



CITY OF KIRKLAND
Planning and Building Department
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MEMORANDUM

Date: April 8, 2019

To: Planning Commission

From: Janice Coogan, Senior Planner
Adam Weinstein, AICP, Planning and Building Director
Jeremy McMahan, Planning and Building Deputy Director

Subject: Rose Hill Neighborhood amendments to Zoning Code and Zoning Map, File Number CAM19-00043

Recommendation

Staff recommends that the City Council have discussion and possible action on the Planning Commission's recommendation to approve the proposed amendments in the Rose Hill Neighborhood as described in the enclosed ordinance:

- O-4683: Zoning Map amendment to rezone four parcels located at 8519, 8523, 8525, 8527 126th Ave NE from the RS 7.2 to RH 5B zone shown in Exhibit A and proposed Zoning Code amendments to implement the adopted Rose Hill Neighborhood Plan policies in Exhibits B-I.

Staff received a request by residents to postpone action on the proposed code amendments to give the public more time to review and respond to the draft amendments. The City Council Planning and Economic Development Committee discussed the request on April 8, 2019. The Committee suggested the City Council discuss the request at the April 16 meeting, with consideration of a presentation on the action items at the April 16 meeting, with potential adoption on May 7, 2019. Councilmember Asher will be excused from the April 16 meeting to attend a conference.

Background

The [Rose Hill Neighborhood Plan](#) was adopted on December 11, 2018 (O-4670). The proposed amendments are needed to bring the Zoning Map and zoning regulations into compliance with the new policies in the Rose Hill Neighborhood Plan.

Several of these amendments originated as citizen amendment requests to change land use classifications or code provisions during the Neighborhood Plan update process and are reflected in adopted plan policies. The key changes are to zones in the Rose Hill Business District and Planned Area 14 related to the Lake Washington Institute of Technology. More background on the land use study areas and citizen amendment requests discussed in this memo and during the neighborhood plan update process can be found in the [Planning Commission October 25, 2018](#) public hearing materials or in the [December 11, 2018 City Council meeting packet](#).

At the request of City Council, staff has also proposed amendments to bring ground floor/street level floor commercial requirements for zones in the Rose Hill Business District into consistency with similar requirements in other commercial zones in the city, and to promote neighborhood plan objectives related to walkable neighborhoods and the economic development role the District plays in the city.

On February 28, 2019, the Planning Commission held a study session on the proposed amendments and supported moving the changes forward to a public hearing.

On March 11, 2019, the City Council Planning and Economic Development Committee was briefed by staff on the proposed amendments. No changes to the draft amendments were suggested, although members inquired about the sufficiency of the proposed street-level commercial space requirement in the RH 8 zone.

On March 28, 2019, the Planning Commission held a public hearing on the proposed amendments. Approximately 30 people attended the meeting. Written public comments received are enclosed in Attachment 3 and discussed in more detail later in this memo. A [video](#) of the oral public hearing and the [meeting packet materials](#) are available on the Planning Commission webpage. The Planning Commission closed the public hearing and recommended approval of the proposed amendments.

In response to public comments concerning the existing maximum building height and setback regulations in the RH 8 zone adjoining single-family homes to the north, the Commission requested that staff add to the Planning Work Program study of the maximum building height and required setback regulations in the RH 8 zone. In summary, for the RH 8 zone, the existing maximum building height regulations state that if the subject property is equal to or greater than 18,000 sq. ft. in size, the maximum building height is 35 feet above average building elevation (a defined term) except 30 feet if located within 30 feet of an RSX zone. For structures located within 30 feet of a low-density zone, KZC 115.136 establishes additional limitations on structure size. In addition, the RH 8 regulations require a 15-foot wide landscape strip and 6-foot fence between mixed use residential/commercial uses and low-density residential uses.

Planning Commission Recommendation

Below is a summary of the proposed draft amendments for each zone that the Planning Commission recommends be adopted:

Ordinance 4684:

- Zoning Map Rezone (Exhibit A): Change Zoning Map to reflect reclassification of parcels at 8519, 8523, 8525, 8527 126th Ave NE from the RS 7.2 to RH 5B zone and inclusion of these parcels within the Rose Hill Business District Design District boundary. Rose Hill Neighborhood Plan Policy RH 30 supports the amendment and describes the type of development that should be allowed for the parcels. With the annual Comprehensive Plan amendment, the Land Use Map Figure LU-1 will be amended to reflect the classification change. Associated proposed RH 5B Zoning Code amendments are described below and included in Exhibit B.

- Zoning Code Amendments in Rose Hill Business District (RHBD) Zones (Exhibits B-E): Attachment 1 is a map showing the zoning districts where amendments are proposed in the RH 3, RH 5A, 5 B, RH 7, RH 8 zones.
 - RH 5A-5B zones related to rezones (Exhibit B): Existing General Regulation #13 is proposed to be deleted because it is redundant with Kirkland Zoning Code Chapters 100 and 162 that govern when non-conforming signs need to be brought into conformance. A new General Regulation #13 relates to the rezone of the four properties at 8519, 8523, 8525, 8527 126th Ave NE discussed above to the RH 5B zone. Uses would be limited to medium density residential at 3,600 sq. ft. per unit if the subject property is in the RH 5B zone west of 126th Ave NE within 100 feet of a low-density zone (i.e., RS 7.2 (see definition of adjoining), and does not abut NE 85th Street development). In the RH 5A-5B zone General Regulations, the term "ground floor" is proposed to be changed to "street level floor" of structures, discussed in detail below.

Amendments to RH 5B KZC Sections 53.52 and 53.54.090 use zone charts would allow for the four rezoned properties to develop as detached, attached or stacked medium density residential development at twelve dwelling units per acre or limited commercial development depending on the location of properties. Proposed development standards for height, setbacks, etc. are similar to the RM 3.6 zone. Detached, attached or stacked residential uses would be subject to Administrative Design Review. Alternatively, if consolidated with lots abutting NE 85th Street (and not adjoining a low-density zone), the commercial uses allowed in RH5B would be permitted. Policy RH 30 supports the rezones and describes the type of development that should occur for the parcels.

- RH 3, RH 5A, RH 5B, RH 7, RH 8 zone amendments to change the term "ground floor" use to "street level floor" use and amend commercial frontage requirements. See Exhibits B-E.

The Planning Commission and City Council recently refined the requirements for street level commercial uses in mixed-use commercial zones in the Totem Lake Business District and the Finn Hill Neighborhood Center. At the request of City Council, staff is proposing that similar refinements be made for the Rose Hill Business District zones that are adjacent to NE 85th Street and will not be part of the Station Area Plan. The ground floor commercial requirements in the Station Area, including zones adjacent to Interstate 405 (Regional Center area), will be evaluated independently.

The proposed amendments include:

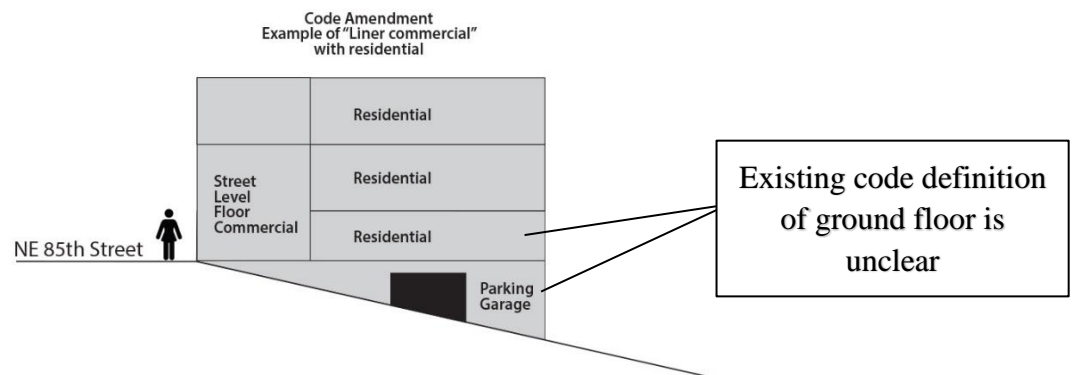
1. Changing the term Ground Floor to Street Level Floor in the zones listed above.

Ground Floor is defined in Section 5.10.345 of the Zoning Code as:
"The floor of a structure that is closest in elevation to the finished grade along the façade of the structure that is principally oriented to the street

which provides primary access to the subject property.”

Street Level Floor is defined in Section 5.10.902 of the Zoning Code as: “The floor of a building which is closest in elevation to the elevation of the centerline of each abutting right-of-way measured at the midpoint of the frontage of the subject property on each abutting right-of-way.”

On properties with topography that is higher or lower than the adjacent right-of-way (in this case NE 85th Street), the “ground floor” can be above or below the right-of-way. The purpose of requiring certain uses on the ground floor is to provide an active pedestrian environment along the street. The term “ground floor” was changed to “street level floor” in the Totem Lake and Finn Hill Zones to better define where that pedestrian-focused environment should occur. Retail tenant space above or below the street level sidewalk does not usually support robust retail and pedestrian activity. The following illustration shows how “liner commercial” uses may be configured, along with the difference between using the term “ground floor” versus “street level floor” in the zoning regulations.



The proposed amendment changes the term “ground floor” to “street level floor” in the RH 3, RH 5A, RH 5B, RH 7 and RH 8 zones. In RH 8, the amendments would also require that commercial space be oriented to NE 85th Street, where it is most desirable and would not conflict with vehicle access (typically on side streets). In addition, at least 60% of the street-level property frontage would need to consist of commercial uses to ensure that pedestrian-oriented commercial space constitutes a significant portion of the street level floor.

2. Refining street level commercial regulations in mixed-use developments to better support the purpose of the requirements in each zone, and to promote viable, local-serving retail establishments and walkable neighborhoods. As described in Attachment 4 of the [Planning Commission March 28, 2019 meeting](#) packet, staff put together a matrix that analyzes the existing regulations and proposes changes based on the different objectives for commercial use for each of the zones as described in the Rose Hill Neighborhood Plan and the Rose Hill Business District Design Guidelines. The following categories were used for that analysis to help identify the City’s

objectives for the commercial requirements and the appropriate zoning tools to meet those objectives.

- a. Retention of commercial use/tax base. Where an area has traditionally been important to providing a strong commercial base for the City, for example Totem Lake's role as the City's "economic engine," a requirement that commercial use occupy a substantial percentage of the street level floor may be appropriate. This also applies to RH 3, RH 5A, and RH 7 zones where the regulations require at least 50 percent of the total gross floor area located on the ground floor (which would be changed to street level floor) of all structures on the subject property to contain retail, restaurant, tavern, hotel or motels uses. These zones have larger parcels, are located closer to the freeway interchange and are intended to provide larger commercial uses and employment opportunities.
- b. Contribution to an active pedestrian environment. Both street level floor uses and building design at the street level contribute to the pedestrian environment. In the City's very active commercial areas such as downtown Kirkland and the Village at Totem Lake, street level uses are generally restricted to those that draw pedestrians: retail, restaurants/taverns and entertainment uses, cultural or recreational activities. In the City's pedestrian-oriented districts, such as the downtown and neighborhood business areas, regulations call for a minimum linear frontage and minimum floor to ceiling first floor building heights (13-15 feet tall), to provide opportunities for successful commercial street frontage as tenants change over time.
- c. Creation of a lively streetscape. In other less active commercial or mixed-use areas outside of the core of the business district, the objective may be to simply enhance the streetscape to contribute to an interesting experience for pedestrians or other visitors. In these areas, a broader range of uses may be appropriate at the ground floor, including office uses.

Conclusions:

- Zones RH 3, RH 5A, RH 5B and RH 7 all include areas where the Rose Hill Neighborhood Plan and Design Guidelines emphasize the importance of maintaining and encouraging commercial uses and the pedestrian environment. The existing zoning already addresses these objectives. These zones fall into a combination of Categories a. and b., as described above, where retention of the tax base and pedestrian orientation are important. The existing requirement for 50% of the ground floor to be retail, restaurant, tavern, hotel or motel uses oriented toward NE 85th Street is appropriate. Other commercial zones in Houghton-Everest and Totem Lake have similar requirements that a percentage of the gross floor area on the ground floor (street level floor) be occupied by commercial uses.

- The main recommended change for these zones is the substitution of the term "street level floor" for "ground floor" to better reflect the desired orientation of commercial uses to the street. The "ground floor" requirement is challenging to apply where properties contain topographic changes from the street elevation (in this case NE 85th Street).
- When the original RH 8 zoning was adopted in 2006, the area was intended to transition strip commercial uses along a highway corridor, with houses being turned into businesses (formerly PR 3.6 office/residential zoning/limited size of commercial uses), into a more pedestrian oriented, mixed use residential area with offices, small scale retail, and personal services oriented to NE 85th Street. Commercial orientation to side streets that are closer to the residential areas to the north or south is discouraged. Lot consolidation is encouraged to allow for greater flexibility in site design and to meet the goals of the Rose Hill Business District. In 2015, portions of the RH 8 zone were expanded to the north, which combined with the lot consolidation incentives, created additional depth and topographic changes to potential development sites.

The RH 8 district is designated as the "East End" in both the Comprehensive Plan and the Design Guidelines for the Rose Hill Business District. Less intensive mixed-use commercial uses (in relation to the Regional Center or Neighborhood Center sections of the District), and more residentially-oriented uses are envisioned for this area and may include office, neighborhood retail and neighborhood service uses. The existing zoning for RH 8 does not allow residential uses on the "ground floor." Given the depth of potential development sites, multiple street frontages, and topographic change, the existing zoning is not particularly clear about what the "ground floor" is, and thus, which uses are allowed on different floors of a building. The proposed zoning would clarify use restrictions based on the "street level floor" along NE 85th Street, allowing residential uses on the ground floor with commercial uses oriented along NE 85th Street and restricting commercial uses above the "street level floor."

In response to public comments about the concern that a developer could provide a narrow width of commercial use along the property frontage on the street level, a minimum commercial linear frontage requirement is recommended to be added to the RH 8 district. Staff recommends a minimum 60% linear frontage of commercial uses at the street level floor in the RH 8 zone. The draft amendment text in Exhibit D is similar to the YBD 1 zone at the South Kirkland Park and Ride (50% linear frontage is required) but increased to a minimum 60% of linear frontage of the property along NE 85th Street where more commercial use is desired. The other 40% of the property frontage could comprise driveways, pedestrian oriented spaces or parking areas.

The proposed RH 8 district zoning would require linear commercial uses oriented to NE 85th Street (not side streets) and these commercial uses could include office uses. The minimum depth of the commercial use must be 20 feet with an average depth of at least 30 feet, allowing for a high-quality, retail-ready space. Requiring a minimum percentage of gross floor area of the subject property to

be dedicated to commercial use is not appropriate because of the limited commercial orientation of the East End.

- RH 3 zone (Exhibit E): Amendments are proposed to:
 - increase lot coverage from 80% to 100%
 - increase building height by 8 feet to a maximum building height of 75 feet, and provide additional opportunities for office development (for development comprising more than 6 acres)
 - special regulation #7 to allow flexibility to construct residential or office uses above the 50-foot building height; if office is constructed, payment in lieu of developing affordable housing would still be required
 - special regulation #5 to clarify at what point buildings on the subject property may exceed 45 feet to the maximum building height of 75 feet above average building elevation (beyond 20 feet from a public right-of-way)
 - change ground floor to street level floor as described above

The first two amendments (lot coverage and building height changes) were requested by Madison Development during the Neighborhood Plan update to clarify the vision for the RH 3 zone. As conceptual plans are underway for the subject property, Madison Development requested staff and the Planning Commission to consider two additional changes to clarify the regulations and provide flexibility for the final project design.

Madison Development and staff proposed a change to Special Regulation #7 that currently requires the development to include residential uses on the site based on 50% of the floor area constructed above the 45-/50-foot building height. The proposed change would eliminate this regulatory preference for residential uses and provide flexibility that would allow more office use without the requirement for substantial residential uses. As discussed in the following analysis, staff has studied the implications of this request and believes it has merit.

When the original regulations were created for the RH 3 zone in 2006, one of the goals was to incentivize providing affordable housing by allowing for an increase in building height (a strategy the City has used in many commercial zones to encourage mixed uses and more affordable housing). Since the adoption of the Kirkland 2035 Plan in 2013, the City has made remarkable progress toward meeting adopted housing targets of adding 8,361 new housing units by 2035 – particularly considering the number of units completed since 2013 and the fact that there are currently over 4,700 new units under construction or in the permit pipeline.

In contrast, the Land Use Element adopted with the Kirkland 2035 Comprehensive Plan shows that the City's additional employment growth target is 22,435 jobs. What staff have found is that since 2013, less than 5,000 office jobs have been created or are planned to be created (this estimate is based on

the square footage of new and pipeline office development and the standard capacity calculation of 4 jobs per 1,000 square feet of office space).

The amendment to Special Regulation #5 is proposed to clarify the point on the subject property where the building height may exceed 45 feet and extend upwards to the overall maximum building height of 65/75 feet above average building height. In their letter received on March 27, 2019, Madison Development suggested establishing a 20-foot setback from a public right-of-way. Beyond the 20-foot setback from a public right-of-way, the building(s) would be permitted to exceed 45 feet in height. The intent of the 45-foot building height requirement along the street when the original zoning was created, was to provide a more human scale building presence along the street for the pedestrian. Madison Development explains that amendment would also be important to provide larger floor plates in the buildings for office uses. Staff and Planning Commission support the additional change. Exhibit E reflects this amendment.

Conclusions: The proposed Zoning Code amendments in Exhibit E clarify the type of urban, mixed use development intended for the zone in the Rose Hill Neighborhood Plan, Comprehensive Plan and Rose Hill Business Design Guidelines. Allowable lot coverage would be increased to permit the development of underground parking garages that extend approximately across the entire site. 100% lot coverage is similar to what is allowed in the CBD zones. The maximum building height requirements in the RH 3 zone are proposed to be amended to respond to the extreme grade changes of the zone, to allow roof top amenities and clarify how the maximum building height is measured.

In general, staff and Planning Commission support allowing additional office development in the RH 3 zone. Office development in close proximity to the future Sound Transit Bus Rapid Transit station at I-405/NE 85th Street interchange could be beneficial in that it would encourage commuting by transit (studies have shown that locating employment-generating uses near transit foster transit use to a greater extent than residential uses). In addition, with the high rate of residential development over the last few years, the city is making substantial progress toward meeting its market rate housing and affordable housing targets, but could use more employment, especially near the future transit stop on NE 85th Street. In the Rose Hill Neighborhood Plan, there is no specific policy support for incentivizing residential uses over office uses. Based on this analysis and conclusion, the amendments revise the RH 3 requirements to allow office uses to be developed in the upper stories of new buildings.

In order to not lose critical affordable housing that would be required with residential development of the zone, the proposed amendments include an affordable housing requirement for nonresidential development with an option for the developer to pay in lieu fees for building affordable housing (instead of building affordable units on-site). The amount of affordable housing contribution would be based on a density of 7.25 units per acre based on the total size of the property. This percentage is based on the density of the total number of residential units under the latest conceptual plans currently undergoing design

review. Per KZC 112, the payment in lieu of constructing affordable housing would be established prior to issuance of any building permits for the project and payment deposited in the City's Housing Trust Fund account. The Planning Commission asked if there was a way to keep the affordable housing funds for use in Kirkland. Staff explained that the City's Housing Trust Fund account contributes funds to the A Regional Coalition for Housing (ARCH), a partnership of the County and East King County Cities to develop affordable housing on a regional basis.

- PLA 14 zone (Exhibit F): Amendments related to Lake Washington Institute of Technology (LWIT) to implement policy guidance for a future campus expansion to allow market rate, affordable, residential suites or dormitory residential uses per established development standards. A future expansion of the campus would require a separate public review and hearing process. Policies RH 47-51 provides the policy support for this amendment.
- Miscellaneous Zoning Code Sections (Exhibits G-I): Amendments to replace references to the NE 85th Street Subarea Plan with Rose Hill Business District (RHBD) or North/South Rose Hill Neighborhood Plan with Rose Hill Neighborhood Plan. With the adoption of the Rose Hill Neighborhood Plan, the North and South Rose Hill Neighborhood Plan chapters were consolidated into one plan and the NE 85th Street Subarea Plan chapter was deleted. Therefore, these Zoning Code references need to be revised.

Criteria for Amending the Zoning Map and Zoning Code

KZC Section 130.20 relates to amendments to the Zoning Map 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.

KZC Section 135.25 relates to amendments to the Zoning Code text. The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland, and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

Conclusions:

The proposed amendments to the Zoning Map for the rezones and Zoning Code amendments are consistent with the above criteria, Comprehensive Plan, Rose Hill Neighborhood Plan, Growth Management Act and Countywide Planning Policies.

As desired mixed-use development occurs in the Rose Hill Business District in the future, the amendments to the RH 3 district to increase lot coverage and building height and provide additional employment opportunities will provide the increased density in land use to support future improvements to transit service to the neighborhood. The allowance for additional density in the RH 5B zone provides similar benefits. The proposed amendments that would convert "ground floor" to "street level floor," along with requirements for minimum depth and liner commercial frontage requirements in the RH 8 zone, would clarify the desired size and orientation of commercial uses along NE 85th Street. The intent of the existing regulations in the RH 8 district was to allow residential uses behind commercial street uses or parking located below the street level use (similar to other commercial districts like Downtown). The amendments clarify this intent.

The proposed policy to prioritize campus expansion in underutilized portions of the Lake Washington Technical Institute campus will prioritize protection of the wooded steep slope. The proposed amendments bear a substantial relation to the public health, safety, and welfare because they would encourage utilization of the already-developed portion of the college campus and protect surrounding sensitive natural areas. The future addition of housing at the college campus will help the college meet existing needs for student and staff housing. Any future expansion of the campus would need to go through a public review process, including environmental review.

Compliance with State Environmental Policy Act (SEPA) - Environmental Review

A SEPA addendum to the City of Kirkland 2015 Comprehensive Plan Update Draft and Final Environmental Impact Statement was issued on the draft amendments on March 15, 2019 and is contained in the official file in the Planning and Building Department. The SEPA Addendum indicates that the proposed amendments would not result in new environmental impacts beyond those identified for the Comprehensive Plan Update.

Submittal of Draft Plans to the Department of Commerce

Under RCW 36.70A.106, the City is required to submit a Notice of Intent to Adopt along with any amendments to development regulations to the Washington Department of Commerce (DOC) at least 60 days prior to final adoption. DOC may review the draft regulations to confirm that they are consistent with the GMA, and with multi-regional and regional planning policies. The City submitted the Intent to Adopt the Draft amendments to the Department of Commerce on February 15, 2019 and has not received any comments.

Public Outreach

Zoning Code Chapters 135 and 160 describe the Process IV process for legislative amendments to the Comprehensive Plan, Zoning Code and Zoning Map. For these code requirements, public notice was distributed 14 calendar days before the public hearing and included: a notice of the amendments that was published in the official newspaper, postings on official notification boards of the City, and postings on the City's website. A public notice board was installed in front of the four properties for the rezones on 126th Avenue NE. Although not required, a courtesy postcard was mailed to property owners and residents located within each zone and 300 feet from the zones where amendments are proposed. Previously, as part of the neighborhood plan update process, the public was notified of all the land use study area proposals prior to the public hearing for the neighborhood plan. Code amendments are described on the project webpage at www.kirklandwa.gov/RHBT85 and email announcements

were sent to participants of the Rose Hill Neighborhood listserv. In addition, staff produced a video to inform the public about the function of street-level commercial spaces in the context of neighborhood planning. Here is a [link](#) to the video on YouTube.

Public Comment Themes and Staff Response

Attachment 3 contains the public comments received before and at the public hearing. The key themes are summarized below. *Staff responses to the comments are in italics.*

The majority of the comments received are duplicates of the same topics related to the proposed RH 8 zoning and many refer to the Continental Divide project proposed on NE 85th Street between 131-132nd Avenue NE. Staff is not in a position to debate the merits of the design of the Continental Divide project because it is undergoing a quasi-judicial review process. Instead, staff provides the legislative code amendments to clarify the existing zoning regulations that conform to the Comprehensive Plan, respond to the changing conditions and needs of the City and comply with the approval criteria (KZC 135 Zoning Code Text Amendments). A few emails were received related to the proposed amendments to the PLA 14, Lake Washington Institute of Technology campus, in support of adding housing at the campus, including from President of the Lake Washington Institute of Technology Dr. Amy Morrison. Other comments expressed concerns about potential expansion into the steep slope area of the campus.

Public Comments Related to RH 8 Amendments:

- The RH 8 zone in the East End of the business district is labeled office on the zoning map and is considered small scale, lower density development and therefore, stacked dwelling units should not be permitted on the ground floor. Changing the term to street level floor would allow residential on the ground floor.

Staff Response: The Comprehensive Plan Land Use Element designates the Rose Hill Business District (RHBD) as a mixed-use office and residential corridor district. The Rose Hill Neighborhood Plan sets forth policies for the type of land use pattern intended for the Rose Hill Business District. The goals of the business district over time are to improve and transform the area from strip-style one story commercial uses along an old state highway, to a more pedestrian friendly, mixed use commercial and residential district with both regional and local commercial uses. These key strategies have been in place since the original NE 85th Street Subarea Plan adoption in 2001, with existing zoning in place since 2006, and are included in the updated Rose Hill Neighborhood Plan.

The Neighborhood Center and Regional Center areas of the District near I-405 allow a range of building heights from 45 feet to 67 feet above average building elevation (depending on the zone). The East End of the RH 8 zone allows a mix of residential uses, and less intensive mixed use commercial and residential uses with commercial uses limited to no greater than 4,000 sq. ft. gross floor area. As in all the RHBD zones, commercial uses (retail or office) are encouraged to be oriented to NE 85th Street. Other policies encourage minimizing curb cuts, consolidating access on NE 85th ST, 124th Avenue NE and 132nd Avenue NE, and locating buildings at the front of lots along NE 85th Street with parking underneath, at the rear of buildings, or behind or adjacent to

buildings. Policies intended to minimize impacts on the surrounding neighborhood discourage cut through traffic through neighborhoods and on side streets and encourage locating driveways as close to NE 85th Street as feasible, and support noise and light studies for certain commercial uses to minimize impacts to residential areas. Traffic calming improvements have been installed since original District policies were adopted. Allowing residential uses on the street-level of the RH 8 zone would not compromise the smaller-scale residential and mixed-use character of the East End neighborhood.

- Do not change the ground floor definition to street level floor. Changing the definition to street level will allow more residential units on the first level behind the commercial uses and allow a parking garage below grade.

Staff Response: As described earlier in the memo, staff has found over time that the term street level floor better describes the desired orientation and pedestrian access of commercial uses along the NE 85th Street frontage (especially with properties containing sloped topography, which is the case along NE 85th Street). The proposed amendments clarify the intent. The amendment could incrementally increase the number of residential units developed as part of mixed-use projects in the RH 8 district, although residential densities for stacked dwelling units are already unlimited in this district (but subject to building height, setback, and other limitations imposed by development regulations).

- Specify a density limit for stacked dwelling units (like in MSC 1 and 4 zones) to prevent inappropriately dense developments

Staff Response: As in a majority of the larger commercial districts in the city, including the Rose Hill Business District, mixed use residential and commercial uses are encouraged to support transit access and the 10-minute neighborhood planning and land use concept. The number of dwelling units allowed is based on the development restrictions for the site and ground floor/street level floor uses. Development standards such as types of uses, setbacks, landscape buffers, maximum building height, and parking will limit the number of dwelling units allowed.

- Require floor to ceiling height to be 15 feet so a parking garage would not be permitted

Staff Response: The RH 8 zone already requires a minimum of 15 feet of floor to ceiling height on the ground floor. Changing the term to street level would clarify that parking could be provided below grade or behind liner commercial, which is a preferred design as described in the Rose Hill Neighborhood Plan, Rose Hill Business District Design Guidelines and Design Regulations in Zoning Code Chapter 92.

- Specify a minimum commercial width frontage along the street or minimum amount of commercial use on the ground floor to prevent developer loopholes that would result in narrow commercial frontages along the street.

Staff Response: As discussed above, staff studied this request and recommends that a minimum 60% of the linear frontage of a property along NE 85th Street include commercial uses. Exhibit D includes this requirement.

- Require commercial frontage on 131nd and 132nd Ave NE; otherwise, residential uses on the ground floor will face commercial uses across the street on 131nd Avenue NE and 132nd Avenue NE.

Staff Response: Requiring commercial frontage on side streets in addition to NE 85th Street is not necessary. Depending on the depth and property location, residential uses are located across the street on side streets in the Neighborhood Center and East End zones (including RH 8). Requiring commercial frontage along side streets would likely not be successful unless they are office uses. On corner properties, vehicular access is desired from side streets rather than NE 85th Street because of the volume and speed of cars along NE 85th Street.

- Change the way maximum building height is calculated on slopes in the Rose Hill Business District to protect privacy, noise level and solar access for homes at the bottom of the slope.

Staff Response: There are no changes proposed to the method for calculating building height. Common to most zones in the City the maximum building height is calculated using the average grade of the subject property (average building elevation is a defined term) to respond to varying topography changes or height above adjacent streets. This includes the low-density single family RSX 7.2 zones located north and south of the RH 8 zones which allow homes to go up to 30 feet above average building elevation. Structures located within 30 feet of a parcel in a low-density zone have additional limitations on structure size to mitigate for impacts on single family homes (see KZC 115.136 and RH 8 General Regulations). The Planning Commission recommended that a study of the way building height is measured in the Rose Hill Business District be added to the Planning Work Program.

Public Comments Related to Amendments for Lake Washington Institute of Technology (LWIT)

- President Morrison raised concerns that the proposed amendments to PLA 14 would be too restrictive in that they would prioritize new development on the existing surface parking lot rather than allowing development to extend into the slope and Native Growth Protection Easement on the west side of the property.

Staff Response: The regulations as written are intended to establish the priorities for evaluating a future campus expansion and an environmental analysis (including geotechnical soils report) would need to be conducted to determine whether development of the steeply-sloped area is warranted. If the criteria in the regulations are met, limited development of the sloped/Native Growth Protection Easement could be possible. Staff has conveyed this response directly to President Morrison.

- Emails in support of allowing housing on the Lake Washington Institute of Technology campus.
- Emails expressing concerns about future development on slope on the west side of the campus.

Staff Response: See response immediately above.

Attachments:

1. Map of RH zones where amendments are proposed
2. Map where PLA 14 is located
3. Public Comments received to date

Enclosures:

Ordinance 4683- Zoning Map and Zoning Code Amendments

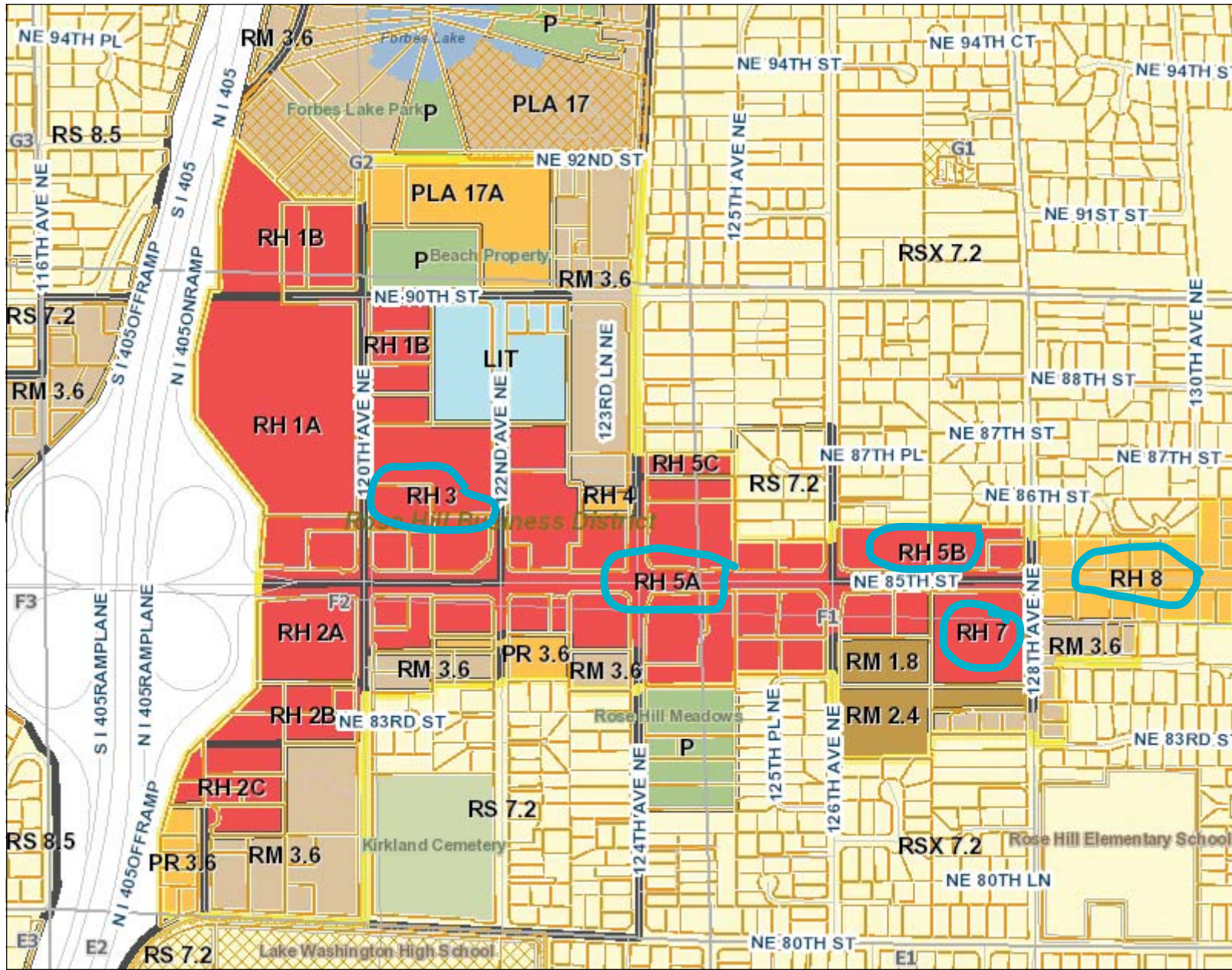
Exhibits:

- A. Zoning Map amendment
- B. RH 5A-5B amendments
- C. RH 7 amendments
- D. RH 8 amendments
- E. RH 3 amendments
- F. PLA 14 amendments
- G. RM, RMA amendments
- H. LIT amendments
- I. 142 amendments

cc: File Number CAM19-00043



Ground Floor Retail Study



Legend

- City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Lakes
- Parks
- Schools
- Overlay Zones
 - (EQ)
 - (HL)
 - (HP)
- Planned Unit Development
- Design District
- City Zoning
 - Commercial
 - Industrial
 - Transit Oriented Development
 - Office
 - High Density Residential
 - Medium Density Residential
 - Low Density Residential
 - Institutions

1: 7,249

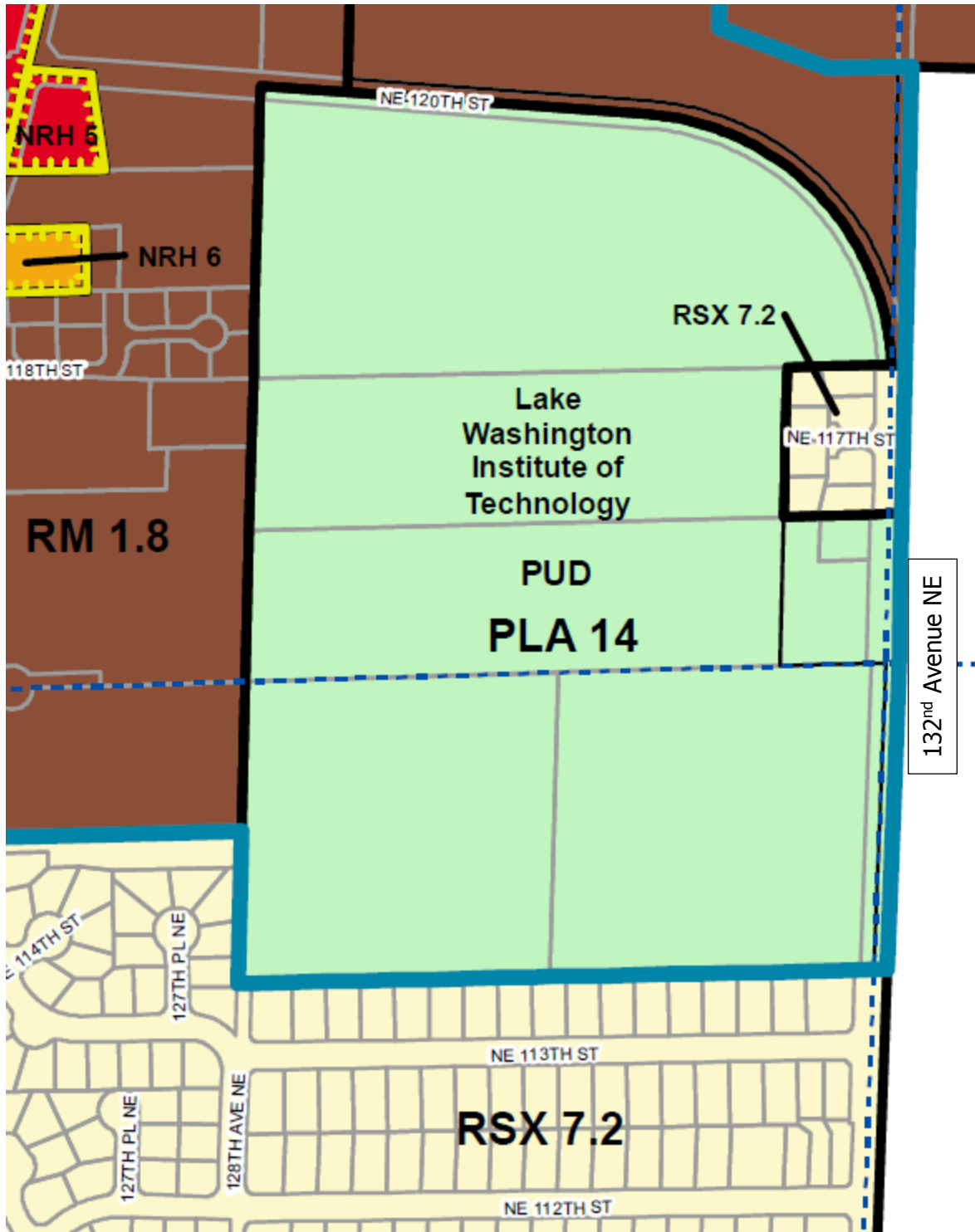
Notes

Include in ground floor retail study:
 RH3, RH5A, RH5B, RH7 and RH8
 Not included: RH1A, RH1B, RH2A, RH2B, RH2C, RH4 and RH5C

0.2 0 0.11 0.2 Miles

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NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet



From: [Jeremy McMahan](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill
Date: Friday, April 05, 2019 1:47:13 PM

-----Original Message-----

From: SueShinstrom@frontier.com <SueShinstrom@frontier.com>
Sent: Friday, April 5, 2019 8:33 AM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: Rose Hill

The proposed changes to Rose Hill will make an already congested area more difficult to negotiate. A transit center that has no parking does nothing to help the already terrible traffic in that area. Two new stop lights have already been added downtown, which will slow traffic. Rose Hill can't handle that kind of development. In addition, you will lose a major shopping area - that development and Totem Lake are the only shopping districts in Kirkland that offer box style shopping, which forces Kirkland residents to take their shopping to Woodinville and Redmond.

Sue Shinstrom
521 10th Ave W

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From: [Morrison, Amy](#)
To: [Janice Coogan](#); [Thomas, Bill](#)
Subject: RE: Proposed draft Zoning Code amendments to PLA 14 related to LWIT
Date: Thursday, February 28, 2019 10:59:18 AM
Attachments: [image003.png](#)
[image001.png](#)

Okay thank you Janice for sharing the portion of the Rose Hill Neighborhood Plan that pertains to College, I appreciate it.

Amy

Dr. Amy Morrison | President



Office of the President | West Building 301
11605 132nd Avenue NE | Kirkland, WA 98034
T: (425) 739-8200 | amy.morrison@lwtech.edu
www.LWTech.edu | [@LWTechPrez](https://twitter.com/LWTechPrez)

From: Janice Coogan [<mailto:JCoogan@kirklandwa.gov>]
Sent: Wednesday, February 27, 2019 4:15 PM
To: Morrison, Amy <Amy.Morrison@lwtech.edu>; Thomas, Bill <Bill.Thomas@lwtech.edu>
Subject: RE: Proposed draft Zoning Code amendments to PLA 14 related to LWIT

Amy and Bill,

I forwarded your email to the Planning Commissioners, and I wanted to respond to your comments with a few points. I'm not sure you have seen the final version of the policies in the Rose Hill Neighborhood Plan related to the LWIT adopted in December 2018, so I've attached a copy. I believe in the final policies, we did take into consideration your comments to Joan in November. The draft code amendments for the PLA 14 zone basically incorporate the adopted policies into code requirements. Depending on the extent of your campus expansion and environmental studies, I believe the draft regulations would allow you to do what you want to. The regulations are intended to establish the priorities for evaluating future campus expansion. You would need to make a case why you couldn't utilize the existing developed portions of the site before needing to go into the hillside.

Janice Coogan

Senior Planner
City of Kirkland Planning and Building Department
123 Fifth Avenue Kirkland WA 98033

425.587.3257

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From: Morrison, Amy <Amy.Morrison@lwtech.edu>

Sent: Monday, February 25, 2019 3:29 PM

To: Janice Coogan <JCoogan@kirklandwa.gov>; Thomas, Bill <Bill.Thomas@lwtech.edu>

Cc: Adam Weinstein <AWeinstein@kirklandwa.gov>

Subject: RE: Proposed draft Zoning Code amendments to PLA 14 related to LWIT

Good Afternoon Janice,

Thanks for letting me know on your progress made. Once again, I am going to raise concerns the restrictive language under PU-18: d. I have raised this concern previously as well (please see below).

The reality is that building housing on the majority of the greenbelt is improbable due to the steep slope. With that said, there are some areas in which housing could be located that would create some buffer to the rest of the campus and create an esthetically pleasing living environment versus building in the middle of our parking lots.

I ask that this be conveyed to the Commissioners again please.

Thank you again,

Amy

Dr. Amy Morrison | President



Office of the President | West Building 301
11605 132nd Avenue NE | Kirkland, WA 98034
T: (425) 739-8200 | amy.morrison@lwtech.edu
www.LWTEch.edu | [@LWTEchPrez](https://twitter.com/LWTEchPrez)

From: Goings, Amy [<mailto:Amy.Goings@lwtech.edu>]

Sent: Friday, November 02, 2018 8:50 AM

To: Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>
Cc: Thomas, Bill <Bill.Thomas@lwtech.edu>
Subject: RE: Rose Hill Neighborhood Plan - LWIT proposed policies

Hi Joan, thanks for your email. I plan to be at the City Council meeting on the 20th.

In addition, we are fine with this addition but would prefer that "as a last resort" be removed. And instead have the last sentence read Allow limited encroachment into the greenbelt easement subject to environmental assessment and recognition of the importance to protect this area.

We agree that the greenbelt is important however if we are held to a last resort standard, which is subjective, that may restrict our options for housing on campus.

Please let me know if I can assist further.

Amy

Dr. Amy Morrison Goings | President
Office of the President | West Building W301
11605 132nd Avenue NE | Kirkland, WA 98034
T: 425.739.8200 | amy.goings@lwtech.edu | www.LWTech.edu | @LWTechPrez

From: Janice Coogan [<mailto:JCoogan@kirklandwa.gov>]
Sent: Tuesday, February 19, 2019 3:29 PM
To: Morrison, Amy <Amy.Morrison@lwtech.edu>; Thomas, Bill <Bill.Thomas@lwtech.edu>
Subject: Proposed draft Zoning Code amendments to PLA 14 related to LWIT

Amy and Bill,

For your information, are attached draft code amendments for the PLA 14 zone that we plan to take to the Planning Commission for a study session on February 28, 2019 along with other code amendments in the Rose Hill Neighborhood. We wanted to give you an early view of the amendments.

The code amendments are intended to implement the adopted policies in the Rose Hill Neighborhood Plan, amendment requests from you, or city staff initiated to clarify the ground floor/street level requirements in the Rose Hill Business District. The full Planning Commission meeting packet for the study session will be available by Friday afternoon February 22 on the Planning Commission's webpage. Here's a [link](#).

Give me a call if you have questions. You are welcome to attend the study session or send a comment email directly to PlanningCommissioners@kirklandwa.gov.

Here is the tentative schedule for the next steps:

- March 28 public hearing before the Planning Commission
- April 16 final adoption by City Council

Of course, this schedule may change depending on the direction we receive from the Planning Commission, City Council or the amount of public interest.

Janice Coogan

Senior Planner

City of Kirkland Planning and Building Department

123 Fifth Avenue Kirkland WA 98033

425.587.3257

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From: [Adam Weinstein](#)
To: [Janice Coogan](#); [Angela Ruggeri](#)
Cc: [Jeremy McMahan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Thursday, February 28, 2019 2:38:02 PM

. . . . one more.

Adam

Adam Weinstein, AICP
Director of Planning and Building

City of Kirkland
123 5th Avenue
Kirkland, WA 98033

(425) 587-3227
aweinstein@kirklandwa.gov

From: Anthony Shoumikhin <anthony@shoumikh.in>
Sent: Thursday, February 28, 2019 11:08 AM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

To whom it may concern:

1. Currently, all of the zones being changed can have apartments as dense as a developer wants. I don't want Rose Hill to be densely populated and oppose unlimited density for apartments.
2. A loophole in the proposed changes allows apartments on the first floor on 85th Street as long as there are "some" businesses. I don't want first floor apartments on 85th Street.
3. The city government wants to add as many apartments as possible, even on the first floor starting about 30 feet from 85th Street. That will add many more people and result in apartments lacking privacy and security. I don't want first floor apartments along the streets intersecting 85th Street. I want either 50% or 100% businesses and offices on the first floor.
4. Buildings in Rose Hill have a maximum height starting from the average height of the ground, but when built on a slope they can tower over adjacent homes. I think Rose Hill should have rules to protect the privacy, noise level, and solar access for homes at the bottom of a slope. I want rules for buildings on slopes.

Regards,
Anton Shumikhin
12717 NE 94th Ct
Kirkland, WA 98033

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From: [Jeremy McMahan](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Rezoning
Date: Tuesday, March 19, 2019 5:07:15 PM

From: AT&T Yahoo Mail <cr8tive@frontier.com>
Sent: Tuesday, March 19, 2019 4:05 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>
Subject: Rose Hill Rezoning

Dear Kirkland Planning Commission Members,

I am Lynn Armstrong and I have lived at 8534 131st AVE NE for 25 years. My property is on the NW corner of the proposed Continental Divide project and have great concerns about this high density project.

I participated in the city sponsored Solarize Kirkland project and have been stunned to discover that the city does NOT support this project nor protect residents' solar access after we have made a significant investment that was advertised to increase our green energy revenues as well as increase our property values. This proposed project will significantly impact my solar access causing a huge shadow on my whole yard for a significant time during the year. I am asking you to **protect current residents like myself with a solar easement** that would move this proposed project away from the property line and limit the height next to single family homes.

I am concerned with the limited notification provided by the city on this project. We have had concerns since hearing about this in June of 2018 that residents are not notified appropriately. Our neighbors have felt and expressed that the city has not been forthcoming on communication regarding changes for codes and zoning and this is another example. I receive an email from the city yesterday about this meeting. **One day notice is not adequate.**

This proposed zoning and terminology change is not acceptable. Making changes to benefit the developers who are not originally adhering to code, zoning and neighborhood plans should not be how the City of Kirkland functions. The applicant was vested under the existing zoning regulation.

- The east end of the Business corridor is designed to be low density and needs to remain this way.
- This project was labeled Office and now it is proposed to be unlimited density mixed use. Keep the current restriction of "no residential on the ground floor"
- Do not change the definition of ground floor to street level. **Ground floor is ground floor.**
- A building of this size will impact the character of neighborhood and encroaching on the privacy, solar access, and current residents' quality of life in this area of single family homes. **Keep the height limit to 30 feet and do not allow for exceptions.** Reorienting the plan to have tallest structures on the south side of this property would provide more of a transition into our neighborhood.
- A transition between main street commerce and residential need to be maintained and protected.
- Increase traffic from 134 apt will significantly impact our ability to enter and exit 131st AVE NE and the lack of sufficient parking will increase street parking in front of our home, both will have an impact our children's safety.

ATTACHMENT 3

We are not opposed to reasonable development in scale with a neighborhood. This project is out of scale and violate the spirit and intent of the zoning code and Rose Hill design standards and City Plan. **Do not make changes to the zoning, standards and plan to accommodate the developers.** Please help protect the Rose Hill neighborhood and keep Kirkland a safe and enjoyable place to live. Thank you for your time.

Lynn Armstrong

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From: [Joan Lieberman-Brill](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Code Amendments
Date: Thursday, February 28, 2019 3:01:59 PM

FYI

From: Erik Carlson <erik.carlson86@gmail.com>
Sent: Thursday, February 28, 2019 3:00 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Rose Hill Code Amendments

Hello,

I am a resident on NE 88th Street here in Kirkland and as such will be directly impacted by the amendments being discussed in regard to the North Rose Hill planning changes.

Like many of my neighbors, I echo their same concerns and criticisms in how these plans have been handled so far. One of my neighbors, Olivia, has done a through job of comprising some of our prevailing concerns in her own comment. I would like to echo these sentiments as I feel the care and attention used in it are outside my capabilities.

Specify Lot Size for Stacked Dwelling Units:

Because the Lot Size for Stacked Dwellings is written as “None” on the existing and proposed Use Zone Chart for RH-8, the density is unlimited. This zone needs a minimum lot size to prevent inappropriately dense developments in RH-8. The zones of MSC-1 and MSC-4 are comparable to RH-8, because they abut Market Street and are also zoned “Office Mixed Use.” As examples, their minimum lot sizes per Stacked Dwelling unit:

- MSC-1: 3,600 sq. ft.
- MSC-4 west of Market Street: 3,600 sq. ft.
- MSC-4 east of Market Street: 1,800 sq. ft.

I am not necessarily suggesting these minimums, but I am suggesting that a minimum be established.

Specify Commercial Frontage Width:

The proposed code amendment for Stacked Dwellings in RH-8 establishes a minimum depth and minimum average depth but doesn’t establish a width nor does it define how much commercial use is required. All but three* of Kirkland’s zones requiring commercial frontage define commercial frontage as 100% by omitting Stacked Dwellings from the street level floor uses like this: “The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Hotel or Motel; Entertainment, Cultural and/or Recreational Facility; or Office” (KZC 54.08 5a)

ATTACHMENT 3

Then outlining the exception for street level residences as needing a commercial buffer from the street like this:

“Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above.” (KZC 54.08 5b)

RH-8 should include this pattern of language to reflect other zones and prevent a loophole in which a building could be designed with a 4-foot-wide and 30-foot-deep commercial space. Such a loophole exists in TL-6A and TL-6B and should be closed there also.

**Three zones that don't require or define 100% commercial frontage width: TL-6A and TL-6B which have unspecified width and YBD-1 which has at least 50% width.*

Specify Percentage of Commercial at Street Level:

The zone abutting RH-8 to the west is RH-7. Its General Regulations include a minimum of 50% of the total gross floor area on the ground floor be commercial use.

“At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).” (KZC 53.72.4)

I propose adding this pattern of language (replacing the list of commercial uses with those allowed in RH-8) to RH-8, because:

1. The more residences an area adds, the more walkable commercial services will be needed.
2. Commercial uses are pedestrian-friendly, which is a stated goal for the Rose Hill Business District
3. Residences are not pedestrian-friendly because residences are not useful pedestrian destinations like a commercial use could be.
4. Residences at the street level lack privacy and security.

Specify Conditions for Slopes:

Buildings on slopes are not addressed in the “Height of Structure” column on Kirkland’s Use Zone Charts. There should be language defining the height of buildings on slopes, because facades on slopes that abut low density zones can tower above homes at the bottom of the slope. I propose using language like this to address slopes (with 30’ as an example):

“30' above average building elevation. No façade abutting a low-density zone shall exceed 30' unless that façade is set back from the property line of the low-density zone by the same amount as that façade’s height.”

For example, a 50-foot-tall façade could abut a low-density property if it was 50’ from the property line. This is intended to protect the privacy, noise level, and solar access of low-density properties.

Thank you for your time and patience,

Erik Carlson

ATTACHMENT 3

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From: [Joan Lieberman-Brill](#)
To: [Janice Coogan](#)
Subject: FW: Concerns for Rose Hill Rezone
Date: Thursday, February 28, 2019 2:53:02 PM

FYI

From: Jackie Kilby <jacqki01@gmail.com>
Sent: Thursday, February 28, 2019 2:51 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Concerns for Rose Hill Rezone

Hello,

I am a resident at 12861 NE 88th St here in Kirkland, on the lovely Rose Hill. I (like many people) have some concerns I would like to voice regarding the idea to rezone this area.

Specify Percentage of Commercial at Street Level:

The zone abutting RH-8 to the west is RH-7. Its General Regulations include a minimum of 50% of the total gross floor area on the ground floor be commercial use.

“At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).” (KZC 53.72.4)

I propose adding this pattern of language (replacing the list of commercial uses with those allowed in RH-8) to RH-8, because:

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ATTACHMENT 3

“30' above average building elevation. No façade abutting a low-density zone shall exceed 30' unless that façade is set back from the property line of the low-density zone by the same amount as that façade's height.”

For example, a 50-foot-tall façade could abut a low-density property if it was 50' from the property line. This is intended to protect the privacy, noise level, and solar access of low-density properties.

Thank you for your consideration in this matter.

Sincerely,
Jacqueline Kilby

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From: [Lenae Nofziger](#)
To: [Janice Coogan](#)
Subject: Housing at Lake Washington Institute of Technology
Date: Monday, March 18, 2019 7:16:14 PM

Hello,

I fully support the idea of building campus housing at Lake Washington Institute of Technology. This would serve those who work there well and would prevent them from having to commute long distances. It's a good use of resources and a win-win for both the school and its faculty, staff, and students.

All the best,
Lenae Nofziger
Kirkland, WA

Lenae Nofziger

Associate Professor | Department of English

Assistant Dean | College of Arts & Sciences

Office 425-889-5730

lenae.nofziger@northwestu.edu | northwestu.edu

US News & World Report Best Value

From: [Jeremy McMahan](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Wednesday, March 20, 2019 9:07:33 AM

From: Lynda Riversinc <riversinc2@gmail.com>
Sent: Tuesday, March 19, 2019 9:29 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

Dear Planning Commission,

I m writing in regards to proposed Rose Hill Business Code Amendments. I am opposed to allowing apartments on the first floor of any of the new proposed buildings, I see no reason for it. it seems to me the community is better served to keep any of these new buildings on Rose Hill as mixed use, with businesses on the ground floor. I can only guess that you are making these changes to keep some large cooperate builder happy, which is so very wrong. You are suppose to be here for the community as a whole, not some big builder best interest. also, (I know this is most likely the wrong email for all of this) two other issues for any of these large proposed building period. Traffic (you keep added housing etc with out improving the infrastructure - people don't all take buses, even when they do they still have cars!) and second, affordability. We don't need more high end apartments period, we need something low and even mid cost - over building will not create this, but the permit process could.... *please consider it.*

As long as you keep building without improving the infrastructure any, or maintaining a place for small business to operate, you will be making this city unlivable - or close to it.

Please keep me informed of any future decisions made in regards to the Rose Hill Neighborhood.

Lynda Myra / Kirkland resident since 1983

riversinc2@gmail.com

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From: [Jeremy McMahan](#)
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As long as you keep building without improving the infrastructure any, or maintaining a place for small business to operate, you will be making this city unlivable - or close to it.

Please keep me informed of any future decisions made in regards to the Rose Hill Neighborhood.

Lynda Myra / Kirkland resident since 1983

riversinc2@gmail.com

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From: [Joan Lieberman-Brill](#)
To: [Janice Coogan](#)
Subject: FW: Proposed amendments to Rose Hill Neighborhood
Date: Thursday, February 28, 2019 4:25:27 PM

FYI

From: Linda Young <youngym64@gmail.com>
Sent: Thursday, February 28, 2019 4:19 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Proposed amendments to Rose Hill Neighborhood

Dear Kirkland Planning Commission Members,

I am submitting the following public comment regarding the proposed code amendments to the Rose Hill Neighborhood.

I am most concerned about RH-8. Crucial attributes are unspecified in RH-8 which could allow for properties that invade the privacy, solar access, quality of life, vehicle access, noise levels, and property values for low density neighborhoods abutting RH-8. Especially concerning is that these new buildings are being placed in single family, residential areas. For example, the apartment complex proposed for the corner of 132nd and 85th. This development will impede the entering/exiting of residents of 131st and 87th streets. Increasing the allotted size of this complex will further impede an already impossible traffic situation especially considering there are no amendments for traffic flow.

I recommend these attributes be specified:

Specify Lot Size for Stacked Dwelling Units:

Because the Lot Size for Stacked Dwellings is written as “None” on the existing and proposed Use Zone Chart for RH-8, the density is unlimited. This zone needs a minimum lot size to prevent inappropriately dense developments in RH-8. The zones of MSC-1 and MSC-4 are comparable to RH-8, because they abut Market Street and are also zoned “Office Mixed Use.” As examples, their minimum lot sizes per Stacked Dwelling unit:

- MSC-1: 3,600 sq. ft.
- MSC-4 west of Market Street: 3,600 sq. ft.
- MSC-4 east of Market Street: 1,800 sq. ft.

I am not necessarily suggesting these minimums, but I am suggesting that a minimum be established.

Specify Commercial Frontage Width:

The proposed code amendment for Stacked Dwellings in RH-8 establishes a

minimum depth and minimum average depth but doesn't establish a width nor does it define how much commercial use is required. All but three* of Kirkland's zones requiring commercial frontage define commercial frontage as 100% by omitting Stacked Dwellings from the street level floor uses like this:

"The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Hotel or Motel; Entertainment, Cultural and/or Recreational Facility; or Office" (KZC 54.08 5a)

Then outlining the exception for street level residences as needing a commercial buffer from the street like this:

"Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above." (KZC 54.08 5b)

RH-8 should include this pattern of language to reflect other zones and prevent a loophole in which a building could be designed with a 4-foot-wide and 30-foot-deep commercial space. Such a loophole exists in TL-6A and TL-6B and should be closed there also.

**Three zones that don't require or define 100% commercial frontage width: TL-6A and TL-6B which have unspecified width and YBD-1 which has at least 50% width.*

Specify Percentage of Commercial at Street Level:

The zone abutting RH-8 to the west is RH-7. Its General Regulations include a minimum of 50% of the total gross floor area on the ground floor be commercial use.

"At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC)." (KZC 53.72.4)

I propose adding this pattern of language (replacing the list of commercial uses with those allowed in RH-8) to RH-8, because:

1. The more residences an area adds, the more walkable commercial services will be needed.
2. Commercial uses are pedestrian-friendly, which is a stated goal for the Rose Hill Business District
3. Residences are not pedestrian-friendly because residences are not useful pedestrian destinations like a commercial use could be.
4. Residences at the street level lack privacy and security.

Specify Conditions for Slopes:

Buildings on slopes are not addressed in the "Height of Structure" column on Kirkland's Use Zone Charts. There should be language defining the height of buildings on slopes, because facades on slopes that abut low density zones can tower above homes at the bottom of the slope. I propose using language like this to address slopes (with 30' as an example):

"30' above average building elevation. No façade abutting a low-density zone shall exceed 30' unless that façade is set back from the property line of the low-density zone by the same amount as that façade's height."

For example, a 50-foot-tall façade could abut a low-density property if it was 50' from the property line. This is intended to protect the privacy, noise level, and solar access of low-density properties.

Please consider these proposals as they are intended to protect the Rose Hill neighborhood, clearly define requirements for developers, and keep Kirkland a pleasant place to work and live.

Sincerely,
Linda Young
13004 NE 87th St Kirkland WA 98033

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From: [Adam Weinstein](#)
To: [Janice Coogan](#); [Angela Ruggeri](#)
Cc: [Jeremy McMahan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Thursday, February 28, 2019 2:34:49 PM
Attachments: [image001.png](#)

. . . another comment for tonight.

Adam

Adam Weinstein, AICP
Director of Planning and Building

City of Kirkland
123 5th Avenue
Kirkland, WA 98033

(425) 587-3227
aweinstein@kirklandwa.gov

From: Marie Fromm <msf@mariefromm.com>
Sent: Thursday, February 28, 2019 11:35 AM
To: Adam Weinstein <AWeinstein@kirklandwa.gov>; Angela Rozmyn <ARozmyn@kirklandwa.gov>; Carter Bagg <CBagg@kirklandwa.gov>; Colleen Cullen <CCullen@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; John Tymczyszyn <JTymczyszyn@kirklandwa.gov>; Mathew Pruitt <MPruitt@kirklandwa.gov>; Sandeep Singhal <ssinghal@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

Greetings,

As the homeowner of 12861 NE 88th St, I have concerns about this zoning change. Placing high density housing - without appropriate limits - adjoining low density neighborhoods such as ours destroys our quality of life, impairs vehicle access, creates noise and will reduce our property values.

- Specify Reasonable Lot Size for Stacked Dwelling Units on RH-8 to prevent inappropriately dense dwelling units
 - The Lot Size for Stacked Dwellings is written as “None” on the existing and proposed Use Zone Chart for RH-8, the density is unlimited. This zone needs a minimum lot size to prevent inappropriately dense developments in RH-8
- Specify Commercial Frontage Width for the RH-8 to prevent developer loopholes:
 - The proposed code amendment for Stacked Dwellings in RH-8 establishes a minimum depth and minimum average depth but doesn’t establish a width nor does it define how much commercial use is required.

- Specify Percentage of Commercial at Street Level
 - The more residences an area adds, the more walkable commercial services will be needed. Residences on the ground floor are not pedestrian-friendly because residences are not useful pedestrian destinations like a commercial use could be.
 - First floor Commercial uses are pedestrian-friendly, which is a stated goal for the Rose Hill Business District. Specifying the majority as Commercial Frontage Width is vital.

- Specify Conditions for Slopes
 - Buildings on slopes are not addressed in the “Height of Structure” column on Kirkland’s Use Zone Charts. There should be language defining the height of buildings on slopes, because facades on slopes that abut low density zones can tower above homes at the bottom of the slope
 - eg: “30’ above average building elevation. No façade abutting a low-density zone shall exceed 30’ unless that façade is set back from the property line of the low-density zone by the same amount as that façade’s height.”

Please consider these proposals as they are intended to protect the Rose Hill neighborhood, clearly define requirements for developers, and keep Kirkland a pleasant place to work and live.

Thank you,

- Marie Fromm & Connie Eronson
12861 NE 88th St, Kirkland, WA

o	This use may not be located on the ground floor of a structure.
L	1. The street level floor of the building shall include commercial use. The commercial use shall be oriented toward NE 85 th Street and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street).
L	Lobbies for this use are allowed within the commercial frontage, provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
more	The Planning Director or Design Review Board may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and the design of the retail frontage will maximize visual interest.
L	1-2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
5.20	
King	
L	1. This use may not be located on the ground floor of a structure.
unit	1. The street level floor of the building shall include commercial use. The commercial use shall be oriented toward NE 85 th Street and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street).
10	Lobbies for this use are allowed within the commercial frontage, provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
unit	The Planning Director or Design Review Board may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and the design of the commercial frontage will maximize visual interest.
of	2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
10-	
per	1. No parking is required for day-care or school ancillary to the use.
1	

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ATTACHMENT 3

to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

From: [Adam Weinstein](#)
To: [Janice Coogan](#); [Angela Ruggeri](#)
Cc: [Janice Coogan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Thursday, February 28, 2019 2:35:58 PM

From: Olga Sirenko <olga@shoumikh.in>
Sent: Thursday, February 28, 2019 11:27 AM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

To whom it may concern:

1. Currently, all of the zones being changed can have apartments as dense as a developer wants. I don't want Rose Hill to be densely populated and oppose unlimited density for apartments.
2. A loophole in the proposed changes allows apartments on the first floor on [85th Street](#) as long as there are "some" businesses. I don't want first floor apartments on [85th Street](#).
3. The city government wants to add as many apartments as possible, even on the first floor starting about 30 feet from [85th Street](#). That will add many more people and result in apartments lacking privacy and security. I don't want first floor apartments along the streets intersecting [85th Street](#). I want either 50% or 100% businesses and offices on the first floor.
4. Buildings in Rose Hill have a maximum height starting from the average height of the ground, but when built on a slope they can tower over adjacent homes. I think Rose Hill should have rules to protect the privacy, noise level, and solar access for homes at the bottom of a slope. I want rules for buildings on slopes.

Regards,
Olga Sirenko
[12717 NE 94th Ct](#)
[Kirkland, WA 98033](#)

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From: [Joan Lieberman-Brill](#)
To: [Janice Coogan](#)
Subject: FW: Public Comment on Rose Hill Business Code Amendments
Date: Wednesday, February 27, 2019 12:51:26 PM

FYI

From: Olivia A <okayall@outlook.com>
Sent: Wednesday, February 27, 2019 12:46 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Public Comment on Rose Hill Business Code Amendments

Dear Kirkland Planning Commission Members,

I am submitting the following public comment regarding the proposed code amendments to the Rose Hill Neighborhood.

I am most concerned about RH-8. Crucial attributes are unspecified in RH-8 which could allow for properties that invade the privacy, solar access, quality of life, vehicle access, noise levels, and property values for low density neighborhoods abutting RH-8. I recommend these attributes be specified:

Specify Lot Size for Stacked Dwelling Units:

Because the Lot Size for Stacked Dwellings is written as “None” on the existing and proposed Use Zone Chart for RH-8, the density is unlimited. This zone needs a minimum lot size to prevent inappropriately dense developments in RH-8. The zones of MSC-1 and MSC-4 are comparable to RH-8, because they abut Market Street and are also zoned “Office Mixed Use.” As examples, their minimum lot sizes per Stacked Dwelling unit:

- MSC-1: 3,600 sq. ft.
- MSC-4 west of Market Street: 3,600 sq. ft.
- MSC-4 east of Market Street: 1,800 sq. ft.

I am not necessarily suggesting these minimums, but I am suggesting that a minimum be established.

Specify Commercial Frontage Width:

The proposed code amendment for Stacked Dwellings in RH-8 establishes a minimum depth and minimum average depth but doesn't establish a width nor does it define how much commercial use is required. All but three* of Kirkland's zones requiring

commercial frontage define commercial frontage as 100% by omitting Stacked Dwellings from the street level floor uses like this:

“The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Hotel or Motel; Entertainment, Cultural and/or Recreational Facility; or Office” (KZC 54.08 5a)

Then outlining the exception for street level residences as needing a commercial buffer from the street like this:

“Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above.” (KZC 54.08 5b)

RH-8 should include this pattern of language to reflect other zones and prevent a loophole in which a building could be designed with a 4-foot-wide and 30-foot-deep commercial space. Such a loophole exists in TL-6A and TL-6B and should be closed there also.

**Three zones that don't require or define 100% commercial frontage width: TL-6A and TL-6B which have unspecified width and YBD-1 which has at least 50% width.*

Specify Percentage of Commercial at Street Level:

The zone abutting RH-8 to the west is RH-7. Its General Regulations include a minimum of 50% of the total gross floor area on the ground floor be commercial use.

“At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).” (KZC 53.72.4)

I propose adding this pattern of language (replacing the list of commercial uses with those allowed in RH-8) to RH-8, because:

1. The more residences an area adds, the more walkable commercial services will be needed.
2. Commercial uses are pedestrian-friendly, which is a stated goal for the Rose Hill Business District
3. Residences are not pedestrian-friendly because residences are not useful pedestrian destinations like a commercial use could be.
4. Residences at the street level lack privacy and security.

Specify Conditions for Slopes:

Buildings on slopes are not addressed in the “Height of Structure” column on Kirkland’s Use Zone Charts. There should be language defining the height of buildings on slopes, because facades on slopes that abut low density zones can tower above

ATTACHMENT 3

homes at the bottom of the slope. I propose using language like this to address slopes (with 30' as an example):

“30' above average building elevation. No façade abutting a low-density zone shall exceed 30' unless that façade is set back from the property line of the low-density zone by the same amount as that façade's height.”

For example, a 50-foot-tall façade could abut a low-density property if it was 50' from the property line. This is intended to protect the privacy, noise level, and solar access of low-density properties.

Please consider these proposals as they are intended to protect the Rose Hill neighborhood, clearly define requirements for developers, and keep Kirkland a pleasant place to work and live.

Sincerely,

Olivia Ahna

8402 132nd Ave NE

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From: [Jeremy McMahan](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Tuesday, March 19, 2019 1:56:29 PM

-----Original Message-----

From: Paula Christiansen <pkmmad001@frontier.com>
Sent: Tuesday, March 19, 2019 1:46 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

Dear Commissioners,

Although I am nostalgic for the "old" Kirkland, I agree that we need greater residential density. However, I think we need to support opportunities for residents to meet and mingle. Those opportunities, I believe, are provided in public spaces such as shops (including full-scale grocery stores and drugstores) and restaurants and small parks and community centers (including libraries, senior centers, performance spaces, and places of worship, among others). They are NOT provided by uninterrupted miles of apartment buildings.

Therefore I think that Kirkland is not best served by having large blocks of residence-only buildings. Even in mixed-use buildings, I don't think first-floor apartments are best use of the space along public streets.

I ask that you forbid residences on the ground floor of apartment/mixed-use buildings adjacent to a public street.

I also don't want to subsidize the developers (and add to residential tension) by allowing them to depend upon street parking for their tenants'/clients' needs, so I ask that you require that adequate, even ample, parking be provided on the property being developed.

Thank you.

Paula Christiansen

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From: [Rex Rempel](#)
To: [Janice Coogan](#)
Subject: housing at Lake Washington Tech
Date: Monday, March 18, 2019 7:06:27 PM

I think it's a great idea to permit campus housing for Lake Washington. We need affordable housing. I have lived in faculty housing at Northwest U (also in Kirkland) for 17 years, and it has been a god-send. It has allowed us to live where we work. This meant having 1 less car and saving hundreds of hours every year. If not for this, we'd have to live an hour away possibly.

I am all for LWTech getting campus housing, if they see fit.
Rex Rempel
Kirkland, WA

Rex Rempel, LICSW
Social worker and professor of Behavioral Health
RexR.MSW@gmail.com
(206) 639-5625

From: [Joan Lieberman-Brill](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Thursday, February 28, 2019 12:15:13 PM
Attachments: [February 28_KirklandPlanning.docx](#)

FYI

From: Michele Westmorland <michele@westmorlandimages.com>
Sent: Thursday, February 28, 2019 12:14 PM
To: planningcommissioners@kirkland.gov; [Joan Lieberman-Brill <JoanLiebermanBrill@kirklandwa.gov>](mailto:JoanLiebermanBrill@kirklandwa.gov);
[Adam Weinstein <AdamWeinstein@kirklandwa.gov>](mailto:AdamWeinstein@kirklandwa.gov); ktriplett@kirkland.gov
Subject: Rose Hill Business Code Amendments

Please see the attached letter of concern for the planning meeting to be held this evening at Kirkland City Hall.

Michele Westmorland



Director/Photographer

Phone: 425-896-8113

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From: [Joan Lieberman-Brill](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Code Amendments
Date: Wednesday, March 13, 2019 4:01:35 PM
Attachments: [image001.png](#)
[image002.png](#)

FYI

From: Roger Wright <wright.roger15@gmail.com>
Sent: Wednesday, March 13, 2019 3:56 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Rose Hill Code Amendments

Good afternoon Planning Commission,

I recently attended the 3.5 hour Code Amendments meeting to unfortunately hear the agenda quickly skim through the proposed changes to RH 8, even though that was the reason the vast majority of the crowd was in attendance. I will not be able to attend the public hearing, so I wanted to voice my concerns to you ahead of time. The comment that put things into perspective for me is that the proposed project in RH 8 has a density of almost 60 units per acre (133 units over 2.26 acres), located almost 1 mile from I-405 and the proposed BRT station. This seems like there is an unintentional loophole that directly contradicts the RH 8 Design Guidelines (below) which states "Small Scale Mixed Use" and "Lower Intensity." Further, as part of the last meeting, Colleen started, to general agreement from the commission, that higher density should be aggregated closer to I-405. Please consider one of the following for RH-8:

1. Do not make proposed changes and instead clearly define ground floor as the level adjacent to 85th. By doing that, no residential will be allowed on the ground floor, and the ceiling height must be 15 feet. That would only allow one level of residential above the commercial to fit into the 30 ft height requirements. The way the current zoning stands, developers attempt to call the parking garage "ground level" so they don't have to abide by the 15 ft height minimum on the first level and then they can maximize density on upper levels. If you don't believe me, this is a direct quote from Merit Homes to the City (that was obtained from a public records request), arguing for their parking garage (which is below 85th Street) to be Ground Level, hence allowing residential units at the level of 85th without the 15 ft first floor height requirements:

"The term "ground floor" may be open to interpretation. Continental Divide interprets "ground floor" to mean, in this case, the access through the garage on 132nd, which is the main North South street with multiple lanes and a traffic light at 85th."

2. Make RH-8 consistent with the rest of 85th whereas 50% of street level must be commercial. By having only 20-30 ft of commercial, it allows a developer to put up a thin commercial facade to disguise a large multifamily development which contradicts the overall plan to make the east end more pedestrian friendly. Similar to point 3 below, it also creates unevenness along 131st st.

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3. If the amendment is adopted As-is, require commercial frontage along 131st and 132nd. 132nd is also a major thoroughfare with a popular bus route and high traffic counts. In regards to 131st, commercial frontage should be required to make it even on both sides of the street, because as the zoning is currently laid out, there is commercial zoning across the street (on the west side of 131st). If residential is allowed at street level on the east side of 131st, then it will be uneven and directly face commercial uses on the west side of 131st.

It appears as though the proposed changes for RH8 are designed to specifically let one development (currently in the permitting process) continue through to completion, even though every single neighbor around the proposed development opposes it in some way. Generally, if the zoning was more precise on limiting the size and scale of what it's allowed in RH8, I believe most neighbors would be happy with redevelopment of the affected lots.

Thank you for your time,

Roger Wright
 12924 NE 87th St, Kirkland, WA 98033
 425-220-9304



Policy/ Regulatory Document	Zoning District				
	RH3	RH5A	RH5B	RH7	RH8
Design Guidelines	<ul style="list-style-type: none"> Identified for Master Plan development Commercial use emphasized Combination regional & neighborhood-oriented businesses 	<ul style="list-style-type: none"> West of 124th Ave NE: Combination regional & neighborhood-oriented businesses East of 124th Ave NE: Neighborhood oriented businesses Pedestrian-friendly storefronts on NE 85th Street 	<ul style="list-style-type: none"> Neighborhood oriented businesses Pedestrian-friendly storefronts on NE 85th Street 	<ul style="list-style-type: none"> Neighborhood oriented businesses Pedestrian-friendly storefronts on NE 85th Street 	<ul style="list-style-type: none"> Lower intensity More residential in design Small family businesses Service Small scale mixed use Oriented to NE 85th Street.
Existing Zoning	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	Ground floor shall include commercial use oriented to NE 85 th Street. Residential use not allowed on the ground floor. No restaurant or retail above ground floor*
Proposed Zoning	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	Street level floor shall include commercial use oriented to NE 85 th Street with a minimum depth of 20' and average depth of 30'. No restaurant or retail above street level floor*

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Janice Coogan

From: Jeremy McMahan
Sent: Friday, March 22, 2019 1:45 PM
To: Janice Coogan
Subject: FW: Rose Hill Business Code Amendments

From: Brian Clark <brianclark1@hotmail.com>
Sent: Friday, March 22, 2019 1:41 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

I live in Redmond near grass lawn park and drive NE 85th often. I hope you will require new apartments on 85th to have ground floor retail and or office space in virtual every building.

Thank you

Brian Clark

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Janice Coogan

From: S. Davis <spicker76@yahoo.com>
Sent: Friday, March 22, 2019 10:10 AM
To: Planning Commissioners
Cc: Adam Weinstein; Janice Coogan
Subject: Rose Hill Business Code Amendments Public Comment
Attachments: Continental Divide_Design Review Report_Adams Architecture_20181129.pdf; 2018 10 30 Public Comment (attorney letter).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission,

As a resident in the Rose Hill community, I am asking that you please not support the proposed planning department RH8 changes to only 20 to 30 ft deep for commercial and residential on ground floor. I believe street level or ground floor should be the area at street level along 85th. The comprehensive plan and our neighborhood plan recognize this area as a commercial and office area.

Existing office (RH8) zoning regulations are perceived by many living in the neighborhood as being inadequate to address the scale and density of development consistent with Comprehensive Plan policies. While mixed used development with residential and commercial uses is encouraged in the City's commercial districts, development should also be compatible in scale and character with surrounding uses. There is no established density limit for multi-family uses in RH8.

The RH8 zone is a unique asset that is vital to the economy of Kirkland and should serve the residents who live near this area. The vision for this area is small locally owned businesses or professional offices which are an important part of the city's tax revenue base. We need to create more non-minimum wage professional jobs, and areas for small business owners.

“Jobs” is not the same thing as residents, and it is quite possible that Kirkland is merely subsidizing population growth for the town next door, especially if that town has better jobs, amenities and more entertainment options. If the city truly wants more “10-minute neighborhoods” they need to keep ground floor commercial and office space.

Follow the Comprehensive Plan

For the city to continue to thrive, we need to maintain the commercial districts and not just build housing. As drafted, the proposed change threatens these things by opening up this commercial area to standalone unlimited density apartments right next to single family homes. Retail and commercial businesses should be the focus in this area. Our recently adopted neighborhood plan kept this area's vision as "Encourage mixed-use buildings to have residential units on upper levels. Discourage single-story retail buildings"

If the Comprehensive Plan and all of the effort that went into its creation can be ignored by the Planning Department and city council, then the Comprehensive Plan is no more than mere inconsequential verbiage without force and effect.

Follow the Neighborhood Plan

>Per our neighborhood plan most of the 85th area has medium density tracts between commercial and residential zones near the Interstate 405 interchange can have up to 12 units per acre. Along Northeast 85th Street, the city is allowing some portions to be built up to 24 units per acres.

>The project currently proposed on a 1.8 acre consolidated parcel in **RH8 is 75 units per acre.**

> History of this rea: This large RH8 parcel borders RXS 7.2 parcels and originally consisted of 4 residential parcels that were rezoned to RH8 in 2015 (Griffis CAR) due to the fact the developer wanted to have more space from the 132/85 intersection for access to build a commercial property that would be create office space that has a lower impact with noise, etc on the neighborhood. This rezone in 2015 of 6 residential parcels (RSX 7.2, limited density) was sold by the developer as a "a superior pedestrian destination to nearby homes" and office and neighborhood services were constantly mentioned during the rezone. And "To the contrary, office use (for example) is quieter than single family residential with no potential for loud stereos, barking dogs, weekend noise, or late parties."

Please see this link for the July 14, 2015 planning commission packet for more details on the history of this CAR. Pages 52 thru 58

<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Planning+Commission/Griffis+CAR+PC+07232015+Web.pdf>

>These land use goals were mentioned: The rezone would implement the following specific goals and policies in the Land Use Element:

Policy LU-1.4 : Create an effective transition between different land uses and housing types .

Policy LU-2.2: Use land efficiently, facilitate infill development or redevelopment, and, where appropriate, preserve options for future development.

Goal LU -3 : Provide a land use pattern that promotes mobility and access to goods and services.

Goal LU-5: Plan for a hierarchy of commercial areas serving neighborhood, community, and /or regional needs.

Policy LU-5.2 Maintain and strengthen existing commercial areas by focusing economic development within them.

>Working backwards in planning process, that is, starting with a project and then crafting zoning, and then rewriting the Comp Plan to match is spot zoning. This favors one party in a manner that is inconsistent with the careful and deliberate process outlined by Growth Management. I would hope the city can re-examine the unlimited density in RH 8 zoning abutting residential, and make adjustments to reflect the neighborhood plan and land use goals that are part of the comprehensive plan. The neighborhood plan needs to be reflected in the RH zoning code.

Commercial Uses Make "10-Minute Neighborhoods"

Per the city RH8 Neighborhood Plan: *"The parcels abutting 132nd Avenue NE, and abutting the east and west sides of 131st Avenue NE, if consolidated with parcels abutting NE 85th Street, are appropriate for conversion from low-density residential use to commercial or mixed commercial and multifamily uses."* And the current zoning chart states for *"Stacked dwelling Units: This use may not be located on the ground floor of a structure."*

The above does not state only multifamily. It states "mixed commercial and multifamily." Currently the plan for a huge RH8 project known as the Continental Divide has only 7% of the square footage for commercial uses. This area is not meant to be 93% high unlimited density residential.

And for design guidelines:

"Existing Rose Hill Design Guidelines for the RH 8 Zone: The vision of the "East End" portion of the Rose Hill Business District (RH 8 zone) between 128th and 132nd Avenues NE is articulated in the Rose Hill Design Guidelines. It acknowledges the relatively limited depth of the parcels and their development constraints. It anticipates that over time many smaller sites should be consolidated to maximize development opportunity and share vehicular access and parking. The resulting development would include a mix of storefronts directly on the street, storefronts with small landscaped setbacks, businesses maintaining parking in front, and multi-

story buildings with parking underneath. The style of development should be non-residential looking, and nearly all buildings should feature pitched roofs and porches or smaller covered areas. Lower building heights and intensity, consolidated sites and access, more flexible in design, small family businesses, small scale mixed use and generous landscaping are intended."

"Office and residential developments are encouraged to locate and orient buildings towards an interior open space or courtyard, where space allows. In this scenario, primary building entries may orient towards the open space provided there is direct visibility into the open space from the sidewalk."

The above design guideline clearly states what is intended for RH8, "small family businesses, small scale mixed use and generous landscaping are intended".

This guideline means that even if a building's primary entrance is not directly on the sidewalk, the building's primary entrance must be directly visible from the sidewalk. Since vehicles do not drive on the sidewalk but pedestrians walk there, this guideline indicates that it is pedestrian access that determines primary access.

The project's measly 7% commercial will not create a "10-minute neighborhood" for current residents if only an apartment building is built on most of this prime commercial property. The city is pushing for these types of neighborhoods and this area is a perfect example of having a need for small business retail and offices for the neighborhood.

The 85th corridor was recently expanded and improved with wider sidewalks, landscaping and pedestrian lighting to accommodate pedestrians that use this commercial area. The city advertised the project: "...vision described an eastern gateway to the city, called the Rose Hill Gateway. It would feature wide sidewalks with elegant street lights and hand-rails and a boulevard-feel to the arterial". Per the city mayor, Amy Walen stated, "It's a crucial economic district where we can shop in Kirkland and a regional connection for us to get to and from work in our neighboring cities and beyond."

The Options:

Per my research I have drafted three alternative amendments that would strengthen the commercial area in a way that aligns with our neighborhood plan, the newly renovated "boulevard-feel which properly balances with the surrounding neighborhood plan's commercial vision, and single family residential areas while creating a "10-minute neighborhood" for the single-family residential homes and any new multifamily homes.

Option 1

The first possible amendment would keep the current zoning requirements and add a density limit.

> Keep the 15ft required ground level height and commercial required on ground/street floor of any structure in RH8. Allowing residential on ground/street level threatens commercial areas by permanently allowing unlimited density residential to stand alone in a business district where commercial, office and small retail businesses should be operating.

> Providing apartments are built in RH8 there should be a density cap similar to other areas in the city where apartments are next to single family homes No more than 24 units per acre would be ideal. For example, the Market Street corridor (more on this below).

> Take out the *"The Planning Director or Design Review Board may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and the design of the commercial frontage will maximize visual interest."* as this is very ambiguous and merely accommodates some private interest. It

is discriminatory to benefit to one owner at the detriment of their neighbors and the community at large without adequate justification.

Option 2

A second option that uses the current zoning and some of the proposed changes:

>Keep the 15ft height required ground/street level on all buildings as this is a commercial area and this height is needed for commercial.

>At least 50% of street level or ground floor of each building in RH8 should be commercial like the other zones along 85th. The current zoning is no ground floor residential.

> Take out the *"The Planning Director or Design Review Board may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and the design of the commercial frontage will maximize visual interest."* as this is very ambiguous and merely accommodates some private interest. It is discriminatory to benefit to one owner at the detriment of their neighbors and the community at large without adequate justification.

Option 3

Before I mention the third option, I want to point out the following:

>There are flaws to the current planning department analysis for RH8. They compared RH8 to the City's pedestrian-oriented districts, such as the downtown and neighborhood business areas. The market street corridor ("MSC") frontage language is used in the language for the street front change and this area is "Office Mixed Use" so I will use this area as an example.

If this area is pedestrian-oriented I would think one would want more neighborhood services!

MSC does share some attributes with the RH8 area however the MSC has a density cap for apartments. If the planning commission goes along with the proposed changes, please add a density cap otherwise this is really not properly comparing to another "Office Mixed Use" district.

>The city planning department is "cherry picking" certain zoning codes from the MSC (which is "Office Mixed Use") to apply to the RH8 so the currently proposed Continental Divide project can be built as designed. The design has never met the current zoning, and this has been an ongoing issue. The developer has known ground floor can only be commercial, and ground floor must be 15ft in height. The developer has chosen to design a project not meeting these requirements so they could squeeze in another story.

>The city has stated in the DRB memos: *"Continental Divide has proposed to construct a four-story mixed-use building. The main building will have a single-story commercial space along NE 85th Street and transition to 3 stories of residential units above a parking level. A single-story commercial building will be located near NE 85th Street. The preliminary plans call for a total of 134 residential units and 7,378 square feet of commercial space."*

The developer has been very crafty with the design by using the ABE on this sloping parcel to create a building that is almost 50 ft high in certain areas. This will create a huge building in mass and height right next to a single-family neighborhood. The vision for this area per the neighborhood plan is up to 3 stories.

If you do allow residential on ground floor because you believe RH8 "Office Mixed Use" is similar to MSC please add the following:

- >A density limit of no more than 24 units per acre. The current design ~~with~~ ^{with} ~~attaches~~ ^{attaches} 75 units per acre!
- >Ground floor should be 15 ft required height as the vision is up to 3 stories and ABE is 30 feet plus 5 ft bonus: 15 ft ground floor plus two, 10 ft stories equals 35ft.
- > Take out the *"The Planning Director or Design Review Board may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and the design of the commercial frontage will maximize visual interest."* as this is very ambiguous and merely accommodates some private interest. It is discriminatory to benefit to one owner at the detriment of their neighbors and the community at large without adequate justification.

Please support the neighborhood and the city's economic policies by not supporting the proposed RH8 changes that would take away the much-needed commercial and office space and allow a building of bulk and mass that does not respect our neighborhood plan or our city's overall vision for this area.

Please don't set a precedent by allowing loopholes or mistakes to produce this huge out of place development in our neighborhood that clearly conflict with our city's general plan. It really should be just that simple. I have no problem with density. We live in a city and I support an increase in its population. But this increase has to be planned in such a way that it is aligned with existing neighborhood plan.

Included as attachments the October 30, 2018 review letter from a land use attorney, and a November 28, 2018 architect review of the current design that a group of concerned Rose Hill residents funded.

Thank you for your time.

Susan Davis

Susan Davis spicker76@yahoo.com Have a GREAT day! :)

From: AT&T Yahoo Mail <cr8tive@frontier.com>

Sent: Friday, March 22, 2019 5:06 PM

To: Tony Leavitt <TLeavitt@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Cindy Keirse <CKeirsey@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kelli Curtis <KCurtis@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Tom Neir <TNeir@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; Mathew Pruitt <MPruitt@kirklandwa.gov>; John Tymczyszyn <JTymczyszyn@kirklandwa.gov>; Sandeep Singhal <ssinghal@kirklandwa.gov>; Carter Bagg <CBagg@kirklandwa.gov>; Colleen Cullen <CCullen@kirklandwa.gov>; Angela Rozmyn <ARozmyn@kirklandwa.gov>; Planning Commissioners <PlanningCommissioners@kirklandwa.gov>

Subject: Opposition to Rose Hill Zoning Changes

Dear Planning Dept and Council Members,

I am writing in opposition of the proposed zoning changes to accommodate Merit's Continental Divide project.

The parcel at 85th and 131st was first described at Office Use to provide walkable access to local business and restaurants, then mysteriously redefined as Mixed Use. Now it is being rezoned to provide unlimited density to accommodate this developer with no consideration of the longtime residents. 75 units per acre cannot be what the Council imagined when they wrote the current zoning and neighborhood plans. This needs to be similar to the 12 units per acre in this business district.

Additions to our neighborhood are clearly described in the City of Kirkland design guidelines for the Rose Hill Design District. The East End of 85th is intended to be the lowest scaled and least intensely developed compared to other areas of 85th. The guidelines state that new developments remain "residential in character" and smaller scaled development that transitions to single family homes. The height and scale of this project need to be reduced and not provided exceptions. Upper floors need setbacks, number and size of window need to be reduced, and the number of units significantly decreased. Smaller buildings instead of one large single building will increase light and solar to neighboring homes.

When we the citizens have expressed our concerns, we are told "that is not what the terms mean." If the community members believe the descriptions and terms provided by the city to be accurate and professional attorneys and architects define the terms in the same way, it isn't appropriate for the city to rewrite the terms and codes to meet their personal needs to benefit the developer. Why are you working backwards? Please see attached documents from our attorney and architect.

Redefining "ground floor" to meet the needs of Merit is inappropriate! The ground floor is all the units that have direct access to the ground regardless of the slope. To consider that the 7% commercial/93% residential footprint meets the intended "NO residential uses are allowed on the ground floor" is ABSURD.

The size of this building is out of scale with the adjacent single family homes and 1-1/2-story local commercial buildings. The design guidelines state that "Lower building heights and intensity,...small scale mixed use and generous landscaping are intended." The scope of this project does not meet this

guideline and significantly impacts the privacy and solar access to the families on the north side of this property. Families to the north will have significant shade to their yards and homes for most of the winter and throughout the year. The large block style with angled roofs and flat facades is a stark evolution from the current residential designs. Since I participated in the Solarize Kirkland program, I am incredibly frustrated that there is no solar easement or protection for participants. There needs to be and this is the right thing to do.

Recently, I was fascinated to see this video and see this revelation being repeated around our town, destroying the small town charm that brought us to Kirkland. (Watch the short video featuring UW Architecture Professor Rick Mohler)
<https://crosscut.com/2018/08/why-do-so-many-new-apartment-buildings-seattle-look-same>.

As residents on a dead-end street we are very concerns with the increased traffic, privacy and safety on 131st. Currently we have difficulty entering and exiting our street and the increase of approximately 200+ cars will make this a nightmare. Planned parking does not meet KMC21.08 (1.6/2BRM doesn't seem sufficient) and overflow parking will be in front of our homes, yards, and mailboxes. The increase of cars entering and exiting the parking garage will jeopardize the safety of children walking to schools and bus stops and families out for a stroll.

With the Merit design, significant native trees will be removed. Kirkland needs to enforce KZC 95.30.5 and protect the beauty of Kirkland's green spaces and mature trees. These trees provide noise buffers and support Kirkland's status of Tree City USA.

In conclusion,

- limit residential on the ground floor regardless of slope
- provide a density cap: limit the units per acre to 12 similar to the other end of 85th
- protect neighboring homes from significant shade impact due to the enormous height and proximity
- keep the 15ft limit height requirement on the ground floor with max building height of 35ft
- require adequate parking for all residential and retail units
- protect the mature trees on this parcel in the Rose Hill neighborhood.

Limiting the scope and scale of this project to abide by the current zoning regulations will increase safety, limit traffic impact, and provide a quality of life for the neighbors that is consistent with the goals for Kirkland.

Thank you for your consideration and support,

Lynn Armstrong
8534 131st AVE NE
Kirkland WA 98033

Dear Planning Commission,

I attended the 3-hour Planning Commission Study Session on February 28th. I hope you will take your own advice and listen to your fellow commissioners when considering the Rose Hill Code Amendments.

Commissioner Pruitt: You had asked Planning & Building Director Weinstein about the Proposed Land Use bills coming out of Olympia. He called a proposal to require at least 50 units an acre within a quarter of a mile of light rail stations “draconian” and “fairly extreme.” (KPC Video 02/28/19 6A 3:15) Unlimited density in the Rose Hill Business District is allowing the proposed Continental Divide project to be 75 units an acre nearly a mile from future light rail. Do you agree with Mr. Weinstein that 50 units an acre is draconian, Commissioner Pruitt? If so, please **add density limits to the Rose Hill Business District**.

Commissioner Rozmyn: Regarding increasing the height of the Petco development, you stated, “Part of locating density in spots near transit, near the walkable downtowns is how we protect those single-family zones and keep them low-density.” (4C 3:04) I agree. The low-density areas behind the Rose Hill Business District need to be protected. The staff recommendation is keeping destructive, unlimited density. If you believe in protecting low-density homes, please **add density limits to the Rose Hill Business District**.

Commissioner Rozmyn: You tried to clarify with the staff by asking, “I don’t think we’re talking about taking away commercial from 85th. You’re talking about behind it, right?” A staffer replied, “Yes, that’s correct.” (KPC Video 02/28/19 4C 2:49) That is not correct. At the last meeting there were no width requirements and in the new packet the width for commercial uses is now 60%. Builders will take advantage of this and make the remaining 40% into first floor apartments directly on 85th.

Commissioner Bagg: You asked, “Who would want an apartment right on 85th?” (KPC Video 02/28/19 4C 2:49) I agree. If you adopt the staff recommendations, there are going to be first floor apartments directly on 85th. Such apartments would lack security and privacy, making them undesirable but some poor family is going to the end up there. Commissioners Rozmyn and Bagg, if you want to stop builders from making first floor apartments directly on 85th, please **require 100% of the first floor to be commercial**.

Commissioner Peterson: You proved that you are aware of builders taking advantage of exemptions in the city code in order to make 3-story boxy single-family homes with flat roofs, or as you called them “monstrosities.” (KPC Video 02/28/19 4B 2:25) Huge apartment buildings are also capable of ruining neighborhoods and being monstrosities. Currently, enough exemptions are allowed that incentivize builders into, as you put it, “ripping out every quaint little house.” (KPC Video 02/28/19 4B 2:26) The staff recommendations for the Rose Hill Business District leave the quaint houses in Rose Hill vulnerable to enormous apartment complexes towering over them. If you wouldn’t want to live next to a monstrous apartment complex, please **add height regulations to protect homes at the bottom of slopes**.

The Real Impact of “Monstrosities” Next to Single Family Homes



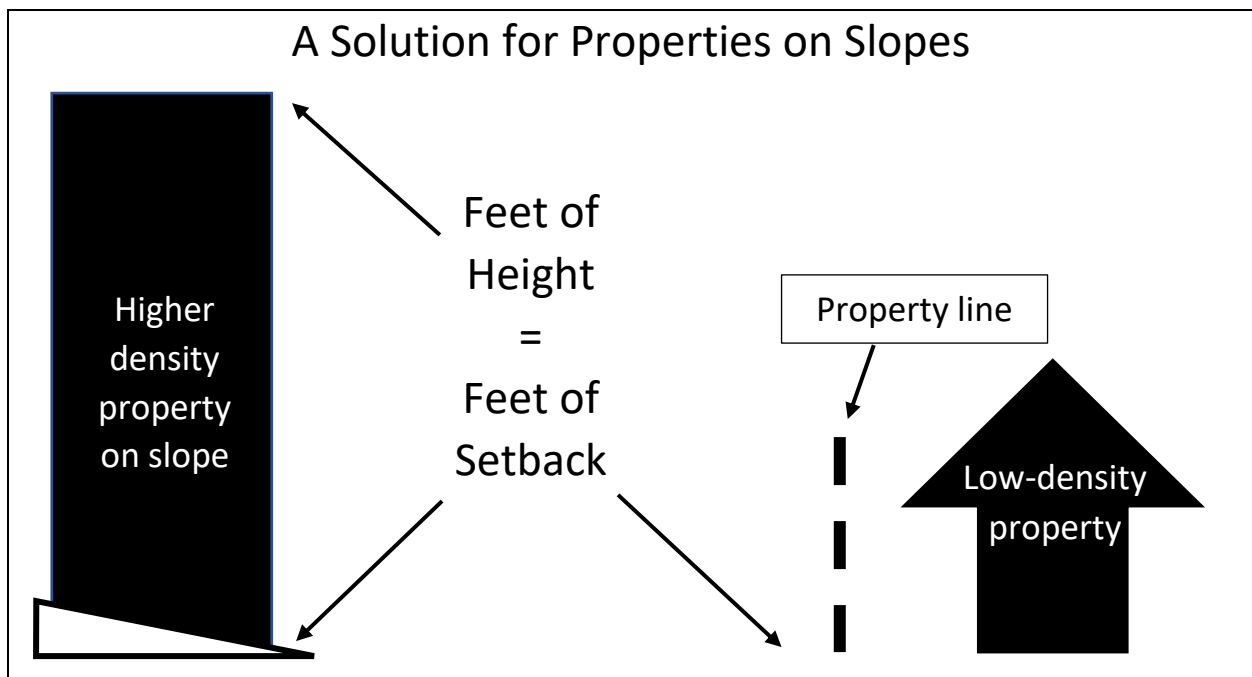
East Elevation for Continental Divide project

The impact of apartment buildings on slopes next to single family homes:

- The left side is 85th Street. Maximum height is 30 feet, plus builder wants 6 feet for roof. Total of 36 feet.
- The right side is next to single-family homes. The parking garage, plus the maximum height, plus the roof makes a façade of 47 feet. *17 feet taller than the maximum.*

I suggest (using 30 foot maximum as an example): “No façade abutting a low-density zone shall exceed 30’ unless that façade is set back from the property line of the low-density zone by the same amount as that façade’s height.”

For example, a 50-foot-tall façade could abut a low-density property if it was 50’ from the property line. This is intended to protect the privacy, noise level, and solar access of low-density properties.



Commissioner Rozmyn: You said, “We’ve gone round and round about what feasible ~~ATTACHMENT 9~~ it seems like a very squishy term.” (KPC Video 02/28/19 4A 1:26) I agree. It is a squishy term. That’s why I oppose the staff recommendation to allow the Planning Director or the Design Review Board to reduce the commercial depth if it’s “not feasible.” If you believe builders will exploit vague language like feasible, please **ask the city staff to remove the exemption for commercial depth.**

What is appropriate for RH-8?



Newer Commercial Building in RH-8 (directly across 85th from Continental Divide project)

Appropriate for the area because:

- 2 stories
- Offices only
- Pedestrian entrances on 85th and from behind in central lobby
- Set back from sidewalk with landscaping
- Parking on one side and behind building
- Parking lot is buffer from single-family homes

But this has all been done in other neighborhoods, right? Well, the city’s presentation did not properly inform you. Repeatedly, the city staff tried to persuade your commission to rubberstamp their recommendations by saying similar changes have been used in Totem Lake and Finn Hill. The commission should review the destructive loopholes that were made in other neighborhoods, not continue to duplicate the loopholes.

Please do not approve the staff recommendation, remember your own common sense, and listen to your fellow commissioners. Right here and right now, please do what is within your power to protect our vulnerable neighborhood.

Sincerely,
Olivia Ahna
8402 132nd Ave NE

From: [Junyan Lin](#)
To: [Janice Coogan](#); [Planning Commissioners](#); [Joan Lieberman-Brill](#); [Adam Weinstein](#); [Kurt Triplett](#)
Cc: 1049541168@qq.com; xudanusa12345@gmail.com
Subject: Rose Hill Code Amendments, File Number CAM19-00043
Date: Wednesday, March 27, 2019 11:37:12 AM

To whom it may concern,

We're glad to hear that the city is taking action to amend the rose hill zoning code, for there are some obvious issues and loopholes in current code that troubles this neighborhood deeply. But we're disappointed that some of our biggest concerns are not addressed. May we suggest the city to use this opportunity to systematically review the code and fix the loopholes instead of merely address a couple of things here and there, which could potentially break the current balance of the code? Since we're most familiar with RH8, we would like to use RH8 as example to explain our issues with current zoning code.

Firstly, there should always be density limit for area allows residential usage. Currently there is no density limit for RH8. The code does have some other limitation on building height, setback etc, which supposedly helps to limit the density, but it's obvious not working. Current proposed project in RH8 has a density of 75 units per acre! And RH8 is actually far away from city center and nested in the low density single family area of the city. A reasonable density limit, e.g. 30 units per acre, should be applied to RH8 as well as other RH zones currently with no density limitation. The density limit should be set according to the proximity to the city center, the further away from the city center the lower density.

Secondly, the percentage of commercial/retail/office usage should be clearly defined and should reflect the true purpose of the zoning. See the attached image of current RH8 design, only a tiny 1 story building (green) is designed for true commercial use, another 2-story building (yellow) is designed for office but the builder already stated that they would like to use it as their own office. And finally the massive 4-story building (red) is completely for residential usage. So at the end, commercial/retail usage, which was described in the original rezone amendment and is what the neighborhood truly wishing for, only takes up < 5% of the total footage (~7% even we count the builder's office). Also we'd like to point out that all the commercial buildings planned now are all on the original RH8 lots, all lots from the 2015 re-zoning are occupied by high density residential buildings. So what is the purpose for the rezoning?

Minimum commercial frontage of NE 85th ST and depth is proposed in this amendment, but those conditions would zero or minimum impact to the current design, because the total lot size is not considered. A minimum percentage of commercial/retail use relative to the total lot size should be enforced, e.g. commercial/retail usage should be at least 50% of the size of the lot.



Thirdly, **actual** height difference of the building relative to nearby low-density residential should be limited. In the amendment, city staff responded to comments regarding to *Change the way maximum building height is calculated on slopes* and stated that *Common to most zones in the city the maximum building height is calculated using the average grade of the subject property*. But in reality, this measurement didn't consider a single huge building allocated on a slope. The massive building proposed in RH8 is 300 ft x 245 ft in size and it's on a slope. Although the average height of the building is within the height limit, the north end of the building (4-story, next to the single family homes) is far taller than the south end (1 or 2-story, on 85th ST). The design leverages this loophole to completely workaround the code's true purpose of height limitation. This obvious loophole of zoning code needs to be addressed. We'd like to quote the Rose Hill Neighborhood Plan here:

Policy RH 6: Incorporate building height and scale transitions and vegetative buffers between multifamily and detached single family homes to ensure compatibility with existing neighborhood character.

The language of the code should reflect the true purpose behind.

Fourthly, there should be limitation of the scale of the building in the code. Like explained earlier, the proposed building in RH8 is 300 ft x 245 ft in size. The picture below shows the north side of THE ONE massive building compares to the next door single family house (orange, approximately). How can this be considered appropriate transition to detached single family homes or compatible with existing neighborhood character? Maximum length of all sides of a building should be enforced in order to fulfill the policy RH 6 of *Rose Hill Neighborhood Plan* and the "Small scale mixed use" for RH8 objective in attachment 4 *Relevant Commercial Capacity and Design Objectives in Rose Hill Business District Zones* of this amendment.



Fifthly, there is no clear regulation on how RH zones should protect privacy of nearby single family homes. Rose hill design guidelines (<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Rose+Hill+Design+Guidelines.pdf>) clearly stated that

5.d. Site and orient multi-story buildings to minimize impacts to adjacent single family residents. For example, if a multistory building is located near a single family property, provide landscaping elements and/or minimize windows and openings to protect the privacy of adjacent homes. Another consideration is to increase upper level building setbacks.

ATTACHMENT 3

But there is no language in the code to enforce the guideline, which results in the huge wall of windows directly facing single family homes in RH8 as can be seen in previous picture. The builder did provide a landscaping buffer in-between. However, there is no requirement in the code on the original height and species of the landscaping. As a result, the common practice is to plant small trees 5-6 feet tall in order to save cost, which can provide no privacy for at least 5 to 10 years. The code should clearly define the maximum size and number of windows/openings facing adjacent homes unless the landscaping elements are tall enough to provide privacy.

Lastly, we'd like to discuss why current proposal of *changing the term Ground Floor to Street Level Floor* is not appropriate. By itself, the change seems reasonable, however, *residential use not allowed on the ground floor* is the only restriction that actually apply some limitation on the density. City intended to use building height, setback and other limitation to implicitly limit the density when designed the code, but as we discussed earlier, the builder has found a loophole to completely bypass other limitations and put a very tall, very crowded, huge residential building right next to low density single family homes. Therefore additional building height and density limitation should be added to the code at the same time of changing the term ground floor to street level floor. This is just to maintain the original true meaning of the code.

In conclusion, for RH 8, without systematically fix the current issues and loopholes of the RH zoning, simply allowing residential to be build on the ground floor will only result in unreasonable design that further derail the true purpose of RH neighborhood plan. The current proposed project perfectly demonstrates how builder can use loopholes to develop something that meets the code requirements but actually against the city and its residents' vision of the area. We urge the city to carefully evaluate the issues raised by community and fix the loopholes in the zoning code for RH8 as well as other RH zones.

Thank you for your time to consider these suggestions.

Sincerely,
Junyan Lin
8535 132nd Ave NE Kirkland WA 98033
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8531 132ND AVE NE Kirkland WA 98033
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Mr. Jeremy McMahan
Planning and Building, Deputy Director
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

RE: Rose Hill Neighborhood Code Amendments

Dear Mr. McMahan:

Madison Development Group has been pursuing development of a significant portion of the RH 3 zone. Our planning and entitlement efforts have focused primarily on residential uses, but discussions with the City's economic development team have led us to look at potential office uses in the RH 3 zone. One code revision we had discussed that did not get included in the Rose Hill Neighborhood Code Amendments is a modification to Special Regulation 5:

5. Building height shall be 45 feet measured above the midpoint of the frontage of the subject property along NE 85th Street, or if the subject property does not front on NE 85th Street, at the midpoint of the property frontage along any other public right-of-way. If the property abuts more than one public right-of-way, the applicant may select the right-of-way from which to measure. A building on the subject property may exceed the 45 feet height limit so long as the portion of the building located within 20 feet of the public right-of-way does not exceed 45 feet.

This proposed change is important to a potential office development because the depth of the site and the desires of office tenants leads to larger floor plates in the buildings. In order to provide a larger floor plate yet also provide a lower building height along the pedestrian zone, we suggest the proposed sentence be added to Special Regulation 5. Please let us know if you have any questions.

Sincerely,

Jim Gallagher
Manager

cc: Kurt Triplett
James Lopez
Ellen Miller-Wolfe

From: [Jeremy McMahan](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Monday, April 01, 2019 5:10:11 PM

From: Jim Lamoureux <jimlamo@outlook.com>
Sent: Monday, April 1, 2019 5:06 PM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

Hello

I am writing to express my concern about the proposed amendments to the Rose Hill Business District RH5B. As I understand it, the amendment would effectively double the allowable density and allow commercial development for the four properties located at 8519, 8523, 8525 and 8527 126th Ave. NE by changing the collection of those four properties from Low Density Residential to Rose Hill Business District RH5B zone. I live at 8720 126th Ave. NE, just a half block down and across the street from those 4 properties, and I am concerned about the effect the proposed amendment would have on traffic on 126th Ave., including both up and down 126th Ave. NE itself, and the ability to turn to and from 85th street. The density along 126th Ave. NE, between 85th and 90th streets already has increased significantly over the last several years, as single lot properties have been replatted to multi lot properties. This already has increased the flow of traffic on 126th Ave. NE. Allowing the amendment would substantially further increase the traffic flow, particularly since the only ingress and egress for those properties is directly onto 126th Ave. NE. It is already near impossible to turn east onto 85th street from 126th Ave. NE. Doubling the density of those four properties, and in particular allowing commercial development, will only make it worse. And adding yet another traffic signal to 85th street is an unpalatable option. Moreover, the proposed amendments will significantly increase the traffic along 126th Ave. NE itself, which is concerning not only from the perspective of automobile traffic, but also pedestrian traffic. Because there is a sidewalk on only one side of 126th Ave. NE, crossing the street is necessary for anyone on the west side of the street who wants to head east on 85th street. Moreover, 126th Ave. NE is a route that students use to walk to Twain Elementary School. Thus, any increase in automobile traffic is particularly troublesome.

For all of these reasons, I urge the city to reject the proposed amendments, or, at a minimum table them until a comprehensive traffic study can be conducted and the public allowed to review and comment on the results of a traffic study.

Thank you

Jim Lamoureux
8720 126th Ave. NE
Kirkland, WA 98033

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Reply to: Seattle Office

October 30, 2018

*VIA E-MAIL TO
TLeavitt@kirkland.gov
planninginfo@kirklandwa.gov
Building_Services@kirklandwa.gov
SCroll@kirklandwa.gov*

Planning and Community Development
123 5th Ave., Kirkland, WA 98033

RE: Public Comment in Opposition to Continental Divide Mixed-Use

Dear Planning Department:

On behalf our client, the Rose Hill Community Group, we submit the following for the City's consideration as it considers the "ground floor" issue and other land use code issues related to the proposed "Continental Divide" mixed-use development, File No. DRV18-00312 (formerly known as the Griffis Mixed Use Project, PRE16-00752).

This comment addresses only those factors relevant to the Planning Department's decision under the land use code to issue or deny a building permit. This comment does not address factors relevant to the design review guidelines. Comments regarding the design review guidelines may be separately submitted to the Design Review Board.

I. Summary of Relevant Facts

This project is in the RH8 zone. The project is not invoking the planned unit development process. Instead, it is proceeding under the normal zoning rules for RH8.

The project calls for two separate buildings surrounding a central parking lot / courtyard. One of the buildings is a one-story office building fronting 85th, the main arterial street. The other building is larger and has a more complicated shape. Most of the second building is three-story residential, forming a U-shape around the central parking lot/courtyard. However, the portion that fronts on 85th consists of a ground-level office building with a second story of residential. In addition to the three stories of residential use, there is also a below-grade parking garage beneath the residential building.

The outdoor parking lot appears to offer 26 parking spaces, of which one appears to be ADA van-accessible. Access to the parking lot is off 131st, a residential street.

The below-grade garage or garages will have entrances off 131st and 132nd, both residential streets. Site plans show 176 parking spaces in the garage, of which four appear to be ADA van accessible.

Existing structures at the site that will be removed are two small, single-story office buildings along 85th, plus four single-story, single-family homes along 131st and 132nd.

This project will be the only multi-story building on its block or on the surrounding blocks, with the exception of a two-story office building on the other side of 85th. This project will directly abut five remaining single-story, single-family homes on the north side. It will also be across 131st from a single-story office building and three single-story, single-family homes. It will also be across 132nd from several other single-family homes, also these homes are not in Kirkland and have a substantial vegetation buffer between the homes and 132nd.

There are no sidewalks on either side of 131st. There are sidewalks on both sides of all the other streets. However, the sidewalk on one side of 132nd (the project side) may be too narrow for wheelchairs and may lack at least one curb cut at the intersection with 85th.

Existing traffic along 85th is at level of service D.

There are trees present at the various properties on the project site, however, it is unknown whether they are significant trees, defined as a diameter at breast height of six inches or more. KZC 95.10.14.

According to the developer's study, the project will fully shade one of the northern houses for part of the day in the winter and will partially shade four of the northern houses for all of the day in winter. Around the equinox, the project will partially shade one of the northern houses for all of the day. During the summer, none of the neighboring houses or their yards will be shaded.

This project is subject to SEPA review, because it proposes the construction of more than 20 dwelling units, which is the SEPA threshold trigger. KMC 24.02.065.a. No SEPA review has been conducted. To our knowledge, no SEPA checklist has been prepared.

II. Land Use Code Violation: Residential Uses on Ground Floor

A. Residential Uses Are Not Allowed on the "Ground Floor."

Under KZC Chart 53.84, "stacked dwelling units" are the only residential use permitted in the RH8 zone. A stacked dwelling unit means a townhouse-like structure in which a unit shares at least one horizontal wall with another unit (and may share a vertical wall). KZC 5.05.265. The units proposed for this project are all stacked units.

However, in the RH8 zone, stacked units cannot be built on the “ground floor” of a structure. KZC Chart 53.84.

“Ground floor” mean the “floor” of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property. KZC 5.05.345.

“Floor” means the horizontal surface inside a structure designed and intended for human use and occupancy. KZC 5.05.325.

“Occupancy” is defined by the building code as the purpose for which a building, or part thereof, is used or intended to be used. KMC 21.06.025.14.

“Primary access to the subject property” is not defined.

B. Identifying a “Ground Floor.”

Under the rules above, the key element in identifying a “ground floor” is determining the street that provides the building’s “primary access.” The façade that faces this street is the façade whose floor defines the ground floor of the structure.

As a threshold question, it must be determined whether “primary access” refers to vehicle access or pedestrian access. There are several reasons to conclude that “primary access” refers to pedestrian access.

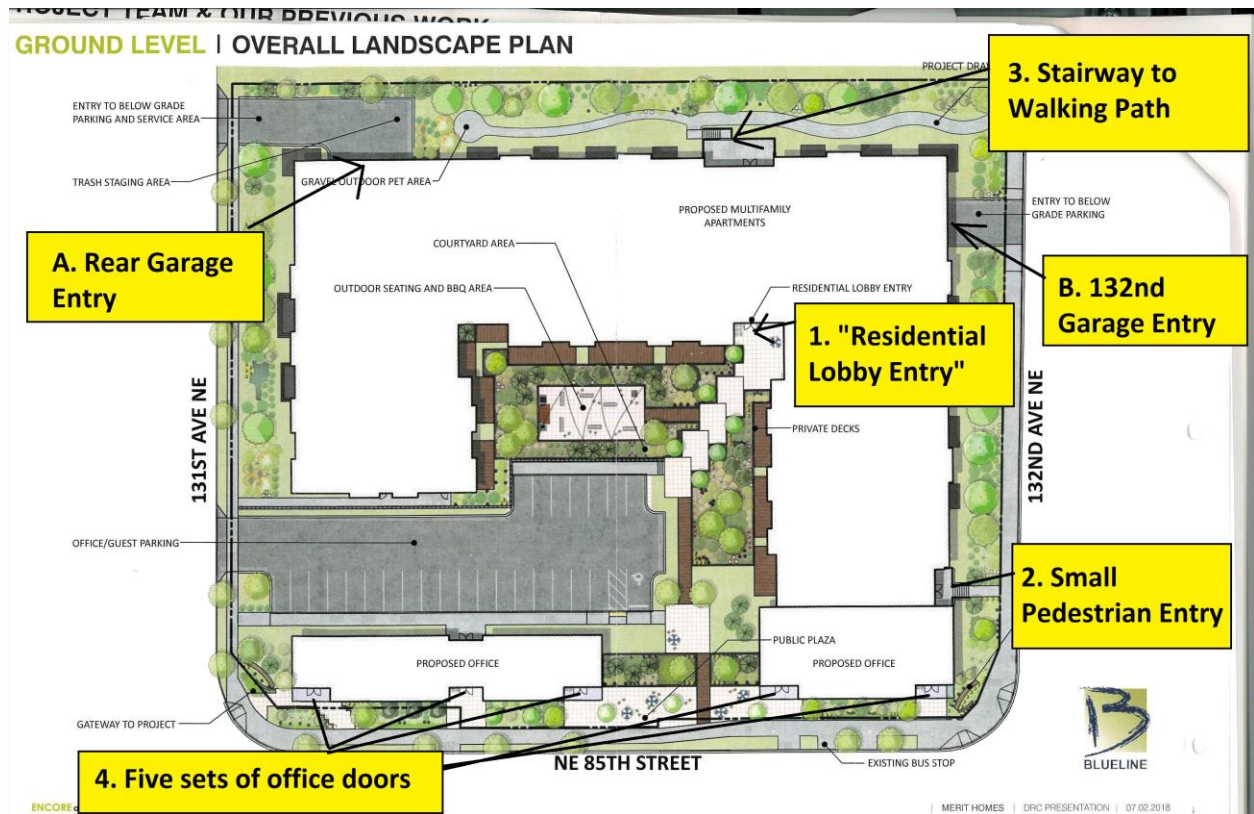
- i. Every building has a built-in pedestrian entrance, but not every building has a built-in garage. If “primary access” referred to vehicles, there would be some buildings that lacked primary access. The Code must be construed in a manner so that it has meaning in all reasonably contemplated situations. Because this code section would sometimes be impossible to apply if this term referred to vehicular access, that reading cannot be the correct one.
- ii. Even buildings that have a built-in garage sometimes have the garage behind the building, not facing a street. If “primary access” referred to vehicular access, the façade behind the building would be the primary access façade, because that is where the garage is. Construing a code should avoid implausible and absurd results. Construing the code to make the back of a building the building’s “primary access” because the garage is there is not likely reflective of the city council’s intent in adopting the “primary access” standard. This reading should be avoided.
- iii. In contrast, it is difficult to imagine a building that lacked pedestrian access to a street or whose main pedestrian access was relegated to the back or side of a building. Construing “primary access” to refer to pedestrian access avoids the

improbable and impossible to apply problems that would plague this provision if it were construed to refer to vehicular access.

- iv. The Rose Hill Design Review Guidelines state (at 15): “Office and residential developments are encouraged to locate and orient buildings towards an interior open space or courtyard, where space allows. In this scenario, **primary building entries may orient towards the open space provided there is direct visibility into the open space from the sidewalk.**” This guideline means that even if a building’s primary entrance is not directly on the sidewalk, the building’s primary entrance must be directly visible from the sidewalk. Since vehicles do not drive on the sidewalk but pedestrians walk there, this guideline indicates that it is pedestrian access that determines primary access.

For all of these reasons, it is evident the code’s reference to “primary access” refers to primary access for pedestrians.

C. Finding this Project’s Primary Pedestrian Access



This project has the following pedestrian entrances: 1) The “Residential Lobby Entry” that opens onto the interior courtyard. The elevator is also located here. 2) A small pedestrian entry that opens

onto 132nd St. 3) A stairway that leads a walking path behind the building; 4) Five sets of office entrances on 85th St.

The project also has two garage entries: A) One in the rear of the building; B) One off 132nd.

By far the largest and most important pedestrian entrance is the “Residential Lobby Entry.” Not only is it bigger than the others, it is also the only centrally located entry. It also hosts the building’s only elevator. It also complies with the Rose Hill Design Review Guideline, in which developments are encouraged to “orient buildings towards an interior open space or courtyard...In this scenario, **primary building entries may orient towards the open space provided there is direct visibility into the open space from the sidewalk.**” The Residential Lobby Entry meets all these requirements.

The Residential Lobby Entry is also the only entry that does not require stairs, except for the five office entries along 85th. Disabled pedestrians have no choice but to use the Residential Entry Lobby, unless the office entrances have a connection with the residential portion of the main building, which the plans do not show.

Presumably, the Residential Lobby will also be where the residents’ mailboxes are located, so the post office delivery person will also be using the Residential Lobby.

In light of all these factors, it seems certain that the Residential Lobby Entry is the building’s “primary access” for purposes of determining the ground floor.

D. Finding this Project’s Street-oriented Façade and Ground Floor

The Residential Lobby Entry does not open directly onto any street. However, as noted, it does open onto a central courtyard that has direct visibility onto 85th and no other street. There is also a walkway connecting the Residential Lobby Entry with 85th but no walkway connecting it with any other street.

Thus, the Residential Lobby Entry is “principally oriented” toward 85th.

Therefore, the façade of the Residential Lobby Entry is the façade that will determine the building’s ground floor.

The floor closest to grade on the façade of the Residential Lobby Entry is the floor of the Residential Lobby Entry itself—as noted, the floor of the Residential Lobby Entry requires no stairs to reach. And that grade is the same grade as 85th St.

Therefore, the ground floor at the primary entrance is the floor of the Residential Lobby Entry. This is also the ground floor of the entire residential structure.

E. Dwelling Units along the Ground Floor

The entire first story of dwelling units shares the same floor as the ground floor, namely, the floor of the Residential Lobby Entry. All of these dwelling units are unlawful in the RH-8 zone. The project cannot be permitted as designed. The ground-floor residential dwelling units must be removed.

III. Land Use Code Violation: Parking

According to plans, this project will have 8,444 s.f. of office space gross floor area. Office space must provide parking at a ratio of one parking space for every 300 gross s.f. KZC Chart 53.84. Thus, the project would need $8444/300 = 28.14$ parking spaces. However, site plans seem to show only 26 parking spaces.

In addition, under the International Building Code (adopted with amendments per KMC 21.08), a parking lot with up to 25 spaces must provide one accessible parking space, but a parking lot with 26 to 50 must provide two. IBC § 1106.1. However, the site plans seem to show only one accessible parking space in the parking lot, even though there are 26 spaces (and should be 28, as noted above).

Because of the insufficient parking, the project cannot be permitted as designed. At least two additional parking spaces must be provided and at least one additional accessible space must be provided.

Parking must also be provided for the dwelling units at a ratio of 1.2 per studio unit, 1.3 per one-bedroom unit, 1.6 per two-bedroom unit, and 1.8 per three- or more-bedroom unit. KZC Chart 53.84. Project plans call for 176 parking garage spaces for 133 residential units, however it is difficult to tell from the project plans how many units of which type will be built. Depending on the configuration of the dwelling units, additional parking may be necessary in the below-grade garage.

IV. Land Use Code Violation: Parking Lot Landscaping

Landscaping is required for the above-ground parking lot at a rate of 25 s.f. per stall. KZC 95.44.1. If the parking lot has 26 spaces as planned, this yields $26 \times 25 = 650$ s.f. of required landscaping. However, if the parking lot has the 28 spaces as required, this yield $28 \times 25 = 700$ s.f. of required landscaping.

In addition, the parking spaces must be interspersed with landscaped “islands” every eight stalls KZC 95.44.1.a.

It is unclear from plans whether the landscaping in the “open courtyard” meets the 700 s.f. requirement; it may not. What is clear is that the developer’s plans do not show the required interspersing every eight stalls.

V. Land Use Code Violation: Tree Retention

The developer must submit a tree retention plan. KZC 95.30.3. It does not appear a tree retention plan has been submitted.

If there are any high-value trees—meaning “specimen trees” (six-inch-dbh significant trees in excellent health) located within a required yard or planting buffer, or on a slope greater than 10%—these high-value trees must be preserved “to the maximum extent possible.” KZC 95.30.5 Chart. All other six-inch-dbh significant trees are to be retained if feasible, meaning they must be preserved if they do not interfere with the intended development. KZC 95.30.5 Chart. It is unknown what significant trees exist in the required yards or buffers, however, current plans do not appear to call for the retention of any existing significant trees, which could be a violation of this provision, depending on whether the existing significant trees (if any) are healthy and sit within the required yards or buffers.

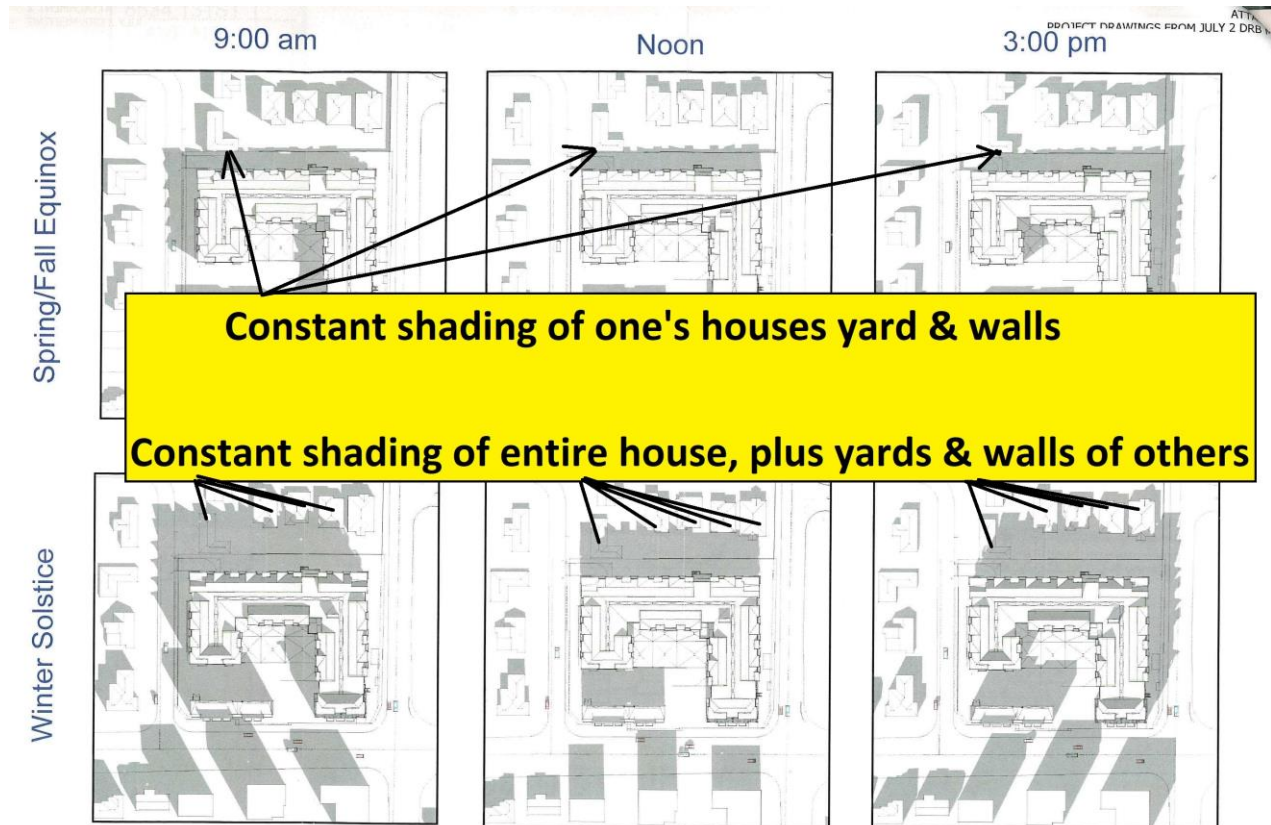
In addition to the tree retention plan, the developer must also file a tree maintenance plan aimed at preserving all retained trees and all planted trees. KZC 95.51. The developer does not appear to have filed a tree maintenance plan. This is another violation.

The developer must provide an accurate inventory of trees and a plan for retaining them. Until that happens, this project cannot be fully evaluated.

VI. SEPA Issues

This project will have significant environmental impacts on the neighboring properties and the community at large. These impacts must be assessed as part of SEPA review.

- 1) There will be severe impacts on adjacent properties to the north from shade. The total shading of one of the houses for part of the day during winter is a particularly significant impact. The partial shading of four of the houses for part of the day during winter, spring, and fall is also significant. Shading from this project will last part or all of the day for the majority of days of the year, as the drawing below illustrates:



These severe shading impacts should be mitigating during SEPA by reducing the height of the building.

- 2) The neighbors immediately to the north will have their views blocked by the looming, 35- to 40-foot-tall building. Neighbors to the west across 131st will have suffer a reduction in views. The looming nature of the building will also affect the neighbors' privacy.

The view impacts should be mitigated, again by reducing the height of the building.

- 3) The project would create a dangerous condition for pedestrians along 131st. The developer proposes a parking garage entrance and a parking lot entrance, on 131st, but currently that street has no sidewalks. Nor does the applicant propose any sidewalks for 131st, even though 131st is the street with the fewest current sidewalks and the most entering/departing traffic. Pedestrians on 131st are already exposed to traffic due to the lack of sidewalks and this exposure will now worsen.

There will also be an increase in traffic along 132nd, including another parking garage entrance that will require cars to pass over a curb cut in the sidewalks. 132nd is also a safe route to school, as designated on the City's map at Plate 46. The movement of cars over the curb cut will likely be heavy in the morning commute hours—the very time children will also be most heavily using this supposedly safe route to school.

Obviously, cars cutting across sidewalks with children is not appropriate on a “safe” route to school.

These hazards should be mitigated by reducing the overall size of the development, which will reduce the hazardous vehicle traffic. In addition, the Department should require the developer to install sidewalks along 131st, remove the parking garage entrance on 132nd (the safe route to school), and install crossing lights at all remaining parking garage and parking lot entrances.

- 4) There will be increased traffic for the residents of the 20 or so single-family houses that use 131st as their sole outlet to 85th. As noted, the bulk of the project’s entering/departing traffic would travel on 131st, which has no streetlight. Residents attempting to turn onto 85th are likely to face increased delays from the project’s traffic on 131st.

This impact should be mitigated by installing a traffic light on 131st.

- 5) There will be increased noise, especially for the houses to the north, from the roughly 200 new parking spaces and roughly 130 new residential units (although, as noted, some of these residential units are unlawful due to the ground floor issue).

These impacts should be mitigated by reducing the height of the building, which will reduce the number of units and cars.

- 6) The demolished structures on housing represent affordable housing, because they are old. The new units will be new, and will likely charge a higher rent. This will result in a decrease in affordable housing in Kirkland.

This impact should be mitigated by requiring the developer to provide additional affordable housing units.

With sufficient mitigation, it may be possible for an MDNS to be issued. But as currently proposed, the project’s impacts are significant and an EIS should be required.

CONCLUSION

This project is not lawful as designed. It also has substantial environmental impacts that should be mitigated, especially its severe shading impacts and its impact to a safe route to school. The solution for most of these violations and impacts is the same: reduce the size of the building, reduce the number of residential units, and remove the residential units from the ground floor.

Imposing these conditions would end the severe shading problem; create a much safer situation on the sidewalks for schoolchildren on 132nd and pedestrians on 131st; obviate the need for a traffic light on 131st; solve the parking deficiency; and bring the project into compliance with the code.

The primary purpose of the RH8 is to provide office space, not residential space. Likewise, the primary justification for adding RH8 along 85th is because 85th is a commercial street, not a residential street. Imposing the conditions suggested here—reducing the size of the project and deleting the ground-floor residential—would not only bring this project into compliance with the law, it would also bring this project into better compliance with the vision for this zone.

Very truly yours,

BRICKLIN & NEWMAN, LLP

A handwritten signature in black ink that reads "Alex Sidles". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Alex Sidles

Attorney for the Rose Hill Community Group

cc: Stephanie Croll, Sr. Asst. City Attorney
Client



27 November 2018

Adams Architecture

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The Rose Hill Community Group
info@comingtokirkland.com

Re: Continental Divide Mixed Use Project - DRV18-00312

Dear Rose Hill Community Group:

At your request, I have reviewed the "Continental Divide" mixed-use project, City of Kirkland project #DRV18-00312. The documents I have reviewed are the latest versions of documents posted on the internet including:

Continental Divide Mixed Use Project DRB Meeting Packet 07022018 - DRV18-00312.pdf

Design Guidelines for Rose Hill Business District, The City of Kirkland, Jan. 3 2006

The scope of my review has been limited to the compliance of the project proposal with the City of Kirkland design guidelines for the Rose Hill Design District. In particular, the site is located within the "East End" district of the Rose Hill neighborhood. This East End portion of the design area is intended to be the lowest scaled and least intensely developed of the areas in Rose Hill. Issues relatedly directly to the Land Use code such as parking and building height are not within the purview of this review.

My comments below are organized in the same order as the design guidelines are listed. In the document references below "DG" is the 'Design Guidelines for Rose Hill Business District' and "DRB Packet" is the "Continental Divide Mixed Use Project DRB Meeting Packet 07022018".

Page numbers are just noted as p.5 or pp. 5-6. Specific sections of the Design Guidelines are referred to by the outline labeling; so section "5." paragraph "c" will be noted as "DG 5c".

Introductory Sections

The Design Guidelines are consistent in suggesting that smaller scale development is appropriate at the "East End" portion of the Rose Hill District (DG pg. 7). The guidelines also suggest that new developments are "residential in character" and suggests that the "conversion of single-family homes" is an example of a properly scaled development. The proposal as presented is instead almost a "superblock" development with a massive single floor plate hidden behind a series of "western storefront" facade elements. This is clearly shown in the application's design parti diagrams (DRB Packet p. 10) showing a large c-shaped massing with "assembled pieces" shown dropping into place.



The guidelines go on to predict property consolidation but still refer to a “mix of storefronts” and “multi-stories buildings” implying a collection of smaller scale residential and commercial buildings. It is clear from DG Figure 18 and Figure 32 that the intent for the entire Rose Hill District is to front each street block with two or even three buildings. This would be especially applicable at the East End portion of the district where smaller scale building with less density is desired. Except for a mid-block break for the 85th Street plaza, the remaining facades are almost monolithic in their presentation to the neighboring sites (pp. 13-14 DRB Packet).

1. Entry Gateway Features

The design guidelines call for a unique landscaping treatment at the gateway corners of Rose Hill (DG 1a). No discernible “distinctive landscaping” with a rose garden or other distinctive soft-scape elements are visible.

The guidelines also call for an artwork element which is not shown (DG 1b). The southeast corner of the project has a masonry element shown, but it does not appear to be a monument sign nor an architectural “gateway element”. It is crowded by the massing of building directly behind it and is not unique as there is a copy of this element at the west end of the project. It also appears that the element is under-scaled as it is barely visible in the context of the building (DRB Packet p.8).

It is also unclear if the element is the same or different material as the building (see image on p35 vs p32 DRB Packet). Finally no gateway sign with City logo is visible or not sufficiently documented to understand (DG 1c, 1d).

No lighting is shown and needs to be submitted for review (DG 1e).

2. Street Trees

The street trees required by Section 2 of the design guidelines are not documented clearly as trees in the ROW and on the private property are simply shown as graphic elements without species callouts, planting information, tree grates, etc.

It is hard to tell if trees represent a unifying element as called out in Design Guidelines 2b.

3. Street Corners

There does not seem to be any discernible strategy to organize the corner of the building to emphasize the gateway quality of the eastern intersection. Statements made on p8 of DRB Draft Packet are not consistent with the images presented on the same page.

Design guidelines 3a, 3c, 3d suggest the following options (DG p10):

Design treatments that emphasize street corners (DG 3a). - These are not apparent in the proposal. The aspects suggested by the applicant (DRB Packet p8) are neither recognized treatments by the design guideline nor unique to the corner design which is



intended to be “distinctive” and “special”. (DG 3a 3c 3d). Also, no signage program either for the development or gateway element is shown. (DG 3A, DG 1c)

Plaza spaces (DG 3a) - No plazas are present at the corner in fact the corner feels crowded and not a good place for pedestrian gathering.

Special landscaping elements (DG 3c) These are not visible in DRB presentation. There is also no indication how seasonal interest will be provided. The applicant should prepare a planting diagram indicating plants species and which softscape elements will add seasonal interest in all four seasons.

The guidelines also call for visual interest, sense of proportion and human scale. (DG 3d) Suggestions include:

Raised Roof Line - roof line is not raised instead it is a continuation of the residential wing’s roofline.

Turret - no typical corner type architectural element is present

Corner Balconies - a rooftop terrace is proposed but it is hidden behind a parapet wall

Special Awning - no awning or canopies are proposed at corner entry. Instead the entry is simply recessed under the parapet above. This treatment is repeated at all the commercial entries along 85th making the corner element totally indistinct from the other storefronts. Awnings that are proposed adjacent to the corner entry are exact copies of other awnings on building and are not sufficiently scaled to be identifiable as a special element.

Distinctive Building Materials - No special materials are suggested, just a repeat of the CMU and fiber-cement offered everywhere else on the project.

It should be noted that it is unfortunate that the public plaza has been placed at mid-block instead of at the corner. While the plaza is a good design feature, the design proposal has missed the opportunity to “hit two birds with one stone” and create the entry gateway element carefully described in the design guidelines and provide a successful urban gathering space. Figures 8 and 17 of the Design Guideline shows clearly how this can be accomplished. A much smaller corner building uniquely scaled and clearly differentiated from the adjoining residential bar could potentially better address these issues.

4. Pedestrian-Friendly Building Fronts

The applicant is seeking a zoning code departure from KZC 53.84 to reduce the front setback suggesting a Pedestrian-Oriented Facade along 85th to compensate. However, the application is not meeting the intent of such a facade design as they are blocking the facade with a landscape strip, not relocating and/or widening the sidewalk and therefore keeping pedestrians away from the facade. This design compromises both approaches as a smaller planting strip is created, as opposed to the width suggested by the property setbacks and in Figures 15 and 16 of the Design Guidelines. Additionally,



the awnings provided do nothing for the pedestrian because they are located over the planting beds. The design clearly does not meet the intent of a pedestrian-oriented facade (DG figure 19) and the departure should not be granted on this basis.

5. Building Location and Orientation

Section 5 of the design guidelines address multi-story buildings adjacent to single-family residents (north, east, and west of the site in particular). Several suggestions were not incorporated into the design including, minimizing windows to protect privacy and increasing upper-level building setbacks.

It would also stand to reason that breaking the building up into smaller buildings on the site would also encourage the type of scale that would "minimize negative impacts to adjacent single-family residential areas" (DG 5 Objectives) and "Locate and orient building toward streets, **plaza or common open space, and major internal pathways** (emphasis mine) (DG 5a). The "super-block" aspect of the massing does not support the type of development suggested in Section 5 of the Design Guidelines. The mass and bulk of the design is made more imposing by the fact that the building has not been set back at any of the upper levels overlooking the residential neighbors.

The height and width of the unbroken mass of building render is totally out of scale with anything in the East End district if not within the whole of the Rose Hill Design District.

6. Sidewalk And Pathway Widths

Documents indicating that the sidewalks existing adjacent to the site are sufficient to meet the design guidelines were not available for review.

No "curb zone" is suggested or documented per DG 6a and 6b. This should be documented in the application.

A cross-section through these facades out to the roadway would be appropriate to validate if the guidance of DG Section 6 is being met.

7. Pedestrian Coverings

Very few functional pedestrian coverings are provided. Generally, the only pedestrian weather protection offered are roof overhangs directly above individual doorways. This may be appropriate for the design as it is further developed. But as presented, and as noted above, the opportunity for true pedestrian coverings in the form of awnings was missed when the applicant planted the facades. The metal awnings provided at the storefronts serve only to shade the glass (desirable) and the planting areas below (undesirable).

9. Lighting

Proper lighting plans or design were not available for review. Applicant should be required to submit an exterior lighting design for review by the DRB.



11. Interior Pedestrian Connections

As has been noted several times already the large block wide “superblock” type of structure presents a massive facade fronting the adjoining neighbors. In addition, it prevents the interior pedestrian connections envisioned by the design guidelines (see DG figure 32).

16. Architectural Style

DG 16b specifically encourage projects in the East End to adopt common residential styles, arguably low slung ranch-style house with shallow gable or hip roofs. The repetitive shed roofs set on highly vertical facade modulation bays is not in keeping with these types of homes.

In addition, very few opportunities to relate to human scale are offered on the east or west facade as there are few grade level doors, stoops, or porches; items that typically give large residential developments a more human scale. The location of the bottom level parking garage has the effect of creating long sections of blank facades along the east elevation.

17. Architectural Scale

The residential facades facing the surrounding neighborhood seem especially tall. This is emphasized by the proposal the break up the face into many vertical “assembled pieces” (DRB Packet p. 10). While this type of facade modulation is helpful, without a balanced amount of horizontal facade modulation the vertical breakup makes the project feel very tall. A more thoughtful approach to differentiating floors by changing the fenestration sizes and patterns, changing materials at upper levels, upper level set backs etc. should be considered to more effectively mitigate the apparent height of the building.

DG 17a suggests limiting the size of fenestration to 35 square feet (sf). A standard 6’x7’ double entry door would exceed this criterion.

As can be seen on the application (DRB Packet pp. 13-14) there are many windows well in excess of the size of the double entry doors. While the guidelines also call for a good deal of transparency facing 85th, the application shows a fenestration pattern and scale more typical in an office or large commercial building. In other words, the intent of the design guidelines is to encourage many, smaller “punched openings” and discourage larger “walls of glass” seen in more contemporary and larger scale buildings. The project proposed is in conflict with this intension.

Several of the windows in the residential section of the project also seem to be larger than 35sf but it is difficult to tell for sure with the application materials available.

Please see also the related discussion above to architectural scale under 5. Building Location and Orientation



18. Human Scale

On the commercial frontage, the size of the glazing and tall parapet wall combine to make the project feel scale-less. Few mitigating elements are present. Suggestions of these mitigating elements include arcades, balconies, bay windows, trellis, landscaping, awnings, cornices, friezes, art concepts, and courtyards (DG 18a).

Since the awnings do not cover pedestrians (as discussed above) only the landscape areas and the courtyard serve to help mitigate scale. However, these will be kept low as requested by the City and there will do less to mitigate the scale of the facades.

The elevations as presented (DRB Packet pp. 13-14) do not have scale figures placed in the drawings. This makes it difficult for reviewers to judge the scalar qualities of the building. Nevertheless, given the apparent height of the glazing and tall parapet wall, lack of mitigating elements, and the fact that almost all of the entries seemed raised above the sidewalk, it is my opinion that the project does not have a desirable human scale as suggested in section 17b of the Design Guidelines.

The applicant should provide rendered elevations and perspective views with properly scaled human figures to better evaluate the human scale of the proposal.

19. Building Details and Materials

In reviewing page 12 of the DRB Draft Packet, it is unclear where building materials are located. In particular, the two tan colors of fiber-cement siding vs fiber-cement panels.

The design guidelines section 19 suggests limiting the use of "concrete block, metal siding, stucco or similar materials..." (DG19c). Almost the entire project is made up of concrete block and fiber-cement panels (which is visually similar to stucco or EIFS). No natural brick, stone, timber, metal or other "quality building materials" are present as suggested in DG 19b and DG 9-Objectives.

No ornament nor any particular emphasis on "highlighting building features such as doors..." (DG 19a) is apparent in the design. Doors, for example, are for the most part incidental panels in a large storefront facade. These storefront doors are set deep into the building, de-emphasizing them even more.

20. Signs

A visual representation of the signage program is missing. The large open expanses of concrete block parapet facing 85th suggest that an uncontrolled, mixed-bag of surface-mounted tenant signs will be installed. Pedestrian-oriented blade signs do not seem possible with this design as suggested by DG 10a (for pedestrian-oriented facades).

Given the size of this project, the signage would ideally be combined together into a shared signage program integrated with the architecture as suggested in DG 20e. That suggestion does not seem to be considered in the application materials reviewed.



Conclusion

The design guidelines seemed to anticipate that a project of larger scale than the current development density was inevitable. (DG p.7) However, the overall intent of the East End sub-district was to maintain lower scaled building, to emphasize a residential and small-business character (DG Fig. 3) and provide "a setting compatible with the surrounding residential uses" (DG p. 3). Several primary issues conspire to make this project, as designed, inappropriate for the site. These include:

Huge floor plate and building bulk. The project size dwarfs any other building footprint in the area creating a "superblock" feel to the proposal and creating a cascade of other design problems relating to the design guidelines include scale parity with neighboring houses, lack of interior connections, and missing human scale. This is exasperated by the number of stories proposed which is not addressed directly in the Design Guidelines but should be noted here due to the impact of the overwhelming sense of bulk that the project presents.

Total lack of a gateway aspect to the design. The very small corner arch element made out of concrete block seems totally dwarfed by the building that is crowding it at the corner. The building itself offers almost no clue to the pedestrian or driver that they are entering the Rose Hill Neighborhood or the City of Kirkland.

Conflicted approach to the facades facing 85th. The facades are neither pedestrian-friendly nor set back far enough to meet code and provide a large landscape buffer. The scale of the facade is not human-scaled and the awnings on the facade are too small and inaccessible to be of any value urbanistically.

Numerous other issues, such as material choices, further make the proposal out of step with the design guidance provided by the City of Kirkland. As the very real gateway project to Kirkland the project should, as much as any other proposal, meet the primary design objective of the district which includes "Ensure that new developments meet high standards building and site design." (Design Guidelines pg. 2, "Design Objectives")

I hope these observations help you understand the building proposal in front of you and give positive suggestions to help address your concerns. If you have any questions or comments on the above please do not hesitate to contact me.

Sincerely,

John H Adams, AIA

From: [Jeremy McMahan](#)
To: [Janice Coogan](#)
Subject: FW: Rose hill Business Code amendments
Date: Tuesday, April 09, 2019 12:55:00 PM

From: Gary Penitsch <garypenitsch@cbbain.com>
Sent: Tuesday, April 9, 2019 11:39 AM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: Rose hill Business Code amendments

Dear Sirs:

What started out a few years ago as a small office building on the corner of 132nd and NE 85th has now turned into a giant mega complex. How did the City of Kirkland allow this to happen? Rose Hill is a housing neighborhood with community businesses. It seems as though the City of Kirkland no longer wants:

- *small retail shops and restaurants
- *bowling alley
- *neighborhood supported businesses in AFFORDABLE buildings and NOT \$35 sq ft retail space with no parking!!!

I thought that Kirkland's motto is "TREE CITY USA". You are not living up to that very well by allowing 4 story buildings in an area loaded with trees, most all of which will be removed! The City of Kirkland City Council appears to have lost focus on what the CITIZENS of Kirkland want! You need to get back on track and put the density in the downtown areas and NOT in the outlying areas. These outlying areas need to be preserved for future development. We DO NOT need development in the Rose Hill area today!

Please leave our current lifestyle alone by keeping our existing shops, restaurants and bowling alley. You are making Kirkland a WORSE City to live in by your failure to plan properly and allowing development to consume the outlying areas of the City. PLEASE get you focus corrected and **PLAN** on development, instead of allowing urban sprawl!



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ATTACHMENT 3

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