

Appendix B

Land Use Map Corrections and Implementing Zoning Map Corrections

City of Kirkland
2004 GMA 10 year Comprehensive Plan Update project
Neighborhood Plan Land Use Map Corrections and Implementing Zoning
Map Corrections
File IV-02-1 #4

I. Background

The City of Kirkland has prepared its 2004 Comprehensive Plan Amendments and related Zoning Map amendments as part of the GMA 10 Year Comprehensive Plan Update project. The Plan provides a framework that will guide future public actions and decisions regarding the use of land, such as future implementation of new development regulations or public investments through 2022. It will also influence the actions and decisions of private parties relating to their land use and development options.

A component of the 2004 GMA Comprehensive Plan Amendments are corrected Neighborhood Plan Land Use Maps. Corrected Neighborhood Plan Land Use Maps are proposed for adoption in the corresponding neighborhood chapters of the City's Comprehensive Plan (with the exception of the North Rose Hill and Everest Neighborhood Plans Land Use Maps, where inconsistencies have not been identified). The Neighborhood Plan Land Use Map corrections are necessary to bring them into consistency with the 1995 GMA City-wide Land Use Map. These maps, in conjunction with the neighborhood plans, in conjunction with the general elements in the Plan, provide a framework that will guide public actions and decisions regarding the use of land, and influence the actions and decisions of private parties relating to their land use and development options within each neighborhood of the City.

The neighborhood land use maps indicate the land use designations by neighborhood and show the residential density potential. Consistent with the Kirkland Comprehensive Plan City-wide Land Use Map, the proposed Neighborhood Plans Land Use Map corrections bring into consistency all land use classifications and residential density based on the GMA Comprehensive Plan adopted in 1995 and subsequent annual amendments.

II. Reason for Inconsistencies

The majority of the inconsistencies that are proposed for correction derive from the fact that the Neighborhood Plan maps were not revised with the adoption of land use amendments prior to or during the 1995 GMA Comprehensive Plan adoption process. Since the Neighborhood Plan Maps were not amended to correct these inconsistencies through the initial 1995 GMA Comp Plan update process, there are circumstances where a neighborhood plan map shows a land use that is different from the use shown on the Comprehensive Plan City-wide Land Use Map.

For example, the neighborhood map may still show residential use while the City-wide Land Use Map shows commercial. Similarly, a Neighborhood Plan Land Use Map could show a residential density outside the range of acceptable density described by the City-wide

Comprehensive Plan Land Use Map. For example, the neighborhood map could identify six dwelling units to the acre, a low density designation, for an area where the City-wide Land Use Map shows medium- density residential, which requires a higher density value.

In these cases, the Comprehensive Plan Land Use Map prevails over the Neighborhood Plan Map.

Exceptions to these rules are when research uncovers a mistake on the Comprehensive Plan City wide Land Use Map (i.e. Planned Area 2 in the Lakeview neighborhood)

The systematic comparison of the City-wide Land Use Map and the individual neighborhood maps resulted in identification of inconsistencies that are being corrected with this project.

III. How Residential Density is Determined

There are situations where both the City-wide Comprehensive Plan and Neighborhood Plan Land Use Maps show the same residential land use designation but the Neighborhood Plan Land Use Map does not indicate a residential density. To determine the density of the residential area, where the text does establish the numeric density designation, that specific numeric range or value is recommended.

There are also situations where a Neighborhood Plan Land Use Map may show the same category of residential use of that described on the Comprehensive Plan Land Use Map but no density is noted on the neighborhood map nor described in the text of the neighborhood plan. In these cases, the existing zoning density found in the Zoning Code for the comparable zone along with the density range corresponding to the zoning per Appendix H of the Comprehensive Plan, are used as a basis for the density recommendation.

There are several parcels where the land use designation is Office/Multi-Family, the site is developed with office use, and the text and map are silent on the maximum residential density allowed. In these cases, the appropriate density is determined by the density set forth in the comparable zoning classification, along with the density range corresponding to the zoning noted in Appendix H of the Plan.

In the NE 85th Street Subarea Plan, adopted in 2001, a land parcel is designated for residential development but the text is silent on the numeric density value specifically attributed to the site. Since no implementing zoning has yet been adopted for the NE 85th Street Subarea, the appropriate density can not be derived from the comparable zoning classification. In this case, Appendix H of the Comprehensive Plan determines the density as a range specified by the chart based on the general residential density category (i.e. low, medium, or high density residential) described in the text of the NE 85th Street Subarea plan specifically applicable to that property.

In the Totem Lake Neighborhood Plan, adopted in 2002, on a parcel designated for medium density residential development, the text provides only the lower range of the numeric density value specifically attributed to the site. While no implementing zoning has yet been adopted, in

this case the method used to determine the upper density limit is based on the existing zoning of RM 5 and its equivalent upper limit density designation of 9 dwelling units per acre.

IV. Impacts of the Proposed Neighborhood Plan Land Use Map Amendments

In some cases, confirmation of the existing residential density utilizing King County tax records indicates that a development has non-conforming density exceeding the numeric range allowed for that land use designation. However, regardless of whether numeric density designations are added to the maps or not, these parcels are and remain non-conforming in regards to density; since the numeric designations are only being brought forward from the text to the maps. Therefore this project has no adverse impact on the maximum theoretical density that could be attained through redevelopment of the subject property resulting from indicating density on neighborhood land use maps.

Zoning Code Section 162.60 allows nonconforming density to be rebuilt or redeveloped at the nonconforming density if they were down zoned as a result of the 1977 Comprehensive Plan adoption. At such time redevelopment is contemplated, an assessment of the applicability of that Zoning regulation will be made.

V. Description of the Proposed Neighborhood Plan Land Use Map Amendments

The proposed Neighborhood Plan Land Use Maps consist of several layers. Property lines, land use designation, and residential density are the key attributes of these maps. Since the purpose of this project is to bring land use on the neighborhood maps into consistency with the Comprehensive Plan City-wide Land Use Map adopted in 1995 and all subsequent amendments implemented in the annual and on-going Comprehensive Plan amendment process, all layers on the Neighborhood Plan Land Use Maps are/should now consistent with the City-wide Land Use Map. The following Neighborhood Plans Land Use Maps are proposed for amendment in order to either make their land use consistent with the City-wide Comprehensive Plan Land Use Map and /or indicate the maximum residential density numeric value or the numeric range where the existing corresponding neighborhood plan text and map is silent. Proposed amendments are described by neighborhood.

Lakeview Land Use

- **(Map LV 1 – Attachment 1b)** Parcels 980810-0176 (north portion), 0177, 0170, 0188 and 1825059008 (located within the western portion of the Yarrow Bay Park and Wetlands). Property owners: Robert W. Chamberlin and Alan B. Harper respectively. Change the Comprehensive Plan City wide land use map from Park/Open Space to Low Density Residential land use designation. Retain the Planned Area 2 (PLA 2) land use designation on the neighborhood plan land use map but Indicate a maximum residential density of **1 dwelling unit per acre** for this location based on the neighborhood plan text that states that densities should be extremely limited (1 dwelling unit per acre) in PLA 2 areas that are not adjoining Points Drive (Attachments 1c). Current development: vacant.

Research indicates that the Lakeview neighborhood land use map designated all this property PLA 2 since 1985 in recognition of the sensitive area constraints that are present on the property (i.e. wetlands). The PLA 2 land use designation is a low density residential designation that since 1989, allows one dwelling unit per acre with a comparable zoning classification of PLA 2, which allows a density of 35,000 square feet per attached or stacked unit, in recognition that clustering away from sensitive areas is preferred. In 1986, 66 acres of land adjoining these parcels, also in PLA 2, was dedicated to the City of Kirkland by First City Investments to ensure protection as a condition of a zoning permit. Review of the 1986 Yarrow Bay wetlands dedication legal description (Attachment 1d) by a Public Works engineer, confirms that the City incorrectly included these parcels as part of that dedication for mapping purposes. The dedicated property including these parcels was redesignated from PLA 2 to Park/Open Space on the City-wide land use map in 1995 to reflect the ownership transfer and purpose of the dedication. In 1996 this property was rezoned to Public Use Zone from PLA 2 zoning. To remedy these mapping inconsistencies, the City is now proposing to change the City-wide land use map for the property from Park/Open Space back to the PLA 2 land use designation that it originally was. The City will also legislatively rezone this property from Public Use Zone back to Planned Area 2 to implement this plan change.

- **(Map LV 2 – Attachment 1e)** Parcel 172505-9099 (located at 4311 Lake Washington Blvd). Property owner: Jackie Associates. Retain the Medium Density Residential designation but indicate a maximum residential density of **10 to 14 dwelling units per acre** for this location based upon the general residential densities for medium density in Appendix H, comparable to the existing PLA 3B zoning which establishes a minimum lot area per unit of 3,600 square feet. The Neighborhood Plan text silent on density (Attachment 1f). Current development: Yarrow Bay Apartments built in 1969. *Existing density 33 dwelling units per acre.*
- **(Map LV 3 – Attachment 1g)** Parcel 172505-9236 (located at 4055 Lake Washington Blvd). Property owner: Westmore Properties LLC. Retain the Office Multifamily designation but indicate a maximum residential density of **12 dwelling units per acre** for this location based upon the existing text in the neighborhood plan which permits medium residential density at 12 dwelling units per acre (attachment 1h). The existing PLA 3A zoning implements this density by requiring a minimum lot area per unit of 3,600 square feet. Current development: Yarrow Shores Office Building built in 1989.
- **(Map LV 4 - Attachment 1i)** Parcel 172505-9060. Property owner: City of Kirkland. Change from Office Multi-Family to Park/Open Space designation to bring land use on neighborhood map into consistency with City-wide Comprehensive Plan land use map. Current development: undeveloped park link between Yarrow Bay Park and Watershed Park.
- **(Map LV 5 - Attachment 1j)** Parcel 202505-9074 (located at 10602 through 10640 NE 38th Place). Property owner: Paccar Inc. Change from Low Density Residential to Office designation to bring land use on neighborhood map into consistency with City-wide Comprehensive Plan land use map. Current development: Yarrow Bay Office Complex. .
- **(Map LV 6 - Attachment 1k)** Parcels 980810-0181 and southern portion of 0176 (located adjoining the western boundary of the Yarrow Bay Park and Wetlands). Property owners:

Roger Rieger and Robert Chamberlin, respectively. Change the City-wide Comprehensive Plan Land Use Map from Medium Density Residential to Low Density Residential to match land use map and text in neighborhood plan. Indicate a maximum residential density of 1 **dwelling unit per acre** for this location based on the neighborhood plan text that states that densities should be extremely limited (1 dwelling unit per acre) in PLA 2 areas that are not adjoining Points Drive (see Attachment 1c). Existing PLA 2 zoning establishes a minimum lot area of per unit of 35,000 square feet. Current development: vacant.

- **(Map LV 7 - Attachment 1I)** Parcels (Yarrow Bay Park and Wetlands). Property owner: City of Kirkland. Change from PLA 2 and PLA 3 designations to Park/Open Space to bring neighborhood land use map into consistency with City-wide Comprehensive Plan land use map. Current Development: Yarrow Bay Park and Wetlands.

Central Houghton Land Use

- **(Map CH 1 - Attachment 2b)** Parcel 082505-9313 (located at 6700 108th Ave. NE). Property owner: Dorothy Carter. Change from Office Multi-Family to Commercial designation to bring land use on neighborhood map into consistency with City-wide Comprehensive Plan land use map. Current development: paved parking lot serving the office adjoining to the east at 10829 NE 68TH ST.

Bridle Trails Land Use

- **(Map BT 1 - Attachment 3b)** Parcel 082505-9035 (located at 6725 116th Ave. NE). Property owner: Capstone Realty Advisors. Change from Low Density Residential to Office/Multi-Family designation and indicate a residential density of **10 to 14 dwelling units per acre** for this location based upon the density range in Appendix H comparable to the existing PR 3.6 zoning which establishes a minimum lot area per unit of 3,600 square feet. The Neighborhood Plan text is silent on density (Attachment 3c). Current development: Lakeview Place Office and cellular tower.

Moss Bay Area Land Use

- **(Map MB 1 - Attachment 4b)** Parcel 388580-8730 (located at 221 1st Avenue). Property owner: William Petter. Change the City-wide Comprehensive Plan Land Use Map from High Density Residential to Commercial to bring the land use designation in line with existing CBD 8 zoning and Neighborhood land use text and map and eliminate dual land use designation on single land parcel. Current development: "The Westwater" apartments over retail.
- **(Map MB 2 - Attachment 4c)** Parcel 082505-9074 (723 Lake Washington Blvd). Property owner: City of Kirkland. Change from Medium Density Residential to Park /Open Space designation to bring land use on neighborhood map into consistency with City-wide Comprehensive Plan Land Use Map. Current development: Dave E Brink Park.

Everest Land Use

No proposed amendments

North Rose Hill Land Use

No proposed amendments

South Rose Hill Land Use

- **(Map SRH 1 - Attachment 5b)** Parcels 124150-0140 through 0147 and 0143 (located at 13027 through 13107 NE 70th Ct). Property owners: Kyril Feldman, John and Laurie Lux, Glen and Linda Hunter, Steve Hood, Michael and Rebecca Tsang, Rebecca Slick, John Lux Jr. et al, and James Snyder. Change from Low Density Residential to Medium Density Residential designation to bring land use on neighborhood map into consistency with City-wide Comprehensive Plan Land Use Map. Additionally, indicate a maximum residential density of **10 - 14 dwelling units per acre** for this location based upon the density range in Appendix H comparable to the existing RM 3.6(1) zoning which establishes a minimum lot area per unit of 3,600 square feet. The Neighborhood Plan text is silent on density (Attachment 5c). Current development: small lot single family short plat.

Totem Lake Land Use

- **(Map TL 1 - Attachment 6b)** Parcel 282605-9004 (located just south of the City Limits with King County). Property owner: Gordon Hart. Retain the Medium Density Residential designation but indicate a residential density of **8 – 9 dwelling units per acre** for this location based upon text in the plan which states that the base density for residential development on the slope should be 8 dwelling units per acre (Attachment 6c). Since the text is silent on the maximum density, the current zoning of RM 3.6 which is equivalent to 8-9 dwelling units per acre dictates the higher density range. Current development: vacant.

North/South Juanita Land Use

(Map SJ 1 – Attachment 7b) Parcels 123570-0085, 0101, 0125, 0130; 389310-0320; 322605-9030; 376450-0090 (The Park at Forbes Creek apartments located at the old gravel pit in South Juanita Neighborhood). Property owner: Park at Forbes Creek LLC. Retain the existing PLA 9 Medium Density Residential designation but indicate a residential density of **4 to 9 dwelling units per acre** for this site based upon the existing neighborhood plan text which permits a range of density from low density with an upper limit of 9 dwelling units per acre and PLA 9 zoning (Attachment 7c). Base the minimum density upon the residential densities for low density in Appendix H, comparable to the existing PLA 9 zoning which establishes a minimum lot area of 8,500 square feet for a detached dwelling unit, which is comparable to 4 to 5 dwelling units per acre. Current development: “The Park at Forbes Creek” apartment complex built in 1988. *Existing density 7.45 d.u/acre.*

In addition, correct the neighborhood plan text by eliminating the current reference to Resolution 2474. The site was the focus of three court litigations in 1977. These were: Kirkland Sand and Gravel vs. City of Kirkland, Kirkland Sand and Gravel vs. City of Kirkland and Wallace H. Litchfield vs. City of Kirkland. These three cases were

consolidated into one suit, the outcome of which was that the properties would remain zoned as Planned Area 9, subject to a number of conditions as stipulated in Resolution 2474. One of the conditions stipulated was that any this resolution would not affect any application for planned unit development filed with the city more than 12 years after the date of entry (1977). So after 1989 zoning was not affected by this resolution, and there is no need to refer to it in the text of the Plan. See Attachment 7c.

Market /Norkirk/Highlands Land Use

- **(Map M 1 - Attachment 8b)** Parcel 567730-0000 (located at 49 Market Street in the Market Neighborhood). Property owner: Thomas Burbacher, Edward and Tina Kratzer, H A. Smyth, Richard and Donna Palmer. Retain Medium Density Residential designation but indicate a residential density of 10 to 14 dwelling units per acre for this location based upon the density range in Appendix H comparable to the existing WDI zoning which establishes a minimum lot area per unit of 3,600 square feet and upon the existing neighborhood plan text (Attachment 8c). Current development: Moss Bay Condominium built in 1961. *Existing density 29 d.u./acre.*

NE 85th Subarea Land Use

- **(Map 85-SA 1 - Attachment 9b)** Parcel 123850-0245 (located at 8529 124th Avenue NE). Property owner: Brian and Kathleen Beaulaurier. Retain the Office/Multi-Family designation for RH-4 but indicate a maximum residential density of 10 to 14 dwelling units per acre for this location based on the existing neighborhood plan text that indicates medium-density multifamily residential uses (Attachment 9c). Appendix H establishes this medium density range for multifamily residential land uses. No RH-4 zoning has been implemented for this area yet. Current development: single family home. Existing density 2 d.u./acre.

Attachments

1. Lakeview land use map corrections
2. Central Houghton land use map corrections
3. Bridle Trails land use map corrections
4. Moss Bay land use map corrections
5. SRH land use map corrections
6. Totem Lake land use map corrections
7. South Juanita land use map corrections
8. Market land use map corrections
9. NE 85th Subarea land use map corrections

Changes to the City-wide Land Use Plan and Implementing Zoning Map for City Park Properties

File IV-02-1, #1

I. Background

The City has obtained park and open space land over the past few years. The existing land use designation and zoning on these parcels should be changed to reflect the change in ownership and use.

For each parcel described below, the city-wide land use map, the associated subarea neighborhood land use map and the implementing zoning map needs to be changed.

II. Description of Map Changes

1. Water District 1 Park between NE 53rd and NE 58th west of 106th Ave NE, Parcel #1234000770 and 1234000810 (in Houghton neighborhood)

These parcels are now city park/open space land.

The land use designation would change from low density residential to Park/Open Space and the zoning would change from RS 8.5 to Park/Open Space.

2. South Rose Hill Park Addition at NE 83rd Street and east of 124th Ave NE, Parcel #1233100435 (in South Rose Hill neighborhood)

This parcel is now city park/open space land.

The land use designation would change from low density residential to Park/Open Space and the zoning would change from RSX 7.2 to Park/Open Space.

3. Open space is in the south end of Cedar Street, north 2nd Ave, east of Kirkland Ave, south of Ohde Ave and west of Slater Street South (in Everest neighborhood)

This parcel is city park/open space since 1910 through Burke and Farrar's Kirkland Addition to the City of Seattle Division No 8. Vol. 19, page 71..

The land use designation would change from low and medium density residential to Park/Open Space and the zoning would change from RS 5.0 and RM 3.6 to Park/Open Space.

4. Open space at the north end of Cedar Street between Kirkland Way and Slater Ave South and south of Ohde Ave. (in Everest neighborhood)

This parcel is city park/open space since 1910 through Burke and Farrar's Kirkland Addition to the City of Seattle Division No 8. Vol. 19, page 71..

The land use designation would change from medium density residential to Park/Open Space and the zoning would change from RM 3.6 to Park/Open Space.

5. Pedestrian connection to Totem Lake area south of Totem Lake Way (in the Totem Lake Neighborhood)

This parcel is city park/open space.

The land use designation would change from commercial to Park/Open space and the zoning would change from Planned Area 8 (PLA8) to Park/Open Space.

6. Small open space west of I-405 and Slater Street South, south of NE 85th Street, north of Ohde Ave and east of Kirkland Way (in Everest neighborhood)

The City's Park Map shows this as city park/open space. However, additional research will be done between now and the final EIS to determine the history of the parcel and whether it should be designated as park/open space.

The land use designation would change from low density residential to Park/Open Space and the zoning would change from RS 8.5 to Park/Open Space.

7. Cedar View Park (in Highlands Neighborhood)

This is noted as a park on the City's Park map. However, additional research will be done between now and the final EIS to determine the history of the parcel and whether it should be designated as park/open space.

The land use designation would change from low density residential to Park/Open Space and the zoning would change from RS8.5 to Park/Open Space.