



MEMORANDUM

DATE: October 20, 2011

To: Planning Commission

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

SUBJECT: Review of Ground Floor Commercial Regulations

RECOMMENDATION

Review and discuss identified issues in how the City regulates ground floor uses in commercial zones and provide initial direction to staff. Staff is recommending that only amendments that do not require a policy change (Comprehensive Plan amendment) be considered at this time.

A list of additional commercial-related 2011 Zoning Code amendments is included toward the end of this memo for review if time allows. Depending on the scope of the amendments, some may fall within the jurisdiction of the Houghton Community Council.

BACKGROUND

The 2011 list of miscellaneous Zoning Code amendments includes a review of how Kirkland regulates ground floor uses in commercial zones. Staff has completed an initial review of the regulations to give the Commission a general overview and to provide a broader context when considering potential Totem Lake Code amendments. As discussed later in this memo, the review highlights issues that require Code amendments and issues that the Commission should discuss but may decide to not change any regulations

Over time, the City has developed a variety of methods to regulate what can and cannot locate on the ground floor of structures in commercial zones. As we have applied these regulations, staff has identified several issues that we would like to have reviewed.

There are a variety of policy reasons established in the Comprehensive Plan for why these regulations area in place, ranging from establishing a strong tax base to creating a vibrant pedestrian experience. The summary charts below illustrate four broad approaches to ground floor use restrictions. Two charts are provided with the first chart showing zones where ground floor office or retail uses are required and the second showing zones where ground floor retail is required. Attachment 1 provides a more detailed zone-by-zone analysis of the regulations and the Comprehensive Plan policy reasons for those regulations.

Ground Floor Commercial (Office or Retail) Required

	Type 1 (% Ground Floor)	Type 2 (Frontage)	Type 3 (Retail Predominant)	Type 4 (Residential Prohibited)
BN, BNA, BC, BC 1, BC 2, BCX, MSC 2, MSC 3	75%	–	–	On ground floor (1)
CBD 5	–	–	–	Except on 2 nd Ave and near park. Max 12.5% gfa.
CBD 6	–	–	–	Residential prohibited on Central Way
JBD 2	–	Intervening office or retail on 98 th Ave NE	–	–
RH 8	–	–	–	On ground floor
NRH 1A, NRH 1B	–	(2)	–	On ground floor
TL 6A	90% (3)	–	–	–
TL 10B, TL 10D	–	–	–	Except west portions as mapped in Plate 37 (4)
TL 10C	–	–	–	Except west portions as mapped in Plate 37 or in +3-story mixed use office/high tech projects (4)

- (1) Lobby allowed
- (2) Assisted living is allowed on ground floor if there is 30' of intervening commercial
- (3) Waived if 80% of units are affordable (to 60% median)
- (4) Assisted Living not allowed

Ground Floor Retail Required

	Type 1 (% Ground Floor)	Type 2 (Frontage)	Type 3 (Retail Predominant)	Type 4 (Residential Prohibited)
CBD 1A, CBD 1B	–	20' min., 30' avg.	–	–
CBD 2, CBD 3, CBD 7, CBD 8	–	30' min.	–	–
CBD 5A	–	–	25% of total project gfa, master plan review	–
JBD 1	–	–	Master plan review	–
RH 1A, RH 3, RH 5A, RH 5B, RH 7	50%	–	–	–
RH 2A	50%	–	–	On ground floor (1)
TL 2	–	–	Master plan review	–
TL 4A, TL 4B, TL 4C	50%	–	–	10% max
TL 5	30%	–	Master plan review	10% max
TL 6B	50% (2)	–	–	10% max within 250' of NE 124 th Ave & NE 124 th St
TL 8	+0% (3)	–	–	–

- (1) Assisted living not prohibited on ground floor
- (2) NA if east of 116th and + 500' north of NE 124th St
- (3) Some retail required on western two parcels on 120th Ave NE

GROUND FLOOR COMMERCIAL DISCUSSION

The discussion below is divided into two categories. The first group is flaws in the Code that staff recommends be corrected now. The second group addresses policy issues in the Code that should be discussed and potentially addressed now. The goal of any amendments is to provide clarity and look for opportunities for additional consistency, as well as to remove unnecessary barriers to redevelopment.

A. Flaws to be fixed:

1. In the BN and BC (and closely related) zones, the Code requires 75% of the ground floor to be commercial and prohibits residential uses on the ground floor. A strict interpretation would say

that the remaining 25% would be limited to uses like public utility, government facility, or church.

Staff recommendation: This appears to be a previous code drafting error. If the 75% requirement is maintained, the ground floor residential prohibition should be removed (allowing 25% of the ground floor to be residential).

2. Staff has historically interpreted the parking as part of the use it is serving. For example, residential parking is regulated as part of the residential use, retail parking is part of the retail use. Using the BN and BC examples again, this precludes residential parking on the ground floor of a structure. This has successfully precluded strictly residential projects, without any ground floor commercial space, from being developed in these zones by merely placing the residential above a ground floor residential parking structure. It also precludes a commercial use from developing a parking lot in a residential zone.

Related to a recent project, there are those who have taken the position that parking should not be included in the required minimum percentage of ground floor commercial use. With the BN and BC examples, this position would imply that 75% of the ground floor would be commercial and no more than 25% of the ground floor could be devoted parking that supports the commercial. Staff has continued to assert that parking must be regulated as a use.

It should be noted that code only regulates the use of the ground floor of the structure, leaving the use of surface lots unrestricted by use.

Staff recommendation: Clarify how parking is regulated on the ground floor and ensure that regulations result in outcomes that achieve the intent for the zone.

3. Rules for residential lobbies on the ground floor are inconsistent across zones where residential use is prohibited on the ground floor.

Staff recommendation: Establish consistent allowances for ground floor lobbies

4. Assisted living uses are generally treated consistently with other residential uses throughout the Code. However, inconsistencies have been discovered in the ground floor provisions. For example, in some cases ground floor lobbies are not be addressed or assisted living is allowed on the ground floor while other residential uses are not.

Staff recommendation: Regulations for ground floor assisted living uses should be made consistent with other residential use regulations.

B. Policy issues to discuss:

1. Where commercial is required as a percentage of the ground floor (the Type 1 approach identified on the charts above), the Code does not address the size of the building or the location of the parking. This approach has its genesis in the old BC and BN zones, which was well suited to a single story strip mall style development with a surface parking lot. It can be less well suited to multi story mixed use projects with structured parking. In combination with the limitations on residential parking, it could make mixed use redevelopment of a strip center

challenging. For example, a one story strip mall centered in a surface parking lot would obviously comply with the 75% minimum. Through redevelopment, as the footprint of structure increases it displaces the flexibility on how to locate other uses and supporting parking. For example, a 10,000 square foot strip mall on a large property with a surface parking may not be the long term vision for a piece of property in one of these zones. However, redeveloping that property as a mixed use center with structured parking may dictate that the development provide more than the predevelopment 10,000 square feet of commercial due to the expanded building footprint. By contrast, in zones that regulate commercial frontage (Type 2 in chart); the development has more flexibility in how to arrange uses and supporting parking on the site.

Staff recommendation: Discuss whether regulating by percentage of ground floor is the proper tool for the zone or if other more flexible tools like Type 2 frontage requirements should be considered.

2. With the ongoing economic downturn, many cities are considering how much retail the future economy can support and where to best place that retail.

Staff recommendation: The Commission should review the zones where retail requirements are prescribed by a percentage of the ground floor (Type 1 regulations) and evaluate the retail emphasis. A more flexible approach might dictate placement and style of the storefronts so that retail is not precluded as a future use, but allow the market more flexibility in determining appropriate commercial uses in these spaces over time.

Staff would suggest that the recently reconsidered CBD zones and those zones with master plan requirements (with the possible exception of TL 5) not be revisited at this time.

OTHER COMMERCIAL AMENDMENTS

In addition, staff has identified the following list of potential Code amendments to be considered in this round of commercial-related amendments.

- Consider adding personal service use throughout the Code (splitting these uses from office and retail uses)
- Codify provisions for encroachment of structural columns in parking spaces in garages
- Use consistent terminology for gas stations and auto repair uses
- Correct special regulations for mini-schools and mini-daycares that reference out of date statutes
- Clarify land use buffer, required yards and minimum lots size requirement in mixed use zones to accommodate use changes in tenant spaces over time

Attachments

1. Ground Floor Commercial Use Regulation and Policy Matrix

<p style="text-align: center;">ZONES WHERE GROUND FLOOR COMMERCIAL USE IS REQUIRED</p> <p>Key:</p> <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 		APPLICABLE N'HOOD PLAN	PLAN RATIONAL					
			TAX BASE	N'HOOD SERVICES	TOURISM	MOBILITY	CHARACTER	BUSINESS CLUSTERING
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		

<p>MSC 2</p>	<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. <i>(((need to add lobby to assisted living)))</i></p>	<p>MSC</p>	<p>X</p>					
<p>MSC 3</p>	<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. <i>(((need to add lobby to assisted living)))</i></p>	<p>MSC</p>	<p>X</p>					
<p>JBD 1</p>	<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>	<p>SJ</p>	<p>X</p>			<p>X</p>	<p>X</p>	
<p>JBD 2</p>	<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>	<p>SJ</p>	<p>X</p>			<p>X</p>	<p>X</p>	
<p>RH 1A RH 3 RH 5A RH 5B RH 7</p>	<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>85TH</p>	<p>X</p>			<p>X</p>	<p>X</p>	
<p>RH 2A</p>	<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. <i>(((should add to assisted living)))</i></p>	<p>85TH</p>	<p>X</p>					
<p>RH 8</p>	<p>SR's (Stacked Units, Assisted Living): This use may not be located on the ground floor of a structure.</p>	<p>85TH</p>	<p>X</p>			<p>X</p>		
<p>NRH 1A NRH 1B</p>	<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>	<p>NRH</p>	<p>X</p>	<p>X</p>		<p>X</p>		

<p>TL 2</p>	<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> 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; 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>	<p>TL</p>	<p>X</p>	<p>X</p>		<p>X</p>	<p>X</p>	
<p>TL 4A TL 4B TL 4C</p>	<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 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>	<p>TL</p>	<p>X</p>			<p>X</p>	<p>X</p>	
<p>TL 5</p>	<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. 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. 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>	<p>TL</p>	<p>X</p>			<p>X</p>	<p>X</p>	
<p>TL 6A</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>	<p>TL</p>					<p>X</p>	
<p>TL 6B</p>	<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 . 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>	<p>TL</p>	<p>X</p>			<p>X</p>	<p>X</p>	
<p>TL 8</p>	<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>	<p>TL</p>					<p>X</p>	
<p>TL 10B</p>	<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>	<p>TL</p>						<p>X</p>
<p>TL 10C TL 10D</p>	<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>	<p>TL</p>						<p>X</p>

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

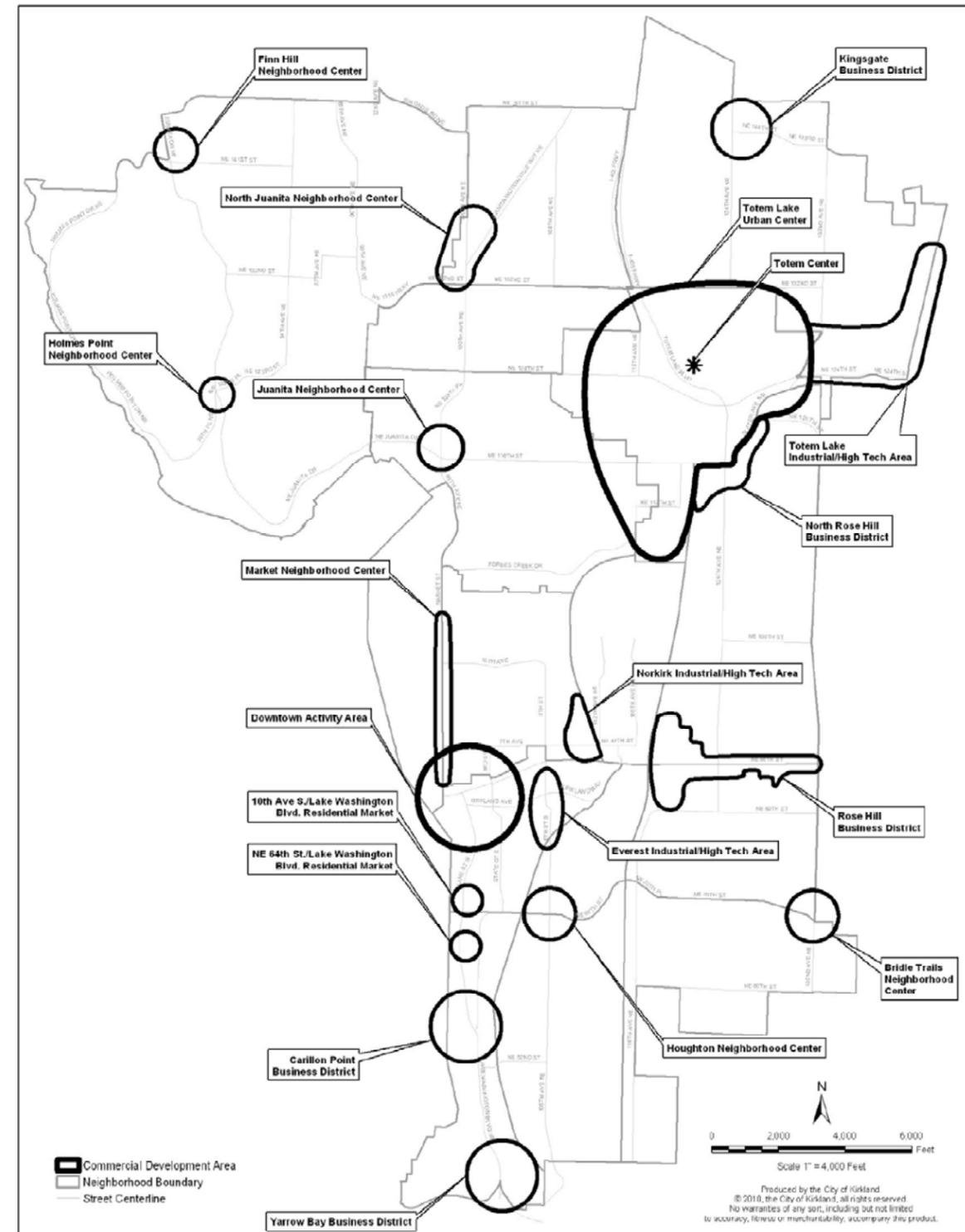
A Business District is an area that serves the subregional market, as well as the local community. These districts vary in uses and intensities and may include office, retail, restaurants, housing, hotels and service businesses.

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.