



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425-587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kirkland Planning Commission

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

Date: February 20, 2014

Subject: Land Use Regulations for Properties Adjoining the Cross Kirkland and Eastside Rail Corridors, File No. CAM14-00269

RECOMMENDATION

Provide staff with scoping direction on draft Kirkland Zoning Code amendments applicable to properties adjoining the Cross Kirkland and Eastside Rail Corridor (the Corridor).

BACKGROUND DISCUSSION

As planning for the Corridor begins the transition from a utilitarian rail corridor to a vibrant multi-use corridor, planning for supportive land use regulations is needed to ensure a 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 Corridor runs through 22 zoning districts (see Attachment 1)

It is anticipated that land use along the Corridor will be addressed broadly during the Comprehensive Plan update process and development of implementing zoning. Because this process will take time, the City Council decided to address potential immediate threats and opportunities in advance of the Plan update process through an interim ordinance. The City Council adopted Ordinance 4421 on November 6, 2013 establishing temporary land use regulations for properties adjoining the Corridor (Attachment 2). The Houghton Community Council (HCC) approved the interim regulations as they apply within HCC jurisdiction on November 21, 2013. The interim ordinance is valid for 180 days and will lapse on May 15, 2014.

The task for the Planning Commission is to recommend zoning regulations that address threats and opportunities, with the understanding that this topic will likely be revisited as regulations are adopted to implement the Comprehensive Plan update. Staff suggests an initial focus on the topics addressed by the interim ordinance. The Planning Commission should indicate if they:

- Agree with the regulations established by City Council in the interim ordinance
- Wish to consider refinements to the regulations in the interim ordinance
- Wish to consider additional regulations that are not included in the interim ordinance

INTERIM ORDINANCE

The following summarizes the effect of the interim ordinance, outlines the existing zoning provision modified by the interim ordinance, and provides an overview of the City Council discussion on each issue. In addition, copies of the public comment received by the City Council with the interim ordinance are included as Attachment 4.

1. Expanded Uses.

Interim Ordinance: Provides that for properties within 150' of the corridor located within Totem Lake zones TL 7, 9A, 10B, 10C, 10D, and 10E zones:

- A. Restaurant and tavern uses are allowed outright with no limits on gross floor area.
- B. Floor area for accessory retail sales is expanded to 50% of the gross floor area.

Existing Zoning Code:

- TL 7: Restaurant use allowed only on properties between Corridor and NE 124th Street. Retail allowed accessory to allowed use, but limited to 35% of primary use.
- TL 9A: Restaurant use not allowed. Retail allowed accessory to allowed use, but limited to 20% of floor area.
- TL 10B, 10C, 10D, and 10E (Par Mac area): Restaurant use allowed, but limited to 20% of primary use. Retail allowed accessory to allowed use, but limited to 20% of floor area.

Council Discussion: The Council was interested in the opportunity presented by transitional industrial areas in the Totem Lake area combined with a new pedestrian/bike corridor. 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. Recent interest in Totem Lake has indicated that limiting tasting rooms to 20% may be too low to support a viable business model.

The initial direction was to adjust the allowed percentage of the restaurant that is allowed as accessory to a manufacturing use. However, the City Council ultimately decided to allow restaurants outright (rather than as an accessory use) and increase the percentage of accessory retail area.

2. Retail Storage Use.

Interim Ordinance: Prohibits new or expanded "Retail Establishments Providing Storage Services" on properties within 150 feet of the corridor.

Existing Zoning Code: A number of the commercial zones adjoining the Corridor allow this use.

Council Discussion: 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). The Council was concerned that, 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 identified 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](#) (See Attachment 3) 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.



3. **Setbacks.**

Interim Ordinance: Establishes a 10' setback from the Corridor for all commercial, office, and industrial zoned areas except the TL 7 and TL 9A zones.

Existing Zoning Code: A number of the commercial, office, and industrial zones have 0' required setbacks from the Corridor.

Council Discussion: 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 (see photo above). Ten feet was 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.

Based on public testimony, the City Council was concerned about the impact of the setback on the auto sales industry in Totem Lake and chose not to apply the setback to the TL 7 and TL 9A zones.

4. **Design Standards.**

Interim Ordinance: Basic site and building design standards are established for all properties adjoining to Corridor, except those zoned single family, TL 7, TL 9A and YBD 2:

- Site Design:
 - 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 streets to the Corridor

- Building Design:
 - Expands blank wall restrictions as applicable to the Corridor
 - Landscape screening or other treatment of parking garages facing the Corridor
 - Building facades facing the Corridor to be modulated and receive the same level of architectural detail as other facades.

Existing Zoning Code: 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.

Council Discussion: 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. Council was concerned about these provisions in the interim ordinance applying to the Totem Lake auto dealership zones for reasons previously described. The Council was also concerned that the design standards would be difficult to apply to the Yarrow Bay Business District zones since the properties are significantly lower in elevation than the Corridor. Therefore, the provision was not applied to TL 7 and TL 9A, the primary zones in Totem Lake with car dealerships that border the corridor, or to the YBD 2 zone. The design standards apply to all other commercial, office and industrial zones.

ADDITIONAL TOPICS

In addition the regulations addressed in the interim ordinance, staff has identified the need for minor amendments to Zoning Code Chapter 90 (Drainage Basins) to address permitting of trails in sensitive areas and buffers. These amendments are needed to allow construction of the master planned trail in a number of locations along the Corridor.

The former BNRR corridor is a significant hydrologic divide through the City with areas of streams and wetlands on either side of the railroad ballast. The City's stream and wetland regulations were written well before City ownership, so are largely silent on how to permit a trail facility in these areas. The interim trail that will be constructed in 2014 is exempt from these regulations because it is limited to putting gravel down over the existing railbed (repair/maintenance with no new impervious). However, the master planned trail will not meet those exemption requirements because it will involve new, paved facilities.

Staff has reviewed other examples of how cities and counties regulate trail facilities and plans to meet with the Department of Ecology for assistance in drafting a code amendment. Staff also intends to include a minor amendment that addresses placement of utilities poles in buffers – another topic that is not currently addressed in Kirkland's code. Staff will bring draft code language to the hearing.

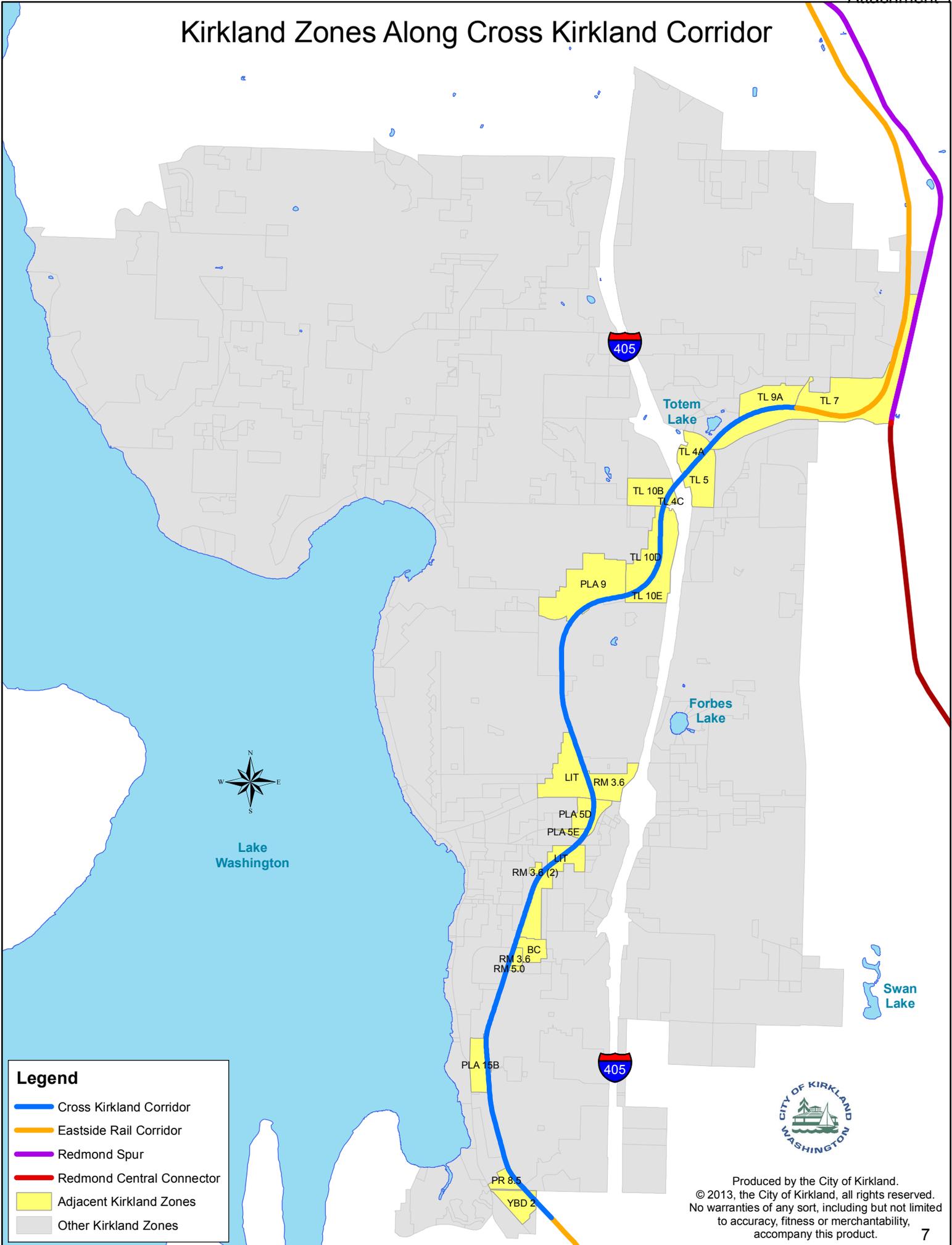


Trails in buffer near Totem Lake (conceptual)

Attachments:

1. Map of Zones Adjoining Corridor
2. Interim Ordinance
3. Wall Street Journal Article
4. Public Comment on Interim Ordinance

Kirkland Zones Along Cross Kirkland Corridor



Legend

- Cross Kirkland Corridor
- Eastside Rail Corridor
- Redmond Spur
- Redmond Central Connector
- Adjacent Kirkland Zones
- Other Kirkland Zones



Produced by the City of Kirkland.
 © 2013, the City of Kirkland, all rights reserved.
 No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

ORDINANCE O-4421

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

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

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

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

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

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

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

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

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

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

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

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

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

O-4421

Section 3. Findings of Fact.

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

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

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

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

Section 7. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 6th day of November, 2013.

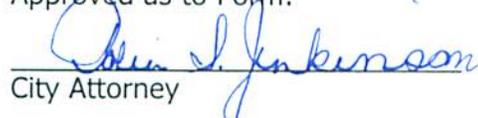
Signed in authentication thereof this 6th day of November, 2013.


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. 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:
1. 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.
 2. Where allowed uses in these zones permit accessory retail sales pursuant to a special regulation, the maximum allowed floor area of such accessory retail sales shall be 50 percent of the gross floor area of the allowed use. All other provisions of the applicable special regulations shall apply.

II. Retail Storage

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

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

III. Required Yards

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

Regulation: Within all Commercial, Industrial, and Office zones adjoining the Corridor, the minimum required yard shall be ten (10) feet as measured from the common property line. The TL 7 and TL 9A zones are not subject to this required yard.

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

IV. Design Standards

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

Regulation: Development on properties adjoining the Corridor; except those properties located in single family, TL 7, TL 9A, and YBD 2 zones; shall comply with the following standards:

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

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

Dow Jones Reprints: This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers, use the Order Reprints tool at the bottom of any article or visit www.djreprints.com
 • See a sample reprint in PDF format • Order a reprint of this article now



20	20	19	18	17	15	9	9	9
NED	USA	RUS	NOR	CAN	GER	FRA	AUT	SWE

ALL MEDALS »

MORE + OLYMPICS

NY REAL ESTATE COMMERCIAL

Self Storage Gains Cachet as Values Rise

Recent Sale of New York City-Area Properties Indicates Sector's Surge Continues; Entering 'Uncharted Territory'

By A.D. PRUITT

Updated Feb. 19, 2013 8:37 p.m. ET

Self-storage facilities, those usually drab buildings on city outskirts where people stash their old sofas, heirlooms and other keepsakes, are now the biggest-ticket properties in commercial real estate—at least by one measure closely tracked by investors.

Acadia Realty Trust, a real-estate investment trust, recently sold 14 self-storage properties scattered across the New York metropolitan area for roughly \$300 million to Storage Post and real-estate investment firm Heitman LLC. Storage Post is one of the largest closely held self-storage companies.

While the deal wasn't huge by Wall Street standards, it raised eyebrows among investors because the capitalization rate on the deal was low, about 5.5%. The capitalization, or cap, rate is determined by dividing the annual net income of a property by its price. That essentially tells an investor what the building yields on an annual basis, the same way a bond's yield is its interest rate. As the amount that an investor is willing to pay for a building rises, the cap rate falls. In other words, falling cap rates means rising values.



Storage Post and Heitman bought 14 self-storage properties for a surprisingly low "cap rate." Above, a Brooklyn, N.Y., Storage Post facility. Andrew Hinderaker for The Wall Street Journal

Just 10 months ago, cap rates on storage space were near 7%—and were as high as 9% during the commercial real-estate downturn in 2009—and were generally several percentage points higher than cap rates on most other types of commercial real estate, according to data from Green Street Advisors.

But that changed with the Acadia-Storage Post deal and a few other transactions, where the cap rates were similar to those on trophy office skyscrapers and upscale apartment buildings.

"I was surprised by the valuation that was apparently paid for it. We've entered uncharted territory for self-storage valuations," within the last couple of years, said Terrell Gates, chief executive of Virtus Real Estate Capital, an Austin, Texas-based private-equity real-estate investor, adding he thinks on the surface the valuation appears too high.

Bruce Roch, chief executive of Storage Post, disagrees and says the company still has ample room to raise rents in the future. "We're not at market level [rents]. We're getting them there now," he said. The Storage Post acquisition, announced in late December, is expected to be completed by the end of March.

Last August, when CubeSmart completed a \$560 million deal to acquire 22 properties from Storage Deluxe Inc. in a deal with approximate 5.7% cap rate, some thought it was a fluke.

But the Acadia deal proved it "wasn't an aberration" said Marc Boorstein, a principal at MJ Partners Real Estate Services.

Self storage had long been a sleepy market that counts about 55,000 properties nationwide that are mostly operated by mom-and-pop landlords. The sector became more popular over the past few years after catching the eye of a growing number of private-equity investors and entrepreneurs who, armed with cheap financing and dwindling options for high-yielding investments, started bidding up properties.

Self storage owes its growing appeal to a perception among investors that the industry is recession-proof because people need storage in times of personal upheaval, natural disasters or a move. The industry also has pop-culture cache with the popular reality TV series "Storage Wars" that debuted on the A&E Network in 2010.

Self-storage landlords were pinched by drops in demand during the recent recession but remained stable with few defaults. Self-storage now enjoys record-high occupancy rates of around 90% as people are more apt to keep the discretionary expense during the economic recovery. Landlords also have been raising rents 5% or higher over the past couple of years on existing tenants.



Mr. Boorstein said a big selling point for Acadia's portfolio was that it was 92.8% occupied, and many of the properties are in densely populated areas. The investors "feel like they have a lot room for rental rate growth," he said.

He also said self-storage operators benefit from low competition because there is very little supply, and future supply is being added at a conservative pace. There are roughly 200 self-storage facilities currently under construction or renovation nationwide, compared with the 2,600 facilities that were developed during the market's heyday between 2003 and 2007, according to Mr. Boorstein.

Until there is another wave of development that saturates the market, high valuations for self-storage properties are likely to stick for a while even as investors face slower revenue growth. Landlords aren't expected to be able to raise rents at a such a rapid clip of 5% and higher on existing tenants. Also, private and smaller landlords will likely struggle against the REITs for tenants because of weaker Internet advertising.

"Rent growth is nearing peak levels. Consumers have been willing to pay, but at some point they will simply refuse high rent prices," said Paul Adornato, an analyst at BMO Capital Markets. "We are getting concerned that valuations are getting stretched," he said.

Some investors have a more-ominous view. "The prices investors are paying for self-storage are not tenable long-term," said Mr. Gates, of Virtus Real Estate Capital, adding that recent deal valuations suggest there is little risk between owning a self-storage asset versus and an investment-grade bond. He said it is getting more difficult for his firm to invest in self storage at a good price.

He said many investors often are surprised by how expensive it is to run a self-storage facility and take the endeavor lightly. They think "this is an easy deal, anybody can run a self storage property," Mr. Gates said.

Copyright 2013 Dow Jones & Company, Inc. All Rights Reserved
This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our [Subscriber Agreement](#) and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com

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 17th 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

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

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

31 October 2013

Subject: Interim Ordinance for properties adjoining the Cross Kirkland Corridor

To: Joan McBride, Doreen Marchione, Shelley Kloba, Penny Sweet, Toby Nixon, Amy Walen, Dave Asher, and Kurt Triplett.

Dear Kirkland City Council Members and City Manager Triplett,

We are the owners of Light industrial lots 45, 46 and 47 of Alexander Acre Tracts, which abut the Kirkland railroad corridor. This property street addresses are 301, 229, and 299 8th street south, west of the north end of Everest Park.

Currently there is a 0 foot setback for the rear and side property lines. The City of Kirkland is proposing to establish a 10 foot setback along the Cross Kirkland Corridor. The existing 100 foot wide rail/trail corridor is sufficient. We are opposed to the proposed setback to 10 feet because it is unnecessary. The railroad did not need the setback.

The additional setback would negatively impact our property which is triangular in shape and Everest Creek runs through the middle of the property and has a 100 foot corridor for it.

We are opposed to the setback proposed for our LIT property where it adjoins the "Cross Kirkland Corridor"

Sincerely,

The Sisleys

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

Eric Shields

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

Dear Councilmembers,

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

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

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

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

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

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

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

1. Expanded Uses

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

2. Setbacks

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

3. PSE Alignment

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

Thank you for your consideration,

Lisa McConnell

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

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

From Lisa McConnell

5905 106th Avenue NE

Kirkland WA 98033

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 PLLC

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

Honorable City Council
City of Kirkland
123 5th 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 124th 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 124th 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 124th 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 124th 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