



**MEMORANDUM**

**To:** Planning Commission

**From:** Angela Ruggeri, AICP, Senior Planner  
Paul Stewart, AICP, Deputy Director

**Date:** April 18, 2013

**Subject:** MRM PRIVATE AMENDMENT REQUEST (PAR)  
FILE # ZON11-00006

**RECOMMENDATION**

Receive information on the MRM PAR request, study area and environmental review. The proposal is to amend the Comprehensive Plan and Zoning to increase height from the current 3-5 story maximum to 8 stories and to allow additional residential uses on the entire site. The existing zoning allows residential uses only: (1) On properties with frontage on Second Avenue; and (2) Within 170' of Peter Kirk Park provided that the gross floor area of the use does not exceed 12.5% of the total gross floor area for the subject property.

**BACKGROUND DISCUSSION**

The City Council has directed staff to study this proposed amendment to the Comprehensive Plan and Zoning Code for CBD 5. The PAR would allow increased height and residential uses for the parcel at 434 Kirkland Way in the Moss Bay Neighborhood (see Attachment 1). The property was originally the old Kirkland Hardware site, but the building is currently being used as offices. There are also office uses to the east of the site. Parkplace is to the north, Peter Kirk Park is to the west and there are multifamily residential and office uses to the south. The City Council has also directed staff to expand the study area to include the entire CBD 5 zone as shown in Attachment 1.

The original private amendment request was made in 2011. Through the threshold review process at that time, the Planning Commission recommended that the PAR be considered in 2012 if staff resources were available. The majority of the Planning Commission felt that there was merit in considering the proposal because of its proximity to Parkplace and the need for residential development that would occur with the increased number of employees resulting from the potential redevelopment of Parkplace. The Commission also discussed including all CBD 5 properties in the study of the PAR when it occurred. The City Council agreed with the Planning Commission's recommendation to consider the proposed PAR in 2012. There was not staff available to do the study in 2012 and so the project was moved to 2013.

At its 2/28/13 meeting, the Planning Commission voted to recommend postponement of consideration of the MRM PAR to the City Council, so that the PAR could be included in the Comprehensive Plan update scheduled for 2013 and 2014. The Council made a decision at their 3/19/13 meeting to complete work on the MRM PAR in 2013 and to expand the study area to include the entire CBD 5 zone.

### **Environmental Review**

Pursuant to the State Environmental Policy Act (SEPA), a determination of significance was issued on 4/18/13 (see Attachment 2). This will require the preparation of a Supplemental Environmental Impact Statement (SEIS). Over the next two weeks, staff will be interviewing potential consultants to do the SEIS. The EIS will be a supplement to the EIS and Supplemental EIS that were done for the Parkplace project.

### **Public Outreach**

A postcard notice explaining this PAR and giving notice of the Planning Commission meeting on 2/28/13 was sent to over 1000 property owners, residents and business owners that are within 300' of the proposed study area (CBD 5 zone). A public notice sign was also posted on the property and notice was e-mailed to the Moss Bay Neighborhood Association, KAN, the newspaper and the Chamber of Commerce. A new website has been established for the project including a listserv for citizens who wish to receive future notices.

Four public notice signs have now been posted with information on the SEPA determination and scoping and the notice will be published in the newspaper. There is a 7 day appeal period for the determination and a 21 day comment period on the scoping. The notice was also sent to the property owners, residents and business owners who received the original postcard notice explaining the PAR. In addition it was sent or e-mailed to agencies with jurisdiction, the Moss Bay Neighborhood Association, the Chamber of Commerce and KAN.

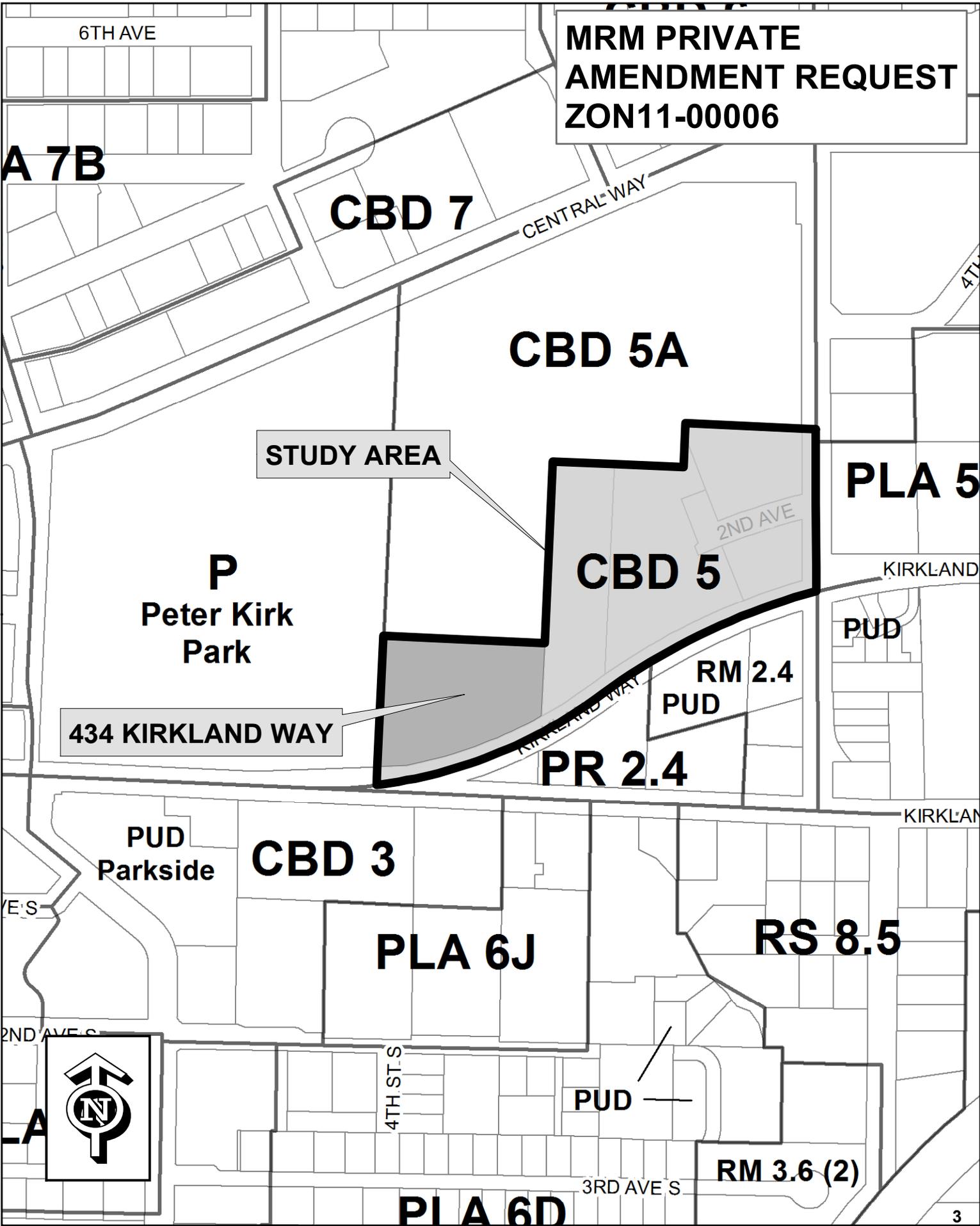
### **Next Steps**

- The Supplemental EIS will be completed this summer.
- Staff will update the Planning Commission on the progress of the Supplemental EIS as work progresses.
- Following completion of the environmental review, study sessions will be held with the Planning Commission.
- A public hearing before the Planning Commission will be held in the fall.
- The Planning Commission's recommendation will go to the City Council by the end of 2013.

### **Attachments:**

1. Site/study area map
2. Determination of Significance

cc: File ZON11-00006  
Brian Brand, AIA  
Moss Bay Neighborhood Association  
KAN  
Brent Carson, Attorney for Davidson, Serles and Associates







***DETERMINATION OF SIGNIFICANCE AND  
REQUEST FOR COMMENTS ON SCOPE OF  
SUPPLEMENTAL EIS***

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**Description of proposal:** The City of Kirkland is considering proposed amendments to its Comprehensive Plan, Zoning Code, Zoning Map and Municipal Code Design Guidelines related to a Private Amendment Request (PAR) for 434 Kirkland Way. The PAR asks to increase permitted height from the current 3-5 story maximum to 8 stories and to allow additional residential uses on the entire site. The existing zoning allows residential uses only: (1) On properties with frontage on Second Avenue; and (2) Within 170' of Peter Kirk Park provided that the gross floor area of the use does not exceed 12.5% of the total gross floor area for the subject property. The PAR property is part of the CBD 5 zone. The City will study the entire CBD 5 zone in the Supplemental EIS.

**Proponent:** MRM Kirkland, LLC

**Location of proposal:** 434 Kirkland Way (entire CBD 5 zone will be studied). The CBD 5 zone is generally located east of Peter Kirk Park, west of 6<sup>th</sup> Street, north of Kirkland Way and south of the Parkplace Shopping Center.

**Lead agency:** City of Kirkland

**EIS required:** The lead agency has determined this proposal is likely to have a significant adverse impact on the environment. As required under WAC 197-11-405, the Supplemental Environmental Impact Statement (SEIS) will be prepared as an addition to the existing EIS and Supplemental EIS that were produced as part of the Parkplace project review. This Downtown Area Planned Action Ordinance Environmental Impact Statement (Final EIS issued in October of 2008) and the Supplemental Planned Action Environmental Impact Statement (Final SEIS issued in May of 2010) are available at the following site.

<http://www.kirklandwa.gov/depart/Planning/Development/Parkplace.htm>

The lead agency has determined that the SEIS will consider potential impacts associated with land use, plans and policies, aesthetics, transportation, public services, and utilities.

**Scoping:** Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. Mail written comments to the Responsible Official at the address below or e-mail comments to [aruggeri@kirklandwa.gov](mailto:aruggeri@kirklandwa.gov). The deadline for giving your comments is **May 9, 2013 at 5:00pm** (21 days from issuance and publication).

Responsible official: **Eric R. Shields, care of Angela Ruggeri**  
 Position/Title **Director, Department of Planning and Community  
 Development**  
 Email/Phone: [eshields@kirklandwa.gov](mailto:eshields@kirklandwa.gov) (425) 587-3226

Address: **City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033**

Date: April 18, 2013 Signature: Eric Shields

Questions on the determination of significance, contact: **Angela Ruggeri, Project Planner, [aruggeri@kirklandwa.gov](mailto:aruggeri@kirklandwa.gov) 425-587-3256.**

The determination of significance may be **appealed** to:

To: **Nancy Cox Environmental Coordinator**  
At: **City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033**  
No later than: **April 25, 2013 at 5:00pm**

By: Written Notice of Appeal containing a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the rationale or contentions on appeal, a statement demonstrating standing to appeal, and any supplemental information for consideration. The appeal must be accompanied by a fee of \$207 plus a \$2.69 technology fee.

Contact Nancy Cox at (425) 587-3228 to ask about the procedures for SEPA appeals.