



CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587.3225

www.kirklandwa.gov



MEMORANDUM

Date: June 19, 2015

To: Planning Commission

**From: Jeremy McMahan, Planning Manager
Paul Stewart, Deputy Director, AICP
Eric Shields, Director, AICP**

**RE: PUBLIC HEARING ON NELSON/CRUIKSHANK 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 Planned Area 6C (PLA 6C). The proposal is to change from the current PLA 6C land use designation of low density residential at nine dwelling units per acre to Planned Area 6A (PLA 6A), which is high density residential at 24 units per acre.
- Following the hearing, the Planning Commission continues the hearing to July 9, 2015, for deliberation and recommendation to the City Council. The Commission could choose to close the hearing for oral comments but could accept written correspondence.

II. BACKGROUND INFORMATION ON CAR STUDY AREA

Tom Cruikshank and France and Jason Nelson submitted applications for Citizen Amendments for their adjoining properties located in the Moss Bay Neighborhood (see Attachment 1). The Cruikshank request is for a change from low density single family to high density zoning and the Nelsons simply request multifamily zoning. The Cruikshanks own two properties in the area, one with four apartment units and the other with a single family home. The Nelsons also own two properties, both with single family homes. As part of the scoping process, the Planning Commission and City Council expanded the scope to include the entire PLA 6C zone, rather than just the four properties owned by the applicants.

- A. Existing Land Use Context: The study area is located in a Planned Area with a Comprehensive Plan and Zoning designation of Planned Area 6C (PLA 6C). This designation allows low density single family development. PLA 6C is a pocket of single family zoning surrounded by more intensive multifamily and mixed use zoning (see

Attachment 2). The following table provides a comparison of the PLA 6C zoning with the surrounding area and outlines the applicable policy direction from the Moss Bay Neighborhood Plan.

Zone	Max Density	Max Hgt.	Setbacks front/side/rear	Lot Cvrg	Afford. Hsg. Req.	Moss Bay Plan Policy Direction
PLA 6C (existing)	Single family, 5,000 s.f. min. lot size (9 units/acre)	25'	20'/5'min, 15' total/10'	50%	No	...contains a pocket of single-family homes which should be maintained as low-density residential. This will help preserve the housing stock of dwelling units close to the Downtown for low- and fixed-income people. (XV.D-26)
PLA 6B (to south and east)	1 unit per 3,600 s.f. (12 units/acre)	30'*	20'/5'min, 15' total/10'	70%	Yes	Much of this land is already developed with office uses making future office development also appropriate. Multifamily development should also be allowed due to its compatibility with offices and adjacent residential uses. Such multifamily development should occur at a density of 12 dwelling units per acre. (XV.D-25)
PLA 6A (to west)	1 unit per 1,800 s.f. (24 units/acre)	30'*	20'/5'min, 15' total/10'	60%	Yes	This land is designated for high-density development due to its nearness to the Downtown and adjacency to Lake Street. (XV.D-25)
CBD 3 (to north-east)	None	41'***	20'/0'/0'	80%	No	This area is suitable for retail, office, and office/multifamily mixed-use projects. (XV.D-8)
CBD 4 (to north-west)	None	54'***	10'/0'/0'	100%	No	Same as above

* 25' for where adjoining PLA 6C
 ** 25' within 100' of south side of 2nd Ave S
 *** 35' within 100' of south side of 2nd Ave S, 41' within 40' of 1st Ave S.

B. Existing Development in Study Area: There are 21 parcels in the study area. Nineteen of these are developed with single family homes and one is developed with a nonconforming four-unit apartment building (see Attachment 2). Most of the existing housing was built between 1938 and 1962. There have been three tear down/rebuild projects since then, with one new home built in 2006 and two new homes built in 2014. Parcels range in size from 3,200 to 8,200 square feet. Parcels within the study area contain approximately 131,641 square feet.

C. Existing Zoning and Development Adjoining Study Area:

- North: CBD 3 to the northeast and CBD 4 to the northwest. The CBD 3 area is developed with St. John's Church and associated parking. The CBD 4 area

immediately north is developed with five older single family homes. To the northwest are the Portsmouth Condos (± 92 units/acre).

- West: PLA 6A, developed with Sunset East Condos (± 52 units/acre), Marina Point Condos (± 20 units/acre), and Harbour House Condos (± 16 units/acre).
- East: PLA 6B, developed with Kirkland Commons Condos (± 12 units/acre, 2 bonus units for affordable housing increase to ± 13 units/acre) and Northlake Unitarian Church.
- South: PLA 6B, the property is currently being redeveloped with a 27 unit multifamily project (± 12 units/acre, 4 bonus units for affordable housing increase to ± 15 units/acre).

D. Transit Service: The study area is well served by multiple bus routes due to its location approximately ¼ mile from the Downtown Transit Center.



III. ANALYSIS OF OPTIONS

A. **Overview**

The public notice for the hearing includes consideration of rezoning the study area to a density of 1 unit per 1,800 square feet of land (24 units/acre) and consideration of related changes to the CBD development standards for properties on the north side of 2nd Ave S. The Commission can consider lower density alternatives as the Planning Commission conducts its deliberations to formulate a recommendation to City Council. Those options are outlined below.

The following table shows the development potential of the PLA 6C zone under various density scenarios. For comparison purposes, there are currently 25 dwelling units in the study area. The yellow highlighted cells in this table indicate which parcels have additional development potential under each density scenario (density in multifamily zones is rounded up if the fraction is greater than .5). Note that this parcel-by-parcel analysis does not account for potential aggregation of properties for redevelopment. Also, the numbers do not account for potential affordable housing incentives allowed by KZC 112.20 (10% affordable on development over 4 units, 2 bonus units for each affordable unit required, number of bonus units not to exceed 25% of allowed base density).

	Lot sizes	Units/parcel @ 1,800 (24 units/acre)	Units/parcel @ 2,400 (18 units/acre)	Units/parcel @ 3,600 (12 units/acre)
	3,200	1.78	1.33	0.89
	3,200	1.78	1.33	0.89
	4,940	2.74	2.06	1.37
	5,130	2.85	2.14	1.43
	5,130	2.85	2.14	1.43
	5,416	3.01	2.26	1.50
	6,024	3.35	2.51	1.67
	6,150	3.42	2.56	1.71
	6,150	3.42	2.56	1.71
	6,150	3.42	2.56	1.71
	6,581	3.66	2.74	1.83
	6,800	3.78	2.83	1.89
	6,800	3.78	2.83	1.89
	6,880	3.82	2.87	1.91
	6,970	3.87	2.90	1.94
	7,120	3.96	2.97	1.98
	7,600	4.22	3.17	2.11
	7,600	4.22	3.17	2.11
	7,600	4.22	3.17	2.11
	8,000	4.44	3.33	2.22
	8,200	4.56	3.42	2.28
Total	131,641			
Max Yield		73 units @ 1800	55 units @ 2400	37 units @ 3600

Note: pursuant to KZC 115.125, fractions of dwelling units above 0.50 are rounded up

- B. **Option 1: Rezone to PLA 6A and allow multifamily at 24 units/acre.** Given the size of existing parcels, all properties in the subarea would be large enough to accommodate two or more units. At this density, aggregation of parcels becomes more likely and actual redevelopment of the subarea is more likely. The density designation would be higher than the actual built density of most properties to the west, east, and south.
- C. **Option 2: Allow multifamily at 18 units/acre (comparable to RM 2.4 zone).** Given the size of existing parcels, only two properties in the subarea would not be large enough to accommodate two or more units. Fifteen of the parcels would be large enough to accommodate three units.
- D. **Option 3: Allow multifamily at 12 units/acre** (comparable to PLA 6B zoning to south and east). Given the size of existing properties, the likely result of this density would be duplex and/or small lot single family unless property aggregation occurs. Five of the parcels are not large enough to support more than one unit and the remaining 16 are large enough for only two units. This option would allow limited additional density close to the Downtown. Aggregation of multiple parcels would be necessary for development of more than two units. Because affordable housing

requirements are only triggered with more than four units, new affordable housing could occur with property aggregation but would be unlikely.

E Option 4: No Action, Retain Existing 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 to redevelop with newer and larger single family homes is likely to continue. Over time, the likely result of no action is newer, larger, more expensive single family homes for the subarea.

The existing low density land use designation has outlived its stated purpose of preserving affordable housing stock close to the downtown. Redevelopment with new single family homes has more than doubled the assessed value of the redeveloped properties. In March of 2014, a 5,100 square foot parcel with an 1,100 square foot home built in 1952 sold for over \$700,000. If this option is selected, the text of the neighborhood plan should amended to reflect that this area will not remain affordable.

F. *Staff Recommendation:* Staff recommends **Option 3 – rezone to multifamily at 12 units per acre.** This density is consistent with the most recent redevelopment in the vicinity of the study area, including:

- Kirkland Commons at 2nd Ave. S. and State St.
- Nettleton Commons at 4th Ave. S. and State St.
- Tosti Project (under construction) located immediately south of the study area.

This moderate change would allow a small number of additional units in a walkable location close to shops, services and transit. As a moderate change, it would not likely not result in any dramatic wholesale change to the character of the study area.

As outlined above, the Planning Commission has a number of options available for deliberation. It should be noted that the Commission could also discuss a hybrid option where the study area is divided into two zones. For example, properties to the north and closer to the CBD might receive a higher density than properties fronting on 3^d Ave. S. if preserving the single family character of that street were deemed a significant factor. The downside of a hybrid option is that it takes creates an even smaller zoning district that may be out of character with its surroundings in the future.

The following table is provided to assist with potential concerns over traffic impacts:

	<i>Trip Generation</i>	
	PM peak	Daily
Single family	1 per unit	10 per unit
multi family	0.62 per unit	6.65 per unit

G. Related Changes to CBD 3 & 4

Portions of the CBD 3 and CBD 4 zones are located to the north of PLA 6C and have certain restrictions imposed due to the proximity of the PLA 6C low density single family zoning. If PLA 6C is rezoned to any of the multifamily options outlined above, staff recommends the

following corresponding adjustments to the following development regulations these CBD zones. An adjoining property owner in CBD 4 has corresponded with specific requests (see Attachment 3).

CBD 3: Amend KZC Section 50.25, General Regulation 3 to change the height restriction within 100' of the PLA 6C zone from 25' to 30', consistent with the 30' height allowance associated with potential multifamily zoning for PLA 6C.

CBD 4: Amend KZC Section 50.32 to retain base land use buffer requirements but delete Special Regulations imposing a higher Landscape Category if development is adjacent to PLA 6C.

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 Nelson/Cruikshank CARs. In September, the Planning Commission scoped the study areas for the CARs and those study areas define the analysis contained in this memo.

On January 8, 2015, the Planning Commission studied staff's analysis of the options for the Nelson/Cruikshank CARs. The Planning Commission's preliminary recommendation is to support the request and rezone the PLA 6C area to multifamily. For purposes of the public hearing, the density being considered is 24 units per acre, which would involve a rezone to PLA 6A. The Commission agreed that scoping the hearing at the high range of density options would provide latitude to ultimately recommend that density or a lesser density if appropriate.

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 is being prepared for the Comprehensive Plan Update that will include 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 subarea from single family to multifamily should be supported. Conditions have changed since the properties were given their current low density single family zoning. Significant redevelopment has occurred in the CBD to the north and in the medium density zones to the east. In addition, the property bounding the subarea to the south is currently being redeveloped with a medium density multifamily project. Rezoning would be consistent with the surrounding zoning to the south, east, and west and would still be lesser than allowance for CBD zones to the north. The market values for properties in the subarea also appears to have changed since the zone was established. As previously discussed in this analysis, recent property sales in the subarea do not support the existing policies related to preserving housing stock for low and fixed incomes.

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

Policy LU-2.1: Support a range of development densities in Kirkland, recognizing environmental constraints and community character.

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

Policy LU-4.2: Locate the most dense residential areas close to shops and services and transportation hubs.

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

The Planning Commission has received written public comments pertaining to the Nelson/Cruikshank CARs directly. All comments received to date are also enclosed in Attachment 3. Comments in support and in opposition to the proposal have been received. Supporters note the proximity to downtown and the changed conditions in the vicinity since this single family zone was established. Opponents note the validity of maintaining the single family character of the area, detrimental impacts of new development on existing homes, and traffic concerns. In addition, a property owner to the north in the CBD 4 zone outlines requested changes to CBD 4 zoning that he would like to accompany any rezone of PLA 6C from single family to multifamily.

Attachments:

1. CAR Requests
2. Map of Study Area and Surroundings
3. Correspondence



CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT
 123 Fifth Avenue, Kirkland, WA 98033
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: Jason D. and Francine E. Nelson
 B. Mailing Address: P.O. Box 383 Kirkland, Wa. 98083
 C. Telephone Number: 425-359-9999
 D. Email Address: france.nelson@comcast.net
 E. Property Owner Name (if different than applicant): same
 F. Mailing Address: same
 G. Telephone Number: same
 H. Email Address: same

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) 202 & 208 2nd St. S. Kirkland, Wa. 98033
 B. King County Tax Parcel number(s): 187500-0095-06 and 187500-0090-01
 C. Describe improvements on property if any: NONE
 D. Attach a map of the site that includes adjacent street names.
 E. Current Zoning on the subject property: Plabc
 F. Current land use designation and permitted density shown on the City's land use map. Plabc (single family residence)

III. REQUEST INFORMATION AND REASONS:

A. Description of Request:

We would like to change our zoning from Pla 6C to Pla 6A
(multi-family)

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

(low and fixed income housing stock)
The vision obviously doesn't exist anymore in our
neighborhood with the recent sale of a 1940 teardown
home at a sale price of \$719,000⁰⁰.

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

Dear City of Kirkland,

The reason we believe a consideration for review of our property is important as part of the Kirkland Comprehensive plan Update process is because all of the houses around us and including ours are old 1940 teardowns sitting on expensive land and this land need to be zoned Multi-family just like the Condos in front and to the sides of us. I am referring to the condos across the street on 2nd Street South and the condos kiddie corner from us on 2nd and 2nd (Portsmouth) (see map). There is also a 4 plex behind us. The home directly next to us (Tax parcel # 187500-0085) just sold for 719,000 no more than a few months ago and it is also a 1940 teardown.

If we don't change this zoning, people will start knocking these houses down and building million dollar houses like they have started to do with a couple houses in the block down the street on 2nd Street S.

We were told that the current vision for this area is low and fixed income housing stock close to downtown. The vision obviously doesn't exist anymore as the recent sale of the house directly next to us just sold for \$719,000 as mentioned above. These homes are not low and fixed income in any way in the state they are in right now. No one can afford to buy a 719,000 house that is less than 1,000 square feet and built in 1940 and most are in very poor shape. If you allow our block to change to multi-family, we will be able to build multi-family units that will allow more families to be able to own a home in that area. Kirkland is also required to provide density to provide future growth and allowing us to build condos or multi-family homes here will do that.

The neighbor directly behind us currently has a 4 plex and is also putting his application in to change the zoning. His name is Tom Cruikshank.

Please consider this change to our Northwest block of that area.

Sincerely,



Jason and Francine Nelson
P.O. Box 383
Kirkland, Wa. 98083
425-359-9999

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: Jason D. Nelson Francine Nelson
 Name – print: Jason D. and Francine E. Nelson
 Property owner or Legal Representative? property owner
 Date: 6-13-14
 Address: P.O. Box 383 Kirkland, Wa 98083
 Telephone: 425-359-9999

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.

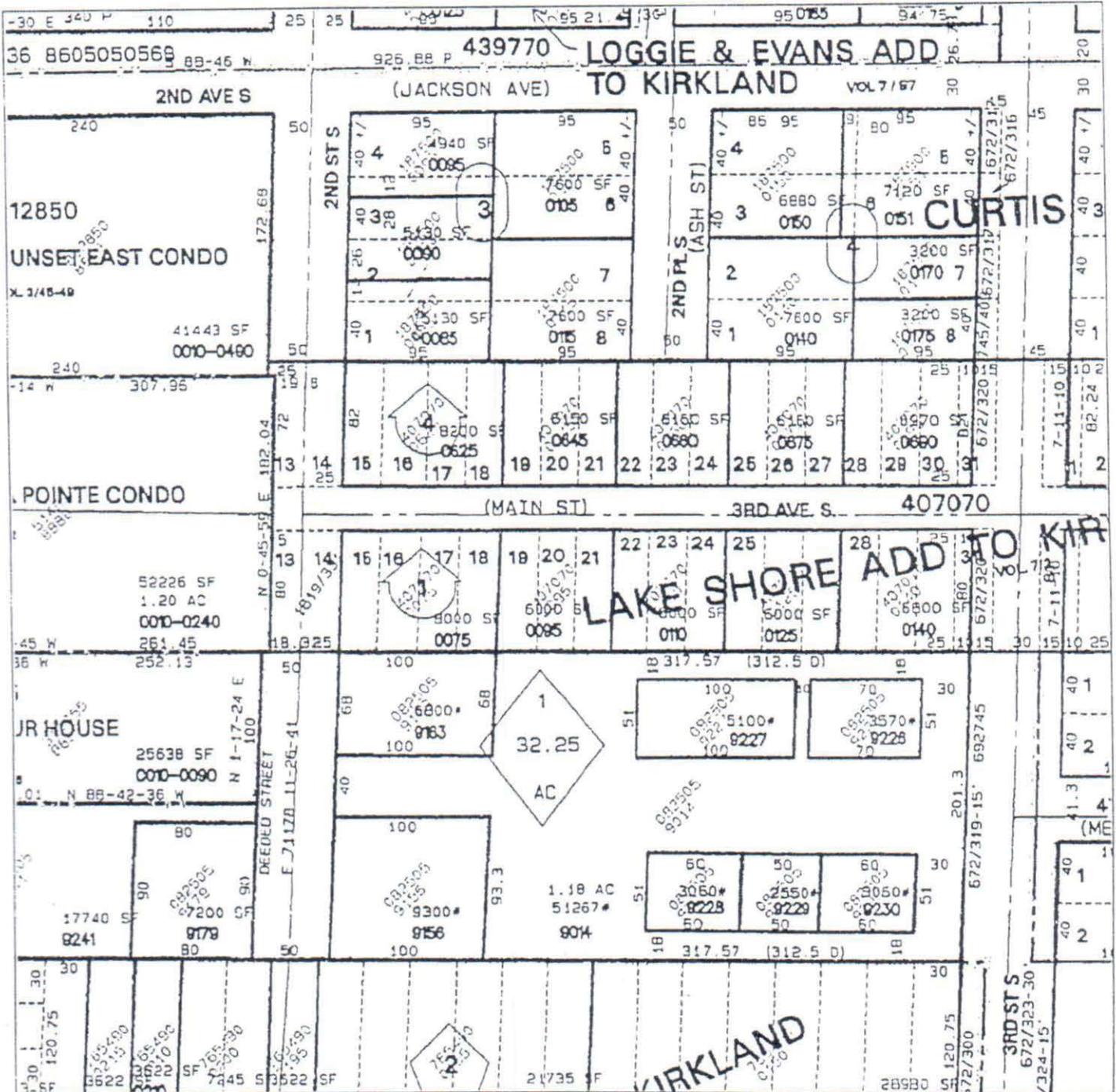
Attachments:

- 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

Jason D. and Francine Nelson
 Tax Parcel #'s 187500-0095-06
 187500-0090-01

THIS SKETCH IS PROVIDED, WITHOUT CHARGE, FOR YOUR INFORMATION. IT IS NOT INTENDED TO SHOW ALL MATTERS RELATED TO THE PROPERTY INCLUDING, BUT NOT LIMITED TO, AREA, DIMENSIONS, EASEMENTS, ENCROACHMENTS OR LOCATIONS OF BOUNDARIES. IT IS NOT A PART OF, NOR DOES IT MODIFY, THE COMMITMENT OR POLICY TO WHICH IT IS ATTACHED. THE COMPANY ASSUMES NO LIABILITY FOR ANY MATTER RELATED TO THIS SKETCH, UNLESS SUCH COVERAGE IS SPECIFICALLY PROVIDED BY THE COVERED RISKS OF THE POLICY. REFERENCE SHOULD BE MADE TO AN ACCURATE SURVEY FOR FURTHER INFORMATION.

SECTION: 08 TOWNSHIP: 25N RANGE: 05E





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PLANNING AND COMMUNITY DEVELOPMENT
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**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: Tom Cruikshank
 B. Mailing Address: 12205 NE 65th St Kirkland WA 98033
 C. Telephone Number: 425-828-6710 cell (425) 765-7775
 D. Email Address: CRUIKSHANK81@COMCAST.NET
 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) 207th 211 3rd St So.
 B. King County Tax Parcel number(s) (211) 1875000105 (207) 187500115
 C. Describe improvements on property if any: 207 - 900 St House
211 - 4 Plex
 D. Attach a map of the site that includes adjacent street names.
 E. Current Zoning on the subject property: PLA 6 C - Simile Family
 F. Current land use designation and permitted density shown on the City's land use map.
PLA 6 C

III. REQUEST INFORMATION AND REASONS:**A. Description of Request:**

Rezone to PLABA - High Density

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

to provide more affordable multi-family dwellings to keep within Kirkland's vision of a diverse population within walking distance and meeting the growth goals of the GMA.

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

- 1) The current plan states that Subarea C should be "preserve for housing stock, close to downtown for low & fixed income people". The current real estate market has priced these people out of the market. A house recently sold for \$719,000. A better way to keep that area from being developed into multi-million dollar homes is to rezone to high density. This would provide a more affordable housing stock to more people and keep up with the growth management act of providing more density for growth within Kirkland city limits. This common sense zoning would bring more people within walking and shopping to support downtown business. Kirkland should get ahead and rezone while it is still 900-1200 sq 1940's tear downs in the area rather than million dollar megahomes. I know the Nelsons who own 2 properties (202 & 208 7th st so) and myself (207 & 211 8th st so) would support the northwest corner block of the area. Sincerely, Tom & Deanna Cruikshank

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: Tam Crunkshank
 Name – print: Tam Crunkshank
 Property owner or Legal Representative? OWNER
 Date: 6/12/14
 Address: 17205 NE 65th Kirkland WA 98033
 Telephone: 425-828-6710

- 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

**XV.D. MOSS BAY NEIGHBORHOOD
4. PERIMETER AREAS**

- (1) The hours of operation should be limited if noise or other adverse conditions would impact nearby residential uses.
- (2) Structures should generally be limited to one story in height in order to preserve the visual character of this residential neighborhood. Two-story structures may be permitted if their overall bulk is limited.
- (3) Parking should be visually screened from adjacent residential uses. Driveways are not to be located adjacent to residential uses.
- (4) Appropriate landscaping should be required to visually integrate office buildings with the residential character of the surrounding area.
- (5) Free-standing signs should not be allowed.

Subarea D is designated for medium-density residential (up to 12 dwelling units per acre). The future development potential for Subarea D is considerable, given the amount of vacant or undeveloped land, particularly in the northern third of the subarea. Because of its close proximity to existing high-density residential development, residential densities up to 24 dwelling units per acre may be appropriate. The area, however, now lacks adequate public facilities, such as sewers, water, sidewalks, and streets to support higher densities. Until these facilities are adequately upgraded, development should be limited to medium density (12 dwelling units per acre). In addition, multifamily development should be regulated to ensure compatibility with existing single-family homes within and bordering this area.

Land use in Subarea C discussed.

Subarea C located west of State Street and south of the Downtown contains a pocket of single-family homes which should be maintained as low-density residential. This will help preserve the housing stock of dwelling units close to the Downtown for low- and fixed-income people.

High-density residential uses to be permitted in Subarea D with improvements to public facilities.

Subarea D is roughly bounded on the west by properties fronting on State Street, on the east by the railroad, on the north by the Downtown, and on the south by the midblock between 6th Avenue and 5th Avenue South (see Figure MB-2). The subarea is a residential area between a mixture of commercial and residential uses to the west and industrial activities to the east. There are single-family and multifamily units of varied densities intermingled. The area has been long designated for multifamily use and has been going through a period of transition.

Natural constraints exist in northeast corner of Subarea D.

Natural constraints including potentially unstable slopes and the presence of Everest Creek may also require the limitation of development potential in the northeast corner of Subarea D, although an increase to higher density may be feasible if these constraints are adequately addressed.

Subarea E to be limited to single-family residential.

Subarea E, located north of 7th Avenue South and south of Subarea D is developed almost exclusively with detached single-family homes. Although this area is surrounded by higher-density development, it remains viable for single-family development. Consequently, future development should be limited to single-family residential.

Subarea F is appropriate for medium-density (12 dwelling units per acre) residential development.

Subarea F is developed in medium- to high-density residential development. Due to the nearness of this

Exhibit (2) two

March 15, 2014

City of Kirkland
Planning & Development Department

Dear Planning Dept.,

My Husband and I have proudly owned three homes in Kirkland for about ten years. We are hoping to downsize into one of those residences and move to your beautiful city from Snohomish now that our girls are graduating from college.

We have two homes on 2nd Street South (202 & 208) that are surrounded by condominiums and a 4 flex just behind it and also a home at 822 2nd Avenue with condominiums located right next door.

We would appreciate it if the City Planning Department could look at the possibility of rezoning one or both of these locations to allow the possible construction of either new luxury multi-residence townhomes or modern condominium structures rather than the 1940 tear down homes that sit there now. This change would be a more desirable multi-residence complex and could fit into the growing Kirkland neighborhood.

Our other neighbors with similar views would greatly appreciate this amendment and opportunity as well.

Thank you for your consideration.

France and Jason Nelson
425-359-9999



City of Kirkland Property Information Report

Date: June 13, 2014

Information Provided by King County Assessor's Office		
Parcel (PIN):	1875000105	
Lot Size(sq. ft.):	7,600	
Year Built:	1966	
Present Use:	5	
Building Size (gross sq. ft.):	4,261	
Land value:	\$494000.000000	
Improvement value:	\$164000.000000	
Grid:	E4	
Fire Sprinklers:	N	
Quarter Section-Section-Township-Range:	11W-S8-T24-R5	
Information Provided by the City of Kirkland		
Site Address:	211 3RD ST S, UNIT C	
Zoning:	PLA 6C, Low Density Residential	Neighborhood: Moss Bay
Located Within Houghton Community Council:	Disapproval Jurisdiction: No	
Seattle City Light Easement:	No	
Design District:		
Overlay:		
Sewer District - verify that you are a current customer of:	City of Kirkland	
Water District - verify that you are a current customer of:	City of Kirkland	
Methane Abatement Area:		
Wind Exposure:	C	
Information Provided by the City of Kirkland regarding APPLICABLE Environmental Areas		
Drainage Basin:	Moss Bay, Secondary Basin	
Is this property within 125 feet of wetland shown on GIS?	No	
Is this property within 100 feet of a stream shown on GIS?	No	
Is this property within shoreline jurisdiction and within 200 feet of a wetland shown on GIS?	No	
Shoreline Environment:	NA	
Landslide:	NA	
Seismic:	No	
Floodplain:	No	
Bald Eagle Protection Area:	No	

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The information above is from the City of Kirkland's geographic information system (GIS), which has been developed from a wide variety of sources including King County Department of Assessments property records. For the property described in this report, a site visit or more detailed technical review by the City of Kirkland may reveal conditions not shown in the city GIS.



City of Kirkland Property Information Report

Date: June 13, 2014

Information Provided by King County Assessor's Office	
Parcel (PIN):	1875000115
Lot Size(sq. ft.):	7,600
Year Built:	1948
Present Use:	2
Building Size (gross sq. ft.):	
Land value:	\$494000.000000
Improvement value:	\$1000.000000
Grid:	E4
Fire Sprinklers:	
Quarter Section-Section-Township-Range:	1W-S8-T25-R5
Information Provided by the City of Kirkland	
Site Address:	207 3RD ST S
Zoning:	PLA 6C,Low Density Residential
Neighborhood:	Moss Bay
Located Within Houghton Community Council Disapproval Jurisdiction:	No
Seattle City Light Easement:	No
Design District:	
Overlay:	
Sewer District - verify that you are a current customer of:	City of Kirkland
Water District - verify that you are a current customer of:	City of Kirkland
Methane Abatement Area:	
Wind Exposure:	C
Information Provided by the City of Kirkland regarding MAPPED Environmental Areas	
Drainage Basin:	Moss Bay,Secondary Basin
Is this property within 125 feet of wetland shown on GIS?	No
Is this property within 100 feet of a stream shown on GIS?	No
Is this property within shoreline jurisdiction and within 200 feet of a wetland shown on GIS?	No
Shoreline Environment:	NA
Landslide:	NA
Seismic:	No
Floodplain:	No
Bald Eagle Protection Area:	No

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Sites:

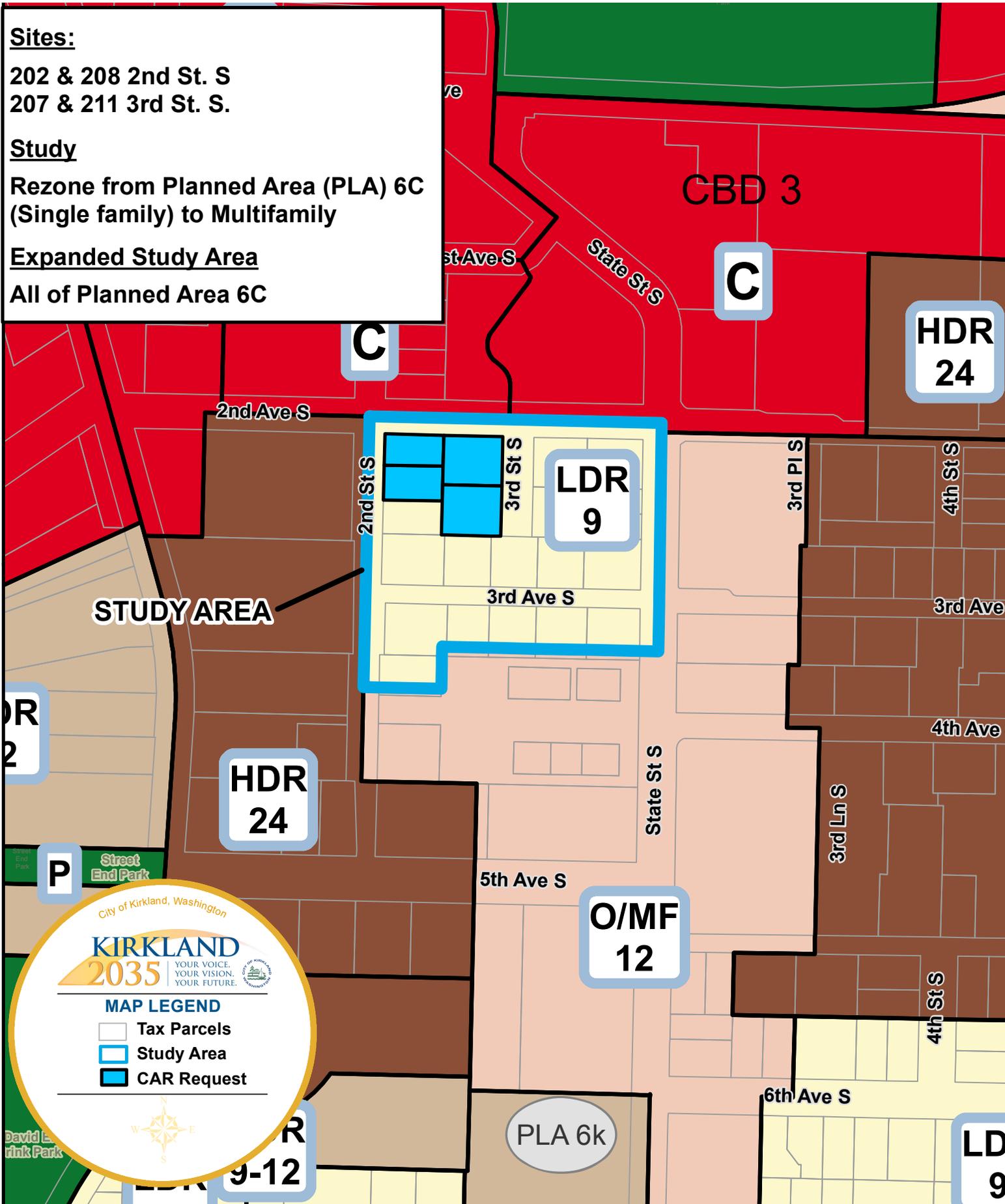
202 & 208 2nd St. S
 207 & 211 3rd St. S.

Study

Rezone from Planned Area (PLA) 6C
 (Single family) to Multifamily

Expanded Study Area

All of Planned Area 6C



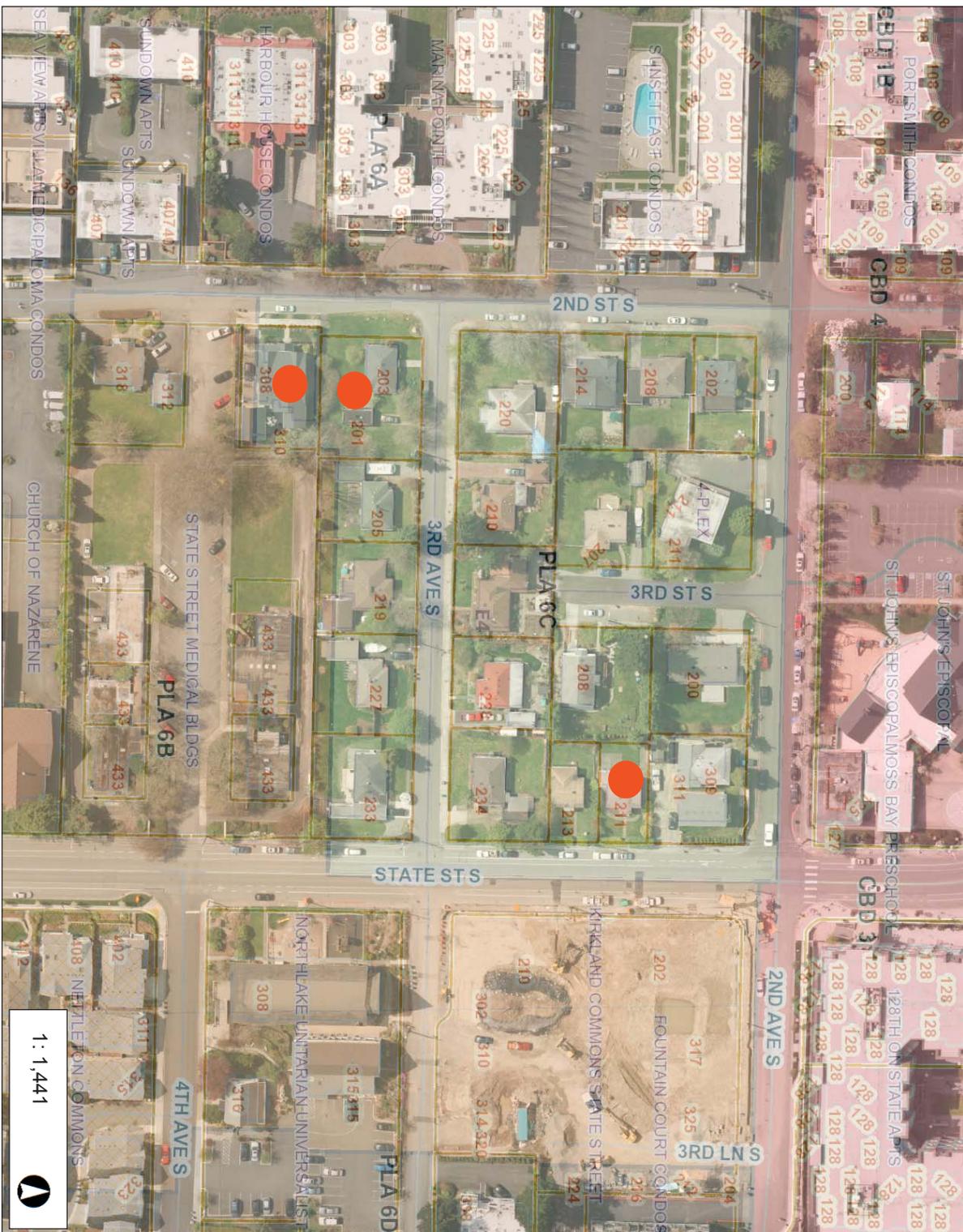
City of Kirkland, Washington

KIRKLAND 2035 YOUR VOICE. YOUR VISION. YOUR FUTURE.

MAP LEGEND

- Tax Parcels
- Study Area
- CAR Request

City of Kirkland logo and a compass rose are also present in this section.

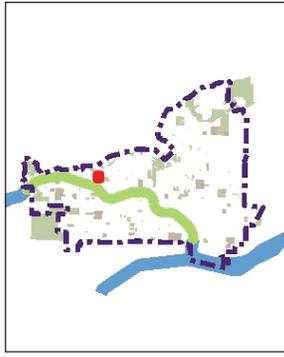


0.0 0 0.02 0.01 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1 : 1,441

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Legend

- Address
- City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Place Names
- Buildings
- Lakes
- Parks
- Schools
- Overlay Zones
 - (EO)
 - (HL)
 - (HP)
- Planned Unit Development
- City Zoning
 - Commercial
 - Industrial
 - Transit Oriented Development
 - Office
 - High Density Residential
 - Medium Density Residential
 - Low Density Residential
 - Institutions

Notes

New homes since 2006

Jeremy McMahan

From: Eric Shields
Sent: Friday, May 29, 2015 4:46 PM
To: Jeremy McMahan
Subject: FW: 213 state st s kirkland zoning

Follow Up Flag: Follow up
Flag Status: Completed

Eric

-----Original Message-----

From: lea smith [mailto:firehorse918@yahoo.com]
Sent: Friday, May 29, 2015 4:45 PM
To: Planning Commissioners
Subject: 213 state st s kirkland zoning

This is Lei Ding, the owner for 213 State St S, Kirkland WA

> 98033

>

> I am for changing the residential zoning for my house to commercial
> and multi-family housing. Downtown Kirkland needs more commercial
> development.

>

> You can reach me at: firehorse918@yahoo.com or tel: 206-427-5179 if
> you have any questions.

>

> Sincerely,

>

> Lei Ding (aka:lea ding smith)

>

Jeremy McMahan

From: Eric Shields
Sent: Monday, June 01, 2015 8:29 AM
To: Jeremy McMahan
Subject: FW: proposed zone change

FYI

Eric

From: mlpederson@comcast.net [mailto:mlpederson@comcast.net]
Sent: Saturday, May 30, 2015 8:44 AM
To: Planning Commissioners
Subject: proposed zone change

Dear Planning Commissioners,

I am writing to voice my concerns about the proposed zone change for my neighborhood (Cruikshank/Nelson request). I have lived here for 53 years and my parents before that. This is a small area; however I believe that making the change from single family housing to multi-units would have a significant impact not only to the neighborhood but to downtown and the surrounding areas as well. The impact to traffic alone should cause the city planners pause. I have always considered this a nice buffer from the high density areas to the downtown area. It makes the city less claustrophobic. I understand how some might believe that it would bring more revenue to the local businesses. But I do not believe that would be the case as most of our business are specialized and do not meet the everyday needs of shoppers. Yes, we have wonderful restaurants and boutiques, but we only have one grocery store within walking distance. For the most part, we need to get in our cars and drive somewhere else for our more practical shopping needs. This brings me to traffic. I also work in Kirkland (Bridle trails area) if I don't get home before 4:30 forget the 10 minute travel time. It can take more than 30 minutes. State Street and the other side street cannot handle the addition vehicles this proposed change would add. And let's not forget about parking. It is unrealistic to believe that those who would live in these new units would not have cars. As it is, employees from the downtown businesses park in our neighborhood as well as visitor of the surrounding condominiums. However, we have one multi-unit building on my street and over the years we have had to deal with drug dealers, residents being intoxicated with weapons in plain view and parking issues. There is also the issue that this will increase our property taxes and could be a hardship for some. I find it terribly sad that individuals who do not live here, can have such an impact on the standard of living for those who reside in this neighborhood. For the most part we live quietly together, giving that helping neighborly hand when needed.

Before you make this very important decision, please take into account all aspect that this change could have on everyone involved.

Sincerely,

Michele Pederson
mlpederson@comcast.net

208 3rd St. So.
Kirkland WA, 98033
206-498-8060

Poorandokt Hajesmaeil
309 2nd Ave S.
Kirkland, WA 98033
425-610-5974

May 24,2015

City of Kirkland
Planning and community development department
1213 Fifth Avenue
Kirkland, WA 98033

Attention: Planning drpartment

Re: PROPOSED LAND USE FOR NELSON AND CRUIKSHANK REQUEST.

Dear Jeremy

This letter is in response to your notice of application for a possible zoning change in our neighboring.

I have been residing in downtown Kirkland for many years. Kirkland is a beautiful town and very peaceful whit what it has to offer.

Kirkland is growing as years are passing by. Downtown Kirkland has the most unique area such as beautiful lakefronts, shops, new businesses, and restaurants that every citizen in our community should have access to and enjoy.

I believe "we" as a citizen should share this beautiful City with other people.

By preventing city's gross we will literally keep ourselves from the best of the world. There is a nice proverb stating that "sharing is caring".

I believe the city approach by lowering the land density or a BC zone change of this area can bring more people to our beautiful little town and allow more people to live or visit Kirkland.

Sincerely,

Poorandokt Hajesmail

Jeremy McMahan

From: Fred Romano <fredromano10@gmail.com>
Sent: Wednesday, April 01, 2015 4:17 PM
To: Jeremy McMahan
Subject: Considerations for CBD 4 as part of Cruickshank/Nelson CAR

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jeremy,

These are my thoughts related to the CAR request for multifamily rezone. I would like to see the set back to CBD 4 eliminated. I believe current parking landscape plan requires 10 foot setback for properties adjacent to residential, although that may be reduced to 5 feet if adjacent to medium density residential. Again, I would like to see that requirement eliminated to be in alignment with zero setback typical in the CBD. Height is currently restricted to 35 feet while all adjacent properties in the CBD are 50+ feet. I would like to see accommodation to at least 40 feet to allow for roof decks and solar panels. And of course if the CAR process will address parking issues, I would like to see the parking requirement reduced to 2 stalls maximum per 2 bedroom or larger unit in a townhome configuration; lesser for 1 bedroom units.

I had related conversations with City Council members individually and Erik about the limitations of my property around visitor parking requirements and setbacks. I received positive response from most members. Mayor Walen asked Erik how we may fix it. He was looking into how two stalls per unit maximum (including visitor) would be accommodated and perhaps eliminating the setback requirements. I think he is also addressing the need to have dedicated onsite parking.

Summarizing what I think CBD 4 changes relating to my property would help:

Setbacks: 0 feet

Landscape setback: 0

Height: 40 feet with accommodation for roof top appurtenances

Parking: no visitor tied to a unit; 2 maximum for 2 bedroom or larger units

Thanks for initiating this conversation. Please let me know if I can clarify or if in your mind I have missed anything.

Fred

--

Fred Romano

206.579.6069

fredromano10@gmail.com

Jeremy McMahan

From: Eric Shields
Sent: Tuesday, February 17, 2015 8:33 AM
To: Jay Arnold; Paul Stewart
Cc: Jeremy McMahan
Subject: RE: Nelson & Cruikshank rezoning request issue

Will do.

From: Jay Arnold
Sent: Monday, February 16, 2015 10:47 PM
To: Eric Shields; Paul Stewart
Subject: FW: Nelson & Cruikshank rezoning request issue

Could you please make sure the Planning Commission has the below feedback (if they haven't already) for their consideration with the Nelson/Cruikshank CAR?

Thanks,
Jay

From: Nicoleta Cristache [mailto:nicoleta_cristache@hotmail.com]
Sent: Sunday, February 15, 2015 6:38 PM
To: Jay Arnold
Subject: Nelson & Cruikshank rezoning request issue

To: Kirkland City Council Member

From: Nicoleta & Frantz Cristache
211 State St. S
Kirkland, WA 98033

Dear Jay,

We were informed about the rezoning request of our neighborhood made by Nelson&Cruikshank and we would like to inform you that we are opposing this zoning request.

We just completed building our home in December 2014 after considerable investment; our decision to pursue this investment was based on the single family zoning of our property. We built the house based on the single family zoning regulations.

We are concerned that the change in zoning will negatively impact the livability of our neighborhood and create further issues on noise, traffic, air quality and privacy. The traffic and noise are already quite problematic in this area and a change like this will make it even worse.

Thank you for your consideration.

To Whom It May Concern,

I am writing this letter to emphasize why my husband and I purchased our home at 214 2nd Street South in Kirkland, Washington. We wanted a quaint home with character, something to capture the true history of Kirkland. Our home was built in 1952 and is walking distance to all of the neighborhood amenities Kirkland has to offer. My husband travels often for work, therefore it was important we found a quiet street tucked away from the busy lifestyle of surrounding cities like Bellevue and Seattle. Before we purchased our home, we rented an apartment in Kirkland and it didn't suit us. It reminded my husband of a hotel; we were looking for something with charm and character. We understand there is discussion of re-zoning the area surrounding this home where we plan to raise our children. This would devastate us and our plans to live in a small home on a simple street surrounded by older Kirkland homes. Please consider our disapproval of the proposed re-zoning during discussions.

Thank You,

Kevin and Elizabeth Chappell
214 2nd St S
Kirkland, WA 98033
(425) 894-1453



RECEIVED
APR 06 2015
____ AM _____ PM
PLANNING DEPARTMENT
BY _____

Jeremy McMahan

From: Turner, Helen <helen.turner@pse.com>
Sent: Tuesday, March 17, 2015 9:43 AM
To: Jeremy McMahan
Subject: FW: Moss Bay Neighborhood Rezoning - Nelson and Cruikshank request

The e-mail below was sent to the Kirkland City Council members related to the Nelson and Cruikshank request.

From: Mark Macdonald [<mailto:mark@mindfulcraftsman.com>]
Sent: Wednesday, March 11, 2015 4:52 PM
To: awalen@kirklandwa.gov; psweet@kirklandwa.gov; jarnold@kirklandwa.gov; skloba@kirklandwa.gov; tnixon@kirklandwa.gov; dasher@kirklandwa.gov; dmarchio@kirklandwa.gov
Cc: Turner, Helen
Subject: Moss Bay Neighborhood Rezoning

Kirkland City Council Members,

This letter is regarding the Nelson and Cruikshank zoning change request in Moss Bay neighborhood. I recently attended a planning commission meeting and spoke in opposing such a change to our already over-developed neighborhood, on behalf of my wife and many of our neighbors who could not attend. In light of the planning commission's proposal to approve multi-family zoning for our neighborhood, along with another separate decision reducing the required number of parking stalls for future developments (even though the parking in our neighborhood and downtown is completely inadequate), we can't help but feel the planning commission is a rubber stamp process for absentee landlords and developers.

We would appreciate some representation from the Kirkland City Council for those of us who actually reside in the neighborhood, unlike Nelson and Cruikshank, as it is we who would be impacted by the resulting over-development. Nelson and Cruikshank's investment in the neighborhood is strictly based on expected monetary gains; whereas, for us and our neighbors it is based on our homes, our lively community, our futures and our quality of life in Kirkland.

Moss Bay neighborhood has undergone considerable growth over the past several years. Within less than a two-block radius of our home we witnessed the following developments: Marina Pt., The Shumway, Fifth Ave Condominiums, Kirkland Shores, 128 On State, The 101, 211 on Central, Portsmouth, Merrill Gardens, The Heathman Hotel, over 40 new homes where formerly Greens Funeral Home and a church existed, and currently under construction less than a block from our residence is 401 State with an additional 27 townhouse units.

The morning and evening traffic on State Street is currently gridlocked, as well as Lake WA. Blvd and 75th St., with no end in sight. Based our experience, in summer the traffic on State Street is congested along its entire length from 4:00 P.M. until 7:00 P.M. On summer evenings there is no parking available in our neighborhood because there is not sufficient parking provided for downtown employees and visitors going to downtown locations. The proposed neighborhood zoning change would result in increased travel times, additional noise and poor air quality, which has not been addressed, in addition to reducing our neighborhood quality of life.

If approved, this rezoning to multi-family will cause encroachment into our unique historic neighborhood, which was constructed 73 years ago. This is truly some of the most affordable single-family housing left in

Moss Bay neighborhood. If the zoning is changed, multi-family units would be built just feet from our property lines and looming over our single-story homes.

We believe it beneficial to maintain our neighborhood in the existing single-family status and maintain a needed buffer from surrounding multi-family development.

Mark MacDonald & Helen Turner
206 - 3rd Ave S
Kirkland, WA 98033
425-638-3286