



## CITY OF KIRKLAND

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
www.ci.kirkland.wa.us

### MEMORANDUM

**To:** David Ramsay, City Manager  
**From:** Eric Shields, Planning Director  
**Date:** June 22, 2006  
**Subject:** Regulations Implementing the North Rose Hill Plan

Earlier this year I prepared a memorandum discussing Zoning Code Consistency with the Comprehensive Plan (attached). The City Council reviewed the memorandum at a meeting in February at which time staff was directed to prepare an analysis of the consistency of development regulations with the North Rose Hill Neighborhood Plan. The completed analysis is attached.

The analysis is in the form of a multi-page table that lists the goals and policies of the Plan in the left column and indicates the corresponding regulations or other measures that are in place to implement the policies. Where there are inconsistencies or no known implementation measures, this is noted in bold text. The items so noted are shown below along with a recommendation for how to respond to each:

#### **Policy NRH 11.1:**

Allow multifamily development with a density of 12 units per acre in the area north of the Kirkland Boys and Girls Club to NE 113th Place, subject to the following standards:

- 1) To reduce the potential for a piecemeal development pattern, aggregation of at least two acres should be encouraged for multifamily development.
- 2) Improvement of an east/west right-of-way, such as NE 112<sup>th</sup> Place or an appropriate alternate may be required. This connection would provide improved general and emergency access to Slater Avenue NE.
- 3) Retention of significant vegetation to provide protection from I-405 should be required.
- 4) If adjacent to wetland areas or 124<sup>th</sup> Avenue NE, natural environment and transportation goals should be observed.

#### **Implementation:**

This area is shown on the neighborhood plan land use map (Figure NRH-4) as "*MEDIUM DENSITY RESIDENTIAL 12 UNITS/ ACRE.*" The zoning map is consistent with the plan map, showing the same area as RM 3.6 (1 unit/ 3600 sq. ft. of lot area = 12.1 units/ acre).

**The Zoning Code does not contain any special regulations for the RM 3.6 zone that would specifically implement these development standards.** The City could implement most of the standards through the SEPA review process (but not the 2 acre minimum lot size). However, all of the parcels in this area are already developed to their full potential.

Recommendation: The area addressed by this policy is now fully developed at its maximum zoning potential, so Policy NRH 11.1 is essentially a moot point. Consequently revisions to zoning regulations to implement the policy are not recommended.

**Policy NRH 14.3:**

Encourage Lake Washington Technical College to continue to provide community meeting facilities for the neighborhood and the City.

**Implementation:**

The word “*encourage*” implies that implementation is intended to occur through incentives or non-regulatory actions. **Zoning regulations do not have regulatory incentives for public meeting facilities.**

Recommendation: Revisions to regulations are not recommended. Implementation of this policy will depend upon the good will of the Technical College.

**Policy NRH 19.1:**

Designate the following subareas to address site-specific development standards.

**NRH 1A**

•The types of commercial uses allowed in this area should be compatible with the community and the region. Car and boat dealerships and big box retail uses are prohibited.

**Implementation:**

The NRH 1A zone allows any retail use except:

- “*Vehicle or boat sales or rental facilities*” **(the neighborhood plan refers to “car and boat dealerships.”)**
- “*Retail establishments providing storage services...*”
- “*Storage and operation of heavy equipment...*”
- “*Outdoor storage of bulk commodities, except...*”

**NRH 1B**

The types of commercial uses allowed in this area should be limited to both office uses and those retail uses that serve the people working and living in Kirkland. Traditional neighborhood business uses are retail sales of goods and services with limited gross floor area. Car and boat dealerships, hotels/motels, entertainment, and big box retail uses are prohibited.

The NRH 1B zone allows any retail use except:

- “*Entertainment and recreational facilities.*”
- “*Vehicle or boat sales or rental facilities.*” **(the neighborhood plan refers to “car and boat dealerships.”)**
- “*Retail establishments providing storage services...*”
- “*Storage and operation of heavy*

equipment...”

- “Outdoor storage of bulk commodities, except...”

Recommendation: In 2005, the City Council reviewed this issue and determined that the intended meaning of the plan and zoning is to allow indoor vehicle sales and prohibit outdoor vehicle storage and display. A zoning code interpretation was prepared to implement this intention. However, neither the North Rose Hill Plan nor the Zoning Code clearly reflect this intention and should be amended.

### **NRH 3**

•A 15-foot-wide heavily landscaped buffer should be provided, and building mass should be oriented away from low density areas...

### **Implementation:**

Office uses are required to meet “*landscape category B*,” which establishes a 15 foot wide buffer adjacent to residential uses. **Multi-family residential uses are required to meet “*landscape category D*,” which establishes a 5 ft. wide buffer adjacent to residential uses.**

Recommendation: Staff has concluded that the inconsistency between the plan and zoning was due to an error in the plan. A smaller buffer for multi-family uses should have been referenced in the plan, consistent with buffering requirements throughout the City. However, a project has been approved and is now under construction on the property addressed by this policy. Plans for the project include a 15 foot wide buffer consistent with the above policy. Consequently, a plan amendment is not recommended. If the Council concludes that greater buffers should be required between, single family and multi-family uses, they could direct consideration of a City-wide code amendment.

### **Policy NRH 23.2:**

Design buildings and landscape adjoining development to minimize potential noise and visual impacts generated by traffic on 124th and 132nd Avenues NE.

### **Implementation:**

**The City does not have regulations for this purpose.**

Recommendation: A code amendment is not recommended. Property owners may take the impacts into account when designing projects.

### **Policy NRH 31.2:**

Maintain individual property owners’ existing septic systems in high working order.

### **Implementation:**

**There is no regulation or action of the City to implement this policy. Maintenance of septic systems is the responsibility of property owners.**

Recommendation: A code amendment is not recommended. This is the responsibility of property owners.

**Policy NRH 36.1:**

Establish a street tree plan for the neighborhood. Trees bordering streets can unify the neighborhood's landscape.

**Implementation:**

City staff maintains a list of trees that are acceptable for planting as street trees City-wide. **There is not a plan for street trees that is specific to North Rose Hill.**

Recommendation: This item could be referred to the Natural Resources Management Team for prioritization in their work plan.

Attachments:

1. Regulations Implementing the North Rose Hill Neighborhood Plan
2. Memorandum from Eric Shields to David Ramsay RE: Zoning Code Consistency with the Comprehensive Plan

## *Regulations Implementing the North Rose Hill Neighborhood Plan*

GOALS AND POLICIES	IMPLEMENTING REGULATIONS
<p><b>Goal NRH 1</b> – Preserve features and locations that reflect the neighborhood’s historic heritage</p> <p><b>Policy NRH 1.1:</b> Provide markers and interpretive information at historic sites.</p>	<p>Implementation of this policy will require the direct action of the City, Heritage Society or others, rather than through regulation.</p>
<p><b>Goal NRH 2</b> – Protect and improve the water quality in Forbes Lake and in the Forbes Creek and Juanita Creek basins.</p> <p><b>Policy NRH 2.1:</b> Undertake public management strategies and adopt development regulations to enhance stream buffers, promote fish passage, and improve the function of streams, lakes, wetlands and wildlife corridors.</p>	<p>There is no indication that this policy is intended to be implemented through regulations unique to North Rose Hill. Therefore, implementation will occur through City-wide drainage basin regulations and/ or City capital improvements.</p>
<p><b>Goal NRH 3</b> – Locate and design new development to preserve and enhance the health, safety, drainage, habitat, and aesthetic functions provided by sensitive areas.</p> <p><b>Policy NRH 3.1:</b> Site structures away from wetland, lake, or stream areas, consistent with the natural environment policies and regulations.</p> <p><b>Policy NRH 3.2:</b> Utilize flexible and innovative housing designs and styles adjoining sensitive areas where they would better protect these features.</p> <p><b>Policy NRH 3.3:</b> Reduced maximum residential density may occur around Forbes Lake due to the presence of natural features.</p> <p><b>Policy NRH 3.4:</b> Enhance stream buffers connecting identified natural wildlife areas around wetlands and Forbes Lake in order to provide corridors for wildlife movement between them.</p> <p><b>Policy NRH 3.5:</b> Develop viewpoints and interpretive information around streams and wetlands if protection of the natural features can be reasonably ensured.</p>	<p>Implementation will occur through City-wide drainage basin regulations in the Zoning Code.</p> <p>Currently, implementation of this policy is through Planned Unit Developments initiated at the discretion of developers.</p> <p>The area around Forbes Lake is zoned PLA 17. Zoning regulations for PLA 17 require a minimum land aggregation of 2 acres to achieve the maximum density of 12 units/ acre. City-wide drainage basin regulations further reduce density in proportion to the percentage of wetland on the property.</p> <p>Implementation will occur through City-wide drainage basin regulations in the Zoning Code.</p> <p>Implementation of this policy will occur primarily through the direct action of the City or others, rather than through regulation. If appropriate, viewpoints could be approved as public benefits in PUDs.</p>

# Regulations Implementing the North Rose Hill Neighborhood Plan

GOALS AND POLICIES	IMPLEMENTING REGULATIONS
<p><b>Goal NRH 4</b> – Protect and properly manage the urban forest throughout the North Rose Hill neighborhood.</p> <p><b>Policy NRH 4.1:</b> Encourage retention of native vegetation and significant stands of native trees on hillsides, along stream banks, and in sensitive area buffers.</p> <p style="padding-left: 40px;">Narrative text following the policy recommends recording of green belt easements.</p> <p><b>Policy NRH 4.2:</b> Preserve as many trees as possible during the development process.</p> <p><b>Policy NRH 4.3:</b> Protect notable trees and groves of trees.</p> <p style="padding-left: 40px;">Narrative text associated with this policy states: <i>“Until the City develops regulations to protect notable trees and groves of trees Citywide, continue to promote retention of significant trees on private property.”</i> The plan does not define notable trees or map specific groves to be saved.</p>	<p>The word “<i>encourage</i>” implies that implementation is intended to occur through incentives or non-regulatory actions. Even so, implementation will occur through City-wide Zoning Code regulations regarding trees, drainage basins and geologically hazardous areas.</p> <p>Implementation will occur through City-wide tree regulations in the Zoning Code.</p> <p>New City-wide tree regulations recently have been adopted. The regulations do not define or regulate “notable trees,” but they do define “<i>specimen</i>” and “<i>landmark</i>” trees and “<i>tree groves</i>.” These types of trees are given priority to be saved if feasible.</p>
<p><b>Goal NRH 5</b> – Protect potentially hazardous areas, such as landslide, erosion, and seismic areas, through limitations on development and maintenance of existing vegetation.</p> <p><b>Policy NRH 5.1:</b> Regulate development on slopes with high or moderate landslide or erosion hazards and on seismic hazard areas to avoid damage to life and property.</p>	<p>There is no indication that this policy is intended to be implemented through regulations unique to North Rose Hill. Implementation will occur through City-wide geologically hazardous areas regulations in the Zoning Code.</p>
<p><b>Goal NRH 6</b> – Protect wildlife throughout the neighborhood</p> <p><b>Policy NRH 6.1:</b> Encourage creation of backyard sanctuaries for wildlife habitat in upland areas.</p> <p style="padding-left: 40px;">The narrative text discusses implementation by property owners with</p>	<p>Implementation of this policy will require the direct action of the City or others, rather than through regulation. This is listed as a desirable project in the Natural Resources Management Plan. The Natural Resources Management Team will include information about backyard sanctuaries in public educational</p>

## ***Regulations Implementing the North Rose Hill Neighborhood Plan***

<b>GOALS AND POLICIES</b>	<b>IMPLEMENTING REGULATIONS</b>
assistance from the City, State or other agencies.	efforts.
<p><b>Goal NRH 7</b> – Identify priorities and funding sources for sensitive areas acquisition, restoration, or education.</p> <p><b>Policy NRH 7.1:</b> Identify priority locations in the Forbes Creek drainage basin.</p>	<p>Implementation of this policy will require construction of storm water projects by the City using funds collected through the City’s Storm Water Utility and prioritized through the Capital Improvement Program. There are several storm water projects slated for North Rose Hill in the current CIP.</p>
<p><b>Goal NRH 8</b> – Promote and retain the residential character of the neighborhood.</p> <p><b>Policy NRH 8.1:</b> Encourage a variety of housing styles and types to serve a diverse population.</p> <p style="padding-left: 40px;">Narrative text associated with this policy notes that the predominant housing style in the neighborhood is detached single-family. Further: “Cottage, compact single family, <i>attached and clustered dwellings are appropriate to serve a diverse population and changing household demographics as allowed by Citywide policies.</i>”</p> <p><b>Policy NRH 8.2:</b> Locate new commercial development in the business districts at the north and south boundaries of the North Rose Hill neighborhood in order to prevent commercial encroachment.</p>	<p>The City is now in the process of evaluating whether to allow such alternative types of housing City-wide, and if so under what conditions.</p> <p>The Zoning Map was amended to create new zoning districts for the North Rose Hill Business District. The zone boundaries precisely match the boundaries shown on the neighborhood plan land use map (Figure NRH-4).</p>
<p><b>Goal NRH 9</b> – Allow innovative residential development styles when specific public benefits are demonstrated as allowed by Citywide policies.</p> <p><b>Policy NRH 9.1:</b> Allow innovative development styles or techniques if increased protection of sensitive or hazardous areas, affordable or lower cost housing, or housing choice are demonstrated.</p>	<p>As noted above, consideration of City-wide regulations is now in process.</p>
<p><b>Goal NRH 10</b> – Maintain predominately detached single-family residential development at a density of six units per acre in low density areas and allow some density increase if specific public benefits are demonstrated as</p>	

# Regulations Implementing the North Rose Hill Neighborhood Plan

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<p>allowed by Citywide policies.</p> <p><b>Policy NRH 10.1:</b> Preserve low density areas south of NE 117th Street to approximately NE 86th Street, and between the freeway and 132nd Avenue NE.</p> <p style="padding-left: 40px;">Narrative text associated with this policy reiterates the potential for “<i>innovative housing styles.</i>”</p>	<p>This area is shown on the neighborhood plan land use map (Figure NRH-4) as “<i>LOW DENSITY RESIDENTIAL.</i>” The zoning map is consistent with the plan map. A small portion of the low density area is zoned RS-7.2. The remainder is zoned RSX 7.2.</p>
<p><b>Goal NRH 11</b> – Allow multifamily development at a density of 12 units per acre as a transition between low density areas and more intensive development.</p> <p><b>Policy NRH 11.1:</b> Allow multifamily development with a density of 12 units per acre in the area north of the Kirkland Boys and Girls Club to NE 113th Place, subject to the following standards:</p> <ol style="list-style-type: none"> <li>1) To reduce the potential for a piecemeal development pattern, aggregation of at least two acres should be encouraged for multifamily development.</li> <li>2) Improvement of an east/west right-of-way, such as NE 112<sup>th</sup> Place or an appropriate alternate may be required. This connection would provide improved general and emergency access to Slater Avenue NE.</li> <li>3) Retention of significant vegetation to provide protection from I-405 should be required.</li> <li>4) If adjacent to wetland areas or 124<sup>th</sup> Avenue NE, natural environment and transportation goals should be observed.</li> </ol> <p><b>Policy NRH 11.2:</b> Allow multifamily development with a density of 12 units per acre west of Slater Avenue NE, at approximately NE 97th Street.</p> <p style="padding-left: 40px;">Narrative text associated with this policy discusses protection of adjacent single family areas. Such protections will be implemented through basic zoning requirements such as height limitations, setbacks and landscape buffers.</p>	<p>This area is shown on the neighborhood plan land use map (Figure NRH-4) as “<i>MEDIUM DENSITY RESIDENTIAL 12 UNITS/ ACRE.</i>” The zoning map is consistent with the plan map, showing the same area as RM 3.6 (1 unit/ 3600 sq. ft. of lot area = 12.1 units/ acre).</p> <p><b>The Zoning Code does not contain any special regulations for the RM 3.6 zone that would specifically implement these development standards.</b> The City could implement most of the standards through the SEPA review process (but not the 2 acre minimum lot size). However, all of the parcels in this area are already developed to their full potential.</p> <p>This area is shown on the neighborhood plan land use map (Figure NRH-4) as “<i>MEDIUM DENSITY RESIDENTIAL 12 UNITS/ ACRE.</i>” The zoning map is consistent with the plan map, showing the same area as RM 3.6 (1 unit/ 3600 sq. ft. of lot area = 12.1 units/ acre).</p>

# Regulations Implementing the North Rose Hill Neighborhood Plan

GOALS AND POLICIES	IMPLEMENTING REGULATIONS
<p><b>Goal NRH 12</b> – Locate high density development with densities between 18 and 24 units per acre at the north end of the neighborhood, close to the Totem Lake neighborhood and the Lake Washington Technical College</p> <p><b>Policy NRH 12.1:</b> Allow multifamily development at a density of 18 units per acre in the northeast corner of the neighborhood, subject to the following standards to ensure protection of landslide and erosion hazard slope areas and preservation of significant vegetation:</p> <ol style="list-style-type: none"> <li>1) Preparation of a slope stability analysis and compliance with recommendations to ensure stability.</li> <li>2) Retention of maximum vegetative cover.</li> <li>3) Clustering of structures to preserve significant groupings of trees.</li> <li>4) Dedication of natural greenbelt easements in the sensitive slope areas.</li> <li>5) Substantial setbacks and landscape buffers adjacent to single-family areas.</li> </ol> <p><b>Policy NRH 12.2:</b> Allow 24 units per acre in the area east of Slater Avenue NE and north of NE 116th Street, close to the activities and services of Totem Lake.</p>	<p>This area is shown on the neighborhood plan land use map (Figure NRH-4) as “<i>HIGH DENSITY RESIDENTIAL 18 UNITS/ ACRE.</i>” The zoning map is consistent with the plan map, showing the same area as RM 2.4. (1 unit/ 2400 sq. ft. of lot area = 18.15 units/ acre.)</p> <p>Standards 1), 2), 4) and 5) would be implemented through City-wide Zoning Code regulations regarding geologically hazardous areas, tree management, required yards and buffering. All of the parcels in this area are already developed to their full development.</p> <p>This area is shown on the neighborhood plan land use map (Figure NRH-4) as “<i>HIGH DENSITY RESIDENTIAL 24 UNITS/ ACRE.</i>” The zoning map is consistent with the plan map, showing the same area as RM 1.8. (1 unit/ 1800 sq. ft. of lot area = 24.2 units/ acre.)</p>
<p><b>Goal NRH 13</b> – Protect the natural features of Forbes Lake, Forbes Creek, and associated sensitive area wetlands and buffers.</p> <p><b>Policy NRH 13.1:</b> Consider medium density residential development with a maximum density of 12 units per acre, subject to the following development standards:</p> <ol style="list-style-type: none"> <li>1) Development should be subject to a public review process.</li> <li>2) A minimum of two acres should be aggregated for multifamily development to reduce the potential for a piecemeal development pattern.</li> <li>3) West of Forbes Lake, development should provide for the continuation of a bicycle and pedestrian path that generally follows the alignment of Slater Avenue NE and connects to NE 90<sup>th</sup> Street.</li> <li>4) New development adjacent to Forbes Lake should provide for</li> </ol>	<p>This area is shown on the neighborhood plan land use map (Figure NRH-4) as “<i>MEDIUM DENSITY RESIDENTIAL PLA 17 6-12 UNITS/ ACRE.</i>” The zoning map is consistent with the plan map, showing the same area as PLA 17.</p> <p>The Zoning Code regulations for PLA 17 implement the standards in the plan as follows:</p> <ul style="list-style-type: none"> <li>• Development on a lot containing less than two acres is limited to one detached unit, with a minimum lot size of 7200 sq. ft. No special review process is required.</li> <li>• For attached or stacked dwelling units:             <ul style="list-style-type: none"> <li>○ Minimum lot size is two acres.</li> </ul> </li> </ul>

## **Regulations Implementing the North Rose Hill Neighborhood Plan**

<b>GOALS AND POLICIES</b>	<b>IMPLEMENTING REGULATIONS</b>
<p>public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints.</p> <p>5) Vehicular connection through this subarea to NE 90<sup>th</sup> Street is not permitted.</p> <p>6) Future development density potential may be reduced from what otherwise could be achieved around Forbes Lake based on the presence of environmental constraints in PLA 17 and the application of management techniques to protect these resources.</p> <p>7) If adjacent to wetland areas or 124<sup>th</sup> Avenue NE, Goals NRH 3 and 23 should be observed.</p>	<ul style="list-style-type: none"> <li>○ Maximum permitted density is 1 unit/ 3600 sq. ft. of lot area (= 12.1 units/ acre).</li> <li>○ Development must be approved through Process IIA.</li> <li>○ Public access to the lake is required.</li> <li>○ A street connection to NE 90<sup>th</sup> St. is prohibited.</li> </ul> <p>City-wide drainage basin regulations further reduce density based on the percentage of the site occupied by wetlands and/or buffers.</p> <p>Goal 3 will be implemented through City-wide drainage basin regulations, as noted above. Goal 23 will be implemented through during City approval of proposed development permits.</p>
<p><b>Goal NRH 14</b> – Recognize and enhance the role the college plays in the North Rose Hill neighborhood, the wider Kirkland community and in the region.</p> <p><b>Policy NRH 14.1:</b> Encourage Lake Washington Technical College to provide nonmotorized connections between the surrounding residential areas and the campus. These links will provide access to the college at multiple locations.</p> <p><b>Policy NRH 14.2:</b> Seek partnership opportunities between Lake Washington Technical College and the City on educational, technical, recreational, and social services.</p> <p><b>Policy NRH 14.3:</b> Encourage Lake Washington Technical College to continue to provide community meeting facilities for the neighborhood and the City.</p>	<p>The word “<i>encourage</i>” implies that implementation is intended to occur through incentives or non-regulatory actions. However, the potential for nonmotorized connections was considered during the recent review of the College Master Plan (see discussion below).</p> <p>Implementation of this policy will require City actions other than regulation.</p> <p>The word “<i>encourage</i>” implies that implementation is intended to occur through incentives or non-regulatory actions. <b>Zoning regulations do not have regulatory incentives for public meeting facilities. It is unclear how implementation will occur.</b></p>
<p><b>Goal NRH 15</b> – Ensure that any college expansion is compatible with the surrounding residential neighborhood.</p> <p><b>Policy NRH 15.1:</b></p>	<p>The College is shown on the neighborhood plan land use map as “<i>LAKE WASHINGTON TECHNICAL COLLEGE PLA 14</i>” The Zoning Map was revised consistent with the plan map, showing the same area as PLA (Planned Area) 14.</p>

## ***Regulations Implementing the North Rose Hill Neighborhood Plan***

<b>GOALS AND POLICIES</b>	<b>IMPLEMENTING REGULATIONS</b>
<p>Provide public review of major expansion of the college. Mitigation may be required for impacts of the proposed expansion and, where feasible, the existing use.</p> <p><b>Policy NRH 15.2:</b> Consider an extension of NE 116th Street to 132nd Avenue NE, in order to improve access to the college.</p> <p><b>Policy NRH 15.3:</b> Consider relocating the NE 120th Street driveway farther to the west, away from the bend in the road to the east. Allow no additional driveways to 132nd Avenue NE.</p> <p><b>Policy NRH 15.4:</b> Encourage creation of affordable housing near the college.</p>	<p>Zoning regulations for PLA 14 do not establish specific development standards. However, the college is required to have a Master Plan approved through Process IIB. A Master Plan application was recently submitted and a public hearing was held before a Hearing Examiner. The Examiner has recommended approval with conditions. The applicant has asked that further processing of the application (City Council decision) be suspended to allow for their consideration of one of the Hearing Examiner’s conditions of approval.</p> <p>Consideration of a street connection did occur during the review of the Master Plan.</p> <p>Implementation of this policy could be considered during review of the College Master Plan.</p> <p>Incentives are provided by City-wide regulations within multi-family zones (MF zones abut the college to the north and west) and by regulations for the nearby Totem Lake business district.</p>
<p><b>Goal NRH 16</b> – Ensure that any future church expansion or redevelopment of the site is compatible with the surrounding residential community.</p> <p><b>Policy NRH 16.1:</b> Provide public review of redevelopment or expansion of the church. Consider mitigation of impacts from the proposed expansion and, where feasible, the existing use.</p> <p><b>Policy NRH 16.2:</b> Encourage housing at this site.</p>	<p>This is referring to City Church.</p> <p>City Church is located in the RSX 7.2 zone. The Zoning Code establishes that a church must be approved through Process IIA if less than 5 acres in size or Process IIB if five or more acres. Mitigation measures can be implemented through the approval process.</p> <p>Detached single family units are allowed in the RSX zone and could be incorporated into the church master plan. A Planned Unit Development for a housing project at the south end of the church property was approved several years ago.</p>
<p><b>Goal NRH 17</b> – Develop the North Rose Hill Business District to complement the Totem Lake neighborhood.</p> <p><b>Policy NRH 17.1:</b> Improve NE 116th Street with coordinated streetscape improvements and</p>	<p>Implementation of this policy will require construction of improvements by the City, with funding prioritized though the</p>

## *Regulations Implementing the North Rose Hill Neighborhood Plan*

GOALS AND POLICIES	IMPLEMENTING REGULATIONS
<p>gateway features.</p> <p><b>Policy NRH 17.2:</b> Establish urban design standards for commercial and mixed-use residential development in the North Rose Hill Business District. Encourage building designs that provide architectural and human scale buildings, discourage parking in front of buildings, ensure pedestrian orientation, provide convenient bike and pedestrian connections to the neighborhood, and are complementary to the design standards for the Totem Lake neighborhood.</p>	<p>Capital Improvement Program. In addition, the Zoning Code requires that developers improve adjacent City rights of way consistent with adopted street standards. Gateway improvements could also be required if they do not add significant expense.</p> <p>Design guidelines and regulations have been adopted.</p>
<p><b>Goal NRH 18</b> – Encourage increased residential capacity in the North Rose Hill Business District to help meet housing needs.</p> <p><b>Policy NRH 18.1:</b> Allow increased height when upper story residential use is provided.</p> <p>The narrative text associated with this policy discusses the desire to provide incentives to make upper story residential use more profitable than commercial use.</p> <p><b>Policy NRH 18.2:</b> Implement regulatory and other incentives to encourage affordable housing in conjunction with Citywide efforts.</p>	<p>New zoning regulations for the NRH 1A and 1B zones allow residential uses up to 5 stories (the first story must be commercial use). Office and retail uses are limited to two stories.</p> <p>In 2004, amendments to the Zoning Code were adopted which provide incentives for affordable housing in many zones of the City, including the North Rose Hill Business District. Incentives include increased structure height and increased lot coverage.</p>
<p><b>Goal NRH 19</b> – Limit the types of commercial uses to those that are compatible with the residential focus of the North Rose Hill Business District.</p> <p><b>Policy NRH 19.1:</b> Designate the following subareas to address site-specific development standards.</p> <p style="text-align: center;"><b>NRH 1A</b></p>	<p>The specific location of the following subareas is shown on the neighborhood plan land use map (Figure HRH-4). The Zoning Map was revised to be consistent with the plan map.</p> <p>This area is shown on both the neighborhood plan land use</p>

# Regulations Implementing the North Rose Hill Neighborhood Plan

GOALS AND POLICIES	IMPLEMENTING REGULATIONS
<p>•West of 124th Avenue NE is a mixed-use retail commercial/residential designation.</p> <p>•This area should have a regional commercial character that supports and promotes the residential development that is being encouraged to locate there. Uses should be compatible with residential development.</p> <p>•The types of commercial uses allowed in this area should be compatible with the community and the region. Car and boat dealerships and big box retail uses are prohibited.</p> <p>•Increased building heights should be allowed in order to provide sufficient incentive to develop a range of housing choices in conjunction with commercial development.</p> <p>•Buildings exceeding two stories must be developed with residential uses above the ground floor. A maximum of five stories is permitted.</p> <p>•Hotel uses are appropriate to a maximum of four stories. These facilities should be designed to be compatible with the residential character of the area.</p> <p>•With any development at the corner of NE 116th Street and 124th Avenue NE, neighborhood gateway features, such as open space, plaza, or signage should be integrated with a pedestrian connection linking Slater Avenue NE and NE 116th Street. In the alternative, a corner feature should be provided.</p> <p style="text-align: center;"><b>NRH 1B</b></p> <p>•East of 124th Avenue NE is a mixed-use retail commercial/residential designation.</p> <p>•This area should have a neighborhood commercial character to support and promote the residential development that is being encouraged to locate there. Uses should be compatible with residential development.</p> <p>•The types of commercial uses allowed in this area should be limited to both office uses and those retail uses that serve the people working and living in Kirkland. Traditional neighborhood business uses are retail sales of goods and services with limited gross floor area. Car and boat dealerships, hotels/motels, entertainment, and big box retail uses are prohibited.</p> <p>•Increased building heights should be allowed in order to encourage new residential development or redevelopment in conjunction with commercial development. Buildings exceeding two stories must be developed with residential uses above the ground floor. A maximum of five stories is permitted.</p>	<p>map (Figure NRH-4) and the Zoning Map as “NRH 1A.” NRH 1A Zoning Code regulations that implement plan policies are:</p> <ul style="list-style-type: none"> <li>• Commercial and residential uses are allowed.</li> <li>• Any retail use uses are allowed except: <ul style="list-style-type: none"> <li>○ “Vehicle or boat sales or rental facilities” (<b>Note: neighborhood plan refers to “car and boat dealerships.”</b>)</li> <li>○ “Retail establishments providing storage services...”</li> <li>○ “Storage and operation of heavy equipment...”</li> <li>○ “Outdoor storage of bulk commodities, except...”</li> </ul> </li> <li>• The maximum floor area of retail uses is 60,000 sq. ft.</li> <li>• Maximum permitted heights are: <ul style="list-style-type: none"> <li>○ Commercial uses: 2 stories.</li> <li>○ Residential uses: 5 stories (with ground floor commercial).</li> <li>○ Hotels: 4 stories.</li> </ul> </li> <li>• Development is subject to design review for compliance with the Design Guidelines for Pedestrian Oriented Business Districts. (Design guidelines for the North Rose Hill Business District call for the construction of a gateway feature.)</li> </ul> <p>This area shown on both the neighborhood plan land use map (Figure NRH-4) and the Zoning Map as “NRH 1B.” NRH 1B Zoning Code regulations that implement plan policies are:</p> <ul style="list-style-type: none"> <li>• Commercial and residential uses are allowed</li> <li>• Any retail use uses are allowed except: <ul style="list-style-type: none"> <li>○ “Entertainment and recreational facilities.”</li> <li>○ “Vehicle or boat sales or rental facilities.” (<b>Note: neighborhood plan refers to “car and boat dealerships.”</b>)</li> <li>○ “Retail establishments providing storage services...”</li> <li>○ “Storage and operation of heavy equipment...”</li> <li>○ “Outdoor storage of bulk commodities, except...”</li> </ul> </li> <li>• Hotels are not listed as a permitted use.</li> <li>• The maximum floor area of retail uses is 10,000 sq. ft.</li> <li>• Maximum permitted heights are: <ul style="list-style-type: none"> <li>○ Commercial uses: 2 stories.</li> </ul> </li> </ul>

# Regulations Implementing the North Rose Hill Neighborhood Plan

GOALS AND POLICIES	IMPLEMENTING REGULATIONS
<p>•Establish 15-foot landscape buffers between commercial development and adjacent residential uses.</p> <p style="text-align: center;"><b>NRH 2</b></p> <p>•This area borders I-405 and provides a transition between the freeway and established residential areas to the east, and between the mixed-use retail/residential uses to the north along 116th Street and established residential areas to the south.</p> <p>•Stand-alone or mixed-use office/residential uses should be developed.</p> <p>•Provide flexibility in density to encourage residential development and affordable housing.</p> <p>•The types of commercial uses allowed should be limited to those compatible with the residential focus of the area. Retail uses, restaurants, and taverns should be prohibited.</p> <p>•Establish building and site design standards that require pedestrian orientation, horizontal and vertical modulation, peaked roofs, parking lot placement in side and rear yards, and other elements to increase compatibility with surrounding residential uses. Building mass should be oriented away from low density areas.</p> <p>•Building heights should not exceed the maximum elevations of adjacent multifamily residential development to the east.</p> <p>•To encourage residential redevelopment some height increase is justified. Buildings exceeding two stories must be developed with residential uses above the ground floor.</p> <p style="text-align: center;"><b>NRH 3</b></p> <p>•This area functions as a transition between the mixed-use retail/residential uses to the north along NE 116th Street and established residential areas to the south.</p> <p>•Stand-alone offices or residential uses or mixed-use office/multifamily uses are appropriate.</p> <p>•The types of commercial uses allowed should be compatible with the residential focus of the area. Retail uses, restaurants, and taverns are prohibited.</p>	<ul style="list-style-type: none"> <li>○ Residential uses: 5 stories (with ground floor commercial).</li> </ul> <ul style="list-style-type: none"> <li>• Commercial uses are required to meet “landscape category B,” which requires a 15 foot wide buffer adjacent to residential uses.</li> <li>• Development is subject to design review for compliance with the Design Guidelines for Pedestrian Oriented Business Districts.</li> </ul> <p>This area is shown on both the neighborhood plan land use map (Figure NRH-4) and the Zoning Map as “<i>NRH 2.</i>” NRH 2 Zoning Code regulations that implement plan policies are:</p> <ul style="list-style-type: none"> <li>• Office and residential uses are allowed.</li> <li>• There is no density limit for residential (controlled by building height, etc.).</li> <li>• Retail uses (including restaurants and taverns) are not permitted.</li> <li>• Development is subject to design review for compliance with the Design Guidelines for Pedestrian Oriented Business Districts.</li> <li>• The maximum height of residential uses is 30 ft above Slater Ave. The maximum height of other uses is 30 ft. above average building elevation (which is lower than Slater Ave.).</li> </ul> <p>This area is shown on both the neighborhood plan land use map (Figure NRH-4) and the Zoning Map as “<i>NRH 3.</i>” NRH 3 Zoning Code regulations that implement plan policies are:</p> <ul style="list-style-type: none"> <li>• There is no density limit for residential (controlled by building height, etc.)</li> <li>• Retail uses (including restaurants and taverns) are not permitted</li> <li>• The maximum height of all uses is 30 ft. above average</li> </ul>

# Regulations Implementing the North Rose Hill Neighborhood Plan

GOALS AND POLICIES	IMPLEMENTING REGULATIONS
<p>•Provide flexibility in density to encourage residential development and affordable housing.</p> <p>•Building height should not exceed three stories to provide a transition to the established multifamily and single-family homes to the east and south.</p> <p>•Impacts from development should be mitigated adjoining established single-family areas located to the east and south.</p> <p>•A 15-foot-wide heavily landscaped buffer should be provided, and building mass should be oriented away from low density areas. Design standards should require pedestrian orientation, horizontal modulation, and blank wall treatments, to increase compatibility with surrounding residential uses. Peaked roofs are encouraged. Property abutting the publicly owned open space to the east should provide pedestrian connection to 124th Avenue NE.</p> <p style="text-align: center;"><b>NRH 4</b></p> <p>•Allow general commercial uses north of NE 116th and east of Slater Avenue NE.</p> <p>•The existing North Park Business Center includes some wholesale/manufacturing uses as a carryover from when the area was designated for industrial development. Continue to allow new wholesale/manufacturing uses in the existing structures if they maintain or enhance compatibility with nearby residential development. Relocate nonconforming businesses to sites that do not adjoin residential development and are specifically designated for industrial uses and development, if and when redevelopment occurs.</p> <p>•Limit building height to a maximum of three stories to reflect the scale of multifamily residential development surrounding much of NRH 4.</p> <p>•Some height increase is justified to encourage residential redevelopment and affordable housing. Buildings exceeding two stories must be developed with residential uses on one floor.</p> <p>•Bring parking lot landscaping and design into conformance as redevelopment occurs.</p> <p>•Establish building and site design standards for redevelopment to require pedestrian orientation, horizontal modulation, blank wall treatments, parking lot landscaping, lighting and noise limits, and 15-foot landscape buffers between commercial development and adjacent residential uses.</p>	<p>building elevation. The height is restricted to 25 ft. within 100 ft. of a low density zone</p> <ul style="list-style-type: none"> <li>• Office uses are required to meet “<i>landscape category B,</i>” which establishes a 15 foot wide buffer adjacent to residential uses. <b>Multi-family residential uses are required to meet “<i>landscape category D,</i>” which establishes a 5 ft. wide buffer adjacent to residential uses</b></li> <li>• Development is subject to design review for compliance with the Design Guidelines for Pedestrian Oriented Business Districts.</li> <li>• The desired connection to the public open space may be required through the design review process. The design review procedures in the Zoning Code establish the authority of the Design Review Board to review projects for consistency with: “<i>The applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.</i>”</li> </ul> <p>This is area shown on both the neighborhood plan land use map (Figure NRH-4) and the Zoning Map as “<i>NRH 4.</i>” NRH 4 Zoning Code regulations that implement plan policies are:</p> <ul style="list-style-type: none"> <li>• Retail, office, residential and limited light industrial uses are allowed</li> <li>• Industrial uses are only allowed within the existing structure on the property (built originally under light industrial zoning)</li> <li>• For all uses other than residential, the maximum building height is 30 ft. For residential use, the maximum is 35 ft.</li> <li>• Commercial uses are required to meet “<i>Landscape Category A</i>” or “<i>Landscape Category B,</i>” which establish a 15 foot wide buffer adjacent to residential uses.</li> <li>• Development is subject to design review for compliance with the Design Guidelines for Pedestrian Oriented Business Districts</li> </ul> <p>Nonconforming parking lot landscaping is governed by City-wide regulations. Landscaping must be brought into conformance when:</p> <ul style="list-style-type: none"> <li>• Floor area is increased, or</li> </ul>

# Regulations Implementing the North Rose Hill Neighborhood Plan

GOALS AND POLICIES	IMPLEMENTING REGULATIONS
<p style="text-align: center;"><b>NRH 5</b></p> <ul style="list-style-type: none"> <li>• Allow office and residential uses with a density of 24 units per acre at the following two locations where existing office uses are currently located: <ul style="list-style-type: none"> <li>– At the southeast corner of 120th Street and Slater Avenue NE.</li> <li>– At the property surrounded by the Ridgewood Village multifamily development abutting Slater Avenue NE.</li> </ul> </li> <li>• The types of commercial uses allowed should be compatible with the residential focus of the area. Retail uses, restaurants, and taverns are prohibited.</li> </ul> <p style="text-align: center;"><b>NRH 6</b></p> <ul style="list-style-type: none"> <li>• Allow either stand-alone residential use with a density of 24 units per acre or office use on the ground floor and residential uses above on the lot abutting Slater Avenue NE between the Totem Firs and Slater Park multifamily developments.</li> <li>• The types of commercial uses allowed should be compatible with the residential focus of the area. Retail uses, restaurants, and taverns are prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>• The use is changed and the new use requires more parking, or</li> <li>• An alteration is made to the structure and the cost of work exceeds 50% of the replacement cost of the structure.</li> </ul> <p>This area is shown on both the neighborhood plan land use map (Figure NRH-4) and the Zoning Map as “NRH 5.” NRH 5 Zoning Code regulations that implement plan policies are:</p> <ul style="list-style-type: none"> <li>• Office use is allowed.</li> <li>• Residential use is allowed with a maximum permitted density is 1 unit/ 1800 sq. ft. of lot area (= 24.2 units/ acre).</li> <li>• No retail uses (including restaurant and taverns) are allowed.</li> </ul> <p>This area is shown on both the neighborhood plan land use map (Figure NRH-4) and the Zoning Map as “NRH 6.” NRH 6 Zoning Code regulations that implement plan policies are:</p> <ul style="list-style-type: none"> <li>• Residential use is allowed with a maximum permitted density is 1 unit/ 1800 sq. ft. of lot area (= 24.2 units/ acre).</li> <li>• Office use is allowed only on the ground floor.</li> <li>• No retail uses (including restaurant &amp; taverns) are allowed.</li> </ul>
<p><b>Goal NRH 20</b> – Support the goals and policies found in the NE 85th Street Subarea chapter of the Comprehensive Plan for land development.</p>	<p>This goal acknowledges that a portion of the NE 85<sup>th</sup> St. Corridor is within the North Rose Hill Neighborhood.</p>
<p><b>Goal NRH 21</b> – Maintain and enhance the arterial street network.</p> <p><b>Policy NRH 21.1:</b> Enhance the arterial street network with the following improvements: The Plan lists specific standards for the following streets:</p> <ul style="list-style-type: none"> <li>• 124<sup>th</sup> Avenue NE</li> <li>• 132<sup>nd</sup> Avenue NE</li> <li>• NE 116<sup>th</sup> Street</li> <li>• Slater Avenue NE</li> </ul>	<p>Implementation of this policy will require construction of improvements by the City, with funding prioritized through the Capital Improvement Program. In addition, the Zoning Code requires that developers improve adjacent City rights of way consistent with adopted street standards.</p>
<p><b>Goal NRH 22</b> – Manage traffic impacts within the neighborhood to enhance neighborhood mobility and provide for more equitable distribution of traffic on neighborhood streets.</p>	

## **Regulations Implementing the North Rose Hill Neighborhood Plan**

<b>GOALS AND POLICIES</b>	<b>IMPLEMENTING REGULATIONS</b>
<p><b>Policy NRH 22.1:</b> Prepare a traffic calming analysis and program for the existing and proposed street network.</p> <p><b>Policy NRH 22.2:</b> Consider alternative design to conventional “grid patterned” streets to address topographic and sensitive area constraints, aesthetics, and safety of children and pedestrians/bicyclists, while at the same time considering emergency vehicular access.</p> <p><b>Policy NRH 22.3:</b> Map where anticipated street connection locations could be considered with future infill development in order to provide predictability in the development process and for the neighborhood.</p> <p style="padding-left: 40px;">Narrative associated with this policy refers to Figure NRH6 and Table NRH-1 which map and list potential street connections. The narrative states that the feasibility of the connections and their exact locations are to be determined at the time of development.</p>	<p>The Public Works Department initiated a neighborhood-wide analysis. Data was collected and presented to the neighborhood. The neighborhood decided not to pursue additional traffic calming measures. Further implementation of this policy will occur through the normal procedures of the City's Neighborhood Traffic Program.</p> <p>Implementation of this policy will occur during City approval of proposed subdivisions and Planned Unit Developments.</p> <p>Implementation of the connections will occur during the review of proposed subdivisions and Planned Unit Developments.</p>
<p><b>Goal NRH 23</b> – Control development adjoining 124th and 132nd Avenues NE to enhance safety and efficiency of circulation.</p> <p><b>Policy NRH 23.1:</b> Discourage direct access.</p> <p style="padding-left: 40px;">The narrative text associated with this policy states: <i>“If driveways to 124<sup>th</sup> and 132<sup>nd</sup> Avenues NE must be provided, separation of at least 300 feet should be required.”</i></p> <p><b>Policy NRH 23.2:</b> Design buildings and landscape adjoining development to minimize potential noise and visual impacts generated by traffic on 124th and 132nd Avenues NE.</p>	<p>Implementation of this policy will occur during City approval of proposed development permits.</p> <p><b>It is unclear how implementation of this policy will occur. The City does not have regulations for this purpose.</b></p>
<p><b>Goal NRH 24</b> – Avoid development of unimproved rights-of-way impacted</p>	

## **Regulations Implementing the North Rose Hill Neighborhood Plan**

<b>GOALS AND POLICIES</b>	<b>IMPLEMENTING REGULATIONS</b>
<p>by sensitive areas.</p> <p><b>Policy NRH 24.1:</b> Do not improve the following specific right-of-way segments:</p> <ul style="list-style-type: none"> <li>• 126th Avenue NE, south of NE 100th Street.</li> <li>• 120th Avenue NE, from NE 92nd Street to NE 90th Street.</li> <li>• NE 92nd Street, west of 122nd Avenue NE.</li> </ul>	<p>The segment of 126<sup>th</sup> Avenue NE mentioned is within Woodlands Park and will remain unopened as part of the park. Maintenance of the other unopened rights of way will occur through the development review process. Drainage basin regulations in the Zoning Code restrict the building of new roads within a wetland, stream or buffer.</p>
<p>Narrative text prior to goal 25 states: "...bicycle lanes should be located on 132<sup>nd</sup> Avenue NE, 124<sup>th</sup> Avenue NE and Slater Avenue NE."</p> <p><b>Goal NRH 25</b> – Maintain and enhance the street network for all modes of transportation.</p> <p><b>Policy NRH 25.1:</b> Encourage mobility and the use of nonmotorized transportation by providing appropriate facilities for pedestrians and bicyclists throughout the North Rose Hill neighborhood and between neighborhoods.</p> <p><b>Policy NRH 25.2:</b> Develop the following new nonmotorized connections to provide convenient and safe pedestrian mobility between the business districts and residential areas in the neighborhood: (Connections are listed.)</p>	<p>Implementation of this goal and these policies will require construction of improvements by the City, with funding prioritized through the Capital Improvement Program. In addition, the Zoning Code requires that developers improve adjacent City rights of way consistent with adopted street standards.</p>
<p><b>Goal NRH 26</b> – Prioritize acquisition of a new neighborhood park where park level of service is deficient.</p> <p><b>Policy NRH 26.1:</b> Acquire suitable land in the northwest portion of the neighborhood for neighborhood park development.</p> <p><b>Policy NRH 26.2:</b> Consider other locations for park and open space acquisition as opportunities arise.</p>	<p>Implementation of this goal and these policies will require land acquisition and improvement by the City, with funding prioritized through the Capital Improvement Program.</p>
<p><b>Goal NRH 27</b> – Seek opportunities to develop community meeting places.</p>	

## ***Regulations Implementing the North Rose Hill Neighborhood Plan***

<b>GOALS AND POLICIES</b>	<b>IMPLEMENTING REGULATIONS</b>
<p><b>Policy NRH 27.1:</b> Provide a community gathering place at Woodlands Park in conjunction with the development of the Williamson property.</p> <p style="padding-left: 40px;">Narrative text associated with this policy mentions a picnic shelter as an example.</p>	<p>Implementation of this policy will require construction of improvements by the City, with funding prioritized through the Capital Improvement Program. In addition, the neighborhood has been fund raising and organizing to build a new playground.</p>
<p><b>Goal NRH 28</b> – Seek opportunities to develop off-street trails for recreational use that connect activity nodes and neighborhoods.</p> <p><b>Policy NRH 28.1:</b> Explore the potential for a trail connecting the North Rose Hill neighborhood to the South Rose Hill and Totem Lake neighborhoods within the Seattle City Light Power Line Easement.</p>	<p>Implementation of this policy will require construction of improvements by the City, with funding prioritized through the Capital Improvement Program. In addition, through the development review process, City staff has required and will continue to require developers to improve streets and sidewalks and trails within the City Light easement.</p>
<p><b>Goal NRH 29</b> – Create a stormwater collection and transmission system that decreases peak flows, reduces flooding, and that protects and improves water quality.</p> <p><b>Policy NRH 29.1:</b> Protect and improve water quality through the use of the best available source control and treatment practices.</p> <p><b>Policy NRH 29.2:</b> Mitigate stormwater impacts of past and future development through reduction of the height and duration of peak flows.</p>	<p>Implementation of these policies occurs through the development review process as well as through City constructed improvements. The City has adopted the King County Surface Water Manual and requires new development to make the improvements required by the manual. The City also constructs major storm water improvements using funds collected through the City’s Storm Water Utility and prioritized through the Capital Improvement Program.</p>
<p><b>Goal NRH 30</b> – Enhance and protect the Forbes Creek and Juanita Creek Basins in the North Rose Hill neighborhood.</p> <p><b>Policy NRH 30.1:</b> Investigate water quality and Forbes Lake flooding/levels and develop projects and programs to address identified problems.</p> <p><b>Policy NRH 30.2:</b> Give funding priority to projects and programs that address identified water quality and lake flooding/level problems.</p>	<p>Implementation of these policies occurs through storm water improvements constructed by the City using funds collected by the City’s Surface Water Utility and prioritized through the Capital Improvement Program.</p>
<p><b>Goal NRH 31</b> – Provide sanitary sewers to those areas currently on septic</p>	

## ***Regulations Implementing the North Rose Hill Neighborhood Plan***

<b>GOALS AND POLICIES</b>	<b>IMPLEMENTING REGULATIONS</b>
<p>systems pursuant to the Sanitary Sewer Comprehensive Plan.</p> <p><b>Policy NRH 31.1:</b> Install new sanitary sewer systems concurrent with new development.</p> <p><b>Policy NRH 31.2:</b> Maintain individual property owners' existing septic systems in high working order.</p> <p><b>Policy NRH 31.3:</b> Eliminate failing septic systems.</p>	<p>Implementation of this policy occurs during City approval of proposed development permits. New structures are required to connect to a public sewer if a sewer line is located within 330 feet of the property. Otherwise, a septic system may be used if approved by the King County Health Dept.</p> <p><b>There is no regulation or action of the City to implement this policy. Maintenance of septic systems is the responsibility of property owners.</b></p> <p>The City encourages property owners to eliminate septic systems and connect to the public sewer through the Emergency Sewer Program. Through this program, the City will pay for a sewer extension if property owners agree to pay the City back over a period of time.</p>
<p><b>Goal NRH 32</b> – Provide water service to new development in accordance with the Water Comprehensive Plan.</p> <p><b>Policy NRH 32.1:</b> Provide potable water to meet water quality and fire flow standards.</p> <p><b>Policy NRH 32.2:</b> Encourage the efficient use of and conservation of potable water by the adoption of appropriate development standards.</p>	<p>Implementation of this policy occurs during City approval of proposed development permits.</p> <p>New construction is required to meet the International Building Code, which includes requirements for low flow toilets.</p>
<p><b>Goal NRH 33</b> – Ensure that public improvements and private development contribute to neighborhood quality and identity in the North Rose Hill Business District.</p> <p><b>Policy NRH 33.1:</b> Establish building and site design standards that apply to all new, expanded, or remodeled commercial, multifamily, or mixed-use buildings.</p> <p><b>Policy NRH 33.2:</b> Utilize the design review process to administer building and site design standards applicable to commercial, multifamily, and mixed-use development. Design review will ensure compliance with these standards.</p>	<p>Policies 33.1 and 33.2 are implemented through new zoning regulations that were adopted for the North Rose Hill Business District. The new regulations require that most new development be approved through a design review process. Through this process, development is reviewed for compliance with design regulations and Design Guidelines for Pedestrian Oriented Business Districts.</p>

## ***Regulations Implementing the North Rose Hill Neighborhood Plan***

<b>GOALS AND POLICIES</b>	<b>IMPLEMENTING REGULATIONS</b>
<p><b>Policy NRH 33.3:</b> Minimize the appearance of parking areas through location and shared facilities. Parking in front of buildings is discouraged. Combined lots that serve more than one business or use are encouraged.</p> <p><b>Policy NRH 33.4:</b> Include high quality materials, the use of public art, bicycle and pedestrian amenities, directional signs on all arterials, and other measures for public buildings, and public infrastructure, such as streets, and parks.</p>	<p>This policy will be implemented through City-wide parking regulations in the Zoning Code that encourage shared parking and by design regulations and guidelines that limit parking in front of buildings.</p> <p>Implementation of this policy will occur as follows:</p> <ul style="list-style-type: none"> <li>• Building materials are addressed by design regulations in the Zoning Code and the Design Guidelines for Pedestrian Oriented Business Districts.</li> <li>• Bicycle and pedestrian amenities are addressed in Chapter 105 of the Zoning Code.</li> <li>• Street improvement requirements are established by Chapter 110 of the Zoning Code.</li> <li>• Park improvements will require construction of by the City, with funding prioritized through the Capital Improvement Program.</li> </ul>
<p><b>Goal NRH 34</b> – Provide transitions between the commercial and residential uses in the neighborhood.</p> <p><b>Policy NRH 34.1:</b> Establish site and building development requirements such as landscape buffers and height regulations that address transition areas and protect nearby residential neighborhoods.</p>	<p>Implementation of this policy is through City-wide Zoning Code regulations. For all non-residential zones, zoning regulations assign each permitted use a “Landscape Category.” Chapter 105 of the Zoning Code establishes a buffering requirement based on the Landscape Category and the abutting use.</p>
<p><b>Goal NRH 35</b> – Promote high quality design by establishing building and site design standards that apply to all new innovative residential designs and styles like attached, clustered, compact single-family, or cottage housing in low density zones.</p> <p><b>Policy NRH 35.1:</b> Establish design standards that address: building placement on the site, clustering, open space preservation, building scale in proportion with the lot and with the surrounding neighborhood, preservation of existing vegetation, and integration with detached single-family homes.</p>	<p>The City is now in the process of evaluating whether to allow such alternative types of housing City-wide, and if so under what conditions and design standards.</p>
<p><b>Goal NRH 36</b> – Provide streetscape improvements throughout the neighborhood that contribute to a sense of neighborhood identity and</p>	

## **Regulations Implementing the North Rose Hill Neighborhood Plan**

<b>GOALS AND POLICIES</b>	<b>IMPLEMENTING REGULATIONS</b>
<p>enhanced visual quality.</p> <p><b>Policy NRH 36.1:</b> Establish a street tree plan for the neighborhood. Trees bordering streets can unify the neighborhood’s landscape.</p> <p><b>Policy NRH 36.2:</b> Develop center landscape medians and/or other enhancements along 132nd and 124th Avenues NE with extensive greenery to visually soften and enhance these arterials.</p> <p><b>Policy NRH 36.3:</b> Incorporate design features into pedestrian routes.</p>	<p>City staff maintains a list of trees that are acceptable for planting as street trees City-wide. <b>There is not a plan for street trees that is specific to North Rose Hill.</b></p> <p>Implementation of these policies will require construction of street improvements by the City with funding prioritized through the Capital Improvement Program. In addition, the Zoning Code requires that developers improve adjacent City rights of way consistent with adopted street standards. The street standards include street trees planted adjacent to sidewalks.</p>
<p><b>Goal NRH 37</b>– Develop gateway features that strengthen the character and identity of the neighborhood.</p> <p><b>Policy NRH 37.1:</b> Use public and private efforts to establish gateway features at the locations identified in Figure NRH-10.</p>	<p>Implementation of this policy will require construction of street improvements by the City, with funding prioritized through the City Capital Improvement Program. Implementation also may occur through the development review process if the required gateway improvements are within the general scope of normal right of way improvements.</p>
<p><b>Goal NRH 38</b> – Preserve territorial views.</p> <p><b>Policy NRH 38.1:</b> Preserve the territorial view of the Totem Lake commercial area from NE 120th Street.</p>	<p>This policy will be implemented by City actions to keep the right of way unobstructed.</p>



## **MEMORANDUM**

**Date:** January 23, 2006

**To:** David Ramsay

**From:** Eric Shields

**Subject:** Zoning Code Consistency with the Comprehensive Plan

On two recent occasions, issues arose in which there were inconsistencies between zoning regulations and the Comprehensive Plan. These incidents prompted Council members to question the overall extent and implications of inconsistencies. This memorandum discusses:

- The legal authority of the Comprehensive Plan and Zoning Code;
- Recent cases where inconsistencies were discovered; and
- How to avoid further inconsistencies and correct existing inconsistencies.

In preparing this memorandum I have consulted with Robin Jenkinson, City Attorney.

### **Legal Authority of the Comprehensive Plan and Zoning Code**

The Comprehensive Plan is a document that sets forth the City's long range (20 year) plan for managing growth. It is a policy document that serves as a guide to other City actions, such as adopting development regulations and capital improvement decisions. Growth hearings board and court decisions have ruled that a Comprehensive Plan may not be used to directly regulate development unless a provision of a plan is specifically incorporated by reference into a zoning regulation. In such cases, where there is a conflict between the Zoning Code and Comprehensive Plan, the Zoning Code will prevail.

The Zoning Code establishes regulations that apply to the use and development of private property. Under the Growth Management Act, zoning regulations must be consistent with the Comprehensive Plan.

### **When Is the Comprehensive Plan Used in Kirkland's Development Review Process**

For developments that merely require administrative approval, such as building permits, the Planning Department evaluates applications only for compliance with the Zoning Code and other applicable development regulations, not the Comprehensive Plan. However, for three types of development applications, Kirkland zoning regulations specifically require some level of review for consistency with the Comprehensive Plan. The three types of applications are discussed below:

**Properties Governed by Zoning Map Suffixes** The Kirkland Zoning Map shows a notation (called a suffix) on approximately twelve properties. Most of the properties containing a suffix have already been developed, so there are few remaining that will be affected by this method of regulation in the future.

There are four different suffixes, each of which is explained in the legend of the map. The explanation for each suffix includes the following statement:

*Development proposal must be consistent with the appropriate neighborhood plan policies, specifically applicable to this property, contained in the Comprehensive Plan.*

The explanation for one of the suffixes goes on to state that the development must be processed through Process IIA. Another suffix requires approval through Process IIB. Yet another suffix, which applies to only one property, provides a restriction on the location of a certain type of land use. An example of a property governed by a suffix is the property rezoned to allow expansion of the Honda automobile dealership on NE 85<sup>th</sup> St. for which the NE 85<sup>th</sup> St. Subarea Plan establishes an extensive list of development standards.

In light of the court and hearing board cases referenced above, enforcement of the applicable neighborhood policies through the Zoning Map suffixes could be challenged. The policies are typically more restrictive than the zoning regulations that would otherwise apply. Such a conflict could be interpreted in favor of the zoning regulations. On the other hand, the City might argue that using the policies as regulations is acceptable since the policies are applied to specifically identified properties on the Zoning Map. We would certainly be on firmer ground, however, if the policies were more explicitly incorporated into the Zoning Code.

**Quasi-judicial Land Use Decisions** The Zoning Code requires some uses or development proposals to be approved using one of several types of quasi judicial processes (e.g. processes I, IIA and IIB). For each of these processes, the Code includes a criterion that allows for some consideration of the Comprehensive Plan. Specifically, the decision maker may approve such an application only upon finding that the application:

*...is consistent with all applicable development regulations and, to the extent that there is no applicable development regulation, the Comprehensive Plan.*

**Design Review** Similarly, for applications that require approval by the Design Review Board, the Zoning Code directs the DRB to review applications for consistency with design guidelines, design regulations and:

*The downtown plan, Juanita Business District Plan, the Totem Lake Neighborhood Plan and goals and policies in the North Rose Hill Neighborhood Plan for the North Rose Hill Business District contained in the Comprehensive Plan.*

In light of the Growth Hearings Board and court decisions mentioned above, using the Comprehensive Plan in the review of the above types of applications is somewhat problematic. While decisions indicate that zoning regulations may incorporate the Comprehensive Plan by reference, there is still the potential for conflict between the Zoning Code and the Comprehensive Plan. This is particularly problematic when the reference to the Comprehensive Plan is very general and implies that the project will be reviewed against City-wide policies rather than just area-specific or property-specific policies. In addition, by referencing the Comprehensive Plan, the zoning regulations mislead the public into thinking of the Comprehensive Plan as a regulatory document,

### **Recent Cases Where There Were Inconsistencies**

1. **Motorcycle Sales** In response to an inquiry about locating a motorcycle sales business in the NRH 1 zone, a difference in wording between language in the Zoning Code and Comprehensive Plan was discovered. The North Rose Hill chapter of the Comprehensive Plan states: “Car and boat dealerships...are prohibited” in the NRH 1A subarea. In contrast, within the Zoning Code, a special regulation for the NRH 1A zone prohibits: “vehicle or boat sales or rental facilities.” Clearly, there is a difference in wording that could have and, in retrospect, should have been resolved during the drafting of the plan and zoning. At the time, there was little or no thought to the consequences of the difference.

(As an aside, I should add that there was also no thought given to the possibility of an indoor vehicle or car sales business, so neither the plan nor zoning addressed such a circumstance. This points to the fact that plans and zoning regulations rarely anticipate all situations and so there is constantly the need for interpretation and subsequent amendments.)

2. **Almond Condos** Inconsistencies were also an issue during the Design Review Board (DRB) review of the Almond Condominiums also located in North Rose Hill. Two inconsistencies were discussed.

**Buffers** The first was a difference in the width of a buffer along the boundary of the proposed condominiums with adjacent single family uses. The North Rose Hill Neighborhood Plan states that the buffer should be 10 ft. in width. The Zoning Code establishes different buffer requirements for offices (10 ft. in width) and multi-family uses (5 ft. in width). The zoning regulations are consistent with the way buffering is required in similar situations elsewhere in the City. Staff has concluded that the language in the Comprehensive Plan was carried over from the previous neighborhood plan. In that plan, only offices were allowed on the Almond property. When multi-family was allowed as a permitted use with the new plan, a change to the Comprehensive Plan buffering language should have been made (or else the zoning regulations should have been changed). As it turned out, the applicant designed the site to provide a 10 ft. wide buffer.

**Tree Grove Protection** The other issue that was characterized as an inconsistency during the Almond project review had to do with protection of a grove of trees. The North Rose Hill Neighborhood Plan includes a general policy that states: “*Protect notable trees and groves of trees.*” However, the plan does not define or identify specific notable trees or groves of trees. The Almond property contained a number of trees in the SW portion of the site which the DRB concluded constituted a grove worthy of saving. During the review of the project, the Board, asked the applicant to explore site plan alternatives that saved as many of the trees as possible, but the applicants indicated that other development constraints on the property (most notably the Seattle City Light transmission line easement on the east side of the property) prevented them from doing so. The applicants noted that the Zoning Code includes the following language:

*The City may require minor alterations in the arrangement of buildings and other elements of the proposed development in order to achieve the maximum retention of significant trees. The City may not require an alteration which will result in a significant added expenditure to the applicant or in a decrease in the number of units or bulk of structures permitted.*

As a result, the DRB reluctantly approved the application without saving the number of trees they desired. As an aside, the DRB was also generally unimpressed with the overall design of the development and concluded that existing design regulations and guidelines do not provide sufficient tools to address this kind of situation.

I believe that this is not primarily a case of an inconsistency between the Comprehensive Plan and zoning regulations. It does, however, raise other issues:

- **How should a general policy within a neighborhood plan be interpreted and applied to site specific development applications?** Was it the intent of the North Rose Hill Neighborhood Plan that tree protection policies be implemented through neighborhood specific regulations? I don't believe so. During the North Rose Hill planning process, the staff and Planning Commission were aware that city-wide tree regulations would soon be updated and concluded that it would be appropriate for those regulations to govern tree preservation in North Rose Hill. Unfortunately, the Almond application preceded completion of the new regulations.
- **How extensively should the DRB review projects for consistency with the Comprehensive Plan?** As noted above, the Zoning Code gives the DRB authority to review an application for consistency with "...goals and policies in the North Rose Hill Neighborhood Plan for the North Rose Hill Business District contained in the Comprehensive Plan." (emphasis added) In addressing tree preservation, the DRB referred to a general neighborhood-wide policy about protecting groves of trees.
- **To what degree should the DRB have authority to require major changes in site plans for the purpose of saving trees?** Are additional design guidelines needed?

### **How to Avoid and Correct Inconsistencies**

Following are ideas for what we can do to avoid inconsistencies in the future as well as to identify and correct possible inconsistencies that may already exist:

- The City would be on firmer legal ground in enforcing neighborhood plan policies through a Zoning Map suffix if we either incorporated the policies as regulations in the appropriate Zoning Code Use Zone Charts, or at least revised the Use Zone Charts to specifically reference the policies.
- In preparing neighborhood plans and code amendments, we need to do a better job of proofreading. Part of the process should be to carefully compare the text of the plan and zoning and make sure they agree. In recent years, this aspect of the process may have suffered somewhat due to the overall large number of projects within the Planning Department. This may have been compounded by the fact that many projects are targeted for adoption at the end of the year, creating a workload crunch. In the future it may be better to do somewhat fewer projects at the same time and/or stagger completion dates.

Also, to help sort out potential problems with regulatory language, it would be desirable for planners who are involved in the day to day review of development activities to review and suggest changes to draft code amendments. Involving the City Attorney's Office early in the code development process, such as was done in drafting the new tree regulations, is also helpful.

In preparing zoning regulations and design guidelines for the Rose Hill and Totem Lake Business Districts, we have made a concerted effort to ensure that regulations are consistent with the adopted neighborhood plans.

- Preparing zoning regulations simultaneously with a neighborhood plan is helpful. Wording nuances may arise during the drafting of zoning regulations that may not have been easily foreseen during the drafting of policies. To ensure consistency, it is helpful to have the option of changing the wording of a policy rather than the regulation.
- In drafting neighborhood policies, it may be advisable to avoid using language that sounds regulatory. Because the plan is fundamentally a guide, policies should typically be broader and less specific than

regulations.

- Despite our best efforts, some inconsistencies or ambiguities are likely to occur on occasion. The Planning Department keeps a long list of potential code amendments. However, our ability to process code amendments is limited due to other higher work program priorities. In the future, I would suggest giving higher priority to such code amendments to allow us to catch up. Similarly, it is important to consider corrections to the Comprehensive Plan, including neighborhood plans, as part of our annual amendment process.

If there is a high level of concern about inconsistencies, the City Council could direct that the Planning Department and Planning Commission focus on identifying and correcting inconsistencies as a major work program project. This would involve reviewing neighborhood plans and zoning regulations to ensure there is agreement. Where there is not, changes to the plans or neighborhood specific zoning revisions would be proposed. With such a project, there would be no need to review the neighborhoods that are now under consideration as separate projects: Totem Lake, NE 85th St. Corridor, Highlands, Norkirk or Market. We may also be able to exclude the Houghton and Lakeview Neighborhoods, since those are next up for review. Another approach would be to focus only on the North Rose Hill neighborhood plan since that is a recently updated plan where inconsistencies may be of particular concern.

Cc: City Council  
Planning Commission  
Design Review Board  
Planning Staff  
Robin Jenkinson  
Kari Page

Es: Zoning Code Consistency with the Comprehensive Plan