



**CITY OF KIRKLAND**  
Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

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

**Date:** October 25, 2013

**Subject:** Public Hearing (continued from October 15) on Interim Land Use Regulations for Properties Adjoining the Cross Kirkland and Eastside Rail Corridors, File No. PLN13-01667

**RECOMMENDATION**

It is recommended that City Council continues the public hearing on an interim ordinance establishing temporary land use regulations applying to properties adjoining the Cross Kirkland Corridor and Eastside Rail Corridor (the "Corridor"). Following the public hearing, the Council should decide whether to include option 1 or option 2 for expanded uses, whether to include regulations for setbacks, PSE set aside or design standards then adopt the ordinance as presented or modified.

If adopted, the interim ordinance would remain in effect for a period of up to six months while the City considers more permanent regulations.

**BACKGROUND DISCUSSION**

The City Council held a public hearing on October 15, 2013 to consider adoption of Ordinance 4421. The Council took public testimony and discussed the Ordinance. The following summarizes the Council discussion, staff's understanding of direction given, and direction needed to move forward:

**1. Expanded Uses**

Interim Ordinance: The interim ordinance presents two options for Council consideration. Both options expand the allowances for restaurant and tavern uses in the TL 7, 9A, 10B, 10C, 10D, and 10E for properties within 150' of the corridor.

- **Option 1** would continue to only allow restaurants as an accessory use, but increase the allowable square footage to 50% of the gross floor area.
- **Option 2** would allow restaurant and tavern uses outright, without a limit on the gross floor area. The City Council could also request a hybrid option that might treat the TL office zones differently than the TL industrial zones.

Council Direction: Most Council members supported expanding restaurant and tavern uses. The Council did not express a clear preference for which option was preferred. Several Council members expressed support for a public comment from Lisa McConnell about allowing ceramics studios, glassworks, textiles, custom metalworks, and fine furniture studios with a small display/sales area fronting the corridor. Those uses are all currently allowed in the light industrial zones and are also currently allowed to have accessory retail sales areas (varying between 20% and 35% of the gross floor area). Therefore, the interim ordinance does not need to address this unless the City Council wishes to expand the amount of retail sales area. For example Council could direct that all retail accessory uses are allowed to use 50% of the gross floor area.

Direction Needed:

- *Does Council support the expanded restaurant & tavern uses?*
- *If so, does Council prefer Option 1 or Option 2?*
- *Does Council wish to expand the allowed retail sales area for artisan/manufacturing uses?*

**2. Retail Storage Use**

Interim Ordinance: The interim ordinance establishes that no new or expanded "Retail Establishments Providing Storage Services" are allowed on properties within 150 feet of the corridor.

Council Direction: All Council members supported this provision of the interim ordinance.

Direction Needed: *The Ordinance reflects the direction noted above.*

**3. Setbacks**

Interim Ordinance: *The draft interim ordinance reviewed at the October 15 Council meeting established a standard 10' setback in all commercial, office, and industrial zoned areas.*

Council Direction: A majority of Council members were concerned about the impact of this provision in the interim ordinance on the auto sales industry in Totem Lake based on public testimony. Therefore, the provision has been modified not to apply to the TL 7 and TL 9A zones, the primary zones in Totem Lake with car dealerships that border the corridor. The setback would apply to all other commercial, office and industrial zones.

Direction Needed: *The Ordinance reflects the direction noted above.*

**4. Design Standards**

Interim Ordinance: The draft interim ordinance reviewed at the October 15 meeting established basic design regulations for properties adjoining the corridor to ensure site planning and building design orient appropriately to the corridor. These regulations would apply to all properties along the corridor, with the exception of single family zones.

Site design regulations would require landscape islands to break up parking along the corridor, integration of site and corridor landscaping, pedestrian connections from buildings to the corridor, and public pedestrian connections from adjoining street to the corridor. It should be noted that the pedestrian connection provisions clarify existing regulations as applicable to the corridor.

Building design regulations would expand existing regulations for blank walls as applicable to the corridor, require landscape screening or other treatment of parking garages facing the corridor, and require building facades facing the corridor to be modulated and receive the same level of architectural detail as other facades.

Council Direction: A majority of Council members indicated concerns about these provisions in the interim ordinance applying to the Totem Lake auto dealership zones for reasons previously described. Council also shared the concern expressed by Lisa McConnell that the design standards would be difficult to apply to the Yarrow Bay Business District zones since the properties are significantly lower in elevation than the corridor. Therefore, the provision has been modified not to apply to TL 7 and TL 9A, the primary zones in Totem Lake with car dealerships that border the corridor. The provision would also not apply to the YBD 2 zone, the commercial zoning in the Yarrow Bay Business District. The design standards would apply to all other commercial, office and industrial zones and have been modified to address potential access constraints such as grade issues.

Direction Needed: *The Ordinance reflects the direction noted above. Should the Council wish to delete the design standards entirely, it would delete Section IV by motion.*

## 5. **Set Aside for PSE Alignment**

Interim Ordinance: *The draft interim ordinance reviewed at the October 15 Council meeting established a 25' set aside on properties adjoining the corridor in Totem Lake zones TL 4A, TL 4C, TL 7, TL 9A, and TL 10B. The effect was to preclude new structures in this area while design of the facility continues.*

Council Direction: A majority of Council members indicated that they did not support this provision in the interim ordinance. Therefore, the provision is not included in the attached ordinance.

Direction Needed: *Should Council wish to include a set aside provision, the deleted text is included in Attachment 1 and can be included by motion.*

Lastly, there was a public comment at the hearing requesting that the interim ordinance include a prohibition on construction trailers unless associated with public improvements and a limit or prohibition on vehicular crossings. One Council member indicated an interest in this addition. Staff would suggest that those topics are matters for City discussion as owner and manager of the corridor property and, as such, should not be included in zoning regulations intended to address what happens on adjoining private property. *If Council wishes to include such limits in the interim ordinance, they should so indicate and include them in any motion to adopt the ordinance.*

### **SUMMARY**

As previously discussed, the interim ordinance is a way to address existing opportunities and threats for the Corridor. Items 1 and 2, where a majority of Council members indicated a desire to adopt interim regulations, are areas where the Council agrees that there is a present opportunity or threat that needs to be addressed immediately.

Staff would recommend that any further deliberation on items 3-5 weigh the opportunities and threats within the same context in deciding if those issues must be addressed in that same timeframe.

### **PUBLIC COMMENT**

Attachment 2 provides copies of all public comment received after the posting of the October 15<sup>th</sup> City Council packet.

Staff provided a briefing to the Houghton Community Council on October 24<sup>th</sup>. While the Community Council did not take a formal position on those portions of the interim ordinance effective within their jurisdiction, they did request that staff pass on their support for establishing a 10' setback from the Corridor as a placeholder while permanent regulations are developed.

Attachments:

1. Deleted Sections from Interim Ordinance
2. Public Comment

Cc: Lisa McConnell  
Duana Kolouskova  
Greg Rairdon  
Bob Tjossem  
Pam Bissonnette  
David Godfrey

### **Sections Deleted from Ordinance O-4421**

*The following regulations were included in the October 15<sup>th</sup> public hearing draft of O-4421 but have been removed based on Council preliminary direction.*

#### **IV. Set Aside for Puget Sound Energy 115 kV Alignment Planning**

*Purpose: To preserve design flexibility and public safety in alignment of the Puget Sound Energy 115 kV facility in the Corridor through the Totem Lake area.*

Regulation: For properties located within Totem Lake zones TL 4A, TL 4C, TL 7, TL 9A, and TL 10B, no new structure may be built and no existing structure may be expanded within 25 feet of the Corridor.

**From:** [Lisa Berenson](#)  
**To:** [Jeremy McMahan](#)  
**Subject:** Cross Kirkland Corridor Interim Ordinance, File No. PLN13-01667  
**Date:** Monday, October 14, 2013 2:59:13 PM

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Jeremy-

I am contact you regarding Cross Kirkland Corridor Interim Ordinance, File No. PLN13-01667.

I have some comments I wish to share;

1. Allow Expanded restaurant / tavern uses within 150' of the corridor (s): Agree. But, what about small retail boutiques?
2. Prohibit new Retail Storage Facilities on certain properties adjoining the corridor (s): Absolutely Agree. There are enough Storage Facilities and Industrial Facilities in the Totem Lake Area already. The focus should be on small retail boutiques and restaurant / tavern.
3. Establish a 10' Wide setback from the corridor (s) in all commercial, office, and industrial zones: Disagree, the 10' set back is not enough considering the combination of commercial, office, and industrial usage. The set back should be 25' to align with the setback for the PSE alignment for the new Sammamish- Juanita 115kV project.
4. Establish 25' wide "set aside" from corridor (s) to preclude new construction in the "set aside" while City works with PSE on alignment of the new Sammamish- Juanita 115kV project: Agree.
5. Establish basic design regulations for properties adjoining the corridor (s) to ensure site planning and building design orient appropriately to the corridor with the exception of single family zones: Agree. However, the Basic Design regulations should mandate low height of buildings, maintain as much natural light and sunlight as possible, low and medium density, allow for consistency in appropriate exterior lighting, feel, function, aesthetic, etc., allow for pedestrian and bike travel on both sides of the corridor (s), and incorporate outdoor works of art, water features, and natural landscaping for wildlife and natural beauty.

This should be an opportunity to make this project "shine", not just "another project".

Thank you.



LISA BERENSON, LEED AP Interior Designer 206 409 3958

lisab8186@gmail.com

8230 NE 143rd Place, Kirkland, WA 98034

**ROBERT P TJOSSEM**

44320 S E EDGEWICK ROAD  
NORTH BEND, WA 98045

Jeremy McMahan  
Planning Supervisor  
% City of Kirkland

[Jmcmahan@kirkland.gov](mailto:Jmcmahan@kirkland.gov)

Re:  
Interim Ordinance for Cross Kirkland Corridor

Dear Jeremy,

I am writing on behalf of the Tjossem family which owns the property at 13400 NE 124th St., Kirkland. It is leased to two tenants: (1) Wesco Auto Body Supply and (2) Eastside European (repair).

Our property is zoned industrial (TL7) and is directly east of the new Toyota Dealership being built on the former Graham Steel site. We abut NE 124 on the south and the remainder of the railway right of way on the north.

Our property is somewhat unique because of its shape and size. The west boundary is 97 feet wide (north to south) including the 25' of railroad right of way we purchased many years ago. It extends east of the existing Puget Sound Energy Electric line. So it is extremely long and narrow.

We use the northerly portion of the property for parking and access. A small portion of the building (1' at west and 6' at east end) are located on the 25' we purchased from the railroad.

Thus, in our case any set back requirement from the existing current right of line affects us. I guess it would make it non-conforming.

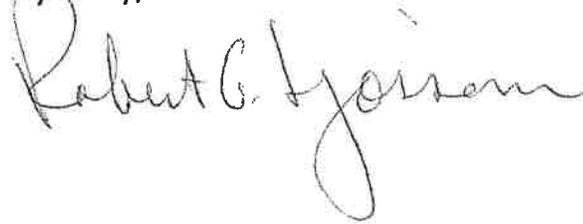
We would ask the City to provide some flexibility in the code to be able to deal with our situation in a more equitable way. Perhaps a special grand fathering provision that would allow for parking and access where these uses exist under county development standards.

Another way you could deal with this type of situation would be through a variance process, to allow some flexibility so that the set back and other limitations are not cast in concrete.

We thank you for your consideration.

Yours Very Truly,

Cc Robert Tjossem  
Julianne Tjossem McEwen  
Russell Tjossem

A handwritten signature in cursive script, appearing to read "Robert G. Tjossem". The signature is written in dark ink and is positioned to the right of the typed name "Robert G. Tjossem".

**From:** [Eric Shields](#)  
**To:** [Jeremy McMahan](#)  
**Subject:** FW: October 24th meeting  
**Date:** Friday, October 25, 2013 8:15:53 AM

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Eric Shields

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**From:** Lisa A. McConnell [mailto:kirby994@frontier.com]  
**Sent:** Friday, October 25, 2013 6:50 AM  
**To:** Houghton Council  
**Subject:** October 24th meeting

Dear Councilmembers,

Hello my name is Lisa McConnell. I'd like to rapidly go through some of the issues of Interim Ordinances for the Cross Kirkland Corridor. First two ordinances I would like you to consider.

1. To not allow construction trailers and equipment to encroach or be allowed on Corridor unless the developer is providing and constructing Public Improvements on the Corridor as part of their development.
2. Severely limiting, restricting, or preferably prohibiting further crossings by autos on the Corridor, such as is being done by the Google driveway. I realize that the Google development had some very special circumstances that allowed for such a crossing to be allowed but I would like that to be codified for the future, so that we don't get a "well Google got to, why not me" expectation. It should be that crossings of the corridor will not be allowed unless under a very special circumstance. This preserves the best asset of the Corridor, that it is relatively unencumbered by auto traffic and preserves the safe flow of people, be they bikes or pedestrians, or future transit users.

As was stated so well by Transportation Commission vice chair Mr Singhal last night, connections and access to the Corridor need to also be an intrinsic part of the Master Plan for the Corridor, not just something we add on as demand will dictate. You will see from the presentation of the recent planning day, that neighbors and citizens are already thinking beyond just trail planning and to how we will access this great asset. To this end I would like you all to start considering how we can involve not just property owners directly adjacent and abutting the corridor in being involved in adding public improvements to the corridor, such as Google has done but other businesses and high density residences that may decidedly benefit from a fully built out and accessible trail. Example being our own Houghton Everest Business area. I can see it might be in Met Market or PCC's interest to help fund or provide a great access for non motorized traffic from the trail to their business. This is where we need to start thinking about public-private partnerships to fund and

build an amazing Corridor and how to welcome them into the process.

This brings me to one of the Interim Ordinances being considered tonight. Design Standards and Guidelines. Although the good intentions of this ordinance is to ensure new businesses orient to the Corridor as well as streetfront, I believe it is premature to do this before Master Planning and is too blunt and broad to be useful. 2 Examples:

- 1) Site Design, item c and d, public access and required public pedestrian walkways will not work in Yarrow Bay Business District due to the steep grade difference between the Corridor and the businesses below. It could be dangerous to allow public access at most locations and unfairly burdensome to require an ADA compliant walkway on such steep slopes.
- 2) Building Design. Again Yarrow Bay. The Building Facades we would be “enjoying” on the Corridor in this section would be the roof tops. Considerations such as heat, glare, HVAC system venting and noise will affect the Corridor experience more than horizontal modulation. We have an opportunity here to offer incentives for green roof design and creation of public spaces on the rooftops.

I think these Design Standard issues and all others should be left to the finer tuned Master Plan process, not here as an Interim Ordinance.

#### 1. Expanded Uses

I agree with the Interim Ordinance emphasis on continuing and supporting the light industrial nature of the zones being considered. Because of this, I'd like you to reconsider the other light industrial options such as glassblowing, textiles, ceramics, custom metalworks, etc. The intention was to create a zone to go to rather than to go through. We need to rethink and expand our idea of what the corridor could be and do for us. The TL7 and 9A would be where people go, grab a bite, stroll along, and engage artisans at work, with the corridor being the lovely backdrop. And maybe the Corridor is how you got there in the first place instead of a car. Or maybe you've come from out of town just to be here. Either way, it is a place to go to, stay, gather, and enjoy.

#### 2. Setbacks

I wholeheartedly agree with the reasoning and logic used to establish 10 feet as a setback. Kudos.

#### 3. PSE Alignment

In my discussions with Transportation Engineering Manager David Godfrey and City Manager Kurt Triplett, it becomes obvious to me that the technical and negotiation details of the PSE Alignment are in incredibly capable hands. But this is a difficult one. I feel it is unfair and places an undue burden on the adjacent businesses to accommodate PSE in their pursuit of expansion and infrastructure improvement. There should be some kind of middle ground here. I support the City as it, hopefully, continues to have fruitful discussions with PSE.

Thank you for your consideration,

Lisa McConnell

**From:** [Lisa A. McConnell](#)  
**To:** [Jeremy McMahan](#)  
**Cc:** [City Council](#)  
**Subject:** Cross Kirkland Corridor Interim Ordinance, File No. PLN13-01667  
**Date:** Tuesday, October 15, 2013 1:56:00 PM

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For the Public Hearing October 15, 2013 on Cross Kirkland Corridor Interim Ordinance, File No. PLN13-01667

From Lisa McConnell

5905 106<sup>th</sup> Avenue NE

Kirkland WA 98033

[Kirby994@frontier.com](mailto:Kirby994@frontier.com)

Dear Councilmembers and Madam Mayor,

Hello my name is Lisa McConnell. I'd like to rapidly go through some of the issues of Interim Ordinances for the Cross Kirkland Corridor.

1. Expanded Uses

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Although the good intentions of this ordinance is to ensure new businesses orient to the Corridor as well as streetfront, I believe it is premature to do this before Master Planning and is too blunt and broad to be useful. 2 Examples:

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- 2) **Building Design.** Again Yarrow Bay. The Building Facades we would be “enjoying” on the Corridor in this section would be the roof tops. Considerations such as heat, glare, HVAC system venting and noise will affect the Corridor experience more than horizontal modulation. We have an opportunity here to offer incentives for green roof design and creation of public spaces on the rooftops.

I think these Design Standard issues and all others should be left to the finer tuned Master Plan process, not here as an Interim Ordinance.

Finally two Interim Ordinances I’d like to suggest.

1. To not allow construction trailers and equipment to encroach or be allowed on Corridor unless the developer is providing and constructing Public Improvements on the Corridor as part of their development.
2. Severely limiting, restricting, or preferably prohibiting further auto crossings on the Corridor.

Thank you for your time and consideration,  
Lisa McConnell



JohnsMonroe  
MitsunagaKoloušková  
P L L C

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

Honorable City Council  
City of Kirkland  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033

October 15, 2013

Re: Proposed Ordinance O-4421: Interim Zoning Regulations Along Cross Kirkland  
and Eastside Rail Corridors

Dear Honorable City Council members:

As you may already be aware, we are the attorneys for Greg Rairdon, Dodge Chrysler Jeep of Kirkland, Fiat of Kirkland, and RC 124<sup>th</sup> LLC. We provide the following comments regarding the City's proposed interim zoning regulations for properties abutting the Cross Kirkland Corridor.

The interim regulations under consideration take a very broad brush approach in imposing new restrictions on all properties along the Corridor, irrespective of their zoning or actual uses. This approach is fundamentally inconsistent with the Kirkland Zoning Code, which addresses considerations such as yards, setbacks and design review on a use-by-use basis, so that each regulation is responsive to the specific use. By taking a uniform approach to yards, setbacks and design review, the City renders the current zoning chart regulations completely meaningless for all properties along the Corridor.

It is important that the Council recognize the new trail will run through many well established areas that have been developed with uses such as auto retail for decades. By their very nature, such uses involve significant parking, important signage, and highly functional and technical buildings to serve auto retail needs. We support the City's proposed trail corridor but believe that such can and must be designed and built in a manner that respects and does not interfere with the well-established uses along the corridor.

The City has spent years fostering a strong relationship with the business interests in the Totem Lake area, and in particularly encouraging an auto retail zone along NE 124<sup>th</sup> Street. Most recently, the City addressed its forthcoming Comprehensive Plan updates in the March 2013 Totem Lake Bulletin. In that update, the City recognized that Totem

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Lake business and property owners needed relief from certain development regulations. The City indicated it intended to review light industrial and other commercial land designations to determine how current uses, such as auto retail, can be further accommodated.

The proposed interim regulations directly contradict the City's stated interest in fostering these important light industrial and commercial uses, particularly the auto retail uses which the City has been encouraging along NE 124<sup>th</sup> Street. The proposed interim regulations lack any meaningful consideration of long-standing uses and run counter to fostering businesses such as auto retail.

We have communicated our concerns to City staff in advance of tonight's hearing. In doing so, we have not learned of any emergency or imminent threat to the trail planning that might warrant these severe interim regulations. Therefore, we request that the City send this ordinance back to staff for review of what uses and portions of the corridor truly warrant interim zoning restrictions while the necessary comprehensive planning is completed.

For these reasons, we object to adoption of any interim regulations in the form set forth in Proposed Ordinance O-4421. We also provide the following additional specific comments regarding three particular arenas of proposed regulation: Required Yards, PSE 'Set-Aside, and Design Standards.

### III. Required Yards

The Cross Kirkland Corridor is currently 100 feet wide as it winds its way 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. Existing businesses could have the option of providing this new yard if their establishments would benefit from attracting the users of the corridor and if appropriate incentives were included in the regulations to balance the impact of such new regulation. However, the Corridor runs for miles through varying City neighborhoods and cannot be expected to be uniformly lined with uses that address or serve the users of the corridor. 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. Such a blanket yard requirement on all businesses is highly inequitable and without any ready justification.

### IV. PSE Set-Aside

The proposal for a blanket 25-foot wide set-aside to "preserve design flexibility and public safety in alignment" of Puget Sound Energy's proposed transmission line in the Corridor is a patently unlawful inverse condemnation and verges on egregious. It appears from public records that Puget Sound Energy can run its transmission line along its

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existing easement within the Corridor in a manner that would not require any dedication of any property rights from adjacent property. Even if that were not possible, taking private property rights, whether through a setback, easement, right-of-way, or fee simple acquisition can only be legally performed if there is a legitimate public use or purpose and just compensation provided. Irrespective of whether a regulation is interim or permanent, it must have a clear public purpose and advance a legitimate state interest. Further, even if temporary, such a regulation must be based on just compensation or would be deemed an unlawful temporary taking. *See e.g. City of Seattle v. McCoy*, 101 Wn. App. 815 (2000).

Under the present circumstances, the City would effectuate inverse condemnation and an unconstitutional taking if it were to impose the 25-foot 'set aside' as provided for under proposed Ordinance O-4421, even on an interim basis. We emphatically request the Council to refrain from imposing such set-aside.

#### V. Design Standards

For the reasons discussed earlier in this letter, 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 been designed and constructed to address customers arriving from the adjacent streets. Signage, building design, site layout, and landscaping is oriented to welcome customers from NE 124<sup>th</sup> Street. This design has been completed using the City's design standards and setbacks already specifically adopted for auto retail use.

Landscaping, pedestrian walkways and building design standards all need to be addressed on a zone-by-zone and use-by-use basis, as is currently provided in the Kirkland Zoning Code. Master planning for this area, to be incorporated into the updated Comprehensive Plan and amended Zoning Code, is the time to address any additional site and building design considerations. Imposing these design standards on all properties along the Corridor, irrespective of use or zone, without any planning process or meaningful public input is both inequitable and violates fundamental Growth Management Act planning tenets of ensuring meaningful public participation and thoughtful long range planning. There is simply no basis in the record provided to date that would warrant such a sudden and blanket set of severe design requirements even on an interim basis. Experience shows that blanket site and building design standards, such as these interim regulations, will result in unused or even dangerous walkways, landscaping in illogical or undesirable locations and building design that conflicts with established legal uses without any meaningful aesthetic benefit.

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Thank you for the opportunity to provide comments on Proposed Ordinance O-4421. We hope these comments support a Council decision not to adopt these interim regulations and instead help to start a more meaningful public dialogue and planning process.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Koloušková', written in a cursive style.

Duana T. Koloušková

*Direct Tel: (425) 467-9966*

*Email: kolouskova@jmmlaw.com*

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

*1833-1 Ltr to Council re interim ordinance 10-15-13*

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 \_\_\_\_ day of \_\_\_\_\_, 2013.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 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. Option 1: 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, a Restaurant or Tavern use is permitted as an accessory use to an allowed/primary use provided the gross floor area of the Restaurant or Tavern use does not exceed 50% of the gross floor area of the allowed/primary use. The Restaurant or Tavern use shall be subject to all other applicable special regulations for Restaurant or Tavern use in the zone.
- B. Option 2: 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, 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.

## 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 through 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.

PUBLICATION SUMMARY  
OF 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.

SECTION 1. Defines "Corridor" as referring to the Cross Kirkland Corridor and the Eastside Rail Corridor within the City of Kirkland.

SECTION 2. Adopts and incorporates regulations by attachment.

SECTION 3. Sets forth the findings of fact.

SECTION 4. Sets forth the effective date for the interim regulations.

SECTION 5. 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 6. Provides a severability clause for the Ordinance.

SECTION 7. 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, except as provided in Section 5.

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 15th day of October, 2013.

I certify that the foregoing is a summary of Ordinance O-4421 approved by the Kirkland City Council for summary publication.

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City Clerk