



City of Kirkland
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033
425-587-3600 – www.kirklandwa.gov

City of Kirkland
Notice of Decision

November 12, 2025

Project Name: Moore Short Plat
File No.: [SUB25-00142](#)
Location: [7847 126TH AVE NE](#) (see Attachment 1)
Applicant: Jake Drake, with DGR Development
Project Description: Subdivide a 17,023 sq. ft. parcel into 2 lots in the RSX 7.2 zone (see Attachment 2)
Decisions Included: Short Plat (Process I)
Project Planner: Alex Kaiser, Planner
SEPA Determination: Exempt from SEPA pursuant to WAC 197-11-800(6)(d)
Department Decision: **Approval with Conditions**

Adam Weinstein, Director of Planning and Building

Decision Date:	November 5, 2025
Appeal Deadline:	November 26, 2025

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

How to Appeal: *Only the applicant or those persons who previously submitted written comments or information to the Director of Planning and Building 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 PM, November 26, 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 Hearing Examiner.

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 3, 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 applicable 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 3, the condition of approval shall be followed.
- B. Prior to recording the short plat, the applicant shall obtain a demolition permit and remove the existing detached dwelling unit and all accessory structures (see Section II – Land Use).
- C. As part of the application for a Land Surface Modification and/or Building Permits, the applicant shall submit a Tree Retention Plan consistent with the approved Tree Retention Plan in Attachment 6.
- D. Prior to the issuance of the Building Permit for Lot 2:
1. The applicant shall record a Preserved Grove Covenant on a form approved by the City encompassing Tree nos. 4-7 (see Conclusion V.B.2).

II. Site and Neighborhood Context

Zoning District	RSX 7.2
Shoreline Designation	N/A
Comprehensive Plan Designation	LDR 6, Low-Density Residential
Property Size	17,023 sq. ft.
Current Land Use	The site is currently developed with a detached dwelling unit and a shed (see Attachment 4). All structures are proposed to be removed to allow for redevelopment of the property. <u>Staff Analysis:</u> Retention of the existing residence and accessory structures would not fully comply with the setbacks relative to the proposed short plat lot line configuration. Therefore, the applicant should demolish the existing structures prior to recording the short plat.
Proposed Lot Sizes (net)	Lot 1: 8,625 sq. ft. Lot 2: 8,398 sq. ft.

Lot Size Compliance	The RSX 7.2 zone requires a minimum lot size of 7,200 sq. ft. All lots meet the minimum lot size requirements for the zone. See Section V.A below for a compliance analysis.
Terrain	The property slopes up from west to east at a slope of approximately 2.7 percent (see Attachment 4).
Trees	There are nine significant trees on the site and one significant tree located off site that may be affected by the proposed development. Attachment 5 shows the location, tree number, and general health of the trees, as assessed by the applicant's arborist. The applicant is proposing a Tree Retention Plan pursuant to KZC 95.30.4 (see Attachment 6, Sheet 5). See Attachment 3, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements. See Section V.B for an analysis of the applicant's Tree Retention Plan
Access	Access to Lots 1 and 2 is being provided to 126 th Ave NE via a new 15-ft. wide access easement located along the northern property line of Lot 1. NE (see Attachment 6).
Neighboring Zoning and Development	
North	RSX 7.2 – Detached Dwelling Unit
South	RSX 7.2 – Detached Dwelling Unit
East	RSX 7.2 – Detached Dwelling Unit
West	RSX 7.2 – Detached Dwelling Unit

III. Public Notice and Comment

The public comment period for this application ran from March 20, 2025 to April 7, 2025. One public comment was received. Attachment 7 contains the public comment received during the public comment period. Below is a summary of the public comment followed by a brief staff response.

- A.** *The Duwamish Tribe expressed concerns over the potential discovery of cultural resources on-site. The Duwamish Tribe also requested only native plants be planted on the subject property, mature native trees be retained, and for any lighting to be "dark sky compliant" to reduce light pollution.*

Staff Response: The applicant has been made aware of the comment and will follow best archaeological resource protection practices.

Retention of existing regulated trees during construction is a priority for the city pursuant to KZC 95.30 & 95.32. However, where supplemental trees are required due to necessary tree removals for development, or, for the property to be brought up to the required tree credits, the city highly encourages native vegetation to satisfy these requirements. Although native vegetation is not required, the city has a prohibited plant list that aligns with the Washington State's noxious weed control law (Chapter 17.10 RCW), administered by the King County Noxious Weed Control Board. For a full analysis of the applicant's Tree Retention Plan, see Section V.B.

Upon completion of a lighting analysis at Land Surface Modification review, new LED streetlights may be required per Puget Sound Energy (PSE) design and public works approval.

IV. Criteria for Short Plat Approval

A. Facts: Municipal Code Section 22.20.140 states that the Director of Planning and Building may approve a short subdivision only if:

1. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, transit stops, water supplies, sanitary waste, power service, parks, playgrounds, and schools, including sidewalks and other planning features that assure safe walking routes to and from schools; and
2. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Director of Planning and Building 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 Director of Planning and Building 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. 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, transit stops, water supplies, sanitary waste, power service, parks, playgrounds, and schools, including sidewalks and other planning features that assure safe walking routes to and from 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. Lot Size and Dimension Compliance

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 lot size requirements for the zone as proposed or conditioned below.

Complies as proposed	Complies as conditioned	Code Section
KMC 22.28.050 – Lots - Dimensions		
☒	☐	Lots are shaped for reasonable use and development
☒	☐	Minimum lot width is 15' where abutting right-of-way, access easement, or tract

B. Tree Retention

1. Facts:

- a. Municipal Code Section 22.28.180 states that the applicant has the responsibility in proposing a plat to be sensitive with respect to the natural features, including topography, streams, lakes, wetlands, habitat, geologic features and vegetation, of the property. The plat must be designed to preserve and enhance as many of these valuable features as possible.
- b. KMC 22.28.210 states that the applicant shall design the plat so as to comply with the tree management requirements set forth in KZC Chapters 90 and 95 to maximize the chances of survival of trees and associated vegetation designated for retention and minimize potential hazards to life or property.
- c. KZC 95.30.2.b states that the City does not require tree retention efforts that either (1) would reduce maximum allowed density, number of allowed lots, maximum allowed floor area ratio (FAR) or lot coverage, (2) preclude the ability to construct ADUs consistent with KZC 115.07, or (3) preclude required access and utility connections.
- d. KZC 95.30.4 requires that with a short plat application, high retention value trees (including groves) should be retained and protected to the maximum extent possible. Moderate retention value trees should be retained and protected if feasible.
- e. The applicant has submitted an arborist report prepared by Cascara Tree Consulting, dated January 31, 2025 (see Attachment 5). The applicant's arborist has identified nine on-site regulated trees, and one off-site tree that may be impacted by development. Four of the on-site trees are within a grove. The applicant proposes to remove five on-site trees, which includes one landmark tree.
- f. The City's Development Review Arborist has reviewed the Tree Retention Plan in Attachment 6 and the arborist report in Attachment 5 and has determined that the specific standards concerning tree retention, removals and site modification have been met.

- g. Trees 4-7 within the identified grove on Lot 2 are viable for retention.
- h. Pursuant to KZC 95.51.3, the City can require a grove preservation covenant over the portion of the property containing the grove to ensure its protection in perpetuity (see Attachment 8).

2. Conclusion: The proposed Tree Retention Plan complies with the applicable City tree retention requirements provided that:

- a. Prior to recording the short plat, the applicant should include the following language on the short plat map: PARCELS IN THIS SHORT PLAT MAY BE SUBJECT TO SEPARATELY RECORDED PRESERVED GROVE COVENANTS.
- b. As a part of the grading and building permit applications, the applicant should submit a Tree Retention Plan consistent with Attachment 6.
- c. Prior to issuance of a Building Permit on a parcel that contains a grove, the applicant should record a Preserved Grove Covenant on a form approved by the City encompassing Tree nos. 4-7. The grove covenant should include an exhibit containing information needed to locate the relevant trees, including:
 - (1) Sizes and species of all trees in the grove;
 - (2) Property lines with bearings and distances;
 - (3) Distances of trees to property lines;
 - (4) Location of the house and other site improvements;
 - (5) A north arrow and scale; and
 - (6) Other information required by the project planner.

VI. 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.

VII. Short Plat Documents – Recordation – Time Limit (KMC 22.20.370)

The short plat must be recorded with King County within five (5) years (November 5, 2030) of the date of approval 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.

VIII. Appendices

Attachments 1 through 8 are attached.

- 1. Vicinity Map
- 2. Short Plat Map
- 3. Development Standards
- 4. Survey
- 5. Arborist Report
- 6. Civil Plans with Tree Retention Plan

7. Public Comments

IX. Parties of Record

Applicant: Jake Drake
Parties of Record
Director of Planning and Building
Department of Public Works
Fire Department