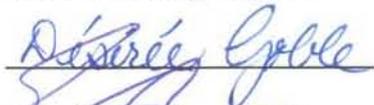




**ADVISORY REPORT**  
**FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

**To:** Kirkland Hearing Examiner

**From:**  Désirée Goble, AICP, Project Planner  
 Eric R. Shields, AICP, Planning Director

**Date:** May 22, 2008

**File:** SPL07-00008, SHR07-00001, ZON07-00004 MCLEOD TWO LOT SHORT PLAT, FRONT YARD, NORTH PROPERTY LINE AND VIEW CORRIDOR VARIANCE

**Hearing Date and Place:** May 29, 2008, 9:00 a.m.  
 City Hall Council Chamber  
 123 Fifth Avenue, Kirkland

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## I. **INTRODUCTION**

### A. **APPLICATION**

1. Applicant: Dave Buck, Chesmore/Buck Architecture
2. Site Location: 405 Lake Street South (see Attachment 1)
3. Request: The existing lot size has 12,440 square feet of upland area. The applicant is proposing a two lot short plat; lots 1 and 2 would be 5,800 and 6,640 square feet respectively. There are a number of buildings on the property including a nine unit apartment complex, triplex, carport, boat house, and shed. The proposal includes the demolition of these structures and the construction of two detached single-family residences. Due to setback and view corridor requirements the applicant is requesting a front yard and view corridor variance from shoreline regulations and north property line, front yard and view corridor variance from zoning code regulations.
4. Review Process: Process IIA Hearing Examiner conducts public hearing and makes final decision.
5. Summary of Key Issues and Conclusions: The main issues covered in this report is how the variance requests meet the approval criteria.

### 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 3, 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. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.
2. Trees shall not be removed or altered following short plat approval except as approved by the Planning Department. Attachment 3, Development Standards, contains specific information concerning tree retention requirements.
3. Prior to recording the short plat, the applicant shall:
  - a. Install the required improvements as described in Attachment 3.
  - b. Dedicate land area necessary to provide a ten foot wide sidewalk within the Lake Street right-of-way (see Conclusion II.E.3.b).
  - c. Designate a view corridor easement over the south 10 feet of lot 1 and the full view corridor width prescribed by the zoning code on the north side of each lot (see Conclusion II.F.6.b).
4. The drawing submitted for building permit review shall show:

- a. The full view corridor width prescribed by the zoning code on the north side of each lot will be maintained (see Conclusion II.F.4.a).
  - b. Widen the view corridor on the south side of lot 1 to ten feet and designate as a view corridor (see Conclusion II.F.4.a).
  - c. The remaining portions of the house above the garages on lots 1 and 2 shall meet the north property line setback requirement (see Conclusion II.F.4.b).
  - d. Increase the garage setbacks from the front property line to five feet (see Conclusion II.F.4.c).
  - e. The portions of the second story over the garage are set back at least 15 feet from the front property line. Decks can be located within this setback provided that open or see-through railings are used (see Conclusion II.F.4.c).
  - f. All remaining portions of house are set back from the front property line by a distance equal to their height above the front property line (see Conclusion II.F.4.c).
  - g. Reduce the total square footage of the homes to no more than 5,600 square feet (see Conclusion II.F.6.b).
5. Plans for installing the following half-street improvements in the Lake Street South right-of-way bordering the subject property to be approved by the Department of Public Works: 10 foot wide sidewalk.

## **II. FINDINGS OF FACT AND CONCLUSIONS**

### **A. SITE DESCRIPTION**

1. Site Development and Zoning:
  - a. Facts:
    - (1) Size: 12,440 square feet (.28 Acres). The entire property consists of 51,900 of which 39,460 square feet is covered by Lake Washington.
    - (2) Land Use: There are a total of 12 units on the property; a nine-unit apartment complex located on the north side of the property and a triplex located on the south side of the property. Other structures located on the property include a dock, storage structure, boat house, and carport located within the high waterline setback yard. Refer to the history section for additional information on these structures.
    - (3) Zoning: Waterfront District I (WDI), with a minimum lot size of 3,600 square feet per unit.
    - (4) Shoreline Designation: Urban Residential I (UR I)
    - (5) Terrain and Vegetation: The topography of the site drops from a high elevation of 28 feet just west of the east property line to 20 feet at the back of the bulkhead, a 13 percent grade at the most extreme point. There are seven significant trees (trees with a diameter greater than six inches) located on the property, four of which are located in the high

waterline yard. There are two additional trees located in the right-of-way.

- b. Conclusions: Application of zoning and shoreline regulations in conjunction with the dimensions of the proposed lots are important factors in the consideration of this application and are further discussed in Section II.F through II.G of this report. Size, land use, terrain, and vegetation are not constraining factors in the review of this permit.

2. Neighboring Development and Zoning:

a. Facts:

- (1) North and East: Properties to the north and east are developed with multi-family residences. The property to the north is zoned Waterfront District I (WDI) and the properties to the east are zoned multi-family residential 3.6 (RM 3.6).
- (2) South: Single-family residence on property zoned WDI.
- (3) West: Lake Washington is located west of the subject property.

- b. Conclusion: These are not constraining factors in the consideration of this application.

**B. HISTORY**

1. Facts:

- a. Following is a summary of permits relating to the pier and dock that have been issued on the subject property:

Building Permit Number BLD07-00611 was issued on September 28, 2007, for construction of a new dock. To date no construction has started, the permit expires on September 29, 2009. The shoreline permit authorizing this work also authorized the removal of the three cherry trees located between the carport and Lake Washington. The trees will be replaced with native trees and under story plants.

Building Permit Number BLD07-00612 was issued on September 28, 2007 for the demolition of the existing dock, carports, shed, and boat house.

Building Permit Number BLD92-1255 was issued on November 17, 1992 to repair the existing pier and replace piles as required. An approved final inspection was signed off on January 12, 1993.

On July 5, 1988, Einar Peterson received Building Permit Number 880523 to extend the existing pier 43 feet to the west.

On February 4, 1975, Einar Peterson received Building Permit Number 75046 to repair the dock by replacing new decking on the existing pier.

No record of a building permit authorizing construction of the boat house was located.

- b. Following is a summary of permits relating to the remaining residential

structures that have been issued on the subject property:

King County Assessor's records indicate that two duplexes were completed in 1947. In 1954, one of the duplexes was segregated off to parcel number 082505-9220, the adjoining property to the south. The remaining structure has a full basement, first floor, attic with two dormers, and an attached garage. The overall dimensions of the duplex are 37x26 feet with a 4 x 12 foot dormer on the west side of the building. The garage is attached on the northwest side of the building and is 12 x 19 feet. The Assessor's record indicates that this structure is now a triplex. No record of a permit (building or shoreline) authorizing this conversion was located.

On March 15, 1954, Edward Peterson received Building Permit Number 540008 to construct an 8 x 12 storage building.

On October 13, 1955, Edward Peterson received Building Permit Number 55120 to construct an apartment building. The building was a two story rectangular 40 x 60 foot structure with a full basement. The King County Assessor's Office picked up this construction as a total of nine units, three on each floor.

On November 19, 1962, Edward Peterson received Building Permit Number 62122 to construct a carport. King County Assessor's records show that the carport dimensions are 18 x 23 feet.

- c. Shoreline Master Program (SMP): With the adoption of the Shoreline Master Program by Ordinance 2160 on August 23, 1971, and subsequent revisions, a number of non-conformances have been created on the property. These non-conformances can remain, be repaired, or rebuilt providing that they comply with regulation regarding non-conformances as found in Zoning Code Chapter 162 and SMP Section 24.05.210.
2. Conclusions: The duplex, nine unit apartment building, carport, and storage shed were all constructed on the subject property prior to adoption of the SMP. With the exception of the boat house, all of the structures are legal non-conforming buildings. Adoption of the SMP created the following legal non-conformances: view corridor, density, high water line setbacks, front yard setbacks, and north property line setback. These are not constraining factors in the consideration of the application.

### **C. PUBLIC COMMENT**

1. Facts: The public comment period ran from March 29 until April 30, 2007. During this time period three members of the public commented (see Attachment 4). The main concern raised during this time period is compliance with the existing code criteria. Specifically, compliance with height, setbacks, view corridor, and pedestrian pathway requirements.
2. Response: These issues are addressed to Sections II.F and II.G of this report.

### **D. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

1. Facts: An addendum was issued on May 20, 2007 to the Determination of Nonsignificance (DNS) issued on May 25, 2007. The Addendum, original DNS, and Environmental Checklist are included as Attachment 5.

2. Conclusion: This is not a constrain factor in the consideration of this permit.

## **E. SHORT PLAT REGULATIONS**

### 1. Decision Criteria

- a. Facts: Municipal Code section 22.20.140 states that the Hearing Examiner may approve a short subdivision only if:

- (1) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
- (2) It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Hearing Examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code section 150.65 states that the Hearing Examiner may approve a short subdivision only if:

- (3) It is consistent with the all applicable development regulations, including but not limited to the Zoning Code and Subdivision Code, and to the extent there is no applicable development regulation, the Comprehensive Plan.

- b. Conclusion: The proposal complies with Municipal Code section 22.20.140 and Zoning Code section 150.65. It is consistent with the Comprehensive Plan (see Section II.H). With the recommended conditions of approval, it is consistent with the Zoning Code, Shoreline Master Program, and Subdivision regulations (see Sections II.E and II.F) and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because all non-conforming structures located in shorelines jurisdiction will be removed and two new single-family residences will be constructed. Some relief from the zoning and shoreline codes will be necessary to construct the new homes.

### 2. General Lot Layout and Site Development Standards

- a. Facts:

- (1) The fundamental site development standards pertaining to a detached dwelling unit in the WDI zone are set forth in Zoning Code section 30.15.010 (see Attachment 6). Municipal Code section 24.05.145 sets forth the site development standards for detached dwelling units in the urban residential shoreline environment (see Attachment 7).
- (2) The minimum lot size for detached dwelling units is 3,600 square feet. The proposed lots are 5,800 and 6,400 square feet.
- (3) Municipal Code section 22.28.050 states that lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. The proposed lots are rectangular in shape; the lots are at

least 70 feet wide by 70 feet deep and 70 feet wide by 92 feet deep. Once the required setbacks and view corridor are taken into consideration the buildable areas are 25 feet wide by 25 feet deep, and 25 feet wide by 47 feet deep.

- (4) The applicant has requested a number of variances to enhance the buildable area of the proposed lots. These variances requests are discussed in section II.F and II.G of this report.
- (5) Municipal Code section 24.05.130(c) states that parking areas must be designed to use the minimum amount of space necessary to provide the required parking and safe and reasonable access. Wherever possible, parking should be located out of the shoreline area and should not be located between the building or buildings on the subject property and Lake Washington.

The zoning code requires that a detached dwelling unit provide two parking spaces per unit. The applicant is proposing that each lot have a garage located three feet from the front property line, with doors perpendicular to the right-of-way. Each garage will provide two parking spaces. The driveway in front of each garage will provide additional guest parking. The proposed configuration will require a front setback variance.

- b. Conclusion: The proposal complies with the general lot and dimension regulations as set forth in Municipal Code section 24.05.130 and 145 and Zoning Code section 30.15.010. Variance requests proposed by the applicant are analyzed later in this report.

### 3. Public Pedestrian Access to the Shoreline

- a. Facts: Municipal Code section 24.05.135(a) states that, except as otherwise provided, all development must provide public pedestrian access from the right-of-way to and along the entire waterfront of the property.

Section 24.05.135.(b)(1) exempts the following from providing public access to the waterfront: construction, repair, remodeling and use of one detached dwelling unit, as well as the construction, remodeling, repair and use of bulkheads, docks, and other uses, developments and activities incidental to the use of the subject property as habitation for one family.

Section 24.05.135(c) provides that except in the suburban residential shoreline environment, short plats must be designed to provide public pedestrian access as stated in subsection (a) of the Section.

The property contains 11 residential units; the Assessor's records indicate that there may be a 12<sup>th</sup> unit. The property is currently nonconforming with respect to density. There is no public pedestrian access trail on the subject property. The property is located in the Urban Residential I environment and the applicant is proposing to short plat the property into two lots, and construct one detached dwelling units on each lot.

The applicant has objected to the pedestrian access trail requirement. The applicant argues that Section 24.05.135 does not require public pedestrian access for short plats when the resulting lots will be put to a single family use.

The applicant also argues that requiring public pedestrian access in this particular instance would constitute an unconstitutional taking of his property. Staff consulted with the City Attorney's Office with respect to the issues raised by the applicant.

- b. Conclusion: The applicant will be eliminating the non-conforming density issue, subdividing the property into two lots, and developing each lot with one detached dwelling unit.

Applicant has represented to the City that each of the lots in the short plat will be used for single family purposes. Based on that representation, and after consultation with the City Attorney's Office, staff recommends that the City not require dedication of a public pedestrian access easement on the subject property to and along the shore of Lake Washington under KMC 24.05.135. In the event either lot is put to a use other than single family residential, the City reserves the right to require dedication of a public pedestrian access easement at that time, with the understanding that applicant reserves the right to contest the imposition of any public pedestrian access easement dedication requirement.

4. Right-of-Way Improvements

- a. Facts: Municipal Code section 22.28.090 requires the applicant to comply with the requirements of Chapter 110 of the Zoning Code with respect to dedication and improvement of adjacent right-of-way (see Section 110.50).
- (1) Zoning Code Chapter 110 establishes right-of-way improvement requirements.
  - (2) Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property. The subject property abuts Lake Street South which is shown on the City Rights-of-Way Designation Map as a principal arterial. Section 110.50 establishes that the Public Works Director shall determine the extent and nature of improvement required in principal arterials.
  - (3) Section 110.60.1 states that if a right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant shall dedicate as right-of-way a strip of land adjacent to the existing right-of-way wide enough to encompass the required half-street improvements.
  - (4) The Public Works Director has determined that the following improvements should be made to the right-of-way adjoining Lake Street South:
    - (a) Lake Street South right-of-way adjoining the property is currently improved with approximately eight feet of sidewalk which must be widened to ten feet.
    - (b) Dedicate right-of-way as necessary to encompass the new sidewalk.
    - (c) Remove the existing sidewalk and install a new ten foot wide sidewalk with low growing street trees in tree grates 30 ft. on-

center. The sidewalk may be narrowed to less than ten feet where necessary to save significant trees.

- (d) Replace and cracked curb and gutter.
  - b. Conclusions: Pursuant to Section 110.60.1 the applicant should dedicate sufficient land for the installation of a 10 foot wide sidewalk. Pursuant to sections 110.10 and 110.25, the applicant should improve the one-half of the Lake Street South right-of-way immediately adjacent to the subject property, consistent with the standards set forth in Section 110.50.
5. Natural Features - Significant Vegetation
- a. Facts:
    - (1) Regulations regarding the retention of trees can be found in Chapter 95 of the Kirkland Zoning Code. The applicant is required to retain all viable trees on the site following the short plat approval. Tree removal will be considered at the land surface modification and building permit stages of development.
    - (2) The applicant has submitted a Tree Plan III, prepared by a certified arborist (see Attachment 8). Specific information regarding the tree density on site and the viability of each tree can be found in Attachment 3, Development Standards.
  - b. Conclusions: The applicant should retain all viable trees during the construction of plat improvements and residences.

**F. ZONING CODE COMPLIANCE**

- 1. Fundamental Site Development Standards
  - a. Facts: The fundamental site development standards pertaining to development of a single family residence in the WDI zone are set forth in Zoning Code sections 30.10 and 30.15.10 (see Attachment 6).
  - b. Conclusion: The proposal will comply with these regulations for the WDI zone, except as discussed in sections II.F.2 and II.F.3 below.
- 2. Setbacks
  - a. Facts: The applicant is proposing to short plat the property into two separate lots and is requesting a variance to the view corridor, front and north property line setbacks on both lots. The setback requirements for a detached dwelling unit in a WDI zone given the specifics of the proposal are as follows:

	Proposed Lot 1		Proposed Lot 2	
	Required	Proposed	Required	Proposed
<b>View Corridor</b>	21.2	17.6	21.2	17.7
<b>North Property Line</b>	35	17.6	35	17.7
<b>Front Yard</b>	30	3	30	3
<b>South Yard</b>	10	10	10	10
<b>High Water Line Yard</b>	15	15	15	15

- b. Conclusion: The proposed encroachments into the view corridor, north and front yards setbacks require approval of a variance.

3. Variance Decision Criteria

- a. Facts: Zoning Code Chapter 120 sets forth the mechanism whereby a provision of the Code may be varied on a case-by-case basis if the application of the provision would result in an unusual and unreasonable hardship.

Zoning Code Section 120.20 establishes three decisional criteria with which a variance request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 9. Sections II.F.4 through II.F.6 contain the staff's findings of fact and conclusions based on these three criteria.

- b. Conclusions: Based on the following analysis, the application as conditioned meets the established criteria for a variance.

4. Variance Criterion 1: The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole.

a. View Corridor Width:

- (1) Facts: A view corridor is required across 30% of average parcel width. The view corridor requirement on each lot is 21.2 feet. The applicant is proposing to place the view corridor on the north side of both lots, reduce the view corridor on lot 1 to 17.7 feet and lot 2 to 17.6.

View corridors are intended to provide visual access to and beyond Lake Washington for people walking and driving by property.

View corridors are required to be adjacent to the north or south property line, whichever will provide the widest view corridor given development on adjacent properties.

Neighboring properties to the north and south each have a 15 foot wide view corridor adjacent to the subject property. When combined with the required 21.2 foot view corridor on each of the proposed lots, a 36.2 foot wide public view corridor would be provided at the north side of lot 1 and south side of lot 2.

The view corridor for proposed lot 2 should be located along the south property line to provide the widest view corridor possible given neighboring development. However, placing the view corridor on the south side of proposed lot 2 would further constrain the development area of that lot and the applicant has proposed that the view corridor be located on the north side of lot 2.

If the applicant provided the required 21.2-foot view corridor on the north side of lot 2 and recorded a view corridor over the south ten feet of lot 1, the effective view corridor for lot 2 would be 31.2 feet and the combined view corridor for lots 1 and 2 would be 52.4 feet.

- (2) Conclusion: The applicant's proposal to reduce the width of the view corridor on both lots 1 and 2 and place the view corridor on the north side of lot 2 instead of the south side to be adjacent to the view corridor

on the neighboring property to the south would be materially detrimental to the city. The view corridor should be increased to the required 21.2 feet on both lots. Because placing the view corridor on the south side of lot 2 would further constrain the development area of that lot, the view corridor can be placed along the north side of the lot, as long as the south 10 feet of lot 1 is also designated part of the view corridor. The resulting 52.4 feet of view corridor would be five feet less than if the standard view corridors were provided adjacent to the north and south property lines, but this should not be materially detrimental.

b. North Property Line Variance:

- (1) Facts: The north property line setback is required to be 1.5 times the height of the structure above average building elevation less ten feet.

The applicant is proposing to build to the 30-foot maximum height limit, resulting in a north property line setback of 35 feet (30 feet x 1.5 = 45 feet – 10 feet = 35 feet).

The applicant is proposing the following setbacks from the north property line: lot 1 would set the garage back 32 feet, the second story cantilever 29.5 feet, and the remainder of the house 17.6 feet. Lot 2 would set the garage back 35 feet, second story cantilever over the garage 32.5 feet, and the remainder of the house 17.7 feet.

Setbacks are generally intended to provide light to adjoining properties and a sense of openness between buildings.

The adjacent property to the north is developed with four attached condominium units. That building is 2 stories tall and separated from the south property line by approximately 15 feet.

If the property were developed as one parcel, there would be only one north property line setback instead of two and the 35 foot wide north property line setback would be less than the 42.2 foot wide view corridor requirement.

The required view corridors will provide separation and a sense of openness between buildings.

- (2) Conclusion: With the view corridors recommended by staff, the development will maintain a sense of openness between buildings and allow light to reach the adjoining property to the north. A reduction in the north property line setback to 32 feet on lot 1 for the garage and 21.2 feet for the remaining portions of both houses west of the garage will not be materially detrimental.

c. Front Yard Variance:

- (1) Facts: Within the WDI zone, the required front yard setback is 30 feet. General Regulation 3 allows the front yard to be reduced provided that each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line (see Attachment 6). This regulation also requires that the remainder of the front yard be developed as a public use area. For

example, a ten foot high structure could be located ten feet from the front property line and then step up to 20 feet in height at a distance of 20 feet from the front property line. The front yard setback requirement is intended to provide a sense of openness along the street frontage of a property.

The applicant is proposing to place the garages on both lots three feet behind the front property line with garage doors set perpendicular to the right-of-way. The garage on lot 1 is 28.2 feet deep by 21 feet wide. The second story above the garage would be set back six feet from the front property line. A deck is proposed between the second story and the eastern facade of the garage and would be surrounded by a solid sight obscuring railing. The deck cantilevers north of the garage facade approximately five feet. The garage on lot 2 is 25 feet deep by 23.5 feet wide. The second story above the garage is not set back further from the front property line and actually cantilevers northward approximately six feet from the garage. A deck is proposed above the northeast corner of the garage.

Public Works is requiring dedication of land to accommodate a ten foot wide sidewalk to improve pedestrian access along the adjoining right-of-way.

Existing improvements on the property include two structures that encroach into the front yard setback (see Attachment 2.a). A nine unit apartment complex is located on the north side and a triplex is located on the south side of the property. The northeast corner of the nine unit apartment complex is set back five feet from the east (front) property line and the southeast corner is set back six feet from the proposed property line.

The front facade of the triplex is setback 20 feet from the front property line, and a one stall garage is set back 1.4 feet from the east (front) property line. Drivers backing out of the garage are unable to observe pedestrians prior to the vehicle entering the sidewalk.

The Kensington House Condominium is located to the north of the subject property. A variance and planned unit development was granted in 1979, reducing the front yard setback to zero feet. The depth of this site varies from 42 feet to 63 feet leaving 3 – 18 feet of buildable depth when all setback regulation are applied. Modulation to the front façade includes a narrow landscape strip between the structure and sidewalk, bay windows, widow boxes, front entries that are set back between 10 to 15 feet, staircases leading to the front entries, and planter boxes approximately five feet above the sidewalk.

The Valente property, located on the south side of the subject property, was granted a variance in 2001 to reduce the front setback to three feet to place a garage 20 feet wide by 20 feet deep, and second story living space within the front setback yard. The remainder of the house is set back 27 feet from the front property line. They proposed to set back at least 50 percent of the second story facade above the garage wall adjacent to the sidewalk at least three feet and apply design and aesthetic techniques to reduce the apparent mass of the building adjacent to the sidewalk.

The Shulman property, located at 1015 Lake Street South, was granted a variance allowing a two car garage to be placed within 6-inches of the front property line. There is a six-foot wide landscape strip between the back of side walk and front property line. The second story is set back 30 feet from the front property line.

Landscaping of reasonable depth would help soften the facade and provide the ability to install plants of varying heights and widths. The minimum landscape strip width prescribed elsewhere in the zoning code is five feet.

Conclusion: The proposed front setback reductions for the garages with cantilevered living space above will be materially detrimental to the city because it will place two story facades with little architectural relief in close proximity to the public right-of-way. The proposed two story façades with cantilevers that extend further into the front setback yard will be imposing for pedestrians. A single story façade along the street, with open but useable space above, can provide architectural interest and would reduce the mass of the buildings. The applicant should increase garage setbacks to five feet to provide a sufficient depth for plantings of varying heights and widths between garage and sidewalk. The second story should be set back further to be consistent with intent of General Regulation 3. Structures over the garage should be set back at least 15 feet. However, decks may be located within this setback providing that open or see through railings are used. The remaining portion of the house should meet the one to one setback requirement of General Regulation 3.

5. Variance Criterion 2: The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of preexisting improvements on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.

a. Facts:

- (1) The property is located within WDI Zoning District, which has a minimum lot size of 3,600 square feet per dwelling unit. This use zone allows attached and stacked dwelling units or a detached dwelling unit. Following are the required setbacks (see Attachment 6).

Front Yard.....30 feet \*  
North Property Line.....35 feet  
South Property Line .....10 feet  
Ordinary High Water Line .....15 feet  
View Corridor .....30 percent of the property width.

\* The front yard setback may be reduced as allowed by General Regulation 3 which requires that each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line. Also, the property owner is required to develop the entire width of the remaining front yard as a public use area and the City must approve the design of the public use area.

- (2) Assuming that all new construction conforms with established setbacks, is constructed to the maximum height allowed, and a short plat has not

occurred, the existing lot would have the following setbacks:

Front Yard .....	30 feet *
North Property Line .....	35 feet
South Yard .....	10 feet
High Water Line Yard .....	15 feet
View Corridor.....	42 feet

\* See note above regarding General Regulation 3.

This would leave a minimum buildable footprint that has an irregular shape and contains approximately 3,800 square feet (see Attachment 10). In general, the buildable foot print is 48 feet deep by 55 feet wide, and it tapers off to 28 feet deep at the north end of the property.

- (3) Based on the applicant's proposal, the short plat will result in two lots. Each of the proposed lots will have a width of 70 feet at the front property line. Lot 1 decreases in width to 64 feet at the ordinary high water line. The following setbacks apply to each lot:

Front Yard .....	30 feet
North Property Line .....	35 feet
South Yard .....	10 feet
High Water Line Yard .....	15 feet
View Corridor.....	21.2 feet

This would leave a minimum buildable footprint of 726 square feet on lot 1 and 1,230 square feet on lot 2 (see Attachment 10). The buildable dimensions, without a variance for lot 1 is approximately 25 feet (north/south) wide by 35 feet deep (east/west) on the south side and 34 feet deep on the north side of the lot. Lot 2 is 25 feet wide (north/south) by 47 feet deep (east/west).

- (4) The required view corridor will remain the same regardless of whether or not the property is subdivided. Approval of the short plat will result in a divided view corridor.
- (5) If approved, the short plat will increase the north property line setback from 35 feet for one lot to 70 feet for two lots and increase the south property line setback from 10 feet to 20 feet for both lots. This is an overall increase in setbacks of 45 feet.

b. Conclusion: Property size and shape, when subdivided and all regulations are applied, make some degree of variance necessary for development of the property as two separate single-family lots.

6. Variance Criterion 3: The variance would not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows for other properties in the same area and zone as the subject property.

a. Facts:

- (1) One variance has been approved in the WDI zone for a property that was proposing a short plat.

In 1976 Blanche Boyle applied for a variance (V-76-19BH) at 6735 Lake Washington Boulevard to short plat the property into two lots and reduce

the north property line setback to five feet on both of the lots. The Planning Department recommended denial of this proposal. However, the decision was overturned after an appeal to the Board of Adjustment. Approval of the variance was contingent on recording a two lot short plat. A subsequent short plat request (KROLL 431W HP) was approved creating two lots consisting of 5,628 (62 feet by 86 feet) square feet and 3,836 (42 feet by 86 feet) square feet. At the time of application, the minimum lot size was 1,800 square feet.

- (2) Four building permits have been issued for new single family residences or significant remodels since 1996.

The Valente property located directly to the south of the subject property has an approved variance (SV-IIA-00-9) to reduce the view corridor from 18 feet to 15 feet, north property line from 35 feet to 15 feet, and front yard setback from 26 feet to 3 feet, for construction of a new single family residence at 407 Lake Street South. The variance allowed construction of the garage and living space above the garage with a dimension of 20 feet deep (north/south) by 24 feet wide (east to west) (see Attachment 11). The remainder of the house is setback 27 feet from the front property line. The property is 60 feet wide by 86 feet deep and the buildable area is 15 feet wide by 42 feet deep.

Marie Vollstedt received a variance (SV-IIA-96-18) to reduce the: north property line setback from 35 feet to 15 feet, south property line setback from 10 feet to five feet, and to allow roof overhangs and gable projections to extend up to 18 inches into the view corridor, for construction of a new single-family residence at 6027 Lake Washington Boulevard. The Vollstedt property dimensions are 50 feet wide x 144 feet deep. The buildable area on the Vollstedt property would be 5 feet wide x 97 feet deep, with a buildable footprint of 305 square feet, without any variances. Approval of the requested variance left a buildable area of 30 feet by 97 feet and a buildable footprint of 2,730 square feet (see Attachment 12).

Barry and Jan Shulman applied for and received a variance (SV-IIA-90-2) to reduce the view corridor, front and north property line setbacks for an addition/remodel to a single-family residence at 1015 Lake Street South. The Shulman property dimensions are 60 feet wide x 74 feet deep. Without approval of the requested variances, the buildable area on the Shulman property would be 15 feet wide x 29 feet deep, for a total area of 225 square feet. Approval of the requested variance left a buildable area of 40 feet by 58 feet (see Attachment 13).

David Kline developed a new single family residence that complied with all regulations, located at 6427 Lake Washington Boulevard. This applicant chose not to construct to the maximum allowable height so that they would not have to apply for a variance. The home is 25.33 feet above average building elevation, leaving the north property line setback of 28 feet. The garage is single story and takes advantage of the code flexibility allowing it to setback 15 feet from the front property line with provision of a public use area. The Kline property dimensions are 75 feet wide x 83 feet deep. With height reduction and flexibility the buildable area of this lot is 37 feet wide by 55 feet deep leaving a 2035 square foot buildable footprint. If developed to the maximum height and

without using flexibility the buildable dimensions are 30 feet wide by 38 feet deep leaving a buildable area of 1,140 square feet.

- (3) The table below summarizes the basic facts on the four building permits issued since 1991 and the impacts of the requested variance for the subject property.

	Valente	Vollstedt	Shulman remodel/addition	Kline	Proposed Lot 1	Proposed Lot 2
<b>Buildable Area with out Variance</b>	15 x 43	5 x 97	15 x 29	30 x 38	25 x 34	25 x 47
<b>Buildable Area with Variance</b> *(code flexibility for Kline)	35 x 70	30 x 97	40 x 58	37 x 53*	43 x 62	43 x 74
<b>Garage Setbacks:</b>						
Front Yard	3	30	6 Inches	15	3	3
North Property line	30	15	15	28	31.5	35
South Property Line	10	5	10	10	10	10
<b>Remaining Setbacks:</b>						
Front Yard	27	30	30	15	18	23
North Property Line	15	15	35	28	17.6	17.7
South Property Line	10	5	10	10	10	10
View Corridor	15	15	15	28	17.6	17.7
<b>Floor Area:</b>						
Basement	1,800	1,355	1,200	1,816	2,542	3,265
1 <sup>st</sup> Floor	1,516	2,259	1,630	1,815	2,276	2,690
2 <sup>nd</sup> Floor	1,844	1,972	480	1,266	2,399	2,868
<b>Total Floor Area</b>	5,160	5,586	3,310	4,897	7,217	8,826

- (4) Two of the permits granted a front property line variance for construction of a garage. The Shulman variance was for an addition/remodel to an existing home and permitted a single story garage to be constructed within six inches of the front property line. The Valente variance allowed construction of a garage three feet from the front property line with a second story above the garage. The north property line setback has been reduced to 15 feet for a new single-family residence in two cases where the buildable width without a variance was 15 feet or less. The applicant's view corridor and north property line variance requests would result in buildable lot widths eight feet larger than any previously approved variance for new single family construction in the WDI zone. New single-family residences constructed on parcels with approved variances vary in square footage 5,160 to 5,586 square feet. The applicant is proposing two residences with square footages of 7,217 and 8,826 square feet.
- (5) Short platting the property into two lots and constructing to the maximum allowable height creates the need for a north property line setback variance on both lots. The applicant could achieve the same overall square footage and decrease the front and north property line

setbacks by either lowering the floor to floor heights on each floor to 10 feet and/or excavating a couple of feet down thereby lowering the overall height of the building which would reduce the north and front property line setbacks.

The elevation drawings indicate that the applicant is proposing a floor to floor height of at least 11 feet and the top level would have 13.5 feet between the floor and the top of the building (see Attachment 2.e and 2.f).

- b. Conclusions: Lots within WDI are widely variable in their size, shape, and developable area when all regulations are taken into account. Variances have been granted for reductions in the required view corridor, north property line setback, and front setback. One new single-family home was developed without any variances, but taking advantage of the flexibility allowed within the regulations. The results show a fairly consistent size of finished home. Lowering the floor to floor height to 10 feet would reduce the overall height of the structure by at least 5.5 feet. The applicant's proposed total floor areas far exceed other new single-family development in WDI and allowance of all variances requested would be a grant of special privilege. Variances to the north property line setback and front setback consistent with conclusion II.F.4.c(2), above would not result in granting a special privilege to the applicant, as long as the resulting floor area of each home does not exceed 5,600 square feet, roughly the size of the largest structure for which a variance was previously granted.

## G. SHORELINE MASTER PROGRAM

### 1. SHORELINE VARIANCE APPROVAL CRITERIA

- a. Fact: Municipal Code section 24.06.050 sets forth the mechanism whereby a provision of the Code may be varied on a case-by-case basis if the application of the provision would impose unnecessary hardship on the applicant or where denial of the permit would thwart the policies set forth in RCW 90.58.020. WAC 173-27-150 establishes six criteria with which a variance request must comply in order to be granted. The applicant must demonstrate that extraordinary circumstances exist and the public interest shall suffer no substantial detrimental effect.

The applicant's response to these criteria can be found in Attachment 14. Section II.G.2 through II.G.7 below contain staff's finding of fact and conclusions.

The applicant is requesting variances to the view corridor and front property line setback requirements of the Shoreline Master Program (SMP).

- b. Conclusion: Based on the following analysis, this application as conditioned meets the established criteria for a shoreline variance.
2. Shoreline Variance Criteria 1: That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with reasonable use of the property.
    - a. Facts: Construction of the residences as proposed requires a reduction to the front yard setback and view corridor. Lot 1 would reduce the view corridor from 21.2 feet to 17.6 feet and lot 2 would reduce the view corridor from 21.2 feet to

17.7 feet. Providing the full view corridor width results in a buildable lot width of 39 feet on lot 1, and 39.5 feet on lot 2.

The required front yard setback is 30 feet. The applicant has proposed garages setback three feet from the front property line and houses that are setback 22 feet on lot 1 and 23 feet on lot 2. The cantilevered section of the house on lot 2 is setback three feet from the front property line.

The buildable depth of lot 1 without a variance is 34 feet. The buildable depth of lot 2 is without a variance is 47 feet. The applicant has proposed garages with doors perpendicular to the right-of-way to improve pedestrian safety along Lake Street South. A typical two car garage is 24 feet wide. Without a front setback reduction lot 1 would have 10 feet of remaining buildable width on the ground floor outside the garage and lot 2 would have 23 feet.

The SMP allows the front yard setback to be reduced provided that each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line. Also, the property owner is required to develop the remaining front yard as a public use area and the City must approve the design of the public use area.

The applicant does not wish to pursue creation of a public use area and has, therefore, requested a variance to the front setback.

- b. Conclusions: The applicant can provide the full view corridor width and still maintain two lots with an approximate buildable width of at least 39 feet. Strict enforcement of the front yard setback regulation imposed by the Shoreline Master Program precludes reasonable use of the subject property after a short plat. Some amount of variance to the required front yard setback is necessary to allow a reasonable use of each proposed lot. The amount of variance is discussed in Sections II.F.4 through II.F.6 above.
3. Shoreline Variance Criteria 2: That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.
    - a. Facts: The minimum lot size in the WDI zone and URI environment is 3,600 square feet; using that criterion the subject property has sufficient land area to support three dwelling units.

The subject property has an irregular rectangular shape is approximately 142 feet wide by 65-92 feet in depth. The lot depth on the south side is approximately 92 feet and narrows to 65 feet along the north property line.

Applying the Shoreline Master Program and Kirkland Zoning Code regulations to the subject property, results in a building foot print that is approximately 90 feet wide by 20-50 feet in depth.

The SMP requires a five foot setback for the north and south property lines with which the proposal complies. The required view corridor (21.2 feet), front yard (30 feet) and high waterline yard (15 feet) are the same in the shoreline and zoning regulations.

Applying zoning code requirements to the short plated lots results in an

additional 18.8 foot (35 foot north property line + 10 foot south property line - 21.2 foot view corridor - five foot south property line = 18.8 feet) setback requirement in the north/south direction.

- b. Conclusions: The applicant is proposing to short plat the property into two lots and build two single family homes. The proposed lot sizes and single-family uses are consistent with the zoning code and SMP.

There is approximately 39 feet of buildable width on both lots which provides sufficient width for the construction of a new single-family residence without reducing the view corridor.

The depth of the lots and application of all zoning code and SMP regulations restrict the buildable area, as discussed in II.G.2 above, create a hardship for development of the property.

- 4. Shoreline Variance Criteria 3: That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment.

- a. Facts: The front yard for developments on the west side of Lake Street South to the north and south of the subject property varies from zero feet to 30 feet. View corridor width also varies. Some structures have been granted variances and others are legal non-conformances.

Proposed houses will be setback 15 feet from the ordinary high waterline and parking will be located as far away from Lake Washington as possible.

The applicant is proposing garages that are perpendicular to the right-of-way to improve pedestrian safety, so that cars will not back into the right-of-way.

- b. Conclusions: The design is compatible with existing new single family homes along Lake Street South.

- 5. Shoreline Variance Criteria 4: That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.

- a. Facts: Detached dwelling units along Lake Street South have been granted variances due to the hardship created by the combination of the Shoreline Master Program and Kirkland Zoning Code.

The chart below shows the total square footage of the proposed residences and other new single family residences in the URI environment. The proposed residences have between 30 to 58 percent more square footage than the Vollestedt residence, the largest previously approved variance for construction of a new single family residence.

	<b>Proposed Lot 1</b>	<b>Proposed Lot 2</b>	<b>Vollstedt</b>	<b>Valente</b>	<b>Kline</b>
<b>Buildable Area with out Variance</b>	25 x 34	25 x 47	5 x 97	15 x 43	30 x 38
<b>Buildable Area with Variance</b> *(code flexibility for Kline)	43 x 62	43 x 74	30 x 97	35 x 70	37 x 53*
<b>Floor Area:</b>					

	Proposed Lot 1	Proposed Lot 2	Vollstedt	Valente	Kline
Basement	2,542	3,265	1,355	1,800	1,816
1 <sup>st</sup> Floor	2,276	2,690	2,259	1,516	1,815
2 <sup>nd</sup> Floor	2,399	2,868	1,972	1,844	1,266
<b>Total Floor Area</b>	<b>7,217</b>	<b>8,826</b>	<b>5,586</b>	<b>5,160</b>	<b>4,897</b>

Kline was able to completely construct a new single-family residence without benefit of a variance. Valente is the only new single family residence granted a variance to construct a garage three feet from the front property line and construct a second story above the garage. The maximum buildable width achieved for a new single-family residence with a variance was 35 feet. Shulman was granted a variance for an addition/remodel to allow the construction of a single story garage that is separated from the back of the sidewalk by a 6 foot wide landscape buffer. The requested reduced front yard setback results in an increase in total floor area proposed.

- b. Conclusions: Variances have been granted allowing encroachments into the view corridor on heavily constrained sites. It would be a grant of special privilege to authorize a reduction to the view corridor when the applicant has 39 feet in buildable width without the benefit of a variance. For reasons discussed in Section II.F.6 the applicant should reduce the overall size of the home so that the granting of the front yard variance will not constitute a special privilege.
6. Shoreline Variance Criteria 5: That the variance requested is the minimum necessary to afford relief.
- a. Facts: Combined, the SMP and Zoning Code regulations constrain the buildable area available on the subject property and proposed lots. The proposed footprint on lot 1 is 43 feet wide by 62 feet deep and on lot 2 is 43 feet wide by 74 feet deep. Previously approved variances resulted in a maximum buildable width of 35 feet.
- The proposed homes have between 30 to 58 percent more square footage than the Vollstedt home which constructed the largest home with an approved variance. The Vollstedt property has a larger parcel with more constraints than the current applicant. Furthermore, Vollstedt met the front yard and north property line setback requirements.
- These issues are discussed further in Section II.F.4.a and II.F.4.c above.
- b. Conclusions: The variance requested exceeds the minimum necessary to afford relief from the Shoreline Master Program regulations. The proposal should meet the view corridor regulations and modify the front yard variance request as recommended in section II.F.4.c of this report.
7. Shoreline Variance Criteria 6: That the public interest will suffer no substantial detrimental effect.
- a. Facts: The reduced view corridor impacts the public access to views of the shoreline, Lake Washington, and beyond. The neighboring property to the east has expressed concern about the possible view loss (see Attachment 4.c). The elevation of the main floor of the structure directly east of the subject property is at least 30 feet higher than the existing property. If the property were to

redevelop without the subdivision there would be a ten foot setback on the south property line and a 42.4 foot view corridor on the north property line which would have a larger negative view impact to the neighbor.

The proposed reduced front yard setback will result in a loss of openness along the street frontage.

- b. Conclusions: The applicant should comply with the required view corridor width. The proximity of the garage to the front property line as proposed will have a detrimental impact to the sense of openness provided to pedestrians and drivers. Complying with the recommended revisions to the front yard setback found in section II.F.4.c of this report should address this issue.

## **H. COMPREHENSIVE PLAN**

1. Fact: The subject property is located within the Moss Bay neighborhood. Figure C-2 on page XV.D-3 designates the subject property as medium density residential with a density of up to 12 units per acre (see Attachment 15). The applicant is proposing a density of 7 dwelling units per acre.
2. Conclusion: The proposal is less than the maximum density allowed by the Comprehensive Plan.

## **I. DEVELOPMENT STANDARDS**

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 3.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

## **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. APPEALS AND JUDICIAL REVIEW**

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

### **A. APPEALS**

1. Appeal to City Council:

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., \_\_\_\_\_, twenty-one (21) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

2. Appeal to Shoreline Hearings Board:

Pursuant to RCW 90.58.180 and WAC 173-27-220 any person aggrieved by the City's final decision on the Shoreline Substantial Development Permit may seek appeal to the State Shoreline Hearings Board by filing a petition for review. All petitions for review shall be filed with the Shoreline Hearings Board within 21 days of the date the Department of Ecology receives the City's decision. Within seven days of filing any petition for review with the Shoreline Hearings Board, the petitioner shall serve copies of the petition for review on the Department of Ecology, the State Attorney General and the City of Kirkland. The petition for review must contain items required by WAC 461-08-055.

## **B. JUDICIAL REVIEW**

Section 150.130 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 21 calendar days of the issuance of the final land use decision by the City.

## **V. LAPSE OF APPROVAL**

Under Section 22.20.370 of the Subdivision Ordinance, the short plat must be recorded with King County within four (4) years following the date of approval, or the decision becomes void; provided, however, that in the event judicial review is initiated, 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 recording of the short plat.

Pursuant to RCW 90.58.200 and WAC 173-27-090, construction or substantial progress toward construction of a project for which a Substantial Development Permit has been granted pursuant to the Shoreline Management Act must be undertaken within two (2) years after the date of approval. The project must be completed within five (5) years and a one (1) year extension may be considered.

"Date of approval" means the date of approval by the City of Kirkland, or the termination of review proceedings if such proceedings were initiated pursuant to RCW 90.58.180 and WAC 173-27-220.

## **VI. APPENDICES**

Attachments 1 through 14 are attached.

1. Vicinity Map
2. Site Plan and Applicant's Drawings
  - a. Proposed Short Plat
  - b. Lake Level Plan
  - c. Street Level Plan
  - d. Upper Level Plan
  - e. Elevation Drawing Lot 1
  - f. Elevation Drawing Lot 2
  - g. Osborne Boundary Survey
3. Development Standards
4. Public Comment
  - a. Sandy and Glenn Peterson, 319 Lake Street South, Kirkland, WA 98033
  - b. Mike and Jan Peter, 213 Lake Street South, Kirkland, WA 98033
  - c. Mary and Marvin Mitchell, 311 2<sup>nd</sup> Street South #201, Kirkland, WA 98033
5. SEPA
  - a. Addendum
  - b. Original SEPA Determination
  - c. Environmental Checklist
6. WDI Use Zone Chart
7. Shoreline Detached Dwelling Unit Regulations
8. Arborist Report
9. Applicant's Response to Zoning Code Variance Criteria

10. Site plan showing the buildable area with a variance
11. Valente Site Plan
12. Vollestedt Site Plan
13. Shulman Site Plan
14. Applicant's Response to Shoreline Variance Criteria
15. Moss Bay Neighborhood Plan Map

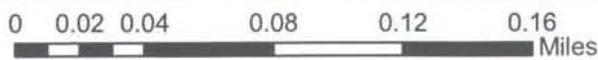
**VII. PARTIES OF RECORD**

Dave Buck, Chesmore/Buck Architecture, 123 lake Street South #106, Kirkland, WA 98033  
Stuart McLeod, 118 Lake Street South, Suite E. Kirkland WA 98033  
Sandy and Glenn Peterson, 319 Lake Street South, Kirkland, WA 98033  
Mike and Jan Peter, 213 Lake Street South, Kirkland, WA 98033  
Mary and Marvin Mitchell, 311 2<sup>nd</sup> Street South #201, Kirkland, WA 98033  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services

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



# McLeod Short Plat/ Variance



**McLEOD PRELIMINARY SHORT PLAT**  
**IN GOV'T LOT 1, SEC.8, T.25N., R.5E., W.M.**  
**CITY OF KIRKLAND, WASHINGTON**

**LEGAL DESCRIPTION:**

THAT PORTION OF GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, AND THE SECOND CLASS SHORELANDS ADJOINING, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE GOVERNMENT MEANDER LINE OF LAKE WASHINGTON WITH THE WESTERLY PRODUCTION OF THE SOUTH LINE OF LAKE SHORE ADDITION TO KIRKLAND, ACCORDING TO THE PLAT THEREOF IN VOLUME 7 OF PLATS, PAGE 2, IN KING COUNTY, WASHINGTON;

THENCE EAST ALONG SAID PRODUCED LINE A DISTANCE OF 43.72 FEET TO THE WESTERLY LINE OF LAKE STREET SOUTH (LAKE WASHINGTON BOULEVARD) AS NOW ESTABLISHED; THENCE SOUTHERLY ALONG SAID STREET LINE A DISTANCE OF 202 FEET, MORE OR LESS, TO THE WESTERLY PRODUCTION OF THE NORTH LINE OF SEATTLE ADDITION TO KIRKLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7 OF PLATS, PAGE 16, IN KING COUNTY, WASHINGTON;

THENCE WEST TO A POINT ON THE INNER HARBOR LINE OF LAKE WASHINGTON ARBITRARILY DESIGNATED AS POINT "B". THENCE NORTH 01°47'17" WEST ALONG SAID HARBOR LINE TO A POINT WHICH IS THREE-FIFTHS OF THE DISTANCE FROM SAID POINT "B" TO THE ANGLE CORNER OF SAID HARBOR LINE, WHICH CORNER IS DESIGNATED AS 1054 ON THE PLAT OF LAKE WASHINGTON SHORE LANDS, ACCORDING TO THE OFFICIAL MAPS THEREOF FILED IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON; THENCE NORTHEASTERLY TO THE POINT OF BEGINNING; EXCEPT THE SOUTH 60 FEET THEREOF WITH SECOND CLASS SHORELANDS ADJOINING.

**APPLICANT:**

DAVE BUCK  
 CHESMORE/BUCK ARCHITECTURE  
 123 LAKE ST. S. #106  
 KIRKLAND WA 98033  
 (425)827-1857

**ENGINEER & SURVEYOR:**

EASTSIDE CONSULTANTS, INC.  
 415 RAINIER BLVD. N.  
 ISSAQUAH WA 98027  
 PH: (425)392-5351

**EXISTING ZONING:**

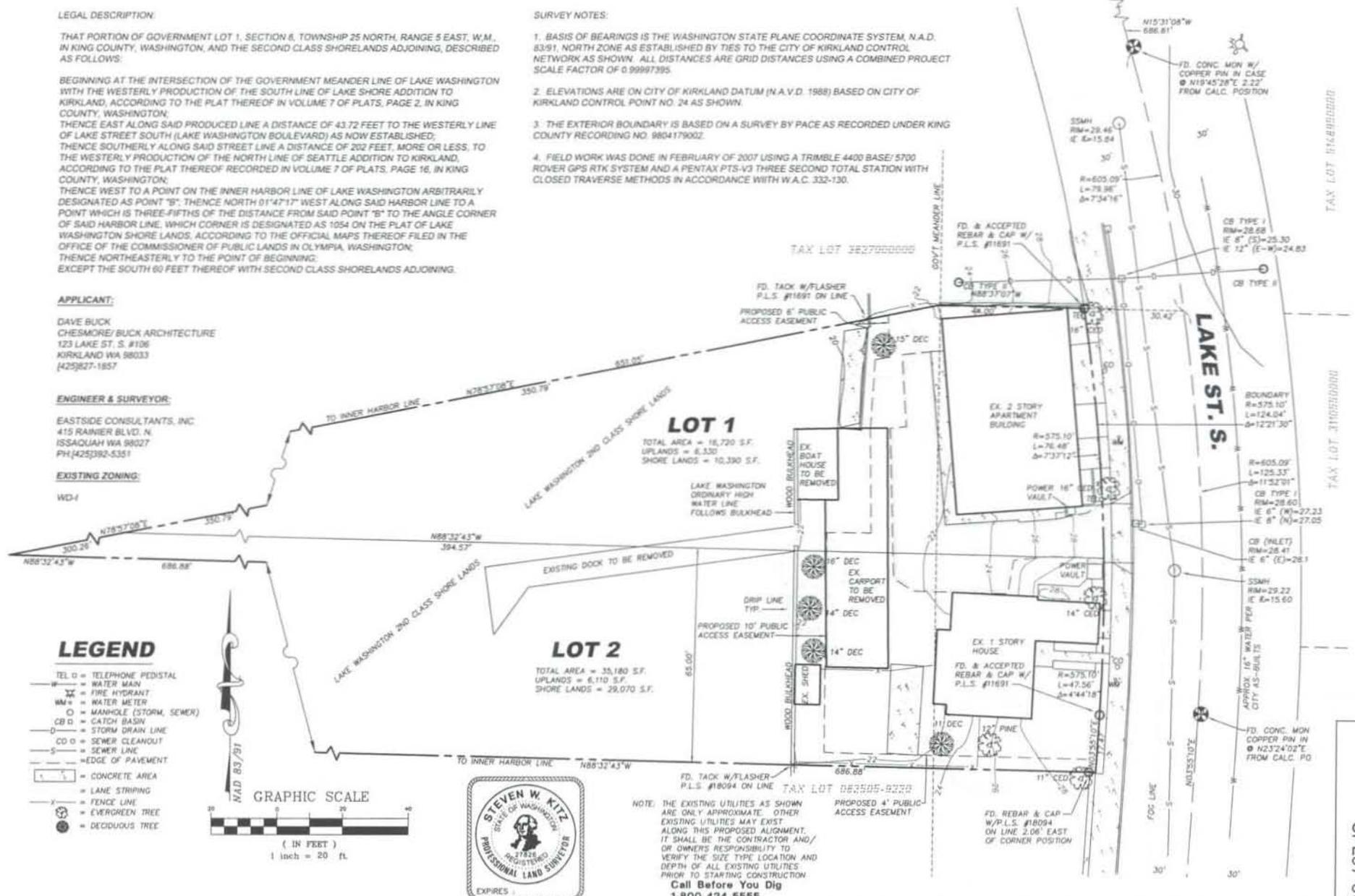
WD-1

**SURVEY NOTES:**

1. BASIS OF BEARINGS IS THE WASHINGTON STATE PLANE COORDINATE SYSTEM, N.A.D. 83/91, NORTH ZONE AS ESTABLISHED BY TIES TO THE CITY OF KIRKLAND CONTROL NETWORK AS SHOWN. ALL DISTANCES ARE GRID DISTANCES USING A COMBINED PROJECT SCALE FACTOR OF 0.99997395.
2. ELEVATIONS ARE ON CITY OF KIRKLAND DATUM (N.A.V.D. 1988) BASED ON CITY OF KIRKLAND CONTROL POINT NO. 24 AS SHOWN.
3. THE EXTERIOR BOUNDARY IS BASED ON A SURVEY BY PACE AS RECORDED UNDER KING COUNTY RECORDING NO. 9804179002.
4. FIELD WORK WAS DONE IN FEBRUARY OF 2007 USING A TRIMBLE 4400 BASE/5700 ROVER GPS RTK SYSTEM AND A PENTAX PTS-V3 THREE SECOND TOTAL STATION WITH CLOSED TRAVERSE METHODS IN ACCORDANCE WITH W.A.C. 332-130.

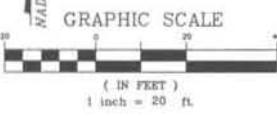
FD. TACK & LEAD IN SIDEWALK MEANDER CORNER SEC'S 5 & 8 CITY OF KIRKLAND CONTROL POINT NO. 24  
 BM ELEV = 33.73 NAVD 1988 DATUM

FD. CONC. MON W/ BRASS PLUG IN CASE CITY OF KIRKLAND CONTROL POINT NO. 23



**LEGEND**

- TEL Ⓞ = TELEPHONE PEDISTAL
- = WATER MAIN
- WM = WATER METER
- Ⓞ = MANHOLE (STORM, SEWER)
- CB Ⓞ = CATCH BASIN
- = STORM DRAIN LINE
- CD Ⓞ = SEWER CLEANOUT
- = SEWER LINE
- = EDGE OF PAVEMENT
- = CONCRETE AREA
- = LANE STRIPING
- = FENCE LINE
- ⊙ = EVERGREEN TREE
- ⊙ = DECIDUOUS TREE



NOTE: THE EXISTING UTILITIES AS SHOWN ARE ONLY APPROXIMATE. OTHER EXISTING UTILITIES MAY EXIST ALONG THIS PROPOSED ALIGNMENT. IT SHALL BE THE CONTRACTOR AND/OR OWNERS RESPONSIBILITY TO VERIFY THE SIZE, TYPE, LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO STARTING CONSTRUCTION.  
**Call Before You Dig**  
**1-800-424-5555**

**RECORDER'S CERTIFICATE**  
 FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 200\_\_ AT \_\_\_\_\_ M  
 IN BOOK \_\_\_\_\_ OF \_\_\_\_\_ AT PAGE \_\_\_\_\_ AT THE  
 REQUEST OF \_\_\_\_\_ STEVEN W. KITZ  
 Surveyor's Name

MGR. \_\_\_\_\_ SUPT. OF RECORDS \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**  
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF \_\_\_\_\_ STUART McLEOD  
 IN \_\_\_\_\_ FEB. \_\_\_\_\_ 2007.

STEVEN W. KITZ  
 CERTIFICATE NO. \_\_\_\_\_ 27826

**EASTSIDE CONSULTANTS, INC.**  
 ENGINEERS-SURVEYORS

415 RAINIER BLVD. NORTH  
 ISSAQUAH, WASHINGTON 98027  
 PHONE: (425)392-5351  
 FAX: (425)392-4878

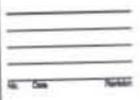
**McLEOD PRELIMINARY SHORT P**  
**IN GOV'T LOT 1, SEC.8, T.25N., R.5E., W.M**  
**CITY OF KIRKLAND, WASHINGTON**

DWN BY	DATE	JOB NO.
S. KITZ	2/07	
CHKD BY	SCALE	SHEET
S. KITZ	1"=20'	1

TAX LOT 1668000000

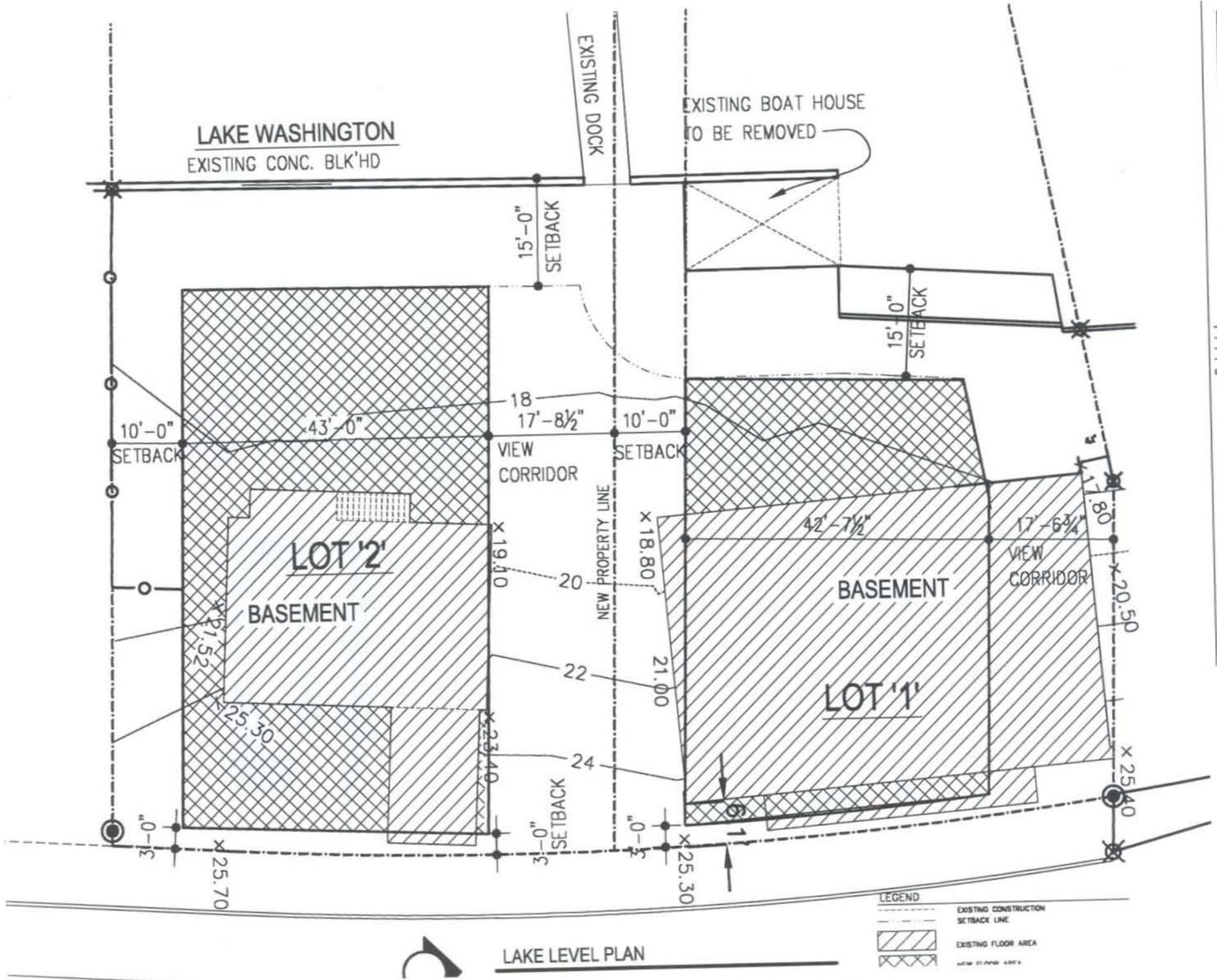
TAX LOT 1705000000

ATTACHMENT 2a  
 SPL07-00008



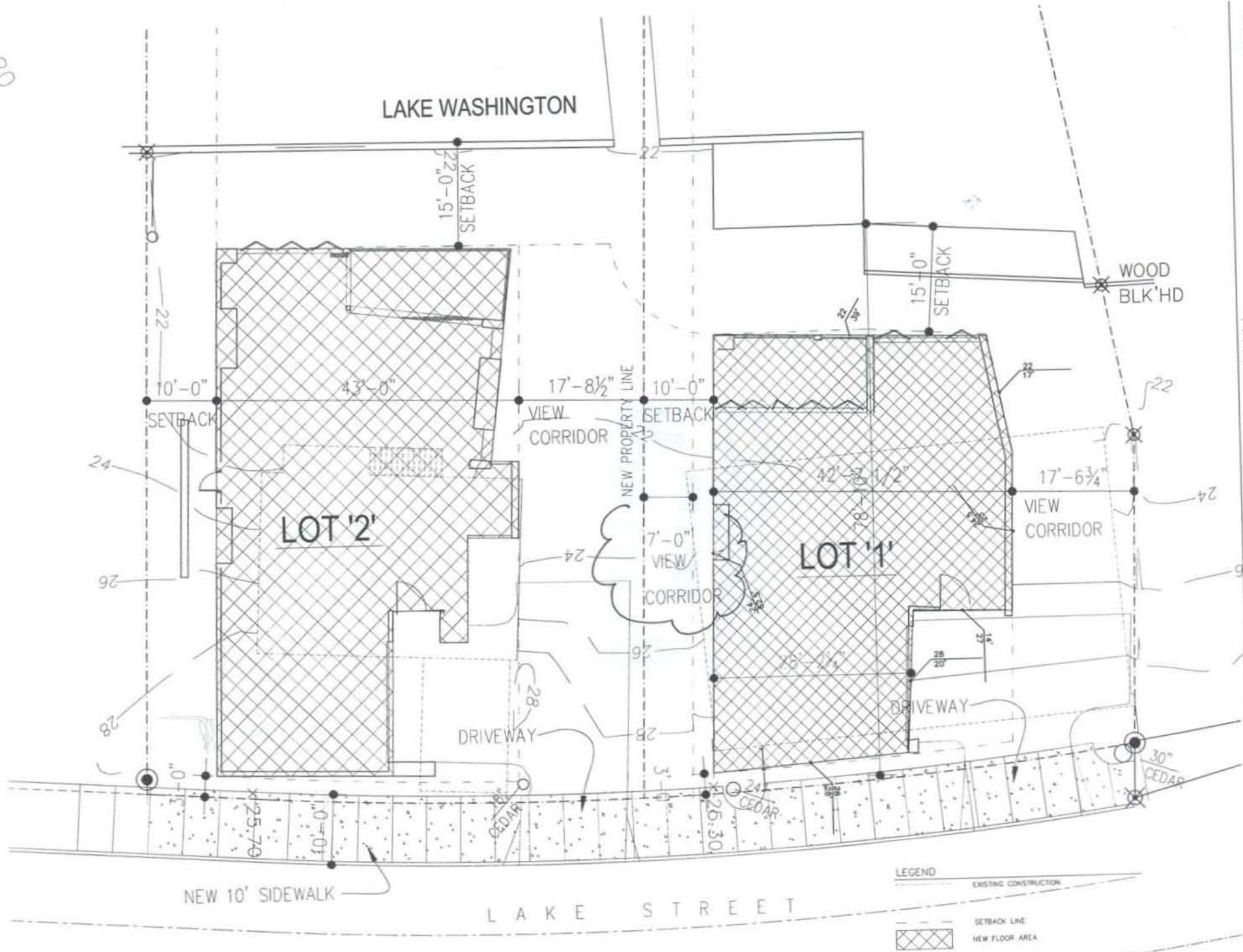
**SOUTH**

ATTACHMENT 2b  
 SPL07-00008



**LAKE LEVEL PLAN**

50



STREET LEVEL PLAN

1/8" = 1'-0"

**CHESMORE/BUCK**  
 architecture  
 1311 1/2 PINE STREET, SUITE 100  
 SEASIDE, WA 98138  
 PHONE: 425.470.1817  
 FAX: 425.428.2023

REET SOUTH

ATTACHMENT 2c  
 SP107-00008

**McLEOD PRELIMINARY SHORT PLAT**  
**IN GOV'T LOT 1, SEC.8, T.25N., R.5E., W.M.**  
**CITY OF KIRKLAND, WASHINGTON**

**LEGAL DESCRIPTION:**

THAT PORTION OF GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, AND THE SECOND CLASS SHORELANDS ADJOINING, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE GOVERNMENT MEANDER LINE OF LAKE WASHINGTON WITH THE WESTERLY PRODUCTION OF THE SOUTH LINE OF LAKE SHORE ADDITION TO KIRKLAND, ACCORDING TO THE PLAT THEREOF IN VOLUME 7 OF PLATS, PAGE 2, IN KING COUNTY, WASHINGTON;

THENCE EAST ALONG SAID PRODUCED LINE A DISTANCE OF 43.72 FEET TO THE WESTERLY LINE OF LAKE STREET SOUTH (LAKE WASHINGTON BOULEVARD) AS NOW ESTABLISHED; THENCE SOUTHERLY ALONG SAID STREET LINE A DISTANCE OF 202 FEET, MORE OR LESS, TO THE WESTERLY PRODUCTION OF THE NORTH LINE OF SEATTLE ADDITION TO KIRKLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7 OF PLATS, PAGE 16, IN KING COUNTY, WASHINGTON;

THENCE WEST TO A POINT ON THE INNER HARBOR LINE OF LAKE WASHINGTON ARBITRARILY DESIGNATED AS POINT "B". THENCE NORTH 01°47'17" WEST ALONG SAID HARBOR LINE TO A POINT WHICH IS THREE-FIFTHS OF THE DISTANCE FROM SAID POINT "B" TO THE ANGLE CORNER OF SAID HARBOR LINE, WHICH CORNER IS DESIGNATED AS 1054 ON THE PLAT OF LAKE WASHINGTON SHORE LANDS, ACCORDING TO THE OFFICIAL MAPS THEREOF FILED IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON; THENCE NORTHEASTERLY TO THE POINT OF BEGINNING; EXCEPT THE SOUTH 60 FEET THEREOF WITH SECOND CLASS SHORELANDS ADJOINING.

**APPLICANT:**

DAVE BUCK  
 CHESMORE/BUCK ARCHITECTURE  
 123 LAKE ST. S. #106  
 KIRKLAND WA 98033  
 (425)827-1857

**ENGINEER & SURVEYOR:**

EASTSIDE CONSULTANTS, INC.  
 415 RAINIER BLVD. N.  
 ISSAQUAH WA 98027  
 PH: (425)392-5351

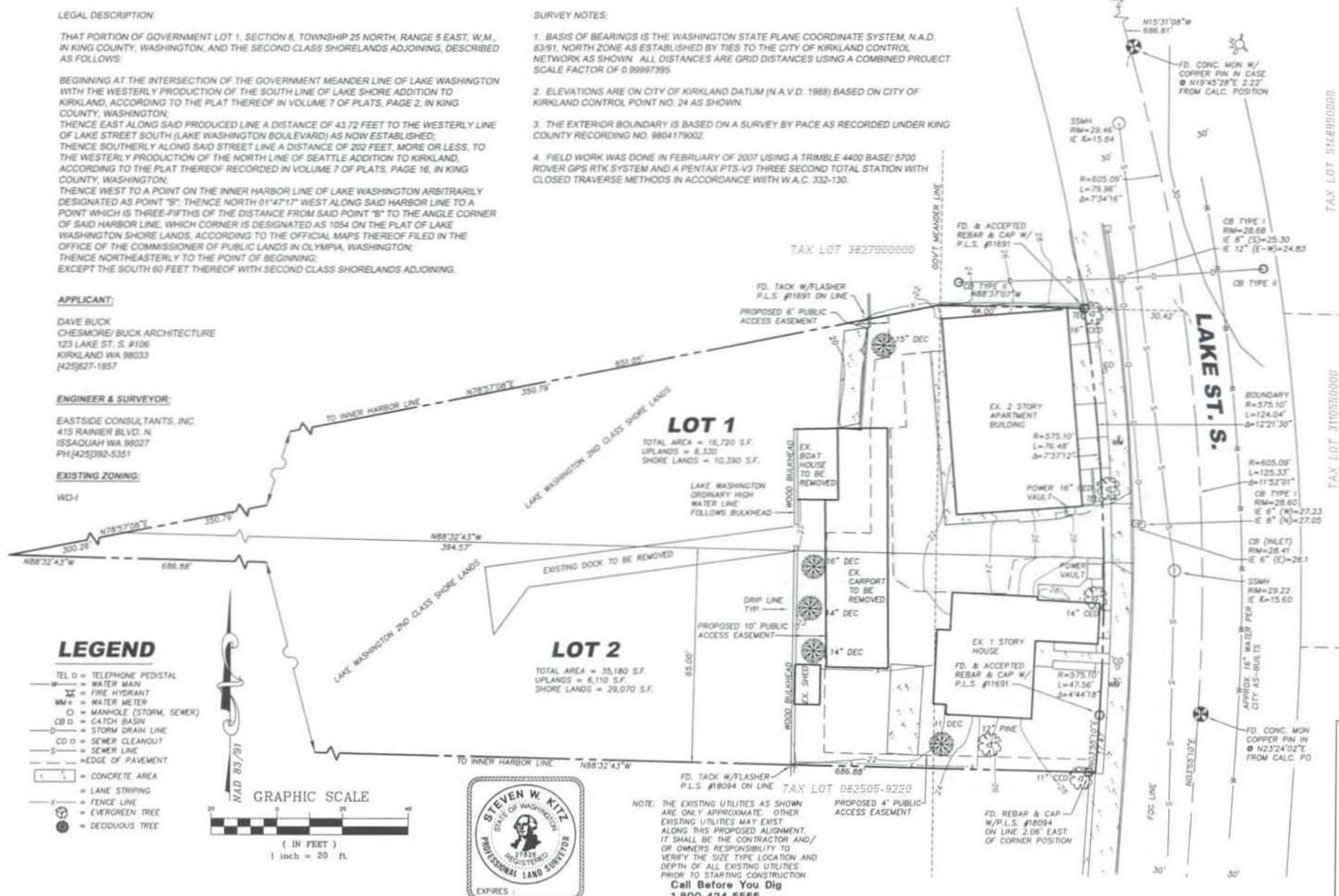
**EXISTING ZONING:**

WD-1

**SURVEY NOTES:**

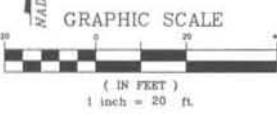
1. BASIS OF BEARINGS IS THE WASHINGTON STATE PLANE COORDINATE SYSTEM, N.A.D. 83/91, NORTH ZONE AS ESTABLISHED BY TIES TO THE CITY OF KIRKLAND CONTROL NETWORK AS SHOWN. ALL DISTANCES ARE GRID DISTANCES USING A COMBINED PROJECT SCALE FACTOR OF 0.99997395.
2. ELEVATIONS ARE ON CITY OF KIRKLAND DATUM (N.A.V.D. 1988) BASED ON CITY OF KIRKLAND CONTROL POINT NO. 24 AS SHOWN.
3. THE EXTERIOR BOUNDARY IS BASED ON A SURVEY BY PACE AS RECORDED UNDER KING COUNTY RECORDING NO. 9804179002.
4. FIELD WORK WAS DONE IN FEBRUARY OF 2007 USING A TRIMBLE 4400 BASE/5700 ROVER GPS RTK SYSTEM AND A PENTAX PTS-V3 THREE SECOND TOTAL STATION WITH CLOSED TRAVERSE METHODS IN ACCORDANCE WITH W.A.C. 332-130.

FD. TACK & LEAD IN SIDEWALK MEANDER CORNER SEC'S 5 & 8 CITY OF KIRKLAND CONTROL POINT NO. 24  
 BM ELEV = 33.73 NAVD 1988 DATUM



**LEGEND**

- TEL Ⓞ = TELEPHONE PEDISTAL
- = WATER MAIN
- WM = WATER METER
- Ⓞ = MANHOLE (STORM, SEWER)
- CB Ⓞ = CATCH BASIN
- = STORM DRAIN LINE
- CD Ⓞ = SEWER CLEANOUT
- = SEWER LINE
- = EDGE OF PAVEMENT
- = CONCRETE AREA
- = LANE STRIPING
- = FENCE LINE
- ⊙ = EVERGREEN TREE
- ⊙ = DECIDUOUS TREE



NOTE: THE EXISTING UTILITIES AS SHOWN ARE ONLY APPROXIMATE. OTHER EXISTING UTILITIES MAY EXIST ALONG THIS PROPOSED ALIGNMENT. IT SHALL BE THE CONTRACTOR AND/OR OWNER'S RESPONSIBILITY TO VERIFY THE SIZE, TYPE, LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO STARTING CONSTRUCTION.  
**Call Before You Dig**  
**1-800-424-5555**

**RECORDER'S CERTIFICATE**  
 FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 200\_\_ AT \_\_\_\_\_ M  
 IN BOOK \_\_\_\_\_ OF \_\_\_\_\_ AT PAGE \_\_\_\_\_ AT THE  
 REQUEST OF \_\_\_\_\_ STEVEN W. KITZ  
 Surveyor's Name

MGR. \_\_\_\_\_ SUPT. OF RECORDS \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**  
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF \_\_\_\_\_ STUART McLEOD  
 IN \_\_\_\_\_ FEB. \_\_\_\_\_ 2007.

STEVEN W. KITZ  
 CERTIFICATE NO. \_\_\_\_\_ 27826

**EASTSIDE CONSULTANTS, INC.**  
 ENGINEERS-SURVEYORS

415 RAINIER BLVD. NORTH  
 ISSAQUAH, WASHINGTON 98027  
 PHONE: (425)392-5351  
 FAX: (425)392-4878

**McLEOD PRELIMINARY SHORT P**  
**IN GOV'T LOT 1, SEC.8, T.25N., R.5E., W.M**  
**CITY OF KIRKLAND, WASHINGTON**

DWN BY	DATE	JOB NO.
S. KITZ	2/07	
CHKD BY	SCALE	SHEET
S. KITZ	1"-20'	1

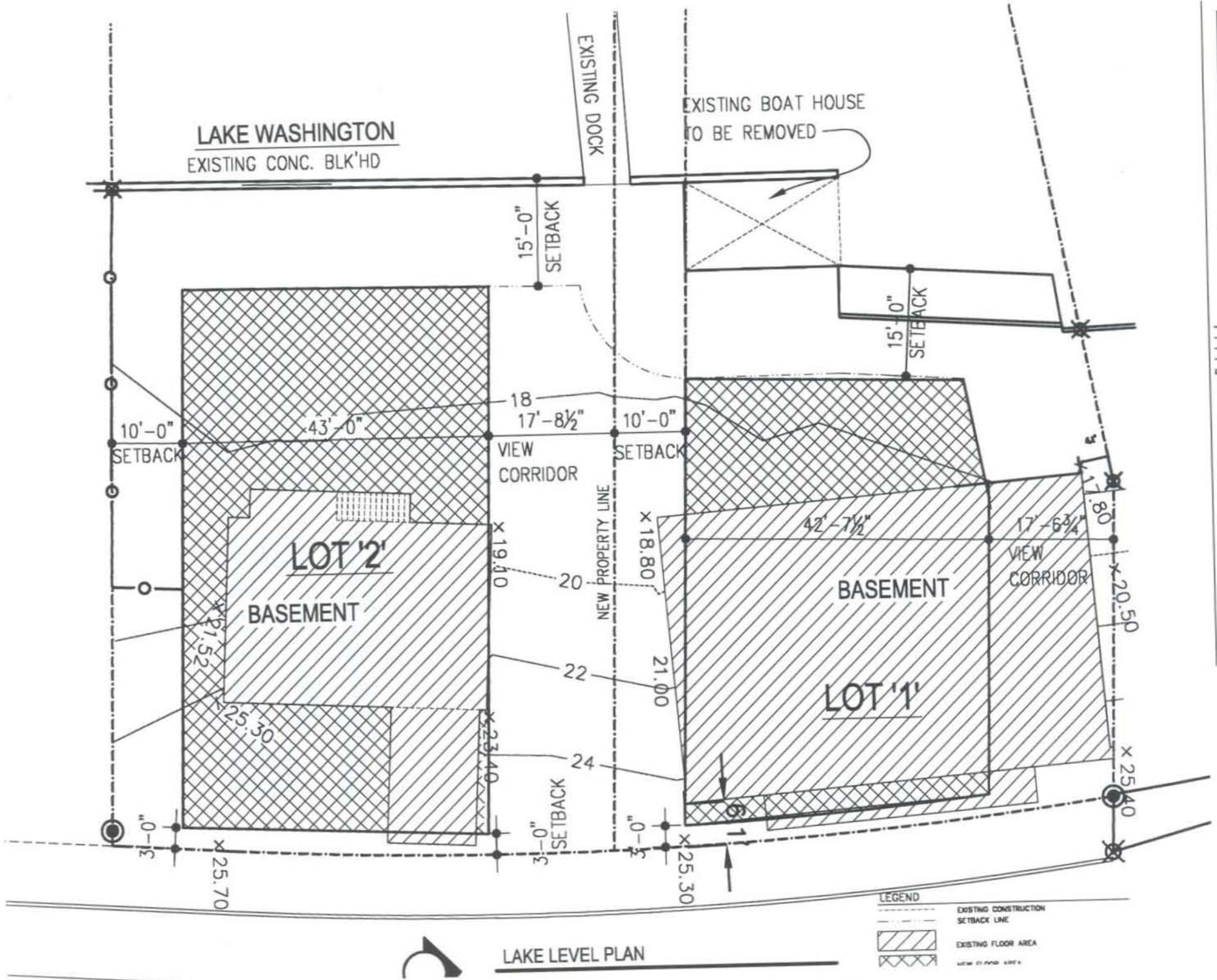
TAX LOT 1616800000  
 TAX LOT 1705000000

ATTACHMENT 2a  
 SPL07-00008

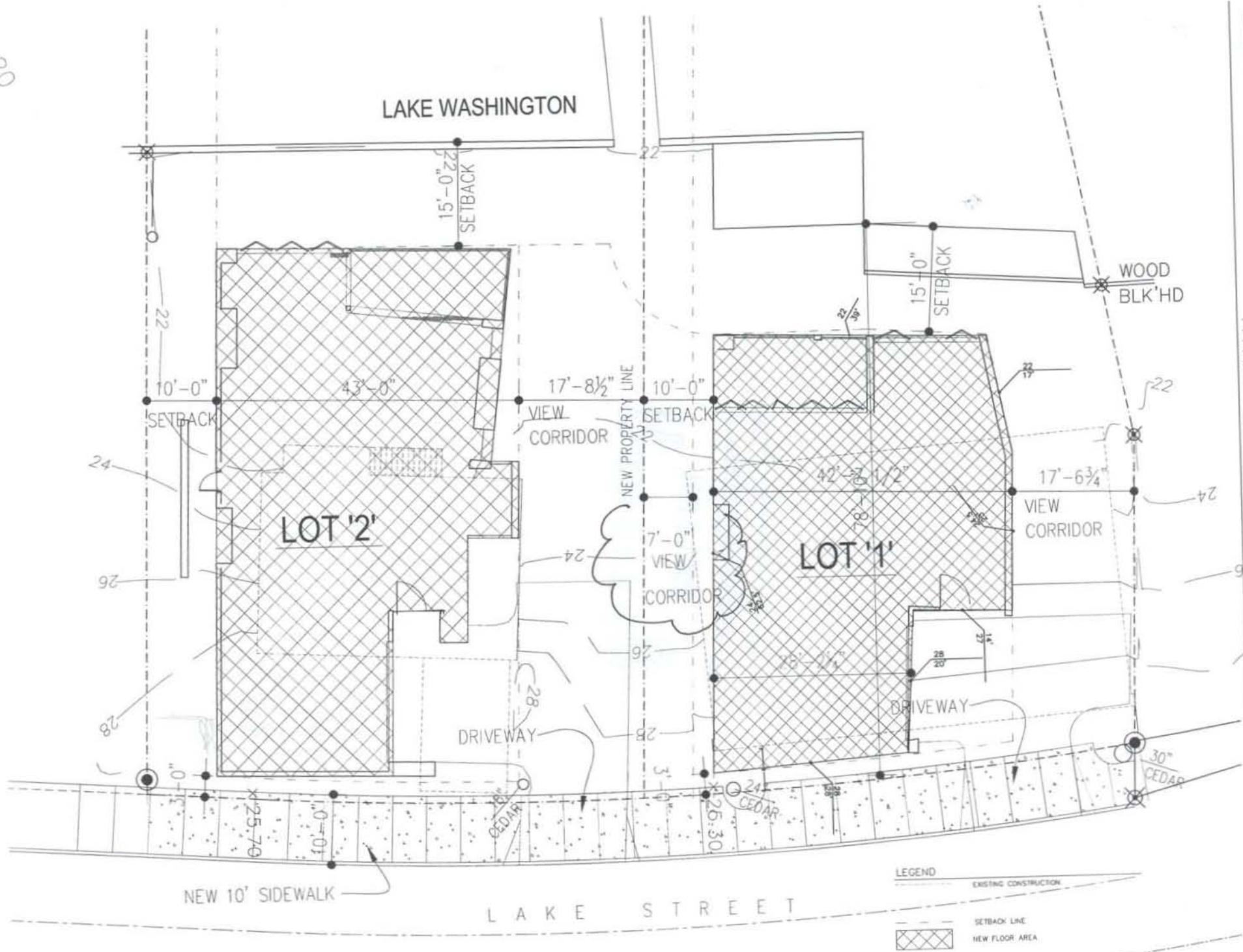


**SOUTH**

ATTACHMENT 2b  
 SPL07-00008



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**CHESMORE/BUCK**  
 architecture  
 1211 PINE STREET, SUITE 1100  
 SEASIDE, WA 98132  
 PHONE: 425.470.1817  
 FAX: 425.428.2023

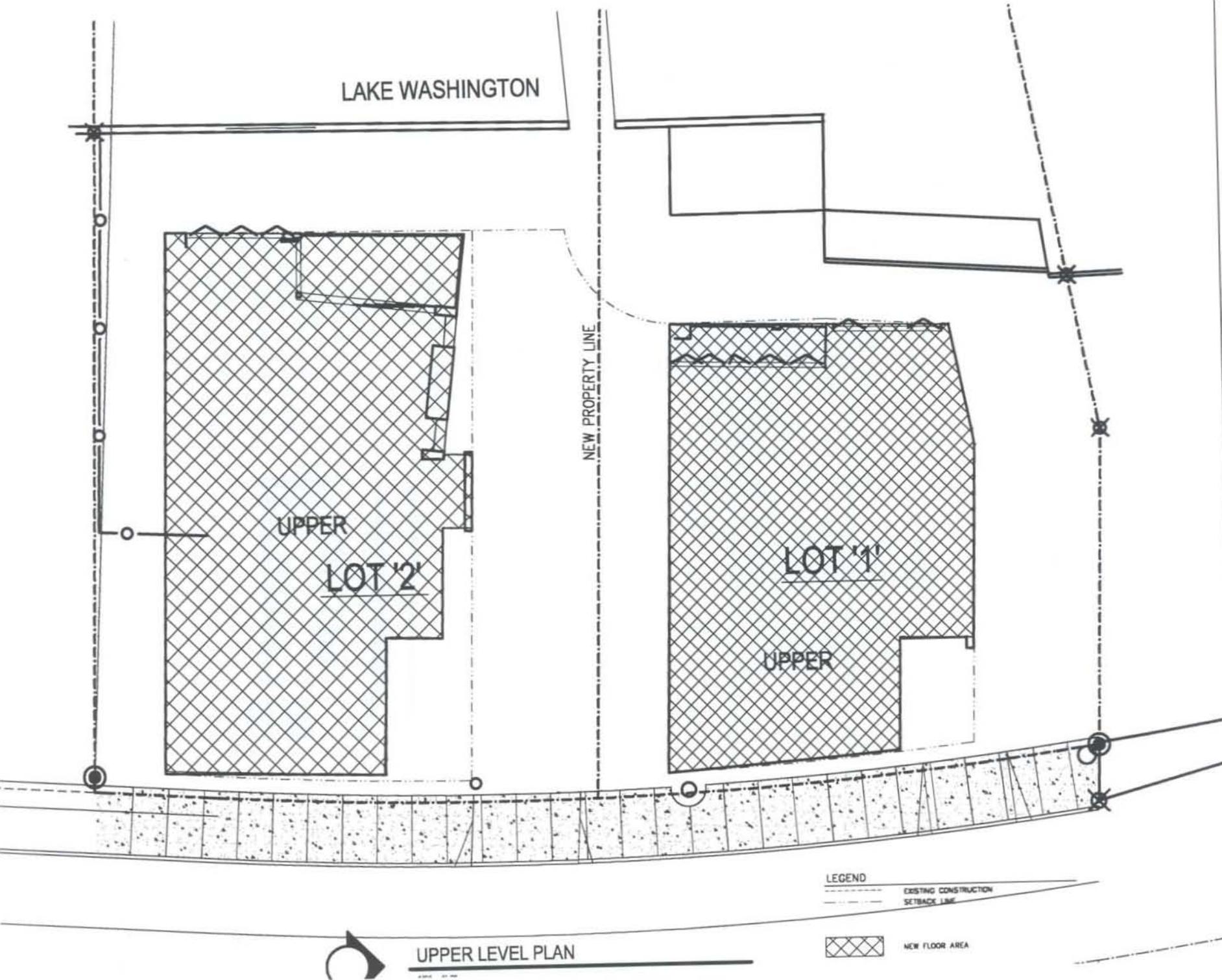
REET SOUTH

ATTACHMENT 2c  
 SP107-00008

**STREET LEVEL PLAN**

1/8" = 1'-0"

**LEGEND**  
 --- EXISTING CONSTRUCTION  
 [Cross-hatched box] SETBACK LINE  
 [Cross-hatched box] NEW FLOOR AREA

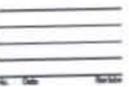


UPPER LEVEL PLAN

LEGEND

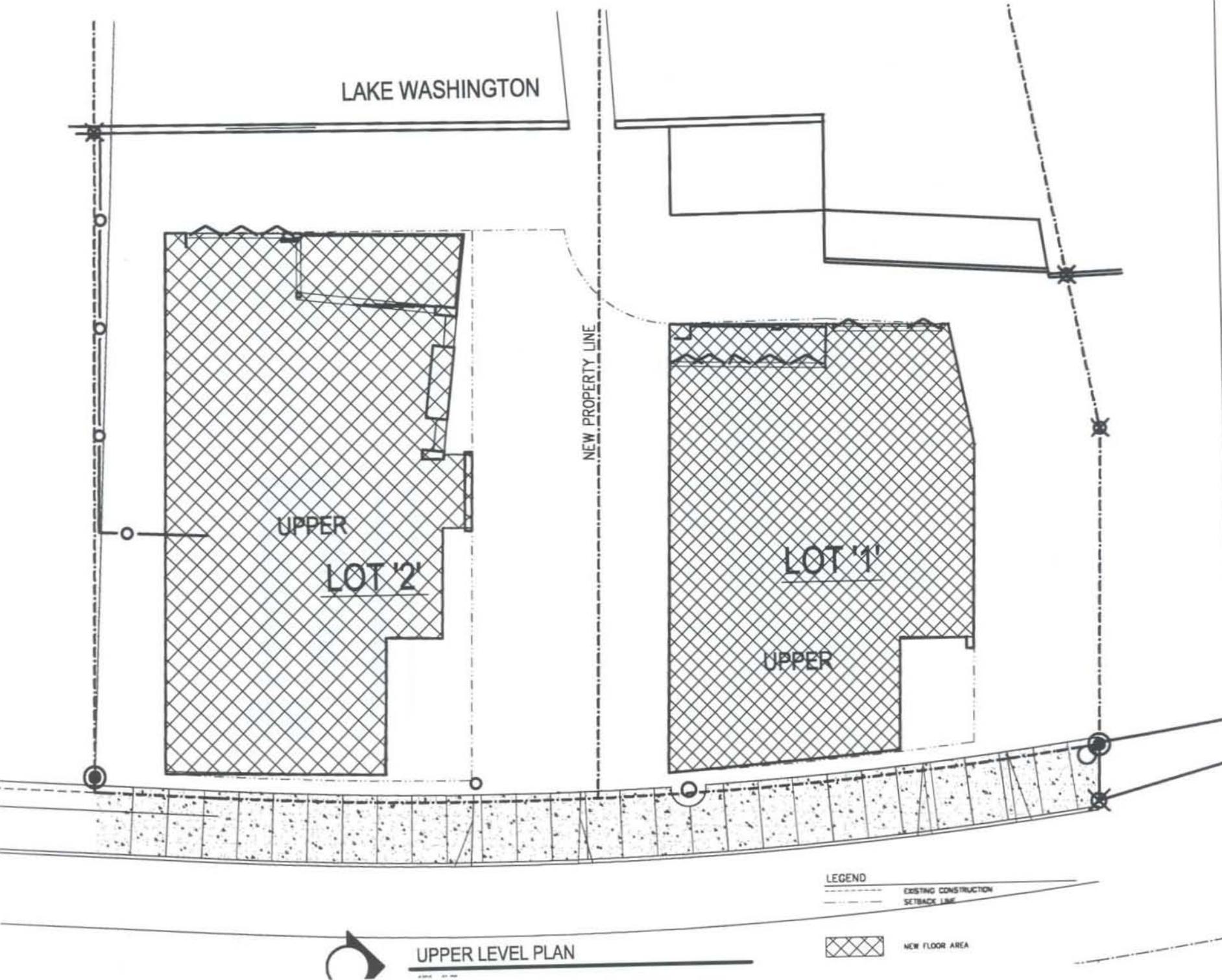
-  EXISTING CONSTRUCTION
-  SETBACK LINE
-  NEW FLOOR AREA

**CHESMORE BUCK**  
 ARCHITECTS  
 123 LAKE STREET, SUITE #100  
 KIRKLAND, WA 98033  
 PHONE: 425-827-1857  
 FAX: 425-825-2623



SOUTH

ATTACHMENT 2d  
 SPL07-00008



UPPER LEVEL PLAN

- LEGEND
-  NEW FLOOR AREA
  -  SETBACK LINE
  -  EXISTING CONSTRUCTION

**CHESMORE BUCK**  
 ARCHITECTS  
 123 LAKE STREET, SUITE #100  
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 PHONE: 425-827-1857  
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SOUTH

ATTACHMENT 2d  
 SPL07-00008