



## CITY OF KIRKLAND

### Planning and Building Department

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## MEMORANDUM

**Date:** July 14, 2015

**To:** Planning Commission

**From:** Joan Lieberman-Brill, Senior Planner, AICP  
Paul Stewart, Deputy Director, AICP  
Eric Shields, Director, AICP

**RE:** PUBLIC HEARING ON GRIFFIS CITIZEN AMENDMENT REQUEST  
FILE NO. CAM13-00465, #5 and #14

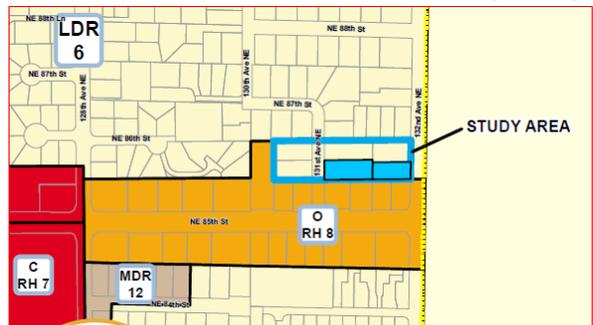
### I. RECOMMENDATION

- Hold a public hearing and take public comments on the proposal to change the Comprehensive Plan designation and zoning for two properties in the low density residential zone in the North Rose Hill Neighborhood. The proposal is to change from the current RSX 7.2 land use designation of low density residential to Rose Hill 8 (RH 8), which is an office zone.
- Following the hearing, the Planning Commission will deliberate and make a recommendation to the City Council.

### II. BACKGROUND INFORMATION ON CAR STUDY AREA

The staff report for the February 26, 2015 Planning Commission packet provides a detailed analysis of the rezone options. A link to the two part packet is provided [here](#) and [here](#) and summarized below.

Greg Griffis of Merit Homes submitted an application for Citizen Amendment for two adjoining parcels abutting the RH 8 zone at the north east end of the NE 85<sup>th</sup> Street commercial corridor (see Attachment 1). The request is for a change from low density single family to office RH 8 zoning to enable consolidated development of an unspecified office mixed use project with parcels they currently own that abut NE 85<sup>th</sup> Street. The applicant also owns one of the two properties they wish to rezone; and both



contain a single family home. As part of the scoping process, the Planning Commission and City Council expanded the study area to include all parcels between the north boundary of the Rose Hill Animal Hospital and 132<sup>nd</sup> Avenue NE, rather than the two properties requested by the applicants, to square off the zone.

For purposes of the public hearing, the total study area is being considered for rezone to RH 8. This provides the Commission latitude to ultimately recommend that total rezone or a lesser area if appropriate. The Draft Environmental Impact Statement for the Comprehensive Plan Update also evaluated the potential environmental impacts of this request. An excerpt from this document containing the analysis of the Griffis request is included as Attachment 7.

- A. Existing Land Use Context: The study area’s Comprehensive Plan and Zoning designation is low density residential with a density of six dwelling units per acre (RSX 7.2). This designation allows low density single family development. The RSX parcels abut more intensive RH 8 office zoning to the south (see Attachment 2). The following table provides a comparison of the RSX zoning with the surrounding area and outlines the applicable policy direction from the North Rose Hill (NRH) Neighborhood Plan for the RSX parcels and the NRH Plan and NE 85<sup>th</sup> Street Subarea Plan for the RH 8 zone.

	<b>RSX 7.2 (Study Area and to north)</b>	<b>RH 8 (to south and west)</b>
<b>Max Density</b>	Single family, 7,200 s.f. min. lot size (6 units/ acre)	Unlimited density, stacked units above the ground floor
<b>Setbacks front/side/rear</b>	20’/5’min, 15’ total/10’	10’ adjacent to NE 85 <sup>th</sup> St., otherwise 20’ /0’/15’
<b>Lot Coverage</b>	50%	70%
<b>Affordable Housing Required?</b>	No	No
<b>Height</b>	30 feet above average building elevation (ABE)	30 feet above ABE*
<b>Design Review</b>	No	Yes, ADR**
<b>NRH Plan &amp; NE 85<sup>th</sup> St. Subarea Plan Policy Direction</b>	<b>North Rose Hill Plan</b> Goal NRH 8 – Promote and retain the residential character of the	<b>North Rose Hill Plan</b> Policy NRH 8.2 - Locate new commercial development in the business districts at the north and south boundaries of the NRH neighborhood in order to prevent commercial encroachment.

	<p>neighborhood. (XV.F-10)</p> <p>Goal NRH 10 – Maintain predominately detached single-family residential development at a density of six units per acre in low density areas and allow some density increase if specific public benefits are demonstrated as allowed by Citywide policies. (XV.F-13)</p> <p>Policy NRH 10.1 - Preserve low density areas south of NE 117th Street to approximately NE 86th Street, and between the freeway and 132nd Avenue NE. (XV.F-13)</p>	<p>Commercial development should remain in established commercial areas and not extend into the residential core of the neighborhood. Commercial development is prohibited in low, medium or high density residential areas (XV.F-10)</p> <p style="text-align: center;"><b>NE 85<sup>th</sup> St. Subarea Plan</b></p> <p>Policy NE85-4.8                  Area RH-8                  Allow a range of less intensive office, neighborhood retail, and neighborhood service uses on both sides of NE 85th Street from 128th Avenue NE to 132nd Avenue NE. Limit permitted uses to those that generate limited noise, light and glare, odor, and traffic impacts. Examples of uses that would be appropriate in this area include medical/dental offices, insurance offices, dry cleaners, and coffee shops. Examples of uses that would not be appropriate in this location include gas stations, car washes, uses with drive-through windows, and uses with extended hours of operation. Encourage property owners to aggregate their properties to allow more efficient redevelopment with fewer access points onto NE 85th Street, by providing incentives including increased building heights up to three stories with decreased front setbacks. Encourage new buildings to be located at the front of the lots, with parking underneath, at the rear of buildings, or between adjacent buildings. Encourage mixed-use buildings to have residential units on upper levels. Discourage single-story retail buildings. (XV.F/G-11)</p>
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\*35' if lot size equal or greater than 18,000 SF  
 \*\*Administrative Design Review (KZC Chapter 142)

Existing Development in Study Area: There are 6 parcels in the 1.85 acre study area. All are developed with single family homes built in the 1950's. Parcels range in size from 10,850 to 15,600 square feet. The four study area lots on the east side on 131<sup>st</sup> Ave NE total 55,910 sf (1.28 acres). The two study area lots on the west side of 131<sup>st</sup> Avenue NE total 24,800 sq. ft. (.56 acres).

**B. Existing Zoning and Development Adjoining Study Area:**

- North: RSX 7.2 zoning. This is an established older single family neighborhood that has experienced new home construction as recently as 2014, with four new detached single family residences in the Canton Glen short plat abutting the study area, west of NE 132<sup>nd</sup> Street. At the end of NE 87<sup>th</sup> Street, northwest of the study area, homes have been built as recently as 2006, which are accessed solely by 131<sup>st</sup> Avenue NE.
- West: RH 8, developed with Rose Hill Veterinary Hospital and associated parking.
- South: office zoning (RH 8), on both sides of 131<sup>st</sup> Avenue NE, between NE 85<sup>th</sup> and the Rose Hill Veterinary Hospital.

- East of NE 131st Street- from east to west; Griffis two parcels; one vacant and being used as a staging area for NE 85<sup>th</sup> St construction on the corner of 132nd Ave. NE and NE 85th St., and the other an occupied single family residence. An occupied single family home in the middle, and single family converted to office (Wetherholt and Associates) on the corner of 131st Avenue NE and NE 85th Street.
- West of NE 131st Street- developed with two single family residences converted to offices; Animal Eye Specialists on the corner, and Psychic Palm Reader between it and the Rose Hill Animal Hospital.
- East: 132<sup>nd</sup> Avenue NE and across the street clustered detached dwelling unit (R-5) zoning, developed with The Pointe condominiums in the City of Redmond.

- C. Property Depth in the RH 8 Zone: The relatively narrow depth of the existing RH-8 zone on the north side of NE 85<sup>th</sup> Street and its associated access challenges are the motivation for City consideration of the rezone request. Because access is problematic along NE 85<sup>th</sup> Street, additional depth would provide an opportunity for parcel aggregation and thus more access options for these lots – particularly off of 131<sup>st</sup> and 132<sup>nd</sup> Avenues NE.

RH 8 straddles both sides of NE 85<sup>th</sup> Street and is the narrowest of the Rose Hill business district zones. It contains only parcels with frontage on NE 85<sup>th</sup> Street. Lots on the north side of NE 85<sup>th</sup> Street between NE 132<sup>nd</sup> Street and the Animal Hospital have about 25 feet less depth than those on the south side. Current RH 8 zone depth on the north side of NE 85<sup>th</sup> Street in this location is about 125 feet.

- D. Building Height in the RH 8 Zone: Existing regulations provide a building height incentive by allowing an increase from 30 to 35 feet above average building elevation (ABE) for property consolidation of at least 18,000 square feet. The intent is to aggregate access and parking and reduce curb cuts, on otherwise small lots that front on NE 85<sup>th</sup> Street.

Additionally, existing structure size standards limit building façades to no greater than 50 feet wide parallel to and within 30 feet of a RSX zone boundary, or else height is limited to 15 feet above ABE.

- E. Public Works Driveway Standards: Public Works driveway standards regulate where curb cuts are located. For both NE 85th Street and 132nd Avenue NE, driveways must be spaced 200 feet apart. Driveways also must be at least 200 feet from the signalized intersection at NE 85th Street/132nd Avenue NE. If that distance cannot be provided, access will be limited to right turn in right turn out onto the primary arterials. In this area the preferred access is from 131st Avenue NE. Driveways on 131st Avenue NE must be set back a minimum of 70 feet from the intersection. If

131st Avenue NE does not adjoin the subsequent development site the second preference is for driveway access from 132nd Avenue NE.

- F. Existing Rose Hill Design Guidelines for the RH 8 Zone: The vision of the “East End” portion of the Rose Hill Business District (RH 8 zone) between 128<sup>th</sup> and 132<sup>nd</sup> Avenues NE is articulated in the Rose Hill Design Guidelines. It acknowledges the relatively limited depth of the parcels and their development constraints. It anticipates that over time many smaller sites should be consolidated to maximize development opportunity and share vehicular access and parking. The resulting development would include a mix of storefronts directly on the street, storefronts with small landscaped setbacks, businesses maintaining parking in front, and multi-story buildings with parking underneath. The style of development should be more residential looking, and nearly all buildings should feature pitched roofs and porches or smaller covered areas. Lower building heights and intensity, consolidated sites and access, more flexible in design, small family businesses, small scale mixed use and generous landscaping are intended.
  
- G. Traffic Impact Comparisons: The following description and table are provided to assist with potential concerns over traffic impact. It is taken from the draft EIS (Attachment 7) with the size of the study area corrected (80,710 sf). It compares the study area’s PM peak traffic generation at full development under both existing low density residential zoning, and office zoning. It indicates a rezone to RH 8 results in 78 PM peak hour vehicle trips versus 11 peak hour trips if developed with a maximum of 11 homes under current RSX zoning.

The Griffis CAR study area consists of six parcels located on the eastern border of the City of Kirkland, one to two lots north of NE 85th Street. Currently, the six parcels are zoned as RSX7.2 for low density residential, allowing a maximum of 6 dwelling units per acre. This results in a maximum of 11 total dwelling units in this area and 11 total PM peak hour trips. At the highest intensity of development, the proposed Rose Hill Business District 8 zoning would allow full redevelopment of the property into office space with a maximum FAR of 0.65. The office land use allowable under this proposal would generate 78 PM peak hour vehicle trips.

**Exhibit Error! No text of specified style in document.-1. PM Peak Hour Trip Generation Analysis – Griffis CAR**

	Scenario 1	Scenario 2
Description	No action allowable	CAR proposal
Use	Low density residential	Office
Total area of study (sf)	80,710	80,710
Building Size	n/a	FAR = 0.65
Residential Units	11	n/a
Rate	1.00 <sup>1</sup>	1.49 <sup>2</sup>
Vehicle Trips	11.0	78.2
<b>Total</b>	<b>11.0</b>	<b>78.2</b>

*1: Trips per dwelling unit in the PM peak hour of the adjacent street; Land Use Category 210 - Single Family Detached Housing (ITE Trip Generation Manual, 9th Edition)*

2: Trips per thousand SF GFA in the PM peak hour of the adjacent street; Land Use Category  
710 – General Office (ITE Trip Generation Manual, 9th Edition)

### III. ANALYSIS OF OPTIONS

#### A. Overview

The public notice for the hearing includes consideration of rezoning the entire study area to RH 8. The Commission may consider alternatives as the Planning Commission conducts its deliberations to formulate a recommendation to City Council. Those options are outlined below.

#### B. Option 1: No Action, retain existing RSX zoning.

The study area is at a critical turning point in its development. Given the age of the housing stock and the land value of the properties, the recent trend in the surrounding area to redevelop with newer single family homes is likely to continue. Redevelopment could take longer. Over time, the likely result of no action is newer, larger, more expensive single family homes for the study area and the surrounding area.

Based on the map and chart below the theoretical maximum development potential in the study area is 11 single family homes at current minimum 7,200 sf lot size. Lots 3 and 4 each contain at least 14,400 square feet and therefore each have further development potential for division into two lots. Lots 1, 2 and 5 are eligible for small lot single family, where one lot is a minimum of 7,200 sq. ft. and the other is at least 5,000 square feet developed with a smaller home. Lot 6 is only of sufficient size for one single family unit.



Map #	PIN	ApprLandVa	ApprimpsVa	Site Address	SqFtLot
1	8635700035	160000	203000	8527 131ST AVE NE	12400
2	8635700040	163000	203000	8519 131ST AVE NE	12400
3	8635700030	186000	203000	8526 131ST AVE NE	15600
4	8635700025	156000	203000	8520 131ST AVE NE	15600
5	1241900025	216000	182000	8525 132ND AVE NE	13860
6	8635500035	155000	182000	8519 132ND AVE NE	10850

As noted in the background section above, the existing low density land use designation has been sufficient to spur low density residential redevelopment near the study area. Redevelopment with four new single family homes in the Canton Glen short plat adjoining the north boundary of the study area has more than doubled the assessed value of the redeveloped properties. In Feb of 2013, one of the four lots, a 9,067 square foot parcel with a 1,200 square foot home built in 1961, sold for over \$600,000 to the developer. A new 2,244 sq. ft. home sold for almost 1 million in April 2015. If this option is selected, the text of the neighborhood plan would remain the same.

- C. **Option 2: Rezone entire study area, (6 lots).** The depth of the RH 8 zone would be increased to a total depth of about 285 feet along both 132<sup>nd</sup> Avenue NE and 131<sup>st</sup> Avenue NE . An additional 160 feet would be added to its current depth of about 125'. Since rezoning the entire study area would increase the depth of the RH 8 zone to about 285 feet, the Rose Hill Animal Hospital would no longer be an outlier.

The map below shows that the resulting depth would be similar to both the Rite Aid site on the southeast corner of 124<sup>th</sup> Avenue NE and NE 85<sup>th</sup> St. and the Rose Hill Animal Hospital site. This is a parcel depth similar to the commercial "Neighborhood Center" portion of the Rose Hill business district between 124<sup>th</sup> and 128<sup>th</sup> Avenues NE.



Given the aggregation potential of parcels if the study area is rezoned, redevelopment of the existing RH 8 parcels is more likely than if aggregation doesn't occur. Because access is problematic along NE 85th Street, additional depth would provide more and better access options for these lots. Rezoning would provide an opportunity for

property assembly, larger building envelopes, and improved access from both 131st and 132nd Avenues NE. It would enable driveways to be located further north from the intersections at NE 85<sup>th</sup> and 132<sup>nd</sup> Ave NE and 131<sup>st</sup> Ave NE (this is a desired outcome by the City and by the developer as indicated in the application for CAR). Aggregation would also allow the reduction of curb cuts on NE 85th Street by consolidating driveways and parking lots, depending on which parcels are aggregated.

Increased traffic generated by commercial uses would be directed south to NE 85<sup>th</sup> Street at the intersection of 131<sup>st</sup> Ave. NE and NE 85<sup>th</sup> Street. A traffic signal there would only be required if a signal is "warranted." Cut through traffic shouldn't be a factor since 131<sup>st</sup> Ave. NE terminates at the dead end of NE 86<sup>th</sup> Street.

In terms of the mass or scale of a potential building on the site, the typical citywide office Floor Area Ratio (FAR) is .65. In 2011, an approved land use permit for an office project on the two RH 8 lots owned by the applicant (never built) had a .75 Floor Area Ratio (FAR). That project was three stories; two stories office over one story of parking.

Extrapolating from that, if the entire study area is consolidated with the lots fronting on NE 85<sup>th</sup> Street, the typical .65 office FAR results in the following theoretical building footprint and size:

- West of 131<sup>st</sup> Avenue NE - four parcels / about one acre, between the Rose Hill Veterinary Hospital and 131<sup>st</sup> Avenue NE, theoretically results in a 28,860 sf building.
- East of 131<sup>st</sup> Avenue NE – eight parcels / approximately 2.25 acres between 132<sup>nd</sup> Avenue NE and NE 131<sup>st</sup> Street theoretically results in a 64,494 sf three story building.

To address the possible scenario where only one side of 131<sup>st</sup> Ave. NE redevelops with office, leaving a single family use surrounded on three sides by office, staff recommends that the surrounded lot should be allowed to develop independently with a small office.

A rezone will result in increased office development impacts on adjoining residential uses. These include the potential for larger buildings and associated noise and glare impacts. Current landscape buffer and size and noise regulations would help mitigate these potential impacts. A 15' wide landscape buffer with a six foot fence, planted with trees, shrubs and groundcover abutting the zone boundary with low density residential is required. Size regulations limit the building facade to no greater than 50 feet wide parallel to and within 30 feet of the zone boundary, or else building height is limited to 15'. Existing noise regulations require a noise study to be prepared by a qualified acoustical consultant for establishments that are expected to operate past 9 pm, retail uses providing entertainment recreational or cultural activities, veterinary offices (or where animals are kept on site), and uses involving large truck loading dock for deliveries. The study must verify that noise expected to emanate from the site complies with state standards specified in the KMC.

Regulations in other office zones (PO and PR zones) limit building heights to the same height as adjoining (within 100 feet) residential zones in order to provide transitions between more and less intensive land uses, and to provide privacy. In the case of the RH-8 zone, staff recommends that building height should match the 30' height limit for single family units in the RSX 7.2 zone within 30 feet of the residential boundary.

In other office zones where multifamily is allowed (e.g. PLA 5B, PLA 5C, PLA 6B, PLA15A, PLA17A), there is a requirement for affordable housing for residential development of four or more units. If the rezone is approved, density will be increased from 6 units per acre to unlimited density (within the constraints of height and setback regulations), and this creates an opportunity for provision of affordable housing. Staff recommends that the same provisions that are now in place in other office mixed use zones is required. Specifically, that developments creating four or more units shall provide 10 percent of the units as affordable units. Two additional units may be constructed for each affordable housing unit provided.

If this option is selected, the following changes are recommended:

1. **NE 85<sup>th</sup> Street Subarea Plan** text and the **RH 8 zoning regulations** amended to:
  - a. Restrict the height of structures within 30 feet of the RSX 7.2 boundary to 30 feet, to recognize that the transitions to low density residential uses and zoning to the north must be respected. This distance coincides with the area where additional limits on structure size are in effect. (See Attachment 3 for proposed zoning amendment and Attachment 4 for NE 85<sup>th</sup> Street Subarea Plan amendment).
  - b. Allow commercial development to be extended northward if access and building are consolidated. Properties not consolidated with at least one lot and without frontage on NE 85<sup>th</sup> St. would continue to be restricted to the uses and development standards in the RSX zone. (See Attachment 3 for proposed zoning amendment and Attachment 4 for NE 85<sup>th</sup> Street Subarea Plan amendment.)
  - c. Allow an isolated parcel abutting (surrounded on three sides by office development) to be developed independently with office use. (See Attachment 3 for proposed zoning amendment)
  - d. Require affordable housing for residential development of four or more dwelling units. This requirement is the same as in other office zones. (See Attachment 3 for proposed zoning amendment.)
2. **KZC Chapter 142 Design Review** amended to change the design review process for this portion of the RH 8 zone from administrative (ADR) to Design Review Board (DRB) (see Attachment 5 for proposed amendment).

This change would bring the process in line with the majority of the City where projects over 10,000 square feet and more than one story are reviewed by the DRB. This change would recognize that with potential parcel aggregation, a much larger building than is now possible could be built. An advantage of review by the DRB is that design guidelines rather than design regulations are used by the Board in its analysis of projects, which affords more flexibility in the application of the regulations on a larger project. Unlike ADR which reviews the design elements concurrently with the building permit, DRB review precedes building permit review and includes public notice and public comment prior to the decision the DRB decision.

- 3. **Land use Maps** in the North Rose Hill Plan and NE 85<sup>th</sup> St. Subarea Plan revised to reflect the boundary change.

- D. **Option 3: Rezone only parcels abutting the existing RH 8 zone, (3 lots).** Rezoning the first row of lots in the study area (those adjoining the RH 8 zone) adds about an additional 70 to 80 feet of depth for a total depth of about 205 along NE 132<sup>nd</sup> Street, and about 200 along NE 131<sup>st</sup> Street. For comparison purposes this is similar to the depth at the strip mall on the northeast corner of NE 85<sup>th</sup> Street and 126<sup>th</sup> Avenue NE and the car wash (now gas station/convenience store) on the opposite corner.



While the depth of the area wouldn't be equal to the depth of the Rose Hill Animal Hospital, this option still allows the opportunity for parcel consolidation, larger building envelopes and improved access from both 131st and 132nd Avenues NE, and the reduction of the number of curb cuts on NE 85th Street by consolidating driveways, but to a lesser degree than Option 2. This depth is just short of providing the 200' driveway distance from the NE 85 St and 132<sup>nd</sup> Avenue NE intersection that that is the Public Works Driveway Standard calls for.

This option results in less extension into the North Rose Hill residential core. If not redeveloped with office, over time these lots could still redevelop with single family and the boundary would continue to be straight. As with Option 1, to address the possible scenario where only one side of NE 131<sup>st</sup> St. redevelops with office, leaving

a single family use isolated (surrounded on three sides) by office, the remaining lot should be allowed to develop independently with a small office.

For comparison with Option 2, property consolidation of only the first row of lots in the study area with RH 8 lots fronting on NE 85<sup>th</sup> Street results in the following office building at .65 FAR:

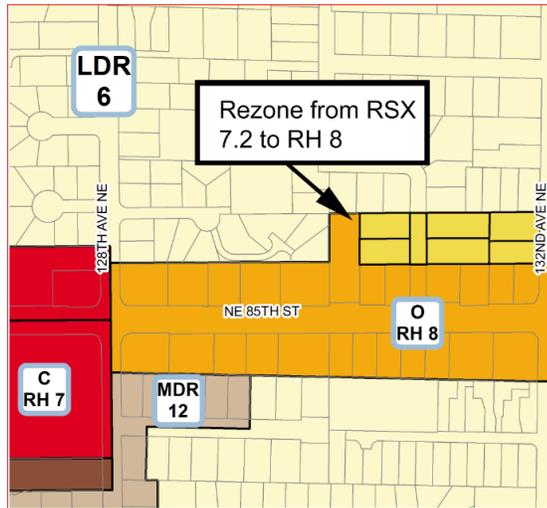
- West of 131<sup>st</sup> Avenue NE - three parcels /~ .74 acres between the Rose Hill Veterinary Hospital and 131<sup>st</sup> Avenue NE theoretically results in a 20,914 sf building configured as a three story building.
- East of 131<sup>st</sup> Avenue NE – six parcels /~ 1.7 acres between 132<sup>nd</sup> Avenue NE and NE 131<sup>st</sup> Street theoretically results in a 47,293 sf building configured as a three story building.

If this option is selected, the same amendments to zoning, plans and maps are recommended as with option 2.

- E. **Option 4: Rezone only east of NE 131st Street, (4 lots)** Results in isolation of single family on west side of 131st Avenue NE with RH 8 office/limited commercial on three sides.
- F. **Planning Commission Preliminary Direction:** The Planning Commission’s preliminary direction is to support the request and rezone the first tier of RSX parcels abutting the RH 8 zone to office RH 8 – Option 3. The CAR was studied in conjunction with the update to the North Rose Hill Neighborhood Plan.
- G. **City Council Briefing:** On May 16 the City Council received a briefing on the Griffis CAR. Several council members expressed interest in rezoning the entire study area and encouraging the entire area to redevelop. Several CC members expressed concern about current limits on the type of retail uses allowed in the RH 8 zone. Because any change to uses allowed in the RH 8 zone is beyond the scope of this CAR, it will be added to the roster of potential zoning code amendments for a future work program task.
- H. **Staff Recommendation:** *Staff recommends **Option 2– rezone the entire study area.** This option is intended to encourage consolidated development of the study area properties with those abutting NE 85<sup>th</sup> Street that otherwise require access from NE 85<sup>th</sup> Street.*

*With the proposed zoning regulations that restrict commercial development in the study area to RSX uses unless development is consolidated with parcels abutting NE 85<sup>th</sup> Street, except if the subject property is surrounded on 3 sides by more intensive office development, the residential core of the neighborhood is protected from piecemeal office development. If property aggregation does not materialize, the potential for low density redevelopment would continue on parcels without frontage on NE 85<sup>th</sup> Street.*

*However, the potential for improved access with driveways located further back from the intersections and reduction of curb cuts on NE 85<sup>th</sup> Street is achievable with property assembly for office development, and would be a positive outcome. The rezone could stimulate redevelopment that would improve the visual character of the commercial corridor, improve traffic flow along NE 85<sup>th</sup> Street, and protect the single family neighborhood to the north.*



*As outlined above, the Planning Commission has a number of options available for deliberation.*

#### **IV. REVIEW PROCESS FOR CITIZEN AMENDMENT REQUESTS**

Initially, the Planning Commission considered over 30 CAR applications on July 10, 2014 and made a recommendation to City Council on which applications should move forward for additional study. In July, the City Council considered the recommendation and approved the final list, which included the Griffis CARs. In September, the Planning Commission scoped the study areas for the CARs and those study areas define the analysis contained in this memo.

After the public hearing the Planning Commission will deliberate and forward a recommendation to the City Council, which will make the final decision on each CAR. Parallel to the Planning Commission review, an Environmental Impact Statement was prepared for the Comprehensive Plan Update that includes an analysis of any probable significant impacts relating to each of the CARs.

#### **V. CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN AND LEGISLATIVE REZONES**

The Zoning Code (KZC 140) contains criteria for amending the Comprehensive Plan (including Neighborhood Plans) as described below.

1. The amendment must be consistent with the Growth Management Act.
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.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The Zoning Code (KZC 130) contains three criteria for considering legislative rezones as part of the Comprehensive Plan amendment and Zoning Code or Map. The list of criteria is provided below:

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the community of Kirkland.

#### Staff evaluation of criteria

In its analysis, staff concludes that a rezone of study area from single family to office should be supported to address access challenges in the adjoining RH 8 zone that have contributed to lackluster redevelopment of a major gateway into Kirkland. Although the proposal does not implement the policies of the current NRH or NE 85<sup>th</sup> St. Subarea plans to hold the line on encroachment into the low density zone to the north, it would encourage implementation of the type of development that is envisioned for the East End of the business district, and provide a sustainable transition to residential. Design Review Board review of a larger development proposal than would otherwise occur is intended to further implement the design vision for this area. Limiting height of office uses next to residential to the same as allowed in the RSX zone, would further protect the residential zone from privacy impacts.

The rezone would implement the following specific policies in the NE 85<sup>th</sup> St. Subarea Plan. However, the existing policy to encourage aggregation with incentives, including increased building heights, would be tempered by the staff recommended zoning change to limit height to 30 feet when located next to the residential zone. (This policy is currently implemented with the RH 8 General Zoning Regulation that permits up to three stories when the subject property is at least 18,000 square feet in size, regardless of its adjacency to RSX.)

#### Policy NE85-4.8

##### Area RH-8

Allow a range of less intensive office, neighborhood retail, and neighborhood service uses on both sides of NE 85th Street from 128th Avenue NE to 132nd Avenue NE. Limit permitted uses to those that generate limited noise, light and glare, odor, and traffic impacts. Examples of uses that would be appropriate in this area include medical/dental offices, insurance offices, dry cleaners, and coffee shops. Examples of uses that would not be appropriate in this location include gas stations, car washes, uses with drive-through windows, and uses with extended hours of operation. ***Encourage property owners to aggregate their properties to allow more efficient redevelopment with fewer access points onto NE 85th Street, by providing incentives including increased building heights up to three stories*** with decreased front

setbacks. Encourage new buildings to be located at the front of the lots, with parking underneath, at the rear of buildings, or between adjacent buildings. Encourage mixed-use buildings to have residential units on upper levels. Discourage single-story retail buildings. (XV.F/G-11)

Rezoning would be consistent with the zoning to west and would still be lesser in intensity than Neighborhood Center zones to the west.

The rezone would implement the following specific goals and policies in the Land Use Element:

*Policy LU-1.4: Create an effective transition between different land uses and housing types.*

*Policy LU-2.2: Use land efficiently, facilitate infill development or redevelopment, and, where appropriate, preserve options for future development.*

*Goal LU-3: Provide a land use pattern that promotes mobility and access to goods and services.*

*Goal LU-5: Plan for a hierarchy of commercial areas serving neighborhood, community, and /or regional needs.*

*Policy LU-5.2 Maintain and strengthen existing commercial areas by focusing economic development within them.*

The rezone is in consistent with the public welfare and is in the best interests of the community because it is consistent with established City policies established in the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services, and transportation choices.

## **VI. PUBLIC NOTICE & OPPORTUNITIES FOR PUBLIC COMMENT**

Public notice has been provided for study of the Citizen Amendment Requests. The City issued a Special Comprehensive Plan Update Edition of the City Update newsletter in October 2014, including a section on the CARs with a map showing the location of the CARs and a link to the CAR web page where meeting dates would be posted. In early November 2014, property owners and residents within the study areas and property owners within 300 feet of the study areas were notified by mail of the CAR study and directed to the City's web page for meetings dates once they were scheduled. In late November, CAR applicants were notified by email of the meeting dates that had since been scheduled. Email notice was also provided to the neighborhood associations and the Kirkland 2035 listserv. In January, email notice of the meeting date was sent to the CAR applicants, and letters containing information about the process and copies of the notice mailed in November were sent to property owners within the study areas. A City Update newsletter was mailed to all residents and businesses in Kirkland describing the citizen amendment requests and public hearing schedule.

Prior to the public hearing, notices of the hearing date have been mailed to property owners and residents within the study area and 300' feet surrounding the area. Public notices signs have been installed surrounding the study area.

## **VII. PUBLIC COMMENTS RECEIVED**

All comments received to date are enclosed in Attachment 6. Comments in support and in opposition to the proposal have been received.

During the public outreach with the North Rose Hill Neighborhood Association in November 2014, the Association expressed its agreement with the request for change as long as there is a building buffer adjoining residential to the north. They reiterated the need for sound and visual buffer in their recent comment letter included with all public comments in Attachment 6.

Opponents note traffic congestion, streets at maximum capacity, over building, loss of trees and loss of small town feel. Others note the need for buffers between commercial and residential. In addition, the applicant requests not adopting additional proposed regulations that would limit height next to residential and that prohibit office uses if properties are not consolidated with parcels fronting on NE 85th Street.

### Attachments:

1. CAR Request
2. Map of Study Area and Surroundings
3. Amendments to RH 8 General Regulations
4. Amendments to NE 85<sup>th</sup>
5. Amendments to Design Review Regulations KZC Section 142.15
6. Correspondence
7. Draft EIS analysis for the Griffis CAR





**CITY OF KIRKLAND**  
**PLANNING AND COMMUNITY DEVELOPMENT**  
 123 Fifth Avenue, Kirkland, WA 98033  
[www.kirklandwa.gov](http://www.kirklandwa.gov) ~ 425.587.3225

**APPLICATION FOR 2014 CITIZEN AMENDMENT LAND USE REQUESTS TO THE  
 COMPREHENSIVE PLAN, ZONING CODE AND ZONING MAP**

*Directions: You may use this form or answer questions on separate pages.*

**I. CONTACT INFORMATION:**

- A. Applicant Name: GREG GRIFFIN - MERIT HOMES, INC  
 B. Mailing Address: 805 KIRKLAND AVE. SUITE 100. 98033  
 C. Telephone Number: 425 444 0309  
 D. Email Address: GREG@MERITHOMESINC.COM  
 E. Property Owner Name (if different than applicant): SAME  
 F. Mailing Address: \_\_\_\_\_  
 G. Telephone Number: \_\_\_\_\_  
 H. Email Address: \_\_\_\_\_

*Note: If the applicant is the property owner, or is representing the property owner, then the property owner must sign the last page. If the applicant is representing the property owner, then the property owner must be notified in writing with a copy of the letter provided to the City.*

*A link to the Planning Commission packet containing the staff report will be sent by email unless you request to the project planner that you want copies mailed to you.*

**II. PROPERTY INFORMATION:**

- A. Address of proposal: (if vacant provide nearest street names) 8520 131<sup>ST</sup> AVE NE  
8519 132<sup>ND</sup> AVENUE  
 B. King County Tax Parcel number(s): 8635700025 • 8635500035  
 C. Describe improvements on property if any: OLD SF HOME EACH LOT.  
 D. Attach a map of the site that includes adjacent street names. -  
 E. Current Zoning on the subject property: RSX 7.2  
 F. Current land use designation and permitted density shown on the City's land use map. SF/6

received 6/20/14 4:35pm  
 ARUGENI

**III. REQUEST INFORMATION AND REASONS:**

A. Description of Request:

*REQUESTING TO REZONE RSX 7.2 TO ADJACENT ZONING OF RHB.*

B. Description of the specific reasons for making the request:

*SEE ATTACHED*

C. Based on the above review consideration, explain why the request should be considered as part of the Comprehensive Plan Update process.

*SEE ATTACHED*

'B'

**MERIT HOMES**13023 NE 70<sup>th</sup> Place, Kirkland, WA 98033  
MeritHomesInc.com

6/9/14

RE: Citizen Amendment Request to Comprehensive Plan  
Description of Specific Reasons

The previous comprehensive plan identified the delineation between RSX 7.2 and RH 8 zones. The four RH 8 properties fronting NE 85<sup>th</sup> St. Lying between 131<sup>st</sup> Ave NE and 132<sup>nd</sup> Ave NE inadvertently became distressed largely due inefficient size and lot dimension to attract investment into their redevelopment.

- A. Property ingress/egress distances from traffic corners are at absolute minimum, "C" curb traffic controls restrict and negatively effects all narrow depth lots between 131<sup>st</sup> Ave NE and 132<sup>nd</sup> Ave NE.
- B. Access has further been diminished by the desire to reduce the number of direct points of access to NE 85<sup>th</sup> Street.
- C. The 85<sup>th</sup> ROW improvements likely not envisioned in the previous comp plan have required additional property the RH 8 parcels thereby reducing the property depth further.
- D. Resulting in properties hamstrung by poor access and connectivity. There remains an inability to rectify problems due to the inefficient property dimension to promote both profitable and smart growth.
- E. Full disclosure. Merit Homes, Inc is in ownership position on both parcels seeking rezone to RH 8 and two of the four parcels adjacent to NE 85<sup>th</sup> St. We are close to an agreement to purchase the fifth parcel on 85th. There exist a real probability a rezone will result in a well-planned cohesive development consistent with our community goals.

'c'

**MERIT HOMES**13023 NE 70<sup>th</sup> Place, Kirkland, WA 98033  
MeritHomesInc.com

6/9/14

RE: Citizen Amendment Request to Comprehensive Plan  
Review consideration

Public interest and welfare:

- A. Provide for superior connectivity. Presently, Kirkland's "gateway" designated property on the corner of NE 85<sup>th</sup> and 132<sup>nd</sup> cannot be accessed by its own citizens east bound on NE 85<sup>th</sup>.
- B. Safer flow of traffic with the reduced vehicular access points on NE 85<sup>th</sup> St.
- C. Fostering a safer and superior pedestrian environment on 85<sup>th</sup>. Vehicular access further from traffic corners, parking sheltered by retail and office structures while actually establishing and maintaining a superior landscape buffer to the adjacent RSX zoning.
- D. Inadequate available parking for existing businesses would be resolved answering the call from neighborhoods groups for improved parking capacities for commercial entities.
- E. Increase services, lending to the goal of increased walkability of our community.
- F. Proposal will allow Smart and focused growth in an established RH 8 zoning. Zoning would allow a mixed use as well.
- G. It is estimated the properties abutting the subject rezone proposal once developed would employ 70-90 full time individuals. Presently, there exist 6 full time individuals.

'c'

**MERIT HOMES**13023 NE 70<sup>th</sup> Place, Kirkland, WA 98033  
MeritHomesInc.com

Conditions have changed:

Placing hindsight aside. It's difficult to imagine that the previous comprehensive plan would have envisioned a scenario where virtually no reinvestment in our RH 8 zone would have been the case. Today the existing building are stymied, redevelopment often not plausible, unable to meet present day planning and public works codes and policies. Still it is not getting any less difficult, nor less expensive to redevelop, to think that carrying forward with the status quo will somehow result in a positive result during the next comprehensive plan is most likely wishful thinking.

The city has taken to task the canvassing and engagement of the citizens and subsequently well documented community goals, our planning department must now step forward recognizing the very real short comings the present day RH8 parcels face and consider the rezoning of adjacent RSX parcels to aid in focused growth.

The citizens have spoken, it's now time to lead and our proposal is a very honest approach to what it may take to produce the outcome we as a community desire.

Thank you for your consideration

**IV. PROPERTY OWNER'S SIGNATURE OR SERVICE OF AFFIDAVIT:**

A. *If the applicant is the property owner, or is a legal representative of the property owner, then the property owner must sign below.*

**ORIGINAL SIGNATURES ONLY/ NO COPIES**

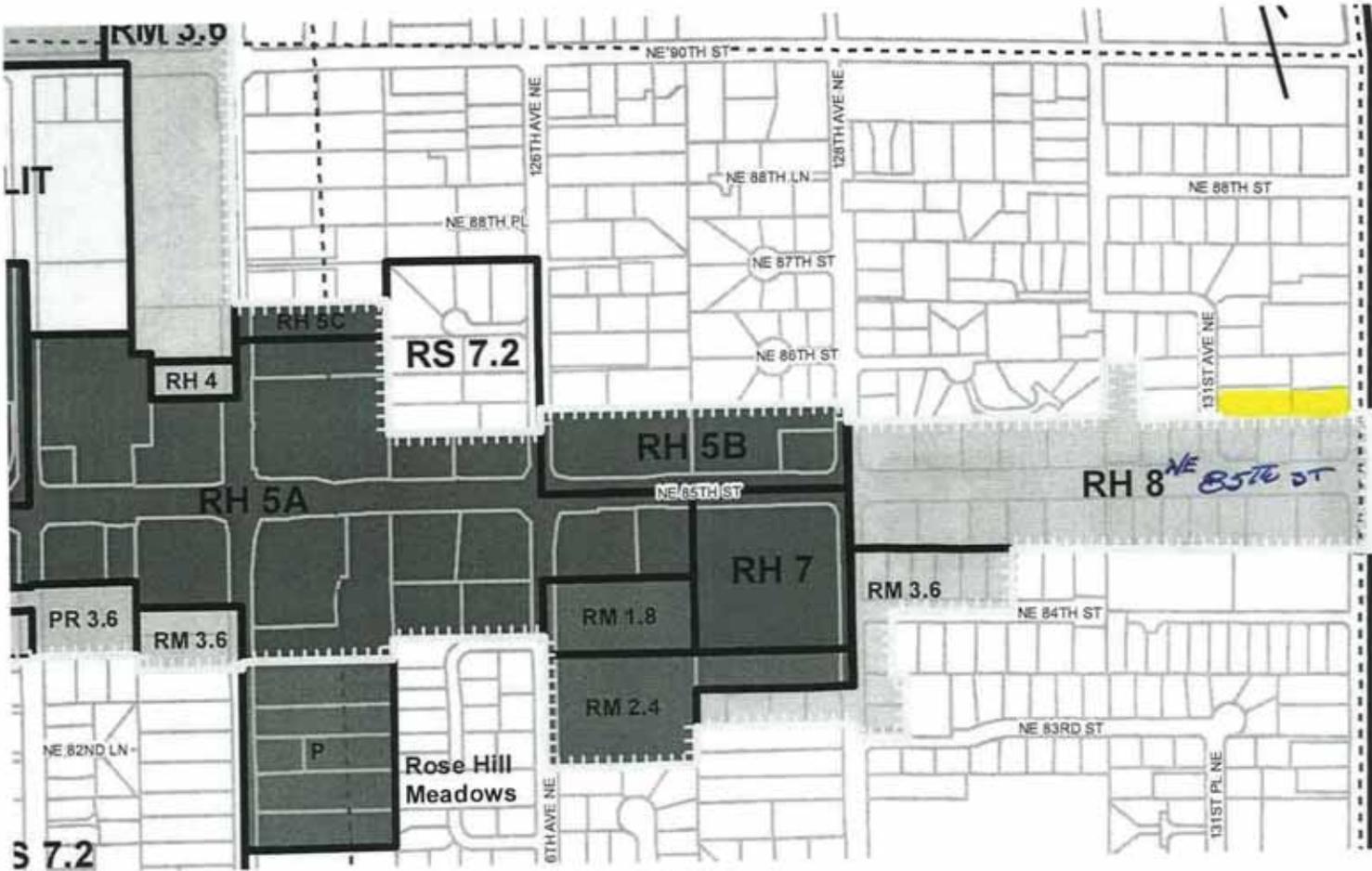
Name – sign: Greg Guffis  
 Name – print: GREG GUFFIS  
 Property owner or Legal Representative? YES  
 Date: 5/19/14  
 Address: 805 KIRKLAND AVE. SUITE 100. 98033  
 Telephone: 425 444 0309 / 444 9091

B. *If the applicant is neither the property owner nor a legal representative of the property owner, then the affected property owner must be notified as follows:*

1. Send or hand-deliver a copy of this completed application to all affected property owners (Exhibit A or Exhibit B); and
2. Complete the attached Affidavit of Service that confirms that a copy of the completed application form has been provided to all property owners. Submit the Affidavit of Service along with Exhibit A and/or Exhibit B with the application form and fee.

**Attachments:**

- Affidavit of Service (OCD-06AB)
- Exhibit A for mailing document
- Exhibit B for hand delivering document
- Methods to Request Changes to Density Land Use Zoning Code Regs

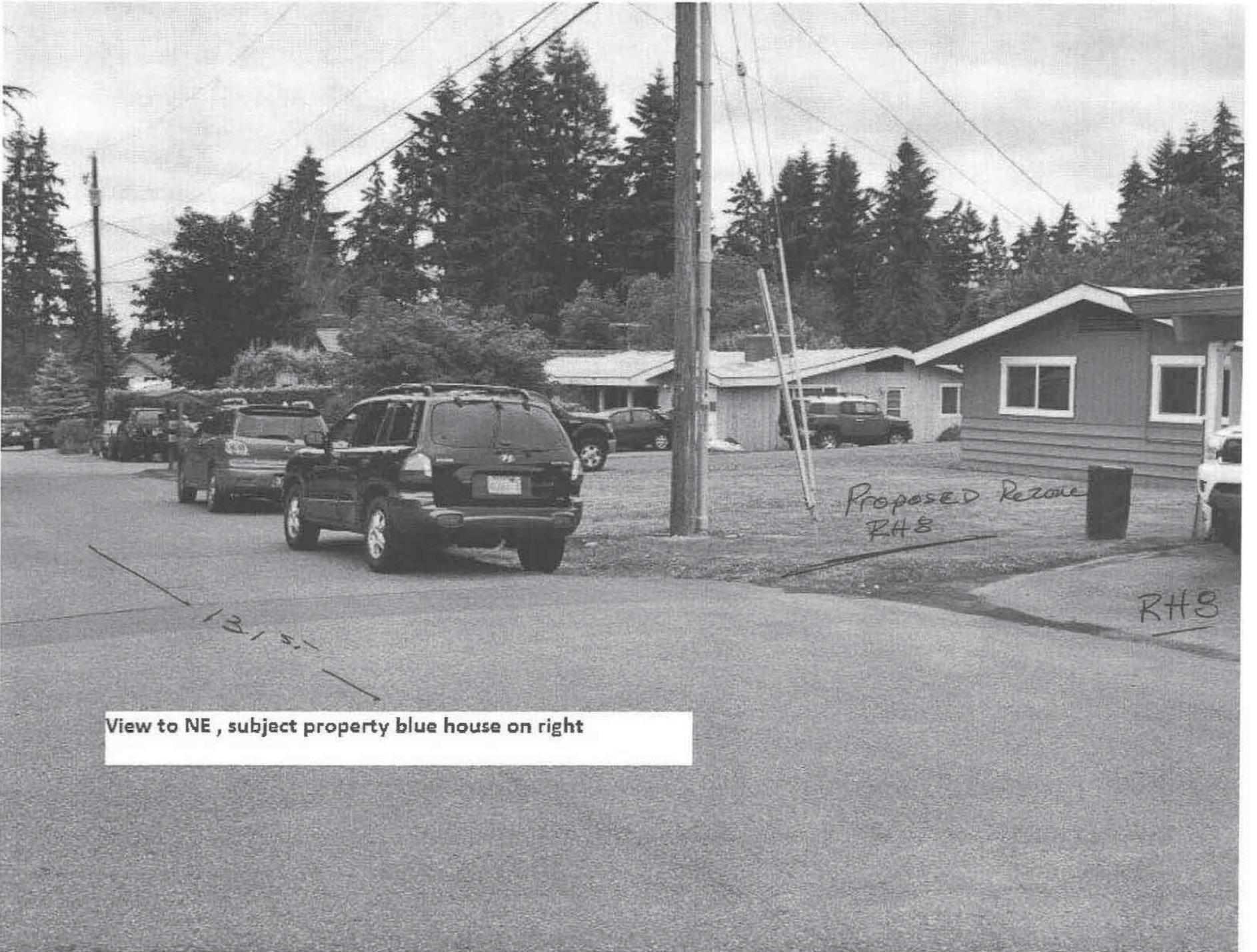


REDMOND  
Multi-Zes.

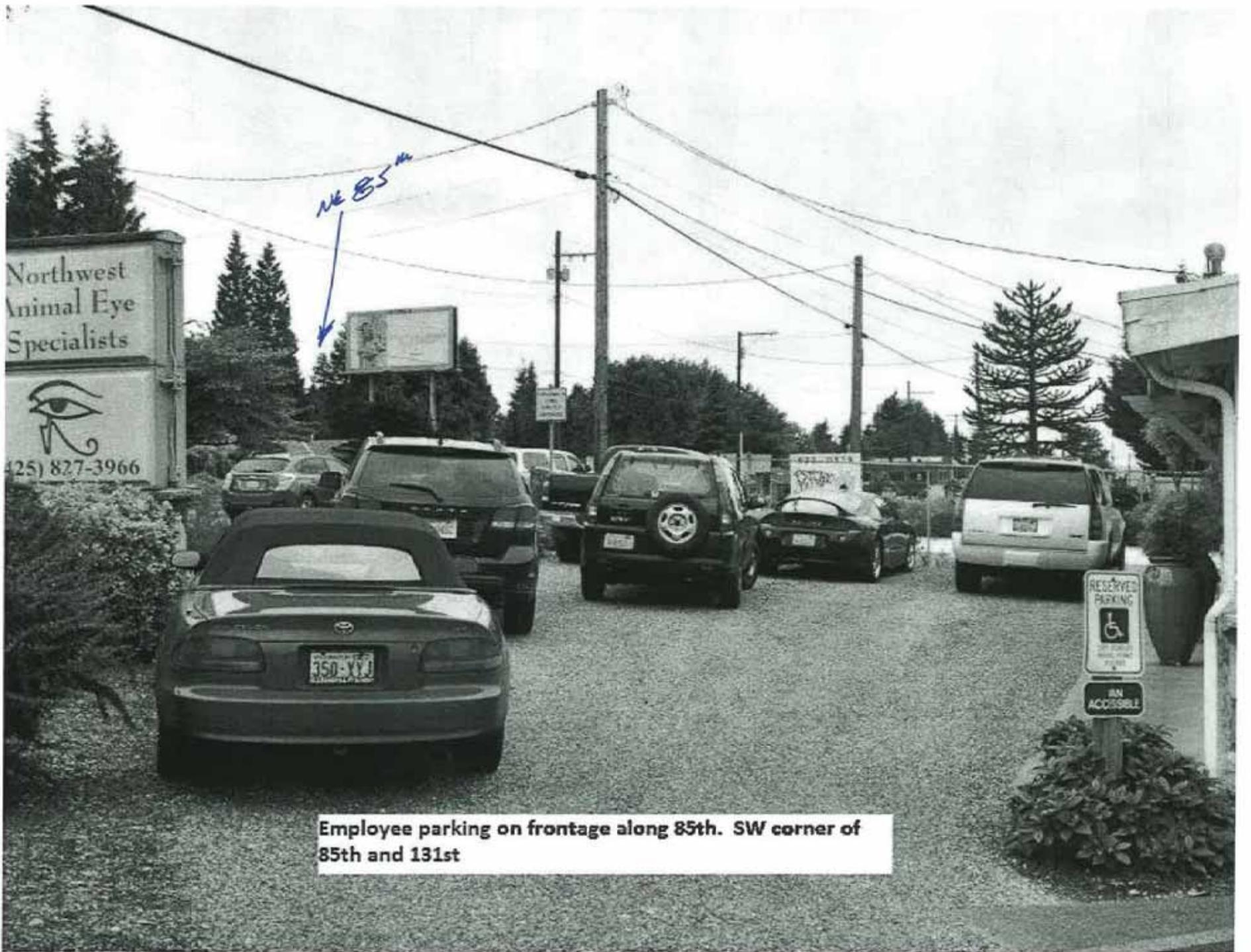
**F**

132<sup>nd</sup> AVE NE

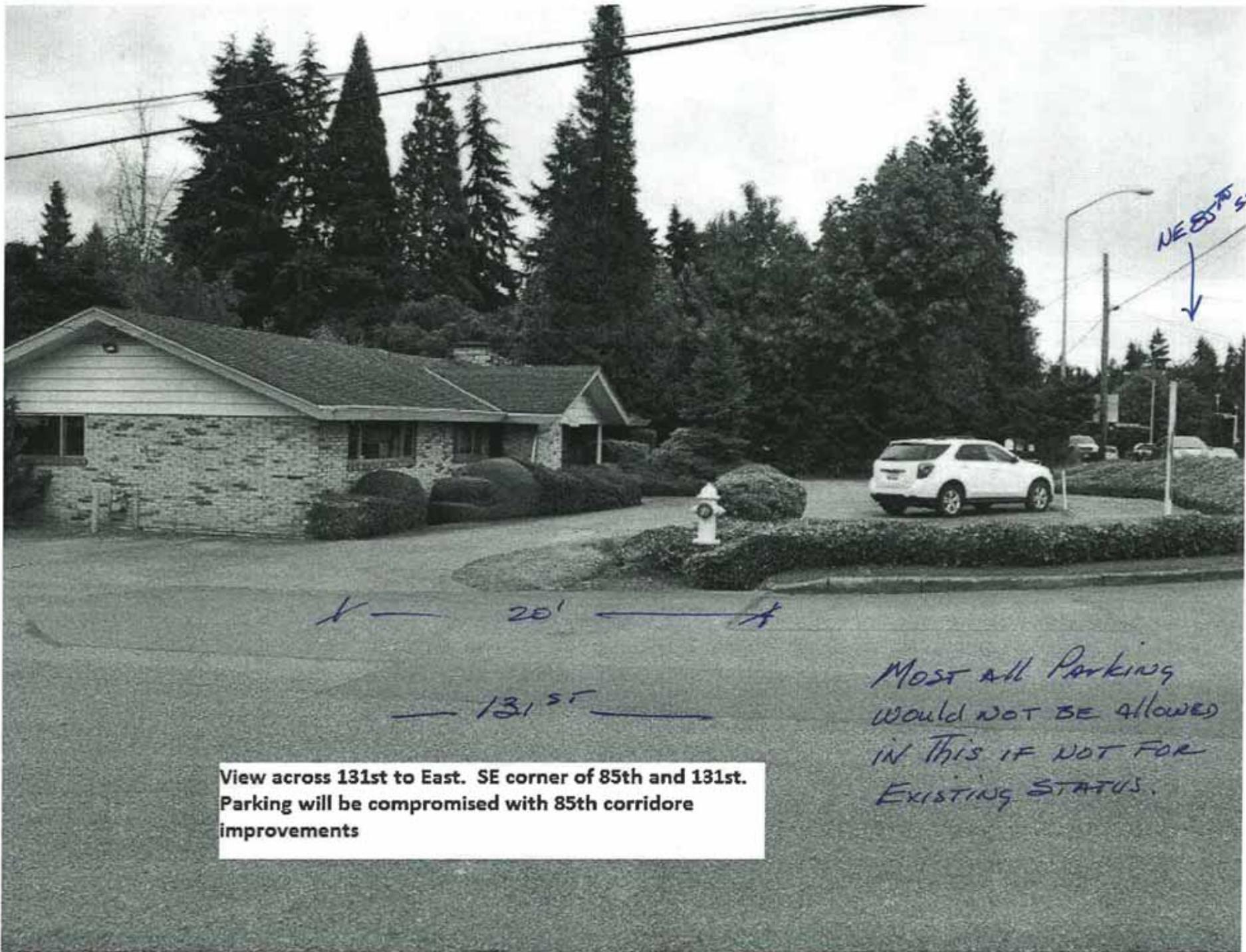
RH 8 <sup>NE 85<sup>th</sup> ST</sup>



View to NE , subject property blue house on right



Employee parking on frontage along 85th. SW corner of 85th and 131st



View across 131st to East. SE corner of 85th and 131st.  
Parking will be compromised with 85th corridor  
improvements

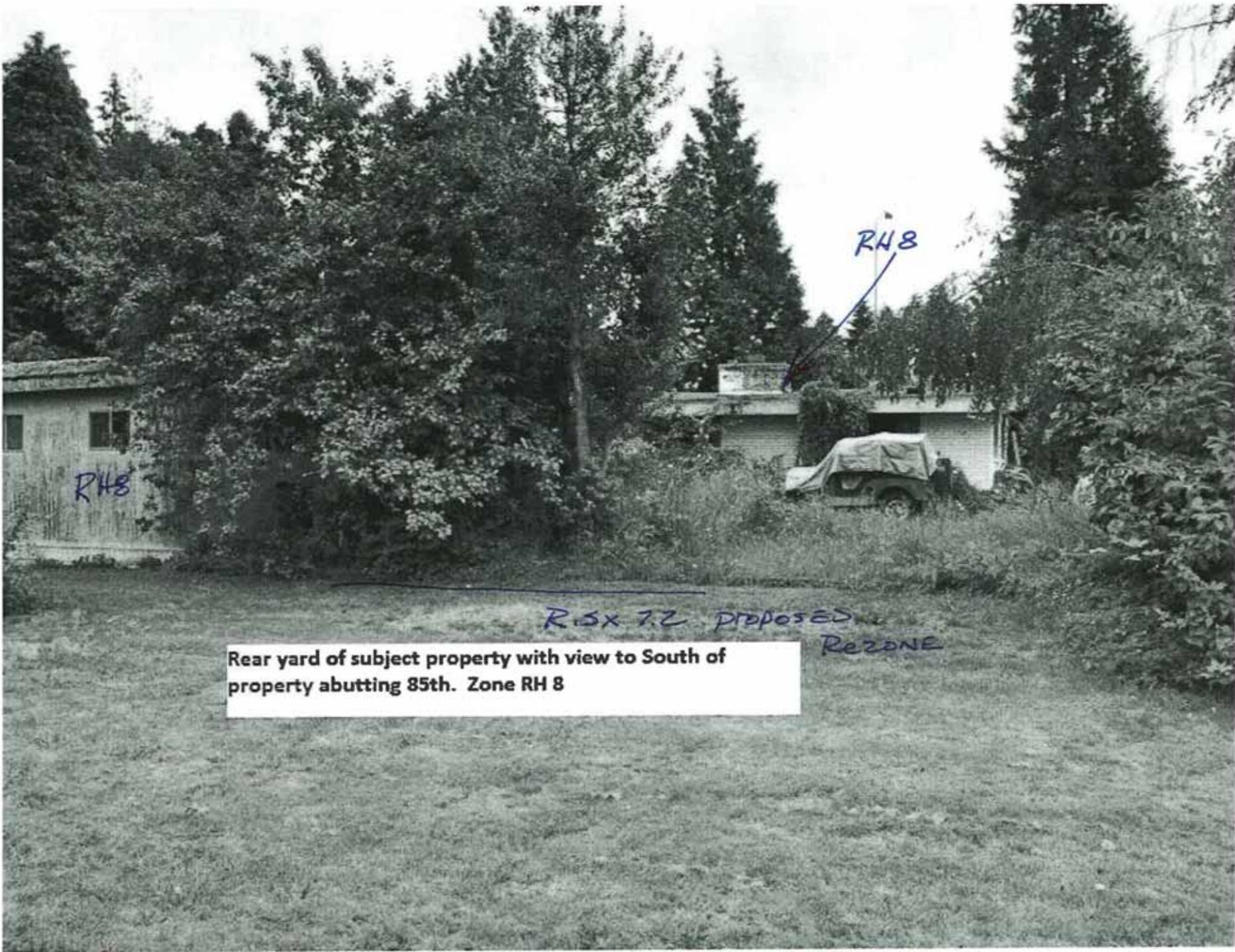
Most all Parking  
would NOT BE allowed  
in THIS IF NOT FOR  
EXISTING STATUS.

NE 85th ST  
↓



**View from front yard of subject property to West across 131st. Businesses generating parking needs.**

*PROPOSED REZONE  
R4B*

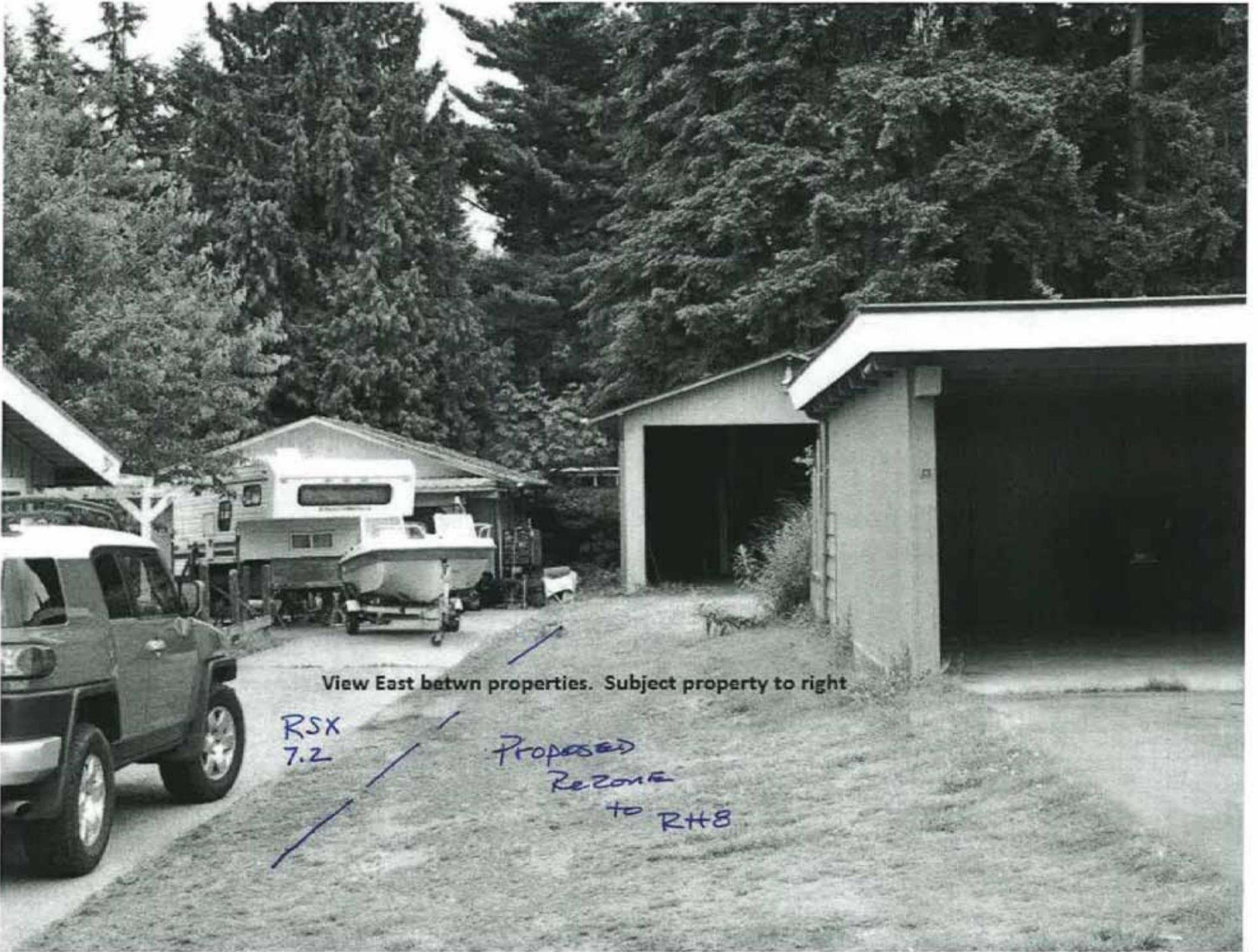


Rear yard of subject property with view to South of property abutting 85th. Zone RH 8

R-5X 7.2 PROPOSED REZONE

RH8

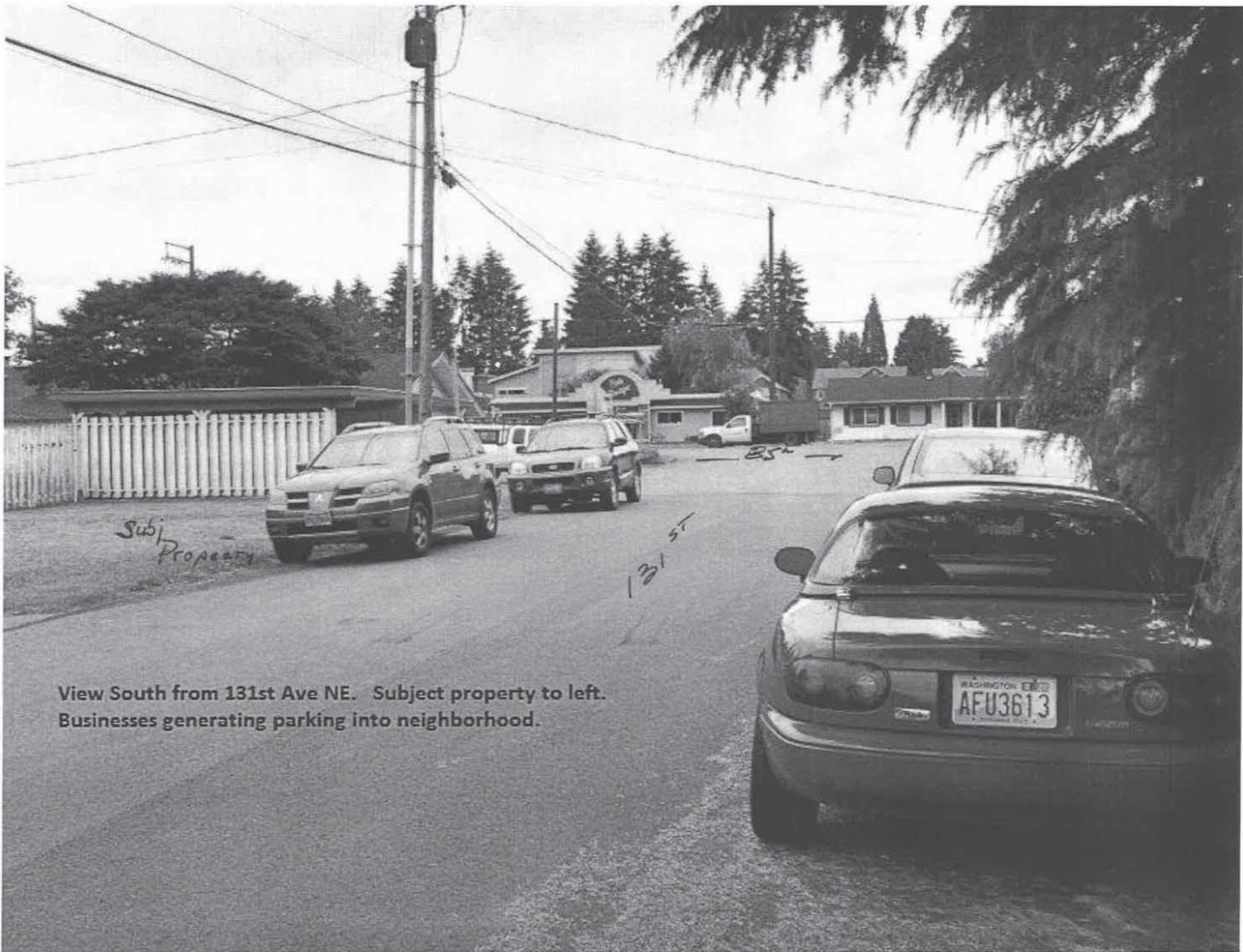
RH8



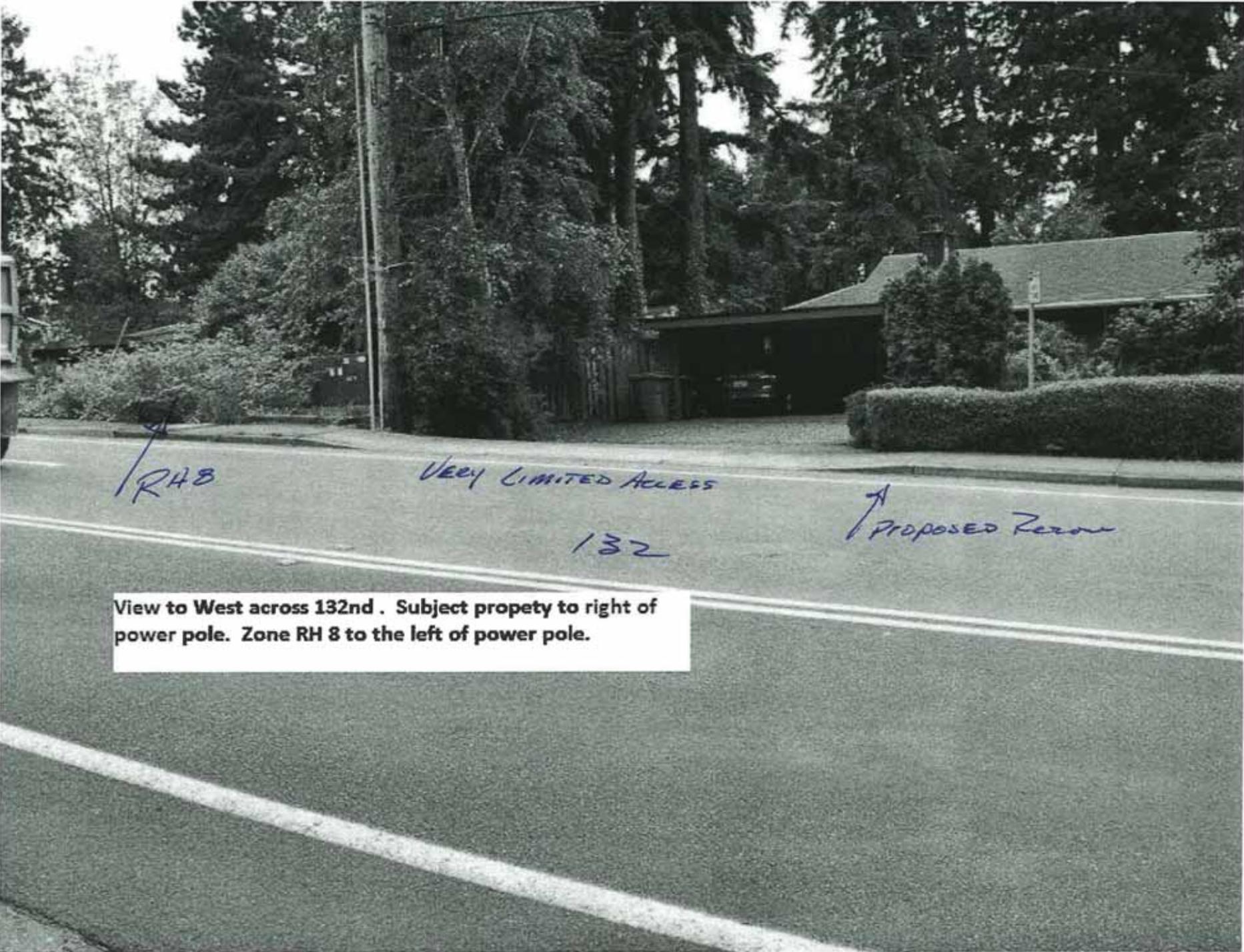
View East betwn properties. Subject property to right

RSX  
7.2

Proposed  
Rezone  
to R+8



View South from 131st Ave NE. Subject property to left.  
Businesses generating parking into neighborhood.



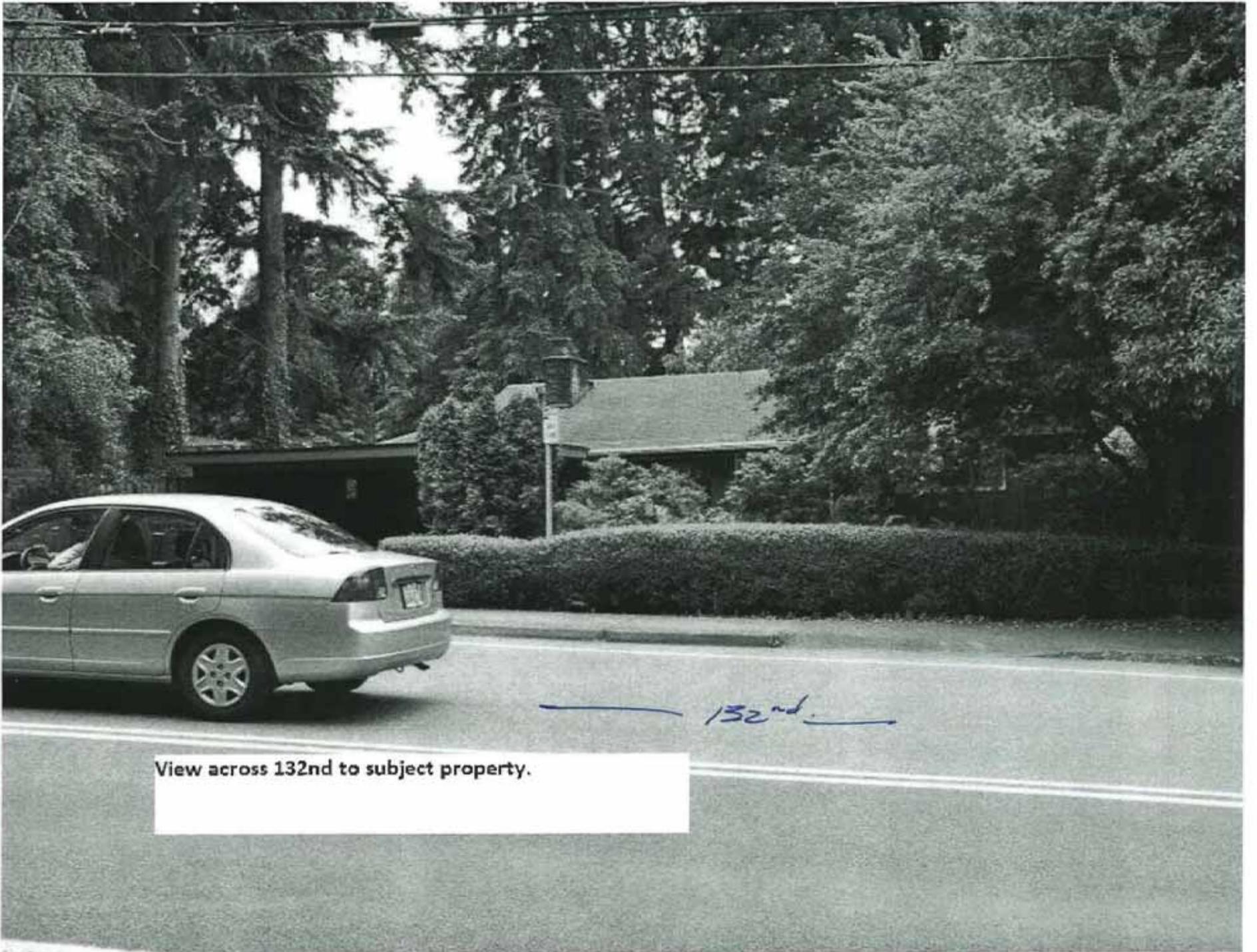
View to West across 132nd . Subject property to right of power pole. Zone RH 8 to the left of power pole.

RH8

VERY LIMITED ACCESS

132

PROPOSED ZONE



View across 132nd to subject property.

# GRIFFIS CAR

**Request Sites:**

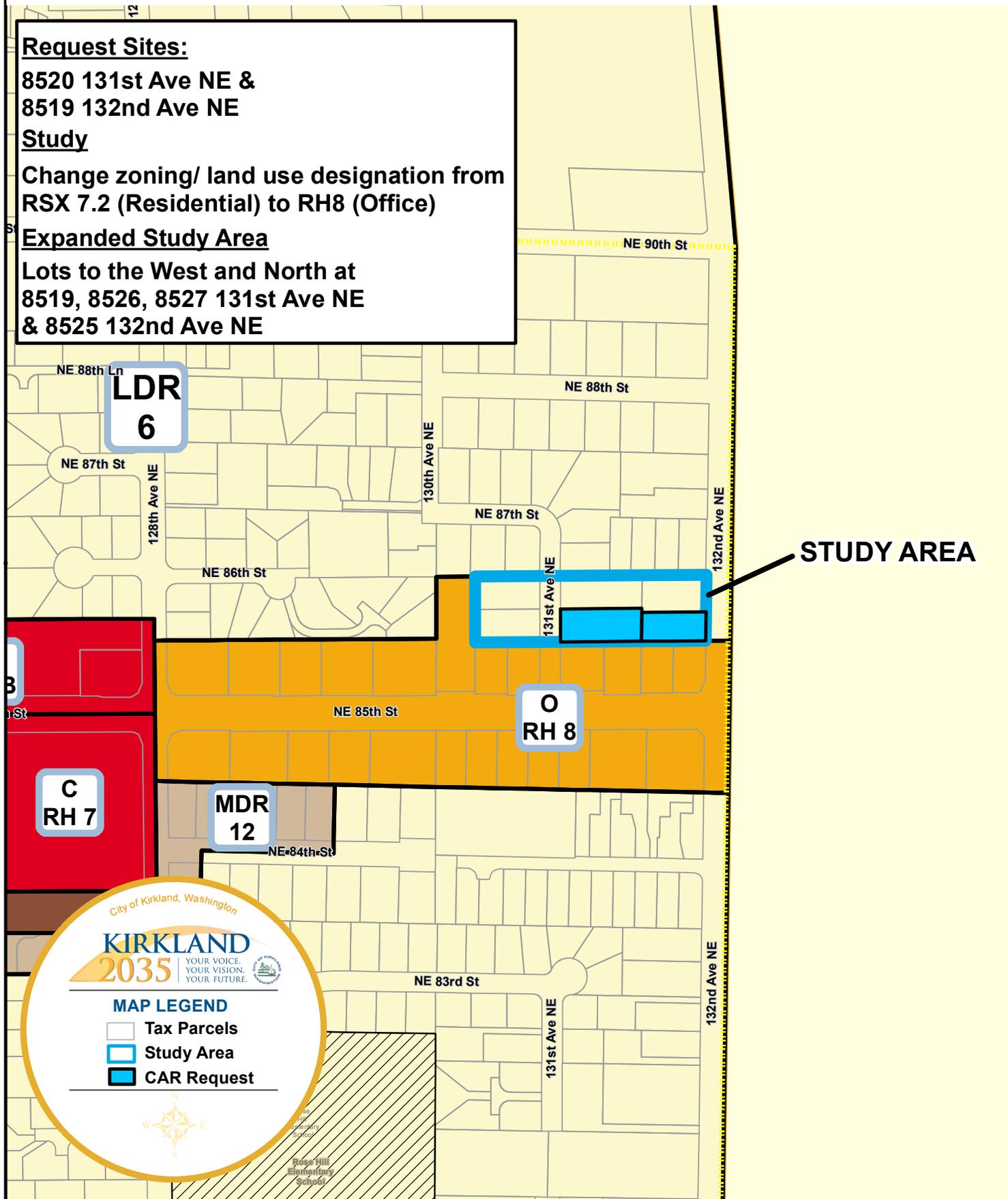
8520 131st Ave NE &  
8519 132nd Ave NE

**Study**

Change zoning/ land use designation from  
RSX 7.2 (Residential) to RH8 (Office)

**Expanded Study Area**

Lots to the West and North at  
8519, 8526, 8527 131st Ave NE  
& 8525 132nd Ave NE



**STUDY AREA**

City of Kirkland, Washington

**KIRKLAND 2035** YOUR VOICE. YOUR VISION. YOUR FUTURE.

**MAP LEGEND**

- Tax Parcels
- Study Area
- CAR Request

North Arrow

Rose Hill Elementary School

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53.80 User Guide – RH 8 zone.

The charts in KZC 53.84 contain the basic zoning regulations that apply in the RH 8 zone of the City. 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 53.82



Section 53.82 – 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 provisions of this code may apply to the subject property.
2. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
3. If the lot area of the subject property is equal to or greater than 18,000 square feet, maximum building height is 35 feet above average building elevation.
4. The ground floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
  - b. Parking garages.
  - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
5. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
7. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a. Require access from side streets; and/or
  - b. Encourage properties to share driveways, circulation and parking areas; and/or
  - c. Restrict access to right turn in and out; or
  - d. Prohibit access altogether along NE 85th Street.
8. Drive-through and drive-in facilities are not permitted in this zone.
9. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.  
(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)
- (GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)
10. For lighting requirements associated with development see KZC 115.85(2).
11. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
  - Establishments expected to operate past 9:00 p.m.
  - Retail establishment providing entertainment, recreational or cultural activities.
  - Veterinary offices.
  - Any establishment where animals are kept on site.
  - Establishments involving a large truck loading dock for deliveries.

The study shall verify that the noise expected to emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
12. A City entryway feature shall be provided on the parcel located at the northwest corner of the intersection of NE 85th Street and 132nd Avenue, or adjacent parcel under common ownership with such parcel. Entryway features shall include such elements as: a sign, art, landscaping and lighting. See Chapter 92 KZC, Design Regulations.

4. On lots that are not abutting NE 85<sup>th</sup> Street or consolidated with at least one lot abutting NE 85<sup>th</sup> Street, development shall be subject to the permitted uses and regulations in the RSX zone. Isolated parcels may be developed independently with office uses.

,except maximum building height is 30 feet within 30 feet of a RSX zone.

2. Development 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. See Chapter 112 KZC for additional affordable housing incentives and requirements.  
*Renumber subsequent General Regulations*

[link to Section 53.84 table](#)

The Kirkland Zoning Code is current through Ordinance 4479, passed March 3, 2015.  
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.kirkland.wa.gov>  
City Telephone: (425) 537-3131  
Code Publishing Company (http://www.codepublishing.com)  
eLibrary (<http://www.codepublishing.com>)



NE 85<sup>th</sup> Street Subarea Plan.

*Proposed Griffis CAR amendments are highlighted in red, other strikeouts and underlines are being proposed as part of neighborhood plan update process.*

**Commercial –**

Much of the NE 85<sup>th</sup> Street Subarea, including all the land along NE 85<sup>th</sup> St. itself, currently is designated either for commercial (retail, office, and service), office, light manufacturing park, or mixed commercial office/and multifamily uses. These designations extend north-south from NE 92<sup>nd</sup> street to NE 80<sup>th</sup> Street (the full north-south dimension of the Subarea) at the west end of the Subarea (adjacent to I-405), and gradually taper down to include only the properties fronting on NE 85<sup>th</sup> Street itself at the south east end of the Subarea.

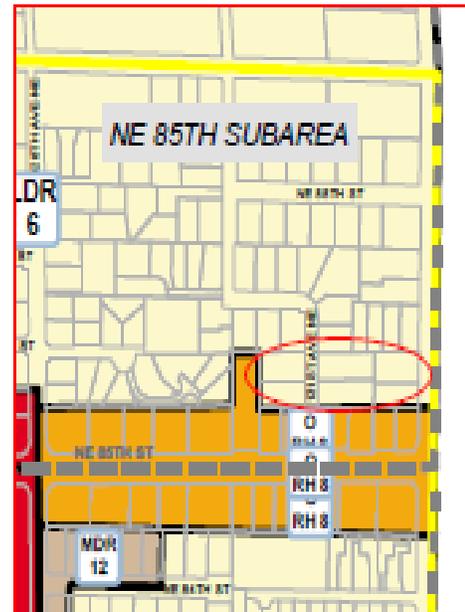
**Policy NE85-3.3**

Limit commercial development to the NE 85<sup>th</sup> Street commercial area as defined by the land use designation in Figure NE 85-12, NE 85<sup>th</sup> Subarea Land Use. Except as provided in Policy NE85-3.7 and 3.8, do not allow such development to spread into the adjoining residential neighborhoods.

**Policy NE85-3.8**

The parcels abutting 132<sup>nd</sup> Avenue NE, and abutting the east and west sides of 131<sup>st</sup> Avenue NE, if consolidated with parcels abutting NE 85<sup>th</sup> Street, are appropriate for conversion from low-density residential use to office use due to the following factors:

- 1) Potential redevelopment of underutilized commercial properties abutting NE 85<sup>th</sup> Street becomes more likely due to improved access with property aggregation; and
- 2) Increased parcel depth would enable better traffic flow and site access in close proximity to the signalized intersection at 132<sup>nd</sup> Avenue NE and NE 85<sup>th</sup> Street; and
- 3) Consolidated development on these parcels would reduce the need for curb cuts on NE 85<sup>th</sup> Street for parcels abutting NE 85<sup>th</sup> Street by facilitating combined access from 131st Avenue NE and 132<sup>nd</sup> Avenue NE.
- 4) Development standards contained in Policy NE85-4.8 will ensure that the potential impacts on surrounding uses resulting from office use of these parcels will be minimized.

**Policy NE85-4.8:**

(1) Allow a range of less intensive office, neighborhood retail, and neighborhood service uses on both sides of NE 85<sup>th</sup> Street from 128<sup>th</sup> Avenue NE to 132<sup>nd</sup> Avenue NE. Limit permitted uses to those that generate limited noise, light and glare, odor, and traffic impacts. Examples of uses that would be appropriate in this area include medical/dental offices, insurance offices, dry cleaners, and coffee shops. Examples of uses that would not be appropriate in this location include gas stations, car washes, uses with drive-through windows, and uses with extended hours of operation. Encourage property

owners to aggregate their properties to allow more efficient redevelopment with fewer access points onto NE 85th Street, by providing incentives including increased building heights up to three stories with decreased front setbacks. Encourage new buildings to be located at the front of the lots, with parking underneath, at the rear of buildings, or between adjacent buildings. Encourage mixed-use buildings to have residential units on upper levels. Discourage single-story retail buildings.

(2) In addition to (1) above; on the north side of NE 85<sup>th</sup> Street between 132<sup>nd</sup> Avenue NE and the properties abutting 131<sup>st</sup> Avenue NE, the following standards apply:

- (a) On lots that do not abut NE 85<sup>th</sup> St or are not consolidated with lots abutting NE 85<sup>th</sup> Street, development should be limited to low density residential, except if isolated by commercial development:
- (b) To minimize curb cuts on 131<sup>st</sup> and 132<sup>nd</sup> Avenues NE, combined access to provide a connection between 131<sup>st</sup> and 132<sup>nd</sup> Avenues NE should be required when properties abutting NE 85<sup>th</sup> Street are aggregated with lots not abutting NE 85<sup>th</sup> Street.
- (c) Limit height of commercial /mixed use development to a maximum of 30 feet next to low density residential development.

**Chapter 142 – DESIGN REVIEW****142.15 Development Activities Requiring D.R. Approval** 

## 1. Design Board Review (D.B.R.)

a. The following development activities shall be reviewed by the Design Review Board pursuant to KZC [142.35](#):

1) New buildings greater than one (1) story in height or greater than 10,000 square feet of gross floor area, or in the Market Street Corridor Historic District (MSC 3 Zone).

2) Additions to existing buildings where:

a) The new gross floor area is greater than 10 percent of the existing building's gross floor area; and

b) The addition is greater than 2,000 square feet of gross floor area; and

c) Either:

1) The existing building and addition total more than 10,000 square feet of gross floor area; or

2) The addition adds another story; or

3) Is in the Market Street Corridor Historic District (MSC 3 zone).

3) Renovations to existing facades, where the building is identified by the City as an historic structure or is in the Market Street Corridor Historic District (MSC 3 zone).

b. Exemptions from D.B.R. – The following development activities shall be reviewed through the administrative design review process in KZC [142.25](#):

1) Any development where administrative design review is indicated in the applicable Use Zone Chart.

2) Any development in the following zones within the NE 85th Street Subarea: RH 8 except north of NE 85<sup>th</sup> Street, between 132<sup>nd</sup> Avenue NE and parcels abutting NE 131<sup>st</sup> Street, PR 3.6, RM, PLA 17A.

3) Any development in the MSC 1 and MSC 4 zones located within the Market Street Corridor.

2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC [142.25](#).

3. Exemptions from Design Review – The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter [92](#) KZC:

- a. Any activity which does not require a building permit; or
- b. Interior work that does not alter the exterior of the structure; or
- c. Normal building maintenance including the repair or maintenance of structural members; or
- d. Any development listed as exempt in the applicable Use Zone Chart.

(Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3833 § 1, 2002)

[Back to Top](#)

**Joan Lieberman-Brill**

---

**From:** Susan Moini <s\_moini@yahoo.com>  
**Sent:** Tuesday, July 14, 2015 5:29 PM  
**To:** Joan Lieberman-Brill  
**Subject:** Re: Griffis Citizen Amendment Request

Dear Joan,

Thanks so much for taking the time to explain the land use proposal to change the zone of lots 8520-131st Ave, 8519-132nd Ave NE and the expanded study area.

We are the owners of 8526-131st Ave, which is currently a single family zone and is a lot in the expanded study area that is being considered for office zoning. We are in support of the rezoning 8520-131st Ave, 8519-132nd Ave NE and the expanded study area to "office". However, we are not in support of changing the zone from single family to office for only lots 8520-131st Ave and 8519-132nd Ave NE. We do not want our property to be next to an office zone, hence our wish to ensure that 8526-131st Ave is included in the rezoning from single family to office.

Thank you for considering our concerns.

Susan and Mohsen Moini  
 425-773-3677 (Susan's mobile)  
 425-773-3787 (Mohsen's mobile)

Sent from my iPhone

Sent from my iPhone

On Jul 13, 2015, at 7:32 PM, Joan Lieberman-Brill <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)> wrote:

Here is the [link](#) to the Kirkland Planning Commission's home page. Scroll down to the February 26, 2015 agenda item on the Griffis CAR Part 1 and Part 2 for background information. The staff report for the upcoming public hearing on July 23 will be posted to this same website on Friday July 17 in the later part of the day.

Sincerely,

Joan

Joan Lieberman-Brill, AICP  
 Senior Planner  
 Planning & Building Department  
 425-587-3254  
[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

Mon – Fri

**“Kirkland Maps” makes property information searches fast and easy.**  
*GIS mapping system now available to public at <http://maps.kirklandwa.gov>.*

*[Participate in the Comprehensive Plan update process to plan for Kirkland's future...](#)*

Learn how at [www.kirklandwa.gov/Kirkland2035](http://www.kirklandwa.gov/Kirkland2035) and [www.ideasforum.Kirklandwa.gov](http://www.ideasforum.Kirklandwa.gov)

**Joan Lieberman-Brill**

---

**From:** carnegiema@frontier.com  
**Sent:** Monday, July 13, 2015 8:24 PM  
**To:** Joan Lieberman-Brill  
**Subject:** NRH CAR's

Ms. Lieberman-Brill,

As chair of the North Rose Hill Neighborhood Association, I am providing input on behalf of the NRHNA Board and the neighborhood citizens. I do hope the neighborhood wishes/concerns are given the priority they deserve.

We adamantly object to the request for raised height limits for the Basra Development on 122nd Ave. N.E. When we earlier met with you to discuss CARs we did not object to the construction of a hotel at the site, but that was without a request to raise the height limit. The current 35 foot limit should be enforced now and into the future. A 60 ft. building would change the character of the neighborhood, by itself, and could lead to further similar requests. A negative traffic impact would probably also be caused as a result of this change.

When updating the NRH Neighborhood Plans, we did not object to the proposal to allow commercial use of the property on N.E. 85th St. at 132nd Ave. N.E.--the Greg Griffis CAR. We did strongly express the need for sound and visual buffering to protect the adjoining residential properties to the north.

We did not object to the Jim Walen CAR, with the understanding that the residential part of the neighborhood, to the south, would not be negatively impacted.

Thank you, Ms. Lieberman-Brill, and I hope I can trust the City Council to honor the values of the neighborhood.

**Joan Lieberman-Brill**

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**Subject:** FW: Horth Rose Hill Neighborhood

**From:** [kiversonpt@aol.com](mailto:kiversonpt@aol.com) [<mailto:kiversonpt@aol.com>]

**Sent:** Monday, June 29, 2015 10:02 AM

**To:** Joan Lieberman-Brill

**Subject:** Horth Rose Hill Neighborhood

Hello

I have been a NRH resident for 50 years and would like to say that the planned hotel at 122nd and 85th should be limited in height to the current 35 feet. As more and more inroads are made to our neighborhood controlling height seems mandatory. If left to developers ideas, we will become hemmed in as downtown "walled city" is becoming. Not only is the middle class being forced out of NRH with the McMansions being built the business district is expanding into it. And all current and planned business should have a buffer between the commercial and the residential. The planned office space on 132nd and 85th should have a buffer.

Kathy Iverson

**Joan Lieberman-Brill**

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**From:** Hartnell Nancy <hartnellhouse@gmail.com>  
**Sent:** Friday, July 03, 2015 12:24 AM  
**To:** Joan Lieberman-Brill  
**Subject:** N. Rose Hill variances

Dear Joan Liberman-Brill,

Recently I heard our Mayor speak about how she wants this city to be clean, green and with a small town feel. That isn't even close to the vision seen by those who live here. The city of Kirkland used to take pride in the fact we were the most treed city; no longer. The over development in the area has removed the precious trees replacing them with tall buildings, small building, condos, apts. and houses built so close together folks may as well live in the same house. The over development has created more and more traffic making driving a nightmare for those of us who live here.

I don't think I could be more opposed to the idea of a six-story hotel going in just off 85<sup>th</sup>. Those of us who have lived here for years can no longer travel the roads because of the congestion. It's time to look at the value of our community and live up to the clean, green and small town feel.

The 85<sup>th</sup> street corridor is a nightmare. Not just because of the construction but because the roads are at capacity. Nothing being done on 85<sup>th</sup> will change the congestion. 124<sup>th</sup> NE is even worse; it too is at capacity. When 405 is backed up the cars move to 124<sup>th</sup> NE and then to the neighborhood streets, traveling over the speed limit to get around the mess. Our kids walking to school are put at risk by many of these drivers. The new HOV lanes haven't proven themselves and I believe less people will use them making more side street traffic even worse. We just can't absorb any more cars in our neighborhoods.

When we look at the amount of car emissions, the removal of trees for building and developing multiple homes and more industrial space right in the middle of neighborhoods is not attractive, nor a selling point for our property. Sure, the city is looking for revenue but we have maxed out the space if the city really does have a vision to make it feel like a small town.

Please consider those of us who have seen this city change from a small town feel to an over developed nightmare. Please do not allow the hotel variance or the variance to the other two requests.

Nancy Hartnell

Longtime North Rose Hill Resident



February 18, 2015

Joan Lieberman-Brill, Senior Planner AICP  
Kirkland Department of Planning & Community Development  
123 Fifth Avenue  
Kirkland, WA 98033

**RE: Griffis-CAR Arguments In Favor of Approval**

Dear Ms. Lieberman-Brill:

The Griffis-CAR and expanded study area request encompasses the properties that abut the RH8 zone just north of NE 85<sup>th</sup> Street between 131<sup>st</sup> and 132<sup>nd</sup> Avenues NE. As part of the February 26, 2015 Planning Commission study session, we would like to offer some background and justifications for the Griffis-CAR request.

**History**

Greg Griffis and Josh Lysen of Merit Homes originally purchased the two residential parcels at the NW intersection of NE 85<sup>th</sup> Street and 132<sup>nd</sup> Avenue NE (8505 132nd Ave NE and 13122 NE 85th Street) in January with the intent of redeveloping the site with a new commercial building. Since 2007, Merit Homes has been attempting to develop a feasible plan for a sustainable commercial building on the site but has been unsuccessful due to the restrictions of City policies for limited vehicular access from adjacent arterials and the shallow parcel depths off NE 85<sup>th</sup> Street.

Here is a brief narrative of the Merit Homes attempt to redevelop these parcels since their purchase in 2007:

- *2007* - Merit Homes purchases the two parcels fronting NE 85<sup>th</sup> Street from the same property owner. At the time, the properties were developed with two low-end rental homes. Shortly after we purchased these original two residential properties, the City of Kirkland initiated discussions with us about the City's need to acquire a small strip of our frontage as part of the NE 85th street expansion project. By 2010, the City had finalized to road design plans and we granted an easement to the City for new public street improvements.
- *2008* - Merit Homes initially approached the two property owners to the west at 13104 (Wetherholt) & 13112 (Britton) NE 85<sup>th</sup> Street about the possible purchase of their property. Both expressed interest, but due to the economic recession the timing wasn't right and it conflicted with the existing business operating on the Wetherholt parcel.
- *2009* - In order to develop the site with a commercial or office use, zoning requires a 30-foot-wide landscape buffer along the entire property length where it abuts the residential zones to the north. A landscape buffer modification agreement was negotiated and recorded with the neighbor to the north (8519 132<sup>nd</sup> Ave NE) to reduce the buffer width from 30 feet to 15 feet.

With the landscape buffer reduction agreement, revised architectural site and building design options were created and we then consulted with commercial real estate brokers and lenders for an updated feasibility analysis.

- *2010* – At the request of PSE, we granted a 6' x 13' and a 14' x 25' utility easement along our 132nd Avenue NE street frontage.

Additionally, a zoning variance was filed and subsequently approved by the City to reduce the required building horizontal façade regulations that applied to the portions of the parking garage lid that were within 100 feet of a residential use. The horizontal facade modulation was still required for the new building which added significant construction costs to the project and resulted in our having to modify the building design by dividing it in two structures.

Worked again to revise architectural building and site plans in addition to an updated feasibility analysis.

- 2014 – Zoning Code amendments reduced the horizontal façade building modulation requirement from 100 feet down to 30 feet away from a low density zone. This change allowed our building design to change drastically from an expensive horse-shoe type of design to a more rectangular design. As a result, we requested our architect design an updated more efficient project design and also updated our feasibility analysis.

In June, we formally filed the Griffis-CAR request with the City of Kirkland.

In July, we purchased the residential property at 8520 131<sup>st</sup> Avenue NE, which abuts both the Wetherholt and Britton properties along their north property line.

We again approached the individual property owners (Wetherholt and Britton) to the west about the purchase of their parcels. Mr. Britton has made a sales offer that we anticipate accepting shortly. Purchase negotiations are scheduled with Mr. Wetherholt for early this spring and we fully anticipate reaching a mutual agreement to purchase that property as well.

As for the Leckness property, which is located directly to the north at 8519 132nd Ave NE, we have a very good relationship with the property owner and fully anticipate reaching a pending sale agreement.

### **Arguments for Approval of the Griffis CAR**

The Griffis CAR requests that the two adjacent low density residential parcels to the north be considered for the RH8 zoning. At a previous meeting, the City Council agreed to look at whether the land uses and zoning be extended northward to line up with the Rose Hill Animal Hospital property to the west. We feel there are several very sound reasons why the City should change the zoning to RH-8 for this requested CAR and expanded area. They are as follows;

- Redevelopment of these “gateway” properties is more likely to occur if properties can be aggregated together to gain additional property depth and size. The RH8 zoning allows structures to be within 10 feet of the front property line and design regulations require that parking must be located to the rear of the property. Thus, given the current shallow north-to-south parcel depth, the building design would have to be shallow in order to allow for required parking at the rear (north side). This shallow design limits the type of uses and tenants that would be interested in renting the space. Without resolving these issues development is unlikely. Additional property depth will facilitate better parking, traffic flow, vehicle ingress/egress and landscape buffering design and locations thereby becoming a more sustainable and feasible project overall.
- Because NE 85th Street and 132nd Avenue NE are busy arterials, Public Works prefers that all driveways be at least 150 feet from any intersection to reduce traffic turning movements as well as traffic queuing conflicts. Increasing the developable depth of these properties to the north will allow access to the site to be much further away from these arterials than is currently the case.
- It is anticipated that the majority of visitors to the site will come from Kirkland and I-405 north and south heading east on 85th Street. Left hand vehicular access into the site is not currently permitted

from either NE 85th Street or 132nd Avenue NE. Several commercial real estate brokers have advised us that any new office or mixed-use development in this area requires better vehicle access from both north and southbound I-405 traffic and eastbound NE 85th Street traffic than currently exists to these properties.

- The Comprehensive Plan identifies this area as “gateway” properties to the city of Kirkland. More significant-sized commercial or mixed-use buildings with corresponding architectural details are possible if most of the properties in the CAR can be aggregated into one or two new developments rather than piecemeal redevelopment that could occur on the current smaller lots.
- The City is actively pursuing greater opportunities to make Kirkland a more walkable place by encouraging essential services – such as groceries, restaurants, day care, coffee shop, clothing stores, hardware and drug stores - within walking distance of residential areas. Although the Rose Hill Business District zoning is relatively new, little private redevelopment near this CAR has been proposed or contemplated due to the existing properties small size and shallow lot depths. Without some sort of redevelopment of these properties, essential services are not likely to locate there in the future.
- It appears a few of the residential uses in the CAR are still hooked up to private septic systems rather than the public sanitary sewer. Although the septic systems are grandfathered under current regulations, all are below the minimum lot size allowed for new septic systems. Redevelopment of these properties into commercial uses will eliminate these old septic systems and require connection to the public sewer main.
- Increased traffic onto 131<sup>st</sup> Avenue NE is unlikely because the street is currently a dead end and the City has no future plans to improve the unopened portion of this street. Therefore cut-through traffic to any new development is not an issue. Street parking is also limited because there is no parking allowed on NE 85<sup>th</sup> Street nor on 132<sup>nd</sup> Avenue NE near the CAR. Redevelopment of the Griffis property with an office or mixed use project would create additional parking that is not currently provided to those uses fronting 85<sup>th</sup> and 132<sup>nd</sup>.
- RH8 Special Regulation 12 requires that any development on this corner must provide a City entryway feature on the subject property. This will further reduce the lot area and depth of the corner parcel which further constrains the location and design of future building(s) and parking.

As you can see, we’ve owned the property for many years now and the fact that it remains undeveloped as office/light commercial is NOT for a lack of effort. Our multiple design strategies over this period have not been viable due to constraints. We will attend the February 26<sup>th</sup> study session and look forward to speaking further with staff and Planning Commission members about the Merit Homes/Griffis CAR request.

Thank you for your consideration of the Griffis-CAR and expanded study area.

Sincerely,

Greg Griffis & Josh Lysen, Merit Homes, 805 Kirkland Ave, Suite 100, Kirkland WA 98033  
Margaret Bouniol, 10831 NE 112<sup>th</sup> Street, Kirkland, WA 98033

11/23/2014

### North Rose Hill Plan Notes

- It would be good to note the previous revision somewhere in the document for reference. “See City Archives for previous plans”
- First sentence needs to remain as part of the description.
- Revise last sentence on page 2 of vision statement to be “Increased housing has occurred in the north rose hill business district, while accommodating supportive commercial uses along side high density residences.”
- Correct typo on page 3: line 7 of first paragraph says “...ground floor commercial is compatible...”
- First sentence of second paragraph should be: “The street network provides efficient and safe circulation while new vehicular and pedestrian connections.”
- ‘ideal’ in box at bottom of page 3 might be ‘flourishing’ as a more grammatical alternative.
- Goal NRH 1 and Policy NRH 1.1 will be removed?
- Would like a reference to the historical heritage goals in the city comp. plan. In fact, if this will be an electronic document, there should be referenced links to all the relevant documents that support it.
- ‘of the comprehensive plan’ should be amended to all first references of the different Elements.
- On page 6 remove ‘eventually’
- We would like a reference to when the environmental studies that drive the natural environment section were completed.
- On Page 12, ‘Landslide hazard’ should remain ‘These’ for grammatical clarity.
- On Table NRH-1, #3 should be “NE 105<sup>th</sup> Place between 129<sup>th</sup> avenue ne and 132<sup>nd</sup> avenue ne – partially completed”
- On Table NRH-1, it should be renumbered if #7 was deleted in the last revision.
- Policy NRH 30.3: revised last sentence to begin with ‘These’ instead of ‘All’

### BASRA CAR

NRH Neighborhood Board has no issues with the proposal. We believe it should be designed along with the area south of it as it gets redeveloped (Petco)

### GRIFFIS CAR

NRH Neighborhood Board has concerns over the removal of the buffer between businesses and the high density housing north on 132<sup>nd</sup> Ave NE

We would like neighborhood signs on both the entrance into the neighborhood on 132<sup>nd</sup> and 85<sup>th</sup> as well as on 116<sup>th</sup> and 124<sup>th</sup> intersection

We have severe concerns with the Totem Lake Business District replanning and would like a clear explanation brought into the neighborhood meeting before the area is redesigned.

The neighborhood SHALL be notified whenever the neighborhood is going to be revised.

#### NE 85<sup>th</sup> Street Subarea Plan Notes

- Will there be medians with plants?
- Will there be curbed medians and when did that revision go in?
- 126<sup>th</sup> light removed from plan?
- Last paragraph of planning context section should end with "...in 1988 per area resident requests"
- Policy NE85-9.2: Do not remove sections in urban design until the projects are actually completed
- Policy NE85-9.3: This policy should be applied throughout north rose hill, specific concerns over 95<sup>th</sup> street.
- There is some talk in the plan about bike lanes on 85<sup>th</sup> street but we have not been able to locate any mention of bike lanes in the actual plan for the street improvements.

#### 11/17 Neighborhood meeting wrap up

We are agreeable to the request for change to the 85th & 132nd site, as long as there is a building buffer to the north between the development and residences.

We are agreeable to the Walen request, but strongly object to the larger area zoning change.



**MERITHOMES**

805 Kirkland Avenue, Suite 100

Kirkland, WA 98033

MeritHomesInc.com

June 29, 2015

City of Kirkland Planning Commission  
123 - 5th Avenue, Kirkland, WA 98033

Re: Griffis Citizen Amendment Request

Study Area surrounding 8520 – 131<sup>st</sup> Ave. NE and 8519 – 132<sup>nd</sup> Ave. NE  
Zoning Amendment from RSX7.2 to RH 8

## I. INTRODUCTION

Washington State, King County, and the City of Kirkland jointly participate in forward-thinking 20-year planning to execute the State's Growth Management Act. This groundbreaking legal framework orients the planning view resolutely toward a coherent and well-considered future, the implementation of which is the focus of the instant consideration.

Accepting its role, the City states "based on the King County Countywide Planning Policies growth targets, Kirkland is expected to accommodate **8,361 new housing units** (13,000 residents) **and 22,435 new jobs** by 2035." *Kirkland 2035* (residents added)

These numbers derive from current growth and future projections at all three levels of government. Our local area is clearly desirable and in-demand. Increasing population will need greater access to services; combined with Kirkland growth policies, amenities should be *more* locally accessible rather than relying on car-dependent growth centers. Kirkland has consistently expressed these objectives over time.

This narrative emphasizes City guidance on pedestrian-scale neighborhoods. This idea, in its simplicity, captures a wider range of benefits such as avoided car trips with attendant reductions in traffic congestion and air pollution, a stronger sense of community with diverse, local gathering spots, and 'neighborhood identity'. "Walkability" is meaningful beyond simply connecting missing sidewalk segments.

The Study Area request, the "Griffis CAR", comprises a local-scale, 1.9 acre City Gateway hub adjoining Redmond's western edge. Kirkland Staff and Planning Commission see benefit of approving, with reservations:

*Planning Commission Position - Pending the public hearing this summer, the Planning Commission has preliminarily recommended to rezone the first row of lots adjoining the RH 8 zone, but restrict the development of RH8 uses on the lots adjoining low density RSX 7.2 unless they are consolidated with properties fronting on NE 85th Street. This would include one lot west of 131st Avenue NE, to prevent isolation of single family with RH8 on three sides. The Commission also recommended that existing landscape buffer provisions be retained and that building height on parcels next to the low density zone be a maximum of 30 feet above average building elevation (ABE). They discussed how a rezone would allow parcel consolidation, larger building envelopes and improved access from both 131st and 132nd Avenues NE, and the reduction of the number of curb cuts by combining driveways.*

## II. BACKGROUND

A number of existing and proposed City goals and documents speak particularly to this type of request:

### **Draft Comprehensive Plan - 2. Vision Statement**

– Acknowledging and supporting neighborhood’s dynamic and growing nature

*“The North Rose Hill neighborhood is a vital and growing residential neighborhood . . . ”*

*“ . . . Focusing commercial activities toward the Rose Hill Business District (NE 85<sup>th</sup> Street Corridor) and the North Rose Hill Business District enhances neighborhood integrity. These areas provide important shopping and services for Kirkland residents and the region . . . In both the NE 85<sup>th</sup> Street commercial corridor . . . and in the North Rose Hill Business District, **residential and office use above ground floor commercial is compatible with the residential neighborhood.** Development in the commercial districts creates seamless transitions to protect and enhance the residential core.” (emphasis added)*

*“ . . . The street network provides efficient and safe circulation while new vehicular and pedestrian connections increase mobility. Pedestrian and bicycle connections link residential areas with transit routes, public facilities, commercial areas, and to adjacent neighborhoods. These linkages encourage walking and community connection . . . Arterials have been improved with transit lanes, bicycle lanes . . . and other amenities . . . ”*

A number of Neighborhood Meetings were held to review 2035 plan possibilities. City notes from the June 4, 2014 public meeting include a summary of focus on walkability:

*“Jeremy McMahan (City of Kirkland, Planning Supervisor) concluded with a presentation on the 10- Minute Neighborhood concept. This concept is based on a person’s ability to walk 10 minutes from where they live to where they go to school, work, shop, and play”.*

And, the City’s website description of the 10-minute neighborhood:

### **What is a 10 Minute Neighborhood?**

*A 10 minute neighborhood is a community where residents can walk short distances from home to destinations that meet their daily needs. **These walkable communities are comprised of two important characteristics:***

- **Destinations** – a walkable community needs places to walk to. **Destinations may include places that meet commercial needs, recreational needs, or transportation needs.**
- **Accessibility** – the community needs to be able to conveniently get to those destinations.

*Ten minutes represents how much time it takes a typical pedestrian to comfortable walk ½ mile (emphasis added)*

There is no question that a larger commercial space at the 132<sup>nd</sup>/85<sup>th</sup> City Gateway hub would provide a superior pedestrian *destination* to nearby homes. Conversely, limiting opportunity in the already-modest RH 8 zone would have a chilling effect on potential offerings and future desirability as a true pedestrian destination.

Approval of the subject Study Area as RH 8 *without* new restrictions would allow crafting superior, local and pedestrian-scale commercial proposals to strongly promote the 10-minute neighborhood ideal.

It is also true an unfettered Study Area could provide timely completion of the *accessibility* network initiated and currently in construction with the City's 85<sup>th</sup> plan:

### **Kirkland Capital Projects - 85<sup>th</sup> Description:**

***“Project Overview:** The Northeast 85th Street Corridor Improvements are a direct result of a collaborative community planning effort with the Rose Hill Business District businesses, property owners, neighborhood residents, Sound Transit, and the City of Kirkland. The improvements provide a series of coordinated streetscape facilities to minimize traffic delays; enable pedestrians, drivers, bicyclists, transit riders and others to have a safe and pleasant experience; and, to develop a comprehensive transportation system to stimulate economic vitality and redevelopment. The projects include:*

#### **Sidewalks:**

- *Complete sidewalk on both sides of NE 85th Street between 120th Avenue NE and 132nd Avenue NE*
- *Install landscape strips with trees, pedestrian lighting and street lighting on both sides of NE 85th Street*

#### **Intersections:**

- *Add Intelligent Transportation System elements at each signalized intersection to coordinate signal timing along the corridor and create a pathway for connection to future Traffic Control Center*

The 85<sup>th</sup> project constitutes an outstanding kickoff to the next phase of future planning, creating a “spine” from which to build. The future vision of the area neatly combines with the 10-Minute Neighborhood ideal to synthesize extension of infrastructure with appeal of pedestrian destinations - together. The potential for coherent commercial development promises timely completion of the local walkway network and enhancement of its reason for being.

Kirkland's Comprehensive Plan Attachment 1 is titled *“Pedestrian/Bicycle Circulation”*. This chapter particularly refers to a 138-page, March 3, 2009 document – Kirkland's *“Active Transportation Plan”*, carefully outlining City goals of promoting alternative transportation methods. Up to this point in the

planning process, walkability and provision of true neighborhood-scale commercial destinations and/or supporting 10-Minute Neighborhoods have not been analyzed in the context of this Study Area.

This City Gateway location could not be more perfectly situated and arranged for a walkable, local commercial destination. It should be considered in such standing, and not saddled further with new regulatory barriers at this high-level, legislative stage.

### III. ANALYSIS

As mentioned in *I. Introduction* Planning Commission, while generally supportive of Study Area approval as RH 8, it also expressed reservations, suggesting two restrictions:

1. *Restrict the development of RH8 uses on the lots adjoining low density RSX 7.2 unless they are consolidated with properties fronting on NE 85th Street; and*
2. *Building height on parcels next to the low density zone be a maximum of 30 feet above average building elevation (ABE).*

1. *(regarding lot consolidation to utilize RH 8 provisions)* Merit agrees in principle - consolidation of properties here *should be encouraged*. The stated goal is sound, including possible closure of 85<sup>th</sup> driveways. The market will seek parcel aggregation to increase design continuity (which does not guarantee it will happen). Best intentions may fall short, and crafting specifics of a *requirement* to consolidate property ownership will be tricky with likely, unforeseen challenges.

Absent knowing 1) what specific “consolidation” would be required; 2) future property ownership configuration; 3) what types of businesses are desired; or 4) what site design would be preferred, this condition has great potential to become cumbersome, or at worst, unworkable. Development and design factors are as now entirely unknowable, though they will crystallize over time. Site-planning-level design considerations are better suited for future Design Review once all the many variables are known.

City staff has indicated the guiding ideal for consolidation is to reduce direct access to 85<sup>th</sup> and for the Study Area to take access as far from 85<sup>th</sup> as possible. Again, the rationale and aim is commendable, which is not at all the same as hardline necessity. We contend: 1) While market factors will look to assemble parcels, 2) A *requirement* will not significantly increase likelihood of occurrence. City Design Review absolutely has flexibility to *effectively* join the assembly from a *functional* standpoint (walkways, parking lot orientations, architectural themes) to a cohesive ‘town square’ regardless of common ownership. And Public Works will, without question, require access points to be as far from 85<sup>th</sup> as possible in any development scenario.

2. (regarding increased height restrictions from 35' to 30') Kirkland City Council has existing, established provisions for RH 8 development abutting residential zoning including separations and building heights. These interfaces are currently regulated along the 85<sup>th</sup> St. corridor. KZC Section 53.82 (RH 8) was adopted with foreknowledge of adjacent, low density residential. Such regulations include standards for building heights dependent on site size and distance from residential lands (30').

KZC 115.136 includes additional building size restrictions, and Zoning Code Chapters 92 and 114 regulate design and impacts of privacy, building bulk/massing, landscaping, and modulation toward adjoining low-density residential properties - specifically within the Rose Hill Business District.

It is unclear why different standards would apply here. No analysis suggesting any need for additional barriers has been proffered and no compatibility-related objections arose from numerous neighborhood meetings. There was no input suggesting new restrictions might be needed.

To the contrary, office use (for example) is quieter than single family residential with no potential for loud stereos, barking dogs, weekend noise, or late parties. City Design Review could and would ensure optimum compatibility. A 5-foot height differential isn't visually meaningful once horizontal separations are applied, though higher buildings could block more noise from 85<sup>th</sup> and provide a visual and auditory *benefit* to existing houses (noise wall effect).

Kirkland has outstanding staff in Public Works and Planning Departments to implement its existing, well-considered RH 8 and general design guidance, consistent with previous Council ordinances and past practice. There is no reasoning in the record to support 'reinventing the wheel' as part of this larger legislative process. New barriers to design won't serve the City, its residents, or landowners.

#### **IV. ADDITIONAL CONSIDERATIONS**

- It is notable that the Study Area has no mapped critical areas. Chapter 4 of the North Rose Hill plan focuses on specific policies to preserve environmental elements, of which water resources and geologic hazards are major components (seven specific policies). Placing higher-intensity development away from sensitive areas as in the Study Area is a responsible way to protect those areas where they do exist.
- The 85<sup>th</sup> / 132<sup>nd</sup> intersection is a Kirkland Gateway, with the subject property at the highest visibility corner thereof - entering Kirkland from Redmond.
- Review and update of the 20-year comprehensive plan does not endeavor to solve micro-level, project review concerns. The City isn't building anything and no development is proposed. Here we set a stage for future opportunity to neighborhoods, landowners, and tax base knowing any and all future plans will be vetted by City professionals.

- If consolidation requirements proceed, or artificial building heights cripple marketability of the Study Area such that any parcels within it proceed to residential short plat, the total opportunity available now will be lost. This would minimize the “gravity” and neighborhood meaningfulness of the location. These new and unwarranted barriers to design would truly combine to create ‘a solution looking for a problem’, inviting a fragmented development pattern if some properties can ‘clear the bar’ and others cannot.
- Traffic patterns – 131<sup>st</sup> is the first choice for Study Area access for Departments of Planning and Community Development, and Public Works. The 131<sup>st</sup> Ave. NE dead-end has about 20 homes outside the Study Area. Here, commercial traffic would not intermingle with residential as the homes are beyond Study Area limits. 20 homes equates to about 1 car every 3 minutes during the busiest hour of the day (4 – 6 p.m., primarily inbound).

Queuing on 131<sup>st</sup> could be a concern with outbound traffic to 85<sup>th</sup> as primary focus. However: 1) primary outbound trips from residential would be before 8:00 a.m. (trips to work) where commercial would be spread through mid-day. Residential inbound traffic would be heaviest likely between 5:00 – 6:00 p.m., with benefit of an incoming turn-bay.

- Pedestrian accessibility means more than just foot-powered transport – true local amenities provide a sense of neighborhood place, promote air quality, and reduce traffic congestion through reduced car miles.
- Local Commercial – City has not analyzed availability of commercial space to the *neighborhood level*, only Citywide. Rose Hill is short on commercial space. Expanding beyond the ½ mile/10-minute walk radius to 1 – 2 miles for very short vehicle trips would keep those trips off 85<sup>th</sup> into downtown and widens the appeal of this locally-scaled proposal to nearly all Rose Hill.
- Rose Hill Animal Hospital – Demonstrating the previous point, the Rose Hill Animal Hospital has a respected neighborhood identity and has been looking for new space for some time. There is commitment to stay nearby, and continue serving local pet-owners but thus far no suitable, nearby location has been found. Hospital ownership has in fact contacted Merit about relocation to the Study Area, believing it could be their only viable alternative to remain in the Rose Hill area.

## V. CONCLUSION

Kirkland has laid out a responsible and well-considered vision for its future and is actively engaged in building that future. While the impulse to constrain expansion can be tempting - planning being iterative with small steps “feeling” right - here such restraint works directly against the interests of existing and future Rose Hill residents, City, and landowners in an area undergoing redevelopment and in need of services and meaningful pedestrian destinations.

The City has a unique opportunity here for consequential and forward-thinking neighborhood improvement. It should embrace this moment and approve the Griffis CAR without new requirements for property consolidation or height limits.

Thanks for your consideration in this matter, please contact me with any questions. We look forward to the public hearings.

Sincerely,

S. Michael Smith,  
Development Manager

## KIRKLAND COMPREHENSIVE PLAN UPDATE &amp; TOTEM LAKE PLANNED ACTION DEIS | AMENDMENT REQUESTS

## 4.6 Griffis

### Overview and Location

The study area consists of six lots at the eastern edge of the Rose Hill Business District, north of NE 85<sup>th</sup> Street between 131<sup>st</sup> Avenue NE and 132<sup>nd</sup> Avenue NE. The proposal would rezone these properties from RSX 7.2 (single family residential) to RH8 (office).

### Compatibility with the Alternatives

#### *Land Use Patterns*

The subject property is located just north and adjacent to the Rose Hill Business District (NE 85<sup>th</sup> Street Subarea) boundary, within the North Rose Hill Neighborhood, and is currently being used for single family residential use. The study area consists of a mix of single family land uses. To the south of the study are existing commercial and office uses fronting on NE 85<sup>th</sup> Street, but the subject property does not have frontage on NE 85<sup>th</sup> Street. However, the adjacent property to the south with frontage along NE 85<sup>th</sup> Street is designated for office uses. Therefore, the proposed amendment is compatible with future land use and zoning designations. The proposed amendment is most compatible with Alternatives 1 and 3 that allocate greatest amount of housing and employment growth to neighborhood centers.

#### *Plans and Policies*

The proposal is generally consistent with the Growth Management Act, Vision 2040 and the King County Countywide Planning Policies. As noted below, it is not consistent with current Comprehensive Plan policy direction or supported by proposed changes in any of the alternatives.

Conversion of the study area from an LDR to an Office (O) designation would help create a more regular boundary for the northern edge of the office area. This change would expand the Rose Hill Business District and may raise questions about future designation of the residential area immediately to the west, between 128<sup>th</sup> and 130<sup>th</sup> Avenues. Similarly, access to the study area would be from 132<sup>nd</sup> or 131<sup>st</sup> Avenues NE, rather than directly from NE 85<sup>th</sup> Street as is the case with the existing O designated properties. In the case of 131<sup>st</sup> Avenue NE, increased traffic on this residential street may impact surrounding residential uses.

A potential adverse impact of this CAR may be a weakening of the boundary between residential and office designations in this area, leading to uncertainty about future change in the residential area adjacent to the new boundary. Concern about this boundary is specifically addressed in the current NE 85<sup>th</sup> Street Subarea Plan, which states that commercial development in the NE 85<sup>th</sup> Street commercial area should be defined by the land use designations in Figure NE 85-2 (NE 85<sup>th</sup> Street Land Use). Figure NE 85-2 maintains the existing office boundary in the vicinity of the study area and is not consistent with the proposed CAR. Similar guidance regarding preservation of existing residential neighborhoods is provided in the North Rose Hill neighborhood plan.

#### *Population and Housing*

The Griffis CAR would rezone six parcels of low density residential to office/business district zoning in the North Rose Hill neighborhood. The changes would increase heights slightly and increase lot coverage from 50% to 70%, also changing the use of the land. There would be a decrease in residential capacity in the North Rose Hill neighborhood as a result of this change. Alternative 2, where Neighborhood Centers are not a priority location for accommodating housing growth, would support this CAR.

#### *Employment and Economic Development*

This proposal would add more capacity for office use in the Rose Hill Business District area by rezoning several parcels from residential to office. As a result, the proposal would be most compatible with Alternative 3, which allocates the most jobs to Neighborhood Centers, including over 2,100 new jobs in the Rose Hill Business District.

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**Natural Environment**

The proposed CAR would not have adverse effects on geohazard risk, water resources, or plants and animals. The study area does not contain any mapped geologically hazardous areas, wetlands, or streams. Vegetation is limited to small patches of low-functioning landscape trees. Impervious surfaces would increase under this alternative, but compliance with stormwater control and treatment standards would minimize potential impacts.

**Transportation**

The Griffis CAR study area consists of six parcels located on the eastern border of the City of Kirkland, one to two lots north of NE 85th Street. Currently, the six parcels are zoned as RSX7.2 for low density residential, allowing a maximum of 6 dwelling units per acre. This results in a maximum of 5 dwelling units in this area and 5 total PM peak hour trips. At the highest intensity of development, the proposed Rose Hill Business District 8 zoning would allow full redevelopment of the property into office space with a maximum FAR of 0.65. The office land use allowable under this proposal would generate 38 PM peak hour vehicle trips.

**Exhibit 4.6-1. PM Peak Hour Trip Generation Analysis – Griffis CAR**

	Scenario 1	Scenario 2
Description	No action allowable	CAR proposal
Use	Low density residential	Office
Total area of study (sf)	72,125	72,125 ← 80,710
Building Size	n/a	FAR = 0.65
Residential Units	5.4 ← 11	n/a
Rate	1.00 <sup>1</sup>	1.49 <sup>2</sup>
Vehicle Trips	10.0 ← 11	69.9 ← 78.2
<b>Total</b>	<b>10.0 ← 11</b>	<b>69.9 ← 78.2</b>

Revisions to the Draft EIS Transportation analysis are indicated in red. The revised Exhibit 4.6-1 is on page 6 of the staff memorandum.

1: Trips per dwelling unit in the PM peak hour of the adjacent street; Land Use Category 210 - Single Family Detached Housing (ITE Trip Generation Manual, 9th Edition)

2: Trips per thousand SF GFA in the PM peak hour of the adjacent street; Land Use Category 710 – General Office (ITE Trip Generation Manual, 9th Edition)

**Public Services**

The proposed rezoning from low density residential to office zoning would reduce demand for certain public services such as schools, but potentially increase the demand for police and fire services, access to parks and open space. Nearby parks likely to be affected include the Forbes Lake Park.

Because of its proximity to the Rose Hill neighborhood Center, the Griffis Citizen Amendment Request is most closely aligned with the No Action Alternative or Alternative 3.

**Utilities and Capital Facilities**

This study area examines changing the existing Residential Zoning to Office. The zoning surrounding this study area is Low Density Residential and Office. Given the small size of the site area and the existing Office zoning that abuts the sites, it is unlikely that there will need to be any additional water and sewer infrastructure or upsizing of existing infrastructure to meet demand. Both water and sewer service for this study area are provided by the City of Kirkland.

The proposed changes for this study most closely align with Alternative 3 because it results in employment growth within the Rose Hill neighborhood center.