



## **CITY OF KIRKLAND**

**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

---

### **MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Eric R. Shields, AICP, Planning Director  
Janice Soloff, AICP, Senior Planner

**Date:** November 28, 2007

**Subject:** CAMWEST PUD AND HISTORIC OVERLAY AT 400 STATE STREET SO,  
FILE NO. ZON07-00022

### **RECOMMENDATION**

The City Council should consider the Hearing Examiner recommendation for approval of the Camwest Fifth Avenue LLC request for a Preliminary and Final Planned Unit Development and quasi judicial non-project rezone for a Historic Overlay Zone at 400 State Street So (previously Green's Funeral Home site). See attached vicinity map, proposed site plan and building elevations. The Hearing Examiner's recommendation issued on October 25, 2007 along with the staff report, attachments and meeting minutes may be viewed at [http://www.kirklandpermits.net/tm\\_web/doc/200711/ZON0700022/HEARINGEXAMINERREC.pdf](http://www.kirklandpermits.net/tm_web/doc/200711/ZON0700022/HEARINGEXAMINERREC.pdf)

### **RULES FOR CITY COUNCIL CONSIDERATION**

The City Council shall consider the 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 the staff regarding facts in the record, and may request oral argument on legal issues.

The City Council should direct staff to return to the January 2, 2007 Council meeting with the appropriate ordinances and resolution that approve the application as recommended by the Hearing Examiner. 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.

If the Council decides to depart from the Hearing Examiner's recommendation, it may do so by selecting one of the following courses of action:

1. Modify and grant approval of the application by providing staff with direction for desired changes to the enclosed ordinances and resolution for adoption at a subsequent regular meeting; or

2. Deny the application; or
3. If Council concludes that the record compiled by the Hearing Examiner is incomplete or inadequate, they may by motion direct the Hearing Examiner to reopen the hearing on the matter. The Council may limit the scope of the issues to be considered at the rehearing.

The City Council decision should be based on the criteria for review of a Process IIB permit (KZC Section 152.70), a PUD (KZC Section 125.35), and a quasi judicial non-project rezone (KZC Section 130.45) to place a Historic Landmark Overlay Zone (KZC Section 75.20) over a portion of the property. An analysis of how the project meets the criteria can be found in the Hearing Examiner and City staff reports.

### **BACKGROUND OF DEVELOPMENT PROPOSAL**

Camwest Fifth Avenue LLC, proposes the following development activities:

- a. To move the historic Nettleton house (Green's Funeral Home) to the southwest corner of the subject property (condominium lot 25), remove the non-historic rear portion of the structure, remodel the exterior of the house, and add a one story, one car garage.
- b. A quasi-judicial non-project related rezone to place a historic landmark overlay zone on the Zoning Map over condominium lot 25 to preserve the historic significance of the Nettleton house.
- c. A preliminary and final planned unit development to construct 24 detached condominium units on the remainder of the property. An internal private road will provide access to the site between 4<sup>th</sup> and 5<sup>th</sup> Avenues. The site plan contains two open spaces with pedestrian walkways meandering through the property connecting to surrounding streets. Three trees will be preserved as landmark trees in front of the relocated Nettleton house. Other groups of trees will be retained in the center of the site and along the east property line. The new homes will be designed in an older architectural style to compliment the Nettleton house. Homes on the periphery of the site will face surrounding streets with garages accessible from the internal road.

Modifications to Zoning Code regulations are proposed to reduce front yard setbacks along 4<sup>th</sup> and 5<sup>th</sup> avenues, average lot coverage throughout the site, and allow the existing non-conforming height of the Nettleton house to remain.

Public benefits proposed as part of the PUD are: restoration of the historic Nettleton house, providing street improvements along 4<sup>th</sup> Avenue beyond what is required by code (wider street; sidewalks along property to provide on street parking) and superior architectural and site design of the project.

Public comments received during the public hearing focused on retaining additional trees along the east property line requested by residents of the condominium building to the east and from one resident on the adjacent property to the east, concerns regarding view obstruction of the new house to be located in the southeast corner of the property. October 17, 2007 Hearing Examiner public hearing minutes are available on line at

[http://www.ci.kirkland.wa.us/depart/Planning/Hearing\\_Examiner\\_Meeting\\_Information/hem.htm](http://www.ci.kirkland.wa.us/depart/Planning/Hearing_Examiner_Meeting_Information/hem.htm)

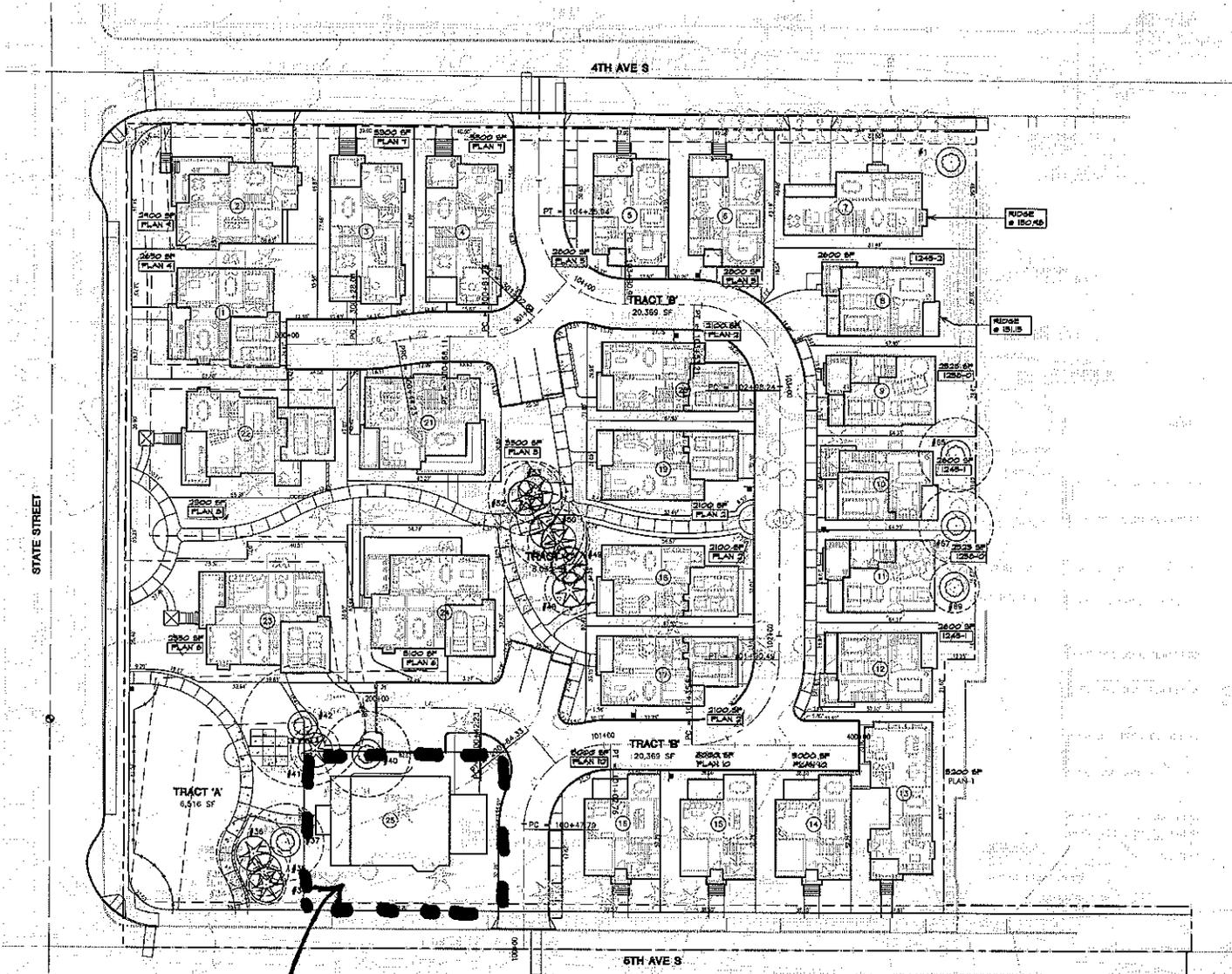
Enclosures:

1. Vicinity Map
2. Proposed Site Plan
3. Proposed building elevations of new residential units and restored Nettleton house
4. Ordinance adopting PUD
5. Ordinance adopting non-project rezone and historic overlay on Lot 25

cc: File ZON07-00022

# Camwest PUD and Historic Overlay





HISTORIC  
LANDMARK  
OVERLAY ZONE  
OVER LOT 25

NETTLETON PROPERTY  
CAMWEST DEVELOPMENT, INC.

KIRKLAND, WASHINGTON

SITE PLAN  
SCALE: 1" = 20'

September 7, 2007 Project No.: 113.101

**DAHLIN GROUP**  
ARCHITECTS

5865 Owens Drive  
Folsom, CA 95688  
925.251.7200  
925.251.7201 fax

Enclosure 2  
A.4



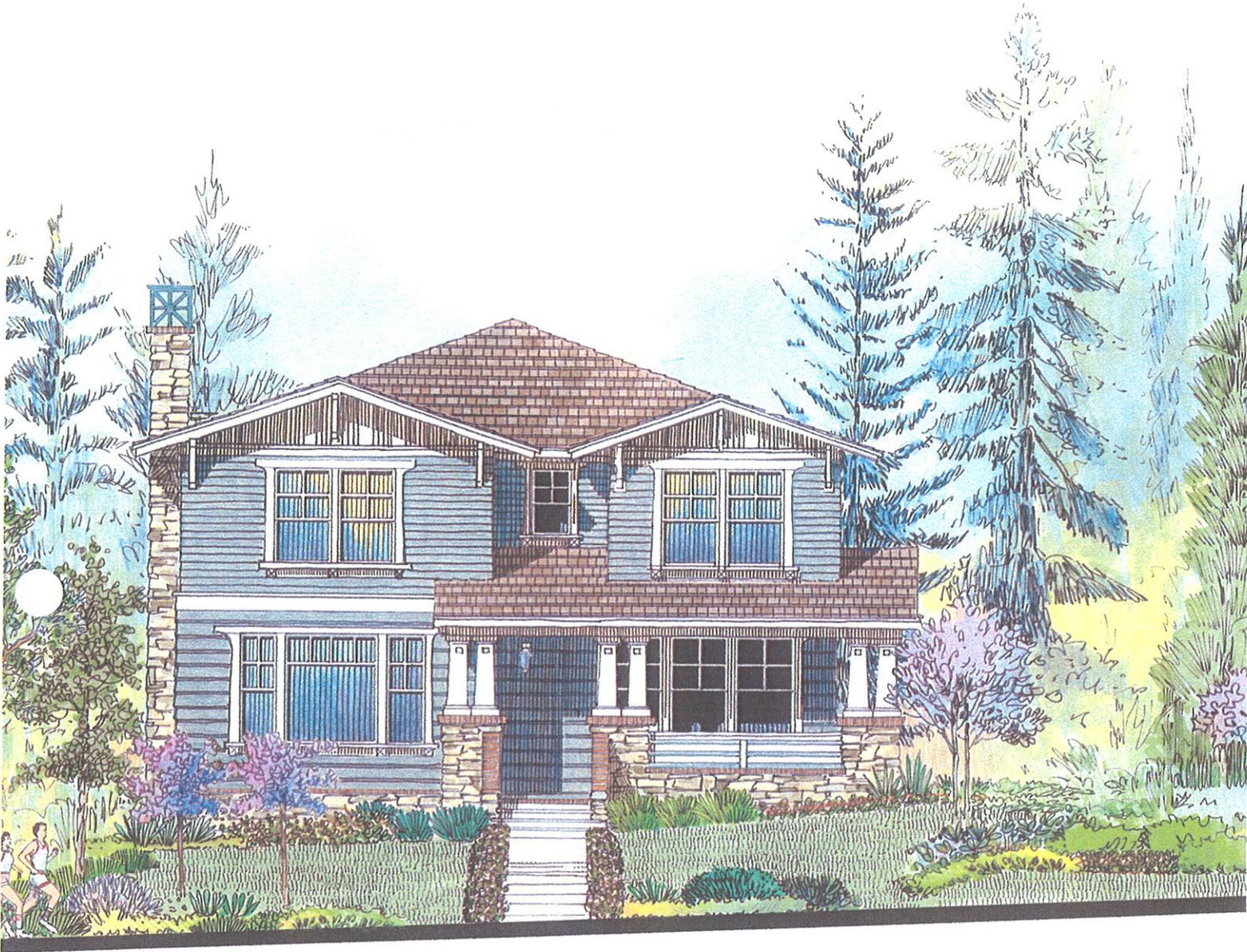
NETTLETON HOUSE





ET





ELEVATION FROM STA

SCALE: 1/4" = 1'-0"

ORDINANCE NO. 4118

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE APPROVAL OF A PRELIMINARY (AND FINAL) PLANNED UNIT DEVELOPMENT (PUD) AS APPLIED FOR BY CAMWEST FIFTH AVENUE LLC, IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON07-00022 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 Fifth Avenue LLC, as Department of Planning and Community Development File No. ZON07-00022 to: 1) construct 24 detached condominium dwelling units; 2) relocate and restore the historic Nettleton house on the subject property; and 3) approve a non-project related rezone to place a historic overlay zone over the Nettleton house, all within the Planned Area (PLA) 6B and PLA 6D zones; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, Kirkland Municipal Code 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 was issued on February 16, 2007; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW Chapter 43.21C, and the Administrative Guidelines 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 negative determination reached on September 12, 2007; 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 public hearing thereon on October 17, 2007; 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 open 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, 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. ZON07-00022 are adopted by the Kirkland City Council 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, Ordinance 3719, as amended, 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. Upon completion of the PUD as approved, the Director of Planning and Community Development is hereby directed to amend the official Kirkland zoning map to place the designation "PUD" on the subject property.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 \_\_\_\_\_, 2007.

SIGNED IN AUTHENTICATION THEREOF on this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

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

ORDINANCE NO. 4119

AN ORDINANCE OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE NON-PROJECT RELATED QUASI JUDICIAL REZONE PROVISIONS OF KIRKLAND ZONING CODE (KZC) CHAPTER 130 AND HISTORIC OVERLAY ZONE PROVISIONS OF KZC CHAPTER 75 TO AMEND THE KIRKLAND ZONING MAP, ORDINANCE 3719, AS AMENDED, TO ADD AN HISTORIC LANDMARK (HL) OVERLAY ZONE OVER A PORTION OF SUBJECT PROPERTY LOCATED IN A PLANNED AREA (PLA) 6B ZONE AS APPLIED FOR BY CAMWEST FIFTH AVENUE, LLC IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT IN FILE ZON07-00022.

WHEREAS, the City Council has received from the Hearing Examiner a recommendation to amend certain portions of the zoning map for the City of Kirkland, Ordinance 3719 as amended all as set forth in that certain report and recommendation of the Hearing Examiner dated October 25, 2007 bearing Kirkland Department of Planning and Community Development File No. ZON07-00022; and

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

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the proposal and recommendation through the entire consideration process, a determination of non-significance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

WHEREAS, prior to making said recommendation the Hearing Examiner, following notice thereof as required by RCW 35A.63.070, on October 17, 2007, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

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

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. ZON07-00022 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The following specific portions of the Kirkland zoning map as adopted by Ordinance 3719, be and they are hereby rezoned to include a Historic Landmark (HL) Overlay Zone on a portion of the subject property zoned PLA 6B, pursuant to Chapters 75 and 130 of the Kirkland Zoning Code (KZC), Ordinance 3719, as amended. A legal description of the subject property is attached to this ordinance and by this reference incorporated herein.

Section 3. The HL Overlay Zone applies only to the exterior and surrounding area of the Nettleton house itself which may not be altered except as provided for in KZC 75.35 through 75.45.

Section 4. The Director of the Department of Planning and Community Development is hereby directed to amend the official Kirkland zoning map to conform with this ordinance, indicating thereon the date of ordinance adoption.

Section 5. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication as required by law.

Section 7. 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.

PASSED by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Mayor

Attest:

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

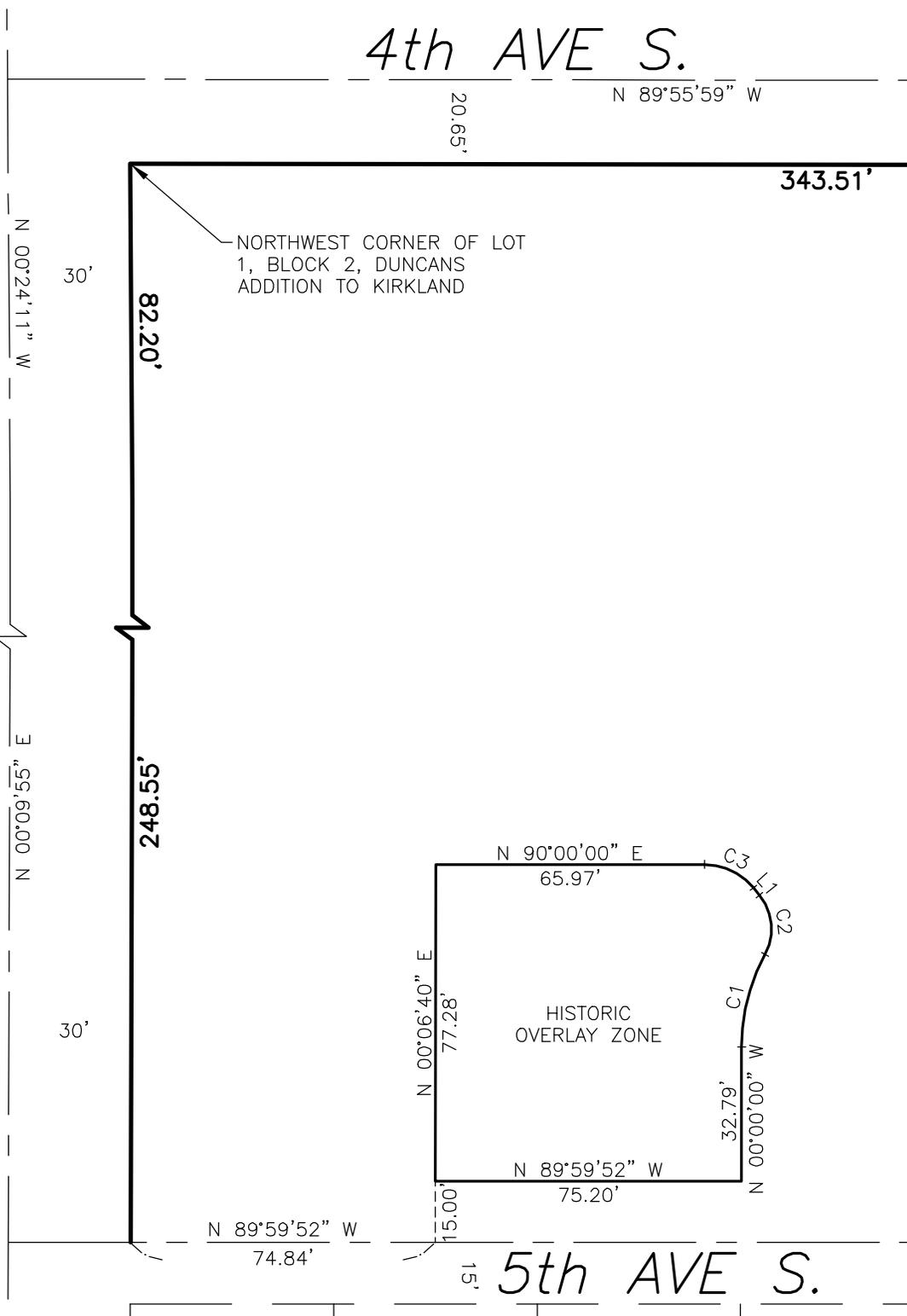
Approved as to Form:

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

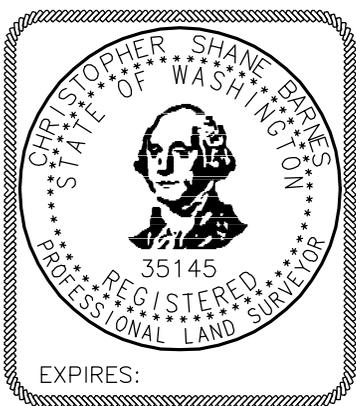
HISTORIC OVERLAY ZONE EXHIBIT

STATE ST. (NEW STATE ST.)

4th AVE S.



SCALE: 1"=40'



JOB NO. 05087

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.36	N 39°20'02" W

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	23.49	47.00	28°38'30"
C2	15.42	13.00	67°58'32"
C3	13.71	15.50	50°39'58"

NE1/4, NW1/4, SEC. 8, T. 25 N., R. 5 E., W.M.



**Mead Gilman & Assoc.**  
Professional Land Surveyors

P.O. BOX 289, WOODINVILLE, WA 98072  
PHONE: (425) 486-1252 FAX: (425) 486-6108

HISTORIC OVERLAY ZONE LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M. DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 2, DUNCANS ADDITION TO KIRKLAND ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS AT PAGE 49, RECORDS OF KING COUNTY;

THENCE SOUTH 00°24'11" EAST ALONG THE EASTERLY MARGIN OF STATE STREET 82.20 FEET;

THENCE SOUTH 00°09'55" WEST ALONG THE EASTERLY MARGIN OF STATE STREET 248.55 FEET;

THENCE SOUTH 89°59'52" EAST ALONG THE NORTHERLY MARGIN OF 5<sup>TH</sup> AVENUE SOUTH 74.84 FEET;

THENCE NORTH 0°06'40" EAST 15.00 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING NORTH 0°06'40" EAST 77.28 FEET;

THENCE SOUTH 90°00'00" EAST 65.97 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.50 FEET;

THENCE ALONG SAID CURVE 13.71 FEET THROUGH A CENTRAL ANGLE OF 50°39'58";

THENCE SOUTH 39°20'02" EAST 2.36 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 13.00 FEET;

THENCE ALONG SAID CURVE 15.42 FEET THROUGH A CENTRAL ANGLE OF 67°58'32" TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 47.00 FEET;

THENCE ALONG SAID CURVE 23.49 FEET THROUGH A CENTRAL ANGLE OF 28°38'30";

THENCE SOUTH 0°00'00" EAST 32.79 FEET;

THENCE NORTH 89°59'52" WEST 75.20 FEET TO THE **TRUE POINT OF BEGINNING**;