



CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT
 123 Fifth Avenue, Kirkland, WA 98033
 ~ 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: BRIAN + SUSAN MORRIS
- B. Mailing Address: 15214 55TH DR. S.E. EVERETT, 98208
- C. Telephone Number: 425-623-5203
- D. Email Address: morrisnet@msn.com
- E. Property Owner Name (if different than applicant): _____
- F. Mailing Address: E-MAIL COMMUNICATION IS BEST
- G. Telephone Number: AS WE TRAVEL
- H. Email Address: morrisnet@msn.com

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) 13250 NE PL.
- B. King County Tax Parcel number(s): 2726059007
- C. Describe improvements on property if any: VACANT LAND
- D. Attach a map of the site that includes adjacent street names.
- E. Current Zoning on the subject property: TL7, INDUSTRIAL
- F. Current land use designation and permitted density shown on the City's land use map. INDUSTRIAL

III. REQUEST INFORMATION AND REASONS:

A. Description of Request:

RE-ZONE TO RMA 3.6 OR HIGHER WITH 40'
HEIGHT ALLOWED DUE TO PROPERTY ON SLOPE.

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

PROPERTY IS BETTER SUITED FOR MULTIFAMILY
DEVELOPMENT TO BE COMPATIBLE WITH PROPERTY
TO WEST HAVING RMA 3.6 CURRENTLY.

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

We also feel the following are good reasons for this requested zone change;

- Kirkland ever growing need for affordable housing
- Current adjacent property to North is being re-zoned to a higher density housing.
- Hill side property would allow for multi-story building without blocking anyone's view.
- Close proximity to New Cross Kirkland Corridor for commuting, exercise, Regional Metro Transit, Shopping, Hospital, Interstate Freeway and Schools.

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: B. Morris
 Name – print: BRIAN MORRIS
 Property owner or Legal Representative? OWNER
 Date: 6/10/14
 Address: 15214 55TH DR. S.E. EVERETT, WA. 98208
 Telephone: 425-623-5203

- 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
- Exhibit A for mailing document
- Exhibit B for hand delivering document



City of Kirkland Property Information Report

Date: November 19, 2013

Information Provided by King County Assessor's Office	
Parcel (PIN):	2726059007
Lot Size(sq. ft.):	95,337
Year Built:	
Present Use:	316
Building Size (gross sq. ft.):	0
Land value:	\$858000.000000
Improvement value:	\$0.000000
Grid:	K0
Fire Sprinklers:	
Quarter Section-Section-Township-Range:	NW-S27-T26-R5
Information Provided by the City of Kirkland	
Site Address:	
Zoning:	TL 7, Industrial
Neighborhood:	Totem Lake
Located Within Houghton Community Council Disapproval Jurisdiction:	No
Seattle City Light Easement:	No
Design District:	Totem Lake Neighborhood
Overlay:	
Sewer District - verify that you are a current customer of:	Northshore Utility District
Water District - verify that you are a current customer of:	City of Kirkland
Methane Abatement Area:	
Wind Exposure:	
Information Provided by the City of Kirkland regarding MAPPED Environmental Areas	
Drainage Basin:	Kingsgate Slope, NA
Is this property within 125 feet of wetland shown on GIS?	Yes
Is this property within 100 feet of a stream shown on GIS?	No - potentially yes
Is this property within shoreline jurisdiction and within 250 feet of a wetland shown on GIS?	No
Shoreline Environment:	NA
Landslide:	High
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 city staff may reveal conditions not shown in the city GIS.

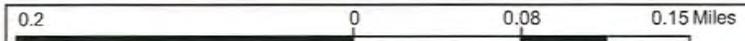


GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



- Legend**
- Contours 10F
 - City Limits
 - Grid
 - QQ Grid
 - Railroad
 - Streets
 - Parcels
 - Buildings
 - Parks
 - Schools
 - z_Image09
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

1:4,888



NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet
 Produced by the City of Kirkland. © 2013 City of Kirkland, Washington, all rights reserved.

No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description

MORRIS CAR

Sites:

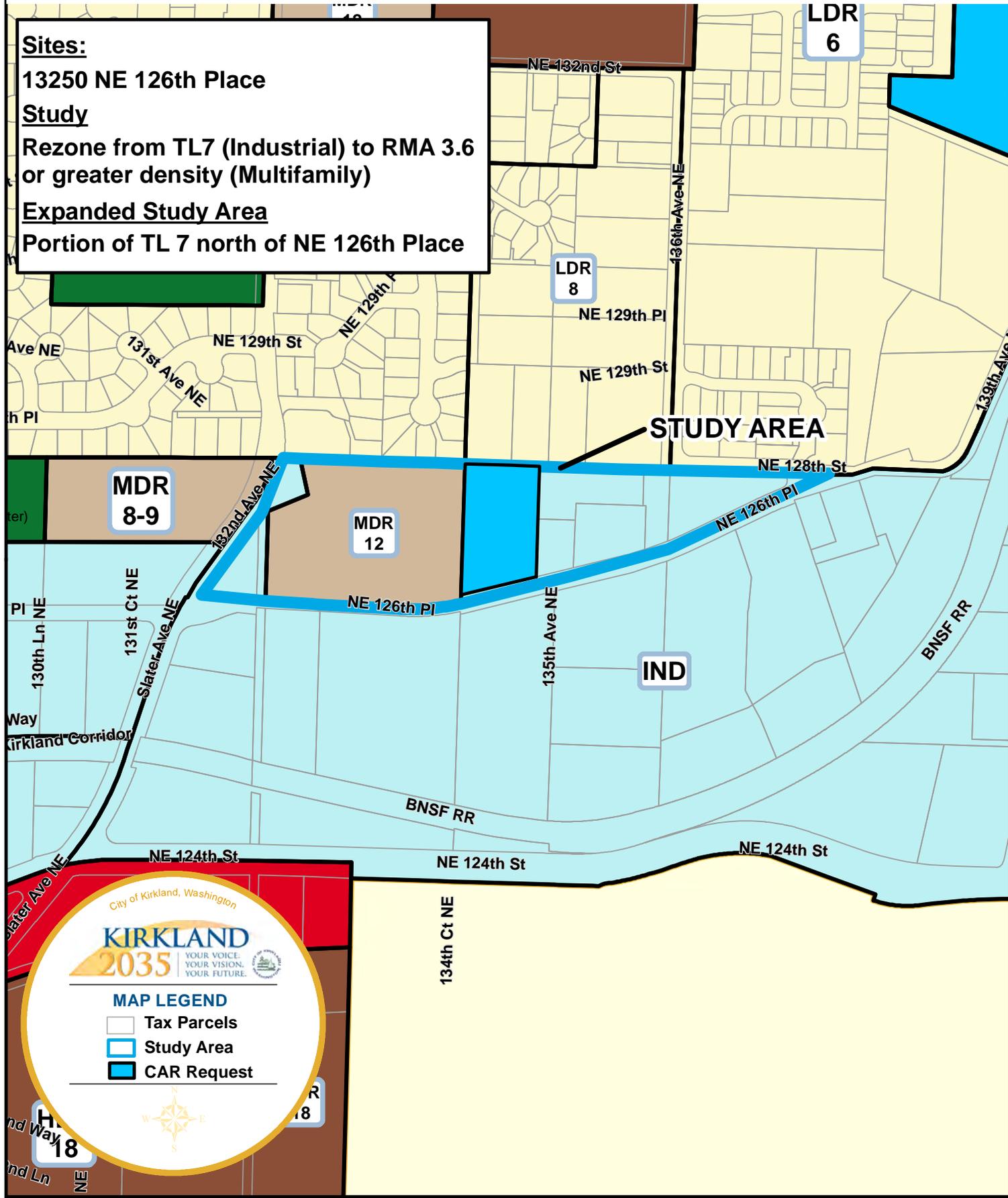
13250 NE 126th Place

Study

Rezone from TL7 (Industrial) to RMA 3.6 or greater density (Multifamily)

Expanded Study Area

Portion of TL 7 north of NE 126th Place



MDR 8-9

MDR 12

IND

LDR 6

LDR 8

City of Kirkland, Washington

MAP LEGEND

- Tax Parcels
- Study Area
- CAR Request

4.11 Morris

Overview and Location

The study area for the Morris CAR includes all properties zoned TL 7 (industrial/commercial) east of 132nd Avenue NE, north of NE 126th PI and south of NE 128th Street. The proposal would rezone these properties to multifamily residential (RMA 3.6) and increase the maximum allowed height to 40 feet.

Compatibility with the Alternatives

Land Use Patterns

The northern portion of the subject property is currently vacant with industrial use to the south. The study area consists of a mix of commercial, industrial and residential uses. Future land use and zoning designations are for industrial and commercial uses in the study area with commercial uses to the south. The proposed designation to multi-family residential would create an island of multi-development in an otherwise industrial and commercial area. The commercial land use and zoning designation south of the subject property provides a buffer between industrial uses and multi-family development to the south. Multi-family development adjacent to industrial uses may be incompatible without adequate development standards to mitigate potential impacts. The proposed amendment is most compatible with Alternative 2 that allocates the greatest amount of housing growth to Totem Lake.

Plans and Policies

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

This proposal would expand an existing multifamily area designated Medium Density Residential (MDR) by converting adjoining Industrial (IND) designated properties to MDR. The study area is outside the current designated urban center but is within the Planned Action Area. It is bounded to the south by an area that is designated IND and an area to the north that is designated LDR. The proposal may help provide a transition area between the LDR and IND areas. It also is consistent with Totem Lake Neighborhood Plan policies that support expansion of housing opportunity in the Totem Lake neighborhood. Re-designation for multifamily development should include buffers or other measure to ensure that future residential development is not adversely impacted and industrial activities are not prevented from future continued viability. No significant inconsistencies with plans and policies are identified.

Population and Housing

The Morris CAR seeks a rezone of industrial parcels in Totem Lake to multifamily residential at a medium density.

The rezone, since it would occur in a neighborhood that is planned to continue growing as a regional growth center, would benefit all three alternatives by adding additional residential density. Since Alternative 2 would require that additional capacity for residential development be added to the neighborhood, the Totem Commercial Center CAR would help increase this capacity. Currently, Totem Lake has capacity for 2,902 additional units, while Alternative 2 anticipates 2,444 additional units by 2035.

Employment and Economic Development

By rezoning parcels in Totem Lake from Industrial to Multifamily, this proposal would reduce capacity for jobs in Totem Lake. As such, it would be most compatible with Alternative 1, which allocates the lowest number of new jobs to Totem Lake of the three alternatives.

Natural Environment

Similar to the Rairdon CAR, this study area is part of a well-vegetated wildlife corridor connecting to Totem Lake, contains a high risk landslide hazard area (steep slope), and includes a wetland and tributary stream to Totem

Lake. A potential wetland, referred to as “marginal” in a November 2014 Watershed Company study, exists on the site, and two confirmed wetlands and two streams exist on the property directly west of the subject property. Any development under the existing or proposed zoning, could have adverse effects on the Totem Lake hydrograph, terrestrial habitat and water quality with replacement of vegetation by impervious surfaces. Such impacts could be minimized on a portion of the site by application of the critical areas regulations; most of the site would not be subject to regulations protecting wetlands and streams. A change in zoning to multi-family use from industrial use could increase the risk to human safety of any development that could be accommodated on the site given the environmental constraints. However, the City’s geologically hazardous areas regulations will require geotechnical study and review prior to development in these areas.

Transportation

The Morris CAR study area encompasses 9 parcels north of NE 126th Place between 132nd Avenue NE and NE 128th Street. These parcels are currently zoned for industrial use under TL7. Scenario 1 shows the total allowable development that could occur in this area under the current zoning which would result in approximately 444 PM peak trips. This scenario assumes an FAR of 0.8. Under the CAR proposal, all of the land would be developed into multifamily housing (RMA 3.6). Assuming a density of 12 dwelling units per acre, this would result in approximately 350 fewer PM peak hour trips than could occur under the existing zoning.

Exhibit 4.11-1. PM Peak Hour Trip Generation Analysis – Morris CAR

	Scenario 1	Scenario 2
Description	No action allowable	CAR proposal
Use	Industrial	Multifamily residential
Total area of study (sf)	572,615	572,615
Building area	458,092	n/a
Residential Units	n/a	157.7
Rate	0.97 ¹	0.62 ²
Vehicle Trips	444.3	97.8
Total	444.3	97.8

1: Trips per thousand SF GFA in the PM peak hour of the adjacent street; Land Use Category 110 – General Light Industrial (ITE Trip Generation Manual, 9th Edition)

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

Source: Fehr & Peers, 2015

Public Services

The zoning change from light industrial to medium density multifamily zoning would introduce residential uses into a predominantly light industrial area. Residential development in the area would potentially increase the demand for public services over existing levels, as well as 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. Nearby parks likely to be affected include the Totem Lake Park. Residential development in area would potentially produce new students for Muir Elementary, Kamiakin Middle School, and Juanita High School & Futures School.

Because of its location in the Totem Lake Planned Action Area, the Morris Citizen Amendment Request is most closely aligned with Alternative 2.

Utilities and Capital Facilities

This study area, which is within the Totem Lake Planned Action Area, examines the impacts of rezoning Industrial to Multifamily Residential. There may be a need to adjust water distribution infrastructure to meet residential needs or extend infrastructure from the nearby Medium Density Residential Infrastructure. The City of Kirkland provides water service to the study area; Northshore Utility District provides sewer service.

The proposed change for this study is most closely aligned with Alternative 2 because it results in new housing units within the Totem Lake Planned Action Area.

4.12 Astronics Corp.

Overview and Location

The study area for the Astronics CAR includes the portion of the TL 7 zone in eastern Totem Lake that falls east of the Cross Kirkland Corridor. The proposal would maintain current zoning on these properties but would increase the maximum allowed height from 45 feet to 65 feet.

Compatibility with the Alternatives

Land Use Patterns

The northern portion of the subject property is vacant with industrial use to the south. The proposed height increase in the TL 7 Zone would not change the allowable land uses, but would increase the intensity of development allowed. The property is adjacent to vacant lands to the north and east, the city limits boundary to the west and industrial use to the south. The proposal would not have substantial impacts on land use impacts within the study area. However, an increase in height in the TL 7 Zone would allow for additional height on other properties within the zoning district and may result in land use impacts in other locations. The proposed amendment is most compatible with Alternative 2 that allocates the greatest amount of employment growth to Totem Lake and would require capacity increases to accommodate the employment allocation.

Plans and Policies

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

The area for which an increase in permitted height is proposed is located at the foot of a hill and is not expected to result in any significant adverse impacts to plans and policies consistency.

The Astronics CAR is particularly supportive of Alternative 2, which would increase the range of office uses permitted in the study area relative to Alternatives 1 and 3.

Population and Housing

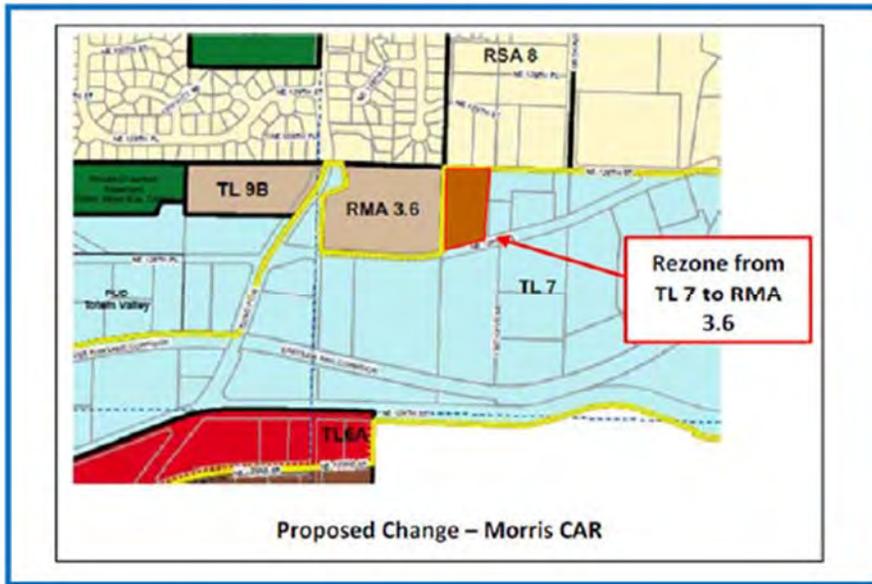
The Astronics Corp. CAR seeks a rezone from light industrial to a greater intensity of light industrial development by increasing height allowances. There would be no impacts to population and housing for any of the three alternatives.

Employment and Economic Development

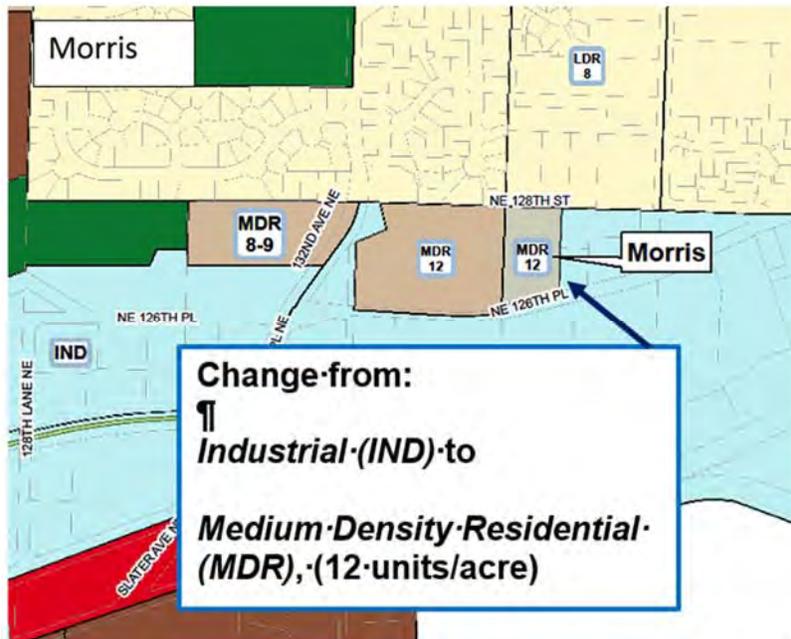
By increasing allowed height in the TL7 zone of Totem Lake, this proposal would increase the capacity for jobs in Totem Lake. As such, it would be most compatible with Alternative 2, which allocates the most new jobs to Totem Lake and promotes Totem Lake as Kirkland's primary growth center.

MORRIS ZONING MAP AND LAND USE MAP CHANGES

Zoning Map:



LAND USE MAP



Height of Structure for all uses: TL 7A: 80' above A.B.E.
TL 7B: 45' above A.B.E.

Section 55.51

Zone TL 7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.51	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.060	A Retail Establishment providing storage services. See Spec. Regs. 1 and 2.	D.R., Chapter 115 KZC. See General Reg. 3	None	10'	0'	0'	90%	45' above average building elevation.	A	E	See KZC 105.25.	1. May include accessory living facilities for resident security manager. 2. This use not permitted if any portion of the subject property is located within 150 feet of the Cross Kirkland or Eastside Rail Corridor.	
.070	A Retail								B	E	1 per each 300 sq. ft. of gross floor area.	3. This use is not permitted in TL 7A unless accessory to another permitted use.	
.080	A Retail Establishment selling building materials or providing rental services												
.100	High Technology												

New Special Regulation for Retail Storage Use.

These amendments would implement the changes related to the Morris CAR

Add new use: ATTACHED OR STACKED DWELLING UNITS

3,600 s.f. per unit

80%

90%

Special Regulations for: ATTACHED OR STACKED DWELLING UNITS:

- This use is permitted only in TL 7B, north of NE 126th Place, east of 132nd Ave NE and west of the RMA 3.6 zone.
- Landscaping for this use must comply with Section 95.42.1. Where an existing residential use exists on the adjacent property, Section 95.42.2 shall apply.
- At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 for additional affordable housing requirements and incentives.
- Developers and residents in this zone should be aware that this property lies within a district containing and allowing future development of uses of light industry/office nature, and impacts typically associated with these uses, such as noise and odor, may be experienced by residents.

Parking Requirements for Attached or Stacked Dwelling Units:

- 1.2 per studio unit
- 1.3 per 1 bedroom unit
- 1.6 per 2 bedroom unit
- 1.8 per 3 or more bedroom unit

See KZC 105.20 for visitor parking requirements.

Use		Required Review Process:					
		RM, RMA	WD I	WD III	PLA 2	PLA 3B	PLA 6F
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Prc None = NP = Use Not Per # = Applicable Special Regulations					
20.20.050	Convalescent Center	IIA 2, 4	NP	NP	NP	NP	IIA 4
20.20.060	Detached, Attached, or Stacked Dwelling Units	None 2, 21, 22, 23	I 44	I 9	IIB 9	IIB 9	None
20.20.070	Detached Dwelling Unit	None 24	None	None	NP	None	None 24
20.20.080	Entertainment, Cultural and/or Recreational Facility	NP	NP	NP	NP	NP	NP
20.20.090	Golf Course	NP	NP	NP	NP	NP	NP
20.20.100	Government Facility	IIA 2, 17	IIA	IIA	IIA 17	IIB	IIA
20.20.110	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	IIA 27	NP	NP	NP	NP	NP
20.20.120	Hotel or Motel	NP	NP	NP	NP	IIB 10	NP
20.20.130	Marina	NP	I 6, 28	NP	NP	I 6, 28	NP
20.20.140	Mini-School or Mini-Day-Care Center	None 2, 29, 30, 31, 32, 33	NP	NP	IIB 30, 31, 33, 34, 35	NP	None 30, 31, 33, 34, 35
20.20.150	Nursing Home	IIA 2, 4	NP	NP	NP	NP	IIA 4

- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
- b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

PU-40. In the PLA 2 zone, portions of the park located within the wetlands must be devoted exclusively to passive recreation that is not consumptive of the natural environment.

PU-41. Outside storage is not permitted.

PU-42. Drive-in or drive-through facilities are prohibited.

PU-43. Structured play areas must be set back from all property lines as follows:

- a. Twenty feet if this use can accommodate 50 or more students or children.
- b. Ten feet if this use can accommodate 13 to 49 students or children.

PU-44 If the subject property lies in the RMA 3.6 zone and is adjacent to property within the TL 7B zone, the following shall apply:

- a. Landscaping on the subject property abutting the TL 7B boundary shall comply with Section 95.42.1. Otherwise, Category D applies.
- b. Developers and residents should be aware that this property lies adjacent to a district containing and allowing future development of uses of a light industry/office nature, and impacts typically associated with these uses, such as noise and odor, may be experienced by residents.

(Refer to KZC [20.20](#), Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC [20](#))

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)		
		Front	Side	Rear (or setback)
20.30.010 Assisted Living Facility ¹	3,600 sq. ft. PLA 6H: 2 acres PLA 17: 2 acres ¹¹	20' RM, RMA: 20' ² WD I: 30' ^{4, 5, 36, 37} WD III, PLA 3B: 30' ^{5, 22, 38}	5' ³³ RMA: 5' WD I, WD III, PLA 3B: 5' ^{5, 33}	WD I, WD PLA 3B: 5'
20.30.020 Boat Launch (for nonmotorized boats)	None	See Chapter 83 KZC.		



RECEIVED

JUN 20 2014

CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT _____ AM _____ PM
123 Fifth Avenue, Kirkland, WA 98033 BY _____
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: TJ Woosley - mgr. Totem Commercial Center, LLC
- B. Mailing Address: P.O. Box 3325, Bellevue, WA 98009
- C. Telephone Number: 425-455-5730
- D. Email Address: tj@woosleyproperties.com
- E. Property Owner Name (if different than applicant): Totem Commercial Center
- F. Mailing Address: _____
- G. Telephone Number: same
- 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.

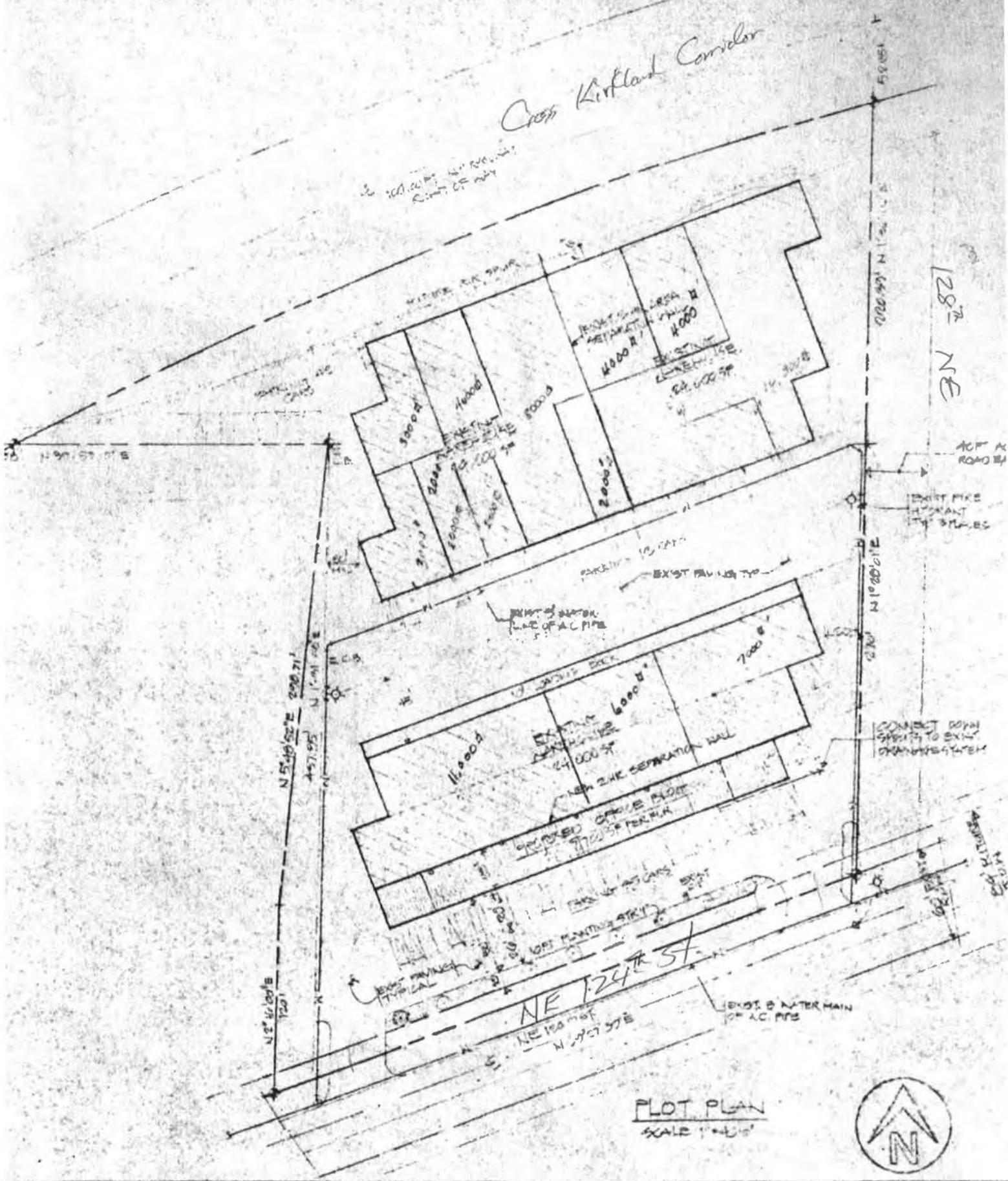
II. PROPERTY INFORMATION:

- A. Address of proposal: (if vacant provide nearest street names) 12700-12704 NE 124th St.
- B. King County Tax Parcel number(s): 282605-9039-09, 282605-9059-04
- C. Describe improvements on property if any: Metal warehouse buildings with some retail street exposure businesses. Total approx. \$7,000,000.
- D. Attach a map of the site that includes adjacent street names.
- E. Current Zoning on the subject property: T17a
- F. Current land use designation and permitted density shown on the City's land use map. Ind/comm.

Cross Kirkland Corridor

100.00' by 100' 00" lot
Right of Way

128th NE



PLOT PLAN
SCALE 1"=40'



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:



Name – print:

T.J. Wasley

Property owner or Legal Representative?

Legal Rep / owner

Date:

6/19/14

Address:

PO Box 3325 Bellevue WA 98007

Telephone:

425-455-5730

- 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

III. REQUEST INFORMATION AND REASONS:

A. Description of Request:

See Attached page

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

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

III. REQUEST INFORMATION AND REASONS

A. Description of Request:

Expand the allowed building heights and permitted uses in the TL7-A zoning district. The new urban height(s) should be at least 80 feet, and perhaps as tall as those allowed in the zoning districts at or near Evergreen Healthcare. Permitted Uses should be expanded to include residential uses. All existing Permitted Uses should remain as allowed

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

Increasing the allowed heights and permitted uses will position this area for future redevelopment as an integral part of the Totem Lake Urban Center. The increased intensity of land use(s) would:

1. Support creating a better interface with the Cross-Kirkland Corridor.
2. Support increased multi-modal (bike, pedestrian, transit) ridership.
3. Increase Kirkland's capacity to provide housing.
4. Increase Kirkland's capacity to accommodate more jobs, and
5. Provide for a competitive regulatory climate for redevelopment in Totem Lake. Currently, other jurisdictions already allow much greater heights and flexibility in permitted uses. For example, Redmond allows 8 stories in its downtown, and 12 stories in the Overlake Village neighborhood, Bellevue allows up to 150 feet for buildings in a transit oriented development in the Bel-Red Corridor, and Issaquah has upzoned its "Central Issaquah" downtown to allow over 10 stories in some areas.

While near the geographic center of the Totem Lake Urban Center, adjacent to the Cross Kirkland Corridor, adjacent to N.E. 124th Avenue N.E. and near the Totem Lake Park, properties in the TL 7A zoning district are currently prohibited from being redeveloped at urban densities due to the severe height restriction of 45 feet, along with a prohibition on residential uses.

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

Foremost, the current height limitation, along with the restrictions on permitted uses, is inconsistent with the area's designation as an Urban Center. The Comprehensive Plan Update is the appropriate process to correct this inconsistency and position the area for urban levels of land uses. In addition, the City of Kirkland's current (and proposed) Comprehensive Plan Land Use and Economic policies support the urbanization of the Totem Lake Neighborhood, which the above request would allow.

Overall, the requested changes to the TL7-A would "Promote a compact, efficient, and sustainable land use pattern in Kirkland that: Supports a multimodal transportation system that efficiently moves people and goods; Minimizes energy use, green house gas emissions, and service costs; Conserves land, water, and natural resources; and Provides sufficient land area and development intensity to accommodate Kirkland's share of the regionally adopted population and employment targets."*

* Kirkland Comprehensive Plan GROWTH MANAGEMENT Policy LU-1.5 Goal LU-2

Public Services

The proposed rezone from multifamily to medical office would reduce the demand of all public services such as a school services, police and fire protection, and the demand for parks and open space.

Because of its location in the Totem Lake Planned Action Area, the Evergreen Healthcare Citizen Amendment Request is most closely aligned with Alternative 2.

Utilities and Capital Facilities

The study area is within the Totem Lake Planned Action Area, and the zoning surrounding the study area is Office/Multifamily and Industrial. The site area is small however there may be impacts to water and sewer service if the addition to Evergreen Medical has high employment or medical labs that require special service. Both water and sewer service are provided by the Northshore Utility District.

The proposed change for this study is most closely aligned with Alternative 2 because it results in employment growth within the Totem Lake Business District.

4.9 Totem Commercial Center

Overview and Location

The study area includes all properties zoned TL 7 (industrial/commercial) east of 124th Avenue NE, west of 135th Avenue NE, north of NE 124th Street, and south of the Cross Kirkland Corridor. The request is for increased building heights from 45 feet to 80 feet and to change the allowed use mix from commercial/light industrial to multifamily/commercial/light industrial office.

Compatibility with the Alternatives

Land Use Patterns

The Totem Commercial Center property is developed with a mix of office, retail and industrial uses with a land use and zoning designation for limited commercial and industrial use. The amendment request would not change the land use and zoning designations on the subject property, but would allow for increased building height and a broader range of uses in the district, particularly to allow residential use. Increasing the allowable building height and range of land uses would also affect other properties with the same zoning designation within the Study Area. The proposed amendment is most compatible with Alternative 2 that allocates the greatest amount of employment growth to Totem Lake and would require capacity increases to accommodate the employment allocation.

Plans and Policies

The proposal is generally consistent with plans and policies, with the exception of residential uses, which are not supported by the existing land use designation in the Totem Lake Neighborhood Plan.

The study area is currently designated for Industrial/Commercial (IND/COM) uses and is surrounded by areas designated for commercial and industrial uses, as well as the Totem Lake Park. If the proposed expansion of the range of permitted uses and increase in permitted height is compatible with the surrounding land use designations, no significant adverse impacts to plans and policies consistency would be anticipated.

The Totem Commercial Center CAR is particularly supportive of Alternative 2, which would increase the range of office uses permitted in the study area relative to Alternatives 1 and 3.

Population and Housing

The Totem Commercial Center CAR calls for an increase in height and diversity of uses within Totem Lake's industrial area. The existing commercial and industrial zoning would be changed to allow for commercial and

multifamily development at with a 80 foot height limit. This is consistent with the objective of plans to develop Totem Lake as a regional center.

All three alternatives allocate between 25.6% and 41.2% of household growth to Totem Lake, so all three alternatives would support added residential capacity by allowing multifamily through a mixed use rezone. Since Alternative 2 would require that additional capacity for residential development be added to the neighborhood, the Totem Commercial Center CAR would help increase this capacity. Currently, Totem Lake has capacity for 2,902 additional units, while Alternative 2 anticipates 3,444 additional units by 2035. As a result, the CAR would not adversely affect the ability of the City to accommodate its 2035 housing target, but would provide added residential capacity in Totem Lake to meet the demand anticipated under Alternative 2.

Employment and Economic Development

Increasing allowed height in the Totem Lake 7 industrial zone would increase the capacity for jobs in Totem Lake. As such, the proposal would be most compatible with Alternative 2, which allocates the most new jobs in Totem Lake and promotes Totem Lake as Kirkland's primary growth center.

This increase in building height could, over time, contribute to a conversion of industrial uses to office space in the Totem Lake area as land prices rise, rents increase, and new office buildings are developed. Industrial employment in Kirkland has been declining for several years, accounting for a shrinking proportion of Kirkland's workforce. This decline could reduce access to higher-paying jobs for workers with fewer credentials. However, as described in Chapter 3.4 – Employment and Economic Development, the 2014 Heartland report found that widespread conversion of industrial land to office uses in Kirkland is unlikely in the near future, due to developer preference for Bellevue and other locations for new office development (Heartland, 2014).

Natural Environment

An increase in height limits would not have adverse effects on water resources or plants and animals. The proposed change in zoning would also have little to no adverse effects on water resources or plants and animals as the existing condition is built out. The study area is mapped in a seismic hazard area, so any redevelopment would require a geotechnical study and review to ensure the seismic hazard is addressed. One wetland with associated streams is located south of Totem Lake Park. Several small wetlands are on the north edge of the CAR, within the Cross Kirkland Corridor.

Transportation

The Totem Commercial Center CAR study area is located between NE 124th Street and the Cross Kirkland Corridor. This proposal involves an increase in height restrictions and in a range of permitted uses within the current TL 7 industrial zone. Both scenarios evaluated consider a mix of office and commercial land uses with the only difference being allowable FAR. Both scenarios use office and commercial land uses as these are more intensive with regards to trip generation than residential use. Additionally, only the three parcels identified in the capacity analysis as attractive for development were used for this study. This was done in order to reduce the study area. In Scenario 1, the FAR for office and commercial was 0.35 and 0.3, respectively. Maximum lot coverages were assumed to be 80% for office and 90% for retail. This would generate approximately 132 PM peak trips. Under the CAR proposal, the office FAR increases to 2.7. Full development under Scenario 2 would result in approximately 981 PM peak trips. These additional vehicles trips would be consistent with Kirkland's vision for Totem Lake under all three study Alternatives and the neighborhood's status as a regional growth center.

Exhibit 4.9-1. PM Peak Hour Trip Generation Analysis – Totem Commercial Center CAR

Description	Scenario 1		Scenario 2	
	No action allowable		CAR proposal	
Use	Office	Commercial	Office	Commercial
Total area of study (sf)	202,939		202,939	
Building Size	FAR 0.35, lot coverage 80%	FAR 0.3, lot coverage 90%	FAR 2.7, lot coverage 80%	FAR 0.3, lot coverage 90%
Res Units	n/a	n/a	n/a	n/a
Rate	1.49 ¹	2.71 ²	1.49 ¹	2.71 ²
Trips	71.0	60.9	816.4	165.0
Total	131.9		981.4	

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 thousand SF GFA in the PM peak hour of the adjacent street; Land Use Category 826 – Specialty Retail Center (ITE Trip Generation Manual, 9th Edition)

Source: Fehr & Peers, 2015

Public Services

The proposed rezone change from commercial/ light industrial to multifamily/ commercial zoning would increase the potential density of development in the area, creating a potential for an increased demand for school, and parks services. Nearby parks likely to be affected include the Totem Lake Park. Residential development in the area would potentially produce new students for the following schools: Muir Elementary School, Kamiakin Middle School, and Juanita High School & Futures School. The change can also potentially increase the demand for police and fire services depending on the number of people served.

Because of its location in the Totem Lake Planned Action Area, the Totem Commercial Center Citizen Amendment Request is most closely aligned with Alternative 2.

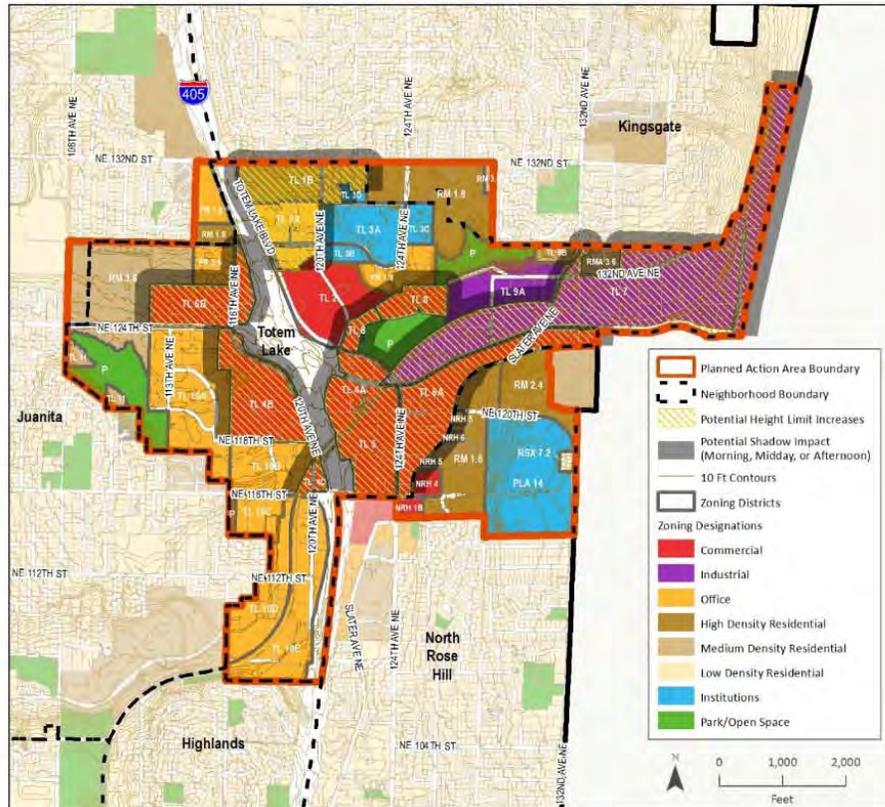
Utilities and Capital Facilities

This study area proposes increased height and range of permitted uses within Industrial area of a portion of the Totem Lake Business District. The study area covered in this CAR is in the Totem Lake Planned Action Area. Given the areas existing industrial use, it is unlikely that there will need to be any additional water and sewer infrastructure or upsizing of existing infrastructure to meet demand. However, additional height may require stronger pressure for required fire flows. The City of Kirkland provides water service to this site and the Northshore Utility District provides sewer service.

The proposed change for this study is most closely aligned with Alternative 2 because it results in employment growth within the Totem Lake Business District.

located in close proximity to area experiencing height increases would be especially susceptible to height, bulk, and shading impacts, which could potentially occur in the identified areas unless mitigated through development and design standards applied during the design review process.

Exhibit 3.1-17. Totem Lake Shadow Impact Analysis



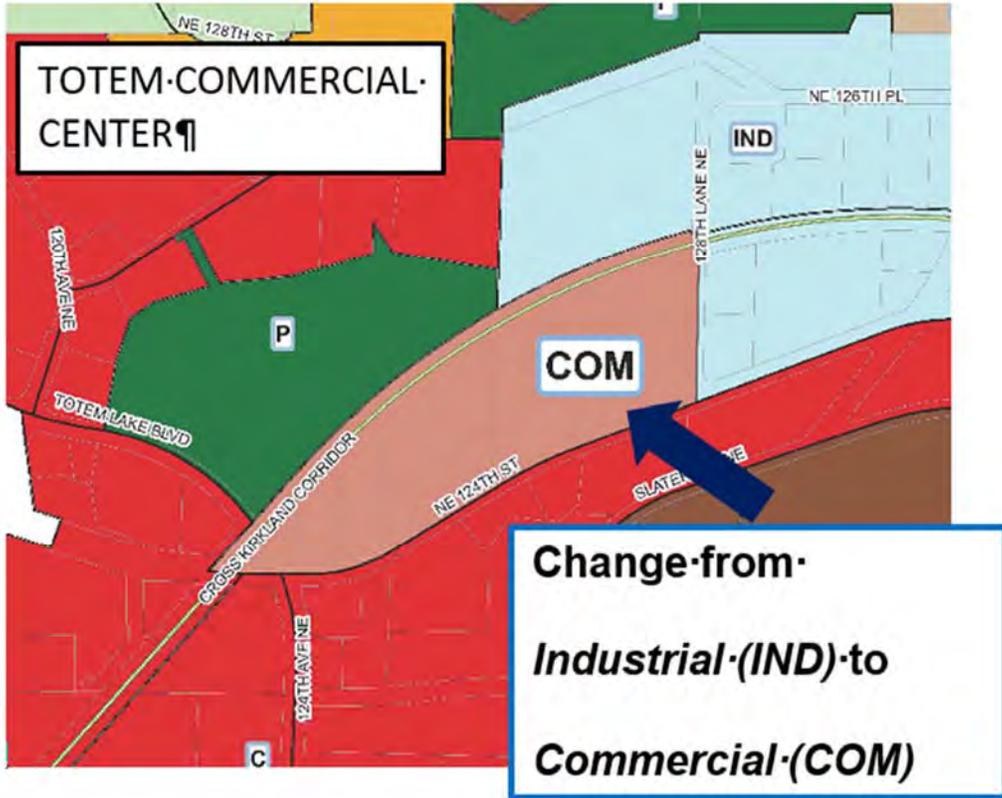
Date: June, 2015
Source: BERK, City of Kirkland

Alternative 3 (Distributed Growth)

Kirkland Planning Area

Alternative 3 results in a greater distribution of growth between Totem Lake, the CBD, LIT areas, and neighborhood centers compared to Alternatives 1 and 2. The amount of housing growth in the neighborhood centers would be increased by 712 units and 1,906 units compared to Alternatives 1 and 2 respectively. Housing growth in the CBD is highest under this alternative resulting in an increase of 590 and 290 units compared to Alternatives 1 and 2 respectively.

Land Use Map Change TOTEM COMMERCIAL CENTER



55.47 User Guide – TL 7 zone.

The charts in KZC [55.51](#) contain the basic zoning Use. Once you locate the use in which you are

Insert the following text:
In TL 7A, Design Review (DR), chapter 142 KZC. In TL 7B, a

own the left hand column entitled

Section 55.49



Section 55.49 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. A hazardous liquid pipeline extends through the TL 7 zone. Refer to Chapter [118](#) KZC for regulations pertaining to properties near hazardous liquid pipelines.
3. Any development activities requiring Design Review approval pursuant to KZC [142.15](#) in this zone shall be reviewed through Administrative Design Review (ADR), pursuant to KZC [142.25](#). The guidelines contained in the Design Guidelines for the Totem Lake Neighborhood, adopted by KMC [3.30.040](#), shall be applied in lieu of the design regulations in Chapter [92](#) KZC.
4. Access for drive-through facilities must be approved by the Public Works Official. See Chapter [105](#) KZC for requirements.
5. Some development standards or design regulations may be modified as part of the design review process. See Chapters [92](#) and [142](#) KZC for requirements.
6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC [115.24](#).

[link to Section 55.51 table](#)

The Kirkland Zoning Code is current through Ordinance 4479, passed March 3, 2015.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/> (<http://www.kirklandwa.gov/>)
City Telephone: (425) 587-3190
Code Publishing Company (<http://www.codepublishing.com/>)
eLibrary (<http://www.codepublishing.com/elibrary.html>)

Section 55.51

Zone TL 7

Zone TL 7A, 7B

SE ZONE CHA

1.2 per studio unit
 1.3 per 1 bedroom unit
 1.6 per 2 bedroom unit
 1.8 per 3 or more bedroom unit
 See KZC 105.20 for visitor parking requirements.

Height of Structure for all uses: TL 7A: 80' above A.B.E. TL 7B: 45' above A.B.E.

DIRECTIONS:

Section 55.51	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 3.	D.R., Chapter 142 KZC. See Gen. Reg. 3.	None	10'	0'	0'	90%	45' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel articles; c. Cold storage; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include, as part of this use, accessory retail sales, office or service utilizing not more than 35 percent (50 percent for properties located within 150 feet of the Cross Kirkland or Eastside Rail Corridor) of the gross floor area of the building.

Add new use listing:
MIXED USE DEVELOPMENT CONTAINING ATTACHED OR STACKED DWELLING UNITS

New Special Regulations for this use

MIXED USE DEVELOPMENT CONTAINING ATTACHED OR STACKED DWELLING UNITS:

1. This use is permitted only in TL 7A.
2. Development must include commercial use on the ground floor with gross floor area equal to or greater than 20 percent of the area of the subject property. Minor floor area reductions may be approved by the Planning Official if the applicant demonstrates that meeting the requirement is not feasible given the configuration of existing or proposed improvement and that the commercial space is configured to maximize its visibility and pedestrian orientation. Residential use may be located on the ground floor of a structure only if there is an intervening commercial use with a minimum depth of 20 feet, (as measured from the face of the building on NE 124th Street), between this use and NE 124th Street).
3. The ground floor of structures shall be a minimum of 13 feet in height.
4. Site design must accommodate future pedestrian connections to the CKC.
5. Landscaping for this use must comply with Section 95.42.1. Where an existing residential use exists on the adjacent property, Section 95.42.2 shall apply.
6. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 for additional affordable housing requirements and incentives.
7. Developers and residents in this zone should be aware that this property lies within a district containing and allowing future development of uses of light industry/office nature, and impacts typically associated with these uses, such as noise and odor, may be experienced by residents.

These amendments would implement changes related to the Totem Commercial Center CAR.

(Revised 12/14)

Dorian Collins

From: Brent Carson <brc@vnf.com>
Sent: Tuesday, May 26, 2015 9:03 AM
To: Dorian Collins
Cc: 'kolouskova@jmmlaw.com'
Subject: Minor Word Change for Rairdon

Dorian,

It was good speaking with you today. The presentation regarding the Rairdon CAR in the memorandum you prepared for the Planning Commission's study session this coming Thursday is generally consistent with our previous discussions. However, I would ask for one word change. In the table under TL 9B for Rairdon you note in the third bullet for Special regulations: "(Language such as): Impacts to critical areas should be avoided, and where this is not possible, impacts should be minimized....". I would suggest changing the phrase "not possible" to "not practicable." An impossibility standard is far too stringent and fails to consider practicable limitations such as costs and logistical constraints.

Thank you for considering this change.

Brent Carson | Partner

**VanNess
Feldman LLP**

719 Second Avenue, Suite 1150
Seattle, Washington 98104-1728

(206) 623-9372 | brc@vnf.com | vnf.com

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vnf.com

April 6, 2015

Eric Shields
Planning Director
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

Re: Rairdon/RC 124th LLC Citizen Amendment Requests (CAR)
Parcels 2826069128 (South Parcel) and 2826059004 (North Parcel)

Dear Eric:

I am writing to provide the City with further information supporting the proposed Rairdon/RC 124th LLC CAR and to propose possible Comprehensive Plan policy language and implementing regulations for the subject parcels to address the unique challenges and opportunities for public benefits presented by a well-planned phased development of these two properties.

Existing Conditions

North Parcel - As you know, the North Parcel is located on a hillside immediately west of Slater Ave. NE and south of the Forest Grove subdivision. An existing conditions map is presented in Attachment A. Stormwater is currently discharged from the Forest Grove subdivision above and runs uncontrolled down this hillside. This drainage is classified by the City as a Class 3 stream.¹ This drainage eventually flows over an informal rockery on the South Parcel and disperses in its parking lot, leaving a sediment laden puddle that eventually washes from the parking lot into the City's stormwater system. Three wetlands have been delineated on the North Parcel: Wetland A is a depressional Type 3 wetland located on a small terrace between slopes on the property. Wetland AA and Wetland B are Type 2 slope wetlands.

The North Parcel is classified as Medium Density Residential (MDR) in the Comprehensive Plan and zoned TL 9B where attached dwelling units are permitted.

¹ A critical areas study of the property was prepared by Wetland Recourses, Inc. in March 2013 and was reviewed by the City's peer-review consultant The Watershed Company on December 3, 2013.

South Parcel – The South Parcel is immediately north of NE 126th Place and east of Slater Ave. NE. The site was developed 40 years ago with a 10,376 square foot masonry building, currently supporting service and storage for automobiles. The site was graded relatively flat with an informal rockery built along the north property line where the grade rises steeply into the North Parcel. The existing stormwater system on the South Parcel provides no detention or water quality treatment.

The South Parcel is classified as Industrial (IND) in the Comprehensive Plan and zoned TL 9A where various industrial and service uses are permitted.

Potential Development under Existing Conditions and Zoning

North Parcel – The current Highest and Best Use for the North Parcel is a multifamily development. Given the size of the site (162,914 square feet) and the maximum allowed density of one unit per 5,000 sf., an apartment of approximately 32 units could be developed.

Development of the North Parcel under existing General Regulations would require a 100 foot buffer between the north property line and the apartment development. Access to the apartment development would need to be provided onto Slater Ave. NE (132nd Ave. NE), as this is the only road abutting the site. A single access could be established in compliance with Section 55.63 General Regulation 3.

Attachment B illustrates a possible multi-family development plan for the North Parcel. The apartments would be clustered in the eastern quarter of the site, to avoid the stream and wetland buffers.

South Parcel – Without the rezone to allow auto retail sales, the site would continue to be utilized for auto service and storage, a use that falls far short of the site's highest economic use for auto sales.

Possible Future Development With Amended Regulations

The Rairdon/RC 124th LLC CAR proposes amending the zoning regulations for the two properties to allow auto sales. With this amendment, auto sales could occur on the southern parcel without significant redevelopment. Ultimately, the north and south parcels could be combined and redeveloped into a new first class auto dealership. A conceptual development plan for these consolidated parcels is presented in Attachment C.

With the development of the second phase (combination with the north parcel), an engineered retaining wall would be built on the northern parcel, leaving an expanded greenbelt buffer to the north of at least 175 feet from the north property line. This retaining wall, which would replace the informal rockery now located on the South Parcel, would be engineered and include drainage dispersal controls to enhance stability of the hillside. The expanded developable area created by the retaining wall would allow the combined site to support a larger auto dealership and its required areas for parking and display purposes. Access from the combined development would be provided onto NE 126th Place, avoiding any access onto the sloped and curved sections of Slater Ave. NE.

This conceptual plan would require city approval for modification to wetlands and streams. Adequate mitigation would be provided, which could include constructing or contributing funds to an appropriate off-site wetland mitigation project and to an appropriate stream enhancement project in the area, selected in consultation appropriate state and federal agencies and the City of Kirkland.

Public Benefits of the Proposed Combined Development

The proposed redevelopment of the phased, combined parcels as described above would provide a multitude of public benefits including the following:

- Stabilizing the Hillside: Constructing an engineered retaining wall and removing uncontrolled flows on this sensitive slope would enhance the stability of this hillside.
- Water Quality: The combined development would provide opportunities to install stormwater detention facilities as well as a water quality treatment systems and eliminate the erosion that is now occurring and depositing sediment onto the South Parcel parking lot and into the City's stormwater system.
- Expanded Greenbelt: The existing required open space setback of 100 feet would be nearly doubled by the proposed development to at least 175 feet. This would result in a permanent protected vegetated open space of at least 2.5 acres between the proposed auto dealership and the residential property to the north.
- Improved Access: By combining development of the North and South Parcels, access onto Slater Ave. NE from the North Parcel would no longer be necessary. Traffic from development of the combined parcels would be routed through the controlled access at the existing intersection of Slater Ave. NE and NE 126th Place.
- Increased Jobs and Economic Benefits: By consolidating these parcels as described above, the site can be developed into a larger auto dealership, which would allow the owner to continue its significant expansion of auto sales in the City of Kirkland and thereby further increase tax revenue generated for the City.

Proposed Policies and Regulatory Provisions

In addition to amending the zoning to allow an auto dealership use, we are asking the City to consider policy language and regulations that would help facilitate the proposed phased, consolidated development and allow the owner to provide the public benefits noted above.

This policy and regulatory language is needed because strict application of the City's critical area regulations could preclude the consolidated development. The provisions in KZC Chapter 125 Planned Unit Development offer one mechanism to seek modifications to the strict provisions of KZC Chapter 90 through a development design that offers adequate mitigation and provides specific public benefits. KZC125.35.2. Other alternative approaches within the existing code might also be available to accomplish the many public benefits noted above. It is clear, however, that some flexibility from strict application of KZC Chapter 90 will be necessary.

To provide a clear understanding of the required flexibility, we offer for the City's consideration the language below (underlined) for amending the Comprehensive Plan. Additionally, as an alternative to Rairdon/RC 124th LLC's initial Citizen Amendment Request to rezone these properties to TL 7, amendments to the current TL 9A and 9B zoning could be made to allow vehicle sales on the South Parcel and on the North Parcel if the two parcels were consolidated. Amending the current TL 9A and TL 9B zoning would allow the North Parcel to be developed at its highest and best use with an apartment project and the South Parcel for auto sales, should the required flexibility for the consolidated development not be approved.

New Policy TL-1-4 and related descriptive text:

Policy TL-1.4:

Incentivize consolidation and development of vacant and under-utilized parcels.

The Totem Lake Neighborhood contains vacant and redevelopable parcels that are unlikely to be fully developed due to limited parcel size and site constraints. To achieve the full zoned potential of these parcels, the City should encourage the consolidation of parcels through incentives that allow for flexibility in regulatory requirements when such consolidation is demonstrated to provide a clear public benefit.

Amend descriptive text for Policy TL-3.5:

Support the continued existence of industrial uses in the eastern portion of the neighborhood (district TL-9).

(Second paragraph) The parcel of land located within this area, on the north side of NE 126th Place, just east of the Private Open Space area, may be appropriate for multifamily residential use, as well as industrial or small office uses or automobile sales use if consolidated with the parcel directly to the south.

Amend descriptive text for Policy TL-4.3:

Assist existing and prospective vehicle dealers thorough a variety of means.

(Second sentence) Zoning and regulatory measures should be considered to remove obstacles to development and increase flexibility in development standards, including allowing modification of critical area requirements when associated with public benefits features and compensatory mitigation for critical area impacts.

Amend Land Use Matrix:

Amend current 9A and 9B zoning include adding "Retail" and "Design Review" to TL 9 district, similar to vehicle sales retail uses in the TL7 district. Add new Note: "Retail use allowed in northeastern portion of district, north of NE 126th

Eric Shields

- 5 -

April 6, 2015

Place and limited to establishments providing vehicle or boat sales, repair, services, washing or rental.”

The Applicant also proposes that new special regulation language be added to the Zoning Code for the TL 9A and TL 9B zone

New Use and Special Regulations

Add “A Retail Establishment providing vehicle or boat sales, repair, services, washing or rental” to the TL 9A zone. Also add this use to the TL 9B zone with the following special regulation: This use is only allowed if development of the parcel is consolidated with the southerly parcel (i.e., parcel north of NE 126th Place and directly west of Slater Avenue NE).

We would welcome your thoughts on alternative language and other approaches that would provide the clarity necessary to assure that the rezoning of these properties can lead to the combined development and the public benefits described above. We look forward to working with you, the Planning Commission and City Council as the Rairdon/RC 124th LLC CAR is considered.

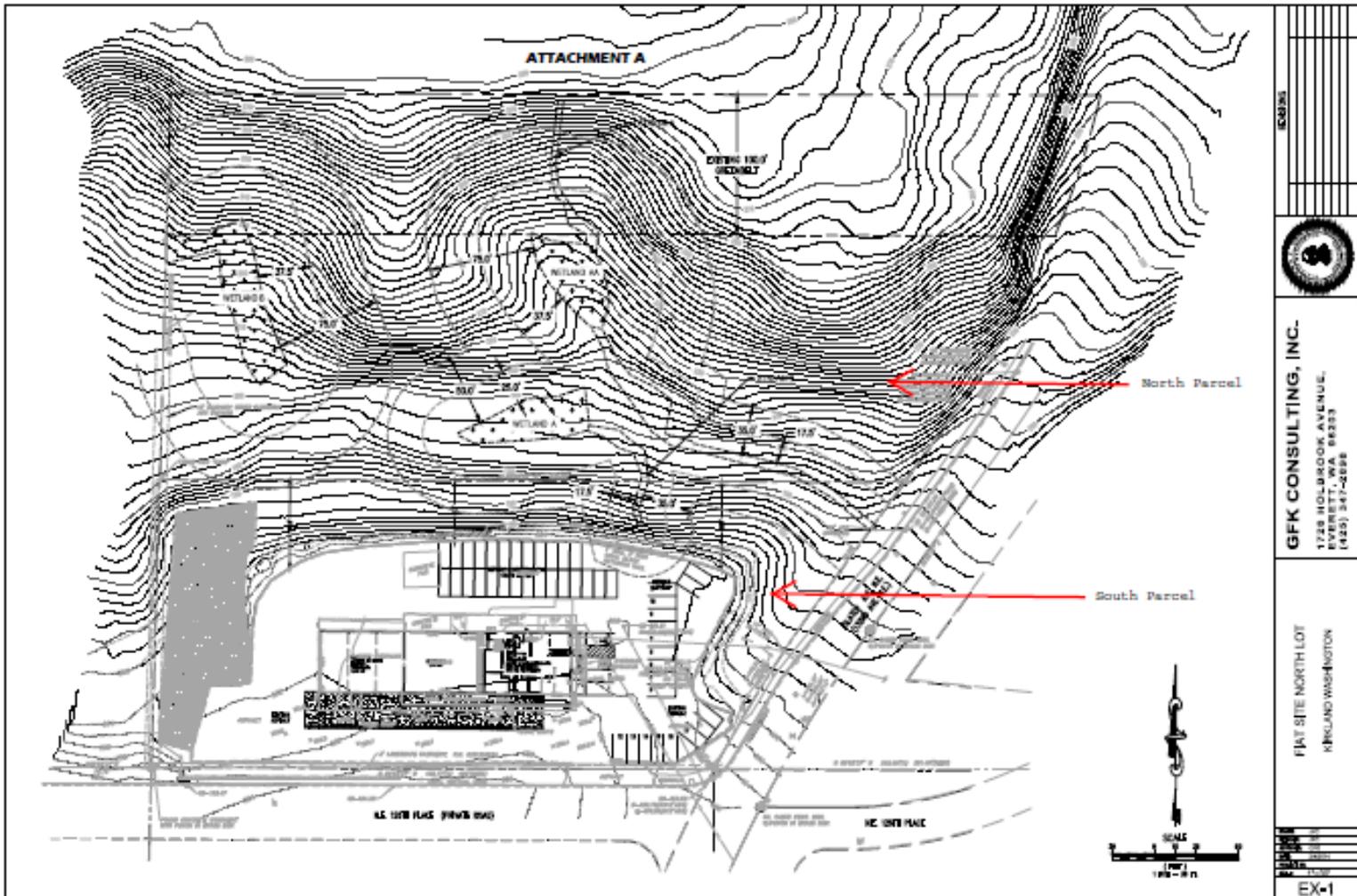
Very truly yours,



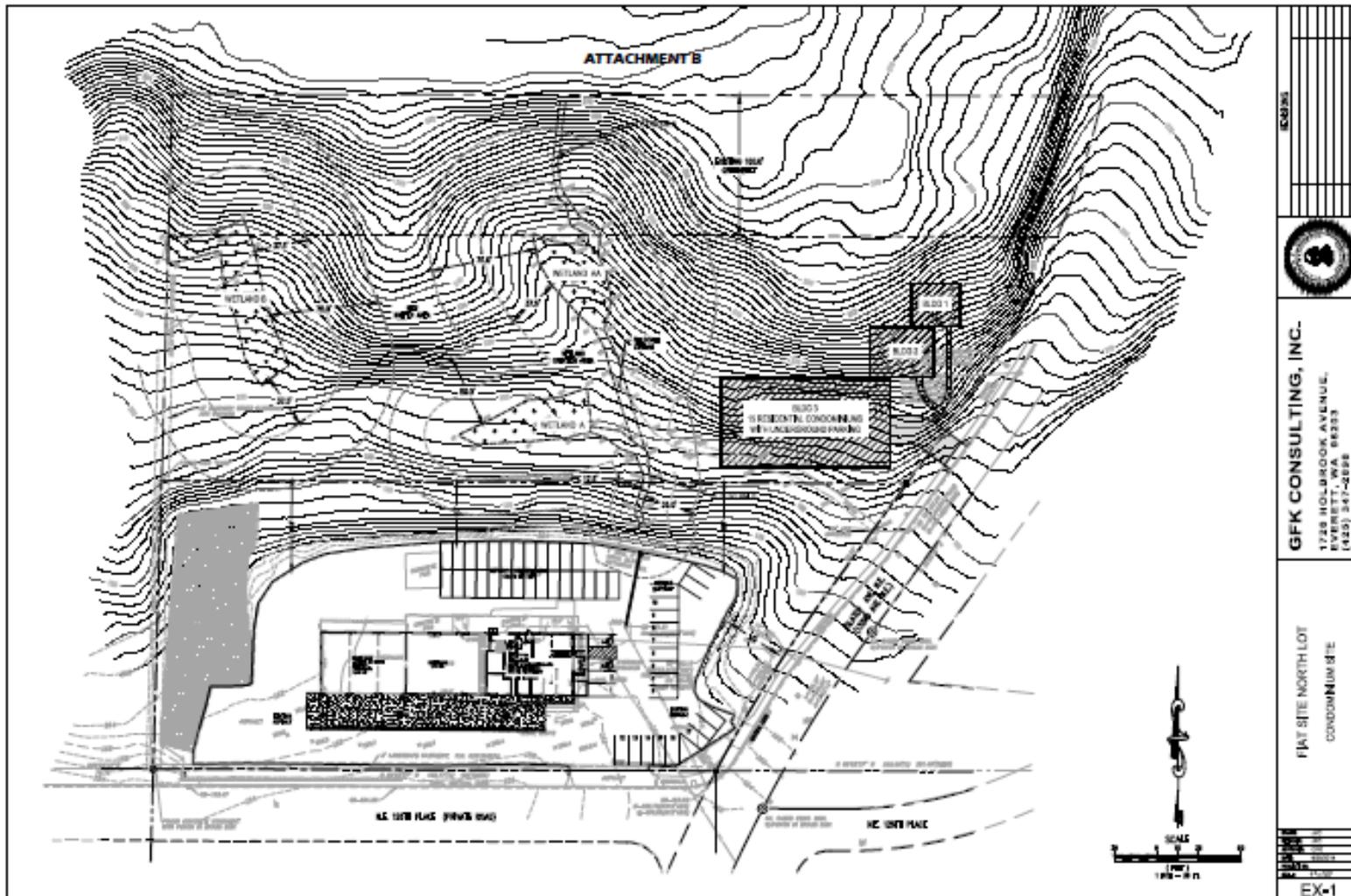
Brent Carson

Enclosure

cc: Greg Rairdon
Duana Kolousková

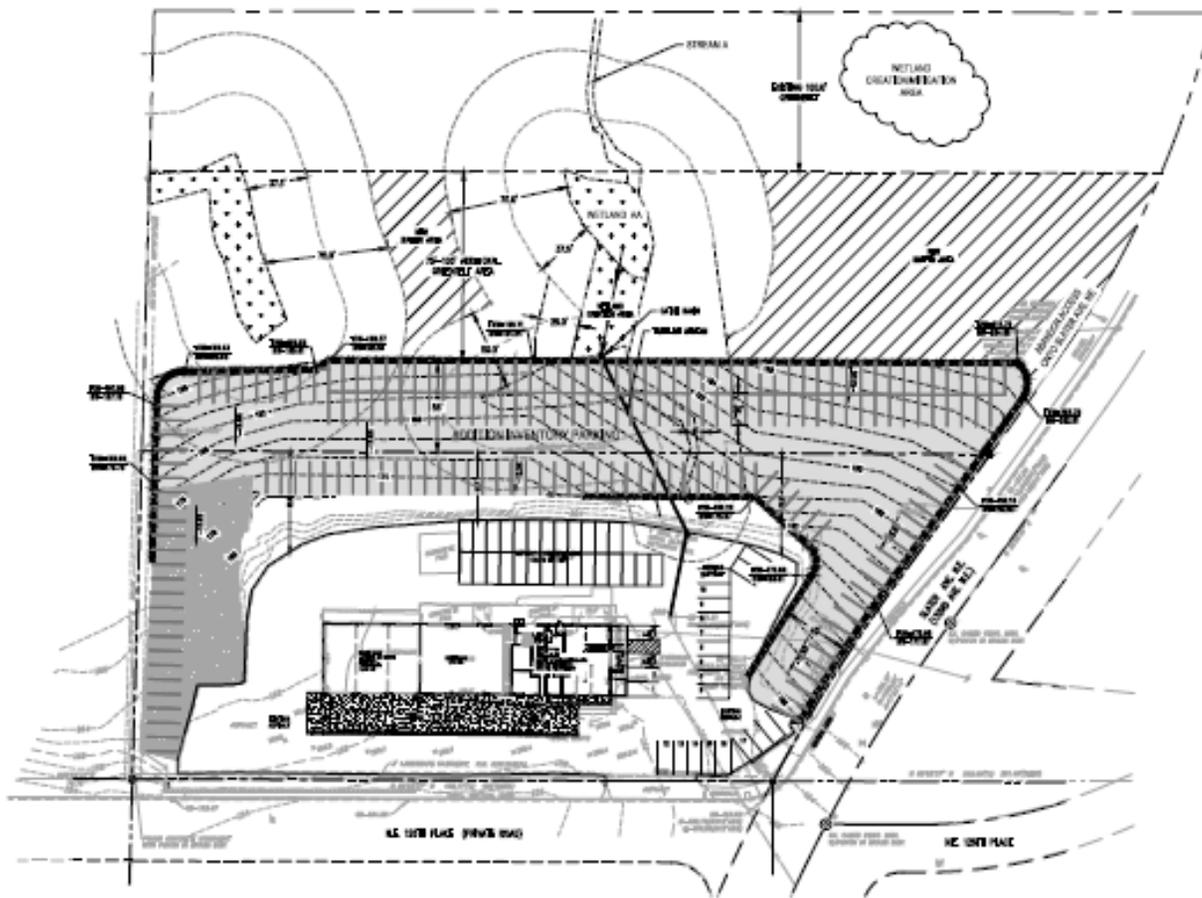


EGINS
GFK CONSULTING, INC. 1728 HOLBROOK AVENUE EVERETT, WA 98203 (425) 347-2888
FLAT SITE NORTH LOT KINGLAND WASHINGTON
EX-1



FIAT SERVICE CENTER EXPANSION CONCEPTUAL PLAN

ATTACHMENT C




GFK CONSULTING, INC. 1728 HOLBROOK AVENUE, EVERETT, WA 98233 (425) 347-2686
FIAT SITE NORTH LOT SERVICE CENTER EXPANSION
EX-1



JohnsMonroe
MitsunagaKoloušková

Robert D. Johns (*Retired*)
Michael P. Monroe
Darrell S. Mitsunaga
Duana T. Koloušková
Vicki E. Orrico
Trisna W. Tanus

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

January 22, 2015

Re: Rezone Applications:
12601 and 13000 132nd Pl NE, Kirkland (Rairdon)
11651 Slater Avenue NE – Kirkland-Totem Real Estate Partners LLC (Walen)
Policy TL – 4.3 – Totem Lake Business District Plan Update

Dear Planning Commissioners:

As you are aware, we are the attorneys for Greg Rairdon, Fiat of Kirkland, and RC 124th LLC (the “Rairdon CAR”). This office also represents 11651 Slater Avenue NE – Kirkland-Totem Real Estate Partners LLC (the “Walen CAR”).

City staff has indicated that the Walen CAR request will not be heard until February 26, 2015 and the Rairdon CAR request will not be heard by this Planning Commission until April 16, 2015.

None the less, it has come to our attention that significant policies that could affect these CAR requests and the auto retail industry as a whole are proposed within Policies TL 4.2, 4.3 and TL 24.2. We are concerned that these policies could constitute significant changes in the City’s treatment of auto retail uses and be a major departure from the City’s consistent support and encouragement of these valuable uses. We were not been informed of these proposed policy changes prior to today’s date, and certainly require a meaningful opportunity to discuss the policy changes and underlying interests that City staff has in drafting these for your consideration.

We thank you for the opportunity to comment on these policies and respectfully request that you refrain from substantive discussion of the policies until the affected property owners and business interests have the opportunity to meaningfully comment and participate with respect thereto.

Planning Commission
City of Kirkland
January 22, 2015
Page 2

Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Koloušková', written over a light blue horizontal line.

Duana T. Koloušková

Direct Tel: (425) 467-9966

Email: kolouskova@jmmlaw.com

cc: Rairdon
Walen

1833-1 Ltr to PC re Totem Lake Policy 4.3 1-22-2015.doc

Dorian Collins

From: Brent Carson <brc@vnf.com>
Sent: Wednesday, January 21, 2015 6:05 PM
To: Dorian Collins
Cc: 'grairdon@rairdon.com'
Subject: RE: Totem Lake Business District Plan Update

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Ms. Collins,

I am writing on behalf of Rairdon/RC 124th LLC, the applicant for the Citizen Amendment Request to change the zoning of TL 9A (Industrial) and TL 9B (Multifamily Residential) to TL 7 (Industrial/Commercial).

Staff has presented for Planning Commission discussion at the January 22nd Study Session a draft Plan, including new proposed sub-districts and new specific policies applicable within the Totem Lake Business District and within specific sub-districts. For example, draft Policy TL – 4.3 proposes that vehicle dealerships be in an “industry cluster.” Draft Policy TL - 24.2 proposes an “auto district” in the Eastern Commercial District.

The current draft has been prepared in advance of any discussion concerning the six Citizen Amendment Requests. Staff has noted that future discussion on these CARs may influence the land use and policy direction in this plan.

We would request that any discussion on draft Policy TL – 4.3 and TL – 24.2 and any discussion on the boundaries for the sub-districts that include the six CARs be deferred until after the Planning Commission has the opportunity to consider the CARs. This will provide a more thoughtful assessment and assure better consistency in the final draft plan.

Thank you.

Brent Carson | Partner

**VanNess
Feldman LLP**

719 Second Avenue, Suite 1150
Seattle, Washington 98104-1728

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From: Dorian Collins [<mailto:DCollins@kirklandwa.gov>]
Sent: Wednesday, January 21, 2015 1:36 PM
Cc: Dorian Collins; Teresa Swan
Subject: Totem Lake Business District Plan Update

You are receiving this information because you have expressed interest in the update of the Totem Lake Neighborhood (Business District) Plan and/or the Citizen Amendment Requests (CAR's) for properties located within the Totem Lake

Neighborhood and Urban Center. **If you haven't done so already, please sign up for the listserv for Totem Lake Business District updates to receive updates about the process, changes to meeting dates and other important information:** [Totem Lake Business District Update Webpage](#).

Totem Lake Neighborhood (Business District) Plan Update: The Planning Commission will be considering preliminary updates to the Totem Lake Neighborhood Plan at their meeting tomorrow evening, **January 22, 2015. The meeting begins at 7:00 p.m.**, and this topic is the second item scheduled for discussion (please see [AGENDA](#)). Please also see the [MATERIALS FOR PLANNING COMMISSION](#) review at their meeting tomorrow night. At the meeting, Planning staff will present the draft changes to the Totem Lake Business District Plan for review by the Planning Commission. The Commission may provide direction to staff for changes to be incorporated and considered at a meeting later this spring.

Citizen Amendment Requests (CARs): The proposed updates to the Totem Lake Plan to be discussed on January 22nd **do not include specific changes to the areas that are included for study under the Citizen Amendment Request (CAR) process.** Materials provided by applicants (including applications and maps) for the Totem Lake CARs can be found [HERE](#) and [HERE \(Walen\)](#). Those requests, and potential revisions to the Totem Lake Plan related to the requests, will be considered at subsequent study sessions. The first City of Kirkland Planning Commission meetings to study these requests are scheduled for the following dates, but are **subject to change**:

- Walen: February 26
- Evergreen Health: March 12
- Totem Commercial Center: March 12
- Morris: April 16
- Rairdon: April 16
- Astronics: April 16

At the meetings scheduled for study of the CARs, preliminary options regarding the CARs will be presented, along with all written public comment received up to that point, for consideration by the Planning Commission. They may or may not provide preliminary direction to staff at the meeting. You will have an opportunity to speak or submit written comments at the beginning of the study session on each of the CARs, or you may submit written information that can be included in the staff memo if it is received at least 10 days before the meeting.

The Planning Commission is tentatively scheduled to hold a public hearing on all CAR's and Neighborhood Plans, including Totem Lake, on September 10, 2015. After the hearing, the Commission will make a final recommendation to the City Council who will make a decision on the CAR's as part of the Comprehensive Plan update process.

All Planning Commission and City Council meetings are open to the public and you are encouraged to attend. Please let me know if you have any questions. I look forward to seeing you at upcoming meetings.

Sincerely,

Dorian

Dorian Collins, AICP
Senior Planner
(425) 587-3249
dcollins@kirklandwa.gov

Participate in the Comprehensive Plan update process to plan for Kirkland's future....
Learn how at www.kirklandwa.gov/Kirkland2035 and www.ideasforum.Kirklandwa.gov



Johns Monroe
Mitsunaga Koloušková
PLLC

Robert D. Johns • Michael P. Monroe • Darrell S. Mitsunaga • Duana T. Koloušková

Honorable City Council
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

July 14, 2014

Re: Rezone Applications for 12601 and 13000 132nd PI NE, Kirkland

Dear Honorable City Council Members:

As you are aware, we are the attorneys for Greg Rairdon, Fiat of Kirkland, and RC 124th LLC. We have submitted applications for rezone for the properties at 12601 132nd PI NE and 13000 132nd PI NE, requesting zoning changes from TL 9A to TL 7 and from TL 9B to TL 7, respectively. As you are aware, the Planning Commission has now recommended that the Council include both rezones within the City's docket of comprehensive plan amendments for further study and substantive determination.

We previously submitted a letter to the Planning Commission substantively addressing the rezone applications and public comments. As well, Mr. Rairdon has had several discussions with various interested members of the public to collaboratively find ways to address their concerns via the proposed rezones. Based on those conversations, Rairdon would like to amend his application, and/or otherwise agrees to any instruction by Council, to provide that any rezone to TL 7 of the 13000 property would be tied to two restrictions.

- That access for the 13000 property would be allowed only from the south, through the 12601 property and connecting to 126th Place. Access directly from 13000 to 132nd would be eliminated.
- That any rezone of the 13000 property be based on a wider permanent open space requirement than that currently provided for by the TL 9A zone, namely that the width of such open space belt be at least the north 175 feet of the property.

Rairdon recognizes that zoning conditions based on the above two restrictions will require coordination with staff prior to any final vote regarding the rezones. However,

Honorable City Council
City of Kirkland
July 14, 2014
Page 2

Rairdon wishes to demonstrate his commitment to these two particular considerations at the outset of the process.

Thank you for the opportunity to provide this further comment regarding the Rairdon rezone applications.

Sincerely,



Duana T. Koloušková

Direct Tel: (425) 467-9966

Email: kolouskova@jmmlaw.com

cc: Eric Shields, Planning Supervisor
Dorian Collins, Long Range Planniner
Greg Rairdon

1833-1 Ltr to Council re rezone requests 7-14-14



Johns Monroe
Mitsunaga Koloušková

Robert D. Johns • Michael P. Monroe • Darrell S. Mitsunaga • Duana T. Koloušková

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

July 8, 2014

Re: Rezone Applications for 12601 and 13000 132nd PI NE, Kirkland

Dear Planning Commissioners:

As you are aware, we are the attorneys for Greg Rairdon, Fiat of Kirkland, and RC 124th LLC. We have submitted applications for rezone for the properties at 12601 132nd PI NE and 13000 132nd PI NE, requesting zoning changes from TL 9A to TL 7 and from TL 9B to TL 7, respectively. We provide you with the following supplemental information and request that you recommend that these rezone applications move forward and be considered as part of the City Council's docket for further study.

12601 132nd PI NE (referred to herein as "12601") and 13000 132nd PI NE (referred to herein as "13000") are two separate parcels.

- 12601 is a 2.2-acre site, currently developed with a 2-story structure containing a primarily industrial use. The land use classification for 12601 is Industrial.
- 13000 is a 3.74-acre vacant site. Its land use classification is Multi-Density Residential (MDR).

Rairdon owns both 12601 and 13000 in fee simple. If the rezone is granted, Rairdon plans to concurrently use the properties in an integrated manner that would be more beneficial to the community and the City, and would have less impact, than a realistic development under the current zoning. For purely illustrative purposes, we have generated a Service Center Expansion Conceptual Plan, attached hereto as Exhibit 1. For comparative purposes, we have provided an illustrative residential development plan for the 13000 property based on the existing TL 9B zoning, attached hereto as Exhibit 2.

Rairdon requests these rezones so as to use both parcels to support his existing auto retail located in very close proximity. Rezoning the property to TL 7 will make for actual property use that is consistent with existing uses on neighboring properties, the local land

Planning Commission
City of Kirkland
July 8, 2014
Page 2

use patterns and intensity, and the site's topography. Auto-related retail establishments are prevalent in this area; significant auto retail is located less than a block away. While there is existing single family residential in the area, both 12601 and 13000 are separated from that use by slopes along the entire north boundary of the 13000 parcel. The existing residential uses are uphill from any auto retail supportive use which Rairdon would develop on 12601 and 13000, i.e. visual impacts would be minimal to nonexistent.

We have reviewed the public input from nearby residents regarding the 13000 property and its development. We believe that the concerns stated will be best addressed through auto retail use as allowed for under the TL 7 zone, as opposed to a residential multifamily use were 13000 left under the TL 9B zone.¹

A rezone of the 13000 property to TL 7 offers three primary benefits:

- Significant improvement to slope stability and safety
- Total avoidance of the site distance and traffic impacts that the 13000 property would create by accessing onto Slater Avenue, if developed residentially.
- Substantial increase in open space over what is required under City Code.

Significant Improvement to Slope Stability and Safety: Currently drainage from uphill residential development discharges directly onto a steep slope running along the north portion of the 13000 property. Direct stormwater discharge onto a steep slope is a significant environmental and engineering concern. Residential development under the existing TL 9B zone would not be required to address this outfall.

As part of development under the TL 7 zone, Rairdon would be able to address this direct drainage discharge. Rairdon would provide all necessary engineering design and construction to ensure full compliance with all hillside stability regulations, including tightlining the current open drainage discharge. This engineering is anticipated to improve the stability of the hillside from its current condition. For instance, engineered retaining structures would be used. Attached to this letter is an initial geotechnical opinion by Dean White, Principal Engineer at E3RA. We expect that these retaining structures would actually improve the overall stability of the slope by virtue of their design. These structures would have significant drainage systems incorporated into their design and construction. These drainage systems would alleviate groundwater surcharge loads and meet all state and federal environmental requirements. These systems ensure that subterranean drainage water that regularly flows downhill would continue to flow without any artificial dam effect.

¹ We have not seen any particular concerns regarding the rezone for 12601. Even so, we believe development for an auto retail supportive use under TL 7 would also be a better scenario for this property.

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Elimination of Access from Slater Ave NE: Development of 13000 under the current TL 9B zone would require direct access for multiple residential units onto Slater Avenue. Site distance at this access location, as well as future traffic impacts, are highly undesirable. An illustrative plan of residential development under the TL 9B zoning is attached hereto, Exhibit B. This plan shows the location of direct access from 13000 onto Slater.

The joint development of 12601 and 13000 for auto retail eliminates direct access of the 13000 parcel directly to Slater Ave NE. See Exhibit 1. Rairdon would be able to abandon this access and instead access the 13000 parcel from the 12601 parcel, maintaining existing traffic patterns and eliminating the possibility of additional residential access points along Slater Ave NE and the crossing traffic and sight distance issues that would accompany them. Limiting access to only 126th Place NE is only practical if both 12601 and 13000 are rezoned to TL 7 and developed as auto retail; it would be impractical, unmarketable, and likely not allowed by zoning, to require that residents drive through an auto retail facility to access their homes. Rairdon's ability to develop these properties together will make for a safer driving experience for all.

Significant Expansion and Permanent Protection of Greenbelt Buffer: Under TL 7 development, Mr. Rairdon's use would allow him to significantly expand the 100-foot greenbelt area that is part of the current TL 9A zoning restriction for the 13000 property. See Exhibit 1. This increase in protected greenbelt area would preserve additional green space, trees and vegetation, and habitat, and add another layer of protection to the integrity of the hillside. At the same time, the expanded greenbelt area also offers greater separation from the residential community on the hill and the commercial district to the south. These protections would be preserved in perpetuity through recording of native growth protection areas or similar restrictions on the property's title at the time the development is approved. Rairdon's ability to develop these properties together will benefit the environment.

While these same engineering standards would presumably be used were the 13000 developed as multifamily, structures would be located directly on the 13000 parcel, placing homes immediately below these slopes. Exhibit 2. While the any retaining structures would be safe and fully compliant with adopted landslide regulations, we feel it is fair to recognize that there is currently a strong public bias against residential use located below steep slopes. Rairdon's ability to develop these properties together will protect and improve slope stability.

Comprehensive Management of Streams and Wetlands: The 13000 site contains an existing urban stream and wetlands, neither of which have been actively maintained to

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City of Kirkland
July 8, 2014
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protect their environmental functions and values. Rairdon's auto retail development would provide meaningful mitigation and protection particularly of wetlands while not creating any net loss in area or function of the stream or wetlands. See Exhibit 1. Development on this site, irrespective of the zoning, will most likely necessitate stabilization or piping of the stream: this has the benefit would also optimize water flow while controlling run-off, thus improving slope stability. However, the development under TL 7 as proposed by Rairdon would have also result in expansion of the greenbelt area on 13000. Rairdon's development would necessitate that portions of the wetland be relocated with a net environmental advantage because the wetland would be within the larger protected greenbelt area (creating a superior relationship between green open space and the wetland and buffer). Relocating the wetland to the greenbelt is expected to result in a higher functioning wetland.

Rezoning These Properties is Consistent with Kirkland's Comprehensive Plan.

Rezoning the properties to TL 7 is generally consistent with the Comprehensive Plan and specifically with many of the Plan's goals and policies. Not surprisingly, the elements that benefit the community and the City which were discussed above also overlap in the below summary of how the rezoning would be consistent with the City's Comprehensive Plan.

Land Use: Land use goals LU-1, LU-2, and LU-3 provide for management of community growth and redevelopment to ensure an orderly and compact pattern of land use; a balanced and complete community; maintenance and improvement of the City's existing character; protection of environmentally sensitive areas; and provision of easy access to development from arterials and freeways. Rezoning of these lots for use as auto retail is consistent with the elements of these land use goals. As previously discussed, auto retail use fits in well on these parcels as there is already an established pattern of auto-related businesses and auto dealerships within the parcels' surroundings. The rezone would promote a compact land use pattern. These parcels are also located within easy travel distance from major freeways.

Should the rezone be granted, Mr. Rairdon intends to develop the site in a manner that optimally protects and enhances the environmental features of the site. This intended development, including the planned enlargement of the greenbelt, would naturally separate the low density residential zone located uphill, thus protecting and enhancing this existing residential neighborhood.

Economic Development: Economic development goals ED-1, ED-2, and ED-3 provide for fostering a strong and diverse economy; promotion of a positive business climate; and strengthening of Kirkland's unique role and economic

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success within its commercial areas. These goals translate into policies that attract business to stay and expand in Kirkland, encourage clusters of complementary businesses, encourage infill and redevelopment of existing commercial areas, and generally promote economic success.

Rezoning 12601 and 13000 is consistent with the goals and policies in the economic development section of Kirkland's Comprehensive Plan. Rairdon seeks to expand his successful auto dealership business in an existing auto retail area. As part of the Totem Lake Neighborhood comprehensive plan, Kirkland recognizes the importance of nurturing and strengthening the role of this neighborhood as the center for vehicle sales.

Totem Lake Neighborhood: The rezones would foster Totem Lake's framework goals of fostering a diverse and vibrant economic environment; promoting the strength and vitality of Totem Center; preserving, protecting, and enhancing the natural environment; supporting new development and redevelopment; providing a sense of neighborhood identity; and improving circulation within and through the neighborhood.

Development Under the TL 7 Zone is Consistent with Comprehensive Plan Goals and Policies Pertaining to Critical Areas and Slopes. Kirkland's Comprehensive Plan contains a vision, goals and policies, and implementation strategies for the whole city. A rezone must be generally consistent with the Comprehensive Plan. However, because of the pervasive nature of the Comprehensive Plan over a broad swath of property types, conditions, and uses, it is normal that elements within the Comprehensive Plan will not necessarily be compatible with each other. Thus, although rezoning both 12601 and 13000 parcels to TL 7 is generally consistent with the Comprehensive Plan, we do herein address particular goals and policies identified by staff.

Goal TL-17, Policies TL-17.1, TL-17.2, TL-17.3: Totem Lake goal TL-17 states: "Protect potentially hazardous areas, such as landslide, seismic and flood areas, though limitations on development and maintenance of existing vegetation." This section also includes policies that call for maintenance of existing vegetation; requirement of slope stability analysis; and restriction of development in identifiable landslide hazard areas. Generally, these types of goals and policies are implemented through the City's adoption of critical area development regulations. Those critical area regulations then directly control actual development of the property.

The goals and policies in this section recognize that property owners are entitled to "reasonable development potential." As discussed earlier, the development

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Page 6

plan envisioned for these properties would improve the hillside condition by significantly enlarging the greenbelt, retaining a great deal of vegetative cover and contributing to slope stability. Accessing 13000 from the south is a significant advantage of the rezone that is consistent with the Totem Lake policies.

City staff has expressed concern regarding the development considerations found on page XV.H-22 of the Comprehensive Plan (see Attachment 36 to Staff Memorandum). Although Rairdon's proposal would make changes to the stream (ref section (5) on page XV.H-22), in as far as tightlining a section of the stream to stabilize the hillside, this would be an overall safety improvement to reduce landslide hazards. Such work would be consistent with Goal TL-17's instruction to protect potentially hazardous areas and maintain hillside stability. Thus, rezoning these parcels for use as auto dealership would meet the principal purpose of the protective conditions. To the extent the Planning Commission and City Council determine that section (5) should be amended to clarify that watercourses can be altered if that results in protection of steep slopes, Rairdon would respectfully request and support such amendment of his citizen-initiated application.

Thank you for the opportunity to provide supplementary information regarding our citizen initiated rezone-comprehensive plan applications. We are prepared to provide supplemental information and reports as the City's review process moves forward. However for now, we respectfully request that you recommend that both Rairdon applications be included in the City's comprehensive plan docket for substantive study.

Sincerely,



Duana T. Koloušková

Direct Tel: (425) 467-9966

Email: kolouskova@jmmlaw.com

cc: Greg Rairdon

1833-1 Ltr to PC re Rezone 7-8-2014.doc

9802 29th Ave W #B 102
Everett, WA 98204
425-356-3372
425-356-3374 Fax

E3RA

July 3, 2014
E13035b

RC 124th, LLC
PO Box 2879
Kirkland, WA 98083

Attention: Greg Rairdon

Subject: **Geotechnical Grading Plan Review**
Fiat of Kirkland North Lot
NWC NE126th Pl. and Slater Ave. NE
Kirkland, Washington

Dear Mr. Rairdon:

This letter documents our review of the grading plans associated with the redevelopment of your site on the northwest corner of NE 126th Place and Slater Avenue NE in Kirkland, Washington. The purpose of our review was to evaluate the effects of the proposed development on the stability of the hillside in light of recent comments from neighbors concerning the proposed development.

The proposed development includes construction of a system of retaining walls into the hillside on the north side of the property in an area which is currently wooded and sloping to the south. E3RA conducted a geotechnical investigation for the proposed development last year, providing preliminary plans for a retaining wall utilizing the CribLock system, which were dated July 29, 2013. We are in the process of revising those plans to adapt to the current proposed grading, as reflected on the plans by GFK Consulting, Inc. dated June 24, 2014. While the configuration of the development has changed somewhat between the previous and current plan, since similar plan details will be used in the final development of the hillside, we can make the following statements:

- Significant and comprehensive drainage systems are part of the proposed retaining walls and are critical to any retaining wall system. The retaining wall drainage system will control the ground and surface water in a way that is far superior to the current uncontrolled state of affairs and will increase the stability of the hillside for this reason. Even in the unlikely event of failure of the drainage system, the wall face is pervious and will not retain water. Therefore, the wall system does not act like a dam and is not subject to regulation as same.
- Because the retaining wall system is designed to a greater factor of safety against sliding and rotation than the native ground, the structure of the retaining wall system will also add stability to the hillside for this reason.

Based on these two factors, it is our opinion that the resulting development will increase the overall stability of the hillside and will not provide adverse stability impacts as suggested by the comments provided by neighbors. This letter is based on our field investigations, visual observations, test results, research and general knowledge of the area.

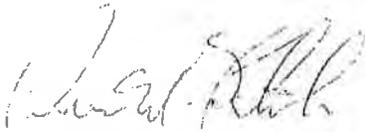
July 3, 2014
E13035b / Fiat of Kirkland North Lot

E³RA, Inc

The information has been prepared using standard geologic and engineering practices in use at the time of our work. If you have any questions or desire additional information, please call.

Sincerely,

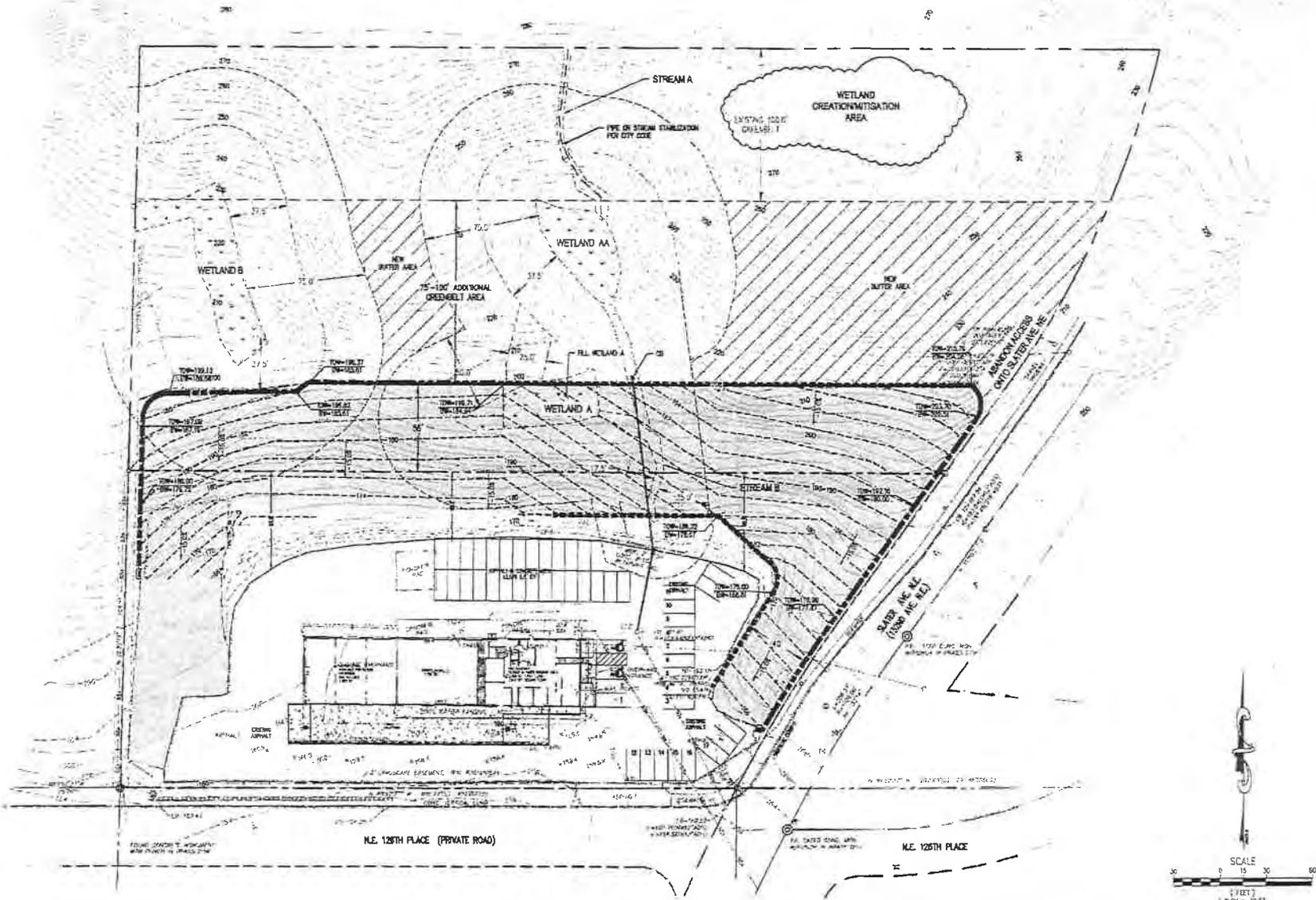
E3RA, Inc.



Dean M. White, P.E.
Principal Engineer



FIAT SERVICE CENTER EXPANSION CONCEPTUAL PLAN



REVISIONS



GFK CONSULTING, INC.
 1728 HOLBROOK AVENUE,
 EVERETT, WA 98203
 (425) 347-2888

FIAT SITE NORTH LOT
 SERVICE CENTER EXPANSION

DATE	11/20/11
BY	JLH
CHECKED BY	JLH
DESIGNED BY	JLH
PROJECT NO.	11-001
SHEET	11-001

EX-1

Dorian Collins

From: johanna@thepalmers.com
Sent: Wednesday, June 25, 2014 1:53 PM
To: Roland White
Cc: Angela Ruggeri; Dorian Collins; Larry Kilbride; Toby Nixon; LesKennK@comcast.net; bill-lauren@comcast.net; julie604@gmail.com; kenbell@realtyexecutives.com; ellefsen4@comcast.net; laurenjanderson@comcast.net
Subject: Re: Comments On Citizen Amendment Requests

Follow Up Flag: Follow up
Flag Status: Flagged

Roland, and everyone else,

That is a great letter Roland and I agree. However, on two of you point towards the end, you refer to needed road and parking infrastructure on NE 128th when it should be NE 126th, the entrance to in the Totem Valley Business park.

Johanna

On 2014-06-25 12:09, Roland White wrote:

Angela, Dorian

Attached are comments from myself and my wife in the form of a Word document regarding two Citizen Amendment Requests that are currently under consideration. The parcels are 12601 132nd Place NE and 130XX 132nd Place NE, both owned by Greg Rairdon. I hope these reach you in a timely manner, and are helpful in the consideration of the requests.

Also, I have Cc's this email to other members of the neighborhood. For any of you in that Cc, please feel free to forward this to other neighborhood members that may be interested, and that I have missed.

Roland White
 Cell 206 755-1144

Jan White

Date: June 25th, 2014

To: Kirkland Planning Department
Angela Ruggeri
Dorian Collins

From: Roland and Jan White
13117 NE 129th St
Kirkland, WA 98034

Subject: Comments Regarding Two 2014 Citizen Amendment Requests:

1. 12601 132nd Place NE – Parcel 2826059128 – Owner Greg Rairdon
2. 130XX 132nd Place NE – Parcel 2826059004 – Owner Greg Rairdon

Introduction

The comments I wish to make for each of the two proposed Citizen Amendment Requests will be combined into one response, because the issues for each parcel are related, and because for the first time ever both parcels are now owned by the same owner, which allows for the potential to develop both as one project. The first parcel listed above has existing development on it, and is at the bottom of the hillside at this location. These comments will refer to the first parcel as the lower parcel.

The second parcel listed above is situated North of the first parcel, and extends up the hillside at this location. It currently has no development on it. These comments will refer to the second parcel as the upper parcel. Because of the apparent desire for the new owner to develop these two parcels as one project, and his desire to have them both zoned the same, these two requests to study further possible zoning changes really should be considered and discussed together, and because of that relationship, the comments we make may get more complicated than usual.

As additional introduction, the upper undeveloped parcel currently serves as open space and green belt, and has protections stated in the Kirkland Comprehensive Plan in the Totem Lake Neighborhood Plan section that spell out a series of limitations on development. These protections were then reflected in the special zoning for the upper parcel, that currently limits the type of development to residential, and limits the intensity of development, and includes a 100 foot wide strip along the North edge of the property that is to be permanent natural open space, which serves as natural green space and habitat for the benefit of all the citizens of Kirkland. That 100 foot greenbelt also contains some of the steepest portions of this parcel, and so the 100 foot restriction also prevents disturbance of those very steep portions during any development of the rest of the parcel. And additionally the 100 greenbelt does provide some buffer between the residential uses to the North and the more industrial uses that extend across the whole Totem Lake Valley to the South.

I also find it very unusual that the applicant makes no mention in his request for change of the current restrictions that exist on the upper parcel, and just generally requests the TL 7 zoning, which by its self would eliminate the protections that currently exist on that parcel, and allow significant development at high density.

Summary Of Comments Of Our Personal Recommendations for these two parcels.

For the lower parcel, we believe that further consideration of a change in zoning is merited, to provide for a slight increase in the allowed activities on the parcel. We believe that the zoning not be changed to TL 7, but rather that it become a special zoning designation that has some additional restrictions not contained in TL 7. The special zoning designation, if defined to also include protections desirable for the upper parcel, would allow the two parcels to share the same zoning, and thus allow for combined development. Any consideration of a zoning change, either independent of the upper parcel or common with it, should carefully consider the issues on the site, which include the desirability to access the site from the South off of NE 126th Place, and at the same time the limitations of traffic access to the site because of the small width that 126th Place currently has. We also think that a lower height limit or some restriction that limits the scale of structure at this location should be considered.

For the upper parcel, it is our view that it is critical that some form of protections, similar or ideally with more restrictions, continue for this undeveloped parcel. Because there is no way to know if a consideration of zoning change to TL 7 might result in the Comprehensive Plan protective wording being removed, and the zoning change approved as requested, we are opposed to further considering the request for zoning change of the upper parcel as originally submitted. If the applicant for both parcels were to amend the requests, and indicate that a special zoning for both parcels was acceptable, and indicate that the modified requests should include significant protections and restrictions over a major portion of the upper parcel, then we would be comfortable with the modified requests be further considered as part of the Citizen Amendment process. The key specific restrictions that we would like to see in a modified request would include increasing the greenbelt restriction along the North edge of the parcel from 100 feet to 200 feet, limiting access to the property to be from the South for both parcels and not at all from the busy arterial hill to the East, and providing a setback of 15 feet along the East side of the upper half of the lower parcel, and along all of the East side of the upper parcel, to prevent structure or pavement within the setback, and thus to act as a partial screening for the site, where some significant trees could be preserved, and others trees could be planted.

Now that these two parcels are under common ownership, the potential exists to provide the owner with reasonable development potential and at the same time preserve a significant portion of the hillside. In our view, the ideal outcome would be that the revised special zoning for both parcels would retain significant restrictions and increase the greenbelt size for this location in the Comprehensive Plan. Then, when development of the property under the revised special zoning including restrictions occurs, the enlarged 200 greenbelt could be dedicated as permanent open space as a requirement for granting of the development on the rest of the site. That would add this parcel to the others to the West to preserve the hillside for the benefits of all the Citizens of Kirkland.

General Issues And Concerns For The Areas Along This Hillside

The following list is highlights of issues and concerns that exist for these two parcels, as well as other parcels along the North hillside of the Totem Lake Valley. These are briefly mentioned here as factors that should be considered in the planning and zoning regulations for the area. The reasons for considering these issues are well explained and expressed in the Comprehensive Plan for most of them, and we all need to remember the balance between development and preservation that the Plan works hard to maintain.

- Preservation of habitat in the form of open space that is in a primarily natural state.
- Preservation of green space and significant trees along the length of the valley to provide vistas and provide a gateway for this entrance to Kirkland.
- Maximizing of trees and vegetation on the hillside to slow water runoff and to minimize erosion on the steep areas.
- Minimizing development in areas where steep and potentially unstable hillsides exist.
- Maintain existing preservations of open space, or increase them when practical, to benefit all the Citizens of Kirkland.
- Provide some visual and sound buffering between the general industrial uses of the valley and the nearby residential uses.
- Keep development density low in areas were sensitive areas such as streams and wetlands and steep hillsides exist on parcels.
- Continue the protections for sensitive areas such as streams and wetlands by upholding the buffer requirements and other sensitive area development requirements.
- Consider issues related to water runoff from property uphill from the hillside, especially in older developments that did not include storm water retention facilities.
- Where possible, limit the scale and height of development at the base of the hillside and on the hillside it's self to avoid structures that are out of place.
- Avoid allowing or adding any access points on the busy hill of Slater Ave NE (132nd Ave NE)
- Provide an adequate road infrastructure at NE 128th Place, including potential widening, for any increase in road traffic due to development, or for changes to the use of existing development.
- Find ways to prevent car dealers from unloading cars off of car carrier trucks while parked on the nearby major arterials, and especially to prevent that during high traffic volume hours.
- Consider ways to maintain or provide some green buffering on Slater Ave NE as it goes up the hill, to provide for a better gateway to the Kingsgate/Evergreen Hill Neighborhood.
- Find ways to mitigate the demand for on street parking that exists on NE 128th place from some businesses in the area that do not have enough on site parking.

Thank you very much for your consideration of these comments as input to the first step in the process of evaluating these two Citizen Amendment requests. Because of my suggestion that the applicant might amend his request, I would appreciate that you forward these comments to him promptly.

Roland White
Jan White

From: Chris Park <cparkfire@gmail.com>
Sent: Friday, June 20, 2014 4:25 PM
To: Angela Ruggeri
Subject: 13000 - 132nd Place NE

Hello Angela-- I am writing to you regarding the proposed construction by Rairdon to build a Light Industrial zone. I am quite concerned as we live adjacent to the proposed zone.

I want to ensure that a 100 foot buffer remains intact if the City approves the zoning change.

Please feel free to contact me if you have any questions.

Thanks,
Christopher Park

425-968-5820

Dorian Collins

From: Dorian Collins
Sent: Thursday, June 19, 2014 3:13 PM
To: Dorian Collins
Subject: FW: We are writing to express our concern with a CAR submitted by legal representative, Trisna Tanus (Law firm of Johns Monroe Mitsunaga Kolouskova) , on behalf of property owner Greg Rairdon. The Rairdon CAR (attached) seeks to rezone PIN 2826059004 from

From: Julie Ritter [<mailto:julie604@gmail.com>]
Sent: Thursday, June 19, 2014 11:30 AM
To: Angela Ruggeri
Cc: johanna@thepalmers.com; ellefsen4@comcast.net; rwhite@wolfenet.com; kilbride23@comcast.net; kenbell@realtymax.com; Lauren Reynolds; Toby Nixon; leskennk@comcast.net
Subject: We are writing to express our concern with a CAR submitted by legal representative, Trisna Tanus (Law firm of Johns Monroe Mitsunaga Kolouskova) , on behalf of property owner Greg Rairdon. The Rairdon CAR (attached) seeks to rezone PIN 2826059004 from ...

We are writing to express our concern with a CAR submitted by legal representative, Trisna Tanus (Law firm of Johns Monroe Mitsunaga Kolouskova) , on behalf of property owner Greg Rairdon. The Rairdon CAR wants to rezone PIN 2826059004 from TL 9B to TL 7. Specifically, our concern is that rezoning will not preserve the 100 foot green belt buffer (along the north end of the subject property) that now exists within the TL 9B zoning and designated land use MDR 8-9.

Our home is sitting on the hillside above the property in question. A few years after we purchased the property there was substantial eroding at the back side of our property. Our back yard was disappearing. We would also like to state that the instability of the hillside and that some these homes were built on fill was not disclosed to us when we purchased the property. We spent hundreds of dollars to try to stabilize the property. We brought in many loads of fill dirt, laid jute across and down the slop and planted foliage to hopefully stop the erosion. We then built a rock retaining wall. Because of the instability of the hillside, the entire wall collapsed the very first winter. The next spring we planted laurel bushes because the nursery said they have deep roots and would help with the erosion. We have been able to maintain the area behind our home with these measures and very concerned that all this will be compromised and very dangerous if at the very least the 100 foot buffer is not kept in place. A dangerous slide would be very likely and loss of life possible.

In the early 80's the then owner wanted to build back on the hillside and before any permits were granted he began boring and removing trees. As a neighborhood we met with him and his attorneys. There was a soil sample done at the time and the hillside was found to have a high water count and unstable. The work was halted but not before there was substantial structural damage to many homes. Our fireplace shifted by 1/2 inch and unknown to us the firewall slipped, this caused a chimney fire the next time we started a fire. There was lots of damage and loss to us because of this. When we noticed the damage and tried to get some result, we were ignored. In fact when one neighbor asked what would happen if we ended up down the hill we were told we would be sued for trespassing. This information is to let you know about some of the history behind this hillside.

We would not only want to keep the buffer zone but be assured that any structural damage be fixed by the contractor or owner.

Thank you,

Julia and Bill Ritter
13029 NE 128th PL
Kirkland, WA 98034

Dorian Collins

From: Larry Kilbride <kilbride23@comcast.net>
Sent: Thursday, June 19, 2014 12:44 PM
To: Angela Ruggeri; Planning Commissioners; Dorian Collins
Cc: kilbride23@comcast.net; leskennk@comcast.net; Johanna Palmer; julie604@gmail.com; ellefsen4@comcast.net; rwhite@wolfnet.com; kenbell@realtyexecutives.com; laurengems@comcast.net; Toby Nixon
Subject: Rairdon Citizen Request

Dear Planning Commissioners, Ms. Angela Ruggeri and Ms. Dorian Collins;

This note is to share concern over a CAR from Greg Raidon seeking to rezone PIN 2826059004 from TL9B to TL 7.

As I am sure you know:

The City of Kirklands Comprehensive Plan has had a lot of input on this area in the past.

Actually in the May 2009 Plan there are 11 items that The Citizens, The Planning Commission AND The City Council

all thought important enough to our Natural Environment to put in the plan. I will not bore you with data. The reasons NOT to rezone are ALREADY in the plan..

Each successive investor tries to rezone and get their way. They all know when they buy how the hillside is unstable and how it is zoned when they buy it.

Also please note--The Executive Summary in the June 2011 Urban Tree Canopy Assessment Report talks about SAVING our trees not cutting them down.

Please do not turn our homes into another "Oso" disaster...

Your acknowledgement of receipt would be appreciated.

Respectfully,

Larry Kilbride
13125 ne 128th Pl
Kirkland Wa.
98034

Dorian Collins

From: Les and Kenn Kullberg <leskennk@comcast.net>
Sent: Thursday, June 19, 2014 4:53 PM
To: Angela Ruggeri; Planning Commissioners; Dorian Collins
Cc: johanna@thepalmers.com; Julie Ritter; ellefsen4@comcast.net; rwhite@wolfenet.com; kilbride23@comcast.net; kenbell@realtyexecutives.com; laurensgems@comcast.net; Toby Nixon
Subject: Re: CAM13-00465 // Rairdon CAR to rezone PIN 2826059004, 13000 132nd Place, from Totem Lake 9B (Multifamily) to Totem Lake 7 (Industrial)

Dear Planning Commissioners, Ms Angela Ruggeri, and Ms Dorian Collins:

We've just become aware of a city map that shows the hill is clearly in a Landslide Hazard Area (High Hazard). The map is located at :

http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/CompEIS/Deis_Maps_Printer/Fig32+Map.pdf

This a major negative factor against rezoning. We are even more worried about the stability of the hill we live on and that any excavation could undermine its current stability. We request no changes be made to the current zoning, and request the buffer be extended from 100 feet to 300 feet. We don't want to become "Oso II".

Please acknowledge receipt of our email and append this email to our previous one, same subject. Thank you.

Sincerely,

Kenn and Leslie Kullberg
 13037 NE 128th Place
 Kirkland WA 98034-7902

From: Angela Ruggeri
Sent: Monday, June 16, 2014 5:24 PM
To: Les and Kenn Kullberg ; Planning Commissioners ; Dorian Collins
Cc: johanna@thepalmers.com ; Julie Ritter ; ellefsen4@comcast.net ; rwhite@wolfenet.com ; kilbride23@comcast.net ; kenbell@realtyexecutives.com ; laurensgems@comcast.net ; Toby Nixon
Subject: RE: CAM13-00465 // Rairdon CAR to rezone PIN 2826059004, 13000 132nd Place, from Totem Lake 9B (Multifamily) to Totem Lake 7 (Industrial)

Thank you for your comments. This is to acknowledge receipt of your email. Angela Ruggeri

From: Les and Kenn Kullberg [mailto:leskennk@comcast.net]
Sent: Monday, June 16, 2014 12:42 PM
To: Planning Commissioners; Angela Ruggeri; Dorian Collins
Cc: johanna@thepalmers.com; Julie Ritter; ellefsen4@comcast.net; Les & Kenn Kullberg; rwhite@wolfenet.com; kilbride23@comcast.net; kenbell@realtyexecutives.com; laurensgems@comcast.net; Toby Nixon
Subject: CAM13-00465 // Rairdon CAR to rezone PIN 2826059004, 13000 132nd Place, from Totem Lake 9B (Multifamily) to Totem Lake 7 (Industrial)

Dear Planning Commissioners, Ms Angela Ruggeri, and Ms Dorian Collins:

We are writing to express our concern with a CAR submitted by legal representative, Trisna Tanus (Law firm of Johns Monroe Mitsunaga Kolouskova) , on behalf of property owner Greg Rairdon. The Rairdon CAR (attached) seeks to rezone PIN 2826059004 from TL 9B to TL 7. Specifically, our concern is that rezoning will not preserve the 100 foot green belt buffer (along the north end of the subject property) that now exists within the TL 9B zoning and designated land use MDR 8-9. We live on the hill (in the Kingsgate/Evergreen Hill neighborhood) above and nearly adjoining the northern edge of the Rairdon property and we are very worried that future soil removal will cut the hill so much as to create the potential for a disastrous landslide, e.g., one that would endanger our lives and our neighbors' lives. Retaining the 100 foot green belt buffer is a necessary safety measure to avoid a future catastrophe. In strongest terms, we urge retention of the 100 foot buffer should the Planning Commission recommend this property be rezoned to TL 7.

Please acknowledge receipt of our email. Thank you.

Sincerely,

Kenn and Leslie Kullberg
13037 NE 128th Place
Kirkland WA 98034

425.821.0136

1 attachment: CAR Application – Rairdon #2

Dorian Collins

From: Les and Kenn Kullberg <leskennk@comcast.net>
Sent: Thursday, June 19, 2014 7:43 PM
To: Angela Ruggeri; Planning Commissioners; Dorian Collins
Cc: johanna@thepalmers.com; Julie Ritter; ellefsen4@comcast.net; rwhite@wolfenet.com; kilbride23@comcast.net; kenbell@realtyexecutives.com; laurengems@comcast.net; Toby Nixon
Subject: Re: CAM13-00465 // Rairdon CAR to rezone PIN 2826059004, 13000 132nd Place, from Totem Lake 9B (Multifamily) to Totem Lake 7 (Industrial)

Dear Planning Commissioners, Ms Angela Ruggeri, and Ms Dorian Collins:

We have acquired a copy of the Fiat Site North Lot (Preliminary Grading Plan) prepared for Greg Rairdon by GFK Consulting, Inc. In this Plan (drawing), there are substantial west-east retaining walls proposed for the north end of the Fiat parking lots. Heights generally vary from about 8 feet to about 15 feet. We are concerned that these retaining walls will act as dams, holding back subterranean drainage water that should flow downward inside the hill and then exit naturally from the hill. If this damming effect happens, then the top layers of the hill will be resting on fluid soil and we believe this could eventually cause a catastrophic hill collapse. We request Planning take a very careful look at the consequences of these major retaining walls and their effects on the stability of the hill during Planning's evaluation of the Rairdon CAR.

Please add this email to our previous correspondence and please acknowledge receipt. Thank you.

Kenn and Leslie Kullberg
 13037 NE 128th Place
 Kirkland WA 98034-7902

425 821 0136

From: [Angela Ruggeri](#)
Sent: Monday, June 16, 2014 5:24 PM
To: [Les and Kenn Kullberg](#) ; [Planning Commissioners](#) ; [Dorian Collins](#)
Cc: [johanna@thepalmers.com](#) ; [Julie Ritter](#) ; [ellefsen4@comcast.net](#) ; [rwhite@wolfenet.com](#) ; [kilbride23@comcast.net](#) ; [kenbell@realtyexecutives.com](#) ; [laurengems@comcast.net](#) ; [Toby Nixon](#)
Subject: RE: CAM13-00465 // Rairdon CAR to rezone PIN 2826059004, 13000 132nd Place, from Totem Lake 9B (Multifamily) to Totem Lake 7 (Industrial)

Thank you for your comments. This is to acknowledge receipt of your email. Angela Ruggeri

From: Les and Kenn Kullberg [mailto:leskennk@comcast.net]
Sent: Monday, June 16, 2014 12:42 PM
To: Planning Commissioners; Angela Ruggeri; Dorian Collins
Cc: johanna@thepalmers.com; Julie Ritter; ellefsen4@comcast.net; Les & Kenn Kullberg; rwhite@wolfenet.com; kilbride23@comcast.net; kenbell@realtyexecutives.com; laurengems@comcast.net; Toby Nixon
Subject: CAM13-00465 // Rairdon CAR to rezone PIN 2826059004, 13000 132nd Place, from Totem Lake 9B (Multifamily) to Totem Lake 7 (Industrial)

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Please acknowledge receipt of our email. Thank you.

Sincerely,

Kenn and Leslie Kullberg
13037 NE 128th Place
Kirkland WA 98034

425.821.0136

1 attachment: CAR Application – Rairdon #2

Dorian Collins

From: Les and Kenn Kullberg <leskennk@comcast.net>
Sent: Monday, June 16, 2014 12:42 PM
To: Planning Commissioners; Angela Ruggeri; Dorian Collins
Cc: johanna@thepalmers.com; Julie Ritter; ellefsen4@comcast.net; Les & Kenn Kullberg; rwhite@wolfenet.com; kilbride23@comcast.net; kenbell@realtyexecutives.com; laurengems@comcast.net; Toby Nixon
Subject: CAM13-00465 // Rairdon CAR to rezone PIN 2826059004, 13000 132nd Place, from Totem Lake 9B (Multifamily) to Totem Lake 7 (Industrial)
Attachments: CAR Application - Rairdon #2.pdf
Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Planning Commissioners, Ms Angela Ruggeri, and Ms Dorian Collins:

We are writing to express our concern with a CAR submitted by legal representative, Trisna Tanus (Law firm of Johns Monroe Mitsunaga Kolouskova) , on behalf of property owner Greg Rairdon. The Rairdon CAR (attached) seeks to rezone PIN 2826059004 from TL 9B to TL 7. Specifically, our concern is that rezoning will not preserve the 100 foot green belt buffer (along the north end of the subject property) that now exists within the TL 9B zoning and designated land use MDR 8-9. We live on the hill (in the Kingsgate/Evergreen Hill neighborhood) above and nearly adjoining the northern edge of the Rairdon property and we are very worried that future soil removal will cut the hill so much as to create the potential for a disastrous landslide, e.g., one that would endanger our lives and our neighbors' lives. Retaining the 100 foot green belt buffer is a necessary safety measure to avoid a future catastrophe. In strongest terms, we urge retention of the 100 foot buffer should the Planning Commission recommend this property be rezoned to TL 7.

Please acknowledge receipt of our email. Thank you.

Sincerely,

Kenn and Leslie Kullberg
 13037 NE 128th Place
 Kirkland WA 98034

425.821.0136

1 attachment: CAR Application – Rairdon #2

Dorian Collins

From: Angela Ruggeri
Sent: Monday, June 16, 2014 5:18 PM
To: Dorian Collins
Subject: FW: CAM 13-00465 Rairdon Car to rezone Pin 2826059004 - 13000 123nd place

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: PACCAR Club 13 [mailto:PACCAR.Club.13@PACCAR.com]
Sent: Monday, June 16, 2014 2:41 PM
To: Angela Ruggeri
Cc: PACCAR Club 13
Subject: CAM 13-00465 Rairdon Car to rezone Pin 2826059004 - 13000 123nd place

Dear Ms. Ruggeri,

My home is adjacent to the upper parcel being considered for rezoning and am very worried about the proposed change due to the fact that open spaces in Kirkland should be preserved for the quality of life for the people of Kirkland and also the animals. The parcel contains small streams, wetlands and a many number of trees that are home to a number of wild species. I understand there is a 100 feet buffer zone in place to preserve the natural land and ask you to please keep the natural space as such.

Kelie Ashwell
13119 ne 128th place
206-718-4389

Dorian Collins

From: Angela Ruggeri
Sent: Monday, June 16, 2014 5:10 PM
To: Dorian Collins
Subject: FW: Rezone the 124th LLC application

From: Ken Bell [mailto:kenbellrealestate@gmail.com] **On Behalf Of** Ken Bell
Sent: Monday, June 16, 2014 4:16 PM
To: Angela Ruggeri
Subject: Rezone the 124th LLC application

I am writing to express our concern about a rezone request for a property owned by Greg Rairdon. The Rairdon rezone application seeks to change PIN 2826059004 from TL 9B to TL 7. Specifically, our concern is that rezoning will not preserve the 100 foot green belt buffer (along the north end of the subject property) that now exists within the TL 9B zoning and designated land use MDR 8-9. We live on the hill (in the Kingsgate/Evergreen Hill neighborhood) above and directly adjoining the northern edge of the Rairdon property and we are very worried that future soil removal will cut the hill so much as to create the potential for a disastrous landslide, e.g., one that would endanger our lives and our neighbors' lives. Retaining the 100 foot green belt buffer is a necessary safety measure to avoid a future catastrophe. In the strongest terms, we urge retention of the 100 foot buffer should the Planning Commission recommend this property be rezoned to TL 7.

Sincerely,

Ken Bell
President
REALTY EXECUTIVES Brio
13010 NE 20th Street, Suite 200
Bellevue, WA 98005
425-646-8557



From: kdc@olyphen.com [<mailto:kdc@olyphen.com>]
Sent: Thursday, July 30, 2015 8:30 AM
To: Dorian Collins <DCollins@kirklandwa.gov>
Cc: 'Carolyn Mcnicoll' <cmcnicoll@mindspring.com>
Subject: RE: Citizen Amendment Requests "Morris"

Dorian

I guess I didn't review all of the proposed changes in all the land use issues and most important is the Astronics Corp proposal for a change in height limits to 75ft....and planning is suggesting it to only pertain to properties east of the rail road....?

This maybe a little late to request but....in view of the Morris request to increase their height limits along with the zone changes....and our property has a lot of the same similarities as the Astronics properties (including same zoning) is it possible to include our property into the increase height limit request of 75 ft

As much as I would like to, I am unable to make it to the open house/community meeting on the 13th as I will be out of town

Sam Kyle

From: Carolyn Mcnicoll [<mailto:cmcnicoll@mindspring.com>]
Sent: Tuesday, July 07, 2015 2:46 PM
To: Dorian Collins <DCollins@kirklandwa.gov>
Cc: kdc@olypen.com
Subject: Citizen Amendment Requests "Morris"
Importance: High

Good afternoon Dorian,

I am sending this email correspondence on behalf of Sam Kyle and the other members of BERPS Associates. The members of BERPS are still very unsettled with the tentative decisions that City Planning Commissions are recommending to City Council.

A major concern continues to be locating residential development adjacent to a very active industrial center on 126th place. By adding more residential traffic in a high industrial zone with the mix of large semis and delivery vehicles during peak traffic times, there is an increase of potentially dangerous circumstances.

There is also going to be a detrimental home value side affect to any residential property located adjoining industrial parks.

Other safety concerns are locating residential use along heavy, hi-density overhead power lines which have been connected to many studies on major health concerns. Also, if the City plans on placing multifamily homes and/or many single family homes within a known High Landslide Hazard Area, the City is placing residents in harm's way which would also be a huge impact to the community. Any heavy construction jeopardizes the root system of both trees and vegetation, water runoff and current natural watercourses along this slope.

This land is better suited as a buffer zone for sound, vegetation and tree preservation to continue support of the steep slope line. This would also preserve the current surface water and watercourse runoffs. It also ensures long term stability for that hillside and a buffer zone for sound . There are steep slopes and wet lands on most of the property and one suggestion would be for the City to purchase the property and use it for a retention system for all the water runoff already on this hillside. (Much like the one done at the end S.E. corner of 126th place and Slater Avenue NE.)

If the City does allow the rezone of the property to residential, the City Council should create a larger buffer next to the industrial site and also restrict the building heights to the existing codes to help ease the outstanding issue and lessen the impact on the steep slope problems.

Another option to consider would be to limit or restrict residential use and access to 126th Place and designate 126th as a primary road for industrial use only.

Historically the City has established areas for industrial development and this is one of the few remaining in light industrial areas in the City. Industrial use should continue to be maintained and encouraged and allow remaining businesses to expand along with enticing future industrial tenants to locate in an area well established and supported by the City.

We hope the Planning Commission and City Council are listening to all parties in this planning process.

Regards,
Carolyn Mcnicoll on behalf of Sam Kyle & BERPS Associates

Dorian Collins

From: kdc@olyphen.com
Sent: Monday, May 18, 2015 8:23 AM
To: Dorian Collins
Subject: Citizen Amendment requests "Morris"

Dorian

Thank you for your responses on the phone the other day regarding the planners responses to the request of the Morris rezone.

One of the major comments you made was regarding the suggestion for the properties to seek alternate exiting routes vs exiting out on to 126th pl.....I am not sure I understand this other than trying to reduce the load on 126th pl but it seems they are suggesting that they go north up the "steep slopes" area?

Can you tell me where to review all the planners comments on line? I can't remember all the issue you told me about ??

Again I also want to re register my concerns of any consideration to rezone the Morris property to any form of residential uses!!

Thank You

Sam Kyle

BERPS Assoc

Dorian Collins

From: Steven Paravia <stevenp@srecommercial.com>
Sent: Thursday, April 09, 2015 8:45 AM
To: Dorian Collins
Cc: Morris Family
Subject: Morris Rezone
Attachments: Morris.pdf

Hello Ms. Collins,

I am writing this letter on behalf of Brian & Susan Morris, legal owners of 13250 NE 126th Pl., Kirkland, WA 98034 (Tax ID: 272605-9007).

The intent of this message to support their application to rezone the property from light industrial (TL-7) to a residential use of RMA 3.6. By rezoning the Morris parcel to RMA 3.6 it would establish some continuity between their parcel and the adjacent 5.96 acres and allow for a sizable residential development. 126th Street LLC, which is the contiguous 5.96 acres to the west, has established precedence in the recent past by achieving a rezone to the same residential zone of RMA 3.6. Quadrant Homes and Toll Brothers are currently under construction in the immediate area with new single family communities and Harbor Homes purchased the five contiguous parcels to the north and are under construction with 36 single family lots, just another reason to consider a residential use on the Morris piece.

Over the course of the last month myself and ownership have been engaged with the local home builder Conner Homes, who is programming a town home development on both the 126th Street LLC and the contiguous Brian & Susan Morris parcel to create a sizable joint development between property owners and developer. The developer is currently in their due-diligence stage and understanding the future development is contingent upon the city of Kirkland rezoning the Morris parcel and updating the comp plan. This rezone and future development would serve as a buffer between the industrial use to the south and the single family residence to the north. This new community would be beneficial to Kirkland and would positively impact the widespread shortage of single family residence in the area.

Thank you for considering this message when determining the fate of the Morris rezone.

Steven Paravia
stevenp@srecommercial.com
206.550.4609



Dorian Collins

From: Jeremy Horst <jeremyhorst@gmail.com>
Sent: Monday, April 06, 2015 2:44 PM
To: Dorian Collins
Subject: Kirkland lot Morris Request

Hello Dorian

I spoke with you last week, I am the owner of the corner lot to the west of the Morris lot on the corner. As requested I am emailing you to let you know that a zone change for this location for me would have a detrimental outcome as I am planning on build a commercial building soon. I have already had a pre-sub last August for the location.

If this lot was to have a zoning change it would be hard to do anything with it, as it is a corner lot on a slope that has the Seattle water main running along the east side of the pro property with a apparent stream on the neighbor lot.

I am asking for my lot to be removed form the Morris study scope.

Jeremy Horst
JR Property
425-359-4358

November 21, 2014

Via Email: dcollins@kirklandwa.gov

Dorian Collins
City of Kirkland Planning Department
123 5th Avenue
Kirkland, WA 98033

**Re: Totem Lake Business District
Morris CAR**

Dear Ms. Collins:

We represent BERPS Associates ("BERPS"). BERPS owns King County Tax Parcels 2726059051, 2726059123, & 2726059122 which are generally located at 13424 NE 126th Place in Kirkland ("BERPS Property"). The BERPS Property is located in the Totem Lake Neighborhood and is presently zoned TL 7 (Industrial). The BERPS Property is included in the "TL 7 Study Area" which is being reviewed for a possible rezone to RMA 3.6 to allow multifamily uses.

For reasons described more fully below, BERPS opposes any changes to the City of Kirkland's ("City") Zoning Code or Comprehensive Plan that would allow multifamily uses on the BERPS Property or other property in the TL 7 Study Area. BERPS requests that the City maintain policies and designations that support this important industrial area as it updates the Totem Lake Business District Plan.

A. Rezoning the Subject Area to Allow Multifamily is Inconsistent with Current Land Uses and the Future Industrial Needs of the City and Region.

Rezoning the TL 7 Study Area to permit multifamily is inconsistent with the existing industrial uses in the area and will undermine the larger industrial corridor. The TL 7 Study Area is part of the "124th Street Corridor" which is "highly industrial" and described as the "workbench" for the City and the

Eastside.¹ Under current zoning the 124th Street Corridor employs close to 2,000 people in a variety of positions. Moreover, with vacancy rate of just under 4%, the current industrial and office uses in the 124th Street Corridor are thriving. The TL 7 Study Area forms the northern boundary of the 124th Street Corridor and mimics its success. The TL 7 Study area “remains highly industrial, with about 80% of the floor area in the [area] in industrial use.”

Rezoning the TL 7 Study Area to multifamily would place undue operational pressure on existing businesses. Existing industrial uses in the TL 7 Study area would be rendered nonconforming making it harder for businesses to operate or expand. Additionally, locating multifamily north of NE 126th Place will create conflict between existing industrial uses north of NE 126th Place as well as those industrial uses south of NE 126th Place. Existing businesses south of NE 126th Place will likely face greater complaints over truck traffic, noise, odors and other characteristics associated with industrial use which will force them to relocate to more compatible areas. As existing industrial uses and businesses leave, there will be greater pressure to fill the vacuum with residential uses. This will have a domino effect on the rest of the corridor. Maintaining policies that support industrial and commercial uses will ensure that the 124th Street Corridor continues to thrive as the workbench of the City and region.

B. Allowing Multifamily Uses to Develop Next to Existing Industrial Uses and Below a Geologically Hazardous Area Will Create Unacceptable Public Health & Safety Risks.

Allowing multifamily north of NE 126th Place will create unacceptable and unnecessary public health and safety risks. As noted above, this area is already largely used for industrial uses which generate a large amount of truck and vehicular traffic. These traffic patterns are inconsistent with residential uses and residential safety. For instance, Waste Management operates a transfer station just to the south of the subject area and large garbage trucks enter and exist frequently. Allowing residential uses adjacent to these existing businesses will increase the frequency of dangerous interactions between pedestrians, cyclists and industrial traffic.

Additionally, the area north of NE 126th Place sits in proximity to steep slope areas. Some of the areas are entirely unsuitable for high density multifamily developments where large populations of people will be residing at all hours. A landslide or similar event would have a more devastating effect on a residential neighborhood than an industrial or commercial building. Likewise proximity to

¹ Heartland Study at 10; App. B.

the high overhead power lines and the Olympic Pipeline corridor make this area equally unsuitable for multifamily development.

C. The Existing Topography North of 126th Establishes a Natural Buffer to Separate Light Industrial From Residential Use and Should be Maintained.

The existing topography in the area creates a natural boundary between industrial uses and residential uses. The slope that separates the northern boundary of the 124th Street Corridor and more predominant residential uses located above the slope provides a natural buffer between the two inherently incompatible uses. Northeast 126th Place does not offer the same buffering effect as the slope. Accordingly, the City should utilize the slope's natural buffering effect to separate industrial and commercial uses from residential uses.

Thank you in advance for considering these comments. Please also notify me of any future updates regarding this issue. If you have any questions, please contact me.

Sincerely,



John T. Cooke

Cc: Client

