



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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MEMORANDUM

DATE: March 5, 2013

To: Planning Commission

FROM: Joan Lieberman-Brill, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director
Eric Shields, AICP, Planning Director

SUBJECT: 2013 THRESHOLD DETERMINATION OF PRIVATE AMENDMENT
REQUESTS FOR AMENDING THE COMPREHENSIVE PLAN (FILES
CAM12-01461, CAM12-01477, CAM12-01481)

I. RECOMMENDATION:

Review the three private amendment requests and make a Threshold Determination recommendation to the City Council by the end of the meeting so the City Council may consider the requests at its April 16 meeting. Requests that satisfy the Threshold Determination criteria will be eligible for the Study Stage; Phase II (see Attachment 1 - Threshold Determination Criteria Sheets).

For those requests that the Planning Commission (PC) recommends for the Study Stage (Phase II), direct staff to provide additional information to include at the future study sessions and public hearing. Additional information could include traffic information, existing conditions and general sensitive area information.

Staff recommends the following:

- Requests that should proceed to the Study Stage in 2013
 1. EvergreenHealth
- Requests that should not proceed to the Study Stage deferred to the Neighborhood Plan update process.
 2. Chaffey: consider as part of the Finn Hill Neighborhood Plan update to be scheduled at a future date.
- Requests that should not proceed to the Study Stage
 3. Xiaowei –Do not study.

II. BACKGROUND:

A. GMA update

This year is a unique situation. In 2013 and 2014 the City will be undertaking a major update to its Comprehensive Plan in compliance with the Growth Management Act (GMA). All elements of the plan will be reviewed and, if appropriate, revised. This effort will require significant staff resources and Planning Commission time over the next two years.

B. Private Amendment Request versus Neighborhood Plan

Individual property owners have two ways to request amendments to the Comprehensive Plan and associated Zoning Code and Zoning Map amendments.

1. Every other year, there is an opportunity for individual private amendment requests to be submitted, subject to a threshold review determination. If approved for further study, the PAR is typically considered as part of the annual Comprehensive update process.

2. Requests have also been considered as part of the applicable neighborhood plan update. Currently no neighborhood plan update is anticipated for at least the next two years due to the work being done on the 2013 – 2014 GMA Plan update. This update will include a discussion on approaches to neighborhood plans.

Any individual, neighborhood organization or other group may submit requests. The request may include related amendments to the Zoning Code or Zoning Map, necessary to implement the Plan amendment.

In the past, only a few private requests have been selected for further study each year because the study process is time-intensive and, in some cases, warrant more public involvement than is typical of a City initiated amendment. Private amendment requests usually involve changes to land use and zoning map or zoning regulations, making them more complex and sometimes controversial.

For the three proposed PAR's, the City has provided early public notice at the threshold determination phase. While the public notice requirement for the PAR process is limited to Phase II notice in the newspaper and public notice sign installation on the property prior to the public hearing, the City has provided courtesy notices during Phase I to the neighborhood associations and the Chamber of Commerce, along with information on the City's website and various list-servs, and handouts at City Hall. Also, the City mailed notice to property owners and residents within 300 feet of the each PAR property and posted notice signs on the properties. For those PAR's advancing to Phase II, continued public notice will be given.

Neighborhood Plan updates provide additional extensive public notice. The neighborhood plan update process may include public workshops, open houses, numerous study sessions, and mailings to affected properties. This neighborhood level of community involvement makes the neighborhood plan update process an effective forum for the review of more complex and controversial land use changes. However, the disadvantage for those wishing to make changes to their properties through the neighborhood plan process is that the schedule for updates has meant long delays for most neighborhoods and the update process has historically taken 1½ to 2 years to complete.

C. Private Amendment Request Process

Chapter 140 KZC establishes a two-stage process for the review of PAR requests. Phase I consists of a "Threshold Determination" process that determines eligibility of each request for further consideration. Phase I does not require a full weighing of the merits of the request, a decision or recommendation on whether the request should be ultimately approved. Instead, the purpose of this stage is solely to determine whether a request is eligible to continue to Phase II. Requests that do not meet the Threshold Determination criteria do not proceed to Phase II.

The criteria found in Chapter 140 provide guidance for selecting those requests that should be considered now and not deferred to the associated neighborhood plan process. The criteria are listed and discussed with each request below in Section IV and are provided in Attachment 1.

Phase II entails a full analysis and public review of each request that was determined through Phase I as eligible for consideration. Phase II consists of a "Study" process that includes public notice, preparation of staff analysis and optional draft amendments to the Plan, Zoning Code, and/or Zoning Map, review of additional criteria, a public hearing before the Planning Commission leading to a recommendation to the City Council, and final action by the City Council. The City Council approves or denies each request as part of the annual City-initiated amendments to the Plan. Depending on available staff

resources and the current work program, some requests may be deferred for study to a subsequent year.

When a request is made to change land use, increase density or change a current policy on one property and the circumstances are similar for other neighboring properties, it may be appropriate for the City to expand the study area because broader changes should be considered. In some circumstances, an expanded study area is more time consuming and has more complex issues, and thus is often better handled as part of a neighborhood plan update.

In the past years, The Planning Commission has conducted its Threshold Determination meeting by generally following these steps:

1. Individuals with private amendment requests who wish to speak sign up on the sign-in sheet at the beginning of the meeting.
2. Staff makes a brief presentation.
3. The chair calls on each applicant with a private request in the order noted on the sign-up sheet.
4. Members of the public are then allowed to comment on the request.
5. The Planning Commission may ask questions of each applicant, reviews the request by going through the criteria sheet provided (see Attachment 1) and has a discussion on each request.
6. The Planning Commission closes the public meeting and prepares a recommendation to the City Council.

III. 2013 COMPREHENSIVE PLAN AMENDMENTS PROCESS & OTHER WORK PROGRAM ITEMS:

Under State law, the Comprehensive Plan may be amended only once a year. The City adopts the City wide amendments, the private amendment requests, and any neighborhood plan updates at the same City Council meeting, generally in December.

This year is the State mandated GMA update. It allows until June 2015 for jurisdictions to complete their major update. However the City work program calls for completion by December 2014. Phase II of the private amendment request process would be completed by the end of 2013.

Given the limited time between now and December, 2014 to accomplish the numerous tasks identified on the recommended work program for the major GMA year update, a key consideration on going forward with PAR review is

whether the City has the resources, including staff and budget, necessary to review the proposal.

Which requests to study is a decision the City needs to make based on the competing interests for the current year work program and looking ahead to the 2014 work program. Review of the requests through the Study Phase II will add to the already existing competition for funding, staff resources, and Commission and Council consideration. If a study area is expanded, the staff time on the study becomes much greater. The more complex the issues raised by the request are, the more impact it will have on City resources.

The 2013-2014 recommended work program includes several projects already underway and the City has already committed to completing Phase II of the MRM private amendment request. Another major project is the Totem Lake Study now underway. In addition, the GMA update will require a major effort on the part of planning staff and the Planning Commission.

Given the work program items above, and the time that it takes to study the private amendment requests, there are limited resources to study the requests. Any other requests, if merited, would need to be carried over to post GMA adoption. The staff recommendation for each of the three requests is noted below.

IV. 2013 PRIVATE AMENDMENT REQUESTS:

Staff grouped the discussion below on the requests in the following three categories:

- A. Requests recommended for study in 2013
- B. Requests deferred to the associated neighborhood plan
- C. Requests not recommended for study.

Below is a brief description and staff's analysis of each request, taking into consideration the Threshold Determination criteria. Keep in mind that the Planning Commission is not being asked to recommend approval or denial of each request, but only whether the request merits further study, based on the criteria. In any case, in order to be selected for further consideration, the proposal must satisfy criteria "a" and either criteria "b" or "c" (see Attachment 1-Threshold Criteria sheet),

A. Request Recommended for study in 2013

Evergreen Health PAR (File CAM12-01481) Attachments 2a-d

can be incorporated into Evergreen's master plan the zoning must allow specific development standards, including height and setbacks that are allowed in the TL 3D classification. Otherwise current TL 1B zoning requirements will be inconsistent with the desired master plan.

The existing Health Center campus master plan was first approved in 2003 and is only valid for 10 years. Because it expires in August 2013, the applicant is currently asking for a three-year extension to ensure there is enough time to accomplish both the rezone and add this property to a new campus Master Plan, which is a separate process, before the master plan expires. As discussed above, before the subject property can be added to Evergreen's master plan, the rezone must be adopted.

The site is developed with a two story, (approximately 28 foot high) medical office building which predates the Evergreen Health Center Master Plan, approved in 2003. Built in 1982, Virginia Mason sold the site to EvergreenHealth in 2008. EvergreenHealth Administrative Services now occupies the building. A Class B stream runs through the north portion of the site. According to the applicant, they have no re-development plans for the subject property until a new master plan is approved that includes this site.

The existing Totem Center Plan and TL 1B zoning allow high intensity office and high density residential development. TL 1B zoning allows heights of up to 45 feet for office development and up to 160 feet for residential or mixed use residential/office/retail. Office setbacks are 10' front and 0' side and rear.

The TL 3 zones, of which there are four, were crafted to address the unique requirements of a hospital medical center. All are owned by EvergreenHealth. Unlike TL 1B, all TL-3 zones (including TL 3D), specifically call out hospitals and associated medical facilities as allowed uses. Each has different height and setback requirements to be compatible with neighboring development beyond the campus. In the TL 3D zone this use may be built to a maximum height of 65 feet, and requires setbacks of 15 feet. The applicant would like to be able to construct buildings to standards allowed under TL 3D zoning, in order to match the zoning provisions in place for the other campus properties north of NE 130th Lane.

Existing TL 3D zoning adjoins the east boundary of the subject property. It contains two lots separated by an access easement. The lot abutting the subject property is developed with a two-story office

housing and service center for the City and the region. It is the economic engine of the City, with substantial future employment and housing capacity. Evergreen Health Medical Center is the City's largest employer. The vision statement for the Totem Lake Business District states that "Totem Lake serves as the community and sub-regional center for services, vehicle sales, major destination retail and health care."

4. Relation to Criteria: The following summarizes staff analysis of this request with the applicable criteria. In order to be selected for further consideration, the proposal must satisfy criteria "a" and either criteria "b" or "c". The applicant's response to the criteria is contained in Attachment 2c.
 - a. The City has the resources, including staff and budget, necessary to review the proposal.

As discussed above with past years' requests, this is a decision the City needs to make, based on the competing interest for the current year work program and looking ahead to the 2014 work program.

If this request is selected, the study area should not be expanded to the remaining area within TL 1B because the purpose of this request is to incorporate only property under Evergreen Health's ownership east of 120th Avenue NE into the TL 3 zone with the intent to then incorporate this parcel into the campus master plan.

The maximum building envelope that is allowed under current zoning is less than what is allowed under the proposed zoning. Current TL 1B zoning allows residential or mixed use residential/office/retail development of up to 160 feet and up to 45 feet for offices. The TL 3D zone allows a 65' height and 15' setback limit for hospital and associated medical facilities including ancillary office uses. All development in either zone (except Public Utility and Government Facility or Community Facility) must go through design review.

The request is straight forward and will take minimal time to process, since there is only one parcel involved in the request, and the proposed zoning would be consistent with the remainder of Evergreen's campus, north of NE 130th Lane.

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

There appears to be no inconsistency.

- c. All of the following:

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

The proposal demonstrates a strong potential to serve the public interest. The proposal would implement the Economic Element's Goals ED-1, ED-2, and ED-3, and their related policies. The proposal would implement Land Use Element's Goals LU-1, LU-2, LU-3, LU-4, and LU-5, and their related policies. For the Totem Center, where Evergreen Medical Center is located, Plan Goal TL -9 states "support and strengthen the role of Evergreen Hospital Medical Center as an important part of the Kirkland Community (district TL 3)"

- 2) The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process; and

As discussed above, the rezone request should be studied this year to ensure that the required preliminary step of changing the land use map and zoning map is completed so when the applicant does apply for a new master plan, this property can be included. In the future when redevelopment occurs, this site will develop consistently with the portion of the campus on the north side of NE 130th Way.

The proposed master plan extension is until August 2016. The extension will enable the applicant to develop on their current campus if they decide to do so, and ensure that when they do apply for a new master plan, the campus boundaries will include this parcel. The public interest is served through a coordinated master plan approach for the hospital campus and to further implement the goals and policies for the Totem Center area.

If the PAR were delayed for consideration, the master plan process might be delayed, setting up undue time delays for the applicant.

- a) The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two years); and

The Totem Neighborhood Plan was last updated in 2002.

- b) The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two years); and

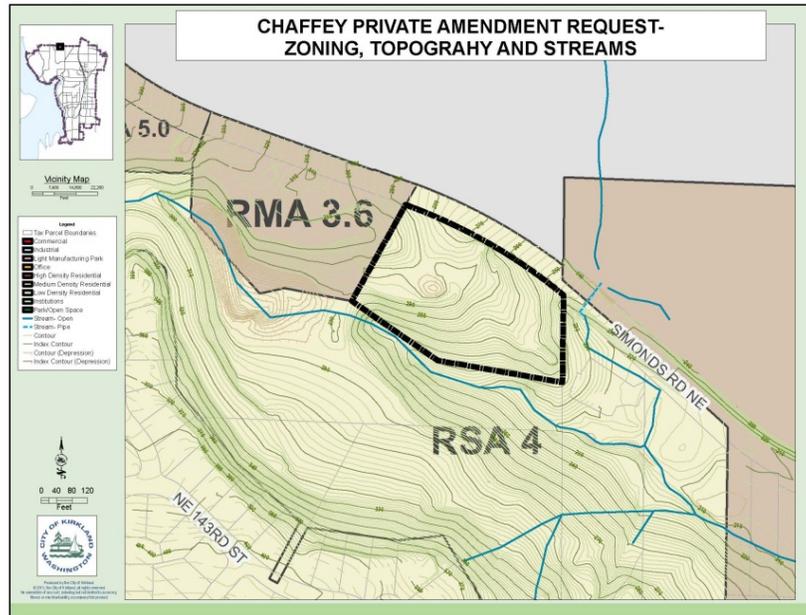
As the result of the Totem Lake TDR Study that will parallel the GMA update, there may be changes made to the Totem Lake Neighborhood Plan. One option would be to incorporate this request with other work on the Comprehensive Plan update. However, it may be appropriate to allow the PAR to go forward independently of the Totem Lake TDR study since at this stage no decision about the merits of the rezone will be made.

5. Staff Recommendation: This request should proceed to Study Stage (Phase II) for consideration in 2013.
6. Public Comment(s): One comment was received. See Attachment 2d

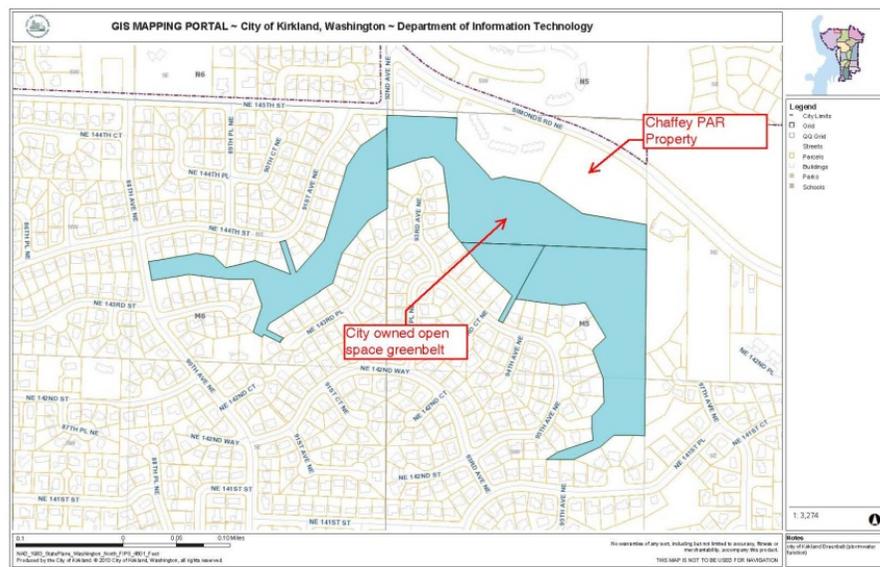
B. Request that should be deferred to the Neighborhood Plan update process.

Chaffey PAR (File CAM12-01477) Attachment 3a-e

1. Applicant: Jason Jones for Chaffey Building Group:
2. Owner: William and Roxanne Grady /Eclipse Holding LLC
3. Request: Rezone and change the land use of a vacant 3.56 acre property located in Finn Hill, south of Simonds Road NE and west of 100th Avenue NE at approximately 95th Avenue NE, if extended. The rezone request is from low density single family RSA 4 (4 dwelling units per acre) to medium density multifamily RMA 5 (9 dwelling units per acre) or RMA 3.6 (12 dwelling units per acre). The applicant would



A portion of the 24 acre open space greenbelt is part of the ravine adjoining the southern boundary of the site. It is zoned Public Use (P). Tributaries to Juanita Creek, which eventually outfall to Lake Washington, traverse the property. 18 of the 24 acre open space were transferred to the City upon annexation from King County. Kirkland purchased the remainder (6 acres) at auction in 2013 from King County. It supports natural water quality functions and is protected through the City of Kirkland Surface Water Program for water quality and habitat enhancement (see Attachment 3c).



To the north is Simonds Road, which separates Kirkland from Bothell. To the east are several large, steep, wooded lots. The closest is an approximately 4 acre parcel developed with one single-family home also abutting the City owned open space. The other parcel is vacant and also about 4 acres. Both demonstrate similar slope constraints as the surrounding area, and like the subject property are zoned RSA 4.

To the west are two multifamily developments, the nearest is a 3.5 acre 42 unit development, zoned RMA 3.6. The next lot is zoned RMA 5.0, 1.5 acres, and is developed with 11 units. Both also abut the City owned open space along their southern boundaries. Beyond, to the west is the City of Kenmore.

Under the current RSA 4 zoning, no multifamily development is permitted. The total number of single family detached dwelling units allowed is determined by dividing the square footage of the lot by the permitted density of 4 dwelling units per acre less area taken for road dedication and sensitive areas. The subject property is 3.56 acres (155,828 sq. ft.). So the base number of detached units that could be constructed is 14 units less sensitive area (155,828 sq. ft. / 10,890 sq. ft.).

If a rezone from single family to multifamily were ultimately approved for the subject property, both the RMA 5.0 and RMA 3.6 zoning would allow detached, and attached multifamily housing. In addition, stacked dwelling units would be allowed in the RMA 3.6 zone. Other allowed uses in both multifamily zones are: single family detached dwelling unit (only one on a lot); Churches; Piers, Docks, Boat Lifts and Canopies Serving the Detached, Attached or Stacked Dwelling Units; Schools And Day Care Centers; Grocery Store, Drug Store Laundromat, Dry Cleaners, Barber Shop, Beauty Shop Or Shoe Repair Shop (only if it is specifically consistent with the Comprehensive Plan in the proposed location); Mini-School or Mini-Day-Care; Assisted Living Facility (not permitted in RMA 5.0); Convalescent Center or Nursing Home; Public Utility; Government Facility Community Facility.

The subject property is 3.56 acres (155,828 sq. ft.). The number of multifamily units is determined by taking the lot area, and dividing by either 5,000 sq. ft. for the RMA 5.0 zoning classification, or 3,600 for the RMA 3.6 zoning classification, less area taken for road dedication and sensitive areas. Ten percent of the units are required to be affordable housing as described in KZC Chapter 112. Two units may be constructed for each affordable housing unit provided.

Starting with the RMA 5.0 alternative, the base number of detached/attached units that could be constructed would be 31 units (155,828/5,000) less area taken for road dedication and sensitive areas.

The RMA 3.6 alternative would allow 43 base detached/attached/stacked units (155,828/3,600) less area taken for road dedication and sensitive areas.

4. Relation to Criteria: The following summarizes staff analysis of this request with the applicable criteria. In order to be selected for further consideration, the proposal must satisfy criteria "a" and either criteria "b" or "c". The applicant's response to the criteria is contained in Attachment 3d.

- a. The City has the resources, including staff and budget, necessary to review the proposal.

As discussed above in the previous request, this is a decision the City needs to make, based on the competing interest for the current year work program and looking ahead to the 2014 work program.

If the rezone request is studied this year it should not be studied in isolation. Future land use on this parcel together with the other two vacant or underdeveloped lots in this zone should be considered together. If and when the request is studied, it would be efficient to conduct a thorough environmental review that looked at all vacant property in the area and to assess environmental constraints (streams, hillsides, vegetation). These factors lend themselves better to a neighborhood plan review.

Since it is a study area with multiple property owners and more complex issues, it would require greater staff resources and time. Since it may involve several other property owners it will add to the staff time in contacting and processing the request. In addition, the increase in density near a stream on fairly steep wooded land will likely be a concern to others who have not yet been identified as stakeholders. This will require additional outreach. The necessary outreach is more typical in neighborhood plan reviews.

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

Under the current zoning, there appears to be no inconsistency with the General Elements of the Comprehensive Plan or Zoning Map. The Finn Hill Neighborhood Plan has not been scheduled for preparation.

c. All of the following:

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

There are goals and policies in the Comprehensive Plan that support infill, while preserving and protecting sensitive area streams, minimizing erosion and landslide hazards and enhancing the natural stormwater functions of woodland areas. For example Goal H-3 in the Housing Element states that we should "Provide for greater housing capacity and home ownership opportunities."

In addition in the Natural Environment Element Goals NE-2, NE-3, and NE-4, and related policies speak to the steep slope constraints, woodland assets, and storm and surface water functions present on the subject property. However to review the request would require extensive analysis to consider the balance between increasing densities and protecting sensitive areas.

- 2) The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process; and

There is no particularly strong public interest to consider the request this year. Due to the size of the study area it would be more appropriate to study the request as part of a neighborhood plan. It is not possible to fit this request into the 2013 – 2014 work program unless other work program tasks are modified.

On the other hand, delaying the request until the Finn Hill Neighborhood Plan is started may be in the public interest since the expanded study area raises neighborhood-wide concerns about location of infill capacity.

- c) The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two years).

There is no neighborhood plan for Finn Hill. The City relies on the General Elements in the Comprehensive Plan and the Land Use Map for policy guidance.

- d) The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two years).

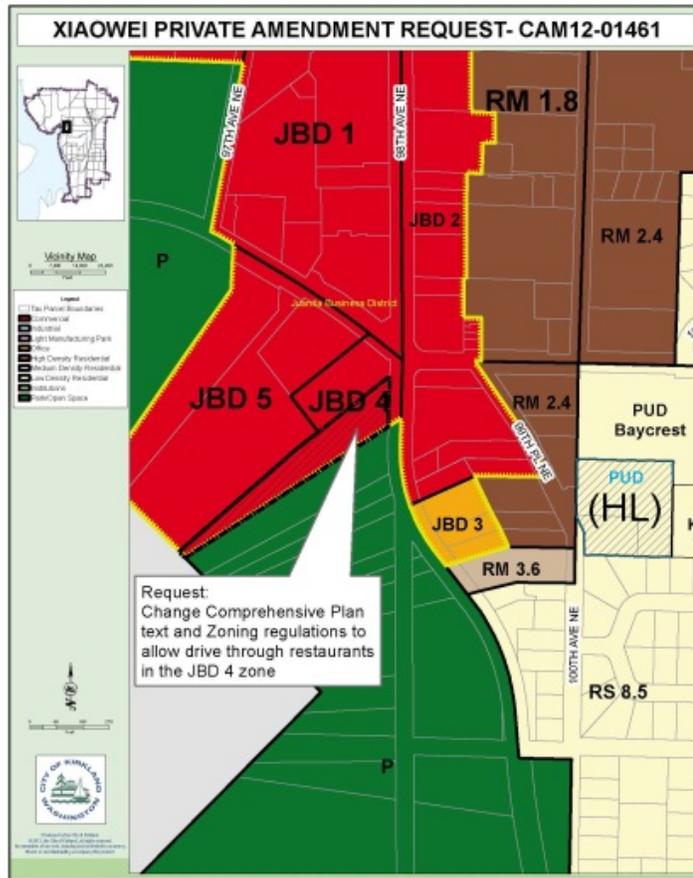
The City has not scheduled any neighborhood plan updates in the next two years.

5. Staff Recommendation: Defer this request until the Finn Hill Neighborhood Plan process, after the completion of the major GMA Comprehensive Plan update.
6. Public Comment(s): Three comments were received. See Attachment 3e.

C. Request not recommended for study.

Xiaowei PAR: (File CAM12-01461) Attachments 4a-f

1. Applicant: Mark Colon
2. Owner: Yang Xiaowei
3. Request: The proposal is to amend the Comprehensive Plan text and Zoning regulations to allow a drive-thru coffee business in the JBD 4 Zone, where the site is located. Juanita Neighborhood Plan text and JBD 4 Special Regulation 1 zoning regulations currently prohibit drive-in restaurants. (Attachments 4a, b and c)



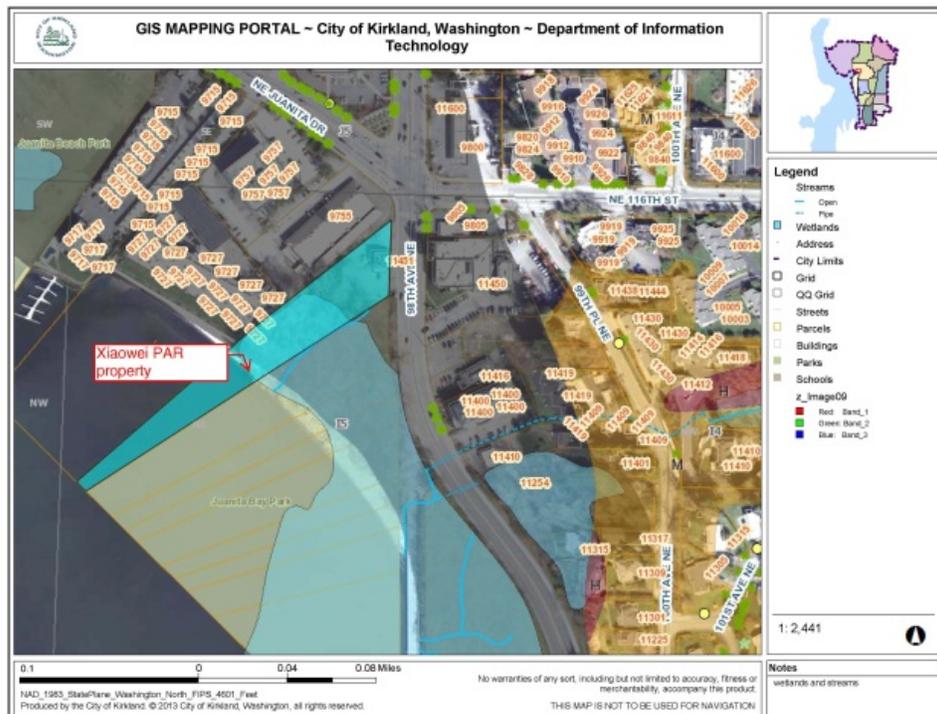
The subject property is 1.83 acres. The un-occupied building on the subject property is leased by the applicant. There is an active enforcement action on the subject property; COM12-00273. It was opened in August 2012, and is germane to this PAR. It involves exterior site-improvements that this PAR may remedy, if approved. A stop work order was issued for improvements to the parking lot with the intent to prepare for a drive-thru coffee business.

The applicant states in his application that his "position is that the specific special regulation at issue is not consistent with the Comprehensive Plan or zoning in general because it constitutes an illegal and unfair 'spot' zone that unfairly restricts the applicants property rights when provisions have been made to address traffic and other transportation concerns" (see Attachment 4d).

The site has been owned by Mr. Xiaowei since April, 2011. The applicant has indicated that he has leased the site since September 2012, and that he has a ten year plus five year lease. Various tenants have occupied the building, including the Jack in the Box both prior to

and post annexation in 1988. Subsequently Orexii II, and most recently the Sushiya Japanese Restaurant occupied the building.

The property is on Lake Washington, and an associated wetland intervenes between the Lake and the developed portion of the site. A Class B stream traverses the southern boundary of the property. It fronts 98th Avenue NE., a major arterial. Currently there are two curb cuts on the subject property. (See Attachment 4d)



Juanita Bay Park adjoins the subject property to the south, and the pedestrian walkway through the park terminates close to the subject property. A metro bus stop abuts the south property line of the subject property. The park is zoned Public Use (P).

The property to the east across 98th Avenue NE is JBD-2, is developed with office and retail use. To the north is Michael's craft supply store, also in JBD-4.

The Juanita neighborhood north of the park, including the subject property, was annexed in 1988 from unincorporated King County.

The Juanita Business District portion of the North/South Juanita Neighborhood Plan was adopted in 1993 (O-3401). There are six subareas in the Juanita Business District (JBD), including JBD-4. JBD Plan text describes the JBD as the commercial core of the neighborhood. It further describes conditions in JBD 4 and states,

"Driveways should be combined due to hazardous traffic conditions along 98th Avenue NE. Drive-through facilities should be prohibited."

JBD zoning was adopted in 1999, replacing BC zoning. With the ordinance adoption in 1999, allowed uses in the JBD-4 zone included Restaurants and Taverns and Fast Food Restaurants. The Fast Food Restaurant use listing prohibited drive-through facilities. The most recent revision to the Restaurant or Tavern use in JBD-4 was in 2007 (O-4121). It eliminated the Fast Food Restaurant use listing and added the prohibition of drive through and drive-in to the Restaurant listing. (At the same time, this change was also made to the JBD 5 and JBD 6 zones.)

The Public Works Traffic Engineer notes that regardless of the outcome of the PAR request, traffic operation along 98th Avenue NE remains a concern, with multiple driveways close to a signalized arterial intersection that do not meet the City driveway spacing requirements. He noted that it would be optimal if only one of the two curb cuts on the property is used to access the site.

Other PAR concerns expressed by the Traffic Engineer include the potential for unacceptable traffic backups on 98th Avenue NE, as cars queue up to the drive-through window. Finally, the nearby bus stop generates significant pedestrian traffic. National traffic data document that drive-through restaurants generate significantly more traffic than restaurants without drive-through. Even with one less curb cut, drive-through facilities are not compatible with the pedestrian orientation goal identified in the JBD plan and pedestrian safety remains a concern.

4. Relation to Criteria: The following summarizes staff analysis of this request with the applicable criteria. In order to be selected for further consideration, the proposal must satisfy criteria "a" and either criteria "b" or "c". The applicant's response to the criteria is contained in Attachment 4e.
 - a. The City has the resources, including staff and budget, necessary to review the proposal.

As discussed above in the previous request, this is a decision the City needs to make, based on the competing interest for the current year work program and looking ahead to the 2014 work program.

If the rezone request is studied this year it should not be studied in isolation. As noted above JBD 5 and JBD 6 also prohibit drive-in and drive-thru restaurants and taverns within the Juanita Business District. These three zones should be considered together. Other zones in JBD do allow drive-through in conjunction with other uses.

This request raises the issue of where drive-thru and drive-in restaurants might cause traffic queuing impacts on 98th Avenue NE and 100th Avenue NE and pedestrian safety concerns on a corridor with high volumes of transit use. This would require the Public Works traffic engineer to be involved and studies to be conducted to provide necessary data to evaluate the potential impacts. When the request is studied, it would be efficient to conduct a thorough environmental review that looked at all three zones in the neighborhood to assess these impacts. These factors do not lend themselves to PAR review, and are resource intensive.

Additionally, the request raises the fundamental question of pedestrian orientation in the Juanita Business District, which is expressed as Traffic Circulation and Parking Goal 5 in the Juanita Neighborhood Plan. It aims: "To reduce the negative effects of traffic on pedestrian activity and street qualities where possible."

Since it is a study area with multiple property owners and more complex issues, it would require greater staff resources. Since it may involve several other property owners this will add to the staff time in contacting and processing the request. In addition, the traffic impacts and pedestrian character issues will likely be a concern of the Juanita Neighborhood Association and others who have not yet been identified as stake holders and require more staff work. The necessary outreach is more typical in neighborhood plan reviews.

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

There appears to be no inconsistency

- c. All of the following:
 - 1) The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and

Goals and policies in the Comprehensive Plan support pedestrian orientation and mitigating traffic impacts in the Juanita Business District. Specifically Traffic Circulation and Parking Goal and Value 5 "To reduce the negative effects of traffic on pedestrian activity and street qualities where possible," speaks to mitigating impacts to pedestrians. Text in the Circulation section also states that a policy for 98th Avenue NE "should include reducing curb cuts/consolidating driveways." A resource intensive traffic evaluation would be necessary to access whether traffic conditions have changed for the better since the Plan was written.

- 2) The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process; and

There is no strong public interest to consider the request this year. It is not possible to fit this request into the 2013 – 2014 work program unless other work program tasks are modified.

On the other hand, delaying the request until a Juanita Neighborhood Plan update may be in the public interest of the entire neighborhood since the expanded study area raises concerns about traffic safety and pedestrian orientation.

- a) The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two years); and

The Juanita Business District Plan was adopted in 1993.

- b) The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two years); and

The city has not scheduled any neighborhood plan updates in the next two years.

5. Threshold Decision Options:

- Proceed to Study Stage (Phase II) in 2013
- Defer to the Finn Hill Neighborhood Plan

- Do not proceed to Study Stage (Phase II)
6. Staff Recommendation: Do not proceed to Study Stage.
 7. Public Comment(s): Two comments were received. See Attachment 4f.

Attachments:

1. Threshold Determination Criteria Sheet
2. Materials related to the EvergreenHealth PAR
3. Materials related to the Chaffey PAR
4. Materials related to the Xiaowei PAR

140.20 Threshold Determination for Citizen-Initiated Proposals

1. General – The Planning Department can establish a deadline for submitting citizen-initiated proposals. Applicants will be required to submit an application, a review fee and any other pertinent information determined necessary to consider the request. The citizen-initiated proposals shall only be considered in conjunction with the City’s regular review of the Comprehensive Plan described in KZC [140.45](#).
2. Process – Citizen-initiated proposals require a 2-step review process using Process IV described in Chapter [160](#) KZC:
 - a. A threshold review to determine those proposals that are eligible for further consideration; and
 - b. A final decision.
3. Criteria – The City shall use the following criteria in selecting proposals for further consideration. Proposals must meet subsection (3)(a) of this section, and either subsection (3)(b) or (3)(c) of this section:
 - a. The City has the resources, including staff and budget, necessary to review the proposal; and
 - b. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan; or
 - c. All of the following:
 - 1) The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and
 - 2) The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process; and
 - a) The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two (2) years); and
 - b) The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two (2) years).

