



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM

To: Planning Commission

From: Jon Regala, Senior Planner
Paul Stewart, Deputy Director

Date: January 16, 2008

Subject: PUBLIC HEARING - FILE ZON06-00019
GORDON HART PRIVATE AMENDMENT REQUEST

I. RECOMMENDATION

- A. Hold the public hearing on the Gordon Hart Private Amendment Request
- B. Recommend to the City Council text revisions to Comprehensive Plan pages XV.H-21 and 22 (see Attachment 1) based on the staff analysis described in Section VII below.

II. DESCRIPTION OF REQUEST

The Hart private amendment request (PAR) consists of increasing the Comprehensive Plan residential density from medium density residential at 8-9 dwelling units per acre to medium-density residential at 12 dwelling units per acre to create single-family lots at a higher density. The subject property is located at 130xx 132nd Avenue NE (see Attachment 2). If approved, this will result in the zoning designation of the property being changed from RM 5.0 to RM 3.6.

The private amendment request also includes revising or removing site specific development criteria outlined in Comprehensive Plan Policy TL-17.3. This Comprehensive Plan policy provides property specific development criteria regarding density, lot coverage limitations, retention of watercourses, slope stability, location of improvements, surface water runoff, and vehicular access. The applicant's primary concern is the slope and setback standard found in Policy TL-17.3 condition #7. The applicant contends that these conditions prohibit reasonable development of the subject property given the location of existing wetlands and stream.

III. BACKGROUND

The following is a brief historical timeline and summary of the subject property:

September 2, 1980 The subject property was annexed into the City of Kirkland (Ordinance 2545). The King County *land use* designation, in the Northshore Plan,

designated the southern portion of the subject property as *ip - industrial park*, and the northern portion of the subject property *o - open space/cemeteries* (see Attachment 3). **King County zoning for the subject property was G - general**, this allowed for agricultural and residential uses at a maximum density of one dwelling unit per 35,000 square feet of lot area. When annexed, the City of Kirkland adopted the RS 35 zone for the subject property which was similar to the County's zoning and a land use designation of LR – Low Density Residential.

April 19, 1982

The City Council approved a Comprehensive Plan amendment that changed the land use of the subject property from Low Density Residential to Industrial (Ordinance 2661) at the request of the property owner (Gordon Hart). Various development standards were added to the Comprehensive Plan to protect the environmental features of the hillside and buffer industrial/commercial uses from the single-family residences located north of the subject property (see Attachment 4).

July 11, 1995

The City Council approved a Comprehensive Plan amendment, as requested by the property owner (Gordon Hart) that changed the land use of the subject property from Industrial to Medium-Density Residential (Ordinance 3481).

January 1996

King County Public Works acquired a portion of the subject property frontage to widen and improve 132nd Avenue NE. A retaining wall was constructed along 132nd Avenue NE as part of street widening project. Attachment 5 contains a copy of the retaining wall and drainage details from the King County plan set for the project.

December 1, 2004

The applicant Gordon Hart, originally submitted this private amendment request (PAR) on December 1, 2004 (see Attachment 6). The PAR included the adjoining property to the west which is owned by the Fiorito family. The original request was to remove the development restrictions described in Comprehensive Plan Policy TL-17.3 (see Attachment 7), remove the greenbelt located on the Fiorito property, and to amend the Comprehensive Plan land use designation from medium density residential at 8 dwelling units per acre to medium-density residential at 12 dwelling units per acre in order to construct single-family lots at a higher density.

February 10, 2005

The Planning Commission recommended to the City Council that consideration of the Hart PAR be postponed until the completion of the Totem Lake neighborhood zoning and design regulations update. In addition, the Planning Commission expressed the need for more information regarding the development potential of the subject property as it relates to the wetlands and streams located on the subject property.

March 15, 2006 The City Council conducted a threshold review of several private amendment requests and directed staff to begin full review of the Hart PAR following the completion of the Totem Lake Neighborhood zoning and design guidelines. ***The City Council clarified that the Hart PAR request be limited to the Hart property only and not the Fiorito property except to the extent that portions the Fiorito property may be utilized as access to the Hart property.***

October 2006 Mr. Hart requested to delay the review of his PAR to 2007 for personal reasons.

Aug. & Dec. 2007 Planning Commission study sessions

IV. SITE CHARACTERISTICS

1. Existing Site Conditions

According to the King County Assessors Office, the Hart property is 162,914 square feet or 3.74 acres. The subject property is currently vacant and contains naturally occurring vegetation. A boundary line and topographic survey was completed in 1981 and can be found in Attachment 8. The subject property is very steep containing slopes in excess of 46%. Attachment 9 contains a topographic map that depicts the various slope gradients. Attachment 9b contains several snapshots of the subject property utilizing the City's geographic information system.

The City of Kirkland sensitive areas maps identify the subject property as being located in a high landslide hazard area (see Attachment 10).

The subject property also contains a Type II wetland and located off-site to the west is a Class C stream. See Section VI below for further discussion on how the wetland and stream impacts development on the subject property.

2. Neighborhood Zoning and Uses

Attachment 11 contains an aerial vicinity map. The following is a brief description of the zoning and existing uses that adjoin the subject property.

North – R-6 (King County Zoning). Single family residences on lots that range from 7,200 square feet to 9,500 square feet.

East – I – Industrial (King County Zoning). Vacant property in addition to various office/industrial uses.

South – LIT (Light Industrial Technology). Various office/industrial uses.

West – P (Park/Open Space). Private greenbelt easement dedicated through the creation of the Totem Valley Business Center subdivision.

V. CURRENT COMPREHENSIVE PLAN AND ZONING

The subject property is zoned RM 5.0 (1) which allows primarily single-family and multi-family development at a density of 8 units/acre (see Attachment 12). The minimum lot size is 5,000 square feet. The suffix (1) refers to the development conditions found in the Comprehensive Plan. Since the original Comprehensive Plan standards and policies for the subject property were created in the early 1980's, the Zoning Code has undergone a variety of changes. The Zoning Code now contains regulations that address development on hazardous slopes and the protection of environmentally sensitive areas such as streams and wetlands.

Development on hazardous slopes may be allowed based on the recommendations of a geotechnical report which addresses issues such as slope stability, erosion, foundation and retaining wall design, drainage, seismic ground motion and liquefaction, and groundwater. To protect the hazardous slopes from degradation, the City may require retention of trees, shrubs, and groundcover and limit or restrict development that significantly impacts slope stability, drainage patterns cause erosion, and deposits sedimentation on the subject property or adjoining properties. These requirements can be found in KZC Chapter 85.

Kirkland's critical areas regulations, found in KZC Chapter 90, were adopted to meet Growth Management Act requirements as well as to provide the City tools to help protect wetlands and streams and their associated buffers, as new development occurs. Other changes were made to the tree and landscaping chapters of the Zoning Code to further maintain the City's tree canopy and to update the standards for tree retention and landscape buffers. These regulations can be found in KZC Chapter 95.

Attachment 7 lists the *development conditions* in the Comprehensive Plan that apply specifically to the subject property. These conditions originated in April 1982 as a result of a private amendment request to allow for industrial/commercial uses. Attachment 13 contains a list of the general goals and policies that apply to property located in the Totem Lake Neighborhood.

VI. ESTIMATED DEVELOPMENT POTENTIAL

In January 2005, the applicant retained Talasaea Consultants, Inc., to conduct a preliminary sensitive area assessment on the subject property (see Attachment 6). Recently, the applicant paid for the City's wetland and stream consultant, The Watershed Company, to review the sensitive areas on the subject property. Attachment 14 contains a copy of The Watershed Company's report. The Watershed Company report identifies a wetland on the subject property as a Type II wetland requiring 75-foot buffers. An off-site stream to the west (Fiorito property) was delineated and classified as a Class C stream which requires a 35-foot buffer. A survey of the wetland and stream flagging is still required from the applicant.

Absent the survey, staff has been able to estimate the development potential of the subject property based on the preliminary sketch provided by The Watershed Company. Staff has estimated the size of the sensitive area, its buffer, and the dry land area as follows (*this information is very preliminary and is subject to change based on a future survey of the sensitive area*):

	Estimated Size (approximate)
Wetland Area	24,846 square feet
Wetland and Stream Buffer Area	71,587 square feet
Dry Land Area	66,481 square feet
Total Property Size	162,914 square feet

Using the formula in KZC 90.35, *MAXIMUM DWELLING UNIT POTENTIAL = (BUILDABLE AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT) + [(BUFFER AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT) X (DEVELOPMENT FACTOR)]*, the maximum development potential for the subject property is shown in the following chart.

	Maximum # Residential Units allowed (estimate)
RM 5.0 (existing zoning)	21 residential units
RM 3.6 (proposed zoning)	30 residential units
<i>The results of the calculations above do not take into account any vehicular access easements or right-of-way dedication that may be required through the subdivision and/or development process or other factors such as site and building constraints that may reduce the number of units allowed on the subject property.</i>	

Staff was able to approximate the location of the buildable area on the subject property using The Watershed Company's wetland sketch as the base map (see Attachment 15). Staff created an overlay of the required 75-foot wetland buffer, 35-foot stream buffer, property line setbacks, and required Comprehensive Plan standards. The orange area on the map depicts an approximate building area. Below is a chart which approximates the size of the building area given the various standards.

Scenario	Approximate Size of Buildable Area
Existing Standards (100' setback from north property line and 150' slope restriction)	18,362 square feet
Removal of 100' setback from north property line and 150' slope restriction and assuming 10' north property line setback.	44,310 square feet

VII. STAFF RECOMMENDATIONS

Depending on the scope of the recommendations made by the Planning Commission to the City Council future amendments to the Zoning Code may be required to avoid regulatory conflicts with the Comprehensive Plan and Zoning Code.

A. Density

The Planning Commission should consider if an increase in density is appropriate for the site. Information was given in the above sections regarding the maximum development

potential and remaining potential buildable areas taking into account the Comprehensive Plan conditions for the property and applicable zoning standards.

Staff Recommendation: Maintain current zoning of RM 5.0. Given the limited buildable area of the site, due to the environmental and physical constraints, it is questionable that density allowed in the RM 5.0 zone could be feasibly achieved, let alone the density allowed in the RM 3.6 zone. The site is constrained to the west by a wetland and its buffer and constrained to the east by steep slopes. Based on the calculations above, 21 units could potentially be allowed with the RM 5.0 zoning within an area of approximately 45,810 square feet (if Comprehensive Plan setbacks were eliminated). This does not yet take into account the area needed for an access road to serve the residential units which could further reduce the residential unit yield.

B. Public Review Process

The Planning Commission should determine if a public review of a residential development is necessary given that development in the RM zone is typically reviewed through a building permit process. This would address the first Comprehensive Plan condition found in Attachment 7. For background information, the City has several discretionary permit processes. The following processes all include a public review period and are used for discretionary zoning permits.

<i>Process I</i>	Planning Director Decision. Includes a public comment period. Example of permits: short plats, variances, shoreline permits, and sensitive area buffer modifications
<i>Process IIA</i>	Hearing Examiner Decision. Includes a public comment period and a public hearing. Example of permits: Sensitive area buffer modifications
<i>Process IIB</i>	Hearing Examiner recommendation to City Council. City Council Decision. Includes a public comment period and public hearing. Example of permits: Planned unit developments (PUD).

Staff Recommendation: Staff recommends utilizing the Process IIA Hearing Examiner public hearing process for review of development on the subject property. Given the history of the subject property and neighborhood involvement and concern, this process allows for public oral and written testimony with discretionary approval to be made by the Hearing Examiner.

C. Comprehensive Plan Development Conditions

The Planning Commission should review the remaining Comprehensive Plan conditions listed below in bold text and as found in Attachment 7 to determine if they should be deleted and thereby defaulting to the KZC regulations and/or revise the conditions to balance the request of the applicant with existing policies. Background regarding each condition is provided following each condition followed by a staff recommendation.

- ***Lot coverage for development should be lower than that allowed for the less environmentally sensitive properties to the south, to enable the preservation of vegetation and watercourses on the site.***

The properties located south of the subject property are zoned Light Industrial Technology (LIT). The LIT zone allows lot coverage at 70% to 90% depending on the proposed use. The subject property is zoned RM 5.0. The RM zone allows maximum lot coverage of 60% for residential uses and 70% for non-residential uses such as schools and churches.

Staff Recommendation: Keep condition as is. This language gives policy support towards maintaining pervious areas.

- ***Vegetative cover should be maintained to the maximum extent possible. Clustering of structures may be required to preserve significant groupings of trees.***

KZC Chapter 85 gives the City the authority to require retention of vegetation as it relates to slope stability. KZC Chapter 95 contains tree retention regulations that address retention of tree groves. Comprehensive Plan policy TL-17.1 contains language regarding retention of vegetation when located on high and moderate landslide areas.

Staff recommendation: Keep condition as is. This language gives policy support towards maintaining the vegetative cover and clustering of new structures to protect trees.

- ***Watercourses should be retained in a natural state.***

KZC Chapter 90 contains regulations that deal with protecting streams and their buffers.

Staff recommendation: Keep condition as is. This language provides additional policy support in applying Chapter 90 regulations to new development.

- ***Development should only be permitted if an analysis is presented that concludes that the slope will be stable. The analysis should indicate the ability of the slope and adjacent areas to withstand development, the best locations for development, and specific structural designs and construction techniques necessary to ensure long-term stability.***

KZC Chapter 85 contains regulations that address the criterion above.

Staff recommendation: Keep condition as is. This language provides additional policy support in applying Chapter 85 regulations to new development.

- ***The hillside with the steepest slopes should be left undisturbed in a natural condition and retained as permanent natural open space through the creation of a greenbelt easement or the dedication of air rights. In order to provide property owners with reasonable development potential, some development may be permitted on the southern, lower portion of the hillside. In no case should such***

development or associated land surface modification extend northward more than 150 feet into any slope in excess of 15 percent, nor closer than 100 feet to existing single-family residential development north of the slope.

KZC Section 85.40 and 90.150 contain regulations that give the City the authority to require the applicant to dedicate development rights, air space, or grant a greenbelt protection or open space easement to the City to ensure the protection of any landslide hazard area, seismic hazard area, or sensitive areas and their buffers on the subject property (see Attachment 16). Land survey information will be provided by the applicant to formalize these areas.

KZC Chapter 85 requires that an applicant provide information regarding slope stability, among other issues, that address building on hazardous slopes (see Attachment 16). Based on this information, to be provided by a geotechnical engineer, the City may then require restrictions on the development consistent with information provided in the report.

Staff has found the following geotechnical reports from 1983 and 1984: *Earth Consultants, Inc. Geotechnical Reports dated February 28, 1983, and following addendums dated December 5, 1983, December 21, 1983, January 18, 1984, and April 26, 1984* (see Attachment 17). In short, the geotechnical report confirms that the hillside may support development if the geotechnical recommendations provided by Earth Consultants, Inc. are followed.

At the last study session, the Planning Commission requested staff to provide additional information regarding the following topics:

1. Public Greenway

A *public greenway* is indicated on Comprehensive Plan Map Figure TL-6 along the northern portion of the subject property and extends west and southwest towards Totem Lake (see Attachment 13). There is no defined width or size of the identified *public greenway*. The Planning Commission expressed their concern about maintaining the greenway across the subject property.

West of the Hart property is an established greenbelt easement located on the northern half of the Fiorito property. This greenbelt easement was formally established with the Totem Valley subdivision in the early 1980's and maintains the public greenway concept across the Fiorito property. On the Hart property, the existing wetland and stream and required wetland/stream buffers encompass the vast majority of the western portion of the property. This area is contiguous to the Fiorito greenbelt easement to the west and will be eventually recorded as a greenbelt easement as a condition of new development (see Attachment 18). In

doing so, the *public greenway* will extend across the most of the Hart property.

To continue the *public greenway* to 132nd Avenue NE, the Planning Commission may consider the options described below:

- a. Require a landscape strip along the northern boundary. The standard requirement is a 5-foot wide landscape buffer between multi-family and single-family uses. The City's strictest landscape buffer standard consists of a 15 foot wide landscape strip, a 6-foot tall fence at the property line, and trees planted 20' on-center (see Attachment 16, KZC 95.40.6.a).
- b. Require a 10-foot building setback along the northern boundary. The required side yard setback in the RM zone is a minimum 5 feet with two side yards totaling 15 feet. Ten-foot side yard setbacks are not uncommon for residential projects.
- c. Further, the Planning Commission may consider adding language that requires along the northern plateau, where new development is being contemplated, a setback from the top of the steep slopes (see Attachment 18). This setback should be based on where the high landslide hazard area begins as defined by the Zoning Code and provided by a geotechnical engineer. A high landslide hazard area is defined by the Zoning Code as follows:

KZC Section 85.13.4.a. High Landslide Hazard Areas - Areas sloping 40 percent or greater, areas subject to previous landslide activities and areas sloping between 15 percent and 40 percent with zones of emergent groundwater or underlain by or embedded with impermeable silts or clays.

This setback area between the top of the steep slopes *along* with the designated high landslide hazard area, except for a future roadway, could then be required to be planted to continue the *public greenway* east to 132nd Avenue NE.

By taking into account the greenbelt area (consisting of the existing wetland and stream and their buffers), the landscape buffer along the north property line, and the potential top of slope setback and identified high landslide hazard area, the resulting 'average' width of the buffer or

public greenway located across the Hart property would exceed the current 100-foot buffer requirement.

2. Mitigation to Single-Family Residences to the North

At the study session, the Planning Commission pointed out that the 1981 Hart PAR contained two Comprehensive Plan land use alternatives (see Attachment 4). One alternative addressed a low density residential use while the other addressed industrial/office uses. The low density residential alternative allowed development to occur within 20 feet of the north property line which adjoins single-family residences to the north. Development would have been allowed on the flatter portions of the site which are also located at the northern end of the subject property (within the currently required 100-foot buffer).

The industrial/office use alternative, which was eventually approved, prohibited development within 100 feet of the north property line and no more than 150 feet into any slope in excess of 15%. This alternative and the other conditions found in Attachment 4 remain very similar to this day even with a subsequent land use change to medium-density residential in July 1995.

If the buffer and slope restrictions are removed, the underlying RM zoning standards will apply. These zoning standards were created to mitigate impacts to adjoining uses. Currently, in the RM zone, when a town home style development (attached units) is constructed within 100 feet of an adjoining low density zone, then either of the following regulations would apply:

- a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or*
- b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.*

This Zoning Code requirement applies only to non-residential and attached multi-family units.

In addition, KZC 95.6.b requires that when a multi-family development adjoins a single-family use, a five-foot wide landscaped strip with a six-foot-high solid screening fence or wall is required along the length of the common property line (see Attachment 16).

The RM zone also requires a minimum 5-foot side yard setback with the two side yards totaling 15 feet (see Attachment 12).

3. No Change Alternative

If the Planning Commission recommends no changes to the Comprehensive Plan conditions, development would be limited to the southern portion of the subject property (see Attachment 15). This alternative could potentially allow 21 units to be constructed within an area of 18,362 square feet based on the information in Section VI above. Again, these figures are very preliminary since they are not based on surveyed information.

Currently, the RM 5.0 zone does not allow stacked units. If development is limited to the lower portion of the slope, stacked units could be considered in this area to allow the developer to maintain their allowed density.

Staff recommendation: Retain language requiring a greenbelt easement or dedication of air rights to preserve steep slopes. This language provides additional policy support in applying the various City regulations to new development.

Staff also recommends deleting the condition requiring a 100-foot buffer from the north property line and limiting development 150 feet into the slope. If this language is removed, current City regulations will apply to new development. KZC Chapter 85 and Chapter 95 contain regulations that address building on hazardous slopes and landscape buffer standards when building next to single-family residences. The RM zoning standards contain minimum side yard setback requirements and horizontal façade regulations and will adequately mitigate development from the single-family residences to the north.

The Planning Commission should provide feedback on the options provided that considers continuing the public greenway corridor from the future wetland and stream greenbelt area on the subject property, east to 132nd Avenue NE. The Planning Commission should also consider allowing stacked units if development is limited to the southern portion of the subject property on the lower portion of the steep slopes.

- ***Any part of the hillside which is retained as permanent natural open space, but which has been previously altered from its natural state, or which is so altered as a result of soils testing or watercourse rehabilitation should be returned to its natural condition.***

KZC Section 90.20.6 and 115.75 contain regulations that address soils testing. KZC Section 90.120 contains regulations that deal with stream restoration. KZC Section 90.65 contains regulations that deal with wetland restoration. Attachment 16 lists the above mentioned Zoning Code sections.

Staff recommendation: Keep condition as is. This language provides additional policy support in applying the various City regulations to new development.

- ***Surface water runoff should be maintained at predevelopment levels.***

After consulting with the Public Works Department, the above criterion is the policy from which current surface water runoff regulations are applied in a general sense. The following is a summary of what the Public Works Department would require for a new residential project on the subject property:

Runoff from this project drains to Redmond and therefore COK would require level 2 flow control under the 1998 King County Surface Water Design manual, unless the applicant received written approval from Redmond to allow level 1 flow control. In general, both level 1 and level 2 flow controls require developed flows to be maintained at pre-developed levels.

To be more specific, Level 2 flow control requires the applicant to match developed discharge durations to pre-developed duration discharge rates from 50% of the 2-yr peak flow up to the full 50-yr peak flow. Level 1 requires the applicant to match the developed peak discharge rates to the pre-developed peak discharge rates for 2-yr and 10-yr flows.

Staff recommendation: Keep condition as is. This language provides additional policy support in applying surface water runoff regulations to new development as required by Public Works.

- ***The developer should indemnify and hold harmless the City by a covenant running with the land in a form approved by the City Attorney.***

KZC Section 85.45 and 90.155 contains regulations that give the City the authority to require that the applicant enter into an agreement indemnifying the City from any claims, actions, liability and damages to sensitive areas arising out of development activity on the subject property, prior to issuance of any grading or building permit.

Staff recommendation: Delete this condition. The City can require this information under KZC Sections 85.45 and 90.155 (see Attachment 16).

- ***Vehicular access should be from south of the slope. If necessary, access may be from 132nd Avenue NE, provided that such access is limited to one point and meets other City standards.***

Input from Public Works is needed regarding this criterion. Due to the physical and environmental constraints on the subject property, it appears that the only practical means of access is from 132nd Avenue NE. When new development is proposed, the developer should contact Public Works in order to determine where access to the subject property should be located along 132nd Avenue NE in terms of traffic safety, sight-distance issues, allowable driveway gradient, and any other applicable standards as determined by the City's traffic engineers.

Preliminary recommendation from Public Works on this issue is that a single access driveway should be located as close to the south property line as possible

for traffic safety issues. These traffic safety issues include poor sight distance due to the drastic change in elevation along the property frontage and the curve in the road, as well as high traffic speeds of vehicles coming down 132nd Avenue NE. *Based on these traffic issues, Public Works will not approve driveway access near the north property line.*

In terms of other City Department driveway requirements, the Fire Department requires that driveways cannot exceed a 15% gradient. If the driveway gradient exceeds 15% then sprinklers will be required for all residential units on the property. The Public Works Department requires a maximum 6% gradient within the first 15 feet of the property. After this point, Public Works reviews driveway gradients on a case-by-case basis.

If access is provided from the south, the Planning Commission may consider adding language that addresses minimizing impacts to the slope as follows:

A roadway, designed to have the least impact on the steep slopes, may be permitted to traverse the steep slopes up to the northern plateau provided that cutting and grading is limited to the smallest extent necessary and that any disrupted portions of the slope, excluding the roadway itself, are heavily landscaped to maintain the natural character of the hillside.

At the previous study session, the Planning Commission determined that access from the north may be difficult given that most properties adjoining the Hart property are encumbered by a private access road or contain a 15-foot wide planting screen easement (see Attachment 19). Changing these easements to allow for access to the Hart property may prove to be difficult for a future developer.

Staff recommendation: Keep condition and consider adding language that minimizes impact to the hillside if access is provided from the south.

This language provides additional policy support in determining the appropriate location for access to the subject property. The Planning Commission could further explore the possibility of the subject property gaining access from the north which would involve the developer purchasing a residential lot in order to provide access.

VIII. PRIVATE AMENDMENT REQUEST CRITERIA

Certain criteria found in the Zoning Code must be considered when reviewing a private amendment request.

- A. Factors for Consideration:** KCZ 140.25 establishes that the City must take into consideration, but is not limited to, certain factors when considering a Comprehensive Plan Amendment. Below is a list of the criteria followed by staff analysis.

1. *The effect upon the physical, natural, economic, and/or social environment.*

Approval of the request will result in changes to the natural environment since the subject property is currently undeveloped. The majority of the subject property (approximately 60%) will be preserved in its natural state due to KZC requirements for protecting wetlands and their buffers. For the physical environment, approval of the request may result in up to 30 residential units depending on the site constraints, development standards, and access issues. Approval of the request would not adversely impact the economic or social environments.

2. *The compatibility with and impact on adjacent land uses and surrounding neighborhoods.*

Approval of the applicant's request would result in a medium density designation and a clustered residential development given the location of the sensitive areas on the subject property. There is no proposed change in the land use designations from what exists today. If the Comprehensive Plan conditions are defaulted to the Zoning Code regulations, the subject property will be held to the same standards that multi-family residential uses are held to when adjoining other single-family zones in the City.

3. *The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation and schools.*

Existing public facilities are adequate to serve the existing RM 5.0 zone and the proposed RM 3.6 zone. The site is accessed by a major arterial (132nd Avenue NE) and is near transit routes on 132nd Avenue NE, NE 132nd Street, and NE 124th Street. Public utilities exist through the area. The extension of utilities on-site would be the responsibility of the future developer. The site is near several schools and parks located to the north in the City's potential annexation area.

4. *The quantity and location of land planned for the proposed land use type and density.*

According to the 2007 King County Buildable Lands report, the City had, as of 2006, land capacity for 4,761 new units throughout the City with much of this future growth to occur in the Totem Lake area. The City has enough land capacity to meet 2012-2022 housing targets.

According to the City's Community Profile, as of 2003, the Totem Lake Neighborhood had 33 single-family homes, 1,855 multi-family units, and a capacity for 1,805 residential units (see Attachment 20). Of the 620 acres in the Totem Lake Neighborhood, only 117 acres contain residential uses. The average residential density in the Totem Lake Neighborhood is 15 units per acre with an estimated population of 3,073 people (based on January 2004 King County Assessor's data).

5. *The effect upon other aspects of the Comprehensive Plan.*

If the land use designation for this site is changed, the text on pages XV.H-22 and neighborhood land use map would need to be changed. Other aspects of the Comprehensive Plan are expected to be unaffected.

B. Criteria for Amending the Comprehensive Plan: KZC 140.30 establishes the criteria by which a Comprehensive Plan Amendment must be evaluated. These criteria and the relationship of the proposal to them are as follows:

1. *The amendments must be consistent with the Growth Management Act.*

The amendment is consistent with the following Growth Management Act, including the following planning goals (RCW 36.70A.020):

- Urban Growth: Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- Reduce Sprawl: Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- Housing: Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- Open Space and Recreation: Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

It is also consistent with the directive of the Growth Management Act that each comprehensive land use plan is subject to continuing evaluation and review by the city.

2. *The amendments must be consistent with the Countywide Planning Policies.*

The amendment is supported by the following Countywide Planning Policies on Land Use:

- Policy LU-26 states that land within Urban Growth Areas shall be characterized by urban development.
- Policy LU-66 calls for an efficient use of land within the Urban Growth Area and a mix of housing types.
- Policy LU-69 encourages infill development.
- Policy FW-24 states that all jurisdictions shall support the County's existing diversity of places to live, work and recreate and the ethnic diversity of our communities. The Countywide development pattern shall

include sufficient supply of quality places for housing, employment, education, recreation, and open space and the provision of community and social services.

The amendment is not in conflict with the following Countywide Planning Policies on Fish and Wildlife and Geologic Hazard Areas, provided that the City's environmental regulations are applied to future development:

- Policy CA-9: Natural drainage system, including associated riparian and shoreline habitat, shall be maintained and enhanced to protect water quality, reduce public costs, protect fish and wildlife habitat, and prevent environmental degradation.
- Policy CA-13: All jurisdictions shall regulate development on certain lands to protect public health, property, important ecological and hydro-geologic functions, and environmental quality, and to reduce public costs. Regulations shall include, at a minimum, provisions for vegetation retention, seasonal clearing and grading limits, setbacks, and drainage and erosion controls.

3. *The amendments must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.*

The *Natural Environment Element* of the Comprehensive Plan contains the following goals and policies to protect the sensitive areas:

- Goal NE-1: Protect natural systems and features from the potentially negative impacts of human activities, including, but not limited to, land development.
- Policy NE-1.6: Strive to minimize human impacts on habitat areas.
- Policy NE-2.2: Protect surface water functions by preserving and enhancing natural drainage systems wherever possible.

The *Totem Lake Neighborhood Plan* of the Comprehensive Plan contains the following goals and policies to protect sensitive areas, existing vegetation, and transition between uses:

- Policy TL-16.1: Create a public greenway as shown in Figure TL-6.
- Policy TL-16.3: In natural areas of the greenway, maintain the natural vegetation to the greatest extent possible.
- Goal TL-17: Protect potentially hazardous areas, such as landslide, seismic and flood areas, through limitations on development and maintenance of existing vegetation.
- Policy TL-17.1: Maintain existing vegetation in high or moderate landslide areas.
- Policy TL-17.2: Require slope stability analyses in high or moderate landslide areas and regulate development to minimize damage to life and property.

- Policy TL-17.3: Restrict development in identified landslide hazard areas to ensure public safety and conformity with natural constraints.
- Goal TL-25: Provide effective transitions between the industrial, commercial and higher density multi-family uses in the neighborhood and single-family residential areas surrounding the neighborhood.
- Policy TL-25.1: Provide for site and building development requirements and other regulations that address transition areas to protect nearby residential neighborhoods.

The *Land Use Element* contains the following goals and policies that support additional housing units in residential neighborhoods while protecting the quality of the neighborhoods and the sensitive areas:

- Goal LU-2: Promote a compact land use pattern in Kirkland.
- Goal LU-4: Protect and enhance the character, quality, and function of existing residential neighborhoods while accommodating the City's growth.

The Comprehensive Plan will be internally consistent. If the request is approved, the amendments will not be in conflict with The Natural Environment and Land Use goals, policies or provisions of the Comprehensive Plan, provided that an adequate wetland buffer is provided between development and the sensitive area and recommendations of a geotechnical report are followed.

4. *The amendments will result in long-term benefits to the community as a whole, and is in the best interest of the community.*

If the request is approved, the amendments will provide the long-term community benefit of allowing for additional residential units without eroding the general land use patterns of the surrounding neighborhood. The study area can physically accommodate residential units with reduced impacts to the surrounding uses provided that the sensitive area buffers are maintained and that adverse impacts as a result of building on the steep slopes are avoided. The request serves the community's interest in the efficient use of land while protecting it from the impacts that growth can bring.

IX. ENVIRONMENTAL REVIEW

A Draft and Final Environmental Impact Statement (EIS) on the City's Comprehensive Plan 10-year Update was published in 2004. The EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). An EIS Addendum was issued on January 17, 2008 for the Gordon Hart Private Amendment Request. According to SEPA rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document. An addendum is appropriate when the impacts

of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document. The EIS Addendum fulfills the environmental requirements for the proposed changes.

X. ATTACHMENTS

1. Revised Comprehensive Plan Text pages XV.H-21 and 22
2. Vicinity Map
3. Northshore Plan Land Use Map
4. 1982 Comprehensive Plan Conditions
5. King County Retaining Wall Plans
6. December 2004 Hart Private Amendment Request
7. Existing Comprehensive Plan Conditions
8. 1981 Boundary Line and Topographic Survey
9. Slope Gradient Topographic Map
- 9b. Topographic Imagery based on City's GIS Information
10. City of Kirkland Landslide Hazard Map
11. Aerial Vicinity Map
12. RM Zoning Chart
13. Comprehensive Plan Policies List
14. The Watershed Company Report
15. Staff- Buildable Area Sketch
16. KZC Sections 85.40, 85.45, 90.20.6, 90.65, 90.120, 90.150, 90.155, and 115.75
17. Earth Consultants, Inc. Geotechnical Reports dated February 28, 1983, and following addendums dated December 5, 1983, December 21, 1983, January 18, 1984, and April 26, 1984
18. Greenbelt Map – Approximate
19. Map Showing Easements/Private Access Tract to North
20. Residential Capacity 2003, Kirkland Community Profile

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