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**MEMORANDUM**

**To:** Planning Commission

**From:** Angela Ruggeri, AICP, Project Planner  
Eric Shields, AICP, Director

**Date:** November 10, 2011

**Subject:** ALTOM PRIVATE AMENDMENT REQUEST (PAR)  
FILE NO. ZON11-00002

**RECOMMENDATION**

Take public comment and provide direction to staff on the Altom PAR to amend the Comprehensive Plan and Zoning Code to allow increased density on two lots in the PLA 5C zone.

**BACKGROUND DISCUSSION**

The City Council has directed staff and the Planning Commission to study this proposed amendment to the Comprehensive Plan and Zoning Code for PLA 5C. The Planning Commission held a study session on October 27, 2011. The amendment would allow increased density on the two lots at 220 – 6<sup>th</sup> Street and 611 - 4<sup>th</sup> Avenue in the Moss Bay Neighborhood (see Attachment 1). Both lots are currently developed with office uses. The sites to the east and south contain office buildings and are located in the PLA 5B zone. The site to the north contains a 4-story office building located in PLA 5C. The Parkplace development is to the west in the CBD 5A zone.

This proposal is a further refinement of the 2008 proposal included in the Downtown Area Planned Action Ordinance. The 2008 proposal included the Parkplace mixed use project along with two other PARs (the Orni proposal and the Altom proposal). At that time, the Altom request was to rezone the area from PLA 5B to PLA 5C, while retaining the Office/Multifamily land use designation. This rezoning increased the permitted height on the subject properties from 30' above average building elevation to 4 stories or 52' above average building elevation if the two lots were developed together. Although multifamily residential uses are allowed in PLA 5C, increased density was not part of the original proposal. This amendment would allow the residential density to be commensurate with the increased height allowed in 2008. The amendment would not change the size of buildings allowed.

The two lots that would be included in the amendment have a combined area equal to approximately .8 acres. The allowable density in PLA 5C is 24 units per acre, which would allow 19 units on the site. The proposal would remove the maximum density indicated by units per acre. Instead, density would be determined by the number of units that would fit in the building envelope. The building envelope is determined by the Zoning Code regulations relating to required yards, maximum height and lot coverage. This is how density is currently determined in the Central Business District and in many other business districts.

### **Environmental Review**

Because the amendment would not change the permitted size of buildings on the site, the primary potential impact would be from the difference in traffic generation. The Environmental Impact Statement that was done for the original Downtown Area Planned Action Ordinance, including Parkplace and Altom, estimated that 101,234 square feet of office space including 20 residential units could be built on the site. The number of pm peak trips for the 101,234 square feet of office plus 20 residential units was calculated to be 174.

Staff evaluated the potential traffic impact from the new proposal by comparing the resulting residential density with the office density allowed. Assuming a building size of 101,234 (the same size as was evaluated for the office proposal) and units that are approximately 1000 square feet each, there could potentially be a maximum of 101 units on the site. This is similar to the density of other downtown developments including Kirkland Central and B of A, but does not take into account specific site characteristics that may reduce the actual number of units. The result is approximately 74 pm trips or 100 trips less than were estimated for the office development. Although the trips would have somewhat different patterns than for office, we discussed this with the City's traffic engineer and he felt confident that the impact would still be less.

### **Other Points to Consider**

- The properties share characteristics with the downtown where densities are also established through building height and bulk requirements.
- The density/floor area ratio for the property was raised for office development with the original amendment, but remained limited for multifamily. The present designation and zoning encourages office and discourages the development of multifamily because of this.

### **Potential changes:**

#### Comprehensive Plan:

- Change in density for PLA 5C on the Comprehensive Plan Land Use maps (see Attachments 2 & 3).
- Change in Comprehensive Plan language relating to density for PLA 5C (see Attachment 4).

#### Zoning Code:

- Change in density limit for designated properties south of 4<sup>th</sup> Avenue in PLA 5C zone of the Zoning Code (see Attachment 5).
- Edits to Chapter 112 – Affordable Housing Incentives – Multifamily of the Zoning Code to add the designated portion of PLA 5C which is south of 4<sup>th</sup> Avenue to the sections in Chapter 112 presently relating to affordable housing requirements in the Rose Hill and Totem Lake zones (see Attachment 6).

### **Decisional Criteria for Amending the Comprehensive Plan and Zoning Code:**

The following Factors to Consider in Approving an Amendment to the Comprehensive Plan, found in Zoning Code Section 140.25 must be considered when reviewing City initiated amendment requests:

1. The effect upon the physical, natural, economic, and/or social environments.

The amendment would not change the size of buildings allowed. The traffic impact for a multifamily development built under the proposed amendments would be less than that of an office development of the same size already allowed under existing code (see the Environmental Review section of this memo for the analysis).

2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.

The amendment would allow increased density for the designated section of PLA 5C which is south of 4<sup>th</sup> Avenue in the Moss Bay Neighborhood. The area is currently developed with office uses. The sites to the east, north and south also contain office buildings. The Parkplace development and a multifamily residential project are to the west. The two properties that would be impacted by the zoning amendment share characteristics with the downtown. Densities are established through building height and bulk requirements in the Central Business District and they would be established in the same way through the proposed amendments for these properties.

3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.

Public facilities are adequate to handle the increase in density that is proposed.

4. The quality and location of land planned for the proposed land use type and density.

The proposed land use type and density fit well with the Moss Bay Neighborhood Plan and with the adjacent downtown development.

5. The effect, if any, upon other aspects of the Comprehensive Plan.

The changes proposed to PLA 5C in the Comprehensive Plan are consistent with the existing Moss Bay Neighborhood Plan Chapter and the Comprehensive Plan as a whole.

The City may amend the Comprehensive Plan only if it finds that the following criteria found in Zoning Code Section 140.30 are met:

1. The amendment must be consistent with the Growth Management Act (GMA).
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long term benefits to the community as a whole, and is in the best interest of the community.

The City may amend the text of the Zoning Code only if it finds that the following criteria found in Zoning Code Section 135.25 are met:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and

3. The proposed amendment is in the best interest of the residents of Kirkland.

The proposed amendments are consistent with the GMA and countywide planning policies by accommodating high density development immediately adjacent to the Kirkland Central Business District. They are internally consistent with other parts of the Comprehensive Plan. They also bear substantial relation to public health, safety and welfare and will be in the best interest of the community as they allow for more downtown housing adjacent to the proposed mixed use development containing office and retail on the Parkplace site. The area surrounding the Downtown has already been called out in the Moss Bay Neighborhood Plan as generally most appropriate for higher density developments.

### **Next Steps**

The Planning Commission will prepare a recommendation to the City Council. The City Council is scheduled to consider adoption of the amendments by ordinance on December 12, 2011.

### Attachments:

1. Map of the PAR area
2. Map LU-1: Comprehensive Land Use Map
3. Figure MB-2: Moss Bay Area Land Use
4. Comprehensive Plan language for PLA 5C
5. PLA 5C Use Zone Charts
6. Chapter 112 Edits

cc: File ZON11-00002  
Rhoda Altom

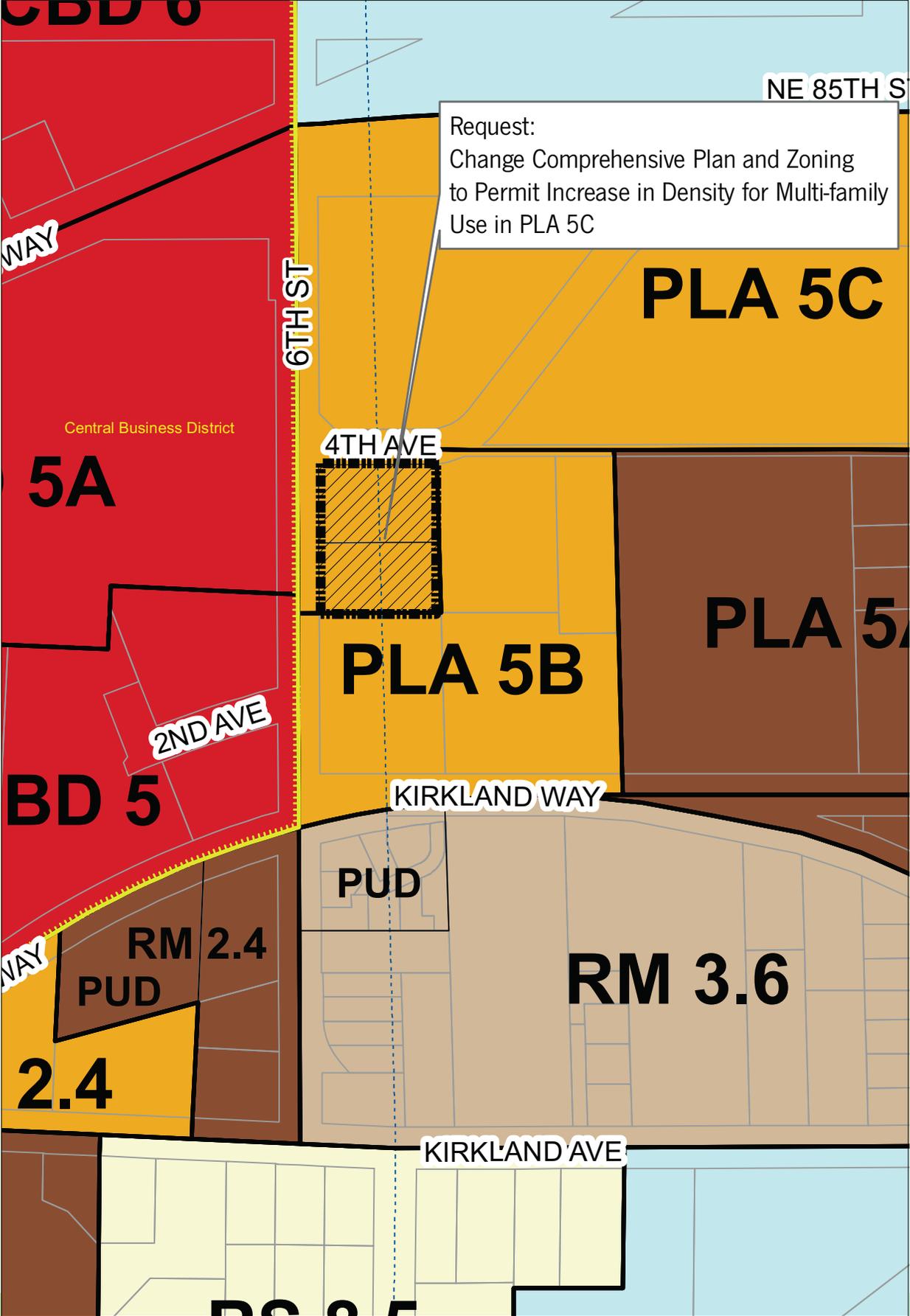
# AL TOM PRIVATE AMENDMENT REQUEST



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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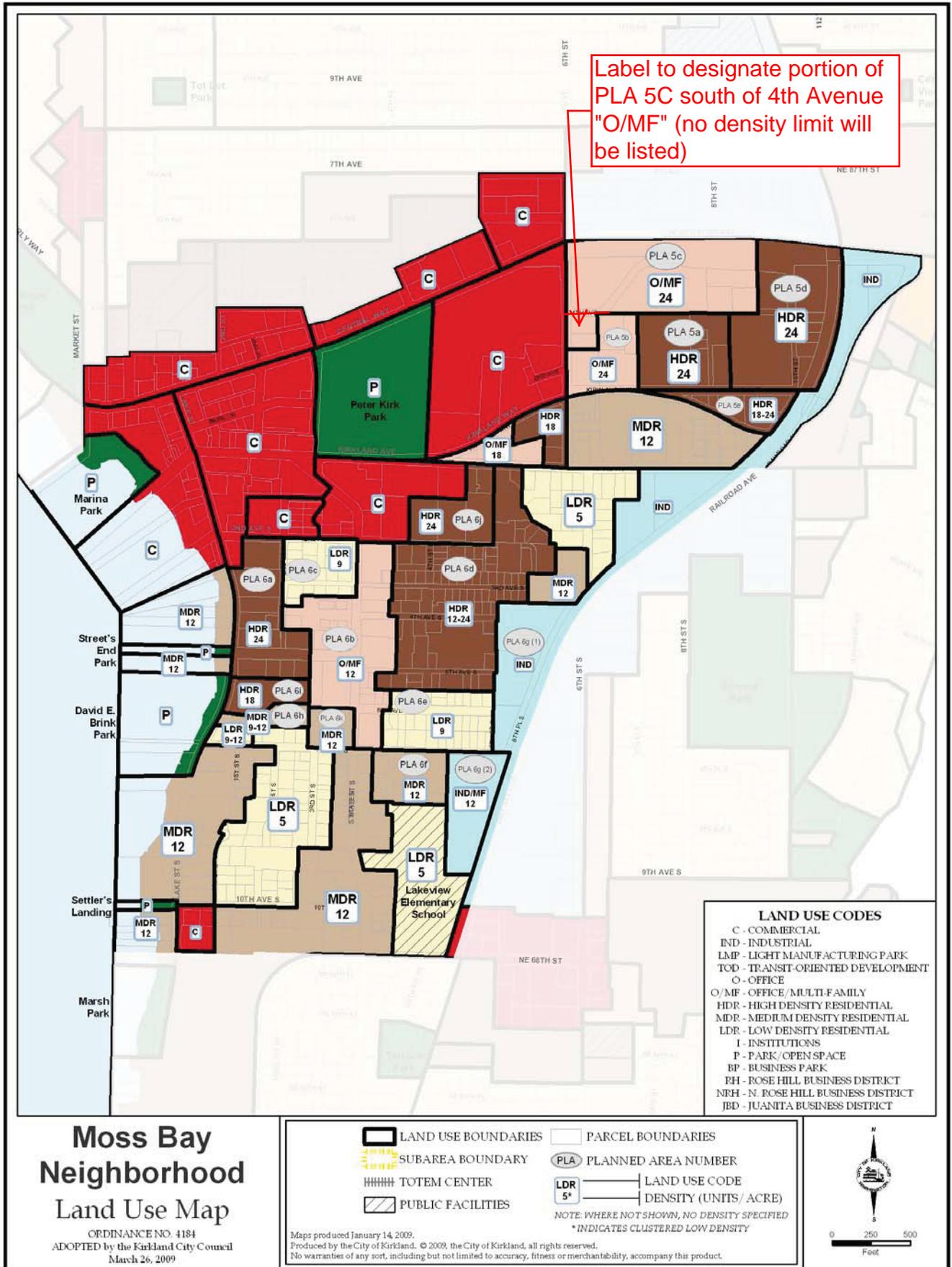


Figure MB-2: Moss Bay Area Land Use



As indicated on Figure MB-2, the majority of the area should develop at 24 dwelling units per acre. No density limit should apply to the area south of 4th Avenue and within 180' of 6th Street.

## 4. PERIMETER AREAS

ATTACHMENT 4

### *North C Subarea*

Subarea C, located north of Subareas B and A, and north and west of Subarea D, contains office development and the U.S. Post Office facility serving Greater Kirkland. Remaining land should develop as professional office or multifamily residential ~~at a density of up to 24 dwelling units per acre.~~ Structures up to five or six stories in height are appropriate in the area north of Subareas B and A for developments containing at least one acre. The adjacent steep hillside limits potential view obstruction from tall buildings. At the same time, taller than normal structures could themselves take advantage of views to the west while maintaining greater open area on site and enhancing the greenbelt spine. Structures up to four stories in height are appropriate in the eastern portion near Subarea 5D for developments containing at least one acre, if additional building setbacks are provided from residential development to the east in Subarea 5D.

### *East D Subarea*

The easternmost third of PLA 5 is identified as Subarea D. This area has developed in high-density multifamily uses. Any future development should be multifamily residential at a density of up to 24 dwelling units per acre.

### *South E Subarea*

The most southerly subarea is the smallest and is somewhat isolated from the other subareas. Lying between 2nd Avenue and Kirkland Way, this area could develop with high-density multifamily residential (up to 24 units per acre). Due to sight distance problems on Kirkland Way, access to and from this area should be restricted to 2nd Avenue.

## D. PLANNED AREA 6

### *Concept of "Subareas" discussed.*

The bulk of the land south of Kirkland Avenue is contained in Planned Area 6 (Figure MB-2). Within this planned area, land is divided into a number of subareas, based on unique conditions including use conflicts, various parcel ownerships, traffic problems, lack of utilities, and other factors which may influence future development of the land. Due to its location, this planned area also has a special relationship with the Downtown.

### *Land use in Subarea A discussed.*

Land contained in Subarea A lies south of the Downtown area, east of Lake Street, and west of State Street. This land is designated for high-density development due to its nearness to the Downtown and adjacency to Lake Street.

### *Land use in Subarea B discussed.*

The lands along State Street are designated as Subarea B. Much of this land is already developed with office uses making future office development also appropriate. Multifamily development should also be allowed due to its compatibility with offices and adjacent residential uses. Such multifamily development should occur at a density of 12 dwelling units per acre.

### *Standards for future professional office development along State Street are listed.*

Future professional offices along State Street should locate only north of 7th Avenue South, in order to encourage a compact office corridor. The standards pertaining to office development should be as follows:



In density limited zones,

### 60.39 User Guide.

The charts in KZC [60.42](#) contain the basic zoning regulations that apply in Planned Area 5C, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

#### Section 60.40

Zone  
PLA5C

#### Section 60.40 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provision of this code may apply to the subject property.
2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter [5](#) KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter [112](#) KZC for additional affordable housing incentives and requirements.
3. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or
  - b. The maximum horizontal facade within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.

See KZC [115.30](#), Distance Between Structures/Adjacency to Institutional Use, for further details.  
(Does not apply to Detached Dwelling Unit uses).
4. Any portion of a structure that exceeds 30 feet above average building elevation must be set back from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses or property within 325 feet of the PLA 5C eastern boundary).
5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
  - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
  - b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
  - c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
  - d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.  
(Does not apply to Public Park uses).

[link to Section 60.42 table](#)

This page of the Kirkland Zoning Code is current through Ordinance 4286, passed January 4, 2011.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.kirkland.wa.us/>  
City Telephone: (425) 587-3190  
Code Publishing Company



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.42	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Detached Dwelling Units	None	3,600 sq. ft.	20'	5'	10'	70%	25' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> <li>For this use, only one dwelling unit may be on each lot regardless of lot size.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>
.020	Detached, Attached or Stacked Dwelling Units	If the development is south of 4th Avenue and within 180' east of 6th Street, or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC. Otherwise, none.	3,600 sq. ft. with at least <del>1,800 sq. ft.</del> per unit.	20'	5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C – 15'. See Spec. Reg. 4.	10' See Spec. Reg. 5.	70%	<ul style="list-style-type: none"> <li>If the development contains at least 1 acre, then the lower of 6 stories or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then the lower of 4 stories or 40' above average building elevation.</li> <li>If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, then the lower of 4 stories or 52' above average building elevation.</li> <li>If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, then the lower of 3 stories or 40' above average building elevation.</li> <li>Otherwise, 30' above average building elevation.</li> </ul>	D		1.7 per unit.	<ol style="list-style-type: none"> <li>The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>Chapter 115 KZC contains regulations regarding common recreational space requirements for this use.</li> <li>The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.</li> <li>The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.</li> <li>For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.</li> </ol> <div style="border: 1px solid red; padding: 5px; margin-top: 10px;"> <p><b>7. Minimum amount of lot area per dwelling unit is as follows:</b></p> <ol style="list-style-type: none"> <li>South of 4th Avenue and within 180' of 6th Street: none</li> <li>Otherwise: 1800 sq. ft.</li> </ol> </div>

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.42	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.040	Development Containing Stacked or Attached Dwelling Units and Office Uses. See Spec. Reg. 1.	If the development is south of 4th Avenue and within 180' east of 6th Street, or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC. Otherwise, none.	3,600 sq. ft. <del>with at least 1,800 sq. ft. per unit.</del>	20'	5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C – 15'. See Spec. Reg. 6.	10' See Spec. Reg. 7.	70%	<ul style="list-style-type: none"> <li>If the development contains at least 1 acre, then the lower of 6 stories or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then the lower of 4 stories or 40' above average building elevation.</li> <li>If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, then the lower of 4 stories or 52' above average building elevation.</li> <li>If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, then the lower of 3 stories or 40' above average building elevation.</li> <li>Otherwise, 30' above average building elevation.</li> </ul>	C	D	See KZC 105.25.	<ol style="list-style-type: none"> <li>A veterinary office is not permitted in any development containing dwelling units.</li> <li>The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>Chapter 115 KZC contains regulations regarding common recreational space requirements for this use.</li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> <li>The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.</li> <li>The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.</li> <li>For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.</li> </ol>

9. Minimum amount of lot area per dwelling unit is as follows:  
 a. South of 4th Avenue and within 180' of 6th Street: none  
 b. Otherwise: 1800 sq. ft.

## ATTACHMENT 6

**112.15 Affordable Housing Requirement**

1. Applicability –
  - a. Minimum Requirement – All developments creating four (4) or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations for the Use Zone or the Special Regulations in the Use Zone Chart for the specific use. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council.
  - b. Voluntary Use – All other provisions of this chapter are available for use within the disapproval jurisdiction of the Houghton Community Council and in developments where the minimum requirement does not apply.
2. Calculation in Density-Limited Zones – For developments in density-limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC [112.20](#).
3. Calculation in RH and TL Zones – For developments in the RH and TL Zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.
4. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66. KZC [112.30](#) establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

and in the designated portion of PLA 5C Zone

and the portion of PLA5C south of 4th Avenue and within 180' of 6th Street

**112.20 Basic Affordable Housing Incentives**

1. Approval Process – The City will use the underlying permit process to review and decide upon an application utilizing the affordable housing incentives identified in this section.
2. Bonus
  - a. Height Bonus. In RH and TL use zones where there is no minimum lot size per dwelling unit, additional building height has been granted in exchange for affordable housing, as reflected in each Use Zone Chart.
  - b. Bonus Units. In use zones where the number of dwelling units allowed on the subject property is determined by dividing the lot size by the required minimum lot area per unit, two (2) additional units (“bonus units”) may be constructed for each affordable housing unit provided. (See Plate 32 for example of bonus unit calculations.)
  - c. Maximum Unit Bonuses. The maximum number of bonus units achieved through a basic affordable housing incentive shall be 25 percent of the number of units allowed based on the underlying zone of the subject property.
  - d. Density Bonus for Assisted Living Facilities. The affordable housing density bonus may be used for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25 percent of the base density of the

, PLA 5C,

**ATTACHMENT 6**

underlying zone of the subject property.

3. Alternative Affordability Levels – An applicant may propose affordability levels different from those defined in Chapter 5 KZC for the affordable housing units.
  - a. In use zones where a density bonus is provided in exchange for affordable housing units, the ratio of bonus units per affordable housing unit for alternative affordability levels will be as follows:

<b>Affordability Level</b>	<b>Bonus Unit to Affordable Unit Ratio</b>
<b>Renter-Occupied Housing</b>	
60% of median income	1.9 to 1
70% of median income	1.8 to 1
<b>Owner-Occupied Housing</b>	
90% of median income	2.1 to 1
80% of median income	2.2 to 1

- b. In use zones where additional height is provided in exchange for affordable housing units, the percent of affordable units required for alternative affordability levels will be as follows:

<b>Affordability Level</b>	<b>% of Project Units Required to Be Affordable</b>
<b>Renter-Occupied Housing</b>	
60% of median income	13%
70% of median income	17%
<b>Owner-Occupied Housing</b>	
70% of median income	8%
90% of median income	13%
100% of median income	21%