



CITY OF KIRKLAND

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MEMORANDUM

To: David Ramsay, City Manager

From: Teresa Swan, Senior Planner
Eric Shields, AICP, Planning Director

Date: February 6, 2008

Subject: **Follow-up Discussion on Annexation Zoning**

I. RECOMMENDATION:

- Review zoning issues carried over from the January 2, 2008 study session and two additional new issues
- Provide staff with policy direction on the issues for preparation of draft zoning and comprehensive plan ordinances.

II. BACKGROUND:

On January 2, 2008, the City Council held a study session to review and discussed 26 issues relating to zoning regulations, the Zoning Map and the Land Use Map for the potential annexation area. The City Council directed staff to provide additional information and provide for further Council discussion on certain issues.

Then on January 15, 2008, the City Council made the decision to not proceed with placing the annexation vote on the November 2008 election, but to defer the decision to a later date pending review of additional information. The City Council will discuss the annexation question again in April 2008. They could decide in April to move forward with the annexation election in November 2009 or wait until the fall of 2008 to make a final decision.

Meanwhile, the Planning Department continues to work on draft zoning and comprehensive plan ordinances, and zoning and land use maps for the annexation project. Once the draft ordinances and maps are prepared, staff will host public forums to get comments on the draft documents. If the City Council decides to move forward with the annexation vote for the November 2009 election, two public hearings must be held at least 30 days apart, preferably by the end of January 2009, on the draft ordinance and maps. The City needs to have annexation materials, including an adopted zoning

ordinance and map, to the King County Boundary by early March 2009 to make the November 2009 election.

III. ZONING ISSUES:

Below are the issues that the City Council asked for further information and/or discussion:

A. Height of single family homes

- County allows homes to be 35' high (3 stories) and to be increased to 45' (potentially up to 4 stories) with increased yard setbacks.
- City allows 25' or 30' (generally 2 or 2 ½ stories) depending on the neighborhood.

Background: In 1995, the County increased the allowable height of single family homes in conjunction with providing more residential density and reducing the yard setbacks. The maximum allowable height went from 30' to 35' with a special provision to go to up to 45' with increased setbacks.

Based on a recent field survey of new subdivisions, the shoreline and other residential streets in the annexation area, staff found 25 homes at 3 full stories (at least 35 feet) and 21 homes with 2 stories on one side and 3 stories day lighted on the other side (could be close to 35 feet), mostly in the Finn Hill neighborhood. This is a small percentage compared to the total number of 1 and 2 story homes in the annexation area.

City Council discussion at the January 2, 2008 study session: Some Council members indicated an interest in adopting the existing County height of 35' because that is what is allowed now. Other Council members thought that 3 story homes are too tall and out of scale for Kirkland and the 35' allowed height is a relatively new regulation in King County so most homes are not built to that height.

Public workshop response: More people (17 people) want to stay with the 35 foot height limit because they have concerns about making existing homes non-conforming and they see no reason to change. A smaller group (13 people) would like to go to the 30 foot height limit similar to the RSX zones in Kirkland. No one wanted to continue to allow the increased height up to 45', but some people thought that those with homes over 35' in height who wanted to add an addition should be able to match the existing roofline.

Staff comments: Nonconformance for the homes built over 30' in height is not a major issue because a homeowner can apply for an administrative variance to match the roof of an addition to the existing home. The City occasionally receives these variance applications for homes in Kirkland where a ground floor addition changes the average building elevation calculation. In the rare instance where a 35' high

home is totally destroyed by fire or other disaster, the home would have to be rebuilt to meet the code in place at the time of the causality.

Council options:

- **Option 1** - Adopt current King County height of 35'.
- **Option 2** - Adopt height limit of 30' (same as Kirkland's RSX zone).

Staff recommendation (revised): **Option 2** - Set the height limit for the single family zones at 30 feet, consistent with a vast majority of homes in the annexation area. The decision on this regulation would affect future new construction more than existing construction. Staff does not believe that this is a zoning issue that would cause residents to vote against annexation.

B. Garage requirement and front yard setback for single family home

- City requires the front yard setback for the garages to be 8' greater than the remainder of the house and the garage shall not be more than 50% of front façade, not including covered porches.
- County requires that garages be setback 20 feet from the street, but the front facade is permitted (not required) to be as close as 10 feet from the street.

Background: The purpose of the City's regulation is to minimize the appearance of the garage when viewing the front façade of the house. The City has spent considerable time adjusting the regulation to provide flexibility and to meet the intent of the regulation.

The County has no such provision for the garage. In 1995, the County reduced its front yard setback regulation from 20 feet to 10 feet for the front façade, but the garage still needs to be setback 20 feet. Based on what has been seen in the annexation area and comments from the workshops, existing front facade of homes and garage are both 20 feet from the street.

City Council discussion at the January 2, 2008 study session: Some Council members indicated an interest in applying the garage setback regulation, the 20' front yard setback requirement for the home and the allowance for the porch intrusion with annexation because a great deal of work has gone into discussing and refining the regulations and that we should have consistent regulations throughout the city to the maximum extent possible. Some Councils member indicated a preference to wait until after annexation to consider whether to apply the garage regulation and to retain the County's front yard setback for the main facade of 10 feet.

Public workshop response: Many (20 people) do not want to apply the City's regulations while some (10 people) thought applying the regulations would be acceptable. Some of those who voted to not apply the regulation were interested in considering the regulation in the future. This was a design issue that most of the

people had never thought about and no one felt strongly about applying or not applying the regulation.

Concerning the front yard setback, one Finn Hill working group of 11 people discussed having the City's front yard setback of 20 feet apply to the annexation area instead of 10 feet. They said that their homes were already setback 20 feet from the street.

Staff comments: The City's regulations for the garage setback, the front yard setback and front porch intrusion are interrelated and need to be adopted all together. Nonconformance is not a major issue because a homeowner has the option of applying for an administrative variance if an additional garage bay is desired and the garage setback cannot be met. Based on recent field inspections of new development in the annexation area, the garages and front facades were setback what appeared to be 20 feet.

Council options:

- **Option 1** - Apply the City's regulations for garages and front yard setback.
- **Option 2** - Do not apply the City's regulation.

Staff recommendations (revised): **Option 1-** Apply the City's garage and front yard setback regulations with annexation. Staff does not believe that this would be a zoning issue that would cause residents to vote against annexation.

C. Size of vehicles, boats and trailers parked in residential zones

- City prohibits RVs, trucks and boats greater than 9' high and 22' in length parked for more than 24 hours in any consecutive seven-day period.
- County does not limit the parking of vehicles, boats and trailers.

Background: The City's regulation is enforced on a complaint basis only. An owner may apply for a Process IIA permit at a cost of \$6,877 to request keeping the vehicle, boat or trailer on the property. Screening is typically required. The City has received only a few applications over the years so most people either keep them parked on site without complaints or the vehicles, boats and trailers are parked off-site.

Currently, many vehicles, boats and trailers can be found parked in the annexation area that do not meet the City's regulation.

At the January 2, 2008, staff recommended applying City's regulation with annexation, but allowing existing vehicles, boats and trailers to remain if they are registered with the City shortly after annexation and reducing the review process and thus the fee for locating new vehicles, boats or trailers on site with appropriate screening. The grandfather provision will take some initial staff time, but at least the

regulation would start applying to the annexation area for new vehicles, boats and trailers.

City Council discussion at the January 2, 2008 study session: Some Council members indicated an interest in applying the regulation with annexation while other Council members were concerned that some residents would vote against annexation if the regulation were applied.

Public workshop response: More than half (19 people) thought that the vehicle size restriction should not apply to the annexation with a smaller group (11 people) voting to apply it, but to simplify the City's process and reduce the fee to allow the vehicles on site if properly screened. One person suggested allowing existing vehicles if registered within 6 months of annexation. Many were concerned that the annexation vote would fail if the regulation was applied and suggested waiting until after annexation to consider the regulation. The same group who did not want to apply the regulation over concerns of the vote thought that the large vehicles were unsightly and were a traffic hazard when parked in the street.

Council options:

- **Option 1** - Adopt City's regulation.
- **Option 2** - Do not apply City's regulation.
- In conjunction with the first option, grandfather existing vehicles, boats and trailers and reduce the existing review process that allows new vehicles, boats and trailers to be located on site with appropriate screening.

Staff recommendation: **Option 1** - Apply the City's regulation concerning the size limit for vehicles, boats and trailers parked in single family neighborhoods, but allow existing vehicles, boats and trailers to remain if they are registered with the City shortly after annexation and reduce the review process for locating new items on site with appropriate screening. Staff is concerned that those with oversized vehicles, boats and trailers might not support annexation unless the grandfather provision is provided.

D. Storage service use in the Kingsgate, Juanita and Finn Hill commercial center areas

- County allows the storage service use in the Kingsgate commercial area, but not in the Juanita or Finn Hill commercial areas.
- City allows the use in limited commercial zones:
 - Where storage facilities exist or where a mix of retail and industrial uses are allowed (Totem Lake TL4 through TL7 and TL10B zones, North Rose Hill NRH4).
 - In the Light Industrial zones of LI and LIT.
 - In the BC and BCX zones (Houghton Shopping and Bridle Trail Centers) which are zones created in the 1980's.

- In some commercial zones as an accessory to a retail use (North Rose Hill NHR 1 and Market Street Corridor MSC 1 through 4).

The use is not allowed in the Juanita Business District, the Rose Hill Business District and much of Totem Lake and North Rose Hill Business Districts.

Background: The County does not permit storage service facilities in the Juanita commercial center or in either of the Neighborhood Business Centers in Finn Hill, but does allow them in the Kingsgate commercial area. (Click on link to PAA map to locate the commercial areas colored in pink http://www.ci.kirkland.wa.us/_shared/assets/Annexation_Map_0614076158.pdf)

Currently, no storage service businesses exist in the Juanita, Finn Hill or Kingsgate commercial areas, but there is one such business located in the Light Industrial zone of the annexation area of Totem Lake at NE 124th Street east of 132nd Ave NE.

City Council discussion at the January 2, 2008 study session: One or more Council members thought that the storage service use should not be allowed in the commercial areas of the annexation area because the use does not add to the retail sales tax base of the City and is more industrial in nature. Given the financial challenges in providing city services to the annexation area, retail uses that add to the sales tax base should be encouraged over those uses that do not add to the tax base. A few Council members thought the use should be allowed in the Kingsgate and Juanita commercial areas.

Staff checked with the Finance Department who confirmed that public storage services provide very little retail sales tax to the City.

Public workshop response: A few participants thought that the use was not appropriate for their neighborhood commercial centers, but none of the other participants had a strong position either way about the use locating in the commercial areas.

Staff comments: The staff memo for the January 2, 2008 study session provided a comparison of the uses allowed in the annexation's commercial area with the City's two Business Commercial (BC and BCX) zones. These are zones created in the 1980's and include Houghton and Bridle Trails commercial areas.

Since the study session, staff has expanded the comparison to the other comparable commercial zones in the City, including the business districts of Juanita, North Rose Hill, Totem Lake, Rose Hill/NE 85th Street and the Market Street Corridor. The zoning for these commercial areas have been through review and updates over the past several years as part of the regulatory implementation for the associated neighborhood plans. The zoning for these commercial areas only allows the use

where existing storage service are located, where there is a mix of industrial and retail uses or as an accessory use to retail use allowed in the zone.

Currently, all of the existing storage services in Kirkland are stand alone businesses, such as Shurgard Storage, Public Storage and Self Storage in Kirkland and not as accessory uses to other retail uses. It is unlikely that we will see a storage service business as an accessory use to another retail use because the storage use takes up considerable land area and are not usually done in conjunction with other retail uses.

The storage service use will continue to be allowed in the annexation's Light Industrial zone in Totem Lake. Staff has recommended that the County's LI zone be reclassified to the City's adjacent Totem Lake 7 zone if annexation occurs. The TL 7 zone allows the storage service use along with a mix of industrial and retail uses.

Council options:

- **Option 1** - Allow the use in the North Finn Hill, Juanita and/or Kingsgate commercial areas as either a stand alone use or as an accessory use to a retail use allowed in the zone.
- **Option 2** - Not allow the use.

Staff recommendation (revised): **Option 2** - Based on the allowed uses in comparable City retail commercial areas and the fact the County's commercial areas do not have any existing storage service businesses, do not allow this type of use in the annexation's commercial areas of Finn Hill, Juanita or Kingsgate.

E. Building heights for the Kingsgate, Juanita and Finn Hill Commercial areas

On the following page is a table showing the allowable building heights in the Kingsgate, Juanita, and Finn Hill commercial areas compared to similar commercial zones in the City:

King County Commercial Heights	Comparable Kirkland Commercial Heights	Existing Commercial Heights in PAA	Recommendation
<p>Kingsgate: 35', but can reach up to 60' if for every 1' of additional height over 35', the required yards are increased by 1'</p> <p>North & South Finn Hill: 35', but can reach up to 45' if for every 1' of additional height over 35', the required yards are increased by 1'</p> <p>Both Finn Hill and Kingsgate: Height of mixed use developments may exceed 75' provided that the yards are increased proportionally</p> <p>Juanita: 35'</p> <p>No design review for any of the commercial areas</p>	<p>Juanita Village: 30' southern and 78' northern</p> <p>Rose Hill/NE 85th St: Varies by subzone - 35'/45'/55'/67'</p> <p>North Rose Hill: NRH 1A - 2 stories but 5 stories (55') for stacked units NRH 1B - 35' NRH 4 - 30'</p> <p>Totem Lake: TL 4 - 35' to 45' TL 5 - 35' to 55' with floors setting back as height increases TL 6 - 35' & up to 65' for stacked units with affordable component</p> <p>BC and BCX: 30'</p>	<p>1 and 2 stories</p>	<p>Kingsgate: -35' with ADR -Up to 55' with affordable housing component and DR</p> <p>Juanita & North Finn Hill: -35' ADR -45' with DR</p> <p>South Finn Hill: -35' with ADR</p> <p>In addition, for all commercial areas, retail must be on the ground floor (similar provision in the city's commercial areas)</p> <p><u>Note:</u> ADR=Administrative Design Review DR=Design Review Board</p>

City Council discussion at the January 2, 2008 study session: Several Council members were interested in adopting building heights that would encourage redevelopment of the County's commercial areas and improve the tax base in the annexation area.

Staff comments: The staff memo for the January 2, 2008 study session provided a recommendation to establish a building height of 35' in all of the commercial zones that reflected that maximum building heights currently constructed in the commercial areas. However, as noted in the above table the existing allowable building heights for the County's commercial areas are much higher than 35', with the exception of the Juanita commercial area. As discussed above for the storage service use, the

County has a special ordinance for the Juanita commercial area that limits the height to 35'. Staff has been unable to determine the reason behind the ordinance.

If Design Review were put in place for taller structures in the County's commercial areas to ensure good design and a public process, then it would be appropriate to reflect building heights closer to what King County permits now. An affordable housing component would be appropriate for the taller structures in the Kingsgate commercial area.

Staff recommendations (revised): Staff recommendations are outlined in the table above. Taller buildings up to 55', similar to the CBD, would be appropriate in the Kingsgate Commercial since it is surrounded on all sides by multifamily complexes that are 3 stories high. A maximum building height of 45' appears more appropriate for both Juanita and North Finn Hill commercial area while a maximum building height of 35' is more appropriate for the South Finn Hill commercial area.

During the neighborhood planning process, the City can re-evaluate the heights and provide more site specific design guidelines in the plan if the City and the community decide that taller buildings are desired.

F. Wetland, Stream and Associated Buffers

The City's critical areas regulations were adopted in 2002. The County's critical areas regulations were adopted more recently to reflect new GMA standards for best available science as determined by each jurisdiction. By December 2011, the City is required to review and revise its critical areas regulations to reflect these new GMA standards. If annexation does occur, the revised critical area regulations would be adopted within a year or two of annexation.

Below is a general comparison of the County and City critical areas ordinances:

- County and the City use totally different rating systems, buffer standards for wetland and stream areas, allowable buffer reduction provisions and review processes for reducing the buffers. According to The Watershed Company, the City's consultant, each system has its pros and cons.
- County's required buffer widths are generally greater than the City's standards, but overall the County's buffer reductions and intrusions into the critical areas appear to be more generous. These buffer reductions can result in much smaller actual buffers than the buffer standards stated in the County ordinance.
- County allows more intrusion into the buffer and building setbacks than the City and without a public review process. Examples include the following:
 - Allows within the buffer and building setback areas and with no required mitigation the expansion or replacement of existing structures

- of up to 1,000 square feet and construction on existing impervious surfaces with no limitation on size. The City has no such provisions.
- Allows a 25-foot reduction in wetland buffer widths with no public review process. In the City, an applicant can propose up to 1/3 of the buffer width be reduced with mitigation through a public review process for all critical areas, except no public process is required for Type 3 Wetlands in a Secondary Basin and Class C Streams (the lowest types).
 - Allows more generous modifications to critical areas for public features, such as roads and utilities.

City Council discussion at the January 2, 2008 study session: There was some discussion about whether the County's critical areas ordinance should continue to be applied in the annexation area. The reason for doing this would be to provide greater buffers. However, there was also concern expressed about having two different ordinances in the City and about the County's generous buffer reductions that can result in smaller buffers in some cases than the City.

Public workshop response: No one had concerns about the City's regulations for wetlands and streams.

Staff comments: A critical areas ordinance is probably the most complex set of regulations in a zoning code. The ordinance covers various types of critical area environments and existing conditions in the community. The regulations are developed based on recommendations from the jurisdiction's environmental consultant and staff, community values and input, and extensive discussions by the Planning Commission and City Council. Adopting the County's regulations would circumvent that process.

The City cannot adopt only the County's buffer widths and insert them into the city's regulations. The City must adopt the County's entire critical areas ordinance, including its rating system, buffer reductions and review process, as a new chapter of the Zoning Code. This would not meet the City Council's goal of having one set of general zoning regulations that apply city-wide.

In reviewing the County's critical areas ordinance, staff found the regulations to be confusing and unclear. For example, regulations for reductions in buffer widths are piecemeal and scattered through the ordinance and are not clearly drafted. In addition, staff questions the County's reasoning behind some of its buffer reductions. Adopting a set of unclear standards with unknown outcomes is not in the best interest of the city.

Any amendments to the County's critical areas ordinance would require Department of Ecology approval and could provide opportunity for possible public challenge of the entire critical areas ordinance.

When the County adopted its critical areas ordinance with wide buffers, it did so knowing that property owners would not lose development potential. The County allows the entire critical area to be included in the maximum allowable residential density calculation. The City only allows a portion of the buffer area to be included in the residential density calculation and none of the wetland or stream areas. In King County, the maximum development potential can be achieved next to critical areas because the minimum residential lot standard is only 2500 square feet, and the maximum allowable lot coverage and building height are greater and the required setback yards are less than in Kirkland.

If the County's critical areas regulations are applied to the annexation area, then the City should consider allowing all critical areas to be calculated in the density calculations, continue allowing the minimum lot size of 2500 square feet for all residential zones and adopt the County's greater allowance for lot coverage, smaller required setback yards and taller structure height.

Council options:

- **Option 1:** Apply the City's regulation with the understanding that the City will review and revise its critical areas ordinance by the end of 2011.
- **Option 2:** Adopt the County's critical areas ordinance in its entirety, including buffer reduction provisions and review process.

Staff recommendation: **Option 1:** Apply the City's regulations. Instead of applying the County's critical areas ordinance to the annexation area when and if annexation occurs in 2010 or later, a better approach is to wait until the City reviews its critical areas ordinance by 2011 as required under GMA. When reviewing the City's critical areas ordinance, the City can study the County's ordinance along with other jurisdictions' ordinances and best available science to select the most appropriate rating system, buffer width and buffer reduction provisions for the entire city.

IV. TWO ADDITIONAL ISSUES:

A. Extent of future commercial development in the Kingsgate, North Finn Hill and South Finn Hill commercial areas

Background: For the Kingsgate, North Finn Hill and South Finn Hill commercial areas, the County's Comprehensive Plan's land use map designates a larger area for commercial use than is currently zoned on its Zoning Map (see the commercial areas in purple on the King County Land Use Map compared to the commercial areas in red on the Draft Kirkland Zoning Map Attachments A through C). The Draft Kirkland Map shown in Attachments A through C reflects the current County zoning for the commercial area which is a smaller commercial area than that shown on the King County Land Use Map. This means that some of the adjacent properties next to the three commercial areas can be rezoned to commercial in the future if the City decides

to adopt the King County Land Use Map for each of the three commercial areas (see Attachments A through C).

This is not the case for the Juanita commercial area. The County Zoning Map and Land Use Map are the same for this commercial area.

City Council discussion at the January 2, 2008 study session: Several Council members indicated an interest in encouraging redevelopment of the annexation commercial areas and expanding the commercial areas where appropriate.

Staff comments: Staff looked at the surrounding properties that can be rezoned to commercial use in the Kingsgate, North Finn Hill and South Finn Hill based on the County's Land Use Map and found the following:

- **Kingsgate commercial area** – Looking at the County Land Use Map in Attachment A, the purple areas enclosed with dashed lines contains a daycare business, a fire station and a King County library facility and what appear to be residential apartments rather than condos. These sites are currently zoned for either higher or medium density residential and would be appropriate for rezoning to commercial use at some point in the future because of their proximity to the Kingsgate shopping district, existing uses, ages of the buildings, street frontage and topography. Therefore, these could be designated on the Draft Annexation Land Use Map for future commercial use.

The properties around the perimeter of the purple area that are outside of the dashed lines contain condos or apartments that are inappropriate for rezoning for commercial use. These sites are currently zoned for high density residential. The long and narrow property to the north of the shopping is not appropriate for commercial because of limited access and the shape of the property. The area to the east is a condominium development that is unlikely to redevelop and is located at a higher elevation than the shopping district and apartment complex to the west. To the south of the shopping district along the east side of 124th Ave NE are more high density residential developments. It is unlikely that this complex would be redeveloped (see Land Use Map in Attachment A).

- **North Finn Hill commercial area** – Looking at the County's Land Use Map in Attachment B, the purple area north and east of the shopping center contains high density apartments and possibly condominiums in a half circle configuration wrapping around the shopping center. Also to the north is a daycare facility. The daycare and residential area north of the shopping center and adjacent to Juanita Drive NE that are within the dashed line would be appropriate for future commercial use. The well established high density residential properties to the northeast and east would not likely redevelop and should not be designated for future commercial use on the Draft Annexation Land Use Map.

Staff found two properties abutting the North Finn Hill commercial area not designated on the County's land use map for commercial use that could be appropriate for future commercial use (see yellow colored properties with dashed lines around them on the County Land Use Map in Attachment B.) One property, located at the corner of Juanita Drive NE and NE 145th Street north of the shopping center, is developed with an older high-density apartment building.

Another is a vacant property to the southeast of the shopping center. The vacant property abuts a parking lot that appears to be associated with the shopping center on one side, multifamily on two sides and a single-family neighborhood to the east. The site would be appropriate for a future commercial use due to its proximity to the shopping center and street frontage on NE 141st Street. The City's required landscape buffer and provisions for horizontal façade would provide a visual buffer and limit the height of a building on the vacant property next to a single-family neighborhood to the east (see Attachment B).

- **South Finn Hill commercial area** - Looking at the County's Land Use Map in Attachment C, one large purple property enclosed with dashed lines is directly west of the intersection of Juanita Dr NE and Holmes Point Dr NE and contains several older buildings used for a single family residence or maybe as a duplex. This property is likely to redevelop and would be appropriate for future commercial use. The property should be designated on the Draft Annexation Land Use Map for future commercial use.

Another purple property to the northwest of the retail strip area on the west side of Juanita Dr NE is part of a large residential development project. This property is not likely to redevelop and should not be designated on the Draft Annexation Land Use Map for future commercial use.

Council options:

- **Option 1:** Adopt the County's land use map with no changes to the properties that can be rezoned (all purple areas in Attachments A through C could be rezoned to commercial use in the future).
- **Option 2:** Adopt the land use map shown on Attachments A through C that reflect some changes to the County's land use map. Some properties surrounding each of the Kingsgate, North Finn Hill and South Finn Hill would be designated for future commercial use if the property owners decide to rezone their properties.
- **Option 3:** Adopt a land use map that matches the County's Zoning Map (with a few changes proposed by staff and discussed at the January 2nd study session) and then wait until the neighborhood plan process for each commercial area to consider whether to expand the commercial areas. Given the City's resources, it is likely to take several years after annexation to complete the neighborhood plan process for each commercial area.

Staff recommendation: **Adopt Option 2.** Adopt the land use map as shown on Attachments A through C that reflect changes to the County's land use map. This option provides some limited opportunities to expand the commercial areas that have already been established by the County.

Staff would prepare some Comprehensive Plan policies for rezoning these sites. Design review would ensure appropriate building placement and design. Future neighborhood planning would provide an opportunity for additional policies to guide future development of the commercial areas.

B. Zoning and allowable building height for the study area along the north side of NE 132nd Street just east of 100th Ave NE in the Juanita neighborhood

Study Area: The area discussed in this section extends along the north side of NE 132nd Street starting from 100th Ave NE east to approximately 104th Ave NE ending with the Lakeside Milam Recovery Center (see sites #1 through #6 in orange on Attachment D).

Surrounding Area:

West – Juanita commercial area with a gas station and the Albertson's/Rite Aid retail development on the west side of 100th Ave NE. Northwest is a shopping district with a variety of uses, including Safeway. Southwest is Juanita Elementary.

East – Single family neighborhoods and Juanita Senior High School. The single family neighborhood directly east of the study area in King County is zoned R-6, but can be rezoned up to R-12 (comparable to the city's RM 3.6 zone).

North – Multi-family developments zoned at R-12 (comparable to the city's RM 3.6 zone).

South - Along the south side of NE 132nd Street in Kirkland and across the street from the study area are multi-family developments with a single family neighborhood at the eastern end across from the Lakeside Milam Recovery Center.

Existing Uses and Current Zoning, and Existing and Allowable Building Heights:

On the following page is a table that reflects the existing mix of uses, County zoning, proposed annexation zoning, existing heights, allowable County building heights, and proposed allowable height for the study area.

The properties listed under the Existing Uses column in the table on the following page are described starting from 100th Ave NE going east along NE 132nd Street. The corresponding number for each use is noted on the County's Land Use Map for easy reference (see area in yellow on Attachment D).

Existing Uses (#s below are noted on Attachment D)	County Zoning	Recommended Zoning	County Allowable Building Height	Existing Height on site	Recommended Building Height
1. Older Single family subdivision next to 100 th Ave NE	R-12 (12 units per acre/same as city's RM 3.6 zone)	PR 1.8 (professional office/multi family at 1800 square feet per unit)	60'	1 – 2 story homes	35' or 3 stories up to 60' with HVAC in roof well of peaked roof & required yards increased
2. Multifamily development under construction	R-24 (24 units per acre/same as city's RM 1.8 zone) Site can be rezoned up to R-48	Same as above	60' but can reach 80' if required yards are increased 1' for every 1' of height over 60'	3 stories with peaked roofs	Same as above
3. Medical office building (likely to redevelop because older bld. on only part of lot)	Office zone with mixed use residential allowed up to 36 units per acre permitted (Converts to PR 1.2 which is denser than city's PR 1.8 zone)	Same as above	45' but can reach 60' if required yards are increased 1' for every 1' of height over 60'	1 story	Same as above
4. Public Utility (north of the office & new multi-family project)	R-12 (12 units per acre/same as city's RM 3.6 zone)	Same as above	60'	1 story (vehicle access is from the west)	Same as above
5. Fairfax Hospital	R-48 (48 units per acre. Converts to RM 0.9 which is denser than city's RM 1.8.)	Same as above	60'	1 story	Same as above
6. Lakeside Milam Recovery Center	R-48 Same as above for Fairfax	Same as above	60'	1 story	Same as above

Fairfax Hospital and Lakeside Milam Recovery Center: Fairfax Hospital, located between Lakeside Milam Recovery Center and a medical office building, plans to replace the existing building in the future (see site #5 in yellow on Attachment D). The facility is considering a 3-story building at 15 foot per floor to accommodate heating and air conditioning between each floor plus the HVAC roof system integrated into the roof well of a peaked roof for a total height of 60 feet. Construction could begin in the near future or after annexation, if annexation should occur.

The architect for Fairfax Hospital contacted Planning staff in November 2007 to determine how the City would regulate the site if annexation occurs. Lakeside Milam Recovery Center to the east (see site #6 in yellow on Attachment D) may also reconstruct its site in the future and is interested in achieving the same building height of 60 feet as Fairfax Hospital.

Both facilities provide in-patient treatment care under medical supervision. Fairfax provides an outpatient care program as well and Lakeside Milam provides follow-up evening meetings a few nights a week.

Staff comments:

Zoning - If annexation occurs, the mix of zoning in the area should be made consistent. Given the existing uses, potential redevelop of parcels within the study area and close proximity to the Juanita commercial area, office and/or residential uses zoned at PR 1.8 (24 dwelling units per acre) would be appropriate. Three of the sites (the medical office building at site # 3 in yellow on Attachment D and both Fairfax and Lakeside Milam at sites # 5 and #6 in yellow on Attachment D) currently can be developed at a density greater than 24 dwelling units per acre (du/a). One site (the multi-family site under construction at site #2 in yellow on Attachment D) currently can develop at 24 du/a. The older single family subdivision (site # 1 in yellow on Attachment D) and the public utility facility (site #4 in yellow on Attachment D) currently can only be developed at 12 du/a. This level of density does not seem appropriate given that the subdivision and the public utility site are located between the Juanita commercial area to the west and the new high density multifamily development to the east which is zoned at 24 dwelling units per acre, but can be rezoned up to 48 du/acre. It would be consistent to zone the entire study area as one unified zone at Professional Office and Multifamily at PR 1.8 (minimum lot size of 1800 square feet of land area per unit/ 24 dwelling units per acre).

Building Height - If annexation occurs, the mix of allowable building heights in the study area should be made consistent. Allowable heights range from 45' to 80'. As proposed by Fairfax Hospital, up to 3 stories at 60 feet in height with all HVAC in the roof well of a peaked roof are appropriate for the study area. Buildings of 4 stories or greater, achievable in the 45' to 80' height range currently allowed by the County code, seem out of character for the residential areas to the south and east.

As noted above in the table, the staff recommendation that requires setback yards to be increased for buildings over 35 feet in height would reduce the impact of taller building heights from the street and the residential areas to the south and east. This is a similar measure used in other parts of the city to reduce impacts from building heights.

Council options:

- **Option 1** - Apply the current County zoning, rezone potential and building heights that would result in inconsistent land uses, residential densities and building heights between 100th Ave NE and 104th Ave NE on the north side of NE 132nd Street.
- **Option 2** - Adopt the staff recommendation for zoning (PR 1.8) and building height (35' or 3 stories up to 60' with HVAC incorporated in the roof and increased setback yards) as outlined in the table above.
- **Option 3** – Discuss other options for zoning and/or maximum building height.

Staff recommendation: **Option 2** - As outlined in the table above, rezone the entire study area to PR 1.8 and establish the height limit at 35', but allow 3 stories up to 60' when HVAC is incorporated into a peaked roof and required yards are increased over 35'.

Attachments:

Attachment A: Proposed changes to the land use map for the Kingsgate Commercial Area

Attachment B: Proposed changes to the land use map for the North Finn Hill Commercial Area

Attachment C: Proposed changes to the land use map for the South Finn Hill Commercial Area

Attachment D: Proposed zoning for the study area (yellow color) east of 100th Ave NE and north of NE 132nd Street in Juanita