



CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587.3225

www.kirklandwa.gov



MEMORANDUM

Date: June 15, 2015

To: Planning Commission

From: Janice Coogan, Senior Planner
Paul Stewart, Deputy Director, AICP
Eric Shields, Director, AICP

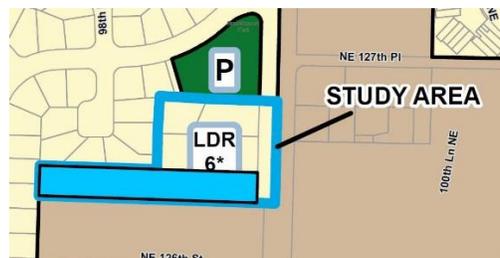
RE: PUBLIC HEARING ON NEWLAND CITIZEN AMENDMENT REQUEST
FILE NO. CAM13-00465, #5 and #14

I. RECOMMENDATION

- Hold a public hearing and take public comments on the recommendation to rezone the Newland property at 12625 100th Avenue NE and two parcels to the north (12631 100th Ave NE, 12717 100th Ave NE) from the current land use designation low density residential six dwelling units per acre (LDR 6) (RSX 7.2 zone) to medium density residential (MDR 12) (RM 3.6 zone).
- Following the hearing, the Planning Commission continues the hearing to July 9, 2015, for deliberation and recommendation to the City Council. The Planning Commission could also choose to allow written comments to be submitted.

II. BACKGROUND INFORMATION ON NEWLAND CAR STUDY AREA

The staff report for the February 12, 2015, Planning Commission packet provides a detailed analysis of the rezone options, environmental constraints of the properties and the number of potential new residential units/lots if rezoned and redeveloped (16-21). A link to the packet is provided [here](#) and summarized below.



Victoria Newland submitted the original CAR application request to rezone her property from single family residential to multifamily (shown in blue above). The property has since been sold to a new owner who also supports the request. The study area was expanded to include

four parcels to the north. The study area is surrounded by existing multifamily development zoned RM 3.6 on three sides and 100th Avenue NE street. To the west is a single family neighborhood. Juanita Creek runs through the area separating several of the parcels and therefore it is challenging to access the rear portions of the lots of a standard subdivision. The options that were analyzed for the study area were keeping the existing RSX 7.2 zoning or rezone to RM 5.0 or RM 3.6. The draft EIS for the Comprehensive Plan update also evaluated the potential environmental impacts of this change.

Staff's preliminary recommendation is to support a rezone of only three parcels to the north of the Newland parcel because the fourth parcel located at 9835 NE 128th ST, is oriented to and receives vehicular access to a single family neighborhood street (see recommendation section below).

If the recommendation is affirmed, the Juanita Neighborhood Plan text would be revised and Zoning Map amended to reflect the rezone.

III. REVIEW PROCESS FOR CITIZEN AMENDMENT REQUESTS

Overview

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 Newland CAR evaluated below. In September, the Planning Commission scoped the study areas for the CARs and those study areas define the analysis contained in this memo. All CAR's were studied in conjunction with the updates to the associated neighborhood plans.

On February 12, 2015, the Planning Commission studied staff's analysis of the options for the Newland CAR and expanded study area described in more detail below in the background section. The CAR was studied in conjunction with the update to the Juanita Neighborhood Plan. The Planning Commission's preliminary recommendation is to support rezoning four parcels from RSX 7.2 to RM 3.6 (see figure).

On March 17, 2015, City Council received a briefing on the Newland CAR study area and Planning Commission's preliminary recommendation. One of the Council members wanted to be sure the neighborhood plan text provides for buffers between the single family homes and multifamily zones.

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.

IV. CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN

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

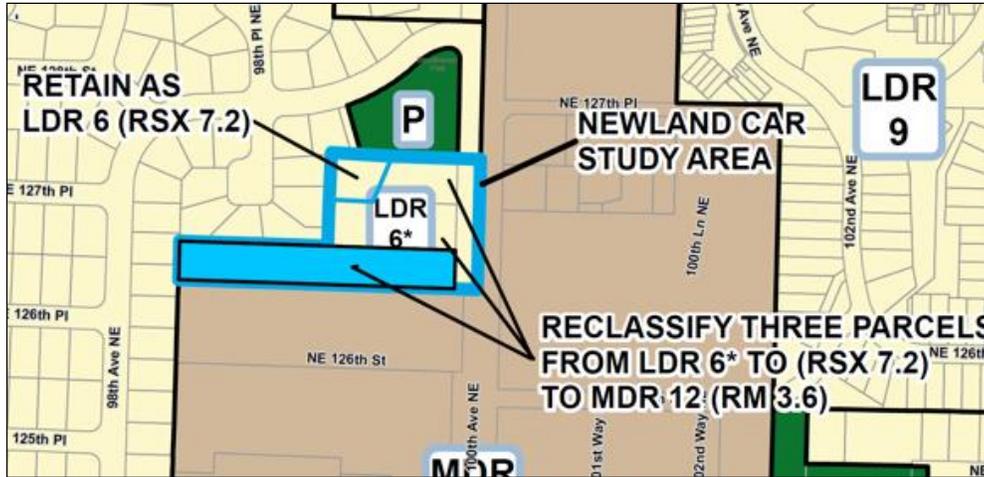
Staff evaluation of criteria

In its analysis, staff concludes that a rezone of the three parcels to RM 3.6 should be supported. Conditions have changed since the properties were given their current zoning. The speed and traffic volume along 100th and narrow parcel widths make it not conducive to single family development. Rezoning would be consistent with the surrounding zoning to the south and east. Rezoning to RM 3.6 would allow flexibility in how future site plans could be arranged. The rezone would be consistent with the policies in the Land Use Element and other provisions of the Comprehensive Plan, GMA, countywide planning policies supporting compact growth and other criteria above. Zoning regulations in place establish buffering and other requirements to mitigate for impacts of future multifamily development adjacent to low density development and protection of streams and wetlands.

Existing text in the Juanita Neighborhood Plan referring to the area and "clustered housing" would be deleted. RM 3.6 zoning would allow attached or detached housing and clustering of units. There are existing development standards in the Neighborhood Plan that relate to multifamily development that would be retained including text to encourage sharing of driveways and access points. Of particular concern is Juanita Creek. The City's standards would need to be followed to protect the critical nature of the stream.

If the recommendation is affirmed, below is an excerpt from the draft Juanita Neighborhood Plan specific to the study area that would be deleted. See also the existing development standards referring to multifamily development below that would apply to the study area if rezoned to RM 3.6 :

Note: If Newland CAR is approved the properties in inset would rezone from Low Density Residential (RSX 7.2 zone) to Medium Density Residential (RM 3.6 zone). There would be no need for the text below shown in strikeout text. The multi family standards listed below would apply.



Existing text in Neighborhood Plan:

Medium and High Density Residential

The densities shown in Figure J-1 for medium and high density residential areas either reflect the prevailing existing development levels or have standards to help protect sensitive areas, such as Juanita Creek, or to lessen traffic and parking problems in heavily congested areas, such as along 100th Avenue NE south of NE 124th or along 93rd Avenue NE.

General standards for multifamily development are as follows:

- (1) The site design and placement of multifamily units should take advantage of the topography and existing vegetation to minimize the visual impacts of the new structures.
- (2) Vegetative buffering (preferably with native, drought-tolerant plants) should be provided next to single-family areas.
- (3) Public pedestrian easements should be provided to connect to schools or other public destinations. Convenient access to King County METRO stops should be provided. Medium- and high-density development around the business district should provide public pedestrian access to the commercial area.
- (4) Vehicular access to multifamily projects should not negatively impact adjacent single-family areas. Vehicular access points should be combined and oriented to collector or arterial streets.
- (5) Guest parking should be provided in all new developments and with any substantial remodels.

V. PUBLIC NOTICE OPPORTUNITIES FOR PUBLIC COMMENTS

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.

PUBLIC COMMENTS RECEIVED

The Planning Commission received written public comments pertaining to the Newland CAR previously and enclosed again for convenience in Attachment 1.

Attachments:

1. Public comments:
 - a. Email from Doug Rough received June 12, 2014
 - b. Email from Ken Mohr received December 9, 2014

Angela Ruggeri

From: dougrough@aol.com
Sent: Thursday, June 12, 2014 12:42 PM
To: Angela Ruggeri
Subject: Rezone of parcel on 100th Avenue NE near 126th street

I am against this rezone. I think I can find a fair number of folks who agree with me on this. Please let me know how I can make sure my concerns as well as many others are addressed. Thank you.

--Doug Rough 425-821-5529 RoughHouse.org -- RetreatsAndReunions.com

From: Ken Mohr [<mailto:krmohr1@gmail.com>]
Sent: Tuesday, December 09, 2014 11:39 AM
To: Planning Commissioners
Subject: Citizen Amendment Requests - 1. Newland Property

Good morning Planning Commissioners of Kirkland,

I am writing this request to please reconsider/rework the idea of changing the zoning from single family (RSX7.2) to multifamily. There are quite a few reasons for this request. They is the disturbance of Juanita Creek (as you know it runs through the center of the property), old growth trees on lot and the fact that the area is not fit for another large complex as it would be a negative impact on the community along with the already high traffic volume and noise nuisance. - If the commission was to consider using the land, maybe consider doing 1 story attached projects or a 1 story smaller multi family complex with green space.

This area goes way back in our community as it was once used as a horse boarding and training area. I would mean a lot to both the community and the growth of the Juanita Creek area to keep the "feel" of the community without over doing it mass development. Thank you for taking the time to hear our concerns.

Ken Mohr

Juanita Resident

