



CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
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MEMORANDUM

DATE: May 3, 2012

To: Kurt Triplett, City Manager

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

SUBJECT: Commercial Codes & BN Regulations KZC Amendments, File No. ZON11-00042.
Planning Commission Briefing (continued)

RECOMMENDATION

City Council continues the discussion of the April 3rd briefing from the Planning Commission and either provides feedback to the Commission or directs the Commission to continue on its current work without additional direction from the Council.

The background memo from the April 3rd Council meeting is available at:
http://www.kirklandwa.gov/Assets/City+Council/Council+Packets/040312/10b_UnfinishedBusiness.pdf.

The background memo from the April 17th Council meeting is available at:
http://www.kirklandwa.gov/Assets/City+Council/Council+Packets/041712/10a_UnfinishedBusiness.pdf.

Attachment 1 is a matrix summarizing regulations for the BN and BC "families" of zones. The matrix shows both existing regulations and potential changes that are under consideration by the Planning Commission.

BACKGROUND

On November 15, 2011, the City Council enacted a moratorium on development in BN zones. On January 3, 2012, the Council held a public hearing on the moratorium and directed the Planning Commission to include additional review of the BN zoning and related Comprehensive Plan policies for the Lake Street South BN zone. In the Ordinance, the Council entered the following specific Findings of Fact that the Commission has used as guidance on issues to be addressed:

- *While mixed used development with residential and commercial uses is encouraged in the City's commercial districts, development should also be compatible in scale and character so as to fit well with surrounding uses.*
- *Existing Neighborhood Business (BN) zoning regulations are perceived as being inadequate to address the scale and density of development consistent with Comprehensive Plan policies.*
- *A planning process including significant opportunities for participation by property owners, residents and other stakeholders is underway and the moratorium is required to maintain current conditions while the planning process progresses.*

On May 1, 2012, following a public hearing, the moratorium was extended for an additional six months to allow the Planning Commission and Council to complete the review of BN zoning and Comprehensive Plan policies.

This memo raises questions for the Council to answer in order to give feedback to the Planning Commission. It would be particularly helpful for the Council to provide direction on the first question having to do with the type of business district designation appropriate for the BN zone at Lake Street South and 10th Avenue South, since the designation plays a significant role in determining the types of regulations that are appropriate. With regard to the regulations, it is not necessary for the Council to provide detailed direction, just whether the Commission is heading in an acceptable direction.

Issue 1 – Residential Market Designation for Lake Street South BN Area. The Planning Commission started its discussion with review of the Comprehensive Plan and tentatively concluded that the existing Residential Market¹ designation was correct and that the regulations should be reviewed to align with this designation. The BN zone on Lake Street South, however, is the only BN zone with a Residential Market designation. All other zones in the BN family of zones are designated Neighborhood Center². Consequently, the Planning Commission has begun drafting regulations for this BN zone that are more restrictive than other BN zones, effectively treating this location differently than other areas with zoning in the BN family.

Question 1. Should the Residential Market designation be maintained for the Lake Street South BN zone, or would the Neighborhood Center designation, as applied to other zones in the BN family, be more appropriate and make the Comprehensive Plan designations consistent with each other?

Issue 2 – Implementing Regulations if Residential Market Retained. The Planning Commission is considering more restrictive draft regulations to implement the Residential Market designation, including limiting the size of building floor plates and limiting the size of individual stores (see Attachment 1). The Commission's initial direction is to not establish specific residential density limits; instead the focus is on limiting the allowed building envelope.

Question 2.a. If the Residential Market designation is maintained, are the types of regulations being discussed by the Planning Commission appropriate? If not, should the regulations be more or less restrictive?

Question 2.b. Should the Commission be considering specific residential density limits or is the current approach of focusing on the allowed building envelope appropriate?

¹ Residential Market defined as *Individual stores or very small, mixed-use buildings/centers focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area.*

² Neighborhood Center defined as *Areas of commercial activity dispensing commodities primarily to the neighborhood. A supermarket may be a major tenant; other stores may include a drug store, variety, hardware, barber, beauty shop, laundry, dry cleaning, and other local retail enterprises. These centers provide facilities to serve the everyday needs of the neighborhood. Residential uses may be located on upper stories of commercial buildings in the center.*

Issue 3 – Implementing Regulations for Lake St. BN Zone if Classified as a Neighborhood Center. If the Lake Street South BN zone is changed to be a Neighborhood Center, are regulations being considered by the Planning Commission still appropriate?

Question 3.a. Are potential regulations addressing the scale and orientation of commercial uses (height of commercial space, removing retail disincentives by making retail and office buffers the same, prohibiting auto oriented commercial, requiring commercial at street level) still appropriate on the Lake Street South site?

Questions 3.b. Should residential density limits be considered, or is the Planning Commission’s current approach of focusing on the building envelope sufficient?

Issue 4 - Implementing Regulations for Other BN Zones Currently Designated as Neighborhood Centers. The matrix in attachment 1 shows potential revisions to the other zones in the BN family based on their Comprehensive Plan designation as Neighborhoods Centers, other applicable Comprehensive Plan policies and changes in regulations that occurred when some BN zones were recently annexed.

Question 4.a. Are the potential regulations being considered for the other BN zones appropriate?

Question 4.b. Should residential density limits be considered or is the current approach of focusing on the allowed building envelope sufficient?

Staff will be making a brief presentation during the Council meeting on each of these issues and will be seeking Council direction to the Planning Commission on each of these questions.

Attachments

1. Development Standards Matrix

Cc: Planning Commission

Development Standards for Neighborhood Business Family of Zones

*(key existing differences between zones are **bolded**, Planning Commission recommendations are shown in red)*

	BN (Res. Mkt) (current)	BN (Res. Mkt) (amendments)	BN (1) (current)	BN (1) (amendment s)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Residential Density	None	No change, density a factor of dimensional restrictions and units sizes within permitted envelope	None	No change, density a factor of dimensional restrictions and units sizes within permitted envelope	None	<ul style="list-style-type: none"> 1/1,800 for north area, 1/2,400 for south area Residential square feet not to exceed 50% of the site's total square feet of floor area 	None	No change, density a factor of dimensional restrictions and units sizes within permitted envelope	<ul style="list-style-type: none"> None Medium density (1 unit per 3,600 sf) High density (1/2,400¹, 1/1,800, 1/900²)
Minimum Commercial Floor Area	75% of ground floor	Minimum commercial frontage	75% of ground floor	Minimum commercial frontage	75% of ground floor	None	75% of ground floor	Minimum commercial frontage	<ul style="list-style-type: none"> No change Minimum commercial FAR Maximum residential FAR as percentage of commercial provided Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited	<ul style="list-style-type: none"> Allow behind commercial frontage Res. lobby allowed in comm. frontage 	Prohibited	<ul style="list-style-type: none"> Allow behind commercial frontage Res. lobby allowed in comm. frontage 	Prohibited	Allow, subject to 50% requirement above	Prohibited	<ul style="list-style-type: none"> Allow behind commercial frontage Res. lobby allowed in comm. frontage 	<ul style="list-style-type: none"> No change Allow subject to commercial requirements
Commercial Orientation	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/ sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/ sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/ sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/ sidewalk 	<ul style="list-style-type: none"> No change Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk
Maximum Floor Area Ratio (FAR)	None	No change	None	No change	None	No change	None	No change	<ul style="list-style-type: none"> No change Maximum x% (similar to single family bulk limits)

¹ Similar to King County NB zone

² King County density adopted for BC 1 & BC 2 zones

Development Standards for Neighborhood Business Family of Zones (cont.)

	BN (Res. Mkt) (current)	BN (Res. Mkt) (amendments)	BN (1) (current)	BN (1) (amendment s)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Maximum Height	30'	<ul style="list-style-type: none"> 30' above ABE Max 3 stories above street 	30'	<ul style="list-style-type: none"> 30' above ABE Max 3 stories above street 	35'	No change	30'	<ul style="list-style-type: none"> 30' above ABE Max 3 stories above street 	<ul style="list-style-type: none"> No change Measure from street level (like CBD) Cap # of stories Lower
Maximum Lot Coverage	80%	No change	80%	No change	80%	No change	80%	No change	<ul style="list-style-type: none"> No change 60% (similar to medium density zones) 70% (similar to office zones)
Required Yards³	20' front⁴ 10' side & rear	<ul style="list-style-type: none"> 10' for ground floor commercial story No change to front for 2nd & 3rd stories 10' side & rear for all uses 	20' front 10' side & rear	<ul style="list-style-type: none"> 10' for ground floor commercial story No change to front for 2nd & 3rd stories 10' side & rear for all uses 	10' front 10' side & rear	No change to front 10' side & rear for all uses	20' front 10' side & rear	No change	<ul style="list-style-type: none"> No change 0' (similar to ped. oriented business districts) 10' (similar to BNA) Reduce for ground floor only (similar to CBD 3 & 7) Make office and retail consistent Increase
Land Use Buffer	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	Retail=20' adjoining SF, 15' adjoining MF Office=20' adjoining SF, 5' adjoining MF ⁵	15' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	15' for all commercial uses adjoining residential	<ul style="list-style-type: none"> No change Make Retail & Office buffers consistent to allow change in use of tenant spaces <ul style="list-style-type: none"> Increase office to 15' Decrease retail to 5'
Maximum Retail/Restaurant Store Size	10,000 s.f. per establishment	4,000 per establishment	10,000 s.f. per establishment	No change	10,000 s.f. per establishment, excludes grocery, drug, hardware...	No change	4,000 s.f. per establishment	No change	<ul style="list-style-type: none"> No change 4,000 s.f. (similar to MSC 2 zone) 3,000 s.f. (similar to RM zone) <p><i>Examples:</i></p> <ul style="list-style-type: none"> Totem Lake Rite Aid = 11,000 s.f. Brown Bag Café = 4,900 s.f. Super 24 = 3,100 s.f. Spud's - 1,500 s.f.

³ Note that office has 5' minimum side (15' combined)

⁴ Required yard along Lake St S or LWB increased 2' for each 1' that the structure exceeds 25' (applies to RM along Boulevard as well)

⁵ 20' landscaped berm/topographic change required by (1) suffix

Development Standards for Neighborhood Business Family of Zones (cont.)

	BN (Res. Mkt) (current)	BN (Res. Mkt) (amendments)	BN (1) (current)	BN (1) (amendments)	BNA (current)	BNA (amendments)	MSC 2 (current)	MSC 2 (amendments)	Options (examples used in other zones)
Use Limitations	Use Zone Charts	<ul style="list-style-type: none"> • Prohibit Office use on upper floors • Prohibit non-pedestrian oriented <ul style="list-style-type: none"> ○ Vehicle service station ○ Drive-thru 	Use Zone Charts	No change	Use Zone Charts	No change	Limited in Use Zone Charts	No change	<ul style="list-style-type: none"> • No change • Prohibit non-pedestrian oriented⁶ <ul style="list-style-type: none"> ○ Vehicle service station ○ Drive-thru • Limit office uses
Maximum Building Length⁷	None	Address through design guidelines	None	Address through design guidelines	None	Address through design guidelines	See design regulations	No change	<ul style="list-style-type: none"> • No change • Maximum 120' • Maximum 70' • Maximum 50'
Maximum Building Size	None	Limit maximum building floor plates (+/-10,000 s.f.) Use design review & guidelines to decide arrangement	None	None	None	None	See design regulations	No change	<ul style="list-style-type: none"> • No change • Select a desirable size (this type of regulation is not currently in use in Kirkland)
Review Process	None	Design Board Review	Process IIA	<ul style="list-style-type: none"> • Design Board Review • Incorporate Comp Plan criteria into special regulations 	None	Design Board Review	Administrative Design Review	No change	<ul style="list-style-type: none"> • None • Zoning Permit (with established standards & criteria) <ul style="list-style-type: none"> ○ Process I ○ Process IIA ○ Process IIB • Design Review (with established guidelines/regulations) <ul style="list-style-type: none"> ○ Administrative ○ Design Review Board

⁶ These uses are prohibited in the MSC 2 zone

⁷ Used in Design Regulations. Depending on Business District, regulations may require full building separation, a significant modulation break, or change in building definition and materials

Ground Floor Commercial Development Standards for Community Business (BC) Family of Zones

	BC (current)	BC (amendments)	BCX (current)	BCX (amendments)	BC 1 (current)	BC 1 (amendments)	BC 2 (current)	BC 2 (amendments)	Options
Minimum Commercial Floor Area	75% of ground floor	defer	75% of ground floor	Minimum commercial FAR of 25% for new mixed use	75% of ground floor	Minimum commercial FAR of 25% for new mixed use	75% of ground floor	Minimum commercial FAR of 25% for new mixed use	<ul style="list-style-type: none"> No change Minimum commercial FAR Maximum residential FAR as percentage of commercial provided Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited	defer	Prohibited	Allowed, but must have intervening commercial frontage along street	Prohibited	Allowed, but must have intervening commercial frontage along street	Prohibited	Allowed, but must have intervening commercial frontage along street	<ul style="list-style-type: none"> No change Allow subject to commercial requirements
Commercial Orientation	Toward arterial or sidewalk	defer	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height (adjust max height to continue to allow 3-stories) Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Specify commercial floor to be at grade with street/sidewalk 	<ul style="list-style-type: none"> No change Minimum ground floor height (13'-15') Specify commercial floor to be at grade with street/sidewalk