



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600 - www.kirklandwa.gov

CITY OF KIRKLAND NOTICE OF DECISION

August 28, 2025

Permit application: SUB16-03094 – 4500 Lake Washington Boulevard Short Plat
SHR16-03095 – 4500 LWB Substantial Development Permit

Location: 4500 Lake Washington Boulevard NE

Applicant: Dan O'Neill, Meridian Construction

Project description: Proposal to subdivide one 24,877 square foot parcel into three (3) single-family lots in the PLA 3C Zone, located within 200 feet of Lake Washington shoreline and subject to a Substantial Development Permit and State Environmental Policy Act (SEPA) review. An integrated development plan is not included with the short plat. The applicant is proposing to modify the existing house (see Attachments 2 and 3).

Decisions Included: Short Plat and Substantial Development Permit (Process I)

Project Planner: Martha Rubardt, Associate Planner

SEPA Determination: May 4, 2017 (Optional DNS Process; See Attachment 4)

Department Decision: **Approval with Conditions**

Adam Weinstein, Director
Planning and Building Department

Decision Date:	August 12, 2025
Appeal Deadline for Short Plat:	September 11, 2025
Appeal Deadline for Substantial Development Permit:	September 18, 2025

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

How to Appeal Short Plat Decision:

Only the applicant or those persons who previously submitted written comments or information to the Planning and Building Director are entitled to appeal this decision. A party who signed a petition may not appeal unless such a party also submitted independent written comments or information. An appeal must be in writing and delivered, along with fees set by ordinance, to the Planning and Building Department by 5:00 p.m., September 17, 2025. For information about how to appeal, contact the Planning and Building Department at (425) 587-3600. An appeal of this project decision would be heard by the City's Hearing Examiner.

How to Appeal Substantial Development Permit Decision:

Appeals of the City's decision may be filed with the State Shoreline Hearings Board. The 21-day appeal period begins on the date that the Department of Ecology receives the City's decision, referred to as the filing date. Contact the Department of Ecology to obtain the official filing date. In the event of an appeal, the City and the applicant will be notified of the appeal. The City cannot issue any development permits related to this shoreline permit until the State appeal process is complete.

Comment to City Council:

If you do not file an appeal, but would like to express concerns about policies or regulations used in making this decision or about the decision making process, you may submit comments to citycouncil@kirklandwa.gov. Expressing your concerns in this way will not affect the decision on this application, but will enable the City Council to consider changes to policies, regulations or procedures that could affect future applications.

I. CONDITIONS OF APPROVAL

- A. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. Attachment 5, Development Standards, is provided in this report to familiarize the applicant with some of these development regulations. This attachment references current regulations and does not include all of the additional regulations. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. When a condition of approval conflicts with a development regulation in Attachment 5, the condition of approval shall be followed.
- B. Prior to recording the short plat, the applicant shall:
 - 1. Obtain a Land Surface Modification permit from the City of Kirkland and remove the existing access driveway and install the new access drive and easement for the site (see Section II – Current Land Use Conclusion IV.B.).
 - 2. Obtain the necessary building permit(s) to modify the existing residence and remove the accessory studio structure and site improvements to comply with the required yard setbacks for Lot 2. See Section II – Current Land Use and Attachments 2 and 3.
- C. As part of the land surface modification and the building permits for each lot the applicant shall
 - 1. Submit an updated geotechnical report that incorporates the land area that was added to the subject property under LLA21-00733 and was not assessed in the scope of the Geotech Consultants Inc. reports in Attachment 6. The updated geotechnical report should include the information listed in Kirkland Zoning Code (KZC) 85.15 and address any missing information from the reports in Attachment 6. Peer review of the geotechnical report will be required pursuant to KZC 15.10.050.1.c. See Conclusion V.B.2.
 - 2. Show compliance with the geotechnical recommendations in the report submitted for this site. All pertinent recommendations of the report shall be incorporated into all building permit and land surface modification permits including any recommendations for the geotechnical engineer to be on site during certain times of construction and for any construction limitations (see Conclusion V.B.2).
 - 3. Submit an updated arborist report that complies with KZC 95 and incorporates the land area added to the subject property under LLA21-00733 that was not included in the scope of the original arborist report in Attachment 7 (see Section II – Trees).

II. SITE AND NEIGHBORHOOD CONTEXT

SHORELINE	
Location	4500 Lake Washington Boulevard NE; subject property does not abut Lake Washington
Shoreline Designation	Residential – Low (B)
Current Upland Use	Single Family Residence
Current In-Water Structures	Not applicable
Shoreline Condition (bulkhead, natural or other)	Not applicable
Required Shoreline Setback	Not applicable
Vegetation in Shoreline Setback	Not applicable
ZONING	
Zoning District	Planned Area 3C (PLA 3C)
Neighborhood	Lakeview
Property Size	25,017 square feet (0.571 Acres)
Comprehensive Plan Designation	Low Density Residential
Current Land Use	<p>Single-family residence, accessory structure, and associated site improvements (see Attachment 2).</p> <p><u>Staff Analysis:</u> Retention of the entire existing residence, the accessory studio structure, the driveway, and other site improvements would not fully comply with the setbacks and access easement relative to the proposed short plat lot line configuration. The driveway, the entire deck and accessory structure off the northeast corner of the house, the wooden porch to the north of the house, the walkway from the porch to the driveway, the concrete walkway to the south of the house, and the northern 4-foot portion of the house must be removed to bring the residence and site improvements into compliance with the proposed lot line configuration. See Attachment 2.</p>
Proposed Lot Sizes	<p>Lot 1: Gross 8,685 square feet / Net 6,229 square feet</p> <p>Lot 2: 6,395 square feet</p> <p>Lot 3: Gross 9,937 square feet / Net 9,637 square feet</p> <p>The net area excludes area within the proposed access easements across Lots 1 and 3, as required by KZC 15.30.060 Density Dimension footnote 2.</p>

Lot Size Compliance	All three proposed lots meet the minimum lot size for the zone, which is 5,000 square feet for lots within a short plat, per KZC 15.30.060 footnote 2.
Density Compliance for PLA 3C Zones	Six dwelling units per acre is the maximum allowed by KZC 15.30.060 footnote 2. Based on the proposed net lot areas, the maximum number of units on the subject property is three.
Terrain	<p>The subject property contains moderate and high landslide areas. The eastern portion of the site, containing Lot 3, extending easterly of the existing residence, contains slopes of 30%. The western portion of the site, containing Lot 1 and the westerly portion of Lot 2, contains moderate slopes up to 15%.</p> <p>The proposed development has been reviewed and assessed by a Geotechnical Engineer (see Attachment 6, and Section V.B).</p>
Trees	<p>There are 18 significant trees on the site and 15 significant trees located off site that may be affected by the proposed development. Attachment 6 shows the location, tree number, and general health of the trees, as assessed by the applicant's arborist, but does not assess the trees in the additional land added to Lot 3 on the subject property under LLA21-00733.</p> <p>The applicant is proposing phased review of the short plat pursuant to the City's former tree code (KZC Section 95.30.6.a.). The City's updated tree code went into effect on May 13th, 2022. A complete building permit for this short plat was submitted prior to that date and was reviewed under the former tree code.</p> <p>Tree retention and removals will be reviewed with the subsequent LSM and building permits. The applicant must submit an updated arborist report that complies with the updated KZC 95 and incorporates the land area added to the subject property under LLA21-00733 that was not included in the scope of the original arborist report in Attachment 7 with the subsequent LSM and building permits. See Attachment 5, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements.</p>
Access	The subject parcel currently takes access from Lake Washington Boulevard NE. The applicant is proposing to continue access from Lake Washington Boulevard NE and install an access easement across Lots 1 and 3 to provide access to all three lots (see Attachments 2 and 3).
Neighboring Zoning, Shoreline Designation and Development	

• North	PLA 3C, Single Family Residential; Residential – Low (B)
• South	PLA 3C, Single Family Residential; Residential – Low (B)
• East	RS 12.5, Yarrow Hill PUD; (outside of shoreline jurisdiction)
• West	Waterfront District III (WD III), Medium Density Residential; Residential-M/H

III. PUBLIC NOTICE AND COMMENT

The public comment period for this application ran from February 2, 2017 to February 20, 2017. No public comments were received.

IV. CRITERIA FOR SHORT PLAT APPROVAL

A. Facts: Municipal Code section 22.20.140 states that the Planning Director may approve a short subdivision only if:

- a. 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 Planning and Building Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code section 145.45 states that the Planning and Building Director may approve a short subdivision only if:

3. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
4. It is consistent with the public health, safety, and welfare.

B. Conclusions: The proposal complies with Municipal Code section 22.20.140 and Zoning Code section 145.45. It is consistent with the Comprehensive Plan. With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations 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 it will add housing stock to the City of Kirkland in a manner that is consistent with applicable development regulations.

V. DEVELOPMENT REGULATIONS

A. The following is a review, in a checklist format, of compliance with the design requirements for subdivisions found in KMC 22.28. All lots comply with the minimum lots sizes for this zone.

Not Applicable	Complies as proposed	Complies as conditioned	Code Section

			KMC 22.28.050 Lots Size, Dimension and Layout
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lots comply with the underlying zone minimum lot size
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lots are shaped for reasonable use and development
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimum lot width is 15' where abutting right-of-way, access easement, or tract

B. Geologically Hazardous Areas

1. Facts:

- a. The eastern portion of Lots 2 and 3 slope up from west to east at grades upwards of 30%. This portion of the site is identified on City maps as having a High Landslide Hazard potential.
- b. The western portion of the site, including Lot 1 and a portion of Lot 2, slopes up from Lake Washington Boulevard NE to the existing residence at grades up to 15%. This portion of the site is defined by Kirkland Zoning Code Chapter 85 as having a Moderate Landslide Hazard potential.
- c. A geotechnical report prepared by Geotech Consultants, Inc., dated July 17, 2014 with an updated dated December 27, 2016 was submitted with the short plat application. The report addresses the land slide potential with respect to the proposed development of the site. The report does not include the additional land for Lot 3 after the LLA21-00733 lot line alteration. See Attachment 6.
- d. The geotechnical reports concluded that the soils on the western side of the site were medium-dense to dense and the soils along the eastern portion of the site were dense to very dense. The report states that because of the high density of the soils, the slopes are stable, and conventional footings are appropriate for the new residences.
- e. Because the findings in the geotechnical reports were supportive of development on this lot, a geotechnical report assessing the additional land obtained through LLA21-00733 for the subject site was not required for approval of the short plat. This is because the topography and conditions of that slope are the same as the eastern side of the site that was evaluated and found to have dense to very dense soils. Under future development permits, the additional land area must be evaluated by a geotechnical engineer to confirm this finding.
- f. The development standards for the PLA 3C zone in KZC 15.10.050.1.c. include additional geotechnical requirements for properties within that zone. These development standards (including peer review by a qualified geotechnical engineer) must be followed with future phases of the project.

2. Conclusions:

- a. The site development proposed for the access and structures should follow the recommendations detailed in the geotechnical reports by Geotech Consultants, Inc., dated July 17, 2014, and December 27, 2016.
- b. The applicant shall submit an updated geotechnical report that incorporates the additional land area included in the subject property

under LLA21-00733 and includes the information in KZC 85.15 with the future land surface modification and building permits. Pursuant to KZC 15.10.050.1.c., peer review of the geotechnical report will be required with the development permits.

- c. The development standards in KZC 15.10.050.1 must be assessed and followed under the LSM and building permit stages of the project.

VI. CRITERIA FOR SUBSTANTIAL DEVELOPMENT PERMIT APPROVAL

A. Facts: KZC 141.70 states that Shoreline Substantial Development permits must meet the Washington Administrative Code (WAC) 173-27-140 and WAC 173-27-150. The approval criteria are discussed below:

1. **WAC 173-27-140** establishes the following general review criteria that must be met.
 - a. No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is consistent with the policy and provisions of the Shoreline Management Act (SMA) and the master program.
 - b. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level on the shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.
2. **WAC 173-27-150** establishes that a substantial development permit may only be granted when the proposed development is consistent with all of the following:
 - a. The policies and procedures of the SMA (WAC 173-26-176);
 - b. The provisions of WAC 173-27, which outlines the permit review process for Shoreline Substantial Development Permits;
 - c. The applicable SMP, which can be found in Chapter 83 of the KZC.
3. The proposal has been analyzed and found to be consistent with the City's SMP policies and regulations, and this SMP has been deemed to be consistent with the SMA.
4. The maximum height limit in the underlying zoning is 25 feet. No new building or structure on the future lots may be proposed above 25 feet in height.
5. The permit review process in Chapter 141, which is consistent with WAC 173-27, has been followed, including submittal of a complete application and distribution of appropriate notice.

B. Conclusion: The proposal meets WAC 173-27-140 and WAC 173-27-150 because:

1. The proposal is consistent with the policies and procedures of the SMA because it is consistent with the City's shoreline policies found in KZC 83.
2. The future building permits will comply with the zoned height limitation of 25 feet

and thus will comply with the SMA requirement that no building or structure exceed 35 feet in height.

3. It is consistent with the provisions of WAC 173-27 because a complete application for a Substantial Development Permit has been submitted by the proponent and appropriate notice of the application has been given.

VII. SHORELINE REGULATIONS FOR LAND DIVISION UNDER KZC CHAPTER 83.250

A. Shoreline Lot Standards

1. Facts:

- a. Zoning Code Section 83.250.1 states that new lots created through land division in shorelines jurisdiction shall only be permitted if:
 - (1) The lots created will not require structural flood hazard reduction measures, such as dikes, levees, or stream channel realignment, during the life of the development or use
 - (2) The lots created will not require hard structural shoreline stabilization measures in order for reasonable development to occur, as documented in the geotechnical analysis of the site and shoreline characteristics.
 - (3) In the Natural and Urban Conservancy shoreline environments, the lots created shall contain buildable land area located outside of the shoreland area.
- b. The proposed short plat is not located in a flood hazard area or within a Natural or Urban Conservancy shoreline environment.
- c. The subject property does not abut Lake Washington and will not require hard shoreline stabilization.

2. Conclusion: The proposal complies with KZC 83.250.

B. Shoreline Public Access, Moorage, and View Corridor

1. Facts:

- a. Zoning Code Section 83.250.2 requires that land division provide public access as required in KZC 83.420, unless otherwise excepted or modified under the provisions of KZC 83.420.
- b. Zoning Code Section 83.250.3 requires that land divisions establish a prohibition on new private piers and docks on the face of the plat.
- c. Zoning Code Section 83.250.4 requires that a view corridor and public access be established prior to recording the land division and depicted on the face of the recorded document.
- d. The proposed development is located on the east side of Lake Washington Boulevard and does not contain any frontage on the shores of Lake Washington.

2. Conclusion: The proposed plat is exempt from 83.250 subsections 2-4 since the short plat is located across Lake Washington Boulevard and does not abut Lake Washington.

VIII. SHORELINE POLICIES

1. Facts: Below are the applicable shoreline policies found in the Shoreline Area Chapter of the Comprehensive Plan for the proposal and staff comments:

- a. Policy SA-6.3: Manage new subdivisions of land within the shoreline to:
 - Avoid the creation of new parcels with building sites that would impact wetlands, streams, slopes, frequently flooded areas and their associated buffers;
 - Ensure no net loss of ecological functions resulting from the division of land or build-out of the lots;
 - Prevent the need for new shoreline stabilization or flood risk measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions;
 - Implement the provisions and policies for shoreline designations and the general policy goals of this program; and
 - Provide public access along the shoreline.
- b. Staff Response to Policy SA-6.3
 - (1) The parcel does not contain wetlands, streams and is not located in a frequently flooded area. The majority of the subject property, however, is located in a high and moderate landslide area. A full geotechnical analysis has been submitted with this application.
 - (2) The shoreline will not experience a loss or denigration of the ecological function as a result of the applicant's proposal since the parcel does not abut Lake Washington.
 - (3) The applicant's proposal complies with the Kirkland Zoning Code and the City's Shoreline Master Program.
 - (4) The required provision for public access is not applicable to the proposed development since it does not have frontage on Lake Washington.

2. Conclusion: The proposed application is consistent with the relevant policies of the Shoreline Area Chapter in the Comprehensive Plan.

IX. 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.

X. SHORT PLAT DOCUMENTS – RECORDATION – TIME LIMIT (KMC 22.20.370)

The short plat must be recorded with King County within five (5) years of the date of approval (August 12, 2030) or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the five (5) 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.

XI. APPENDICES

Attachments 1 through 8 are attached.

1. Vicinity Map
2. Survey

3. Proposed Plans
4. SEPA Determination
5. Development Standards
6. Geotech Consultants Inc. Geotechnical Reports (dated July 17th, 2014, and December 27th, 2016)
7. Arbor Options, LLC Arborist Report dated March 13th, 2014

XII. PARTIES OF RECORD

Applicant: Dan O'Neill, Meridian Construction
Parties of Record
Planning and Building Department
Department of Public Works