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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT MEMORANDUM

To: Planning Commission

From: Jon Regala, Senior Planner
Paul Stewart, Deputy Director

Date: January 16, 2008

Subject: **PUBLIC HEARING - FILE ZON07-00023**
TL 9 TOTEM LAKE NEIGHBORHOOD PLAN IMPLEMENTATION

I. RECOMMENDATION

A. Hold the public hearing on the TL 9 Totem Lake Neighborhood Plan Implementation project

B. Recommend to the City Council the TL 9 Zoning Code revisions and Zoning Map changes as shown in Attachment 1

II. BACKGROUND INFORMATION

The Totem Lake Neighborhood Plan update was approved in January 2002. Since then the City has been implementing the new TL zoning regulations based on the adopted TL Planning District policies in the Neighborhood Plan. All of the TL zoning charts has been completed except for the TL 9 zone. The final phase of implementation will be complete with the adoption of the TL 9 zoning regulations.

The TL 9 Planning District is generally bordered on the west by Totem Lake, on the south by the Burlington Northern Sante Fe Railroad, to the east by 132nd Avenue NE, and to the north by unincorporated King County (see Attachment 1).

The following contains relevant information that applies to the subject area found in the Totem Lake Neighborhood Plan:

> ***Policy TL-3.5:*** *Support the continued existence of industrial uses in the eastern portion of the neighborhood (district TL 9).*
>
> *The Totem Lake Neighborhood contains a large light industrial area generally located east of 124th Avenue NE and in the vicinity of NE 124th Street and the BNRR right-of-way (District TL 9 on Figure TL- 11). This area is developed with a variety of industrial and*

service uses and is one of the few remaining light industrial areas in the City. Industrial uses in this area should be supported through development standards and incentives that encourage existing businesses to remain and expand, and future industrial tenants to choose to locate here.

The parcel of land located within this area, on the north side of NE 126th Place, just east of the Private Open Space area, may be appropriate for multifamily residential use, as well as industrial or small office uses. The site contains a steep, heavily vegetated hillside that may constrain development. The Natural Environment policies contained in this Neighborhood Plan set forth conditions for development of this hillside property.

Totem Lake Neighborhood Land Use Matrix – This matrix found in Comprehensive Plan page XV.H-42 lists the following uses and notes regarding the TL 9 Planning District (see Attachment 3):

ALLOWED USE*	**FOOTNOTE**
Medium Density Residential	Medium density residential uses allowed in the northeast portion of subarea, north of NE 126th Place subject to standards (see Neighborhood Plan text). ***Staff Note: After referring to the Neighborhood Plan text, it was determined that this language refers to the Gordon Hart property (see Attachment 3 and Policy TL-3.5 language above).***
Office	No footnote.
Industrial	Industrial uses to be encouraged to remain and locate in this area through special incentives.

**** Design review was not identified for the TL 9 Planning District***

The subject area contains three different zoning designations (see Attachment 4). The majority of the land is zoned LIT (Light Industrial Technology).

The Fiorito parcel, as shown in Attachment 4 is currently split zoned with the southern half zoned RM 5.0 (1) and the northern half zoned P (Parks/Open Space). This P zone is not proposed to be changed. However, the southern portion of the property zoned RM 5.0 (1) is currently inconsistent with the Comprehensive Plan land use designation which calls for industrial uses (see Attachment 5). The RM zoning reflects a residential land use designation.

The Hart parcel, as shown in Attachment 4, is currently zoned RM 5.0 (1) and is currently undergoing a concurrent private amendment request process, file ZON06-00019. The zoning for the Hart property is consistent with the underlying Comprehensive Plan land use designation of medium-density residential.

At the previous study session, the Planning Commission asked staff to explore zoning regulations that would allow live/work residential uses in the TL 9 zone that would allow employees that work on the subject property to live in residential unit's accessory to the primary commercial or industrial use. The following is a brief summary of four different City's approaches to live/work uses:

Seattle, WA - Prohibits live/work units in industrial zones to be consistent with the City's policy to preserve industrial lands for industrial use. Allows live/work units in commercial zones.

Redmond, WA – Live/work units not permitted in industrial zones.

Bellevue, WA – Does not allow live/work units in industrial zones. Does allow for a single residential use if accessory to a primary use similar to how the City of Kirkland allows a resident security manager for retail storage services in the LIT zone.

Portland, OR - Live/work units not permitted in industrial zones but allowed in some commercial zones.

The idea of including live/work uses in the Norkirk Neighborhood Plan update was reviewed by the Planning Commission at their May 25, 2006 study session. See Attachment 6 for an article on live/work uses, titled *Thomas Dolan Architecture 10 Truths of Live/Work Planning Policy*. The following is an excerpt from a City Council briefing memo on the Market and Norkirk Neighborhood Plans – dated June 8, 2006:

> *The Commission considered the consultant's recommendation to allow live work lofts as a transitional use at the western boundary of the LIT zone north of 7th Avenue adjoining residential uses. Some of these properties are more likely to re-develop because their land value is more than 50% of their improvement value. The Commission concluded that the live/work idea is not recommended. The unintended consequence of live/work in industrial areas is the reversion to residential over time due to increased property values that result and associated impacts. An exception is at the Kirkland Cannery site, where options are needed to encourage retention of the historic structure. The goal for the Norkirk LIT zone is to strengthen its current focus on industrial and office technology uses, and service commercial along 7th Street.*

Staff has prepared possible regulations for live/work units in the TL 9 Planning District (see Attachment 7). However, there are no policies in the TL 9 Planning District that support or provide guidance for this type of use in this area of the City.

III. STAFF RECOMMENDATION

Staff recommends that the properties located in the TL 9 Planning District that are currently zoned LIT be rezoned to TL 9. The zoning for the northern portion of the Fiorito property currently zoned P should remain unchanged. The TL 9 zoning designation should reflect a majority of the current zoning standards found in the LIT zone to be consistent with Policy TL 3.5 and the Totem Lake Land Use Matrix. In addition, the southern portion of the Fiorito property, which is currently zoned

RM 5.0 (1), should also be rezoned to TL 9 to be consistent with its light industrial land use designation.

The Gordon Hart property should retain its RM zoning designation and reference to the Comprehensive Plan for development guidelines along with any changes that results from the City Council's decision on the private amendment request, file ZON06-00019.

Attachment 1 contains the LIT zoning chart which has been revised to reflect the recommend changes to the TL 9 zone. These changes include:

1. Removing uses and regulations that do not apply to the TL 9 Planning District
2. Removing design review as a required review process in the TL 9 Planning District (applies to the LIT zone in the NE 85th Street Subarea)
3. Removing the story limitation in regards to building height
4. Deleting the fast food and restaurant use listing
5. Deleting the 'Hazardous Waste Treatment and Storage Facilities' use listing
6. Under the 'Vehicle or Boat repair, services, or washing' use listing, add 'storage' use to be consistent with miscellaneous Zoning Code amendment proposal (under separate review)

In terms of the live/work concept, there are no policies that currently support live/work uses in TL 9 Planning District. The purpose of the TL 9 zoning project is to implement zoning based on existing policies for the TL 9 Planning District which can be found in Policy TL-3.5 and the Totem Lake Land use Matrix (see Attachment 3). At this time, staff recommends that the Planning Commission not pursue live/work uses in this zone since the City's policies and goals seek to promote industrial, office, and technology uses in this area.

The Totem Lake Neighborhood Plan does not contain other guidance for changes to land use or regulations for properties in TL 9 Planning District.

IV. LEGISLATIVE REZONE CRITERIA

Certain criteria found in the Zoning Code must be considered when reviewing a legislative rezone. KZC 130.20 and KZC 135.25 establish the criteria by which a legislative rezone and Zoning Code text amendment must be evaluated. These criteria and the relationship of the proposal to them are as follows:

A. *130.20 Legislative Rezones – Criteria*

The City may decide to approve a proposal to rezone land only if it finds that:

1. *The proposal is consistent with the applicable provisions of the Comprehensive Plan; and*
2. *The proposal bears a substantial relation to public health, safety, or welfare; and*
3. *The proposal is in the best interest of the residents of Kirkland.*

B. *135.25 Criteria for Amending the Text of the Zoning Code*

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

1. *The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and*
2. *The proposed amendment bears a substantial relation to public health, safety, or welfare; and*
3. *The proposed amendment is in the best interest of the residents of Kirkland.*

The TL 9 zoning implementation project revises the existing LIT regulations to be consistent with Comprehensive Plan policies established with the 2002 Totem Lake Neighborhood Plan update. Since the adopted policies are consistent with the above criteria and the proposed legislative rezone implements these policies, the rezone is consistent with KZC 130.20 and 135.25.

V. ENVIRONMENTAL REVIEW

A Draft and Final Environmental Impact Statement (EIS) on the City's Comprehensive Plan 10-year Update was published in 2004. The EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). An EIS Addendum was issued on January 17, 2008 for TL 9 Zoning Implementation project. According to SEPA rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document. An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document. The EIS Addendum fulfills the environmental requirements for the proposed zoning and land use designation changes.

VI. ATTACHMENTS

1. Proposed TL 9 Zoning Chart
2. TL 9 Planning District Map
3. Totem Lake Land Use Matrix
4. Zoning Map
5. Comprehensive Plan Map
6. Thomas Dolan Architecture article:10 Truths of Live/Work Planning Policy
7. Draft live/work regulations

CC: Totem Lake Neighborhood Association
Kirkland Chamber of Commerce
ZON07-00023
Adrienne Brastad, Glacier Management, 12912 NE 125th Way, Kirkland, WA 98034
Teresa Sante, Benaroya Companies, 1100 Olive Way, Suite 1700 Seattle, WA 98101

~~**Chapter 48 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES**~~

~~**48.05**~~**55.59** User Guide TL 9.

The charts in KZC ~~48.15~~55.63 contain the basic zoning regulations that apply in the ~~LIT~~ TL 9 zone~~s~~ of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section ~~48.10~~55.61

Section ~~48.10~~55.61 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.

~~2. If any portion of a structure is adjoining a low density zone, then either:~~
   ~~a. The height of that portion of the structure shall not exceed 20 feet above average building elevation; or~~
   ~~b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.~~

~~See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.~~

~~(Does not apply to Hazardous Waste Treatment and Storage Facilities uses).~~

ZONE TL 9

~~3~~2. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
   a. It will not block local or territorial views designated in the Comprehensive Plan;
   b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
   c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.

   (Does not apply to ~~Hazardous Waste Treatment and Storage Facilities and~~ Public Parks uses).

~~4. If the property is located in the NE 85th Street Subarea, the applicant shall install a through-block pedestrian pathway to connect an east-west pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE pursuant to the through-block pathway standards in KZC 105.19(3) (See Plate 34K).~~

~~5~~3. Retail uses are prohibited unless otherwise allowed in the use zone charts.

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ATTACHMENT 1
ZON07-0023

U S E Z O N E C H A R T
Section ~~48.15~~55.63

Section ~~48.15~~55.63 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)				Height of Structure				
				Front	Side	Rear						
.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	None	20′	0′	0′	90%	~~If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise,~~ 35′ above average building elevation ~~with a maximum of two stories, exclusive of parking levels.~~	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.
.020	A Retail Establishment Providing Storage Services									E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.

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		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.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											
.070	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	~~Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.~~ None	None	20′	0′	0′	80%	~~If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise,~~ 35′ above average building elevation ~~with a maximum of two stories, exclusive of parking levels.~~	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										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								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.

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U S E Z O N E C H A R T
Section ~~48.15~~55.63

		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.100	Office Use	~~Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.~~ None	None	20′	0′	0′	70%	35′ above average building elevation ~~with a maximum of two stories, exclusive of parking levels except as specified in Spec. Reg. 2.~~	C See also Spec. Reg. 1a.	E	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. ~~2. a. If adjoining a low density zone other than RSX, then 25 feet above average building elevation; and~~ ~~b. In the Norkirk Neighborhood, south of 7th Avenue and west of 8th Street, maximum height is 40 feet above average building elevation, with no limit on number of stories.~~
.110	Auction House See Spec. Reg. 1.	~~Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.~~ None	None	20′	0′	0′	80%	~~If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise,~~ 35′ above average building elevation ~~with a maximum of two stories, exclusive of parking levels.~~	B	E	1 per each 300 sq. ft. of gross floor area.	1. Livestock auctions are not permitted. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.120	Kennel			20′	0′	0′						1. Outside runs and other 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. Must provide suitable shelter for the animals. 3. Must maintain a clean, healthful environment for the animals.
				See Spec. Reg. 1.								
.130	Day-Care Center See Spec. Reg. 1.	~~Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.~~ None	None	20′	0′	0′	80%	~~If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise,~~ 35′ above average building elevation ~~with a maximum of two stories, exclusive of parking levels.~~	D	B	See KZC 105.25.	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. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. REGULATIONS CONTINUED ON NEXT PAGE

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		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.130	Day-Care Center (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 5. An on-site passenger loading area may be provided. The City shall determine the appropriate size of the loading areas 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Mini-Day-Care See Spec. Reg. 1.	~~Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none~~None.	None	20′	0′	0′	80%	~~If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise,~~ 35′ above average building elevation ~~with a maximum of two stories, exclusive of parking levels.~~	D	B	See KZC 105.25.	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. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 4. Structured play areas must be set back from all property lines by five feet. 5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.150	Recycling Center	~~Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, n~~None.	None	20′	0′	0′	80%	~~If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise,~~ 35′ above average building elevation ~~with a maximum of two stories, exclusive of parking levels.~~	A	C	See KZC 105.25.	1. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.
.160	Public Utility								C See Spec. Reg. 1.	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.
.170	Government Facility Community Facility											

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U S E Z O N E C H A R T
Section ~~48.15~~55.63

		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
~~.180~~	~~Hazardous Waste Treatment and Storage Facilities~~	~~Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.~~ None	~~None~~	~~30′~~	~~0′~~	~~0′~~	~~90%~~	~~35′ above average building elevation with a maximum of two stories, exclusive of parking levels. See Spec. Reg. 2.~~	~~A~~	~~C~~	~~1 per each 1,000 sq. ft. of gross floor area.~~	~~1. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210.~~ ~~2. Structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:~~ ~~a. It will not block local or territorial views designated in the Comprehensive Plan; and~~ ~~b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and~~ ~~c. The need for an increase in height is directly related to the hazardous waste treatment and/or storage activity; and~~ ~~d. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.~~
~~.190~~ **.180**	Vehicle or Boat Repair, Services, Storage, ~~-~~or Washing			20′			80%	~~If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise,~~ 35′ above average building elevation ~~with a maximum of two stories, exclusive of parking levels.~~		E	See KZC 105.25.	1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.40(6) and (7), landscaping regulations. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
~~.195~~	~~Automobile Sales~~	~~Process I, Chapter 145 KZC~~	~~None~~	~~20′~~	~~0′~~	~~0′~~	~~80%~~	~~If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.~~	~~A~~	~~C See Spec. Reg. 7.~~	~~See KZC 105.25.~~	~~1. This use is permitted only on properties that adjoin 8th Street or 7th Avenue in the Norkirk Neighborhood.~~ ~~2. Outdoor automobile sales, storage, and display are not permitted.~~ ~~3. Outdoor sound systems are not permitted.~~ ~~4. Outdoor balloons, streamers, and inflatable objects are not permitted.~~ ~~5. Test drives must be accompanied by an employee through the LIT zone and limited to 8th Street, 7th Avenue, and either 6th Street or 114th Avenue NE enroute to Central Way/NE 85th Street.~~ ~~6. Hours of operation are limited to 7:00 a.m. to 8:00 p.m.~~ ~~7. Cabinet signs are not permitted.~~ ~~8. This use primarily entails the sale of alternative fuel vehicles such as biodiesel, ethanol, and electric vehicles.~~

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		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
~~.200~~	~~Fast Food or Restaurant See Spec. Reg. 1.~~	~~Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.~~							~~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. The use is integrated into the design of the building; and~~ ~~c. There is no vehicle drive-in or drive-through.~~
~~.210~~. **190**	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.										
~~.220~~.	~~Commercial Recreation Area and Use~~	~~Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.~~	~~None~~	~~20′~~	~~0′~~	~~0′~~	~~80%~~	~~If adjoining a low density zone other than RSX, then 25′ above average building elevation.~~ ~~Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.~~	~~A~~	~~E~~	~~See KZC 105.25~~.	~~1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE.~~ ~~2. The use shall be conducted within a wholly enclosed building.~~ ~~3. The building housing 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.~~ ~~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.~~

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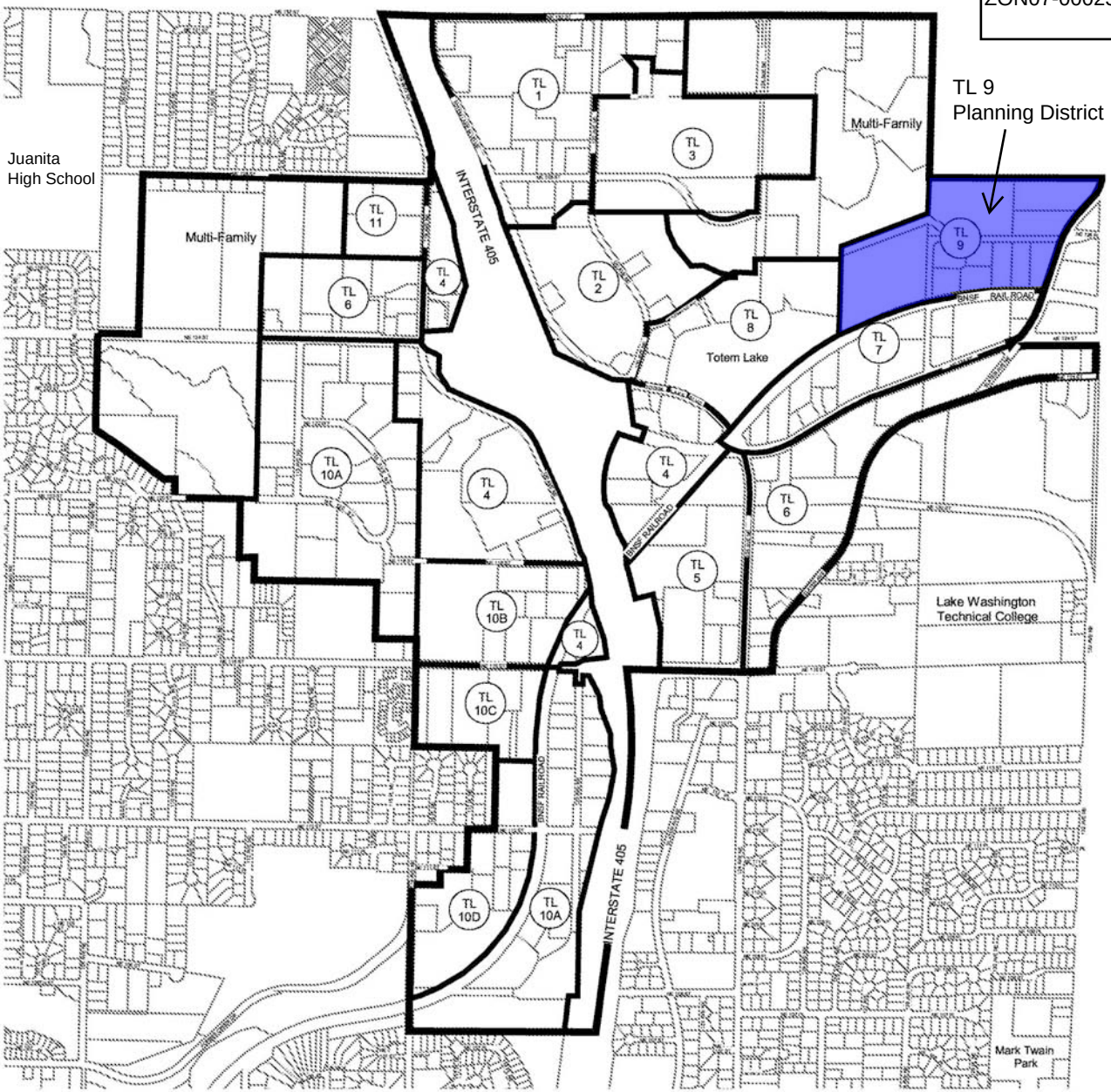
ATTACHMENT 2
ZON07-00023



Planning Districts

1200 0 1200 Feet

January 2002

XV.H. Totem Lake Neighborhood

Totem Lake Neighborhood Land Use Matrix

Districts

	TL 1	TL 2	TL 3	TL 4	TL 5	TL 6	TL 7	TL 8	TL 9	TL 10A	TL 10B	TL 10C	TL 10D	TL 11
Residential (>24 d.u./acre)	◆ a	◆ c		◆ c	◆ c	◆ c		◆ c			◆	◆	◆	
Medium Density Residential									◆ i					◆
Office	◆ a	◆ d	◆ f	◆ g	◆ g	◆ g	◆	◆	◆	◆	◆	◆	◆	◆
Retail		◆ g		◆ g	◆ g	◆ g	◆ h	◆ g				◆ k		
Industrial							◆		◆ j	◆	◆	◆	◆	
Housing Incentive (b)	◆	◆				◆					◆	◆	◆	
Master/Specific Plan			◆		◆									
Design Review	◆	◆	◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	◆
Building Height Considerations (e)	◆	◆	◆		◆	◆				◆	◆	◆	◆	

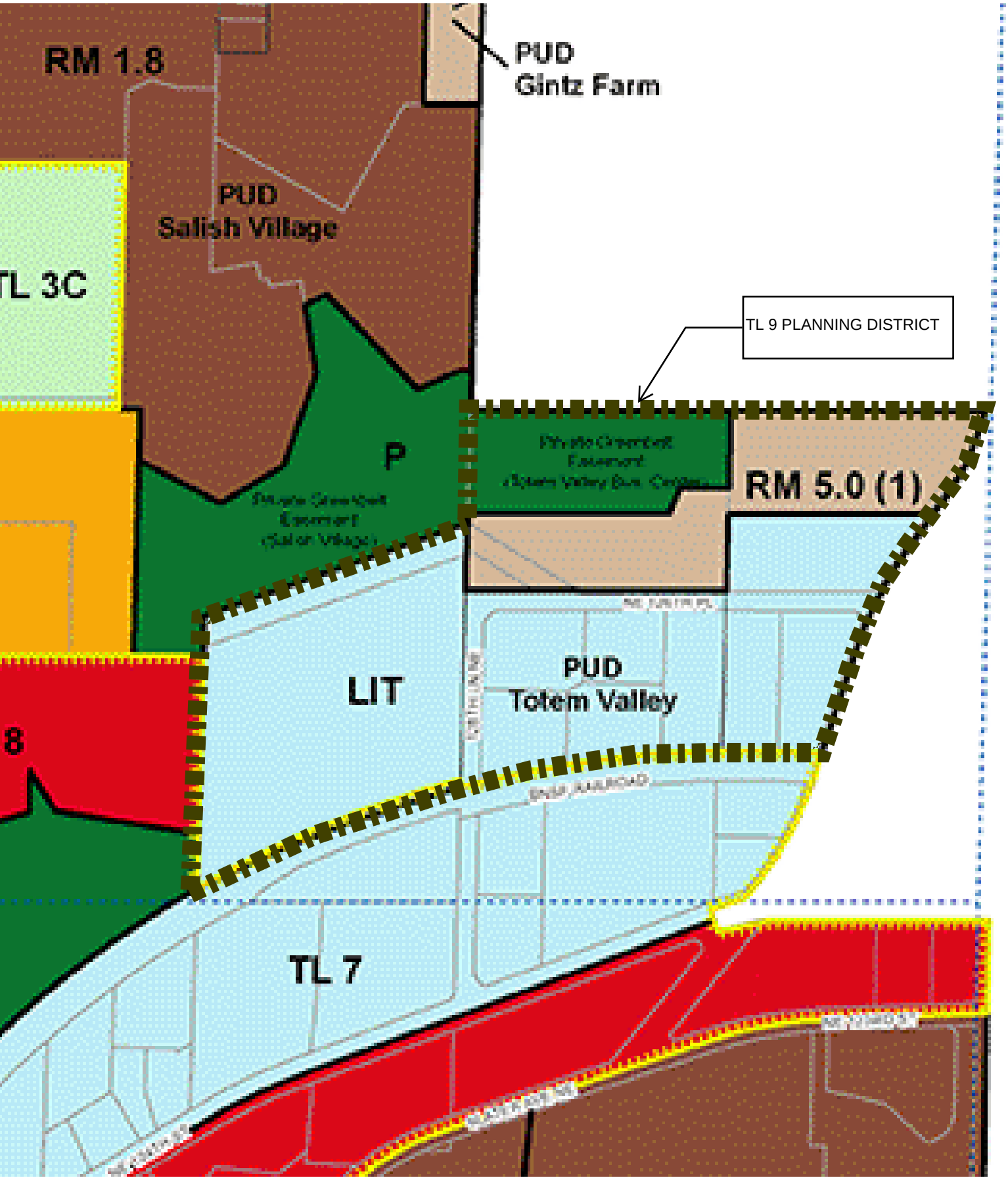
Notes:

◆ Denotes districts in which land uses are allowed.

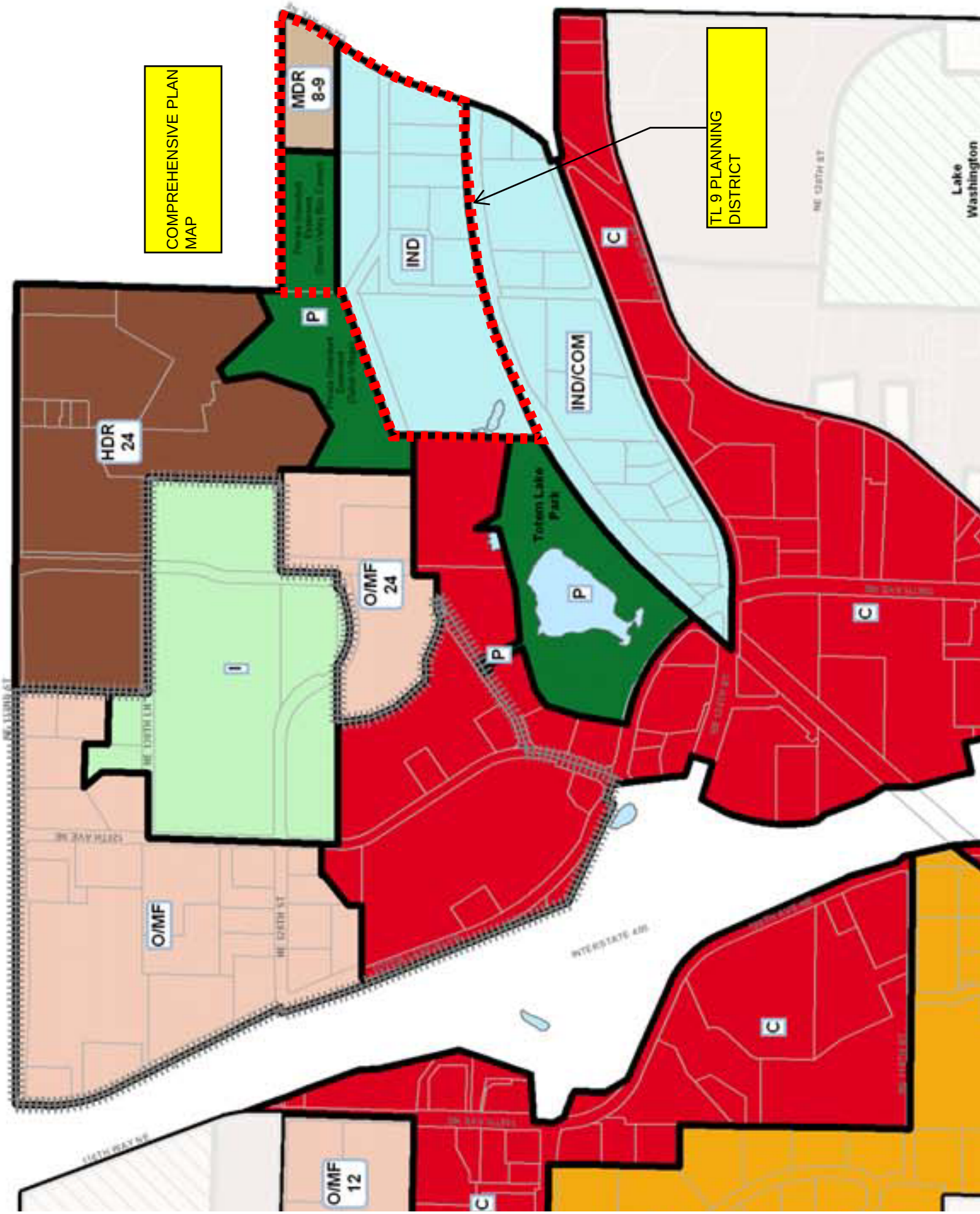
a. Minimum density of 50 dwelling units per acre required. High nonresidential FAR encouraged (minimum 1.0)
b. Housing incentive may include additional height for upper story residential uses and/or additional provisions for affordable housing.
c. Upper story housing encouraged to be combined with lower level commercial uses.
d. Area of office to be subordinate to retail use.
e. See Neighborhood Plan text for discussion of building height.
f. Medical and office uses to support Evergreen Hospital Medical Center will be subject to City approval of a campus Master Plan.
g. Ground floor uses may be limited to retail in certain areas of property.
h. Types of retail uses may be limited.
i. Medium density residential uses allowed in northwest portion of subarea, north of NE 126th Place. subject to standards (see Neighborhood plan text).
j. Industrial uses to be encouraged to remain and locate in this area through special incentives.
k. Vehicle sales/repair allowed only with direct vehicle access to NE 116th Street. Other retail uses must be accessory to a primary use.

CITY OF KIRKLAND
ZONING MAP

ATTACHMENT 4
ZON07-00023



ATTACHMENT 5
ZON07-00023



ATTACHMENT 6
ZON07-00023

Thomas Dolan Architecture

10 Truths of Live/Work Planning Policy

http://www.live-work.com/lwi/codes/truths.shtml

What are the planning and zoning implications of live/work? They are legion, and they are not what they first appear to be.

1. First, live/work is not a monolithic phenomenon. Clearly, some of what bears that name is predominantly residential in character. The rise of the internet, telecommuting, and even teleconferencing have created unprecedented opportunities for home office and small, at-home business. On the other hand, there is a demand for a more work-driven type of space in which employees and walk-in trade are permitted and more intense and/or more hazardous kinds of work are performed. This we are calling work/live.

2. There is a demonstrated tendency for live/work or work/live space to revert to purely residential use, regardless of how it was permitted or represented. This tendency is most pronounced in new construction condominiums or "lifestyle lofts." In some areas this is tolerable, in others it can cause great harm.

3. Each of these three types, home occupation, live/work and work/live, (and subsets thereof, e.g. home office, artists' live/work) is more appropriate in some areas than others. Zoning should be applied to locate live/work types suitably

4. Residential reversion, described in #2 above, should be discouraged strenuously in those areas where pure residential use is undesirable due to incompatibilities with other uses, lack of residential amenities, etc. Residential reversion can be slowed down, if not entirely stopped, through the use of a combination of regulations, sanctions, financial incentives, tax policy incentives and, perhaps most importantly, the design of units for the appropriate level of proximity between living and working spaces. Residential reversion is a central issue of concern to The Live/Work Institute, and was an important part of a study conducted in 1997 by Live/Work Institute President Thomas Dolan and others, entitled Work/Live in Vancouver .

5. While it can be a valuable tool for revitalizing "under-developed" neighborhoods (that term used to refer to countries!), the development of live/work, lofts, – or whatever one calls them – must be balanced with the valid need for the kinds of small and medium-sized businesses that are needed to make a city work, and for the larger commercial and industrial companies that employ her citizens . Laissez-faire loft development – which usually leads to wholesale residential reversion – can spell disaster for these businesses in the form of prohibitive property values and "imported

6. There is, however, a place for lifestyle lofts, especially as part of a lively mixed-use district, often transitioning (spatially) between residential and commercial/industrial areas, between downtown commercial and industrial neighborhoods, or generally on residential neighborhood edges. Lofts are often an appropriate re-use of historic structures which might otherwise remain vacant, and in fact, relaxation of building code requirements for all kinds of live/work is permitted under state law

in California. The permitting process for lofts, particularly in the case of new construction live/work, should be closer in character to residential regulations, which means instituting design review, open space and setback requirements, inclusionary zoning, and (in California) full imposition of school impact fees.

7. Artists began the live/work phenomenon, and they require a kind of affordable space that can (almost) only be found in older industrial buildings. In areas with hot real estate markets (or where lifestyle lofts are already out of control, which includes many cities), the only way many artists can retain control of their spaces is through ownership, long-term rent subsidies, or the creation – and enforcement – of "Artists' Protection Zones" providing long-term affordable live/work. It is, in fact, more of a financial problem than a zoning problem, although certain zoning measures can help (such as designating certain live/work areas as rental only in existing buildings only). Artists contribute significantly to cities' economies (in San Francisco, 1 in 11 jobs are in the arts sector). They are the keepers of our culture, and they deserve our support and protection.

8. Live/work plays an important part in what The Live/Work Institute calls The Incubator Cycle. Ideas for small businesses often progress through different work spaces, from a spare room at home, to the garage (of Apple Computer and Hewlett Packard fable and fame), and often next to a live/work space. In fact, for some, the progression from home occupation to live/work to work/live space is part of the cycle. Government and corporate-sponsored incubators are a valuable newcomer on the scene: many have been very successful. A project idea being considered by the Live/Work Institute is a "Live/work Incubator," in which business assistance and facilities would be provided in a residential – i.e. live/work – setting.

9. Live/work and community is a topic treated elsewhere. Its implication for planning policy and zoning regulations are enormous – they speak to the future of socialization in the 21st century, in which commuting may become more the exception than the norm. Live/work has been occupied and experimented with (mostly by trial and error, in a relative regulatory vacuum) for most of the last half of the 20th century. Any person who works at home (most do so alone) will attest to the fact that it can be a very isolating experience in a suburban single-family house, or even a conventional apartment or condominium. Live/work projects can be planned to alleviate this isolation in two ways:

1. By requiring that live/work projects be designed such that they provide opportunities for spontaneous interaction among residents as they come and go in "interactive spaces" such as courtyards, atriums, etc;
2. By locating live/work projects in pedestrian-oriented neighborhoods, on lively mixed-use streets (sometimes above shops) where there are easy opportunities for one to step outside and encounter others in a congenial public realm.

10. The Congress for the New Urbanism was founded to "advocate the restructuring of public policy and development practices to support the following principles: neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible

public spaces and community institutions urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice."

Many New Urbanist projects include live/work spaces; as mentioned above, the fit is a natural. The apartment above the mom-and-pop store, or the country lawyer whose cottage is behind his office are time-honored built forms in the traditional American town. They are both forms of live/work. Live/work is probably the most viable form of market rate housing (sic) development in many inner cities. It is the only building type that provides both employment and housing. Inherently mixed use, infill live/work projects or renovation of existing buildings often go a long way toward meeting many of the goals of New Urbanism, and therefore could be seen as one of its best entrees into an inner city context.

ATTACHMENT 7
ZON07-00023

DRAFT LIVE/WORK REGULATIONS

TL 9 - ZON07-00023

1. Number of Occupants – The total number of occupants in the live/work unit shall not exceed the maximum number established for a single-family dwelling as defined in KZC 5.10.300.

2. Occupancy – Occupant of the live/work unit must be an employee of the primary business.

3. Subdivision – The live/work unit shall not be subdivided or otherwise segregated in ownership from the primary business.

4. Scale – The total gross floor area of the live/work unit(s) shall not exceed 20 percent of the gross floor area of the tenant space. Each individual live/work unit shall not exceed 800 square feet of gross floor area.

5. Location – A minimum of 80% of a structure's street façade at street level shall be occupied by nonresidential uses.

6. Entrances – Any entrances to the live/work unit shall be located in such a manner as to be clearly secondary to the main entrance to the primary business

7. Parking. – Parking shall be reviewed on case-by-case basis. The Planning Official shall base this determination on the actual parking demand on existing uses similar to the proposed use. This information shall be supplied by the applicant and shall be prepared by a qualified transportation engineer.

8. Applicable Codes – Live/work units shall comply with all applicable Fire and Building Codes.