CITY OF KIRKLAND
City Attorney's Office
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www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Eric Shields, Planning Director
Jeremy McMahan, Planning Supervisor

Date: August 21, 2009

Subject: Draft Response Letter to Phillip Combs Regarding Annexation Zoning

RECOMMENDATION:

Staff recommends that the Council authorize Mayor Lauinger to sign the attached letter to Phillip Combs.

BACKGROUND:

The City Council adopted zoning for the Proposed Annexation Area (PAA) on July 21, 2009 (O-4196). The e-mail correspondence from Mr. Combs urges the Council to reconsider its decision regarding the allowed height within the multi-family zones in the PAA. The current King County height limits allow 60' or more while Kirkland's limits in similar zones are 30'. The adopted zoning ordinance set the height in the PAA zones at a maximum of 35'.

From: Phillip Combs [mailto:Phillip@huntpacific.com]
Sent: Monday, July 27, 2009 4:52 PM
To: Annexation; KirklandCouncil; Jeremy McMahan; James Lauinger
Cc: Phillip Combs
Subject: RE: Planned Annexation Area (PAA) - Zoning and Modifications

Dear City Council and Mayor,

I urge you to review again the topic of the PAA and Zoning Modifications. I am disturbed by the decision of those who voted to approve the reduced zoning; most specifically for multifamily properties. I applaud those who spoke up and tried to defend the rights of those who had no representation there. Robert F Kennedy said, ""It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope." In this case:

- There was no outreach to the property owners; especially those impacted by this decision. How this could happen is tragic, why this would be allowed is irresponsible.
- The zoning could have been retained until a full review, assessment or comprehensive plan with facts about the proposed changes, but instead a decision was made to push forward without more information. The city, even the day after the decision was made, still did not know how many buildings this would impact.
- The numbers are few for these multifamily properties so doing an evaluation would have been prudent, yet still no communication was made with them or study was done. The negative impacts are much larger, even if you don't personally feel them, we do. I've noted some below, but owners lose value when zoning is reduced by roughly 40% plus. Owners can also become unable to secure financing, redevelop, restore following destruction (insurance) and so on when non-conforming.

With increased information, you would (hopefully) had made a better and different decision. You would find out that the property owners would have supported the affordable housing programs needed for the community (even though that was not the issue that was being voted on, it seemed to be important to those on the council). You would have found that the owners are generally in favor of protecting the views and waterfront. I am particular surprised that those on the council who are familiar with the importance of planning and community outreach did not show such in their votes.

I ask that you revisit at least this one issue of the PAA and allow the zoning King County stay in place until there has been an outreach to those impacted (multifamily property owners), community involvement and a comprehensive evaluation showing the impacts of such a down-zoning on those select properties. What does it hurt? Isn't that the right thing to do? The greatest leaders do not search for consensus but a mold consensus in the community.

Thanks for your service as leaders in the community.

Phil Combs
206-905-6086

From: KR Manager
Sent: Tuesday, July 21, 2009 3:40 PM
To: annexation@ci.kirkland.wa.us; citycouncil@ci.kirkland.wa.us; jmcmahan@ci.kirkland.wa.us
Cc: Phillip Combs
Subject: Planned Annexation Area (PAA) - Zoning and Modifications

Dear City Council,

I received a letter from a neighbor informing me of the final hearing planned on the subject of annexation in our community. I own property in the area but have not heard of this annexation proposal until now, which concerns me.

I have dropped what my plans were for the day to try to get up to speed on this subject, since hearing of the proposal. I have called the planning department, reviewed the proposals, read over some agendas and studied the maps of the areas.

The property I own is a multifamily property which maintains the unit/acre (or unit/sf) count, but is drastically cut in the height restrictions. There are buildings already over that height at approximately 40' (~5' higher than what is proposed), the property would also become a non-conforming use which is something that creates many layers of problems for property owners (e.g., building/renovation complications, refinancing, etc). If the proposed 35' height limits are approved, it prevents us from redeveloping that site to an improved use, rebuilding if destroyed or reinvesting by adding matching buildings. These changes are serious and impact the property owners significantly more than it seems has been treated.

Please, do not change or approve any changes that will have such significant negative impacts. If you must proceed with the annexation, leave the current zoning allowed by the county until a thorough comprehensive study and plan towards the best uses, zoning and restrictions can be evaluated. A comprehensive plan that takes into consideration current uses and conditions and plans. Please involve the owners of the properties, not just the occupants, as you proceed with the planning and execution of these plans.

I thank you for your time and diligent work. I know that these types of things can be divisive issues having worked on rezoning areas in the past, but with solid outreach, cooperation and leadership, it can be successfully done.

Sincerely yours,

Phillip Combs
206-905-6086

September 1, 2009 **D R A F T**

Phillip Combs

RE: Annexation Zoning

Dear Mr. Combs:

Thank you for your e-mail to the Kirkland City Council regarding zoning for the proposed annexation area in which you express specific concern about the proposed heights for multi-family zones. In the exercise of establishing zoning for the proposed annexation area, the City Council did have to weigh the relative advantages and disadvantages of applying Kirkland's rules or the County's rules. In our final decision, the result is a combination. In the case of the multi-family zones you reference, the City retained the County's densities and adopted a building height limit of 35 feet. This is higher than the City's comparable 30 foot height limit, but lower than the County's 60 foot limit. If structures are rendered nonconforming after annexation due to the change, note that Kirkland's rules allow ongoing repair and maintenance of the structures.

The City Council appreciates your input in this process. Be sure to visit the City's annexation page at http://www.ci.kirkland.wa.us/depart/CMO/Annexation.htm and sign up for e-mail updates. If you have any questions relative to the annexation zoning, please contact Jeremy McMahan at 425.587.3229 or jmmcmahan@ci.kirkland.wa.us.

Sincerely,

Kirkland City Council

by James Lauinger, Mayor

cc: Jeremy McMahan, Planning Supervisor