



MEMORANDUM

DATE: November 30, 2011

To: Planning Commission

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

SUBJECT: Commercial Codes KZC Amendments, File No. ZON11-00042

RECOMMENDATION

Review and discuss the list of potential code amendments and provide direction to staff.

BACKGROUND

October 27 Meeting Summary

The Planning Commission held a study session on October 27th to review various potential amendments to Kirkland's commercial codes. At that meeting, the Commission provided the following direction:

1. **Measuring Ground Floor Commercial:** Staff should develop options to requiring ground floor commercial as a percentage of the ground floor use. One option should be to require commercial frontage at specified minimum depths. Included in the solutions should be establishing how much residential use will be allowed on the ground floor and how parking is regulated on the ground floor.
2. **Ground Floor Retail:** The Commission will review zones where ground floor retail is required to decide if additional tolerance for office uses is appropriate. If allowances are made, regulations should still create flexible spaces that could accommodate office or retail as the market adapts over time. Excluded from consideration are CBD zones (because they were revisited last year) and most zones with master plan requirements (because the retail mix is determined through the master plan process). The TL 5 will be included for consideration.
3. **Minor Amendments:** The Commission directed staff to proceed with developing draft regulations for eventual public hearing on the following minor amendments:
 - a) Make rules for residential and assisted living lobbies consistent where residential use is limited/prohibited on the ground floor (related to outcome of #1 fixes above)
 - b) Make regulations for ground floor assisted living uses consistent with other residential use regulations (related to outcome of #1 fixes above)
 - c) Codify provisions for encroachment of structural columns in parking spaces in garages
 - d) Use consistent terminology for gas stations and auto repair uses

- e) Correct special regulations for mini-schools and mini-daycares that reference out of date statutes
 - f) Clarify land use buffering, required yards and minimum lot size requirements in mixed use zones to accommodate use changes in tenant spaces over time
4. **Personal Service Uses:** The Commission was not interested in adding personal service uses throughout the Code.

New Items

Since the October study session, several new commercial code amendments have been added to the potential package.

1. **Commercial Zone Density Limits:** Consider establishing density limits in the BN, BNA, BC, BCX, MSC 2 and MSC 3 zones
2. **Light Industry Zones:**
 - a) Consider allowing dance & martial arts studios in LIT & similar zones or precluding them from Community Facility allowance
 - b) Consider allowing schools (similar to Community Facility) as an allowed use in LIT & similar zones.

DISCUSSION

1. Measuring Ground Floor Commercial: *problem statement – how to retain commercial zones for commercial purpose without requiring overbuilding of commercial beyond what the market will support.*

As discussed at the previous study session, the table below shows zones where ground floor commercial is required as percentage of the total ground floor. The Planning Commission concurred that this method is flawed because it is somewhat random (the amount of commercial varies depending on the size of the structure being built), may force more commercial space than the market will bear, and does not adequately address other ground floor uses such as parking and residential.

	Use required on Ground Floor	% Ground Floor required to be commercial
BN, BNA, BC, BC 1, BC 2, BCX, MSC 2, MSC 3	Commercial (office or retail)	75%
TL 6A	Commercial (office or retail)	90% (1) (2)
RH 8	Residential prohibited	100% (2)
NRH 1A, NRH 1B	Residential prohibited	100% (2)
RH 1A, RH 3, RH 5A, RH 5B, RH 7	Retail	50%

RH 2A	Retail	50%
TL 4A, TL 4B, TL 4C	Retail	50%
TL 5	Retail	30% (3)
TL 6B	Retail	50% (4)

(1) Residential allowed if 80% of units are affordable (to 60% median)

(2) Residential prohibited on ground floor, but non-commercial uses allowed (school, government facility, public utility...)

(3) Master Plan review by DRB required

(4) NA if east of 116th and + 500' north of NE 124th St

Staff Recommendation: Replace the percentage of ground floor method with one or more of the following three methods. If the Commission agrees with these methods, for the next meeting staff will prepare a zone-by-zone analysis of the districts to determine which method best meets the objectives.

1. Establish a minimum Floor Area Ratio (FAR) requirement for commercial space
2. Establish maximum residential floor area as a percentage of the amount of ground floor commercial
3. Establish a minimum commercial frontage requirement

Ensures that commercial zones retain an essential commercial component

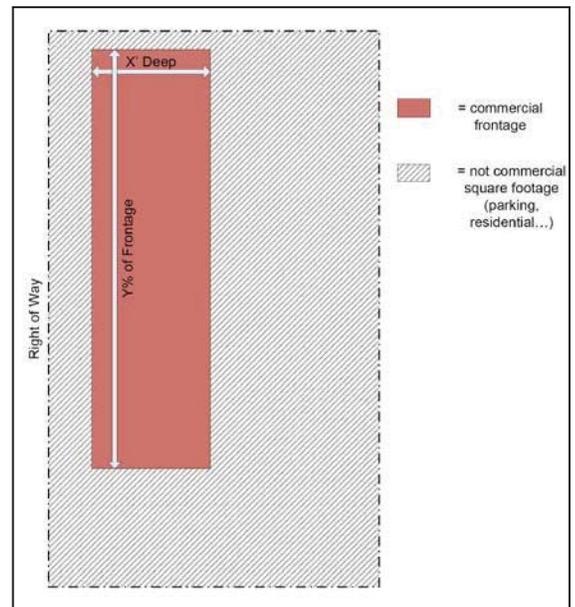
Ensures that parking uses are placed behind or to the side of buildings and that ground floor residential uses will be oriented away from the essential pedestrian and vehicular frontage that businesses require.

Analysis of proposed methods:

1. Minimum FAR for commercial space. This method would establish benchmark FARs for commercial sites and provide that, within all other parameters of the zone, projects must have a minimum amount of the ground floor devoted to commercial uses based the size of the parcel (for example, at FAR .25 a 10,000 s.f. site would provide a minimum of 2,500 s.f. of commercial space). Unlike existing regulations, this requirement would be for actual commercial floor area and not include parking. Many of the zones under discussion currently have developments that are between .20 and .25 FAR of commercial floor area. Attachment 2 is a map of the subject commercial zones illustrating the total existing FAR for each zone. The main strength of this approach is that it preserves commercial space at a predetermined level and is highly predictable. The main issue with this approach is that minimum FARs are more difficult to achieve on smaller sites, gas stations sites, and restaurant sites where more of the site is devoted to required parking and circulation.

2. Maximum residential floor area. This method would restrict residential floor area as a maximum percentage of the commercial space provided (for example, at 100% maximum floor area, a site with 10,000 square feet of commercial space could have a maximum of 10,000 square feet of residential uses). This was a component of King County's approach to regulating the BN and BC zones prior to annexation. The County's Neighborhood Business zones on Finn Hill limited residential square footage to no more than 50% of the total project square footage. The main strength of this approach is that it allows the property owner to decide how much commercial space the market will support but precludes redevelopment of a commercial site into a predominantly residential project. Actual ratios would need to be set on a case by case basis depending on land use objectives for the zone.

3. Establish minimum depth and minimum frontage requirements. This method would require that a percentage of the property frontage provide a minimum depth of commercial (see diagram at right). This is a common tool in the CBD zones - used to address placement of required commercial and creation of a pedestrian streetscape. Parking and residential uses on the site can be placed behind or beside the specified frontage. Zones with 20' front yards (BN, BC) may not be as conducive as those with 0' (e.g. - CBD) or 10' (e.g. - BNA, NRH 1A) setbacks.



Example of frontage requirement

Examples: The following examples of a BNA zone on Finn Hill (Inglewood Village Shopping Center) and the TL 5 zone in Totem Lake (Totem Square) provide a good contrast.

Inglewood Village (BNA) is a shopping center providing neighborhood services including a grocery, drugstore, health club, restaurant, banks, and various professional services to residents of Finn Hill and passing commuters. The area is mapped in the Comprehensive Plan as a Neighborhood Center (Figure LU-2). By definition, a Neighborhood Center "... is an area of commercial activity dispensing commodities primarily to the neighborhood. A supermarket may be a major tenant; other stores may include a drug store, variety, hardware, barber, beauty shop, laundry, dry cleaning, and other local retail enterprises. These centers provide facilities to serve the everyday needs of the neighborhood. Residential uses may

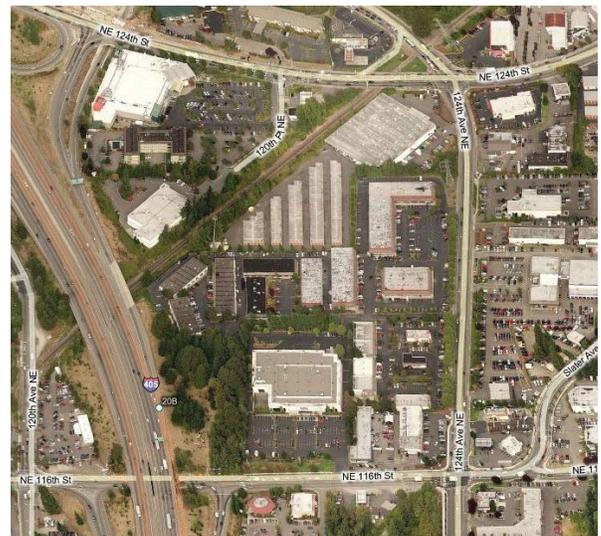


be located on upper stories of commercial buildings in the center". In other words, Inglewood Village is functioning in a textbook manner by serving the neighborhood and there is likely little neighborhood motivation to see the site redevelop or the uses changed. While there is currently no residential use on the site, there is not a compelling land use motivation to place residential density on the site beyond what is found in the immediate neighborhood (see density discussion later in this memo). Any zoning amendments to this area should be cautious and not be detrimental to the current success of this area.

For these reasons, this zone might be a candidate for a combination of Options #2 (maximum residential floor area) and #3 (frontage requirements) for the following reasons:

- Option # 2 because there is no reason to incentivize residential development of the zone in a manner that makes residential use of the property more lucrative to a property owner/developer than the current commercial use.
- Option #3 because if the site were to redevelop, two possible positive results would be:
 - Improving the pedestrian orientation of the zone by placing commercial uses closer to adjoining streets and sidewalks and parking behind or to the side of buildings
 - Minimizing impacts to adjoining residential properties by locating the commercial uses and "back of house" service away from residents and providing a potential residential transition.

Totem Square (TL 5) is a shopping center providing a wide array of neighborhood and regional services, including furniture, restaurants, auto care, storage, miscellaneous retail. The area is mapped in the Comprehensive Plan as part of the Totem Lake Urban Center. By definition, an Urban Center *"...is a regionally significant concentration of employment and housing, with direct service by high-capacity transit and a wide range of land uses, such as retail, recreational, public facilities, parks and open space. An Urban Center has a mix of uses and densities to efficiently support transit as part of the regional high-capacity transit system"*. The vision for TL 5 is to create a mixed use pedestrian-oriented district through building siting, public spaces, creation of a street grid, and increased housing capacity. Therefore, Totem Square is not fulfilling its potential as a regionally significant dense, mixed use development. Any zoning amendments in this area should continue to incentivize the vision by providing the flexibility needed to create successful redevelopment. There is currently a master plan/design review requirement that requires storefronts that are oriented toward sidewalks and streets to establish a pedestrian-oriented character



For these reasons, this zone might be a candidate to replace the current requirement that a minimum of 30% of the ground floor area be commercial with Option #1 (minimum commercial FAR) for the following reasons:

- The site currently has a commercial FAR of about .24. With this as a benchmark, the regulations would set the expectation that a project provide less/same amount/more

commercial than currently exists. The result is more predictable for the City and developer. See the retail discussion later in this memo for potential commercial uses.

- The current frontage requirements in the zone are determined through design review based on the actual development proposal. This provides more flexibility than establishing a specific frontage requirement (Option #3) without knowing where the new streets and sidewalks will actually be.

Ground Floor Retail:

If the Commission agrees that we should not be reopening the Comprehensive Plan for amendment in deciding which zones to consider relaxing ground floor retail requirements, then the list of zones for study decreases. As discussed in previous CBD zoning amendments, ground floor retail is entrenched in the Downtown Plan vision so flexibility was limited. Similarly, in the Rose Hill Business District, the 85th Street Subarea Plan is fairly explicit in most areas that bonuses in density and height were provided as an incentive to encourage commercial redevelopment. The exception may be the RH 5A and RH 5B zones where some flexibility could be considered. The other area where the restriction is common is in the TL zones. The Comprehensive Plan policy base for retail is strongest for TL 2 (Totem Lake Mall) but is less prescriptive in other zones.

Therefore, staff would recommend that the review of potential amendments on retail flexibility be scoped to review of the following zones: RH 5A, RH 5B, TL 4A, TL 4B, TL 4C, TL 5, and TL 6B. As with the ground floor commercial amendments, if the Planning Commission agrees with this scope staff will bring back a zone-by-zone analysis of options to a future study session.

Commercial Zone Density Limits:

On November 15th; the City Council imposed a 60 day development moratorium in Kirkland's two BN zones (Lake Street S. in the Moss Bay neighborhood and NE 70th Street in South Rose Hill). The primary concern precipitating the moratorium is the perceived inadequacy of BN regulations to restrict the scale and density of development consistent with Comprehensive Plan policies for the Lake St. S BN site (see Attachment 1, Land Use Map and policies). The Council will be providing work program direction to staff and the Planning Commission on December 12th. Options the Council will consider on the 12th include:

- Whether to hold a public hearing to consider extending the moratorium past 60 days (up to 6 months)
- Whether to modify the moratorium to allow minor tenant improvements
- Whether to consider amendments to the Comprehensive Plan for the Lake Street S site and/or Zoning Code amendments for the BN zone
- Whether to refer the Comprehensive Plan and Zoning Code amendments to the Planning Commission to be considered as part of this project or alternatively whether to expedite the review of amendments through the Planning Commission or City Council.

The Commission may wish to discuss these options or may elect to wait until the City Council provides direction. Attachment 3 is a map of BN, BC and related zones that do not have density limits and includes a land use maps illustrating planned residential densities around the perimeter of those zones. Attachment 4 is a map showing all commercial zones without density limits.

It should be noted that the recently annexed BNA (Finn Hill), BC 1 (North Juanita), and BC 2 (Kingsgate) zones are unique in terms of density in that the previous King County Code had residential density limits. When the City established zoning for the annexation area, the BNA areas were zoned to Kirkland's BN zone (without density limits). However, for the BC 1 and BC 2 areas the City adopted density limits similar to those in King County. While the County's BC densities were fairly high (48-96 units/acre), the County's BN zones limits were more moderate (8-16 units/acre). For that reason, staff recommends that the BNA areas be included in any consideration of density limits that occurs within BN zones. The Commission should decide whether to also include consideration of density limits in the BC and BCX zones.

In contrast, many of Kirkland commercial districts such as Totem Lake, the Downtown, Juanita Village, Rose Hill, and North Rose Hill have a clear vision that anticipates dense mixed use development of commercial cores and corridors. These previous decisions to locate housing close to shops, services, and transportation are a fundamental component of Kirkland's overall land use vision and a way to accommodate anticipated growth while preserving the City's single family neighborhoods. In many of these neighborhoods, the acceptance of density has come with the establishment of design standards and design review to ensure that projects fit into the neighborhood and that appropriate transitions to adjoining lower density land uses are made.

Other zones (with the spotlight currently on the BN zone) do not have the same high density, mixed use vision and for those zones a density limit may be appropriate. However, the need for a density limit would be reduced or eliminated if there were limits on residential floor area as discussed above with Option #2.

Regarding density, as noted in the attached article from the Seattle Daily Journal of Commerce (Attachment 5), we may be witnessing new trends in the housing market and the national economy that could mean a longer term decline in construction of large condominiums and a growing demand for small apartments in areas that provide "Gen Y" lifestyle amenities.

Light Industry Zones:

Two issues related to zoning in Kirkland light industry zones (LIT and similar) are raised for Planning Commission consideration for potential code amendments.

1. Uses such as general Retail and Entertainment, Recreational, and Cultural Facility are not allowed in these zones. However, these zones do allow Community Facility uses. The Zoning Code defines Community Facility as:

"A use which serves the public and is generally of a noncommercial nature. Such use shall include food banks, clothing banks, and other nonprofit social service organizations; nonprofit recreational facilities; and nonprofit performance arts centers."

This is the use listing that has allowed nonprofit facilities like Studio East to find suitable space in industrial property. At the same time, for-profit recreational facilities (dance studios and martial arts studios) not allowed when the operational characteristics may be the same as a nonprofit operation. The Planning Commission should consider whether to allow uses based on the actual use or to retain the current Community Facility rules for these zones.

2. On a related note, a Code Interpretation was issued in 2009 to allow schools to locate in the LIT zone (see Attachment 6). Schools are not listed as an allowed use in the LIT and similar zones. However, after conferring with the City Council, the Planning Director concluded that a school meets the definition of a Community Facility. Staff recommends that the School use be added to the list of allowed uses in LIT and similar zones.

Attachments

1. Ground Floor Commercial Regulation and Policy Matrix
2. Map of Existing FAR by Zone
3. Map of Commercial Zones & Surrounding Density
4. Map of Commercial Zones Without Density Limits
5. Daily Journal of Commerce Article
6. Interpretation 09-2
7. Correspondence

		ZONES WHERE GROUND FLOOR COMMERCIAL USE IS REQUIRED	APPLICABLE N'HOOD PLAN	PLAN RATIONAL					
				TAX BASE	N'HOOD SERVICES	TOURISM	MOBILITY	CHARACTER	BUSINESS CLUSTERING
Key:									
<ul style="list-style-type: none"> ▪ Retail required ▪ Commercial required (residential restricted) ▪ GR = General Regulation, applies to all uses in zone ▪ SR = Special Regulations, applies to specific use in zone 									
BN BNA	<p>GR 4. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.</p> <p>SR 1 (Stacked Dwelling Unit), SR 3 (Assisted Living): This use, with the exception of a lobby, may not be located on the ground floor of a structure.</p>	MB, SRH		X					
BC BC 1 BC 2	<p>GR 3. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.</p> <p>SR 1 (Stacked Dwelling Unit), SR 3 (Assisted Living): This use, with the exception of a lobby, may not be located on the ground floor of a structure.</p>	E, CH		X					
BCX	<p>GR 5. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.</p> <p>SR 1 (Stacked Dwelling Unit), SR 3 (Assisted Living): This use, with the exception of a lobby, may not be located on the ground floor of a structure.</p>	BT		X					
CBD 1A CBD 1B	<p>GR 3: The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services; Entertainment, Cultural and/or Recreational Facility, Parks, Government Facility, or Community Facility. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way, not including alleys and similar service access streets). Buildings proposed and built after April 1, 2009, and buildings that existed prior to April 1, 2009, which are at least 10 feet below the maximum height of structure, shall have a minimum depth of 10 feet and an average depth of at least 20 feet containing the required uses listed above.</p> <p>The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential, hotel, and office uses may be allowed within this space subject to applicable design guidelines.</p>	MB			X		X	X	
CBD 2 CBD 3 CBD 7 CBD 8	<p>SR's (Assisted Living, Office, Stacked or Attached Dwelling Units): This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. (in CBD 3 - does not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets)</p>	MB			X		X	X	
CBD 5	<p>SR 2 (Stacked or Attached Dwelling Units): This use only allowed:</p> <p>a. On properties with frontage on Second Avenue.</p> <p>b. Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.</p>	MB	X						
CBD 5A	<p>SR 2 (Mixed-Use): The gross floor area of retail and restaurant uses in this zone shall be equal to or greater than 25 percent of the gross floor area of office uses in this zone. Retail uses may include accessory short term drop-off children's play facilities.</p> <p>SR 3.d (Mixed-Use): Allows Assisted Living Facility (including a nursing home if part of the facility); Stacked or Attached Dwelling Units; provided, that the gross floor area of these uses does not exceed 10 percent of the total gross floor area for the Master Plan.</p>	MB	X		X		X	X	
CBD 6	<p>SR's (Stacked or Attached Dwelling Units, Assisted Living): Along Central Way, this use is only permitted above the ground floor.</p>	MB					X		

MSC 2	<p>GR.4: At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.</p> <p>SR's (Stacked Units, Assisted Living): This use, with the exception of a lobby, may not be located on the ground floor of a structure. (((need to add lobby to assisted living)))</p>	MSC	X					
MSC 3	<p>GR.4: At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.</p> <p>SR's (Stacked Units, Assisted Living): This use, with the exception of a lobby, may not be located on the ground floor of a structure. (((need to add lobby to assisted living)))</p>	MSC	X					
JBD 1	<p><i>Note – primary use in this zone is mixed use development, with significant incentives for property aggregation and master plan</i></p> <p>SR 9 (Mixed Use): Restaurants, taverns, and retail establishments selling goods and services should be the predominant use on the ground floor of structures. Other permitted uses, including dwelling units, may be allowed on the ground floor of structure if this does not compromise the desired mixed use character of the development.</p> <p>SR 1 (if stand-alone Attached or Stacked Units): This use may not be located on the ground floor of a structure within 120 feet of 98th Avenue NE, NE 120th Place, or Juanita Drive NE.</p>	SJ	X				X	X
JBD 2	<p>SR 1 (Stacked or Attached Dwelling Units, Assisted Living): For properties abutting 98th Avenue NE, this use may be located on the street level floor of a building only if there is an intervening retail storefront or office between this use and the abutting 98th Avenue NE right-of-way.</p>	SJ	X				X	X
RH 1A RH 3 RH 5A RH 5B RH 7	<p>GR 3: At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.</p>	85TH	X				X	X
RH 2A	<p>GR 3: At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.</p> <p>SR 1 (Attached or Stacked Unit): This use may not be located on the ground floor of a structure in RH 2A. (((should add to assisted living)))</p>	85TH	X					
RH 8	<p>SR's (Stacked Units, Assisted Living): This use may not be located on the ground floor of a structure.</p>	85TH	X				X	
NRH 1A NRH 1B	<p>SR 1 (Stacked Units): This use may not be located on the ground floor of a structure.</p> <p>SR 1 (Assisted Living): This use may be located on the street level floor of a building only if there is a commercial space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the commercial space if the applicant demonstrates that the proposed configuration of the commercial use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</p>	NRH	X	X			X	

TL 2	<p><i>Note – primary use in this zone is Development Containing Retail Uses, Selling Goods or Providing Services, Including Restaurants and Taverns, Banking and Other Financial Services, with significant incentives for the required Conceptual Master Planned (CMP) Development</i></p> <p>CMP requirements: Storefront orientation to pedestrian and vehicular circulation routes; Ground floor spaces designed in a configuration which encourages pedestrian activity and visual interest. Uses other than retail, restaurants, and taverns may be permitted on the ground floor of structures only if the use and location do not compromise the desired pedestrian orientation and character of the development;</p> <p>SR's (Stacked Units, Assisted Living): This use may not be located on the ground floor of a structure. <i>(applies to stand-alone residential)</i></p>	TL	X	X		X	X	
TL 4A TL 4B TL 4C	<p>GR 4: At least 50 percent of the total gross floor area located on the ground floor area of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels except for structures containing a government facility use in the TL 4B zone. These uses shall be oriented to a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway</p> <p>SR's (Attached or Stacked Units, Assisted Living): No more than 10 percent of the ground floor of a structure may contain this use.</p>	TL	X			X	X	
TL 5	<p>At least 30 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. Ground floor spaces in structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space, must contain retail establishments, restaurants or taverns.</p> <p>SR 3 (Mixed Use): The Conceptual Master Plan must establish a circulation system for vehicles and pedestrians. The site plan should be pedestrian-oriented and incorporate the following design principles... Storefront orientation to pedestrian and vehicular circulation routes...Ground floor spaces designed in a configuration which encourages pedestrian activity and visual interest. Uses other than retail, restaurants, and taverns may be permitted on the ground floor of structures only if the use and location do not compromise the desired pedestrian orientation and character of the development.</p> <p>SR's (Attached or Stacked Units, Assisted Living): No more than 10 percent of the ground floor of a structure may contain this use.</p>	TL	X			X	X	
TL 6A	<p>SR 1 (Attached or Stacked Units). On parcels abutting NE 124th Street or 124th Avenue NE, no more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of these streets; provided, however, there shall be no such restriction on ground floor residential use in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of King County median income, adjusted for household size.</p>	TL					X	
TL 6B	<p>At least 50 percent of the gross floor area located on the ground floor of all structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space, must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway .This regulation does not apply to parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE .</p> <p>SR 1 (Attached or Stacked Units). On parcels abutting NE 124th Street or 124th Avenue NE, no more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of these streets; provided, however, there shall be no such restriction on ground floor residential use in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of King County median income, adjusted for household size.</p>	TL	X			X	X	
TL 8	<p>GR 2: Ground floor uses on the two westernmost parcels in this zone with frontage on 120th Avenue NE must contain retail, restaurants, and/or taverns.</p>	TL					X	
TL 10B	<p>SR 1 (Attached or Stacked Units): This use is permitted only on parcels located west of the 118th Avenue NE right-of-way alignment (see Plates 36 and 37, Chapter 180). <i>(((assisted living not allowed)))</i></p>	TL						X
TL 10C TL 10D	<p>SR 1 (Attached or Stacked Units): This use is permitted as a freestanding development only in locations identified on Plate 37 as “Stand-Alone Housing Areas” (see Plate 37, Chapter 180). If developed in a mixed-use project with three stories of office or high technology use, it may be located throughout the TL 10C zone. <i>(((assisted living not allowed)))</i></p>	TL						X

Comprehensive Plan Policy Guidance:

Vision/Framework Goals

Pg II-3: Parks, outdoor markets, festivals, community events and neighborhood retail districts foster good will and provide an opportunity for people to mingle and converse. Continued support of these attributes is important.

Pg II-4: Mixed-use and transit-oriented neighborhood retail are encouraged and integrated with our neighborhoods.

Framework Goal FG-4: Promote a strong and diverse economy.

Discussion: Kirkland's economy provides a variety of employment opportunities, a broad range of goods and services, and a strong tax base. We are fortunate to have a diversity of successful business sectors, including retail services, offices, industrial and high technology companies, medical and educational institutions, and home-based businesses. A large number of creative and innovative entrepreneurs are attracted to Kirkland by our many cultural, recreational and civic activities and our beautiful setting. Numerous commercial districts offer distinctive business locations. Our historic Downtown is an attractive lakeside pedestrian-oriented district. Our largest commercial area, Totem Lake, is a vibrant regional retail and employment center. Other significant business nodes are located in Rose Hill, Juanita, Houghton, Yarrow Bay and Bridle Trails. These districts are integrated into the fabric of the community in a manner that respects and complements the character of our neighborhoods and the quality of the natural environment. To protect and strengthen our economy, public and private interests must work together to create a climate that allows existing businesses to prosper and attract new businesses compatible with Kirkland's economic goals and character.

Pg II.2: Totem Lake Urban Center is an economic and employment center with a wide range of retail, office, industrial and light manufacturing uses as well as a regional medical center surrounded by related services. It is a compact mixed-use urban village with extensive pedestrian- and transit-oriented amenities, higher intensity residential development, public gathering places and cultural activities.

Land Use Element

Pg VI-1: The commercial areas are healthy, offer a broad range of goods and services, and provide a strong tax base to help fund public services and facilities. Kirkland has a diverse economic base with several retail centers, mixed-use retail/office districts, a regional health care center, auto dealerships, business parks, industrial complexes and home-based businesses.

Pg VI-1: Kirkland is also a balanced community, providing shops, services and employment both for local residents and for those who live in other communities.

Pg VI-2: A larger proportion of elderly residents will focus new attention on the special housing and transportation needs of this group. Land use relationships which support transit and provide shops and services closer to home will be important for those with decreased mobility.

Pg VI-3: The fundamental goal of the Land Use Element is to maintain a balanced and complete community by retaining the community's character and quality of life, while accommodating growth and minimizing traffic congestion and service delivery costs. To accomplish this, the Element:

- Seeks a balanced and complete community with shops, services and employment close to home; numerous civic activities and entertainment options; high-quality educational facilities; numerous parks; and a variety of housing choices...
- Proposes a land use pattern that supports a multimodal transportation system and results in more efficient service delivery. Placing urban neighborhoods around commercial areas – called “centers” or “villages” in other communities – allows residents to walk or bicycle to corner stores or neighborhood centers, and then connect by transit to other commercial areas.

Pg VI-8: Achieving a balanced and complete community with a full range of shops, services and employment to complement and support the residents while reducing dependence on the transportation system is important to the quality of life.

Pg VI-9: Within many of the City's commercial areas, mixing of land uses is encouraged to bring shops, services and offices in close proximity to residential uses. These areas provide an immediate market for the commercial services, and convenient shopping and employment opportunities to the residences while also reducing the need to drive.

Pg VI-11: When shops and services are long distances from residential areas, this also translates into additional vehicle or transit trips. Allowing residential and nonresidential uses to locate in closer proximity provide transportation options making walking or bicycling more feasible.

Policy LU-3.1: Provide employment opportunities and shops and services within walking or bicycling distance of home.

Kirkland presently has a fairly complete network of commercial and employment centers, and many of the City's residential neighborhoods can easily access a shopping area. This policy attempts to further strengthen the relationship between urban neighborhoods and commercial development areas.

Policy LU-3.2: Encourage residential development within commercial areas.

Residential development which is incorporated into commercial areas can provide benefits for businesses and residents alike. Housing within commercial areas provides the opportunity for people to live close to shops, services, and places of employment. Conversely, residents living within commercial areas create a localized market for nearby goods and services, provide increased security, and help to create a “sense of community” for those districts.

Policy LU-3.3: Consider housing, offices, shops, and services at or near the park and ride lots.

Park and ride facilities provide a potential location for offices, shops, and services serving two sets of customers: nearby residents and transit riders.

Policy LU-4.2: Locate the most dense residential areas close to shops and services and transportation hubs.

Pg VI-13: Commercial land uses are a critical part of the Kirkland community. They provide shopping and service opportunities for Kirkland residents, and also create employment within the City. The tax revenues generated by business help fund the capital facilities and public services that residents enjoy. In return, the quality of life in the City's neighborhoods provides a main attraction for both businesses and their patrons. The proximity to Lake Washington, the fine system of parks, the availability of a regional medical center with good medical care, top notch educational facilities, the environmental ethic of the community, and quality infrastructure attract outsiders to Kirkland and make the City a good place to do business – for employers, employees, and customers. Problems that the community faces – traffic congestion, particularly – create concerns for commercial land uses. Ease of transporting goods and adequate parking are especially important. An underlying premise of the Land Use Element, expressed in the Vision Statement, is that, in the future, residents of the City will not drive as much as they do presently to minimize traffic congestion and reduce parking needs. To that end, the Element attempts to promote commercial land use patterns that support alternative transportation modes and locate housing in commercial areas where appropriate. Along with the need to provide new housing units for future residents, the City will need to designate adequate land area for commercial uses, some of which may employ Kirkland residents. If the opportunity for local employment is increased, the high proportion of residents who work outside the community may be reduced. This in turn would ease traffic congestion by shortening commute trips and making other modes of travel to work more feasible. Currently, a hierarchy of “commercial development areas” exists in the City, based primarily on size and relationship to the regional market and transportation system (see Figure LU-2: Commercial Areas). Some of Kirkland's commercial areas serve primarily the surrounding neighborhood; others have a subregional or regional draw. Most of the larger commercial areas are centered around major intersections. They depend on principal arterials, the freeway, or the railroad for goods transport and for bringing in workers or customers. Smaller commercial areas, Neighborhood Centers, for example, have a more localized draw. Residents depend on their neighborhood grocery store, dry cleaners, bank, etc., for everyday needs. The Land Use Element provides general direction for development standards in commercial areas and describes the future of specific commercial areas in Kirkland. The following terms are used in the discussion of commercial land uses:

Urban Center

An Urban Center is a regionally significant concentration of employment and housing, with direct service by high-capacity transit and a wide range of land uses, such as retail, recreational, public facilities, parks and open space. An Urban Center has a mix of uses and densities to efficiently support transit as part of the regional high-capacity transit system.

Activity Area

An Activity Area is an area of moderate commercial and residential concentration that functions as a focal point for the community and is served by a transit center.

Business District

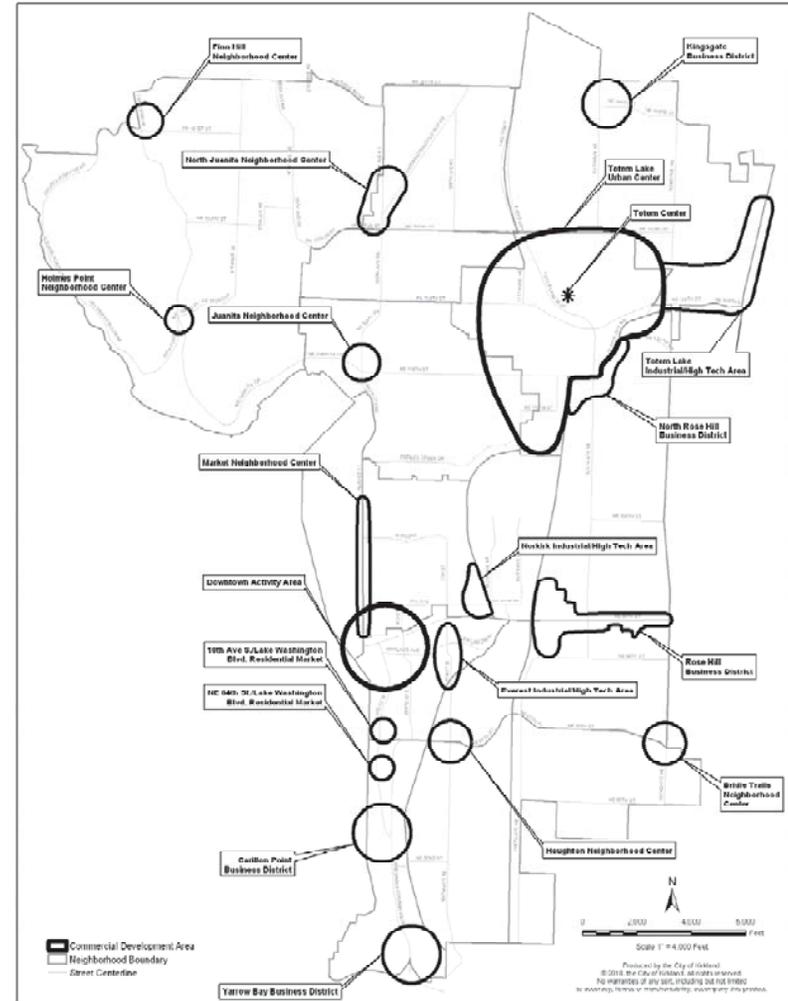
A Business District is an area that serves the subregional market, as well as the local community. These districts vary in uses and intensities and may include office, retail, restaurants, housing, hotels and service businesses.

Neighborhood Center

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

Residential Market

A residential market is an individual store or very small, mixed-use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places.



Economic Development Element

Pg VIII-3: ...the Economic Development Element...Supports strengthening our retail shopping areas, including specialty retail in the Downtown, destination retail in Totem Lake, providing local goods and services in our neighborhood commercial areas and encourages attractive commercial and mixed-use development.

Policy ED-1.5: Encourage clusters of complementary businesses.

Industry clusters are geographic concentrations of mutually supportive businesses. In 2003, the prominent business clusters were in the areas of automobile sales and services, art galleries, health care, restaurants, high technology, and furniture sales. Encouraging clustering of complementary businesses helps diversify our local economy. Businesses can foster a competitive economic advantage by locating near each other to draw consumers, to be near the wholesale distributor or to attract employees. For example, many businesses and professional services involved in the medical field locate near Evergreen Medical Center. In Downtown Kirkland, restaurants, galleries, shops, hotels and performing arts organizations work together to promote the area as a destination. Economic development efforts should strive to develop new business clusters and identify ways to strengthen existing clusters, both locally and within the region.

Policy ED-1.7: Promote Kirkland as a visitor destination.

Tourism is another economic development tool to help diversify the economy. Visitors from outside the community spend money in local shops, restaurants, stay in hotels, and attend performing arts events. Tourism also creates jobs. Tourism promotion also benefits residents by providing increased amenities, community events and shopping opportunities. Kirkland's tourism marketing focus is on promoting Kirkland as a cultural arts, eco-tourism and recreation destination. The targeted audiences for tourism promotion are visiting friends and relatives of residents, and business travelers. Kirkland is a unique destination on the Eastside and region because of its beautiful setting, pedestrian-oriented Downtown, art galleries, restaurants, performing arts facilities, retail shops, and parks. The Totem Lake and Juanita areas offer visitors nature and recreational experiences, lodging in close proximity to I-405, and the nearby attractions of Woodinville wineries, breweries, and other East King County destinations.

Pg VIII-10: A mix of uses improves the vitality of commercial areas. Mixed-use residential and commercial development provides the opportunity for residents to live, shop and work in commercial areas. Mixed-use development encourages one-stop shopping when a variety of businesses are located in close proximity to each other and shared parking is provided. Mixed-use development, when combined with multi-story structures, promotes a more compact and sustainable land use pattern and encourages walking and transit use to reduce dependence on automobiles.

Policy ED-7.1: Support businesses and organizations involved in the arts, historic preservation and civic activities.

Businesses and organizations involved in the fine arts, cultural and performing arts, and historic preservation play an important role in diversifying Kirkland's economy, attracting visitors and businesses, and enhancing our distinctive character. Kirkland's hotels, restaurants, shops, galleries, entertainment and performing arts complement each other to create a vibrant destination for both visitors and residents, producing economic returns to the community. Kirkland is one of the older communities on the Eastside and contains buildings and places of historical significance. An assessment of the economic benefits of Kirkland's art, cultural, historic and recreational resources should be undertaken.

Transportation Element

Policy T-5.2: By the year 2022, strive to achieve a mode split of 65 percent single-occupant vehicle (SOV) and 35 percent transit/other mode.

The mode splits described in this policy are the level of service standard for transit. They represent a long term goal for the City to achieve through providing improved transit accessibility, transportation demand management programs, efficient nonmotorized systems, locating shops and services close to home, and other strategies to get people out of single-occupant vehicles. The standard is expressed in terms of a desired percentage of peak-hour home to work trips by single-occupant vehicles and transit/other mode.

85th Street Subarea Plan

Vision Statement, pg XV.F/G-3: The NE 85th Street Subarea in the year 2012 is an attractive, economically healthy, commercial area combining regional, community, and local retailers. These latter are more prevalent along the east end of NE 85th Street. Large retailers continue to dominate the western half of the business district.

Land Use, pg XV.F/G-6: Subarea Plan policies should recognize the economic significance to the City of the major regional retail uses located in the NE 85th Street commercial area, and enhance the area's commercial viability while minimizing impacts on adjacent residential neighborhoods to the north, south and east.

Policy NE85-3.1: Recognize the economic significance to the City of the major retail uses located in the NE 85th Street Subarea, and cooperate with these business owners to help assure their continued viability, consistent with the other goals and policies of this Subarea Plan.

Policy NE85-3.5: Utilize zoning incentives or other techniques to encourage commercial redevelopment in the Subarea.

Policy NE85-4.2a: Area RH-2a: • Land use: Require retail uses (including car dealer), and permit office and/or residential uses. Require retail use to be the predominant ground level use.

Policy NE85-4.2b: Area RH-2b: • Land Use: Permit retail (including car dealer) if developed in conjunction with RH-2a, office and/or residential uses.

Policy NE85-4.2c: Area RH-2c: • Land use: Permit a car dealer use if developed in conjunction with RH-2a and RH-2b, office and/or residential uses.

Policy NE85-4.3: Area RH-3: Allow this area to redevelop with mixed-use development up to five stories in height on the northern part of the site (where the ground elevation is lower) if the area is developed as a single, coordinated project with ground-level retail and pedestrian amenities. This mixed-use development may be phased to include office, retail, hotel and multifamily residential. Emphasize transit access in any such redevelopment. Require redevelopment to include an east-west pedestrian connection near the north end of the site, between 120th to 122nd Avenues NE. Encourage infill or “liner” retail along NE 85th Street as an interim alternative to complete site redevelopment...

Policy NE85-4.4: Area RH 4: Allow office or medium-density multifamily residential uses in this area. Alternately, allow the site to be developed as parking and access for the commercial use to the south. Do not allow Area RH-4 to be developed as a self contained commercial use.

Policy NE85-4.5: Areas RH-5a, 5b, and 5c: Continue to allow general commercial uses in this core portion of the NE 85th Street commercial area, subject to district-wide design guidelines.

Policy NE85-4.7: Area RH-7: Encourage mixed-use development. Allow additional building heights as an incentive to develop the areas as a single, coordinated project with ground-level retail and pedestrian amenities. Include office, retail, and multifamily residential in any such development; orient the multifamily to the south and east (i.e., towards existing adjacent multifamily-designated areas). Encourage the development of the area as a neighborhood center with a cluster of smaller, primarily neighborhood-oriented businesses. Limit permitted uses to those that generate limited noise, light and glare, odor, and traffic impacts. Examples of uses that would be appropriate in this area include medical/dental offices, insurance offices, dry cleaners, and coffee shops. Examples of uses that would not be appropriate in this location include gas stations, car washes, uses with drive-through windows, and uses with extended hours of operation. Encourage infill or “liner” retail along NE 85th Street as an interim alternative to complete site redevelopment...

Policy NE85-4.8: Area RH-8: Allow a range of less intensive office, neighborhood retail, and neighborhood service uses on both sides of NE 85th Street from 128th Avenue NE to 132nd Avenue NE. Limit permitted uses to those that generate limited noise, light and glare, odor, and traffic impacts. Examples of uses that would be appropriate in this area include medical/dental offices, insurance offices, dry cleaners, and coffee shops. Examples of uses that would not be appropriate in this location include gas stations, car washes, uses with drive-through windows, and uses with extended hours of operation. Encourage property owners to aggregate their properties to allow more efficient redevelopment with fewer access points onto NE 85th Street, by providing incentives including increased building heights up to three stories with decreased front setbacks. Encourage new buildings to be located at the front of the lots, with parking underneath, at the rear of buildings, or between adjacent buildings. Encourage mixed-use buildings to have residential units on upper levels. Discourage single-story retail buildings.

Juanita Business District Subarea Plan

Goals and Values, pg XV.I-18-19. *DISTRICT'S ROLE IN THE COMMUNITY*: (3) To provide a full range of neighborhood commercial services. *BUSINESS DEVELOPMENT*: (1) To serve the Juanita neighborhood's commercial needs as a first priority. (2) To improve retail sales through organized marketing, improved identity, and a greater spectrum of services. (3) To attract a variety of new businesses such as clothing, hardware, or recreational retail stores.

JBD 1 Master-Planned Mixed Use Development, pg XV.I-22. Pedestrian-oriented businesses should be located on the ground floor of all buildings; however, some multifamily units could be located on the ground level if they are part of a mixed use development, or if they face 97th Avenue NE.

JBD 2, pg XV.I-22. In this area, retail, office, and residential uses should be allowed. As in JBD 1, residential units may be allowed on the ground floor of mixed use projects.

North Rose Hill Business District Subarea Plan

Vision Statement, pg XV.F-1-2: Focusing commercial activities toward the NE 85th Street Corridor and the North Rose Hill Business District enhances neighborhood integrity. These areas provide important shopping and services for Kirkland residents and the region... Thriving commercial areas provide employment and services for Kirkland citizens and contribute to the City's economic well-being.

NRH 1A, pg XV.F-16-17: West of 124th Avenue NE is a mixed-use retail commercial/residential designation... This area should have a regional commercial character that supports and promotes the residential development that is being encouraged to locate there...

NRH 1B, pg XV.F-17: East of 124th Avenue NE is a mixed-use retail commercial/residential designation... This area should have a neighborhood commercial character to support and promote the residential development that is being encouraged to locate there...

Market Street Corridor Subarea Plan

Vision Statement, pg XV.K/L-1: The Market Street Corridor is an attractive, economically healthy area that accommodates neighborhood-oriented businesses, office uses and multifamily housing. The commercial uses provide convenient shopping and services for residents of both the Market and Norkirk Neighborhoods.

Totem Lake

Vision Statement, pg XV.H-1: The Totem Lake business district plays a vital role in the overall Kirkland economy. It is a focus for jobs and economic activity. Totem Lake serves as the community and sub-regional center for services, vehicle sales, major destination retail and health care.

Economic Development, pg XV.H-3: The Totem Lake Neighborhood is a vital employment, retail and service center that serves the City of Kirkland and surrounding region. The Totem Lake Neighborhood is the City's largest employment center and the City's leader in retail sales. The neighborhood contains the City's only Urban Center, designated by the Growth Management Planning Council in 2003. The "Urban Center" classification is described in the Countywide Planning Policies. It is characterized as having clearly defined boundaries, an intensity/density of land uses sufficient to support transit, a broad range of uses, an emphasis on the pedestrian, superior urban design, and limitations on the use of the single occupancy vehicle. The Totem Lake Neighborhood fits this description. The policies in this section are intended to support and strengthen the economic environment in the Totem Lake Neighborhood. A healthy economy provides employment and helps pay for basic public services such as parks, transportation, police and fire protection and human services. The policies encourage a mix of retail, office, service and industrial uses, intensive development where supported by public services, and collaboration between the public and private sectors.

Policy TL-1.1: Support the growth and retention of commercial activity in the neighborhood.

The Totem Lake Neighborhood is an economic engine for the City. The neighborhood has healthy retail and office areas as well as tremendous potential for growth. Public efforts should nurture and support existing uses as well as new growth. Public support can be provided through appropriate levels of public infrastructure (as defined in the Capital Facilities Element), a streamlined efficient regulatory review process, development standards that encourage high quality development, designation of sufficient land for commercial development and a variety of other mechanisms. All of these measures should be developed to support commercial activity in the neighborhood.

Policy TL-2.1: Provide for increased intensity of development in Totem Center.

In the Totem Lake Neighborhood, the most intensive commercial development is focused in Totem Center (see Figure TL-2). The Evergreen Hospital and Medical Center and the Totem Lake Mall play a key role in the overall health and vitality of the District, attracting a cluster of complementary and collaborative businesses.

Goal TL-3: Preserve and intensify commercial areas outside of Totem Center.

Policy TL-3.1: Protect and nurture existing retail and office areas.

Outside of Totem Center, established retail areas are located around the I-405/NE 124th Street interchange and extend to the east and west along NE 124th Street as well as to the north and south along 120th Avenue NE and along both sides of 124th Avenue NE (see Figure TL-3). The greatest concentration of offices is located on the west side of I-405. The primary office area is the I-405 Corporate Center, extending south from NE 124th Street. A smaller office area is located along the south side of NE 128th Street (see Figure TL-3). These established retail and commercial areas provide a range of employment opportunities and services, and contribute to the City's retail sales tax revenue for a healthy economy. These areas should be retained and strengthened. In some areas, housing is the preferred use on upper floors, as described in Policy TL-26.3.

Policy TL-3.2: Expand opportunities for office development south of NE 116th Street (districts TL 10D and TL 10E).

Policy TL-3.3: Expand opportunities for retail development in the area south of NE 124th Street, east of I-405 (districts TL 5 and TL 6).

Policy TL-3.4: Enable expanded development opportunities for the commercial district located on the west side of 124th Avenue NE and south of NE 124th Street under a specific plan for the entire area (district TL 5).

The specific plan should evaluate the feasibility of a more intense commercial and residential district in this area, and consider options to...Strengthen retail development, including opportunities for vehicle dealerships... Create a more pedestrian-oriented district through...The siting of buildings and public spaces to be oriented to the pedestrian,

Policy TL-5.1: Monitor conditions and trends affecting commercial uses in the Totem Lake Neighborhood.

Over the past decade or more, rapid changes in technology have changed the nature and function of many commercial uses... changes in communication have changed the way some retail activities take place. Because these changes impact the way that land is used, these changes should be monitored. As needed, changing economic needs should be addressed through adjustments in land use designations, definition of uses or other appropriate measures.

Policy TL-26.3: Expand housing opportunities in the Totem Lake Neighborhood.

...To further encourage developers to choose to provide housing, an increase in height should be allowed when upper story residential use is provided. This incentive would enable residential use to be included either in mixed-use projects, or in stand-alone developments where retail use is not mandated as a ground floor use.

**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.

Totem Center Subarea Plan

Goal TL-10: Expand and strengthen the retail focus at the Totem Lake Mall (district TL 2).

The Totem Lake Mall has the potential to be a vibrant, intensive retail center for the Kirkland community and surrounding region. As redevelopment of the mall property occurs, there is an opportunity to provide residents and visitors with an exciting place to shop, congregate and relax. Careful redevelopment of the mall property will be critical to its success as a retail center and community gathering place.

Policy TL-10.1: Strengthen the role of Totem Lake Mall as a retail center and community gathering place.

Currently, Totem Lake Mall is successful in many ways. It provides retail services and employment opportunities, is a significant contributor of retail sales tax income to the City and serves as the site for some community activities. The policies in this element are intended to support efforts by the Totem Lake Mall to increase its role in all of these areas and realize its potential as a vibrant retail and community focal point. Policies within the Economic Development section address public actions, such as a regulatory flexibility and increased development potential, to encourage future growth and strength at the Totem Lake Mall.

Policy TL-10.2: Emphasize high quality urban and architectural design in redevelopment of the Totem Lake Mall.

...Provide for a pedestrian-oriented environment, with appropriately scaled signs and architecture. Public spaces should be provided for gathering and relaxation.

Central Business District Subarea Plan

Land Use, pg XV.D-4: A critical mass of retail uses and services is essential to the economic vitality of the Downtown area...

- The Downtown area is appropriate for a wide variety of permitted uses. The area's economic vitality and identity as a commercial center will depend upon its ability to establish and retain a critical mass of retail uses and services, primarily located west of 3rd Street. If this objective is not reached, it relegates the Downtown to a weaker and narrower commercial focus (i.e., restaurants and offices only) and lessens the opportunities and reasons for Kirklanders to frequent the Downtown.
- The enhancement of the area for retail and service businesses will best be served by concentrating such uses in the pedestrian core and shoreline districts and by encouraging a substantial increase in the amount of housing and office floor area either within or adjacent to the core.

Core Area, pg XV.D-4-5:

Pedestrian activity in the core area is to be enhanced...

- The core area should be enhanced as the pedestrian heart of Downtown Kirkland. Land uses should be oriented to the pedestrian, both in terms of design and activity type. Appropriate uses include retail, restaurant, office, residential, cultural, and recreational.
- Restaurants, delicatessens, and specialty retail shops, including fine apparel, gift shops, art galleries, import shops, and the like constitute the use mix and image contemplated in the Vision for Downtown. These uses provide visual interest and stimulate foot traffic and thereby provide opportunities for leisure time strolling along Downtown walkways for Kirklanders and visitors alike.

Drive-through facilities and ground-floor offices are prohibited...

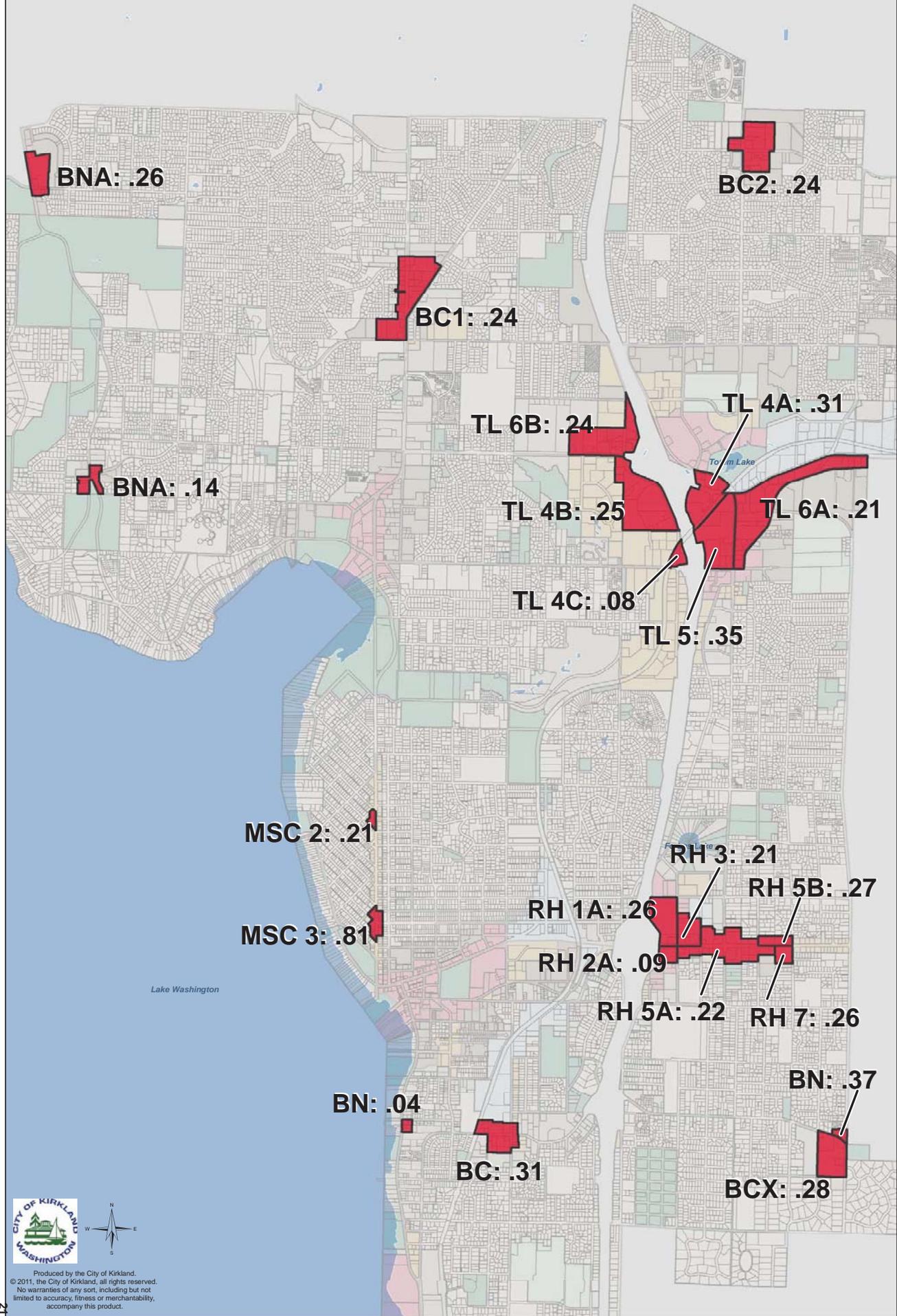
- The desired pedestrian character and vitality of the core area requires the relatively intensive use of land and continuous compact retail frontage. Therefore, automobile drive-through facilities should be prohibited. Similarly, office uses should not be allowed to locate on the ground level. These uses generally lack visual interest, generate little foot traffic, and diminish prime ground floor opportunities for the retail uses that are crucial to the ambiance and economic success of the core area.

Northwest Core Frame, pg XV.D-6: The Northwest Core Frame includes the area south of City Hall and north of the core area. This area should develop with office, or office/multifamily mixed-use projects, whose occupants will help to support the commercial establishments contained in the core. Retail and restaurant uses are desirable; provided, that they have primary access from Central Way.

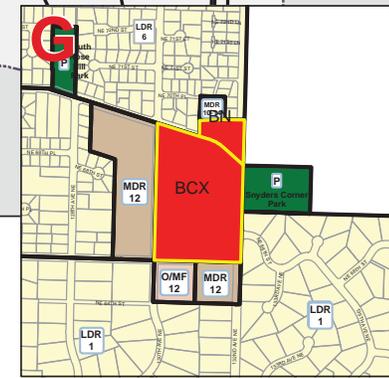
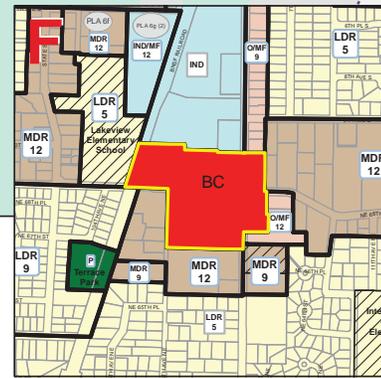
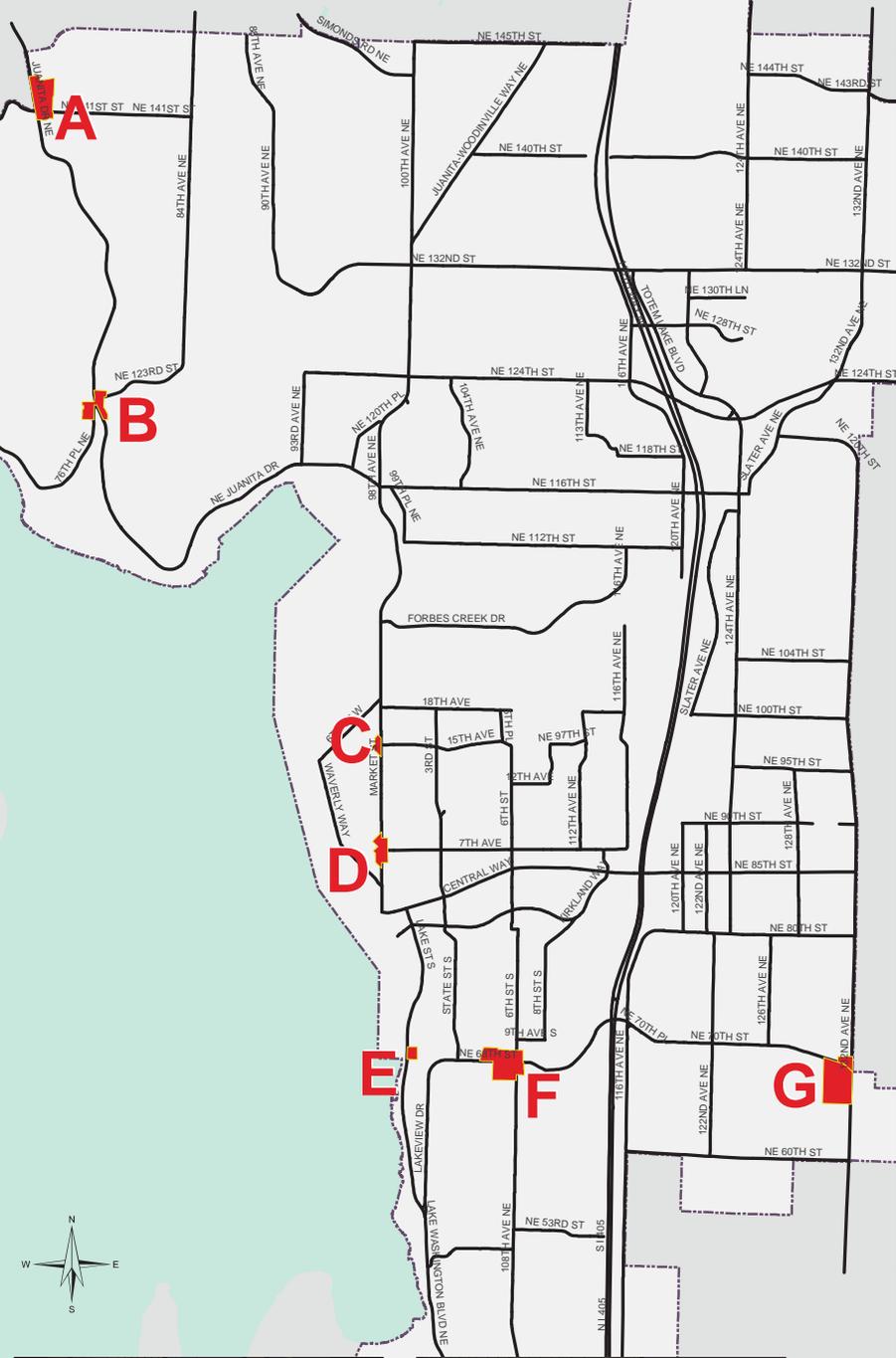
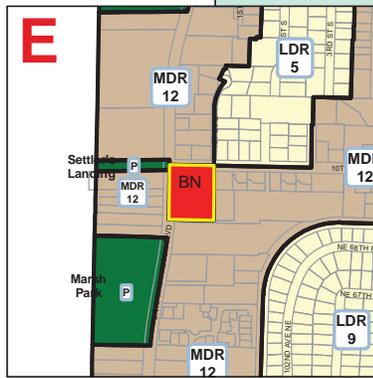
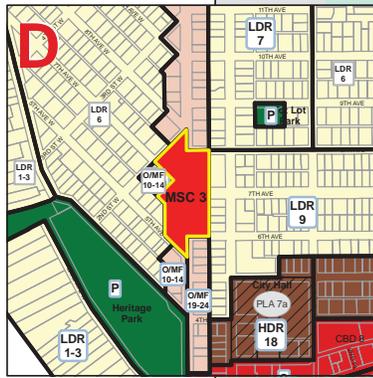
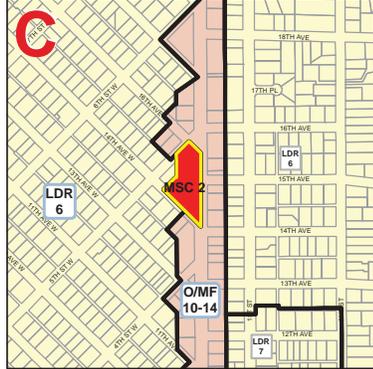
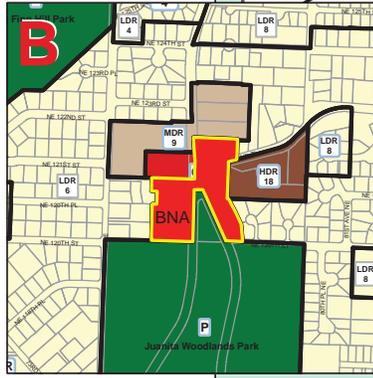
Northeast Core Frame, pg XV.D-8: The Northeast Core Frame currently contains the bulk of the Downtown area's automobile-oriented uses. Redevelopment or new development in this area should be encouraged to represent a broader range of commercial uses. Future development should set the bulk of structures back from the street while providing low, one-story retail shops at the edge of the sidewalk.

East Core Frame, pg XV.D-8: **Development in the East Core Frame should be in large, intensively developed mixed-use projects...** Within the Parkplace Center site, however, retail uses should be a significant component of a mixed-use complex.

Existing Floor Area Ratio by Zone



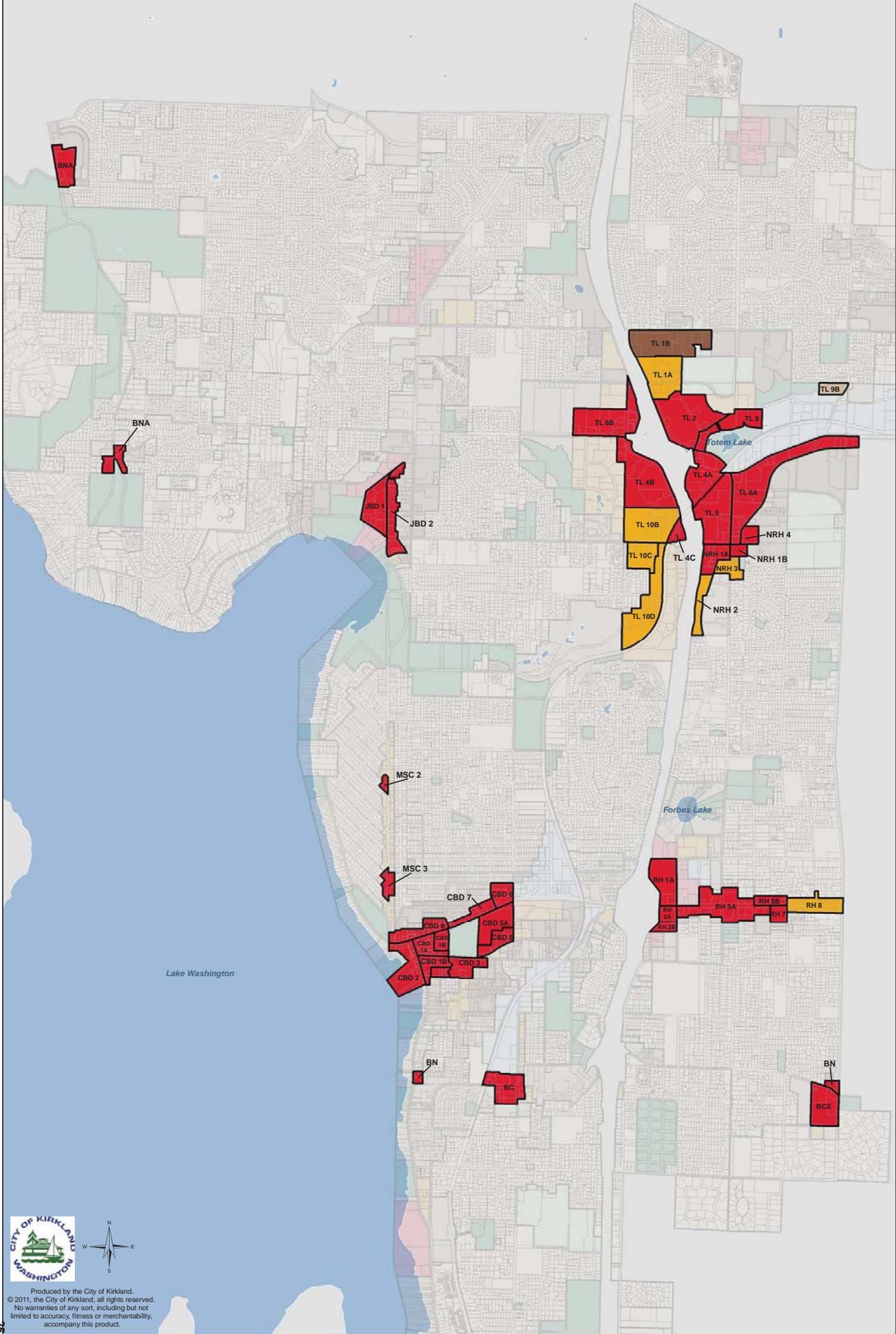
Commercial Zones: Surrounding Comprehensive Plan Density



Produced by the City of Kirkland.
© 2011, the City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.



Commercial Zones Without Maximum Density





URBAN DEVELOPMENT

July 28, 2011

Are you ready for the new urbanites?

- *Younger generations want to live in dense, walkable, 24-7 urban neighborhoods filled with apartments.*

By BLAINE WEBER
Weber Thompson



Weber

The more vital urban centers of the United States are about to experience cultural shifts that will shake the country like a 9.0 earthquake — in a good way.

In the wake of the Great Recession, several powerful trends are converging: The world is undergoing the largest wave of migration back to cities in history; markets are listening to the needs and wants of Generation Y; and Seattle will become an epicenter of ideas and creative energy.

How will new housing products respond to this convergence?

In Richard Florida's book "The Great Reset," he theorizes that a new, post-recession America will emerge, shaped by the needs of the creative class.

Florida says: "The places that thrive today are those with the highest velocity of ideas, the highest density of talented and creative people, and the highest rate of metabolism. Cities like Seattle, Vancouver, B.C., and Portland will become a single labor market, attracting the very best minds, energy and talent. Seattle, New York, Silicon Valley and college towns will survive; ex-urban Phoenix or Las Vegas will struggle for years to come."

Housing's future

What will the housing of the future look like, and where will people want to live? Most people, particularly our younger generations, will want to live in dense, walkable, 24-7 urban neighborhoods filled with apartments.

Yes, apartments.

In fact, the rate of homeownership has been on the decline for some time now. The national rate fell to 64 percent this year, the lowest figure in 13 years.

John McIlwain, president of the Urban Land Institute says: "The age of sub-urbanization and growing homeownership is over, and the coming decades will be the time of the great re-urbanization. We should replace front lawns and sedans with apartments and trains."



Image by studio 216, courtesy of Weber Thompson [\[enlarge\]](#)

The Colman Tower apartments will be Gen Y focused, with smaller units designed to live large.

For a new generation that thrives around flexibility and mobility, a house is perceived to be an economic trap, preventing people from the freedom to move to new opportunities.

Is it really possible that the new American Dream will no longer come with a house and two cars? If prognosticators like McIlwain and Florida are correct, we will see a massive increase in the number of city-dwellers, a LOT more apartments, and fewer homes and cars.

Generation ‘Why’?

Generation Y is comprised of 85 million people in their late teens to early 30s. The Great Recession and almost cataclysmic melt-down of the housing industry had a significant impact on how Generation Y perceives the idea of homeownership, and they are asking “why”?

McIlwain has this to say about Gen Y: “As they watch millions of Americans lose their homes to foreclosure, the allure of buying real estate has become less powerful. They will be renters by necessity and by choice rather than homeowners for years ahead. They have lost the confidence of prior generations that homeownership is a way to develop wealth.”

Many feel that this is more than just a trend; it represents a real psychographic shift in the values of the next generation of prospective home buyers.

Less space, more hiving

Members of Gen Y prefer urban settings to the suburbs, where most of them were raised. Gen Y would rather walk than drive, and they are willing to live in smaller spaces to be able to afford an urban lifestyle.

This is a generation that also considers urban living to be more sustainable.

Trend-spotter and sociologist Faith Popcorn coined the phrase “hiving” to describe the desire for comfort and connection with friends. Borrowing from the metaphor of a beehive, hiving represents active engagement, interaction and hanging out with friends. Visionary developers are taking the cue, by putting socially focused amenity packages on steroids.

Don’t need a car

An article in The New York Times says: “After more than a century in which an automobile represented the American dream, car enthusiasm may no longer be a part of Americans’ DNA. Car culture no longer exerts the powerful pull it once did.”

I am not sure that I would go that far. The ability to control our own transportation is quintessential Americana, and it seems inconceivable that most Americans will abandon their cars.

More than any generation before them however, Gen Y is using bikes, public transit, their feet or Zip Cars. It’s not just that traffic and gridlock have become impossible, or that gas has become so expensive — many younger people want to be free from the expense and responsibility of owning a car. For others, losing the car is a ticket to living in the city.

Changing values

There is a move to simplify life, to free up space, budget and time. People are seeking a new way to live that is less stressful, and for many, that means owning less “big stuff” like houses and cars. Gen Y is watching suburban life choke itself to death with congested traffic and tortuous commutes. They are looking for a new lifestyle, where the action is.

Changing values are also pushing for smaller, more efficient — and therefore less costly — housing. The idea of being in debt for life to a mortgage company is no longer appealing to many.

Reinventing rental

It’s a new day for rental housing.

High-density, high-rise apartments like Alto by Harbor Properties, and Colman Tower in downtown Seattle by GRE are on the leading-edge. Both projects are Gen Y focused, with a high style, yet more affordable rental price points.

Attachment 5

Developed by John Goodman and Fred Grimm, and designed by Weber Thompson, Colman Tower has units that are smaller but are designed to live large — with floor-to-ceiling glass and industrial-chic loft finishes such as exposed concrete ceilings, wood floors and stone counters. The parking ratio is low, but electric Zip Cars will be provided for renters who want to drive occasionally without the expense of owning a gas hog.

There are no private decks in the project, but the entire rooftop is devoted to a garden terrace with views of the bay, and a veritable play land which will be open 24-7 to residents. Amenities include a game room, business center, X-Box room, fitness center, yoga room, and a wrap-around garden terrace with private dining, barbecues, a soaking pool/water feature, the requisite doggie play area/piddle patch, and a lounge (where dog owners can relax while their puppies play).

Turner Construction is on target to deliver this project to its first batch of Gen Y's in May of 2013.

Blaine Weber, AIA, is a founding partner of Weber Thompson, a highly diversified, multi-disciplinary, Seattle-based design firm specializing in housing, hospitality, commercial and retail.

Other Stories:

- [Multiple tweaks for Seattle's multifamily code](#)
- [Tapping the potential of our alleyways](#)
- [Today's hybrid urban-technology-office building](#)
- [Look to the edges to attract pedestrians](#)
- [Sheraton transforms 7th Avenue with a garden](#)
- [What it takes to navigate a down market](#)

Copyright 2011 Seattle Daily Journal of Commerce



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, Washington 98033 425.587.3225
www.ci.kirkland.wa.us

To: Interpretation No. 09-2
From: Eric R. Shields, AICP, Planning Director
Date: October 5, 2009
Subject: **School Uses in LIT Zones**

ISSUE

In the Light Industrial Technology (LIT) Zone, a school is not listed as a permitted use, but Community Facility is. The question here is whether a school is within the scope of a Community Facility use in the LIT zone.

INTERPRETATION

School uses are within the scope of a Community Facility use in the (LIT) Zone.

APPLICABLE CODE SECTIONS

The Zoning Code defines Community Facility as:

“A use which serves the public and is generally of a noncommercial nature. Such use shall include food banks, clothing banks, and other nonprofit social service organizations; nonprofit recreational facilities; and nonprofit performance arts centers.”

ANALYSIS

Zoning Code Section 170.60 states that the Planning Director may issue an interpretation of any of the provisions of the Code. The interpretation shall be based on the following three criteria:

1. Defined or Common Meaning of the Words of the Provision
A school meets the above definition of Community Facility because it serves the public and is noncommercial in nature. In this respect, schools are similar to other community facility uses such as food banks and social service agencies.
2. General Purpose of the Provision as Expressed in the Provision
The purpose of not listing schools in the LIT zone is not stated in the Zoning Code.
3. The Logical or Likely Meaning of the Provision Viewed in Relation to the Comprehensive Plan
The Comprehensive Plan does not explicitly address this issue. Schools are allowed in most

zones in the City □both residential and commercial zones. The intent appears to liberally allow such uses, presumably because of their broad community benefit.

In May, 2009, the City Council reviewed this issue, determined that a school meets the definition of a community facility use and directed that his interpretation be drafted.

From: Uwkkg@aol.com [mailto:Uwkkg@aol.com]

Sent: Friday, November 18, 2011 7:14 PM

To: Planning Commissioners

Cc: uwkkg@aol.com

Subject: Local input re: BN zones

Good Evening Commissioners:

Thank you for the work you've begun to do re: BN zones and things like 75% ground floor use as retail/office oriented to the main arterial, unlimited densities, etc.

Below is a letter of thanks that I sent to the Council members, City Manager and Attorney. We so appreciate them providing the opportunity to thoughtfully review BN zones rather than just allowing a path forward without careful review.

I am sending their letter to you, as well. You may already be engaged in this process...(or perhaps in the future???)

As you may know, there are several subgroups of neighbors concerned about unlimited density, and some of the other oddities :

1) Doesn't Neighborhood Business (BN) mean it is for a business that serves the neighborhood?
2) 75% of ground floor for retail/office uses - not sure when/why parking became an office. It is not an office.

2) Unlimited density Here's an example of how odd this can be:

Example Lake Washington Blvd/Lake St S...

Pre-1977 Surrounding properties at 24/acre, BN at 12/acre

1977 - Surrounding properties zoned to a lower 12/acre (not happy residents), BN still at 12/acre

Later (a year or two later) - Somehow the density cap got lifted off the BN zone (intentional? mistake?)

It would seem irrational that the city would have then intentionally given preferential "unlimited" density to one parcel in the midst of this turmoil. That's a rough outline of what appears to have happened.

*** It would seem unlikely that the city would have then intentionally given preferential "unlimited" density to one parcel in the midst of this turmoil. That's a rough outline of what appears to have happened.

*** Rumor has it that the 1977 zone downwards was based on city concerns that the infrastructure couldn't handle 24/acre. There appears to have been a lawsuit that followed and reached a settlement in 1979. Again, it would seem rather peculiar if the city were to choose that time to preferentially treat one parcel in the midst of these neighbors... Their parcels, if built prior to 1977, became an unfavorable classification "legal non-conforming." That is an EXTREMELY difficult restriction as it pertains to repairs or possible need to rebuild (e.g. if structure so old that repairs would cost more than new... and wouldn't provide all the plumbing, electrical, fire safety, insulation, etc).

So, if I can answer any questions for you, please feel free to call me. I've been working with neighbors who have done a ton of research and know most of what has happened and where the problems lie.

My cellphone is from my office in San Francisco so has a 415 area code not 425
415-218-4452

Karen Levenson
6620 Lake Washington Blvd NE; Kirkland, WA 98033

From: Uwkkkg@aol.com
To: ktriplett@kirklandwa.gov, jjonson@kirklandwa.gov, rjenkinson@kirklandwa.gov
BCC: uwkkkg@aol.com
Sent: 11/18/2011 12:48:56 P.M. Eastern Standard Time
Subj: Thank you from Karen Levenson & neighbors

Dear Madame Mayor, Council members, City Manager, and City Attorney:
(Janet, please forward)

Thank you for the thoughtful contemplation that you have been demonstrating with the question of Potala.

I want you to know that my appreciation, and that of other neighbors, was immediate. This email has only been slowed by the fact that we had a mountain of materials to prepare for a very long traffic concurrency hearing (re: Potala) yesterday.

Now that the hearing is behind us, please know that we truly appreciate that Council, Planning Commission and city staff are taking a methodical look at the risks on each side... and what happened and why... We appreciate that you will also be reflecting on what has been intended for areas set aside for neighborhood businesses (perhaps as envisioned by the 1995 and 2004 Comp Plan as residential market?).

If we can provide a short-cut to any needed materials, or help answer any questions, please feel free to reach out. Some of the materials took considerable time and effort to locate. It might save some time for us to provide and the city could then authenticate (rather than starting over). ... Just a thought...hopefully helpful.

Again, thank you.

Karen Levenson