



February 26, 2013

City Council and Planning Commission
City of Kirkland
123 Fifth Avenue
Kirkland WA 98033-6189

RE: Chaffey PAR (CAM 12-01477)

Dear City Council and Planning Commission Members:

The Finn Hill Neighborhood Alliance hereby submits its comments on the Chaffey Private Amendment Request, referenced above, which is scheduled for a threshold review by the Planning Commission on March 14 and a threshold determination by the City Council on April 16.

Our position on this matter is very clear: it would be irresponsible for the City to take any substantive action on this PAR until a neighborhood plan for Finn Hill has been completed. Furthermore, it is our view that, under the terms of the City's zoning code, the City cannot legally direct the staff to assess the PAR until such a plan has been adopted.

FHNA has consistently urged the City to defer significant zoning changes in Finn Hill until the neighborhood has developed planning priorities for the community. Finn Hill has unique natural assets, and without an articulation of priorities appropriate for Finn Hill's distinctive characteristics, no thoughtful re-zoning decisions can be made in the context of what will advance or degrade the quality of life in our neighborhood. FHNA has offered to work with City staff closely to prepare a neighborhood plan on a streamlined basis so that the community's public interest goals can be identified, thereby giving guidance to property owners and developers. It is essential that this process be undertaken before zoning changes like the Chaffey PAR receive any consideration.

The application submitted by the property owner and the developer proposes to upzone the subject parcel on Simonds Road from RSA 4 (single family homes, up to 4 per acre) use to RMA 3.6 or RMA 5.0 (multifamily housing, with densities of 9 or 12 units per acre, depending on whether RMA 3.6 or RMA 5.0 zoning is applied). The application asserts that the zoning change is consistent with the Comprehensive Plan because it would allow the development of "affordable energy-efficient housing." It also notes the request is consistent with the zoning on adjacent properties and with a re-zone that the County granted on the property in 1999 (but which has since lapsed, apparently because the property owner failed to fulfill a zoning change condition imposed by the County in a timely fashion). Finally, the application asserts that a "natural buffer" exists between the subject parcel and neighbors to the south, so that development will not affect those homeowners.

The justifications set out in the application are insufficient to support action on the PAR at this time.

Finn Hill Neighborhood Alliance
P.O. Box 682, Kirkland WA 98083

- First, no plan has been provided to demonstrate that the re-zone will result in housing that is both affordable and energy efficient.
- Second, the requested upzone seeks housing densities that are higher than those approved on the adjacent lots (for which the maximum density is 8 units per acre). More importantly, no neighborhood plan exists to suggest that the zoning on those lots – which appears to have been permitted by the County on a piecemeal basis – even makes sense in the context of the public interest goals of the community or the city at large. The zoning on the adjacent properties should not therefore be accepted as a rationale for upzoning the parcel in the Chaffey PAR.
- Third, the rezone granted by the County fourteen years ago appears to have lapsed due to the landowner's failure to grant an easement to the County within the period allowed; also, the rezone did not waive County's special district overlay conditions and tree retention requirements.
- Fourth, the natural buffer referenced by the applicant is a County and City owned easement that protects a stream – the same stream that runs through the Inglewood Highlands easement recently purchased by the City. The recreational potential of this significant open space easement would be irreparably compromised by the type of zoning change proposed in the PAR. It would be unconscionable to consider changing zoning without providing the community the opportunity to assess how the city's housing goals can be balanced with its park and open space goals in this particular area.

In addition to compelling policy reasons for deferring any consideration of this PAR until a neighborhood plan is prepared, FHNA believes that the Kirkland Zoning Code requires that the application be deferred. Section 140.25 states, in pertinent part:

3. Criteria – The City shall use the following criteria in selecting proposals for further consideration. Proposals must meet subsection 3(a) of this section, and either subsection 3(b) or 3(c) of this section:
 - a. The City has the resources, including staff and budget, necessary to review the proposal; and
 - b. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan; or
 - c. All of the following:
 - 1) The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and
 - 2) The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process; and
 - a) The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two (2) years); and
 - b) The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two (2) years).

The City has already noted that, as it launches its update of the Comprehensive Plan, staff resources are too strained to continue neighborhood plan updates. On what basis could the City justify committing staff resources to analyze the Chaffey PAR, which raises complex policy issues, when it is struggling to find the means to develop even a truncated neighborhood plan for Finn Hill -- the City's largest single neighborhood and one that has never had the benefit of a neighborhood plan?

Furthermore, even if it could be argued that the City has staff and budget resources to consider this PAR now, Subsection 140.25 (3)(b) and (c) make clear that the PAR should not be addressed at this time. The PAR identifies no inconsistency in or need for clarification of the Comprehensive Plan. Thus it does not comply with the standard set forth in subsection (3)(b). It likewise fails under Subsection (3)(c) because, given the property owner's failure to exploit a previous zoning change conditionally granted by the County, there is no basis on which he and the developer can argue that the public interest would be served by action in the current year. Furthermore, the fact that Finn Hill has never had a neighborhood plan but is intent on working with the City to develop one over the next year is a compelling reason why the PAR should be set aside until a plan is adopted.

FHNA's position does not mean that it necessarily opposes any zoning change in the future for the parcel in question. It may very well be the case that some form of multifamily development on this lot is desirable, particularly if steps are taken to preserve or enhance the natural qualities of the adjacent stream easement. As noted above, however, this analysis should follow the creation of a neighborhood plan for Finn Hill. FHNA looks forward to the active participation of the Chaffey PAR applicants in that process.

FHNA hopes that the Planning Commission and the City Council already recognize the overwhelming policy and legal arguments against further consideration of the Chaffey PAR for the time being. We appreciate the opportunity to present our views on this very important matter and plan to present them orally at upcoming Commission and Council meetings.

Respectfully submitted,

FINN HILL ALLIANCE BOARD OF DIRECTORS



Scott Morris
President

cc: Kurt Triplett
Eric Shields
Paul Stewart
FHNA Board of Directors