



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager Quasi-Judicial
From: Eric Shields, Planning Director
Tony Leavitt, Associate Planner
Date: October 20, 2010
Subject: LAKE VIEW MANOR PLANNED UNIT DEVELOPMENT PERMIT, PCD FILE
NO. ZON10-00017

RECOMMENDATION

Consider the Preliminary PUD and Final PUD applications and the Hearing Examiner recommendation, and direct staff to return to the November 16th Council meeting with an ordinance to either:

- Grant the application as recommended by the Hearing Examiner; or
- Modify and grant the application; or
- Deny the application.

Option to adopt resolution on November 1st: 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.

In the alternative, the Council may 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 hearing.

RULES FOR CITY COUNCIL CONSIDERATION

The City Council shall consider the Zoning Permit 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. However, the City Council in its discretion may ask questions of the applicant and staff regarding facts in the record, and may request oral argument on legal issues.

BACKGROUND DISCUSSION

Proposal

Todd Kilburn of Kilburn Architects, representing the Lake View Manor Condominium Home Owners Association, has applied for a Preliminary and Final Planned Unit Development permit to allow an additional unit within an existing condominium development. The existing development contains 11 dwelling units and 1 common use unit. The PUD permit would allow the common use unit to be converted into another dwelling unit by increasing the allowed density on the subject property from 11 units to 12 units. The applicant is proposing the installation of a public community bench area along Lake Washington Boulevard and the installation of landscaping on the hillside above Lake Washington Boulevard as specifically identified PUD Benefits.

Public Hearing

The Hearing Examiner held an open record public hearing on September 30, 2010 (see Enclosure 2 for minutes). City Staff and Larry Christensen of the Lake View Manor Homeowner Association Board testified during the hearing.

On October 5, 2010, the Hearing Examiner recommended approval of the application with conditions per Staff's recommendation (see Enclosure 1).

ENCLOSURES

1. Hearing Examiner Recommendation and Exhibits
2. Hearing Examiner Hearing Minutes

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

APPLICANT: Todd Kilburn, on behalf of Lake View Manor Condominium Home Owners Association

FILE NO: ZON10-00017

APPLICATION

1. **Site Location:** 725 1st Street South
2. **Request:** The Applicant seeks a permit for a preliminary and final planned unit development to allow an additional unit within an existing condominium development. The existing development contains 11 dwelling units and one common use unit. The PUD permit would allow a common use unit to be converted to another dwelling unit by increasing the allowed density on the subject property from 11 units to 12 units.
3. **Review Process:** Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision.
4. **Key Issues:**
 - Compliance with the criteria for PUD approval; and
 - Compliance with Process IIB Zoning Permit Approval Criteria

SUMMARY OF RECOMMENDATIONS:

Department of Planning and Community Development: Approve with conditions
Hearing Examiner: Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the applications at 9:00 a.m. September 30, 2010 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 prior to the hearing.

COMMENT:

Comments by the following persons, who offered sworn testimony at the hearing, are summarized in the minutes of the hearing:

From the City:

Tony Leavitt, Project Planner

From the Applicant:

Larry Christensen, Homeowner Association
Board Member

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:

The Findings of Fact and Conclusions set forth in Section II of Exhibit A, the Department's Staff Advisory Report, are accurate, complete and supported by the record. Accordingly, they 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 Council approve the Preliminary and Final PUD, subject to the four conditions set forth in Section I.B of Exhibit A.

Entered this 5th day of October, 2010.

Sue A. Tanner
Hearing Examiner

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 September 30, 2010 , with 7 attachments

PARTIES OF RECORD:

Todd Kilburn, 1661 E. Olive Way, Suite 200, Seattle Washington 98102
Larry Christensen, c/o Lake View Manor Homeowners Association, 725 1st Street South,
Kirkland, WA 98033

Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

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.

A. 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., _____, 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.

B. 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

Under Section 152.115 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 152, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 152.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 152 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

ADVISORY REPORT FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland Hearing Examiner

From: _____ Tony Leavitt, Project Planner
_____ Eric R. Shields, AICP, Planning Director

Date: September 23, 2010

File: Lake View Manor Planned Unit Development (PUD), ZON10-00017

Hearing Date and Place: September 30, 2010
City Hall Council Chamber
123 Fifth Avenue, Kirkland

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
I. INTRODUCTION	2
A. APPLICATION	2
B. RECOMMENDATIONS	2
II. FINDINGS OF FACT AND CONCLUSIONS	3
A. SITE DESCRIPTION	3
B. HISTORY	4
C. PUBLIC COMMENT	4
D. APPROVAL CRITERIA	4
E. DEVELOPMENT REGULATIONS	7
F. COMPREHENSIVE PLAN	8
G. DEVELOPMENT STANDARDS	8
III. SUBSEQUENT MODIFICATIONS	8
IV. CHALLENGES AND JUDICIAL REVIEW	8
A. CHALLENGE	8
B. JUDICIAL REVIEW	9
VI. APPENDICES	9
VII. PARTIES OF RECORD	9

I. INTRODUCTION

A. APPLICATION

1. Applicant: Todd Kilburn of Kilburn Architects representing the Lake View Manor Condominium Home Owners Association
2. Site Location: 725 1st Street South (see Attachment 1)
3. Request: Preliminary and Final Planned Unit Development permit to allow an additional unit within an existing condominium development. The existing development contains 11 dwelling units and 1 common use unit. The PUD permit would allow the common use unit to be converted into another dwelling unit by increasing the allowed density on the subject property from 11 units to 12 units (see Attachment 2).
4. Review Process: Process IIB, Hearing Examiner conducts public hearing and makes recommendation; City Council makes final decision.
5. Summary of Key Issues and Conclusions:
 - a. Compliance with PUD Approval Criteria (see Section II.D.1)
 - b. Compliance with Process IIB Zoning Permit Approval Criteria (see Section II.D.2)

B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments 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. Attachment 4, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.
2. As part of the building permit application, the applicant shall submit plans that include the installation of 2 additional parking stalls (see Conclusion II.E.2).
3. Prior to issuance of the building permit application, the applicant shall submit a signed right-of-way improvement easement (see Conclusion II.D.1.d)
4. Prior to final inspection of the building permit, the applicant shall complete installation of the proposed landscaping of the hillside and provide a final as-built landscape plan and a signed landscape maintenance agreement to maintain and replace all landscaping that is being proposed as a PUD public benefit (see Conclusion II.D.1.d).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

- (1) Size: 38,938 square feet (.89 acres)
- (2) Land Use: The property contains 11 multi-family stacked dwelling units and 1 common use unit.
- (3) Zoning: The subject property is zoned Residential Multi-family (RM) 3.6 (1 unit per 3,600 square feet), which is a medium density residential zone. The allowed base density for the subject property is of 10.8 units. Pursuant to KZC Section 125.30 (PUD Density), the applicant is seeking to increase the allowed density to 110% of the allowed base density.
- (4) Terrain: The subject property has a significant slope on the western half of the property. The existing condominium building is located on the flat eastern half.
- (5) Vegetation: Existing significant vegetation will not be impacted by the proposal.

b. Conclusions:

- (1) Size, land use, terrain, and vegetation are not relevant factors in the review of this application.
- (2) Zoning is a relevant factor in the review of this application as the applicant is proposing to increase the allowed density thru the Planned Unit Development permit application.

2. Neighboring Development and Zoning:

a. Facts: The neighboring properties are zoned as follows and contain the following uses:

East, North, & South: RM 3.6. Properties are developed with attached and stacked dwelling unit uses.

West: WD I and P. Properties are developed with stacked dwelling units and park (David E Brink Park) uses.

b. Conclusion: Development and zoning of neighboring properties is not a relevant factor in the review of this application.

B. HISTORY

1. Facts: According to applicant (see Attachment 2) and submitted building permit drawings, the existing structure was originally constructed in the mid-1980's as an 11 dwelling unit development. The developer built a 12th unit on the main floor for common use by the 11 dwelling unit owners.
2. Conclusion: The previously approved building permit is relevant in the review of the current application.

C. PUBLIC COMMENT

The initial public comment period ran from August 11, 2010 until September 2, 2010. The Planning Department received no comments during the initial comment period or prior to the drafting of this memorandum.

D. APPROVAL CRITERIA

1. Planned Unit Development (PUD)
 - a. KZC Chapter 125 Requirements
 - (1) Facts: KZC Chapter 125 establishes three decisional criteria with which the proposed PUD request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 2. Sections II.F.2.b through 2.d contain staff's findings of fact and conclusions based on these three criteria.
 - (2) Conclusions: Based on the following analysis, the application meets the established criteria for approval of a Preliminary and Final PUD.
 - b. PUD Criterion 1: The proposed PUD must meet the requirements of Zoning Code Chapter 125.
 - (1) Facts:
 - (a) KZC Chapter 125 sets forth the procedures by which a PUD is to be reviewed, criteria for PUD approval, the Zoning Code provisions that may be modified through a PUD, and PUD density provisions.
 - (b) The proposal is being reviewed through the process established by Chapter 125.
 - (c) Staff finds that the proposal meets the criteria for PUD approval (see the following sections).
 - (d) The proposal meets PUD density requirements (see Conclusion II.E.1).
 - (2) Conclusion: The proposed PUD is consistent with the requirements of KZC Chapter 125.

- c. PUD Criterion 2: Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the city.
- (1) Facts:
- (a) The applicant is seeking to increase the number of dwelling units on the subject property from 11 to 12 units.
 - (b) The proposed dwelling unit will be located within an existing building. There is no need to expand or alter the size of the building to accommodate the dwelling unit. Additional required parking can be accommodated on the subject property.
 - (c) The addition of one unit will generate minimal vehicle trips. The applicant will be required to pay traffic and park impact fees as part of the building permit issuance.
 - (d) The applicant is proposing the installation of a public community bench area along Lake Washington Boulevard and the installation of landscaping on the hillside above Lake Washington Boulevard (see Attachments 2 and 3).
- (2) Conclusions: The adverse impacts or undesirable effects of the proposed PUD have been minimized by a locating the proposed dwelling unit within an existing building, the installation of onsite parking stalls, and the future payment of impact fees. Additionally the applicant is mitigating these impacts thru specifically identified PUD benefits including the installation of a public community bench area and the installation of landscaping on the hillside above Lake Washington Boulevard.
- d. PUD Criterion 3: The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:
- The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.
 - The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve, enhance, or rehabilitate through development of the subject property without a PUD.
 - The design of the PUD incorporates active or passive solar energy systems.
 - The design of the proposed PUD is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:
 - Increased provision of open space or recreational facilities
 - Superior circulation patterns or location or screening of parking facilities

- Superior landscaping, buffering, or screening in or around the proposed PUD
 - Superior architectural design, placement, relationship or orientation of structure(s)
 - Minimum use of impervious surfacing materials
- (1) Facts: The applicant is proposing the following benefits to the City as part of the proposed PUD:
- (a) Installation of a community bench area along Lake Washington Boulevard that will be available for use by all residents of Kirkland. The seating area will have a view of Lake Washington and David Brink Park to the west.
 - (b) The hillside between the condominium building and Lake Washington Boulevard will be cleared of existing invasive species, grasses, and weeds. The applicant is proposing the installation of new landscaping to rehabilitate the existing hillside (see Attachment 3).
 - (c) If an applicant is proposing the installation of a public bench as a PUD public benefit, the City requires that the applicant submit a signed right-of-way improvement easement to ensure that the bench is continuously available for public use (see Attachment 5).
 - (d) If an applicant is proposing the installation of landscaping as a PUD public benefit, the City requires that the applicant submit a signed landscape maintenance agreement to ensure that the landscaping is maintained in perpetuity (see Attachment 6).
- (2) Conclusions:
- (a) Considering the minimal impact of adding the additional dwelling unit, the proposed PUD provides a sufficient number of benefits to the City. The PUD will benefit the city by providing a community bench area along Lake Washington Boulevard and rehabilitating the existing the hillside above the Boulevard.
 - (b) Prior to issuance of the building permit application, the applicant should submit a signed right-of-way improvement easement.
 - (c) Prior to final inspection of the building permit, the applicant should complete installation of the proposed landscaping of the hillside and provide a final as-built landscape plan and a signed landscape maintenance agreement to maintain and replace all landscaping that is being proposed as a PUD public benefit.

2. Process IIB Zoning Permit

- a. Facts: Zoning Code section 152.70.3 states that a Process IIB application may be approved if:
- (2) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 - (3) It is consistent with the public health, safety, and welfare.
- a. Conclusion: The proposal complies with the criteria in section 152.70.3. It is consistent with all applicable development regulations (see Section II.E) and the Comprehensive Plan (see Section II.F). In addition, it is consistent with the public health, safety, and welfare because the project will provide the City with an additional housing unit while meeting the goals of the Comprehensive Plan for this neighborhood (see section II.F).

E. DEVELOPMENT REGULATIONS

1. Density

a. Facts:

- (1) The subject property has a total lot area of 38,938 square feet.
- (2) KZC section 125.30.1 states the maximum permitted residential density is the greater of that recommended by the Comprehensive Plan or 110 percent of that permitted in the zone in which the PUD is located.
- (3) The Comprehensive Plan recommends 12 dwelling units per acre or 10.73 units for this subject property.
- (4) Based on the total lot area of 38,938 square feet, the permitted residential density for the subject property is 10.73 units. 110 percent of the permitted density in the RM 3.6 zone is 11.90 units. KZC Section 115.125 states that if the unit calculation results in a fraction above 0.66, the number shall be rounded up. As a result, the allowed density is 12 units.

- b. Conclusions: The proposed density is allowed pursuant to Kirkland Zoning Code section 125.30 if the PUD is approved.

2. Required Parking

a. Facts:

- (1) The subject property contains a total of 25 parking stalls for the existing 11 units.
- (2) KZC Section 20.10.020 requires 1.7 parking stalls per unit. Additionally, KZC Section 105.20 requires 0.5 stalls per unit for guest parking.
- (3) The proposed 12 unit development will require a total of 27 parking stalls. The applicant is proposing a total of 28 parking stalls.

- b. Conclusion: As part of the building permit application, the applicant should submit plans that include the installation of 2 additional parking stalls.

F. COMPREHENSIVE PLAN

1. Fact:
 - a. The subject property is located within the Moss Bay neighborhood. The Moss Bay Neighborhood Land Use Map designates the subject property for multi-family at 12 units per acre (see Attachment 7).
 - b. The applicant is proposing to increase the allowed density pursuant to KZC Chapter 125.30.1.
2. Conclusion: The proposal is consistent with the multi-family designation within the Comprehensive Plan.

G. DEVELOPMENT STANDARDS

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 4.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 4.

III. SUBSEQUENT MODIFICATIONS

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

IV. 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.

A. 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., _____, 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.

B. 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.

V. LAPSE OF APPROVAL

A. Under Section 152.115 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 152, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 152.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 152 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 7 are attached.

1. Vicinity Map
2. Development Plans
3. Landscape Plan
4. Development Standards
5. Right-of-way Improvement Easement
6. Maintenance and Retention Agreement for Trees and Required Landscaping
7. Moss Bay Neighborhood Land Use Map

VII. PARTIES OF RECORD

Applicant: Todd Kilburn, 1661 E. Olive Way, Suite 200, Seattle, WA 98102
Property Owner: Larry Christensen, c/o Lake View Manor HOA, 725 1st Street South, Kirkland, WA 98033
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

A written recommendation will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.

**LAKE VIEW MANOR PUD
ZON10-00017**

David E.
Brink Park

P

Lake Washington

RS 5.0

7th Av

1st St S

Lake St S

725 1ST STREET S

RM 3.6



23 June 2010

Mr. Tony Leavitt
Planner
Kirkland Planning and Community Development
123 Fifth Avenue
Kirkland, WA 98033

RE: Lakeview Manor Condominiums PUD Permit
725 1st Street South
Kirkland, WA 98033
Tax Parcel Number: 409850-0000

Dear Mr. Leavitt:

A brief summary of our proposed PUD submittal:

The zoning code allows eleven (11) residential units on the existing site. Eleven (11) residential units were originally approved by the City of Kirkland and constructed in the mid 1980's. The developer built a 12th unit on the main floor for common use by the eleven (11) condominium owners. The Condominium Association proposes a Planned Unit Development (PUD) project in order to allow up to 110% of the allowed density that would give them the ability to have, convert and sell the 12th condominium unit. Recently it has come to light that the condominium has had sewer water intrusion issues that have compromised the structural integrity of the building. The conversion of the common space into a residential unit and future sale will help them offset the high costs of the imminent building envelope remediation project. There will be three (3) additional parking stalls created on-site to comply with current parking standards.

KZC 125.35 Compliance:

1. The proposed PUD meets the requirements of this chapter.
2. There are no adverse impacts or undesirable effects of the proposed PUD. The proposed unit is within the existing footprint of the building. There is no need to expand or alter the size of the existing building to increase the density. Code required parking is available on-site. The Association proposes to create a community amenity and visually improve the portion of the site that can be viewed by the community. By adding a community area (a proposed bench) and landscaping the hillside (west half of the property towards Lake Washington Boulevard) the community and site is enhanced.
3. The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:
 - a. The proposed public facility is a bench community area along Lake Washington Boulevard beneath the site.
The proposed PUD will preserve, enhance or rehabilitate natural features of the site by landscaping the hillside (west half of the property). The Association will enter into a long-term maintenance agreement with the City to ensure the hillside will remain an aesthetically pleasing landscaped area.

- b. N/A
- c. N/A
- 4. N/A

Sincerely,

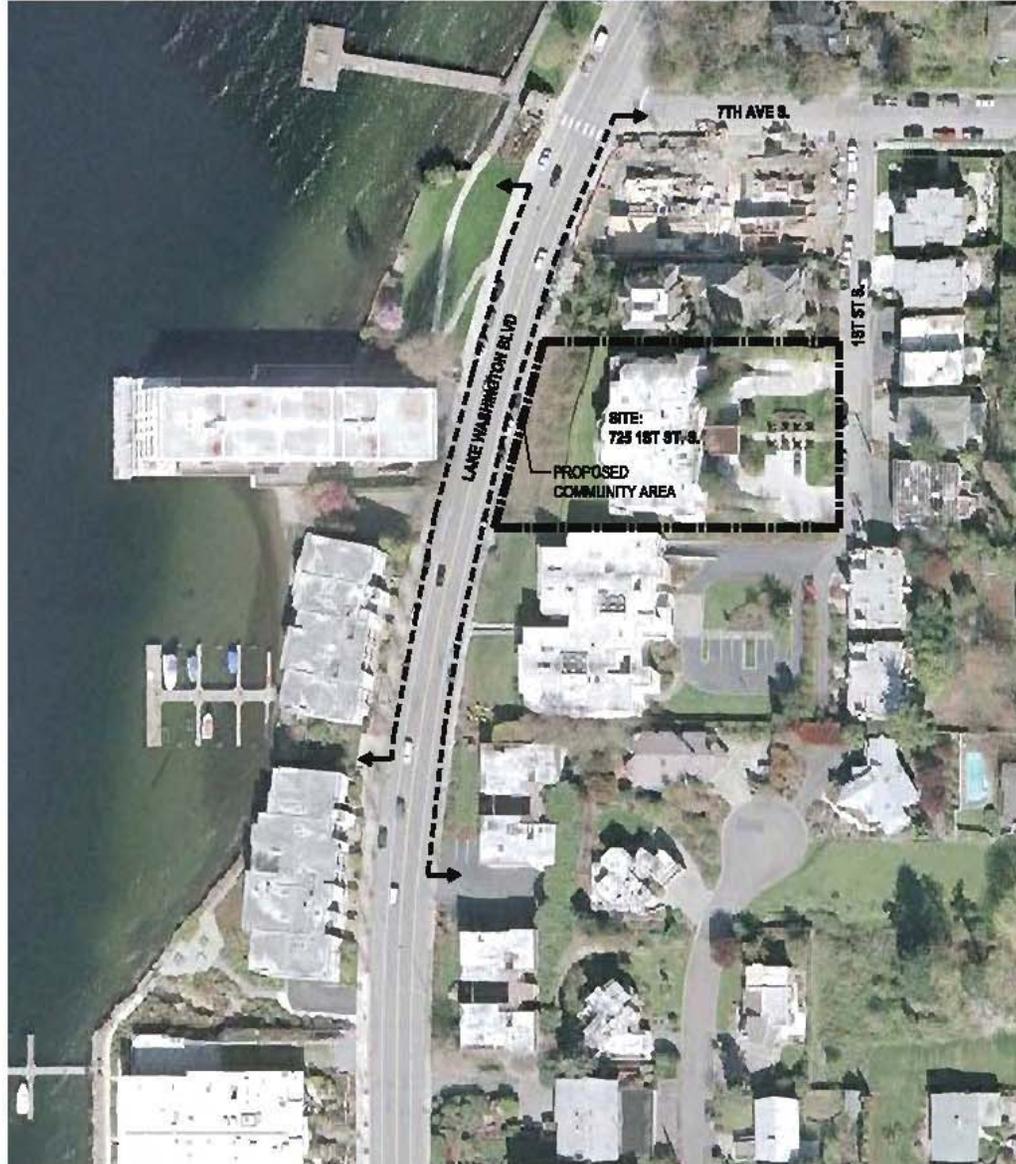
H. Todd Kilburn AIA
Kilburn Architects LLC



2 WEST ELEVATION



3 NORTH-WEST ELEVATION



1 AERIAL PHOTO



KILBURN
ARCHITECTS LLC

1881 East Olive Way
Suite 200
Seattle, WA 98102

Tel: 206.682.6211
Fax: 206.682.1403

www.kilburnarchitects.com

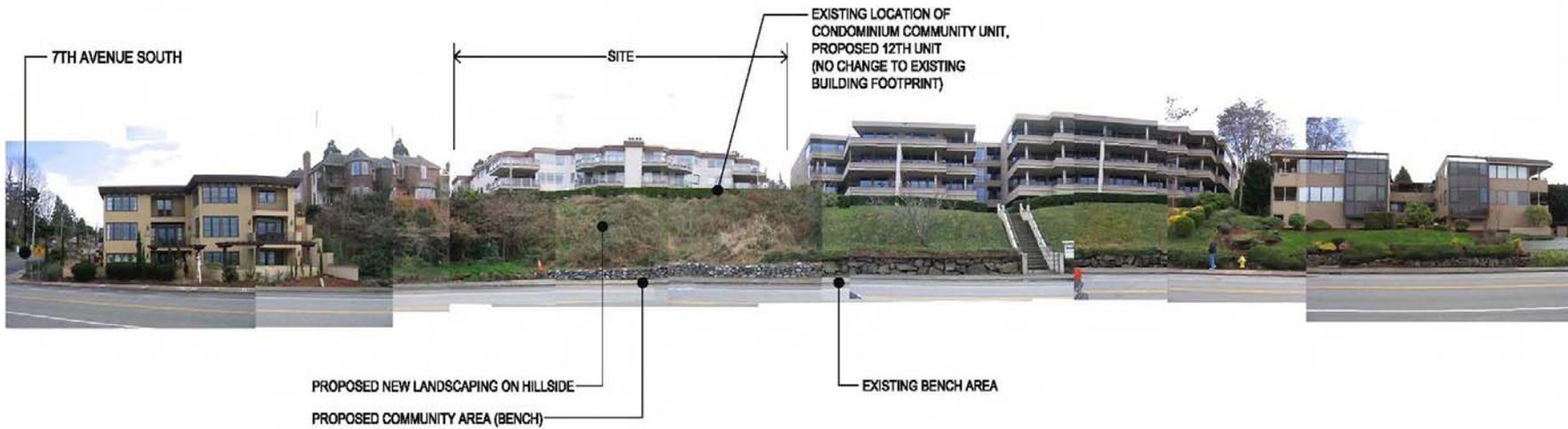
**Lake View
Manor**

725 1st Street South
Kirkland, WA 98033

Release	Date
Pre-Submittal Conference	05.18.2010
PLD Permit Submittal	06.23.2010

**AERIAL PHOTOS &
SITE PHOTOS**

A1



1 LAKE WASHINGTON BLVD (EAST VIEW)



2 LAKE WASHINGTON BLVD (WEST VIEW)



KILBURN
ARCHITECTS LLC

1661 East Olive Way
Suite 200
Seattle, WA 98102

Tel: 206.882.5211
Fax: 206.882.1403

www.kilburnarchitects.com

**Lake View
Manor**

725 1st Street South
Kirkland, WA 98033

Release	Date
Pre-Submittal Conference	03.18.2010
PUD Permit Submittal	08.23.2010

**STREET VIEW
PHOTOS**

A2

LEGAL DESCRIPTION

LOTS 2 THRU 13 INCLUSIVE, COMMERCIAL APON TO KIRKLAND AS RECORDED IN VOL. 4 OF PLATS 1466, 77 RECORDED IN KING COUNTY WASHINGTON AND PORTION OF VACATED 1ST ST SOUTH ADJOINING.

7TH AVE SO.

ADDRESS MUST BE POSTED
 THE ADDRESS NUMBERS MUST BE POSTED BEFORE FEELING BIDDERS TO BE MINIMUM 3 INCHES HIGH, ON A CONTRASTING BACKGROUND, AND VISIBLE FROM THE STREET. SECTION 21.88.020 KIRKLAND CODE.

MINIMUM 20' UNOBSTRUCTED WIDTH REQUIRED

CONCRETE RETAINMENT FOOTING FOR DRIVEWAY SHALL BE 12" MIN. W/ 4" DIA. BARS @ 12" ON CENTER

PROPOSED COMMUNITY AREA

PROPOSED 12TH UNIT (ON FIRST FLOOR - NO CHANGE TO EXISTING BUILDING FOOTPRINT. INTERIOR REMODEL ONLY.)

NOTE: SHADY PORTION TO BE EXISTING HOUSE AND GARAGE THAT WILL BE REMOVED.

NORTH

1 EXISTING SITE PLAN
 N.T.S.



KILBURN
 ARCHITECTS LLC

1661 East Olive Way
 Suite 200
 Seattle, WA 98102

Tel: 206.682.5211
 Fax: 206.682.1403

www.kilburnarchitects.com

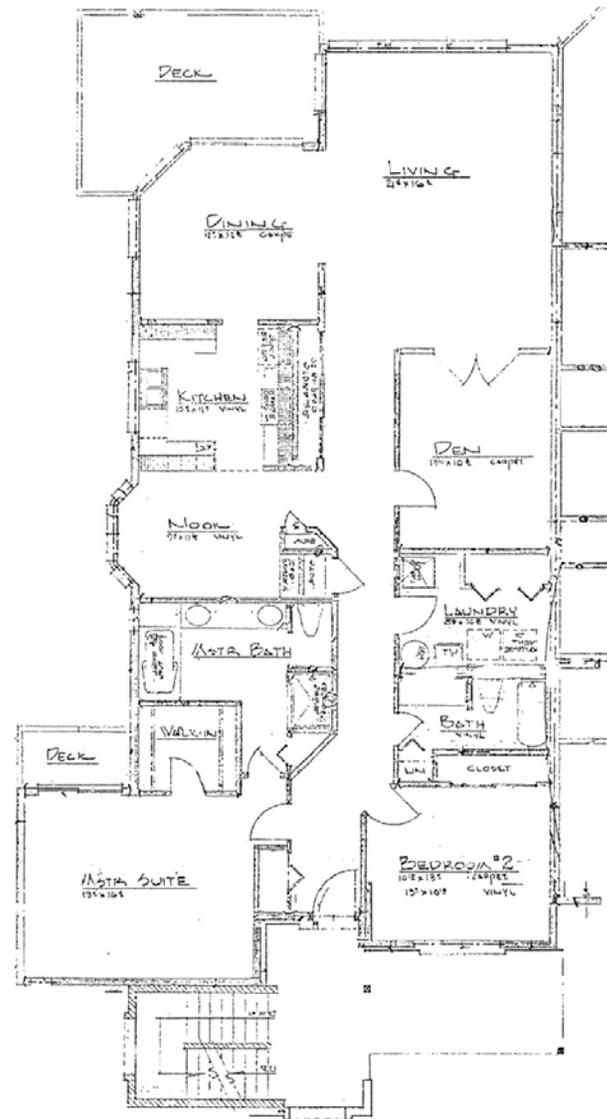
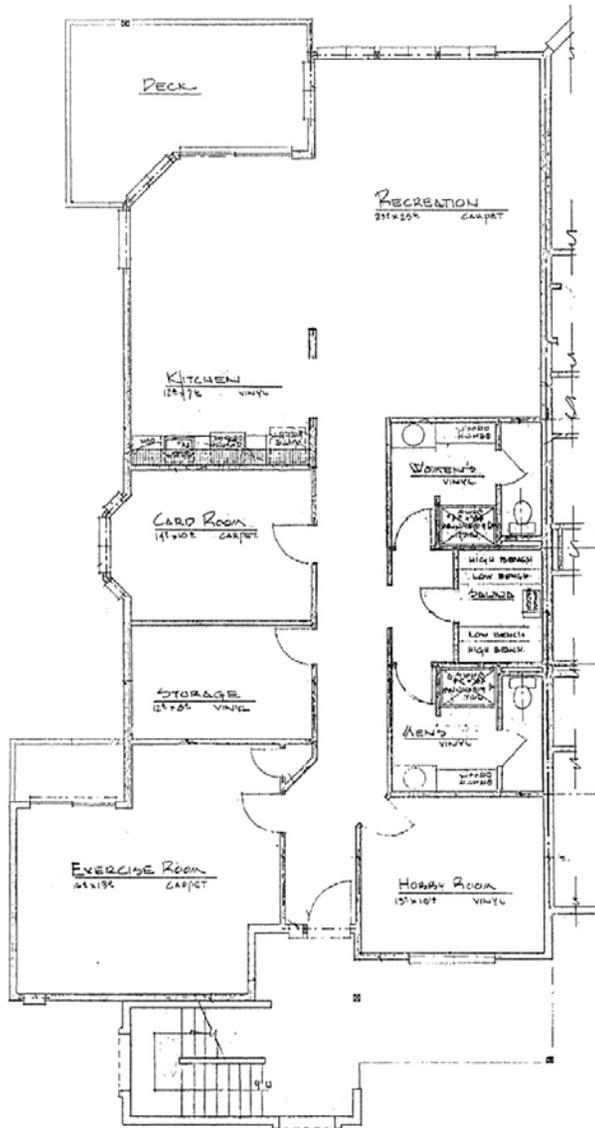
Lake View Manor

725 1st Street South
 Kirkland, WA 98033

Release	Date
Pre-Submittal Conference	03.16.2010
PLD Permit Submittal	06.23.2010

EXISTING SITE PLAN

A4



1 EXISTING 101 UNIT PLAN
N.T.S.

2 PROPOSED UNIT 101 PLAN - TO MATCH EXISTING UNIT ABOVE
N.T.S.



KILBURN
ARCHITECTS LLC

1661 East Olive Way
Suite 200
Seattle, WA 98102

Tel: 206.682.5211
Fax: 206.682.1403

www.kilburnarchitects.com

**Lake View
Manor**

725 1st Street South
Kirkland, WA 98033

Release	Date
Pre-Submittal Conference	03.18.2010
PLD Permit Submittal	06.23.2010

UNIT 101 PLAN

A6



1 VIEW FROM SOUTH
N.T.S.



2 VIEW FROM SOUTH
N.T.S.



3 VIEW FROM WEST
N.T.S.



4 VIEW FROM NORTH
N.T.S.



5 VIEW FROM NORTH
N.T.S.



6 VIEW FROM ABOVE
N.T.S.



KILBURN
ARCHITECTS LLC

1661 East Olive Way
Suite 200
Seattle, WA 98102

Tel: 206.882.5211
Fax: 206.882.1403

www.kilburnarchitects.com

**Lake View
Manor**

725 1st Street South
Kirkland, WA 98033

Release	Date
Pre-Submittal Conference	03.18.2010
PUD Permit Submittal	06.23.2010

**3D MODEL
CONCEPTUAL
DESIGN**

A7



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-
3225
www.ci.kirkland.wa.us

DEVELOPMENT STANDARDS LIST
FILE: LAKE VIEW MANOR PUD, ZON10-00017

ZONING CODE STANDARDS

95.51.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.

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

105.20 Required Parking. 27 parking spaces are required for this use.

105.65 Compact Parking Stalls. Up to 50% of the number of parking spaces may be designated for compact cars.

105.60.2 Parking Area Driveways. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.

105.60.3 Wheelstops. Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.

105.77 Parking Area Curbing. All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

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

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a

violation of this Code.

115.115.3.p HVAC and Similar Equipment: These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

115.115.5.b Driveway Setbacks. For attached and stacked dwelling units in residential zones, driveways shall have a minimum 5' setback from all property lines except for the portion of any driveway, which connects with an adjacent street. Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for the use.

115.120 Rooftop Appurtenance Screening. New or replacement appurtenances on existing buildings shall be surrounded by a solid screening enclosure equal in height to the appurtenance. New construction shall screen rooftop appurtenances by incorporating them in to the roof form.

115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

152.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

Prior to issuance of a grading or building permit:

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

Date: 9/23/2010

DEVELOPMENT STANDARDS

CASE NO.: ZON10-00017
PCD FILE NO.:ZON10-00017

PUBLIC WORKS CONDITIONS:

The additional condo unit will trigger a traffic and park impact fee. Impact fees shall be paid with the Building Permit for the remodel of the unit

The drainage from the new parking areas shall be collected and conveyed to the existing storm system. The Building Permit shall include a design for this collection system.

The design for the proposed bench, sidewalk widening, and retaining wall along Lake St. shall be included in the Building Permit.

BUILDING DEPARTMENT CONDITIONS

Building permits must comply with the 2009 editions of the International Building and Mechanical Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland.

Structure must comply with Washington State Energy Code (WAC 51-11); and the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13).

Structures must be designed for seismic design category D, wind speed of 85 miles per hour and exposure C.

Plumbing meter and service line shall be sized in accordance with the UPC.



RIGHT-OF-WAY IMPROVEMENT EASEMENT

THIS RIGHT-OF WAY IMPROVEMENT EASEMENT ("Easement") is made this ____ day of _____, _____, by and between _____ ("Grantor") and City of Kirkland, a Washington Municipal Corporation ("Grantee").

Grantor is the owner of the real property legally described as follows:

Insert legal description of the entire parcel in this field.

Grantor, for and in consideration of valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys unto Grantee, its successors and assigns, a perpetual, nonexclusive easement for a street, sidewalk, and related appurtenances now in place or hereafter constructed over, under, in, along, across, together with the right of ingress and egress upon the property that is described above for access to said easement area described as follows:

Insert legal description of the easement area in this field.

Grantor also grants to Grantee and those acting under or on behalf of Grantee the use of such additional area immediately adjacent to the above easement as shall be required for the construction or maintenance of said sidewalk and related appurtenances in the easement, such additional area to be held to the minimum necessary for that purpose.

In case of emergency, Grantee shall have the right, without prior notice or proceeding at law, to enter upon the property for purpose of construction, repair and/or reconstruction of said street, sidewalk and related appurtenances or making any connections therewith. In all other cases, Grantee shall notify Grantor of the need to enter onto the easement area prior to doing so.

Grantee shall, upon completion of any work within the property, restore the surface of the easement and any private improvements disturbed or destroyed during the execution of the work, as nearly as practicable, to the condition they were in before commencement of the work or entry by Grantee.

Grantor may continue to use and enjoy the property , including the right to use the surface of the property, provided that (1) such use shall not in any way interfere with construction, installation, maintenance, repair, alteration, or reconstruction of Grantee's street, sidewalk, and related appurtenances; (2) Grantor shall not construct any structures or improvements upon the easement area; and (3) Grantor shall not plant vegetation having deep root patterns which may cause damage to or interfere with the street, sidewalk, and related appurtenances placed within the easement by Grantee.

In any legal action between the parties hereto to enforce any of the terms of this Easement, the prevailing party shall be entitled to recover all its expenses incurred in connection therewith, including reasonable attorney's fees, including and in connection with appeals.

This Easement contains the entire understanding between the parties and supersedes any prior understanding and agreements between the parties respecting the Easement. There are no representations, agreements, arrangements, or understandings, oral or written, between and among the parties hereto relating to the subject matter of this Easement which are not fully expressed herein.

This Easement shall be recorded with the King County Recorder, shall run with the land described herein, and shall be binding upon the parties, their heirs, successors-in-interest, and assigns.

Dated at Kirkland this _____ day of _____, _____.



MAINTENANCE AND RETENTION AGREEMENT FOR TREES AND REQUIRED LANDSCAPING

Project Name: Lake View Manor PUD
Address: 725 1st Street South
Parcel No: 409890-0000

This agreement is entered into between each undersigned owner of the real property and the City of Kirkland, in consideration of approval by the City of a permit under City of Kirkland File No. ZON10-00017 for the hereinafter described real property in Kirkland, King County, Washington.

Each undersigned owner jointly and severally hereby agrees to maintain and retain the trees and other vegetation required by the City to be planted or retained on the real property described below, in accordance with the final approved landscaping plan/site plan (on file in the Kirkland Department of Planning and Community Development) throughout the life of the project, pursuant to Chapter 95 of the KZC unless written approval for removal is granted by the Kirkland Department of Planning and Community Development.

Each of the undersigned agree to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, which may be made against the City, its officers, agents, or employees for any damage to property or injury to any person arising out of the maintenance of said trees and other said vegetation on said owner's property or out of the actions of the undersigned in carrying out the responsibilities under this agreement, excepting therefrom only such claims as may arise solely out of the negligence of the City of Kirkland, its officers, agents, or employees.

This Agreement shall be binding upon the heirs, successors and assigns of each of the undersigned and shall run with the land. This Agreement shall, at the expense of the undersigned, be recorded by the City of Kirkland with the King County Department of Elections and Records.

Failure to maintain and retain said trees and other said vegetation in accordance with this agreement may subject the undersigned to civil penalties as authorized by Chapter 95 of the KZC.

The real property owned by the undersigned and the subject property of this Agreement is situated in Kirkland, King County, Washington and described as follows:

Exhibit A

DATED at Kirkland, Washington, this _____ day of _____, _____

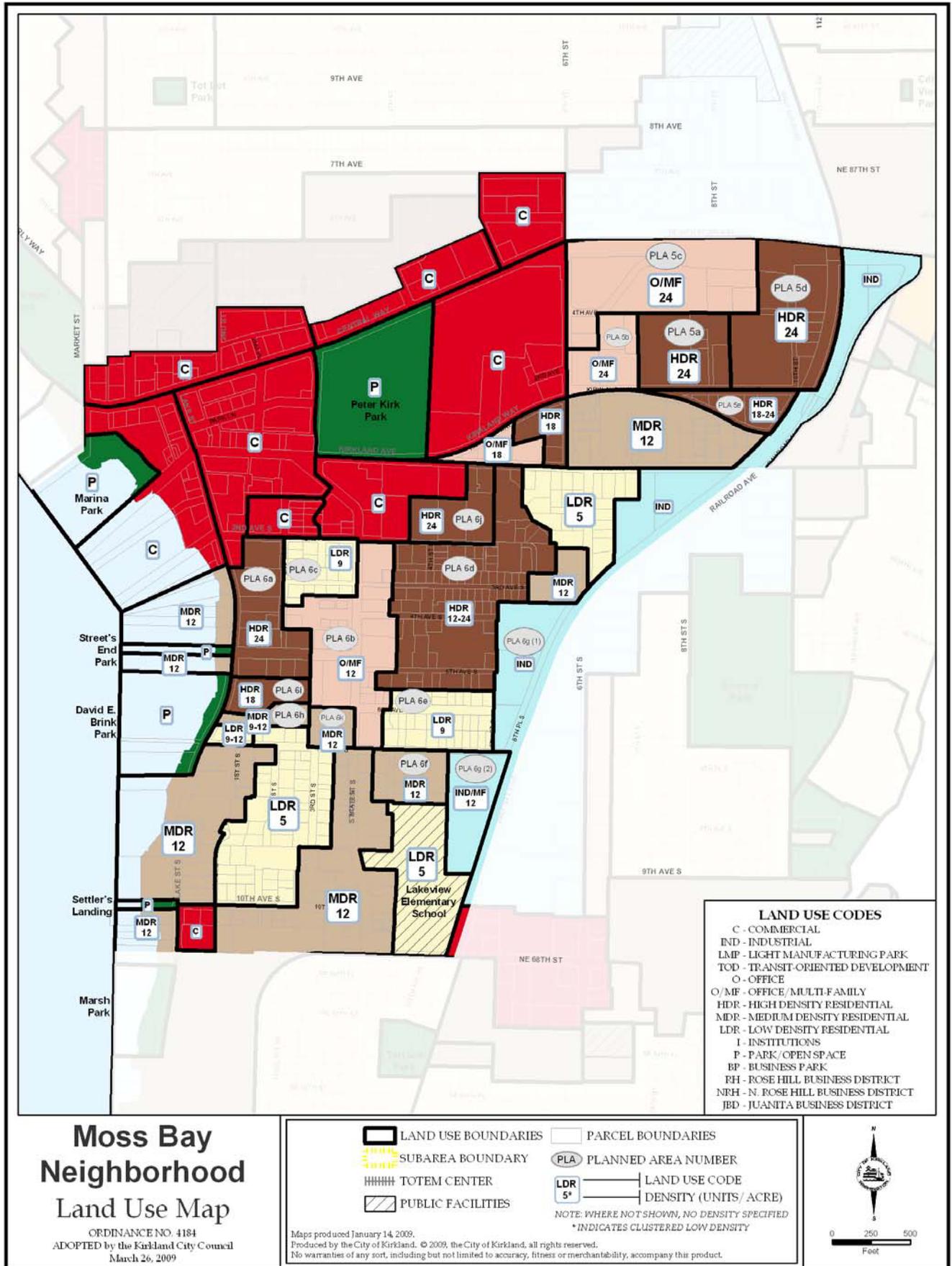


Figure MB-2: Moss Bay Area Land Use



KIRKLAND HEARING EXAMINER
September 30, 2010

1. CALL TO ORDER

Members Present: Sue Tanner, Hearing Examiner.

Members Absent: None.

Staff Present: Tony Leavitt, Associate Planner, Jeremy McMahan, Planning Supervisor, and Jeannie Dines, Recording Secretary.

Hearing Examiner Sue Tanner called the meeting to order at 9:00 a.m.

2. PUBLIC HEARINGS

A. Lake View Manor PUD, File Number: ZON10-00017, Address: 725 1st Street South

Ms. Tanner opened the public hearing at 9:00 a.m. She provided file number ZON10-00017 and the site address, 725 1st Street South. She explained in a Process IIB, the Hearing Examiner conducts the public hearing and makes a recommendation to the City Council who makes the final decision.

Ms. Tanner swore in Planner Tony Leavitt. Ms. Tanner entered the Staff Report as Exhibit A.

Mr. Leavitt presented the Staff Report, an application for a Preliminary and Final Planned Unit Development permit to allow an additional unit within an existing condominium development. The existing development contains 11 dwelling units and 1 common use unit. The PUD permit would allow the common use unit to be converted into another dwelling unit by increasing the allowed density on the subject property from 11 units to 12 units.

He relayed staff's conclusion that the additional condominium unit will have minimal impact on the City, and that the application meets the established criteria for approval of a Preliminary and Final PUD. Based on Statements of Fact and Conclusions and attachments to the Staff Report, staff recommends approval of the application for a Preliminary and Final PUD subject to conditions in the Staff Report.

Ms. Tanner swore Larry Christensen, Lake View Manor Condominium Home Owners Association Board Member, 725 1st Street South, #102, Kirkland. He concurred with Mr. Leavitt's presentation, explaining the residents plan to use the funds from the sale of the unit to abate the cost of a remediation program to re-side the building and install new decks and windows.

Ms. Tanner closed the hearing at 9:06 a.m., advising she would issue a written recommendation to the City Council within 8 calendar days.

3. ADJOURNMENT

Mr. Tanner adjourned the meeting at 9:06 a.m.

ORDINANCE NO. 4267

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY TODD KILBURN OF KILBURN ARCHITECTS IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON10-00017 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 Todd Kilburn of Kilburn Architects as Department of Planning and Community Development File No. ZON10-00017 to convert a common use unit into a dwelling unit within a RM 3.6 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, the project is exempt from the environmental checklist process; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held a public hearing thereon at her special meeting of September 30, 2010; 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 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, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner as signed by her and filed in the Department of Planning and Community Development File No. ZON10-00017 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. 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 Ordinance No. 3719, as amended, the Kirkland Zoning Ordinance.

Section 5. This ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication as required by law.

Section 6. A complete copy of this ordinance, including Findings, Conclusions and Recommendations adopted by reference, 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 _____, 20____.

SIGNED IN AUTHENTICATION THEREOF on this _____ day of _____, 20____.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney