



MEMORANDUM

Date: January 16, 2008

To: Planning Commission

From: Joan Lieberman-Brill, AICP, Senior Planner

Subject: Public Hearing for Nakhjiri and Kirkland Congregational Church -United Church of Christ 2007 Private Amendment Request for amending the Comprehensive Plan (ZON07-00010)

RECOMMENDATION

- Hold a public hearing, consider public comment and make a recommendation to the City Council on proposed private amendment request to the Kirkland Comprehensive Plan.

BACKGROUND

Nakhjiri (American Legion Hall site) and Kirkland Congregational Church (KCC-UCC) Private Amendment Request (PAR).

The request is to change three parcels located at 138 and 106 5th Avenue and intervening alley from RS 5.0 zoning at 9 dwelling units per acre (a low density residential zone) to Planned Area 7A (PLA 7A) at 18 units per acre (a high density residential zone) 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 in PLA 7A the entire Kirkland Congregational Church property. The intervening alley located between the subject properties and owned by the City of Kirkland, would also be rezoned from RS 5.0 to PLA 7A but would remain an access way (Attachment 1).

138 5th Avenue, the site of the historic American Legion Hall, is currently leased by a church. The Kirkland Congregational Church (KCC) has been located at 106 5th Avenue since the 1940's. On the east side of the KCC property, is a shared parking lot leased to the City of Kirkland for City Hall related parking Monday through Saturday.

The applicants wish to redevelop their sites with residential uses at a higher density than are now allowed, either immediately after the rezone is approved (Nakhjiri), or as an option in the future

(KCC-UCC). Kirkland Congregational Church envisions future development of affordable housing over parking, while Nakhjiri intends to develop a duplex on the American Legion Hall site.

Outcome of the October 11, 2007 Study Session

The Planning Commission held a study session on the requests to amend the Comprehensive Plan Land Use Map and Zoning Map on October 11, 2007. Both the staff memorandum prepared for that meeting and the audio recording of that meeting are available for listening to at this link: [Planning Commission October 11 meeting](#).

Seven separate emails/letters were received prior to the October study session in opposition to the requested density increase and rezone. Of these, one specifically opposed the rezone of the Nakhjiri site, while the others opposed the rezone of the KCC site. At the study session, of those six who spoke (other than the applicant for the Nakhjiri rezone), all were opposed to the KCC request, and two spoke in favor of the Nakhjiri request.

To summarize, at the end of the study session, the Commission continued to support the rezone of the Nakhjiri parcel, while not supporting the rezone of the KCC parcel. The Commission noted that the logical boundary between PLA 7 and RS 5 is the alley separating the Nakhjiri site from the remaining RS 5 zone to the west, along 5th Avenue, and that therefore the Nakhjiri site should be included with the adjoining PLA 7 properties to the east. The Commission also stated that the KCC request increases density in an area that does not abide by the intent of the recently adopted Norkirk Plan.

Environmental Review

A Draft and Final Environmental Impact Statement (EIS) on the City's Comprehensive Plan 10-year Update was published in 2004. The EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). An EIS Addendum was issued on January 11, 2008 for the 2007 Nakhjiri / Kirkland Congregational Church Private Amendment Request (Attachment 2). According to SEPA rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document. An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document. The EIS Addendum fulfills the environmental requirements for the proposed zoning and land use designation changes.

Norkirk Neighborhood Plan

The updated Norkirk Neighborhood Plan was adopted in January 2007 (O- 4081). The land use goals and policies address the concept of increased density approaching the Central Business District, and continuance of the existing pattern of low density residential north of about 7th Avenue. Residential Land Use Goal N-3.1 states “Promote and retain the residential character of the neighborhood while accommodating compatible infill development and redevelopment.” Policy N-3.1 states “Retain the predominately detached single family housing style in the core of the Norkirk Neighborhood.” Planned Area 7 Land Use Goal N-5 states “Maintain effective transitional uses between the downtown and the low-density residential core of the neighborhood.” Policy N-5.1 states “Allow a range of residential densities in Planned Area 7.” Text supporting this policy notes that future development throughout PLA 7 should be compatible with the scale of structures in adjacent single-family zones.

Existing Conditions

As noted in the staff memorandum prepared for the August 23rd Planning Commission study session on this PAR (available for viewing by following this [link](#)), the Nakhjiri site contains the American Legion Hall, designated as a Community Landmark in the City’s Comprehensive Plan. According to the Kirkland Heritage Society, it is a gabled vernacular building that was constructed in the 1920’s. The American Legion Post occupied the building in 1931 after it was acquired from the Baptist Church. In 1936 the Works Progress Administration (WPA) remodeled the building. Although it is not as architecturally significant compared to some of the other Kirkland historic structures, it does reflect the early history of Kirkland.

Nonetheless, the City cannot prevent demolition of the building, even though it has historic significance. Under the environmental review process, a delay of up to three months to demolish the structure could occur to consider options, but eventually the building could be removed.

The prior property owner approached the City in 2005 to see if the City would consider purchasing the property. A study, done in January of 2006, determined that expensive structural, mechanical, safety, and accessibility improvements were needed. The estimate costs range from \$777,000 to \$1,200,000 to repair the structure. Other constraints include the lack of on-site parking. In 2006, the City Council voted to decline further consideration to purchase the American Legion Hall property

The following chart indicates existing conditions on the subject properties (excluding the alley).

EXISTING CONDITIONS			
	Nakhjiri 138 5th Ave	KCC – UCC 106 5th Ave	Combined
Existing zoning classification / land use designation	RS 5.0 (5,000 square feet. min lot size/ low density residential	same	
Existing density	9 dwelling units per acre	same	
Existing use	Church leasing American Legion Hall	Church and parking lot leased by City Hall	
Allowed land uses (Bold text in this row indicates a use that is not permitted in the PLA 7A zone)	Detached dwelling unit, Church, School or Day-Care Center, Mini School or Mini Day-Care, Golf Course , Public Utility, Government Facility or Community Facility, Public Park	Same	
Existing lot area (based upon King County Assessor (KKA))	5,100 sq. ft.	40,879 sq. ft.	45,979 sq. ft. /1.06 acres
Existing building size (KKA)	1,920 sq. ft.	20,976 sq. ft.	
Existing parking	on-street parking	On site parking lot and on-street parking	
Existing church use traffic generation	17 daily trips; 2 PM peak trips.	191 daily trips; 14 PM peak trips.	208 daily trips; 16 PM peak trips
Existing buffer/ transitions to SF	No landscape buffer, alley on west and north side of church	Some landscaping on north and east side of church and north of parking lot, grade change between subject property and SF properties north and east of parking lot & church	

Residential Build Out Comparison Between Current And Proposed Zoning

Attachment 3 is a chart which compares maximum residential build out allowed under current RS 5.0 zoning with maximum residential build out under proposed PLA 7A zoning. Please refer to it along with the chart above, showing existing conditions, when reviewing the following neighborhood compatibility issues section in this memorandum. At maximum build out, the combined properties would result in nine detached dwelling units under current zoning, while 19 stacked, attached, or detached units would be built if rezoned to PLA 7A.

NEIGHBORHOOD COMPATIBILITY ISSUES

Land Use Impacts

Current development to the west and north of the study area is low density detached single family housing. To the east is both high density multifamily and single family housing, and to the south is institutional land use developed with Kirkland City Hall.

As noted in Attachment 3, the change of land use designation from RS 5.0 to PLA 7A would result in the following potential differences: a doubling of residential density, the allowance of a convalescent center or nursing home use on the subject properties, and a prohibition of golf course development.

The midblock alley already provides a manmade transition between existing high density and low density residential land uses, and it would continue that role behind the Nakhjiri site. Existing topography at the KCC –UCC site, lower than adjoining parcels to the east and north, provides and would continue to provide a natural transition between that parcel and those in the low density zone to the east and north.

The increased densities and more intensive land uses allowed with the rezone request could be accommodated on the properties because they are already contiguous to similarly zoned PLA 7A properties currently developed with multi-family housing and institutional uses, more oriented toward the downtown. Additionally, height impacts would be mitigated by two factors; 1), the existing finished grade of the KCC site and 2), the fact that almost the entire building envelope of the study area is within 100 feet of a low density zone, effectively restricting the maximum height of any use to the same as is required in the current RS 5.0 zone - 25 feet above ABE. (See discussion below)

Building Height Impacts

The higher density PLA 7A zone allows a 5 foot height increase (30 rather than 25 feet above ABE) for development beyond 100 feet of a low density zone. Since almost the entire building envelope on the subject properties are within 100 feet of the low density RS 5.0 zone to the east, west and north, virtually no residential redevelopment could exceed 25 feet above ABE if rezoned to PLA 7A. Attachment 4 shows the building envelope and the area affected by the 25 foot height restriction.

Traffic Impacts

As noted in Attachment 3, under existing RS 5.0 zoning, the subject properties may currently redevelop with residential uses as detached dwelling units only. The vehicle trip generation rate for single family detached units (Land Use Code 210) in the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition is higher than for other residential uses based on a series of

assumptions, among them being that detached units are the largest units in size and have more residents and more vehicles per unit than other residential land uses.

Also as noted in Attachment 3, with a rezone to PLA 7A, the subject properties may redevelop with a variety of multifamily uses (i.e. detached, stacked or attached dwelling units). The trip generation rate for multifamily uses is based on Apartment Land Use Code 220 for the KKC site and the Residential Condominium Townhouse Land use Code 230 for the Nakhjiri site. The Apartment land use code is for rental units with at least four total units. Generally speaking, trip rates per multifamily unit are lower than for single family use.

The following discussion of traffic impacts is based on the combined traffic generation from both properties at residential build out 1), under existing zoning 2), under the proposed zoning, and 3), what the net traffic generation would be if the rezone were adopted:

RS 5.0

A total of 9 detached dwelling units could potentially be built on the combined church properties of approximately one acre under current RS 5.0 zoning. The city owned parcel will continue to function as an alley, regardless of the zoning. The number of daily vehicle trips generated from 9 detached homes would be 117. The number of PM peak trips would be 13 (Land Use Code 210).

PLA 7A

If the combined property were rezoned to PLA 7A, an additional 10 units could be built for a total of 19 dwelling units. The types of residential development permitted include detached, attached, and stacked dwelling units. The applicants have noted that their plans call for either attached or stacked dwelling units either immediately or as a possible option in the future. The ITE Manual vehicle trip generation rate for 19 multifamily units would be 276 daily trips and 29 PM peak trips (Land Use Codes 220 and 230).

Net change

Therefore, if the entire site were to be rezoned from RS 5.0 to PLA 7A, and the combined properties were redeveloped with 19 multifamily residential units there would be a net increase of 159 daily trips and 16 PM peak trips.

Parking Impacts

Attachment 3 indicates required parking with residential redevelopment under current and proposed zoning. The discussion below compares each site's parking requirement and then the net combined parking stall requirements.

Nakhjiri

The Nakhjiri parcel (American Legion Hall site) currently has no on-site parking. The Church uses on-street parking adjoining the property and in the surrounding neighborhood. Presumably, the city hall parking lot is utilized during weekends.

While any redevelopment of the Nakhjiri parcel must provide on-site parking, the number of stalls is dependent upon the type of land use. Detached dwelling unit development requires 2 parking stalls per unit while multi family development (e.g. duplexes, town homes, or apartments) requires 1.7 parking stalls per dwelling unit. If the site were to remain RS 5.0 only detached dwelling units are allowed. Because of the size of the property only one single family home could be built requiring two parking stalls. If rezoned to PLA 7A, two dwelling units (detached, attached or stacked) could be built, which would require 4 parking stalls. This would be a net increase of 2 stalls.

KCC-UCC

The Kirkland Congregational Church site shares its parking lot located on the eastern portion of the subject property with Kirkland City Hall through a shared parking agreement in effect through 2016. The parking lot is available for parking by members of the general public between the hours of 7 am and 11 pm, Monday through Saturday. The shared parking agreement can only be changed, modified, altered, added to, or terminated upon mutual written agreement. Any redevelopment must take this parking obligation into account.

Assuming the shared parking agreement is no longer in effect; and the maximum number of single family residential units is developed on the KCC site under current RS 5.0 zoning, 16 stalls are required to serve 8 detached dwelling units. If a rezone to PLA 7A is approved and the maximum number of multifamily residential units is developed, 29 stalls would be required to serve 17 dwelling units. This would be a net increase of 13 stalls.

Combined

Therefore, if the entire site were rezoned from RS 5.0 to PLA 7A, and 19 multifamily rather than 9 single family units were developed, there would be a net increase of 15 stalls.

Affordable Housing

The Kirkland Congregational Church has indicated their desire to have the option in the future to develop housing for those that are less fortunate. This desire is consistent with Kirkland's goals.

Kirkland Comprehensive Plan

A Framework Goal of the City's Comprehensive Plan is to provide homes affordable to all income levels. FG-3 states "Maintain vibrant and stable residential neighborhoods and mixed-use development, with housing for diverse income groups, age groups, and lifestyles." Housing targets have been established and defined by the Countywide policies for low- and moderate -income housing as a percentage of projected net household growth. Comprehensive Plan Housing Goal H-2 starting on page VII-4 states: "Promote the creation of affordable housing and provide for a range of housing types and opportunities to meet the needs of all segments of the population". Policy H-2.4 states: "*Provide affordable housing units when increases to development capacity are considered.*" The text states:

“Many rezones and height increases result in increased development capacity. This can result in additional value to property owners and an opportunity to create affordable housing at little or no cost to the owner. The economic value of the increased capacity should be compared to the economic cost of providing affordable units when evaluating if affordable housing should be required.”

Legal Considerations

Last year the legislature adopted RCW 36.70A.540 which clarifies what the City may do from a regulatory standpoint with respect to affordable housing. Most of it deals with voluntary programs, but one section provides that the City may require affordable housing to be provided in connection with a rezone in which residential density is increased. Under this aspect of the statute, providing affordable housing may be mandatory or optional. Under the optional approach, a developer would have the choice of providing affordable housing at the increased density or developing without affordable housing under the prior density level. Under the mandatory approach, a developer would be required to provide some amount of affordable housing regardless of whether the additional incentive or development capacity was actually used.

The City Attorney has indicated that providing a developer with a choice between developing at the previous density without affordable housing and developing at a higher density with affordable housing is not problematic from a legal standpoint. However, there may be legal procedural issues to be considered under a mandatory approach. In that event, the City Attorney would be consulted on the appropriate approach.

Existing Affordable Housing Implementation Strategies

There are various approaches that could be considered for providing affordable housing through this rezone application. The following discuss two that Kirkland currently employs to meet our affordable housing targets and how they could potentially apply to this request, as well as an alternative approach.

Option I

The first approach to providing affordable housing is voluntary. A technique that is in place but that has not yet been used is the multifamily affordable housing incentive set forth in ZC Chapter 112. On properties currently zoned for medium or high density residential, commercial or office development, an increased density incentive is available for developments that include affordable housing units. An affordable housing unit is defined under KZC Section 5.023 as one which is affordable to owner occupied households whose annual income does not exceed 70 percent of the King County median household income, or renter-occupied households whose annual income does not exceed 50 percent of the King County median household income. The median household income for a family of four in King County is \$77,900.

Assuming the rezone were approved, the provisions of KZC 112 would allow the applicant to increase the number of dwelling units by approximately two bonus units (one market and one affordable) for each affordable housing unit, not to exceed a maximum bonus of 25 percent of the base density of the underlying zone. Additional provisions allow this bonus to be as high as 50 percent, if the application goes through a Process IIA zoning permit (the 25% bonus doesn't require a zoning permit).

If the rezone to PLA 7A were approved, both Nakhjiri and KCC properties would be eligible to voluntarily utilize this multifamily affordable housing incentive since PLA 7A is a high density residential zone. However, alone, practical application of Chapter 112 would preclude the use of the incentive at the Nakhjiri site because it would only accommodate a total of two dwelling units. (Eligible sites need to be of sufficient lot size to be able to accommodate at least four units.) Since it's more likely that the two sites will develop independent of each other, it's more realistic to calculate the potential number of bonus units resulting from utilizing this incentive only on the KCC site.

Since the base number of dwelling units on the KCC property after the rezone would be 17 units, and $25\% \text{ of } 17 = 4.25$, rounded down to 4, a maximum of 4 more units could be built on the KCC property, or a total of 21 dwelling units ($17 + 4 = 21$). Of the additional 4 units, 2 would be required to be affordable.

Example – 25% Density Bonus

Property Size (Net square feet)	40,879 sq. ft.
Zoned Density	2,400 square foot of land area required per unit
Base Density Allowed	$40,879 \text{ sq. ft.} / 2,400 \text{ sq. ft. per unit} = 17$ Units
Proposed Number of Affordable Housing Units	2 Units
Proposed Bonus Units	$2 \text{ Units} \times 2 = 4 \text{ Units}$
Total Units Allowed	$17 \text{ base units} + 4 \text{ Bonus Units} = 21 \text{ Units}$ (Including 2 Affordable Housing Units)
Maximum Bonus Units (25% of Base Density)	$17 \text{ Units} \times 0.25 = 4.25 \text{ Units (Rounds to 4)}$

If KCC elects to use the additional affordable housing incentives (approved through Process IIA), the bonus could be as high as 8 bonus units with 4 being affordable.

So in summary, if this voluntary incentive approach was taken, the subject parcels would be rezoned to PLA 7A and KCC would have the choice of providing affordable units. No affordability would be linked to the increase from the currently allowed number of units – 8 – to the new base number of units -17. Affordability would only be linked to the owner requesting additional units above 17.

Option II

Another approach to providing affordable housing is a form of a mandatory requirement like Kirkland uses for allowing increased height in the Rose Hill Business District and in the Totem Lake Neighborhood. This option is a mandatory approach linked to increased capacity. For example, in Rose Hill (RH) 2A, 2B, and 7, and Totem Lake (TL) 1A, 1B, 5, 6A, 6B, 10B, 10C, and 10D zones, residential building height can be increased based upon provision of public improvements. Among them is a provision for affordable housing where at least 10 percent of the units of new residential developments of 10 units or greater are affordable housing units as defined in Chapter 5 KZC.

This mandatory two tier approach could be used not only when increased height is desired, but also when increased density is sought, as in the current PAR. Under this approach, a developer could choose to utilize the current density level of 9 dwelling units per acre (first tier), and no affordable requirement would be in effect. However, if a developer elects to utilize increased density (second tier), the development would be required to provide some percent of affordable units (e.g. 10 % is used in Totem Lake and Rose Hill). Using the 10% model, if the subject parcels were rezoned to PLA 7A, *any residential development exceeding 9 units per acre would be required to provide 10 % affordable units.*

Practically speaking, since the Nakhjiri site alone is too small to accommodate 10 units (5,100 sq. ft. /2,400 sq. ft. = 2 units), it could not develop at any higher density than 9 dwelling units per acre if this approach were chosen, thereby limiting the number of dwelling units to one.

For the KCC site where the capacity would be doubled with a rezone to PLA 7A, using this approach would mean that if the 17 maximum units were proposed, then two units would be required to be affordable ($.10 \times 17 = 1.7$ units, rounded to 2).

The practical difference between this approach and the alternative mandatory approach (see below) would be that with this approach a ninth unit would trigger the affordability requirement. A special zoning regulation could be crafted to implement this two tier density provision.

Option III

A third approach is an alternative mandatory approach that would be applied regardless of how many units are eventually proposed for the site. A stipulation could be attached to the rezone that requires that at least 10 % of units in new residential developments of 10 units or greater are affordable housing units as defined in Chapter 5 KZC.

Since the minimum threshold is ten units, which would not be met on the Nakhjiri site alone, this approach would not affect that site if the rezone were approved. But at the

KCC site the capacity would be doubled with the rezone to PLA 7A, allowing 17 rather than 8 units. At least 2 of these units would be affordable if the 10 % model, (as has been used in Totem Lake and Rose Hill) is applied. (.10 x 17 = 1.7 units, rounded to 2)

In summary, if this mandatory approach were implemented, the subject parcels would be rezoned to PLA 7A, and *the owner would be required to provide affordable units if 10 or more residential units were developed*. A special zoning regulation could be crafted to implement this requirement for the PAR parcels.

As a practical matter, if the rezone were approved and the KCC property was developed without affordable housing, only one additional unit would be allowed. Instead of the 8 unit maximum allowed at current density, 9 units could be developed at PLA 7A density without affordable housing. If 10 or more units were developed on the KCC site, affordable housing would be required. *Because the existing allowed number of units on the KCC parcel is close to 10 units, for this particular rezone there is not a significant difference between this approach and the other mandatory approach described above.*

Housing Goals

Since this rezone request would significantly increase (double) the housing capacity on the subject property, pursuant to Comprehensive Plan Housing Policy H-2.4, it should be viewed as an opportunity to provide units to help meet the City's affordable housing targets. Given that the density increase on the KCC site would significantly increase the economic value of the property, affordability should arguably be a mandatory requirement.

If the mandatory approach is used, the city needs to decide how much affordability should be required. Option II, described above, provides guidance. If the 10% rule used in other rezones (Totem Lake and Rose Hill) were applied, the requirement would be two affordable units on the KCC property assuming full build out of 17 units.

It is also noted that using the mandatory approach on this site would not preclude the property owner from providing additional affordable housing units in exchange for additional density incentives pursuant to KZC Chapter 112 (voluntary approach).

Because the Nakhjiri site will only accommodate one additional dwelling unit if it is rezoned, (due to its limited lot size), a mandatory affordability requirement there will not work, therefore affordable housing would not be required there. The special regulation to implement the mandatory affordable unit requirement would be triggered upon development of 10 units or more to cover this situation.

Outcome of the Study Session

The Planning Commission at their October 11 study session did not choose which approach they would support.

1. (Option 1) Incentive approach: Rezone, without any affordability requirement. This approach allows the owner to voluntarily utilize Chapter 112 incentives.
2. (Option 2) Mandatory approach: Rezone the subject parcels to PLA 7A and require any development exceeding 9 dwelling units per acre to provide at least 10% of the units to be affordable.
3. (Option 3) Mandatory alternative approach: Rezone to PLA 7A and require developments of 10 or more units to provide at least 10% of the units as affordable units.

Staff's preliminary recommendation was that given the extent of the increased density, one of the two mandatory approaches be selected, if the rezone were recommended for the KCC site. And of the two mandatory approaches, staff recommends the last option (Option 3), which requires that provision of affordable units is triggered with development of 10 units or greater.

Transition Boundary To Single Family

The existing north south boundary line between the RS 5.0 and PLA 7A zones follows the mid block alley that terminates at the west end of the American Legion Hall site. If the entire L shaped KCC property were rezoned, the resulting zone line would be inconsistent with the pre-existing boundary in this block between RS 5.0 and PLA 7A.

On the other hand, continuing that pre-existing boundary westward to First Street would split the L shaped KCC property into two zones. In order to avoid incompatible land use regulations that may stem from multiple zoning classifications, it is usually desirable to have the same zoning on property that is under common ownership. There are cases where split zoning does occur but they are not the norm.

Other than an irregular boundary line, there are a few negatives for including the entire L shaped parcel in the rezone to PLA 7A, as long as compatibility issues are addressed. As noted in the neighborhood compatibility section above, building height impacts would be negligible because the study area is almost entirely within 100 feet of a low density zone and therefore building height would be limited to 25 feet above ABE, which is the height limit in the RS 5.0 zone. In an effort to ensure neighborhood compatibility with surrounding single family homes, a special zoning regulation requiring that only detached units be developed either north of the midblock on the KCC property or along the entire east side of First Street would be recommended.

Too, as noted in the issue section, the rezone would generate 159 net daily vehicle trips from a maximum of 10 additional dwelling units. If the number of additional vehicle trips is viewed as an unacceptable increase, the area that is rezoned could be limited, thus reducing the number of units and the number of vehicle trips generated. A reduction of area could be facilitated by extending the midblock boundary line through the KCC site, or only rezoning the Nakhjiri parcel.

To ensure neighborhood compatibility while maintaining uniform zoning under common ownership, the staff's preliminary recommendation at the October 11 study session was to rezone the entire L shaped study area, but limit the style of structures associated with residential, Assisted Living Facility or Nursing Home either north of the alley on the KCC property or along the entire east side of First Street, to detached units. This could be implemented through a special regulation in the Planned Area 7A use zone chart for Detached, Attached, or Stacked, and Assisted Living Facility, Convalescent Center or Nursing Homes use listings.

Outcome of the Study Session

The Planning Commission at their October 11 study session contemplated approving the rezone for the Nakhjiri site only, for those reasons stated in the background section of this memo.

ATTACHMENTS

1. Vicinity Map of Study Area
2. SEPA Addendum
3. Chart comparing residential build-out under existing and proposed zoning
4. Graphic showing building envelope covered by 25 foot above ABE height limitation

Cc:

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Norkirk Neighborhood Association

Kirkland Chamber of Commerce

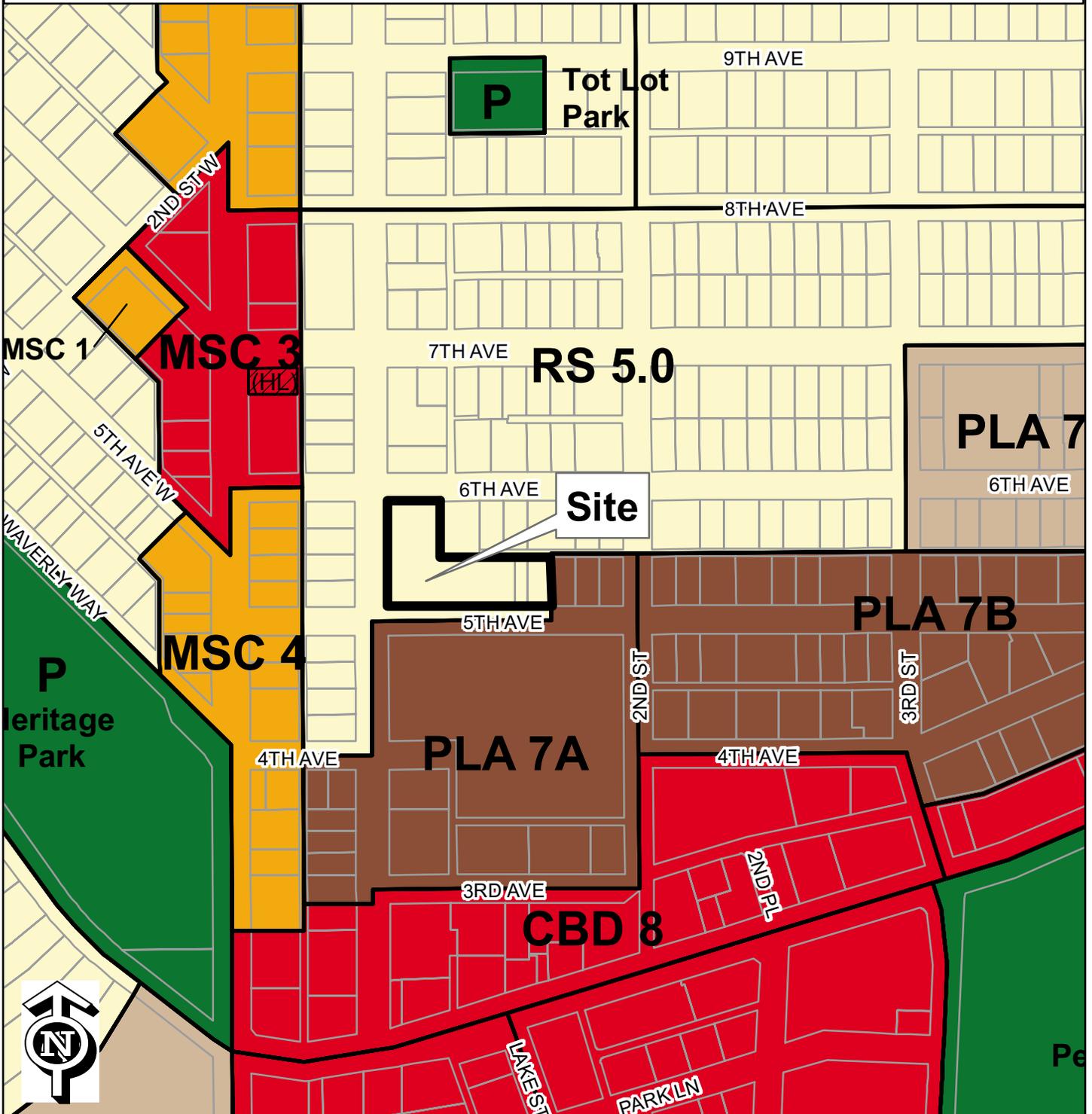
File ZON07-00010

Nakhjiri/ Kirkland Congregational Church Private Amendment Request (ZON07-00010)

Reclassify from Low Density Residential land use (RS 5.0) zoning (5,000 sq.ft. minimum lot size)

to: High Density land use Planned Area 7A zoning (multi-family 2,400 sq.ft. per unit)

106 & 138 5th Avenue and Parcel No. 388580-8325



NOTICE OF AVAILABILITY

January 11, 2008

The City of Kirkland has issued an addendum to the Draft and Final Environmental Impact Statements for the 2004 Kirkland Comprehensive Plan. The Draft and Final EIS's were issued on July 1, 2004 and October 15, 2004 respectively. **The subject of the EIS addendum is the Nakhjiri/ Kirkland Congregational Church Private Amendment Request to change the Land Use Map and Zoning Map to increase the allowable density on properties at 106 and 138 5th Avenue and the intervening alley (Parcel Numbers 388580-8330, 8250, and 8325) from 9 dwelling units per acre and RS 5 zoning (minimum lot size of 5,000 square feet) to 18 dwelling units per acre and Planned Area 7A zoning (minimum lot area per unit of 2,400 square feet).** The applicants' would like to have the comparable zoning as the surrounding neighborhood in order to provide housing units at the higher density allowed in the PLA 7A zone. Additionally, Kirkland Congregational Church would like to have the option in the future to build affordable housing on their property at 106 5th Avenue **pursuant to Chapters 130, 140 and 160 KZC - Process IV.** File No. ZON07-00010.

The city accepts for review citizen initiated requests to amend the Comprehensive Plan every two years (biennially). This is a two stage process. During Stage One, the City Council decides through a threshold determination process which of the private amendment requests is eligible for further substantive consideration. Stage Two entails a full analysis and public review. The City Council approves or denies each request as part of adoption of the annual City-initiated amendments to the Comprehensive Plan. This private amendment request is in Stage Two of the process.

The following steps will occur in Stage Two of the City of Kirkland's review of this private amendment request: Public Hearing conducted by the Planning Commission on January 24, 2008; and date for decision and action by City Council tentatively set for April 15, 2008. All dates are subject to change.

If you wish to receive a copy of the staff memorandum on the proposal or the EIS Addendum, or have any questions, please contact Joan Lieberman-Brill, Kirkland Senior Planner at (425) 587-3254. You may also send requests for copies via e-mail, at jbrill@ci.kirkland.wa.us.

Fact Sheet

Action Sponsor and Lead Agency	City of Kirkland Department of Planning and Community Development
Proposed Action	Legislative adoption of the Nakhjiri/ Kirkland congregational Church Private Amendment Request to reclassify from Low Density to High Density Residential land use and from RS 5.0 to PLA 7A zoning (from 5,000 sq. ft. minimum lot size to multi-family 2,400 sq. ft. per unit) at 106 and 138 5th Avenue and the intervening alley, pursuant to Chapters 130, 140, and 160 KZC (Process IV).
Responsible Official	<hr/> Eric R. Shields, AICP Planning Director
Contact Person	Joan Lieberman-Brill AICP Senior Planner, City of Kirkland (425) 587- 3254 or at jbrill@ci.kirkland.wa.us
Required Approvals	Adoption by Kirkland City Council.
Location of Background Data	File ZON07-00010 City of Kirkland Department of Planning and Community Development 123 Fifth Avenue Kirkland, WA 98033
Date of Issuance	January 11, 2008

City of Kirkland

Nakhjiri/ Kirkland Congregational Church Private Amendment Request

EIS Addendum dated January 11, 2008

File No. ZON07-00010

I. Background

The City of Kirkland is processing a **Private Amendment Request to change the Comprehensive Plan Land Use Map and Zoning Map**. The amendments will be reviewed using the Chapter 160 KZC, Process IV with adoption by City Council.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Comprehensive Plan Land Use Map and Zoning Map amendments.

II. EIS Addendum

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2)). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c) -625, and -706.

The City published a Draft and Final EIS on its Comprehensive Plan 10 year update in 2004. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

This addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS* is being issued pursuant to WAC 197-11-625 to meet the City's SEPA responsibilities. The EIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use pattern, and environmental impacts that are expected to be associated with the proposed **Private Amendment Request to change the Comprehensive Plan Land Use Map and Zoning Map** discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the 2004 EIS, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

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III. Non-Project Action

Decisions on the adoption or amendment of Comprehensive Plans and zoning regulations are referred to in the SEPA rules as “non-project actions” (WAC 197-11-704(2)(b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. Both the adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS* and eventual action on the **amendments to the Comprehensive Plan Land Use Map and Zoning Map** are “non-project actions”.

IV. Environmental Analysis

The *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS* evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan’s policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Nakhjiri/ Kirkland Congregational Church Private Amendment Request is similar in magnitude to the potential impacts disclosed in the *2004 Comprehensive Plan EIS*. As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in the *Comprehensive Plan EIS*, no additional or new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

V. Description of the Proposed Private Amendment Request

The proposal is to rezone and change the land use designation at 106 and 138 5th Avenue and the intervening alley from RS 5.0 (5,000 sq. ft. minimum lot size), a low density single family zone, to Planned Area 7A (2,400 sq. ft. minimum lot area per unit), a high density multifamily zone. If adopted, the proposal would potentially double the permitted residential density and change the type of land uses permitted at the subject properties. Density would increase from 9 to 18 dwelling units per acre and from detached single family to multifamily housing. Additionally, assisted living facilities and convalescent centers or nursing homes are uses that would be permitted with the requested zoning but are not allowed under current zoning.

VI. Environmental Impacts

The attached chart compares various impacts from a residential development at maximum build-out under existing and proposed zoning. To summarize, if rezoned, the

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net traffic generated by an additional 10 dwelling units is 159 daily trips and 16 PM peak trips, which is within the range expected with infill of the neighborhood. 159 additional vehicle trips would present an insignificant traffic impact to the City transportation system. The addition of 10 units as a result of a rezone would have negligible impact to our concurrency LOS standards for the planning horizon of 2022.

VII. Public Involvement

The Planning Commission held a study session on October 11, 2007 and will hold a public hearing on January 24, 2008 on the Nakhjiri/ Kirkland Congregational Church Private Amendment Request. Meetings are advertised in the Seattle Times, via the City's cable channel and on two public notice signboards at the site in the Norkirk Neighborhood. In addition, the City sent out notice to the property owners within 300 feet of the rezone property and to all adjoining residences prior to the study session and public hearing. Finally, all information was advertised on the [City's Comprehensive Plan website](#) and e-mailed to all subscribers of the City's list service for the Norkirk Neighborhood Plan update.

Public notice of the amendments and the public hearings and meeting are being provided in accordance with State law. The City Council will tentatively take final action on the proposal on April 15, 2008. All dates are subject to change.

VIII. Conclusion

This EIS Addendum fulfills the environmental review requirements for the proposed **Nakhjiri/ Kirkland Congregational Church private amendment request to the Comprehensive Plan Land Use Map and Zoning Map**. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *2004 City of Kirkland Draft and Final Comprehensive Plan 10-year Update EIS* ; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.

Attachments:

1. Vicinity Map
2. Chart Comparing Residential Build-Out Under Existing And Proposed Zoning

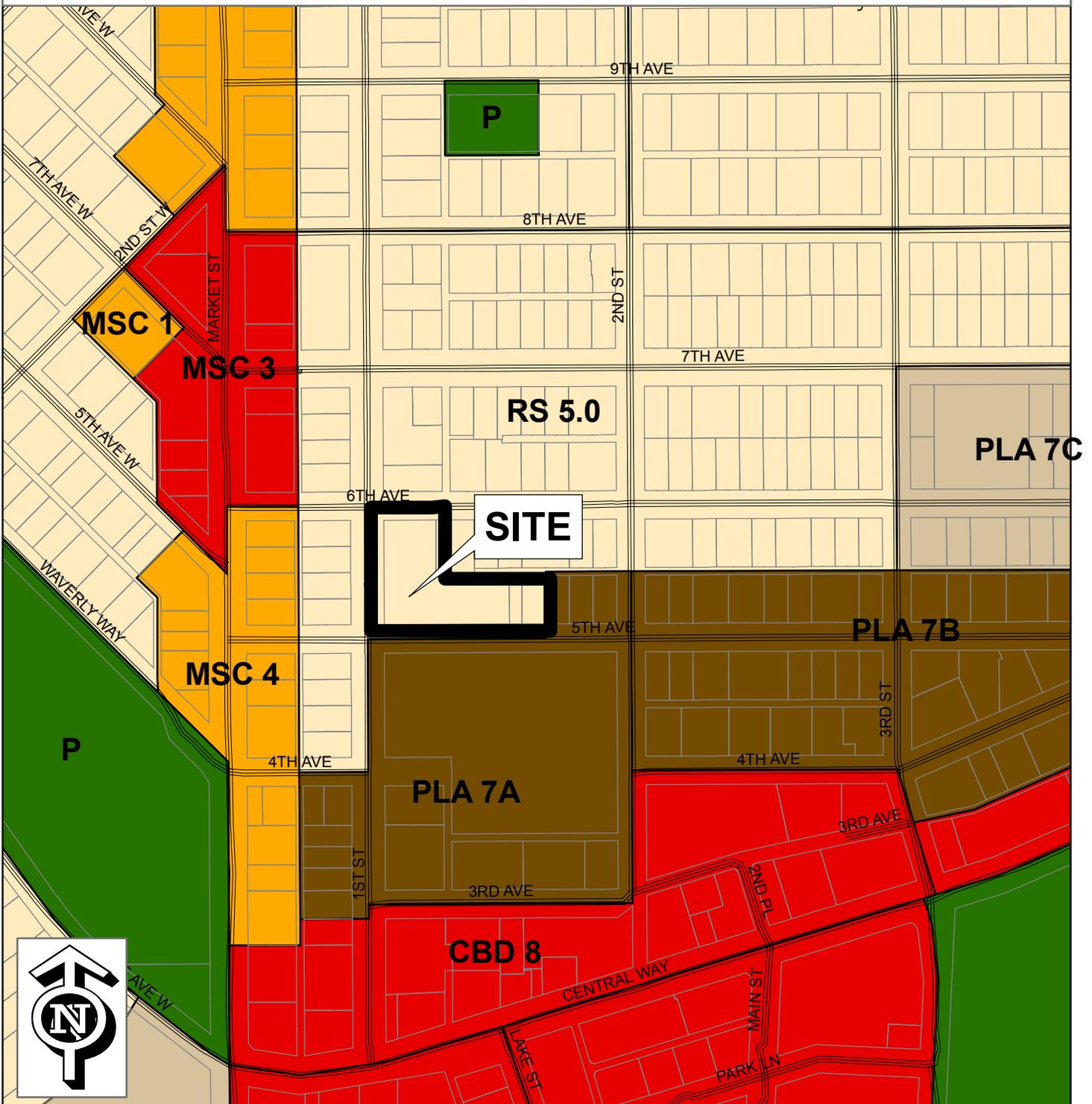
Cc: Dept. of Ecology, CTED, and File No. ZON07-00010

Nakhjiri/ Kirkland Congregational Church Private Amendment Request (ZON07-00010)

Reclassify from: Low Density Residential land use (RS 5.0) zoning (5,000 sq.ft. minimum lot size)

to: High Density land use Planned Area 7A zoning (multi-family 2,400 sq.ft. per unit)

106 & 138 5th Avenue and Parcel No. 3885808325



Residential Build out Comparison between Current RS 5.0 and Proposed PLA 7A Zoning							
ALLOWED UNDER CURRENT ZONING				ALLOWED UNDER PROPOSED ZONING			
RS 5.0 (5,000 sq. ft. min lot size)	Nakhjiri	KCC - UCC	Combined	PLA 7A (2,400 sq. ft. min lot area per unit)	Nakhjiri	KCC - UCC	Combined
Permitted residential land use	Detached dwelling units	same		Permitted residential land use	Detached, attached or stacked dwelling units	same	
Allowed land uses (Bold text in this row indicates the uses that are not permitted in the PLA 7A zone)	Detached dwelling unit, Church, School or Day-Care Center, Mini School or Mini Day-Care, Golf Course , Public Utility, Government Facility or Community Facility, Public Park	Same		Allowed land uses (Bold text in this row indicates the uses that are not permitted in the RS 5.0 zone)	Detached, attached or stacked dwelling units, Church, School or Day-Care Center, Mini School or Mini Day-Care, Assisted Living Facility, Convalescent Center or Nursing Home , Public Utility, Government Facility or Community Facility, Public Park	Same	
Maximum # of units allowed	1 detached dwelling unit	8 detached dwelling units	9 detached dwelling units	Maximum # of units allowed	2 units	17 units	19 dwelling units
Permitted density	9 dwelling units per acre	same		Permitted density	18 dwelling units per acre	same	
Permitted building height	25' above ABE	same		Permitted building height	25' above ABE within 100' of low density zone or detached dwelling unit in PLA 7C, otherwise 30' above ABE.	same	

Residential Build out Comparison between Current RS 5.0 and Proposed PLA 7A Zoning							
ALLOWED UNDER CURRENT ZONING				ALLOWED UNDER PROPOSED ZONING			
RS 5.0 (5,000 sq. ft. min lot size)	Nakhjiri	KCC - UCC	Combined	PLA 7A (2,400 sq. ft. min lot area per unit)	Nakhjiri	KCC - UCC	Combined
Potential traffic generation	15 daily trips; 2 PM Peak trips	102 daily trips; 11 PM Peak trips	117 daily trips; 13 PM Peak trips	Potential traffic generation	23 daily trips; 2 PM peak trips	253 daily trips; 27 PM peak trips.	276 daily trips; 29 PM peak trips
Required parking	2 on-site parking stalls/unit = 4 stalls	same = 14 stalls	18 stalls	Required parking	1.7 on-site parking stalls/unit = 4 stalls	Same = 29 stalls	33 stalls
Required buffer/transitions to SF	None	same		Required buffer/transitions to SF	5 foot wide landscaped strip with 6' fence; trees 10 feet on center 50% conifer min. 6' high and deciduous min. 2" caliper; ground cover attaining 60% cover	same	

Residential Build out Comparison between Current RS 5.0 and Proposed PLA 7A Zoning							
ALLOWED UNDER CURRENT ZONING				ALLOWED UNDER PROPOSED ZONING			
RS 5.0 (5,000 sq. ft. min lot size)	Nakhjiri	KCC - UCC	Combined	PLA 7A (2,400 sq. ft. min lot area per unit)	Nakhjiri	KCC - UCC	Combined
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Allowed land uses (Bold text in this row indicates the uses that are not permitted in the PLA 7A zone)	Detached dwelling unit, Church, School or Day-Care Center, Mini School or Mini Day-Care, Golf Course , Public Utility, Government Facility or Community Facility, Public Park	Same		Allowed land uses (Bold text in this row indicates the uses that are not permitted in the RS 5.0 zone)	Detached, attached or stacked dwelling units, Church, School or Day-Care Center, Mini School or Mini Day-Care, Assisted Living Facility, Convalescent Center or Nursing Home , Public Utility, Government Facility or Community Facility, Public Park	Same	
Maximum # of units allowed	1 detached dwelling unit	8 detached dwelling units	9 detached dwelling units	Maximum # of units allowed	2 units	17 units	19 dwelling units
Permitted density	9 dwelling units per acre	same		Permitted density	18 dwelling units per acre	same	
Permitted building height	25' above ABE	same		Permitted building height	25' above ABE within 100' of low density zone or detached dwelling unit in PLA 7C, otherwise 30' above ABE.	same	

Residential Build out Comparison between Current RS 5.0 and Proposed PLA 7A Zoning							
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Nakhjiri & KCC-UCC PAR



Vicinity Map

Map Legend

	Commercial
	Industrial
	Light Manufacturing Park
	Office
	High Density Residential
	Medium Density Residential
	Low Density Residential
	Institutions
	Park/Open Space



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