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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Joan Lieberman-Brill, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director
Eric Shields, AICP, Director

Date: March 16, 2011

Subject: THRESHOLD DETERMINATION FOR 2011 PRIVATE AMENDMENT REQUESTS, FILES ZON11-00002, ZON11-00005, & ZON11-00006

RECOMMENDATION

Determine which of the three 2011 Private Amendment Requests shall proceed for further study and when such study shall occur. The Planning Commission (PC) recommendation is provided as Exhibit 1 and is summarized as follows:

1. Altom request to increase permitted residential density in Planned Area 5C:
   PC Recommendation: Do not consider further.

2. Howard request to allow freestanding residential development in and adjacent to the Holmes Point Neighborhood Center:
   PC Recommendation: Do not consider further.

3. MRM Kirkland request to allow residential use and additional height for property in CBD 5:
   PC Recommendation: Proceed to Study in 2012 if sufficient staff and other resources are available.

Note: This agenda item is related to the Planning Work Program, which is a separate item later on the April 19 Council meeting agenda. The number of PARs chosen for review will influence the number of other planning projects that are able to be accomplished.

BACKGROUND DISCUSSION

Process:
The City has a process whereby private parties have the opportunity to submit requests for amending the Comprehensive Plan. Any individual, neighborhood organization, or other group may submit requests. The request may also include amendments to the Zoning Map or Zoning Code. Private Amendment Request (PAR) applications are accepted every other year. The deadline for submitting a request for consideration in 2011 was December 1, 2010. This year, the City received 3 PAR's.

Zoning Code Chapter 140 establishes a two-stage process for the review of these requests. Stage I consists of a "Threshold Determination" process that determines the eligibility of each request for further consideration. Requests that do not meet the criteria, as set forth in KZC 140.20.3, do not proceed to Stage II. Zoning Code Section 140.20 establishing the threshold determination process and criteria is shown in Attachment 1.

The Planning Commission reviews the requests during Stage I and makes a recommendation to the City Council. Stage I does not require a full weighing of the merits of the request or a decision or recommendation on whether the request should ultimately be approved. The purpose of Stage I is to determine whether a request is eligible to proceed to Stage II. The Council has several options when considering PAR's in Stage I depending on available staff resources and the current work program. These include:

- Do not consider further.
- Defer for study to the following year.
- Defer for consideration as part of a future neighborhood plan update.
- Defer for consideration as part of the next major Comprehensive Plan update.

If a determination is made that a request should be studied, the Council also has the discretion to expand the study area.

Stage II entails a full analysis and public review of each request that was determined to be eligible for consideration in Stage I. Stage II includes public notice, preparation of staff analysis, including possible expansion of the study area, and optional draft amendments. Study sessions and a public hearing are held by the Planning Commission leading to a recommendation to the City

Council and final action by the City Council. The Council approves or denies each request as part of the annual City-initiated amendments to the Comprehensive Plan at the end of the year.

Planning Commission Consideration and Recommendation:
The Threshold Determination criteria for Stage I are found in Attachment 1. Maps showing the location of each PAR are in Attachments 2-4. The PAR applications and other background material are found in the Planning Commission staff memorandum prepared for the March 10, 2011 public meeting. A summary of the requests is provided below.

The Planning Commission held a public meeting on March 10, 2011 to review the requests. Comments were received from each proponent, and one member of the audience. The Commission evaluated each proposal against the Threshold Determination criteria and recommended that only one of the three PAR requests proceed to full consideration in Stage II in 2012 – the MRM request.

The Commission's recommendation was based on the criteria set forth in KZC 140.20.3 that includes consideration of the Neighborhood Plan update schedule, the general Planning Work Program, and city resources.

The Commission's recommendation accompanies this memorandum. To summarize, the Planning Commission recommends the following actions on the 2011 PAR's.

1. Do not Consider Further:
   - Altom
   - Howard

2. Proceed to Study Stage in 2012:
   - MRM Kirkland

Furthermore the Commission recommends that as a result of the Altom request, the issue of calculating density based upon building envelope rather than minimum lot size per dwelling unit should be considered city-wide as part of a future work program task or during the next major Comprehensive Plan update.

City Council Consideration:
The Planning Commission presented its recommendations to the City Council at the March 15 joint meeting study session as part of the discussion of the proposed 2011-2013 Planning Work Program. Several Planning Commissioners summarized the rationale behind their recommendation. Follow this link to the study session video.

2011 PRIVATE AMENDMENT REQUESTS

Following is a summary of the three PAR's submitted for consideration in 2011. More complete information for each request is available in the staff memorandum prepared for the Planning Commission's meeting on March 10.

ALTOM

This request is located in the Moss Bay Neighborhood east and adjoining the Park Place property at 220 6th Street and 611 4th Avenue. The applicant requests that the permitted density be increased and based upon the building envelope, rather than the current cap of 24 dwelling units per acre.

The Planning Commission recommended not to consider this further since these two parcels had already been the subject of the Park Place, Orni, and Altom Planned Action just two years earlier and resources would better be allocated to other work program tasks. Discussion focused on the need to address density calculation methods city-wide. The proposal would require amendments to the Comprehensive Plan and Zoning.

HOWARD

This request is located in and adjoining the Holmes Point Neighborhood Center in the Finn Hill Neighborhood at 12035 Juanita Drive NE and 12034 76th Avenue NE. The applicant requests rezoning the commercial and low density residential parcels (respectively) to high density residential and to combine them with an existing lot already zoned high density.

In a letter of April 7, 2011 Mr. Howard offers to reimburse the City for the extra cost of processing his request (attachment 5e). Although staff does not recommend that Mr. Howard's offer should be the primary determinant of whether his PAR is selected for review this year, his offer does raise a legitimate policy question of how much of the cost of processing PARs should be borne by applicants. Currently, fees for processing PARs are minimal - $319.00 for consideration in Stage I and $319.00 for PARs that proceed to Stage II. Should the Council be interested in raising PAR processing fees, an analysis of processing costs could be conducted. Such analysis could be considered as part of the next development fee update which is scheduled to occur in 2012 or 2013. However, if the Council is interested in moving any of the PARs forward this year and having the applicants pay a greater share of the processing costs, a PAR fee analysis could be done immediately. In order for work on PARs not to displace other work program tasks, the PAR fees would need to be dedicated to paying for additional staff time.

The Planning Commission recommended not proceeding with this request. The Commission acknowledged that while it would be ideal to study this request with the Finn Hill neighborhood plan, the plan has yet to be scheduled and waiting indefinitely would be of concern. Therefore, the Commission left open the possibility of re-visiting this PAR in 2013 if the proponent chooses to re-apply for a threshold determination (submittal deadline December 1, 2012). If this occurs the review should also include other commercial parcels in the Holmes Point Neighborhood Center, at least on the west side of Juanita Drive. Otherwise, the Commission recommended reviewing this as part of a broader subarea neighborhood business district plan to be considered for a future work program task if the Finn Hill Neighborhood Plan is not scheduled in a timely fashion. The proposal would require amendments to the Comprehensive Plan land use map and Zoning Map.

MRM KIRKLAND

This request is located at 434 Kirkland Way, which was the site of Kirkland Hardware and more recently Bungie Studios, just south of Park Place. The applicant requests allowing additional residential use on the entire site. Residential is allowed only within 170' of Peter Kirk Park and is limited to 12.5% of the gross floor area of development. The request is also to allow an increase in height from the current maximum of 3-5 stories to 8 stories (but no taller than 100' above Kirkland Way).

The Commission voted 5 to 4 to recommend review in 2012 if staff resources are available. The applicant has indicated that the 2012 time frame is acceptable. The Commission discussed including all CBD 5 properties in this PAR; the advantage of additional residential capacity in the Downtown; and concern over height. The majority felt there is merit to considering this next year due to the proximity to the Park Place development and the need for residential development near to the increased number of employees resulting from the Parkplace redevelopment. A minority of Commission members thought that this PAR would detract from other work program tasks or should wait until the Moss Bay Neighborhood Plan update. The proposal would require amendments to the Comprehensive Plan and Zoning Code.

PUBLIC COMMENT

At the public meeting all PAR applicants spoke as an advocate for their projects. The applicant / co-owner of the Altom PAR spoke in support of the proposal. The owner /applicant of the Howard PAR advocated for that request and clarified that access for the project is proposed to be from Juanita Drive at the intersection of 122nd Place and NE Juanita Drive. One neighbor spoke against the Howard PAR. His focus was to retain the existing zoning on the RMA lot and

not to share the access from 76th Avenue NE with the multi-family proposal. Both the owner and a representative of the MRM proposal spoke in support of the MRM request.

E-mails and letters submitted by the applicants are attached to this memorandum.

Exhibit:

1. Planning Commission Recommendation

Attachments:
1. Threshold Determination Criteria
2. Map Altom
3. Maps Howard
4. Map MRM Kirkland
5. Comment emails/letters from Mr. Howard
6. Comment emails/letters from Mr. Brand

cc: mail list in advantage for each case
John Purfus, john0194@comcast.net

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

MEMORANDUM

Date: **March 11, 2011**

To: **Kirkland City Council**

From: **C. Ray Allshouse, Chair**
Kirkland Planning Commission

Subject: **Planning Commission Recommendation on Private Amendment Requests and Miscellaneous Zoning Code Amendments**

INTRODUCTION

The joint meeting of the Planning Commission and City Council is scheduled for March 15th. At that study session meeting we will be reviewing the proposed Planning Work Program as well as other items for discussion with the Council.

Two of those items that are noted on the Work Program were considered at the Planning Commission meeting of March 10: the **Private Amendment Requests** (Task 1.5) and **Miscellaneous Code Amendments** (Task 3.1). The purpose of this memo is to convey the Planning Commission's recommendation on these items to the City Council.

PLANNING COMMISSION RECOMMENDATION

1. Private Amendment Requests (PAR's)

Three requests were submitted to the City and the Commission's threshold review occurred at our March 10th meeting. Staff provided an overview of each PAR and staff's recommendation. The applicant and interested parties were then provided an opportunity to address the Commission followed by discussion and deliberation. The Planning Commission packet for the PAR's can be viewed at the following link: 2011 Private Amendment Requests. The packet includes detailed descriptions of each request, the location maps and staff analysis.

The following is a brief description of each request and the Commission's recommendation:

Altom PAR

Request

The request is to amend the Comprehensive Plan and zoning in the PLA 5C zone to allow increased density and reduction of setbacks. The properties are at 220 6th Street

and 611 4th Avenue (located on the east side of 6th Street across from Park Place and west of the post office). These properties were part of the Park Place, Orni and Altom Planned Action. The zoning for the Altom property was changed to allow increased height but with a residential density limitation of 24 units per acre. The applicant has requested that density be determined by the height and bulk of the building rather than a specific number of units per acre. This is similar to properties in the CBD.

Planning Commission Recommendation
Staff had recommended this be considered in 2011. The Planning Commission reviewed the proposal and on a vote of 6 to 2 with one abstention recommends this not be studied further. The Planning Commission reasoned that these properties were studied extensively through the previous PAR request as part of the overall Planned Action amendments and that it would not be correcting an inconsistency. The Commission was also concerned that it would require time and resources that would be better allocated to other work program tasks.

Howard Request
Request
The request is for a change to the Comprehensive Plan land use map and zoning for two parcels in the Finn Hill Neighborhood. The request is to change one parcel from commercial (BNA) to high density (RMA 2.4) and one parcel from low density (RSA 6) to high density (RMA 2.4). The applicant also owns a third adjacent parcel already zoned high density. The properties are located at 12035 and 12203 Juanita Drive and 12034 76th Avenue just north of the Finn Hill Fire Station.

Staff had recommended this be considered in 2012 provided staff resources are available. The Planning Commission discussed the request and voted 8 to 1 not to consider this further. The Commission felt that it would be appropriate to undertake a neighborhood plan prior to considering revised zoning for this area. The Commission asserted that this request needs to be addressed as part of the neighborhood plan or at least a subarea neighborhood business district plan if resource constraints preclude undertaking the neighborhood plan in a timely fashion.

MRM Kirkland
The request is to change the Comprehensive Plan and zoning for the property located at 434 Kirkland Way – property south of the Park Place shopping center and the former site of Bungie Studios and Kirkland Hardware. The proposal is to allow additional residential on the entire site rather than the current limit of 12.5% of the gross floor area and to allow a height of 100’ rather than the current maximum of 3-5 stories.

The staff recommended that this request could be reviewed in 2012 if staff resources were available. The applicant indicated that this would be acceptable. The Commission had considerable discussion on this request. Several members expressed strong support for additional residential development on this property with concern over acceptable height limitations. Members opposing the staff recommendation expressed a belief that it will detract from other tasks or should be considered as part of the Moss Bay Neighborhood Plan update. In the end the Commission voted 5-4 to recommend this be studied in 2012.

2. Miscellaneous Zoning Code Amendments.

The Planning Work Program identifies a task (3.1) to undertake a variety of amendments to the Zoning Code. The Planning Commission reviewed this in more detail at its March 10th meeting. The staff memo to the Commission and the list and sequencing of all of the proposed amendments can be viewed at the following link: Zoning Code Amendments.

Staff recommended groups of amendments be considered in 2011. The B-1 group involves minor corrections or clarifications having little or no policy implications. This group of amendments would go through a Process IV-A and would be considered first (these do not involve the Planning Commission). The B-2 group would involve substantive items and would be reviewed by the Planning Commission. Staff recommended that this consist of one item – ground floor uses in commercial zones outside the CBD which could start with the Totem Lake regulations (Task 3.2).

The Commission also heard from several residents with the request that regulations governing the keeping of chickens be amended to allow chickens on smaller lots in residential areas. The Commission agreed that this should be studied with the B-2 group of amendments and that another item involving clarifications to and reformatting of equestrian regulations be moved from the B.1 to the B.2 group. In addition, the Commission recommended moving to the B.2 group from the C group (items to be reviewed in 2012 or later) an examination of required review processes for land use decisions to determine if decisions now requiring a Hearing Examiner decision could be changed to a Planning Director or Planning Official decision. The Commission discussed staff's approach to the code amendments and agreed with the staff recommendation as follows:

- Process the B-1 group of minor code amendments first
- Take up four items in the B-2 group later in the year
- Consider the other amendments in 2012 or later

A listing of the proposed code amendments in the B.1 and B.2 groups to be reviewed in 2011 is attached.

140.20 Threshold Determination for Citizen-Initiated Proposals

1. General – The Planning Department can establish a deadline for submitting citizen-initiated proposals. Applicants will be required to submit an application, a review fee and any other pertinent information determined necessary to consider the request. The citizen-initiated proposals shall only be considered in conjunction with the City's regular review of the Comprehensive Plan described in KZC 140.45.

2. Process – Citizen-initiated proposals require a two-step review process using Process IV described in Chapter 160 KZC:

   a. A threshold review to determine those proposals that are eligible for further consideration; and

   b. A final decision.

3. Criteria – The City shall use the following criteria in selecting proposals for further consideration. Proposals must meet subsection (3)(a) of this section, and either subsection (3)(b) or (3)(c) of this section:

   a. The City has the resources, including staff and budget, necessary to review the proposal; and

   b. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan; or

   c. All of the following:

      1) The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and

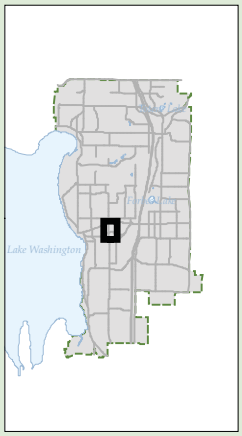
      2) The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process; and

         a) The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two years); and

         b) The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two years).

ATTACHMENT 2

ALTOM PRIVATE AMENDMENT REQUEST- ZON11-00002



Vicinity Map

0 5,800 11,600 17,400
Feet

Map Legend

- Tax Parcel Boundaries
- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space

0 60 120 180
Feet

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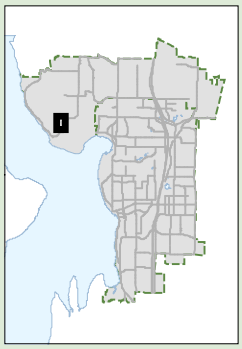
-Print Date: 2/28/2011

Request:
Change Comprehensive Plan and Zoning to Permit Increase in Density for Multi-family Use in PLA 5C

NE 85TH ST
WAY
6TH ST
PLA 5C
Central Business District
5A
4TH AVE
PLA 5B
PLA 5A
2ND AVE
BD 5
KIRKLAND WAY
PUD
RM 2.4
PUD
RM 3.6
2.4
KIRKLAND AVE

HOWARD PRIVATE AMENDMENT REQUEST- ZON11-00005

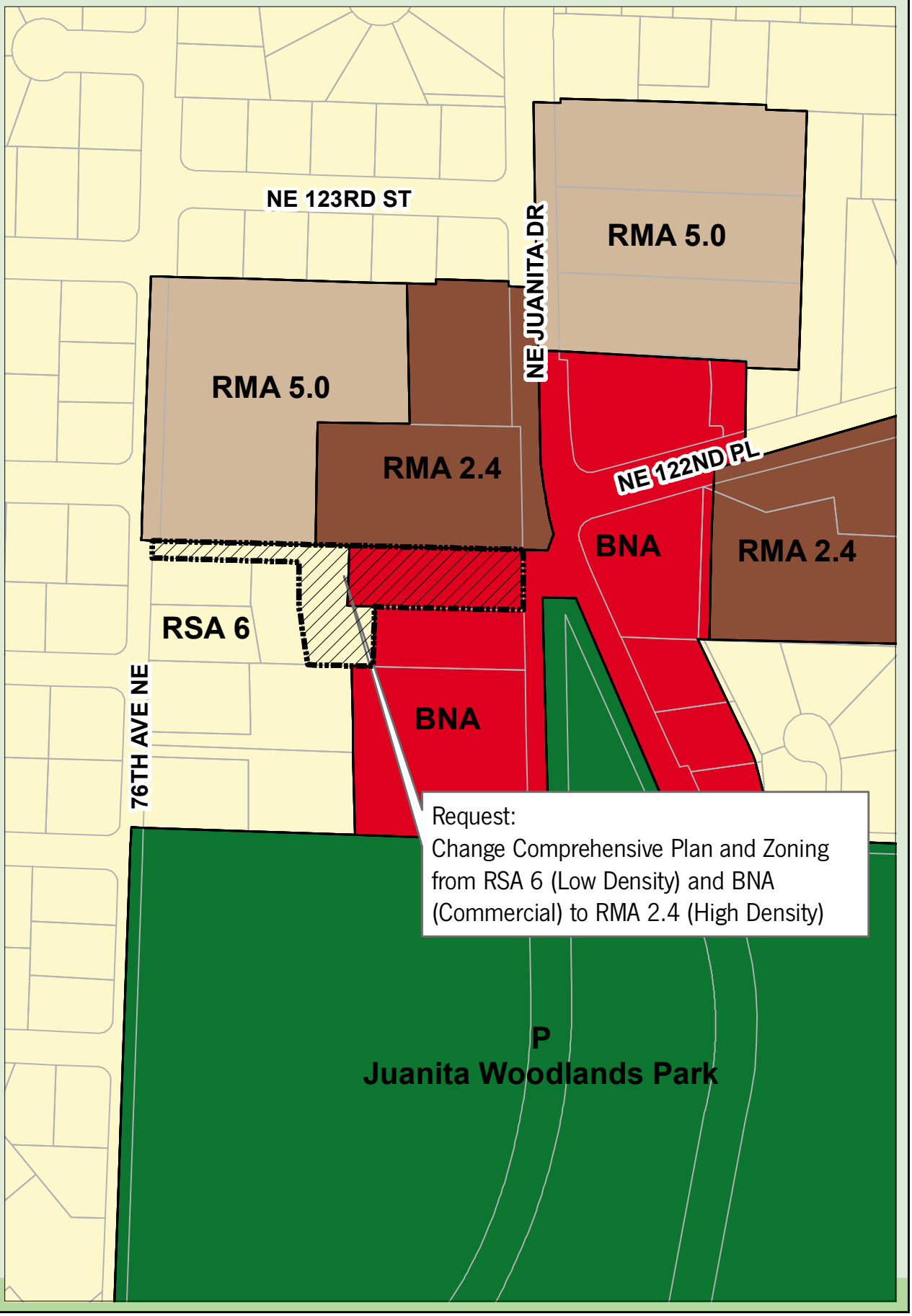


Vicinity Map

0 7,400 14,800 22,200
Feet

Map Legend

- Tax Parcel Boundaries
- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space



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Feet

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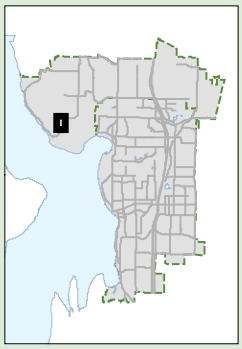
-Print Date: 3/23/2011

HOWARD PRIVATE AMENDMENT REQUEST- ZON11-00005



Vicinity Map

0 7,300 14,600 21,900
Feet

Map Legend

- Tax Parcel Boundaries
- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
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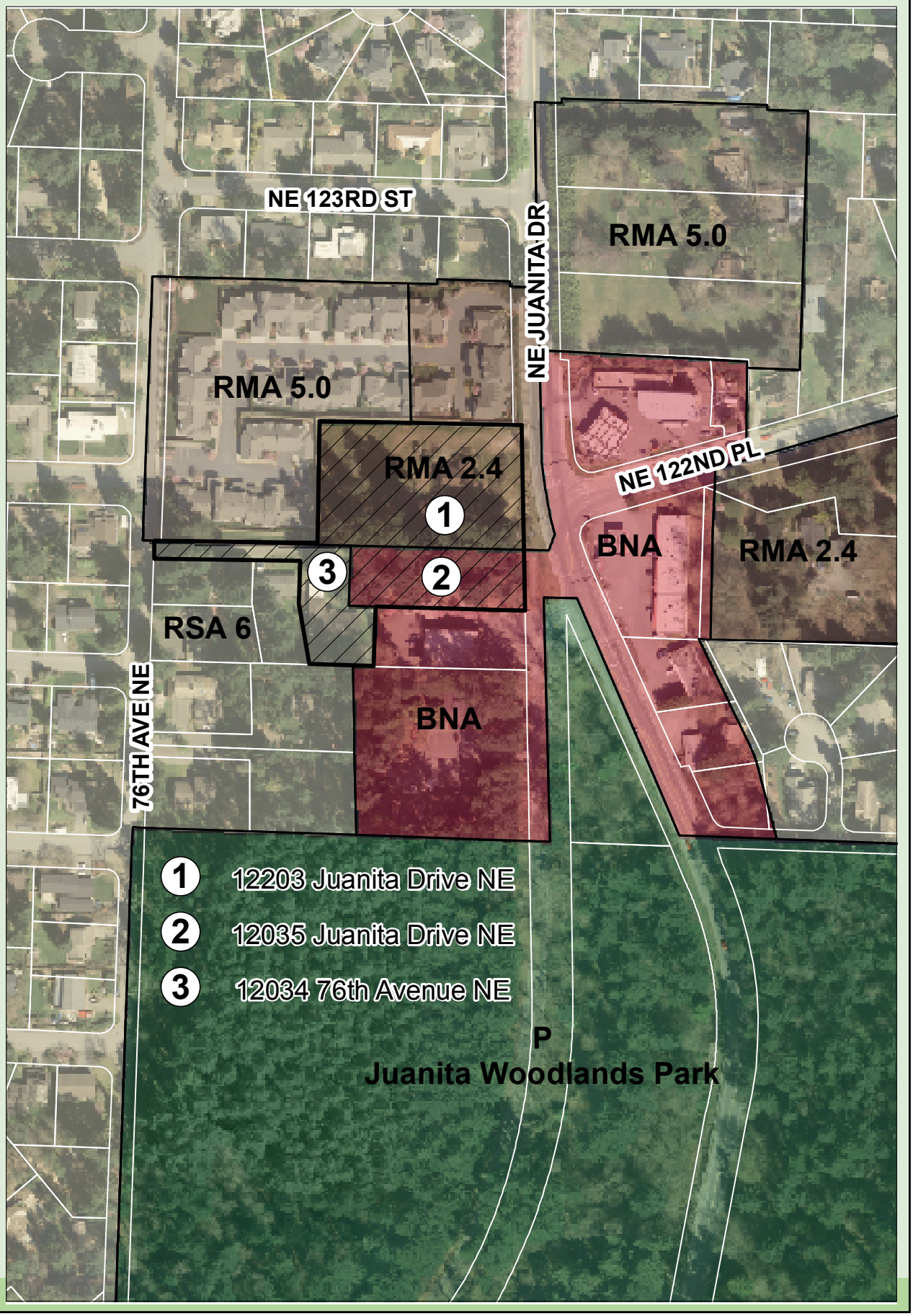

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-Print Date: 3/23/2011

iMAP

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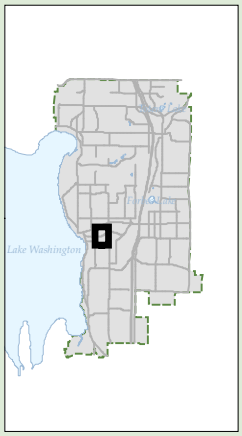
King County

Date: 9/27/2010 Source: King County iMAP - Property Information (http://www.metrokc.gov/GIS/iMAP)

ATTACHMENT 3C

ATTACHMENT 4

MRM KIRKLAND PRIVATE AMENDMENT REQUEST- ZON11-00006



Vicinity Map

0 5,900 11,800 17,700
Feet

Map Legend

- Tax Parcel Boundaries
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-Print Date: 2/28/2011

CBD 5A

Request:
Change Comprehensive Plan and Zoning to Permit 8 Stories and Multi-family as Primary Use on Property in CBD 5

Central Business District

P
ter Kirk
Park

CBD 5

2ND AVE

RM 2.4
PUD

KIRKLAND WAY

PR 2.4

CBD 3

ide

PLA 6J

RS

4TH ST S

PUD

RM 3.6

3RD AVE S

PLA 6D

From: Joan Lieberman-Brill
To: Amy Walen; Bob Sternoff; Dave Asher; Doreen Marchione; Janet Jonson; Jessica Greenway; Joan McBride; Penny Sweet;
cc: Andrew Held; Byron Katsuyama; C. Ray Allshouse; C. Ray Allshouse; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller;
Subject: FW: Questions
Date: Tuesday, March 15, 2011 10:18:51 AM

Dear City Council and Planning Commission Members,
The email below was received from the proponent of the Howard Private Amendment Request to the Comprehensive Plan, which will be considered tonight at your joint Planning Commission/City Council study.

Joan Lieberman-Brill, AICP
Senior Planner
Kirkland Planning and Community Development
425-587-3254
jbrill@ci.kirkland.wa.us
Tues - Thurs
Please don't print this e-mail unless you really need to. Reuse, Reduce,Recycle.

From: Jeffrey S. Howard [mailto:1oldiron@comcast.net]
Sent: Friday, March 11, 2011 9:53 AM
To: Jon Regala
Subject: Questions

Hi Jon:

I was rather surprised at the Planning Commission hearing last night. I assumed the request would be looked at seriously with substantial questions and the opportunity to explain the reasoning. Unfortunately the initial recommendation from Staff was to hold off till 2012. Then the Commission kicked the can down the road another year or more beyond that – making a decision to not make any decision until after the annexation and maybe even after some Neighborhood Plan far off in the future. A couple PC members wanted the entire consideration held off until the final fate of the fire station is decided. That could stretch out years.

I had absolutely no opportunity to respond to the deliberations, was asked no further questions after my initial presentation, and there was no – none whatsoever - serious considerations of the benefits to the City, the Community, nor to the prospect of greatly increasing the tax base of the property in the near future. Only one citizen spoke in opposition and the only reason he was there is that I personally called him and informed him about the hearing as a courtesy. I knew he would object, but I did not want to have to fight with him later if he thought I was trying to pull something behind his back.

If I had been given the opportunity to discuss the project seriously with the Planning Commission, I could have offered to alleviate my neighbor's concerns about the requested re-zone of the property next to his. If I could place the play area and the storm water vault on my western lot w/o re-zoning it, that solution would work. With such an assurance from the PC, I would have happily withdrawn that part of the request – leaving only the re-zone of the business parcel to be discussed.

No one had any reasons or objections to re-zoning the south parcel from business to residential because of the shape and access limitations. However the Staff wanted to study the adjoining two parcels to the south as part of an evaluation of the viability of business zoning on the west side of Juanita Drive. This basically put my request on ice indefinitely. It was mentioned that I should start all over again next year with the application.

Neither the Staff nor the PC took into consideration the near term benefits to all concerned – the neighborhood, the City, the

economy, or the jobs picture. I have owned and fed this vacant property for several years and it has only gone down in value over that time. I have a builder with financing lined up ready to go. I am ready and willing to put dozens of people to work on good paying local jobs, create relatively affordable housing, and substantially increase the City's tax base. I want to turn these vacant parcels of unutilized land into an attractive residential community that meshes with the adjacent neighborhoods instead of clashing with them.

Can you, I, and some of your staff meet in the very near future to discuss this? The City Council/Planning Commission meeting to weigh the PC recommendations is next week, I believe. Is there any way I can re-introduce and/or modify this request in hopes that several years of additional delays are not incurred?

This is one of the few times that an owner's plans and the neighbors' preferences are basically the same. The neighbors do not really want a biker bar or Burger King going in on that little sliver of commercial property. However if long delays force me to sell the properties as-is, a future owner might well do something entirely different than what I have proposed.

Thanks,

Jeff

From: Joan Lieberman-Brill
To: City Council; Andrew Held; Byron Katsuyama; C. Ray Allshouse; C. Ray Allshouse; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller;
Subject: FW: PA follow-up
Date: Tuesday, March 15, 2011 12:31:40 PM

Dear City Council and Planning Commission Members,

Here is another email from the proponent of the Howard Private Amendment Request to the Comprehensive Plan, which will be considered tonight at your joint Planning Commission/City Council study.

Joan Lieberman-Brill, AICP
Senior Planner
Kirkland Planning and Community Development
425-587-3254
jbrill@ci.kirkland.wa.us
Tues - Thurs
Please don't print this e-mail unless you really need to. Reuse, Reduce,Recycle.

From: Jeffrey S. Howard [mailto:1oldiron@comcast.net]
Sent: Tuesday, March 15, 2011 12:17 PM
To: Joan Lieberman-Brill
Subject: PA follow-up

Hi Joan:

Thank you for your patience and the explanations you provided on the phone this morning.

I know it was nearing the end of a long evening for the Planning Commission when the Howard, LLC Private Amendment Request was discussed. In the brief remarks heard by the Commission, the only objection to a portion of the plan was from the neighbor to the west, Mr. John Purpus. He was not in favor of a re-zone on the parcel adjacent to his from RSA 6 to RMA 2.4. This is understandable from his point of view.

There were no general objections from Staff or the Commission

on the request to re-zone the business parcel to RMA 2.4. It is a difficult to access, narrow parcel that no matter what is done to improve access would still suffer from severe drawbacks as a business location. Staff's main concern was the preference to study all three business properties west of Juanita Drive at one time, preferring a 2012 time frame.

Due to time considerations and the large load of agenda items on the Planning Commission schedule that evening, very little time was available to examine the pros and cons of the PMA. There was no time for any give and take on which perhaps some agreement in principle could have been reached on the scope and desirability of the project.

Per our discussion this morning, I would happily drop the zoning request on the RSA 6 lot if developing it within the existing zoning can be done. This would serve two purposes. First, it would eliminate my neighbor's main objection to the plan. Second it would focus the re-zone request to one insignificant, unused parcel with little or no hope for successful development under business zoning.

There are three significant reasons I would prefer to see this request acted upon during the current planning and Comp Plan cycle:

1. Residential development of the properties is the best fit for the west side of Juanita Drive. It meshes with the existing neighborhood and does not place a commercial establishment of any kind wedged in against current residential areas.
2. The current tax base of both vacant properties is at a minimum. Placing small, relatively affordable homes on them

instantly increases the tax revenues flowing to Kirkland as additional support for the costs of the Annexation.

3. In the current economic situation, anything that creates jobs now and increases commerce in any way is a benefit to the entire area. Financing and a quality builder are lined up for the project. Developing and building sooner rather than later will employ dozens of people from laborers to craftsmen. Their presence on site for months will also generate revenue for the several businesses across the street during construction.

The Sinclair Town Homes borders the properties on two sides. My architect and I have attended their board meetings and familiarized them with the plans. We have included a few changes and upgrades to alleviate any concerns about privacy and preserving a couple lovely trees. The former rental house and unused structures along with debris from garbage to stolen cars have been removed – eliminating a potential public nuisance. The two homes to the west are currently on septic tank based, on-site sewage systems. The development of the properties will provide city sewage stubs to eliminate the on-site installations before they fail and lead to contamination.

This is a situation whereby the proposed development is the preferred objective for the majority of nearby property owners. The business folks on the east would probably prefer no additional competition – especially in today's economy. Time is of the essence as far as job creation goes. If this plan has to wait year after year for serious consideration, those jobs will not be created when the economy needs them most.

Thanks again for your time this morning. As I mentioned to you,

dealing with the City of Kirkland is a breath of fresh air compared to some other cities and municipalities.

Jeff Howard

From: Jeffrey S. Howard
To: Joan Lieberman-Brill;
Subject: RE: City Council Threshold Determination Final Action on the 2011 Private Amendment Requests
Date: Wednesday, March 16, 2011 4:34:36 PM

Thanks Joan:

I did speak at the Council meeting last evening, but there were no questions or any opportunity to explain why this PAR might make sense to the City. They were immediately on to other agenda items.

I did get a chance to speak with Eric briefly and he was well aware of the commercial limitations of the subject property. He may have a chance to show the Council when they tour the annexation area in a couple weeks.

Mr. Asher of the Council was the only one who seemed to voice an opposing opinion to losing any commercial property. He stated so in the joint meeting. Of course the practicability of generating business revenue off this little, near landlocked parcel, was not brought up. Another member mentioned that the City did not want to go and mess up neighborhoods with re-zoning. However there are currently no active retail or service businesses on the west side of Juanita Drive and placing one on my property would probably adversely affect adjacent residential property values. A third member mentioned they were looking for "innovation". That is exactly what I am proposing – small detached, relatively affordable and attractive homes on two pieces of property that are currently generating almost no tax revenue.

As I mentioned before, this project will create jobs for months just when they are needed most. The paper this morning had figures that showed that Washington's unemployment rate is/was higher than previously estimated. It is above the national average.

I am not familiar with all the aspects that go into studying such a proposal and how much staff time would be involved. From my simple point of view, a person would only have to walk the lot, observe the surrounding residential neighbors, and realize that the zoning is a misfit. It only came about because there was a barber shop there a half century ago when Juanita Drive was a bucolic, little traveled road, with easy on and off access at any point. Those days are long gone.

Any design and engineering costs would be borne by the property owner and the City departments would only have to examine and mark up the plans. The permitting costs should cover most of that work.

My interactions with the adjacent property owners have been positive. The neighbor to the west of the flag lot has been sort of difficult occasionally, but dropping the idea of messing with the lot next to his should mollify him to some extent. I will contact the neighbors and see what their thoughts are and perhaps get something in writing from them supporting this plan.

Thank you again for your attention to this matter. It is nice to be doing business with a City that has such professional folks in the organization.

Jeff

From: Joan Lieberman-Brill [mailto:JLiebermanBrill@ci.kirkland.wa.us]
Sent: Wednesday, March 16, 2011 4:05 PM
To: Rhoda; Jeffrey S. Howard; Brian Brand
Subject: City Council Threshold Determination Final Action on the 2011 Private Amendment Requests

Dear Ms. Altom, Mr. Howard, and Mr. Brand,

The City Council will take final action on the threshold determination for all three PAR's on April 19, 2011. The public meeting begins at 7:30 in the City Council Chamber. You will receive an electronic link to the agenda and staff memorandum prior to the meeting. If you wish to have written comments included in the staff memorandum, please provide them to me no later than March 31st. You may also present them at the meeting. You will have an opportunity to make oral comments during the "items from the audience" portion of the agenda, which is fairly early in the meeting. They set a limit of 3 minutes for each speaker.

Sincerely,
Joan

Joan Lieberman-Brill, AICP
Senior Planner
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Jeff Howard 16350 NE 51st St. Redmond, Washington 98052

One of the Private Amendment requests the Planning Commission saw last week was my proposal to re-zone a couple small properties at the intersection of Juanita Drive and Holmes Point Drive.

The Planning Staff advanced the idea of including the study of my small lot in with two nearby ones and doing so for the 2012 cycle. The Planning Commission preferred to hold off considering the request until 2012, or a neighborhood plan was enacted, or the fire station question settled. These variables could string out years.

One neighbor objected to the re-zone of the parcel next to his. With a slight design tweak, this re-zone can be taken off the table and forgotten, and I am willing to do so. That leaves one sliver of business zoned property with inadequate dimensions and road orientation for commercial use. It would be far better for the community and the development potential if it were to be zoned residential.

There are three significant reasons I would prefer to see this request acted upon during the current Comp Plan cycle:

1. Residential development of the properties is the best fit for the west side of Juanita Drive. It meshes with the existing neighborhood and does not place a commercial establishment of any kind wedged in against current residential areas.
2. The current tax base of both vacant properties is at a minimum. Placing small, relatively affordable homes on them instantly increases the tax revenues flowing to Kirkland as additional support for the costs of the Annexation.
3. In the current economic situation, anything that creates jobs now and increases commerce in any way is a benefit to the entire area. Financing and a quality builder are lined up for the project. Developing and building sooner rather than later will employ dozens of people from laborers to craftsmen. Their presence on site for months will also generate revenue for the several businesses across the street during construction.

The Sinclair Town Homes borders the properties on two sides. My architect and I have attended their board meetings and familiarized them with the plans. We have included a few changes and upgrades to alleviate any concerns about privacy and preserving some lovely trees. The former rental house and unused structures, along with debris from garbage to stolen cars have been removed – eliminating public nuisance. The two homes to the west are currently on septic tanks. The development of the properties will provide city sewage stubs to eliminate the on-site installations before they fail and lead to contamination.

This is a situation where the proposed development is the preferred objective for the majority of nearby homeowners. Time is of the essence as far as job creation goes. If this plan has to wait year after year for serious consideration, those jobs will not be created when the economy needs them most.

T. T. Howard, LLC

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7 APR 10

To: Kirkland City Council
Kirkland Planning Commission
Kirkland Planning Department

From: Jeffrey S. & Thuan T. Howard

Subject: Private Amendment Request – Howard LLC

On March 10th, the Planning Staff made a recommendation to the Planning Commission to put off considering this PAR due to budget and staffing limitations. The Planning Commission had a short discussion and forwarded that same recommendation to the City Council.

When we purchased the property, it was obvious that its commercial zoning would be very difficult to exploit and that a re-zone to high density residential would make the most sense for a number of reasons. The process would have been quite Byzantine at the County level, so it was decided to await the upcoming annexation and pursue it through the City of Kirkland, which has a much more efficient track record in dealing with development issues.

Now, due to budget and staff constraints, this PAR is being threatened with delay for an additional two years.

We would like to propose to reimburse the City for staff time and materials as needed to include the necessary studies of this request within the present cycle if such an arrangement is possible and legal. Getting a definite up or down decision on this request within the present planning period will allow us to apply for permits and get the project in the pipeline the minute they are issued.

This development will create dozens of jobs for many months, create additional economic activity for nearby businesses, and increase the City's tax base – all within a time when all three of these effects are most needed by all concerned.

Respectfully Submitted,

Jeffrey S. Howard

From: Joan Lieberman-Brill
To: City Council; Andrew Held; Byron Katsuyama; C. Ray Allshouse; C. Ray Allshouse; George Pressley; Glenn Peterson; Jay Arnold; Jon Pascal; Karen Tennyson; Mike Miller;
Subject: FW: PA follow-up
Date: Tuesday, March 15, 2011 12:31:40 PM

Dear City Council and Planning Commission Members,

Here is another email from the proponent of the Howard Private Amendment Request to the Comprehensive Plan, which will be considered tonight at your joint Planning Commission/City Council study.

Joan Lieberman-Brill, AICP
Senior Planner
Kirkland Planning and Community Development
425-587-3254
jbrill@ci.kirkland.wa.us
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From: Jeffrey S. Howard [mailto:1oldiron@comcast.net]
Sent: Tuesday, March 15, 2011 12:17 PM
To: Joan Lieberman-Brill
Subject: PA follow-up

Hi Joan:

Thank you for your patience and the explanations you provided on the phone this morning.

I know it was nearing the end of a long evening for the Planning Commission when the Howard, LLC Private Amendment Request was discussed. In the brief remarks heard by the Commission, the only objection to a portion of the plan was from the neighbor to the west, Mr. John Purpus. He was not in favor of a re-zone on the parcel adjacent to his from RSA 6 to RMA 2.4. This is understandable from his point of view.

There were no general objections from Staff or the Commission

on the request to re-zone the business parcel to RMA 2.4. It is a difficult to access, narrow parcel that no matter what is done to improve access would still suffer from severe drawbacks as a business location. Staff's main concern was the preference to study all three business properties west of Juanita Drive at one time, preferring a 2012 time frame.

Due to time considerations and the large load of agenda items on the Planning Commission schedule that evening, very little time was available to examine the pros and cons of the PMA. There was no time for any give and take on which perhaps some agreement in principle could have been reached on the scope and desirability of the project.

Per our discussion this morning, I would happily drop the zoning request on the RSA 6 lot if developing it within the existing zoning can be done. This would serve two purposes. First, it would eliminate my neighbor's main objection to the plan. Second it would focus the re-zone request to one insignificant, unused parcel with little or no hope for successful development under business zoning.

There are three significant reasons I would prefer to see this request acted upon during the current planning and Comp Plan cycle:

1. Residential development of the properties is the best fit for the west side of Juanita Drive. It meshes with the existing neighborhood and does not place a commercial establishment of any kind wedged in against current residential areas.
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Jeff Howard