



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
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## MEMORANDUM

**To:** Kurt Triplett, City Manager

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

**Date:** October 4, 2012

**Subject:** Planning Commission Recommendation to adopt amendments to the Kirkland Comprehensive Plan, Kirkland Zoning Code, and Kirkland Municipal Code for the BN and BC "family" of zones, File No. ZON11-00042

### **RECOMMENDATION**

It is recommended that the City Council continue its review of the Planning Commission recommendations ([September 18 meeting packet](#), [October 2 meeting packet](#)) and provide direction to staff to prepare ordinances for final adoption at the December 11, 2012 Council meeting.

### **BACKGROUND DISCUSSION**

The City Council reviewed the Planning Commission recommendation and received a briefing from the Planning Commission Chair at its September 18<sup>th</sup> study session. On October 2<sup>nd</sup>, the City Council began discussion of the Planning Commission recommendation and highlighted key issues for further discussion on October 16<sup>th</sup>. Based on previous Council discussion, the Council appeared to agree with most of the Planning Commission recommendations; however, the further discussion of three issues highlighted below. The Council may wish to discuss other aspects of the Planning Commission recommendation as well.

### **MAJOR ISSUES**

**A. Neighborhood Business Density.** Much of the discussion focused on the recommended residential densities for the BN family of zones. The Planning Commission has recommended the following densities:

- Moss Bay BN area: 36 units/acre
- South Rose Hill BN area: 24 units/acre
- Market Street MSC 2 area: 24 units/acre

Council should discuss and decide:

- Should there be residential density limits in these zones?

- What are the appropriate densities and what are the guiding principles in selecting the densities (neighborhood context, proximity of single family uses, Comprehensive Plan policies for density in commercial zones, proximity to transit, etc.)?
- Should there be consistency in densities among the zones?

- B. Reduced Front Setbacks.** The Planning Commission has recommended allowing 0' front yard setbacks in the BN and MSC 2 zones (BNA zones remain at 10'). The reduced setbacks are accompanied by commercial frontage requirements, pedestrian-oriented design guidelines and restrictions on parking between the building and sidewalk.

The Council should discuss and decide:

- Should front yard setbacks be reduced?
- If so, by how much?

- C. Upper Story Office.** The Planning Commission recommends that office use be prohibited above the ground floor in the Moss Bay BN zone. The intent is to limit the intensity of use consistent with neighborhood plan policies.

The Council should discuss and decide:

- Should office use be prohibited above the ground floor?

### **OTHER ZONING CODE AMENDMENTS**

Below is a summary of the other zoning code amendments recommended by the Planning Commission.

- A. BC Family:** Replace 75% ground floor commercial requirement with minimum commercial FAR, require commercial oriented to street, 13' minimum ground floor commercial height (allow 3' commensurate building height increase for 3 story buildings in BCX).
- B. BN Family:**
1. Establish density limits for BN, BNA, and MSC 2 areas – 36 units/acre in Moss Bay BN; 24 units/acre in South Rose Hill BN, MSC 2, and north BNA zone; 18 units/acre in south BNA zone
  2. Replace 75% ground floor commercial requirement with commercial frontage requirements
  3. Reduce front setbacks for BN & MSC 2 to 0' – allow buildings and commercial frontage up to sidewalk
  4. Establish minimum ground floor commercial height – 13', allow 3' in additional building height for 3 story buildings (BN and MSC 2 zones only, not included in BNA zone due to existing 35' height limit)

5. Make side and rear setbacks for all commercial uses consistent at 10'; make and land use buffers consistent with setbacks at 10' – eliminates disincentive for ground floor retail
6. Maximum store sizes – 4,000 square feet for BN zones aligns with current MSC 2 restriction
7. Prohibit office above ground floor (Moss Bay BN only) – limit the intensity of use consistent with neighborhood plan policies
8. Prohibit auto-oriented uses (BN zones) – aligns with current MSC 2 restrictions
9. Require Design Review – pedestrian-oriented guidelines in KMC and Design Board Review process.

### C. Comprehensive Plan:

1. Revise Residential Market definition – to better reflect desired character of BN zones by clarifying the scale and guidance for mixed use. The following revisions were recommended by the Planning Commission:

*Residential Markets: 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. Residential uses may be located above or behind commercial uses in the center, at densities specified in the applicable neighborhood plan.*

Staff recommends that the City Council carefully review this definition to ensure that it is consistent with the desired BN zoning regulations. Questions to consider:

- o Is "small" an appropriate adjective to describe mixed use buildings/centers?
- o Is it realistic to say that residential markets will be "focused on local pedestrian traffic"?

If the Council has concerns with the points above, the following alternative definition may be considered.

*Residential Markets: Individual stores or ~~very~~ small, mixed-use buildings/centers ~~focused on~~ that are pedestrian oriented and serve the local ~~pedestrian traffic~~ neighborhood. Residential scale and design are critical to integrate these uses into the surrounding residential area. Residential uses may be located above or behind commercial uses in the center, at densities specified in the comprehensive plan.*

2. Retain Residential Market for Moss Bay BN area, expand to South Rose Hill BN and MSC 2 areas, delete for Super 24 RM area - for consistency among similar zones

### Potala Village Mediation and/or Settlement Agreement

As was noted by staff at the September 18<sup>th</sup> Council study session and the October 2<sup>nd</sup> Council meeting, there are also mediation discussions between the community, the developer and the City regarding the Potala Village project. There are also settlement negotiations occurring between the City and the developer regarding the litigation filed by the developer. The City

Council should make its decision regarding the BN zones independent of the outcomes of those processes. If there is either a mediated agreement or a settlement proposal, staff will be bringing that forward to the City Council as a separate action, most likely at one of the November City Council meetings.

**NEXT STEPS**

Based on Council direction, staff will bring back an ordinance for adoption on December 11, 2012. At that time, Council will also receive the recommendation of the Houghton Community Council (HCC) on those changes to the Comprehensive Plan that fall within their jurisdiction (related to Residential Market). The HCC is scheduled to consider the amendments as part of the 2012 Comprehensive Plan amendments at a joint public hearing with the Planning Commission on November 8, 2012.

Attachments:

1. Revisions Matrix

cc: ZON11-00042  
Planning Commission

## Development Standards for Neighborhood Business Family of Zones

	BN (Moss Bay, ±1.21 acre zone)			BN (South Rose Hill, ± 1.1 acre zone)		BNA (Finn Hill, ±7.65 acre zone north & ±4.4 acre zone south)		MSC 2 (Market Street, ±.84 acre zone)	
	Current	PC Rec.	5/15/12 CC Feedback	Current	PC Rec.	Current	PC Rec.	Current	PC Rec.
<b>Comprehensive Plan<sup>1</sup></b>	Residential Market	Retain Residential Market, clarify scale in the definition & add guidance for mixed use	Change to Neighborhood Center	Neighborhood Center	Change to Residential Market	Neighborhood Center	No change	Neighborhood Center	Change to Residential Market
<b>Residential Density</b>	None	36 units/acre	Should be a maximum	None	24 units/acre	None	<ul style="list-style-type: none"> <li>24 units/acre for north area, 18 units/acre for south area<sup>2</sup></li> <li>Residential square feet not to exceed 50% of the site's total square feet of floor area</li> </ul>	None	24 units/acre
<b>Minimum Commercial Floor Area</b>	75% of ground floor	Minimum commercial frontage	Ok with frontage concept	75% of ground floor	Minimum commercial frontage	75% of ground floor	Minimum commercial frontage	75% of ground floor	Minimum commercial frontage
<b>Residential on Ground Floor of Structure</b>	Prohibited	<ul style="list-style-type: none"> <li>Allow behind commercial frontage</li> <li>Res. lobby allowed in comm. frontage</li> </ul>	Ok with allowances	Prohibited	<ul style="list-style-type: none"> <li>Allow behind commercial frontage</li> <li>Res. lobby allowed in comm. frontage</li> </ul>	Prohibited	Allow, subject to 50% requirements above	Prohibited	<ul style="list-style-type: none"> <li>Allow behind commercial frontage</li> <li>Res. lobby allowed in comm. frontage</li> </ul>
<b>Commercial Orientation</b>	Toward arterial or sidewalk	<ul style="list-style-type: none"> <li>Toward arterial or sidewalk</li> <li>Minimum 13' ground floor height</li> <li>Limit parking between building &amp; street</li> </ul>	Ok with orientation and height. Did not support previous PC direction to require commercial to be at grade with street	Toward arterial or sidewalk	<ul style="list-style-type: none"> <li>Toward arterial or sidewalk</li> <li>Minimum 13' ground floor height</li> <li>Limit parking between building &amp; street</li> </ul>	Toward arterial or sidewalk	<ul style="list-style-type: none"> <li>Toward arterial or sidewalk</li> <li>Minimum 13' ground floor height</li> <li>Limit parking between building &amp; street</li> </ul>	Toward arterial or sidewalk	<ul style="list-style-type: none"> <li>Toward arterial or sidewalk</li> <li>Minimum 13' ground floor height</li> <li>Limit parking between building &amp; street</li> </ul>

<sup>1</sup> PC also recommends removing Residential Market from RM 3.6 zone on LWB (Super 24 site)

<sup>2</sup> PC intent is to reestablish densities similar to King County as a holding pattern until Comp Plan vision is established

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

	BN (Moss Bay)			BN (South Rose Hill)		BNA (Finn Hill)		MSC 2 (Market Street)	
	Current	PC Rec.	5/15/12 CC Feedback	Current	PC Rec.	Current	PC Rec.	Current	PC Rec.
<b>Maximum Height</b>	30'	Allow 3' increase for 3 story bldg. with 13' ground floor height	Did not support previous PC direction to limit to 3 story max.	30'	Allow 3' increase for 3 story bldg. with 13' ground floor height	35'	No change	30'	Allow 3' increase for 3 story bldg. with 13' ground floor height
<b>Maximum Lot Coverage</b>	80%	No change	Ok with no change	80%	No change	80%	No change	80%	No change
<b>Required Yards<sup>3</sup></b>	20' front <sup>4</sup> 10' side & rear	<ul style="list-style-type: none"> <li>• 0' front</li> <li>• Design guidelines address ped. orientation &amp; massing above ground floor</li> <li>• Require 10' sidewalks and ped. weather protection</li> <li>• 10' side &amp; rear for all uses</li> </ul>	Did not comment	20' front 10' side & rear	<ul style="list-style-type: none"> <li>• 0' front</li> <li>• Design guidelines address ped. orientation &amp; massing above</li> <li>• Require 10' sidewalks and ped. weather protection</li> <li>• ground floor</li> <li>• 10' side &amp; rear for all uses</li> </ul>	10' front 10' side & rear	No change	20' front 10' side & rear	<ul style="list-style-type: none"> <li>• 0' front</li> <li>• Design guidelines address ped. orientation &amp; massing above ground floor</li> <li>• Require 10' sidewalks and ped. weather protection</li> <li>• 10' side &amp; rear for all uses</li> </ul>
<b>Land Use Buffer</b>	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	10' for all commercial uses adjoining residential	5' for all commercial uses	Retail=20' adjoining SF, 15' adjoining MF Office=20' adjoining SF, 5' adjoining MF <sup>5</sup>	10' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	10' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	10' for all commercial uses adjoining residential
<b>Maximum Retail/Restaurant Store Size</b>	10,000 s.f. per establishment	4,000 per establishment	Ok with 4,000 s.f. limit	10,000 s.f. per establishment	4,000 per establishment	10,000 s.f. per establishment, excludes grocery, drug, hardware...	No change	4,000 s.f. per establishment	No change

<sup>3</sup> Note that office has 5' minimum side (15' combined)

<sup>4</sup>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)

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

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

	BN (Moss Bay)			BN (South Rose Hill)		BNA (Finn Hill)		MSC 2 (Market Street)	
	Current	PC Rec.	5/15/12 CC Feedback	Current	PC Rec.	Current	PC Rec.	Current	PC Rec.
<b>Use Limitations</b>	Use Zone Charts	<ul style="list-style-type: none"> <li>• Prohibit non-pedestrian oriented (e.g. veh. service station &amp; drive-thru)</li> <li>• Prohibit Office use on upper floors</li> </ul>	Ok with prohibiting non-pedestrian uses, did not comment of office restriction	Use Zone Charts	Prohibit non-pedestrian oriented (e.g. vehicle service station & drive-thru)	Use Zone Charts	No change	Prohibits non-pedestrian oriented (e.g. vehicle service station & drive-thru)	No change
<b>Maximum Building Length</b>	None	Design guidelines	Ok with design guidelines	None	Design guidelines	None	Design guidelines	Design regulations	Design guidelines
<b>Review Process</b>	None	Design Board Review	Ok with design review, PC to recommend process & guidelines	Process IIA	<ul style="list-style-type: none"> <li>• Design Board Review</li> <li>• Incorporate Comp Plan criteria into special regulations</li> </ul>	None	Design Board Review	Administrative Design Review	Design Board Review

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

	BCX (Bridle Trails)		BC 1 (North Juanita)		BC 2 (Kingsgate)	
	Current	PC Rec.	Current	PC Rec.	Current	PC Rec.
<b>Minimum Commercial Floor Area</b>	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
<b>Residential on Ground Floor of Structure</b>	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
<b>Commercial Orientation</b>	Toward arterial or sidewalk	<ul style="list-style-type: none"> <li>• Toward arterial or sidewalk</li> <li>• Minimum 13' ground floor height (increase max height by 3' to continue to allow 3-stories)</li> </ul>	Toward arterial or sidewalk	<ul style="list-style-type: none"> <li>• Toward arterial or sidewalk</li> <li>• Minimum 13' ground floor height</li> </ul>	Toward arterial or sidewalk	<ul style="list-style-type: none"> <li>• Toward arterial or sidewalk</li> <li>• Minimum 13' ground floor height</li> </ul>