Council Meeting: 05/06/2014
Agenda: New Business
Item #: 11. a.

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jeremy McMahan, Planning Supervisor
Eric Shields, AICP, Director

Date: May 23, 2014

Subject: Planning Commission Recommendation to adopt amendments to the Kirkland Zoning Code, Land Use Regulations for Properties Adjoining the Cross Kirkland Corridor, File No. CAM14-000269

RECOMMENDATION

City Council adopts the enclosed Ordinance amending the Kirkland Zoning Code to establish regulations for development along the Cross Kirkland and eastside rail Corridors (the Corridor). The enclosed Ordinance is consistent with the recommendation of the Planning Commission, included as Enclosure A.

BACKGROUND DISCUSSION

All amendments are included as an attachment to the ordinance.

The City Council decided to address potential immediate threats and opportunities associated with land uses along the Corridor through an interim ordinance. Ordinance 4421 was adopted on November 6, 2013 and established temporary land use regulations for properties adjoining the Corridor (Attachment 1). The Houghton Community Council (HCC) approved the interim regulations as they apply within HCC jurisdiction on November 21, 2013. The interim ordinance is valid for 180 days and will lapse on May 15, 2014.

The Planning Commission began its consideration of permanent regulations with a study session on February 27, 2014 (meeting packet, audio recording) to scope regulations for the public hearing. The Commission considered the proposed amendments at a public hearing on April 10, 2014 (meeting packet, audio recording). Their recommendation includes the Commission's analysis and findings.

The proposed amendments generally follow the guidance established by the City Council with adoption of the interim ordinance. Key differences relate to:

- Clarification of standards for winery/brewery/distillery uses and the allowance for expanded tasting rooms in the LIT and PLA 6G zones (in addition to TL zones).
- The inclusion of the TL 7 and TL 9A zones in requirements for proposed setbacks and design standards.
- Clarification and expansion of exemptions for utilities and public trails located in or near sensitive areas along the Corridor.

The Houghton Community Council held a study session on March 24, 2014 to review the proposed amendments that fall within its jurisdiction and considered the proposed amendments at its public hearing[1] on April 28, 2014 (meeting packet, audio recording). The Community Council recommended adoption of the proposed regulations with the following two changes:

- Draft KZC Section 115.24.3, 1st paragraph (Design Standards): *The Planning Official or Design Review Board may <u>modify</u> ~~waive~~ compliance with a particular regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.*
- Draft KZC Section 115.24.3.a.iii (Pedestrian Connection to Corridor): *The Planning Official may <u>modify</u> ~~waive~~ the connection requirement where grade or other natural features preclude reasonable access to the Corridor.*

The Community Council concluded that there should be some dialogue between the City and the applicant on ways to meet the intent of the requirement (hence "modify"), rather than simply ignoring the requirement ("waive"). Staff believes that the first change is appropriate. However, staff recommends not making the recommended change to the pedestrian connection section. The intent of this section is that a path is either required or not, based on the feasibility of the connection

The City Council should decide which term to use, and may include any changes in a motion to adopt the proposed regulations.

SEPA COMPLIANCE

The City issued a Determination of Nonsignificance on March 21, 2014. The requirements of the State Environmental Policy Act (SEPA) have been met.

PUBLIC PROCESS

Pursuant to KZC 160.40, notice of the hearing was published in the official City newspaper, posted on official notice boards, sent to Neighborhood Association chairs and KAN representatives, and posted on the City website. In addition, the notice was sent by mail to all 536 affected property owners (see Attachment 2) and by email to all 925 subscribers to the Cross Kirkland Corridor electronic newsletter.

The Planning Commission received four items of correspondence in advance of the hearing and four people testified at the hearing.

Attachments:

1. Interim Ordinance O-4421
2. Map of affected zones

Enclosures:

[1] Typically, a joint Planning Commission & Houghton Community Council hearing would be held. In this case, the pending lapse of the interim ordinance required an accelerated process that did not provide for scheduling a joint hearing.

A. Planning Commission Recommendation

cc: File No. CAM14-00269, Planning Commission

ORDINANCE O-4421

AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND PROVIDING INTERIM OFFICIAL ZONING CONTROLS FOR ZONING DISTRICTS ADJOINING THE CROSS KIRKLAND CORRIDOR AND THE EASTSIDE RAIL CORRIDOR WITHIN THE CITY OF KIRKLAND.

WHEREAS, the Eastside Rail Corridor is a rail corridor, a portion of which runs through the City of Kirkland ("City"), that is railbanked pursuant to 16 U.S.C. 1247(d); and

WHEREAS, in 2012, the City purchased a 5.75 mile segment of the Eastside Rail Corridor that runs through Kirkland and a small portion of Bellevue, which is known as the "Cross Kirkland Corridor" or the "CKC;" and

WHEREAS, The City is actively planning the future development of the Kirkland portion of the Eastside Rail Corridor as a multi-modal transportation corridor; and

WHEREAS, King County has purchased the remainder of the Eastside Rail Corridor within Kirkland city limits and is actively planning the corridor's future development as a multi-modal transportation corridor; and

WHEREAS, many of the existing zoning regulations along the Cross Kirkland Corridor and the Eastside Rail Corridor within the City of Kirkland were established at a time when the primary use of the corridor was for heavy rail; and

WHEREAS, with the purchase of the Cross Kirkland Corridor and the Eastside Rail Corridor for a multi-modal transportation corridor necessitates a review of existing zoning regulations; and

WHEREAS, the City Council would like to enact a limited number of zoning regulations on an interim basis while it considers permanent zoning regulations regarding; and

WHEREAS, the City Council held a public hearing on October 15, 2013; and

WHEREAS, the City has the authority to adopt an interim zoning ordinance pursuant to RCW 35A.63.220 and RCW 36.70A.390;

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. For purposes of this ordinance, "Corridor" shall refer to the Cross Kirkland Corridor and the Eastside Rail Corridor within the City of Kirkland.

Section 2. The regulations as set forth in Attachment A attached to this ordinance and incorporated by reference are adopted.

Section 3. Findings of Fact.

A. The recitals set forth above are hereby adopted as findings of fact.

B. It is appropriate to establish regulations pertaining to development along the Corridor on an interim basis while the City Council considers permanent zoning regulations with respect to properties adjoining the Corridor.

Section 4. The interim regulations adopted by this Ordinance shall continue in effect for one hundred eighty (180) days from the effective date of this Ordinance, unless repealed, extended, or modified by the City Council. The Council may adopt extensions of this Ordinance after any required public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 5. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this Ordinance.

Section 6. Severability. Should any provision of this Ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to any other persons or circumstances shall not be affected.

Section 7. 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.

Passed by majority vote of the Kirkland City Council in open meeting this 6th day of November, 2013.

Signed in authentication thereof this 6th day of November, 2013.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

For purposes of this ordinance, "Corridor" shall refer to the Cross Kirkland Corridor and the Eastside Rail Corridor within the City of Kirkland.

I. Restaurant and/or Tavern Uses

Purpose: To encourage uses that are supportive of the active nonmotorized and multi-use vision for the Corridor

Regulation:

A. For all properties located within Totem Lake zones TL 7, TL 9A, TL 10B, TL 10C, TL 10D, and TL 10E and within 150' of the Corridor:

1. Restaurant or Tavern shall be an allowed use with no limits on gross floor area and no requirements that the use be accessory to a primary use. The Restaurant or Tavern use shall otherwise be subject to the development standards listed in the applicable zone. For the TL 9A and 10B zones where Restaurant or Tavern is not listed as an allowed use, the use shall be subject to the development standards for an Office use and required parking spaces shall be 1 per each 100 square feet of gross floor area.
2. Where allowed uses in these zones permit accessory retail sales pursuant to a special regulation, the maximum allowed floor area of such accessory retail sales shall be 50 percent of the gross floor area of the allowed use. All other provisions of the applicable special regulations shall apply.

II. Retail Storage

Purpose: To avoid siting new or expanded facilities that are detrimental to the active nonmotorized vision for the Corridor

Regulation: No new Retail Establishments Providing Storage Services, as listed in the applicable Kirkland Zoning Code use zone charts, shall be allowed on properties within 150 feet of the Corridor. No expansion of existing Retail Establishments Providing Storage Services shall be allowed on properties within 150 feet of the Corridor.

III. Required Yards

Purpose: To preserve adequate open space between the Corridor and adjoining development.

Regulation: Within all Commercial, Industrial, and Office zones adjoining the Corridor, the minimum required yard shall be ten (10) feet as measured from the common property line. The TL 7 and TL 9A zones are not subject to this required yard.

Regulation: Outdoor use, activity or storage areas located adjacent to the Corridor must comply with the minimum ten foot required yard.

IV. Design Standards

Purpose: To ensure that new development is designed in keeping with the active nonmotorized and multi-use vision for the Corridor.

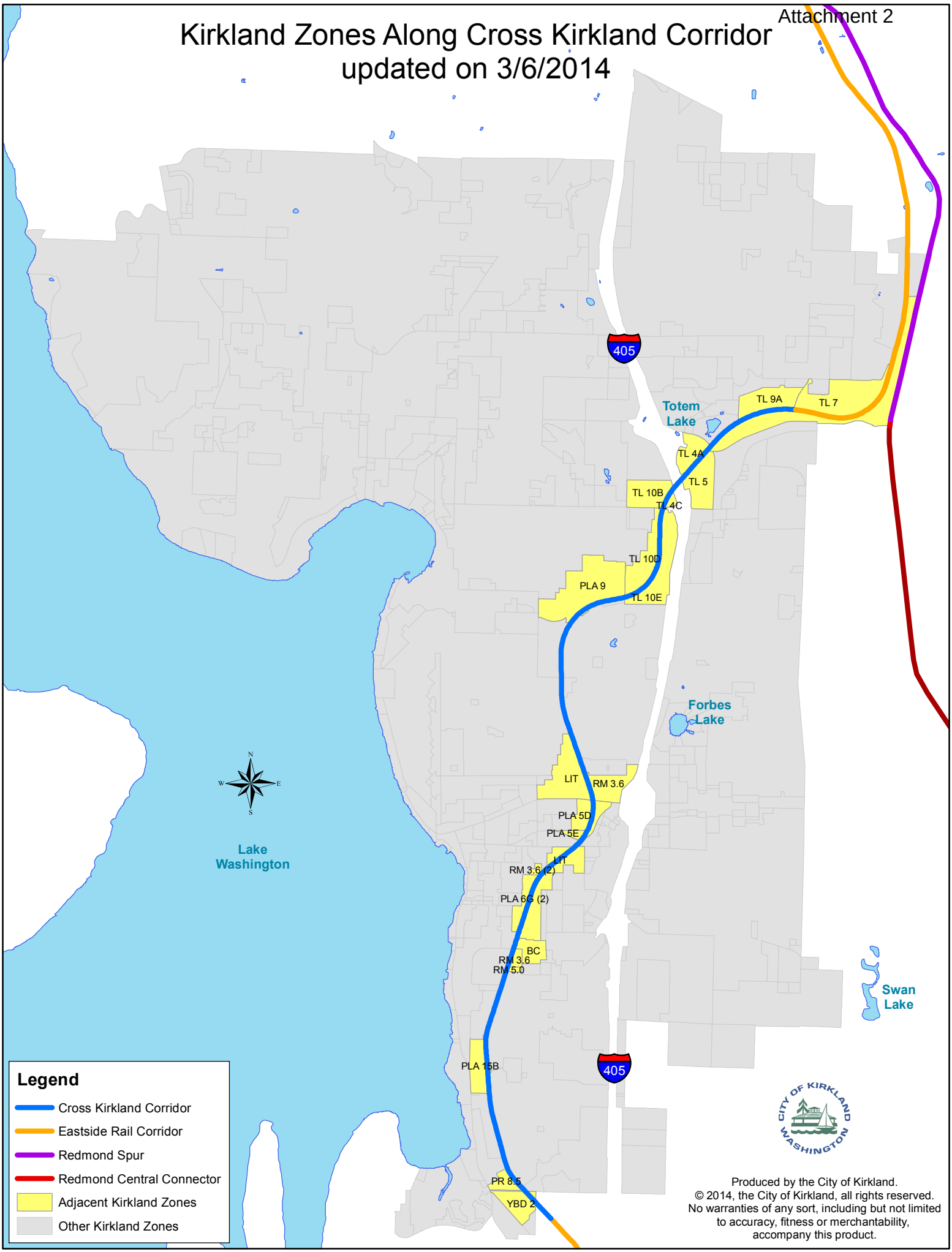
Regulation: Development on properties adjoining the Corridor; except those properties located in single family, TL 7, TL 9A, and YBD 2 zones; shall comply with the following standards:

1. Site Design: Development adjoining the Corridor shall be designed to complement and interact with the public nature of the Corridor though the following site design and pedestrian improvements:
   a. Landscape islands required pursuant to KZC 95.44 (Internal Parking Lot Landscaping Requirements) shall be provided such that there are no more than eight contiguous parking stalls along the corridor.
   b. In addition to providing the screening and buffering functions required by the KZC, landscape design shall integrate with and complement corridor functions.
   c. A pedestrian entrance facing the Corridor shall be provided with pedestrian access connecting from the entrance to the Corridor installed pursuant to the standards of KZC 105.18.2.a. The City may waive the connection requirement where grade or other natural features preclude access to the Corridor.
   d. Public pedestrian walkways required by KZC 105.19.1 shall include circumstances where blocks are unusually long and pedestrian access is necessary to connect between existing streets and the Corridor. The City may waive the connection requirement where grade or other natural features preclude access to the Corridor.
2. Building Design: Building design adjoining the Corridor shall acknowledge the high visibility from this active public space through the following building design standards:
   a. All buildings shall be designed so that facades visible from the Corridor comply with the provisions of KZC 92.15.3 (Blank Wall Treatment).
   b. All building shall be designed so that parking garages visible from the Corridor comply with the provisions of KZC 92.15.4.a and b (Parking Garages).
   c. Building facades visible from the Corridor shall incorporate similar building materials and window treatment as other facades of the building.
   d. Building facades visible the Corridor shall avoid long, unbroken facades and rooflines by incorporating horizontal and vertical modulation to break large building masses into smaller building masses.

Compliance with these design standards shall be administered by the Planning Official in conjunction with review of an applicable development permit unless the proposal is subject to Design Board review, in which case the Design Review Board shall review the proposal for compliance.

Attachment 2

Kirkland Zones Along Cross Kirkland Corridor
updated on 3/6/2014



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MEMORANDUM

Date: April 18, 2014, 2012

To: Kirkland City Council

From: Jon Pascal, Chair, Kirkland Planning Commission

Subject: Planning Commission Recommendation to Adopt Amendments to the Kirkland Zoning Code - Land Use Regulations for Properties Adjoining the Cross Kirkland and Eastside Rail Corridors, File No. CAM14-00269

Introduction

We are pleased to submit the recommended amendments to the Kirkland Zoning Code (KZC) for consideration by the City Council.

Background

As planning for the Corridor begins the transition from a utilitarian rail corridor to a vibrant multi-use corridor, planning for supportive land use regulations is needed to ensure that future development adjoining the Corridor reflects this evolution. Much of the land use planning for properties around the Corridor occurred in an era when it was a heavy rail corridor. That legacy exists in the continued industrial nature of non-residential properties along the Corridor and will continue until redevelopment or adaptive reuse occurs.

The City Council decided to address potential immediate threats and opportunities through an interim ordinance (O-4421). The interim ordinance will lapse on May 15, 2014.

The Planning Commission held a study session on February 27, 2014 to provide staff with direction on scoping the amendments for the public hearing. The meeting packet can be viewed on the following webpage:

http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Planning+Commission/CKC+Land+Use+Regs+PC+02272014.pdf

The Houghton Community Council held a study session on March 24, 2014 and requested an HCC hearing to consider the proposed amendments to be held on April 28, 2014. Their recommendation will be forwarded to the City Council under separate cover.

Key Issues

The proposed amendments generally follow the guidance established by the City Council with adoption of the interim ordinance. Key differences relate to:

- Clarification of standards for winery/brewery/distillery uses and the allowance for expanded tasting rooms in the LIT and PLA 6G zones (in addition to TL zones).
- The inclusion of the TL 7 and TL 9A zones in requirements for proposed setbacks and design standards.
- Clarification and expansion of exemptions for utilities and public trails located in or near sensitive areas along the Corridor.

Because policies and regulations for many of the transitional light industry areas are currently under consideration through different processes, the Planning Commission notes that some of the topics of the recommended amendments may need to be revisited and refined as Comprehensive Plan and Zoning Code amendments for those areas move forward.

Proposed KZC Amendments

Proposed draft Kirkland Zoning Code amendments are included in the enclosed ordinance. The amendments are summarized below, followed by a summary of the existing KZC provisions and the Planning Commission rationale for the recommended change.

1. Expand Allowed Uses.

A. Totem Lake zones TL 7, 9A, 10B, 10C, 10D, and 10E - Restaurant and tavern uses are allowed outright with no limits on gross floor area for properties located within 150' of the corridor.

B. Totem Lake zones TL 7, 9A, 10B, 10C, 10D, and 10E - Floor area for retail sales accessory to manufacturing uses is expanded to 50% of the gross floor area for properties located within 150' of the corridor.

C. Totem Lake zones TL 7, 9A, 10B, 10C, 10D, and 10E zones; and LIT, PLA 6G zones - "Wineries, Breweries, and Distilleries" are separated from the "Manufacturing" use listing and added as a new use listing. Related development standards are incorporated.

D. Allowances for tasting rooms for wineries, breweries, and distilleries are established as follows:

- In the TL zones, size limits corresponds to restaurant allowances (if restaurants are allowed, then no limits; if restaurants are not allowed, then limited to 50% of gross floor area)
- In the LIT and PLA 6G zones, limited to 50% of gross floor area.

Existing Zoning Code provisions:

- TL 7: Restaurant use is allowed only on properties between Corridor and NE 124th Street. Retail is allowed accessory to allowed use, but limited to 35% of primary use.
- TL 9A: Restaurant use is not allowed. Retail is allowed accessory to allowed use, but limited to 20% of floor area.

- TL 10B, 10C, 10D, and 10E (Par Mac area): Restaurant use is allowed, but limited to 20% of primary use. Retail is allowed accessory to allowed use, but limited to 20% of floor area.
- Wineries, Breweries, and Distilleries are currently allowed as a manufacturing use in all of these zones. Development standards for tasting rooms are not clear, but would typically be treated as an accessory use subject to the size limit of 20% of the gross floor area (35% for TL 7).

Rationale:

The proposed amendments take advantage of the opportunity presented by transitional industrial areas adjoining a new pedestrian/bike corridor. A visit to the Redhook and Black Raven breweries in Redmond or the 192 Brewery in Kenmore to observe the number of parked bicycles graphically illustrates the potential for such facilities to be trail-supportive. Recent interest in breweries along the Corridor has indicated that limiting the floor area for tasting rooms to 20% may be too low to support a viable business model (see correspondence in Attachment 1).

The Planning Commission felt it was important to clarify on how wineries, breweries, distilleries and their associated tasting rooms fit into the allowed uses along the Corridor. The proposed regulations provide clarity by segregating the use listing from other manufacturing uses in these zones. This is similar to how Woodinville regulates the uses. As noted in the testimony from the owners of Chainline Brewery, this clarification could go a long way toward encouraging the growth of the industry in Kirkland. The Planning Commission also agreed that expanded allowances for tasting rooms was appropriate in the LIT and PLA 6G zones adjoining the Corridor, outside the Totem Lake area.

Within the Totem Lake area, the proposed regulations are intended to establish more land use flexibility for Corridor-related uses by allowing restaurant uses outright and allowing additional retail floor area related to manufacturing uses.

2. Prohibit Retail Storage Use.

Prohibit "Retail Establishments Providing Storage Services" on properties within 150 feet of the corridor.

Existing Zoning Code provisions:

The BC, LIT, PLA 6G, TL 4A, TL 4C, TL 5, TL 7, TL 9A, TL 10B, and YBD 2 zones adjoining the Corridor currently allow this use. The YBD 2 zones only allow the uses as an accessory use.

Rationale:

There are currently six retail storage facilities located within 150' of the Corridor. The most recent addition is the Kirkland Way Storage facility completed at 12000 Kirkland Way (see photo below). Because of the light industrial legacy of the

Corridor, there is significant older building stock that could easily be converted to retail storage use. Among the issues identified with retail storage uses as a use adjoining a multimodal corridor are:

- The use has no reciprocal relationship with the uses that will occur within the Corridor. They present blank walls and generate no nonmotorized traffic.
- There is significant and growing demand for retail storage uses. That means that once they are established they may be the highest and best use of the property for a significant period of time. This is in contrast with other adaptive reuse of older building stock for uses like indoor recreation, which will be displaced by office and high tech redevelopment over time.

3. Establish Consistent Required Yards (Setbacks).

Establish a 10' setback from the Corridor for all properties with the exception low density zoned areas. Allow a setback reduction for Corridor-oriented uses and design.

Existing Zoning Code provisions:

A number of adjoining commercial, office, and industrial zones have 0' required setbacks from the Corridor. In other zones, the setback is determined by whether the common property line with the Corridor is considered a side or rear yard.

Rationale:

Again, this is a legacy of frontage along a heavy rail corridor where buildings needed to be close to the rail for loading and unloading. Ten feet was chosen as the new standard because it has been used along pedestrian streets in Kirkland where a 0' setback restricts the ability to incorporate adequate pedestrian-oriented spaces and 20' is too wide because it encourages parking and drive lanes in the space.

The potential for reduced setback for one-story structures with pedestrian-oriented design features is recommended as an incentive to encourage active uses, such as restaurants, to engage the Corridor and benefit from Corridor users.

While the interim ordinance did not apply the 10' setback to TL 7 and TL 9A zones, the Planning Commission recommends that the standard apply to all zones listed. The Commission received testimony from affected property owners (see Attachment 1) and concluded that the setback will provide necessary separation between potentially large buildings and the Corridor and that the setback is not unduly burdensome on properties in this area. Most uses in the area currently orient parking lots to this side of the property and the setback does not affect parking lots as they would be allowed in the setback area.

4. Design Standards.

Basic site and building design standards are established for all properties adjoining the Corridor with the exception of low density residential zones.

A. Site Design:

- Landscape islands to break up rows of parking to provide improved buffering between parking lots and the Corridor
- Integration of site and Corridor landscaping
- Pedestrian connections from buildings to the Corridor, and public pedestrian connections from adjoining streets to the Corridor

B. Building Design:

- Expands blank wall restrictions as applicable to the Corridor
- Landscape screening or other treatment of parking garages facing the Corridor
- Building facades facing the Corridor to be modulated and receive the same level of architectural detail as other facades.

Existing Zoning Code provisions:

The Totem Lake and Yarrow Bay Business Districts are currently subject to design review, however, existing design guidelines and regulations for these areas were written prior to acquisition of the Corridor and they don't contain specific guidance on site and building design fronting the Corridor.

Rationale:

The recommended design standards would apply to all redevelopment along the Corridor (except low density residential zones) and ensure that neither the site nor building design turns its back on this important public space. The standards borrow heavily from existing City design regulations.

The Planning Commission recommends that the amendments apply to all zones (except low density residential zones), including the TL 7, TL 9A, and YBD zones although they were not included in the interim ordinance. The Commission received testimony from affected property owners in the Totem Lake area (see Attachment 1) and concluded that the standards are not unduly burdensome on properties in this area. The Commission understands that auto retail and similar uses will continue to orient predominantly to the street and service areas may continue to be placed on the back, or Corridor, side of the property. However, we do not believe that these constraints preclude the ability to design attractive buildings with effective landscaping and pedestrian walkways. The Toyota dealership currently under construction in the TL 7 zone illustrates that these objectives can be balanced with the needs of Kirkland's auto retail sector.

Regarding public pedestrian paths required by KZC 105.19, the Planning Commission is recommending a minimum 10' width to best accommodate the potential volume of pedestrians and bicycles. Because width standards are determined by Public Works Pre-Approved Plans, we expect that City Council concurrence would provide staff with direction to revise the Pre-Approved Plans accordingly.

5. Critical Areas Exemptions for Utilities and Public Trails.

KZC Chapter 90 (Drainage Basins) exemptions are clarified and supplemented to provide exemptions to allow construction of the master planned trail and installation of utilities.

Existing Zoning Code provisions:

The master planned trail would not meet current exemption requirements because it will involve new, paved facilities within wetland and stream buffer areas. The Code currently provides for certain utility exemptions, but some minor clarifications are needed to address utilities in the Corridor.

Rationale:

The former BNRR corridor is a significant hydrologic divide through the City with areas of streams and wetlands on either side of the railroad ballast. The City's stream and wetland regulations were written well before City ownership, so are largely silent on how to permit a trail facility in these areas. The interim trail that will be constructed in 2014 is exempt from these regulations because it is limited to putting gravel down over the existing rail bed (repair/maintenance with no new impervious).

The proposed regulations are based on approaches taken by other cities and counties in their regulations for trail facilities. The exemptions are coupled with impact mitigation requirements.

Criteria for Amending the Zoning Code

KZC Section 135.25 outlines the following criteria for amending the text of the Zoning Code. The Planning Commission's findings are included in *italics.*

The City may amend the text of the code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan.

   The proposed amendments are consistent with the Comprehensive Plan. The following policies from the Community Character Element, the Transportation Element, and the Totem Lake Neighborhood Plan support the proposed amendments.

   - *Policy CC-4.10: Maintain and enhance the appearance of streets and other public spaces.*
   - *Policy CC-4.12: Support multimodal transportation options.*
   - *Policy T-2.1: Promote pedestrian and bicycle networks that safely access commercial areas, schools, transit routes, parks, and other destinations within Kirkland and connect to adjacent communities, regional destinations, and routes.*
   - *Policy TL-4.1: Provide flexibility in development standards while maintaining an inviting visual environment.*
   - *Policy TL-21.2: Encourage private development to help build the overall character of the Totem Lake Neighborhood.*
   - *Policy TL-32.1: Develop a safe, integrated on- and off-street nonmotorized system emphasizing connections to schools, parks, transit, and other parts of Kirkland.*

2. The proposed amendment bears a substantial relation to public health, safety, or welfare.

   The recommended amendments bear a substantial relation to public health, safety, and welfare. The amendments will ensure that land use and development will occur in a manner that is consistent with a public multimodal transportation corridor rather than the historic legacy as a heavy rail corridor.

3. The proposed amendment is in the best interest of the residents of Kirkland.

   The recommended amendments are in the best interest of the community. The amendments provide for an integration of the public investment in the Corridor with adjoining private development to ensure that land uses complement rather than detract from this important public space.

Public Participation

The Planning Commission held a study session on February 27, 2014 leading up to the public hearing on April 10, 2014. The Planning Commission received four items of correspondence for the public hearing (Attachment 1). At the hearing, four people spoke regarding the amendments. We have reviewed and considered all correspondence and public comment on the proposed amendments in making our recommendation.

The Planning Commission was particularly concerned about the written and oral testimony from representatives of Greg Rairdon regarding impacts to auto dealerships in the TL 7 and TL 9A zones and the comment that the proposed regulations may drive auto retailers to other jurisdictions. We are aware that the City Council excluded these zones from the interim ordinance for setbacks and design standards and share the concern that these businesses are important to the community. In response to the testimony, the Commission considers it important to outline our considerations of the key points that were raised:

- The regulations are inconsistent with GMA because the CKC Master Plan is not adopted.

  There may be confusion that the CKC Master Plan and the City's GMA Comprehensive Plan. The CKC Master Plan is not a GMA mandated plan. Rather, it is a master plan intended to inform future public improvements within the City-owned CKC property. We see it as our role to recommend regulations that will support that public investment by ensuring that adjoining private development at best complements, or at least does not detract from the Corridor. As noted above, the City does have policies in the Comprehensive Plan that support this approach.

- The regulations are different that other regulations because they are "blanket" rather than zone-by-zone.

  The KZC contains regulations that are "blanket" regulations and regulations that are fine-tuned for a particular zone. An example of a blanket regulation is the standard 20' setback from most streets in Kirkland (exceptions being pedestrian-oriented design districts). We consider a standard setback from the CKC no different. Staff noted that Redmond has established a 14'

setback for the Redmond Central Connector based on similar concerns about having some light, air, and open space relief at the property line.

Similarly, the City does have regulations in place that apply to multiple zones and establish fundamental rules for good design and site planning. KZC Chapter 115 (Miscellaneous Use Development and Performance Standards) and Chapter 92 (Design Regulations) are examples. The recommended development standards for pedestrian access, landscaping requirements, blank walls, and building modulation are all fundamental principles that already apply broadly in Kirkland and are now recommended to apply to properties abutting the CKC.

- The regulations ignore impacts to auto retail.

  Some of the concern may be a misunderstanding about existing regulations. At the hearing, it was clarified that the proposed 10′ setback does not apply to parking lots for auto dealers. Parking lots are governed by an existing 5′ landscape buffer requirement, which is not proposed to change with these regulations.

  The testimony pointed out that the primary marketing for auto retail will continue to be oriented predominantly to adjoining streets and that service areas will need to occur on the back side, which will typically face the CKC. The Commission agrees with this assessment, but does not believe that this configuration precludes the ability to design the building and site as it orients to the Corridor in a manner that is not detrimental to the Corridor.

  The Commission reviewed the approved plans for the new Toyota dealership located between NE 124th Street and the Corridor. The dealership orients primarily to the adjoining streets with service areas facing the Corridor and went through design review under existing guidelines and regulations (as would any new development in the TL 7 and TL 9A zones). The Commission found that development is largely consistent with the recommended standards and does not believe that overlaying the new regulations would have resulted in any significant impact to the operations or viability of the dealership.

- Auto dealer's clients, customers, and operations differ from office and retail.

  The Commission concurs and agrees that most customers will not come to buy a car on the Corridor. However, we disagree with any assumption that, by their nature, dealerships won't use CKC or won't benefit from the relationship. Employees may want to visit the improved Totem Lake Park over lunch breaks and customers may want to go for a walk or visit nearby shops or restaurants while they wait for a repair. Certain businesses in the area already have informal pedestrian connections to the Corridor that have occurred because such access was desired.

  The testimony noted that there are not recreational opportunities on this stretch of the Corridor and that the Master Plan will have lesser amenities in this area. This is not supported by the draft CKC Master Plan or the Totem Lake Park Master Plan.

- Pedestrian accessibility is a safety issue.

All development in Kirkland requires pedestrian paths to get visitors from cars to the building and from the street to the building. The recommended regulations extend that concept to the Corridor. Making paths safe is a matter of good design. The alternative to designating paths is for pedestrians to walk in drive aisles, a less safe condition.

The intent of our inclusion of these zones in our recommendation is that we believe that the proposed regulations can be applied without causing significant adverse impacts to the operation and expansion of Kirkland's valued auto dealerships.

Attachments:

1. Correspondence

Cc: CAM14-00269

Subject: Adoption of Cross Kirkland Corridor Interim zoning ordinance

Dear Planning Commission Members, Councilmembers and Madam Mayor,

Our names are Scott and Michelle Holm and we are the owners of Chainline Brewing Company. We are a small production facility that has been attempting to locate in Kirkland, preferably along the Cross Kirkland Corridor. We applaud the proposed changes to expand uses along the Corridor and think they will go a long way towards achieving the vision set out in the Master Plan. This is important to us not only as local residents but as business owners as well. We have located a potential site along the corridor and would like to begin negotiating a long-term lease. However the interim regulations as currently written do not assist us for several reasons:

1. Breweries, Wineries and Distilleries (NAICS 31212, 31213, 31214) are not currently recognized, permitted uses in any Kirkland planning zone, including the interim zoning along the Cross Kirkland Corridor

3. Because Breweries, Wineries and their associated tasting rooms for products manufactured on site have not been defined, this has led to confusion when attempting to classify the nature of the business and apply zoning regulations as they currently exist, specifically the application of accessory retail or accessory restaurant use. Our state brewery license allows us to manufacture fermented beverages and distribute to wholesale accounts, as well as sell direct to the consumer only products that were produced on site. Our tasting room is considered to be part of the brewery and is not separately licensed. We will not be applying for a tavern license and we will not serve food, therefore I do not believe we qualify as either a retail sales establishment or a restaurant. This is consistent with the way Breweries/Wineries/Distilleries are defined in many of the municipalities that have proven popular for these industries.

2. The Interim CKC zoning ordinance as written does not apply to the LIT zone where we propose to locate our business.

3. Current ambiguity of our use in the LIT zone (and exclusion from the CKC amendment) have created questions as to whether our tasting room is subject to retail square footage restrictions in the zone. Unchanged, this will prevent us from operating a tasting area of sufficient size to be economically viable. This notwithstanding, the size of a brewery tasting room will always be somewhat self-limiting given the nature of our license and the fact that the products sold on site must be manufactured on site as well. Sufficient space for production will always be required and the equipment-intensive nature of our business ensures against disproportionate tasting room size relative to gross square footage.

The primary reason for locating in an urban center rather than in a remote manufacturing area is the increased interaction and community involvement having a tasting room allows with our customers. In order for us to locate our business in Kirkland and become a thriving member of the community, I would respectfully request the following changes be made to the Cross Kirkland Corridor Interim Ordinance prior to adoption:

1. Establish language permitting Breweries, Wineries and Distilleries in conjunction with on-site tasting and/or retail sales of products produced on site as allowed uses in the designated zones. Adoption of such language is most likely the single most important action the city could take to encourage growth of these industries within the city limits. The growth of Craft Brewery/Winery/Distilleries in surrounding communities I believe is due in large part to the clear, unrestrictive language regarding their business type and zoning (See Attachments for Woodinville zoning RE: breweries and wineries)

2. Ensure that adopted language includes LIT zones, or at minimum, extend the CKC zoning amendments to include zone LIT.

We look forward to becoming an early adopter and a recognizable stop along the Cross Kirkland Corridor. I believe the changes we propose are consistent with the vision set out in the Corridor Master Plan, and are consistent with improving the economy and community of Kirkland. Adoption of these changes will ensure that Kirkland's industrial zones are not only feasible but also desirable locations for businesses such as ours.

Thank you for your time and consideration,

Scott and Michelle Holm

Attachments:

Excerpt from Woodinville Municipal Code 21.08.080

> [*In reference to industrial zones*] (15) Wineries, breweries and distilleries shall be permitted outright: (a) in conjunction with on-site tasting and/or retail sales of the products manufactured on site; and (b) up to the following production limits: for wineries, up to 250,000 liters per year; for breweries, up to 60,000 barrels per year; and for distilleries, up to 60,000 gallons per year. Otherwise, a conditional use permit is required. (Ord. 560 § 2, 2013; Ord. 481 § 9 (Att. E), 2009; Ord. 379 § 14, 2004; Ord. 347 § 9, 2003; Ord. 326 § 7, 2002; Ord. 324 § 1, 2002; Ord. 304 § 1, 2001; Ord. 295 § 2, 2001; Ord. 194 § 3, 1997; Ord. 175 § 1, 1997)

JohnsMonroe
MitsunagaKoloušková
PLLC

Robert D. Johns • Michael P. Monroe • Darrell S. Mitsunaga • Duana T. Koloušková

Planning Commission
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

April 9, 2014

Re: Land Use Regulations for Properties Adjoining the Cross Kirkland and Eastside Rail Corridors

Dear Planning Commissioners:

As you may already be aware, we are the attorneys for Greg Rairdon, Dodge Chrysler Jeep of Kirkland, Fiat of Kirkland, and RC 124th LLC. We provide you with the following comments and concerns regarding the City's proposed land use regulations for properties adjoining the Cross Kirkland Corridor (the "CKC").

The City's CKC Process to Adopt Land Regulations Is Inconsistent with the GMA and the City's Current Zoning Code Construction.

The City's drafting and review of CKC development regulations is not proceeding consistent with a standard GMA land planning process. Under the GMA, the City should first adopt planning policies under a subarea or master plan. Until Master Plan policies are adopted, logically there are no policies to implement by means of development regulations. Once those policies are adopted, the City can craft development regulations that implement those policies.

Contrary to the GMA public process, the City is working in reverse fashion. The City has not yet adopted planning policies at the comprehensive plan, or master plan, level. Instead, the City is working toward adoption of development regulations without the guidance of long-range Master Plan policies. Since there are no master planning policies to follow, there is no way for property owners to comment on whether the development regulations to be reviewed by the Planning Commission are consistent with long range policies. This process is already resulting in unnecessary confusion and inefficiency. Such an obstruction to logical planning and public comment may, in and of itself, violate GMA public process requirements.

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We understand that the City plans to hold public hearings and adopt a CKC Master Plan sometime late spring or early summer, 2014. We see no reason for the City to be moving forward now with development regulations that normally would be implementing regulations of that Master Plan. Instead, we request that the City follow a standard GMA process and wait to further process development regulations until after, or at least contemporaneously, with Master Plan adoption.

Further, the proposed development regulations take a very different approach to land use regulation than the current City zoning code. The draft regulations would impose blanket new restrictions on all properties along the Corridor, irrespective of their current zoning, actual uses or benefits they bring the City. This overly broad approach is fundamentally inconsistent with current Kirkland Zoning Code, which addresses considerations such as yards, setbacks and design review on a zone and use specific basis: each regulation is responsive to the specific zone and use.

Placing a new regional trail system into an established area should only be done with sensitivity toward existing uses. The CKC will run through areas of the City which are already extensively developed with uses such as auto retail. By their nature, such uses require significant parking, important signage, and highly functional and technical buildings to serve auto retail needs. The City has spent years fostering a strong relationship with the business interests in the Totem Lake area, and encouraging an auto retail zone along NE 124th Street. We believe the CKC can and should be designed and built in a manner that respects and does not interfere with the well-established uses along the Corridor.

In light of the extensive development along this segment of the Corridor and the unique needs of auto retail, we ask the City to design the CKC development regulations so as to reflect the impact of the CKC trail on these existing and proposed businesses. Rairdon, along with many others, will look in the future to make improvements, modifications, and expansions of their facilities. Car dealerships continue to make substantial investments along this corridor and generate significant tax revenue for the City. The draft development regulations can and should be designed to protect these important uses while providing a trail connection to other more scenic areas.

For the foregoing reasons, we object to the development regulations under consideration by the Planning Commission. We also provide the following and attached comments regarding specific aspects of the proposed development regulations.

Required Yard Setback

The Cross Kirkland Corridor is currently 100-feet wide as it runs past the Rairdon property, through an area that has long been developed with industrial uses and retail uses compatible with these uses, such as auto retail. The draft Master Plan denotes and promotes the Corridor running for miles through varying "Character Zones." There is no expectation that the Corridor is to be lined with uniform uses and services. None-the-less, the development regulations propose a uniform 10-foot wide yard setback along the length of the CKC. We previously submitted comments regarding this 10-foot yard requirement. At the time the Council considered interim regulations, we explained that there was no apparent support for uniformly requiring property owners to provide an additional 10 feet of landscaping given the current adequate width of the corridor. If applied as a blanket mandate, the 10-foot requirement would be inconsistent with the draft intent of the Master Plan.

The justification now given for the 10-foot yard is that such a setback requirement has been used elsewhere in the City where pedestrian spaces cannot otherwise be accommodated. In this case, a 100-foot wide non-motorized corridor certainly provides ample space already for pedestrian use. No other justification for this setback has been provided. We have seen no support for uniformly requiring property owners to provide an additional 10 feet of landscaping given the current adequate width of the corridor and inconsistency with the design direction of the Master Plan.

The only exception to the blanket 10-foot setback mandate applies to one-story, retail or restaurant uses where the façade facing the Corridor (1) is oriented to serving Corridor users with pedestrian entrances, pedestrian and bicycle access between the Corridor and entrance, *and* (2) contains an area of at least fifty percent transparent windows and/or doors. This exception would not be applicable to or sensible for an auto retail use. An auto retail facility does not have customers arriving by foot or bicycle. And with the functional and technical requirements of this type of business, designing an auto retail facility with a façade composed of fifty percent or more transparent windows and/or doors is not possible.

This 10-foot yard requirement on the T7 and T9A zones and auto retail is highly inequitable and without any ready justification. There is no reasonable nexus between a taking of a 10-foot strip of private land and any impact created by our client's current property use.

Design Standards, Generally.

Imposing blanket design standards in a broad-brush manner across all zones along the CKC, including T7 and T9A, fails to recognize and respect existing uses of high and unique benefit to the City, such as auto retail. These proposed design standards have no relationship to the impacts of uses such as auto retail. Instead, they are designed to make pedestrian and bicycle use of the CKC more aesthetically pleasing. As a result, there appears to have been no recognition or understanding that these design standards largely cannot be implemented as a result of unique structural and site design needs related to auto retail.

Existing businesses along the Corridor should not be subject to new, uniform design standards beyond the current code requirements. In particular, auto retail establishments in the area have appropriately been designed and constructed to address customers arriving from the adjacent streets. For the Rairdon dealership, signage, building design, site layout, and landscaping is oriented to welcome customers from NE 124th Street. This design has been completed using the City's design standards and setbacks already specifically adopted for auto retail use.

The proposed CKC design standards, if imposed on auto retail, would make it impossible for Rairdon and others to expand or potentially even remain long term at their current locations. The design requirements range from impractical to impossible to incorporate into auto retail. Experience shows that blanket site and building design standards, such as those proposed, will result in unused or even dangerous walkways, landscaping in illogical or undesirable locations, and building design which conflicts with established legal uses, without any meaningful aesthetic benefit. Some discussion of that is provided in the attached comments by Craig Krueger; more detail and examples can be provided. As there are no other viable areas within the City for auto retail to relocate, the likely ultimate result of imposing blanket design standards onto to auto retail will be to drive these businesses to other jurisdictions.

Wetland Exemption

The proposed regulations would exempt the CKC improvements from critical area regulations which apply to every other property and use potentially impacting the same critical areas. As stated in staff's memo to the Planning Commission, the intent of the exemption is to allow construction of the master planned trail and installation of utilities, even though staff recognizes that the Corridor creates a significant hydrologic divide through the City with streams and wetlands. No justification is given to support the City's different treatment of its CKC versus other uses. Such an exemption unfairly

burdens adjacent property owners by improperly exempting the City from compliance with the very critical area regulations which everyone else must meet.

In the past, the City suggested that it would develop a regional solution to wetlands artificially created by the railroad corridor, which is currently protected by the City. This new exemption directly contradicts the City's commitment to consider property and business owners' interests and to address this critical area issue in a regional manner for all affected. If this exemption is adopted, the City will exempt its own desired uses in these wetlands, while leaving adjacent property owners to fend for themselves. Absent more, adoption of such inequitable treatment of wetlands based on subjective different uses would send a message that the City has no intention of working with affected property owners on a regional solution.

Thank you for the opportunity to provide comments on the City's proposed land use regulations for properties adjoining the Cross Kirkland Corridor. We hope these comments add to the your review and support a recommendation (a) not to adopt these proposed regulations until Master Planning is complete, and (b) not to impose the setback and design standards on the T7 and T9a zones nor allow a new critical area exception for the CKC.

Sincerely,

Duana T. Kolouškova

Direct Tel: (425) 467-9966
Email: kolouskova@jmmlaw.com

cc: Kurt Trippet, City Manager
Eric Shields, Planning Supervisor
Greg Rairdon

1833-1 Ltr to PC re CKC final 4-9-14

Craig J. Krueger – Community Land Planning
15506 NE 103rd Way Redmond, Washington 98052 425.478.3267

April 10, 2014

Planning Commission
City of Kirkland
123 - 5th Avenue
Kirkland, WA. 98033

Re: New Section KZC 115.24; Cross Kirkland Corridor/Eastside Rail Corridor – Supplemental Development Standards for Adjoining Properties

Dear Planning Commissioners:

The Cross Kirkland Corridor is a shared-use transportation corridor that offers an alternative route for non-vehicular traffic through the City. The 5.7 mile Corridor extends past a variety of existing uses/businesses, many of which are pre-existing and independent from users of the corridor. These pre-existing, independent uses simply should not be subject to the same regulations as uses/businesses that will cater to the users of the Corridor. These independent uses bring other benefits to the City and are only involved in the CKC planning process because circumstantially the City has chosen this route for the CKC.

Certain segments of the Corridor are unique from other segments; each has opportunities and/or constraints that are recognized in the Master Plan currently under review but are not recognized in the development regulations. Car dealerships in particular, as opposed to retail and office uses, have a unique clientele/customers and a unique operation within their parcels. The Rairdon car dealerships are located at the easterly terminus of the Cross Kirkland Corridor at 132nd Avenue NE, where the Corridor transitions to King County ownership. While other segments of the Corridor are envisioned to include parallel primary and secondary trails, as well as recreation/view opportunities with active sports, the segment of corridor along the Rairdon dealerships is narrower in width and includes only a single trail section. There are no view or recreation opportunities for the CKC along this stretch; instead, the area is heavily developed with a range of commercial and light industrial uses.

The City takes on both a practical and safety issue in **requiring** a pedestrian and bicycle connection with the Corridor. Car dealerships must and should be allowed to orient their businesses toward adjacent streets, rather than encouraging pedestrian or bicycle access from the Corridor. Their customers do and will continue to arrive by car. Very few car

buyers will access the dealerships by foot or bike along the Corridor. In addition, the portion of the Rairdon parcels adjacent to the Corridor itself will continue to serve as a sales and auto service center with many cars moving through this area. This portion of the property would not be a safe environment for pedestrians and bicyclists. Instead of encouraging potential pedestrian, bicycle and vehicle conflicts, the City should allow car dealerships to continue to orient their businesses safely and clearly to vehicle rights-of-way.

In regards to the specific regulations proposed in the document before the Planning Commission, those relating to site design and building design, and how they would impact the car dealerships, we offer the following comments:

Site Design

i. Landscaped islands: It appears as if the City of Kirkland would envision the interface of the parcels with the corridor to have similar requirements as the interface with surrounding streets, since they both can be viewed from public spaces. For the Rairdon car dealerships, landscape islands are provided adjacent to driveway entrances per the current code, but they are not required nor provided for the portion of the property containing cars being viewed by customers. The proposed regulations should be made clear that the landscaped islands would not be required for the sales lots along the corridor.

iii. Pedestrian/bicycle connection: For reasons discussed above, the car dealerships should not be **required** to provide pedestrian and bicycle connections to the corridor and the connections should not mandated as 10 feet wide. This is a safety issue and practical issue. While some uses along the corridor, and certainly future uses such as breweries, will cater to the users of the corridor and want to provide convenient access for their customers, pedestrians and bicyclists are not compatible with the activities within the car dealerships

iv. Bicycle parking: The reality is very few customers will use the corridor to access the car dealerships by bicycle. Artificially introducing bicyclists in this section of the property would create logistical and safety issues. Car dealerships may continue to meet the current requirements for bicycle parking (1 per 12 required motor vehicle parking spaces), but should not be faced with a requirement to double the number of bicycle spaces. An increased number of bicycle spaces is appropriate for businesses that cater to the corridor bicyclists, and the owners of those businesses would encourage and promote bicycle access by providing more spaces. But the increased bicycle parking should not be mandated for the car dealerships, a pre-existing use that is totally independent from the Corridor.

Building Design

i. Blank Wall Treatment: "All buildings shall be designed so that facades visible from the Corridor comply with the provisions of KZC 92.15.3 (Blank Wall Treatment)". Rairdon and other businesses are well established along this segment of the proposed CKC and should not be required now to comply with standards such as blank wall treatment that are desired for the benefit of adjacent trail users, not as a result of any impacts of the existing use.

iii. Building materials: Again, it appears that the City of Kirkland envisions the interface of the parcels with the corridor to have similar requirements as the interface with surrounding streets, since they both will be viewed from public spaces. The language of the proposed regulations should be revised to be clear that the City recognizes a variety of methods to address the facades of a proposed building, without requiring windows to be placed along the corridor interface. The proposed building may not need nor desire windows given the use of the building.

iv. Vertical definition: The regulations appear to propose a new building design requirement along the corridor related to vertical definition, something not currently required in other areas of the City. While it is understood that the City wants to avoid the long, blank walls that were constructed in the past along the former heavy rail corridor, it would seem that current code requirements would be sufficient to address the design aspects of uses along the corridor.

Thank you for the opportunity to comment on the proposed supplemental development standards. I look forward to the upcoming public hearing.

Sincerely,

Craig J. Krueger
Community Land Planning

ROBERT P. TJOSSEM

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April 7, 2014

Kirkland Planning Commission
c/o Jeremy McMahan
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

Re: Proposed Corridor Regulations

Dear Commission Members:

I wanted to follow up my October 2013 letter and comment on the revised regulations for the corridor as I won't be able to attend your April 10th hearing.

As you may recall, our family owns the property and building at 13400 NE 124th NE, Kirkland. It is located just east of the new Toyota dealership and is in the TL-7 zone. Our property is unique as it is 97 feet wide (north to south) at the west end and then narrowing to a point at the east tip. We have a 6,400 square foot building which is 20 to 25 feet from the railroad right of way. The building gains auto access on the north side and thus the 20 to 25 feet is needed for access. In addition, we also have about eight parking stalls on the north side, directly abutting the right of way.

Thus, any restriction(s) that would limit or prohibit our access and parking on the northerly portion of our property would be devastating and our tenants couldn't operate.

In talking to Mr. McMahan, it is my understanding that the proposed regulation(s) under consideration would not limit, impair, or prohibit our use of any portion of the north 25 feet for access to the rear of our building or for parking as approved by King County prior to annexation. These changes alleviate many of our concerns. We have other concerns, however, as follows.

First, we are concerned about the city imposing substantial burdens on the corridor properties, i.e., design, setback, pedestrian pathway on what is the back end (rear) of the properties. It is like fronting on two streets, but not receiving any benefit from one street, just all the burdens. Ask yourself, but for the trail, would the city propose or adopt these regulations? I think not. So why do all the burdens fall on the private property owner?

Second, we are very concerned about being forced to have to rebuild on our small, narrow property if we are forced to do so because of fire. If, for example, our building was damaged by more than 50% of its assessed value, we would have to then comply with all regulations to rebuild.

In our case that would be virtually impossible because of its dimensions and size. Our width north to south is very short. At the widest, the west end, it is only 97 feet. At midpoint of the building it is about 71 feet and at the east end of the building about 64 feet.

When you take out the setbacks front and rear and add circulation and access to the rear, there is no room for a building of reasonable size and shape.

This is why we think the city should add a variance procedure to its proposed regulations to insure some equity and fairness to those of us that have made a major investment in the corridor and have complied with all King County codes when we built. The variance would create a mechanism to address any undue hardship based on the facts and circumstances of each situation. It could, for example, be limited to properties solely in zone TL-7, as well as limited to cases where compliance with the regulations was required for repair because of fire.

Criteria for hardship could be based on such factors such as the dimension, size and shape of a property, and other equitable considerations. It could be further limited to setbacks, parking, and access so as to allow for rebuilding a property damaged by fire.

Your consideration is appreciated

Yours very truly,

Robert P. Tjossem for
The Tjossem Family

cc: Mayor Amy Walen
City Manager

ORDINANCE O-4442

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE WITH RESPECT TO ALLOWED USES AND DEVELOPMENT STANDARDS FOR PROPERTIES ADJOINING THE CROSS KIRKLAND AND EASTSIDE RAIL CORRIDORS INCLUDING AMENDMENTS TO THE FOLLOWING ZONING CODE CHAPTERS: 20, 25, 45, 48, 55, 56, 60, 90, 105, AND 115; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM14-00269.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend the text of the Kirkland Zoning Code, as set forth in the report and recommendation of the Planning Commission dated April 18, 2014, and bearing Kirkland Department of Planning and Community Development File No.; CAM14-00269 and

WHEREAS, prior to making the recommendation, the Kirkland Planning Commission, following notice as required by RCW 36.70A.035, on April 10, 2014, held a public hearing on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, the Houghton Community Council, following notice thereof as required by RCW 36.70A.035, on April 28, 2014, held a courtesy hearing, on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, on March 14, 2014, draft regulations were forwarded to the Washington State Department of Commerce for review, as required by RCW 36.70A.106; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a final SEPA Determination of Nonsignificance issued by the responsible official pursuant to WAC 197-11-340; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Zoning text amended: The following specified sections of the text of the Kirkland Zoning Code are amended as set forth in Exhibit A attached to this Ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. To the extent the subject matter of this ordinance is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. This Ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this Ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2014.

Signed in authentication thereof this _____ day of _____, 2014.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

Kirkland Zoning Code Amendments
Cross Kirkland/Eastside Rail Corridor
File No. CAM14-00269

How to read this document:

- New text is underlined
- Existing text to be deleted is covered by a ~~strike through~~

New General Regulations

Zones	Zoning Code Sections	New General Regulation
RM, PR, BC, LIT, TL 4A & 4C, TL 5, TL 7, TL 9A, TL 10B, TL 10D, TL 10E, YBD 2, PLA 5D, PLA 5E, PLA 6G, PLA 9, PLA 15B	20.08, 25.08, 45.08, 48.10, 55.31, 55.37, 55.49, 55.60, 55.73, 55.85, 55.91, 56.18, 60.45, 60.50, 60.85, 60.130, 60.175	X. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24

New Section KZC 115.24: Cross Kirkland Corridor/Eastside Rail Corridor – Supplemental Development Standards for Adjoining Properties

1. General – The following regulations shall apply to all properties adjoining the Cross Kirkland Corridor/Eastside Rail Corridor (the Corridor), except those properties located in low density residential zones.

2. Required Yards
   a. The minimum required yard is ten (10) feet as measured from the common property line with the Corridor. All outdoor use, activity or storage areas located adjacent to the Corridor shall comply with the minimum ten foot required yard. Parking areas are subject to the requirements of Section 115.115.
   b. Exception – The Planning Official may allow the required yard to be reduced to 0 feet for one story of retail or restaurant uses where:
      i. The façade facing the Corridor is oriented to serving Corridor users with pedestrian entrances, pedestrian and bicycle access between the Corridor and entrance, and similar design features, and
      ii. The façade facing the Corridor contains transparent windows and/or doors occupying at least 50 percent of the façade.

3. Design Standards – Development on properties adjoining the Corridor shall comply with the following design standards. Compliance with these standards shall be administered by the Planning Official in conjunction with review of an applicable development permit unless the proposal is subject to Design Board review, in which case the Design Review Board shall review the proposal for compliance. Applications involving additions or modifications to existing buildings shall comply with these standards to the extent feasible depending on the scope of the project. The Planning Official or Design Review Board may waive compliance with a particular regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.

   a. Site Design: Development adjoining the Corridor shall be designed to complement the public nature of the Corridor though the following site design and pedestrian improvements:

i. Landscape islands required pursuant to KZC 95.44 (Internal Parking Lot Landscaping Requirements) shall be provided such that there are no more than eight contiguous parking stalls along the corridor.

ii. In addition to providing the screening and buffering functions required by the KZC, landscape design shall integrate with and complement corridor functions.

iii. A pedestrian entrance facing the Corridor shall be provided with a pedestrian walkway connecting from the entrance to the Corridor. The walkway shall be installed pursuant to the standards of KZC 105.18.2.a., except any stairs shall be equipped with a bicycle runnel. The Planning Official may waive the connection requirement where grade or other natural features preclude reasonable access to the Corridor.

iv. Bicycle parking as required by KZC Section 105.32 shall be provided at a ratio of one (1) bicycle space for each six (6) required motor vehicle parking spaces and shall be accessible by bicycle to the Corridor.

b. Building Design: Building design adjoining the Corridor shall acknowledge the high visibility from this active public space through the following building design standards:

i. All buildings shall be designed so that facades visible from the Corridor comply with the provisions of KZC 92.15.3 (Blank Wall Treatment).

ii. All building shall be designed so that parking garages visible from the Corridor comply with the provisions of KZC 92.15.4.a and b (Parking Garages).

iii. Building facades visible from the Corridor shall incorporate similar building materials and window treatment as other facades of the building.

iv. Building facades facing the Corridor shall not exceed 120 feet without vertical definition. Vertical definition may be in the form of changes in color and materials, modulations of sufficient width and depth to define the vertical element, or some combination of these techniques. This vertical element should carry through all floors of the building.

105.19 Public Pedestrian Walkways

1. Public Pedestrian Walkways – Location – In addition to the pedestrian walkways required in KZC 105.18, the City may require the applicant to install pedestrian walkways for use by the general public on the subject property and dedicate public pedestrian access rights in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:

a. A pedestrian connection is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or designated elsewhere in this code; or

b. A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or to transit; or

c. A through-block pedestrian pathway where specifically required in Design Districts; or

d. A through-block pedestrian pathway if blocks are unusually long; or

e. Pedestrian access is necessary to connect between:

i. ~~e~~Existing or planned dead-end streets~~,~~; or

ii. ~~t~~Through streets~~,~~; or

iii. An existing street and the Cross Kirkland Corridor or Eastside Rail Corridor; or

iv. ~~o~~Other public pedestrian access walkways.

KZC 90 – Drainage Basins

90.20 General Exceptions

The following activities or conditions shall be exempt from this chapter:

1. Activities involving artificially created wetlands or streams intentionally created from non-wetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, retention and/or detention facilities, farm ponds, and landscape features, except activities involving wetlands or streams that are created as mitigation for impacts to regulated sensitive areas, or that support state or federally listed threatened or endangered species.
2. Legally filled wetlands, or wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.
3. Activities affecting Type 3 wetlands that are 1,000 square feet or less in any of the primary basins, or affecting Type 3 wetlands that are 2,500 square feet or less in any of the secondary basins.
4. All utility work in improved City rights-of-way; ~~and~~ all normal and routine maintenance, operation and reconstruction of existing roads, streets, and associated rights-of-way and structures; ~~and~~ construction of sewer or water lines that connect to existing lines in a sensitive area or buffer where no feasible alternative location exists based on an analysis of technology and system efficiency; and minor replacement or modification of existing facilities by a public utility in an improved utility corridor. ~~provided, i~~In each case, ~~that~~ (1) such activities ~~will~~ shall not increase the impervious area (excluding utility poles) or reduce flood storage capacity, and (2) the construction drawings shall specify that all affected sensitive areas and buffers will be expeditiously restored to their pre-project condition or better. For purposes of this subsection only, “improved City rights-of-way” shall include the Cross Kirkland Corridor, Eastside Rail Corridor, and those rights-of-way that have improvements only underground, as well as those with surface improvements.
5. Construction of public nonmotorized trails within the Cross Kirkland Corridor and Eastside Rail Corridor; provided, that (1) the trail is located in a manner that, to the extent feasible, avoids and minimizes impacts to sensitive areas and buffers such as placement on previously disturbed areas, (2) the trail project includes on-site or off-site mitigation of new impacts to affected sensitive areas and buffers, and (3) pervious or other low-impact materials are used where practical.
6. ~~5~~Normal and routine maintenance or repair of structures; provided, that such activities do not increase the previously approved structure footprint within a sensitive area or its buffer. Increases in structure footprint outside of such areas shall be allowed, even if all or a portion of the previously approved footprint is within such areas.
7. ~~6~~Site investigative work and studies necessary for preparing and processing land use applications, including, but not limited to hand-dug holes for soils tests, water quality sampling, wildlife studies, and wetland and stream investigations; provided, that any disturbance of the sensitive area or its buffer shall be the minimum necessary to carry out the work or studies. Use of any mechanized equipment requires prior approval of the Planning Official. Areas disturbed by these activities shall be expeditiously stabilized and replanted, as approved by the Planning Official, to restore them to their previous condition.
8. ~~7~~Educational activities, scientific research, and passive outdoor recreational activities such as bird watching.
9. ~~8~~Emergency activities necessary to prevent an immediate threat to public health, safety, or welfare.

Zone
BC, BC 1, BC 2

USE ZONE CHART

Section 45.10	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Vehicle Service Station	Process I, Chapter 145 KZC.	22,500 sq. ft.	40'	15' on each side	15'	80%	See Gen. Regs. 8 and 9.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
				See Special Regulation 2.								
.020	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 2.	None	None	BC: 20' BC 1 and BC 2: 10'	0' See Gen. Regs. 7 and 8.	0' See Gen. Regs. 7 and 8.						1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Vehicle and boat rental are allowed as part of this use.
.030	Restaurant or Tavern								B		1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. c. Landscape Category A shall apply.
.050	A Retail Establishment providing storage services. See also Spec. Regs. 1 and 2.								A		See KZC 105.25.	1. May include accessory living facilities for resident security manager. 2. This use not permitted in BC 1 and BC 2 zones.

or if any portion of the property is located within 150' of the Cross Kirkland Corridor

Exhibit A

Zone LIT

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 48.15	USE ⇩	REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.		Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	90%	If adjoining a low density zone other than RSX, then 25' above average building elevation (does not apply to institutional uses in low density zones). Otherwise, 35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment, fabricated metal products; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include, as part of this use, accessory retail sales, office or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.015	Breweries, Wineries, and Distilleries											1 per each 1,000 sq. ft. of gross floor area. Tasting rooms 1 per each 100 sq. ft. of gross floor area	
.020	A Retail Establishment Providing Storage Services	See Spec. Regs 1 & 2									E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.
.030	Warehouse Storage Service										C	1 per each 1,000 sq. ft. of gross floor area.	1. May include, as part of this use, accessory retail sales, office or service utilizing no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.040	Wholesale Trade												
.050	Industrial Laundry Facility												
.060	Wholesale Printing or Publishing												

2. This use not permitted if any portion of the subject property is located within 150' of the Cross Kirkland Corridor

.015 Special Regulation:
1. May include tasting rooms, accessory retail sales, or office utilizing not more than 20 percent of the gross floor area (50 percent if the property is located within 150' of the Cross Kirkland Corridor).

Exhibit A

Zone TL 4A, 4B, 4C

USE ZONE CHART

Section 55.33	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.010	Vehicle Service Station	D.R., Chapter 142 KZC	22,500 sq. ft.	40'	15' on each side	15'	80%	30' average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
				See Spec. Reg. 2.								
.020	A Retail Establishment providing storage services. See also Spec. Reg. 1 & 2		None	10'	0'	0'		65' above average building elevation.				1. May include accessory living facilities for resident security manager. 2.This use not permitted if any portion of the subject property is located within 150' of the Cross Kirkland Corridor
.030	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 2.											1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 2. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.
.040	Restaurant or Tavern								C		1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.050	Any Retail Establishment, other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services										1 per each 300 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.

c. Access for drive-through facilities shall not be located between the building and the Cross Kirkland Corridor

Exhibit A

Section 55.39 — Zone TL 5 — USE ZONE CHART

Section 55.39	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.020	Vehicle Service Station	D.R., Chapter 142 KZC.	22,500 sq. ft.	40'	15' on each side	15'	80%	35' above average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
				See Spec. Reg. 2.								
.030	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 1.		None	10'	0'	0'						1. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use. 2. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.040	Restaurant or Tavern								C		1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.050	A Retail Establishment providing storage services. See also Spec. Reg. 1. & 2										See KZC 105.25.	1. May include accessory living facilities for resident security manager. 2. This use not permitted if any portion of the subject property is located within 150' of the Cross Kirkland Corridor

Exhibit A

Section 55.51 Zone TL 7 **U S E Z O N E C H A R T**

Section 55.51	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regu (See also General
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 3.	D.R., Chapter 142 KZC. See Gen. Reg. 3.	None	10'	0'	0'	90%	45' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include, as part of this use, accessory retail sales, office or service utilizing not more than 35 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.015	Breweries, Wineries, and Distilleries										1 per each 1,000 sq. ft. of gross floor area. Tasting rooms 1 per each 100 sq. ft. of gross floor area	
.020	Warehouse Storage Service											1. May include, as part of this use, accessory retail sales, office or service utilizing no more than 35 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.030	Wholesale Trade											
.040	Industrial Laundry Facility											
.050	Wholesale Printing or Publishing											
.060	A Retail Establishment providing storage services. See Spec. Reg. 1. & 2									E	See KZC 105.25.	1. May include accessory living facilities for resident security manager. 2. This use not permitted if any portion of the subject property is located within 150' of the Cross Kirkland or Eastside Rail Corridor

(50% for properties located within 150' of the Cross Kirkland or Eastside Rail Corridor)

.015 Special Regulation:
1. May include tasting rooms, accessory retail sales, or office utilizing not more than 35 percent of the gross floor area (no limit on properties in this zone where a restaurant use is allowed).

Exhibit A

(Revised 8/12)

Zone TL 7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.51	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.110	Office Use	D.R., Chapter 142 KZC. See Gen. Reg. 3.	None	10'	0'	0'	80%	45' above average building elevation.	C See also Spec. Reg. 1(a).		If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.120	Any Retail Establishment other than those specifically listed in this zone, selling goods or providing services including banking and related services (See Spec. Reg. 1).								B	E	1 per each 300 sq. ft. of gross floor area.	1. This use is only permitted on properties located north of NE 124th Street, south of the Cross Kirkland Corridor right-of-way and west of 135th Avenue NE. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A. 3. No drive-through or drive-in facilities are permitted.
.130	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.	1. ~~This use is only permitted on properties located north of NE 124th Street, south of the Cross Kirkland Corridor right-of-way and west of 135th Avenue NE.~~ 2. No drive-through or drive-in facilities are permitted.
.140	Entertainment, Cultural and/or Recreational Facility											
.150	Hotel or Motel										1 per each room. See Spec. Reg. 2.	1. May include meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for those ancillary uses shall be determined on a case-by-case basis.
.160	A Retail Establishment providing printing, publishing, or duplicating services										1 per each 300 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 3,000 sq. ft. For a larger printing or publishing facility, see wholesale printing or publishing listing in this use zone.

1. This use is only permitted on properties:
a. North of NE 124th Street and south of the Cross Kirkland Corridor/Eastside Rail Corridor.
b. Within 150' of the Cross Kirkland or Eastside Rail Corridor.

Exhibit A

(Revised 11/12)

Section 55.61 Zone TL 9A

USE ZONE CHART

Section 55.61	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regula (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										(50% for properties located within 150' of the Cross Kirkland/Eastside Rail Corridors)
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	None	None	10'	0'	0'	90%	45' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment, fabricated metal products; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include as part of this use, accessory retail sales, office or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.015	Breweries, Wineries, and Distilleries										1 per each 1,000 sq. ft. of gross floor area. Tasting rooms 1 per each 100 sq. ft. of gross floor area	
.020	A Retail Establishment Providing Storage Services See Spec. Regs. 1 & 2									E	See KZC 105.25.	1. May include accessory living facilities for resident security manager. 2. This use not permitted if any portion of the subject property is located within 150' of the Cross Kirkland or Eastside Rail Corridor
.030	Warehouse Storage Service									C	1 per each 1,000 sq. ft. of gross floor area.	1. May include, as part of this use, accessory retail sales, office or service utilizing no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.040	Wholesale Trade											
.050	Industrial Laundry Facility											
.060	Wholesale Printing or Publishing											

.015 Special Regulation:
1. May include tasting rooms, accessory retail sales, or office utilizing not more than 20 percent of the gross floor area (no limit for properties located within 150' of the Cross Kirkland Corridor).

Exhibit A

(Revised 8/12)

Zone TL 9A

USE ZONE CHART

Section 55.61	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.070	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	None	None	10'	0'	0'	80%	45' above average building elevation.	B	E	1 per each 1,000 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscape Category A.
.080	A Retail Establishment Providing Banking and Related Financial Services							Same as primary use.			1 per each 300 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; and c. There is no vehicle drive-in or drive-through.
.090	High Technology							45' above average building elevation.	A	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. May include as part of this use, accessory retail sales or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. Refer to KZC 115.105 for provisions regarding outside use, activity and storage.
.095	Restaurant or Tavern (see Spec. Regs 1&2	None	None	10'	0'	0'	80%	45' above average building elevation	C	E	1 per each 100 s.f. of gross floor area	1. This use is only permitted on properties within 150' of the Cross Kirkland/Eastside Rail Corridors. 2. No drive-through or drive-in facilities are permitted

Exhibit A

Section 55.75 Zone TL 10B **U S E Z O N E C H A R T**

Section 55.75	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.020	Manufacturing See Spec. Reg. 1.	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	20'	0'	0'	70%	35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramic products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. Outdoor fabrication is not permitted. Outdoor storage must be located as far as possible from the adjoining residential zones and the freeway. 3. May include as part of this use accessory retail sales, office or service occupying not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 4. The structure containing the use shall have been in existence on December 31, 2005, 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. 5. 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. 6. Refer to KZC 115.105 for provisions regarding outdoor use, activity and storage. 7. Breweries, Wineries, and Distilleries may include tasting rooms, accessory retail sales, or office utilizing not more than 20 percent of the gross floor area (no limit for properties located within 150' of the Cross Kirkland Corridor.
.030	Warehouse Storage Services											
.025	Breweries, Wineries, and Distilleries										1 per each 1,000 sq. ft. of gross floor area. Tasting rooms 1 per each 100 sq. ft. of gross floor area	

(50% for manufacturing uses on properties located within 150' of the Cross Kirkland Corridor)

Exhibit A

(Revised 8/12)

Section 55.75	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.040	Wholesale Trade	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	20'	0'	0'	70%	35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. Outdoor fabrication is not permitted. Outdoor storage must be located as far as possible from the adjoining residential zones and the freeway. 2. May include as part of this use, accessory retail sales, office or service occupying not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. The structure containing the use shall have been in existence on December 31, 2005, 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. 4. 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. 5. Refer to KZC 115.105 for provisions regarding outdoor use, activity and storage.
.050	Industrial Laundry Facility											
.060	Wholesale Printing or Publishing											
.070	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control								B			
.080	Office Use							55' above average building elevation.	C	D	If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. Outdoor runs or other outdoor facilities for the animals must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.085	Restaurant or Tavern (see Spec. Regs 1&2	D.R., Chapter 142 KZC. See Gen. Reg. 5	None	20'	0'	0'	70%	55' above average building elevation	C	E	1 per each 100 s.f. of gross floor area	1. This use is only permitted on properties within 150' of the Cross Kirkland Corridors. 2. No drive-through or drive-in facilities are permitted

Exhibit A

Zone TL 10B

USE ZONE CHART

Section 55.75	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.110	Church	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	10'	0'	0'	70%	55' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.
.120	A Retail Establishment providing storage services See Spec. Reg. 3.									E	See KZC 105.25.	1. May include accessory living facilities for staff persons. 2. Outdoor storage must be located as far as possible from the adjoining residential zones and the freeway. 3. ~~This use is only allowed east of the 118th Avenue NE right-of-way alignment and its future extension to NE 116th Street (see Plate 36).~~
.130	Public Utility									B		1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.140	Government Facility or Community Facility								C See Spec. Reg. 1			
.150	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review proposals.										
.160	School or Day-Care Center	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	10'	0'	0'	70%	55' above average building elevation.	C	B	See KZC 105.25.	1. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 2. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 3. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 4. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 5. Electrical signs shall not be permitted. 6. May include accessory living facilities for staff persons.

3. This use is not permitted on properties:
a. West of the 118th Ave NE right-of-way alignment and it's future extension to NE 116th St.
b. Within 150' of the Cross Kirkland Corridor/Eastside Rail Corridor.

Exhibit A

Section 55.87 Zone TL 10D **U S E Z O N E C H A R T**

Section 55.87	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC. See Gen. Reg. 3.	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include, as part of this use, accessory retail sales, or service using not more than 20 percent of the gross floor area. The floor area of accessory office use is not limited. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. The structure containing the use shall have been in existence on December 31, 2005, 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. 4. 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. 5. Refer to KZC 115.105 for provisions regarding outdoor use, activity and storage.
.015	Breweries, Wineries, and Distilleries										1 per each 1,000 sq. ft. of gross floor area. Tasting rooms 1 per each 100 sq. ft. of gross floor area	7. Breweries, Wineries, and Distilleries may include tasting rooms, accessory retail sales, or office utilizing not more than 20 percent of the gross floor area (no limit for properties located within 150' of the Cross Kirkland Corridor.

(50% for properties located within 150' of the Cross Kirkland Corridor)

Exhibit A

Zone TL 10D

USE ZONE CHART

Section 55.87	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.120	Public Utility	D.R., Chapter 142 KZC. See Gen. Reg. 3.	None	10'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 80' above average building elevation. See Spec. Reg. 1.	C See Spec. Reg. 2.	B	See KZC 105.25.	1. If this use is located within the "Stand-Alone Housing Areas" (see Plate 37, Chapter 180 KZC), maximum building height is 65 feet above average building elevation. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.130	Government Facility Community Facility											
.140	Restaurant or Tavern See Spec. Reg. 1.							Same as primary use.	B	E	1 per each 100 sq. ft. of gross floor area.	~~1. This use is permitted if accessory to a primary use, and:~~ ~~a. It will not exceed 20 percent of the gross floor area of the building;~~ ~~b. It will not be located in a separate structure from the primary use;~~ ~~c. It will not exceed 50 percent of the ground floor area of the building;~~ ~~d. The use is integrated into the design of the building; and~~ ~~e. There is no vehicle drive-in or drive-through~~.
.150	Entertainment, Cultural and/or Recreational Facility			20'				Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.	A		See KZC 105.25.	1. The use shall be conducted within a wholly enclosed building. 2. The structure containing the use shall have been in existence on June 1, 2004, 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. 3. 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.
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

1. This use is only permitted as a primary use on properties located within 150' of the Cross Kirkland Corridor. On other properties, this use is only permitted if accessory to a permitted primary use where:
a. It will not exceed 20 percent of the gross floor area of the building;
b. It is not located in a separate structure from the primary use;
c. The use is integrated into the design of the building;
2. No vehicle drive-in or drive-through facilities are permitted.

Exhibit A

Section 55.93 Zone TL 10E **USE ZONE CHART**

(50% for properties located within 150' of the Cross Kirkland Corridor)

Section 55.93	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include as part of this use, accessory retail sales, or service occupying not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. The structure containing the use shall have been in existence on December 31, 2005, 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. 4. 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.
.015	Breweries, Wineries, and Distilleries										1 per each 1,000 sq. ft. of gross floor area. Tasting rooms 1 per each 100 sq. ft. of gross floor area	5. Breweries, Wineries, and Distilleries may include tasting rooms, accessory retail sales, or office utilizing not more than 20 percent of the gross floor area (no limit for properties located within 150' of the Cross Kirkland Corridor.

Exhibit A

(Revised 8/12)

Section 55.93 Zone TL 10E

USE ZONE CHART

Section 55.93	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.080	High Technology	D.R., Chapter 142 KZC	None	10'	0'	0'	80%	Where adjoining a low density zone, 50' above average building elevation. Otherwise, 80' above average building elevation.	C See Spec. Reg. 3.	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. May include, as part of this use, accessory retail sales or service occupying not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. Refer to KZC 115.105 for provisions regarding outside use, activity and storage. 4. Any outdoor storage area must be buffered according to Landscape Category A.
.090	Public Utility							If adjoining a low density zone, then 50' above average building elevation. Otherwise, 80' above average building elevation.	C See Spec. Reg. 1.	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.100	Government Facility Community Facility											
.110	Vehicle or Boat Repair, Services, Washing or Rental See Spec. Reg. 1.									E		1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.120	Restaurant or Tavern See Spec. Reg. 1.							~~Same as for primary use.~~	B		1 per each 100 sq. ft. of gross floor area.	~~1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. It is not located in a separate structure from the primary use; c. The use is integrated into the design of the building; and d. There is no vehicle drive-in or drive-through.~~

Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.

1. This use is only permitted as a primary use on properties located within 150' of the Cross Kirkland Corridor. On other properties, this use is only permitted if accessory to a permitted primary use where:
a. It will not exceed 20 percent of the gross floor area of the building;
b. It is not located in a separate structure from the primary use;
c. The use is integrated into the design of the building;
2. No vehicle drive-in or drive-through facilities are permitted.

Exhibit A

(Revised 8/12)

Section 56.20 — Zone YBD 2, YBD 3 — USE ZONE CHART

Section 56.20	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.040	Hotel or Motel	D.R., Chapter 142 KZC	None	0' adjacent to NE 38th Place and Northup Way. Otherwise, 20'.	0'	0'	80%	In YBD 2, 55' above average building elevation. In YBD 3, 60' above average building elevation.	C	E	1 per each room. See also Spec. Reg. 2. 1 per each 300 sq. ft. of gross floor area.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.050	A Retail Establishment other than those specifically listed, limited, or prohibited in the zone, selling goods, or providing services including banking and related financial services											1. The following uses and activities are prohibited: a. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers. b. Vehicle repair. c. Retail establishment providing storage services ~~unless accessory to another permitted use.~~ d. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. e. Storage of parts unless conducted entirely within an enclosed structure. f. Drive-in or drive-through facilities. 2. The gross floor area of individual retail establishments may not exceed 15,000 square feet except within a mixed use development in which the floor area of other uses exceeds the floor area of retail establishments. 3. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area do not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
.060	Stacked Dwelling Units								D	A	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.070	Assisted Living Facility, Convalescent Center or Nursing Home								C		Independent unit: 1.7 per unit. Assisted living unit: 1 per unit. Convalescent center or nursing home: 1 per each bed.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents the required review process shall be the least intensive process between the two uses.

Exhibit A

Zone PLA6G

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.87	USE ⇩	REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.010	Manufacturing See Spec. Reg. 1.		None	None	20'	0'	0'	90%	If adjoining a low density zone other than RSX, then 25' above average building elevation (does not apply to institutional uses in low density zones). Otherwise, 35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramic products, electrical equipment, scientific or photographic equipment, fabricated metal products; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. 3. Outdoor storage and fabrication are not permitted. 4. May include as part of this use accessory wholesale, office or retail trade utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 5. Use shall not create noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area. 6. Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area. 7. The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking.
.020	Warehouse Storage Service												
.030	Wholesale Trade												
.040	Industrial Laundry Facility												
.050	Wholesale Printing and Publishing												
.060	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control												
.015	Breweries, Wineries, and Distilleries											1 per each 1,000 sq. ft. of gross floor area. Tasting rooms 1 per each 100 sq. ft. of gross floor area	

8. Breweries, Wineries, and Distilleries may include tasting rooms, accessory retail sales, or office utilizing not more than 20 percent of the gross floor area (50 percent if the property is located within 150' of the Cross Kirkland Corridor).

Exhibit A

Section 60.87	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.070	Retail Establishment Providing Storage Services. See also Spec. Reg. 1. & 4	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation (does not apply to institutional uses in low density zones). Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	1. May include accessory living facilities for resident security manager. 2. Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area. 3. The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking.
.080	High Technology									D	If manufacturing then 1 per each 1,000 sq. ft. of gross floor area. If office then 1 per 300 sq. ft. of gross floor area. Otherwise, See KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. 3. Refer to KZC 105.115 for provisions regarding outside use, activity and storage. 4. The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking. 5. Use shall not create noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area. 6. Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area.

4. This use not permitted if any portion of the subject property is located within 150' of the Cross Kirkland Corridor

Exhibit A

PUBLICATION SUMMARY
OF ORDINANCE O-4442

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE WITH RESPECT TO ALLOWED USES AND DEVELOPMENT STANDARDS FOR PROPERTIES ADJOINING THE CROSS KIRKLAND AND EASTSIDE RAIL CORRIDORS INCLUDING AMENDMENTS TO THE FOLLOWING ZONING CODE CHAPTERS: 20, 25, 45, 48, 55, 56, 60, 90, 105, AND 115; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM14-00269.

SECTION 1. Amends certain text of the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the Ordinance.

SECTION 3. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

SECTION 4. Authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2014.

I certify that the foregoing is a summary of Ordinance O-____ approved by the Kirkland City Council for summary publication.

_____
City Clerk