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ABOUT GROWTH



A CONTINUING REPORT ON THE 2035 COMPREHENSIVE PLAN



Image courtesy of GGLO

An early drawing of Juanita Village featured a plaza at the mixed-use development's northern entrance.

Vision. Plan. Zone.

Twenty-five years ago, Juanita Village was a concept—inspired by a community's vision and zoning crafted to achieve it. Today it is a model for small-scale urban redevelopment.

For years, the 11-acre block at 98th Avenue Northeast and Juanita Drive had been short-changing its neighbors. Littered amongst a dental office, barber shop and bank, were a vacant Chevron station, a vacant Market Place grocery, and weeds. Lots of weeds.

But the site had something its neighboring residents considered invaluable: Through the billboards and the wafting heaps of landscaping bark, was a view of Juanita Bay. Residents wanted to keep that view, scrap

almost everything else and exchange it for a neighborhood center—a neighborhood living room—where, by walking, they could do business, do lunch or coffee. They sketched out this vision in their neighborhood plan. And when the City Council adopted it into Kirkland's Comprehensive Plan, it became the basis for a customized zone, tailored specifically to the topography and geography of those 11 acres.

Authority to zone

Kirkland has 145 total zones spanning

TO LEARN MORE

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Staying flexible

All developments require building permits. Some, however, require zoning permits that rely on decision-makers to evaluate the development proposal against City codes. Depending on the type of permit, the decision-maker may be the planning director, hearing examiner, design review board, or City Council. Below are common examples of zoning permits:

VARIANCE

When it's used: When an applicant hopes to develop land in a way that is inconsistent with the zoning code, but compatible with the Comprehensive Plan. Usually applies to individual properties or small developments

An example: Resident wanting to decrease setbacks

Requires: Proof of hardship

Decision-maker: Planning Director

PLANNED UNIT DEVELOPMENT

When it's used: When a developer wants to apply unique rules to an entire development

An example: Lake Washington Institute of Technology

Requires: Public benefits from the developer to off-set impacts

Decision-maker: City Council, after a public hearing administered by hearing examiner

DESIGN REVIEW

When it's used: Used in design review districts, which are typically the City's more intensive commercial area

An example: Bank of America's mixed-use building on Kirkland Avenue and Lake Street

Requires: Consistency with the design guidelines adopted in the Municipal Code

Decision-maker: Design Review Board

seven broad categories: institutions, parks, housing, industrial, office, transit-oriented development and, of course commercial. These zones are law. Their purpose is to help manifest the community's vision as articulated in its Comprehensive Plan. Without a Comprehensive Plan to implement, the zones have little legitimacy.

This was the ruling in 1958 by King County Superior Court Judge Malcom Douglas, who invalidated all of the zones King County had established up to that point.

"You cannot have enforceable zoning regulation until you have a proper Comprehensive Plan adopted in compliance with the statutes," he said in his July 23, 1958, oral opinion in the State of Washington vs. King County.

That decision spurred cities throughout King County to draft their own Comprehensive Plans, says Harry Cummings, the author of Kirkland's first Comprehensive Plan.

"Everyone was scrambling to get one," he says.

Private Amendment Requests

The spirit of Douglas' decision persists today in Kirkland. If a developer wants to shape land in a way that differs from the City's zoning and the Comprehensive Plan upon which that zoning is based, the developer must submit a Private Amendment Request. This is no small matter. Private Amendment Requests are proposals to amend some aspect of the Comprehensive Plan and the zoning code.

"Private Amendment Requests acknowledge that circumstances might change over the life of a Comprehensive Plan," says Marilynne Beard, deputy city manager for the City of Kirkland. "Maybe the community didn't think of something back when we were doing the Comprehensive Plan, that today, really would be a good thing for Kirkland. Private Amendment Requests create a process for those ideas to become reality."

For this reason, the Growth Management Act requires cities to consider them. It does not, however, guarantee their approval. To win approval, a Private Amendment Request must pass the scrutiny of City planners, the Planning Commission, and ultimately the City Council (see "*Staying Flexible*").

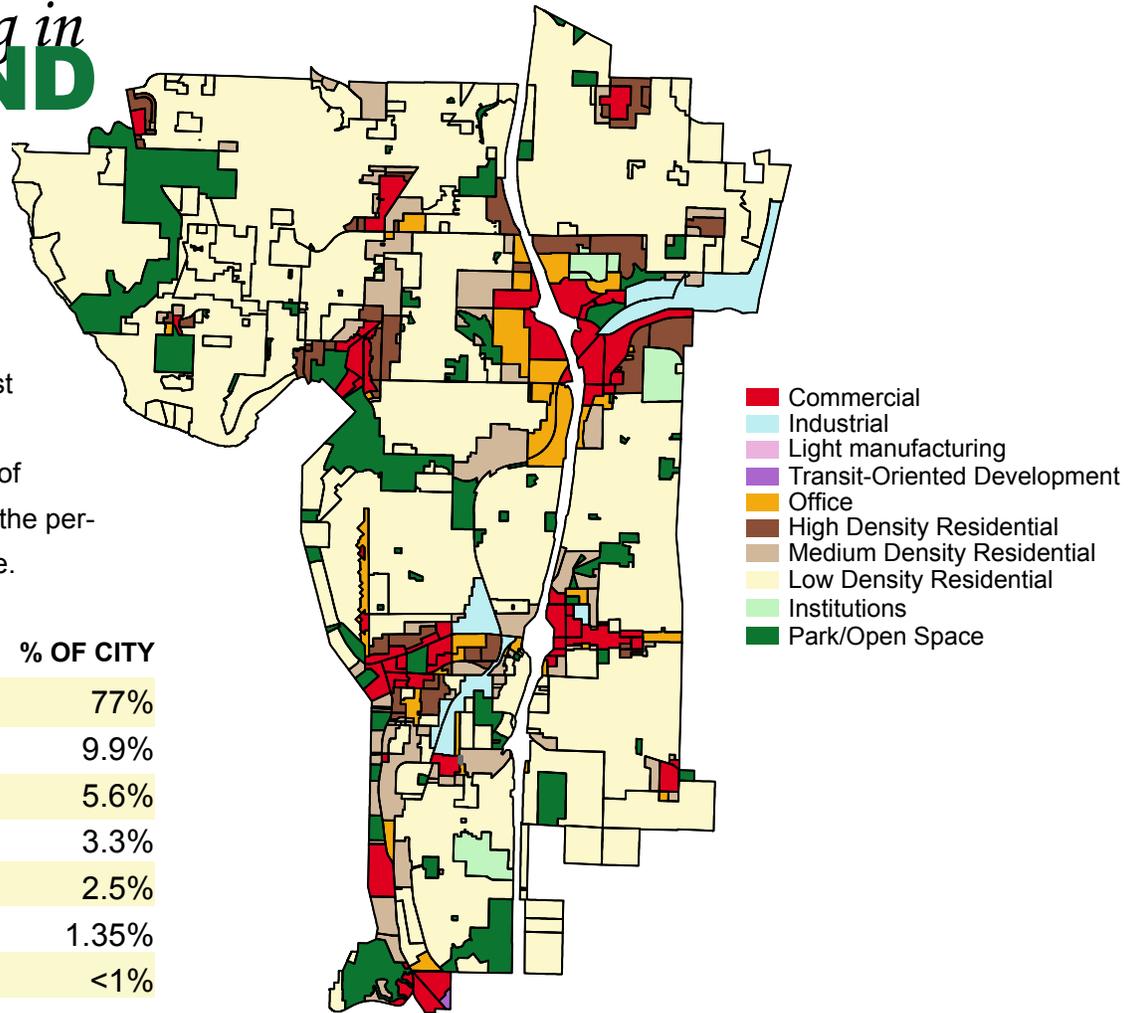
The City Council typically considers three to four every two

"You cannot have enforceable zoning regulation until you have a proper Comprehensive Plan ..."
—Malcom Douglas,
Superior Court judge of King County, in his 1958 oral opinion, which invalidated all of King County's zoning

zoning in KIRKLAND

More than three-quarters of the City is zoned as some form of residential—high-, medium- or low-density. The rest of Kirkland’s 17.63 square-miles are divided amongst six other zoning types. Below is a list of those types, the number of zones associated with them and the percentage of the City they comprise.

CATEGORY	# OF ZONES	% OF CITY
Residential	56	77%
Park/Open Space	1	9.9%
Commercial	47	5.6%
Office	30	3.3%
High-tech/industry	4	2.5%
Institutions	6	1.35%
Transit-oriented	1	<1%



years, says Joan Lieberman-Brill, the City of Kirkland planner who deals with Private Amendment Requests. On average, the City Council approves about half of them. This year, the City Council received three. Among them: Evergreen Health, which wants to re-zone one of its properties from High-Density Residential to Institutional to match the zoning on the rest of its properties.

30 feet

The maximum building height allowed without a public hearing process under the Juanita Business District zones

“Pretty simple,” says Lieberman-Brill. “But it would amend the Comprehensive Plan. And that’s a big deal.”

Juanita Business District

Through the new zoning, the 11-acre block at 98th Avenue Northeast and Juanita Drive

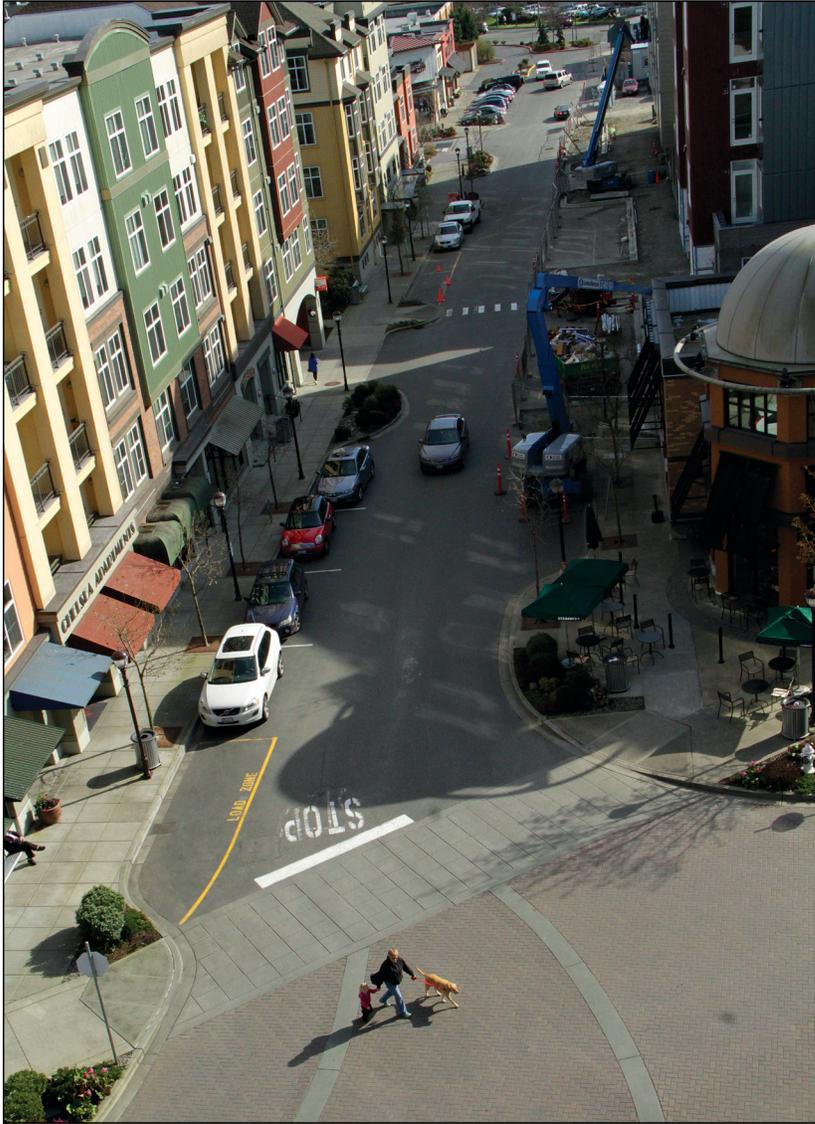
became the Juanita Business District. The zoning required three public paths that would break up the super-block, provide views of the lake and offer

pedestrian access throughout the development and to Juanita Beach Park. To protect pedestrians from the rain, the zone required awnings. To reduce the development’s perceived size, the zoning said building-size and style should vary. Their roofs should be sloped. Their walls should offer walkers something to look at, such as windows and balconies.

“We were getting a lot of ‘Let’s put an AM/PM on the corner there’ from prospective developers,” says Angela Ruggeri, the Kirkland planner who co-drafted the Juanita Business District zoning. “We saw it as a unique situation. We realized it could be the center of the neighborhood.”

Process IIA

The zone also had a stipulation built into it: “If the development exceeds 30 feet above average building elevation, then Process IIA,” the Juanita Business District zone says. In planning speak, Process IIA is a form of a conditional use permit, which requires a



Pedestrians cross the Juanita Village plaza while crews build the final 200-unit apartment building on the villages' west edge. High-density, mixed-use developments, such as Juanita Village, are the model for future land-use in Kirkland.

quasi-judicial public hearing process, complete with expert testimony, public comment and a hearing examiner.

"People expect 30 feet in height," Ruggeri says. "But this was a much bigger project. We wanted people involved in the decision."

The zoning created a paradox, of sorts—a neighborhood center that had to be walkable for residents, profitable for developers and supportive to the collective vision of neighborhood.

The zoning gets implemented

The solution—drafted by Alan Grainger's Seattle-based GGLO architectural team—called for 459

homes, 70,000 square feet of commercial space, 900 parking stalls and two acres of landscaped plazas and courtyards. To break up the super block and protect the view, the design included a multi-purpose street, lined with small shops and culminating with a public plaza.

When taken together, the development would look and function like a village. Grainger knew, however, it could not function with 30-foot-high buildings. So he designed them to be taller—up to 78 feet tall.

The public hearing

That detail triggered Process IIA, a public hearing that, on July 31, 2000, was administered by the City's hearing examiner. Residents filled the City Council Chamber and spilled into the lobby. Kevin Hanefeld, the co-chair of Juanita Neighborhood Association, was one of them. "It was full and lively," he says. "The public process drew people out—right, wrong or indifferent."

They came to participate in a decision about their community's vision and the zone crafted to protect that vision. Residents wanted a neighborhood living room with a view. The developer wanted at least 400 apartments, 70,000 square feet of commercial space and 78 feet in height.

The hearing would determine whether the two were compatible with Kirkland's comprehensive plan and the zoning code its residents, staff and leaders had drafted to manifest it.

Twenty-seven residents spoke that evening; 22 in favor of the village's design. Those closest to the process spoke too: The planners. The architects. The developers. The traffic engineers. They talked about concurrency and scale; multi-mobility and storm water drainage.

In the end, all of that talk—from the residents and the experts—was intended to answer one question: Does the vision of the architect match the vision of the community? And it did.