 88°36'29" EAST ALONG SAID NORTH LINE, 159.02 FEET TO THE WESTERLY LINE OF SLATER AVENUE NORTHEAST;

THENCE NORTHEASTERLY ALONG SAID WESTERLY MARGIN, 138.48 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 311.5 FEET OF SAID SUBDIVISION;

THENCE NORTH 88°36'29" WEST ALONG SAID SOUTH LINE, 84.70 FEET TO THE TRUE POINT OF BEGINNING;

(ALSO KNOWN AS LOT 2 OF UNRECORDED KING COUNTY LOT LINE ADJUSTMENT NUMBER 982059);

TOGETHER WITH THAT PORTION OF VACATED SLATER AVENUE, BY CITY OF KIRKLAND ORDINANCE NUMBER 4094, RECORDED UNDER RECORDING NUMBER 20070913002289;

(ALSO KNOWN AS "NEW LOT 1", CITY OF KIRKLAND ALTERATION OF LOT LINE, NO. LL-00-68, AS RECORDED UNDER RECORDING NUMBER 20020314002030);

AND TOGETHER WITH EASEMENTS AS PROVIDED FOR IN DOCUMENT RECORDED JANUARY 19, 1984 UNDER RECORDING NUMBER 8401190381;

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

**REFERENCES**

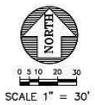
R1 - ALTERATION OF LOT LINE NO. LL-00-68 REC. NO. 20020314002030.

**DATUM**

NAVD 88

**BENCH-MARK**

CITY OF KIRKLAND POINT ID# 43 (COK-1)  
3" BRASS CAP WITH "4" SET IN 4" SQUARE CONCRETE IN CASE, 1.05' BELOW SURFACE. ELEVATION=228.805  
(N.E. CORNER SEC. 32-26-05)



- TREE LEGEND**
- MAPLE TREE
  - ALDER TREE
  - FIR TREE
  - COTTONWOOD TREE
  - CEDAR TREE
  - DRIPLINE

**TREE NOTE**

TREES NUMBERED AND TAGGED BY BRIAN K. GILLES, SEE REPORT PREPARED BY GILLES CONSULTING FOR TREE DETAILS.



REV	DATE	BY	DESCRIPTION

BOUNDARY/TOPOGRAPHY/  
TREE SURVEY

CAM WEST  
11411 SLATER AVENUE N.E.  
KIRKLAND, WA 98033



JOB NO.	10650
DATE	12/27/10
SCALE	1" = 30'
DESIGNED	WSH
DRAWN	EF
CHECKED	WSH
APPROVED	WSH



TOTEM STATION  
KIRKLAND, WASHINGTON

EAST ELEVATION  
SCALE: 3/32" = 1'-0"

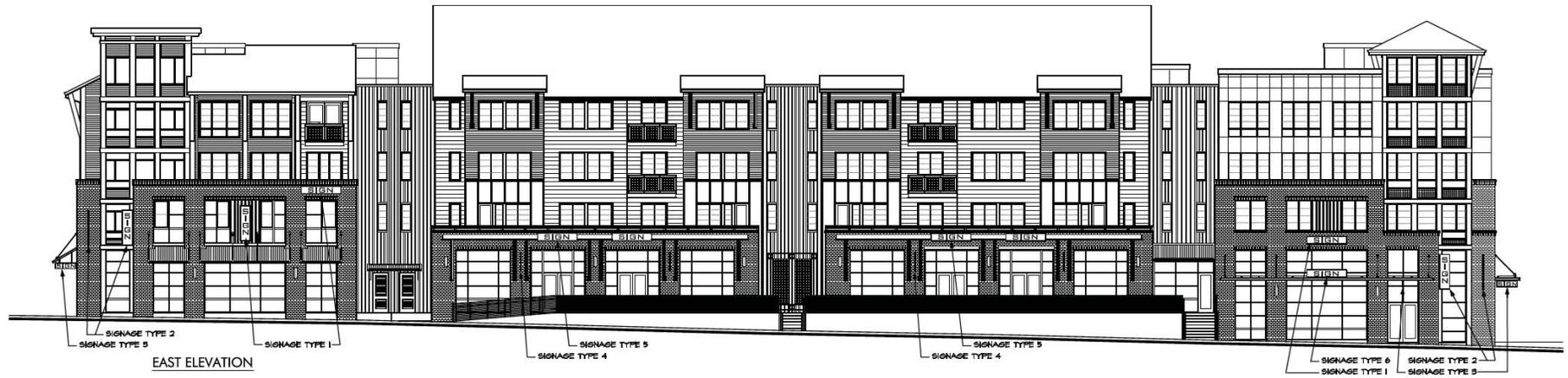
APRIL 20, 2011 PROJECT NO: 113-195

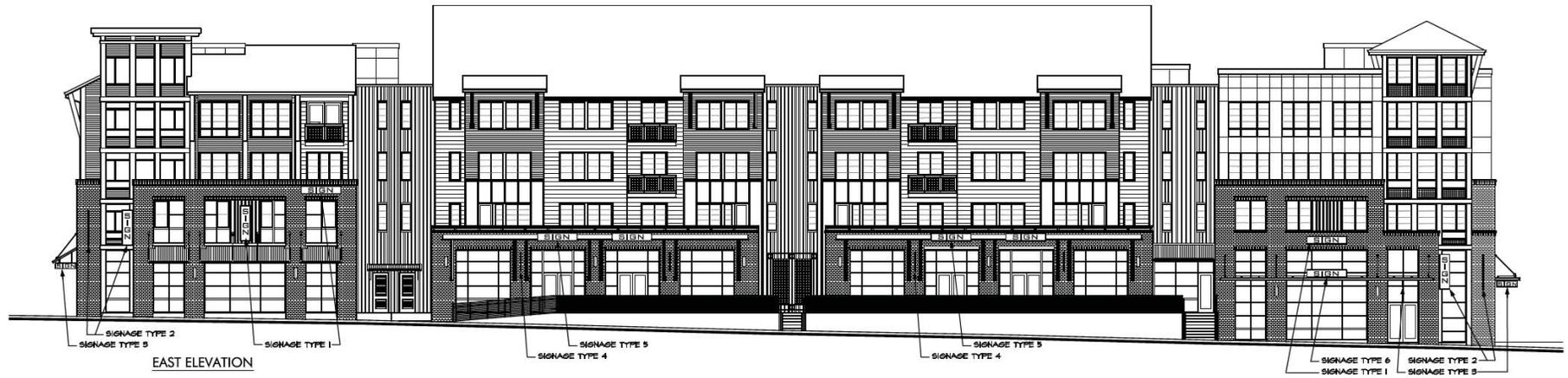
**CAM-WEST** ARCHITECTURE & PLANNING

**DAHLIN GROUP** ARCHITECTURE & PLANNING

5865 Cherry Drive  
Pleasanton, CA 94588  
925.251.7200  
925.251.7201 Fax

A5.1

















**KIRKLAND HEARING EXAMINER**  
**May 17, 2012**

**1. CALL TO ORDER (6:35 PM)**

Members Present: Sue Tanner - Hearing Examiner.

Members Absent: None.

Staff Present: Tony Leavitt - Associate Planner, Jon Regala - Senior Planner, Jeremy McMahan - Planning Supervisor, Thang Nguyen - Public Works Transportation Engineer, and Susan Hayden - Recording Secretary.

**2. PUBLIC HEARINGS (6:35 PM)**

**A. Friends of Youth Community Facility Use Zoning Permit and Short Plat File Number ZON12-00003**

Ms. Tanner opened the public hearing at 6:35 p.m. She provided the file ZON12-00003 and the address, 13116 NE 132nd Street, Kirkland. She listed the applicants and described the hearing procedures. She will issue a decision within eight (8) calendar days.

City Presentation

Mr. Tanner swore in Tony Leavitt, Associate Planner. Mr. Leavitt provided a brief overview of the project via aerial views of the existing site. He also described approval criteria, zoning permit and subdivision specifics and the staff recommendation.

The Hearing Examiner had no questions for staff. The Applicant presented at this time.

Applicant Presentation

Ms. Tanner swore in Terry Pottmeyer, 16225 NE 87th Street, Redmond. She explained the current issue of homeless youth and explained how Friends of Youth is involved in responding to this issue in the community. She provided background information on the organization, statistics, and the services the organization provides. She described the organization's residential homes located in the vicinity, program goals, and addressed transitional housing.

Ms. Tanner swore in Ryan Lorenz, 13210 130th Place NE, Kirkland. He expressed concerns about having administrative offices in a single family residence zone, the 15-foot buffer, validity of the building codes, size of the home in comparison to the surrounding homes, the organization's effort to educate neighbors on the project.

City Response

Mr. Leavitt responded to concerns of building use in this zone and responded to Ms.

Tanner's question about a "community facility." He also addressed concerns about landscaping and the buffer.

Applicant Response

Ms. Pottmeyer returned to address the size of the home, commitment to landscaping, and commitment to being a good neighbor.

The hearing closed at 6:57 p.m.

Ms. Tanner called for a five minute break.

**B. Totem Station Mixed Use Project Planned Unit Development (PUD), File Number: ZON11-00026**

Ms. Tanner opened the public hearing at 7:03 p.m. She provided the file number, ZON11-00026, and address, 11515 124th Avenue NE, Kirkland. She listed the applicants and described the hearing procedures. She will issue a decision within eight (8) calendar days.

City Presentation

Ms. Tanner swore in Jon Regala, Senior Planner. Ms. Tanner entered the following Exhibits into the record: staff report and attachments (Exhibit A), Mr. Regala's PowerPoint presentation (Exhibit B), and a letter from William Kreager, Quality Growth Alliance (Exhibit C). Mr. Regala proceeded to describe general information about the project, the proposal, key zoning topics, the design review process, public comment, PUD criteria, public benefits, the parking modification criteria, shared parking, staff analysis, and staff recommendation.

Mr. Regala responded to Ms. Tanner's questions regarding Special Regulation 1, specifically stacked dwelling units. Ms. Tanner had no further questions for staff.

Applicant Presentation

Ms. Tanner swore in Aaron Hollingbery, 9720 NE 120th Place, Kirkland. The Hearing Examiner entered the applicant's presentation into the record as Exhibit D.\* Mr. Hollingbery described the location of the project using site maps. He explained intentions to revitalize the area and promote growth and investment. He also presented on the convenience of the location, project goals, shared parking between retail and residential, PUD criteria, public benefits, superior urban streetscape, traffic calming measures, superior building design, dog park off-leash area, impact fees, consistency with the comprehensive plan and design guidelines.

Ms. Tanner had no questions for the applicant. Public testimony began at this time.

1. Ms. Tanner swore in Karen Wittle, 11114 122nd Lane NE #N108, Kirkland. Ms. Wittle represents herself and the North Rose Hill neighborhood association. She explained that she is disappointed with the city's process, specifically related to previous traffic calming measures. She stated that the builder never met with the neighborhood association. She expressed concern about the level of accidents, specifically because there is no traffic light at 115th. She urged the Hearing Examiner to look at the impact this project will have on the neighborhood and

businesses in the area. Finally, she noted that the association has made several attempts to address these issues with the City and the association has been "blown off" by a particular Planning Department staff member, not Mr. Regala.

2. Ms. Tanner swore in Margaret Carnegie, 11259 126th Avenue NE, Kirkland. Ms. Carnegie stated that she approves of the low income housing portion of the project. However, she is concerned about traffic and pedestrian safety. She gave the example about the study done on 112th where the City determined that a light was not needed. She is also concerned about parking issues and the gateway sign.

3. Ms. Tanner swore in Bill Kreager, 1620 43rd Avenue East, #16-C, Seattle. He represents the Quality Group Alliance and explained the intentions of the Quality Group Alliance in relation to this project. He explained the group's connection with other partners that support sustainable and responsible growth. He explained how the project meets the seven criterion previously touched upon. He urged the Hearing Examiner to approve this project.

4. Ms. Tanner swore in Karen Hoyer, 11416 Slater Avenue, #203 D, Kirkland. Ms. Hoyer expressed concern about the parking situation, especially on Slater. Unauthorized vehicles are parking in her building's parking lot and there is no parking enforcement. She often times cannot get out of her driveway due to traffic on 124th. Big back ups causing drivers to take dangerous risks such as taking U-turns to avoid congestion.

#### City Response

Ms. Tanner swore in Thang Nguyen, Transportation Engineer. He addressed the issue of the signal at 112th and said that the Totem Station Apartments is a separate issue and studies show that the project does not warrant a traffic signal. He explained that the process behind traffic impact studies and the projects' impact on the area was not enough to require mitigation. He also addressed concerns about parking stating the proposed on-street parking is safer than the current parking conditions. Regarding concerns about parking issues on 124th including vehicles parking on gravel and in front of fire hydrants, Mr. Nguyen stated that the neighborhood can work with the city to address these parking issues. He also stated that the applicant of a project can not be held responsible for an existing traffic problem.

Mr. Regala addressed the question of the neighborhood "gateway" sign. He said a more subtle design was approved by the Design Review Board (DRB) and there are no regulations that require the applicant to install neighborhood signs.

Ms. Tanner called for a five minute break.

Ms. Tanner reconvened the meeting.

#### Applicant Response

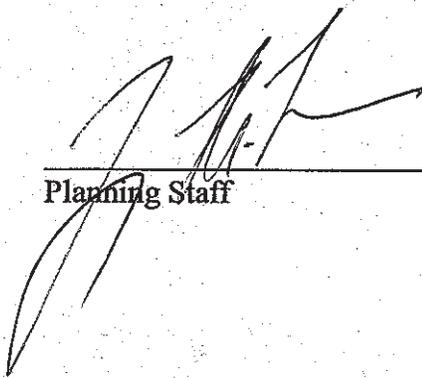
Mr. Hollingbery said the project meets SEPA requirements and then introduced the applicant's project engineer to address traffic concerns.

Ms. Tanner swore in Kurt Gahnberg, 11730 118th Avenue NE, Ste 600, Kirkland. He referred to the October 2011 traffic study and stated that peak hour traffic between 4:00 p.m. and 6:00 p.m. was in fact considered and all normal procedures were followed. He stated that less than two accidents a year happen at the intersection in question and these had nothing to do with traffic entering from 115th. The applicant has studied count data as well as driver behavior in the area and believe the area is adequate to handle the overall traffic impact. Regarding the concern about the signal never installed at 112th, the previous project did not warrant a traffic signal and the current project does not either. He stated that every neighborhood wants a signal installed and that the city must prioritize these requests. Regarding on-street parking, he said it is actually protected parking via curb bulbing and safety is increased with this type of natural traffic calming. The applicant does not expect an adverse traffic impact.

There was nothing further from the applicant.

3. **ADJOURNMENT (8:30 PM)**

Ms. Tanner closed the hearing at 8:30 p.m.



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Planning Staff



May 16, 2012

Mr. Jon Regala  
Senior Planner, Planning and Community Development  
City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033

Re: Quality Growth Alliance Support of Totem Station Project

Dear Mr. Regala:

I am the Chair of the Quality Growth Alliance (QGA) Recognition Program, and I am writing in support of the Totem Station Project. QGA has rigorous criteria for recognition and requires unanimous support from all of its member organizations in order to support a project. The eight member organizations include ULI Seattle, Puget Sound Regional Council, University of Washington, Enterprise Community Partners, Forterra (formerly Cascade Land Conservancy), Master Builders Association of King and Snohomish Counties, Futurewise, and NAIOP- Commercial Real Estate Development Association. These organizations often hold diverging views on land use issues. Recognizing their common ground, they have come together to promote smart community growth in our region. The members agree that there are key areas that must be addressed to foster sustainable, enduring, quality growth. These include:

- Support the efficient concentration of development and infrastructure
- Encourage broad public awareness and participation in the smart growth planning process
- Improve the zoning and entitlement process
- Maximize transportation investments
- Address climate change through land use decisions

QGA recognizes one to three projects per year that embody its goals.

The Totem Station Project was formally recognized by the QGA on November 11, 2011. The Project will provide housing close to where people work, help minimize auto-dependence, and provide workforce housing to complement the more intensely developed commercial uses of the Totem Lake Urban Center. The location at the edge of a major employment center is good. This very visible site should be commended for a project that will lead neighborhood change. The QGA supports the project for the following reasons:

- 1) Shared Parking/Transportation: The number of parking stalls provided is consistent with smart growth for this suburban setting. Many services and facilities are within walking distance and Transit connections offer accessibility to regional destinations. By taking advantage of shared parking between residential and commercial uses, this project maximizes parking efficiency. The mixed use element allows peak parking demand by use which reduces overall parking stall count and minimizes the existence of empty parking stalls.
- 2) Work Force Housing: Totem Station provides affordable, high quality housing in a convenient location. By providing smaller, more affordable units and keeping construction costs down, the Project will help to address the housing needs of the adjacent employment center of Totem Lake along with other nearby workplace destinations. Participation in the City of Kirkland's Affordable Housing program provides long term affordability for 10% of the projects units at 80% of King County medium income level. 36% of jobs within the City of Kirkland are located within the Totem Lake area, so this project provides an opportunity for people to live near their jobs.
- 3) Economics: The proposed 3 stories of workforce housing over retail is suitably dense and excellent for this site. The use of under structure parking makes sense for a suburban project with affordability goals. QGA commends the City

of Kirkland for having a code that supports the use of shared parking based on project specific parking needs. Ultimately this flexibility allows this type of workforce housing to be built. The cost of underground parking is substantial and on grade exposed parking limits the developable area of a site. Both of these constraints would prove insurmountable for workforce housing project. Fortunately, the City has recognized this and been able to provide the support to allow the economics of the project to work. The City needs pioneering projects like Totem Station to revitalize the Totem Lake area. Residential is the first step to revitalization and will support the commercial revitalization of the neighborhood.

- 4) Superior Design and Urban Streetscape: The project sets an example for the Totem Lake neighborhood of high quality design and superior urban streetscape. Massing and modulation of the project adds interest and breaks up the scale of long facades. Variation in building textures and materials, roof structure design and landscaping pockets throughout the site are visually appealing to pedestrians and the neighborhood. The 16 parallel parking stalls along the NE 115th Place and 124th Avenue NE frontages promotes success of the building's commercial space by providing visible, convenient parking. Pedestrians also benefit from the safety of a widened sidewalk. Quality of pedestrian and vehicular access will contribute to successful retail along these streets. And successful retail will contribute to the vibrancy of the neighborhood as it redevelops.
- 5) Pedestrian Plaza and Community Garden Terrace: The Project provides a south facing open plaza area with a sunny southern exposure which will complement the pedestrian street orientation of the project. The plaza is a unique amenity in the North Rose Hill community. It will provide a significant benefit to members of the public, including the patrons and employees of the future businesses and tenants of the building. The Community Garden located on the second level provides a retreat for tenants to gather, sit and enjoy the outdoors in a peaceful, landscaped setting.
- 6) Urban Forest: The inclusion of the urban forest in the southwestern portion of the site will provide a visual amenity to the community by including a natural, green space in an urban environment. This peaceful, treed space will also serve as a natural retreat for tenants and pedestrians.
- 7) Off-Leash Dog Area: The off-leash dog area element of the Urban Forest provides a significant benefit to the residents of the community. Urban/suburban renters want to live in a building where pets are welcomed and the off leash dog area provides a community amenity for dog owners.

The QGA is pleased to support the Totem Station Project and commends the City of Kirkland for its Comprehensive Plan and Municipal Code, which allows the flexibility for desirable, high quality projects to be built in urban and suburban locations such as Totem Lake.

Best regards,



William H. Kreager, FAIA, LEED® AP  
Chair, Quality Growth Alliance Recognition Program

#### About the Quality Growth Alliance

The Quality Growth Alliance is committed to building upon shared principles and fostering creative approaches not only to manage urban growth, but also to leverage it as a regional opportunity. Alliance members are the Urban Land Institute Seattle District Council, Puget Sound Regional Council, University of Washington College of Built Environments, Enterprise Community Partners, Forterra, Master Builders Association of King and Snohomish Counties, Futurewise, and NAIOP – The Commercial Real Estate Development Association Washington State Chapter. More information is available at [www.qualitygrowthalliance.org](http://www.qualitygrowthalliance.org).

## HEARING EXAMINER RECOMMENDED CONDITIONS OF APPROVAL

### STAFF ADVISORY REPORT SECTION I.B – *RECOMMENDATIONS*

#### OF EXHIBIT A - DATED MAY 8, 2012

Based on Statements of Fact and Conclusions (Section II), and Enclosures in this report, we recommend approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Enclosure 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This Enclosure does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Enclosure 3, the condition of approval shall be followed (see Conclusion II.I.2).
2. As part of the application for a Building Permit and/or Grading Permit the applicant shall submit:
  - a. Detailed plans for staff review that are consistent with Design Review Board approval file DRC11-00002 (see Conclusion II.B.2, II.C.2, and II.F.2.d.2).
  - b. A Tree Retention Plan that includes specific information on how to minimize construction impacts to the two trees to be retained (see Conclusion II.G.4.b).
  - c. Plans consistent with the public improvements in Enclosure 2 (see Conclusion II.F.2.d.2).
  - d. Permit drawings consistent with the parking layout in Enclosure 2 and parking information which includes the following (see Conclusion II.G.2.b):
    - A parking management plan, to be reviewed and approved by the City that would allow for successful shared parking. The parking management plan should address the following:
      - Signing on-site parking spaces as reserved for commercial use during specified hours Monday through Friday.
      - Installing signs visible from the driveway directing customers to commercial parking available in the parking garage.
    - A signed parking agreement which would prohibit medical office, sport-type uses such as spinning classes, yoga, and pilates studios unless a parking study is provided for City review and approval pursuant to the regulations in KZC Chapter 105. Any other change in use shall comply with the NRH 1A zone parking requirements.
    - A draft Transportation/Shared Parking Management Program as proposed by the applicant to be reviewed and approved by staff.
3. Prior to final inspection, the applicant shall:
  - a. Replace any existing public improvements damaged during construction consistent with Public Works Preapproved Road Construction Plans (see Conclusion II.C.2).
  - b. Install the shared parking requirements in subsection 2.d above (see Conclusion II.G.2.b).
  - c. Submit a public access easement to allow for future construction and connection of the urban forest pedestrian pathway to the west (see Conclusion II.G.3.b).

ORDINANCE O-4359

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY CAMWEST DEVELOPMENT, LLC IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON11-00026 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Preliminary and Final Planned Unit Development (PUD) filed by CamWest Development, LLC as Department of Planning and Community Development File No. ZON11-00026 to construct a mixed-use development within a NRH 1A zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist was submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a Mitigated Determination of Nonsignificance was issued; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held a hearing thereon at her meeting of May 17, 2012; and

WHEREAS, the Kirkland Hearing Examiner, after her public hearing and consideration of the recommendations of the Department of Planning and Community Development, did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process IIB Permit subject to the specific conditions set forth in said recommendations; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner; and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for PUD to be made by ordinance;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner, attached to this ordinance are adopted by the Kirkland City Council and incorporated by this reference as though fully set forth herein.

Section 2. After completion of final review of the PUD, as established in Sections 125.50 through 125.75 (inclusive) of the Kirkland Zoning Code, the Process IIB Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. Nothing in this ordinance shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB Permit is subject shall be grounds for revocation in accordance with the Kirkland Zoning Code.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Section 6. A complete copy of this ordinance, including the Findings, Conclusions and Recommendations adopted by Section 1 of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Section 7. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit or evidence thereof delivered to the permittee.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2012.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

**CITY OF KIRKLAND  
HEARING EXAMINER FINDINGS,  
CONCLUSIONS AND RECOMMENDATION**

**RECEIVED**  
MAY 22 2012

AM PM  
PLANNING DEPARTMENT

**APPLICANT:** Aaron Hollingbery for CamWest Development, LLC

**FILE NO:** ZON11-00026

**APPLICATION:**

1. **Site Location:** 11515 124<sup>th</sup> Avenue NE

2. **Request:** The applicant seeks to construct a 4- to 5-story mixed-use project with 10,200 square feet of commercial/retail space, 108 one-unit/studio work force residential units, and 128 parking stalls with a shared parking arrangement between different uses on the property. The proposal also includes an urban forest and dog park at the southwest corner of the site. The applicant seeks:

- a. A preliminary and final Planned Unit Development (PUD) to place residential parking spaces on the ground floor of the building and modify floor-to-floor heights. The Kirkland Zoning Code (KZC) does not allow stacked dwelling units and associated residential parking on the ground floor in the NRH 1A zone, although residential parking is allowed outside the building at grade.
- b. A parking modification to allow construction of 16 on-street parking stalls to count toward the parking requirement for the development.

**Review Process:** Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision.

**Key Issues:**

- Compliance with the criteria for a Planned Unit Development;
- Compliance with the criteria for a parking modification

**SUMMARY OF RECOMMENDATIONS:**

Department of Planning and Community Development  
Hearing Examiner:

Approve with conditions  
Approve with conditions

**PUBLIC HEARING:**

The Hearing Examiner held a public hearing on the applications on May 17, 2012, in the Council Chamber, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available in the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning

and Community Development. The Examiner visited the site visit in advance of the hearing.

**PUBLIC COMMENT:**

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

**FINDINGS, CONCLUSIONS AND RECOMMENDATION:**

After considering the evidence in the record and inspecting the site, the Examiner enters the following:

**Findings of Fact and Conclusions:**

**1. Site Description**

The Facts and Conclusions on this matter set forth at Subsection II.A of the Planning Department's Advisory Report, dated May 8, 2012, (hereafter Exhibit A) are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

**2. History**

A. The Facts and Conclusions on this matter set forth at Subsection II.B of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. The Design Review Board's approval of the proposal was not appealed.

**3. Concurrency**

A. The Facts and Conclusions on this matter set forth at Subsection II.E of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. The concurrency test decision for the proposal was not appealed.

**4. State Environmental Policy Act (SEPA)**

The Facts and Conclusions on this matter set forth at Subsection II.D of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

## 5. Public Comment

A. The Facts and Conclusions on this matter set forth at Subsection II.C of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

B. Public testimony at the hearing focused primarily on transportation related issues, such as the accuracy of traffic counts, whether a signal was warranted at NE 115th Place, whether left turns from the project onto 124<sup>th</sup> Avenue NE will be possible in light of traffic volumes, pedestrian safety and the ability of pedestrians to cross 124<sup>th</sup> Avenue NE from the project, and parking. There were also comments on the desirability of requiring a sign identifying the area as North Rose Hill.

C. Because the Design Review Board's decision not to require the standard neighborhood gateway signage was not appealed, the Examiner has no jurisdiction to consider that issue.

D. The City reviews a development proposal's transportation impacts under two processes. The first process is concurrency review, which is a macro level review of a proposal's potential impacts on the City's transportation system. It determines whether system-wide transportation improvements are needed to accommodate the proposal's anticipated traffic while maintaining the City's adopted levels of service (volume to capacity ratios).

E. Because the City's concurrency test decision for the proposal was not appealed, the Examiner has no jurisdiction to consider issues related to that decision.

F. The second review of a development's transportation impacts is initiated by the Department pursuant to SEPA. This review examines localized impacts in and near the proposal and includes examination of intersection levels of service, analysis of development impacts upon non-motorized traffic, access, traffic safety, and parking.

G. Because the City's SEPA Determination of Nonsignificance was not appealed, the Examiner has no jurisdiction to consider transportation impacts that were reviewed pursuant to SEPA.

## 6. Approval Criteria

The Facts and Conclusions on this matter set forth at Subsection II.F of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

## 7. Development Regulations

The Facts and Conclusions on this matter set forth at Subsection II.G of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

## 8. Comprehensive Plan

The Facts and Conclusions on this matter set forth at Subsection II.H of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

## 9. Development Standards

The Facts and Conclusions on this matter set forth at Subsection II.I of Exhibit A are accurate and supported by the record, and therefore are adopted by reference as the Hearing Examiner's Findings and Conclusions.

### Recommendation:

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the City Council approve the Preliminary and Final PUD and parking modification, subject to the conditions set forth in section IB of Exhibit A.

Entered this 21<sup>st</sup> day of May, 2012.

  
Sue A. Tanner  
Hearing Examiner

### SUBSEQUENT MODIFICATIONS

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

### CHALLENGES AND JUDICIAL REVIEW

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

#### CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted

written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., June 1, 2018, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

### **JUDICIAL REVIEW**

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

### **LAPSE OF APPROVAL**

The applicant must submit to the City a complete building permit application approved under KZC Chapter 125 within four (4) years after approval of the Final PUD, or the lapse provisions of Section 152.115 will apply. Furthermore, the applicant must substantially complete construction approved under Chapter 125 and complete the applicable conditions listed on the Notice of Approval within six (6) years after approval of the Final PUD, or the decision becomes void.

### **TESTIMONY:**

The following persons testified at the public hearing:

**From the City:**

Jon Regala, Senior Planner  
Thang Nguyen,  
Transportation Engineer

**From the Applicant:**

Aaron Hollingbery  
Kurt Gahnberg, Transportation Engineer

Hearing Examiner Recommendation  
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**From the Public:**

Karen Whittle  
Margaret Carnegie

Bill Kreager  
Karen Hoyer

**EXHIBITS:**

The following exhibits were offered and entered into the record at the public hearing:

- A. Department of Planning and Community Development Staff Advisory Report dated May 8, 2012, with 19 attachments
- B. Hard copy of Department's PowerPoint presentation
- C. Letter of May 16, 2012 to Jon Regala from William H. Kreager, Quality Growth Alliance
- D. Hard copy of Applicant's PowerPoint presentation

**PARTIES OF RECORD:**

Aaron Hollingbery  
Kurt Gahnberg  
Citizens on Parties of Record List  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services

PUBLICATION SUMMARY  
OF ORDINANCE O-4359

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY CAMWEST DEVELOPMENT, LLC IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON11-00026 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

SECTION 1. Adopts the Findings, Conclusions and Recommendations of the Kirkland Hearing Examiner.

SECTION 2. Provides that after completion of final review of the PUD, the Process IIB Permit shall be issued and subject to the adopted Recommendations.

SECTION 3. States applicant is not excused from compliance with any federal, state or local statutes, ordinances or regulations applicable to the project, other than as expressly set forth in the Ordinance.

SECTION 4. Provides grounds for revocation of the Process IIB Permit.

SECTION 5. Authorizes publication of the Ordinance by summary and for approval of summary by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

SECTION 6. Establishes requirement for certification of the Ordinance by City Clerk and notification of King County Department of Assessments.

SECTION 7. Provides for the certified Ordinance and adopted Findings, Conclusions and Recommendations to become part of the Process IIB Permit and delivered to permittee.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

I certify that the foregoing is a summary of Ordinance O-4359 approved by the Kirkland City Council for summary publication.

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City Clerk