



## **CITY OF KIRKLAND**

### **Planning and Building Department**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3225

[www.kirklandwa.gov](http://www.kirklandwa.gov)



#### **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 NORKIRK 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 multiple properties in the industrial zone and two lots in the low density residential zone in the Norkirk Neighborhood. The proposal includes seven requests described in Section II, below.
- 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 March 26, 2015 Planning Commission packet provides a detailed analysis of the various proposals and existing land use context and information on the mix of businesses in the LIT zone, and includes all application materials received from the seven CAR applicants. A link to the two part packet is provided [here](#) and [here](#) and summarized below. The staff report for the May 28, 2015 Planning Commission continued study session provides a detailed analysis of live work and work live units. A link to the packet is provided [here](#) and is summarized below.

If you require any additional information before the hearing in order to deliberate that evening please contact staff as soon as possible.



redevelopment abutting the zone boundary, the Commission noted it could be something to consider as part of a future Zoning Code update for all LIT zones, and more research would be needed.

The City Council was briefed on the various CAR’s at its June 16 meeting. At that briefing, the majority of council members were in agreement with the Planning Commissions direction.

For purposes of the public hearing, the study area (except the two residential lots that are being considered for rezone to Industrial) is being considered for rezone to Residential, or the uses allowed expanded to include live/work units. This provides the Commission latitude to ultimately recommend that total or 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 Norkirk LIT requests is included as Attachment 4.

**B. Existing Land Use Context:** Except for two lots classified low density residential with a density of six dwelling units per acre (RS 7.2), the majority of the study area’s Comprehensive Plan designation is Industrial and zoning classification is Light Industrial Technology (LIT). The industrial designation allows warehouse, wholesale, auto service, entertainment and recreational uses, limited retail and office. The residential designation allows low density single family development. There are about 26 acres and 86 parcels in this LIT zone. Parcels range in size from over 165,000 sq. ft. (3.8 acres) to 3,500 square feet. Nearly 400 jobs, and over 70 businesses operate here. To the north are single family homes and Peter Kirk Elementary School, to the south is NE 85<sup>th</sup> Street, to the west are single family RS 7.2 and multifamily RM 5.0 dwelling units. To the east is the Cross Kirkland Corridor. (See Attachment 1).

**C. Zoning Standards Comparisons between Residential and LIT zones:**  
 The following table provides a comparison between residential (RM Multifamily and RS Single Family) and industrial (LIT) zoning. It also indicates the applicable policy direction from the Norkirk Neighborhood Plan for the all three zones and the Land Use and Economic Elements for the LIT zone.

	<b>RS 7.2 (2 lots in Study Area and to west)</b>	<b>RM 3.6 (West)</b>	<b>LIT (Study Area)</b>
<b>Max Density</b>	Single family, 7,200 s.f. min. lot size (6 units/acre)	Multifamily, 5,000 s.f. min. lot area/unit.	Residential prohibited



	<p><i>housing style in the core of the Norkirk Neighborhood.</i></p> <p><i>Policy N-3.3:        Allow attached or detached residential development at nine dwelling units per acre as a transition from the industrial area to 6th Street, between 7th and 8th Avenues</i></p>	<p>the industrial area. Gateway features and landscaping at the intersection of 6<sup>th</sup> St. and 7<sup>th</sup> Ave and 6<sup>th</sup> St and Central Way soften the transition into this area.</p> <ul style="list-style-type: none"> <li>○ In the remainder of the area, limited light industrial, warehousing, city services, service commercial uses such as auto or furniture repair, and small offices are appropriate.</li> </ul> <p>Goal N-8:  <i>Ensure that adverse impacts associated with industrial uses are minimized.</i></p> <p><i>Policy N-8.1: Regulate industrial uses to ensure that impacts which may disrupt the residential character of the surrounding area are controlled.</i></p> <p><i>Policy N-8.2: Industrial traffic should be controlled in order to protect the character, safety, and peace of the residential neighborhood.</i></p> <p style="text-align: center;"><b>Land Use Element</b></p> <p>Goal LU-1:        Manage community growth and redevelopment to ensure:</p> <ul style="list-style-type: none"> <li>○ <i>An orderly pattern of land use;</i></li> <li>○ <i>A balanced and complete community;</i></li> <li>○ <i>Maintenance and improvement of the City's existing character; and</i></li> <li>○ <i>Protection of environmentally sensitive areas.</i></li> </ul> <p><i>Existing (and Draft) Policy LU-1.4: Create effective transitions between different land uses.</i></p> <p>Existing (and revised Draft) Goal LU-5:        Plan for a hierarchy of commercial <u>and mixed use development</u> areas serving neighborhood, community, and /or regional needs.</p> <p><i>Draft Policy LU-5.6: Encourage redevelopment &amp; adaptive reuse of Kirkland's Flex Commercial (a.k.a. Industrial) areas in a manner that supports the existing mix of allowed uses while enabling these areas to evolve into innovative areas for commerce &amp; employment.</i></p> <p style="text-align: center;"><b>Economic Development Element</b></p> <p>Draft Goal ED-3 Strengthen commercial areas to provide local goods, services, and vibrant community gathering places to live, work, shop and play.</p>
--	--	---

		<i>Policy ED-3.2: Encourage infill and redevelopment of commercial and industrial areas.</i>
--	--	--

**D. Traffic Impact Comparisons:**

The following description and table are to assist with potential concerns over traffic impact. It is taken from the draft EIS (Attachment 4) with the indicated size of the study area representing only the area of those parcels with further development potential (and therefore more likely to redevelop). It compares the study area’s PM peak traffic generation for these parcels at full development under both existing industrial zoning that allows offices, and medium density residential zoning. It indicates that a rezone to multifamily (and offices on the two single-family parcels) results in 34 PM peak hour vehicle trips versus 122 pm peak hour trips if developed with office use under current LIT zoning.

The Norkirk CAR study area involves seven requests within and adjacent to the Norkirk LIT zone. Two single family parcels on 9th Avenue would be added to the LIT zone, while the parcels currently within the LIT zone north of 7th Avenue and west of 8th Street would be rezoned to low or high density residential. Two scenarios were evaluated. In the first scenario, a development capacity analysis for the Norkirk zone was used to determine the worst case scenario for the current zoning. According to the capacity analysis, there are six parcels within the area that are designated as available for redevelopment, and the likely use upon redevelopment would be as office space. Redeveloping these parcels as office space would generate the largest amount of PM peak hour trips as office zoning tends to have greater trips generated than light industrial/technology zoning. The associated trip generation for these parcels was estimated to be 122 PM peak hour vehicle trips. In Scenario 2, these same parcels were allowed to be redeveloped into medium density residential with a density of 9 dwelling units per acre. Additionally, the two single family home parcels on 9th Avenue would be rezoned into the LIT area. This zoning allows office space, so these parcels were analyzed as though they redeveloped as offices. This worst case scenario would result in a total of 35 PM peak hour vehicle trips if all of the available area was redeveloped.

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

	Scenario 1		Scenario 2	
Description	No action		CAR proposal	
Use	Office	Low density residential	Medium density residential	Office
Total area of study (sf)	129,005	15,360	129,005	15,360
Building Size (sf)	82176	n/a	9 DU per acre	FAR = 0.8
Residential Units	n/a	2	26.65	n/a
Rate	1.49 <sup>1</sup>	1.00 <sup>2</sup>	0.62 <sup>3</sup>	1.49 <sup>1</sup>
Vehicle Trips	122.4	2.0	16.5	18.3
<b>Total PM trips</b>	<b>124.4</b>		<b>34.8</b>	

1: 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)

2: 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)

3: Trips per dwelling unit in the PM peak hour of the adjacent street; Land Use Category 220 - Apartment (ITE Trip Generation Manual, 9th Edition)

**III. ANALYSIS OF REQUESTS:**

**A. Overview**

The public notice for the hearing includes consideration of all requests for the entire study area. The Commission may consider alternatives as the Planning Commission conducts its deliberations to formulate a recommendation to City Council. Those requests and analysis are outlined below, and where there is overlap in requested action they are combined.

**B. Request 1: Provide buffer by limiting uses to apartments and offices between single family on 8<sup>th</sup> and 9<sup>th</sup> Avenues and LIT zone west of 8th Street.** Current LIT zoning allows office uses, and is a higher traffic generator than other LIT uses, so if a buffer is intended to reduce impacts to nearby residential, office would increase rather than reduce traffic impacts.

If the intent is to transition the Norkirk LIT area to residential, limiting this area to residential would be an incremental step in doing so, and presumably be less disruptive than rezoning the entire study area to residential. However, diminishment of long term conflicts between the more intensive industrial uses and residential development will not be available in the short term, since redevelopment is market driven. Regardless of the type of use abutting the RS zone, redevelopment over time would trigger non-conforming buffers to be brought into conformance.

If the intent is to preserve industrial capacity for a full range of industrial and office uses, introducing incompatible residential uses with traditional industrial uses would destabilize the LIT zone.

This option may also affect re-use or improvements to the Kirkland Cannery. Would require change to policy intent in Comprehensive Plan to retain industrial lands in Norkirk that generate jobs and revenue.

**C. Request 2: Rezone study area or a portion thereof to residential.** Although each of the four requests for residential rezone affect slightly different areas, all of the ramifications of such rezone are the same as for a residential buffer discussed in request 1 above.

**D. Request 3: Preserve current LIT zoning that excludes residential and most retail, but add low density live/work unit as allowed use.** See extensive background information in the [staff memorandum](#) prepared for the May 28 study session on live work loft options. At that study session the Commission considered allowing live work units either on industrial lots abutting the RS zone boundary line or on lots with a minimum dimension of 100 feet wide measured from the residential zone boundary. Either option results in a maximum of 12 or 13 live work units

respectively. The Commission also considered how other municipalities regulate live/work units.

If the intent is to provide a transition use at the residential edge, staff recommends not allowing live work because the research is not conclusive either way whether live work serves as an effective land use transition. If the reason is to provide more housing diversity, a better location to experiment might be in a commercial district, where incompatible noise and odor impacts aren't present.

In other cities where live/work is allowed, the objectives seem to align better with those identified by Municipal Research Service Center; to provide affordable work and housing space, meet the needs of special groups such as artists, and serve to incubate new businesses. While these are reasonable and well-intentioned objectives, they do not necessarily translate to providing good transitions between residential and industrial uses.

A take away may be that these units are better suited for mixed use commercial areas, where retail sales are allowed and a lively pedestrian streetscape is encouraged, rather than in areas where manufacturing/wholesaling and warehousing and associated noise and odor impacts exist. For example, in Renton live/work is only allowed in commercial areas in conjunction with eating and drinking establishments, on site services and retail sales.

Within the live/ work building, staff has identified the following issues that should be addressed, if live work is permitted:

1. **Restrict the types of LIT businesses that could operate in the same building.** Otherwise, intermingling live/work with industrial may expose more residents to incompatible uses in even closer proximity to them, intensifying already irresolvable conflicts with industrial businesses. Without this limitation, conflicts should be expected. For example, having an auto repair business below a live/work unit would create incompatibility issues. This could be an enforcement challenge for the City, because the City would have to track occupancy types. It could also be a negative for landlords who may not want to limit their tenant options. Without this limitation, conflicts should be expected.
2. **Limit accessory retail associated with the business,** as is now the case with other uses in the LIT zone, as noted in Section III.D above. Depending on how successful the business operating out of the live/work loft is, more rather than less traffic and parking impact on nearby residential streets could result, especially if the live/work unit were to occupy a building with an existing parking deficiency. So limiting the intensity of the business activity associated with the unit would be important. This could be an enforcement challenge for the City.
3. **Require tenant to occupy both the residential and work spaces of a unit** so that the benefits of live/work are realized, such as eliminating the commute to

work and reducing car usage. However, this would also create enforcement issues.

If this request is affirmed, the following changes are recommended to zoning standards:

- a. Height, landscape buffer and building size standards should be based on the underlying industrial zoning as described in Section II.C above.
- b. Based on requirements in other cities, parking should be required at one stall per unit.
- c. The commercial or manufacturing activity conducted should be subject to a valid business license associated with the premises, where any commercial use permitted in the zoning district applicable to the property is permitted in the live/work unit.
- d. Require one tenant to occupy both the residential and work spaces of a live/work unit.
- e. Restrict vehicle/boat repair, services, storage, or washing uses from and veterinary offices from locating in the same building as the live/work unit.
- f. If live/work units are allowed on ground floor of building, the business portion of the live/work unit should be located between the street and the residential portion of the unit.

- E. **Request 4: Rezone 642 9<sup>th</sup> Avenue (and intervening 648 9<sup>th</sup> Avenue) to LIT and allow live/work lofts.** Incompatible industrial impacts would shift west, impacting other RS lots to the north south, and west of the subject properties. The City of Kirkland maintenance center provides a mature landscape buffer between it and the residential development to the west. A rezone would be seen as destabilizing an existing residential area which is a desirable location as evidenced by recent high end home construction. Current zoning already allows [home occupations](#) subject to standards in residential zones, albeit light industrial enterprises would not be allowed as a home occupation.

***Staff Recommendation:*** Staff concurs with the Planning Commission's preliminary direction to recommend **no change**. This option is intended to support the current Comprehensive Plan policies to maintain the light industrial area to serve economic and employment needs of the community and ensure that adverse impacts are minimized on adjacent residential neighborhoods. The Land Use Element recognizes the importance of transitions including land use, buffers, and design, to moderate nearly irresolvable conflicts with regard to noise and traffic that can be set up when residential is located in close proximity to industrial. Too it recognizes that over time, more high tech businesses will locate in Kirkland's Industrial/Office areas, where they may benefit from the availability of larger parcels. The Land Use Element notes that LIT zones do not include residential uses.

*The Economic Development Element aspires to strengthen commercial and industrial areas by encouraging infill and redevelopment, without expanding district boundaries. It recognizes that industrial areas are in flux transitioning from traditional light industrial uses such as manufacturing, production and assembly and auto oriented service and repair uses to high technology, office and recreational facilities. It notes that within the context of the neighborhood plans, a variety of light industrial/manufacturing and commercial uses should be allowed, based on market demands.*

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

- F. **Related Changes to LIT:** Staff recommends that in all LIT zones a change be made to require outside facilities associated with veterinary facilities and kennels to be located as far as possible from the residential zone boundary, in order to limit noise impacts. Currently, the only location requirement for these outdoor uses is for them to be set back at least 10 feet from each property line and surrounded by a fence or wall sufficient to enclose the animals. (See Attachment 2 for proposed zoning amendment.)

#### **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 Norkirk LIT 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 has been 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 LIT to residential or an expansion of uses allowed in the LIT zone to include live/work units should not be supported in order to avoid introduction of more irreconcilable land uses in even greater proximity to each other. Staff recognizes that buffers and parking are currently non-conforming next to the zone boundary but that with or without a rezone only redevelopment will trigger these non-conformances be brought into conformance. Therefore in the short run, a rezone to residential will not necessarily result in the intended purpose to provide some relief from visual, noise and traffic impacts. In the long run it isn't in the City's best interest to convert job and revenue generating uses to residential. Live/work lofts are not necessarily a transitional land use and would also require concentrated city oversight to ensure the business aspect of the use did not convert to residential over time.

The various requested changes would not implement the following specific policies in the Comprehensive Plan.

Goal N-4:

*Maintain the light industrial area to serve the needs of the community.*

*Policy N-7.1 Encourage limited light industrial uses, auto repair and similar service commercial uses, and offices to serve the neighborhood and surrounding community.*

- o South of 7<sup>th</sup> Avenue, between 6<sup>th</sup> and 8<sup>th</sup> Streets, office uses up to three stories are encouraged to serve as a transition between the downtown and the industrial area. Gateway features and landscaping at the intersection of 6<sup>th</sup> St. and 7<sup>th</sup> Ave and 6<sup>th</sup> St and Central Way soften the transition into this area.
- o In the remainder of the area, limited light industrial, warehousing, city services, service commercial uses such as auto or furniture repair, and small offices are appropriate.

Goal N-8:

*Ensure that adverse impacts associated with industrial uses are minimized.*

*Policy N-8.1: Regulate industrial uses to ensure that impacts which may disrupt the residential character of the surrounding area are controlled.*

*Policy N-8.2: Industrial traffic should be controlled in order to protect the character, safety, and peace of the residential neighborhood.*

The rezone would not implement the following specific goals and policies in the Land Use Element:

Goal LU-1:

Manage community growth and redevelopment to ensure:

- *An orderly pattern of land use;*
- *A balanced and complete community;*
- *Maintenance and improvement of the City's existing character; and*
- *Protection of environmentally sensitive areas.*

*Existing (and Draft) Policy LU-1.4: Create effective transitions between different land uses.*

Existing (and revised Draft) Goal LU-5:

Plan for a hierarchy of commercial and mixed use ~~development~~ areas serving neighborhood, community, and /or regional needs.

*Draft Policy LU-5.6: Encourage redevelopment & adaptive reuse of Kirkland's Flex Commercial (a.k.a. Industrial) areas in a manner that supports the existing mix of allowed uses while enabling these areas to evolve into innovative areas for commerce & employment.*

The rezone would not implement the following specific goals and policies in the Economic Development Element:

Draft Goal ED-3 Strengthen commercial areas to provide local goods, services, and vibrant community gathering places to live, work, shop and play.

*Policy ED-3.2: Encourage infill and redevelopment of commercial and industrial areas.*

The rezone is 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 since the May 28 study session are enclosed in Attachment 3. One new comment in opposition to the proposal to rezone from RS to LIT has been received from the family of the owner of the intervening lot at 648 9<sup>th</sup> Avenue. They object to the rezone from residential to industrial because they would be isolated by businesses on three sides, it would exacerbate traffic, noise and parking problems, diminish quality of life with the stresses associated with construction, and create long term incompatibility of uses. The second comment is from one of the CAR applicants, Xu Zhou who continues to support providing a transition zone between residential and industrial with high density residential.

No comments were received from the Norkirk Neighborhood Association about the LIT CARs.

### Attachments:

1. Map of Study Area and Surroundings
2. Amendments to LIT Regulations
3. Correspondence
4. Draft EIS analysis for the Griffis CAR







Attachment 2

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
40.30.010 Assisted Living Facility <sup>1</sup>	3,600 sq. ft.	20'	5' <sup>2</sup>	10'	60%	3'
40.30.020 Auction House	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.030 Automobile Sales	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.040 Breweries, Wineries, and Distilleries	None	20'	0'	0'	90%	35' above ABE. <sup>3</sup>
40.30.050 Community Facility	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.060 Day-Care Center	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.070 Detached, Attached or Stacked Dwelling Units	3,600 sq. ft. per dwelling unit	20'	Detached units: 5' Attached or stacked units: 5' <sup>2, 4</sup>	10' <sup>5</sup>	60%	30' above ABE. <sup>3</sup>
40.30.080 Entertainment, Cultural and/or Recreational Facility	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.090 Government Facility	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.100 Hazardous Waste Treatment and Storage Facilities	None	30'	0'	0'	90%	35' above ABE. <sup>6</sup>
40.30.110 High Technology	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.120 Industrial Laundry Facility	None	20'	0'	0'	90%	35' above ABE. <sup>3</sup>
40.30.130 Kennel	None	20' <sup>7</sup>	0' <sup>7</sup>	0' <sup>7</sup>	80%	35' above ABE. <sup>3</sup>
40.30.140 Manufacturing	None	20'	0'	0'		
40.30.150 Mini-Day-Care	None	LIT: 20' PLA 6G: 30'	0'	0'		
40.30.160 Office Use	None	20' <sup>8</sup>	0' <sup>8</sup>	0' <sup>8</sup>		
40.30.170 Packaging of Prepared Materials Manufacturing	None	20'	0'	0'		
40.30.180 Public Park	Development standards will be determined on a case-by-case basis. See KZ					
40.30.190 Public Utility	None	20'	0'	0'		
40.30.200 Recycling Center	None	20'	0'	0'		
40.30.210 Restaurant	None	20'	0'	0'		
40.30.220 Retail Establishment Providing Banking and Related Financial Services	None	20'	0'	0'		
40.30.230 Retail Establishment Providing Rental Services	None	20'	0'	0'		35' above ABE. <sup>3</sup>
40.30.240 Retail Establishment Providing Storage Services	None	20'	0'	0'	LIT: 90% PLA 6G: 80%	35' above ABE. <sup>3</sup>
40.30.245 Retail Establishment Selling Marijuana or Products Containing Marijuana	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.250 School or Day-Care Center	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.260 Vehicle or Boat Repair, Services, Storage, or Washing	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.270 Warehouse Storage Service	None	20'	0'	0'	90%	35' above ABE. <sup>3</sup>
40.30.280 Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	None	20'	0'	0'	LIT: 80% PLA 6G: 90%	35' above ABE. <sup>3</sup>

Add the following footnote # DD10 to front, side and rear required yards for Sections 40.30.130 Kennel & 40.30.160 Office Use:  
"Outdoor facilities associated with veterinary office or kennel uses must be located as far as possible from low density zones."



June 28, 2015

Via [jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

City of Kirkland  
Planning and Community Development Department  
123 Fifth Avenue  
Kirkland, WA 98033

Re: Opposition to the Proposed Land Use Changes / Norkirk Light Industrial  
Technology Zone

Dear Planning Commission Members:

This letter is being written to convey the concerns and interests of our family regarding the proposed land use change in the Norkirk neighborhood. Our 86-year-old mother, Kathryn Mizrahi, resides at 648 – 9<sup>th</sup> Avenue. Her property is included in your study for changing the land use from residential to a Light Industrial Technology Zone even though she did not make any such request. She and our family **are strongly opposed** to changing her lot (648 9<sup>th</sup> Avenue) from the current low density residential zoning to a light industrial zone.

Our mother made a conscious decision to relocate from Seattle to her home in Kirkland 21 years ago to be near us (her daughters) which would allow her to live independently as long as possible. She is very happy in the Norkirk neighborhood because it is a pleasant and safe place to live. People are friendly and greet her as they pass by her house. It is extremely important to us to retain the residential character of our neighborhood. We do not want the industrial zone expanded or the land use changed.

Our mom keeps her property in tip top condition (including the southern border that belongs to the City). She is a good neighbor to the residential homeowners and the established businesses across the street (Kirkland Auto Body and Dorel Automotive). They, in turn, are very amicable to her as well. The property next to her at 642 9<sup>th</sup> Avenue is neglected and unsightly. The owners have caused water damage to her yard, damage to her grass, have burned rubbish in their yard and fireplace, and they allow their chickens to roam freely onto her property. They trimmed and cut trees, leaving the debris and limbs hanging over the shared mail box area, impeding delivery of mail and leaving the property unsightly and dangerous. They installed a surveillance camera pointed directly at her carport and house. We have deep concerns that the situation will worsen at that property with any land use change.

The people who are interested in rezoning are motivated by financial gain. Our mother is not motivated by financial gain. She does not wish to move nor is she in a financial position to move from her home. Rezoning this area would put her home in the middle

of a construction zone with high probability of even more noise, traffic, parking issues and storage of vehicles or machinery. This is adverse to our mom's needs.

Parking is non-existent during the lunch and dinner hours with the recent expansion of the Deru Market restaurant. Cars are parked in front of her mail box and to the edge of her driveway daily. It has become very dangerous for her or any of us to back out of her driveway.

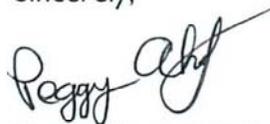
In summary, we strongly oppose any rezoning and land use changes for the following reasons:

- Our mother's residence will be surrounded by businesses
- There will be additional traffic, noise, and parking issues which already are a major problem
- She will be living in the middle of a construction zone as businesses come in
- It will greatly add stress and diminish our mother's quality of life

We urge you to retain the character of the Norkirk neighborhood which is predominately single-family residences.

Thank you for reviewing our concerns.

Sincerely,



Peggy Alhadeff, Bellevue  
[peggyalhadeff@msn.com](mailto:peggyalhadeff@msn.com)



Shelley Mizrahi, Kirkland (Norkirk)  
[Mizrahi54@msn.com](mailto:Mizrahi54@msn.com)



Judy Harel, Kirkland (Norkirk)  
[judyharel@gmail.com](mailto:judyharel@gmail.com)



Kathryn Mizrahi  
648 9<sup>th</sup> Avenue  
Kirkland

**Joan Lieberman-Brill**

---

**From:** Paul Stewart  
**Sent:** Monday, June 08, 2015 8:24 AM  
**To:** Joan Lieberman-Brill  
**Cc:** Teresa Swan  
**Subject:** FW: 5/28 Commission meeting on Norkirk L.I.T. Citizen Amendment Requests, File No. CAM13-00465 #5

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

From: jie zhou [mailto:jiezh2003@yahoo.com]  
 Sent: Saturday, June 06, 2015 4:13 AM  
 To: Planning Commissioners  
 Subject: 5/28 Commission meeting on Norkirk L.I.T. Citizen Amendment Requests, File No. CAM13-00465 #5

Dear Planning Commission Members,

Thank you for the review of the staff analysis on Norkirk L.I.T. Citizen Amendment Requests, File No. CAM13-00465 #5, during 5/28 meeting. This Citizen Amendment Request was submitted by seven residences whose properties are located right at the boundary at the LIT zone. I am one of the submitters.

The major reason of submitting the CAR is that, it lacks of buffer area between LIT and residence. This insufficient buffer area caused a big problem during the Ordinance establishment on Marijuana regulations. The majority of the City Council members visited our area, and they realized the issue. Council member Mr. Arnold directed that we should utilize CAR opportunity, make the issue visible to planning commission, and this issue shall be considered for Kirkland 2035 plan update.

Many residences believe this is an excellent idea since we all realize that there is no easy solution, and any viable solution has to be a part of long term studying, planning, and developing process. 2035 plan update / CAR is an excellent platform for this.

By all means, what I am trying to convey are the following:

1. The issue is lack of buffer between LIT and residential area. The issue is real and still there. There is a great need for a solution that can bring compatibility to the place where it should be.
2. It can be imagined that there is no easy solution. Any solution will have to be long term, and need careful consideration. However, simply "No Change" is not the one, since it won't solve the issue.

I appreciate the commission's study greatly. I believe adding high-density areas between LIT and single family houses is a win-win solution - it can solve the problem and bring the least impact to both sides.

Thank you very much.

Sincerely,

Xu Zhou  
 645 8th Ave

Kirkland, WA 98033

(602)6147417

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

location would also generate a moderate increase in demand for parks and schools. The closest parks to the Newland location are the Brookhaven Park, the Juanita Heights Park, and Juanita Beach Park. The Newland location is near the following schools: Juanita Elementary School, Finn Hill Middle School & Environmental and Adventure School, Juanita High School & Futures School.

The Newland Citizen Amendment Request is most closely aligned with Alternative 1 (No Action) or Alternative 3 (Distributed Growth).

### ***Utilities and Capital Facilities***

The area surrounding the study area is Low Density Residential and Medium Density Residential; High Density Residential exists a few blocks away. Given the presence of Medium and High Density Residential zones nearby, it is not likely that rezoning the study area from single family to multifamily will require additional water and sewer infrastructure or upsizing of existing infrastructure to meet more concentrated demand. Both water and sewer service for this study area are provided by the Northshore Utility District.

The proposed changes for this study most closely align with Alternatives 1 because they create new housing units outside of the Central and Totem Lake Business Districts and the neighborhood centers.

## **4.2 Norkirk LIT**

### **Overview and Location**

Several requests have been made. One request would rezone two properties on the periphery of the Norkirk LIT from Low Density Residential (RS 7.2) to Light Industrial, expanding the LIT area to the west. Another request would also amend zoning to allow live/work lofts in the LIT. Several individuals also requested consideration of transitional use standards to reduce impacts of industrial uses on the residential uses. A third

### **Compatibility with the Alternatives**

#### ***Land Use Patterns***

Concerning the rezone proposal, the subject property is currently used for single family residential use, as is the adjoining parcel to the east that is included in the expanded study area. Single family residential uses exist to the west and north with vacant land, industrial, commercial and institutional uses also in the immediately vicinity. Future land use and zoning designations include single family residential to the west and north with industrial to the south and west. The proposed land use and zoning designation change would extend the industrial boundary to the west; the City currently has landscape buffer standards to manage the transition between industrial and residential uses, but the inclusion of transitional use standards would help mitigate impacts associated with expansion of the LIT zone. The proposed amendment is most compatible with Alternative 3, which places a greater focus on development of LIT areas and allocates a greater share of future employment growth to these areas than the other alternatives.

#### ***Plans and Policies***

The rezone proposal is generally consistent with plans and policies and with all alternatives.

The proposed expansion of the Industrial (IND) land use designation would convert adjoining LDR properties to IND. The existing IND designation adjoins an established single family residential area with an LDR designation. This creates an abrupt transition in land use designations with potential for land use conflicts. The proposed expansion of the IND designation neither increases nor decreases the potential for future land use conflicts. Proposals for transitional use standards could help address potential land use conflicts and the abrupt transition between land use designations and corresponding zoning. No significant adverse impacts to plans and policies consistency are identified.

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

The Norkirk LIT CAR is located in the Norkirk industrial area. Based on the proposed land use designation changes, the area's capacity to accommodate residential uses would likely increase and the capacity to accommodate industrial uses would likely decrease somewhat. The Norkirk LIT CAR is particularly supportive of Alternative 3, which would transition the Norkirk industrial area to a greater mix of uses.

### ***Population and Housing***

The Norkirk LIT CARs discusses opportunities for converting residential land to industrial and mixing industrial and residential through allowing live/work mixed use. Norkirk LIT is currently light industrial with a relatively abrupt transition to residential. In the changes proposed, there are options to expand the industrial activity and to integrate the two uses and allow for residential and industrial activities to both occur in the Norkirk LIT. The CARs also address a need for transition areas between residential and industrial areas.

With regard to housing, the Norkirk CAR would be most consistent with Alternative 2, given the impacts of reducing capacity for residential development on housing and the residential population. Since Alternative 2 concentrates housing in Totem Lake and the CBD without targeting the Neighborhood Centers or LIT areas for housing unit development, the zoning change in Norkirk from residential to industrial would have a lower level of impact compared to other alternatives.

If live/work units were allowed, the Norkirk CAR would be more consistent with Alternative 1 and Alternative 3 since they are the alternatives that anticipate greater housing development in centers outside the CBD and Totem Lake. Having live/work units in the industrial areas would provide capacity for housing where it did not previously exist in Norkirk.

### ***Employment and Economic Development***

The proposal to expand the LIT by rezoning parcels at 642 and 648 9<sup>th</sup> Ave from residential to Light Industrial Technology (LIT) would fit best with Alternative 3, which allocates 250 additional jobs in the Norkirk LIT, by providing more space for businesses and jobs in the LIT.

The proposal to reduce the size of the LIT by rezoning some portions to residential use would likely reduce the number amount of jobs that could be accommodated in the LIT. As such, this request would fit best with Alternative 1 or Alternative 2, which allocates less employment growth to the Norkirk LIT.

The proposal to allow live/work lofts in the Norkirk LIT would likely reduce the number of jobs that could be accommodated in the Norkirk LIT, by converting some spaces to housing. In addition, introducing housing to an industrial area could result in conflicts between residents and businesses, which might result in businesses leaving the LIT. As such, this CAR is most compatible with Alternatives 1 or 2, which allocate less employment growth to the Norkirk LIT.

The proposal to consider use transitions between the Industrial and Residential area would likely reduce space for businesses in the buffer zone, thus reducing employment capacity in the LIT. This would be most compatible with Alternatives 1 or 2, which allocate less employment growth to the LIT.

### ***Natural Environment***

Small areas of high and moderate landslide hazard are present at the southern and northern borders of this study area. The City's regulations would require a geotechnical study, which would preclude development that increased geological hazards. No streams or wetlands are located within the study area and it is not clear that the proposed zoning change would substantially alter existing impervious surface coverage. Therefore, no significant effect is anticipated from the proposed CAR.

### ***Transportation***

The Norkirk CAR study area involves seven requests within and adjacent to the Norkirk LIT zone. Two single family parcels on 9th Avenue would be added to the LIT zone, while the parcels currently within the LIT zone north of 7th

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

Avenue and west of 8th Street would be rezoned to low or high density residential. Two scenarios were evaluated. In the first scenario, a development capacity analysis for the Norkirk zone was used to determine the worst case scenario for the current zoning. According to the capacity analysis, there are six parcels within the area that are designated as available for redevelopment as office space. Redeveloping these parcels as office space would generate the largest amount of PM peak hour trips as office zoning tends to have greater trips generated than light industrial/technology zoning. The associated trip generation for these parcels was estimated to be 122 PM peak hour vehicle trips. In Scenario 2, these same parcels were allowed to be redeveloped into medium density residential with a density of 9 dwelling units per acre. Additionally, the two single family home parcels on 9th Avenue would be rezoned into the LIT area. This zoning allows office space, so these parcels were analyzed as though they redeveloped as office units. This worst case scenario would result in a total of 35 PM peak hour vehicle trips if all of the available area was redeveloped.

**Exhibit 4.2-1. PM Peak Hour Trip Generation Analysis – Norkirk CAR**

Description	Scenario 1		Scenario 2	
	No action allowable		CAR proposal	
Use	Office	Low density residential	Medium density residential	Office
Total area of study (sf)	129,005	15,360	129,005	15,360
Building Size (sf)	82176	n/a	9 DU per acre	FAR = 0.8
Residential Units	n/a	2	26.65	n/a
Rate	1.49 <sup>1</sup>	1.00 <sup>2</sup>	0.62 <sup>3</sup>	1.49 <sup>1</sup>
Vehicle Trips	122.4	2.0	16.5	18.3
<b>Total</b>	<b>124.4</b>		<b>34.8</b>	

1: 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)

2: 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)

3: Trips per dwelling unit in the PM peak hour of the adjacent street; Land Use Category 220 - Apartment (ITE Trip Generation Manual, 9th Edition)

### Public Services

The proposed rezoning from light industrial to residential would introduce residential uses into a predominantly light industrial area. Residential development in this area would potentially increase demand for public services over existing levels, as well as possibly create demand for more residentially-focused services, such as parks and schools, that are not currently in high demand due to the area's industrial character. Peter Kirk Park is the closest park in proximity that is likely to be affected. Residential development in the area would potentially produce new students for Peter Kirk Elementary, Kirkland Middle School, Lake Washington High School, and the International Community School.

Because of its proximity to the Central Business District, the Norkirk LIT Citizen Amendment Request is most closely aligned Alternative 2 (Totem Lake/ Downtown Focus), which would generate more growth in major mixed used centers.

### Utilities and Capital Facilities

This study area examines a rezone from Residential to LIT/Mixed Use. Both water and sewer service for this study area are provided by the City of Kirkland. While residential uses generally require more water and generate greater wastewater flows than employment uses, additional infrastructure may be necessary to accommodate commercial

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

building fire flow requirements. In addition, light industrial uses may require greater water flow than is currently available in the area. The study area is surrounded by industrial and light residential development, so extension of the necessary services should be feasible. Site-specific utility analysis will be necessary at the time of development permit application.

The proposed changes for this study most closely align with Alternatives 1 because they result in an increase of employment growth outside of the Central and Totem Lake Business Districts and the neighborhood centers.

### 4.3 Waddell

#### Overview and Location

The Waddell CAR study area consists of the property at 220 6<sup>th</sup> Street in downtown Kirkland, as well as the remainder of the PLA 5C zone. The proposal would remove the requirement for common recreational open space for multifamily development, similar to the CBD zones immediately to the west.

#### Compatibility with the Alternatives

##### *Land Use Patterns*

No land use and zoning designation changes are proposed. A reduction or elimination of in open space requirements may increase residential development on the subject property and also increase the demand for parks and open space .if the residential open space requirement is removed. However, Peter Kirk Park is located in close proximity to the study area and may be sufficient to meet park and open space needs for existing and future residential development. The proposed amendment is most compatible with Alternatives 2 and 3, which allocate additional housing growth to the CBD.

##### *Plans and Policies*

The proposal is generally consistent with plans and policies and with all alternatives.

Although the requirement for common recreational space for multifamily development in Planned Area 5 is not specifically addressed in the Comprehensive Plan, the general intent of this requirement is to ensure adequate access to open space for community residents. In this case, the nearest public open space area is Peter Kirk Park, located a little less than a half-mile from the study area, or within an approximate 10-minute walk. Although not defined in the Comprehensive Plan, this is generally considered a reasonable service standard and no significant adverse impacts to plans and policies consistency are identified as a result of the proposal.

##### *Population and Housing*

The Waddell CAR seeks to remove requirements for common recreation and open space areas for multifamily developments in the office/multifamily PLA5C zone. The applicant indicates that requirements for common space have made development of residential units infeasible, which indicates that there is unbuilt residential capacity available near Kirkland's CBD.

The Waddell CAR is most compatible with Alternative 3, where almost a quarter of household growth is targeted in the CBD. By removing limitations to development, more residential units could potentially be built, which would support the expected increase in units for Kirkland's downtown center, although at the expense of open space.

##### *Employment and Economic Development*

This proposal would remove the requirement for recreational open space for new multifamily development in the Planned Area 5/PLA5C zone east of the CBD. Because the proposal is specifically related to requirements for residential open space, it would not have any significant effect on employment in the area. By reducing the amount of recreational space required when multifamily is built, this proposal could allow for a larger amount of