



## MEMORANDUM

**Date:** September 1, 2015

**To:** Planning Commission

**From:** Teresa Swan, Senior Planner  
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**Subject:** Transmittal Memos of Recommendation for the 2013-2015  
Comprehensive Plan Update and Related Zoning Map and Code  
Amendments, File CAM13-00465, #5

### I. RECOMMENDATION

- Staff recommends that the Planning Commission review the following attached transmittal memos recommending approval to the City Council of the **2013-2015 Comprehensive Plan Update** amendments and related Zoning Map and code amendments, and provide comments to staff on the memos:
  - Attachment 1: Transmittal Memo on the recommendation for revisions to the general **Element Chapters** and minor map and code amendment.
  - Attachment 2: Transmittal Memo on the recommendation for revisions to the existing **neighborhood plans** and the new Kingsgate Neighborhood Plan.
  - Attachment 3: Transmittal Memo for the recommendation on the **MRM** request.
  - Attachment 4: Transmittal Memo for the recommendation on the **Citizen Amendment Requests (CARs)** (not including Totem Lake and Walen CARs).
  - Attachment 5: Transmittal Memo for the recommendation on the **Totem Lake CARs and Walen CAR**

- **Attachment 6:** Transmittal Memo for the recommendation on the new **Totem Lake Business District Plan**
- *Staff recommends that the Planning Commission **make a final overall motion** recommending approval of the amendments to the Comprehensive Plan and related Zoning Map and Code amendments, and transmitting them to the City Council.*

## **II. BACKGROUND DISCUSSION**

The Planning Commission held the following hearings and deliberations on amendments to Comprehensive Plan, related Zoning Map amendments and code amendments:

- [June 25, 2015](#) on the revised general Element chapters, revised Neighborhood Plans (Lakeview, Central Houghton, Bridle Trails, Juanita, Moss Bay, Everest, South Rise Hill and Kingsgate), new Kingsgate Neighborhood Plan, MRM request, and CARs for Newland, Nelson/Cruikshank and Waddell
- [July 9, 2015](#) on deliberations for the General Element Chapters, Neighborhood Plans and Nelson/Cruikshank CAR
- [July 23, 2015](#) on the Basra, Griffis, Walen and Norkirk LIT CARs, and revisions to the North Rose Hill, Norkirk and Highlands Neighborhood Plans and to the NE 85<sup>th</sup> Street Corridor Plan
- [August 13, 2015](#) on the Totem Lake CARs (Evergreen Healthcare, Rairdon, Morris, Astronics and Totem Commercial Center), new Totem Lake Business District Plan, Capital Facilities Tables, and minor Zoning Map and code amendments.

On June 25, 2015, the Houghton Community Council gave its recommendation of approval on the amendments. On July 22, 2015, the Transportation Commission gave its recommendation of approval on the Transportation Element.

Staff has prepared the attached **six transmittal memos** that summarize the Planning Commission's recommendations on the General Element chapters, neighborhood plans, MRM request, CARs and Totem Lake Business District Plan (see Attachments 1-6). The memos will be provided to the City Council for its **October 6 and October 20, 2015 study sessions**. Due to the extent of the amendment and the number of exhibits, staff prepared six transmittal memos by topic rather than one very large transmittal memo. This approach will make it easier for the City Council to work through the amendments. The Walen CAR is part of the Totem Lake CAR memo because the site lies within the Totem Lake Urban Center.

In the past, staff prepared the transmittal memo and had the Planning Commission chair review the memo, but given the extent and complexity of the amendments and number of transmittal memos, staff has prepared the memos for the entire Planning Commission to review at its September 10, 2015 meeting. The Planning Commission can then make a motion on the final recommendation on the Comprehensive Plan Update and related Zoning Map Amendments and code amendments.

The Planning Commission has completed its review and recommendation on all amendments with the exception of the **Totem Commercial Center CAR** hearing. The hearing on this item was continued from the August 13, 2015 meeting to the September 10, 2015, meeting and the hearing was kept open for public comment, deliberation, and for the Planning Commission to make the final recommendation. Staff has provided two options in the transmittal memo for this CAR. Once the Planning Commission has decided on its recommendation regarding maximum building height, staff will revise the transmittal memo to reflect the final recommendation (see Attachment 5). See the other packet for the September 10, 2015, meeting that addresses the Totem Commercial Center CAR.

#### Follow-up Amendments for Consistency within the Plan

Following the Planning Commission recommendations on the **Norkirk and North Rose Hill Neighborhood Plans**, staff needed to make some **follow-up amendments** for consistency as described below and as provided in Attachment 7.

#### GMA Agency Review of the Amendments

GMA requires that the City provide the **Washington State Department of Commerce** with a copy of the proposed amendments to the Comprehensive Plan and development regulations at least 60 days before adoption. For the major periodic update, the department requests the amendments be provided prior to the hearing on the amendments to allow time for comments and responses to the comments. The Department of Commerce then circulates the amendments to GMA agencies, such as Puget Sound Regional Council (PSRC) and the Department of Transportation who may also comment on the amendments. (The City transmitted the amendments directly to PSRC on June 24, 2015 to expedite the review process). On June 22, 2015, the City sent the draft Comprehensive Plan Update and related development regulations to the Department of Commerce. On August 6, 2015, the City received some minor comments from the **Department of Commerce** on the amendments. The comments and suggested changes are described below and will be reflected in the applicable exhibits.

**PSRC** indicated that it will send its comments to the City before the Planning Commission's meeting on September 10, 2015. If the comments are minor in nature, we will present the PSRC comments and suggested changes to the Planning Commission at the September 10, 2015 meeting. If the comments are more extensive or involve major policy issues, staff will bring the comments and suggested changes to the September 24, 2015 meeting.

### **III. FOLLOW-UP REVISIONS SINCE THE PUBLIC HEARINGS**

#### **A. North Rose Hill Neighborhood Plan**

North Rose Hill Neighborhood Plan has been revised to identify a desired nonmotorized connection between 132<sup>nd</sup> Avenue NE and Slater Avenue NE through the Lake Washington Institute of Technology campus. Changes that the Planning Commission had considered at the public hearing eliminated a street connection in the same location because of steep slope constraints. Policies in the new Transportation Element prioritize and have a major focus on

nonmotorized routes. It is in the best interest of the City that a nonmotorized route is retained here. This east west connection would provide a convenient, direct route for pedestrians and bikes in the neighborhood.

Revisions to the draft North Rose Hill Plan are noted below in underlined and strike-out text and in Exhibit 6 on the indicated pages of the Plan.

*Page 21, Land Use Section Institutional Planned Area 14:*

***Policy NRH 15.2:***

~~Consider an extension of NE 116th Street to 132nd Avenue NE, in order to improve access to the college. Protect the steep slope on the western portion of the campus.~~

~~Street extension should not adversely impact campus traffic, safety and security. Except for a pedestrian/bicycle connection between 132<sup>nd</sup> Avenue NE and Slater Avenue NE that right of way, no development should occur in the steep and heavily vegetated slope area. This area should remain a dedicated natural greenbelt easement.~~

*Page 36, Transportation Section Pedestrian/Bicycle Circulation:*

***Policy NRH 25.1:***

Encourage mobility and the use of nonmotorized transportation by providing appropriate facilities for pedestrians and bicyclists throughout the North Rose Hill neighborhood and between the neighborhoods and the Totem Lake Urban Center.

The following nonmotorized connections should be ~~improved~~ provided when development, redevelopment or platting occurs, and in already developed areas, the City should fund bicycle and pedestrian connections through the capital improvement budget process and added to the Nonmotorized Transportation Plan as appropriate:

- Various links between the Lake Washington ~~Technical College~~ Institute of Technology and surrounding residential development to the west and south, and between 132<sup>nd</sup> Avenue NE and Slater Avenue NE.

**B. Griffis CAR**

- Minor revisions to the KZC Chapter 112 Affordable Housing regulations and RH 8 General Regulation 2 to clarify that the rezone from RSX 7.2 (6 du/acre) to RH 8 (no density limit) grants additional development capacity in exchange for affordable housing (see Attachments 7 and 8).
- Minor revision to KZC Chapter 112 Affordable Housing regulations and RH 8 General Regulation 2 to clarify where the affordable housing provisions apply in RH 8. Affordable housing would be required with multifamily development of four or more units within the rezoned area and if combined with the rezoned area, lots abutting NE 85<sup>th</sup> Street (see Attachments 7 and 8).

- Minor revision to RH 8 General Regulation 3 to clarify where the reduced height requirement applies in the RH 8 zone. Only in the rezone area, a 30 rather than 35 foot height limit would be required within 30 feet of the RSX zone to the north (see Attachment 8).

### C. Norkirk Neighborhood Plan

The draft **Norkirk Neighborhood Plan** has been revised, bringing it into consistency with the change to the draft Highlands Neighborhood Plan suggested by the City Council and concurred with by the Planning Commission, to eliminate a goal and policy to establish multifamily design standards. They were eliminated since multifamily design standards are only in effect for business districts, and not anticipated in the near future in other areas allowing multifamily, such as in Highlands (see page 5 of Attachment 9). A similar policy has been revised in the Norkirk Plan to recognize that design regulations are in effect only in the Market Street Corridor design district.

The revision to the draft Norkirk Plan is noted below in underlined and strike-out text and in Exhibit 12 page 32 of the Norkirk Neighborhood Plan.

**Goal N-18:** Encourage ~~residential~~ design that builds community

**Policy N-18.2:**

~~Establish~~ Enhance neighborhood compatibility through multifamily and commercial building and site design standards in the Market Street Corridor ~~to enhance neighborhood compatibility.~~

Building and site design standards should address issues such as building placement on the site, site access and on-site circulation by vehicles and pedestrians, building scale, site lighting, signs, landscaping (including that for parking lots), preservation of existing vegetation, and buffers between multifamily and commercial developments and single-family housing.

### D. Norkirk LIT CAR

- Minor revisions to indicate the footnote numbers that apply to KZC Chapter 40 LIT setback regulations to limit the location of outside facilities associated with veterinary clinics and kennels abutting low density zones (see Attachment 9).

## IV. COMMENTS FROM DEPARTMENT OF COMMERCE

On August 6, 2015, the Department of Commerce provided four comments on the City's Draft Plan – all of which are minor in nature. Based on the comments, two minor changes need to be made to the draft Comprehensive Plan Update concerning the Introduction Element and the Environment Element. The changes are reflected in your transmittal memo to the City Council (see Attachment 1).

**Introduction Element - Department of Commerce comment:**

The Introduction Element lists existing housing units as 37,450 with a base year of 2014 while the Land Use Element list them as 36,866 with a base year of 2013. The numbers are not conflicting, but to make the Comprehensive Plan easier to read, they could be brought into alignment by using the same base year.

Staff Response: Recommend that the Introduction chapter be revised so that the same base year of 2013 is used to match the Land Use Element

**Environment Element - Department of Commerce comment:**

On page 5, the Environment Element discusses balancing environmental protection with obligations to accommodate growth. The GMA does not view the goals of environmental protection and accommodating growth as a balance, rather as two separate duties for jurisdictions to accomplish. This concept is recently discussed in the Growth Management Hearings Board Final Decision and Order for [Aagaard v. City of Bothell, 15-3-0001](#).

Staff Response: Recommend that the sentence under Natural Systems Management on page 5 of the Element be deleted that reads:

“Additionally, Kirkland’s desire and duty to protect natural resources must be balanced with the City’s obligations to accommodate future growth and provide a development process that is timely, predictable, and equitable to developers and residents alike.”

The Environment Element addresses protection of the natural system while the Land Use Element addresses meeting our growth targets through zoning and development standards so the sentence is not needed to meet both objectives.

The remaining two comments from the Department of Commerce do not require any changes. One comment addresses an **old level of service standard for Parks** that was still in the Draft Plan when the document was sent to the Department of Commerce. Since then and before the public hearing on the Park Element, the sentence containing the old level of service was deleted. As you may recall the park level of service is changing from acres or sq. ft. per capita to a dollar amount of investment per person. The other comment was a statement that the **functional plans** that support the Comprehensive Plan, such as the sewer, water or surface water master plans, need to plan to the same **20 year horizon as the Comprehensive Plan**. Staff has been coordinating with the other departments on this when the functional plans are updated.

## **V. PRESENTATION OF THE PLANNING RECOMMENDATION BEFORE THE CITY COUNCIL**

The Planning Commission’s recommendation will be presented to the City Council at two separate study sessions. The topics will be:

- October 6, 2015: All amendments, except those for the Totem Lake Business District, Totem Lake Citizen Amendment Requests (CARs) and Walen CAR.

- October 20, 2015: Amendments to the Totem Lake Business District, Totem Lake Citizen Amendment Requests and Walen CAR.

The study sessions will start at 6pm in the Council Chambers.

At the October 6, 2015, staff recommends the following format for the presentation:

- Overview of the GMA mandate, process and outreach efforts and
- General Element chapters and minor map and code amendments
- CARs
- Neighborhood Plans

The presentation will be combination of staff and Eric Laliberte, Chair of the Planning Commission. All Commission members are invited to attend.

## **VI. NEXT STEPS**

- **September 24, 2015**: If needed, staff will review any comments from PSRC and suggested changes to the draft Comprehensive Plan Update in response to the comments.
- **October 6, 2015**: City Council will hold a study session on the Planning Commission's recommendation on all amendments, except those for the Totem Lake Business District, Totem Lake Citizen Amendment Requests (CARs) and Walen CAR.
- **October 20, 2015**: City Council will hold a study session on the Planning Commission's recommendation on the amendments to the Totem Lake Business District, Totem Lake Citizen Amendment Requests and Walen CAR.
- **December 8, 2015**: City Council will take final action on the Draft Plan, and map and code amendments.
- **January 25, 2016**: Final action by the Houghton Community Council

### **Attachments:**

1. Transmittal Memo on the recommendation for revisions to the general Element Chapters and minor map and code amendment
2. Transmittal Memo on the recommendation for revisions to the existing neighborhood plans and the new Kingsgate Neighborhood Plan
3. Transmittal Memo for the recommendation on the MRM request
4. Transmittal Memo for the recommendation on the Citizen Amendment Requests (CARs) (not including Totem Lake and Walen CARs)
5. Transmittal Memo for the recommendation on the Totem Lake CARs and Walen CAR
6. Transmittal Memo for the recommendation on the new Totem Lake Business District Plan, Zoning Code and Zoning Map amendments
7. Griffis CAR - 112.20 KZC Basic Affordable Housing Incentives
8. Griffis - RH8 General Regulations

9. Norkirk LIT CAR - KZC 40 Industrial regulations

*Note that the exhibits listed in each transmittal memo are not attached to keep the packet brief for the Planning Commission meeting of September 10, 2015, but they will be provided for the City Council study sessions on October 6 and October 20, 2015.*



## CITY OF KIRKLAND

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### MEMORANDUM

**Date:** September 10, 2015

**To:** Kirkland City Council

**From:** Eric Laliberte, Chair, Kirkland Planning Commission

**RE:** **RECOMMENDATION ON AMENDMENTS TO THE GENERAL ELEMENT CHAPTERS, ZONING AND LAND USE MAPS, AND ZONING CODE AND MUNICIPAL CODE, 2013-2015 COMPREHENSIVE PLAN UPDATE, FILE NO. CAM13-00465, #5**

#### I. RECOMMENDATION

On behalf of the Planning Commission, I am pleased to submit our recommendation on amendments to the General Elements of the Comprehensive Plan, Zoning and Land Use Maps, and Zoning Code and Municipal Code. The Planning Commission recommends approval of the revisions provided in Exhibit 1-27.

This recommendation reflects over three years of work with an extensive public outreach process involving over 200 meetings with residents, neighborhood associations, business groups, and Boards and Commissions who contributed to this process to update the Comprehensive Plan. The Planning Commission carefully considered and deliberated all of the information and issues.

A **summary of the recommended key changes** to the Comprehensive Plan chapters, Zoning Map, Land Use Map, and the Zoning Code and Municipal are provided below.

##### A. Introduction (see Exhibit 1)

- Update **history and data** about Kirkland
- Add Kirkland's **history of annexation map**

##### B. Vision Statement and Guiding Principles (see Exhibit 2)

- New **vision statement** based on extensive public outreach resulting in the "wordle" describing the future of Kirkland. The new Vision Statement notes Kirkland as being a welcoming place to live, work and play; a green, livable and sustainable community; inclusive and diverse; and connected by walking, biking and transit
- New **guiding principles** based on the vision of a livable, sustainable and connected community

**C. General Elements** (see Exhibit 3)

- Add required **Vision 2040 Regional Statement**
- Revise text about **neighborhood and business district plans** to be at least once between every two major Plan Updates and more frequently if needed based on Council priorities

**D. Community Character Element** (see Exhibit 4)

- Look for opportunities for pedestrian connections, open space, art and public events with the **Cross Kirkland Corridor**
- Address **impacts of outdoor storage** of large vehicles, boats and junk in SF neighborhood
- Added **map of historic structures** designated in table of historic structures, sites and objects

**E. Environment Element** (see Exhibit 5)

*Note: chapter has been rewritten and name revised*

- New Introduction and explains the concept of a “**Livable and Sustainable Community**”
- Maintain current **tree and vegetation** canopy cover while achieving optimal health, safety and sustainability of the urban forest
- Look at ways to protect and stabilize **soils and geology** using best available science and practices to order to protect life and property
- Address **built environment** because of important connection between the built and natural environments
- Focus on **climate change** with a strong emphasis on reducing greenhouse gas emissions and definition.
- Added new section on **healthy food community** to encourage local food production, ensure access to healthy food, reduce environmental impacts of food production and plan for food emergencies and shortages.

**F. Land Use Element** (see Exhibit 6)

- Support land use patterns that promote **public health**
- Factor availability of **transit** into decisions about future growth
- Encourage land uses that are complementary with the **Cross Kirkland Corridor (CKC)**
- Update and clarify definitions and guidance for **commercial and mixed use areas**
- Emphasize importance of **streets and CKC** as parts of Kirkland’s **open space network**

**G. Housing Element** (see Exhibit 7)

- Establish city’s proportionate share of **housing needs** of very low-, low-, and moderate income households
- Address **homelessness**
- Support **senior housing needs and fair housing**

**H. Economic Development Element** (see Exhibit 8)

- Promote **sustainable and resilient economy**
- Encourage **diverse tax base**
- Promote access to **job opportunities and goods and services** to community
- Address **tourism & business retention**

- Address recruitment efforts toward businesses that **provide living wage jobs**
- Encourage **positive business climate**
- Foster **socially and environmentally responsible businesses**
- Support businesses that provide **access to healthy and locally grown food**
- Develop the Cross Kirkland Corridor to **attract businesses and housing** as well as a multimodal transportation facility to connect businesses and employees with employment centers
- Promote **socially responsible practices** in the private, public and non-profit sectors
- Help facilitate environmental **remediation** of contaminated sites

#### I. Transportation Element (see Exhibit 9)

*Note: chapter has been rewritten based on new Transportation Master Plan*

- Create a transportation system that supports the City's **land use plan**.
- Encourage safe and efficient **walking and biking, interconnected system** for all ages and abilities.
- Support viable and realistic **transit system**.
- Provide for efficient and safe **vehicular circulation** recognizing congestion is present
- Focus on **safety** to reduce fatal and serious injury crashes
- Promote **sustainability** that provides mobility using available funding sources and minimizes environmental impacts
- Being an **active partner** to advance Kirkland's interests with state, regional and neighboring transportation/transit agencies and transportation advocacy groups

Level of service:

- **New level of service approach** for each mode that addresses **completeness** of various aspects of the transportation network to complement the new concurrency system
- Uses term "**level of completion**" is used in place of "level of service" when referring to the actual measure. The level of completion choices made for each mode are aligned with the proposed 20-year network transportation project list. Time is the basis for evaluating the level of completion. Level of completion measures the rate of project completion over the course of the 20- year period.

#### J. Park, Recreation and Open Space (see Exhibit 10)

*Note: rewritten element based on new PROS Plan.*

- **Neighborhood & Community Parks.** Acquire additional parklands necessary to adequately serve the City's current and future population based on designated guidelines for levels of service
- **Waterfront Parks.** Maintain and enhance Kirkland's waterfront parks to connect residents with the water and provide unique recreational experiences
- **Trail Network.** Develop a network of shared-use pedestrian and bicycle trails to enable connections within parks and between parks, nearby neighborhoods, public amenities, and major pedestrian and bicycle routes identified in the Active Transportation Plan
- **Signature Trails.** Develop, enhance and maintain signature greenways and trails that stretch across the community and that connect residents to the City's many parks, natural areas, recreation facilities and other amenities

- **Recreation Facilities.** Develop additional multiuse indoor recreation, aquatic, and community spaces that provide a comprehensive recreation program to Kirkland residents.
- **Specialized Facilities.** Establish and operate specialized recreational facilities (e.g. action sports facilities, off leash areas, skateparks, community gardens) to respond to identified public needs, as appropriate
- **Athletics.** Provide a citywide system of sports fields, indoor and outdoor sports courts, gymnasiums, and programs to serve athletic needs of the community, in partnership with the Lake Washington School District, local sports organizations, and other regional providers
- **Conservation & Stewardship.** Preserve significant natural areas to meet outdoor recreation needs, provide opportunities for residents to connect with nature, and meet habitat protection needs
- **Restoration.** Restore and manage City-owned or managed natural areas to protect and enhance their ecological health, sensitive habitats and native species
- **Universal Access & Inclusion.** Strive to reduce barriers to participation and provide universal access to facilities and programs

Level of service:

- **New level of service approach of “investment per person”**

#### **K. Utilities** (see Exhibit 11)

- Support **equal access** to utility services
- Encourage **undergrounding** when telecommunication facilities are installed
- Encourage **screening utility infrastructure** to blend into surroundings
- Promote **water reuse** and **reclamation**
- Implement City’s **Surface Water Master Plan**
- Promote **increasing renewable energy** and encouraging utility providers to make **efficiency improvements** and transition away from **fossil fuels** to address **climate change**
- Coordinate **emergency response** for utility disaster recovery
- Require **siting analysis** for electrical transmission facilities

#### **L. Public Services** (see Exhibit 12)

- Establish **emergency management** program
- Change desired closure of **Houghton Transfer Station** from 2016 to 2021 (Note: Later this summer, the Metropolitan King County Council is scheduled to consider changing the 2021 target closure date to 2023. The date stated in the draft Public Services Chapter will not be changed until such time that a change is formally considered by the Kirkland City Council, Resolution R-5001 and Position Statement adopted on September 17, 2013 and Resolution R-5031 and Letter adopted on February 4, 2014, reflecting the City’s policy position to endorse a 2021 closure.)
- Promote increased **waste reduction and recycling**
- Support **Lake Washington School District** in planning, siting and development of school facilities
- Address **social equity** for underserved population and **equal access** for people with disabilities

**M. Human Services** (see Exhibit 13)

- Embrace **diversity** in population and strive for community **free of discrimination** and **equal opportunity** for all
- Create community that has ability to meet members' **basic physical, economic and social needs** and have opportunity to enhance their **quality of life**
- Encourage **partnerships** with city, schools, human services providers and others to meet needs of children and families
- Encourage human services facilities to **locate near commercial centers, and transit and non-motorized facilities** and provide **barrier free programs**

**N. Capital Facilities** (see Exhibit 14)

- Support **sustainable development practices** for design and construction of public facilities
- Establish new **Transportation LOS** of completion of a planned network based on **multimodal network**
- Establish new **Park LOS** of **dollar amount spent per person**

**O. Implementation Strategies** (see Exhibit 15)

- Update **one-time projects** to implement the Draft Elements
- Delete **ongoing activities** since they are part of existing programs or projects
- Revised text for **neighborhood and business district plans** to be amended at least between every two major Plan Update cycle and more frequently if needed based on City Council priorities

**P. Appendices** (see Exhibit 16-18)

- Delete **Appendices A, Level of Service Methodology**, and provide on the City's web site as background information
- Revise **Appendices B, Glossary**, to reflect changes to the Element Chapters and the Neighborhood Plans
- Delete **Appendices C, Design Principles - Residential Development**, and provide on the City's web site in same location as other design guidelines

**Q. Zoning Map and Land Use Map** (see Exhibit 19-22)

- Remove **suffixes on the Zoning Map** on 10 properties that reference policies with development standards in the Comprehensive Plan applicable to the site. The properties have been developed so that suffixes are no longer needed.
- Rezone **95 parcels in the annexation area** on both maps that are **small parks, open spaces, and stormwater ponds and surface water basins** that are also open spaces from Single Family Residential (RSA) to Park/Open Space (P)
- Revise the **legends** on both the Zoning Map and Land Use Map to **add the word "mixed use"** after the zoning/land use categories of **commercial, industrial** and **office**. Each term reflects the predominate use in the zone. However a mix of uses are allowed in these zones, including residential in the commercial zones, retail in the office zones, and office in the industrial zones.
- Make the following **housekeeping amendments** to both maps:

- Remove “**FC**” (freeway commercial) and “**Light Manufacturing Park**” zones in the legend of the Zoning Map. These zones no longer exist
- Remove “**Completed Planned Unit Development**” from the legend on the Zoning Map.” The PUD designation is removed once the project is completed
- Change “Houghton Annexation” to “**Houghton Community Municipal Corporation**” in the legend on the Zoning Map as it was not an annexation
- Add the “**Totem Urban Center boundary**” and delete the “**Totem Center boundary**” on the legend of both maps to match the amendments to the Totem Lake Business District plan

#### **R. Code Amendments** (see Exhibit 23-28)

- Amend **KZC 10.20** to authorize the **Planning Director to make minor administrative corrections** to the Zoning Map.
- Amend **KZC 10.35.3** concerning the interpretation of **zoning boundaries in Lake Washington** consistent with case law and other jurisdictions in the state.
- Amend **Chapter 40 PLA 6G tables** to **remove multifamily residential and assisted living facilities** uses in the southern portion of the Light Industrial Technology Area/LIT west of the CKC located in the Moss Bay Neighborhood. The uses were added as permitted through a Citizen Amendment Request several years ago to allow for more development options. Office use (Google) has since been built on the site so the uses should no longer be listed in the development regulation table. The Moss Bay Neighborhood Plan has also been amended.
- Amend **Chapter 40 LIT Kirkland Zoning Code (KZC) to eliminate vehicle sales uses** in the Norkirk industrial zone. The Norkirk Neighborhood plan and zoning were amended several years ago at the behest of the green car company to allow very limited sales of alternate fuel vehicles only in the Norkirk lit zone. The green car company has come and gone, and it seems highly unlikely that another car company would fit the limited circumstances where the use is allowed in this zone (primarily alternative fuel vehicles, only on 7th Avenue or 8th Street, no outdoor sales/storage/displays, limited signage, limited test drives).
- Amend **Chapter 142 Kirkland Zoning Code (KZC) and Kirkland Municipal Code 3.30.040** to reference the Design Principles - Residential Development that are deleted from Appendices C (will be available on the City’s web page with the other design principles).
- Amend **Rose Hill Business District Design Guidelines** referenced in the Municipal Code to reflect the change in policy numbers in the NE 85<sup>th</sup> Street Subarea Plan and also a few minor editing changes to the guidelines.

## **II. RESPONSE TO COMMENTS FROM CITY COUNCIL BRIEFINGS**

Below are comments raised by the City Council at the Council briefings between January and June 2015 on the General Element Chapters that have been incorporated into the Comprehensive Plan Update. City Council comments were then incorporated into the draft Elements prior to the public hearings held by the Planning Commission.

### **A. Introduction Chapter** (see Exhibit 1)

Changes:

- Added information in Introduction section (page 2) that “With the 2012 Park Levy, the City took over maintenance of O.O. Denny Park while the City of Seattle still retains ownership of the park.”
- Added not only the highest and lowest residential densities by neighborhood, but some of the neighborhood residential densities in between to provide a fuller picture in the Community Profile section (page 8).

**B. General Element** (see Exhibit 3)

Changes:

- Expanded the range of public participation opportunities in the Citizen Participation section (page 5) to include *Currently Kirkland* broadcasting, and that open houses occurred on the weekends and outreach activities were available at community events, such as the farmer’s markets.
- Revised the Plan Amendment section (page 8) concerning neighborhood plan amendments to read: “The City amends the neighborhood plans and business district plans at least between every two GMA Comprehensive Plan Updates or more frequently as needed given City Council priorities.”

**C. Community Character Element** (see Exhibit 4)

Changes:

- **Policy CC-1.5:** “Emergency Management Services” was added to the sentence referring to the importance of the Police and Fire Departments to ensuring a safe and crime free community.
- **Goal CC-4:** in response to a comment to refer to the “10 minute neighborhood philosophy”, text was added to the Built and Natural Environment introduction paragraph of this goal to describe Kirkland a great place to live, work and play but also where people can reach their daily services within a short walking distance.
- **Policy CC-4.4:** in response to a comment to provide pedestrian and bike connections to the waterfront, parks on Lake Washington, Cross Kirkland Corridor, greenways and within neighborhoods this *new policy* was added.

**D. Environment Element** (see Exhibit 5)

Changes:

- **Policy E-3.2** modified to begin discussion on limiting density in areas with steep slopes (see edits on Page 16).
- **Policy E-4.12** added to promote and encourage product stewardship (see edits on Page 23).

**E. Land Use Element** (see Exhibit 6)

Changes:

- **Land Use Map and Definitions** section text added to describe how changes to the Land Use Map and zoning are initiated.
- **Growth Management** section incorporates the 10 Minute Neighborhood concept into the Comprehensive Plan.
- **Policy LU-3.7** modified to reflect that the current transit system does not appear to influence parking demand.
- **Policy LU 3.9** text added to strengthen connectivity policies.
- **Policy LU-4.4** added for future consideration of small neighborhood-oriented commercial uses within residential neighborhoods.
- **Map LU-2** clarify terminology to avoid confusion between the Cross Kirkland Corridor overlay district and the NE 85<sup>th</sup> St. and Market Street Corridor districts.
- **Policy LU 5.5** adds a new policy supporting future consideration of a Downtown Kirkland as an Urban Center.

Response to City Council comment:

The Planning Commission recommends that any potential future **Urban Center designation** of the area around Downtown Kirkland should be careful to not dilute Totem Lake's priority for the limited transportation funding that is available for Urban Centers.

**F. Economic Development Element** (see Exhibit 8)

Changes:

- **Policy ED-1.8:** text added to describe why small startup businesses benefit the local economy by providing jobs, increase the amount of work for small businesses and keep money in the local economy.
- **Policy ED-5.1:** text added to describe why businesses involved in resource conservation and environmental stewardship benefit the local economy because they generate good paying jobs, produce goods and services that expand clean energy production, promote energy efficiency or use innovative technologies.

**G. Utilities Element** (see Exhibit 11)

Changes:

- **Policy U-4.9** text added to educate the public about proper disposal of animal waste, including pet waste, to protect and enhance water quality.
- **Policy U-5.5** text added to ensure that stakeholders are involved in decisions affecting policies, practices and regulations for enhancements to broadband services.
- **New Policy U-5.6** added to address the need to enhance the City's audio and visual communications with citizens.
- **Policy U-7.7** text added that when siting new and expanded transmission lines and substation facilities, impacts to schools and residential areas should be minimized and trees should be preserved, and that accepted low cost methods should be used to reduce potential health risk from electromagnetic frequency (EMF) impacts, until scientific research warrants changes to policies.
- **New Policy U-8.6** added to coordinate emergency response for utility disaster recovery.

**H. Public Services Element** (see Exhibit 12)

Changes:

- **Introduction** text added to address challenges for provision of library services.
- **Existing Conditions** text added to address additional police protection functions (i.e. interlocal agreements for SWAT teams; explosives removal and other specialized services).
- **Existing Conditions** text added to address King County Library System mission.
- **Relationship to Other Plans** Continuity of Operations and Continuity of Government Emergency Management Plan added to documents adopted by reference to support Emergency Management functions.

**I. Implementation Strategies** (see Exhibit 15)

Change:

- Revised Implementation Methods section concerning Neighborhood Plan Amendments to read: "The City amends the neighborhood and business district plans at least between every two GMA Comprehensive Plan Updates or more frequently as needed given City Council priorities."

**III. RESPONSE TO COMMENTS FROM THE HOUGHTON COMMUNITY COUNCIL**

**A. Environment Element:**

A definition of climate change was added to the introduction portion of the climate change section pursuant to a request from the Houghton Community Council.

**B. Transportation Element**

Discussion about using roundabouts has a way to manage traffic in some circumstances and situations has been added to the Transportation Element.

**IV. COMMENTS FROM THE DEPARTMENT OF COMMERCE**

The City submitted the Draft Plan to the Department of Commerce on June 22, 2015. On August 6, 2015, the Department of Commerce responded with four comments in the City's Draft Plan – all of which are minor in nature. Based on the comments, we recommend two minor changes to the Draft Plan (see Exhibit 29).

**Introduction Element - Department of Commerce comment:**

The Introduction Element list existing housing units as 37,450 with a base year of 2014 while the Land Use Element list them as 36,866 with a base year of 2013. The numbers are not conflicting, but to make the comprehensive plan easier to read, they could be brought into alignment by using the same base year.

Response: Revise the Introduction chapter so that the same base year of 2013 is used to match the Land Use Element

**Environment Element - Department of Commerce comment**

On page 5, the Environment Element discusses balancing environmental protection with obligations to accommodate growth. The GMA does not view the goals of environmental protection and accommodating growth as a balance, rather as two separate duties for jurisdictions to accomplish. This concept is recently discussed in the Growth Management Hearings Board Final Decision and Order for [Aagaard v. City of Bothell, 15-3-0001](#).

Response: Delete the discussion sentence under Natural Systems Management on page 5 that reads:

“Additionally, Kirkland’s desire and duty to protect natural resources must be balanced with the City’s obligations to accommodate future growth and provide a development process that is timely, predictable, and equitable to developers and residents alike.”

The Environment Element addresses protection of the natural system while the Land Use Element addresses meeting our growth targets through zoning and development standards so the sentence is not needed to meet both objectives.

**V. REVIEW OF THE ELEMENT CHAPTERS AND MINOR MAP AND CODE AMENDMENTS**

The Planning Commission began our review of the Comprehensive Plan Update in early 2014 with the new Vision Statement and new Guiding Principles, and then worked through drafts of the General Element Chapters, neighborhood plans and code amendments over 16 months of study sessions. The Environment Chapter has been completely rewritten to reflect both the built and natural environment with an emphasis on sustainability and climate change. The Transportation and Park Recreation and Open Space Elements have been rewritten to reflect the new Transportation Master Plan and Park, Recreation and Open Space Plan (PROS Plan). The Utilities Element reflects the new Surface Water Master Plan. All of the Element Chapters now reflect the annexation area and many address the new Cross Kirkland Corridor.

As part of review of the 14 General Element Chapters, we considered the requirements of the [GMA Comprehensive Plan Update](#) for consistency with:

- The State Department of Commerce’s [Comprehensive Checklist](#) for Growth Management Act (GMA) statutory requirements adopted since 2003;
- Puget Sound Regional Council’s (PSRC) [Vision 2040](#) and [Transportation 2040](#); and
- King County 2012 [Countywide Planning Policies](#).

Also considered were the comments from the 2035 Visioning Conversations, the neighborhood meetings in 2014, the [City Council Goals](#), [Smart Growth Principles](#) and [Sustainable Principles](#), and other planning principles as part of their consideration of changes to the element chapters.

An Environmental Impact Statement was prepared for the Comprehensive Plan Update that includes an analysis of any probable significant impacts relating to the revisions to the Element Chapters and minor code and map changes.

**VI. CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN**

The [Zoning Code](#) contains five criteria for amending the Comprehensive Plan. The list of criteria is provided below:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The Planning Commission considered new GMA legislation, PSRC's Vision 2040 and Transportation 2040, and the Countywide Planning Policies when reviewing the Draft Plan to ensure consistency and implementation of these documents. Attention was taken to ensure that internal conflicts between goals and policies do not exist so that the Plan Update is internally consistent. Careful consideration was given to ensure that the Draft Plan will result in long-term benefits to the community and is in the best interest of the community by planning for the anticipated future growth while maintaining the values of the community expressed in the 2013 visioning outreach program and the 2014 neighborhood visioning meetings.

## **VII. PUBLIC NOTICE AND OPPORTUNITIES FOR PUBLIC COMMENT**

Notice was sent about the public hearings and open houses held in June and July to the extensive Kirkland 2035 listserv, the neighborhood associations and those on the citizen amendment request mailing list. The [City Update Newsletter](#) mailed to all businesses and residents in the city provided information on the Comprehensive Plan Update throughout the process, including the [June 2015 Special Edition](#) that was dedicated completely to the draft plan and upcoming public hearings and open houses.

## **VIII. PUBLIC COMMENTS RECEIVED**

A comment log with all comments received to date is attached in Exhibit 30. The Planning Commission has reviewed all of the written comments and considered them in reviewing the General Element Chapters and the code and map amendments. The written comments are available in City File CAM13-00465, #10.

### **Exhibits:**

1. Introduction with underlines and strikeouts
2. Vision Statement and Guiding Principles - new
3. General with underlines and strikeouts
4. Community Character with underlines and strikeouts
5. Environment (new chapter)

6. Land Use with underlines and strikeouts
7. Housing with underlines and strikeouts
8. Economic Development with underlines and strikeouts
9. Transportation Element (new chapter)
10. Park, Recreation and Open Space (new chapter)
11. Utilities with underlines and strikeouts
12. Public Services with underlines and strikeouts
13. Human Services with underlines and strikeouts
14. Capital Facilities with underlines and strikeouts
15. Implementation Strategies with underlines and strikeouts
16. Appendix A – Level of Service Methodology deleted (to be provided on the City’s web page)
17. Appendix B Glossary for new, revised and deleted definitions (those definitions with no changes are not included in the attachment)
18. Appendix C - Design Principles - Residential Development deleted ((to be provided on the City’s web page)
19. Zoning Map amendments to remove 10 suffixes that reference policies in the Comprehensive Plan
20. List of 95 City parcels in the annexation area to be rezoned that are parks or open spaces (many of the open spaces are also stormwater ponds or surface water basins)
21. Rezone map of 95 park and open space parcels in annexation area
22. Zoning Map and Land Use Map amendments to the map legends (add term “mixed use” to certain general use categories and deleted use categories no longer applicable)
23. Section 10.20 KZC amendment concerning administrative corrections to the Zoning Map
24. Section 10.35 KZC amendment for interpretation of zoning boundaries in Lake Washington
25. Chapter 40, PLA 6G tables amendments to remove residential uses and assisted living facilities
26. Chapter 40, LIT zoning table eliminating vehicle sales use in Norkirk LIT
27. Chapter 142 Kirkland Zoning Code (KZC) and Kirkland Municipal Code 3.30.040 amendments relating to deletion of Appendix C
28. Rose Hill Business District Design Guidelines - minor amendments to make them consistent with NE 85<sup>th</sup> Street Subarea Plan amendments
29. Comments from the Department of Commerce dated August 6, 2015
30. Summary comment log of written public comments



## CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587.3225

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### MEMORANDUM

**Date:** September 10, 2015

**To:** Kirkland City Council

**From:** Eric Laliberte, Chair, Kirkland Planning Commission

**RE:** **RECOMMENDATION ON THE AMENDMENTS TO THE NEIGHBORHOOD PLANS AND THE NEW KINGSGATE PLAN (EXCLUDING TOTEM LAKE), 2013-2015 COMPREHENSIVE PLAN UPDATE, FILE NO. CAM13-00465, #5**

#### I. RECOMMENDATION

On behalf of the Planning Commission, I am pleased to submit our recommendation on amendments to the existing neighborhood plans and the new Kingsgate Neighborhood Plan. The Planning Commission recommends approval of the revised neighborhood plans and new neighborhood plan provided in Exhibits 1-14.

This recommendation reflects two years of work with an extensive public outreach process with the residents, neighborhood associations, business groups who contributed to this process to update the neighborhood plans and creation of the new Kingsgate Plan. The Planning Commission carefully considered and deliberated all of the information and issues.

#### A. Summary of the Recommended Key Changes to the Existing Plans

The following existing neighborhood plans are recommended to be revised (see Exhibits 1-13):

- Lakeview
- Central Houghton
- Bridle Trails
- Moss Bay
- Everest
- North Rose Hill
- NE 85<sup>th</sup> Street Subarea
- South Rose Hill
- North/South Juanita (which becomes Juanita)
- Market
- Market Street Corridor

- Norkirk
- Highlands

1. General Revision: All of the existing neighborhood plans, except Lakeview, Central Houghton, Market and Market Street Corridor, are recommended to be **updated with new and corrected information** to reflect new developments, changed conditions, completed city improvements and updated city policies. In many ways the neighborhood plans have been simplified. In some cases, sections are consolidated or reorganized for be more concise. The revised plans **reflect public comments** from neighborhood residents received at meetings in 2014-2015. The four plans that have no text revisions are current and thus do not require any changes.

Each plan will have the following seven new standardized neighborhood plan **maps**:

- Land Use Map
- Wetlands, Streams and Lakes Map
- Geologically Hazardous Areas Map
- Street Classifications Map
- Pedestrian System Map
- Bicycle System Map
- Urban Design Features Map

Some of the existing maps in some of the plans are deleted, including the park and open space map and the neighborhood boundary map (already reflected in the land use map).

## 2. Revisions Specific to Certain Neighborhoods

- a. **Moss Bay Neighborhood Plan** has been revised to reflect the **MRM request** and the **Nelson/Cruikshank Citizen Amendment Request (CAR)**. The Land Use Map reflects the entire area of Planned Area 6C being rezoned as Planned Area 6A. Text addressing Planned Area 6C has been deleted. In addition, the Downtown old figure maps have been redone using GIS (see Exhibit 4).
- b. **North Rose Hill and NE 85<sup>th</sup> Street Corridor Plan** have been revised to reflect the **Basra, Griffis and Walen CARs**, including the Land Use Map and related text to reflect the recommended rezones. Additionally, the Light Manufacturing Park designation has been eliminated and replaced with the Industrial designation to bring it into consistency with the remainder of industrial designations Citywide (see Exhibits 6 and 7).
- c. **Juanita Neighborhood Plan** has been significantly reorganized and consolidated and includes the **annexation area** of North Juanita. When North and South Juanita Neighborhood Plans were merged several years ago, the plan was not reworked to remove repetition or reorganized into logical sections. The plan has also been revised to reflect the **Newland CAR**, including the Land Use Map and text relating to development of the study area (see Exhibit 9).

## **B. Summary of Recommendation for the New Kingsgate Plan**

The new neighborhood plan for Kingsgate has a new map based approach with brief policies that reference the corresponding, more detailed goals and polices in the city-wide Element Chapters rather than restating the goals and policies. The objective of the new plan outline is to shorten the length of the neighborhood plans and make them more concise and easier to update. The new plan addresses the following eight topics around 16 policies (see Exhibit 14).

- Overview
- Neighborhood Vision
- Historic Context
- Land Use: Residential and Commercial
- Natural Environment
- Park and Open Space
- Transportation: Roads, Pedestrian & Bicycle System
- Urban Design

The new Kingsgate Plan contains the seven standardized maps listed above for the revised existing plans.

## **II. RESPONSE TO COMMENTS FROM CITY COUNCIL BRIEFINGS**

Below are comments raised by the City Council at the Council briefings between February and June 2015 on the Neighborhood Plans that have been incorporated into the Draft Plan.

### **A. Juanita Neighborhood Plan**

Regarding the **draft Juanita Neighborhood Plan**, several comments were suggested from the Council. First, because there is community interest in seeing the future redevelopment of the North Juanita neighborhood center, it was recommended to add text noting this as a future implementation goal with incentives that will encourage redevelopment. Updating neighborhood business district plans is already listed in the draft Implementation Strategies chapter. Second, the need for pedestrian facilities on 100th Avenue NE north of NE 132<sup>nd</sup> ST was mentioned. Proposed draft text in Section 4B of the Plan includes reference to this and implementation of the 100th Ave NE Corridor Plan.

Revised text reflecting the City Council feedback on the Juanita Plan is noted below in underlined text and in Exhibit 9 Section 4.B of the Plan on page 24:

*Design Guidelines, design review and redevelopment incentives should be established for the Neighborhood Center for all new, expanded or remodeled commercial, multifamily or mixed use buildings.*

### **B. Everest Neighborhood Plan**

On May 5, 2015, the City Council reviewed the revised **Everest Neighborhood Plan**. One Council member suggested text be added to discourage expansion of existing storage facilities near the NE 85th ST interchange area along the Cross Kirkland Corridor. This is consistent with the policies in

the Land Use Element as noted below. Another comment was to include a transportation corridor study for 6th Street So. This could occur with either the Everest or Central Houghton Neighborhood Commercial Center study to be initiated in 2016 or be part of an Everest Neighborhood Plan update. Finally, another suggestion was to add text noting that school walk routes and sidewalks in the neighborhood plan should be coordinated with the Transportation Master Plan.

Revised text reflecting the City Council feedback on the Everest Plan is noted below in underlined text and in Exhibit 5 on Page 10 of the Plan:

***Land Use Commercial Section: The Houghton/Everest Neighborhood Center to be contained within its present boundaries. A plan for future development of the commercial area should be coordinated with the Central Houghton Neighborhood.***

*The Houghton/Everest Neighborhood Center is a commercial area that spans the north and south side of NE 68th ST. Commercial uses in this area should satisfy neighborhood needs rather than include intensive uses which would be located more appropriately in the Downtown or other major commercial centers (see the Land Use Chapter). Within the Everest Neighborhood, the height of structures in this area should not exceed 35 feet. The Everest and Central Houghton Neighborhoods should coordinate a plan for the Houghton/Everest Neighborhood Center along both the north and south sides of the NE 68th Street and involve the surrounding neighborhoods in the process. The plan should promote a coordinated strategy for future redevelopment of the Neighborhood Center which minimize adverse impacts on surrounding residential areas. The plan could include a transportation corridor study for 6th Street So.*

*Page 13, Land Use Section: **Professional office and limited commercial activities are appropriate in the NE 85th Street freeway interchange. Expansion of these activities is to be limited.***

*Conditions in the vicinity of the NE 85th Street freeway interchange are somewhat different. Although much of the surrounding land to the south is developed for single-family use, convenient access to NE 85th and Interstate 405 makes this area attractive for limited commercial activity. The existing office building north of Ohde Avenue takes advantage of this location while limiting impacts to the nearby single-family area. Expansion of existing storage facilities along the Cross Kirkland Corridor is discouraged. As redevelopment occurs along the Corridor, uses should be encouraged that will complement the use of the CKC, provide connections to the trail that will benefit the pedestrian and bicycle users of the trail. See Land Use Element policies from the Cross Kirkland Corridor Overlay.*

*Page 18, Transportation Section #4: Improve the pedestrian/bicycle circulation system in the neighborhood by providing improvements for pedestrians and bicycles according to Figure E-5 and consistent with the Transportation Master Plan.*

### **C. Bridle Trails Neighborhood Plan**

Regarding the draft **Bridle Trails Neighborhood Plan**, City Council suggested that the Houghton Park and Ride should be enhanced as a transit hub and transit oriented development. In response, text was added on page 20 of the draft Plan (see Exhibit 3) to encourage the site to be a potential

candidate as a transit oriented development should the opportunity arise. If that occurs the City and State should work closely with the community to develop design guidelines and development standards for the site. It was also suggested to include in the Bridle Trails and South Rose Hill Neighborhoods reference to the Olympic Pipeline. However, in those areas the pipeline is out of the City limits. The Utilities Element discusses the pipeline.

#### **D. Highlands Neighborhood Plan**

Regarding the **Highlands** Plan, the Council suggested eliminating a goal and a policy to establish new multifamily residential design standards in the Highlands Neighborhood, since multifamily design regulations apply only in business districts, and are not anticipated in the remainder of Kirkland where multifamily is allowed. Appendix C to the Plan; Design Principles: Residential Development, and Community Character policy CC-4.1 could provide the framework and policy support for regulations in the future, should design regulations for multifamily be desired in other than business districts.

Revised text reflecting the City Council feedback on the Highlands Plan is noted below in underlined text and in Exhibit 13 on Page 32 of the Plan:

~~**Goal H-16:** Promote high quality residential design by establishing building and site design standards that apply to new multi-family residential development.~~

~~**Policy H-16.1:**~~

~~Establish building and site design standards that apply to all new, expanded, or remodeled multifamily buildings consistent with City wide policies.~~

~~Building design standards should address building scale, mass, materials, and entries; service areas; roof treatments; pedestrian oriented frontage; and relationship to adjacent land uses.~~

~~Site design standards should address building placement on the site; site access and on-site circulation by vehicles and pedestrians; site lighting; landscaping, including that for parking lots; signs; preservation of existing vegetation; and buffers between multifamily developments and single family housing~~

#### **E. Kingsgate Neighborhood Plan**

Regarding the Kingsgate Neighborhood Plan, the Council suggest that Policy K-1 be revised to address maintaining the planned residential densities. Text has been added that the neighborhood vision is to generally maintain the current residential densities, but recognizing that over the long term densities may change for a variety of reasons (see page 6 in Exhibit 14).

#### **F. Other Neighborhood Plans**

City Council did not have any additional comments on any of the other neighborhood plans.

### **III. CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN**

The [Zoning Code](#) contains five criteria for amending the Comprehensive Plan. The list of criteria is provided below:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The existing and new neighborhood plans are consistent with the GMA, PSRC's Vision 2040 and Transportation 2040, the Countywide Planning Policies, and are internally consistent with the city-wide Element Chapters of the Comprehensive Plan. The policies in the neighborhood plans mirror many of the goals and policies in the city-wide Element Chapters, including the Land Use, Housing, Environment, and Transportation Elements. The neighborhood plans also contain land use maps that support the City's future assigned housing and job targets.

The neighborhood plans will result in long-term benefits to the neighborhoods and the community overall and is in the best interest of the community because they establish policies to address future growth in the neighborhoods while maintaining the values of the residents expressed in the 2013 visioning program and the 2014 neighborhood meetings.

#### **IV. PUBLIC NOTICE AND OPPORTUNITIES FOR PUBLIC COMMENT**

Notice was sent about the public hearings and open houses held in June and July to the extensive Kirkland 2035 listserv, the neighborhood associations and those on the citizen amendment request mailing list. The [City Update Newsletter](#) mailed to all businesses and residents provided information on the Comprehensive Plan Update throughout the process, including the [June 2015 Special Edition](#) that was dedicated completely to the draft plan and upcoming public hearings and open houses.

#### **V. PUBLIC COMMENTS**

Public comments relating to the neighborhood plans are summarized in Exhibit 15. The Planning Commission has reviewed all of the written comments and considered them in reviewing the revised and new neighborhood plans. The written comments are available in City File CAM13-00465, #10.

#### **Exhibits:**

1. Revised Lakeview Neighborhood Plan – only updated maps
2. Revised Central Houghton Neighborhood Plan – only updated maps
3. Revised Bridle Trails Neighborhood Plan with underline and strikeouts
4. Revised Moss Bay Neighborhood Plan with strike outs and underlines
5. Revised Everest Neighborhood Plan with strike outs and underlines
6. Revised North Rose Hill Neighborhood Plan with strike outs and underlines
7. Revised NE 85<sup>th</sup> ST Subarea Plan with strike outs and underlines
8. Revised South Rose Hill Neighborhood Plan with strike outs and underlines
9. Revised Juanita Neighborhood Plan –major reorganization
10. Revised Market Street Neighborhood Plan – updated maps only
11. Revised Market Street Corridor Plan – updated maps only
12. Revised Norkirk Neighborhood Plan with strike outs and underlines
13. Revised Highlands Neighborhood Plan with strike outs and underlines
14. New Kingsgate Neighborhood Plan
15. Summary comment log of written public comments





## CITY OF KIRKLAND

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### MEMORANDUM

**Date:** September 10, 2015

**To:** Kirkland City Council

**From:** Eric Laliberte, Chair, Kirkland Planning Commission

**RE:** RECOMMENDATION ON MRM REQUEST, 2013-2015 COMPREHENSIVE PLAN UPDATE, FILE NO. ZON11-00006

#### I. RECOMMENDATION

On behalf of the Planning Commission, I am pleased to submit our recommendation on the Comprehensive Plan and Zoning Code amendments relating to the MRM plan and amendments. The Planning Commission recommends approval of the revisions provided in Exhibit 1 through 4.

A public hearing was held by the Planning Commission on June 25, 2015. The staff report for that meeting is provided [here](#).

A **summary of the recommended key changes** to the Comprehensive Plan and Zoning Code includes:

1. Maintain existing step back requirements from Peter Kirk Park and Kirkland Way.
2. Maintain existing height limit of 67' above ABE (five stories) with two exceptions:
  - Allow five stories of residential over ground floor retail (six stories total, maximum 67') on the MRM site, if the proposed public amenities are provided.
  - Allow five stories of office over ground floor retail (six stories total, maximum 80') on the MRM site, if the proposed public amenities are provided.
3. Clarify landscape category and parking requirements in CBD 5 zoning chart – these are clarification edits only; there is no change to actual requirements (see Exhibit 4).

## Public Amenities

The proposed public amenities are required in cases where 6 stories and residential use are allowed on the MRM site. Additional height is also allowed as an incentive for office if the proposed public amenities are provided.

- Easement improvements from Parkplace to Kirkland Way: The Park Promenade along the west side of the Parkplace project would be 54' to 56' wide and include: 12' wide sidewalks with tree wells on both sides, two 11' drive aisles and parking on the east side of the street.

The existing easement on the MRM property is only 20' wide. A requirement for two 11 foot wide drive aisles and two 8 foot wide sidewalks (total 38') is proposed for all new development on the site.

If 6 stories of residential or office are developed on the site, it is proposed that easement improvements at 54' to 56' wide be required to match those required on the Parkplace site for the Park Promenade. This pedestrian and vehicular connection across the MRM site that matches the Parkplace improvements will provide a significantly enhanced connection to Kirkland Way and the Kirkland Performance Center that will not be otherwise available. The width of this easement will be more than double what is there now and the Park Promenade will continue through to Kirkland Way. With proper design, landscaping and wider sidewalks, this will provide an inviting connection to Parkplace.

- Retail on the Ground Floor: Retail is not currently required for CBD 5. Retail use would tie the project into the Parkplace site and continue the pedestrian friendly environment through to Kirkland Way. Retail on the MRM site will activate the Park Promenade and surrounding area.

There will also be a requirement that one retail tenant space have a 9000 square foot minimum size that could potentially be used for a hardware store or drug store.

- Public Plaza: Require a minimum 2000 square foot open public plaza that relates to Kirkland Way, the Performance Center and Peter Kirk Park. The plaza will draw the public into the site; provide a gathering place; and enhance the Park Promenade to Parkplace.
- Public Art: Incorporate public art into the project with a minimum specified value of \$10,000. The art must be reviewed and approved by the Kirkland Cultural Arts Commission.
- Affordable Housing: Require 10% of the housing to be affordable as defined in Chapter 5 of the Zoning Code.
- LEED silver or a comparable standard: Require that the project be built to environmentally responsible standards.

## II. RESPONSE TO COMMENTS FROM CITY COUNCIL BRIEFINGS

At the June 2, 2015 City Council briefing on the MRM proposal, the following questions were asked.

1. *Are there other sites in the downtown area where office development could potentially occur?*

Maps with potential office redevelopment sites were included in the Planning Commission memo for the public hearing on June 25, 2015 as Attachment 5 and can be found [here](#).

2. *Staff was asked to provide information on the effect of the MRM proposal on the City's ability to meet employment growth targets and the ability of Downtown Kirkland to qualify as an urban center.*

A memo from the Planning Director, Eric Shields responding to these questions can also be found at the above link as Attachment 6.

### **III. COMPREHENSIVE PLAN AMENDMENTS**

Comprehensive Plan amendments are necessary for both the additional residential and the additional height of one story that is proposed. The required Comprehensive Plan amendments are included as Exhibit 1-3 to this memo. Proposed amendments are summarized below.

1. *Policy LU – 3.2: Encourage residential development within commercial areas.*  
 This policy actually supports residential development in CBD 5, but one sentence in the narrative following the policy states that "Residential use should not displace existing or potential commercial use."

This sentence was called out in the EIS as an inconsistency with the proposed residential. The sentence has been proposed to be removed as part of the amendments to the Comprehensive Plan Land Use Element to alleviate the inconsistency.

2. *Policy LU – 5.2: Maintain and strengthen existing commercial areas by focusing economic development within them and establishing development guidelines.*

This policy was also called out in the EIS as an inconsistency with the proposed residential use. As part of the proposed amendments to the Comprehensive Plan Land Use Element, the policy is proposed to be amended to read as follows:

*"Maintain and strengthen existing commercial and mixed use areas by focusing economic development within them."*

If this change is made, the policy will no longer be inconsistent with the proposed increase in residential use since a reference to "mixed use" has been added.

3. Moss Bay Neighborhood Plan text under East Core Frame states:

"Limited residential use should be allowed as a complementary use."

The Planning Commission is recommending that the word "limited" be removed from the above statement (see Exhibit 2).

“~~Limited~~ Residential use should be allowed as a complementary use.”

4. The Moss Bay Neighborhood Plan text also limits building heights in Design District 5 (applicable to CBD 5 zoning) and so the following amendments are necessary.
  - Figure MB-7: Downtown Height and Design Districts should say 3 to 6 stories in CBD 5 (see Exhibit 3).
  - Design District 5 – amended to allow 6 stories on MRM site (see Exhibit 3).

#### **IV ZONING CODE AMENDMENTS** (Exhibit 4)

##### **ADDITIONAL RESIDENTIAL ALLOWED**

The following changes are proposed to the existing zoning for CBD 5 for the MRM property and not the entire study area.

Existing zoning (Allowed Uses): Office; Restaurant or Tavern; Entertainment, Cultural and/or Cultural Recreational Facility; Hotel or Motel; Retail; Church; School or Daycare; Public Utility, Government Facility, or Community Facility; Park; Assisted Living (in specific areas); and multifamily residential (in specific areas).

Retail on the ground floor is not required.

Existing zoning allows assisted living or multifamily residential only in the following locations:

- On properties with frontage on Second Avenue
- Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.

##### Recommendation:

1. Allow additional residential uses at the MRM property if the proposed public amenities are provided;
2. Continue to allow all other uses already listed, including office.

##### **ADDITIONAL ONE STORY OF HEIGHT**

The following changes are proposed to the existing zoning for CBD 5 for the MRM site only.

Existing zoning (Allowed Height): Maximum height allowed: 67' above average building elevation (ABE).

##### Recommendation:

1. Maintain existing step back requirements from Peter Kirk Park and Kirkland Way that are in existing Zoning.
  - No portion of a structure above the elevation of Kirkland Way as measured at the midpoint of the frontage of the subject property on Kirkland Way may exceed the following:
    - Within 20' of Kirkland Way, 2 stories;
    - Within 40' of Kirkland Way, 4 stories;

- Within 50' of Kirkland Way, 5 stories.
  - No portion of a structure within 100 feet of Peter Kirk Park shall exceed three stories above average building elevation.
2. Maintain existing height limit of 67' above ABE (five stories) with two exceptions:
- Allow five stories of residential over ground floor retail (six stories total, maximum 67') on the MRM site, if the proposed public amenities are provided.
  - Allow five stories of office over ground floor retail (six stories total, maximum 80') on the MRM site, if the proposed public amenities are provided.

#### **EASEMENT IMPROVEMENTS FROM PARKPLACE TO KIRKLAND WAY**

The existing easement on the MRM property is only 20' wide. A requirement for two 11 foot wide drive aisles and two 8 foot wide sidewalks (total 38') is proposed for all new development on the site.

#### **LANDSCAPE CATEGORY AND PARKING CLARIFICATION FOR CBD 5**

This is a housekeeping item to clarify landscape category and parking requirements in the CBD 5 zoning chart –no changes to actual requirements are made.

### **V. CRITERIA FOR AMENDING COMPREHENSIVE PLAN AND ZONING TEXT**

The Zoning Code (KZC 140) contains criteria for amending the Comprehensive Plan (including Neighborhood Plans) which are described below.

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.

The Zoning Code (KZC 135) contains three criteria for considering these amendments to the text of the Zoning Code. The list of criteria is provided below:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland.

## **Evaluation of Criteria**

The Planning Commission has been studying this site in depth since 2011. We have weighed all of the public testimony and staff analysis and have given this careful and thoughtful consideration throughout the process. Over the course of the review, the Commission discussed a number of issues with the amendments. As a result, we believe the proposed amendments with the prescribed public benefits addressed those issues to our satisfaction. Therefore, the Planning Commission recommends approval for the following reasons:

- The proposal would allow for redevelopment of the site.
- There have been changes since the Comprehensive Plan envisioned CBD 5 as the office center for downtown Kirkland. These changes include:
  - Expansion of light rail through Bellevue
  - Rezone of the Bel Red Corridor
  - Rezone of the Spring District in Bellevue
  - Redevelop of Group Health Hospital in Redmond

Bellevue is now a driver on the Eastside and has a considerable amount of office available. The Planning Commission is concerned that the site will sit underdeveloped for many years to come if existing Zoning and Comprehensive Plan direction remains. The Planning Commission wants to see downtown Kirkland blossom and Parkplace develop fully. The connector from Central Way to Kirkland Way and other benefits that will be required will contribute to this success. In addition, the proposed amendments do not preclude an office use – and actually provide a height incentive for an office project.

The Supplemental Environmental Impact Statement (SEIS) concluded that the amendments are consistent with the Growth Management Act and the Countywide Planning Policies. The amendments are also consistent with the Comprehensive Plan with the exception of those specific provisions proposed to be amended in the Land Use Element and the Moss Bay Neighborhood Plan, which relate to the residential and additional story on the MRM property.

Comprehensive Plan Policies that support this proposal include:

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

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

*Policy LU-5.1: Reflect the following principles in development standards and land use plans for commercial areas:*

*Urban Design*

- *Create lively and attractive districts with a human scale.*
- *Support a mix of retail, office, and residential uses in multistory structures...*

*Policy LU-5.3: Maintain and enhance Kirkland's Central Business District (CBD) as a regional Activity Area, reflecting the following principles in development standards and land use plans:*

- *Create a compact area to support a transit center and promote pedestrian activity.*
- *Promote a mix of uses, including retail, office and housing.*
- *Encourage uses that will provide both daytime and evening activities.*
- *Support civic, cultural, and entertainment activities...*

The applicant's proposal, which includes public amenities that are unique to this location, provides a compelling reason to allow 6 stories and additional residential use on the MRM site. Without the amendments, many of these public amenities which result in long term benefits to the community as a whole and are in the best interest of the community and the residents of Kirkland, will be lost. The proposed amendments bear substantial relation to public health, safety and welfare of the citizens of Kirkland as shown below.

- The Park Promenade and the public plaza will provide an enhanced connection to Parkplace, Peter Kirk Park and the Performance Center.
- The combination of the required retail on the ground floor, the Park Promenade and the public plaza will activate the area between Parkplace and Kirkland Way.
- The retail will enhance downtown vibrancy and provide the City with an additional fiscal benefit.
- The current 67' height limit combined with proposed retail and residential uses will provide a transition between Parkplace and the existing multifamily residential on the south side of Kirkland Way.
- The amendments still allow and will provide an incentive for office.
- The City will gain additional affordable housing in the downtown and promote green building.
- These changes will result in more opportunity for redevelopment of this site and do not preclude the economic use of the property.

Staff evaluation of criteria for the amendment request was included in the public hearing memorandum for the MRM request.

#### **VI. PUBLIC NOTICE AND OPPORTUNITIES FOR PUBLIC COMMENT**

Notice was sent about the public hearing and open house held on June 25, 2015, to the MRM mailing list (property owners and residents within the study area and 300' feet surrounding the area), the extensive Kirkland 2035 listserv, and the neighborhood associations. Public notices signs were installed surrounding the study area.

The [\*City Update Newsletter\*](#) mailed to all businesses and residents provided information on the Comprehensive Plan Update throughout the process, including the [\*June 2015 Special Edition\*](#) that was dedicated completely to the draft plan and upcoming public hearings and open houses.

**VII. PUBLIC COMMENTS RECEIVED**

A comment log summarizing all comments received to date is provided in Exhibit 5. The Planning Commission reviewed these comments when considering the MRM request. Copies of the comments are available in the City official file, CAM13-00465, #10

**Exhibits:**

1. General Element of the Comprehensive Plan
2. Moss Bay Element – East Core Frame
3. Moss Bay Element – Height references
4. Zoning Code Amendments
5. Comment log



**CITY OF KIRKLAND**  
**PLANNING AND BUILDING DEPARTMENT**  
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[www.kirklandwa.gov](http://www.kirklandwa.gov)



## MEMORANDUM

**Date:** September 10, 2015

**To:** Kirkland City Council

**From:** Eric Laliberte, Chair, Kirkland Planning Commission

**RE:** RECOMMENDATION ON CITIZEN AMENDMENT REQUESTS, 2013-2015  
 COMPREHENSIVE PLAN UPDATE, FILE NO. CAM13-00465, #5

### I. RECOMMENDATION

On behalf of the Planning Commission, I am pleased to submit our recommendation on amendments for the following Citizen Amendment Requests (CAR's) that are being considered as part of the 2013-2015 update to the Comprehensive Plan. A summary recommendation for each CAR by neighborhood is provided below. The detailed recommendation for each CAR is provided by neighborhood in Sections A through D below.

This recommendation reflects over a year of work with an extensive public outreach process with residents, neighborhood associations and businesses who contributed to this process to consider the CAR's. The Planning Commission carefully considered and deliberated all of the information and issues.

#### Recommendation Summary:

- North Rose Hill CAR's
  - **Basra** – Approve a change to the land use and zoning for one parcel in the study area from Industrial (LIT) to Commercial (RH 5A) to allow development of a hotel. If affirmed, change the height regulations for hotel or motel uses on the newly rezoned RH 5A parcel (Basra site) from 35 to 45 feet above Average Building Elevation. Change the land use designation in the Comprehensive Plan on the remainder of the study area from Light Manufacturing Park to Light Industrial Technology (no change in zoning is needed). The recommendation is reflected in Exhibits 1 through 4 to this memorandum.
  - **Griffis** – Approve a change to the land use and zoning for the entire six parcel study area from Low Density Residential 6 du/acre (RSX 7.2) to Office Mixed Use (RH 8). If affirmed, change the RH 8 zoning regulations to allow RH 8 uses in the newly rezoned area only if development is consolidated with lots adjoining NE 85<sup>th</sup> Street, otherwise limit development to low density residential uses, as are now allowed in the RSX 7.2 zone. Allow isolated parcels to be developed independently with an office. Limit height to 30' above Average Building Elevation within 30 feet of the RSX zone,

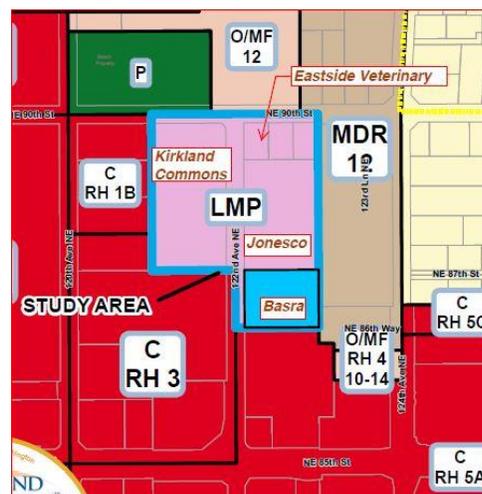
equivalent to the height limit in the low density zone. Amend the KZC Design Guidelines to require that development that is combined with parcels adjoining NE 85<sup>th</sup> Street or in the study area, be reviewed by the Design Review Board rather than administratively. The recommendation is reflected in map Exhibits 5 and 6 to this memorandum.

- Norkirk CAR's
  - **Light Industrial Technology zone** - No change, except condition outdoor facilities associated with veterinary clinics or kennels in all industrial zones citywide to be located as far as possible from single family zones. No map change associated with this request.
- Juanita CAR
  - **Newland** - Approve a change in land use and zoning of three parcels within the study area from low density single family six dwelling units per acre (LDR 6\*)/RSX 7.2 to medium density residential (MDR 12)/RM 3.6. If the recommendation is affirmed, text would be deleted in the Juanita Neighborhood Plan that currently allows clustered housing symbolized on the land use map with an asterisk (see recommendation section below). The recommendation is reflected in map Exhibits 12 and 13 to this memorandum.
- Moss Bay CAR's
  - **Nelson and Cruikshank** – Approve a change to the land use and zoning for the study area from low density residential at nine dwelling units per acre to high density residential at 24 units per acre. The Comprehensive Plan and Zoning for the study area would change from PLA 6C to PLA 6A. The recommendation is reflected in map Exhibits 14 and 15 to this memorandum. If affirmed, reduce the required front setbacks for the study area from 20' to 10' and the side setbacks to 5' minimum/15' total to 5'. Also recommended are minor corresponding changes to the CBD 3 and CBD 4 zones to the north to reflect the change.
  - **Waddell** – Approve an amendment to the Kirkland Zoning Code to remove common recreational open space requirements for the Planned Area 5C zone.

## A. North Rose Hill Citizen Amendment Requests

### 1. Basra CAR Study Area

- a. Request: Rezone from Industrial to Commercial to allow development of a hotel 60 feet above Average Building Elevation at 8626 122<sup>nd</sup> Avenue NE (parcel shown in blue). Study area expanded to the entire Industrial zone.
- b. Recommendation: The Commission unanimously recommends rezoning only the Basra parcel to commercial RH 5A, allowing a height of 45 feet above ABE for hotel use on the rezoned parcel, and keeping the current



industrial LIT zoning for the remainder of the study area. Redesignate the remainder of the study area from Light Manufacturing Park (LMP) to Light Industrial (LIT) land use to bring this designation into consistency with all other industrial zones in the City.

- c. Discussion: The Planning Commission considered four zoning options for this request: 1) keep existing LIT zoning; 2) rezone entire study area to commercial – either RH 5A or RH 3; 3) rezone only the Basra parcel to RH 5A or RH 3, keep Jonesco Business Park LIT, and rezone the remainder office; and 4) rezone the Basra parcel to RH 5A, and rezone the remainder office RH 4B. A link to the July 23 public hearing packet containing background information and staff analysis is provided [here](#).

We concluded a rezone may encourage more substantive redevelopment on the south end of the industrial zone (Basra site) more consistent with the vision of the Regional Center portion of the Rose Hill business district to accommodate regional and neighborhood commercial development. Basra's larger lot size (about an acre) and proximity to both the Rose Hill Shopping Center (Petco) and Rose Hill Plaza and freeway interchange offers more commercial alternatives than the smaller parcels along NE 90<sup>th</sup> Street, also ripe for redevelopment. We noted that commercial RH 5A zoning is more appropriate than RH 3 zoning since the Basra property is not part of a six acre consolidated development proposal envisioned for the RH 3 Rose Hill Shopping Center site.

Regarding the remainder of the study area, the Commission recommends keeping the industrial designation after concluding that there were no compelling reasons to rezone at this time. We observed that since existing LIT zoning allows office use, property owners can already transition to office if they are inclined to do so, and that office provides an appropriate transition from more intensive industrial to residential to the north and east. The Commission wanted to avoid the necessity of adopting complex criteria to ensure that existing viable industrial uses, (at the Jonesco Business Park), could transition over time rather than cease altogether, as a result of changes that trigger bringing non-conforming uses into conformance, should the area be rezoned to a commercial or office zone (i.e. either a vacancy lasting more than 90 days, or a structural alteration or an increase to gross floor area to a building housing the nonconforming use).

We also considered the expansion concerns of the owner of the Eastside Veterinary Clinic that if her property were to be rezoned, the LIT development standards be preserved pertaining to setbacks, height limits and outdoor runs, which would otherwise be nonconforming. At the hearing we considered public testimony including comments from the property owner of the remaining further developable study area parcel along NE 90<sup>th</sup> Street, who requested a rezone to commercial to allow a retail business. We do recommend that consideration of rezoning the remaining parcels in the LIT zone to either office or commercial be considered again during the next review of the NE 85<sup>th</sup> Street Subarea Plan.

The Commission spent considerable time studying the appropriate hotel height in the context of elevation changes between 122<sup>nd</sup> Avenue NE and surrounding property. A link to the public hearing packet containing height and massing information and staff analysis is provided [here](#). We considered three options; keep existing 35' above ABE, 60 feet above ABE, and 43 feet above ABE. We also considered public hearing

testimony from two condominium owners/occupants to the east who did not object to a height similar to that permitted at their condominiums.

The NE 85<sup>th</sup> Street Subarea Plan and Rose Hill Design Guidelines emphasize transitions that protect residential uses adjoining commercial development. The Commission concluded that a maximum height of 45' above ABE at the Basra site would approximate the maximum permitted height elevation on the abutting multifamily building east of the Basra property at the lowest portion of the site, while allowing for a four story hotel on Basra's parcel. We recommend 45' rather than 43' above ABE, as originally recommended by staff, recognizing that an additional two feet are required to achieve a four story hotel.

This compromise is in scale with the multifamily development to the east and also provides an appropriate height transition in context with the commercial and industrial development surrounding the remainder of the Basra site. 45' above ABE would be 1 foot higher than the maximum permitted height at the lowest building at Rose Hill Plaza to the south and 26 feet higher than maximum permitted height at the lowest building on the Jonesco site to the north. 45' above ABE is 10 feet higher than now allowed on Basra site, under either existing industrial zoning or recommended RH 5A commercial zoning. No change to the existing 15 foot landscape buffer requirement is being recommended.

Changing the Light Manufacturing Park (LMP) to the Industrial (LIT) land use designation accomplishes a goal of the 2035 update to streamline and simplify the Comprehensive Plan, while preserving current Light industrial Technology (LIT) zoning that is exactly the same for both the LMP and LIT land use designations.

***If this recommendation is affirmed, the following changes to existing Comprehensive Plan maps and text and Zoning Map and regulations are necessary:***

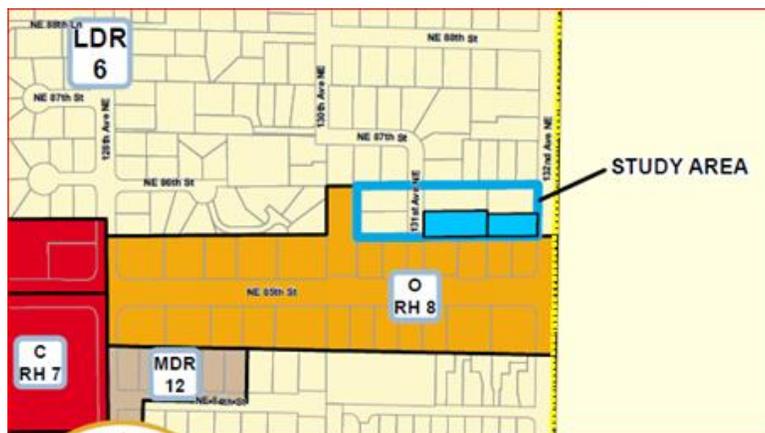
- 1.) Zoning Map*** revised to reflect the zoning boundary change between the LIT and RH 5A zone (see Exhibit 1)
- 2.) Land Use Maps***, (i.e. North Rose Hill Plan, NE 85<sup>th</sup> St. Subarea Plan and Citywide land use map) revised to:
  - a. Reflect the land use boundary change between Industrial and Commercial land use.*
  - b. Reflect the change from Light Manufacturing Park (LMP) to Light Industrial Technology (LIT) in the remainder of the study area to match the industrial land use designation in the rest of Kirkland. (see Exhibit 2)*
- 3.) Comprehensive Plan text*** amended to eliminate the following definition of Light Manufacturing Park and references to it throughout the Plan. This is an artifact from when there was a perceived difference between Light Industrial and Light Manufacturing Park characteristics. (see Exhibit 3)

**4.) RH 5A zoning regulations** revised to allow a maximum height of 45 feet above ABE for hotel use on the Basra property only, to recognize that the transitions to medium density residential uses and zoning to the east must be respected. This height coincides with the maximum height limit allowed (30' above ABE in RM zone) as measured from the lowest building on the Highlands Kirkland condo site east of Basra. Expressed as height above ABE, the maximum height on the Basra parcel would be 45 feet above ABE. (see Exhibit 4)

## 2. Griffis CAR Study Area

- a. Request: Rezone from low density single family to office RH 8 zoning at 8520 131st Avenue NE and 8519 132nd Avenue NE (parcels shown in blue) in order to combine them with RH 8 property along NE 85<sup>th</sup> Street already owned by the applicant to enable an unspecified office mixed use development. Study area expanded to include all parcels between the north boundary of the Rose Hill Animal Hospital and 132nd Avenue NE, rather than the two properties requested by the applicants, to square off the zone.

- b. Recommendation: The Commission unanimously recommends rezoning the entire study area to RH 8, with the following conditions: restrict the height of structures within 30 feet of RSX zone boundary to 30 feet above ABE; allow commercial



development if access and buildings are consolidated with at least one lot abutting NE 85<sup>th</sup> Street, otherwise restrict study area to RSX uses; allow an isolated parcel abutting RH8 uses to develop independently with an office; and require affordable housing for residential development of four or more units.

- c. Discussion: The Planning Commission considered four zoning options for this request; 1) No Action, retain existing RSX zoning, 2) Rezone entire study area, 3) Rezone only parcels abutting the existing RH 8 zone, 4) Rezone only parcels east of NE 131st Street. A link to the July 23 public hearing packet containing background information and staff analysis is provided [here](#).

The Commission considered the relatively narrow depth of the existing RH-8 zone on the north side of NE 85th Street and its associated access challenges and concluded that a rezone from single family to office should be supported to address access concerns in the adjoining RH 8 zone that have contributed to lackluster redevelopment of a major gateway into Kirkland. Because access is problematic along NE 85th Street, additional depth would provide an opportunity for parcel aggregation and thus more access options for these lots off of 131st and 132nd Avenues NE.

The Commission concluded that given the aggregation potential of parcels if the entire study area is rezoned, redevelopment of the existing RH 8 parcels is more likely than if aggregation doesn't occur. Rezoning would provide an opportunity for property assembly, larger building envelopes, improved access from both 131st and 132nd Avenues NE, and improved traffic flow along NE 85<sup>th</sup> Street. It would enable driveways to be located further north from the intersections at NE 85<sup>th</sup> and 132<sup>nd</sup> Ave NE and 131<sup>st</sup> Ave NE (this is a desired outcome by the City and by the developer as indicated in the application for CAR). Aggregation would also allow the reduction of curb cuts on NE 85<sup>th</sup> Street by consolidating driveways and parking lots, depending on which parcels are aggregated.

The Commission also concluded that there is an opportunity to provide affordable housing in the study area in exchange for the rezone. Unlimited density in the RH 8 zone creates a development capacity bonus. The increased development capacity adds additional value to the property and an opportunity to create affordable housing.

The Commission considered the Neighborhood Association's concerns that adequate buffers should be provided between RSX and more intensive RH 8 business uses, should the rezone be affirmed. We concurred with staff's recommendation to address these concerns by limiting height within 30 feet of the RSX zone boundary to the same 30 feet above ABE that is allowed for single family, and restricting development in the study area to RSX uses if study area parcels are not consolidated with parcels abutting NE 85<sup>th</sup> Street. Additionally, if a parcel within the study area is surrounded on three sides with RH 8 uses, we recommend allowing it to be developed independently with an office use only. We concluded that these conditions provide an adequate transition to the residential core of the NRH neighborhood to the north while stimulating redevelopment that would improve the visual character of the commercial corridor, improve traffic flow along NE 85<sup>th</sup> Street, and potentially reduce piecemeal development.

***If this recommendation is affirmed, the following changes to existing Comprehensive Plan maps and text and Zoning Map and regulations are necessary:***

1. ***Zoning Map*** revised to reflect the zoning boundary change between the RSX and RH 8 zone (see Exhibit 5)
2. ***Land Use Maps***, (i.e. North Rose Hill Plan, NE 85<sup>th</sup> St. Subarea Plan and Citywide land use map) revised to reflect the land use boundary change between Low Density Residential and Office land use. (see Exhibit 6)
3. ***NE 85<sup>th</sup> Street Subarea Plan text*** amended to provide new and revised policies for conversion from low density to office when property consolidation of the study area with parcels abutting NE 85<sup>th</sup> Street occurs. (see Exhibit 7)
4. ***RH 8 zoning regulations*** revised to:
  - a) *Restrict height to 30 feet above ABE within 30 feet of the RSX boundary, to recognize that the transitions to low density residential uses and zoning*

*to the north must be respected. This height coincides with the maximum height limit allowed in RSX zones (30' above ABE).*

- b) Restrict development in the study area to RSX uses unless lots in the study area are consolidated with at least one parcel abutting NE 85th Street.*
- c) Allow isolated parcel in study area (surrounded on three sides by RH 8 uses) to develop independently with an office use.*
- d) Require affordable housing, to balance the City goal of providing affordable housing with the benefit to the property owner of increased residential capacity in the RH 8 zone. (see Exhibit 10)*

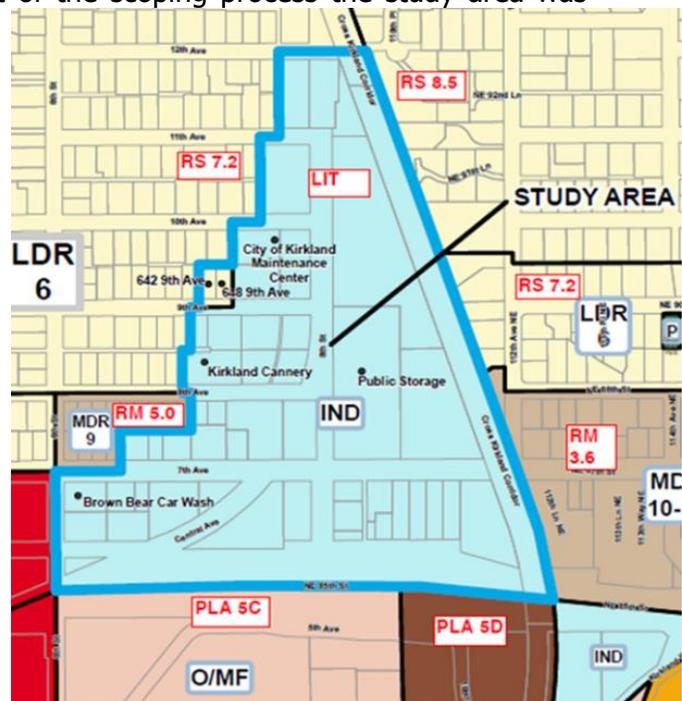
5. **Design Review zoning regulations** revised to require Design Review Board review rather than Administrative Design review for development that includes lots or portions of lots in the study area to further implement the design vision for the East End of the Rose Hill Business District. This higher level of review acknowledges that larger development proposals than would otherwise be possible will occur as a result of property consolidation. (see Exhibit 9)
6. **Affordable Housing Incentives-Multifamily** zoning regulations revised to note that the study area has been granted additional development capacity in exchange for affordable housing. The increased density is the incentive to provide affordable housing units. (see Exhibit 10)

## B. Norkirk Citizen Amendment Requests

### 1. Norkirk Light Industrial CAR Study Area

- a. Request: Seven amendment requests were considered in or abutting the Norkirk industrial area. As part of the scoping process the study area was expanded to include all parcels in the LIT zone along with 642 and 648 9<sup>th</sup> Avenue. The requests include:

- Rezoning the area north of 7<sup>th</sup> Avenue to residential
- Providing a transition zone between industrial and single family uses some distance between zone boundary and 8<sup>th</sup> St, and between 8<sup>th</sup> and 9<sup>th</sup> Avenue.
- Expanding the LIT area by two lots on the north side of 9<sup>th</sup> Ave
- Preserving current zoning but adding residential work loft as allowed use.



Industrial zones city wide require outside facilities associated with veterinary facilities and kennels to be located as far as possible from low density zone boundaries, in order to limit noise impacts.

- c. Discussion: A link to the July 23 public hearing packet containing background information and staff analysis is provided [here](#). The following overlapping requests were combined for consideration:
- 1) Provide buffer by limiting uses to apartments and offices between single family on 8<sup>th</sup> and 9<sup>th</sup> Avenues and LIT zone west of 8th Street.
  - 2) Rezone study area or a portion thereof to residential.
  - 3) Preserve current LIT zoning that excludes residential and most retail, but add low density live/work unit as allowed use.
  - 4) Rezone 642 9<sup>th</sup> Avenue (and intervening 648 9<sup>th</sup> Avenue) to LIT and allow live/work lofts.

Our recommendation is intended to support the current Comprehensive Plan policies to maintain the light industrial area to serve economic and employment needs of the community and ensure that adverse impacts are minimized on adjacent residential neighborhoods. Over 70 businesses operate in this zone, supporting nearly 400 jobs.

The Commission concluded that a rezone of study area from LIT to residential or an expansion of uses allowed in the LIT zone to include live/work units should not be supported in order to avoid introduction of more irreconcilable land uses in even greater proximity to each other. We recognize that buffers and parking are currently non-conforming next to the zone boundary but that with or without a rezone only redevelopment will trigger these non-conformances be brought into conformance. Therefore in the short run, a rezone to residential will not necessarily result in the intended purpose to provide some relief from visual, noise and traffic impacts. In the long run it isn't in the City's best interest to convert job and revenue generating uses to residential.

Similarly, limiting future land uses to offices (that are already permitted in industrial zones) will not address current parking and traffic problems. Offices generate more traffic than traditional industrial uses, and unless redevelopment occurs, nonconforming parking/buffers will not change.

Live/work lofts are not necessarily a transitional land use and would also require concentrated city oversight to ensure the business aspect of the use did not convert to residential over time.

Rezoning existing residential properties on 9<sup>th</sup> Avenue to industrial would shift incompatible industrial impacts west, and may destabilize established single family uses.

In order to provide some protection of residential uses abutting the zone boundary, we concur with staff to strengthen the current LIT zoning rules governing the location of outside runs or other outside facilities associated with veterinary facilities, to reduce noise impacts. We also recommend a future planning work program task to consider a noise study for other than office uses abutting a low density zone boundary in all LIT zones throughout the City.

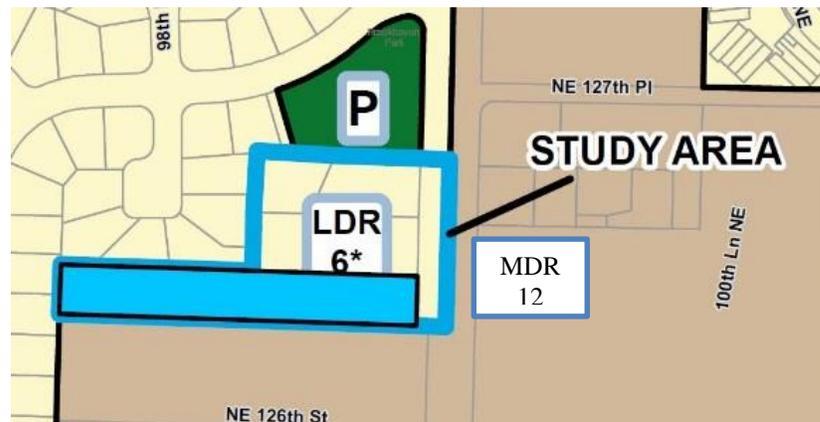
***If this recommendation is affirmed, the following change to existing Zoning regulations is recommended:***

***LIT zoning regulations*** revised to require outside facilities associated with veterinary facilities and kennels Citywide to be located as far as possible from single family zone boundary, in order to limit noise impacts. (see Exhibit 11)

## C. Juanita Citizen Amendment Request

### 1. Newland CAR Study Area

- a. Request: Victoria Newland submitted the original citizen amendment request (CAR) application to rezone her property at 12625 100<sup>th</sup> Avenue from single family residential to multifamily (parcel shown in blue below). The property has since sold to a new owner who also supports the request. The study area was expanded to include three parcels to the north. The study area is surrounded by existing multifamily development zoned RM 3.6 on the south and across 100<sup>th</sup> Avenue NE. To the west is a single family neighborhood. Juanita Creek runs through the area separating several of the parcels and therefore it would be challenging to access the rear portions of the lots if redeveloped.



The staff report for the February 12, 2015, Planning Commission packet provides a detailed analysis of the rezone options, environmental constraints of the properties and the number of potential new residential units/lots if rezoned and redeveloped (16-21). A link to the packet is provided [here](#).

The land use options that were analyzed for the study area included keep existing RSX 7.2 zoning or rezone to RM 5.0 or RM 3.6. The draft EIS for the Comprehensive Plan update also evaluated the potential environmental impacts of this change.

A public hearing on the request was held on June 25, 2015. A link to the packet is provided [here](#). Three letters were received opposed to the CAR during the study session period.

- b. Recommendation: The Planning Commission's recommendation is to support a rezone of the Newland parcel and the two parcels to the north from land use designation low

density single family six dwelling units per acre (LDR 6\*) to medium density residential and zoning designation RSX 7.2 to RM 3.6. The fourth parcel in the study area located at 9835 NE 128<sup>th</sup> ST is recommended to remain as low density single family RSX 7.2 because it is oriented to and receives vehicular access to a single family neighborhood street. See Exhibit 12 showing recommendation for land use map change and Exhibit 13 for Zoning Map change.

The recommendation to rezone the three parcels to RM 3.6 should be affirmed because conditions have changed since the properties were given their current zoning. The speed and traffic volumes along 100<sup>th</sup> Avenue NE and the narrow widths of the parcels make it not conducive to single family development.

Rezoning to RM 3.6 would allow attached or detached housing and clustering of units away from the stream. RM 3.6 zoning would be consistent with the surrounding zoning to the south and east. The rezone would be consistent with the policies in the Land Use Element and other provisions of the Comprehensive Plan, GMA, countywide planning policies supporting compact growth and other criteria above.

- c. Discussion: The Planning Commission and staff studied the implications of four options including keeping the existing low density residential zoning, rezoning to low density residential RS 5.0, medium density five dwelling units per acre (RM 5.0) and medium density twelve dwelling units per acre (RM 3.6). Rezoning to RM 3.6 would allow flexibility in how future housing units could be arranged, especially given the existing stream and buffer requirements. The rezone would be consistent with the surrounding uses to the south and east.
- d. City Council Comments: On March 12, 2015 City Council was briefed on the preliminary recommendation for the CAR study area. During the City Council briefing on the matter it was suggested to add text to the Neighborhood Plan to require new development to share driveways and provide greater landscape buffers adjacent to single family development. That would require a suffix to be added to the Zoning Map which we are trying to get away from. Staff clarified that there are existing policy text in the Neighborhood Plan that relate to multifamily development encouraging shared driveways and access points. Zoning regulations also establish buffering and other requirements to mitigate for impacts of future multifamily development adjacent to low density development and protection of streams and wetlands.

***If this recommendation is affirmed, the following changes to existing Comprehensive Plan text and Zoning Map are necessary:***

**1.) Zoning and Comprehensive Plan Land use Maps** revised to:

Change three parcels from low density single family residential (LDR 6\*)/RSX 7.2 (2) to medium density residential (MDR 12)/RM 3.6. (See Exhibits 12 and 13).

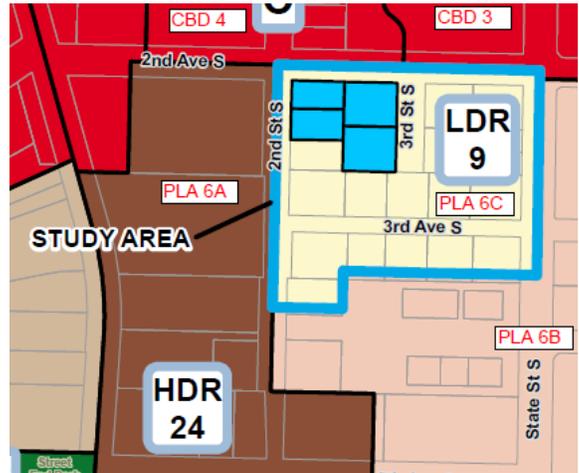
**2.) Comprehensive Plan text revisions:**

Text will be eliminated in the Juanita Neighborhood Plan that refers to clustered development of the four parcels in the study area currently designated as LDR 6\* .

## D. Moss Bay Citizen Amendment Requests

### 1. Nelson and Cruikshank CAR Study Area

- a. Request: Tom Cruikshank and France and Jason Nelson submitted applications for Citizen Amendments for their adjoining properties located in the Moss Bay Neighborhood. The request is for a change from low density single family to high density zoning. The Cruikshanks own two properties in the area, one with four apartment units and the other with a single family home. The Nelsons also own two properties, both with single family homes. As part of the scoping process, the Planning Commission and City Council expanded the scope to include the entire PLA 6C zone, rather than just the four properties owned by the applicants (highlighted in blue).



- b. Recommendation: The Planning Commission recommends changing the Comprehensive Plan designation and zoning for the study area from low density residential at nine dwelling units per acre to high density residential at 24 units per acre. This land use designation and zoning would be consistent with the Planned Area 6A area located immediately west of the study area. Due to the small blocks and small parcels in the subarea, the Commission also recommends reducing the required front yards from 20' minimum to 10' minimum and recommends five foot side yard setbacks, rather than the standard five foot minimum with 15 foot total. Finally, if the area is upzoned from low density to high density as recommended, the Commission is recommending minor changes to height and land use buffer standards that apply to properties north of Second Avenue South in the CBD 3 and CBD 4 zones (see Exhibits 14 and 15).

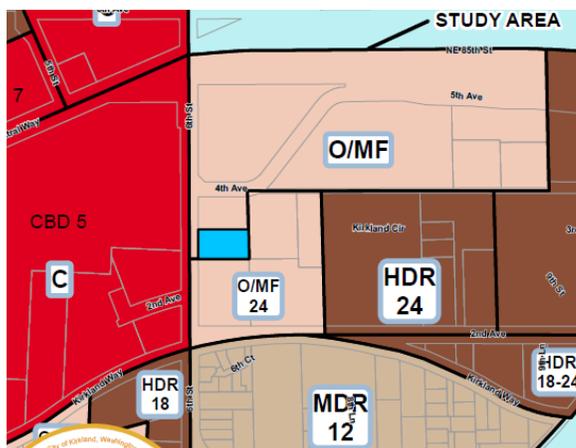
Discussion: The Planning Commission considered a range of density alternatives relative to this request including retaining the existing low density single family designation, changing to a medium density designation (similar to zoning to the south and east), and changing to high density (similar to zoning to the west).

The Commission supports multifamily redevelopment of the study area due to the proximity of the area to the Central Business District with its walkable access to shops, services, and transportation choices. The Commission noted that, given the typical age of the existing housing stock in the study area, the area will see some form of redevelopment in the coming years under any density scenario. The Commission was concerned that, without a substantial increase in the allowed density, the likely redevelopment would continue to be high-end single family homes. Simply retaining the number of existing single family housing units in the study area would not take full advantage of the opportunity to provide new housing stock for residents in a compact, walkable location.

The staff report for the June 25, 2015 public hearing provides a detailed analysis of the rezone options. A link to the packet is provided [here](#). The public hearing was continued to July 9, 2015 to allow additional public testimony and Commission deliberation of the options. Residents in and near the study area were somewhat divided on their preferred density alternative. Supporters noted the proximity to the downtown and the changed conditions since the single family zone was established. Opponents noted the validity of maintaining the single family character of the area, detrimental impacts of multifamily redevelopment, and traffic concerns.

## 2. **Waddell CAR Study Area**

- a. **Request:** Doug Waddell submitted an application for a Citizen Amendment Request for the Planned Area 5C properties located in the Moss Bay Neighborhood. The request is to eliminate requirements for common recreational open space in the PLA 5C area, consistent with other zones where density is determined by building height and bulk (such as the CBD, JBD and Totem Lake). Mr. Waddell owns the property located at 220 6<sup>th</sup> Street. The Planning Commission and City Council recommended that this CAR move forward for further consideration.



- b. **Recommendation:** The Planning Commission recommends deleting the requirement for common recreational open space in the Planned Area 5C (PLA 5C) zone.
- c. **Discussion:** Common recreational open space requirements are established in KZC 115.23. The PLA 5C zone is the only zone listed in that section that does not have a maximum density limit. While there is no direct policy rationale explaining the absence of common recreational open space requirements for other areas without a maximum density limit, it is likely that the desire was to make highly efficient use of land in these and other high density growth centers. The absence of common recreational open space requirements in these areas coincides with small or no setbacks, high lot coverage allowance, and design review. These factors all work in conjunction with policies that support density in these subareas as a means of creating compact mixed use centers where residents are close to shops, services and transit. As with nearby CBD projects that do not have this requirement, the PLA 5C zone is close to many parks and recreational opportunities in Downtown.

On a related note, during deliberations the Commission discussed code issues, including current height limits that make development of rooftop open space for residents difficult. The Commission would like to review those regulations as part of a future work program.

## **II. REVIEW PROCESS FOR CITIZEN AMENDMENT REQUESTS**

Initially, the Planning Commission considered over 30 CAR applications on July 10, 2014 and made a recommendation to City Council on which applications should move forward for additional study. In July, the City Council considered the recommendation and approved the final list. In September, the Planning Commission scoped the study areas for the CARs and those study areas define the analysis contained in this memorandum.

An Environmental Impact Statement has been prepared for the Comprehensive Plan Update that includes an analysis of any probable significant impacts relating to each of the CARs.

## **III. CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN AND LEGISLATIVE REZONES**

The Zoning Code (KZC 140) contains criteria for amending the Comprehensive Plan (including Neighborhood Plans) as described below.

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The Zoning Code (KZC 130) contains three criteria for considering legislative rezones as part of the Comprehensive Plan amendment and Zoning Code or Map. The list of criteria is provided below:

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the community of Kirkland.

Staff evaluation of criteria for each CAR was included in the public hearing memorandum for that CAR on either [June 25, 2015](#) or [July 23, 2015](#).

## **IV. PUBLIC NOTICE & OPPORTUNITIES FOR PUBLIC COMMENT**

Public notice was provided for study of the Citizen Amendment Requests. The City issued a Special Comprehensive Plan Update Edition of the *City Update* newsletter in October 2014, including a section on the CARs with a map showing the location of the CARs and a link to the CAR web page where meeting dates would be posted. In early November 2014, property owners and residents within the study areas and property owners within 300 feet of the study areas were notified by mail of the CAR study and directed to the City's web page for meetings dates once they were scheduled. In late November 2014, CAR applicants were notified by email of the meeting dates that had since been scheduled. Email notice was also provided to the neighborhood associations and the Kirkland 2035 listserv. In January 2015, email notice of the meeting date was sent to the CAR applicants, and letters containing information about the

process and copies of the notice that was mailed in November 2014 were sent to property owners within the study areas. A *City Update* newsletter was mailed in June 2015 to all residents and businesses in Kirkland describing the citizen amendment requests and public hearing schedule.

Prior to the public hearing and open houses, notices of the hearing date were mailed to property owners and residents within the study area and 300' feet surrounding the area. Public notices signs were installed surrounding the study area.

Public outreach with the Neighborhood Associations occurred from November 2014 through February 2015 to present the proposed CAR's applicable to each neighborhood and to receive comment on the CAR's.

## **V. PUBLIC COMMENTS RECEIVED**

A comment log summarizing all comments received to date is enclosed in Exhibit 16. The Planning Commission reviewed these comments when considering the CARs. Copies of the comments are available in the City official file, CAM13-00465, #10

### **Exhibits:**

1. Basra proposed Zoning Map changes
2. Basra proposed Comprehensive Plan Land Use Map changes
3. Basra proposed Comprehensive Plan text changes eliminating Light Manufacturing Park
4. Basra proposed RH 5A zoning changes
5. Griffis proposed Zoning Map changes
6. Griffis proposed Comprehensive Plan Land Use Map changes
7. Griffis proposed NE 85<sup>th</sup> Street Subarea Plan text changes
8. Griffis proposed RH 8 zoning regulations changes
9. Griffis proposed Design Review zoning regulations
10. Griffis proposed Affordable Housing Incentives-Multifamily
11. Norkirk LIT proposed Industrial zoning changes
12. Newland proposed Comprehensive Plan Land Use Map changes
13. Newland proposed Zoning Map changes
14. Nelson/Cruikshank proposed Zoning Map changes
15. Nelson/Cruikshank proposed Comprehensive Plan Land Use Map change
16. Comment log

*Please contact Teresa Swan at [tswan@kirklandwa.gov](mailto:tswan@kirklandwa.gov) or 425-587-3258 in advance of the September 10<sup>th</sup> meeting if you have any questions or comments on the summary recommendations for the CAR so that staff is prepared with a response at the meeting. The planners who worked on the Barsa, Griffis, Norkirk LIT, Newland and Nelson/Cruikshank CARs were not planning on attending the September 10<sup>th</sup> meeting.*



**CITY OF KIRKLAND**  
**PLANNING AND BUILDING DEPARTMENT**  
 123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
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## MEMORANDUM

**Date:** September 10, 2015

**To:** Kirkland City Council

**From:** Eric Laliberte, Chair, Kirkland Planning Commission

**RE:** **RECOMMENDATION ON TOTEM LAKE AND WALEN CITIZEN AMENDMENT REQUESTS, 2013-2015 COMPREHENSIVE PLAN UPDATE, FILE NO. CAM13-00465, #5**

### I. RECOMMENDATION

On behalf of the Planning Commission, I am pleased to submit our recommendation on amendments for the following Citizen Amendment Requests (CAR's) that are being considered as part of the 2035 update to the Comprehensive Plan. A summary recommendation for each is provided below. The detailed recommendation for each CAR is provided in Sections A and B below.

#### Recommendation Summary:

- **Evergreen Health:** Approve a change to the land use and zoning for one parcel from High Density Residential (TL 1B) to Institutional (TL 3D). If affirmed, the Zoning Map, Totem Lake Business District Land Use Map and citywide Land Use Maps would be revised to designate the property for Institutional use. The recommendation is reflected in Exhibits 1 and 2 to this memorandum.
- **Rairdon:** Approve a change to expand the permitted uses within the TL 9A and TL 9B zones to allow one new commercial use, "A retail establishment providing vehicle or boat sales, repair, services, storage or washing". If affirmed, the Zoning Code would be amended to allow the use with the following conditions: the use would be allowed in TL 9B only if site development includes consolidation and coordination with development in TL 9A. Vehicle access would be limited to NE 126<sup>th</sup> Place. Development would be reviewed through a public process. Additional conditions to address environmental conditions and commercial impacts, such as the requirement for an expanded buffer (greater than 100 feet) from the parcel's north property line, specific direction for mitigation plans, and restrictions on lighting and outdoor loudspeaker systems, would be included. The recommendation is reflected in Exhibits 3 through 6 to this memorandum.

- **Astronics:** Approve a change to increase the maximum building height to 65' for the Astronics property, with provisions to allow for an additional 10 feet for rooftop appurtenances, and include new language in policies and regulations to address environmental conditions. The recommendation is reflected in Exhibits 7 and 8.
- **Morris:** Approve a change to rezone the Morris property from TL 7 to RMA 3.6, with the standard height limit in the RMA zone (35'). Add multifamily as a permitted use within the TL 7 zone for the two parcels at the western edge of the study area, on 132<sup>nd</sup> Avenue NE. Policies and regulations would be added to address potential conflicts with industrial uses. The recommendation is reflected in Exhibits 9-13.
- **Totem Commercial Center:** Approve a change to allow residential use in mixed use development west of 128<sup>th</sup> Lane NE, with minimum standards for ground floor commercial use. Standards would include an increase in maximum building height to (65' or 80') for (mixed use containing residential and/or office use or all uses), and minimum aggregation requirements. The recommendation is reflected in Exhibits 14-16.
 

*This section will be revised prior to forwarding to the City Council, pending the deliberation and recommendation from the Planning Commission following the continuation of the public hearing on this CAR on September 10<sup>th</sup>. See Section A.5 below.*
- **Walen:** Approve a change to allow vehicle sales and storage within the NRH 5 zone. Rezone the westerly 200' of the Ridgewood Village condominium property surrounding the Walen property to NRH 5. Provide additional conditions to address impacts from outdoor storage, exterior lighting and outdoor speakers. The recommendation is reflected in Exhibits 17-20.

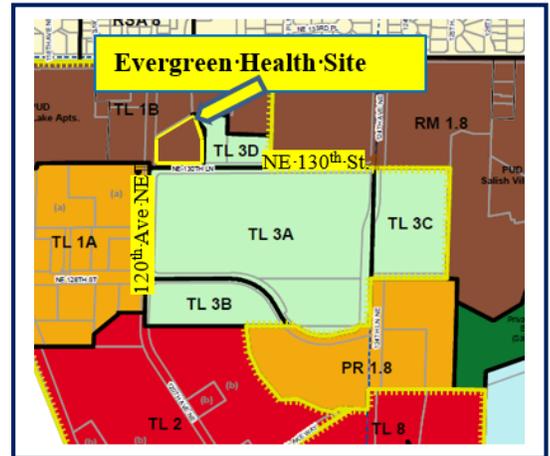
A public hearing on the Citizen Amendment Requests in Totem Lake was held on August 13, 2015. Links to the materials provided for the hearing are provided [here](#) and [here](#). The draft EIS for the Comprehensive Plan update also evaluated the potential impacts of these changes. Excerpts from this document containing the analyses of each CAR is included in the materials provided for the public hearing.

## **A. Totem Lake Citizen Amendment Requests**

### **1. Evergreen Health CAR**

- a. Request: Rezone the parcel from TL 1B to TL 3D to have identical standards to those in place for the campus property located directly to the east.

The staff report for the March 12, 2015 Planning Commission study session on this request provides a detailed analysis of the rezone options and the relationship of the proposed land use to surrounding land uses. A link to those materials is provided [here](#).



- b. Recommendation: The Commission recommends rezoning the parcel to TL 3D (Institutional). This change would allow the site to be added to the defined boundaries of the Evergreen Healthcare campus, and included in the campus Master Plan.
- c. Discussion: The Planning Commission considered two zoning options for this request; 1) keep existing TL 1B zoning and 2) rezone the parcel to TL 3D. The Planning Commission and staff studied the implications of the options and concluded that the rezone from multifamily to institutional use should be supported. A link to the August 13 public hearing packet containing background information and staff analysis is provided [here](#) and [here](#).

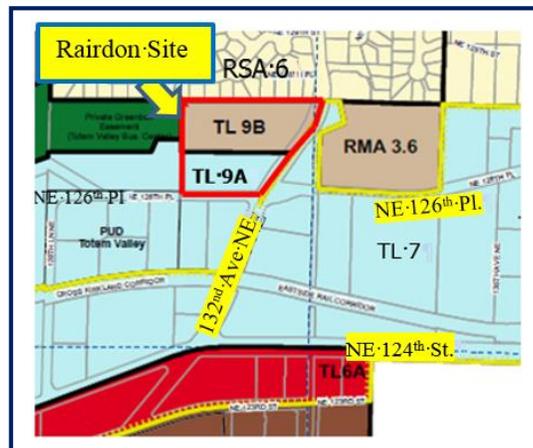
Evergreen Health has acquired the medical office building located on the subject property, and the rezone would enable this space to be included in comprehensive planning for the Medical Center campus. The Commission concluded that this change would allow for more comprehensive planning for the applicant, and a better sense of future uses and impacts for the City when addressing traffic impacts, and in understanding future growth in the Urban Center. The rezone would implement goals and policies of the Totem Lake Neighborhood Plan for the Evergreen Hospital Medical Center, and is consistent with other provisions of the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services, and transportation choices.

***If the recommendation is affirmed, the following amendments would be necessary:***

- a. **Zoning Map** would be revised to show the rezone for the parcel from TL 1B to TL 3D (see Exhibit 1).
- b. **Land Use Maps** (Totem Lake Business District Land Use Map, Citywide Land Use Map) would be revised to designate the property for Institutional use (see Exhibit 2).

## 2. Rairdon CAR

- a. **Request:** Rezone the northern parcel in the study area from TL 9B to TL 7, and the southern parcel in the study area from TL 9A to TL 7. The rezones would allow commercial use on the northern parcel, and a broader range of commercial uses on the southern parcel. The property owner has indicated that he is interested in using the site for a vehicle business, which may include sales, service, storage, etc.



The request was originally submitted as two applications for the two parcels under common ownership. The Planning Commission recommended, and the City Council later agreed, that the two requests should be consolidated into one to enable more comprehensive review of the issues and approaches to be considered for the larger ownership.

The staff report for the April 16, 2015 Planning Commission study session on this request provides a detailed analysis of the rezone options, environmental and neighborhood compatibility issues related to this request. Links to those materials are provided [here](#) and [here](#) (discussion of the Rairdon CAR begins on page 9).

- b. **Recommendation:** The Commission does not support rezoning the parcels to TL 7, but rather supports expanding the permitted uses within the existing zones to allow one new commercial use: "A retail establishment providing vehicle or boat sales, repair, services, storage or washing". The use would be allowed with the following conditions: The use would be allowed in TL 9B only if site development includes consolidation and coordination with development in TL 9A. Vehicle access would be limited to NE 126<sup>th</sup> Place. Development would be reviewed through a public process. Additional conditions to address environmental conditions and commercial impacts, such as the requirement for an expanded buffer (greater than 100 feet) from the parcel's north property line, specific direction for mitigation plans, and restrictions on lighting and outdoor loudspeaker systems, would be included.
- c. **Discussion:** The Planning Commission considered three options for this request; 1) no action, 2) retain existing zoning but add vehicle sales to permitted uses in TL 9A in this location, and allow vehicle sales (and related uses) in TL 9B if site development includes consolidation and coordination with development in TL 9A. Vehicle access would be limited to NE 126<sup>th</sup> Place. Development would be reviewed through a public process. Additional conditions to address environmental conditions and commercial impacts would be included and 3) expand the permitted uses within the TL 9A zone only to add vehicle sales in this location.

A link to the August 13<sup>th</sup> public hearing packet containing background information and staff analysis is provided [here](#) and [here](#).

The Planning Commission and staff carefully considered the environmental conditions present in the study area. A discussion regarding the studies of wetlands and streams performed for the north parcel is provided with the [April 16th Materials](#), beginning on page 67. The analysis included in the April 16 packet also discusses the High Landslide Hazard Area designation for the property, and related conditions and requirements for additional geotechnical studies and recommendations.

The Commission also considered the concerns of the neighbors north of the property, and wanted to ensure that the extensive policy direction for the north parcel that exists in the Comprehensive Plan be retained and also implemented through development standards. The conditions included with the Commission's recommendation incorporate these conditions as well as additional standards that will provide a greater buffer between future development and the neighbors to the north, as well as assurance that vehicle access to the site for any commercial development will be limited to the southern end of the study area (NE 126<sup>th</sup> Place). Neighbors will be provided with an opportunity to be involved in the review process for proposed development, since a Planned Unit Development (Process IIB) permit will be required for commercial use of the northern parcel.

With the additional conditions to be placed on future development, and the restriction that commercial development of the northern parcel be allowed only when coordinated and consolidated with development of the southern parcel, the Commission concluded that this option provides a cautious approach to allowing greater use of the subject property, while providing an avenue through which a developer could propose modifications to critical areas regulations.

The addition of the new retail use allowing vehicle sales, service, storage, etc. would implement goals and policies of the Totem Lake Neighborhood Plan provided that there are the appropriate environmental analyses and benefits. If environmental standards are met, it would also be consistent with other provisions of the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services and transportation choices.

***If the recommendation is affirmed, the following amendments would be necessary:***

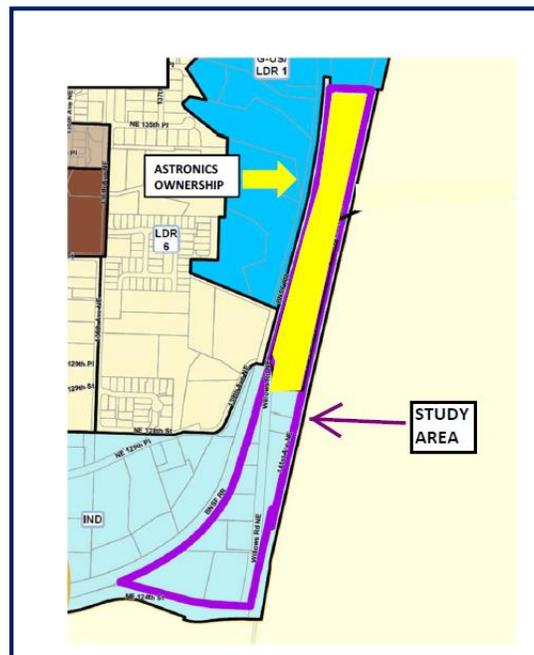
- a. ***Zoning Map*** would be revised to show the change in land use designation from medium density residential to commercial for the northern parcel (see Exhibit 3).
- b. ***Land Use Maps*** (Totem Lake Business District Land Use Map, Citywide Land Use Map) would be revised to designate the property for Commercial use (see Exhibit 4).

- c. **Comprehensive Plan:** New language would be added to the Totem Lake Business District Plan for the Totem Lake Business District to ensure that impacts to critical areas are addressed (see Exhibit 5).
- d. **Zoning Code:** Development standards for the TL 9A and TL 9B zones would be revised to include Vehicle Sales among the permitted uses, and to include new standards to address environmental conditions and impacts of commercial uses on neighboring residential uses (see Exhibit 6).

### 3. Astronics CAR

- a. **Request:** The request is for additional building height to be allowed on the property. The current height limit is 45', and the applicant requests a height limit of 75'. The application states that Astronics is interested in building a 130,000 square foot building with associated parking. Since the time of the submittal of the CAR application, Astronics has provided additional information about future development plans. Revised information indicates the proposed building would contain 133,800 square feet, and could be built to a maximum height of 65', with an additional 10 feet in height needed for rooftop appurtenances.

As part of the scoping process, the Planning Commission and City Council expanded the study scope to include all properties within the TL 7 zone east of the Eastside Rail Corridor.



The staff report for the April 16, 2015 Planning Commission study session provides a detailed analysis of the options considered for this request. Links to those materials are provided [here](#) and [here](#) (discussion of the Astronics CAR begins on page 18).

- b. **Recommendation:** The Planning Commission recommends that the maximum building height be increased to 65' for the area including the Astronics property only, with provisions to allow for an additional 10 feet for rooftop appurtenances, and that new language in policies and regulations be provided to address environmental conditions.
- c. **Discussion:** The Commission considered two options for this request; 1) no action, and 2) allow an increase in height to 65' for the Astronics property. Provide for additional height up to 75' to accommodate rooftop appurtenances. Establish a maximum Floor Area Ratio (FAR) of .5 for structures over 45'. Provide Comprehensive Plan language to address environmental conditions.

A link to the August 13<sup>th</sup> public hearing packet containing background information and staff analysis is provided [here](#) and [here](#).

The Commission considered a variety of factors in the study of the Astronics request. First, the Astronics Company provides many jobs for Kirkland, and will continue to provide more in the future, so efforts to retain this business are important. Without an increase in height, Astronics would not be able to expand as planned. However, the Astronics Study Area is located outside of the Totem Lake Urban Center, in an area designated for industrial use. The area is not served by transit, and employment growth in this area would be away from the core of the business district where greater development intensity is planned and better transit opportunities exist.

Second, the Astronics property is located at a considerably lower elevation than properties to the west. Additional height would not result in visual impacts to other properties. A height limit of 65' would be consistent with the height limits allowed elsewhere in many Totem Lake zones.

Third, environmental conditions including wetlands and streams exist on the property under Astronics' ownership that may affect future development.

The Commission concluded that additional growth should be limited within the study area to the Astronics property, and controlled by a maximum FAR of .5. This approach would allow for the flexibility desired by the applicant, while limiting capacity in the area for future growth away from the core of the Urban Center. Additional height to 65' (and 75' for rooftop appurtenances) on the Astronics property would not result in visual impacts to other properties. Allowing additional height for rooftop appurtenances within the development standards would provide assurance to Astronics that preliminary plans they have presented to staff which indicate a need for the elevator shaft to exceed 65' in one area would be acceptable. As with the recommendations for the Rairdon property, this option provides a cautious approach to allowing greater use of the subject property, while providing an avenue through which a developer could propose modifications to critical areas regulations.

The height increase is consistent with goals and policies of the Totem Lake Neighborhood Plan that support the role of the area as a community and regional center for employment and economic activity. The increase is also consistent with other established City policies established in the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services, and transportation choices.

***If the recommendation is affirmed, the following amendments would be necessary:***

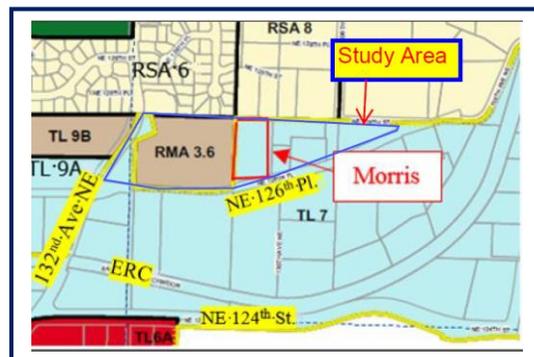
- a. ***Comprehensive Plan:*** Additional language would be added to the Totem Lake Business District Plan for the Totem Lake Business District to ensure that impacts to critical areas are addressed (see Exhibit 7).

- b. **Zoning Code:** Development standards for the TL 7 zone would be revised to increase the maximum building height for Office and High Tech uses within the area where Astronics is located, and to include new standards to address environmental conditions (see Exhibit 8).

#### 4. Morris CAR

- a. **Request:** Rezone from TL 7 to RMA 3.6 or higher to allow residential use. The applicants also ask that an increase in height to 40' be allowed on the site due to its topography.

As part of the scoping process, the Planning Commission and City Council expanded the study scope to include all properties within the TL 7 zone on the north side of NE 126<sup>th</sup> Place.



The staff report for the April 16, 2015 Planning Commission study session on this request provides a detailed analysis of the rezone options, environmental and neighborhood compatibility issues related to this request. Links to those materials are provided [here](#) and [here](#) (discussion of the Morris CAR begins on page 2).

- b. **Recommendation:** The Commission recommends rezoning only the Morris property from TL 7 to RMA 3.6, with the standard height limit in the RMA zone (35'), and retaining the existing TL 7 zoning for the remainder of study area. Multifamily use would also be added as a permitted use within TL 7 zone for the two parcels at the western edge of the study area, on 132<sup>nd</sup> Avenue NE. Policies and regulations would be added to address potential conflicts with industrial uses.
- c. **Discussion:** The Planning Commission considered two options for this request; 1) no action and 2) rezone the Subject Property only to RMA 3.6 with standard height limit (35'), retain existing zoning for remainder of study area, but allow multifamily as a permitted use within TL 7 zone on parcels abutting 132<sup>nd</sup> Avenue NE. Within the second option, the Commission considered variations which would have continued to allow all currently permitted non-residential uses on the Morris property, and would have established the maximum building height at 40' for multifamily use on the property.

A link to the August 13<sup>th</sup> public hearing packet containing background information and staff analysis is provided [here](#) and [here](#).

Key issues the Commission considered in studying this request included the environmental conditions present on the Morris property, which include steep slopes and possible wetlands, and the potential for conflicts between residential and industrial uses within the study area. The study area is zoned and planned for light industrial/commercial use, but includes one parcel, directly west of the Morris property, that was rezoned for multifamily use (RMA 3.6) just before the area was annexed from King County in 2011.

The grade of the Morris property rises from 170' at its southern boundary to 240' along the north property line. Multifamily use of the Morris property may have a greater potential to be developed in a manner which could follow the existing topography and avoid sensitive areas. Housing may also be a better transition along 132<sup>nd</sup> Avenue NE between the industrial uses to the south and the low density residential uses to the north.

In this study area, as in other industrial areas the Commission studied as part of the update of the Totem Lake Neighborhood Plan, the issue of potential conflicts between residential and industrial development exists. Occasionally, residents in areas where these uses coexist or occur within close proximity object to typical impacts associated with light industrial uses, such as truck traffic, noise and odors.

The Commission concluded that multifamily residential use of the Morris property is appropriate, due to the environmental conditions on the site, and the adjacency of multifamily-zoned property to the west. The Commission did not support the extension of residential use to properties to the east and south within the study area. Since the increased height included in the request would not be consistent with the RMA 3.6 zoning on the property adjacent to the Morris property on the west, and could result in greater impacts to the low density residential neighbors on the north, we did not support a height limit of 40' rather than the standard 35' for the Morris property.

The Commission also agreed to allow multifamily residential use as an option for the two properties west of the existing RMA 3.6 zone abutting 132<sup>nd</sup> Avenue NE. The owner of one of the properties contacted staff to discuss his plans to develop with light industrial use.

Since the Commission's recommendation would limit residential use to the western portion of the study area, residents would have close access to 132<sup>nd</sup> Avenue NE limiting the need to travel extensively through the industrial area. In addition, substantial buffering would be required on the property from adjacent industrial sites. The Zoning Code would also include a regulation that provides notice to developers and residents of potential impacts from existing and future light industrial uses in the area.

The change to permitted uses in this area would implement goals and policies of the Totem Lake Neighborhood Plan that support expanding housing opportunities. The rezone is also consistent with the public welfare and is in the best interests of the community because it is consistent with established City policies established in the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services, and transportation choices.

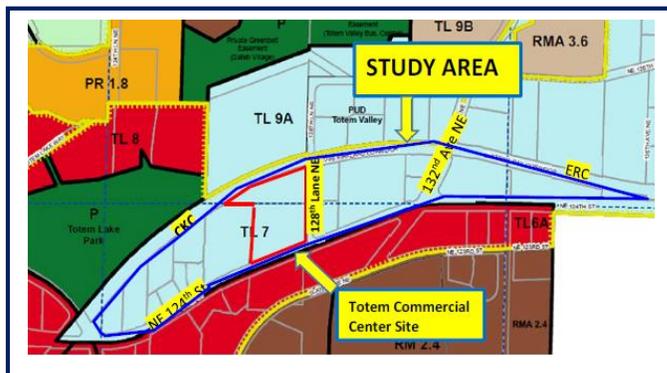
***If the recommendation is affirmed, the following amendments would be necessary:***

- a. ***Zoning Map:*** The Zoning Map would be revised to rezone the Morris property from TL 7 to RMA 3.6 (see Exhibit 9).

- b. **Land Use Maps:** The Land Use Map in the Totem Lake Business District Plan and the citywide Land Use Map would be revised to indicate a change of use from Industrial to Medium Density Residential (see Exhibit 10).
- c. **Comprehensive Plan:** New language would be provided to describe the environmental conditions on the property, and to provide guidance for limiting conflicts between industrial and residential uses (see Exhibit 11).
- d. **Zoning Code:**
  - o Development standards for the TL 7 zone would be revised to allow for multifamily residential use on properties to the west of land zoned RMA 3.6, north of NE 126<sup>th</sup> Place (see Exhibit 12).
  - o Development standards for the RMA 3.6 zone would be revised to include regulations to address potential conflicts with industrial uses, including the requirement that additional buffering be provided adjacent to industrially-zoned land and to provide notice to developers and future residents about potential conflicts from light industrial types of uses (see Exhibit 13).

## 5. Totem Commercial Center CAR

- a. **Request:** The request is for increased building heights and an expanded range of uses in the TL 7 zone. In his application, Mr. Woosley asks for an increase to 80 feet, “and perhaps as tall as those allowed in the zoning districts at or near Evergreen Healthcare.” (Maximum height limits for the hospital campus and mixed use area to the east are 150-160’). The application requests that permitted uses be expanded to include residential use, and that all existing permitted uses continue to be allowed.



As part of the scoping process, the Planning Commission and City Council expanded the study scope to include all properties within the TL 7 zone on the north side of NE 124<sup>th</sup> Street, south of the Cross Kirkland Corridor.

The staff report for the March 12, 2015 Planning Commission study session on this request provides a detailed analysis of the rezone options and the relationship of the proposed land use to surrounding land uses. A link to those materials is provided [here](#) (discussion of the Totem Commercial Center CAR begins on page 6).

- b. Recommendation: For the portion of the study area located west of 128<sup>th</sup> Lane NE only, the Commission recommends allowing residential use in mixed use development with minimum standards for ground floor commercial use. Maximum building height would be increased to (65' or 80') for (mixed use containing residential and/or office use or all uses), and to include minimum aggregation requirements. The Commission does not recommend limiting the future development of industrial uses currently permitted.

*This section will be revised prior to forwarding to the City Council, pending the deliberation and recommendation from the Planning Commission following the continuation of the public hearing on this CAR on September 10<sup>th</sup>. Commission recommendation to include a maximum height limit for all uses (whether increase is for mixed use only or for all uses).*

- c. Discussion: The Planning Commission considered four options for this request:

- 1) No action,
- 2) West of 128<sup>th</sup> Lane NE only:
  - Allow residential in mixed use development with a minimum lot size of 1.5 acres;
  - Increase height to 65' for mixed use containing residential;
  - Restrict industrial uses west of 128<sup>th</sup> Lane NE to existing structures, and provide limitations on expansion and improvement;
  - Require development containing residential use to be designed to prevent conflicts with light industrial uses (traffic, noise and use impacts);
  - Require development to address pedestrian connections to the CKC;
  - Require affordability in residential development;
- 3) West of 128<sup>th</sup> Lane NE only:
  - Allow free-standing multifamily residential and mixed use with a minimum lot size of 1.5 acres;
  - Increase height to 65' for residential, mixed use and office;
  - Same standards noted above for limits on industrial use, design to prevent conflicts with industrial use, and affordability;
- 4) West of 128<sup>th</sup> Lane NE only:
  - Allow free-standing multifamily residential and mixed use with a minimum lot size of 1.5 acres;
  - Increase height to 80' for residential, mixed use and office;
  - Same standards noted above only for design to prevent conflicts with industrial use and affordability.

A link to the August 13 public hearing packet containing background information and staff analysis is provided [here](#) and [here](#).

In studying this request, the Planning Commission studied a variety of issues. In particular, the Commission considered the findings of the [Heartland Industrial Lands Study](#) in evaluating the future role of this area in its contribution to the city's industrial

lands, as compared to its location within the Totem Lake Urban Center. West of 128<sup>th</sup> Lane NE, land within the study area is included in the area designated to accommodate much of the city's employment and housing growth. (Please note that in the update of the Totem Lake Business District Plan, the boundaries of the Totem Lake Urban Center are recommended to be revised with the easternmost boundary at 128<sup>th</sup> Lane NE. This change incorporates the direction of Zoning Code changes adopted in 2012, which allowed for a wider variety of commercial uses along NE 124<sup>th</sup> Street within the TL 7 zone).

The Commission considered whether residential use would be appropriate in this area which is currently developed in predominantly light industrial and retail use. The proximity of Totem Lake Park and the Cross Kirkland Corridor were also elements to be considered in evaluating a change in land use.

The Commission concluded that residential development would be appropriate in this area, under certain conditions that ensure that a sufficient parcel of land would be included in redevelopment to enable site design that would support amenities oriented to the use and allow for ground floor commercial to both buffer the residential use from existing light industrial uses and contribute to the mixed use community. Additional buffering standards would be important to minimize conflicts between residential and industrial uses.

The Commission studied the issue of building height, and determined that a maximum building height of 65' would be consistent with surrounding zoning, and provide sufficient capacity at this location some distance from the core of the business district.

*This discussion (and specific amendments described below) will be revised, pending the recommendation of the Planning Commission following the continuation of the public hearing on September 10<sup>th</sup>.*

The addition of residential use in mixed use development and increased building height in the portion of the study area west of 128<sup>th</sup> Lane NE would implement the goals and policies of the Totem Lake Neighborhood Plan that support the preservation and intensification of commercial areas outside of Totem Center (the Business District Core), as well as the support for expansion of housing opportunities in the neighborhood. These changes are also consistent with established City policies established in the Comprehensive Plan, GMA, and Countywide Planning Policies supporting compact growth in areas close to shops, services, and transportation choices.

- d. City Council Comments: On July 7<sup>th</sup>, the City Council received a briefing on the Totem Lake CARs. Several Council members supported increasing the maximum building height to 80 feet for the Totem Commercial Center study area. While the discussion was not specific, staff concluded that the Council members indicated support for this increased height for office use as well as residential use.
- e. Public Hearing: On August 13<sup>th</sup>, the Planning Commission held a public hearing on the request. The Commission did not develop a recommendation and continued the

hearing for public comments, deliberation and development of a recommendation to City Council to September 10<sup>th</sup>.

***If the recommendation is affirmed, the following amendments would be necessary:***

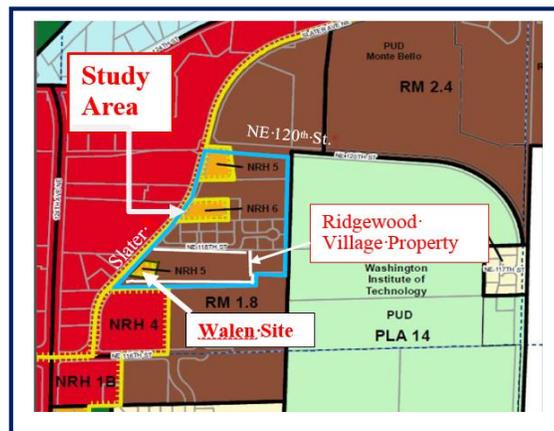
- a. **Zoning Map:** Revisions to the Zoning Map to create a new Totem Lake subarea: TL 7A to simplify administration of the regulations that apply to the portion of TL 7 located west of 128<sup>th</sup> Lane NE (see Exhibit 14).
- b. **Land Use Maps:** Revision to the Totem Lake Business District Land Use Map and citywide Land Use Map to change the land use designation for the area west of 128<sup>th</sup> Lane NE from Industrial to Commercial (see Exhibit 15)
- c. **Zoning Code:** Revisions to the zoning regulations to (see Exhibit 16):
  - o Create a new TL 7A subarea where the revised regulations would include:
    - Requirements for design review through the DRB
    - Increased building height for office and mixed use to 65' or 80'
    - For Mixed Use:
      - Ground floor commercial minimum standards
      - Buffering standards to prevent conflicts between residential and industrial uses
      - Requirement that development provide at least 10 percent of the units as affordable housing units
      - Regulation to provide notice to developers and future residents about potential conflicts from light industrial types of uses
- d. **Municipal Code/Design Guidelines:** Revisions to Design Guidelines to require a review of potential height, bulk and shadow impacts where shading is indicated adjacent to Totem Lake Park. Revisions to Totem Lake Design Guidelines will be studied in 2016, following the adoption of the updated Comprehensive Plan and associated amendments.

## B. North Rose Hill Citizen Amendment Request

### 1. Walen CAR

- a. **Request:** The request is to allow a broader range of commercial uses on the subject property. The applicant's request is not specific, but clarification received by telephone indicated that the applicant would like to be able to use the site to support a vehicle dealership located directly across Slater Avenue NE. He also indicated that the opportunity to develop mixed use (office/residential or retail/residential) would be desirable.

As part of the scoping process, the Planning Commission and City Council expanded the scope to include the parcel



that surrounds the subject parcel, as well as all parcels north to NE 120th Street.

The staff report for the February 26, 2015 Planning Commission study session on this request provides a detailed analysis of the rezone options and the relationship of the proposed land use to surrounding land uses. A link to those materials is provided [here](#) and [here](#) (discussion of the Walen CAR begins on page 19).

- b. Recommendation: The Planning Commission recommends retaining the NRH 5 zoning for both parcels currently zoned NRH 5 within the study area, and adding a new use listing to allow vehicle sales and storage within the zone. We also recommend amending the boundaries of the southern parcel zoned NRH 5 (Walen), to include all land within 200' of Slater Avenue NE. This change would include a portion of the Ridgewood Village condominium property that surrounds the Walen property on the north, east and south, resulting in split zoning for the Ridgewood Village property (the portion of the site that lies more than 200' east of Slater Avenue NE would continue to be zoned RM 1.8). Additional conditions would be added to regulations to address impacts from outdoor storage, exterior lighting and outdoor speakers.
- c. Discussion: The Commission considered four options for this request:
  - 1) No action,
  - 2) Create new zone allowing limited retail- NRH 7
  - 3) Change the land use and zoning for the Study Area to NRH 4 (without industrial uses)
  - 4) Change land use and zoning for entire scoped area to NRH 5, with added provisions for auto sales and storage, and all commercial uses restricted to some distance from Slater

A link to the July 23<sup>rd</sup> public hearing packet providing background information and staff analysis is provided [here](#).

The Commission considered a number of issues when studying this request. The current use of the site as an office for the applicant's vehicle dealership, and the long-standing but non-conforming use of the southern portion of the Ridgewood Village condominium property for vehicle storage for the applicant's dealership contribute to the need to resolve the land use issues in the area. The remainder of the study area is developed with established multifamily residential uses, and redevelopment in commercial use is not likely.

The Commission concluded that the addition of the vehicle sales and storage use to the NRH 5 zone, along with the extension of the eastern boundary of the zone, would allow limited retail to support dealerships across Slater, while limiting all non-residential uses to a depth of 200 feet from Slater Avenue NE. Additional auto-related activities typical of a dealership, such as service and repair, would not be allowed in the zone, to retain compatibility with the residential character of the surrounding area.

The addition of this use and rezone of the westerly 200 feet of the Ridgewood Village Condominiums property would be consistent with policies in the Economic Development Element, the Totem Lake Neighborhood Plan and other provisions of the Comprehensive Plan aimed at retaining existing businesses and directing economic growth to the Totem Lake Urban Center.

The addition of the use listing for vehicle sales and storage and the rezone of a portion of the Ridgewood Village Condominiums property are consistent with established City policies established in the Comprehensive Plan, GMA and Countywide Planning Policies supporting economic growth in Urban Centers.

***If the recommendation is affirmed, the following amendments would be necessary:***

- a. ***Zoning Map:*** The Zoning Map would be revised to rezone the westerly 200 feet of the Ridgewood Village condominiums property to NRH 5 (see Exhibit 17), and to change the designation of this area and the NRH 5 zone to Commercial Mixed Use.
- b. ***Land Use Maps:*** The North Rose Hill Neighborhood Plan Map and the citywide Land Use Maps would be changed to reflect the change in the land use designation for the NRH 5 zone from Office to Commercial Mixed Use, and the designation for the westerly 200 feet of the Ridgewood Village condominium property would be changed from High Density Residential to Commercial Mixed Use (see Exhibit 18).
- c. ***Comprehensive Plan:*** The text of the North Rose Hill Neighborhood Plan would be revised to describe the limited commercial uses allowed in the NRH 5 zone (see Exhibit 19).
- d. ***Zoning Code:*** Revisions to the zoning regulations to add the new use listing, "A retail establishment providing vehicle or boat sales or storage" in the NRH 5 zone. Special regulations would be included to prohibit service and repair activities, and to provide standards for buffering of outdoor vehicle storage areas, exterior lighting and outdoor speakers (see Exhibit 20).

## **II. REVIEW PROCESS FOR CITIZEN AMENDMENT REQUESTS**

Initially, the Planning Commission considered over 30 CAR applications on July 10, 2014 and made a recommendation to City Council on which applications should move forward for additional study. In July, the City Council considered the recommendation and approved the final list. In September, the Planning Commission scoped the study areas for the CARs and those study areas define the analysis contained in this memorandum.

An Environmental Impact Statement was prepared for the Comprehensive Plan Update that includes an analysis of any probable significant impacts relating to each of the CARs.

## **III. CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN AND LEGISLATIVE REZONES**

The Zoning Code (KZC 140) contains criteria for amending the Comprehensive Plan (including Neighborhood Plans) as described below.

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The Zoning Code (KZC 130) contains three criteria for considering legislative rezones as part of the Comprehensive Plan amendment and Zoning Code or Map. The list of criteria is provided below:

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the community of Kirkland.

Staff evaluation of criteria for each CAR was included in the public hearing memorandum for that CAR.

#### **IV. PUBLIC NOTICE & OPPORTUNITIES FOR PUBLIC COMMENT**

Public notice was provided for study of the Citizen Amendment Requests. The City issued a Special Comprehensive Plan Update Edition of the *City Update* newsletter in October 2014, including a section on the CARs with a map showing the location of the CARs and a link to the CAR web page where meeting dates would be posted. In early November 2014, property owners and residents within the study areas and property owners within 300 feet of the study areas were notified by mail of the CAR study and directed to the City's web page for meetings dates once they were scheduled. In late November, CAR applicants were notified by email of the meeting dates that had since been scheduled. Email notice was also provided to the neighborhood associations and the Kirkland 2035 listserv. In January, email notice of the meeting date was sent to the CAR applicants, and letters containing information about the process and copies of the notice mailed in November were sent to property owners within the study areas. A *City Update* newsletter was mailed to all residents and businesses in Kirkland describing the citizen amendment requests and public hearing schedule.

Prior to the public hearings and open houses, notices of the hearing date were mailed to property owners and residents within the study area and 300' feet surrounding the area. Public notice signs were installed surrounding the study area.

#### **V. PUBLIC COMMENTS RECEIVED**

A comment log summarizing all comments received to date is enclosed in Exhibit 21. The Planning Commission has reviewed all of the written comments and considered them in reviewing the Totem Lake CAR's. The written comments are available in City File CAM13-00465, #10.

**Exhibits:**

1. Evergreen Health – Zoning Map
2. Evergreen Health – TLBD Land Use Map
3. Rairdon – Zoning Map
4. Rairdon - TLBD Land Use Map
5. Rairdon – TLBD Plan Text
6. Rairdon – Zoning Code Revisions
7. Astronics – TLBD Plan Text
8. Astronics – Zoning Code Revisions
9. Morris – Zoning Map
10. Morris – TLBD Land Use Map
11. Morris – TLBD Plan Text
12. Morris – ZC Revisions (TL 7)
13. Morris – ZC Revisions (RMA 3.6)
14. Totem Commercial Center – Zoning Map
15. Totem Commercial Center – TLBD Land Use Map
16. Totem Commercial Center – TLBC ZC Revisions
17. Walen – Zoning Map
18. Walen – NRH Neighborhood Land Use Map
19. Walen – NRH Neighborhood Plan Text
20. Walen – ZC Revisions
21. Comment Log





## CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587.3225

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### MEMORANDUM

**Date:** September 10, 2015

**To:** Kirkland City Council

**From:** Eric Laliberte, Chair, Kirkland Planning Commission

**RE:** **RECOMMENDATION ON THE AMENDMENTS TO THE TOTEM LAKE BUSINESS DISTRICT PLAN AND RELATED ZONING MAP AND CODE AMENDMENTS (2013-2015 COMPREHENSIVE PLAN UPDATE), FILE NO. CAM13-00465, #4 AND #5**

#### I. RECOMMENDATION

On behalf of the Planning Commission, I am pleased to submit our recommendation on amendments to the Totem Lake Neighborhood Plan, renamed in the proposed amendments to the Totem Lake Business District Plan. The Planning Commission recommends approval of the revised Plan and related amendments to the Zoning Map and Zoning Code, provided in Exhibits 1-4.

A public hearing on the updates to the Totem Lake Business District Plan and related Zoning Code and Zoning Map changes was held on August 2015. A link to the materials provided for the hearing is provided [here](#). The draft EIS for the Comprehensive Plan update also evaluated the potential impacts of these changes.

In addition to the meetings held on the Citizen Amendment Requests in Totem Lake, the Planning Commission held several study sessions on additional topics related to changes to the Totem Lake Business District Plan. Materials from those meetings are available on the [Planning Commission Webpage](#). Revisions to the Plan were first reviewed by the Planning Commission in January ([January Packet](#)), with edits and additional materials discussed in April ([April Packet](#)), May ([May Packet](#)) and June ([June Packet](#)).

#### A. **Summary of the Recommended Key Changes to the Plan** (see Exhibits 1 and 2)

1. **General Revisions:** The Totem Lake Business District Plan is recommended to be **updated with new and corrected information** to reflect new developments, changed conditions, completed city improvements and updated city policies. As part of the 2013-2015 Comprehensive Plan Update, each Plan, including the Totem Lake Business District Plan, will have the following seven new **standardized neighborhood plan maps**:

- Land Use Map

- Wetlands, Streams and Lakes Map
- Geologically Hazardous Areas Map
- Street Classifications Map
- Pedestrian System Map
- Bicycle System Map
- Urban Design Features Map

The Totem Lake Business District Plan also includes several **unique maps**:

- Totem Lake Business District and Urban Center Boundaries
- Totem Lake Possible New Connections
- Totem Lake Housing Incentive Areas
- Totem Lake Business District and Urban Center Subareas
- Subarea and Inset Maps

2. **Specific Revisions:** The revised plan **also reflects public comments** received throughout the update process, and changes related to Planning Commission recommendations on **five Citizen Amendment Requests** in Totem Lake. Key changes are summarized below:

- Changes to **incorporate requirements from the PSRC** checklist for Regional Growth Centers (including the inclusion of mode split goals) and the **Growing Transit Communities Compact**;
- Change in **name** from Totem Lake Neighborhood to Totem Lake Business District;
- Changes to **boundaries**:
  - Revision to neighborhood boundaries to add the Kingsgate Park and Ride (now part of the Juanita Neighborhood);
  - Changes to the Urban Center boundary to include the Kingsgate Park and Ride and the Lake Washington Institute of Technology, and to remove the Heronfield wetlands and industrial areas east of 128<sup>th</sup> Lane NE from the Urban Center. The revised boundaries result in a slight reduction in the size of the Urban Center from 860 acres to 842 acres;
- Revised **format** of the Totem Lake Plan to identify five subareas, and to move policies from “topic” sections (such as Economic Development) to subarea discussion where appropriate;
- Changes to **Housing Incentive Area** policies and geographic boundaries;
- New policies and text to provide for potential future implementation of a **Transfer of Development Rights (TDR)** program in Totem Lake;
- Expanded policies and text in support of Transit-Oriented-Development (TOD) at the **Kingsgate Park & Ride site**;
- Addition of **policies in support of the Totem Lake Park Master Plan, PROS plan and the CKC**;
- Changes to **transportation policies** to be consistent with changes to the Transportation Master Plan;
- Changes to the **Parmac area** (south of NE 116<sup>th</sup> Street, west of I-405) to:

- Remove limits on the development of new industrial uses and the expansion of structures for industrial use;
- Add provisions for a Master Plan for a mixed use community (min. 10 acres) adjacent to the Cross Kirkland Corridor;
- Limit residential use to the western boundary of the district, unless proposed under the Master Plan described above;
- Changes to policies for **Eastern Industrial District** (north of NE 124<sup>th</sup> Street, east of 124<sup>th</sup> Avenue NE) to incorporate preliminary direction from four CARs: Totem Commercial Center, Morris, Rairdon and Astronics which:
  - Change land use to allow mixed use (commercial on ground floor) in addition to commercial and light industrial uses north of NE 124<sup>th</sup> Street, west of 128<sup>th</sup> Lane NE, south of the CKC. This also results in change to the Land Use Map from Industrial to Commercial (**Totem Commercial Center CAR**);
  - Change land use from commercial/light industrial to multifamily residential for one parcel north of NE 126<sup>th</sup> Place, east of 132<sup>nd</sup> Avenue NE (**Morris CAR**);
  - Change land use for a parcel west of 132<sup>nd</sup> Avenue NE, north of NE 126<sup>th</sup> Place and directly south of single family to allow a retail establishment containing vehicle sales, service and/or storage (in addition to multifamily residential use), when development is coordinated and consolidated with the parcel to the south. The policies address additional public review of non-residential proposals, mitigation plans where impacts to critical areas are proposed, an expanded buffer from adjacent single family area, and restrictions on lighting and noise (**Rairdon CAR**);
  - Support additional height in the industrial area at the City's easternmost border, at the base of the slope. Policies address mitigation plans where impacts to critical areas are proposed (**Astronics CAR**).
- Change in land use from High Density Residential (TL 1B) to Institutional (TL 3D) for one parcel owned by Evergreen Health (**Evergreen Health CAR**).

## B. Summary of the Recommended Key Changes to the Zoning Code and Zoning Map (see Exhibits 3 and 4)

1. **Zoning Code - Specific Revisions:** Changes to the Zoning Code are recommended to implement the policy changes summarized above. A number of additional changes are recommended to codify interpretations and implement changes directed by the City Council during the Totem Lake code amendment process in 2012:
  - Changes to **remove Floor Area Ratio (FAR) limits** in TL 1A, TL 1B and TL 5 to eliminate this potential barrier to redevelopment (Exhibit 3, pages 2-11);
  - Changes to **allow vehicle sales and service in TL 9A and TL 9B** subject to standards related to consolidation and environmental considerations (preliminary response to Rairdon CAR) (Exhibit 3, pages 30 and 32);
  - Changes to **allow an increase in building height and residential use in mixed use developments within TL 7** on NE 124<sup>th</sup> Street, south of the CKC and west of

NE 128<sup>th</sup> Street. Creation of a new subarea, "TL 7A," for this area, with remainder of TL 7 zone to be in a new "TL 7B" zone (preliminary response to Totem Commercial Center CAR) (Exhibit 3, page 20);

- Change to **allow an increase in building height from 65' to 80' in the TL 8 zone** (in response to preliminary direction from the City Council on July 7) (see Exhibit 3, page 26);
  - Changes to **allow additional height in a limited area on Willows Road within TL 7**, east of the Eastside Rail Corridor and west of the Redmond Spur (Kirkland City limits) (preliminary response to Astronics CAR) (Exhibit 3, pages 24-25);
  - Changes to **allow multifamily use within a limited area of TL 7**, north of NE 126<sup>th</sup> Place (preliminary response to Morris CAR) (Exhibit 3, page 21);
  - Limits on free-standing mini-storage use within the commercial areas of the Urban Center (Exhibit 3, multiple zones) ;
  - Addition of a new use listing and standards for **"mixed use concept" in Parmac**. Standards would require adjacency to the CKC, minimum acreage (ten acres), buffers and access directed away from industrial traffic (Exhibit 3, pages 49 and 53);
  - **Limits on free-standing School and Day-Care Center uses** in light industrial areas;
  - **Expansion of Restaurant or Tavern permitted use** within the 405 Corporate Center (TL 10A) (Exhibit 3, page 33);
  - **Expansion of "Vehicle or boat repair, services, washing or rental" and "Restaurant or Tavern"** within TL 10B (Exhibit 3, page 36);
  - Addition of special regulation in light industrial zones where residential use is allowed (TL 10D/10E), and in areas where land is rezoned to residential from industrial (RMA 3.6) to **put future residents "on notice" of possible impacts from adjacency to industrial uses** (Exhibit 3, pages 47, 49 and 53);
  - **Miscellaneous other changes** to codify interpretations, etc.
2. **Zoning Map – Specific Revisions:** Proposed changes to the Zoning Map are generally related to the Citizen Amendment Requests. Two additional proposed changes would implement policy direction for the Kingsgate Park and Ride, and rezone one property where an owner brought a desired change to the attention of the Planning Commission, outside of the CAR process. Revisions to the Zoning Map include:
- Change in the land use designation from **Office to Transit-Oriented-Development** (TOD) for the **Kingsgate Park & Ride** (Exhibit 4, page 3);
  - Rezone one parcel (Parker medical office property) from **TL 2 (Commercial) to TL 1A (Office Mixed Use)**. The parcel is now in the same zone as the Totem Lake Mall but is not part of the redevelopment project. At the request of a property owner, the zoning for the property would be changed to the abutting TL 1A zone (Exhibit 4, page 1);
  - Rezone one parcel from **TL 1B (High Density Residential) to TL 3D (Institutional)** to include in the Evergreen Health Medical Center campus (Evergreen Health CAR) (Exhibit 4, page 1);

- Create new **subareas TL 7A and 7B** and change the land use designation from **Industrial to Commercial for TL 7A** (Totem Commercial Center CAR) (Exhibit 4, page 2);
- Rezone one parcel and change the land use designation from **TL 7 (Industrial) to RMA 3.6 (Medium Density Residential)** (Morris CAR) (Exhibit 4, page 3).
- Change the land use designation from **Medium Density Residential to Commercial** (Rairdon CAR) (Exhibit 4, page 4).

## **II. RESPONSE TO COMMENTS FROM CITY COUNCIL BRIEFINGS**

The City Council received a briefing on the proposed changes to the Totem Lake Business District Plan and related Zoning Code and Map amendments on July 7<sup>th</sup>. At that time, the Council discussed aspects of the draft Totem Lake Business District Plan and the Citizen Amendment Requests. While no specific direction was provided, members of the Council indicated preliminary support for increases to the maximum building height limit in the TL 8 and TL 7A (proposed new subarea incorporating the Totem Commercial Center and properties to the west, all west of 128<sup>th</sup> Lane NE) to 80 feet.

In response to this direction, the proposed amendments to the Zoning Code establish a maximum building height limit of 80' for all uses in the TL 8 zone, and a maximum building height limit of 80'/65' for **mixed use/all uses** in the TL 7A zone.

*This paragraph (text shown in red) will be revised to incorporate direction from the Planning Commission for the Totem Commercial Center CAR at the meeting on 9/10/15.*

## **III. CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN**

The Zoning Code contains five criteria for amending the Comprehensive Plan. The list of criteria is provided below:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The updated Plan and related amendments to the Zoning Code and Zoning Map for the Totem Lake Business District are consistent with the GMA, PSRC's Vision 2040 and Transportation 2040, and the Countywide Planning Policies, and are internally consistent with the city-wide Element

Chapters of the Comprehensive Plan. The policies in the Totem Lake Business District Plan mirror many of the goals and policies in the city-wide Element Chapters, including the Land Use, Housing, Environment, and Transportation Elements. The Plan also contains employment and residential growth targets that accommodate a significant share of Kirkland's growth.

The Totem Lake Business District Plan is also the plan for the Totem Lake Urban Center, and will result in long-term benefits to the business district, the Urban Center and the community overall. It is in the best interest of the community because it establishes policies to address future growth in the business district while maintaining the values of Kirkland residents expressed in the 2013 visioning program, the 2014 neighborhood meetings, and in meetings of the Totem Lake business community.

#### **IV. PUBLIC NOTICE AND OPPORTUNITIES FOR PUBLIC COMMENT**

Notice was sent about the public hearing and open house held in August to all residents, businesses and property owners in, and within 300 feet of the boundaries of the Totem Lake Business District and the Totem Lake Urban Center. Citizen Amendment Request applicants, and those on the citizen amendment request mailing lists also received notice of the meetings. The [\*City Update Newsletter\*](#) mailed to all businesses and residents provided information on the Comprehensive Plan Update throughout the process, including the [\*June 2015 Special Edition\*](#) that was dedicated completely to the draft plan and upcoming public hearings and open houses. Notice about the meetings was also sent as a bulletin to subscribers of the Totem Lake Business District Plan listserv, and to all recipients of updates related to the Totem Lake Mall and Totem Lake Conversations group.

#### **V. PUBLIC COMMENTS**

Public comments relating to the Totem Lake Business District Plan are summarized in Exhibit 5. The Planning Commission has reviewed all of the written comments and considered them in reviewing the revised Plan. The written comments are available in City File CAM13-00465, #10.

#### **Exhibits:**

1. Revised Totem Lake Business District Plan – Strikeouts and Underlines (changes shown)
2. Revised Totem Lake Business District Plan – clean version
3. Revisions to Zoning Code – Totem Lake
4. Revisions to Zoning Map – Totem Lake
5. Summary comment log of written public comments – Totem Lake

## Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY

### 112.20 Basic Affordable Housing Incentives

1. Approval Process – The City will use the underlying permit process to review and decide upon an application utilizing the affordable housing incentives identified in this section.
2. Bonus
  - a. Height Bonus. In RH, PLA 5C, and TL use zones where there is no minimum lot size per dwelling unit, additional building height has been granted in exchange for affordable housing, as reflected in each Use Zone Chart for the RH and TL zones and table for the PLA 5C zone.
  - b. Development Capacity Bonus. On lots or portions of lots in the RH 8 use zone located more than 120 feet north of NE 85<sup>th</sup> Street, between 132<sup>nd</sup> Avenue NE and parcels abutting 131<sup>st</sup> Avenue NE, and in the CBD 5A use zone where there is no minimum lot size per dwelling unit, additional residential development capacity has been granted in exchange for affordable housing as reflected in the Use Zone Chart.
  - c. Bonus Units. In use zones where the number of dwelling units allowed on the subject property is determined by dividing the lot size by the required minimum lot area per unit, two (2) additional units (“bonus units”) may be constructed for each affordable housing unit provided. (See Plate [32](#) for example of bonus unit calculations.)
  - d. Maximum Unit Bonuses. The maximum number of bonus units achieved through a basic affordable housing incentive shall be 25 percent of the number of units allowed based on the underlying zone of the subject property.
  - e. Density Bonus for Assisted Living Facilities. The affordable housing density bonus may be used for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25 percent of the base density of the underlying zone of the subject property.



53.80 User Guide – RH 8 zone.

The charts in KZC 53.84 contain the basic zoning regulations that apply in the RH 8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 53.82

Zone RH 8

Section 53.82 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
3. If the lot area of the subject property is equal to or greater than 18,000 square feet, maximum building height is 35 feet above average building elevation.

4. On lots that are not abutting NE 85<sup>th</sup> Street or consolidated with at least one lot abutting NE 85<sup>th</sup> Street, development shall be subject to the permitted uses and regulations in the RSX zone. Isolated parcels may be developed independently with office use.

The ground floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:

- a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
- b. Parking garages.
- c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.

Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.

Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:

- a. Require access from side streets; and/or
- b. Encourage properties to share driveways, circulation and parking areas; and/or
- c. Restrict access to right turn in and out; or
- d. Prohibit access altogether along NE 85th Street.

Drive-through and drive-in facilities are not permitted in this zone.

See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.

GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. For lighting requirements associated with development see KZC 115.85(2).

11. Prior to any of the following uses occupying a structure on a property adjacent to a residential street, a noise study shall be prepared by a qualified acoustical consultant for approval by the Planning Official:

- Establishments expected to operate past 9:00 p.m.
- Retail establishment providing entertainment, recreational or cultural activities.
- Veterinary offices.
- Any establishment where animals are kept on site.
- Establishments involving a large truck loading dock for deliveries.

The study shall verify that the noise expected to emanate from the site adjacent to the residential street is less than the noise specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B sound source.

12. A City entryway feature shall be provided on the parcel located at the north end of the parcel, or on the parcel located at the south end of the parcel, or on the parcel located at the east end of the parcel, or on the parcel located at the west end of the parcel, or on the parcel located at the northeast corner of the parcel, or on the parcel located at the northwest corner of the parcel, or on the parcel located at the southeast corner of the parcel, or on the parcel located at the southwest corner of the parcel, or on the parcel located at the northeast corner of the parcel, or on the parcel located at the northwest corner of the parcel, or on the parcel located at the southeast corner of the parcel, or on the parcel located at the southwest corner of the parcel. Entryway features shall include a minimum of 10 feet of width and lighting. See Chapter 92 KZC, Design Regulations.

2. Development creating four or more new dwelling units that includes lots or portions of lots adjoining 131st Avenue NE or 132nd Avenue NE that are located more than 120 feet north of NE 85th Street, shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing incentives and requirements.

*Renumber subsequent General Regulations*

[link to Section 53.84 table](#)

The Kirkland Zoning Code is current through Ordinance 4479, passed March 3, 2015.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/> (<http://www.kirklandwa.gov/>)

City Telephone: (425) 587-3190

Code Publishing Company (<http://www.codepublishing.com/>)

eLibrary (<http://www.codepublishing.com/elibrary.html>)



USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
40.30.010 Assisted Living Facility <sup>1</sup>	3,600 sq. ft.	20'	5' <sup>2</sup>	10'	60%	3'
40.30.020 Auction House	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.030 Automobile Sales	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.040 Breweries, Wineries, and Distilleries	None	20'	0'	0'	90%	35' above ABE. <sup>3</sup>
40.30.050 Community Facility	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.060 Day-Care Center	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.070 Detached, Attached or Stacked Dwelling Units	3,600 sq. ft. per dwelling unit	20'	Detached units: 5' Attached or stacked units: 5' <sup>2, 4</sup>	10' <sup>5</sup>	60%	30' above ABE. <sup>3</sup>
40.30.080 Entertainment, Cultural and/or Recreational Facility	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.090 Government Facility	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.100 Hazardous Waste Treatment and Storage Facilities	None	30'	0'	0'	90%	35' above ABE. <sup>6</sup>
40.30.110 High Technology	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.120 Industrial Laundry Facility	None	20'	0'	0'	90%	35' above ABE. <sup>3</sup>
40.30.130 Kennel	None	20' <sup>7</sup>	0' <sup>7</sup>	0' <sup>7</sup>	80%	35' above ABE. <sup>3</sup>
40.30.140 Manufacturing	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.150 Mini-Day-Care	None	LIT: 20' PLA 6G: 30'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.160 Office Use	None	20' <sup>8</sup>	0' <sup>8</sup>	0' <sup>8</sup>	80%	35' above ABE. <sup>3</sup>
40.30.170 Packaging of Prepared Materials Manufacturing	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.180 Public Park	Development standards will be determined on a case-by-case basis. See KZC 40.02.010.					
40.30.190 Public Utility	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.200 Recycling Center	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.210 Restaurant	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.220 Retail Establishment Providing Banking and Related Financial Services	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.230 Retail Establishment Providing Rental Services	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.240 Retail Establishment Providing Storage Services	None	20'	0'	0'	LIT: 90% PLA 6G: 80%	35' above ABE. <sup>3</sup>
40.30.245 Retail Establishment Selling Marijuana or Products Containing Marijuana	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.250 School or Day-Care Center	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.260 Vehicle or Boat Repair, Services, Storage, or Washing	None	20'	0'	0'	80%	35' above ABE. <sup>3</sup>
40.30.270 Warehouse Storage Service	None	20'	0'	0'	90%	35' above ABE. <sup>3</sup>
40.30.280 Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	None	20'	0'	0'	LIT: 80% PLA 6G: 90%	35' above ABE. <sup>3</sup>

Add the following footnotes # DD 7b and 9b to front, side and rear required yards for Sections 40.30.130 Kennel & 40.30.160 Office Use:  
"Outdoor facilities associated with veterinary office or kennel uses must be located as far as possible from low density zones."

#### 40.30 Density /Dimensions

DD-7. a. Outside runs and other facilities for the animals must be set back at least 10 feet from each [property line](#) and must be surrounded by a [fence](#) or wall sufficient to enclose the animals.

b. Outside facilities must be located as far as possible from low density zones. See KZC [115.105](#), Outdoor Use, Activity and Storage, for further regulations.

DD-9. The following regulations apply only to veterinary offices:

a. Outside runs and other outside facilities for the animals must be set back at least 10 feet from each [property line](#) and must be surrounded by a [fence](#) or wall sufficient to enclose the animals.

b. Outside facilities must be located as far as possible from low density zones. See KZC [115.105](#), Outdoor Use, Activity and Storage, for further regulations.