



## MEMORANDUM

**Date:** May 7, 2015

**To:** Planning Commission

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

This memo addresses the following Comprehensive Plan Update topic, File No. CAM13-00465, #5 and #14b:

- Citizen Amendment Request in the Moss Bay Neighborhood, Waddell (PLA 5C)

### I. **RECOMMENDATION**

Review options for the Waddell Citizen Amendment Request (CAR). Select a preliminary option to be considered at the public hearing.

Review proposed amendment to Kirkland Zoning Code section 10.35 relative to interpretation of zoning boundaries along Lake Washington to be considered at the public hearing

### II. **WADDELL CAR**

#### A. **BACKGROUND INFORMATION**

1. CAR Application: Doug Waddell submitted an application for a Citizen Amendment Request for the Planned Area 5C properties located in the Moss Bay Neighborhood (see Attachment 1). The request is 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). Mr. Waddell owns the property located at 220 6<sup>th</sup> Street. The Planning Commission and City Council recommended that this CAR move forward for further consideration. Mr. Waddell has submitted additional correspondence and drawings related to his request (Attachment 2)
2. Planning Commission Study Session #1: The Planning Commission discussed the CAR at their [January 8, 2015 study session](#). Staff recommended elimination of the

common recreational open space requirement for the PLA 5C zone. The Planning Commission provided the following guidance for follow up deliberations:

- Review the Planning Commission’s previous recommendation to Council for the PLA 5C density and open space (see Attachment 3).  
*As indicated in the attached recommendation, the Commission’s primary rationale for retaining an open space requirement was that the area is not in the CBD and there are fewer open spaces outside the CBD. The only related change since that time is the improvement of the Cross Kirkland Corridor, which is located about 1/3 mile from 6<sup>th</sup> Street.*
- Bring back options for a sliding scale where smaller parcels might have less onerous requirements than larger parcels.  
*Options are presented in Section 5 below.*
- Discuss whether the open space could be on the rooftop.  
*Staff has recently been more amenable to allowing open space to be located on the roof. However, there are a number of constraints related to building code occupancy and height limits (relative to safety railings, stair towers, and elevator overruns) that often preclude use of rooftop space.*

3. Existing Requirements: The existing requirements are found in Kirkland Zoning Code section 115.23 (see Attachment 4). In PLA5C, 200 square feet of common recreational open space is required per unit of multifamily housing. For projects with more than 21 units, at least one area is required to be at least 40’ wide and 40’ long. For PLA 5C only, the maximum required amount of open space is capped at 4,800 square feet per acre. Practically, the regulation results in 11% of any given site in the PLA 5C zone being required for common open space.

When the zoning for this area was amended in 2013 to remove the maximum density limits, the City decided to retain requirements for common recreational open space. Since that time, the CAR applicant has explored development options for the property and found the requirements to be severely limiting (see Attachment 2).

4. Existing Development in Study Area: 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 table below indicates the open space requirements for these sites if they were redeveloped as residential.

	Parcel size in acres	Parcel size in s.f.	CROS @ 4,800 s.f./acre	CROS as percent of parcel
Post Office	3.28	142,807	15,736	11%
Northstream	2.10	91,661	10,100	11%
OSD	0.85	37,150	4,094	11%
Sanderland	0.61	26,764	2,949	11%
VWS	0.58	25,265	2,784	11%
Parkview	0.45	19,699	2,171	11%
Waddell	0.41	17,692	1,950	11%
Totals		361,038	39,784	

5. Consistency with Plans and Regulations: The PLA 5C zone is the only zone 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.

B. **ANALYSIS OF OPTIONS:** The following options are presented for Planning Commission discussion.

Option 1: No Action, Retain Requirement. Leave the existing common recreational open space requirements in place

- Advantages – Requires project open space beyond that which results from setback and lot coverage limitations.
- Disadvantages – Becomes a significant factor in limiting actual density by restricting the building envelop and parking footprint beyond established bulk and mass regulations. For example, the study area has 10' setbacks but the open space requirement would create a 40'x40' no build area on some portion of the development site. May actually prevent residential redevelopment at the planned intensity.

Option 2: Remove common recreational open space requirements.

- Advantages – Removes a barrier to density and land use efficiency in a walkable neighborhood.
- Disadvantages – Results in the loss of potential on-site open space or recreation area for future residents.

Option 3: Reduce common recreational open space requirements relative to parcel size.

Option 3a: Reduce required minimum dimensions from 40' by 40' to 20' by 20' or 25' by 25' for smaller parcels and retain minimum square footage.

Option 3b: Reduce minimum 40' by 40' dimensions at the same proportion as the 4,800 square feet per acre (e.g. – a one acre site would have a minimum 4,800 s.f. of open spaces at 40' by 40' minimum dimension, but a .5 acre site would have 2,400 s.f. of open space at 20' by 20').

Option 3c: Further reduce minimum square footage to something less than 4,800 s.f./acre with corresponding reductions to minimum dimensions.

- Advantages – Provides additional flexibility in accommodating some on-site open space.
- Disadvantages – Adds additional complexity to what is already a unique regulation for one specific zone in the City (PLA 5C).

C. ***Staff Recommendation:*** *Staff continues to support removing the common recreational open space requirements for PLA 5C. This would not require a Comprehensive Plan amendment, but would simply be an implementing Zoning Code amendment to be considered at the public hearing.*

### **III. KZC 10.35 AMENDMENT**

Staff and the City Attorney's office are recommending a minor amendment to KZC 10.35.3 dealing with interpretation of zoning boundaries in Lake Washington (see Attachment 5). The amendment has little practical effect, but would make Kirkland's interpretation of zoning consistent with case law and other jurisdictions in the state. The amendment will be presented for consideration at the public hearing.

#### **Attachments:**

1. Map of PLA 5C Study Area
2. Waddell Correspondence
3. Planning Commission 2012 Recommendation (excerpt)
4. KZC 115.23
5. Revised KZC 10.35.3

# WADDELL/ WATERMARK EAST CAR

**Request Site:**

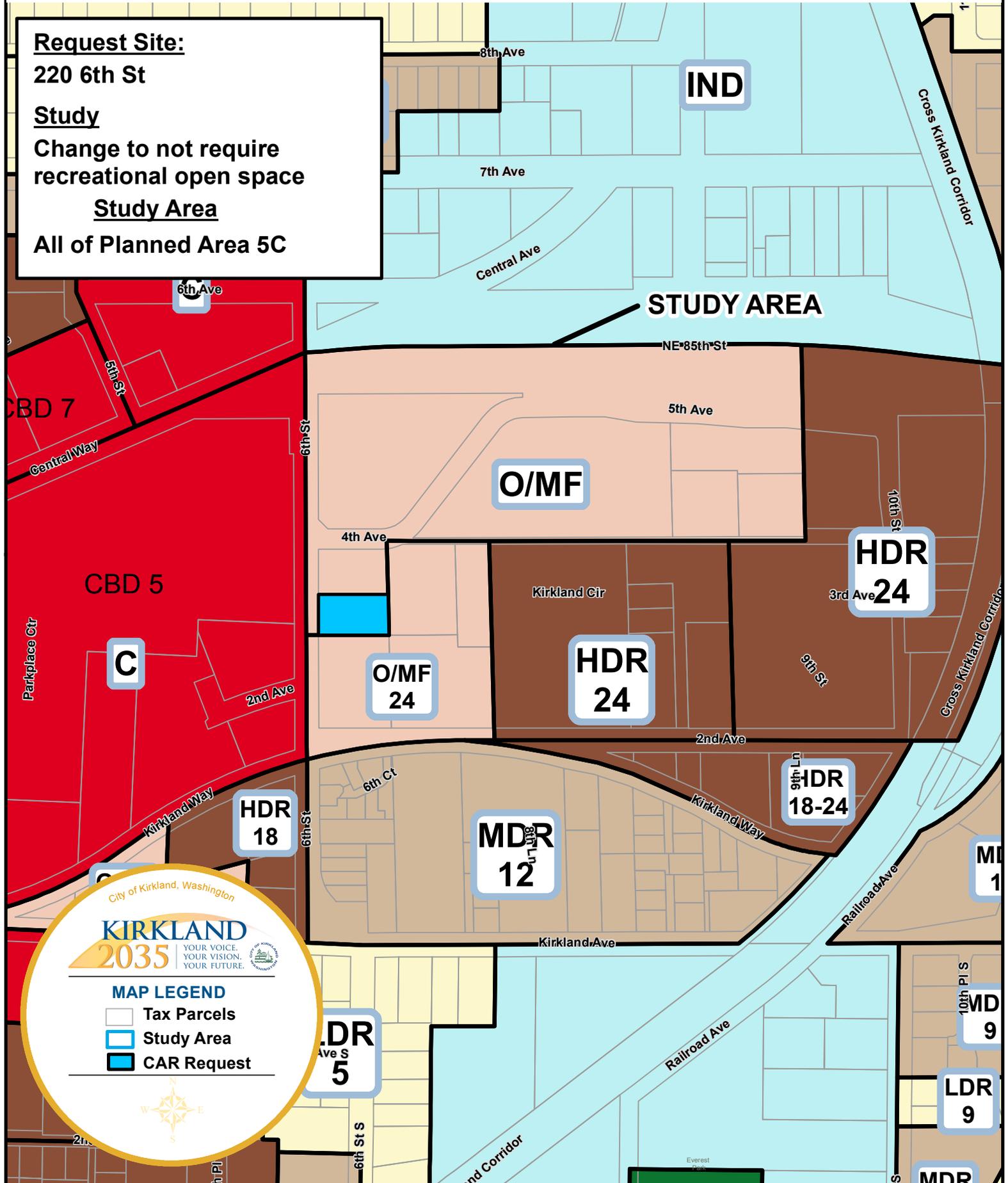
220 6th St

**Study**

Change to not require recreational open space

**Study Area**

All of Planned Area 5C



City of Kirkland, Washington

**MAP LEGEND**

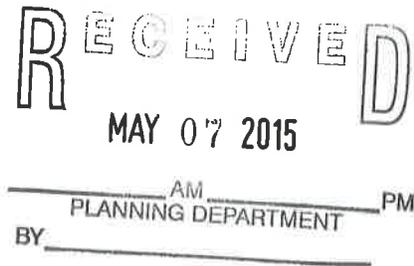
- Tax Parcels
- Study Area
- CAR Request





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.

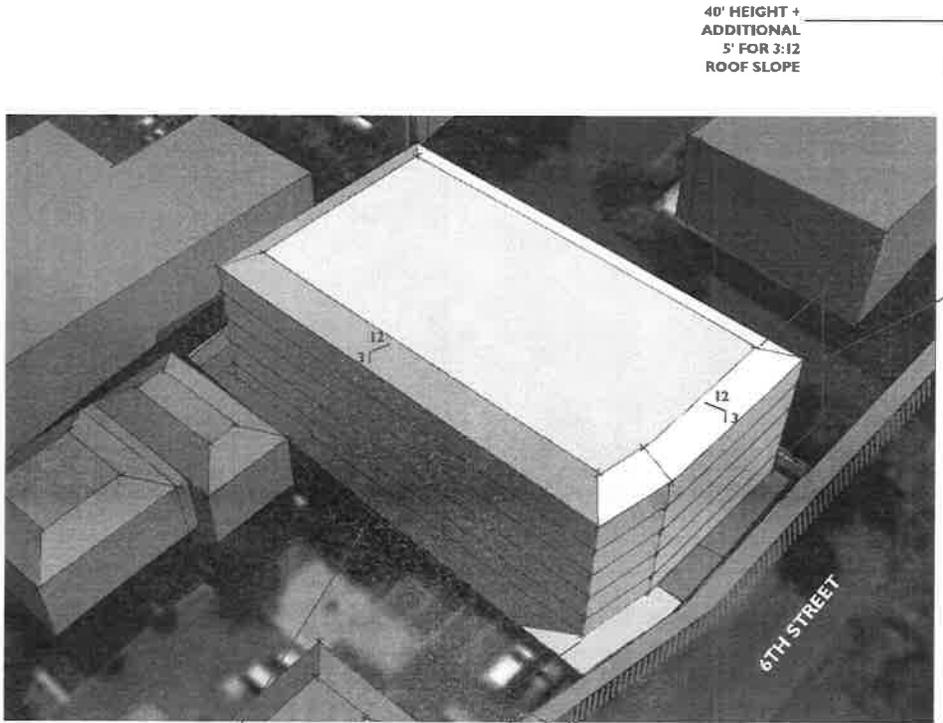
To carve out area where we have 10 foot setbacks will just make it forced, under-utilized and not in line with this type of zoning. In addition, the type of building that was perceived by the zoning change was like others in and around downtown. It seems more practical to have it follow the requirements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

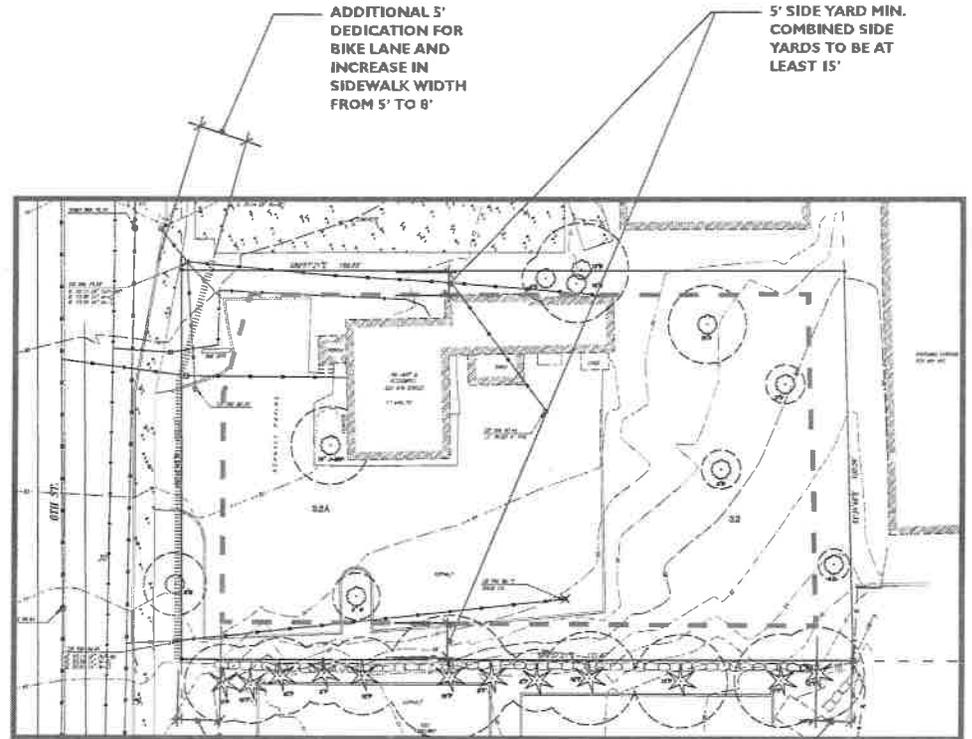
Thank you for your consideration.

Doug Waddell  
 President

# ZONING ENVELOPE



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



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

5' MIN  
SIDE YARD  
SETBACK

10' FRONT  
YARD  
SETBACK

8' SIDEWALK  
AND BIKE LANE  
DEDICATION



**220 6<sup>TH</sup> AVE FLATS**

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**DRAFT - 12.10.2013**

SITE ANALYSIS

WEBER THOMPSON



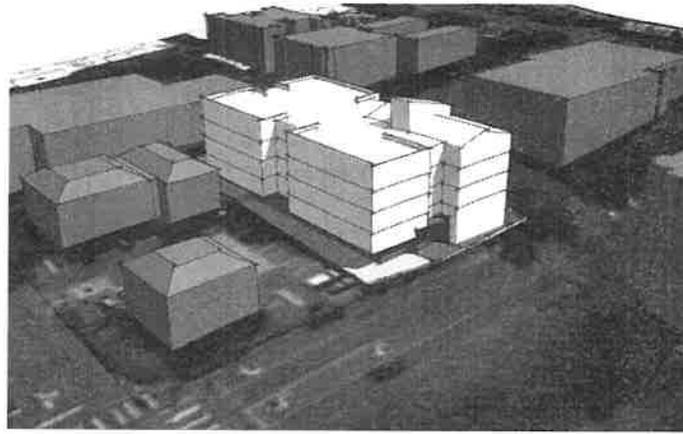
# MASSING SCHEME I

## PROS

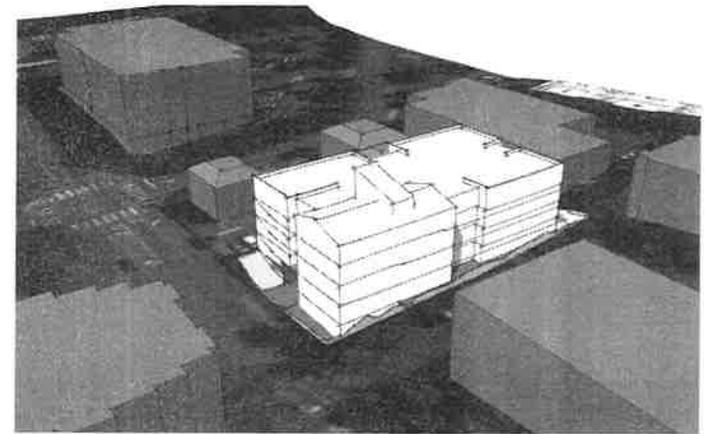
- Uniform modulation at the corners help to break the main building mass into smaller distinct building forms.
- The simplicity of the modulation.

## CONS

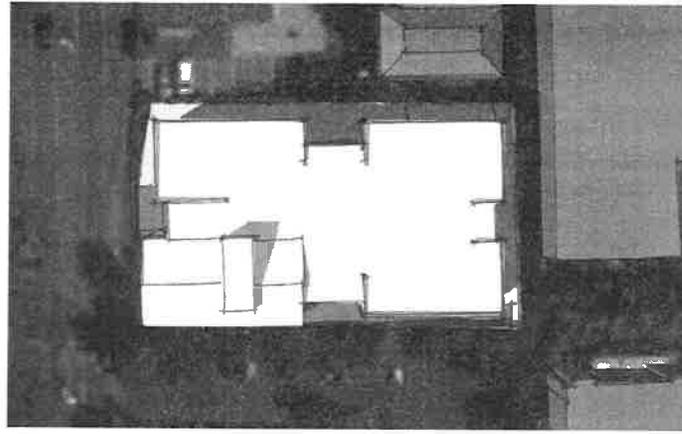
- The northeast and southeast building corners are in close proximity to the retaining wall along the east and south property line and adjacent structures.
- The corner mass articulation is in conflict with the garage entry.
- Minimal elevation and roof form variation along the side and rear elevations.
- 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.



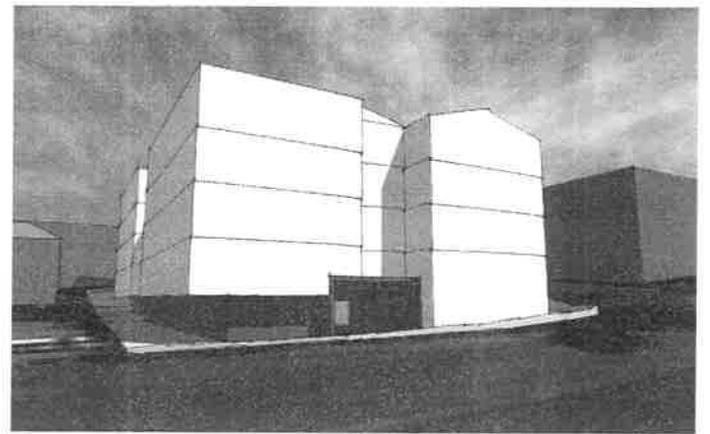
AERIAL VIEW FROM NORTHWEST



AERIAL VIEW FROM SOUTHWEST



AERIAL VIEW FROM ABOVE



STREET LEVEL VIEW FROM NORTHWEST



220 6<sup>TH</sup> AVE FLATS

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DRAFT - 12.10.2013

MASSING OPTIONS

WEBER THOMPSON



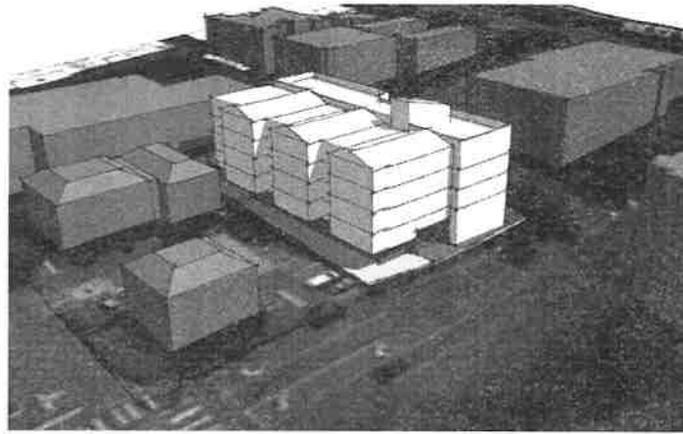
# MASSING SCHEME 2

**PROS**

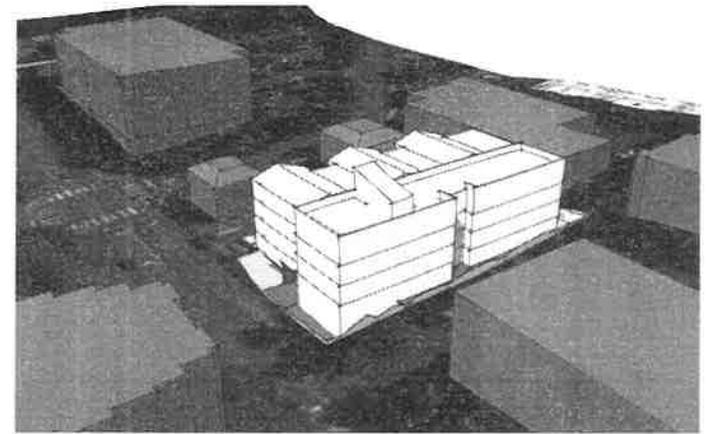
- Increased modulation along north facade breaks down the main building mass into smaller residential bays.
- Upper mass conflict with the garage entry is more resolved.
- Southeast building corner is pulled back to increase the setback to provide relief from retaining wall and adjacent structures.
-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

**CONS**

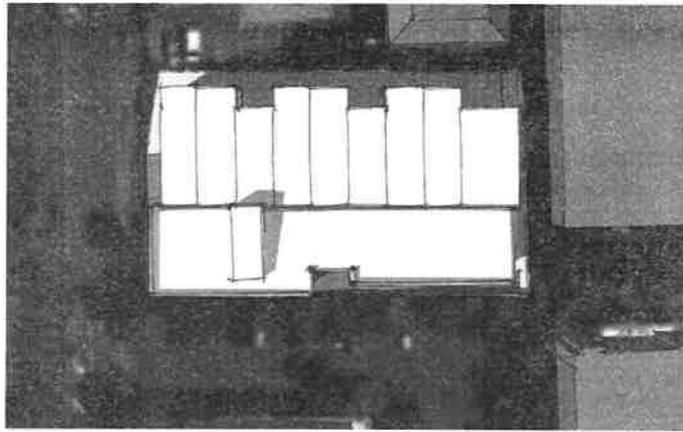
- Majority of residential views along the south elevation are perpendicular to the property line, inhibiting privacy from adjacent buildings.
- Could lose primary northern views due to proximity to under developed property to the north



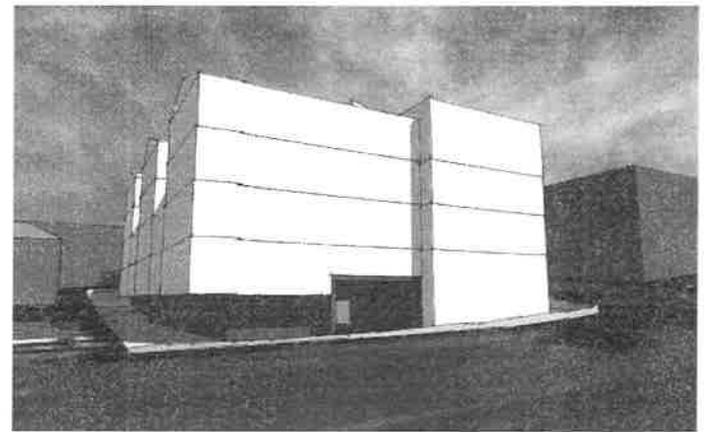
AERIAL VIEW FROM NORTH-WEST



AERIAL VIEW FROM SOUTH-WEST



AERIAL VIEW FROM ABOVE



STREET LEVEL VIEW FROM NORTHWEST



220 6<sup>TH</sup> AVE FLATS

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MASSING OPTIONS

WEBER THOMPSON



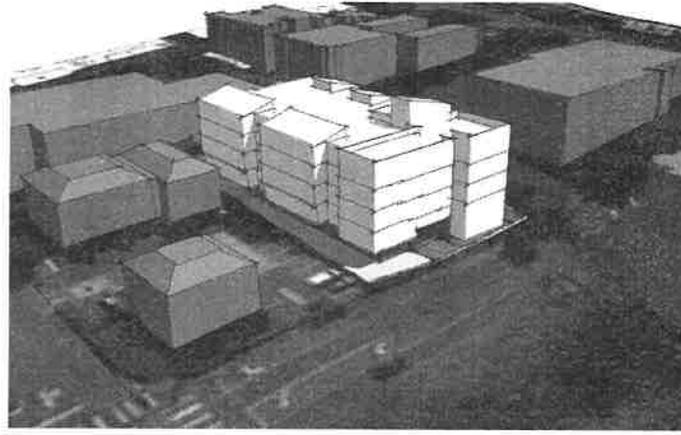
# MASSING SCHEME 3 (PREFERRED)

**PROS**

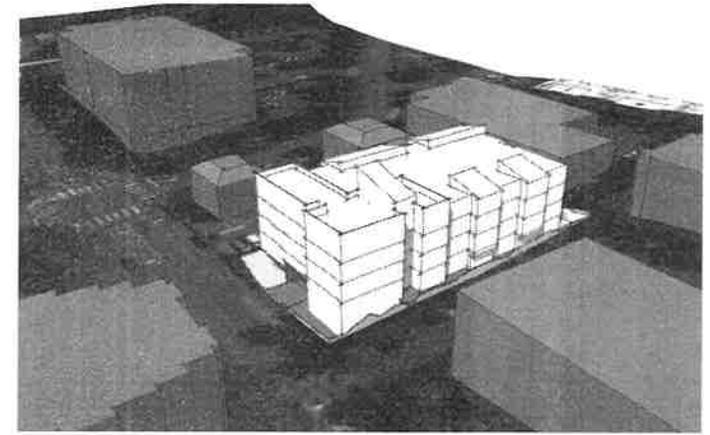
- Increased modulation along north and south facade breaks down the main building mass into smaller residential bays.
- Upper mass conflict with the garage entry is more resolved.
- Southeast building corner is pulled back to increase the setback to provide relief from retaining wall and adjacent structures.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

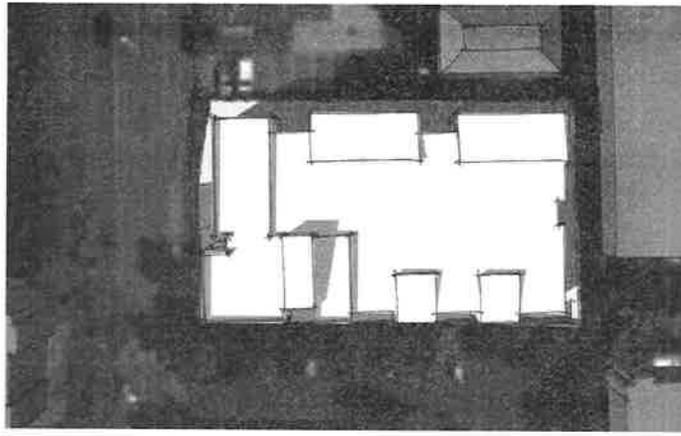
- Could lose primary northern views due to proximity to under developed property to the north
- Increased complexity of roof forms



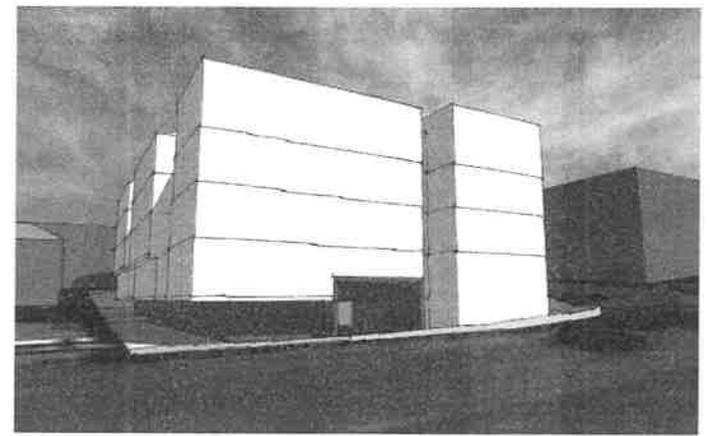
AERIAL VIEW FROM NORTH-WEST



AERIAL VIEW FROM SOUTH-WEST



AERIAL VIEW FROM ABOVE



STREET LEVEL VIEW FROM NORTH-WEST



220 6<sup>TH</sup> AVE FLATS

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MASSING OPTIONS

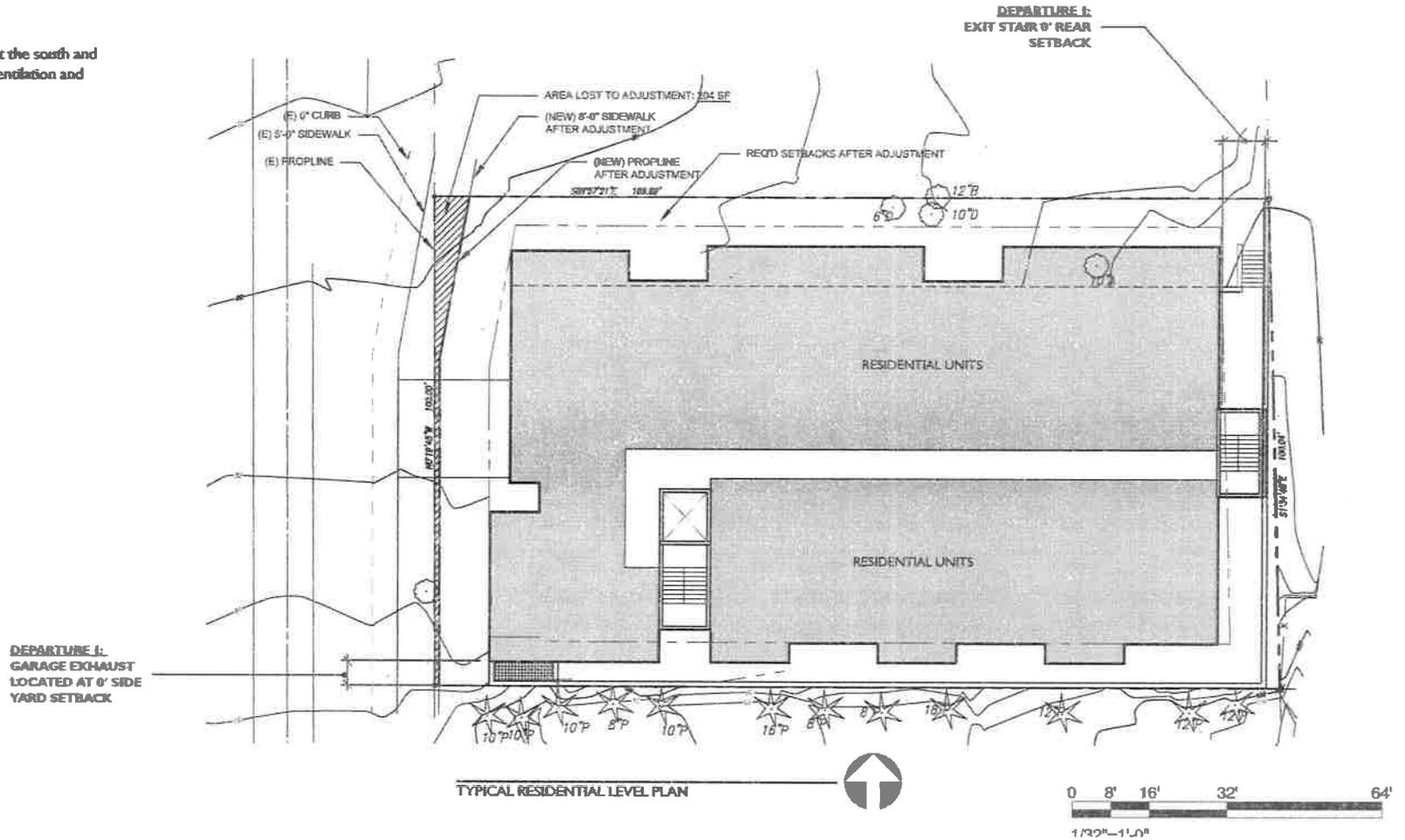
WEBER THOMPSON



# 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.



220 6<sup>TH</sup> AVE FLATS

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MASSING OPTIONS

WEBER THOMPSON



- Common Recreational Open Space:

In PLA5C, 200 square feet of common recreational open space is required per unit of multifamily housing. This is not a requirement in other zones where density is determined by building height and bulk (CBD, JBD and Totem Lake). The Planning Commission has proposed that common recreational open space still be required, but that a limit be put on the total requirement per multifamily project. The main reason the Commission felt recreational open space should be required was because this specific area is outside the CBD, so there are fewer public spaces available in the general vicinity, thereby making common open space a necessity as part of any redevelopment.

Proposed Code Amendments:

Continue to require 200 square feet per unit, but cap the maximum requirement at 4800 square feet/acre. The present zoning allows 24 units per acre resulting in 4800 square feet of required open space per acre.

- Front Yard Setback Requirements:

The present zoning requires an additional 1' setback from the front property line for each one foot above 30' in height. The existing front property line setback is 20', so if a building is 60' high it is required to be setback from the front property line 50'. The front property line setback is 0' for most uses in the CBD and JBD. The front property line setback is 10' for many of the uses in Totem Lake and the North Rose Hill Business District.

Proposed Code Amendments:

Reduce the front setback yard to 10' and remove the requirement for an additional 1' of setback for each 1' of height above 30' ABE.

- Height Limits Expressed in Feet and Number of Floors:

Height limits in the Zoning Code for PLA5C are expressed in terms of number of stories as well as number of feet. It will be less confusing and will be consistent with other areas of the code if maximum height is expressed in feet rather than in both feet and number of stories which is now the case.

Proposed Code Amendment:

Express height in feet only (remove story limit).

### **III. Public Participation**

Public notice was mailed to property owners and adjacent residents, and emailed to all neighborhood associations, the Kirkland Alliance of Neighborhoods and the Chamber of Commerce, as well as the Seattle Times and the Kirkland Reporter. Information was also provided on the City's Private Amendment Request Webpage and public notice signs were posted near the sites.

The Planning Commission held study sessions on September 27, 2012, and October 25, 2012, and a public hearing on November 15, 2012. There were three speakers at the public hearing.



**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.
2. If a proposed use or development activity identified in subsection (1) of this section will contain four (4) or more units, then it must contain at least 200 square feet per unit of common recreational space usable

for many activities. This required common recreational open space must have the following minimum dimensions:

- a. For four (4) to 20 units, the open space must be in one (1) or more pieces each having at least 800 square feet and having a length and width of at least 25 feet.
- b. For 21 units or more, the open space must be in one (1) or more pieces having a length and width of at least 40 feet.
- c. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playing equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one (1) time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.

## Zoning Code Amendment

### Chapter 10 - Legal Effect/Applicability Section 10.35 Zoning Boundary Interpretation

No changes to KZC 10.05 through 10.30

#### 10.35 Zoning Boundary Interpretation

1. Following Property Lines – Where a zone boundary is indicated as approximately following a property line, the property line is the zone boundary.
2. Following Streets – Where a zone boundary is indicated as following a street, the midpoint of the street is the zone boundary.
3. Lakes – Where a zone abuts upon or extends into a lake, the zone boundary extends into that lake to the outer harbor line. In places where there is no outer harbor line, the zoning boundary shall extend to a point that the Army Corps of Engineers would define as the line of navigability. ~~full limit and territorial extent of the police power, jurisdiction and control of the City of Kirkland.~~
4. Other Cases – Where a zone boundary is not indicated to follow a property line or street, the boundary line is as drawn, based on the scale shown on the Zoning Map.
5. Classification of Vacated Rights-of-Way – Where a right-of-way is vacated, the area comprising the vacated right-of-way will acquire the classification of the property to which it reverts.

No change to KZC 10.40 and 10.45