



## MEMORANDUM

**Date:** May 5, 2015  
**To:** Planning Commission  
**From:** Joan Lieberman-Brill, AICP, Senior Planner  
Paul Stewart, AICP Deputy Director  
Eric Shields AICP-, Director

This memo addresses the following Comprehensive Plan Update topic, File No. CAM13-00465, #5:

- Citizen Amendment Request in the North Rose Hill Neighborhood, Basra (LIT) continuance

### **I. RECOMMENDATION**

- Continue review of staff analysis of the Basra Citizen Amendment Request (CAR) and
- Provide direction on staff recommendation for consideration at the July 23, 2015 Public Hearing.

### **II. REASONS FOR CONTINUATION**

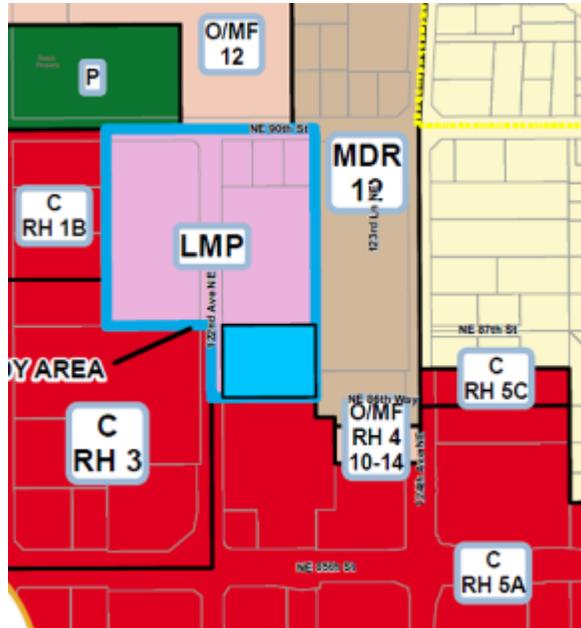
1. The Planning Commission considered the staff recommendation for this CAR on February 26, 2015. At the study session, the applicant submitted detailed information that had not been previously considered by staff regarding their proposed development plans for a hotel on the Basra site. The Commission directed staff to bring back more information regarding height impacts in context with surrounding land uses abutting the Basra site, prior to the public hearing.
2. The PC also asked for information about the feasibility of combining potentially new and existing Rose Hill Business District (RHBD) zones rather than creating additional zones, if the study area is rezoned.

### **III. BACKGROUND**

Follow this link to the [February 26 Planning Commission staff memorandum Part 1](#), for additional background information beyond what is provided in this memorandum.

- A. CAR Application Overview: Jag Basra submitted an application for a Citizen Amendment for his property located in the Rose Hill Business District in the North Rose Hill Neighborhood at 8626 122<sup>nd</sup> Avenue NE. The request is to change the Light Manufacturing Park land use designation to Commercial and the zoning from Light Industrial/Technology (LIT) to RH3 for the construction of a hotel. As part of the scoping process, the Planning Commission and City Council expanded the scope to include the entire LIT zone, rather than just the one parcel owned by the applicant.

Attachment 1 is an email exchange between Basra and staff that further describes the project, received since the last study session. It states, "We envision the hotel being a 5+2 development. With two floors of parking and five floors for the hotel development. The specific elevation we used for NE 85th and 122nd was from the midpoint of the intersection which we estimated to be 312'. We are open to the city's suggestion in regards to a residential component, the project works for us either way. We anticipate having some retail on the ground floor such as restaurant, bar, etc. and again, we are open to the city's suggestions again. And yes, we are aware of the continuance of the existing pedestrian walkway. We have addressed this by leaving a sizable setback on the southern property line."



- B. Study Area: The study area is an approximately 6.8 acre pocket of light industrial zoning surrounded by more intensive commercial zoning to the west (RH 1B) and south (RH 3 and RH 5A), medium density multifamily 12 d.u./acre to the east (RM 3.6), and public use (P), office /multifamily (PLA 17A) and medium density multifamily (RM 3.6) zoning to the north.

- C. Critical Areas Within and Adjoining Study Area: A stream and moderate landslide hazards are identified on the Basra site, and on portions of the remainder of the study area, critical area stream, wetland and moderate landslide and seismic hazards are constraining factors.



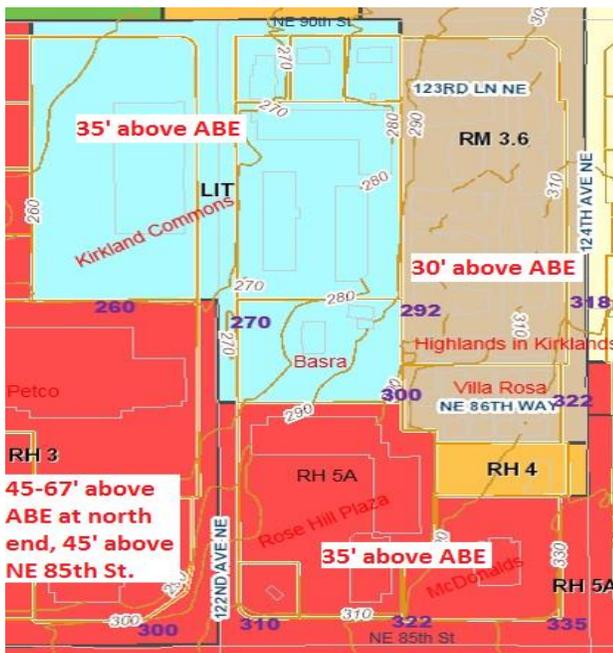
D. Topography Within and Adjoining Study Area: The study area slopes from east to west and from south to north. Elevations are based upon height above sea level.

- **Study Area** slopes down southeast to north west approximately 40' from about elevation 300 to elevation 260 (blue)
- **Basra** property slopes down from SE to NW approximately 30' from about elevation 300 to elevation 270 (blue)
- **RM** properties slope down E to W approximately 38' from about elevation 324 to elevation 286 (tan)
- **RH 5A** slopes down SE to NW approximately 55' from about elevation 335 to elevation 280 (red)
- **RH3** slopes S to N approximately 40' from elevation 300 to elevation 260 (red)
- **NE 85th St** midpoint elevation at corner of NE 85th St. and 122nd NE is about elevation 312



E. Maximum Height Limits Within and Adjoining Study Area: Kirkland measures maximum building height from the Average Building Elevation (ABE). ABE is defined as: "the weighted average elevation of the topography, prior to any development activity, either (1) under the footprint of a building as measured by delineating the smallest rectangle which can enclose the building footprint and then averaging the elevations taken at the midpoint of each side of the rectangle, or (2) at the center of all exterior walls of a building or structure." The following height limits apply to zones in and surrounding the study area:

- LIT (blue) 35' above ABE
- RM (tan) 30' above ABE
- RH 5A (red) 35' above ABE



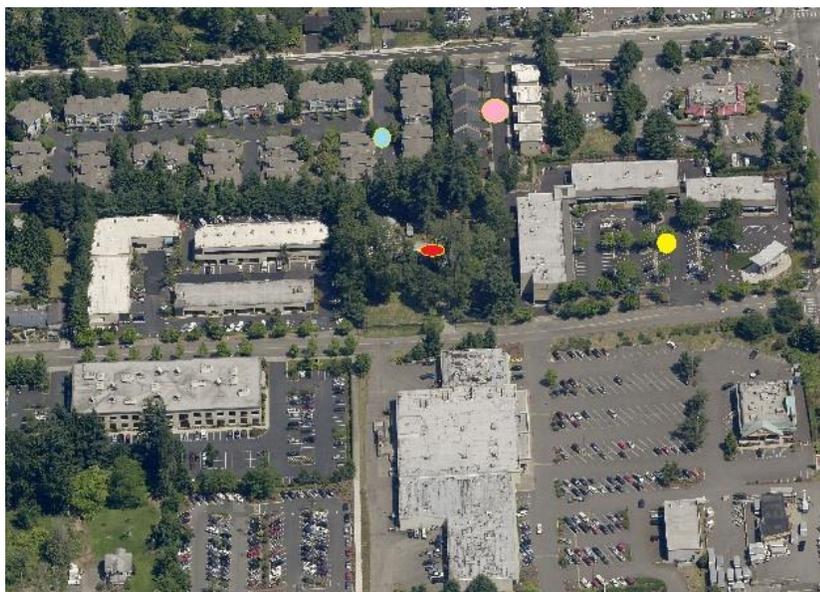
- RH 3 (red) 45' to 67' above ABE on north end, with maximum of 45' measured above the midpoint elevation of property frontage on NE 85<sup>th</sup> Street.
- RH4 (gold) 30' above ABE

#### IV. ISSUES

##### A. Height and Massing pages 4- 17 of this memorandum

1. Massing Study Submitted by the Applicant: Attachments 2-5 are massing plans showing the requested height of a hotel in context with **maximum building heights allowed**, not necessarily existing building heights, directly east and south.

This aerial shows the properties included in the applicant's study, looking east. They are the Basra parcel, identified by the red dot; the Rose Hill Plaza site to the south (RSA 5A), identified by the yellow dot; the Villa Rosa Condominium parcel (RM 3.6), with a pink dot; and the northern portion of



the "Highlands in Kirkland the Condos" (Highlands Condos) site that is located behind Basra (RM 3.6), identified with a blue dot. Both condominium developments are two stories.

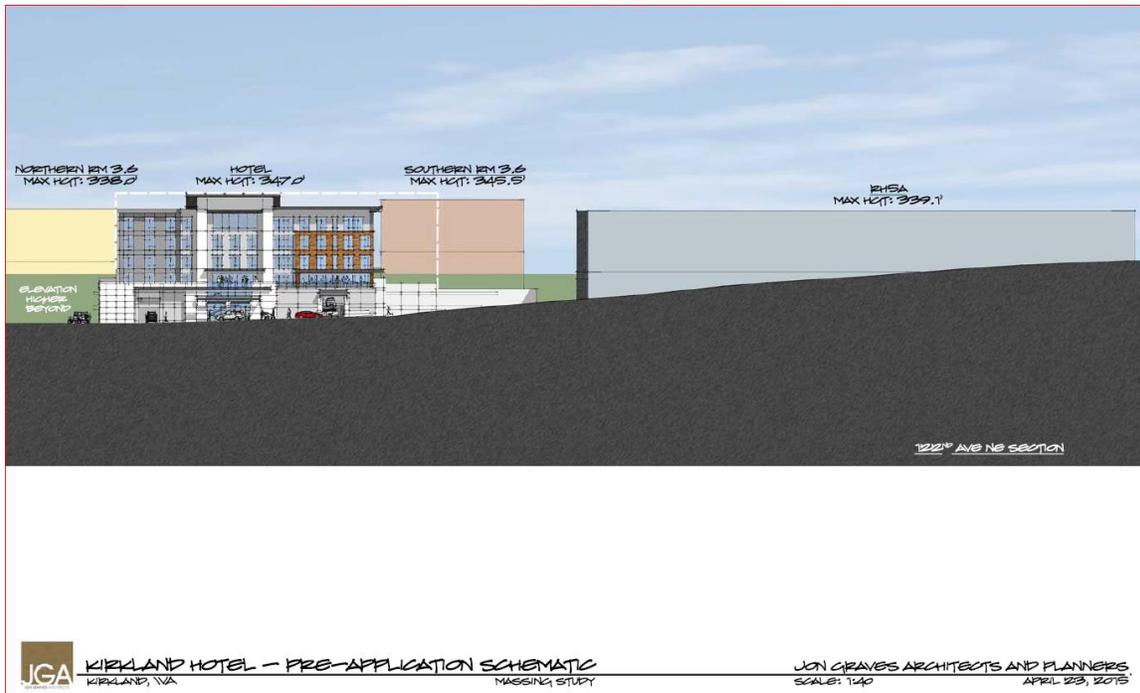
The massing plan below (Attachment 2) shows these same parcels with building envelopes superimposed. The boxes represent the maximum development potential under current zoning on properties to the east and south of Basra at the maximum height permitted by zoning classification. It also shows the requested building envelope on the Basra site. The Rose Hill Plaza building is blue, Basra grey, Villa Rosa condominium tan and Highlands Condos yellow.



NE 85<sup>th</sup> St. midpoint elevation 312

The ABE's for the Rose Hill Plaza (blue) and Villa Rosa Condominiums (tan) sites south and east of Basra (grey) are calculated based on a theoretical building footprint across each parcel, taking into account the required setbacks. The ABE for the Highlands Kirkland condominium parcel directly east of Basra (blue dot) was calculated based upon that portion of the parcel directly east, rather than on the entire parcel that extends north to NE 90<sup>th</sup> Street. The ABEs were not based upon existing individual building footprint currently on these parcels.

Below is the elevation plan submitted by the applicant looking east (Attachment 3). The white dashed line represents the Basra north and south property lines, and the desired maximum height. It illustrates that the hotel would exceed the maximum permitted height above ABE of the Villa Rosa condos by about three feet, the Highlands Kirkland condos by about nine feet and, Rose Hill Plaza property by about eight feet. The actual building height at these sites is unknown, but they are two to three story units.



2. Staff Analysis of Applicant’s Massing Study: The applicant established the height of the requested hotel on the Basra property by measuring from the midpoint elevation of NE 85<sup>th</sup> Street at the corner of 122<sup>nd</sup> Avenue NE and NE 85<sup>th</sup> Street, which is elevation 312. The maximum height of the proposed hotel is elevation 347, which is 35 feet above the datum point in the right of way on NE 85<sup>th</sup> Street (347-312=35”). **Stated another way the applicant is requesting that the maximum allowed height on his site be 35 feet above the midpoint elevation of NE 85<sup>th</sup> St. at the corner of 122<sup>nd</sup> Ave NE and NE 85<sup>th</sup> St.**

The applicant calculated maximum building height for the hotel differently than the method used in the majority of zoning districts throughout the City, including the LIT, RM and RH zones surrounding the Basra site. Kirkland measures maximum building height from the Average Building Elevation (ABE). ABE is defined as: “the weighted average elevation of the topography, prior to any development activity, either (1) under the footprint of a building as measured by delineating the smallest rectangle which can enclose the building footprint and then averaging the elevations taken at the midpoint of each side of the rectangle, or (2) at the center of all exterior walls of a building or structure.”

Because the City uses site specific ABE’s as the basis for measuring maximum building height, staff converted the hotel height from 35’ above the elevation of NE 85<sup>th</sup> Street to the height above the ABE on the Basra site. Staff has calculated that the ABE on the Basra site is about elevation 287. The hotel’s desired elevation is 347. Therefore the height of the hotel is equivalent to about 60 feet above the ABE on the Basra property (347-287 = 60).

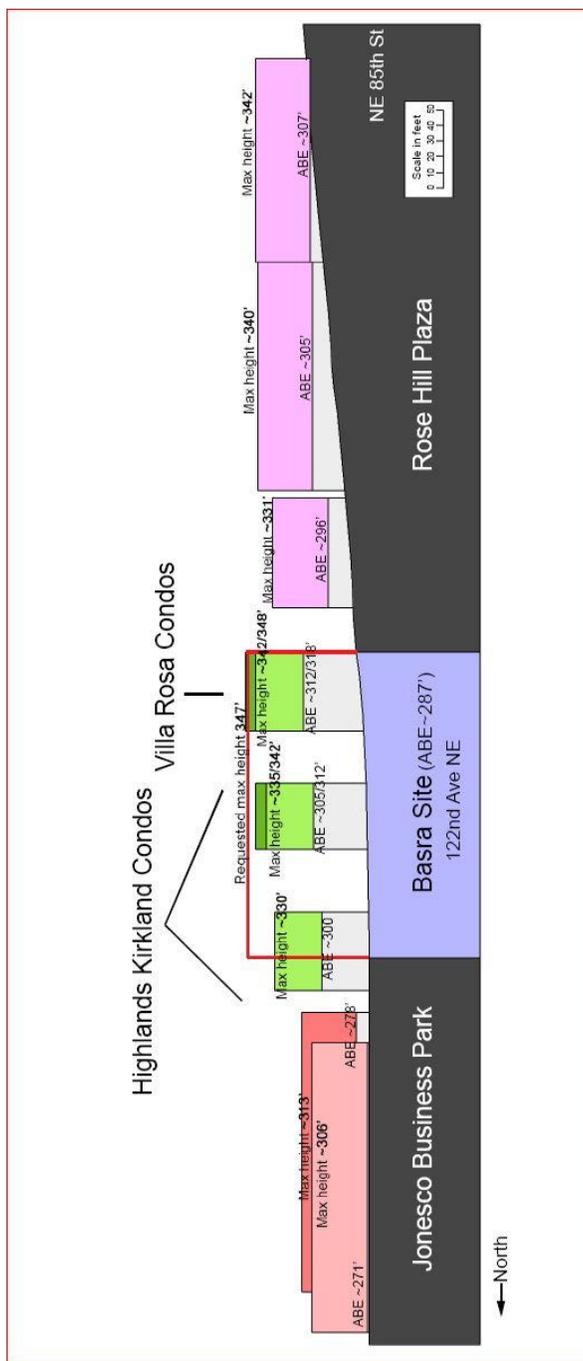
3. Massing Study Prepared by Staff: Staff prepared a massing study to illustrate more realistic height impacts in relation to surrounding properties. Instead of comparing the average maximum building heights on adjoining sites, staff compared Basra's height with maximum allowed heights of existing building footprints at the lowest portion of adjoining sites, where impacts would be greatest. An exception was the comparison with Rose Hill Shopping Center. There, staff used the average height at buildout, for comparison.

It should be noted that neither the applicants nor staffs massing studies necessarily show the existing heights of the buildings on these properties.

- a. North /South section (Attachment 6)

The following elevation plan provides a more detailed look at how the requested hotel height would impact existing development abutting the Basra property. The multifamily projects east of Basra consist of multiple buildings at varying locations and at different elevations as a result of grade differences. Therefore the requested hotel height has varying impacts on these units depending on their location. The elevation plan also expands upon the applicant's massing study by including the southern portion of the Jonesco site, which is in the study area. The red line represents Basra's north and south property lines and requested height of the seven story hotel.

Like the applicant's elevation plan, it shows maximum permitted height based on the zone in which the building is located (see Section III.E above), **and not necessarily the existing heights of the buildings**. It differs because the existing locations of the building footprints on the adjoining properties are represented and are the basis for ABE and maximum height calculations. The building footprints are taken from the City's GIS browser using the mean sea level datum point.



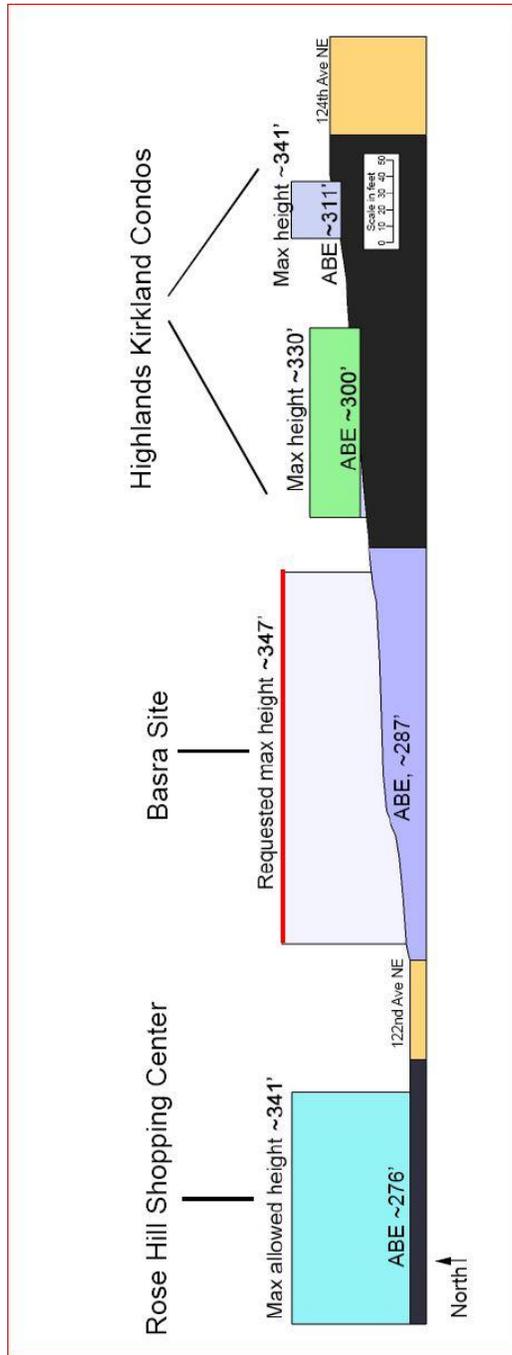
The aerial map below shows the buildings represented in the elevation above. The multifamily building locations were chosen to convey the varying impact the hotel height would have dependent on their respective elevations. Three of the Highlands Kirkland Condo buildings (light and dark green dots) and two of the northern Villa Rosa detached condo units are represented (yellow/gold dots). Two Jonesco buildings closest to Basra at the top of aerial (light and dark pink dots), and all Rose Hill Plaza buildings (except the tower) are represented (lilac dots).



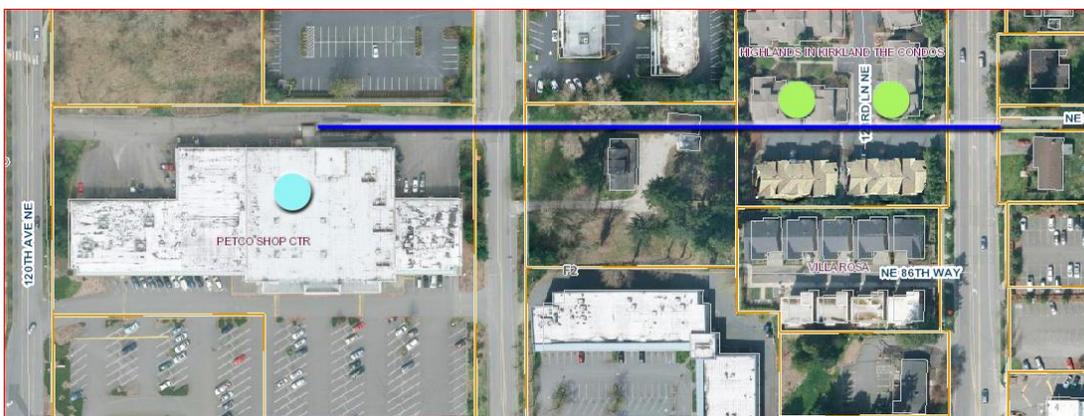
- 1) Height of Basra hotel compared to multifamily to the east: Basra's hotel at 60' above ABE would vary from about one foot below to about 17 feet above the maximum permitted height of the multifamily buildings to the east, depending on the location of the building on those sites. Since the land slopes down from east to west, the maximum height elevations of the buildings abutting 124<sup>th</sup> Ave NE are greater than those down slope.
- 2) Height of Basra hotel compared to Rose Hill Plaza to the south: The proposed hotel would exceed the maximum permitted height of the Rose Hill Plaza buildings at their existing locations by about 5 to 16 feet, recognizing that the building closest to Basra is at a lower elevation than those on the southern portion of the Rose Hill Plaza property.
- 3) Height of Basra hotel compared to Jonesco Business Park to the north: The hotel would exceed the maximum permitted height of the two existing Jonesco buildings that are closest to the Basra site by about 34 - 41 feet. The existing location of those buildings have differing maximum height elevations corresponding to the topography of the property, which is down slope from Basra.

b. East West Section (Attachment 7):

The following is an east/ west cross section of the area, from about 15 feet south of Rose Hill Shopping Center's north boundary line. The boxes show the maximum permitted height elevations to the east and west of Basra based on zoning requirements (see Section 5 above), and the desired hotel height. The green boxes represent the actual approximate locations of multifamily building footprints on the Highlands in Kirkland Condos site. Basra and Rose Hill Shopping Center massing approximates setback provisions in RH zones (RH5A: 10 feet front yard/ 15 rear yard and RH3: 10 feet front yard/ rear yard as established with design review).



The aerial below shows the section in plan view. The blue dot is the Rose Hill Shopping Center site, the green dots are the Highlands Kirkland Condos buildings represented in the east/west cross section above.



Height of Basra hotel compared to Rose Hill Shopping Center to the west: This section provides the additional comparison between the requested Basra height and the maximum height at redevelopment buildout for the Rose Hill Shopping Center. The Rose Hill Shopping Center maximum building height would be about six feet lower than the requested height of the hotel on the Basra site. The maximum height allowed in RH3 is 45 to 67 feet above ABE at the north end of the zone with a maximum of 45 feet measured above the midpoint elevation of the frontage of the property along NE 85<sup>th</sup> Street. The ABE for the site, excluding the Costco parking lot, is about elevation 276. The approximate elevation of NE 85<sup>th</sup> Street midpoint along the property frontage is about 296, so elevation 341 is the approximate maximum building elevation permitted (296 + 45 = 341).



4. Height Comparison Table: The following table compares the Basra site ABE and requested height with those of existing buildings at lowest elevation on adjoining RM, LIT and RH 5A sites. It compares Basra's ABE and requested height to Rose Hill

Shopping Center’s ABE and height at maximum buildout. All elevations are approximate. It indicates that the Basra request ranges from six to 41’ higher than surrounding buildings based on the maximum height permitted in those zones.

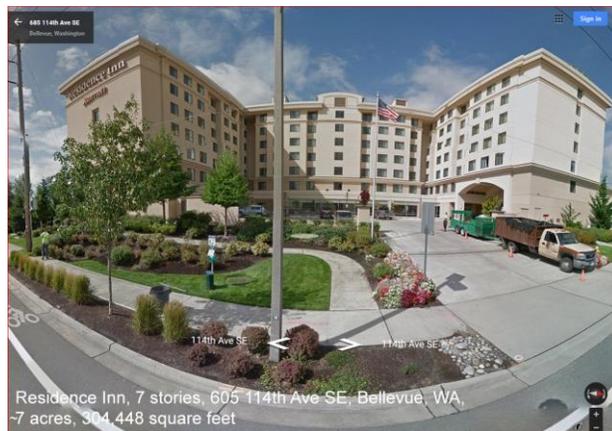
Existing Zone	ABE of Basra site/ max. height elev. above ABE	Lowest ABE of existing Highlands Kirkland east of Basra/ Max. height elev. above ABE	Lowest ABE of existing Rose Hill Plaza south of Basra/ Max. height elev. above ABE	ABE of Rose Hill Shopping Center west of Basra/ Max. height elev. above ABE	Lowest ABE of existing Jonesco north of Basra/ Max. height elev. above ABE	Max. height difference between desired Basra height and maximum permitted height on adjoining sites
<b>Basra</b> LIT	Request <u>287 ABE</u> <u>/347</u> 60’above ABE ----- Existing <u>287 ABE</u> <u>/322</u> 35’above ABE					
<b>Jonesco</b> LIT					<u>271 ABE</u> <u>/306</u> 35’above ABE	<u>Basra 41’ higher</u>
<b>Highlands Kirkland Condo</b> RM		<u>300 ABE</u> <u>/330</u> 30’ above ABE				<u>Basra 17’ higher</u>
<b>Rose Hill Plaza</b> RH 5A			<u>296 ABE</u> <u>/331</u> 35’above ABE			<u>Basra 16’ higher</u>

<b>Rose Hill Shopping Center RH 3</b>				<u>276 ABE</u> <u>/341</u> 6 acres - 45' above NE 85 <sup>th</sup> ST. mid-point elev. ----- -- <u>276 ABE</u> / <u>311</u> Less than 6 acres – 35' above ABE		<u>Basra 6'</u> <u>higher</u>  ----- <u>Basra 36'</u> <u>higher</u>

5. Examples of other hotels in Kirkland and Bellevue: The following Google street views (and last one from hotels.com) are representative of hotels between three and seven stories. Basra is requesting a seven story building.







**Staff Recommendation on Height and Massing:**

The PC should consider the policies in both the NE 85<sup>th</sup> St. Subarea Plan and Rose Hill Design Guidelines to minimize impacts on adjacent residential neighborhoods. At 60' above ABE, the existing multifamily building to the east at the lowest elevation would be about a 17' lower than Basra. The condos are two - three story buildings, and their actual heights are not determined. It is unlikely these condos will redevelop, since they were built in 1997 (Highlands Kirkland) and 2009 (Villa Rosa).

Even in the RH 3 zone, the focal point of the Rose Hill Regional Center at its lowest elevation, the vision contemplates mixed use up to five stories, and a maximum of 35' above ABE on properties less than six acres. If consolidated into a six acre parcel, the Rose Hill Shopping Center would be 6' lower than Basra's proposed seven story hotel.

- a. Height Calculation Formula: Regardless of the maximum height that may be allowed on the Basra site, calculate maximum height by the number of feet above ABE, consistent with the way it is measured throughout the City, including adjoining zones.

- b. Basra property: In order to keep in scale of adjacent residential properties, staff recommends at maximum a 5 story building. The height should not exceed the maximum height elevation allowed (30' above ABE in RM zone) as measured from the lowest building on the Highlands Kirkland condo site east of Basra. Expressed as height above ABE, the maximum height on the Basra Parcel would be approximately 43' above ABE.

Approximate elevation 330 is the maximum allowed height at the building located on the lowest portion on the Highlands Kirkland Condos site east of Basra (see Height Comparison Table, Section IV.A.4 above). Elevation 330 would therefore be the approximate height elevation allowed on the Basra site. That's equivalent to adding approximately eight additional feet to the maximum height otherwise allowed on the Basra site (elevation 322 at 35' above ABE vs. elevation 330 at 43' above ABE). If this height were to be adopted, these numbers would have to be verified by the applicant during the permit review process.

- c. Jonesco: Staff requests direction on how to proceed with the Jonesco site. The proximity of the Jonesco site to Basra and elevation difference between them intensifies the impact of Basra's proposal. If Basra's 60' height above ABE is approved, it would be about 41 feet above the maximum height permitted on the Jonesco building closest and at the lowest elevation. If however, the maximum height of Basra is limited, the impact on Jonesco is diminished. *Should the south side of Jonesco be allowed to exceed a 35' above ABE height limit?*
- d. Properties adjoining NE 90<sup>th</sup> St.: Staff recommends maintaining the 35' height limit as an appropriate transition to residential uses to the north. While the corner lot is at the same elevation as Jonesco, the remainder slope up to the east. Additionally these parcels are farther from the Basra site and arguably less impacted by the difference in height.

## **B. Uses:**

1. The following describes uses being contemplated in the study area. They are office and commercial. The existing zoning is industrial.

- a. Office Zone:

Description of Office Zone: The Comprehensive Plan defines an Office as "Uses providing services other than production, distribution, or sale or repair of goods or commodities. Depending on the location, these uses may range from single-story, residential-scale buildings to multistory buildings and/or multi-building complexes." Office uses are a subclass of commercial uses. The following uses are allowed in traditional Office zones:

- Offices

- Restaurant or Tavern
- Funeral Home or Mortuary
- Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop (limited to a maximum 3,000 to 4,000 sq. ft. per use)
- Retail Establishment providing banking or related financial service
- Church
- School or Day-Care
- Convalescent Center or Nursing Home
- Hospital
- Public Utility
- Government Facility Community Facility
- Public Park

b. Commercial Zone:

Description of Commercial Zone: The Comprehensive Plan defines Commercial use as "Uses providing services other than production, distribution, or sale or repair of goods or commodities. Depending on the location, these uses may range from single-story, residential-scale buildings to multistory buildings and/or multi-building complexes." Retail uses are those which provide goods and/or services directly to the consumer, including service uses not usually allowed within an office use. The following uses are allowed in the abutting commercial (RH 5A) zone to the south:

- gas stations
- Auto Service Center
- Entertainment, recreational uses
- Restaurant / taverns
- Any retail establishment selling goods or providing services, including banking and related financial services.
- Office
- Hotel /motel
- Private lodge
- Stacked dwelling units
- Church

c. Industrial Zone

Description of Industrial Zone: The Comprehensive Plan designates the area as Light Manufacturing Park (LMP) and defines Light Manufacturing Park as "places of business activity that include light manufacturing, high technology enterprises, warehousing, wholesale activities, and limited retail and office uses. Light manufacturing parks do not involve activities that create significant off-site noise, light or glare, odors, smoke water quality degradation, visual blight, or similar impacts". This corresponds to Light Industrial Technology (LIT) zoning classification. The following uses are allowed in the abutting industrial (LIT) zone to the north:

- Wholesale Trade
- Limited Retail (The zoning allows only limited retail uses as a percentage of total gross square area)
- Rental services
- Retail banking financial services
- Restaurant/tasting rooms
- Entertainment, recreational uses
- Vehicle/boat repair storage, washing
- Warehouse
- Office
- Storage services

**Staff Recommendation on uses in Study Area:**

Consider transitioning this area over time to uses more traditionally compatible with residential uses. Traditional office uses are appropriate along NE 90<sup>th</sup> Street and along 122<sup>nd</sup> Avenue NE. Due to the location of Basra, at the same distance from NE 85<sup>th</sup> Street as RH 3, the Commission should consider rezoning it to allow similar retail/mixed use commercial uses. However, there is no compelling reason to require the existing viable LIT uses to change if they wish to continue up to a pre-determined extent. The next section discusses options for continuance.

2. Options to permit continuance of LIT uses: If it is appropriate to convert this area from LIT to office, the following are strategies that could be used to transition to office uses over time. The status quo alternative is included for reference.

Alternative	Description	Implications
Status quo	Implement code as written	Uses become nonconforming when Office zoning takes effect (proposed as 12/2015). Nonconforming use rights lost after 3 months of vacancy. Could result in higher vacancies, economic distress for current owners, and faster transition to future uses.

<p>More permissive version of status quo</p>	<p>Set longer timeline for converting uses to nonconforming, and allow more alteration. (this approach is used in Totem Lake TL 10 B, C, D, and E zones)</p>	<p>Uses become nonconforming sometime after Office zoning takes effect, perhaps based on specific triggers identified in policy or code. Vacancies of more than 3 months could be permitted. Likely to result in reduced vacancies due to lost nonconforming rights compared to status quo, less economic distress for current owners than under status quo, and more gradual transition to future uses.</p> <p>Example from TL 10E:</p> <ol style="list-style-type: none"> <li>1. The structure containing the use shall have been in existence on (date of ordinance adoption), and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing gross floor area of the building.</li> <li>2. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.</li> </ol>
<p>Transitional Uses</p>	<p>Designate existing uses as “transitional” (this approach is used in Redmond’s Overlake Village)</p>	<p>Existing uses become “transitional,” but <u>not</u> nonconforming when Office zoning takes effect. Use table is reviewed periodically to determine whether transitional uses are still appropriate. Cap is placed on amount of “transitional” uses, possibly based on existing square footage of uses or some. Unlikely to negatively impact vacancy rates; less likely than status quo to cause economic distress; likely to result in slower transition when buildings reach end of economic life or redevelopment becomes more attractive</p>
<p>Permanent mix of uses</p>	<p>Allow existing and proposed uses in perpetuity</p>	<p>Existing LIT uses and future Office uses both become permitted uses in perpetuity. No uses become nonconforming. Unlikely to impact vacancy rates; unlikely to cause economic distress; transition to office depends on market. Land use compatibility issues could be of concern as infill of office uses accelerates.</p>

***Staff Recommendation to permit continuance of LIT uses:***

Use the same strategy for transitioning of light industrial uses as now in effect in Totem Lake.

C. **Development Standards:** The following table compares existing development standards for zones in and surrounding the study area:

<b>Zone</b>	<b>Height</b>	<b>Setbacks</b>	<b>Veterinary Office allow outdoor facility?</b>	<b>Landscape Buffer</b>
<b>Office P/O</b>	30' above ABE	Front 10' or 20' front depending on use/Side 5' min – 15' total up to 20' on each side depending on use/Rear 10' to 20', depending on the use	No	0-15' wide depending on adjoining use  Adjoining RM 5'wide  Adjoining RSX 15'wide
<b>Industrial LIT</b>	35' above ABE	20' front/0' side/0' rear	Yes, setbacks 10', with fence or wall enclosure	15' wide – if veterinary office with outside runs  Otherwise same as P/O
<b>Commercial RH 5A</b>	35' above ABE	Front 10' adjacent to NE 85 <sup>th</sup> St, otherwise 20' /Side 0' / Rear 15'	No	Same as P/O
<b>Commercial RH 3</b> minimum 6 acre consolidated parcel	45' above NE 85 <sup>th</sup> St. midpoint elev.	As established with Design Review	No	Subject to Conceptual Master Plan incorporating Rose Hill Design Guidelines
<b>Commercial RH 3</b> less than 6 acres	35' above ABE	Front 10' or 20', depending on use/Side 0' /Rear 0'	No	Same as P/O

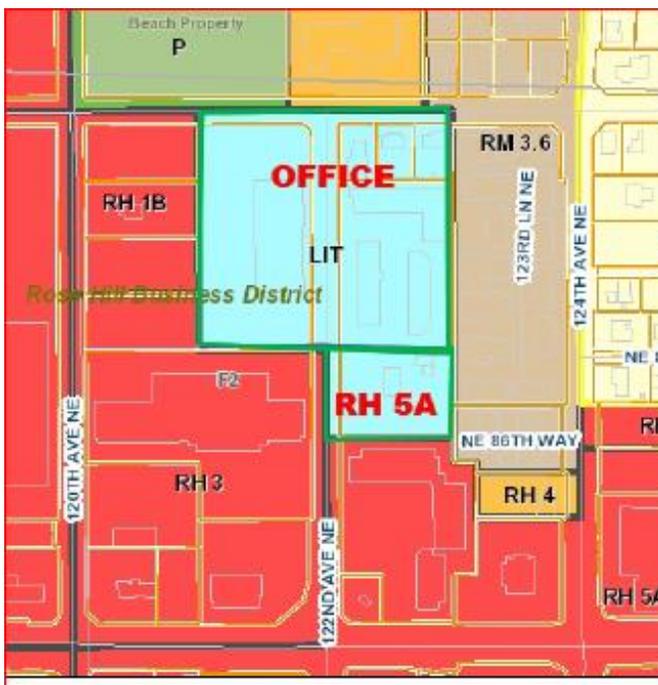
**Staff Recommendation on Development Standards:**

If it is appropriate to convert a portion of the study area from LIT to office, the Planning Commission should consider zoning code requirements that unlike a usual office zone would:

- Retain the existing LIT development standards in recognition of existing uses and performance standards that have successfully coexisted with adjoining residential development.
- Limit the location of outdoor runs associated with veterinary offices to the south side of properties with frontage on NE 90<sup>th</sup> St. Reducing potential noise impacts on nearby residential development is intended to result in continued positive outcomes between commercial and residential land uses.

**D. Zoning Classifications:**

1. Previous Staff Recommendation: The previous staff recommendation was to create a new RH zone, replacing the entire LIT zone, and create three subareas (office, industrial, and commercial). The area west of 122nd (Kirkland Commons Office) and adjoining NE 90th Street (an office conversion and two single family homes) would be designated for office uses. The Jonesco Business Park parcel would remain industrial in recognition of existing viable industrial uses, and the Basra parcel would be designated commercial. See [February staff memorandum](#) for further discussion of Option 3.



2. Revised Staff Recommendation: New Option 4. This option is to rezone the entire study area to two zones - office and commercial. The area west of 122nd and adjoining NE 90th Street would be designated for office uses. The Jonesco Business Park parcel would also be designated office, but existing viable industrial uses on the Jonesco site could continue with limited expansion and alterations permitted as described in Section IV B above, setting longer timelines for converting uses to nonconforming, and allowing more alteration. The Basra parcel would be designated commercial (RH 5A). This option addresses the proposed vision for this area to transition away from industrial to a commercial mixed use orientation compatible with neighboring residential development.

3. Combining potentially new and existing Rose Hill Business District (RHBD) zones:  
The Planning Commission requested that staff bring back information on the feasibility of combining existing RHBD zones with newly created zones.

- a. Office: Staff recommended Option 4 permits the continuance of industrial uses in an office zone. This is a unique situation. There are no zones in the RHBD Regional Center that are similar to the mix of office and industrial uses being considered in the study area.

RH 4, located north of McDonalds, is the only office zone in the RHBD and it permits only residential and a very limited mix of office uses. Too, it is physically separated from the study area.

RH 1B, located to the west of Kirkland Commons office, permits limited business park uses outright. NE 85<sup>th</sup> Street Subarea Plan policies for the RH-1B zone limit new development to accessory parking for Costco, or alternatively to light industrial uses that generate minimal traffic. Policies also prohibit retail uses that generate high traffic volumes, such as restaurants and taverns.

- b. Commercial: The mix of land uses and development standards for the Basra site are the same as those in both the RH 3 and RH5A commercial zones adjoining Basra. The difference is that in the RH 3 zone, to implement the vision of the NE 85<sup>th</sup> St. Subarea Plan policy direction and Design Guidelines for the Regional Center, the zone must be master planned to provide coordinated development. A minimum of six acres must be consolidated in order to take advantage of heights exceeding 35' above ABE.

Staff Recommendation on feasibility of combining RHBD zones:

- a. Office: Because there are no similar zones, consider creating a new Rose Hill Business District subarea zone for the office area that addresses transition of LIT uses to office over time. A possible choice might be RH 4B, in keeping with the Regional Center identification of the only other office zone as RH 4. (RH 4 could be relabeled 4A)
- b. Commercial: Since it is unlikely that Basra would be part of a six acre coordinated redevelopment project of the Rose Hill Shopping Center in RH 3, incorporate the one acre parcel into the adjoining RH 5A Commercial zone to the south.

E. **Analysis of staff Recommended Option:** Rezone Basra to RH5A. Rezone the remainder of the study area to an office zone but allow LIT uses to continue subject to relaxed thresholds for ceasing industrial uses.

1. Advantages –

- Might encourage more substantive redevelopment on the south end of the LIT

zone (Basra site) more consistent with the vision of the Regional Center, Provides an appropriate transition to residential zones to the east with redevelopment assuming the height limit chosen for Basra is not excessive. Given the proximity to the freeway interchange, accommodating regional and neighborhood commercial development there is attainable.

- Both Basra’s and Rose Hill Shopping Center’s southern boundaries are equal distance from NE 85th Street, a regional arterial. This is in the heart of the regional center portion of the Rose Hill Business District. 122nd Avenue NE is a signalized intersection. Adjacency to commercial on two sides, proximity to the interchange, and development potential to uses more in keeping with the Regional Center Vision are compelling reasons for this change.
  - This option would also achieve goal over time to transition the remainder of study area to Office, when the owners of Jonesco are ready to do so. Recognizes existing viable industrial use and office development.
  - Redevelopment the two remaining homes along NE 90th Street likely given the land to improvement value. The properties along NE 90<sup>th</sup> Street are ripe for office conversion, as envisioned by the Rose Hill Design Guidelines. Office would be a good transitional use. The Kirkland Commons office on the west side of 90<sup>th</sup> is unlikely to redevelop in the foreseeable future. Redevelopment of Jonesco depends on the market.
2. Disadvantages – May be perceived by owners of properties along NE 90<sup>th</sup> as limiting some redevelopment options.
  3. Code Standards: If this option is selected, the text of the neighborhood plan should be amended and implementing code requirements drafted to provide standards addressing transitions between commercial and residential land uses to the east and north (e.g. height, and intensity) and allowing existing industrial uses to continue in the Jonesco Business Park subject to zone specific provisions. The following requirements are recommended by staff:
    - a. Basra:
      1. Restrict vehicle service station and retail sales service or rental of motor vehicles, sailboats, motor boats, or recreation trailers on the Basra site since it has no frontage on NE 85<sup>th</sup> St. The commercial zoning should be changed to address this restriction. (Note: A Zoning Special Regulation could define the geographically area where these more intensive uses would be prohibited).
      2. Restrict the height of structures east of 122nd Avenue NE, to recognize that transitions to residential use and zoning to the east and north must be respected. Consider increasing the maximum height allowed on the Basra site to the equivalent height elevation on multifamily to the east at

its lowest point. Limit the number of stories to a maximum of five. Express this height limit in number of feet above ABE on the subject property.

b. Remainder of study area:

1. Allow the nonconforming uses in the Jonesco Business Park to continue, to recognize the advantage of transitioning over time from traditional industrial uses to those which are envisioned for the Regional Center. Codify this in special regulations like those in effect in Totem Lake zones that set a longer timeline for converting uses to nonconforming, and allow more alteration. Specifically, codify the following:
  - a. The structure containing the use shall have been in existence on (date of ordinance adoption), and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. However, expansion of the floor area of this use may not exceed 20 percent of the existing gross floor area of the building.
  - b. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.
2. Retain the existing LIT setback and height standards in recognition of existing uses and performance standards that have successfully coexisted with adjoining residential development.
3. Allow outdoor facilities associated with veterinary offices but limit the location of outdoor runs to the north side of properties with frontage on NE 90th St. Reducing potential noise impacts on nearby residential development is intended to result in continued positive outcomes between commercial and residential land uses. In addition, retain the LIT landscape buffer and setback requirements for outdoor runs.

**F. Commission Discussion:**

1. What is the Planning Commissions' vision for the study area? Staff has made a revised recommendation to transition the entire study area away from the current industrial designation to office and commercial, while recognizing the viability of the Jonesco Business Park. Do you agree?
2. If your goal is to eventually transition the area away from industrial, do you see it transitioning to retail or office oriented commercial uses? Staff has made the

recommendation to transition the Basra parcel to retail mixed use similar to RH 5A, and the remainder to office oriented use, in a new RH zone. Do you agree?

3. If your goal is to allow LIT uses to continue beyond thresholds that normally trigger non-conformances to cease (exceeding 3 months vacancy/ structural alteration or increase of gross floor area) but still desire eventual transition of the study area to office and/or commercial, do you consider the approach in place in Totem Lake appropriate?
4. If your preliminary preference is to rezone to Option 4, do you agree with the following height limits staff is recommending:
  - Basra – equivalent elevation above ABE as the maximum height allowed at the lowest building directly east of Basra on the Highlands Kirkland condos site, with a five story maximum. Staff has estimated this to be approximately 43' above ABE.
  - Remainder of study area – 35' above ABE

Staff recommends the Commission provide direction on the options. Staff has recommended Option 4 for further consideration. Does the Commission concur with this approach? Are there other options that should be considered? Is there additional information the Commission that would be helpful to the Commission?

## **V. PUBLIC COMMENTS RECEIVED**

Other than the letters from the owners of the Jonesco Business Park and Eastside Veterinary Associates, no public comments have been received. Any other public comments received will be forwarded to the Planning Commission prior to the study session and included as part of the public record for the future public hearing.

1. Public Comments Received Since Last Study Session: Attachments 8 and 9
  - a. Jonesco (Attachment 8): The property owner favors either retaining the existing LIT zoning (Option 1) or rezoning the entire LIT area to commercial (Option 2). He supports commercial rezone only if all parcels in study area benefit from the same redevelopment opportunities and building heights as the Basra site, with the caveat that existing industrial uses could continue as "transitional uses" until the Jonesco site is ripe for redevelopment with commercial type uses that the new zone would allow. In other words he objects to being subject to the City's [non-conforming regulations](#), which would require cessation of existing industrial uses if vacancies exceed 90 days, or if the buildings are structurally altered or the gross floor area is increased. He strongly opposes Basra alone being rezoned to retail (Option 3), noting concerns including hotel traffic generation, construction, building height and shadow impacts, and unequal treatment of the remainder of the LIT zone and the RH 5A zone to the south.

- b. Veterinary Office (Attachment 9): Owner's preference is to rezone the entire LIT area to commercial (Option 2) and her second choice is to retain existing LIT zoning (Option 1). If rezoned to commercial she requests that all parcels in study area be subject to the same development regulations and that the existing veterinary office development standards be preserved (setbacks, height limits, and outdoor runs). She objects to restrictions on hours of operation and questions limiting types of uses based on vehicle trips generation, or intensity of use, noting that traffic volume from Costco is greater than additional business activity would generate with a rezone.

**Attachments:**

1. Email from Basra dated received since the last study session
- 2 to 5. Massing Study submitted by the Applicant
6. Massing Study North South Section prepared by staff
7. Massing Study East West Section prepared by staff
8. Letter from Jonesco Business Park owner dated April 15, 2015
9. Letter from Eastside Veterinary Associates owner dated April 16, 2015



**Joan Lieberman-Brill**

---

**From:** Tejvir Basra <basra.tejvir@gmail.com>  
**Sent:** Thursday, April 23, 2015 12:43 PM  
**To:** Joan Lieberman-Brill  
**Subject:** Re: FW: Planning Commission meeting date - Basra CAR continuation

Joan,

Thank you for your email. Please see my responses below.

- Describe the overall vision for your hotel project – number of floors, datum point from which you measure height (specific elevation at the corner of NE 85<sup>th</sup> and 122<sup>nd</sup>), whether you contemplate a residential component, intended ground floor uses and parking location (with respect to the current general Zoning Code regulation requirement in both RH 3 and RH 5A zones calling for a minimum portion of ground floor uses be other than parking garages,) and how you may accommodate the Zoning Code requirement for provision of continuance of the existing pedestrian walkway from 120<sup>th</sup> to 124<sup>th</sup> (Plate 34K) in the context of meeting specifications of ZC 105.19. A walkway currently extends from 120<sup>th</sup> to 122<sup>nd</sup> across the Costco parking lot and the Kirkland Commons parking lot to 122<sup>nd</sup>. When there is an opportunity with redevelopment, the City will be looking for continuance of it to the east, across your property at some location. I bring this up now to make you aware of this in case you are not.

We envision the hotel being a 5+2 development. With two floors of parking and five floors for the hotel development. The specific elevation we used for NE 85<sup>th</sup> and 122<sup>nd</sup> was from the midpoint of the intersection which we estimated to be 312'. We are open to the city's suggestion in regards to a residential component, the project works for us either way. We anticipate having some retail on the ground floor such as restaurant, bar, etc and again, we are open to the city's suggestions again. And yes, we are aware of the continuance of the existing pedestrian walkway. We have addressed this by leaving a sizable setback on the southern property line.

- Show on the two attached massing plans the **actual height** of the various existing individual residential buildings on the lots east of the Basra site. This is to determine the impact of your proposal on the existing development there.

We are unsure how we can provide this. We don't think it is practical to go onto the neighbors' property with a measuring tape. And I envision, the city probably has more resources than we do in regards to records of the building heights, etc.

Thank you and please let me know if you have any further questions. Have a nice weekend.

Best,  
Tejvir

On Fri, Apr 17, 2015 at 3:48 PM, Joan Lieberman-Brill <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)> wrote:

Thank you Tejvir. Your plans will be included as attachments in the staff memorandum prepared for the Planning Commission's May 14 meeting.

I just met with Eric Shields and Paul Stewart today, director and deputy director respectively, to discuss your massing study.

Please submit the following so we fully understand your specific intent, and can discuss in context with the City's vision for this portion of the NE 85<sup>th</sup> Street Commercial Corridor in the North Rose Hill Neighborhood:

- Describe the overall vision for your hotel project – number of floors, datum point from which you measure height (specific elevation at the corner of NE 85<sup>th</sup> and 122<sup>nd</sup>), whether you contemplate a residential component, intended ground floor uses and parking location (with respect to the current general Zoning Code regulation requirement in both RH 3 and RH 5A zones calling for a minimum portion of ground floor uses be other than parking garages,) and how you may accommodate the Zoning Code requirement for provision of continuance of the existing pedestrian walkway from 120<sup>th</sup> to 124<sup>th</sup> (Plate 34K) in the context of meeting specifications of ZC 105.19. A walkway currently extends from 120<sup>th</sup> to 122<sup>nd</sup> across the Costco parking lot and the Kirkland Commons parking lot to 122<sup>nd</sup>. When there is an opportunity with redevelopment, the City will be looking for continuance of it to the east, across your property at some location. I bring this up now to make you aware of this in case you are not.
- Show on the two attached massing plans the **actual height** of the various existing individual residential buildings on the lots east of the Basra site. This is to determine the impact of your proposal on the existing development there.

Please work with your architect to provide the information I've requested, and please provide if at all possible by Thursday, April 23. While the Comprehensive Plan amendment request will focus on policy initially, we will have to craft zoning regulations to implement whatever the outcome is of the public hearing, so we need this level of detail from you to know what to consider. The Planning Commission will be interested in how your proposal impacts existing development since it is fairly recent and redevelopment is not as likely.

I will be out of the office until next Wed, so if you have questions please call me then.

Sincerely,

Joan

Joan Lieberman-Brill, AICP

Senior Planner

City of Kirkland Planning and Community Development

425-587-3254

[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

Mon – Fri

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**From:** Tejvir Basra [<mailto:basra.tejvir@gmail.com>]

**Sent:** Thursday, April 16, 2015 11:25 AM

**To:** Joan Lieberman-Brill

**Subject:** Re: FW: Planning Commission meeting date - Basra CAR continuation

Joan,

The massing study is attached below. Thank you for your patience, it is greatly appreciated.

Best,

Tejvir

On Mon, Apr 13, 2015 at 11:22 AM, Tejvir Basra <[basra.tejvir@gmail.com](mailto:basra.tejvir@gmail.com)> wrote:

Joan,

You will certainly have it by then. Thank you so much for your understanding.

Best,  
Tejvir

On Apr 13, 2015 11:11 AM, "Joan Lieberman-Brill" <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)> wrote:

Hi Tejvir,

Please get this information to me no later than April 16. I cannot go forward with my work without it.

Joan Lieberman-Brill, AICP

Senior Planner

City of Kirkland Planning and Community Development

425-587-3254

[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

*Mon – Thurs*

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**From:** Tejvir Basra [<mailto:basra.tejvir@gmail.com>]  
**Sent:** Friday, April 10, 2015 2:28 PM  
**To:** Joan Lieberman-Brill  
**Subject:** Re: FW: Planning Commission meeting date - Basra CAR continuation

Joan,

Hope you have been well. I was wondering if I could get a few extra days to provide the massing study? I have not been feeling well as I recently had surgery and my architect was out of the country for a while as well.

You had requested I get it to you by this upcoming Tuesday. Can I buy AJ extra few days? It would be greatly appreciated, please let me know at your earliest convenience so I can advise my architect accordingly thank you.

Best,  
Tejvir

On Mar 19, 2015 4:05 PM, "Joan Lieberman-Brill" <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)> wrote:

Attached is the ABE form.

From: Joan Lieberman-Brill

Sent: Thursday, March 19, 2015 3:51 PM

To: '[basra.tejvir@gmail.com](mailto:basra.tejvir@gmail.com)'

Subject: Planning Commission meeting date - Basra CAR continuation

Hi Tejvir,

The date for Planning Commission follow-up meeting to study your CAR is on Thursday May 14. Same time same place - 7pm in City of Kirkland Council Chambers, 123 5th Avenue.

- By no later than April 14, please provide graphics comparing the building envelope of proposed hotel with the surrounding potential building envelope in adjoining RM 3.6 and RH 5A zones. The intent is to compare the maximum height of the proposal in relation to surrounding development at buildout. The Planning Commission requested further analysis to understand how the proposed height measured at the corner of 122nd and NE 85th St will fit in with existing development context.

Please take into account the setback limitations and existing topography of the three abutting parcels (2 in the RM zone and one in the RH 5A zone) in order to calculate the Average Building Elevations (ABE) for those parcels and your own. Here's a link to the Kirkland ZC – <http://www.codepublishing.com/wa/kirkland/?html/KirklandCPNT.html>

To reiterate, the height and setbacks in adjoining zones to the east and south:

RM 3.6

maximum height: 30' above ABE

setbacks: 20' front/5' min-15' total side/10' rear.

RH 5A

maximum height: 35' above ABE

setbacks: 20' front/0' side/15' rear

I've included a copy of our handout regarding calculating ABE to understand how Kirkland calculates height.

Please provide the supporting ABE calculations used to produce the graphics you provide.

- Any comments you would like included as attachments to the staff memorandum are due by May 1st.

If you have questions please call me.

I look forward to your submittal.

Sincerely,

Joan

Joan Lieberman-Brill, AICP

Senior Planner

City of Kirkland Planning and Community Development

425-587-3254

[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

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--

Tejvir Basra

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--

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[basra.tejvir@gmail.com](mailto:basra.tejvir@gmail.com)



**RHSA**

	ELEVATION	LENGTH (FT)
NORTHERN WALL	300	296
EASTERN WALL	308	325
SOUTHERN WALL	310	200
WESTERN WALL	300	308

ABE: 304.1  
 MAX HEIGHT: 339.1

**NORTHERN RM 3.6**

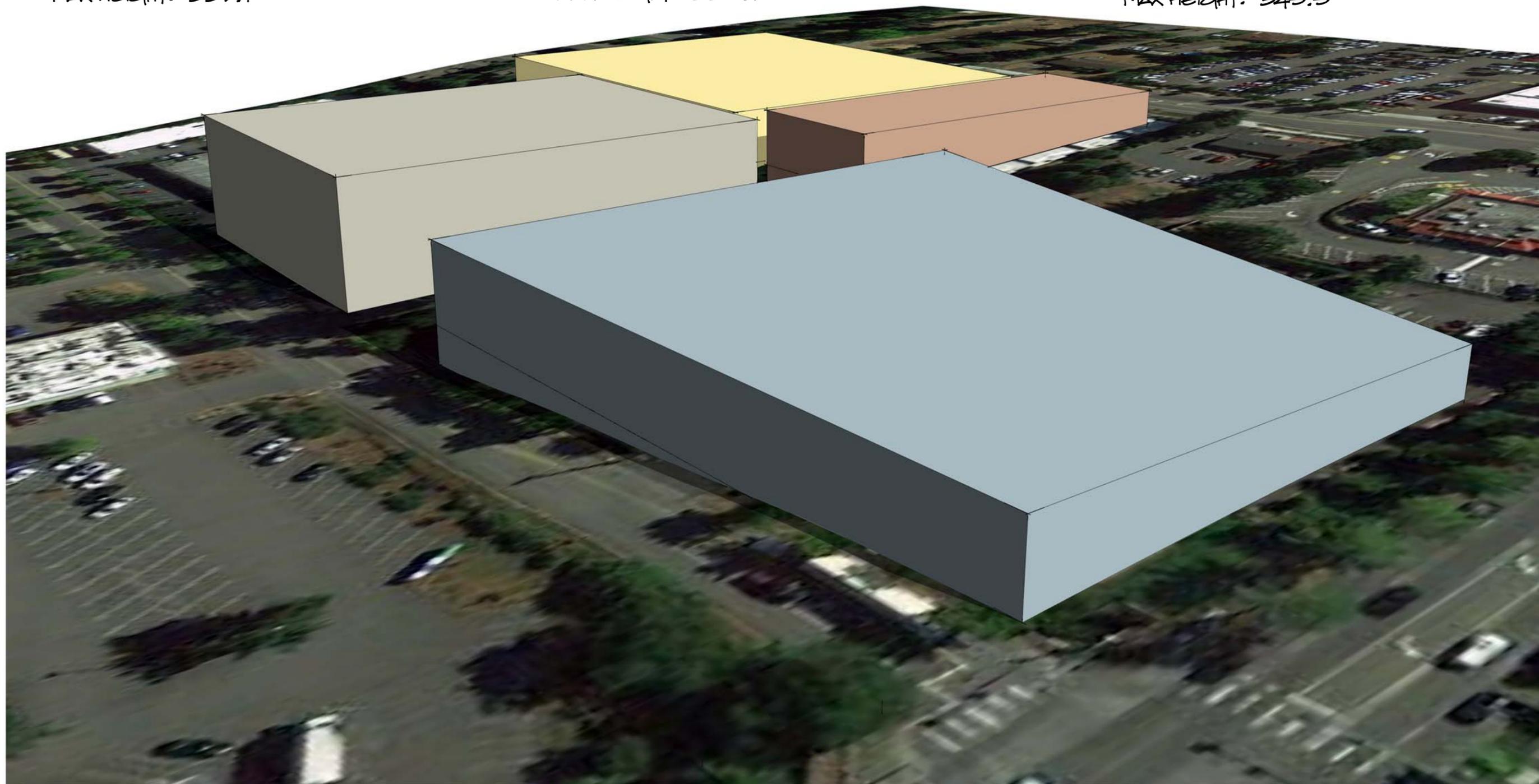
	ELEVATION	LENGTH (FT)
NORTHERN WALL	307	205
EASTERN WALL	315	106
SOUTHERN WALL	312	205
WESTERN WALL	295	106

ABE: 308.1  
 MAX HEIGHT: 338.1

**SOUTHERN RM 3.6**

	ELEVATION	LENGTH (FT)
NORTHERN WALL	315	205
EASTERN WALL	322	185
SOUTHERN WALL	315	205
WESTERN WALL	310	185

ABE: 315.5  
 MAX HEIGHT: 345.5









**HOTEL**

MAX HEIGHT: 347.0

**RHSA**

	ELEVATION	LENGTH (FT)
NORTHERN WALL	300	296
EASTERN WALL	308	325
SOUTHERN WALL	310	200
WESTERN WALL	300	308

ABE: 304.1  
MAX HEIGHT: 339.1

MAXIMUM HEIGHT: 35' ABOVE ABE  
SETBACKS: 20' FRONT/0' SIDE/15' REAR

**NORTHERN RM 3.6**

	ELEVATION	LENGTH (FT)
NORTHERN WALL	307	205
EASTERN WALL	315	106
SOUTHERN WALL	312	205
WESTERN WALL	295	106

ABE: 308.1  
MAX HEIGHT: 338.1

MAXIMUM HEIGHT: 30' ABOVE ABE

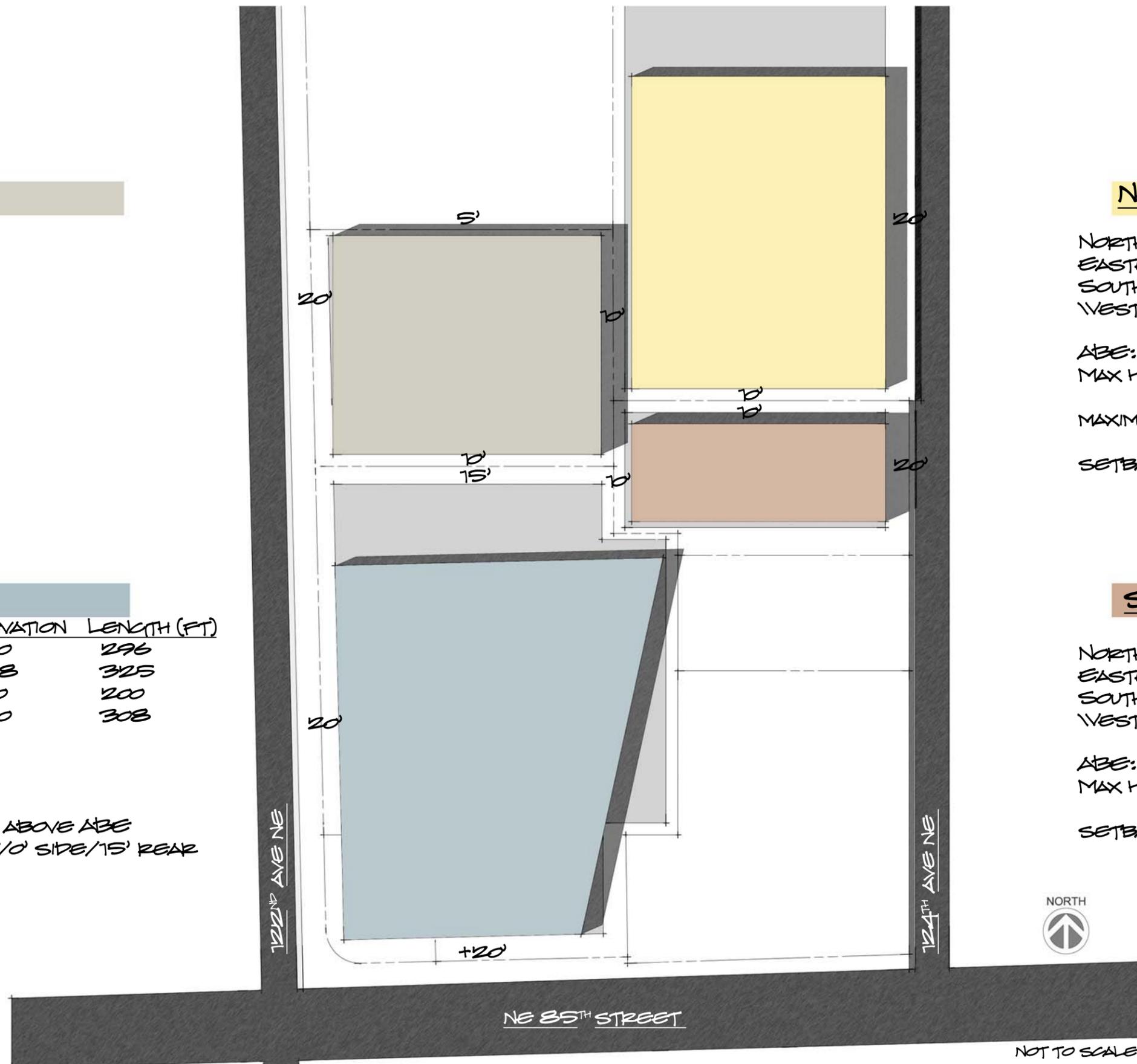
SETBACKS: 20' FRONT/5' MIN-15'  
TOTAL SIDE/10' REAR

**SOUTHERN RM 3.6**

	ELEVATION	LENGTH (FT)
NORTHERN WALL	315	205
EASTERN WALL	322	185
SOUTHERN WALL	315	205
WESTERN WALL	310	185

ABE: 315.5  
MAX HEIGHT: 345.5

SETBACKS: 20' FRONT/5' MIN-15'  
TOTAL SIDE/10' REAR





**RHSA**

	ELEVATION	LENGTH (FT)
NORTHERN WALL	300	296
EASTERN WALL	308	325
SOUTHERN WALL	310	200
WESTERN WALL	300	308

ABE: 304.1  
 MAX HEIGHT: 339.1

**NORTHERN RM 3.6**

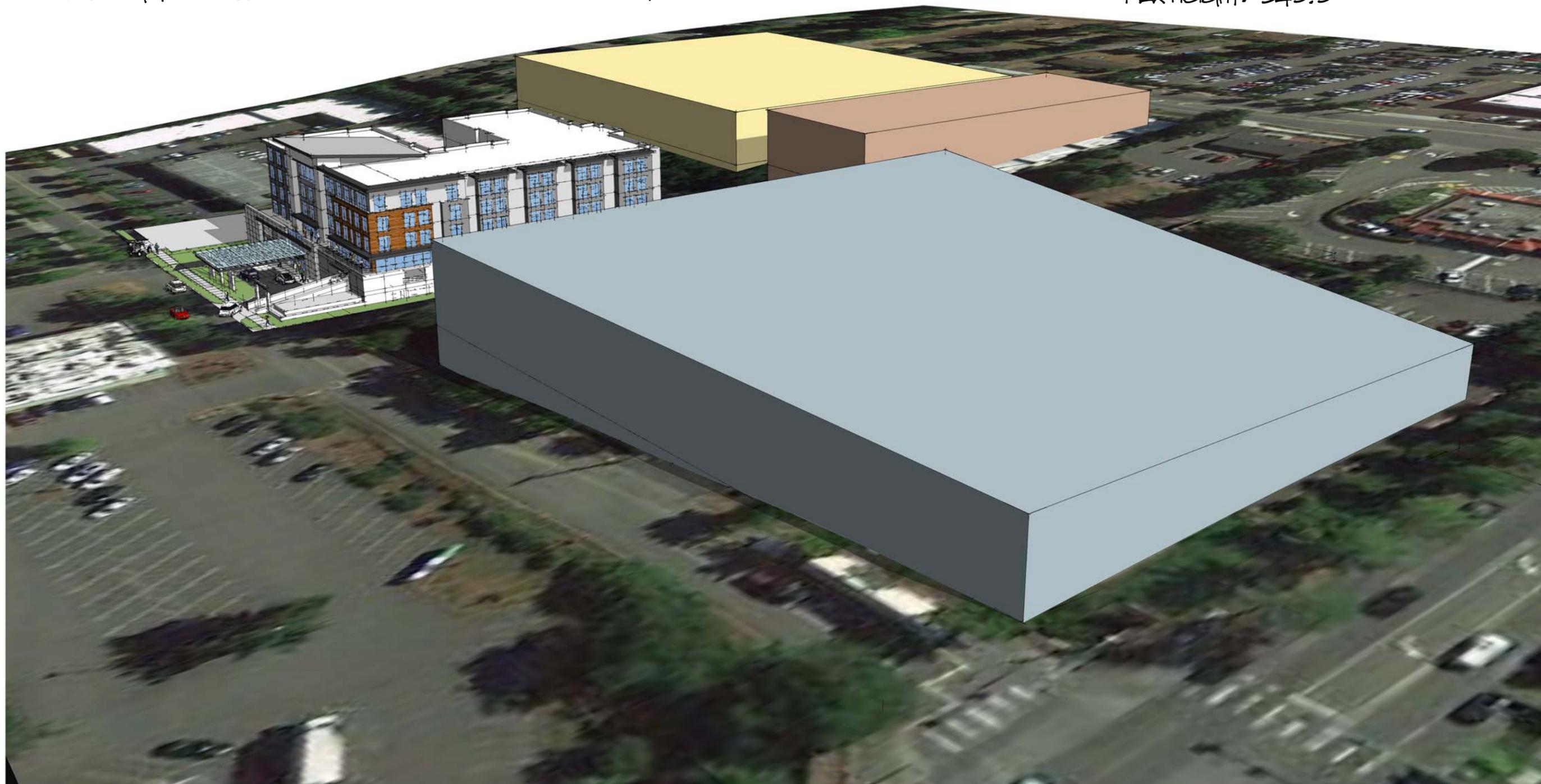
	ELEVATION	LENGTH (FT)
NORTHERN WALL	307	205
EASTERN WALL	315	106
SOUTHERN WALL	312	205
WESTERN WALL	295	106

ABE: 308.1  
 MAX HEIGHT: 338.1

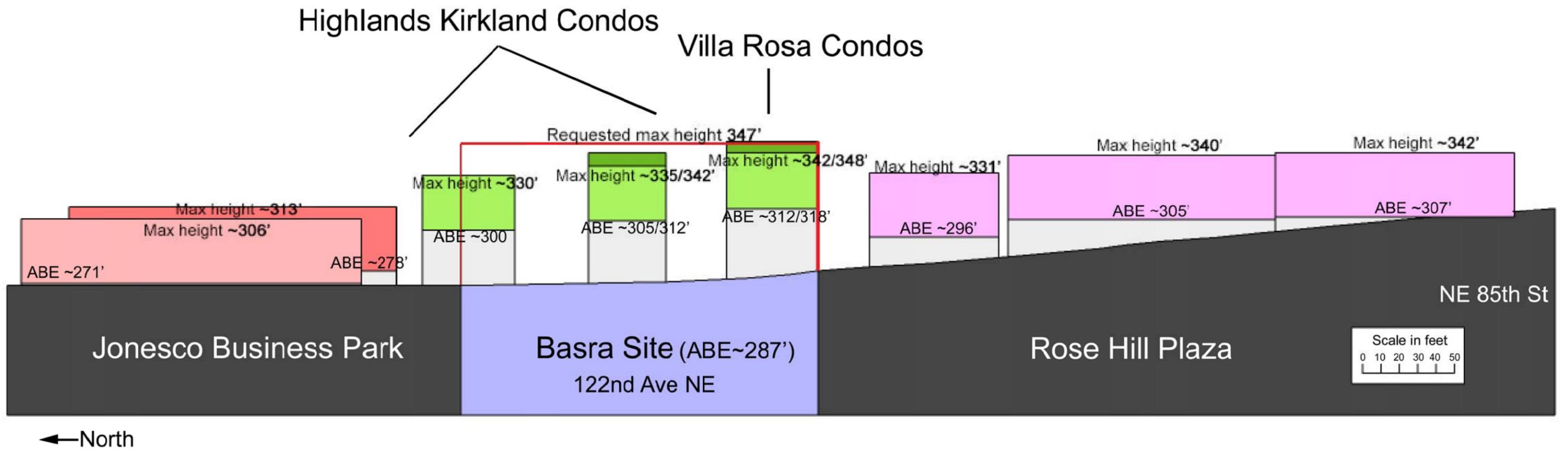
**SOUTHERN RM 3.6**

	ELEVATION	LENGTH (FT)
NORTHERN WALL	315	205
EASTERN WALL	322	185
SOUTHERN WALL	315	205
WESTERN WALL	310	185

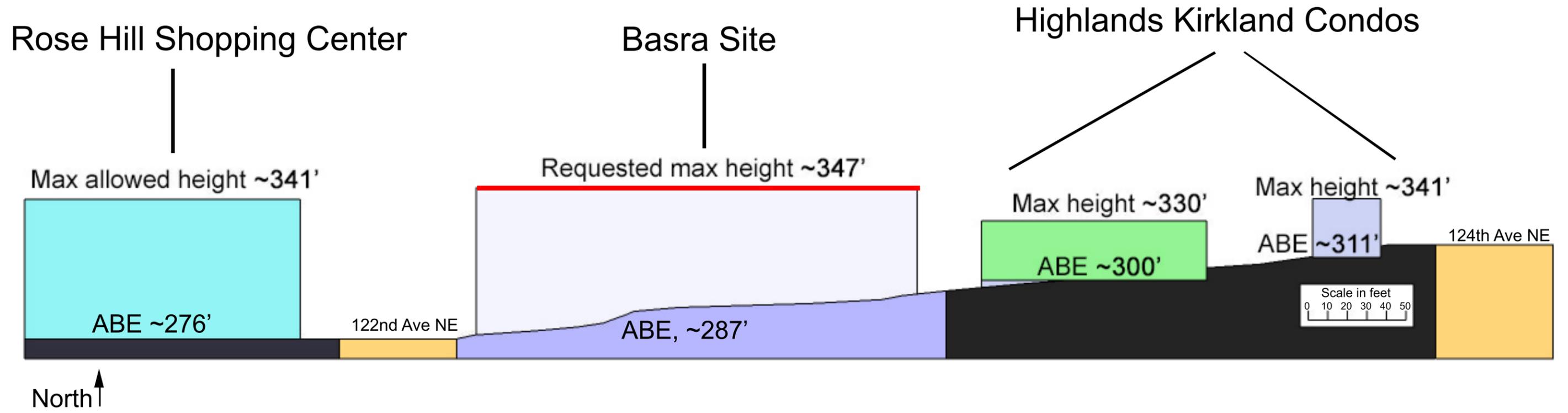
ABE: 315.5  
 MAX HEIGHT: 345.5















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 Bellevue, WA 98005  
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 Fax: (425) 576.8976  
 www.agmrealestate.com

April 15, 2015

To: City of Kirkland Planning Commission

Re: BASRA CAR File No. CAM13-00465

Dear City of Kirkland Planning Commission:

I am writing this letter to express my family's opinion on the Citizen Amended Request for the BASRA site. My family owns the Jonesco Business Park property located at 8802 122<sup>nd</sup> Avenue NE. It is the property directly to the north and contiguous to the BASRA subject property.

Our position is that we do not agree with the planning commission's pursuit of the third option presented at the last planning commission meeting. We strongly favor Option 1 or 2. Option 1 consists of no action and to retain the existing zoning. Option 2 calls for the entire LIT zoned area to be zoned to an existing commercial zone similar to those along NE 85<sup>th</sup> and the surrounding area.

#### **OPTION 1-FAVORED**

Status quo is fine by our family. In fact, if option 1 were the course of action; it makes sense for more like kind businesses to be located in the LIT zone that include the various tenants we have at Jonesco. This goes for the office park across the street and the veterinary office as well rather than non-conforming uses. The area could use more of what is currently provided in the code, not less. It would be better if the BASRA site stopped being a residential dwelling and instead adhered to the existing permitted uses in the LIT zone. Why doesn't BASRA build a smaller industrial/office park? There is a huge need for that type of property in Kirkland and the greater Eastside. It would lease up rapidly and be allowed per the existing code.

Option 1 maintains that all of the existing properties in the area will have no problem leasing their properties and complying with the city of Kirkland code. In addition it will make sure that traffic will not be negatively impacted further along 122<sup>nd</sup> Avenue NE.

#### **OPTION 2-FAVORED**

If a rezone of the BASRA site is being considered, then the other properties in the area should also be considered for that rezone. All property owners in the area deserve the

same right and opportunity to develop for the future; rather than just one property owner. And the same rules should apply to redevelopment, permitted uses, and building elevation. If one property owner can build up to 35' above the average building elevation of NE 85<sup>th</sup>, while their property has similar elevation to mine, then I believe my property should be allowed the same ability and redevelopment potential.

I personally have experience working on other properties that have similar zoning and locations to our little pocket of LIT zoning in Kirkland. In cities like Bellevue and Redmond, where there is still a pocket of out of place zoning, the standard reaction has been to do nothing and leave it alone, or recognize that the vision has changed and the locations of the properties lend themselves to being adopted into the newer plan. In Bellevue, a few general commercial zoned parcels were recently changed to the neighboring zoning because these parcels were out of place for the future vision. The planning commission and ultimately the city council need to determine if this area has a long term future as LIT, and if so, option 1 becomes the obvious choice. If the city believes this area of LIT should be something different, and has a different vision of it in the plan, then Option 2 should be explored more thoroughly.

However, my family does have one caveat to Option 2. Any change of zoning would be looked at as an overlay to the existing zoning and/or a transitional zoning change. Kirkland already offers a limited supply of quality industrial/flex/business parks and veterinary locations. The city of Redmond just went through a similar situation with their Overlake Village rezone. The initial plan by the city would have created a massive problem with non-conforming uses by the existing tenant mix. The city worked with the property owners and came to a mutually agreeable transitional zoning compromise, and something similar to that would be required for this LIT portion of the property if the vision were to redevelop it in the future.

### **OPTION 3-OPPOSED**

My family and I vehemently oppose Option 3 for the harm we believe it will cause Jonesco Business Park. The thought of any development that would be roughly 65-75' tall towering over our property seems unrealistic and a breach of existing zoning requirements for the current zone and the adjacent RH zone. The construction impact, the shadow effect, the possible tie backs that might be required for a 75' development and the traffic impact of a development like this would have could be catastrophic to our property. 122<sup>nd</sup> Avenue NE has already become the route of choice to get to and from Costco just two blocks to the west. Adding this new wrinkle would only cause massive problems to our properties, but would also cause huge issues with the Costco traffic that travels 122<sup>nd</sup> every single day.

The question also remains that a hotel development is only viable in this location if all of the existing zoning requirements are broken or bent. Would a hotel even be considered at this location if the total height was 35', or if it were on 85<sup>th</sup> and were only allowed 35' from average building elevation? I believe the only reason a hotel makes economic sense

is because the request is to go 75' in total height of the building. The adjoining property, Rose Hill Plaza (RHP), does not even enjoy these benefits of possible development. Not to mention that RHP will have development issues for years to come due to contamination from an old dry cleaner. Seems odd that the dirty dirt retail center on the corner will be 30-40', and then in the shadow of an out place hotel.

I appreciate the opportunity to voice my family's opinion on this topic. We love operating our building/business in the city of Kirkland and supporting the city and its local businesses, and we look forward to doing so for my generation and the next generation of the Reed family.

So, to reiterate, it is the Reed family's position to favor Option 1 and/or Option 2 for the BASRA CAR, and to strongly oppose option 3.

Thank you for your time and I look forward to being a part of this process going forward.

Best Regards,

A handwritten signature in blue ink, appearing to read "Jim Reed". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jim Reed





Judy Hung, V.M.D.

[www.eastsidevetassociates.com](http://www.eastsidevetassociates.com)

8934 122<sup>nd</sup> Ave. NE

Kirkland, WA 98033

206-660-4589 Cell

eastsidevet@gmail.com

Friday, May 08, 2015

To the City of Kirkland Planning Commission,

I am responding to the Citizen Amendment Requests Basra LIT File No. CAM13-00465, #5 MEMORANDUM Dated February 18, 2015, and the Public Meeting on February 2, 2015.

I am the owner of the property at 8934 122<sup>nd</sup> Ave. NE where my veterinary practice, Eastside Veterinary Associates has been open since 2008.

I also own the property East of Eastside Veterinary Associates at 12213 NE 90<sup>th</sup> as of Feb 2014. I purchased the property in planning for expansion of my small animal veterinary hospital in the next 5 years if finances allow.

I had purchased the 2 properties **specifically** for the outright allowed **veterinary and kennel** use in the **LIT** district. I would expect that that I am able to develop the 2 properties as I had intended for them when I purchased them, regardless of any changes in zoning by the Planning Commission as I should be “grandfather cloused” for the uses allowed at time of purchase.

My goals for my practice are to be able to serve my clients and patients with the best veterinary medicine and ancillary services available. Currently, this includes medical and surgical services, but will expand to include boarding and possibly emergency services in the future.

Obviously, I have major concerns for the change in zoning from the existing LIT as it will restrict my ability to develop the site as I had planned unless I’m given an exemption for future development of my veterinary hospital without additional restrictions that would come with zoning change.

For example, I expected to be able to have an outdoor area for my patients to exercise in. Outdoor runs are permitted in Industrial zones, but are not permitted in Office zones. The hospital design for my canine patients has always been for their comfort. Having an outdoor space is extremely important for their mental and physical health.



Judy Hung, V.M.D.

[www.eastsidevetassociates.com](http://www.eastsidevetassociates.com)

8934 122<sup>nd</sup> Ave. NE

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Since my 2 parcels are small in comparison to the other parcels in the LIT zone that I am in, building setbacks matter significantly to me. I am currently allowed to have 0' rear and side yard setbacks in LIT whereas office zoning requires 10' rear and 15' for 2 side yards.

I am also currently allowed a 35' height in LIT whereas office zoning allows 30'. I expect to be able to use my properties as I understood my setbacks and building heights to be when I purchased them.

As for the 3 options that were under consideration in order to accommodate the Basra request for a hotel and private residence to be built on the 1 acre site that Basra property is on, I would favor either Option 2 for **Change the land use and zoning to an existing RH commercial zone** (first choice), or Option 1 for **No Action, Retain Existing Zoning** (second choice). I completely oppose Option 3 for **Create a new RH zone that is a hybrid of LIT and commercial uses**.

**Option 2) Change the land use and zoning to an existing RH commercial zone**

If the goal is to make Kirkland better with time, changing this LIT zone to a commercial one is warranted. However, the entire LIT zone affected should have to follow by the same rules. For example, it is unfair to allow the Basra site to have the baseline height to be at the level of 85<sup>th</sup> street + 35 feet, yet have a restriction on the height of structures east of 122nd Avenue NE. The baseline height from which the height building is calculated should be the average of the current LIT area.

If option 2 is chosen, I want to make sure that my rights to use my veterinary hospital on the 2 parcels that I own is not restricted. The setbacks, height, and outdoor space for my veterinary hospital should be allowed to be non-conforming use.

If I retire from my veterinary career 20-30 years down the road, and another business wants to develop the property in a commercial zone, then Kirkland will have more possibilities of it being able to accommodate more business than it currently does if it is zoned to an existing RH commercial zone.

I do find it rather hypocritical to "Restrict the more intensive commercial uses (e.g. most retail including vehicle service station, auto service center, restaurant or tavern) abutting NE 90th Street" when the significant increase in traffic on 90<sup>th</sup> Street to Costco and the Costco Gas Station was allowed. What is the purpose of restricting the more intensive commercial uses when the focus should be on how to make the flow of traffic to and



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from Costco more efficient and safe? Any traffic impact that a new business brings to 90<sup>th</sup> Street is minimal compared to the traffic impact that Costco has brought.

I also want to point out the current problems already occurring along 122<sup>nd</sup> Street. There frequently are lines of cars at the driveway leading to the Mercury Coffee stand that backs up on to the corner of 85<sup>th</sup> and 122<sup>nd</sup>. This is a dangerous corner when drivers are trying to turn left when heading Eastbound on 85<sup>th</sup>, and trying to turn North onto 122<sup>nd</sup>.

If this LIT area is rezoned to commercial, I would expect the proper due diligence be performed regarding the traffic and parking for a proposed hotel/private residence/conference business where there is expected to be a high traffic generation rate and parking requirements. I am curious on how the minimum requirement of 1 parking space for 1 hotel room will fit on the 1 acre lot if there can be upward of 130 hotel/residential units + conference/retail below at main floor? Since this is a hotel that is nowhere near a transit station, I would assume that the vast majority of the hotel guests will be driving in and out of, and parking at the hotel rather than walking in. There must be traffic studies to see what impacts this will add to the Costco collector street that 122<sup>nd</sup> Ave. NE is. The traffic studies should represent a variety of types of days, e.g. weekend and holidays are extremely busy from Costco Traffic. During Christmas, the neighborhood streets are already packed and traffic backed despite the Costco off-site parking lots.

#### Option 1) **No Action, Retain Existing Zoning**

If this option is selected, there should not be additional restrictions on the type of businesses allowed for residential lots along NE 90<sup>th</sup> Street. Since I own 2 of the 3 lots, and my lots are already in the outright allowed use of veterinary services and should have the right to remain that way.

This option will not allow for the type of development that the planning commission is seeking, nor should it allow a hotel to be built in the LIT zone.

#### Option 3) **Create a new RH zone that is a hybrid of LIT and commercial uses.**

**I STRONGLY oppose** this option as it is short sighted and not consistent with the 20 year Kirkland 2035 vision. Changing one parcel in the LIT zone will not lead to development of the area. Furthermore, it shows favoritism towards 1 property owner to not only allow a use that is currently prohibited in LIT zone, but potentially allowing



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additional exceptions for setbacks, height of building and parking requirements due to the economies of scale that the Basra applicant needed in order to fit over 100 rooms on a 1 acre lot.

Rezoning the current 3 parcels along 90<sup>th</sup> to Office and restricting business hours will only penalize my business that I have been building to serve as a much needed resource to the neighborhood and community. I don't understand the need to restrict my uses of a vet hospital and the hours of operation. Although the proposal does not affect my current situation since we are open from 8 am to 6 pm, imposing hours of operation will keep my business from growing.

If the recommendation to change to office zone is due to the concern for traffic in the neighborhood, I strongly disagree with this concern. A few visits to my veterinary hospital per hour is nothing compared to the traffic generated by Costco and Costco Gas. As I continue to add veterinary services available to my clients and patients, I expect to be able to provide round the clock care for my hospitalized patients. Putting an UNNECESSARY restriction on my hours of operation will only hurt my business, but be a detriment to my patients.

In summary, I am in support of development of the LIT zone that my veterinary hospital is in as long as I am able to build or add on to my current sites in the future, and as long as the entire area zone changes together.

I look forward to attending the next meeting on Thursday, May 14<sup>th</sup>, 2015.

Submitted Respectfully,

Dr. Judy Hung