



CITY OF KIRKLAND

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

MEMORANDUM

To: David Ramsay, City Manager

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

Date: December 4, 2008

Subject: Nakhjiri Private Amendment Request (ZON07-00010)

RECOMMENDATION

Adopt enclosed ordinance 4157 to approve the Nakhjiri Private Amendment Request.

BACKGROUND DISCUSSION

In addition to the Nakhjiri Private Amendment Request (PAR), the following proposals make up this cycle of annual amendments to the Comprehensive Plan and Zoning Code and Map. All will be considered for adoption by separate ordinances on December 16, 2008:

- City initiated Comprehensive Plan Amendment – approved by intent to adopt Resolution 4696
- Nakhjiri Private Amendment Request – approved by Intent to Adopt Resolution 4699
- Hart Private Amendment Request and Totem Lake 9 city initiated Comprehensive Plan Amendment – approved by Intent to Adopt Resolution 4704
- South Kirkland Park and Ride city initiated Comprehensive Plan Amendment – (discussed by City Council at the December 2 meeting)
- Costco Private Amendment Request – (discussed by City Council at the December 2 meeting)

This memorandum addresses the Nakhjiri amendment only. On May 6, 2008, the City Council unanimously adopted Resolution 4699. This resolution established the Council's intent to adopt the proposed revisions to the Comprehensive Plan and Zoning Map into a final adopting ordinance on December 16th. All amendments adopted with [Resolution 4699](#) are attached to the ordinance the Council will be considering for adoption on December 16.

Nakhjiri PAR Background Information

The request is to change the land use designation and zoning of parcels located at 106 and 138 5th Avenue and intervening alley (owned by the City) from RS 5.0 at 9 dwelling units per acre (low density residential) to Planned Area 7A (PLA 7A) at 18 dwelling units per acre (high density residential) so that the zoning boundary line between the RS 5.0 zone and the PLA 7A zone is

extended westward midblock between 5th and 6th Avenues to First Street and includes the entire Kirkland Congregational Church (KCC) site. The Nakhjiri parcel is located at 138 5th Avenue and is the former site of the American Legion Hall. The current owners purchased the property in 2006 and would now like to remove the structure to construct a duplex on the site. The Kirkland Congregational Church is located at 106 5th Avenue. The Church would like to have the future option to replace its existing parking lot with low-income housing units over underground parking. The Church has no immediate plans or schedule for redevelopment.

The Planning Commission unanimously recommended approval of the Nakhjiri private amendment request (PAR) and against the KCC request; 5 in favor and 2 opposed. The Planning Commission's recommended amendment to the Zoning Map and Comprehensive Plan Land Use Map implementing this change, which was confirmed by City Council in the "Intent-to-Adopt" Resolution 4699, is attached as Exhibit A to the ordinance.

While the Nakhjiri rezone should have been considered during the 2006 Norkirk Neighborhood Plan update, the Commission concluded that the logical zoning boundary between low density and PLA 7 is the city owned alley abutting and to the east of the Nakhjiri property. The rezone will result in continuity between the subject property and those parcels immediately to the east and south currently zoned PLA 7A (high density).

The Planning Commission recommended against the KCC request. While the majority of the Commission was sympathetic to the Church's mission and was in support of affordable housing, it felt that the speculative nature of such a fundamental land use change in an area that encroaches into single family would be disingenuous in light of the recently adopted Norkirk Neighborhood Plan.

Resolution 4699, adopted on May 6, 2008, expressed the Kirkland City Council's intent to adopt this PAR later this year. Council directed the effective date to implement the request be delayed until 2009 to provide at least two years from the adoption date of the Norkirk Neighborhood Plan update, which was on Dec. 12, 2006, and to provide time for the Heritage Society or another interested party to work on saving the American Legion building. The final ordinance will set the effective date as May 6, 2009, one year from the date of the adopted Resolution of Intent 4699.

Meetings Associated with the Project

Links to staff memorandums, minutes, and audio/video recordings for all City Council and Planning Commission meetings associated with this proposal, including the City Council adoption of the Resolution of Intent to Adopt 4704, are provided below:

May 6, 2008 [City Council intent to adopt resolution 4699 meeting memo](#) and [minutes and video](#)

April 1, 2008 [City Council meeting minutes and video](#)

March 18, 2008 [City Council meeting memo](#) and [minutes and video](#)

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January 24, 2008 [Planning Commission Public Hearing Memo](#) and [minutes and audio](#)

October 11, 2007 [Planning Commission Study Session Memo](#) and [minutes and audio](#)

August 23, 2007 [Planning Commission Study Session Memo](#) and [minutes and audio](#)

Decisional Criteria for Amending the Comprehensive Plan

Follow this [link](#) to view pages 6 through 7 of the March 5, 2008 City Council meeting memorandum for analysis of the decisional criteria for the Nakhjiri PAR.

SEPA Compliance

State Environmental Policy Act (SEPA) materials for the Hart PAR are available for viewing by following this link to the [Planning Commission January 24 Public Hearing Memo](#), and scrolling down to page 2.

Public Process

In addition to notifying the Seattle Times, the Norkirk Neighborhood Association and the Chamber of Commerce, property owners within 300 feet of the study area were mailed notice and two public notice signs were erected in front of the study area. Additionally, the list serve for the Norkirk Neighborhood Plan update was used to email all subscribers the public notice. All memorandums prepared through the public hearings, were available for viewing on the [project website](#). Additionally, the project website advertised the meeting schedule.

The City Council began the annual review of 2007 – 2008 Private Amendment Requests (PAR's) to amend the Comprehensive Plan on July 17, 2007. At that time, the Council received a Threshold Determination recommendation from the Planning Commission to include the Nakhjiri PAR with those PAR's that met eligibility criteria to proceed to Stage Two review, which entails full analysis and public review. The Council concurred with the Commission's recommendation and directed staff and the Planning Commission to proceed with the Stage Two review. Additionally, based upon a written request from the Pastor at the Kirkland Congregational Church, at their August 7, 2007 meeting the Council directed that the study area be expanded to include a larger area located at 106 5th Avenue, adjoining the American Legion site.

The Planning Commission held two study sessions (August 23 and October 11) leading up to the public hearing on January 24, 2008. A total of 19 neighboring residents provided input either in letter format or spoke at the study sessions and public hearing, expressing their concerns and/or support regarding the proposed changes.

cc:

CC: ZON07-00010

Planning Commission

Mehdi Nakhjiri, 10420 NE 55th Street, Kirkland, WA 98033

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Youssef Parast, 1534 4th St, Kirkland, WA 98033 parast@comcast.net

Melody B. McCutcheon, HCMP, 500 Galland Building, 1221 Second Ave., Seattle, WA 98101

mbm@hcmp.com

Reverend Dr. Walter John Boris, Pastor, Kirkland Congregational Church, United Church of Christ,
106 Fifth Ave., Kirkland, WA 98033

Norkirk Neighborhood Association

Kirkland Chamber of Commerce

ORDINANCE NO. 4157

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS A RESULT OF THE NAKHJIRI PRIVATE AMENDMENT REQUEST ORDINANCE 3481 AS AMENDED, AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00010.

WHEREAS, the Growth Management Act (GMA), RCW 36.70A.215, mandates that the City of Kirkland review, and if needed, revise its Comprehensive Plan and its official Zoning Map pursuant to RCW 36.70A.130; and

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission to amend the Kirkland Land Use Map Figure LU – 1, and the Norkirk Land Use Map Figure N-4 of the Comprehensive Plan for the City, Ordinance 3481 as amended, and the Zoning Map, Ordinance 3710 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated March 5, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00010; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on January 24, 2008, a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA, there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents, issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and

WHEREAS, Council directed the effective date to implement the request be delayed until 2009 to provide at least two years from the adoption date of the Norkirk Neighborhood Plan update, which was on December 12, 2006, to provide time for the Heritage Society or another interested party to work on saving the American Legion building; and

WHEREAS, the effective date of the Comprehensive Plan Map and Zoning Map amendments established by this ordinance will be May 6, 2009, one year from the date of the adopted Resolution of Intent 4699; and

WHEREAS, the Growth Management Act, RCW 36.70A.130, requires the City to review all amendments to the Comprehensive Plan concurrently and no more frequently than once every year;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Comprehensive Plan and Zoning Map Amended: The Comprehensive Plan, Ordinance 3481 as amended, and Zoning Map, Ordinance 3710 as amended, are hereby amended as set forth in Exhibit A attached hereto and by this reference incorporated herein as though fully set forth.

Section 2. Official Map Change: The Director of the Department of Planning and Community Development is directed to amend the official City of Kirkland Zoning Map to conform with this ordinance, indicating thereon the date of the ordinance passage.

Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date for Amendments and Map Changes: The Comprehensive Plan and Zoning Map Amendments established in this ordinance shall go into effect as of May 6, 2009.

Section 5. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 6. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2008.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2008.

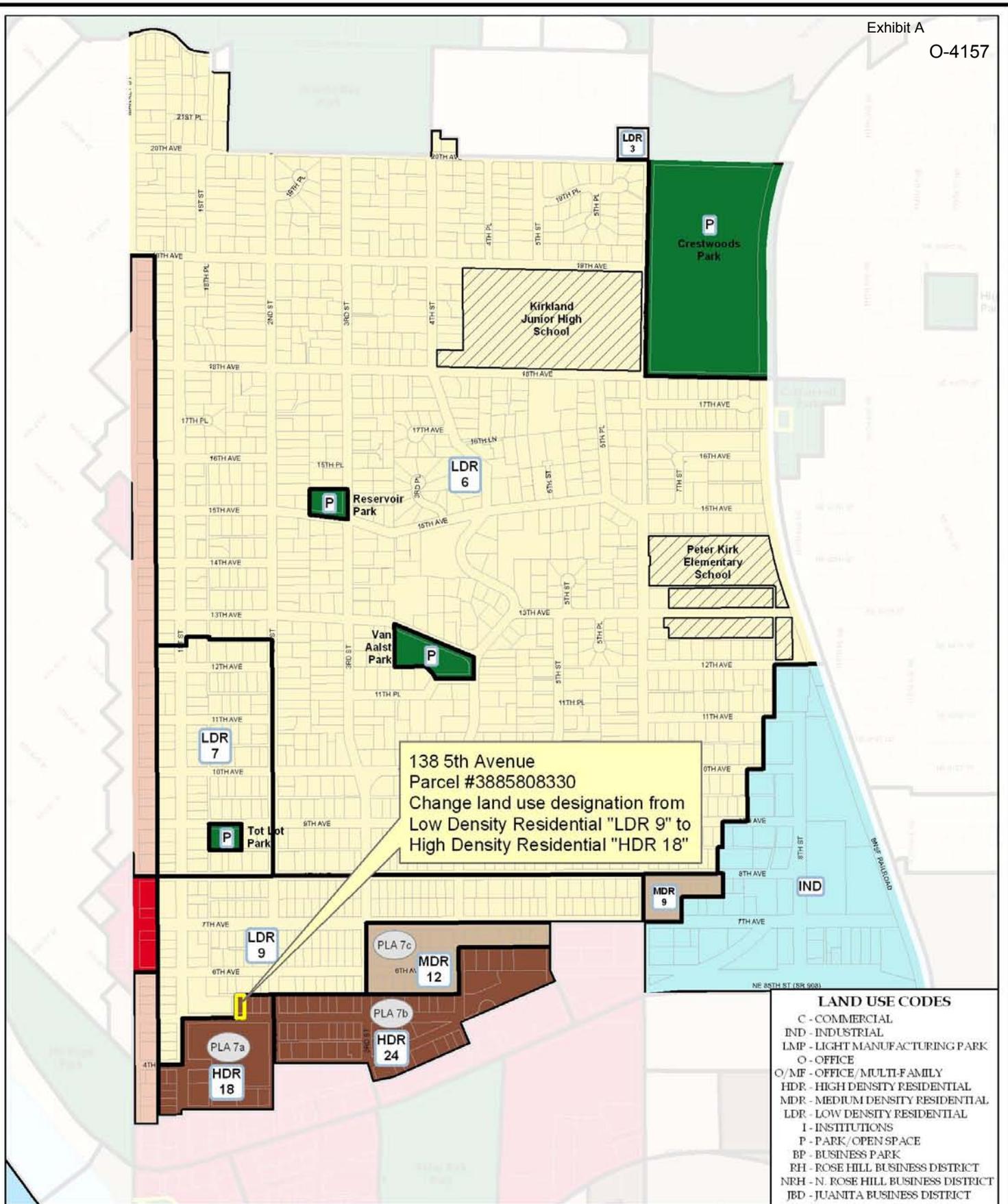
Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney



LAND USE CODES

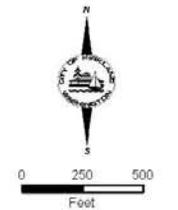
- C - COMMERCIAL
- IND - INDUSTRIAL
- LMP - LIGHT MANUFACTURING PARK
- O - OFFICE
- O/MF - OFFICE / MULTI-FAMILY
- HDR - HIGH DENSITY RESIDENTIAL
- MDR - MEDIUM DENSITY RESIDENTIAL
- LDR - LOW DENSITY RESIDENTIAL
- I - INSTITUTIONS
- P - PARK / OPEN SPACE
- BP - BUSINESS PARK
- RH - ROSE HILL BUSINESS DISTRICT
- NRH - N. ROSE HILL BUSINESS DISTRICT
- JBD - JUANITA BUSINESS DISTRICT

Citywide Land Use and Norkirk Neighborhood Land Use Map

ORDINANCE NO. 4084
ADOPTED by the Kirkland City Council
February 6, 2007

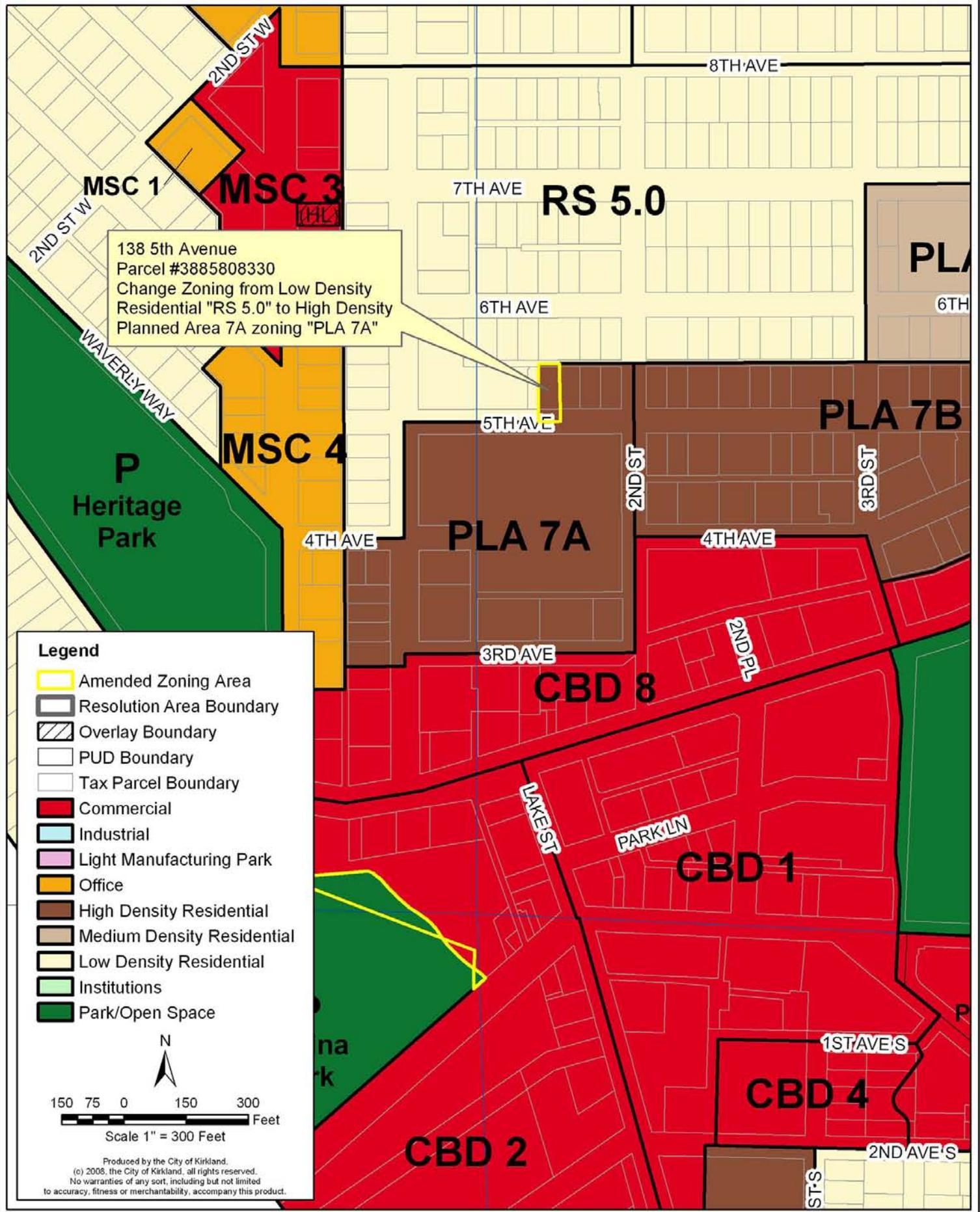
LAND USE BOUNDARIES	PARCEL BOUNDARIES
SUBAREA BOUNDARY	PLANNED AREA NUMBER
TOTEM CENTER	LAND USE CODE
PUBLIC FACILITIES	DENSITY (UNITS/ ACRE)

NOTE: WHERE NOT SHOWN, NO DENSITY SPECIFIED
* INDICATES CLUSTERED LOW DENSITY



Maps produced February 6, 2008.
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Zoning Map Change



Legend

- Amended Zoning Area
- Resolution Area Boundary
- Overlay Boundary
- PUD Boundary
- Tax Parcel Boundary
- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space

N
↑

150 75 0 150 300
Feet
Scale 1" = 300 Feet

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PUBLICATION SUMMARY
OF ORDINANCE NO. 4157

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN AS A RESULT OF THE NAKHJIRI PRIVATE AMENDMENT REQUEST ORDINANCE 3481 AS AMENDED, AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00010.

SECTION 1. Amends the Comprehensive Plan and Zoning Map as set forth in Exhibit A.

SECTION 2. Directs the Director of Planning and Community Development to amend the official Zoning Map.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Establishes an effective date for the Comprehensive Plan and Zoning Map amendments of May 6, 2009.

SECTION 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 6. Provides for certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2008.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk