

ORDINANCE 3585

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO RENEWAL OF INTERIM REGULATIONS OF ASSISTED LIVING FACILITIES.

Whereas, the Kirkland City Council has the authority to adopt interim regulations pursuant to RCW 35A.63.220; and

Whereas, the Kirkland City Council, at its November 19, 1996 council meeting, determined that there is a need for interim regulations of assisted living facilities, hereinafter defined, and adopted interim regulations at said meeting by Ordinance No. 3558, AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO INTERIM REGULATION OF ASSISTED LIVING FACILITIES; and

Whereas, pursuant to RCW 35A.63.220, a public hearing on the regulations was held prior to the adoption of Ordinance 3558; and

Whereas, the Kirkland City Council desires to extend the interim regulations of assisted living facilities for an additional six-month period; and

Whereas, pursuant to RCW 35A.63.220, a public hearing was held prior to the adoption of this Ordinance;

Now therefore, be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to set forth interim substantive review standards and procedural processes for assisted living facilities.

Section 2. Definitions. As used in this Ordinance, the following words shall have the following meanings:

"Assisted Living Facility" means a multi-unit establishment which provides living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent center or nursing home. These facilities may consist of individual dwelling units with a full kitchen, partial kitchen or no kitchen. These facilities provide at least a minimal amount of supportive health care monitoring, such as assistance with medication, but are limited to health care services which may be provided by a boarding home licensed under RCW 18.20. In addition, these facilities may have a communal dining area, recreational facilities (library, lounge, game room), laundry facilities and open space. Assisted living facilities do not include adult family homes, as defined in RCW 70.128.

"Independent Facility" means a facility that provides senior housing only in the form of independent living units which may provide common dining or recreation areas but do not provide medical or health care services.

"Independent Living Unit" means a living unit in an assisted living facility in which the resident does not receive any medical or health care services. Independent living units are the equivalent of "dwelling units" as defined in Section 5.250 of the Kirkland Zoning Code for the purposes of calculating the number of independent living units.

"Assisted Living Unit" means a living unit in which a resident receives medical or health care services. A bedroom is the equivalent of a unit for the purpose of calculating the number of assisted living units.

Section 3. A facility that provides both independent and assisted living arrangements shall be processed as an assisted living facility under this Ordinance. Density for such a facility shall be calculated as set forth in Section 6 of this Ordinance.

Section 4. Independent facilities shall be subject to all of the single-family residential, multi-family residential or planned unit development provisions of the Kirkland Zoning Code, as applicable.

Section 5. Except as provided in this Ordinance, assisted living facilities shall be considered "detached, attached, or stacked dwelling units" under the Multi-family Residential Use Zone Chart (Kirkland Zoning Code 20.10.b) and subject to all of the requirements and regulations contained therein. Applications for assisted living facilities which are filed while this Ordinance is in effect may not be processed as planned unit developments for the purposes of obtaining additional density for assisted living units. An application for an assisted living facility may be processed as a planned unit development for any other purpose, including obtaining additional density for independent living units.

Section 6. Assisted living facilities shall be permitted in all areas allowing multi-family uses as follows:

- A. For a facility containing only assisted living units, if the density of the assisted living units will be equal to or less than twice the number of units allowed under the Kirkland Zoning Code for multi-family use of the subject property, then no review process is required.
- B. For a facility containing only assisted living units, the density of the assisted living facility may be up to two and one-half times the number of units allowed under the Kirkland

Zoning Code for multi-family use of the subject property if the project is of a superior design and will not create impacts that are substantially different than would be created by a permitted multi-family development. The determination of whether the project qualifies for the additional density provided by this section shall be reviewed under Process IIB of the Kirkland Zoning Code.

C. If the facility will contain both assisted living units and independent living units, each independent unit shall constitute one multi-family unit for density purposes. For the remaining density, every two assisted living units shall constitute a multi-family unit for density purposes. No review process is required if, under this formula, the facility does not exceed the number of units allowed for multi-family use of the subject property. The facility shall be reviewed under Process IIB if, under this formula, the facility exceeds the number of units allowed for a multi-family use of the subject property.

Section 7. If the owner of an existing assisted living facility seeks to convert assisted living units into independent units and the conversion will trigger the density thresholds contained in the previous section, the conversion must be reviewed under Process IIB.

Section 8. In lieu of meeting the requirements of Special Regulation No. 3 set forth in Kirkland Zoning Code Section 20.10.b, the assisted living facility shall provide recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent living units, with a minimum of 50 square feet of recreational space per unit located outside.

Section 9. The applicant shall provide at least one parking stall per assisted living unit in the assisted living facility. The applicant shall provide 1.7 parking stalls per independent living unit, as set forth in Kirkland Zoning Code Section 20.10.b. An applicant may attempt to show, pursuant to Kirkland Zoning Code Section 105.103(3)(b), that fewer parking stalls should be required. An applicant seeking to make such a showing shall provide a detailed parking study showing that parking is adequate for residential, staff, guest, delivery and service needs.

Section 10. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Section 11. This Ordinance shall be effective for six months or until such time as the Kirkland City Council adopts a permanent ordinance regulating assisted living facilities, whichever comes first. This Ordinance may be renewed for one or more six-month periods if

a subsequent public hearing is held and findings of fact are made prior to each renewal.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 20th day of May, 1997.

Signed in authentication thereof this 20th day of May, 1997.

Thomas Paddy
MAYOR

Attest:

Janice Key
City Clerk

Approved as to Form:

Gail Bond
City Attorney

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