



**CITY OF KIRKLAND**  
Planning and Building Department  
123 5th Avenue, Kirkland, WA 98033  
425.587.3600- [www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Houghton Community Council

**From:** Angela Ruggeri, Senior Planner  
Jeremy McMahan, Deputy Director, Planning and Building Department

**Date:** April 15, 2019

**Subject:** Citizen Amendment Request, File Number CAM18-00764

**Staff Recommendation**

Review the Citizen Amendment Request and staff recommendation. Provide a recommendation to the Planning Commission on whether the request should be studied in 2019; deferred to a future work program; or not considered further.

**Background**

The City uses a systematic process to amend the Comprehensive Plan, and to make changes to the Zoning Map or Zoning Code that are necessary to implement the Plan amendments. There are two ways changes can be made. The City can initiate the change, or a Citizen Amendment Request (CAR) may be initiated by the public.

CARs may be made by an individual, property owner, neighborhood organization, or other group. CARs are considered once every other year, during odd years. Each CAR that is submitted must go through a two-phase process as described below. The CAR applications received for the 2019 review included one application for a property in the jurisdiction of the Houghton Community Council.

Phase I

The Planning Commission and Houghton Community Council (if the site is in its jurisdiction), make a threshold review of the CARs and recommend to the City Council which ones should be considered further based on criteria specified in the Kirkland Zoning Code (see below). The City Council reviews the recommendation at a public meeting and determines which requests should be studied further. The Council also determines which requests will go to Phase II in the current year and which will be reviewed in a subsequent year, depending on the number of requests, available resources, and the Planning and Building Department's work program.

Phase II

Any CARs that are approved by City Council for additional study move to Phase II. During the second phase, the merits of the proposal are evaluated, and potential options are considered. The City may expand the geographical study area beyond that which is proposed by the applicant. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council considers the recommendation

and makes the final decision on the request. If the CAR is in Houghton, the Houghton Community Council may exercise its disapproval jurisdiction for any request that is approved by the City Council.

Criteria for approving changes to the Land Use Map and Zoning Map

As the HCC considers whether to recommend further study of this CAR, the following Zoning Code criteria need to be considered:

*130.20 Legislative Rezones – Criteria*

The City may decide to approve a legislative rezone only if it finds that:

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the community of Kirkland.

*140.25 Factors to Consider in Approving an Amendment to the Comprehensive Plan*

For both City and citizen-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. The effect upon the physical, natural, economic, and/or social environments.
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.
4. The quantity and location of land planned for the proposed land use type and density.
5. The effect, if any, upon other aspects of the Comprehensive Plan.

*140.30 Criteria for Amending the Comprehensive Plan*

The City may amend the Comprehensive Plan only if it finds that:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community and is in the best interest of the community.

## **Project**

The property owners, Mike Chaffee and Brock Krizan, have submitted a CAR for the property located at 6616 110<sup>th</sup> Avenue NE (see Attachments 1 & 2). The request is to change the Zoning Map and Comprehensive Plan designation from RS 8.5 (Low Density Residential) to RM 3.6 (Medium Density Residential). The applicant is requesting the amendment in order to allow 3 residences to be built on the property and to allow for more housing near Downtown Kirkland and Google. A full explanation of the proposal is included in the application (Attachment 1).

## **Staff Analysis**

In a case like this where the CAR is for a specific site, the City generally looks at a larger area to determine how to proceed. The area map in Attachment 2 is provided to show existing development and lots sizes around the proposal site. The yellow area on the map is zoned single family residential and the brown area is zoned multifamily residential.

The property at 6616 110<sup>th</sup> Avenue NE is in the northwest corner of an existing single-family neighborhood. The neighborhood is surrounded by 110<sup>th</sup> Avenue NE to the west, NE 65<sup>th</sup> Street to the south, 112<sup>th</sup> Avenue NE to the east and multifamily developments to the north. The map shows the lot size, house size and year built for each house in the neighborhood. Most of this neighborhood is made up of large lots containing large houses that have been built in the last 20 years. It is unlikely that these existing homes will be redeveloped in the near future. There are two exceptions due to the age of the existing residences: the house on the applicant's site at 6616 110<sup>th</sup> Avenue NE and one other house at 6527 111<sup>th</sup> Avenue NE.

The applicant is requesting a change in zoning so that 3 units will be allowed on this property. The existing zoning allows for one single family home and an accessory dwelling unit.

## **Staff Recommendation**

Staff does not recommend that this proposal be studied further. The existing boundaries of medium density and low density zoning are logical boundaries and creating a small intrusion of multifamily zoning into an established single family neighborhood for one parcel disrupts that logic. Expanding the medium density designation further to the south to create a more logical boundary would not likely change land uses in the foreseeable future, besides the two parcels with older homes as noted above. The site is part of an established neighborhood that is unlikely to be developed as multifamily and so the outcome of such a rezone would be minimal. The proposal does not meet the Zoning Code criteria for this change. In particular, the conditions have not substantially changed since the property was given its land use designation in the Comprehensive Plan and its present zoning.

## **Attachments:**

1. Application for CAR
2. Map of surrounding area

Memo to HCC  
CAM18-00764  
April 15, 2019

cc: File Number CAM18-00764  
Mike Chaffee, 6535 111<sup>th</sup> Avenue NE, Kirkland, WA 98033

# Citizen Amendment Request

(also known as Citizen Amendment Request)  
Planning Department



## DEVELOPMENT SERVICES

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Complete this form to submit at City Hall.

### MEMORANDUM

TO: Interested Parties  
DATE: April 2018  
FROM: Planning and Building Department  
SUBJECT: **CITIZEN AMENDMENT REQUESTS TO THE COMPREHENSIVE PLAN, ZONING CODE AND ZONING MAP**

In General, the City considers citizen amendment proposals once every other year during odd years (2017, 2019 etc.) as part of the City's Annual review of the Comprehensive Plan. All citizen initiated amendment requests must be submitted by December 1, prior to the year of their consideration. The schedule is noted below.

The purpose of this memo is to describe the process to be used for citizen amendment requests.

#### I. WHO MAY PROPOSE AN AMENDMENT?

Any individual, property owner, neighborhood organization or other group may propose to amend the Comprehensive Plan, The Zoning Code or the Zoning Map. For site specific requests, if the property owner is not making the request, then the property owner must be notified of the amendment (see attached Affidavit of Service). Before applying, we recommend that you contact the Planning Department to get a better understanding of the process and obtain any background information that might be relevant to the request. **Please contact Joan Lieberman-Brill at 425-587-3254 in the Kirkland Planning and Building Department for more information.**

#### II. WHAT IS AN APPROPRIATE PROPOSAL?

The Comprehensive Plan is a document describing the long-range plan for the City. It consists of a land use map, and general elements such as Land Use, Housing, Transportation and Capital Facilities. It also includes 14 neighborhood plans. Requests may be submitted to amend any aspect of the Plan -- the land use map, the general elements or a neighborhood plan.

A citizen amendment proposal may also amend the Zoning Map or the Zoning Code, if necessary to implement the Comprehensive Plan Change. If a rezone is requested, in order to qualify as a CAR the proposed residential density must be outside the density range shown on the applicable neighborhood plan land use map.

Citizen amendment requests that involve a significant change in use or in density for a specific property or a major policy change in a neighborhood may be deferred to the applicable neighborhood plan.

#### III. HOW TO APPLY AND WHAT IS THE DEADLINE FOR SUBMITTING A REQUEST?

Complete the attached application and submit to the Planning and Building Department at Kirkland City Hall, 123 5th Avenue, Kirkland, WA 98033 along with the required review fee for Phase 1. If you have any questions on completing the application, contact the Planning & Building Department at 425-587-3600 and in particular Joan Lieberman-Brill at 425-587-3254.

Applications must be submitted no later than December 1st of each year (December 1, 2018, 2020, etc.) for consideration of the request in odd years (2019, 2022, etc.). If that deadline is missed, then an interested party would need to wait and apply no later than December 1st of the next year.

**IV. WHAT IS THE REVIEW PROCESS FOR AMENDMENT REQUESTS?**

Phase 1 or 2	Review Process	Timeline
1	Cut-off date for applications for citizen amendment requests to be received by the city.	December 1, 2018
1	Houghton Community Council holds a study session to review the requests within their jurisdiction and prepares a threshold recommendation to the Planning Commission	February - March 2019
1	Planning Commission holds a study session and makes a threshold recommendation to the City Council.	February - April 2019
1	City Council reviews the recommendation at a public meeting and makes a threshold decision to determine which amendment requests should be further reviewed by the City. Also determined is which requests will go to Phase 2 in the current year of review or a subsequent year, depending on the number of requests, available resources and the Planning and Building Department's work program.	April - May 2019
2	Houghton Community Council (if applicable) and Planning Commission study the selected requests, For site specific proposals, the study area may be expanded to include other adjacent properties, if appropriate.	June - July - August 2019 or 2020
2	Houghton Community Council (if applicable) and Planning Commission hold public hearings and formulate recommendations whether or not the Plan Zoning Code and/or Zoning Map should be amended.	July and October 2019 or 2020
2	City Council reviews amendment requests along with the recommendations from the Planning Commission and Houghton Community Council (if applicable) and then approves, denies or modifies the request. City Council may hold a study session on the request before final action is taken.	December 2019 or 2020
2	Houghton Community Council, if request within their Jurisdiction, approves or disapproves the ordinance adopted by the City Council	December or January 2019 or 2020
2	Requests that involve the Shoreline Area Chapter of the Comprehensive Plan and/or the shoreline regulation in Chapters 83 and 141 of the Zoning Code require a hearing and approval by the State Department of Ecology along with coordination with that department.	

All dates are approximate and subject to change.

In Phase 2, some requests may be carried over to the following year for study and a final decision.

Phase 1 Fee	Phase 2 Fee
Decision whether to further study request	Study and decision on the request
The fee is due with the application submittal. Check with the Planning Department for the current fee schedule.	The fee is due before the first study session in Phase. Check with the Planning Department for the current fee schedule.

If the request is from a recognized City Neighborhood Association for an amendment to the general city-wide elements or to a neighborhood plan, the fees are waived. Fees are not waived for amendments that affect specific properties, including Comprehensive Plan, Zoning Code and / or Zoning Map changes.

**VI. WHEN CAN THE APPLICANT AND THE PUBLIC PROVIDE INPUT IN THE PROCESS?**

During both Phase 1 and Phase 2, the applicant and the public may provide oral comments at the study sessions and public hearings before the Planning Commission and Houghton Community Council. Written comments may be submitted for all study sessions and the public hearings.

When the City Council considers the requests in either Phase 1 or Phase 2, the applicant and public may provide oral comments on request at the beginning of their meeting under "Comments from the Audience" section of the agenda. Written comments may be submitted in advance of the meeting preferably at least 15 calendar days before the meeting so that the written comments can be included in the City Council meeting packet. No oral comments are taken at the City Council study session or when the City Council is deliberating its final decision on the amendments.

In addition to the public meetings, interested parties may contact the Planning and Building Department at 425-587-3600 to request information about the citizen amendment requests or they may come to City Hall to review the official files.

**VII. WHAT CRITERIA ARE USED FOR THE THRESHOLD DETERMINATION IN PHASE 1?**

The City shall use the following threshold review criteria, found in Section 140.20 of the Zoning Code, in selecting proposals for further consideration. Proposals must meet 1 and either 2 or 3:

1. The City has the resources, including staff and budget, necessary to review the proposal.
2. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan.
3. **All of the following:**
  - a. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and
  - b. The public interest would best be served by considering the proposal in the current year rather than delaying consideration to a later neighborhood plan review or plan amendment process; and
    1. The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two years); and
    2. The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two years). *See past and future neighborhood plan schedule attached.*

**VIII. WHAT ARE THE CRITERIA USED TO APPROVE A REQUEST IN PHASE 2?****A. For a Comprehensive Plan Amendment, the City shall use the following criteria, found in Section 140.30 of the Zoning Code, in approving a request. Proposals must meet all for the following criteria:**

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with the other goals, policies and provision of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole and is in the best interest of the community.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted Shoreline Master Program. (For properties or areas within 200 feet of Lake Washington or within wetlands associated with the lake, see Chapters 83 and 141 of the Zoning Code and the Shoreline Area Chapter of the Comprehensive Plan.)

**B. For a Zoning Code Amendment, the City shall use the following criteria, found in Section 135.25 of the Zoning Code, in approving a request. Proposals must meet all of the following criteria:**

1. The amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The amendment bears a substantial relation to public health, safety or welfare; and
3. The amendment is in the best interest of the residents of Kirkland.
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted Shoreline Master Program. (For properties or areas within 200 feet of Lake Washington or within wetlands associated with the lake, see Chapters 83 and 141 of the Zoning Code and the Shoreline Area Chapter of the Comprehensive Plan.)

**C. For a Zoning Map Amendment, the City shall use the following criteria, found in Section 130.20 of the Zoning Code, in approving a request. Proposals must meet all of the following criteria:**

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposed rezone bears a substantial relationship to the public health, safety or welfare; and
3. The proposed rezone is in the best interest of the community of Kirkland.

**APPLICATION FOR AMENDMENTS TO THE COMPREHENSIVE PLAN,  
ZONING CODE AND ZONING MAP**

**I. CONTACT INFORMATION:**

A. Applicant Name:

B. Mailing Address:

C. Telephone Number:

D. Email Address:

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 neither the property owner nor representing the property owner, then the affected property owner must be notified. Send or hand-deliver a copy of this completed application to all affected property owners. Complete the attached Affidavit of Service that this has been done.

Copies of staff reports and meeting agendas will be sent by email unless you request to the project planner that you want copies mailed to you.

**II. FOR SITE SPECIFIC PROPOSAL:**

A. Address of proposal (if vacant provide nearest street names):

B. King County Tax Parcel number(s):

C. Describe improvements on property if any:

D. Attach a map of site that includes adjacent street names:

E. Current Zoning on subject property:

F. Current land use designation & permitted density shown on appropriate neighborhood plan land use map:

III. FOR ALL PROPOSALS

A. Description of Proposal:

To increase density to RM 3.6 just like the property to the north and west.

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

To build 3 residents on the property. To allow for more housing close to Downtown Kirkland and Google. Google just a couple blocks away.

C. Description of how the proposed amendment relates to the following criteria:

To allow for more housing options close to Downtown Kirkland and Google.

1. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan.

Moving density closer to downtown thus using the current infrastructure and promoting local businesses

2. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process.

Google is currently expanding and Kirkland Urban is almost done. Two more households promoting these sources of revenue for Kirkland.

3. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan

The lot is almost 12,000 sq ft very close in, where most of those lots have been changed to higher density. Changing the zoning will fit in to current surroundings.

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 - Signature: Mike Chaffee, Brock Krizan

Name - Print: Mike Chaffee, Brock Krizan

Property Owner or Legal Representative: Mike Chaffee & Brock Krizan

Date: 11/7/18

Address: 10535 111th Ave NE Kirkland WA 98033

Telephone: 425 736-7335

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: Send or hand-deliver a copy of this completed application to all affected property owners (Exhibit A or Exhibit B); and 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 to include:

- 1. Affidavit of Service (available at the Planning Counter)
- 2. Exhibit A (see requirements above)
- 3. Exhibit B (see requirements above)

**Alternate Formats:** People with disabilities may request materials in alternate formats.

**Title VI:** Kirkland's policy is to fully comply with Title VI of the Civil Rights Act by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with the City.

To request an alternate format, file a complaint or for questions about Kirkland's Title VI Program, contact the Title VI Coordinator at 425.587.3011 (TTY Relay: 711) or [titlevicoordinator@kirklandwa.gov](mailto:titlevicoordinator@kirklandwa.gov).

