

# Community-Initiated Amendment Requests (CARs) to the Comprehensive Plan, Zoning Code and Zoning Code Map



Submission date: **8 November 2022, 4:08PM**

Receipt number: **22**

Related form version: **15**

## I. Contact Information

Applicant's Name	<b>Barry Alavi</b>
Applicant's Address	<b>545 17th Ave W</b>
Applicant's City	<b>Kirkland</b>
Applicant's State (Abbreviated: i.e. WA, CA, OR, etc.)	<b>WA</b>
Applicant's Zip Code	<b>98033</b>
Applicant's Phone Number	<b>4255019999</b>
Applicant's Email Address	<b>barryalavi@gmail.com</b>
Is Applicant the same as Property Owner (or Legal Representative)?	<b>Yes</b>
Property Owner's (or Legal Representative's) State (Abbreviated: i.e. WA, CA, OR, etc.)	<b>WA</b>

Note: If the applicant is the property owner or is representing the property owner, then the property owner must sign the last page. If the applicant is neither the property owner nor representing the property owner, then the affected property owner must be notified. Send or hand-deliver a copy of this completed application to all affected property owners. Complete an Affidavit of Service that this has been done.

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

## II. For Site Specific Proposal

A. Address of proposal (if vacant, provide nearest street names):	<b>545 17th Ave W</b>
B. King County Tax Parcel number(s):	<b>3885803395</b>
C. Describe improvements on property if any:	<b>There is currently a three-bedroom one-bathroom 1,120 square-foot single family house on the property.</b>
D. Attach a map of site that includes adjacent street names:	<a href="#"><b>IMapSite.JPEG</b></a>
E. Current Zoning on subject property:	<b>Market street Corridor (MSC-1), Office</b>
F. Current land use designation & permitted density shown on appropriate neighborhood plan land use map:	<b>Office/ Multifamily with a permitted density of 10-14 units per acre.</b>

## III. For All Proposals

A. Description of Proposal:	<b>The applicant requests that KZC Chapter 51.08(6) is removed from the Zoning Code to support the development of a commercial or retail use. KZC Chapter 51.08(6) limits only this specific parcel along 17th Avenue West to be a duplex or detached dwelling unit.</b>
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B. Description of the specific reasons for making the proposal:

**The intention of the Market Street Corridor zone is to maintain an eclectic, attractive, and economically healthy area with a mix of small-scale office and retail uses supported by various residential units in the vicinity. Compatible amenities support a convenient, walkable lifestyle for the Market neighborhood residents. The MSC-1 zone concentrates commercialized activities representing the central business area for the neighborhood and is surrounded by residential zones, including RS 6.3 and RS 7.2. The applicant proposes a change to the Kirkland Zoning Code that would only impact one property, APN 3885803395 or 545 17th Ave W. KZC Chapter 51.08(6) limits only this specific parcel along 17th Avenue West to be a duplex or detached dwelling unit despite its location at the SWC of Market Street and 17th Avenue West. The applicant intends to remove one (1) dwelling unit on the property to develop a retail use permitted in the MSC-1, Office zone. The parcel is located in a zone intended for retail uses and the applicant would like to participate in the same opportunities that other properties within MSC-1, Office zone can develop.**

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

**The project meets the intent of the Kirkland Zoning Code, Market Street Corridor Plan, and the Kirkland Comprehensive Plan as described in the following responses.**

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

**The Kirkland 2035 Comprehensive Plan outlines the City's plan to create vibrant and livable communities. The plan includes policies that are applicable to the overall city and policies that are specific to the Market Street Corridor. The project meets the goals and policies of each of these sections of the Comprehensive Plan demonstrating that the project serves the public interest and implements the City's goals and policies. A revision to KZC 51.08(6) to allow for a retail use on the south side of 17th Avenue west would meet the goals and policies of the**

Comprehensive Plan. The following sections break down the consistency analysis into two distinctive portions: (1) General Goals and Policies and (2) Market Street Corridor Goals and Policies.

#### General Goals and Policies

The 2035 Comprehensive Plan's vision is to uphold Kirkland as one of the most livable cities in the county by implementing the principles of livability, sustainability, and connectivity. The Market Street Corridor is a component of this vision that implements each principle into a walkable, self-sufficient neighborhood with recreational activities, retail shopping, and visually attractive corridor. The project meets various goals and policies outlined in the Land Use chapter of the plan.

Goal LU-1 requires the management of community growth to ensure an orderly pattern of land uses. Market Street is designed to be for commercial or office uses, as demonstrated in Figure LU-2 showing the Market Street Corridor as a mixed use area. There are two corner lots at this SWC intersection because APN 3885803395 and 3885803370 effectively share the corner designation. APN 3885803370 operates as an office use.

There are a number of corner parcels with businesses that have their secondary frontage along Market Street, such as Kirkland Smiles Dental Care or the Kahan Law Firm. Permitting a commercial use on the subject site would reflect the existing pattern of development. Policy 1-4 addresses creating effective transitions between land uses, a natural concern for changing the permitted uses at the subject site. As the policy states, privacy between commercial and residential can be a concern but continues to state, "building and site design can act to minimize conflicts". The subject site can be designed to have

an enhanced buffer to reduce potential neighborhood impacts. The policy continues with, “mixing of land uses is encouraged to bring shops, services, and offices in close proximity to residential uses” to create immediate market areas and reduce reliance on cars by enhancing accessibility to said shops and services.

Goal LU-3 promotes land use patterns that enhance mobility, transportation choices, and convenient access to goods and services. Market Street achieves this goal with numerous businesses operating along the corridor, bicycle and pedestrian pathways, and transit services. Supporting neighborhood walkability requires the availability of desirable services that attract customers. A continuous effort is needed to provide these opportunities within the MSC-1 zone and Office/Multifamily land use designation. Policy LU-3.1 states neighborhoods should allow residents to walk places that meet their daily needs, and LU-4.5 allows neighborhoods to propose neighborhood-oriented commercial uses to meet such local needs.

The proposal for a neighborhood commercial use is proposing walkable development based on local demand, exemplary of policies LU-3.1 and LU-4.5. Similarly, policy ED 1.2 encourages a broad range of businesses that provide goods and services to the community. Adding a commercial site would broaden the range of businesses available to the community in this location. Allowing a commercial use at this site is in line with the goals and policies of the land use element.

#### **Market Street Corridor**

The subject site is located in the Office/Multifamily designation of the Comprehensive Plan and is within the Market Street Corridor. Section XV.L of the Comprehensive Plan describes the Market Street

Corridor and has its own specific goals. Policy MS-4 encourages a variety of residential and neighborhood-oriented shops and services to promote neighborhood walkability. Under the policy description, the comprehensive plan specifies “neighborhood-oriented businesses located on the west side of Market Street, north of 14th Avenue West provide convenient shopping and services for residents in the area”.

The site is located north of 14th Avenue on the west side of Market Street and is appropriate for the development of a neighborhood retail use. A commercial use at this site would serve the public interest by creating a local business which provides a place to gather while reducing vehicle trips needed for residents to meet their daily needs. Allowing this use within this zone implements Policy MS-4 set forth in both the Kirkland Comprehensive plan and the Market Street Corridor Plan.

Additionally, Policy MS-7 encourages the enhancement of the community’s design for new commercial uses in the Market Street Corridor. New development at this parcel will be designed to reflect the community and align with the Market Street Corridor Plan and the Kirkland Zoning Code. A commercial use could help increase opportunities for walkable business uses within the community, as well as providing a better-defined aesthetic buffer between the commercial corridor and dwelling units per MS-14. This parcel’s location provides an opportunity to ease the visual transition from the low-density residential areas to mixed use along the market street frontage. Policy MS-15 requires that buildings are oriented toward Market Street, which the site will be able to achieve.

Policies MS-1 through MS-3 are related to historic preservation. The dwelling unit on-site was constructed in 1953 and would not be considered a historically significant.

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.

**The proposal should be considered this year since it is already within the Market Street Corridor, a subarea plan of the 2035 Comprehensive Plan and is only related to a single parcel's ability to propose retail or commercial use instead of only residential. This proposal is compliant to the comprehensive and existing subarea plan as described in the response above. It is imperative that the city consider this application prior to the 2024 Comprehensive Plan's adoption as to consider the change to available lands needed to meet housing and job growth projections.**

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

**Neither the Comprehensive Plan nor the Market Street Corridor plan needs to be reviewed or revised to align with the proposed project. Rather, the Kirkland Zoning Code should be revised to appropriately align with the Comprehensive Plan and Market Street Corridor plan. KZC Chapter 51.08(6) regulates only one parcel within the Market Street Corridor, and the regulation contradicts the intended use of the site under the Market Street Corridor zone. There is no adopted definition within the KZC for the Market Street Corridor, however the overview statement within the Corridor plan describes the intent of the zone: "The Market Street Corridor is an eclectic, attractive, and economically healthy area that includes a mix of small-scale office and retail uses, along with various housing types. A few commercial buildings provide convenient retail shopping and services for nearby residents and visitors from other areas in the region. The corridor is generally one lot wide bordering Market Street and is bounded by established and highly valued single-family residential neighborhoods to the north, east and west and the Central Business District to the south".**

**The intent is for the zone to provide neighborhood scale goods and services or professional offices that are intended to serve the surrounding residents. Commercial uses are primarily located along Market**

Street with residential units in the adjacent streets. Per MS-6, commercial development should remain along Market Street and should not extend beyond 19th Avenue North. The site shares a corner with APN 3885803370 and is within the MSC-1 zone, which typically permits retail, commercial, or office uses along Market Street. This singular section of code does not align with the intent of the zone, otherwise the site would be zoned strictly as a low density residential (RS 7.2). This is a consistency issue within the adopted regulations that this application seeks to address.

There are similarly operating sites within the vicinity of APN 3885803370 that are: (1) located on a corner parcel along Market Street, (2) operate a retail business, and (3) are adjacent to a residential use or zone. A few examples of this would include 1720 Market Street (APN 1245001110, site is currently being converted from commercial to residential use), 906 Market Street (APN 3885804740), or 1209 Market Street (APN 3885803500, site is an office use).

It is possible that a commercial or retail use on the subject site is infeasible, however this would be up to the determination of a developer to propose a project that would meet the Comprehensive Plan, Market Street Corridor Plan, Kirkland Municipal Code, and the Kirkland Zoning Code. For example, impervious surface standards, parking requirements, or environmental requirements could ultimately determine that a commercial use is not feasible for a developer. Ultimately, the decision on the feasibility of a commercial use at this site is up to the developer, their consultants, and their creativity.

The applicant respectfully requests the City of Kirkland's consideration to repeal KZC Chapter 51.08(6) in order to reflect the intent of the Comprehensive Plan, Market Street Corridor Plan, and Kirkland Zoning Code.



#### IV. Property Owner's Signature or Service of Affidavit

A. If the applicant is the property owner, or is a legal representative of the property owner, then the property owner must sign below.

APPLICANT: If you are not the property owner, you will need to have the property owner sign this form electronically. Once you have completed all content, signed as applicant, and uploaded the any additional information, you will need to save this document by clicking the blue "SAVE" button below. You will then receive an email with a link to this form for you to forward to the property owner to sign online. The information you entered will be saved for the property owner to review prior to signing. Once they access the link and sign, they can submit the application, or sign it, save and allow you to submit the form. Keep the link for your records in case you need to access it again prior to the property owner submitting it. Contact the Planning and Building Department at 425-587-3600 if you have any questions.

Legal Declaration

**I certify and declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.**

Applicant's Signature



[Link to signature](#)

Type Applicant's Name

**Barry Alavi**

Date Applicant Signed

**11/08/2022**

B. If the applicant is not the property owner or a legal representative of the property owner, then the affected property owner must be notified.

- Send or hand-deliver a copy of this completed application to all affected property owners.
- Complete the Affidavit of Service form (linked below).
- Upload the Affidavit of Service when you submit this application form. The Affidavit of Service confirms that a copy of the completed application form has been provided to all affected property owners.
- **Contact the Planning and Building Department at 425-587-3600 for fee amount due** and a planner will invoice you with the fee total for you to pay. **No work will be done on your permit until the fee is paid.**

Before submitting, upload attachment:

1. [Affidavit of Service](#)

Upload signed copy of Affidavit of Service, including [Affidavit - Unsigned.pdf](#)  
Exhibit A and/or Exhibit B.

**NOTE:**

Once you submit this form, you will receive an email confirmation from our third-party provider, OpenForms, along with a PDF copy of the form you submitted. Keep it for your records. Be sure to check your spam/junk folder so you don't miss it!

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