



## MEMORANDUM

**Date:** June 19, 2015

**To:** Planning Commission

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

**RE:** PUBLIC HEARING ON WADDELL CITIZEN AMENDMENT REQUEST (CAR)  
FILE NO. CAM13-00465, #5

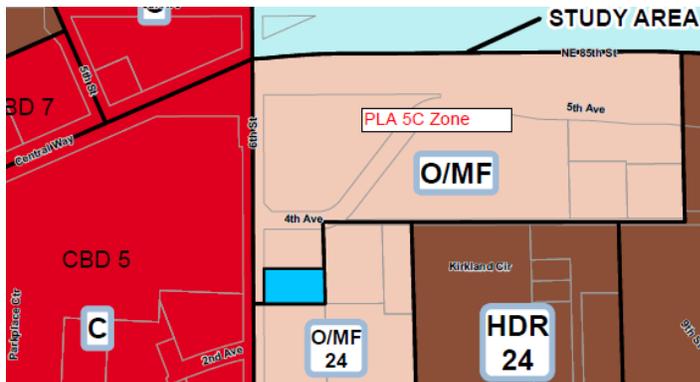
### I. RECOMMENDATION

Hold a public hearing and take public comments on the recommendation to remove Common Recreation Open Space requirements from the Planned Area 5C (PLA 5C) zone (see Attachment 1).

### II. BACKGROUND INFORMATION ON WADDELL CAR STUDY AREA

Doug Waddell submitted a CAR application (see Attachment 2) to eliminate requirements for common recreational open space in the PLA 5C area, consistent with other zones where density is determined by building height and bulk (such as the CBD, JBD and Totem Lake).

There are eight properties in the subarea. All are currently developed with office uses, including the US Post Office. There are no similar open space requirements for office uses.



The staff recommendation is to support the CAR request. Following Study Sessions held on January 8th and May 28<sup>th</sup>, the Planning Commission agreed to consider elimination of the requirement at the public hearing. If the requirement is eliminated, the text of Kirkland Zoning Code (KZC) section 115.23 would be amended to delete the PLA 5C zone from the requirement (see Attachment 3).

### **III. REVIEW PROCESS FOR CITIZEN AMENDMENT REQUESTS**

Initially, the Planning Commission considered over 30 CAR applications on July 10, 2014 and made a recommendation to City Council on which applications should move forward for additional study. In July, the City Council considered the recommendation and approved the final list, which included the Waddell CAR evaluated below. In September, the Planning Commission scoped the study areas for the CARs and those study areas define the analysis contained in this memo. All CAR's were studied in conjunction with the updates to the associated neighborhood plans.

On January 8 and May 28, 2015, the Planning Commission studied staff's analysis of the options for the Waddell CAR. The Planning Commission's preliminary recommendation is to support the request.

After the public hearing the Planning Commission will deliberate and forward a recommendation to the City Council, which will make the final decision on each CAR. Parallel to the Planning Commission review, an Environmental Impact Statement is being prepared for the Comprehensive Plan Update that will include an analysis of any probable significant impacts relating to each of the CARs.

### **IV. CRITERIA FOR AMENDING THE TEXT OF THE ZONING CODE**

KZC Section 135.25 establishes the following criteria for amendment to the Zoning Code. Each criteria is followed by a staff analysis in italics.

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan

*Staff analysis: The proposal is consistent with the Comprehensive Plan. Although there are no directly applicable provisions in the Comprehensive Plan, the Plan does encourage the City to "Use land efficiently, facilitate infill development or redevelopment, and, where appropriate, preserve options for future development" (Policy LU-2.2) and to "Ensure an adequate supply of housing units and commercial floorspace to meet the required growth targets through efficient use of land" (Policy LU-2.3).*

*The PLA 5C zone is the only zone where common recreational open space is required, as listed in KZC 115.23, that does not have a maximum density limit. While there is no direct policy rationale explaining the absence of common recreational open space requirements for other areas without a maximum density limit, it is likely that the desire was to make highly efficient use of land in these and other high density growth centers. The absence of common recreational open space requirements in these*

*areas coincides with small or no setbacks, high lot coverage allowance, and design review. These factors all work in conjunction with policies that support density in these subareas as a means of creating compact mixed use centers where residents are close to shops, services and transit. As with nearby CBD projects that do not have this requirement, the PLA 5C zone is close to many parks and recreational opportunities in Downtown.*

2. The proposed amendment bears a substantial relation to public health, safety, or welfare

*Staff analysis: The proposal does bear a substantial relation to public health, safety, or welfare. Eliminating the Common Recreational Open Space requirement in an area in close proximity to Downtown recreational amenities and the Cross Kirkland Corridor will facilitate infill residential development at the higher densities anticipated for the PLA 5C location.*

3. The proposed amendment is in the best interest of the residents of Kirkland.

*Staff analysis: The proposed amendment is in the best interest of the residents of Kirkland. The amendment will support infill density in this subarea in support of the community's goal to create compact mixed use centers where residents are close to shops, services and transit. As with nearby CBD projects that do not have this requirement, the PLA 5C zone is close to many parks and recreational opportunities in Downtown and has been identified as a location that can support high density residential development.*

## **V. PUBLIC NOTICE OPPORTUNITIES FOR PUBLIC COMMENTS**

Public notice has been provided for study of the Citizen Amendment Requests. The City issued a Special Comprehensive Plan Update Edition of the City Update newsletter in October 2014, including a section on the CARs with a map showing the location of the CARs and a link to the CAR web page where meeting dates would be posted. In early November 2014, property owners and residents within the study areas and property owners within 300 feet of the study areas were notified by mail of the CAR study and directed to the City's web page for meetings dates once they were scheduled. In late November, CAR applicants were notified by email of the meeting dates that had since been scheduled. Email notice was also provided to the neighborhood associations and the Kirkland 2035 listserv. In January, email notice of the meeting date was sent to the CAR applicants, and letters containing information about the process and copies of the notice mailed in November were sent to property owners within the study areas. A City Update newsletter was mailed to all residents and businesses in Kirkland describing the citizen amendment requests and public hearing schedule.

Prior to the public hearing, notices of the hearing date have been mailed to property owners and residents within the study area and 300' feet surrounding the area.

**VI. PUBLIC COMMENTS RECEIVED**

The Planning Commission received only one additional comment from the applicant pertaining to the CAR enclosed in Attachment 4.

**Attachments:**

1. Map of PLA 5C Study Area
2. Waddell CAR Request
3. Draft KZC 115.23 Amendments
4. Correspondence







**CITY OF KIRKLAND**  
**PLANNING AND COMMUNITY DEVELOPMENT**  
123 Fifth Avenue, Kirkland, WA 98033  
[www.kirklandwa.gov](http://www.kirklandwa.gov) ~ 425.587.3225

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**APPLICATION FOR 2014 CITIZEN AMENDMENT LAND USE REQUESTS TO THE  
COMPREHENSIVE PLAN, ZONING CODE AND ZONING MAP**

*Directions: You may use this form or answer questions on separate pages.*

**I. CONTACT INFORMATION:**

- A. Applicant Name: Watermark East, LLC - Doug Waddell
- B. Mailing Address: PO Box 2545, Kirkland, WA 98083
- C. Telephone Number: 425-822-3021
- D. Email Address: Doug@waddellpropertiesinc.com
- E. Property Owner Name (if different than applicant): \_\_\_\_\_
- F. Mailing Address: \_\_\_\_\_
- G. Telephone Number: \_\_\_\_\_
- H. Email Address: \_\_\_\_\_

*Note: If the applicant is the property owner, or is representing the property owner, then the property owner must sign the last page. If the applicant is representing the property owner, then the property owner must be notified in writing with a copy of the letter provided to the City.*

*A link to the Planning Commission packet containing the staff report will be sent by email unless you request to the project planner that you want copies mailed to you.*

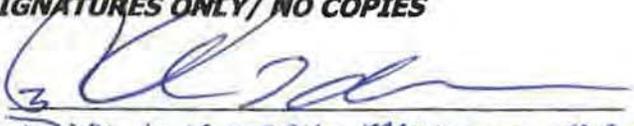
**II. PROPERTY INFORMATION:**

- A. Address of proposal: (if vacant provide nearest street names) 220 6th Street
- B. King County Tax Parcel number(s): 123890-0115
- C. Describe improvements on property if any: Small house/office
- D. Attach a map of the site that includes adjacent street names.
- E. Current Zoning on the subject property: PLA 5C
- F. Current land use designation and permitted density shown on the City's land use map. OFFICE/MF - UNLIMITED

**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: DOUG WOODRELL - MANAGING MEMBER - WASSERMARK FARM LLC

Property owner or Legal Representative? \_\_\_\_\_

Date: 6/14/14

Address: PO Box 2545 Kirkland WA 98083

Telephone: 425 822 3021

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:

Change the Open Space requirement to be consistent with the same requirement in other higher density downtown locations

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

This requirement as it is currently written is not possible/practical for this type of development particularly with the size and dimensions of the property. The requirement here should be the same as other nearby properties with similar planned uses and density

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

The current requirement requires a large square footage for open space and with minimum dimensions of 40 feet by 40 feet, For a higher density infill location with dimensions of only 100 by 150 this eliminates a significant portion of the property and its development potential. This requirement was just not well thought out for the type of development that the property is zoned for.



**KZC 115.23 Common Recreational Space Requirements for Certain Residential Uses**

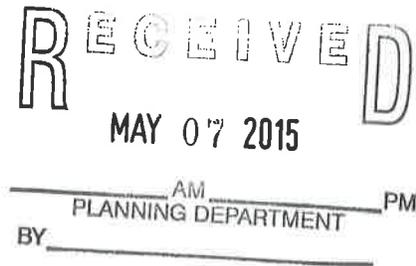
1. General – Residential developments identified herein by zone and use listing shall comply with the common recreational space requirements of this section:
  - a. RM and RMA Zones: "Detached, Attached, or Stacked Dwelling Units," KZC 20.10.020;
  - b. PR and PRA Zones: "Detached, Attached or Stacked Dwelling Units," KZC 25.10.020;
  - c. NRH 5 Zone: "Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses)," KZC 54.36.010;
  - d. NRH 6 Zone: "Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses)," KZC 54.42.010;
  - e. PLA 5A Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.32.020;
  - f. PLA 5B Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.37.020; and "Development Containing Stacked or Attached Dwelling Units and Office Uses," KZC 60.37.040;
  - ~~g. PLA 5C Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.42.020; and "Development Containing Stacked or Attached Dwelling Units and Office Uses," KZC 60.42.040; maximum required common recreational open space for PLA 5C is 4,800 square feet/acre;~~
  - h. PLA 5D Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.47.020;
  - i. PLA 5E Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.52.020;
  - j. PLA 6A Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.57.020;
  - k. PLA 6B Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.62.020; and "Development Containing Stacked or Attached Dwelling Units and Office Uses," KZC 60.62.040;
  - l. PLA 6D Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.72.020;
  - m. PLA 6F Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.82.020;
  - n. PLA 6G Zone: "Attached or Stacked Dwelling Units," KZC 60.87.130;
  - o. PLA 6H Zone: "Detached, Attached, or Stacked Dwelling Units," KZC 60.92.020;
  - p. PLA 6I Zone: "Detached, Attached, or Stacked Dwelling Units," KZC 60.97.020;
  - q. PLA 6J Zone: "Detached, Attached, or Stacked Dwelling Units," KZC 60.102.020;
  - r. PLA 6K Zone: "Detached, Attached, or Stacked Dwelling Units," KZC 60.107.020;
  - s. PLA 7A, 7B, 7C Zones: "Detached, Attached, or stacked Dwelling Units," KZC 60.112.020; and
  - t. PLA 17 Zone: "Attached or Stacked Dwelling Units," KZC 60.187.020.





May 7, 2015

Kirkland Planning Commission  
 c/o Jeremy McMahan  
 City of Kirkland, Planning Department  
 123 Fifth Ave.  
 Kirkland, WA 98033



Kirkland Planning Commission:

This letter is to comment on the Waddell CAR and our request to have common recreational open space requirements be the same as other neighboring zones, with anticipated like kind developments, where density and size are determined by building height and bulk. The current requirement is inconsistent with the zoning, density and setback requirements for this or any other higher intensity development within a City's core area and should be no different than what is required across the street.

We currently own and operate the Watermark Apartments, a 60 unit apartment which is across the street from this site. With this type of location, our tenants enjoy the nearby parks, trails, shopping and public transportation. They would much rather walk to Peter Kirk Park (one block away), along the waterfront or the Cross Kirkland Corridor rather than have some jammed, token, sitting or walking area onsite. It literally would not get used. For just the 56 units we had planned on this site we had already budgeted \$132,000 to go to such parks and another \$101,000 for transportation.

To carve out area where we have 10 foot setbacks will just make it forced, under-utilized and not in line with this type of zoning. In addition, the type of building that was perceived by the zoning change was like others in and around downtown. It seems more practical to have it follow the requirements for the same building types rather than have to once more re-create and re-interpret the zoning for each and every property downtown.

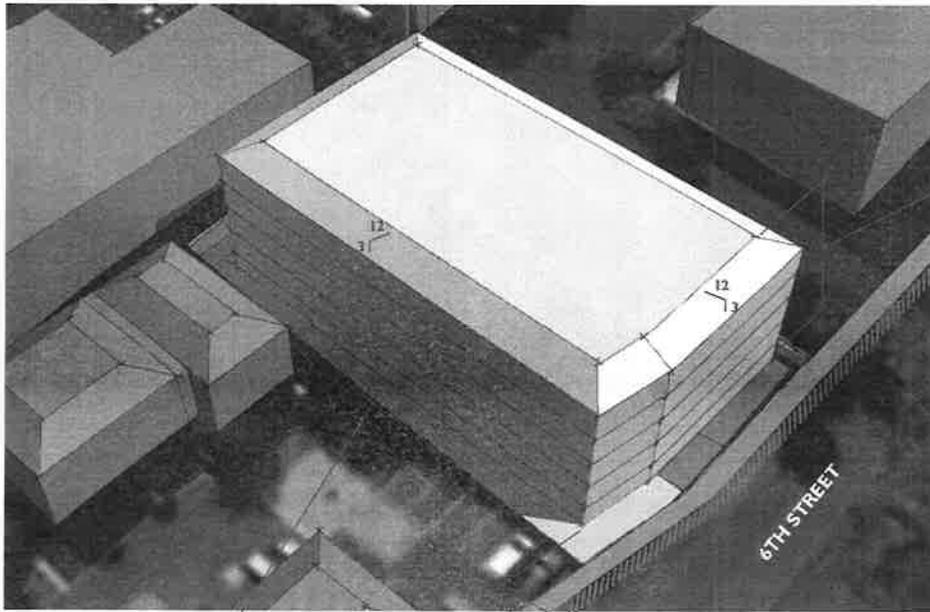
I have enclosed a copy of our original draft massing schemes. The site is only 100 x 170 and as you can see, it would be extremely difficult to utilize the site as it was intended with this open space requirement. I strongly encourage you to eliminate that requirement.

Thank you for your consideration.

Doug Waddell  
 President

# ZONING ENVELOPE

40' HEIGHT +  
ADDITIONAL  
5' FOR 3:12  
ROOF SLOPE



5' MIN  
SIDE YARD  
SETBACK

10' FRONT  
YARD  
SETBACK

8' SIDEWALK  
AND BIKE LANE  
DEDICATION



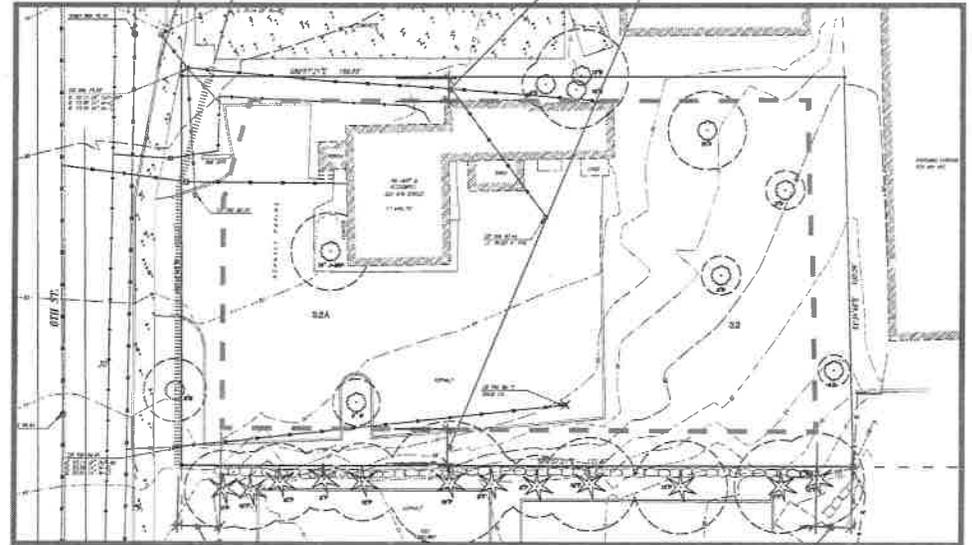
220 6TH AVE FLATS

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ADDITIONAL 5'  
DEDICATION FOR  
BIKE LANE AND  
INCREASE IN  
SIDEWALK WIDTH  
FROM 5' TO 8'

5' SIDE YARD MIN.  
COMBINED SIDE  
YARDS TO BE AT  
LEAST 15'



10' FRONT YARD  
SETBACK

10' REAR YARD  
SETBACK



SITE ANALYSIS

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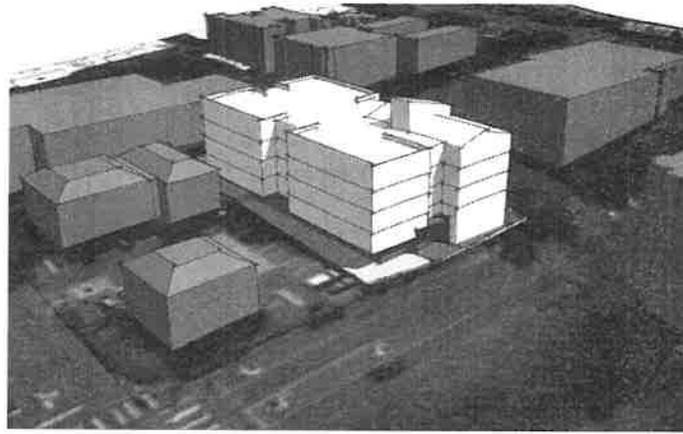
# MASSING SCHEME I

## PROS

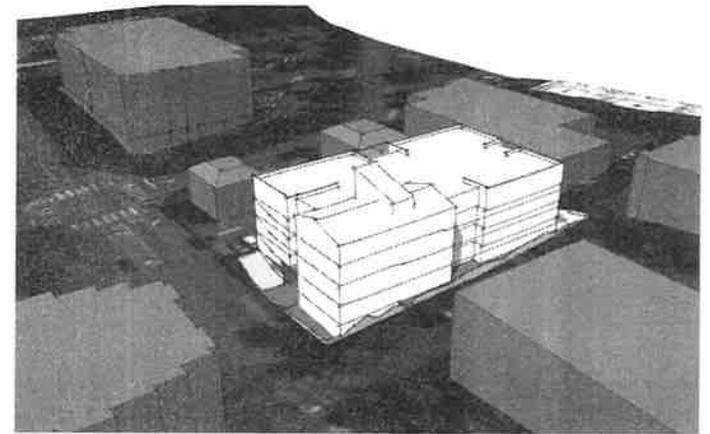
- Uniform modulation at the corners help to break the main building mass into smaller distinct building forms.
- The simplicity of the modulation.

## CONS

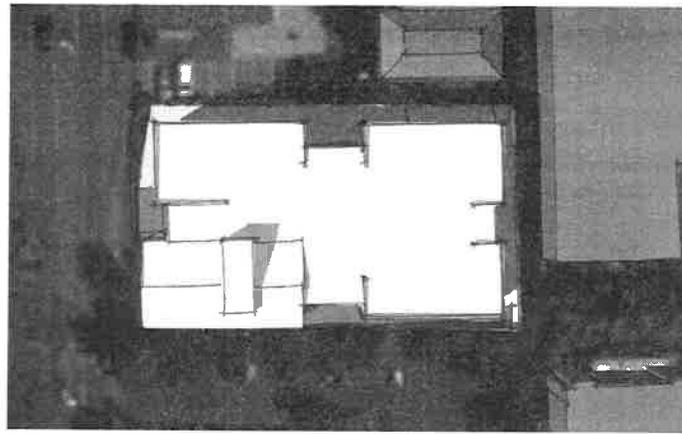
- The northeast and southeast building corners are in close proximity to the retaining wall along the east and south property line and adjacent structures.
- The corner mass articulation is in conflict with the garage entry.
- Minimal elevation and roof form variation along the side and rear elevations.
- Could lose primary northern views due to proximity to under developed property to the north
- Majority of residential views are perpendicular to the property lines, inhibiting privacy from adjacent buildings.



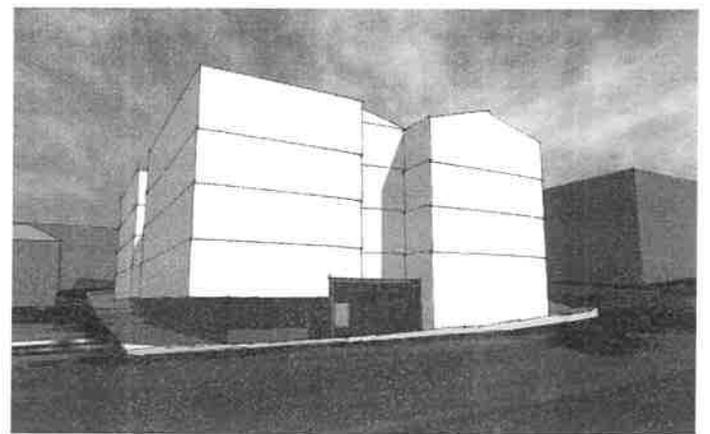
AERIAL VIEW FROM NORTHWEST



AERIAL VIEW FROM SOUTHWEST



AERIAL VIEW FROM ABOVE



STREET LEVEL VIEW FROM NORTHWEST



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MASSING OPTIONS

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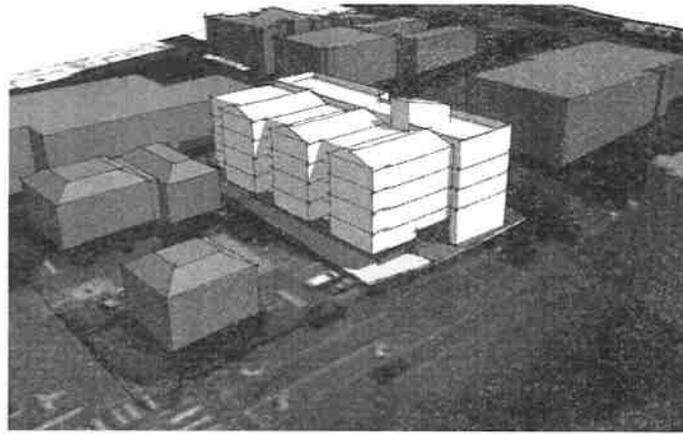
# MASSING SCHEME 2

## PROS

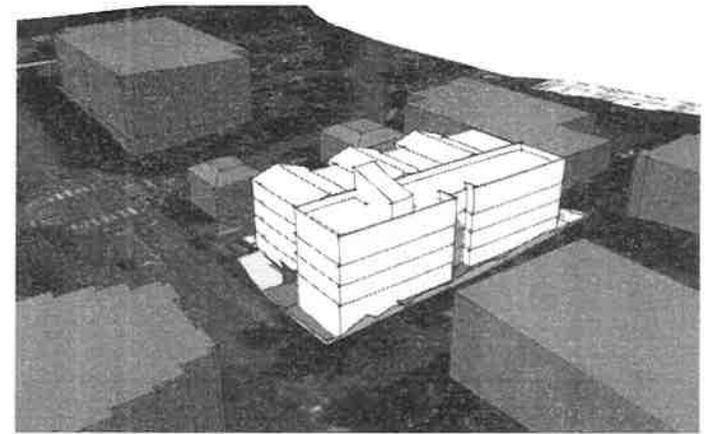
- Increased modulation along north facade breaks down the main building mass into smaller residential bays.
- Upper mass conflict with the garage entry is more resolved.
- Southeast building corner is pulled back to increase the setback to provide relief from retaining wall and adjacent structures.
- Opportunity for south and west facing roof deck area.

## CONS

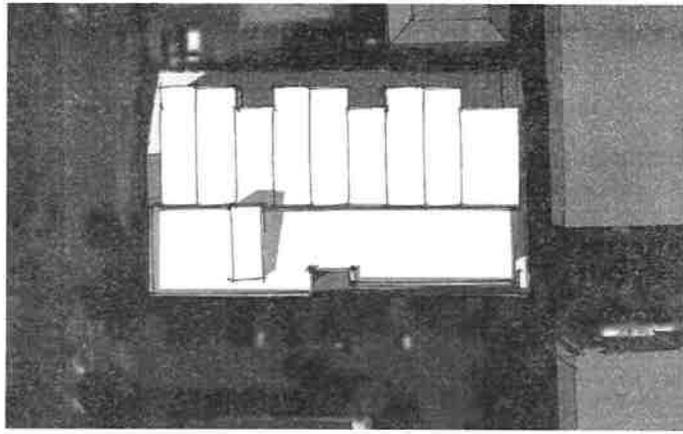
- Majority of residential views along the south elevation are perpendicular to the property line, inhibiting privacy from adjacent buildings.
- Could lose primary northern views due to proximity to under developed property to the north



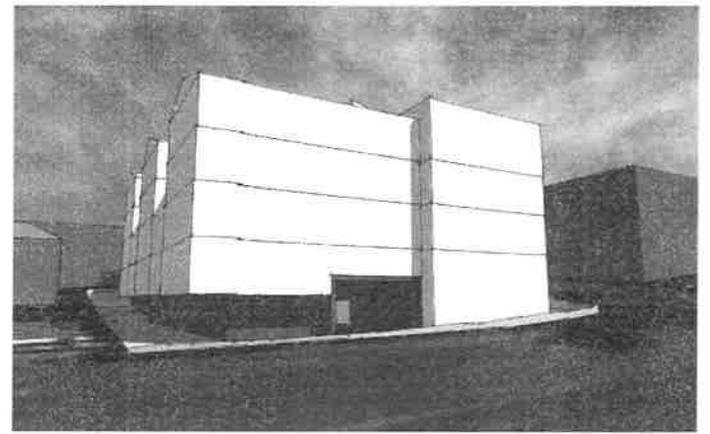
AERIAL VIEW FROM NORTH-WEST



AERIAL VIEW FROM SOUTH-WEST



AERIAL VIEW FROM ABOVE



STREET LEVEL VIEW FROM NORTHWEST

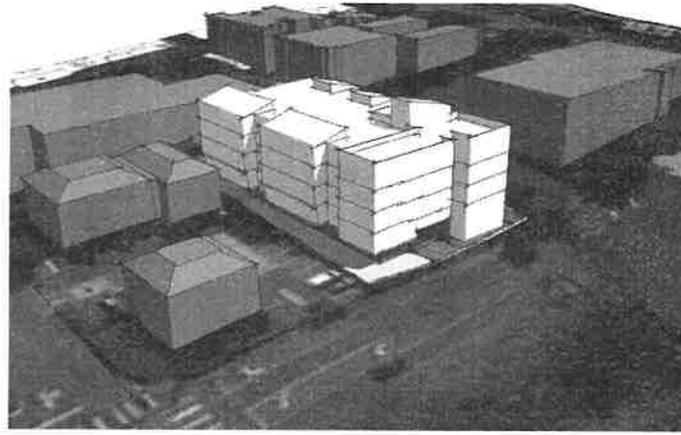
# MASSING SCHEME 3 (PREFERRED)

## PROS

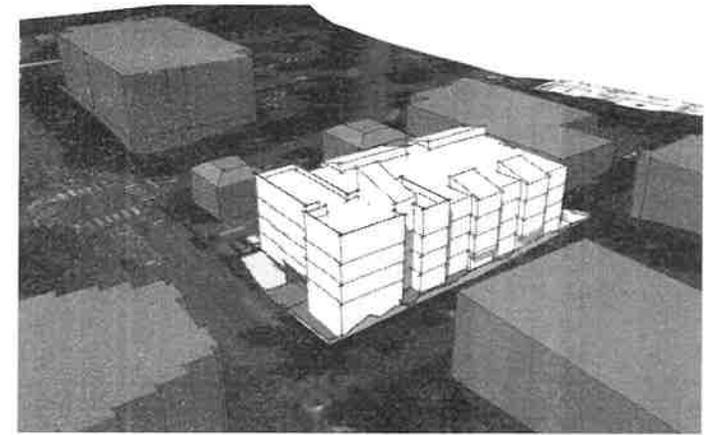
- Increased modulation along north and south facade breaks down the main building mass into smaller residential bays.
- Upper mass conflict with the garage entry is more resolved.
- Southeast building corner is pulled back to increase the setback to provide relief from retaining wall and adjacent structures.
- Clerestory roof forms bring natural light into upper residential units
- Opportunity for south and west facing roof deck area.
- Opportunity for oblique views along south facade bays

## CONS

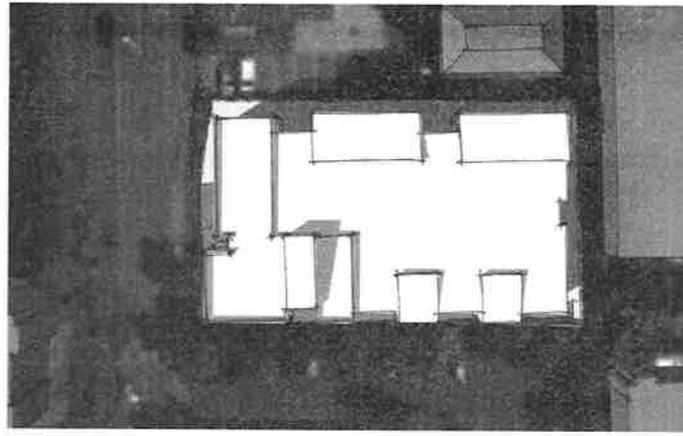
- Could lose primary northern views due to proximity to under developed property to the north
- Increased complexity of roof forms



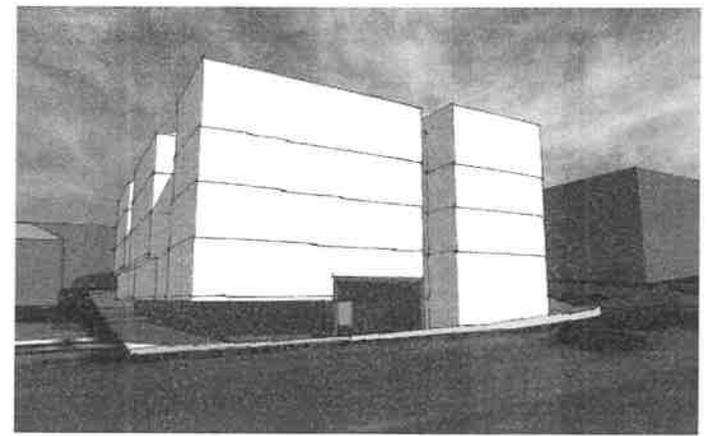
AERIAL VIEW FROM NORTH-WEST



AERIAL VIEW FROM SOUTH-WEST



AERIAL VIEW FROM ABOVE



STREET LEVEL VIEW FROM NORTH-WEST



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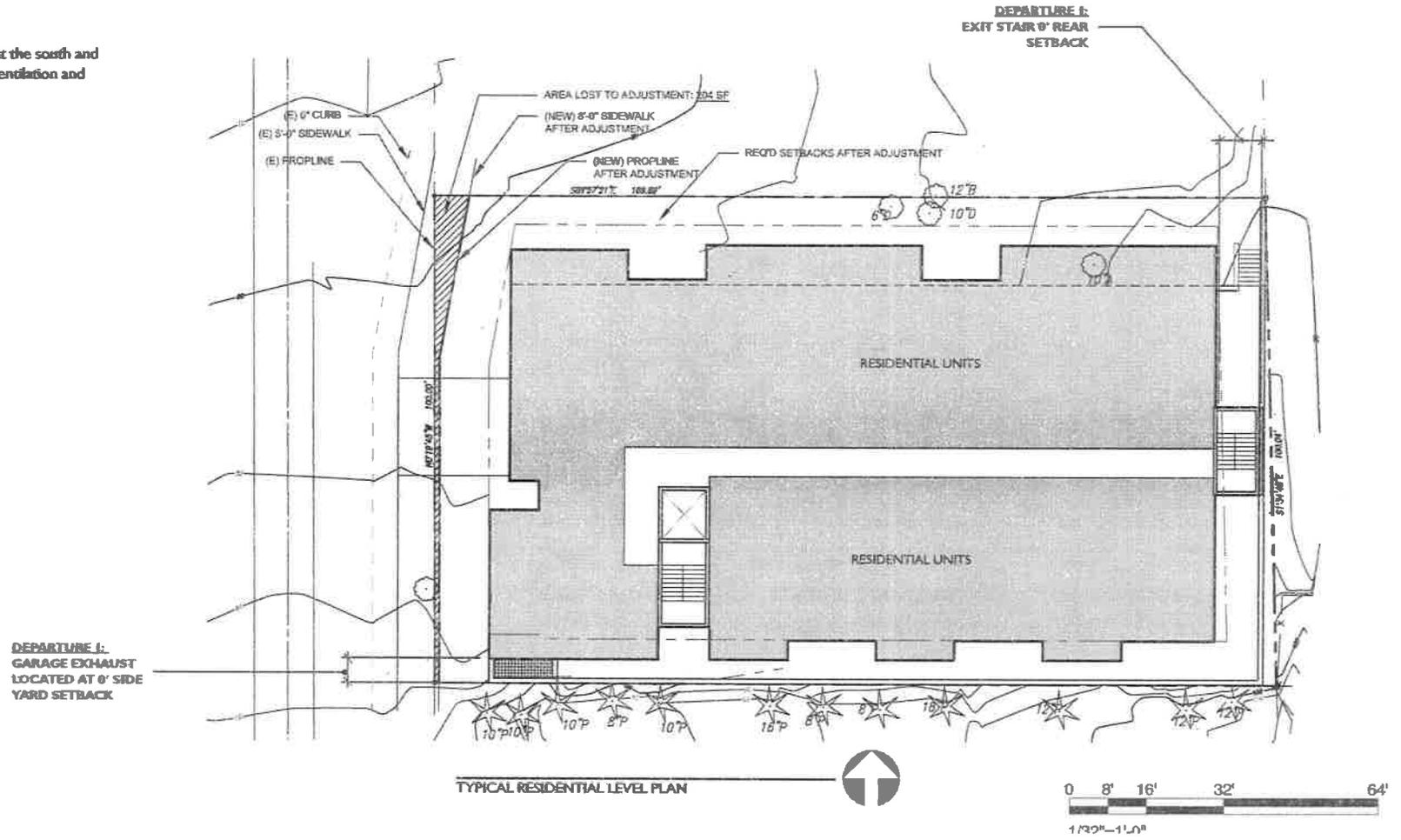
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# DESIGN DEPARTURES

## DEPARTURE I

Decrease the minimum setback to 0' at the south and east property line to allow for garage ventilation and secondary vertical egress.



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MASSING OPTIONS

