



## **MEMORANDUM**

**DATE:** October 17, 2013

**To:** Houghton Community Council

**FROM:** Jeremy McMahan, Planning Supervisor

**SUBJECT:** Briefing on Cross Kirkland Corridor Interim Regulations, File No. PLN13-01667

## **RECOMMENDATION**

Receive staff briefing on potential interim ordinance affecting properties adjoining the Cross Kirkland Corridor within Houghton Community Council (HCC) disapproval jurisdiction.

## **BACKGROUND**

The City Council held a public hearing on October 15<sup>th</sup> to consider an interim ordinance establishing a number of land use regulations for properties along the Cross Kirkland Corridor and Eastside Rail Corridor. The packet from the hearing is included as Enclosure A to this memo and provides background materials. The City Council did not take action on October 15<sup>th</sup>, but continued the hearing until November 6<sup>th</sup> for additional consideration.

The following items are included in the interim ordinance. Items #1 and #4 only apply in the Totem Lake area and are not subject to HCC jurisdiction.

1. Allow expanded uses in TL zones
2. Prohibit new retail storage uses (mini storage)
3. Require 10' standard setback
4. Require 25' set aside on private properties in TL for PSE 115 kV line
5. Establish design standards

If the City Council enacts an interim ordinance, staff will bring back the adopted ordinance to the Houghton Community Council for final action.

## **Enclosures**

- A. City Council Packet
- B. Additional Correspondence





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

---

**MEMORANDUM**

**To:** Kurt Triplett, City Manager

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

**Date:** October 3, 2013

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

**RECOMMENDATION**

It is recommended that City Council conducts the public hearing on an interim ordinance establishing temporary land use regulations applying to properties adjoining the Cross Kirkland Corridor and Eastside Rail Corridor (the "Corridor"). Following the public hearing, the Council should decide whether to adopt the ordinance as drafted or direct staff to modify the ordinance for adoption.

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

**BACKGROUND DISCUSSION**

As planning for the Cross Kirkland Corridor (CKC) begins to transition from a utilitarian rail corridor to a vibrant multi-use corridor, planning for supportive land use regulations is needed to ensure that future development adjoining the Corridor reflects this evolution. It is important to keep in mind that much of the land use planning for properties around the Corridor occurred in an era when it was a heavy rail corridor. That legacy exists in the continued industrial nature of non-residential properties along the Corridor and will continue until redevelopment or adaptive reuse occurs.

The timing of the CKC Master Plan is ideal in relation to the City's 2035 Comprehensive Plan update. The Comprehensive Plan update will allow the community to establish a complete vision for how the Corridor enhances adjoining land uses and, reciprocally, how adjoining land uses can enhance the Corridor. In general terms, planning for the Corridor is being sequenced as follows:

- The CKC Master Plan evolves in step with the City's visioning for the Comprehensive Plan
- The final CKC Master Plan informs the development of related land use policies in the draft and final Comprehensive Plan

- The adopted Comprehensive Plan informs the development of implementing amendments to the Zoning Code related to the Cross Kirkland Corridor

Because it will take time for this process to unfold, the City Council reviewed a number of issues at the Council's September 17, 2013 meeting and directed staff to come back and hold a public hearing with an interim ordinance addressing potential immediate threats and opportunities in advance of the complete planning process outlined above.

### **SUMMARY OF DRAFT INTERIM ORDINANCE**

At its September 17, 2013 meeting, the City Council directed staff to prepare an interim ordinance addressing the issues and opportunities outlined below.

These regulations would apply to all properties along the corridor, with the exception of single family zones.

#### **1. Expanded Uses**

Opportunity: In many cities, one of the most interesting evolutions occurring in transitional industrial areas is the growth of microbreweries, wineries, and distilleries – particularly those with tasting rooms. A visit to the Redhook and Black Raven breweries in Redmond or the 192 Brewery in Kenmore to observe the number of parked bicycles graphically illustrates the potential for such facilities to be trail-supportive. The manufacturing component of these facilities is currently allowed in the light industrial areas found along the Corridor. However, any retail tasting room component is limited to 20% of the gross floor area. Recent interest in Totem Lake has indicated that this percentage may be too low to support a viable business model.

Based on City Council direction, the interim ordinance expands the uses for Totem Lake zoned properties within a limited distance (150 ft.) of the Corridor. In addition to the breweries, wineries, and distilleries noted above, the provision would apply to tasting rooms and restaurants associated with manufacturing uses such as bakeries, coffee roasters, cheese factories, etc. (See suggestions by Lisa McConnell in her email correspondence to Council, see Attachment 2).

The City Council also directed staff to bring back an alternative that would allow restaurants outright, rather than as an accessory use. Both options are included in the draft interim ordinance. Staff's concern with allowing restaurant and tavern uses outright is based on the rationale that went into many of the existing zoning limitations in these TL zones. In the industrial areas of TL 7 and TL 9A where the use is not currently allowed, the intent was to preserve these areas for light industry uses by preventing encroachment of more commercial uses like retail and restaurant. In the office areas of TL 10B, 10C, 10D, and 10E (Par Mac area), the intent was to preserve the land for intensive office/high tech redevelopment by preventing less intensive stand-alone uses and limiting how much work can be done to existing industrial buildings.

The City Council also asked staff to consider if there were other accessory uses similar to tasting rooms that should be considered in the interim ordinance. Existing regulations in the adjoining industrial areas already allow an accessory retail component (typically limited to 20% of the gross floor area). There is the potential for many interesting manufacturing uses with accessory retail sales that would be of interest to trail users. However, unlike the tasting room and dining opportunities discussed above where the product is primarily consumed on-premises, other retail sales don't have the same relationship with a nonmotorized trail. For these retailers, there are limitations on how much product a customer can take from the shop on foot or by bike. For example, an artisan furniture builder might be a great stop along the corridor, but the builder would not need a large retail space to serve trail users. Therefore, the focus of the draft ordinance remains on food and beverage market.

*Interim Ordinance: The interim ordinance presents two options for Council consideration. Both options expand the allowances for restaurant and tavern uses in the TL 7, 9A, 10B, 10C, 10D, and 10E for properties within 150' of the corridor. Option 1 would continue to only allow restaurants as an accessory use, but increase the allowable square footage to 50% of the gross floor area. Option 2 would allow restaurant and tavern uses outright, without a limit on the gross floor area. The City Council could also request a hybrid option that might treat the TL office zones differently than the TL industrial zones.*

*Based on Council direction, these expanded provisions in the interim ordinance apply only to Totem Lake but do not apply to other light industrial zones in the Norkirk, Moss Bay, and Everest neighborhoods.*

## 2. Retail Storage Use

Issue: There are currently four retail storage facilities adjoining the Corridor. The most recent addition is the Kirkland Way Storage facility completed at 12000 Kirkland Way in the past year (see photo below). Because of the light industrial legacy of the Corridor, there is significant older building stock that could easily be converted to retail storage use. Among the issues with retail storage uses as a use adjoining a multimodal corridor are:

- The use has no reciprocal relationship with the uses that will occur within the Corridor. They present blank walls and generate no nonmotorized traffic.
- There is significant and growing demand for retail storage uses. That means that once they are established they may be the highest and best use of the property for a significant period of time. A [recent Wall Street Journal article](#) highlights how competitive the use has become in the



commercial real estate sector. This is in contrast with other adaptive reuse of older building stock for uses like indoor recreation, which will be displaced by office and high tech redevelopment over time.

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

### 3. **Setbacks**

Issue: There are 22 different zones along the Corridor. A number of the commercial, office, and industrial zones have 0' required setbacks from the Corridor (see photo above). Again, this is a legacy of frontage along a heavy rail corridor. It may be that upcoming land use planning along the Corridor may reveal situations where a 0' setback is appropriate for uses that orient to the Corridor. However, until that planning occurs, establishing some setback from the Corridor should be considered. Staff is recommending consideration of a minimum 10' setback. Ten feet is chosen because it has been used along pedestrian streets in Kirkland where a 0' setback restricts the ability to incorporate adequate pedestrian-oriented spaces and 20' is too wide because it encourages parking and drive lanes in the space.

*Interim Ordinance: The interim ordinance establishes a standard 10' setback in all commercial, office, and industrial zoned areas.*

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

Issue: Puget Sound Energy plans to run the [Sammamish-Juanita 115 kV transmission line](#) within their existing easement over the Cross Kirkland Corridor and Eastside Rail Corridor through the Totem Lake area (see Attachment 1). PSE plans to continue with design work on the project into 2014, begin permitting toward the end of 2014, work on easements in 2015-2016, and construct the facility in late 2016-2017.

The existing PSE easement gives them broad flexibility on placement of the line within the Corridor. The City's interest is obviously to hold the transmission line close to the edge of the Corridor to preserve maximum flexibility for planning within the Corridor. PSE has identified an issue with placing the poles too close to the edge of the Corridor due to the required "blow out" area for the transmission lines. The proposed high voltage lines typically require between 20' and 25' of clear space as measured between either side of the pole and any adjoining structures. This area accommodates movement in the lines due to wind forces ("blow out") and ensures that industry standards are maintained between high voltage lines and any structures. The typical dimensions in this space are a standard 18" wood pole, 4'-5' arms, 7' of line movement, and 9' of electrical clearance between line and adjoining structures. PSE engineers are exploring designs through this area, including closer pole spacing and tighter lines, to minimize the potential blow out areas. Other than minimizing the extent of the blow out area, the solutions are to set the poles away from the edge of the corridor by the

necessary blow out distance or to acquire easements from adjoining property owners for the blow out area.

PSE has informed staff that, as part of their outreach on project alignment, they have already heard from some property owners in the Totem Lake area that they will not be willing to grant easements for the project.

The draft interim ordinance prohibits new structures within 25' of the Corridor, thus establishing a "set aside" area that would retain flexibility while design of the PSE facility continues. PSE has commented that the proposed set aside area does not substitute for any necessary easements for the facility.

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

## 5. Design Standards

Issue: The Totem Lake and Yarrow Bay Business Districts are the only areas on the Corridor subject to design review. The existing design guidelines and regulations for these areas were written prior to acquisition of the Corridor and don't contain specific guidance on site and building design fronting the Corridor.

The City Council directed staff to prepare design guidelines that would apply to all commercial, industrial, and office zones along the corridor and ensure that both site and building design does not turn its back on this important public space.

*Interim Ordinance: The interim ordinance establishes basic design regulations for properties adjoining the corridor to ensure site planning and building design orient appropriately to the corridor. These regulations would apply to all properties along the corridor, with the exception of single family zones.*

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

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

## **PUBLIC NOTICE**

Notice of the public hearing was published in the official City newspaper, posted on office notice boards, and posted on the City website. In addition, the notice was sent to all owners of

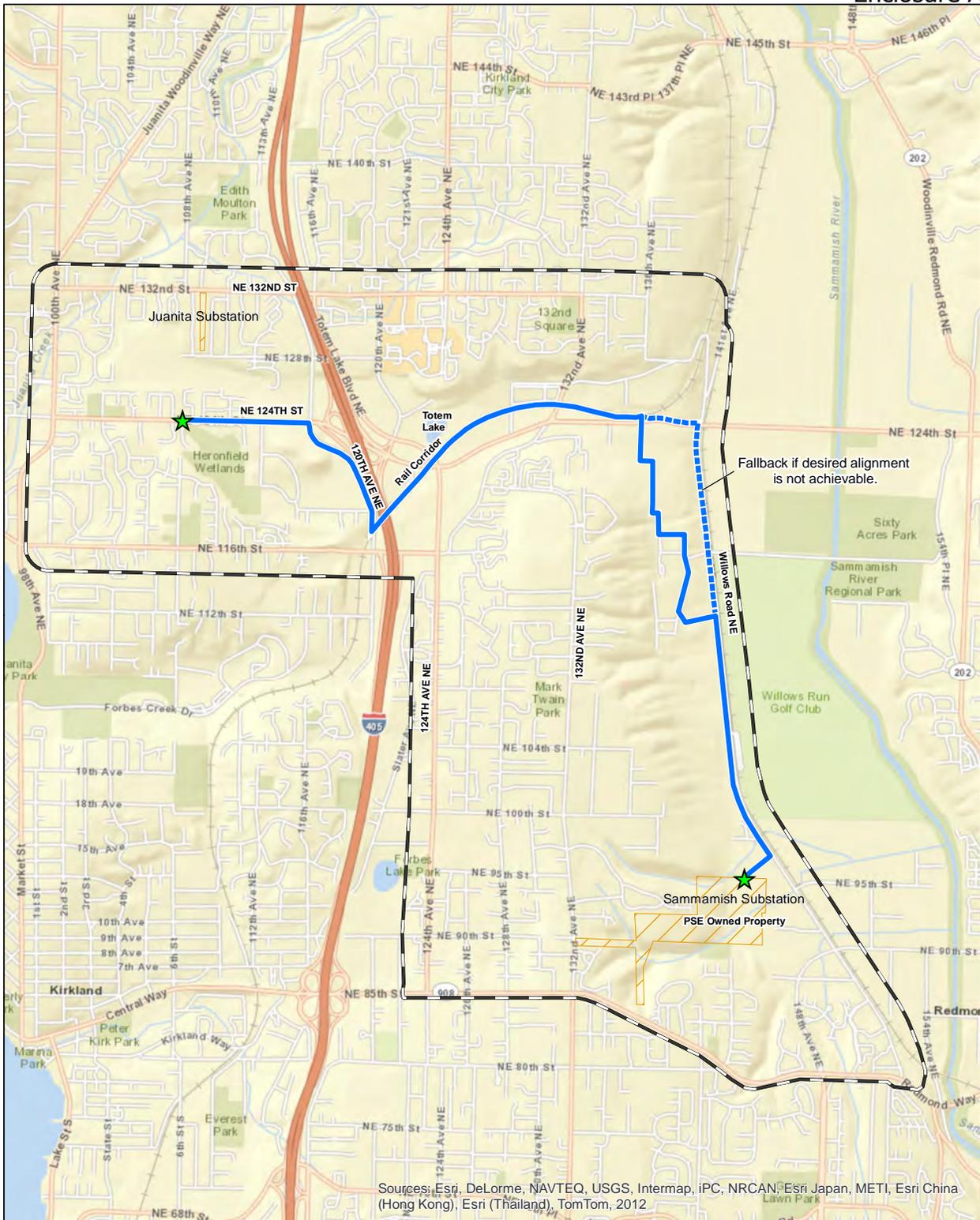
property affected by the proposed ordinance, the Kirkland Alliance of Neighborhoods email bulletin list, the Cross Kirkland Corridor email bulletin list, the Neighborhood email bulletin list, and the Chamber of Commerce.

**PUBLIC COMMENT**

Attachment 2 provided copies of all public comment received prior to the date of this memo. Subsequent public comment will be distributed to the City Council prior to the public hearing.

Attachments:

1. PSE Alignment
  2. Public Comment
- Cc: Pam Bissonnette  
David Godfrey



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012

**Puget Sound Energy  
Sammamish to Juanita 115 kV Line**

**PSE Preferred Final Route**

- Preferred Route
- Project Study Area Boundary
- - - Route Fallback
- PSE Owned Property
- ★ Route Start and End Points



Note: A final alignment will be selected after public review, micrositing with property owners and further studies are completed.



**From:** [Janet Jonson](#) on behalf of [Joan McBride](#)  
**To:** [Jeremy McMahan](#)  
**Cc:** [Janet Jonson](#)  
**Subject:** FW: Study Session, September 17th  
**Date:** Monday, September 30, 2013 8:49:31 AM

---

**From:** Lisa A. McConnell [mailto:kirby994@frontier.com]  
**Sent:** Wednesday, September 25, 2013 10:41 AM  
**To:** Joan McBride; Doreen Marchione; Shelley Kloba; Penny Sweet; Toby Nixon; Amy Walen; Dave Asher; Kurt Triplett  
**Subject:** Study Session, September 17th

Dear Kirkland City Councilmembers and City Manager Triplett,

It was with great interest that I watched the September 17<sup>th</sup> Study Session on the Cross Kirkland Corridor. Guy Michaelson from Berger Partnership provides an inspiring and exciting view of what we can achieve on our Corridor. Also of interest was the discussion of Interim Ordinances. While I am enthusiastic about expanding opportunities on the Corridor (tasting rooms), I do have concern with the restrictions and limits that some of these ordinances may place on Corridor development (storage, setbacks, design guidelines). I'd like to address these items.

**1. Opportunity - tasting rooms**

There is nothing that bicycle users like more than a good carbo load after a ride. As stated in the memo and discussed at the Study Session, expanding brewery tasting rooms makes for a good business opportunity. Councilmember Nixon posed that we may want to consider expanding this to other uses that are consistent with the manufacturing/industrial nature of the zoning in Totem Lake. Off the top of my head I can think of 3 food and many non-food uses that might be included.

- I, as well as many other cyclists, like to stop at Blazing Bagels near Marymoor Park when riding Redmond, the park, or East Lake Sammamish. A bakery may be a good manufacture use that could benefit from trail access.
- Coffee Roaster – also could benefit as well as attract trail users
- Cheese – I'm thinking how popular Beecher's is at Pike Place Market.
- For non-food manufacturing that would have a great symbiosis with a trail, I'm thinking Artisan Community. Ceramics studios, glassworks, textiles, custom metalworks, and fine furniture. All these could use an industrial venue for creation but would benefit from a small area for display/public access/sales that fronted on the trail. It would provide that exciting and changing (ie temporary) art display Guy mentioned that would attract people from the trail to stop and come and visit, frequently. Put apodments or live-work situations on top and you have increased density (although this may take more than an Interim Ordinance)

2. **Retail storage moratorium (not prohibition) until Master Plan is complete, for the whole CKC.** (There is storage in Moss Bay as well as Totem Lake) I think this is more encouraging to the business community that Kirkland is open minded and in process about its consideration of multi uses along the Corridor. Frankly I feel four storage businesses are enough for any given area, but I don't want to be discouraging to the business community that we will need to make the CKC a thriving asset.

3. **0' setbacks increased to 10'.** I agree there needs to be some sort of setback in place to encourage the change in development type along the trail and ensure, in the very short

term, that we keep as much open space as possible. Personally, I would like these setbacks increased but agree that the standard 10' setback is a good place to start.

4. **PSE lines** – This is a difficult one. Are you getting any input from ERCRAC process? Their technical committee meetings? I feel it is unfair and places an undue burden on the adjacent businesses to accommodate PSE in their pursuit of expansion and infrastructure improvement. And just because now PSE has the opportunity to place their lines right down the middle of the CKC, it is not their right to do so, even with utility easement on the full corridor length. There should be some kind of middle ground here.
5. **Design Standards** - My concerns are:
  - a. That the Design Standards will be tailored for the SRM Development at the Google Phase II campus. Although the design guidelines and regulations were stated to be mainly for Totem Lake, there was discussion and mention in the Council packet about extending this to 'other sections of the CKC'.
  - b. Limited public involvement. Although it was the first item discussed, this Interim Ordinance was in the middle of the Study Session documents and titled **Adjacent Land Use Regulations and Design Guidelines**. Your average citizen is not going to see this as "the City of Kirkland is putting in new requirements along the Corridor". The City needs to have clearer language about its actions and considerations that speak to the general public.
  - c. I thought that this was what the whole Master Plan process was supposed to be for, public discussion and visioning of the Cross Kirkland Corridor. Design guidelines would be one of the endpoints of the process, not the starting point.

Finally a question. Does the Houghton Community Council need to approve these Interim Ordinances as they are Land Use issues and some may/do apply to areas within the HCC?

I applaud your efforts to proactively address concerns and opportunities that may need resolution before the Master Plan process is completed, indeed even barely begun publically. But unless there is an imminent project, I also echo Councilmembers Whalen and Asher's concern of the necessity of these ordinances.

Sincerely,

Lisa McConnell

ORDINANCE O-4421

AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND PROVIDING INTERIM OFFICIAL ZONING CONTROLS FOR ZONING DISTRICTS ADJOINING THE CROSS KIRKLAND CORRIDOR AND THE EASTSIDE RAIL CORRIDOR WITHIN THE CITY OF KIRKLAND.

WHEREAS, the Eastside Rail Corridor is a rail corridor, a portion of which runs through the City of Kirkland ("City"), that is railbanked pursuant to 16 U.S.C. 1247(d); and

WHEREAS, in 2012, the City purchased a 5.75 mile segment of the Eastside Rail Corridor that runs through Kirkland and a small portion of Bellevue, which is known as the "Cross Kirkland Corridor" or the "CKC;" and

WHEREAS, The City is actively planning the future development of the Cross Kirkland Corridor as a multi-modal transportation corridor; and

WHEREAS, King County has purchased the remainder of the Eastside Rail Corridor within the Kirkland city limits and is actively planning the corridor's future development as a multi-modal transportation corridor; and

WHEREAS, many of the existing zoning regulations along the Cross Kirkland Corridor and the Eastside Rail Corridor within the City of Kirkland were established at a time when the primary use of the corridor was for heavy rail; and

WHEREAS, the purchase of the Cross Kirkland Corridor and the Eastside Rail Corridor for a multi-modal transportation corridor necessitates a review of existing zoning regulations; and

WHEREAS, the City Council would like to enact a limited number of zoning regulations on an interim basis while it considers permanent zoning regulations regarding the corridor; and

WHEREAS, the City Council held a public hearing on October 15, 2013; and

WHEREAS, the City has the authority to adopt an interim zoning ordinance pursuant to RCW 35A.63.220 and RCW 36.70A.390;

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. For purposes of this ordinance, "Corridor" shall refer to the Cross Kirkland Corridor and the Eastside Rail Corridor within the City of Kirkland.

Section 2. The regulations as set forth in Attachment A attached to this ordinance and incorporated by reference are adopted.

Section 3. Findings of Fact.

- A. The recitals set forth above are hereby adopted as findings of fact.
- B. It is appropriate to establish regulations pertaining to development along the Corridor on an interim basis while the City Council considers permanent zoning regulations with respect to properties adjoining the Corridor.

Section 4. The interim regulations adopted by this Ordinance shall continue in effect for one hundred eighty (180) days from the effective date of this Ordinance, unless repealed, extended, or modified by the City Council. The Council may adopt extensions of this Ordinance after any required public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 5. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 6. Severability. Should any provision of this Ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to any other persons or circumstances shall not be affected.

Section 7. Except as provided in Section 5, this ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2013.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

For purposes of this ordinance, "Corridor" shall refer to the Cross Kirkland Corridor and the Eastside Rail Corridor within the City of Kirkland.

I. Restaurant and/or Tavern Uses

*Purpose: To encourage uses that are supportive of the active nonmotorized and multi-use vision for the Corridor*

Regulation:

- A. Option 1: For all properties located within Totem Lake zones TL 7, TL 9A, TL 10B, TL 10C, TL 10D, and TL 10E and within 150' of the Corridor, a Restaurant or Tavern use is permitted as an accessory use to an allowed/primary use provided the gross floor area of the Restaurant or Tavern use does not exceed 50% of the gross floor area of the allowed/primary use. The Restaurant or Tavern use shall be subject to all other applicable special regulations for Restaurant or Tavern use in the zone.
- B. Option 2: For all properties located within Totem Lake zones TL 7, TL 9A, TL 10B, TL 10C, TL 10D, and TL 10E and within 150' of the Corridor, Restaurant or Tavern shall be an allowed use with no limits on gross floor area and no requirements that the use be accessory to a primary use. The Restaurant or Tavern use shall otherwise be subject to the development standards listed in the applicable zone. For the TL 9A and 10B zones where Restaurant or Tavern is not listed as an allowed use, the use shall be subject to the development standards for an Office use and required parking spaces shall be 1 per each 100 square feet of gross floor area.

II. Retail Storage

*Purpose: To avoid siting new or expanded facilities that are detrimental to the active nonmotorized vision for the Corridor*

Regulation: No new Retail Establishments Providing Storage Services, as listed in the applicable Kirkland Zoning Code use zone charts, shall be allowed on properties within 150 feet of the Corridor. No expansion of existing Retail Establishments Providing Storage Services shall be allowed on properties within 150 feet of the Corridor.

III. Required Yards

*Purpose: To preserve adequate open space between the Corridor and adjoining development.*

Regulation: Within all Commercial, Industrial, and Office zones adjoining the Corridor, the minimum required yard shall be ten (10) feet as measured from the common property line.

Regulation: Outdoor use, activity or storage areas located adjacent to the Corridor must comply with the minimum ten foot required yard.

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

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

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

#### V. Design Standards

*Purpose: To ensure that new development is designed in keeping with the active nonmotorized and multi-use vision for the Corridor.*

Regulation: Development on properties adjoining the Corridor, except those properties located in single family zones, shall comply with the following standards:

1. Site Design: Development adjoining the Corridor shall be designed to complement and interact with the public nature of the Corridor through the following site design and pedestrian improvements:
  - a. Landscape islands required pursuant to KZC 95.44 (Internal Parking Lot Landscaping Requirements) shall be provided such that there are no more than eight contiguous parking stalls along the corridor.
  - b. In addition to providing the screening and buffering functions required by the KZC, landscape design shall integrate with and complement corridor functions.
  - c. A pedestrian entrance facing the Corridor shall be provided with pedestrian access connecting from the entrance to the Corridor installed pursuant to the standards of KZC 105.18.2.a.
  - d. Public pedestrian walkways required by KZC 105.19.1 shall include circumstances where blocks are unusually long and pedestrian access is necessary to connect between existing streets and the Corridor.
2. Building Design: Building design adjoining the Corridor shall acknowledge the high visibility from this active public space through the following building design standards:
  - a. All buildings shall be designed so that facades visible from the Corridor comply with the provisions of KZC 92.15.3 (Blank Wall Treatment).
  - b. All building shall be designed so that parking garages visible from the Corridor comply with the provisions of KZC 92.15.4.a and b (Parking Garages).
  - c. Building facades visible from the Corridor shall incorporate similar building materials and window treatment as other facades of the building.
  - d. Building facades visible the Corridor shall avoid long, unbroken facades and rooflines by incorporating horizontal and vertical modulation to break large building masses into smaller building masses.

Compliance with these design standards shall be administered by the Planning Official in conjunction with review of an applicable development permit unless the proposal is subject to Design Board review, in which case the Design Review Board shall review the proposal for compliance.

PUBLICATION SUMMARY  
OF ORDINANCE O-4421

AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND PROVIDING INTERIM OFFICIAL ZONING CONTROLS FOR ZONING DISTRICTS ADJOINING THE CROSS KIRKLAND CORRIDOR AND THE EASTSIDE RAIL CORRIDOR WITHIN THE CITY OF KIRKLAND.

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

SECTION 2. Adopts and incorporates regulations by attachment.

SECTION 3. Sets forth the findings of fact.

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

SECTION 5. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

SECTION 6. Provides a severability clause for the ordinance.

SECTION 7. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary, except as provided in Section 5.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I certify that the foregoing is a summary of Ordinance \_\_\_\_\_ approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
City Clerk

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

---

Jeremy-

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

I have some comments I wish to share;

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

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

Thank you.



LISA BERENSON, LEED AP Interior Designer 206 409 3958

lisab8186@gmail.com

8230 NE 143rd Place, Kirkland, WA 98034

**ROBERT P TJOSSEM**

44320 S E EDGEWICK ROAD  
NORTH BEND, WA 98045

Jeremy McMahan  
Planning Supervisor  
% City of Kirkland

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

Re:  
Interim Ordinance for Cross Kirkland Corridor

Dear Jeremy,

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

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

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

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

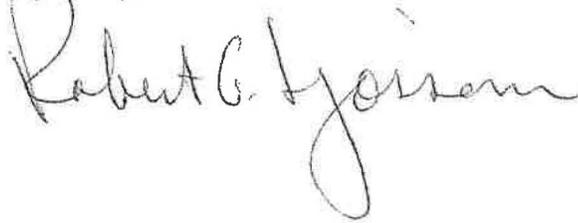
Thus, in our case any set back requirement from the existing current right of line affects us. I guess it would make it non-conforming.

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

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

We thank you for your consideration.

Yours Very Truly,



Cc Robert Tjossem  
Julianne Tjossem McEwen  
Russell Tjossem

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

---

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

From Lisa McConnell

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

Kirkland WA 98033

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

Dear Councilmembers and Madam Mayor,

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

1. Expanded Uses

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

2. Setbacks

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

3. PSE Alignment

In my discussions with Transportation Engineering Manager David Godfrey and City Manager Kurt Triplett, it becomes obvious to me that the technical and negotiation details of the PSE Alignment are in incredibly capable hands. I support the interim ordinance and the City as it, hopefully, continues to have fruitful discussions with PSE.

4. Design Standards

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

- 1) Site Design, item c and d, public access and required public pedestrian walkways will not work in Yarrow Bay Business District due to the steep grade difference between the Corridor and the businesses below. It could be dangerous to allow public access at most locations and unfairly burdensome to require an ADA compliant walkway on such steep slopes.

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

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

Finally two Interim Ordinances I’d like to suggest.

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

Thank you for your time and consideration,  
Lisa McConnell



Johns Monroe  
Mitsunaga Koloušková  
P L L C

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

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

October 15, 2013

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

Dear Honorable City Council members:

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

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

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

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

Honorable City Council  
City of Kirkland  
October 15, 2013  
Page 2

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

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

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

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

### III. Required Yards

The Cross Kirkland Corridor is currently 100 feet wide as it winds its way past the Rairdon property, through an area that has long been developed with industrial uses and retail uses compatible with these uses, such as auto retail. Existing businesses could have the option of providing this new yard if their establishments would benefit from attracting the users of the corridor and if appropriate incentives were included in the regulations to balance the impact of such new regulation. However, the Corridor runs for miles through varying City neighborhoods and cannot be expected to be uniformly lined with uses that address or serve the users of the corridor. We have seen no support for uniformly requiring property owners to provide an additional 10 feet of landscaping given the current adequate width of the corridor. Such a blanket yard requirement on all businesses is highly inequitable and without any ready justification.

### IV. PSE Set-Aside

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

Honorable City Council  
City of Kirkland  
October 15, 2013  
Page 3

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

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

#### V. Design Standards

For the reasons discussed earlier in this letter, existing businesses along the Corridor should not be subject to new, uniform design standards beyond the current code requirements. In particular, auto retail establishments in the area have been designed and constructed to address customers arriving from the adjacent streets. Signage, building design, site layout, and landscaping is oriented to welcome customers from NE 124<sup>th</sup> Street. This design has been completed using the City's design standards and setbacks already specifically adopted for auto retail use.

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

Honorable City Council  
City of Kirkland  
October 15, 2013  
Page 4

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

Sincerely,



Duana T. Koloušková

*Direct Tel: (425) 467-9966*

*Email: kolouskova@jmmlaw.com*

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

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