



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

MEMORANDUM

Date: March 25, 2010

To: Marilynne Beard, Interim City Manager

From: Paul Stewart, Deputy Planning Director
Eric Shields, Planning Director

Subject: Adoption of 2010 – 2012 Planning Work Program (File No. MIS09-00010)

Recommendation

City Council approve attached resolution adopting the 2010-2012 Planning Work Program (Exhibit A) and provide direction on the CBD code amendment issues and delay of impact fees for single family builders (Task 3).

Background

On February 2 2010, the City Council and Planning Commission met at their annual joint meeting to review the draft 2010-2012 Planning Work Program and discuss the priorities for 2010. At that meeting, the Council generally agreed with the proposed work program as recommended by the Planning Commission.

The Planning Work Program (Exhibit A) reflects the major tasks and schedule for the long range planning projects. These tasks were described in detail in the February 2 joint meeting packet at the following link:

http://www.ci.kirkland.wa.us/Assets/City+Council/Council+Packets/020210/3a_StudySession.pdf

The priority projects for 2010 are noted below and briefly discussed:

- Comprehensive Plan Update
- Neighborhood Plans
- Code Amendments
- Transit Oriented Development/Housing
- Shoreline Master Program
- Annexation

Work Program Tasks

Comprehensive Plan Amendments (Task 1)

The 2010 City-initiated Comprehensive Plan amendments consist of generally minor updates as well as incorporating any revisions to the Capital Improvement Program into the Capital Facilities Element. In addition, as part of this update, staff and the Planning

Commission will be looking at the neighborhood boundaries for the annexation area. This process is underway with staff conducting initial meetings with the residents of the annexation area.

At the time of the joint meet, due to state funding shortfalls, the legislature was considering extending the deadlines for completion of the GMA required major update to the Comprehensive Plan from December 2011 to December 2014. The bill has been passed and has been signed by the Governor. This timing works best for the city since it gives additional time to comply and it occurs after the effective date of annexation. However, this will be a major effort in 2012-2014 and will require funding to complete this task.

Neighborhood Plans (Task 2)

The Lakeview and Central Houghton Neighborhood plan updates are in process with several meetings scheduled with the neighborhood advisory committees. This is targeted to be completed by the end of the year. Work on the Bridle Trails/South Rose Hill Neighborhood plan would begin following completion of Lakeview and Central Houghton.

Code Amendments (Task 3)

Work is underway on the revisions to the Municipal Code and Zoning Code to consolidate the various citywide code enforcement provisions into the Municipal Code. Planning staff has also begun framing the specific miscellaneous Zoning Code amendments to be considered by the Planning Commission, Houghton Community Council and City Council this year. Attachment 1 is this list of the 2010 bundle of code amendments.

Of note are two items that the Council has recently expressed an interest in:

1. The first item has two components: (a) fences within setbacks along arterials and (b) hedge heights. The fence item has been included in the list of potential Zoning Code Amendments (Attachment 1).

Regarding the hedge height item, the Council requested a report back on this. Staff is in the process of checking adjacent cities' codes and experiences and identifying potential issues or questions that would need to be considered. Staff will report on this at the April 20th Council meeting. At that time, the Council may provide additional direction on whether or how to proceed with this item.

2. The second item is the list of deferred CBD zoning amendment issues (see Attachment 2). The Planning Commission reviewed the list and recommended that items with low budget and time implications could proceed as part of the 2010 Code Amendments project (flexibility on retail use requirements for "end-of-block" retail spaces, parking modification authority, adjust residential parking requirements, DRB appeal process). Regarding sidewalk cafes, these requirements are found in the Municipal Code and the Planning Commission would not need to be involved in review of those requirements. The Commission

noted that there were no items on the deferred list that were important enough to displace other work program tasks.

The issue of ground floor uses in the CBD requires additional City Council direction. This topic emerges from the following sources:

- The Downtown Action Team review of the Hovee report and discussions about challenging, "end-of-block" retail locations.
- The City Council's list of deferred CBD zoning amendment issues (see Attachment 2) and Council's discussions over whether to further tighten or loosen allowances for ground floor uses.
- Recent e-mail correspondence from Joe Castleberry (see Attachment 3), a downtown property owner, to allow more uses on the ground floor to help address the issue of downtown vacancies.

Allowing minor flexibility for "end-of-block" retail locations could be a fairly simple amendment and would seem to be supported by previous study and community discussion. However, if there were a desire to consider wholesale changes to ground floor retail requirements, a Comprehensive Plan amendment would be the appropriate starting point to reconsider the vision and policies that establish the basis for the retail regulations.

Another issue for Council's consideration is amending the KMC to permit a delay in the payment of impact fees for single family homebuilders. The Council had previously discussed this and was interested in monitoring Redmond and Sammamish to see how their programs were working regarding additional staff time or resources and collection efforts. For single family, Redmond collects it at the time of framing and Sammamish at the time of closing. Staff has been gathering information from both cities, however, they are relatively new programs.

On March 22, the Council's Economic Development Committee met with Mike Miller (home builder with the Murray Franklyn development firm). Mr. Miller conveyed his interest in the City pursuing this and his experience with Sammamish's program. The Economic Development Committee recommended that this option be pursued. As part of the work program review, the Council should provide direction on this task. If this is of interest to the Council, Staff will need to discuss the timing with Finance, the City Attorney and the Public Works and Parks Departments.

Housing (Task 4)

The City continues to explore the potential of a transit-oriented development (TOD) at the South Kirkland Park and Ride with the concept of a Kirkland-only mixed income housing project. The Council's Housing Committee met with representatives from the Houghton Community Council, King County Transit and ARCH on March 23rd to receive an update on this project and identify issues to be addressed. Staff will be preparing a status report to be reviewed by the full Council at the May 18th Council meeting.

Shoreline Master Program (Task 5)

The Department of Ecology (DOE) has completed their public comment period and has forwarded comments to staff for a response. Upon receipt of the responses, Ecology will render a decision on compliance with the Shoreline Management Act and guidelines. Staff expects this to occur in May.

Following final action by Ecology, staff will begin working on the SMP for the annexation area (noted in Task 8). This will not be as extensive or time consuming as the City's previous process, but may require some funding for technical environmental professional services. Until we actually analyze the work currently being done by the County, we won't know the extent of this task.

Annexation (Task 8)

Several tasks related to annexation are already in process including amending certain maps and incorporating by reference the annexation area into the Comprehensive Plan. Steps to annex the Wild Glen property are underway and staff is addressing some legal and timing questions. Other tasks will occur following annexation. At the joint meeting the Council and Commission agreed that potential code amendments and neighborhood plans will occur following annexation. These can be considered during future work program discussions and are dependent on available resources and the effect on other work program priorities.

Attachments

Attachment 1: Zoning Code Amendments

Attachment 2: CBD Issues

Attachment 3: E-mail correspondence from Joe Castleberry
Resolution Adopting the Planning Work Program

Exhibit A: 2010-2012 Planning Work Program

POTENTIAL ZONING CODE AMENDMENTS - Updated 3/24/10

Attachment 1

Section # Description

2010 PROJECTS:

1. CODE ENFORCEMENT

Chapter 170	Consolidate enforcement procedures for all development services departments
170.40.5.d.1	Change to HE hearing notice period from 17 to 14 days to be consistent with all other notice periods in the code

2. MISCELLANEOUS CODE AMENDMENTS

Multiple Zones

	Use term "maximum horizontal façade" in all zones where standards appear.
	Amend special regulations for Mini-School/Mini-Daycare use to reference requirements of the State rather than DSHS.
	Clarify ground floor limits for non commercial uses (e.g. residential & assisted living) - allow lobbies, clarify how much nonresidential is OK on ground floor, etc.
	Add parking standard for multi-tenant developments (shopping centers?) in appropriate zones.

Review Process Issues

Chapter 90: various	Review and reduce approval processes - consistent with reasonable use level of decision.
90.140.8	Eliminate or revise so that lapse of approval is the same as required with underlying review process (Process I or IIA).
105.103.2.a	Remove DRB from modifications to required number of parking stalls. Should be Planning Official for DR projects.
117	Check review processes for co-location to assure 90 day review time per FCC ruling.
Chapter 155	Eliminate
	Consider simplification of certain appeal processes. See matrix prepared by Nancy.

Chapters 15 & 17 - RS & RSX Zones

RS & RSX zones	Make special regulation 5 applicable to lots east of Bridle Trails Park - not just north.
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Chapter 25 - PR zone

**25.10.20	Eliminate special regulation 6 for detached, attached and stacked uses. It's not applicable anywhere - per Teresa.
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Chapter 45 - BC Zone

**45.05	Add a special regulation like special regulation 6 for detached, attached and stacked uses in the PR zone.
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Chapter 48 - LIT Zone

48.15.190	Delete Special Regulation 1 which requires special buffering for outdoor auto repair.
	Should dance & martial arts training be added as permitted use? Now allowed only if non-profit community facility.
	Add schools as permitted uses.
**48.5	Add a special regulation like special regulation 6 for detached, attached and stacked uses in the PR zone.

Chapter 50 - CBD Zone

	CBD 1A & B: Should we eliminate ground floor retail requirement for Parks or Public Utility... uses?
	Codify interpretation 09-1
50.10 +	Change CBD parking requirement for multi-family to one stall per bedroom.
	Loosen ground floor retail requirements - particularly in fringe areas.

Chapter 53 - Rose Hill Business District Zone

53.59	RH 5C: Eliminate references to 95.25 and 95.43. Revise to reflect original buffer standard (per J Regala),
53.84	RH 8 - Eliminate the special regulations that prohibit retail & restaurant uses above the first floor.

Chapter 105 - Parking, etc.

105.103.3	Change decision maker for driveway surface modifications to Public Works Director.
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Chapter 115 - Miscellaneous

115.08	Move the last sentence to be the third sentence and add at the end "which may further limit its size." - David
115.07 and .08	Reference in 115.07 the ADU height restrictions found in 115.08 - Angela
115.20 Sp Reg 6	Make applicable to lots east of Bridle Trails Park - not just north
115.20	Numerous corrections and reformatting per Teresa Swan
115.40	Consider lower fence heights along collectors and arterials. Consider regulating hedges as fences.
115.95.1.b	Delete. Refers to WAC 173-70 for watercraft noise standards. WAC section doesn't exist. Municipal code already addresses this.
115.95	Consider eliminating the adoption of residential noise standards
	Add regulations for electronic vehicle infrastructure per new state law.

Chapter 117 - Wireless

117..65.7.c	Clarify that antennae may be placed on railings located at base of watertower roofs.
117.65.80	Revise to allow antennas at historic sites & clarify "design requirements." Perhaps add PIng. Official review. See Sean or Nancy

Chapter 120 - Variances

120.12	Ask HCC to allow administrative variances in Houghton. See Susan or Jeremy for examples.
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Chapter 135 - Rezone Process

135.15 & 25,160.15	Determine best approach for the public to request changes to the Zoning Code (PS)
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Chapter 142 - Design Review

142.35.3.c	Add NRHB (& other design districts?) as subject to design principals in Appendix C. Clarify whether Appendix C is only for stand alone MF or mixed use? (JLB)
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Chapter 150 - Process IIA

150.85	Change "verbal" to "written."
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Chapter 180 - Plates

Plates 1- 4 & 8A	Clarify how posts in parking garages are calculated in width of stalls
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Municipal Code Title 27 - Impact Fees

	Provide process for delayed collection of impact fees
	Establish single rate for uses in shopping centers. Treat all of downtown as a shopping center

3. LOW IMPACT DEVELOPMENT

115.90	Clarify when to give lot coverage credit for semi-pervious materials. Also, consider greater restrictions on use of brick pavers (8/2/06 e-mail
105.18	Exempt SF walkways from lot coverage requirements. Require pervious paving.
	Standards for green parking lots - per Seattle?
	Should pools/pool covers be exempt from lot coverage calculations. Should pool covers be included in FAR? (TS)
	Potential code amendments for solar and green roofs (and wind?).

4. NEIGHBORHOOD PLAN ISSUES

Central Houghton

Chapter 45	Rename BC zone to Houghton Business District Zone
Chapter 45	Consider deleting storage services and auto sales from BC zone - or require retail frontage?
60.10	PLA 1: Eliminate references to 95.25. Revise to reflect original buffer standard (per J Regala),

Lakeview Neighborhood

Chapter 35	Eliminate or revise FC III zone.
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POTENTIAL PROJECTS FOR 2011+ MISCELLANEOUS CODE AMENDMENTS

Multiple Zones

	Consider allowing transfer of development rights (City Council 1/2/08)
	Comprehensively examine parking standards
	Use consistent terminology to regulate gas stations and auto repair.
	Do we need minimum lot area for certain commercial uses? Eg: neighborhood retail in RM & PR (requires 3600 sf, but office has no requirement); restaurant in WDI; office use in PLA 6B; service station in BC (ES e-mail 9/9/96 and AR).
	Review standards for zero lot line.
	Reduce parking for Assisted Living Facilities from 1.7 stalls/independent unit. Could be chart buster.

Chapter 25 - PR zone

25.10.050 - .80	Make side yards for all these nonresidential uses consistent - 10'?
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Chapter 48 - LIT Zone

	Re-examine the requirement that uses be limited to 2 stories (PS, 8/20/04 e-mail)
	Delete automobile sales use in Norkirk neighborhood - unless this also requires a Comprehensive Plan amendment

Chapter 105 - Parking, etc.

105.103.3.b	Add modification option for 105.19 - Public Pedestrian Walkways. May not need this authority since requirement is based on judgment.
105.18.1.d	Clarify or limit the requirement to provide pedestrian connections to all adjacent properties, or provide a modification option.

Chapter 115

115.07	Consider allowing ADUs in SF houses not on individual lots: i.e. condominium lots
115.08	Accessory Structures – Consider eliminating 25' height restriction for detached ADU above a garage in RSX zone.
115.20	Consider allowing the keeping of chickens - based on citizen request.
115.23 & 5.150	Review common open space. Should it apply to detached & zero lot line attached units? Should there be maximum slope (see interpretation)
115.30	Allow more flexibility or modification option for horizontal façade general regulations in many zones.
115.45	Distinguish decks and porches from other enclosed (but open) areas that should be counted in FAR
115.85.2	Review/ revise Rose Hill Business District lighting standards and consider applying them city-wide.
115.95.2	Allow leaf blowers before 8:00 am if associated with public street sweeping.
115.115.5.b & d	Parking in front yards is different for different uses. Why should office and MF be different in same zone? (ES e-mail 08/02/06)
115.125	Change rounding of fractions of dwelling units from .66 to .50
	Prohibit living in RVs

Chapter 142 - Design Regulations

	Consider making design principles for MF housing in Appendix C applicable to MF zones (not just business districts.)
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Chapter 170 - Code Enforcement

	Consider more formal approach to interpretations, with comment and appeal process.
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Municipal Code Title 19 - Street Vacations

19.16.040	Make application requirements consistent with Zoning Code requirements
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Municipal Code Title 22 Subdivision Ordinance

22.28.080.b	Should lots be able to be subdivided if they access from an easement across another lot & therefore make the servient lot nonconforming because the easement area would have to be deducted from the area of the servient lot? (8/11/04 SC e-mail).
22.28.040	When lot sizes averaged, prohibit over-sized lots from being later subdivided.
	Consider design standards to avoid awkward lots served from pipe stems. See e-mail from Houghton resident.

Municipal Code Title 27 - Impact Fees

	Consider reduced impact fees for smaller dwelling units (similar to ADUs and cottages).
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CHAPTERS 85 & 90: CRITICAL AREAS

Chapter 85 - Geologic Hazard Areas

	Review to determine if standards are adequate
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Chapter 90 - Drainage Basins

90.20.5	Clarify intended meaning of "normal or routine maintenance or repair."
90.55.4	Allow off-site mitigation in another drainage basin for essential public facilities
90.45.3	Allow stormwater outfalls to extend into wetlands
	Eliminate definitions that are common with with definitions applicable throughout entire code
90.140.5	Add criterion that limits disturbance of Type 1 wetlands (per Dave Asher)
90.140.6	Allow modification of garage width standards with reasonable use permit.
	Allow reduced setbacks with minimal process where necessary to reduce wetland/ stream impacts.
?	If improved environmental conditions are created that would result in greater buffer requirements on neighboring properties, could those greater requirements be reduced?

Subdivision Ordinance

22.08.200	References Class A, B & C wetlands rather than Type 1, 2 & 3. Need to define the types. Also, section references lake classification which we do not have.
22.08.190	definition in 2004.

CHAPTER 100: SIGN REGULATIONS

Chapter 5 - Definitions

5.10.550	Clarify "multi-use complex" for consistency with 100.4.3.b. Delete requirement for exterior entrance.
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Chapter 100 - Signs

	Eliminate different restrictions for real estate signs than for other commercial signs. Consider restricting location, number, hours.
	Create criteria to allow for deviations from sign code to be reviewed at a planner level.
100.115	Interp 95-4 - Temporary commercial sign - Add to definition of temporary sign?
	Interp 95-3R - Colors as signs, sign area - Add to definition of sign area?
	Allow electronic readerboards for schools and fire stations
5.115, 100.85	Interp 94-1 - Changing message center and similar signs. Additional criteria? Allow with Master Sign Plan.
100.115	Interp 92-4 - Fuel price signs
	Interp 86-17-100 and 115 - Temp. commercial signs when related to permitted temporary activities.
100.65	Interp 86-16 - Signs above rooflines
100.85(2)	Interp 86-13 - Sign regulations regarding holiday decorations
100.30, 100.75	Interp 86-11 - Window signs. Need to reexamine.
	Interp 85-8 - 5 and 100 - Status of neon lighting and lighted awnings as signs. Add to definition?
5.108, 100.15	Interp 85-6R - Sign regulations
	Real estate signs (on- and off-site) - review regulations to reduce number of signs (ES)
100.115	Interp 88-19 - Off-site real estate signs. Rethink rules on temporary off site signs. Private advertising signs - restrict size. Temporary commercial signs - limit to 30 days plus size limitation. Real estate signs - redraft to allow (2) 32 sf advertisement signs and (1) 6 sf per lot (not now clear); and revise to conform with Supreme Court Decision on Redmond signs.
	Address political signs duration and size (DG) - review temp sign chart with Rod Kaseguma.
	Under marquee signs - allow to be larger (AR). Allow 6 sq. ft.
	Reduce height of monument signs. Liberalize dimensions for sign base.
	Special signage for auto dealers? Probably no, but may want to increase signage for large sites.

	Add cabinet signs in CBD and JBD - tie to "major nonconforming"
	Prohibit cabinet signs in Rose Hill and other business districts (citizen suggestion)
	Major nonconforming signs & amortization (e.g. billboards). Need to address constitutional issues
100.115	Allow under marquee signs for sign category A (and probably B). (8/11/04 ES e-mail)
100.55	Allow signs for commercial uses in mixed-use buildings to be calculated separately (8/11/04 ES e-mail)
100.5	Change "NE 106th St" to "Forbes Creek Drive" (SU pdegrave 04/12/05)
	Temporary advertising signs for public events (Csalzman 12/16/04)
	Allow reduced setback for ground mounted signs, subject to criteria.
100.52	Section needs to include NRHBD for consistency with design guidelines.

Chapter 125 - PUDs

	Comprehensively review and revise regulations.
	Consider way to establish quantifiable way to value of public benefits.

NONCONFORMANCE REGULATIONS - Chaper 162

	Interp 83-11 - (may also affect 115.80) - Nonconforming lots held in common ownership.
162.30, 162.35.7	Damaged improvements - What happens if damage exceeds 50% (P. 430)? Conflict with 162.35.7. Can damage be reconstructed under repair and maintenance clause?
162.35.2.a	Look at definition of "use" (e.g. office use). See JMCM.
162.35.2.b.1)	Be less restrictive on structural alterations for non-conforming uses. See "master list" for more info.
162.35.2.b.2)	Clarify time to cease use. Provide reasonable time for owner to seek new tenant per case law. See interpretation 85-4.
162.35.2.b.3)	Develop criteria for allowing change of nonconforming use. Alternatively, consider not allowing change of nonconforming use. (8/10/04 PS e-mail). Group with 162.9 and 10.
162.35.3	Clarify criteria for structure expansion: measured by all structures on property per interpretation 90-4
162.35.5.b	Minor Nonconforming Signs - Is a new sign a "structural alteration"? Is a new, less non-conforming sign permitted (p. 433)? Delete "minor" in first paragraph in b.3 (see P. 433 in file with DC comments). Incorporate interpretation 90-3
162.35.5.d	Delete 10 years time period and replace with Director discretion with criteria (p. 434)
162.35.7	Do not limit all structural alterations as we do now. When can windows and doors be installed without a variance (see Angela's e-mail) (P. 435). (maintenance & repair, etc)
162.35.8.a	Clarify improvement that 50% replacement threshold applies: the improvement to which alteration is being done per int. 85-4
162.60,90,135	Clarify continued provisions per 9/20/05 e-mail from Dawn Nelson.
	Classify cabinet signs in zones where cabinet signs not allowed as major nonconformance.
	Should City owned property be exempt from nonconformance rules? (Desiree)

NEIGHBORHOOD PLAN ISSUES

Moss Bay Neighborhood

50.32	Change buffering (reduce) in consideration of reduced setback - See e-mail from Lauri Anderson.
60.29-60.52	Consider including all or portions of PLA 5 in CBD (TSwan 04/11/05).
	Evaluate appropriate ground floor uses. Don't require retail S. of 2nd on Lake St.
	Consider so-called "parking lot list" from CC in early 2009.

South Rose Hill/ Bridle Trails Neighborhood

Chapter 47	Consider deleting storage services from BCX zone - or require retail frontage?
Chzpter 47	Rename BCX zone to Bridle Trails Business District Zone
60.180	PLA 16: Eliminate General Reg. 3 which requires instalation of a trail, since a trail aready exists nearby. See Teresa.

ISSUE	AFFECTED CODE	BOARD/COMMISSION	BUDGET ¹	TIME ²	COUNCIL PRIORITY
Retail Requirements	KZC	Planning Commission, City Council	0	⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> Address retail requirements (depth, allowed uses, etc) following Hovee/DAC report³ Tighten/loosen allowances for retail service and office uses on ground floor 					
Review CBD parking requirements – examples:					
<ul style="list-style-type: none"> Waive retail parking requirements to encourage redevelopment potential 	KZC	Parking Advisory Board, Planning Commission, City Council	\$\$\$	⊕⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> Parking modifications authority⁴ 	KZC	Planning Commission, City Council	0	⊕	1...2...3...4...5
<ul style="list-style-type: none"> Adjust residential parking standards per PAB suggestions⁵ 	KZC	Parking Advisory Board, Planning Commission, City Council	0	⊕	1...2...3...4...5
Incentives:⁶					
<ul style="list-style-type: none"> Parking waivers for lower buildings 	KZC	Parking Advisory Board, Planning Commission, City Council	\$\$\$	⊕⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> Green building incentives 	KZC	Planning Commission, City Council	\$\$	⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> Incentivize pedestrian crossings, pedestrian connections, and public plazas 	KZC	Design Review Board, Transportation Commission, Planning Commission, City Council	\$\$	⊕⊕	1...2...3...4...5
Resolve CBD 2 issues:					
<ul style="list-style-type: none"> Reality check on whether redevelopment is even feasible 	NA	Consultant, City Council	\$\$\$	⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> CBD 2 public/private master plan 		Task Force	\$\$\$\$\$	⊕⊕⊕⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> Parking waiver 	KZC	Parking Advisory Board, Planning Commission, City Council	\$\$	⊕⊕⊕	1...2...3...4...5
<ul style="list-style-type: none"> Height trade-offs for pedestrian access and view corridors 	KZC	Planning Commission, City Council	\$\$\$	⊕⊕⊕⊕	1...2...3...4...5
Review Sidewalk cafes	KMC	City Council	0	⊕	1...2...3...4...5
<ul style="list-style-type: none"> Review current allowances Are they a good thing? Minimum sidewalk width Analyze relationship with public realm 					
Review economics of redevelopment (reality check) – what can we expect under regulations (CBD 1 and 2)	NA	Consultant	\$\$\$\$	⊕⊕	1...2...3...4...5
Design guideline for intersection of Third Street and Central Way	KMC	Design Review Board, Planning Commission, City Council	0	⊕	1...2...3...4...5
Review DRB appeal process (Council or Hearing Examiner)⁷	KZC	Planning Commission, City Council	0	⊕⊕	1...2...3...4...5
Discuss façade preservation through new development	KZC?	Design Review Board, Cultural Council, Planning Commission, City Council	\$	⊕⊕	1...2...3...4...5

¹ Relative estimated cost with more \$ signs indicating higher cost

² Relative time commitment, with more ⊕ signs indicating more time

³ Hovee report to Council on 4/7/2009

⁴ Previously administrative decision, inadvertently assigned to DRB during prior code amendment

⁵ PAB has collected data on parking utilization and recommended a change to the code to avoid parking modifications on a project by project basis

⁶ Council should identify potential incentives. Assume some economic analysis for any scenario to determine if the policy/regulation will actually incentive desire outcome.

⁷ Council deferred until after Bank of America process debrief, scheduled for 4/7/2009

Dear Kirkland City Council Members

In Ernie Veltons email below, he gives another perspective on Kirkland's retail zoning requirements, in addition to the email I recently sent you from Andy Loos. Ernie is a senior partner in JSH Properties and his company manages over 12 million sf of commercial space in Washington, 3 million of that is retail. JSH Properties manages a wide variety of commercial and residential buildings in downtown Kirkland.

The message here again is the need to consider loosening up the retail zoning requirements in the Kirkland's CBD. As I mentioned before, there are not many things the City can do to improve the vitality of the downtown area, but taking a hard look at our retail zoning requirements and making some minor changes would certainly help.

Thank you again for your time.

Joe Castleberry
Commercial Property Owner

Subject: Downtown Kirkland retail uses
Date: Thu, 25 Feb 2010 10:29:12 -0800
From: ErnieV@jshproperties.com
To: bob@sternoffinc.com
CC: joe.d.castleberry@hotmail.com

Bob,

Joe and I, and many others, have been discussing what ground floor uses are allowed in the Kirkland CBD. JSH manages and leases several properties in downtown Kirkland including the Homeport building, the Kirkwood building (Banner Bank), the Westwater apartments and related retail (Sur La Tab), Kirkland Square and others. Most of the associated retail spaces are relatively small and most are leased to Banks, food uses or mom & pop businesses.

We manage over 12 MM sf of commercial property in Washington State and are the leasing representatives for approximately 3 MM sf of retail space in Washington. I mention all this so you understand our perspective.

In short, retail owners state wide are hurting a bit. Occupancies are down in most markets and rents are down 10-30% depending upon the market. Kirkland retail and office rents are off 20%-30 from earlier highs. Kirkland is especially impacted by the weakness of many mom & pop tenants. As the retail world has changed, there are fewer traditional small, retail businesses. National businesses and the internet have reduced the types of businesses that can be successful small operators. Other than food uses, most small retail categories have contracted.

As you know, Kirkland has parking and traffic limitations that have often been discussed. These issues make it hard to draw national tenants that would help the City build critical retail mass.

As we've marketed retail space in Kirkland over the last several years, we have often had to turn away medical uses and quasi office uses. Vacant spaces don't help anyone; not the City, the Community, the other tenants nor the Landlords. From a Landlord's perspective many of the uses that the City forbids from ground floor space are often stable businesses that are good tenants.

The City could make Kirkland a more active, vibrant community by changing its zoning to allow more of these uses. While these businesses aren't the uses many Cities think of when they envision their downtown, they tend to be stable and their employees support the neighboring tenants. And, they are much better than vacant space. Also, many of these businesses are better suited as ground floor tenants in mixed use developments. A dentist, for instance, can live with parking behind or under his space much better than many other traditional retail uses.

Thanks for all your efforts on behalf of our Kirkland Community.

Best regards, Ernie



Ernie Velton
JSH Properties, Inc.
10655 NE 4th Street, Suite 300
Bellevue, WA 98004

e-mail: erniev@jshproperties.com

Office	(425) 455-0500
Office direct	(425) 283-5471
Cell	(425) 985-7573
Fax	(425) 455-3100

RESOLUTION R-4809

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND PERTAINING TO THE 2010–2012 PLANNING WORK PROGRAM.

WHEREAS, the Kirkland City Council and the Kirkland Planning Commission met at a joint meeting on February 2, 2010 to discuss the proposed planning work program tasks and to set priorities; and

WHEREAS, the Kirkland City Council reviewed a revised work program at the April 6, 2010 regular meeting;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The adopted Planning Work Program for the City of Kirkland shall be established as shown on Exhibit A to this resolution.

Section 2. This adopted Planning Work Program shall be generally used by the City staff and Planning Commission in scheduling work tasks and meeting and hearing calendars.

Section 3. A copy of this resolution shall be distributed to the Planning Commission, Parks Board, Transportation Commission, Design Review Board, Neighborhood Associations, the Chamber of Commerce and Houghton Community Council.

PASSED by majority vote of the Kirkland City Council in open meeting this 6th day of April, 2010.

SIGNED IN AUTHENTICATION thereof this _____ day of April, 2010.

Mayor

Attest:

City Clerk

