



MEMORANDUM

DATE: February 6, 2013

To: Planning Commission

FROM: Jeremy McMahan, Planning Supervisor

SUBJECT: Commercial Codes KZC Amendments (Phase 2), File No. CAM13-00185

RECOMMENDATION

Review and discuss the list of potential code amendments and provide preliminary direction to staff. The Commission will likely need an additional study session to review draft amendments prior to a public hearing. In addition, a number of the amendments will fall within the jurisdiction of the Houghton Community Council.

BACKGROUND

In 2011-2012, the Planning Commission worked through a number of amendments to the Kirkland Zoning Code related to commercial zones. Because that work program was expanded by the City Council to include other issues like density restrictions, a number of amendments were deferred to a future phase of the project. The Planning Commission's draft 2013 work program shows completion of the commercial codes project (Phase 2).

The following amendments were either deferred in 2012, or have emerged since that time:

- Consider revised methods of measuring ground floor commercial in the following zones: MSC 3, RH 8, NRH 1A, NRH 1B, RH 1A, RH 3, RH 5A, RH 5B, RH 7
 - Given the hold status of the BC zoning (Houghton and Everest Neighborhoods), the Commission should decide if any adjustments are appropriate at this time.
- Clarify land use buffer, required yards, and minimum lots size requirement in mixed use zones (including RM) to accommodate use changes in tenant spaces over time
- Consider allowing coffee shop/deli retail/restaurant uses in PR zone
- Consider reducing setback requirements for school/daycare center uses in commercial zones (*this is a new issue*)
- Make rules for residential and assisted living lobbies consistent (where residential use is limited/prohibited on the ground floor)
- Make regulations for ground floor assisted living uses consistent with other residential use regulations
- Codify provisions for encroachment of structural columns in parking spaces in garages

- Use consistent terminology for gas stations and auto repair uses
- Correct special regulations for mini-schools and mini-daycares that reference out of date statutes

DISCUSSION

Staff has identified the following two key issues for preliminary discussion by the Planning Commission. Other amendments on the list may not require much direction from the Commission for staff to prepare draft amendments.

1. Measuring Ground Floor Commercial:

The issue identified with the previous round of amendments was how to retain commercial zones for commercial purpose without requiring overbuilding of commercial beyond what the market will support. The City adopted amendments to a number of commercial zones in 2012, but deferred changes to other zones in the interest of time. The objective is to move away from requiring a minimum square footage of commercial based on the size of the building and move toward one of the methodologies developed with the previous amendments. The two new methods are to either establish a minimum FAR for ground floor commercial or to require commercial frontage along the street. The choice of which method to use would depend on the context and policy intent of each zone. Both methods allow other uses to locate on the ground floor, provided the base requirement is met.

<i>Green: amended in 2012</i> <i>Blue: deferred</i>	Use required on Ground Floor	Method for Ground Floor commercial requirement
BN, MSC 2	Commercial (office or retail)	Minimum commercial frontage (average 30' depth)
BNA	Commercial (office or retail)	<ul style="list-style-type: none"> • Minimum commercial frontage (average 30' depth) • Residential limited to 50% of total GFA
BCX, BC 1, BC 2	Commercial (office or retail)	<ul style="list-style-type: none"> • Minimum 25% commercial FAR • Commercial oriented to street, residential behind
BC, MSC 3	Commercial (office or retail)	75%
RH 8	Residential prohibited	100%*
NRH 1A, NRH 1B	Residential prohibited	100%*
RH 1A, RH 3, RH 5A, RH 5B, RH 7	Retail	50%
RH 2A	Retail	50%

2. Setbacks for School/Daycare uses in Commercial Zones:

A new issue related to commercial zoning regulations has emerged recently related to setback requirements for schools and daycare centers. In many commercial zones (e.g. – BC-related, CBD, JBD, MSC 3, etc.), schools and daycare centers have the same setbacks as other uses in the zone. In many other commercial zones (e.g. – PO, PR, BN, MSC 1, 2 & 4, etc.) schools and daycare centers have the same 50' setbacks found in residential zones. The way the Code is currently written, the setback precludes school and daycare centers from locating in an existing building unless that building happens to have exceptionally wide setbacks on all sides. There may be merit in locating school/daycare structures toward the middle of a site in residential zones. However, in commercial zones, the setback requirements are having the effect of precluding otherwise desirable school/daycare uses from inclusion in mixed use buildings or areas.

Attachments

1. 2012 Commercial Code Amendment matrix

Development Standards for Neighborhood Business Family of Zones

	BN (Moss Bay)		BN (South Rose Hill)		BNA (Finn Hill)		MSC 2 (Market Street)	
	Previous	Revised	Previous	Revised	Previous	Revised	Previous	Revised
Comprehensive Plan¹	Residential Market	No change. Amended definition to clarify scale & add guidance for mixed use	Neighborhood Center	Change to Residential Market:	Neighborhood Center	No change	Neighborhood Center	Change to Residential Market
Residential Density	None	48 units/acre	None	48 units/acre	None	<ul style="list-style-type: none"> 24 units/acre for north area, 18 units/acre for south area² Residential square feet not to exceed 50% of the site's total square feet of floor area 	None	48 units/acre
Use of Existing Density Bonuses if Voluntary Affordable Housing Provided³	NA	No bonus units allowed	NA	No bonus units allowed	NA	Allowed	NA	Allowed
Minimum Commercial Floor Area	75% of ground floor	Minimum commercial frontage	75% of ground floor	Minimum commercial frontage	75% of ground floor	Minimum commercial frontage	75% of ground floor	Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited	<ul style="list-style-type: none"> Allow behind commercial frontage Res. lobby allowed in comm. frontage 	Prohibited	<ul style="list-style-type: none"> Allow behind commercial frontage Res. lobby allowed in comm. frontage 	Prohibited	Allow, subject to 50% requirements above	Prohibited	<ul style="list-style-type: none"> Allow behind commercial frontage Res. lobby allowed in comm. frontage
Commercial Orientation	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Limit parking between building & street 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Limit parking between building & street 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Limit parking between building & street 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Limit parking between building & street

¹ Residential Market removed from RM 3.6 zone on LWB (Super 24 site)

² Intended to reestablish densities similar to King County as a holding pattern until Comp Plan vision is established

³ Affordable housing not required in these zones

Development Standards for Neighborhood Business Family of Zones (cont.)

	BN (Moss Bay)		BN (South Rose Hill)		BNA (Finn Hill)		MSC 2 (Market Street)	
	Previous	Revised	Previous	Revised	Previous	Revised	Previous	Revised
Maximum Height⁴	30'	Allow 3' increase for 3 story bldg. with 13' ground floor height	30'	Allow 3' increase for 3 story bldg. with 13' ground floor height	35'	No change	30'	Allow 3' increase for 3 story bldg. with 13' ground floor height
Maximum Lot Coverage	80%	No change	80%	No change	80%	No change	80%	No change
Required Yards⁵	20' front ⁶ 10' side & rear	<ul style="list-style-type: none"> • 0' front • Design guidelines address ped. orientation & massing above ground floor • Require 10' sidewalks and ped. weather protection • 10' side & rear for all uses 	20' front 10' side & rear	<ul style="list-style-type: none"> • 0' front • Design guidelines address ped. orientation & massing above • Require 10' sidewalks and ped. weather protection • 10' side & rear for all uses 	10' front 10' side & rear	No change	20' front 10' side & rear	<ul style="list-style-type: none"> • 0' front • Design guidelines address ped. orientation & massing above ground floor • Require 10' sidewalks and ped. weather protection • 10' side & rear for all uses
Land Use Buffer	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	10' for all commercial uses adjoining residential	Retail=20' adjoining SF, 15' adjoining MF Office=20' adjoining SF, 5' adjoining MF ⁷	10' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	10' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	10' for all commercial uses adjoining residential
Maximum Retail/Restaurant Store Size	10,000 s.f. per establishment	4,000 per establishment	10,000 s.f. per establishment	4,000 per establishment	10,000 s.f. per establishment, excludes grocery, drug, hardware...	No change	4,000 s.f. per establishment	No change

⁴ Base height limit is 25' in BN and MSC 2 zones adjoining low density RS zone

⁵ Note that office has 5' minimum side (15' combined)

⁶ Required yard along Lake St S or LWB increased 2' for each 1' that the structure exceeds 25' (applies to RM along Boulevard as well)

⁷ 20' landscaped berm/topographic change required by (1) suffix

Development Standards for Neighborhood Business Family of Zones (cont.)

	BN (Moss Bay)		BN (South Rose Hill)		BNA (Finn Hill)		MSC 2 (Market Street)	
	Previous	Revised	Previous	Revised	Previous	Revised	Previous	Revised
Use Limitations	Per Use Zone Charts	<ul style="list-style-type: none"> Prohibit non-pedestrian oriented (e.g. veh. service station & drive-thru) Prohibit Office use on upper floors 	Per Use Zone Charts	Prohibit non-pedestrian oriented (e.g. vehicle service station & drive-thru)	Per Use Zone Charts	No change	Per Use Zone Charts. Prohibits non-pedestrian oriented (e.g. vehicle service station & drive-thru)	No change
Maximum Building Length	None	Design guidelines	None	Design guidelines	None	Design guidelines	Design regulations	Design guidelines
Review Process	None	Design Board Review	Process IIA	<ul style="list-style-type: none"> Design Board Review Special regulations adopt Comp Plan criteria 	None	Design Board Review	Administrative Design Review	Design Board Review

Ground Floor Commercial Development Standards for Community Business (BC) Family of Zones

	BCX (Bridle Trails)		BC 1 (North Juanita)		BC 2 (Kingsgate)	
	Previous	Revised	Previous	Revised	Previous	Revised
Minimum Commercial Floor Area	75% of ground floor	Minimum commercial FAR of 25% for new mixed use	75% of ground floor	Minimum commercial FAR of 25% for new mixed use	75% of ground floor	Minimum commercial FAR of 25% for new mixed use
Residential on Ground Floor of Structure	Prohibited	Allowed, but must have intervening commercial frontage along street	Prohibited	Allowed, but must have intervening commercial frontage along street	Prohibited	Allowed, but must have intervening commercial frontage along street
Commercial Orientation	Toward arterial or sidewalk	<ul style="list-style-type: none"> • Toward arterial or sidewalk • Minimum 13' ground floor height (increase max height by 3' to continue to allow 3-stories) 	Toward arterial or sidewalk	<ul style="list-style-type: none"> • Toward arterial or sidewalk • Minimum 13' ground floor height 	Toward arterial or sidewalk	<ul style="list-style-type: none"> • Toward arterial or sidewalk • Minimum 13' ground floor height