City of Kenmore - 18120 68th Avenue NE - P.O. Box 82607, Kenmore, WA 98028
Phone: 425-398-8900 - Fax: 425-481-3236 - E-mail: cityhall@kenmorewa.gov

City of Kenmore
City Council Regular Meeting Agenda
6:30 p.m., Tuesday, February 19, 2013
Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028
Joint City Council/Planning Commission Meeting Agenda
7:30 p.m., Tuesday, February 19, 2013
Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call the City Clerk at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Council agendas are also available on our website at www.kenmorewa.gov.

I. CALL TO ORDER

II. CONSENT AGENDA

A. Log Boom Park Pier and Rhododendron Park Floats Contract Award - Contract No. 13-C1112

Agenda Bill & Attachments to be added

III. STUDY SESSION AGENDA

A. SR 522 West A Update - Kris Overleese, Engineering & Environmental Services Director

IV. COUNCILMEMBER COMMENTS/REPORTS

V. JOINT CITY COUNCIL/PLANNING COMMISSION AGENDA

A. Discussion of Commercial Zoning Project - Debbie Bent, Community Development Director

VI. ADJOURNMENT

Upcoming Meetings:

Monday, February 25, 2013	City Council Special & Regular Meeting	6:30 p.m.
Monday, March 11, 2013	City Council Regular Meeting	7:00 p.m.

City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic:	For Council Meeting Agenda of: February 19, 2013
SR 522 West (57th to 65th Avenue NE) Project Update	**Department:** Engineering & Environmental Services **Prepared by:** Kris Overleese, PE and Kent Vaughan, PE
Proposed Council Action/Motion: NA	Initial & Date Approved by Department Head: KMO 2/7/13 Approved by City Attorney: NA Approved by Finance Director: [illegible] 2/8/13 Approved by City Manager: RVK
	Exhibits/Attachments: Attachment A: SR 522 West A & B Segments - Capital Improvement Program sheets Attachment B: City of Kenmore Right of Way Acquisition Policies

Expenditure Required: NA **Amount Budgeted** $NA **Appropriation Required** $NA

INFORMATION/BACKGROUND:

The purpose of this report is to provide Council with an update of the SR 522 Project West Segment (57th to 65th Avenues NE). In 2012, staff re-organized the remaining segment of SR 522 into two segments: West A (61st to 65th Avenues NE) and West B (57th to 61st Avenues NE). The West A Segment includes improvements to the intersection of SR 522 and 61st Avenue NE and the north and south legs of this intersection.

Both segments have project components that are similar in nature and will follow the design of previous SR 522 Segments in Kenmore (65th to 83rd Avenues NE). Project components are planned to include: undergrounding of overhead utilities (power and telecommunications), stormwater improvements, sidewalks, access management, illumination, pedestrian scale lighting, and standard vehicle lane widths. The design for both segments is at the 90% milestone and the National Environmental Policy Act (NEPA) documentation was updated in 2012.

In early February of 2013, staff completed the documentation required to obligate the $2.5 Million in federal funding that the City received to purchase right of way for the entire West Segment. Staff has submitted the required documentation to the Washington State Department of Transportation (WSDOT) to obligate these funds. Obligation of the right of way acquisition funds is anticipated to occur in March 2013 and right of way acquisition will then begin.

West A Segment (61st to 65th Avenues NE) Update

With the award of the $5.2 Million Transportation Improvement Board (TIB) grant in 2012, the project is fully funded. Right of way acquisition for this segment will begin in March of 2013. Design, utility coordination, and permitting will be completed by spring 2014. The rule of thumb for right of way acquisition duration is 18 months, however, staff will need to certify right of way with WSDOT by the spring of 2014 in order to obligate the $1.1M in Construction funds appropriated for the 61st and SR522 traffic signal improvements. The goal is to begin construction in the summer of 2014. There are 32 parcels in this segment requiring property rights (temporary construction easements, acquisition of land, utility permits, etc).

Right of Way acquisition generally follows the same steps for all properties:

- Meeting with property owners and tenants when appropriate to discuss project schedule, acquisition needs, and right of way acquisition process.
- Appraisals for property acquisitions estimated to exceed $25,000 (per the Right of Way Policies in Attachment B).
- Independent 3rd party review of all appraisals.
- Offers to property owners.
- Negotiations
- Settlement

While staff will do everything possible to work closely with property owners, it is likely that utilization of eminent domain will be necessary. Staff recommends that Council authorize the use of eminent domain for all project needs at the same time. This strategy makes sense for several reasons: efficiency of process, fairness to all property owners, and protection of privacy for property owners. Staff would bring this item to Council this summer and all property owners would receive notice. It is important to note that the City will continue to pay for the undergrounding of utilities for all properties. This is a benefit to property owners and not all jurisdictions pay for these connections as Kenmore does.

One of the significant items of work to complete in 2013 is the re-submittal of the Channelization Plan to WSDOT for approval. WSDOT has authority from curb-to-curb on SR 522 for: traffic signals, lane widths, striping, left/u-turn pocket design and location, and signage. These elements are documented in the Channelization Plan and WSDOT has the final approval authority. Currently, there are no left/u-turn provisions between 61st and 65th Avenues NE. Staff will work with WSDOT to maximize access within the corridor with the goal of making the signal at 61st/SR 522 operate as efficiently as possible.

West B Segment (57th to 61st Avenues NE)

This segment is at 90% design completion as well. Funding for right of way acquisition for this segment is secured. Since construction and final design for West B are not funded at this time, right of way acquisition for West A will take precedent. There are 3 parcels in this segment requiring property rights (temporary construction easements, acquisition of land, utility permits, etc).
See Attachment A for the timeline of this project assuming funding is acquired.

This segment includes the addition of a left turn pocket going east to north at the 61st/SR 522 signal. This additional turn pocket will improve capacity of the intersection and throughput of SR 522 eastbound. The significant cost component of this segment is constructing a new wall on the south side of SR 522 in this area to accommodate the lane widening and new turn pocket.

There have been questions from several residents in the Uplake Neighborhood regarding the provision of sound walls on the north side of SR 522, west of 60th Avenue NE. Sound walls are not in the current 90% design plans. Staff met with the WSDOT noise specialist in January of this year. WSDOT concluded during the NEPA update process that the inclusion of sound walls into the project was not cost-reasonable. As a result, sound walls would not qualify for federal or state funding. Should Council direct staff to include sound walls, City funds would have to be utilized. Note that the current cost estimate for the project does not include sound walls.

Design and construction for this Segment will move forward when additional funding is secured.

FISCAL CONSIDERATION:

The budgets for both segments are outlined in Attachment A. The West A Segment cost to complete (beginning in year 2013) is $11.3 Million. Of this amount, grants will pay for $8.8 Million.

The West B Segment has funding for right of way acquisition, but not for final design and construction. The cost to complete estimate for West B (2013 forward) is $9 Million and an estimated $8.5 is needed from outside funding partners.

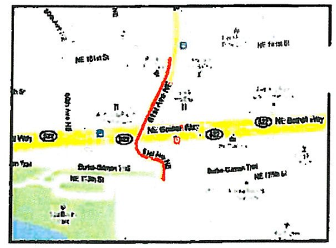
COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Goal 3. Seek funds to move forward on the SR522 Project.

Attachment A

City of Kenmore Capital Improvement Program

Project Name: SR 522 – West A (61st to 65th Avenues NE Including 61st Avenue NE approaches)
Project No. T- 6



Project Location: Highway 522 : 61st to 65th Avenues NE including 522/61st Avenue NE north and south legs.

Project Manager: Kent Vaughan

Project Description: The project will 1) upgrade the 522/61st Avenue NE signal 2) complete 522 improvements between 61st and 65th Avenues NE (the terminus of completed 522 work) and 3) complete the north and south legs (approaches) of the 522/61st intersection. 522 improvements include: sidewalk, undergrounding utilities, stormwater system facilities, illumination, and rechannelization to three lanes in each direction including Business Access Transit – BAT lanes and left/u turn pockets.

Background: : This project is formerly one of the components of the larger SR 522 Phase 1, Stage 2 Corridor Improvement Project; now called **West A.** The improvements would improve vehicle and pedestrian safety and reduce signal delays. Safety at the Burke-Gilman trail crossing of 61st Avenue NE would also be improved. Construction of the 522/61st Avenue NE signal must start in the spring to utilize the earmark funds. If other funding falls into place, construction of the remaining components of the project would begin in 2014.

Funding Status:
The City received $1,100,000 in earmark money to complete signal upgrades at 61st Avenue NE. The City has applied for TIB and Regional Mobility funds to help fund the remainder of the project. The City will utilize Transportation Impact Fees, REET and Surface water funds as match. The City has received $2,500,000 in right of way funds and right of way for the entire segment will likely begin late 2012 or early 2013.

	Exempt	Mitigated DNS	EIS
Environmental Review Status:	☐	☐	☑

An environmental impact statement has been completed and approved by WSDOT and FHWA. The NEPA document was updated in 2012.

Potential Project Issues: The project will require additional funding to complete construction between 61st and 65th Avenues NE and the south leg of the 522/61st Avenue signal.

Operations: This project will result in increased street lighting electrical and maintenance costs, landscaping maintenance and storm water maintenance, and water for irrigation.

IIIA. SR 522 West A Update - Kris Overleese, Engineering & Environmental Services Director

Attachment A

City of Kenmore Capital Improvement Program

Project Name: SR 522 – West A (61st to 65th Avenues NE Including 61st Avenue NE approaches)

CURRENT DOLLARS

Year	Prior Years	2013	2014	2015	2016	2017	2018	Total
Expenses								
Project Administration	$ 10,000	$ 85,000	$ 65,000					$ 160,000
Design	$ 50,000	$ 363,500						$ 413,500
ROW/ Acquisition	$ 40,000	$2,850,000						$ 2,890,000
Construction		$1,100,000	$4,800,000	$2,000,000				$ 7,900,000
Art								
Total	**$ 100,000**	**$4,398,500**	**$4,865,000**	**$2,000,000**				**$11,363,500**
Revenue								
REET	$ 100,000	$ 335,000	$ 65,000	$ 250,000				$ 750,000
General								$ -
Impact		$ 400,000	$ 380,000	$ 400,000				$ 1,180,000
State		$1,100,000						$ 1,100,000
TIB			$4,100,000	$1,100,000				$ 5,200,000
SWM		$ 63,500	$ 320,000	$ 250,000				$ 633,500
Federal		$2,500,000						$ 2,500,000
Total	**$ 100,000**	**$4,398,500**	**$4,865,000**	**$2,000,000**	**$ -**	**$ -**	**$ -**	**$11,363,500**

SCHEDULE

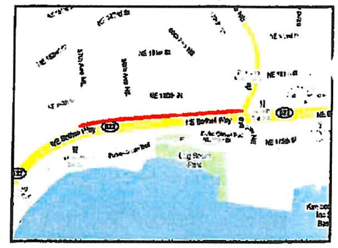
	2013				2014				2015				2016				2017				2018		
Project Timeline	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Right of Way																							
Final Design																							
Construction																							
Closeout																							

Attachment A

City of Kenmore Capital Improvement Program

Project Name: SR 522 West B (57th to 61st including Burke-Gilman Trail Wall)

Project No. T-8



Project Location: SR 522 from 57th Avenue NE to 61st Avenue NE.

Project Manager: Kent Vaughan & Kris Overleese

Project Description: This project would widen Highway 522 west of 61st Avenue NE to the south to provide dual eastbound to northbound left turn lanes at the 522/61st Avenue NE signal. The widening would require construction of a retaining wall along the north side of the Burke-Gilman Trail.

Background: This project is formerly one of the components of the larger SR 522 Phase 1, Stage 2 Corridor Improvement Project; now called **West B**. The addition of dual east to north turn lanes at the 522/61st Avenue NE signal would increase efficiency for all legs. 522 improvements include: sidewalk, undergrounding utilities, stormwater system facilities, illumination, and rechannelization to three lanes in each direction including Business Access Transit – BAT lanes and left/u turn pockets.

The West A Segment (NE 61st to 65th Streets including north and south approaches) should be completed first. Right of way acquisition will be conducted in conjunction with the West A Segment in 2013. Ideally, this project would begin construction at the tail end of West A.

Funding Status:
Right of way acquisition is funded for the project. The City will provide available Transportation Impact Fee, Surface Water Utility, and REET resources to the project, but other funds are needed to finish design and construction. A low interest Public Works Trust Fund Loan will be investigated.

	Exempt	Mitigated DNS	EIS
Environmental Review Status:	☐	☐	☑

An environmental impact statement has been completed and approved by WSDOT and FHWA. The NEPA document was updated in 2012.

Potential Project Issues:
A permit to temporarily occupy the Burke-Gilman Trail and utility easements will be required from King County Parks. Significant funds need to be acquired for this project for construction.

Operations:
This project will result in increased street lighting electrical and maintenance costs, landscaping maintenance, storm water maintenance, and water for irrigation.

Attachment A

City of Kenmore Capital Improvement Program

Project Name: SR 522 West B (57th to 61st including Burke Gilman Trail Wall)

Project No. T-8

CURRENT DOLLARS

Year	Prior Years	2013	2014	2015	2016	2017	2018	Total
Expenses								
Project Administration				$ 15,000	$ 75,000	$ 15,000		$ 105,000
Design				$ 395,000				$ 395,000
ROW/ Acquisition								
Construction					$ 8,510,000			$ 8,510,000
Total				**$ 410,000**	**$ 8,585,000**	**$ 15,000**		**$ 9,010,000**
Revenue								
REET					$ 300,000			$ 300,000
SWM					$ -			$ -
Impact Fees					$ 250,000			$ 250,000
TIB					$ 2,000,000			$ 2,000,000
Tolling								
Federal				$ 354,650				$ 354,650
PWTF Loan				$ 55,350	$ 6,035,000	$ 15,000		$ 6,105,350
Total				**$ 410,000**	**$ 8,585,000**	**$ 15,000**		**$ 9,010,000**

SCHEDULE

	2013				2014				2015				2016				2017				2018		
Project Timeline	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Right of Way																							
Final Design																							
Construction																							
Closeout																							

Monday, September 10, 2012

IIIA. SR 522 West A Update - Kris Overleese, Engineering & Environmental Services Director

City of Kenmore
Right-of-Way Procedures

The City of Kenmore ("CITY"), desiring to acquire right-of-way and other real property rights for federal aid and federally assisted projects in accordance with the State Uniform Relocation Assistance and Real Property Acquisition Act (Ch. 8.26 RCW) and State regulations (Ch. 468-100 WAC) and applicable federal regulations hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The Engineering & Environmental Services Department ("Department") of the CITY is responsible for the real property acquisition and relocation activities on capital projects administered by the CITY. To fulfill the above requirements the Department will acquire all right-of-way and other real property rights for federal aid and federally assisted projects in accordance with the policies set forth in the Washington State Department of Transportation (WSDOT) *Right of Way Manual* (M 26-01) and *Local Agency Guidelines* manual (M 36-63). The CITY has the following expertise and personnel capabilities to accomplish the functions of:

(1) PROGRAM ADMINISTRATION

The CITY's Engineering & Environmental Services Director ("Director") or designee will provide project oversight, management and other related program administrative duties as necessary. The Director will sign the Determination of Values (DV) for the City.

(2) APPRAISAL

The City shall use a qualified consultant from WSDOT's approved list of qualified appraisers. Appraisers shall also be certified and licensed by the State of Washington.

(3) APPRAISAL REVIEW

The City shall use a qualified consultant from WSDOT's approved list of qualified review appraisers. Review appraisers shall also be certified and licensed by the State of Washington.

(4) ACQUISITION

The City will use qualified consultants, another local agency with approved procedures, or available WSDOT staff.

(5) RELOCATION

The City will use qualified consultants, another local agency with approved procedures, or available WSDOT staff.

6) PROPERTY MANAGEMENT

The CITY's Finance Director or designee will provide management of excess lands and improvements acquired by the CITY. Property Management duties will be provided in accordance with Section 25.12 of the *Local Agency Guidelines*, as amended.

Any functions for which the CITY does not have staff will be contracted for with an outside qualified consultant, another local agency with approved procedures or WSDOT. If consultants are used, the CITY will work closely with the WSDOT Local Agency Coordinator and Highways & Local Programs to ensure all requirements are met. If the CITY proposes to have a staff person negotiate who is not experienced in negotiation for FHWA funded projects, the WSDOT Local Agency Coordinator must be given a reasonable opportunity to review all offers and supporting data before they are presented to the property owners.

The CITY wishes to take advantage of an Appraisal Waiver process on properties valued at $25,000 or less and has adopted the process outlined in the attached Waiver of Appraisal (Attachment A).

A copy of the City's Administrative Settlement Policy is also attached (Attachment B) showing the approving authority and the process involved in making administrative settlements.

All projects shall be available for review by the FHWA and the state at any time and all project documents shall be retained and available for inspection during the plan development, right-of-way and construction stages and for a three year period following acceptance of the projects by WSDOT.

The CITY understands that approval of the CITY's procedures by WSDOT may be rescinded at any time the CITY is found to no longer have qualified staff or is found to be in non-compliance with the regulations, and that such rescission may be applied to all or part of the functions approved.

CITY OF Kenmore	APPROVED:
By: ____________________ City Manager	____________________ WSDOT, Real Estate Services
Date: ____________________	____________________

Attachment A

WAIVER OF APPRAISAL

The CITY desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State directives and desiring to take advantage of the $25,000.00 appraisal waiver process approved by the Federal Highway Administration for Washington State, hereby agrees to follow the procedure approved for the Washington State Department of Transportation as follows:

Rules

A. The CITY may elect to waive the requirement for an appraisal if the acquisition is simple and the compensation estimate indicated on the PFE (Project Funding Estimate) is $25,000.00 or less including cost-to cure items.

B. The CITY must make the property owner(s) aware that an appraisal has not been done on the property and that one will be completed if they desire.

C. Special care should be taken in the preparation of the waiver. As no review is mandated, the preparer needs to assure that the compensation is fair and that all the calculations are correct.

Procedures

A. An Administrative Offer Summary (AOS) worksheet is prepared using data from the PFE.

B. The AOS is submitted to the CITY Engineering & Environmental Services Director or designee for approval.

C. CITY Engineering & Environmental Services Director or designee signs the AOS worksheet authorizing a first offer to the property owner(s).

Attachment B

CITY OF KENMORE REAL PROPERTY AND ADMINISTRATIVE SETTLEMENT PROCEDURES

The CITY shall, to the greatest extent possible, expeditiously negotiate all fair market value offers (FMV) for the acquisition right-of-way and other of real property rights. However, the CITY recognizes the fact that differences of opinion as to FMV or other compensation components may occur with property owners. These differences typically exceed the FMV offered by the CITY. In such cases, an Administrative Settlement may be necessary where the CITY will continue to negotiate considering all the information supporting just compensation in excess of the CITY'S calculation of FMV's.

The CITY's negotiator will work with CITY staff and property owners towards a mutual and reasonable agreement on just compensation. All reasonable counter offers by the property owner will be submitted to the CITY Engineering & Environmental Services Director ("Director") or his/her designee for review. If in agreement, the CITY Director or his/her designee will coordinate with the assigned negotiator and other CITY staff, and prepare a letter of support and justification towards an Administrative Settlement. The extent of the letter of support is a matter of judgment and will be consistent for all property owners, subject to the circumstances and the amount of money involved. Considerations in the letter of support may include, but are not limited to, all available pertinent appraisals, range of testimony in a condemnation trial, construction schedules, prior court awards, trial costs (legal counsel) and the public interest. Authority for approval of administrative settlement proposals during project negotiations shall be delegated as follows:

The CITY NEGOTIATOR is authorized to approve administrative settlements of up to $2,500 above the appraised FMV.

The CITY Engineering & Environmental Services Director or his/her designee, is authorized to: sign all determination of values (DVs), approve acquisitions up to $25,000, and approve administrative settlements of $2,501 to $20,000 above the CITY'S FMV ($45,000 total authority).

The CITY MANAGER is authorized to approve: acquisitions up to $300,000 and administrative settlements of $20,001 to $50,000 above the CITY'S FMV($350,000 total authority). In addition, the CITY MANAGER is authorized to approve provision of relocation benefits and to authorize relocation payments, regardless of value.

The CITY COUNCIL will approve administrative settlements that exceed $50,000 above the appraised FMV and all acquisitions that exceed $300,000.

All administrative settlements will be documented, thoroughly justified, set forth in writing, and shall bear the signature of the appropriate City official.

Business of the City Council
City of Kenmore, WA

Subject/Topic: Discussion of the Commercial Zoning Project with the Planning Commission **Proposed Council Action/Motion:** Council and Planning Commission discussion of the project scope and policy questions.	**For Council Meeting Agenda of: 02/19/13** **Department: Community Development** **Prepared by: Debbie Bent, Director** **Initial & Date** **Approved by Department Head:** DB 1/31/13 **Approved by City Attorney:** JMG **Approved by Finance Director:** JD 2/1/13 **Approved by City Manager:** RTK 2/5/13 **Exhibits/Attachments:** **1.** Staff Memo dated 11/9/12

Expenditure Required $0 **Amount Budgeted** $0 **Appropriation Required** $0

INFORMATION/BACKGROUND: At the November 26, 2012 City Council meeting, staff introduced the Commercial Zoning Project, confirmed the project scope and identified policy questions related to the project. On January 14, 2013, the Council added the Commercial Zoning Project to the Planning Commission's docket. This project will result in amendments to the comprehensive plan and development regulations, primarily related to the Regional Business (RB) zone.

The purpose of the joint discussion with the Planning Commission on February 19 is to review with them the scope of the Commercial Zoning Project and the policy questions to be addressed. Staff anticipates using the original staff memo (Attachment 1) as the framework for this discussion. Please note that one of the private docket requests discussed in the memo (change for two parcels from Community Business to Regional Business zoning from Dennis Mendrey) was withdrawn prior to Council's consideration of the docket.

At the Planning Commission meeting on February 5, 2013, staff will be reviewing the docket and some general background information with the new Commissioners in preparation for the Council discussion. The February 19 meeting, however, will be the formal "kickoff" for this project.

FISCAL CONSIDERATION: None at this time.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:
Goal 2. To implement the Economic Development Plan. Goal 5. To pursue downtown development. Goal 8. To move the City council's inter-connectivity vision forward. Goal 12. To continue to seek opportunities to complete a successful Lake Pointe development.

The City of Kenmore
18120 68TH Avenue NE PO Box 82607
Kenmore, Washington 98028

MEMO

TO: **Rob Karlinsey, City Manager**

FROM: **Debbie Bent, Director of Planning & Community Development** DB.
Lauri Anderson, Senior Planner LWA

DATE: November 9, 2012

SUBJECT: Commercial Zoning Project – Preliminary Discussion

At the November 26, 2012 City Council meeting, staff will introduce the commercial zoning project and obtain any preliminary feedback from the Council on project scope or the identified policy questions related to the project. In January 2013, staff will prepare a Comprehensive Plan docket recommendation for this project, including a potential schedule for the Planning Commission and City Council to consider possible Comprehensive Plan and development regulation amendments. Council takes action on the staff docket recommendation no later than the end of February 2013.

A primary City Council goal for 2012-2013 is to implement the city's Economic Development Strategy. Goal II of the Strategy is to support existing businesses and pursue opportunities to expand employment. Goal IV is to advance the community's connection to the waterfront.

The proposed commercial zoning project, focused on the Regional Business, or RB, zone will address both of these goals directly. The RB zone includes the largest concentration of existing Kenmore businesses and has potential to attract new businesses and investment. The RB zone stretches in a band along much of SR-522, and is the connection between the core of downtown and Lake Washington (see Attachment 1). RB properties, including the Lakepointe site, make up most of Kenmore's commercial waterfront. Updating the RB zone, established before Kenmore's incorporation, is key to supporting Kenmore's future economic vitality.

As currently envisioned, the project would:

- Comprehensively review the Regional Business (RB) zone and its relationship to other commercial zones, including a review of the Comprehensive Plan vision; review of uses--including allowed, prohibited, nonconforming and existing legal uses; review of P-suffix conditions, density and other development regulations; review of geographic boundaries for the RB and nearby zones; and review of the relationship to the transportation network.

- Consider three holdover private docket requests--from 2008 through 2010--including requests to address building height and Lake Washington view issues (Greene and

Weise), and a private request for a Comprehensive Plan and zoning change from Community Business to Regional Business (Mendrey).

- Review and implement the proposed Transit Oriented District overlay.

The project's end result would be Council consideration of new/amended Comprehensive Plan policies and new/amended implementing development regulations for properties in the RB and nearby zones.

At the Council retreat in early 2012, a working paper on Kenmore's future employment opportunities and the city's commercial zoning was presented to provide background for this project. A copy of that paper, dated 12/2/11 with some minor revisions is provided as Attachment 2.

POLICY ISSUES AND QUESTIONS FOR PRELIMINARY DISCUSSION

Staff has identified the following policy issues and questions that we recommend be addressed as part of the commercial zoning work program. Staff also has identified a recommended approach to these issues and questions for Council consideration.

1. The Comprehensive Plan and the City's economic development strategy support mixed-land uses (i.e. multi-family high density residential/commercial) with a pedestrian and transit orientation, and creation of a central place (downtown). Another basic premise in the Comprehensive Plan is preserving single-family areas and concentrating new multi-family and commercial uses outside of these areas. Supporting existing businesses and opportunities to expand employment is a related goal in the City's economic development strategy and Comprehensive Plan. These broad goals appear to still hold true for a community vision and are consistent with future trends identified in the 12/2/11 working paper

   Staff recommends that these broad goals—protecting existing single-family neighborhoods, supporting a mixed-use, pedestrian-oriented downtown, and supporting existing businesses and opportunities to expand employment—provide the policy framework for the commercial zoning project.

2. As mentioned above, the Regional Business (RB) zone has been in place since prior to incorporation and has not been reviewed in a comprehensive way since that time. The Downtown Commercial (DC) zone was adopted in 2003 and the Community Business (CB) zone was adopted in 2008. The Neighborhood Business (NB) zone—another King County holdover zone--is located in two discrete areas outside the core commercial area of the City, with the intent to provide neighborhood-scale retail at limited locations.

   Staff recommends that the focus of the commercial zoning project be the RB zone and its relationship to the DC and CB zones. Staff recommends that an analysis of the NB zone uses and development regulations only be completed if time allows.

3. A primary goal of the Economic Development Strategy is to support existing businesses. The city's industrial zone was changed to RB in 2007 and the Comprehensive Plan calls for phasing out industrial uses. The largest number of

existing RB-zoned properties (40%) are developed with manufacturing/industrial uses (light or heavy), construction and trade, warehousing and distribution, wholesale trade, vehicle and equipment yards, and auto sales and service uses. These existing industrial and distribution uses provide commerce and jobs to our city.

The Economic Development Strategy also supports pursuit of opportunities to expand employment, focusing on independent community scale retailers and employers, with a particularly emphasis in the target sectors of outdoor recreation, green/clean tech, biotech and health care. Green/clean tech often entails a light manufacturing component. Maintaining opportunities for longer-term office based employment is another strategy focus.

Considering these existing and proposed uses raises questions about whether mixed-use development throughout the RB zone is feasible or desirable. Would the market support mixed use throughout RB? Can manufacturing be part of mixed-use?

Staff recommends the following approach to address the question of uses and location. First, identify a standard set of commercial and other uses and then identify where such uses should be allowed or prohibited in terms of general areas. This exercise should indicate if there are any distinctions in preferred locations for a particular type of use which may then lead to development of new distinct zones, and/or elimination of some current zones. The next step would be to consider how or if performance standards (such as limitations on noise, vibration or hours of operation) could support compatibility if uses are combined.

4. Affirming or amending the current long-term vision for mixed-use development or identifying a new vision for the RB zone is a critical issue. It's possible that the city's long-term vision for future development in the RB zone may differ from currently existing development. To ensure that existing businesses can continue to thrive until uses are ready to convert, zoning must encourage transformation without jeopardizing present vitality. Offering incentives to change or making requests for incremental site improvements as successful businesses grow or expand are two possible techniques that could continue support for existing businesses while moving toward a different vision.

   In particular, code changes may be needed to accelerate development on the Lakepointe site and help it realize its full potential. There are several P-Suffix conditions that affect this property (and the Plywood Supply property), dictating uses, design, and infrastructure improvements, and requiring master plan approval.

   Staff recommends the following approach to address questions of existing legal uses and nonconformance. First, determine the key characteristics of the uses that require ongoing support to maintain vitality. Then develop incentives or other mechanisms to accelerate conversion and make it easy for the property-owner to move toward change without jeopardizing current business activity.

   Staff recommends that the P-Suffix conditions be assessed to determine if the mixed-use visions for the Lakepointe and Plywood Supply properties are still appropriate, if the standards facilitate the vision and are achievable, and whether *amendments to comprehensive plan policies and development regulations are required. Staff recommends that any redundant P-Suffix requirements be eliminated and all others be incorporated into development regulations. The "Lakepointe staff team" currently holding meetings to develop strategies to support a quality private development on the Lakepointe site, would provide information to the Planning Commission and City Council for consideration.*

5. A significant portion of RB-zoned property fronts on SR522 which is a major transportation corridor for vehicles and transit. Sound Transit plans identify SR522 as a future High Capacity Transit Corridor. How can zoning for commercial and/or residential uses along SR522 support Bus Rapid Transit or light rail?

   Staff recommends addressing these questions as part of assessing appropriate uses as described in #3 above, and in particular considering land uses that are compatible with promoting transit use, including evaluating and incorporating the regulations considered for the Transit Oriented District.

6. Are there any special connections/circulation requirements (e.g. sidewalks, streets, bike routes, woonerfs, etc.) that need to be identified to link commercial and residential areas? What land uses are compatible and support air service and ferry service?

   Staff recommends reviewing current plans and policies to determine if there are any amendments required. In particular, completion of an aviation plan for Kenmore Air will be required as part of the state-mandated 2015 Comprehensive Plan update.

7. How should retention of significant viewpoints to Lake Washington as promoted in the Comprehensive Plan be implemented?

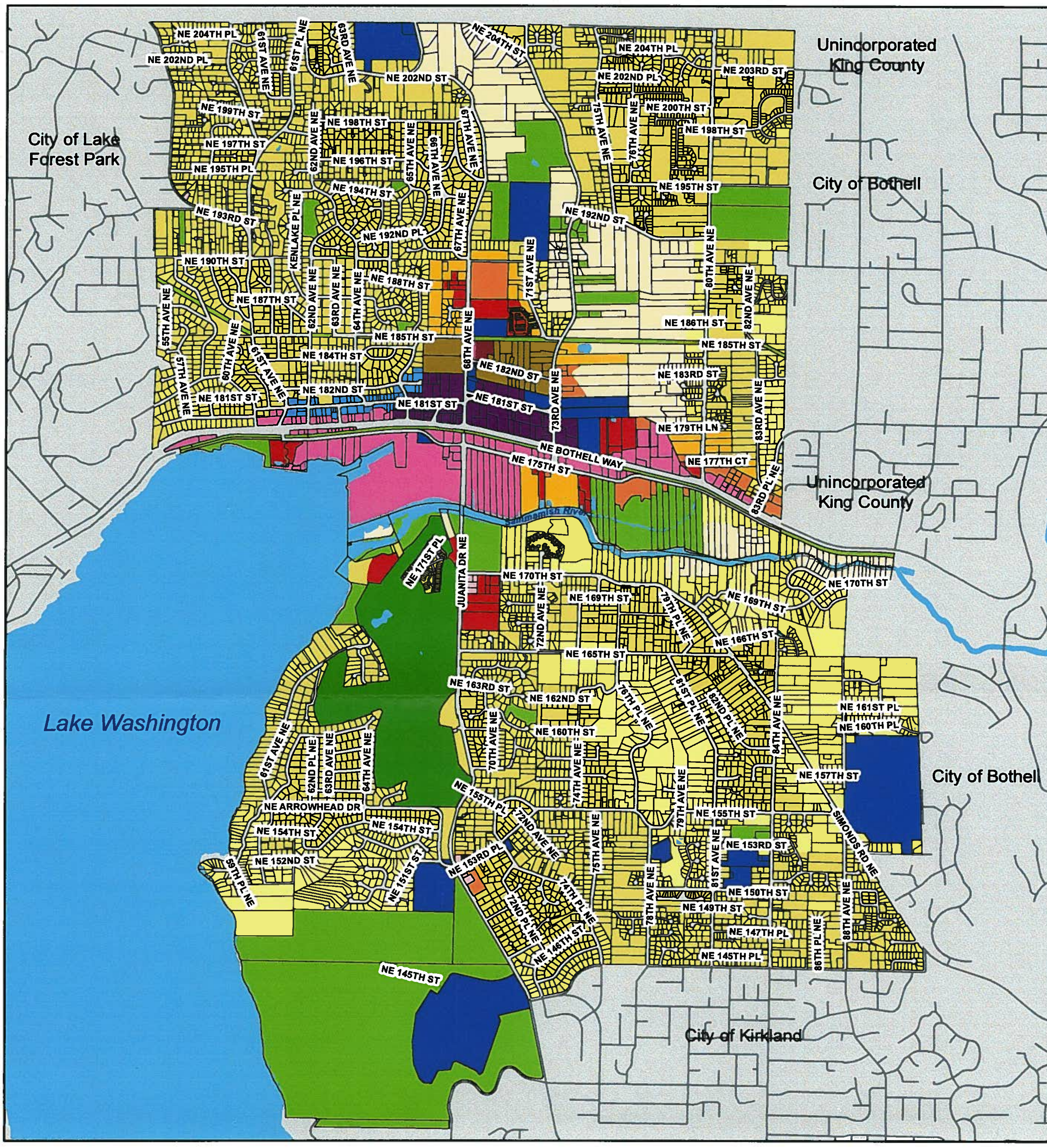
   Staff recommends that the relationship between use, density, height and views for the RB zone be addressed as part of the commercial zoning project and appropriate policies and development regulations implemented. The project also should assess whether the current density and height regulations support the proposed uses in an area.

8. A key component of a prosperous Kenmore is leveraging one of our most powerful assets—access to Lake Washington. Goal IV of the Economic Development Strategy (improving access and connection to the waterfront) should be part of the commercial zoning discussion as most of Kenmore's commercial waterfront is in the RB zone.

   Staff recommends that the commercial zoning project include discussion of how the city can achieve public access to, and use of, the Lake Washington waterfront for residents, those who work here, and visitors. The existing P-Suffix requirements for public access on the Lakepointe site should be evaluated. Zoning standards and proposed uses should be considered in light of the new shoreline regulations requiring public access.

Attachments

Attachment 1: Zoning Map showing the Regional Business (RB) zone
Attachment 2: Memo to Frederick Stouder from Debbie Bent and Lauri Anderson, dated December 21, 2011



Official Zoning Map | City of Kenmore

Regional Business	Neighborhood Business	R-1 (Residential, 1 Dwelling per Acre)	R-18 (Residential, 18 Dwellings per Acre)
Downtown Commercial	Public / Semi-Public	R-4 (Residential, 4 Dwellings per Acre)	R-24 (Residential, 24 Dwellings per Acre)
Downtown Residential	Parks*	R-6 (Residential, 6 Dwellings per Acre)	R-48 (Residential, 48 Dwellings per Acre)
Community Business	Golf Course	R-12 (Residential, 12 Dwellings per Acre)	

* Portions of the Burke-Gilman Trail & Tolt Pipeline occur in rights-of-way and not as separate parcels. However, these facilities are considered to be Parks along their full length.

0 4,000
Feet

This map is intended for planning purposes only and is not guaranteed to show accurate measurements.

Map Date: May 2011
Amended: June 2012 by Ordinance 12-0341

Attachment 1

Attachment 2

The City of Kenmore

18120 68TH AVENUE NE PO BOX 82607
KENMORE, WASHINGTON 98028

MEMO

TO: **Frederick Stouder, City Manager**

FROM: **Debbie Bent, Director of Planning & Community Development**
Lauri Anderson, Senior Planner

DATE: December 2, 2011, updated February 2, 2012*

SUBJECT: Working Paper on Kenmore's Future Employment Opportunities and Commercial Zoning

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A work objective in the Planning and Community Development Department's approved 2011/2012 biennial budget is a review of commercial zoning categories for consistency [1]with the Comprehensive Plan. It is anticipated that a discussion of the scope of this project will be scheduled for a Council agenda in the first quarter of 2012.

In advance of this discussion, staff has prepared this "working paper" on commercial zoning and future employment opportunities in the city. The paper contains information on existing conditions in Kenmore, the national/regional employment context, implications for jobs and land use in the city, and information on related issues such as the Transit Oriented District (TOD) proposal. The last section of the paper presents some general themes arising from the analysis. A conclusion is that addressing many of the issues raised in this working paper would require consideration of amendments to Kenmore's Comprehensive Plan. Significant opportunities and challenges discussed in the paper could not be resolved by regulatory changes alone.

Council questions and comments about this memo may be directed to the City Manager's office. Staff will then prepare responses to the questions as part of the agenda package to be forwarded to the Council in the next few months.

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*The Working Paper has been updated with regard to permitted uses in the Regional Business (RB) zone. Previously, the paper stated that office uses and eating and drinking places were not permitted in the RB zone. Actually, these uses are permitted, not with the titles "Professional Offices" and "Eating and Drinking Places" as used in most zones, but as part of the "Government/Business Services Land Uses" and "Retail Land Uses" use listings in the RB zone (defined in Title 18). The need for this revision reinforces the importance of reexamining and clarifying permitted uses in the commercial zones for code users.

I. Existing Conditions in Kenmore

Current Comprehensive Plan expectations

Kenmore's Comprehensive Plan Vision includes two statements directly related to the city's commercial zoning. The Vision says:

"In 2020, we see Kenmore as:

- A community with an attractive, vital, pedestrian-friendly city center offering commercial, civic, cultural and park spaces, integrated with higher density housing.

- A community with an economic base that provides for the needs of its citizens and provides quality employment opportunities."

The Comprehensive Plan Land Use Element states that the future land development pattern under the existing Comprehensive Plan would show: a "concentration of commercial and business uses locations where they are currently located," "phasing out of industrial uses in favor of mixed uses (commercial and residential)," and "creation of a Central Place (Downtown) in Kenmore." The priority area for commercial development is to be the Downtown (Policy LU-2.1.4).

The Downtown Plan Sub-element of the Comprehensive Plan states that the city should encourage regional serving development south of SR-522 and local serving development north of SR-522. The northwest quadrant of 68th Avenue and SR-522 would have smaller-scale civic and mixed uses. The approved Lakepointe mixed use project in the southwest quarter would be developed and provide public access to the waterfront. The southeast quadrant of 68th Avenue NE and SR-522 would have larger scale mixed-use master planned development and the Plywood Supply site, in particular, would be a pedestrian-oriented commercial area. The desired focus is on prevention of "strip development" and on development of centers. The Downtown Plan supports not only physical, but also visual access to the waterfront.

The Comprehensive Plan describes the purpose, appropriate uses, and allowable multifamily densities for each commercial district in the city and provides a map (identical to the current Zoning Map) showing the locations of these districts.

Current Zoning designations, including P-suffixes

There presently are four commercial zones in the city (Neighborhood Business or NB, Community Business or CB, Downtown Commercial or DC, and Regional Business or RB). Attachment 1 is a summary of the purpose/intent statement for each zone and its basic development standards. Allowable residential densities vary between these zones, with the highest density in the DC zone (from 36 to 72 dwelling units per acre) and the lowest in the NB zone (8 to 12 units per acre). For the most part, standalone uses are limited to 35' in height (CB and DC) unless additional setbacks are provided (NB and RB). Mixed uses can achieve 65' in height in the DC zone and unlimited heights in NB and RB as long as additional setbacks are provided. The majority of commercial properties, except in NB, are covered by some design standards, although the design districts and the zoning boundaries are not congruent.

Attachment 2 provides a comparison of uses between zones. All zones allow multiple family dwellings, medical/dental office/outpatient clinics, indoor retail sales, artist studios, and home occupations. All zones allow professional offices and eating and drinking places. All zones prohibit warehousing and wholesale trade and heavy industry, such as fabricated metal products and heavy equipment manufacture. All but RB prohibit construction and trade, manufacturing, and trucking and courier services. In the RB zone, new light manufacturing uses require a conditional use permit.

For the balance of this paper, the NB zone is not discussed. This zone is located in just two discrete areas outside the core commercial area of the city and is designed to provide neighborhood scale retail at limited locations. Interestingly, the NB zone has fairly liberal use and development standards. It may be worth considering whether some of these standards should be more circumscribed. (The NB zone allows automotive repair, vactor waste receiving facilities and automotive parking, for example.)

As an overlay to underlying zoning in the city's commercial areas, there are five P-suffixes in effect: NS-P1, NS-P4, NS-P10, NS-P13 and NS-P19 (see Attachment 3). P-suffixes are development conditions applied to specific properties that must be satisfied in additional to the general zoning requirements.

NS-P1 applies to a small area of Regional Business (and other surrounding zonings) along NE 185th Street and requires dedication and improvement of NE 185th Street to collector arterial standards on the property frontage.

NS-P4 applies to the Lakepointe and Glacier (CalPortland) properties, requiring a mixed use, pedestrian oriented place, approved through a Master Plan. The development standards are extensive, detailing phasing and infrastructure improvements.

NS-P19 applies to the Plywood Supply property, requiring mixed use, pedestrian oriented developments. This property also has a Special District Overlay (SO-050) for pedestrian-oriented commercial development, which describes permitted uses and special development standards.

NS-P10 applies to the Lakepointe, Glacier (CalPortland) and Plywood Supply properties and restricts uses until such time as a master plan or pedestrian-oriented commercial development is proposed for these sites.

NS-P13 applies to the Harbor Village Development and Marina, zoned RB. These standards regulate public access, signage, marina facilities, and dredging.

P-suffixes cover the two largest privately-owned redevelopment sites in the city--Lakepointe and the Plywood Supply property.

<u>Kenmore Demographic Information</u>

The following statistics come from the Demographics and Economics section of the Comprehensive Plan and are relevant to a discussion of employment in the city:

Educational attainment in Kenmore, 2000:
2,931 high school grad/GED or less (23%);
3,374 some college, no degree (27%);
4,607 associate or bachelor degree (36%);
1,812 graduate or professional degree (14%).

Kenmore has a highly educated population with the majority having attended college or attained an associate's degree, a bachelor's degree or a graduate or professional degree.

Occupations of Residents, 2000:

9,569	Total
4,521	professional services, including professional, scientific, management, administrative and waste management; FIRE—finance, insurance, real-estate; education/health/social services; public administration; and other professional and related services (47%).
1,303	retail trade (14%);
1,160	manufacturing (12%);
900	construction and resources, including agricultural, forestry, fisheries, and mining (9%)
850	transportation, warehousing, utilities and wholesale trade (9%)
835	arts, entertainment, recreation, accommodation and food services (9%)

About half of Kenmore's residents work in professional services, typical of an office setting.

Available Jobs in the City, 2003:

4,260	Total
3,200	services, FIRE, education and government (75%)
378	construction and resources (9%);
316	retail (7%)
301	transportation, communication, utilities, wholesale trade (7%)
65	manufacturing (2%)

There are not enough jobs in the city to accommodate residents. There are shortages in all occupational categories. Major employers in the city include Bastyr University, American Bowling, Inc., Kenmore Air Harbor, Plywood Supply, and Safeway.

By 2010, the Puget Sound Regional Council (PSRC) had estimated covered employment in the city to be 3,625—46% in services, followed by 15% in education. Covered employment are jobs covered by the state unemployment insurance program administered by the Washington State Employment Security Department. Workers excluded from covered employment include members of the armed forces, self-employed workers, sole proprietors and other non-insured workers. If total job numbers are likely to be about 10-15% higher than the number of covered jobs ("Capitalizing on Kenmore's Potential—An Economic Development Strategy"), there were fewer jobs in Kenmore in 2010 than were identified in 2003.

Kenmore Downtown Plan Market Study

As part of the development of the Kenmore Downtown Plan, Property Counselors, in association with Mizrahi and Associates/CB Richard Ellis, conducted a May 2005 study of existing market conditions in Kenmore's downtown area. Significant findings of the study include:

- Kenmore retail largely serves a local market area, but still captures only a small share of resident expenditures. While this might not be unusual in the general merchandise category, Kenmore businesses captured only a little more than half of the community's retail gross sales for groceries. With the exception of the Safeway retail concentration, many of the existing retail facilities are dated in terms of configuration, appearance and performance.

- The Kenmore office market is quite small in comparison to the region. As of 2005, there were only 22 office buildings with a total of 107,000 sq.ft. The largest buildings are only 10,000 sq.ft. The inventory is split between general office (60%) and medical/dental (40%).

Economic Development Strategy

"Capitalizing on Kenmore's Potential—An Economic Development Strategy" was adopted in June 2009 and was to "serve as a roadmap, outlining actions the City could take over the next 5 years to ensure a sustainable, diversified, and healthy economy."

The Strategy notes that most Kenmore residents work outside of the City, primarily in Seattle, Bellevue and Redmond. Only 3% of residents work inside the city limits, where, as noted above, there are not enough job opportunities to serve residents.

The Strategy finds that residents do much of their shopping outside the city limits at strong regional retail centers such as Northgate, Alderwood, and Kirkland. This regional competition limits Kenmore's opportunities in some retail sectors. Although SR-522 has a lot of traffic, the same cars passing through Kenmore also drive through Bothell and Lake Forest Park where there is already established retail. SR-522 is viewed largely as a traffic bottleneck and attracting pass-through traffic is seen as very difficult. With tolling of the SR-520 bridge, SR-522 is likely to see more traffic. The higher rents associated with mixed-use development (for which much of the city is zoned) also may limit potential retail tenants.

Between 1999 and 2007, health/personal care retail spending was the strongest retail sector in Kenmore. Personal expenditures in nonstore retail have been steadily increasing; this category includes delivery of internet/mail order items to residents. Electronics/appliances and groceries/liquor are the second and third-strongest personal expenditure sectors. In 2007, another retail strength was in "other vehicles dealers." Other vehicles spending is primarily on motorcycles and boats. The Strategy identifies opportunities to increase restaurant options in Kenmore.

The Strategy found that there has been no new office space added to Kenmore since 1997. The existing office space (Class C) is located along Bothell Way and is small-scale. Class C locations are older buildings in need of extensive renovation. Building infrastructure and technology are outdated. Because of this, the existing office space has the lowest rental rates of all office types, takes a longer time to lease, and may be targeted for redevelopment.

There is significant office capacity in the Seattle area, which will be utilized before new development in Kenmore occurs; Bothell's current office vacancy rate is almost 20%. The Strategy suggests that office development in the city is one to two business cycles away (3 to 8 years) and that office development will be a challenge for Kenmore because the city is not located on a major transportation corridor with easy access. The Strategy states that the source of demand for office and industrial space in Kenmore is most likely to come from local entrepreneurs or local residents moving their business closer to home; speculative office building is unlikely.

The Strategy also found that there has been only one industrial space added to Kenmore since 1997. Similar to office space, most existing industrial development is located along Bothell Way.

A goal of the Strategy is to support existing businesses and pursue opportunities to expand employment. Strategies include attracting desirable specialty manufacturers and employers in target sectors, and planning for long-term growth of the office sector. Independent, community scale retailers and employers, with a particular emphasis on the outdoor recreation, green/clean-tech, biotech, and health care sectors are specifically mentioned. The Strategy suggests targeting health and fitness businesses, such as outdoor gear rental shops, that would benefit from the waterfront, the Burke-Gilman Trail, and traffic along SR-522. The Strategy also suggests that Kenmore zone for and attract development related to flexible office environments, such as call centers or light manufacturing.

Another Strategy goal is to continue to create a multi-use, vibrant, and walkable downtown. The Strategy notes that as a general rule businesses want to be next to where people live, transit hubs, and near retail and other amenities. One desired outcome is transit oriented development within the city. The Strategy suggests encouraging additional residential development in the downtown to increase activity and attract daily goods shops, services, and restaurants. Kenmore Village is viewed as a catalyst project to this development pattern. Kenmore presently has a relatively low percentage of multifamily housing units (25%)—less than Bothell, Kirkland, Woodinville, and the greater Kenmore area.

A third goal of the Strategy is to advance the community's connection to the waterfront. The Strategy suggests that the city provide leadership in opening up the waterfront, perhaps by working with the Lakepointe owner to encourage attractive redevelopment of that site. The Strategy recommends that the city invest to the extent possible in the waterfront—that the waterfront is Kenmore's competitive advantage. It also recommends using zoning to preserve public lake views.

The Strategy recommends exploring other opportunities to promote development using land use tools and incentives, such as a planned action environmental review or transfer of development rights.

Attachment 4 is a map of existing business types in Kenmore taken from the city's 2010 Economic Opportunity Mapping project.

2007 Buildable Lands Report and 2031 Growth Targets

The Buildable Lands Report, prepared by King County and its cities, is a requirement of the Growth Management Act. The report provides a review and evaluation of residential and non-residential development in the county and its cities every 5 years to ensure sufficient capacity for planned growth.

The latest report shows that Kenmore may have up to twice as much residentially-zoned land as is needed to meet the King County Countywide Planning Policies' growth targets for the horizon year (2031). Under present zoning, Kenmore could accommodate 5,023 dwelling units—2,341 in mixed use, 943 in multifamily and 1,739 in single-family—which translates to 4,824 households. The 2031 housing unit target assigned by the Countywide Planning Policies ranges between 2,500 and 3,500 housing units. The Buildable Lands Report notes that, "among suburban areas, unincorporated South County and the cities of Renton, Kent, Covington, Black Diamond, Kenmore, Issaquah, Bellevue, and Shoreline stand out with capacity surpluses of more than 2,500 households beyond targeted growth." The approved Lakepointe project accounts for 1,200 of these dwelling units.

The report shows that job capacity in King County's urban growth area is double what is needed to accommodate the growth target to the year 2031. Capacity sufficient to accommodate the job targets exists within each planning subarea and within nearly all individual jurisdictions. Under present zoning, Kenmore has a non-residential (commercial) floor area capacity of 479,691 sq.ft. and a non-residential (industrial) capacity of 37,021 sq.ft., translating to an employment capacity for 3,048 jobs—3,002 of them (98%) in mixed use. The 2031 target ranges from 2,500 to 3,000 jobs, leaving a surplus capacity for 48 to 548 jobs out to the year 2031.

The report also shows that 2001 to 2006 was a time of job loss in Kenmore, even before the start of the current recession. The city lost approximately 332 jobs—a 7% loss. Between 2001 and 2005, Kenmore permitted only 14,449 sq.ft. of new commercial space and no industrial space. While land capacity is sufficient, the city has seen little or no job creation likely due to economic cycles and local market conditions.

Attachment 5 is a map from the Kenmore Economic Opportunity Mapping project showing vacant, redevelopable or pipeline properties identified through the Buildable Lands Analysis.

National/Regional Context

Demographic Trends

Nationally, two generational groups dominate the discussion of employment, jobs and community planning. The first, the Baby Boomers (born between 1946 and 1964 and now from 47 to 65 years old), make up about 27% of King County's population. As the Baby Boomers age, health care will become increasingly important as will the need to fill jobs vacated by retirees. As personal mobility decreases with aging, access to transit will become a significant lifestyle issue.

The second dominant population group is the Y generation or "millennials" born between about 1980 and 1998 and now from 13 to 31 years old. This group, another 27% of King County's population, is made up of the children of the Boomers. The Y generation has been significantly affected by the Great Recession, with a particularly high unemployment rate. This generation has been characterized as "high performance and high maintenance," "tech savvy," "entrepreneurial," and "team-oriented." Many are well-educated and want jobs that can accommodate family and personal lives (as opposed to their "workaholic parents"). They expect to change jobs frequently. The Y generation marries later and has fewer children. They will likely to rent far longer than previous generations before buying a house ("The New Normal Requires New Rules for Success" by Aaron Gruen, an International City/County Management Association (ICMA) report, April 2011).

One irony of the high unemployment rate of the millennials (whose members may bear crushing college debts) is that some of it may result from the continued employment of their parents who must retire later as a result of the economic downturn or who, with their experience, fill entry level jobs rather than be unemployed. The millennials may need to live at home longer because their parents fill the jobs that they need to live independently.

By 2020, more than one-third of all households will be single-person households ("The New Normal Requires New Rules for Success" by Aaron Gruen, an ICMA report, April 2011)—a function of both the aging of the population and the unique characteristics of the Y generation.

In a March 2009 article, "In Putting the Urban in Suburban," Alan Ehrenhalt concludes: "An impressive collection of evidence documents that today's young adults have a pronounced taste for urban living. One recent poll, conducted by the marketing firm Lesser & Co., reported that 77 percent of Americans born after 1981 want to live in an "urban core." More than 70 percent said they would remain urbanites even after they had children. In "The New Normal Requires New Rules for Success" by Aaron Gruen, an ICMA report, April 2011, Gruen states that successful places will create "multifamily rental units in mixed-use developments that offer dining and nightlife that appeal to Gen Yers." The report encourages, "green office space near transit, integrated with relatively high-density housing close to experiential shopping, restaurant, and entertainment venues."

Another survey by Lesser & Co. found that "71 percent of the Boomers placed walking distance to transit at the top of their list of housing demands."

<u>What Creates Jobs?</u>

The role of zoning in spurring economic development is indirect. Certainly, regulatory clarity and streamlined processes can make constructing or remodeling a building easier and potentially less expensive. Rezoning can impact land values, positively or negatively. Zoning can also support or prohibit specific land uses within a community. However, zoning for a use does not mean that the use actually will locate within the community. In Contemporary Urban Planning (2003), academic John M. Levy states, "Zoning, by itself, cannot address the redevelopment problem, for controls cannot compel anyone to invest in an area."

Opinions vary on what directly creates jobs—on a continuum from deregulation (more economic freedom) to increased regulation (mandating new technologies to spur innovation and provide certainty for new technologies). Other strategies mentioned in articles about the subject include government-sponsored infrastructure improvements (transportation projects and modernizing and renovating schools, for example) and education and retraining for the unemployed to fill existing jobs requiring specialized skills.

Although a review of commercial zoning may remove some constraints to developing new locations for job growth, zoning changes will not create jobs or necessarily overcome the economic conditions which may limit new non-residential development in Kenmore.

What Are the Jobs of the Future?

According to a study titled, Industrial Versus Mixed-Use Zoning: Economic Impact and Job Creation, prepared for the Central City Association (Los Angeles) in 2007 by CBRE Consulting, "America is moving from a heavy manufacturing economy to a service and high technology economy." The study cites Richard Florida's Rise of the Creative Class, published in 2003, as an analysis "widely accepted by economic development professionals throughout the U.S." Mr. Florida's key findings include:

> "• The U.S economy has seen the creative class of workers (scientists, artists, engineers etc) grow from 10% of the workforce in 1900 to over 30% today.
> • The creative economy offers tremendous growth potential, as evidenced by R&D spending which has grown from $5 billion in 1950 to over $250 billion in 2000.
> • Scientists and engineers have increased from 625,000 in 1950 to 5 million in 2000.
> • Professional artists, musicians, etc., have increased 500% in the same time frame.
> • Big city urban centers have always been the crucibles for innovation and creativity. They are leading a dramatic economic turnaround driven primarily by the location choices of the creative class who favor authentic urban fabric, and who have the ability to operate their businesses out of their homes."

The CBRE study was completed to address concerns about retaining industrial zoning in Los Angeles when trends show that new workers want to locate in a mixed use, more dense urban area served by public transit and with related amenities. It noted that manufacturing industries bring very few jobs, with employment estimated at less than one job per every 2,000 to 5,000 square feet, or 1/10th the level of typical service sector employers. The study concluded that industrial employment in the U.S. is undergoing a massive transformation with low-skilled and medium-skilled work being outsourced overseas to areas with low cost labor and industrial users leaving the city because of high taxes, high rents, traffic congestion, poor infrastructure, small parcel sizes, and obsolete buildings. The CBRE study states that preserving industrial land doesn't change these economics.

A study done for the city of Kirkland (Kirkland Industrial Study, UrbanAdvisors, Ltd., April 12, 2005), also concluded that "warehouse and distribution uses are moving regionally to areas with newer, less costly stock and a local labor force that can live in reasonable close proximity at moderate wage rates. The trend in spec built industrial and warehouse space is occurring elsewhere on less valuable land with highway access." This study, too, states "trends indicate …that an emphasis should be placed on the creation of higher density employment space for financial, insurance, real estate, services and "tech" uses that can employ higher wage local residents…and can afford the land and development costs for higher density."

The Occupational Outlook Handbook (2008-2018) from the federal Bureau of Labor Statistics (BLS) says employment in goods-producing industries has declined since the 1990s and is expected to change little. Overall employment in manufacturing will also decline as "productivity gains, automation, and international competition adversely affect employment." Some manufacturing—pharmaceutical and medicine manufacturing, for example, is expected to grow, but new jobs are limited.

Information from The Washington Labor Market Quarterly Review, 4th Quarter 2009 seems to support these findings. In an analysis of industries during the recession for the period 2007-2009, manufacturing showed a significant decline (12.9%).

The Puget Sound Economic and Demographic Forecast, published by the Puget Sound Regional Council in February 2006 concluded that most new jobs in the area would be in the service-producing sector, versus goods-producing industries such as resources, construction and manufacturing. Service-producing industries include transportation and utilities, trade financial activities, services and government. The three fastest-growing industries from their study were food services and drinking places, professional and business services, including information, and health services.

The ICMA report entitled "The New Normal Requires New Rules for Success," by Aaron Gruen (April 2011), states that "retail will not return to what it was before the Great Recession and an increasing proportion of sales will shift to the Internet." In 2000, 50% of all households had access to the internet. By 2010, only 11.63% of all households in Washington had no internet use (U.S. Census Bureau). Nationally, 71% of the adult internet users surveyed had bought a product online (U.S. Census Bureau). By 2015, it is estimated that 11% of all retail sales in the U.S. will be online (Forrester Research, 2/28/11). This percentage climbs to 15% when excluding grocery purchases. The federal Bureau of Labor Statistics also believes that there will be slower growth in retail trade.

Futurist Glen Hiemstra, 2011, believes that, "In the future, people will work "stints" rather than "jobs." He says, "To work at a stint is to become part of a project team for 18 months, followed by joining three friends doing a start-up business that folds after two years, after which you sign on with a multinational which disappears in a merger… and the beat goes on." He also sees a future where, as fewer people are needed to produce goods and services because of machines replacing human effort, more will be done by hand—"working the land by hand, making things by hand, teaching and entertaining others in person…as a counter-weight to an overly technological world."

Ian Wylie, in "Jobs of the Future" in The Guardian, January 2010, states that by 2020 we will continue to make the transition from fossil fuels to alternative energy. "Green" jobs, niche sectors of knowledge intensive manufacturing required highly skilled workers, development of robots and artificial intelligence, entrepreneurs, nanotechnology and biotechnology, social services—primarily nurses and aides, educators, and agricultural workers (local organic farmers) will be jobs for the future.

The Bureau of Labor Statistics (BLS) forecasts large gains in professional, scientific, and technical services. Computer systems design and related services are expected to account for nearly one quarter of all new jobs in this industry sector. Computer-related industries, such as data-processing, hosting and related services industry including Web and application hosting and streaming services, as well as software publishing, will be fast-growing. "Employment in management, scientific, and technical consulting services is anticipated to expand at staggering 83%, making up about 31% of job growth in the sector."

BLS ranks the employment services industry "fifth among industries with the most new employment opportunities in the Nation over the 2008-2018 period" stemming from strong need for seasonal and temporary workers and for specialized human resources services.

BLS notes that "about 26% of all new jobs created in the U.S. economy will be in the healthcare and social assistance industry, including hospitals, nursing and residential care facilities as well as individual and family services. Registered nurses and home health aides will be some of the occupations with the largest numerical growth.

Other occupations with large numerical growth will include customer service representatives, and combined food prep and serving workers.

At a more local level, PSRC's publication, Puget Sound Economic and Demographic Forecast, 2006, states that the three fastest-growing industries will be food services and drinking places, professional and business services, including information, and health services.

Again, The Washington Labor Market Quarterly Review, 4th Quarter 2009 seems to bear out some of these findings. Health-related and some computer-related occupations have been "recession resistant," along with jobs in the life/physical/social sciences and some personal services jobs (hairdressers, for example).

BLS estimates that, "In general, occupations in a category with some postsecondary education are expected to experience higher rates of growth than those in an on-the-job training category."

Implications for Jobs in Kenmore

What Jobs "Fit" with Kenmore Residents?

Kenmore's population is well-educated and primarily working outside of the city in professional services. If local employment for residents is a policy goal as stated in the Comprehensive Plan, provision of places for professional services jobs in the city is desirable. The job sectors supported by the Economic Development Strategy—clean tech, health care, and outdoor recreation—line up well with national and regional trends in future employment.

Clean Tech Opportunities

Kenmore's Economic Development Strategy and general information about jobs for the future indicate that "clean tech" might be an opportunity for the city. Clean tech includes technologies that address resource and environmental challenges. Most fall into the following broad categories: renewable energy generation (wind, solar, geothermal, hydro, biomass); finance/investment; energy and environmental consulting; green building and design (architecture, and building materials such as composites, recycled products, solar water heaters, non-toxic paints); clean transportation (alternative fuels, electric and other low-emissions vehicles); energy efficiency (smart grid, low wattage lighting, sensors to improve HVAC performance, smart metering, green software), and remediation and pollution prevention (graywater recycling, emissions monitoring and control). Relevant industry sectors are "professional, scientific and technical services," followed by "manufacturing".

According to the North American Industry Classification System (NAICS), the "professional, scientific and technical services sector comprises establishments that special in performing professional scientific and technical activities for others. These activities require a high degree of expertise and training. Examples include architects, engineers, specialized design services, computer services, consulting services, research services, etc."

Manufacturing, according to NAICS, "comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products." Light manufacturing generally involves small amounts of raw materials, area and power; work occurs inside a building; and products are made in batches in discrete production runs with not much pollution. Light manufacturing may use partially processed materials. Nationwide, 26% of clean economy (clean tech) jobs are in manufacturing (Brookings Metropolitan Policy Program, "Sizing the Clean Economy").

In The Clean Tech Cluster Analysis Update for the Puget Sound Region, by the Puget Sound Regional Council (PSRC) Workforce Development Council in November 2009, clean tech was defined as including 9 major job categories: energy generation and distribution, residential construction, non-residential construction, manufacturing, architectural services, engineering services, environmental consulting, R&D, and recycling and waste. Green building is identified as the largest of the clean tech sectors. The largest numbers of jobs are projected to be added in engineering, environmental consulting and architectural services. Half of the the identified occupations require a B.A. or higher.

The analysis notes that key trends point to an increase in clean tech: rising energy costs, the focus on U.S. energy security and decreased dependence on foreign oil, and greater understanding and acceptance of climate change and the desire to reduce greenhouse gas emissions.

In "Coming Clean in the New Economy," 7/15/2011, Forbes notes that there is a fierce global race to capture the clean tech market. Looking at regional initiatives, there is also competition at the local level.

To fill clean tech jobs, highly-educated workers are needed. Access to Kenmore's highly educated population, and proximity to the University of Washington campus in Bothell, could be perceived as locational advantages for Kenmore.

Medical Office Opportunities

Another opportunity discussed in the Economic Development Strategy is medical office development. According to an Urban Land Institute (ULI) report, The Outlook for Health Care, 2011, "the rising demand for medical services to treat aging baby boomers, combined with shifts in approaches to treatments to curb rising costs, will significantly increase the need for new and refurbished medical office buildings in the decades ahead." "Medical office building demand is forecast to expand by 19 percent by 2019, 11 percent of which is related to the impact of the new healthcare law, and the remainder due to population growth and demographics."

While historically located in city centers, more hospitals have been opening satellite facilities in the suburbs. The report notes that low-cost walk-in clinics are popping up in pharmacies, grocery stores, and malls.

The report identifies factors supporting increased demand for this land use, including:

- An aging population. Those over 65 years old have three times as many office visits per year as those under 45;
- Advances in technology.
- 32 million more Americans covered by health insurance under the new health care law.
- Cost control pressures encouraging cheaper outpatient surgical and other facilities. "Almost 65% of all surgeries today do not require overnight hospital stays, compared with 16 percent in 1980." The number of freestanding surgery centers has skyrocketed.

There will also be a need for medical support services such as electronic medical records management and software developers and managers, along with insurance claim processors and others working in medical billing. The complexities of billing issues may result in physicians joining hospitals, rather than owning their own practices to consolidate the business side of clinic operations.

There currently are no hospitals in Kenmore. The nearest hospitals are Evergreen Hospital Medical Center in Kirkland and Swedish/Edmonds (formerly Stevens Hospital) in Edmonds. Care Plus Medical Center, 17511 68th Avenue NE, provides extended hours for treatment by physician assistants and nurse practitioners. Evergreen Medical Group, 18208 66th Avenue NE, is a primary care clinic affiliated with Evergreen Hospital.

Bastyr University operates the Bastyr Integrative Oncology Research Center (opened in February 2009), but their teaching clinic is located in Seattle.

Affiliations with Evergreen Hospital and Bastyr may provide support for expanding medical office employment in Kenmore.

Outdoor Recreation

The Economic Contribution of Active Outdoor Recreation – Technical Report on Methods and Findings, July 9, 2006, Prepared by Southwick Associates, Inc., Fernandina Beach, Florida, for the Outdoor Industry Foundation (OIF) is a national study addressing the benefits of the outdoor recreation market in the U.S. The report was based on data from a survey commissioned by the OIF and conducted by Harris Interactive® in late 2005, and covered bicycle and paddle recreation, along with other types of recreation. Paddle recreation includes kayaking and canoeing, but does not include power boating.

The analysis was done by region of the country. Washington was placed in the Pacific region, including Alaska, California, Hawaii, and Oregon.

The report shows that 57.9% of bicycling participants report trip or equipment expenditures related to their activities. 68.4% of paddling participants reported such expenditures. Expenditures included food and drink (groceries used on the trip, restaurants, bars etc.); transportation (gas & oil for the trip, bus, etc.); recreation, entertainment and activities (entry/access/parking fees, equipment rental, guide fees, etc); and souvenirs, gifts and other miscellaneous spending. In the Pacific region, mean expenditures for a day trip while bicycling were $18 for food and drink, $11 for transportation, $11 for recreation, entertainment and activities, and $4 for souvenirs, gifts and miscellaneous. For paddling, the numbers were $34 for food and drink, $31 for transportation, $42 for recreation, entertainment and activities, and $9 for souvenirs, gifts and miscellaneous.

In 2005, the major business sectors enjoying the most direct business from active outdoor recreation were: accommodation and food services, manufacturing, retail trade, and real-estate and rental.

In Washington in 2005, 32% of the population participated in bicycling; 12% in paddling. Given Kenmore's proximity to the Burke-Gilman Trail and Lake Washington, the city has an opportunity to create jobs and capture some of these recreational expenditures.

An American Planning Association (APA) publication on how cities use parks for economic development noted that "knowledge workers prefer places with a diverse range of outdoor recreational activities, from walking trails to rock climbing." Seattle is among the top cycling cities; and is also among the leaders in knowledge workers. A survey of 1,200 high technology workers in 1998 by KPMG found that quality of life in a community increases the attractiveness of a job by 33 percent. Outdoor recreation opportunities in Kenmore may also stimulate job growth in other employment sectors.

Land Use Implications

General Implications

If trends are accurate, both the Baby Boomers and the Y-Generation are going to be looking for the same land use pattern: a mix of uses--focused around multifamily housing, professional offices, small-scale and experiential retail, and light manufacturing for new technologies--with good access to transit.

In Industrial Versus Mixed-Use Zoning: Economic Impact and Job Creation, prepared for the Central City Association (Los Angeles) in 2007 by CBRE Consulting, the study states that "livability" is a critical locational factor for contemporary business. "The current economy values proximity and clustering. Placing jobs, homes, shops and recreation in proximity increases business opportunities." The study supports creating 24-hour communities--as opposed to locations open only 9 to 5 Monday through Friday—as these environments are increasingly attractive to young professionals.

Although the Comprehensive Plan shares the vision of a mixed-use, pedestrian-friendly place, current land use in Kenmore does not fit this pattern. Existing industrial "legal uses," such as the asphalt batch plant, Glacier/CalPortland, and activities on the Lakepointe site show a heavy manufacturing face to visitors. Approved projects that were to create pedestrian-oriented mixed use districts (Lakepointe and Kenmore Village) have stalled in the present economic climate. SR-522 continues to be dominated by small, primarily auto-oriented businesses, fast-food establishments, and construction-related businesses.

The following discussions explore land use implications of current zoning for development of future facilities to provide job opportunities in retail, office, and manufacturing. Opportunities for providing multifamily land uses in mixed use developments under present development standards also are assessed.

Retail

As internet sales capture more of the retail market, Aaron Gruen ("The New Normal Requires New Rules for Success," an ICMA report, April 2011) states that the new downtown retail base is likely to include pet stores, food and wine, including "small-format grocery stores offering organic and locally grown products"; health spas and other health and alternative heath products; a variety of personal services; and experiential retail and fitness facilities. Kenmore's CB, RB and DC zones allow most if not all of these retail uses, although indoor recreational uses in CB are a conditional use and theaters are prohibited in this zone. Some of the retail uses described in the Zoning Code are very specific and may be able to be more generalized. For example, Fabric Shops, Florist Shops, Jewelry Stores, and Hobby, Toy, Game Shops all could be grouped under the broad heading of Retail Sales, Indoor.

Interestingly, in the area targeted for Kenmore's downtown (Kenmore Village and immediate surroundings), current businesses include three fitness facilities, a beauty salon, a barbershop, a restaurant, two espresso businesses and a bar, along with a camera "learning center," health and counseling services, and a jewelry store—directly reflecting some of the "future downtown retail" envisioned by Mr. Gruen.

Mark Hinshaw, local urban designer and former architecture critic for The Seattle Times notes that a supportable "main street" downtown is a maximum of 4 blocks. This opinion is echoed by other urban designers who suggest "pushing retail together like embers" to develop a synergy. At a workshop put on in February 25, 2011 by the American Planning Association, the Urban Land Institute (ULI), and the Cascade Land Conservancy, a presenter noted that it is common to have too much space planned for retail in the U.S. He stated that retail planning is at 30-40 sq.ft. per capita in this country, versus 8-9 sq.ft. per capita in Europe. Under present zoning, Kenmore has additional non-residential (commercial) floor area capacity, including both retail and office floorspace, of 479,691 sq.ft. (2007 Buildable Lands Report). With a 2011 population of 20,650, this translates to a per capita retail and office floorspace of 23 sq.ft. This number does not include any of Kenmore's existing retail floorspace.

"Core" retail zoning in Kenmore currently includes the DC, CB and RB zones. This area expands from downtown in all directions and includes nearly all of the SR-522 frontage in the city, as well as of the large industrial and construction-related acreages to the south. It may be worth considering retail limitations in some of these areas to focus retail development to the heart of downtown.

While downtown retail may thrive in the future, a transformation is envisioned for strip commercial retail. The Urban Land Institute (ULI) in 2001 wrote that demands for a greater sense of community and convenience in suburbanites' lives would "challenge the continuing competitiveness and sustainability of aging suburban strips," particularly in an overbuilt market. Two of their "principles to help suburban strips evolve in ways that meet the market demands of the new economy, the new consumer, and the new face of retailing" are to "prune back retail-zoned land" and "establish pulse nodes of development." The ICMA report, "The New Normal Requires New Rules for Success" by Aaron Gruen, April 2011, suggests that strip commercial development will continue to be deemphasized.

An April 7, 2011 article in the Wall Street Journal, noted that "mall vacancies hit their highest level in at least 11 years in the first quarter." Strip malls and other neighborhood shopping centers were particularly hard hit. The article concluded that "strip-center vacancies are likely to remain stubbornly high," particularly now that "you have a retail presence in everyone's pocket via your smart phone."

An October 26, 2011 article in the Wall Street Journal discusses the conversion of space in U.S. shopping centers to entertainment venues: go-cart tracks, laser-tag venues, movie theaters, health clubs, restaurants, salons, fencing academies, aquariums, places for swimming lessons, and indoor trampoline facilities. The article notes that, "The proliferation of nonretail tenants comes as traditional stores ceded ground in U.S. shopping centers because of the constrained consumer spending and decades of retail overbuilding in the U.S."

According to the Environmental Protection Agency (EPA), one strategy for conversion of strip retail is to encourage and accommodate clustered retail at crossroad locations beginning with identifying the most favorable locations along the corridor for retail clusters and taking into consideration the direction of the evening commute, the availability of property for investment, and the pattern of existing successful retail concentrations ("Restructuring the Commercial Strip—A Practical Guide for Planning the Revitalization of Deteriorating Strip Corridors," prepared for the EPA by ICF International and Freedman Tung & Sasaki, 2010).

The EPA report states that "corridor restructuring efforts must place priority on assembling the conditions that foster diversity, synergy, and activity by:

1. Identifying corridor segments with stable or prospering commercial uses, such as clusters of specialized auto-accessed retail uses (such as auto dealerships), clusters of non-retail uses (such as lodging, medical uses, offices, or constellations of light manufacturing, assembly, and distribution), or retail and service businesses that do not cluster (such as institutional uses like schools and medical facilities or retail uses that need a lot of land but are relatively unsuited to

pedestrian-oriented retail centers, such as nurseries or stores selling construction materials). Where assets like these are stable and in place, the plan should bolster and extend their market draw by promoting investment in similar or complementary uses on nearby properties.

2. For segments without a strong existing commercial focus, housing will almost always be the most promising ingredient for future value. The same market preferences driving the surge in demand for compact, walkable, mixed-use centers are driving demand for a wider range of housing types. To restore value to older segments, residential entitlements should be extended to all or most corridor properties. One option for making this change is to add residential use to those permitted along the corridor. A more effective approach is to replace underperforming retail entitlements with residential entitlements in segments that are well suited for housing, providing complementary market support for both centers and segments. Replacement with, rather than addition of, residential entitlements provides greater incentive for desired change. If the full range of retail entitlements remains in place, property owners may be tempted to hold their properties in anticipation of a hoped-for future retail development that they believe to be more lucrative."

An analysis of the strip commercial development in Kenmore along SR-522 shows that there are small clusters of specialized auto-accessed retail uses—tire shops and other auto-oriented retail, along with retail uses that need a lot of land but are unsuited to pedestrian-oriented retail centers, such as Plywood Supply and surrounding establishments selling construction materials.

There are also segments of the corridor without a strong commercial focus. In considering multifamily for these areas as suggested by the EPA report, zoning roadblocks arise. Although multifamily is permitted in the RB zoning in the corridor, it is required to be either in a mixed use development, or at a relatively low density with a 35' height limit. It's possible that along the SR-522 corridor some retail uses could be restricted and a multifamily focus encouraged--particularly in the non-industrial areas with potential views of the lake and on the higher elevations north of SR-522 where access for retail is limited.

<u>Office</u>

According to the Urban Land Institute, "new economy" users are looking for offices with nearby amenities…They also tend to cluster in areas where there are other like businesses and an available workforce." Forrester Research (3/12/09) believes that telecommuting (working from home between one and four days a week) will rise to include 43% of U.S. workers by 2016.

Futurist Glen Hiemstra, 2011, says that the places people will work will change with changes in job types. "Data and information will be in the Cloud—available everywhere, all the time. Thus we will come to the office only when it is really desirable to get together. The offices themselves will consist of inviting meeting and collaboration spaces, and "hotel" stations for free agents to plug in. The typical company may use half the office footprint it uses today for the same number of people."

From the Kirkland Industrial Study, a "typical low or mid-rise office building (for green tech, for example) would be between four and six stories, or 60 to 75 feet in height. Typical retail/office mixed use buildings would be in the range of 65 to 80 feet (the first floor of retail is normally a 15-foot floor height as opposed to office space at 12 feet)."

While the DC and CB zones allow offices, they are constrained by 35' height limits unless developed as vertical mixed use—a more expensive style of construction. The RB zone also limits heights to 35', unless large setbacks are provided or for vertical mixed use; new light manufacturing developments require a conditional use permit. RB may be an area where clean tech could be a possibility, but zoning is a barrier.

In the ICMA report "The New Normal Requires New Rules for Success" by Aaron Gruen, April 2011, Gruen states that medical offices need easily accessible space, sometimes with after-hours or 24-hour access. Hospitals are generally the catalyst for developing medical office space, but there are more ambulatory surgical centers or satellite hospital campuses in suburban areas. Medical office space is expensive to build—perhaps as much as 3 times more than regular office space—partly because of the extensive plumbing (NE Real Estate Business). The Urban Land Institute (ULI) report, The Outlook for Health Care, 2011, concludes that medical office buildings "will not be plagued in future years by continuing excess capacity, as is the case with residential real estate, malls, and office buildings."

Medical/dental offices/outpatient clinics are allowed in all commercial zones in Kenmore, although hospitals are permitted only in DC and RB and require a conditional use permit in DC. As with other offices, existing height limits restrict the potential for medical office and hospital development in Kenmore.

Manufacturing

Kenmore eliminated its industrial zoning in October 2007, although industrial "existing legal uses" in the RB zone (those existing as of May 8, 2003) may be remodeled or enlarged subject to current development code requirements if they have not been abandoned for more than 12 months.

Clean tech manufacturing is generally light manufacturing, needing light industrial space as well as flexible lower-cost office space. The space must be flexible enough to allow companies to advance from startup into production, then into sales and potentially into corporate management ("Building San Francisco's Cleantech Economy: Analysis and Stategy Options," prepared for San Francisco Planning and Urban Research Association by ICF International and Business Cluster Development, September 2008).

In Developing Green Economy Industry Clusters, 2008, by Craft Consulting Group for San Francisco's East Bay, the authors note that clean tech businesses tend to be small (less than 100 employees) and tend to cluster. The Kirkland Industrial Study states that "high tech firms tend to cluster in two settings: park-like campuses or areas with urban amenities."

The CBRE study (Industrial Versus Mixed-Use Zoning: Economic Impact and Job Creation, prepared for the Central City Association (Los Angeles) in 2007 by CBRE Consulting) contends that traditional office and industrial parks are too inward focused and suggests development of horizontal mixed use that could be designed so that residential uses are not incompatible with neighboring light industrial uses, using techniques such as double paned windows. Residents could be made aware of potential issues with these neighbors through CC&R's that they sign when purchasing any new condominium unit. The CBRE study notes that many live/work residents actually seek this proximity. Mixed use in areas of manufacturing also improves public safety by bringing a 24 hour – 7 day a week presence to the area, which according to police departments nationwide improves overall safety.

Although Kenmore's RB zone allows light manufacturing with a conditional use permit and has access to significant urban and natural amenities (Kenmore Air Harbor, Lake Washington, Sammamish River, Burke-Gilman Trail), the properties are large and without a street grid to facilitate pedestrian and transit access.

Washington's Department of Community Trade and Economic Development (CTED) in Green Economy Strategic Framework (check title) suggests building in flexibility and room for industries and institutions to make adjustments based on market conditions and new discoveries.

The multiple overlapping layers of zoning regulation on the most significant of the RB properties are fairly inflexible and were tailored for a development climate of more than 20 years ago. Simplification of the regulations may provide more flexibility and allow the market to determine the appropriate mix of residential, office and light manufacturing in the area.

Light manufacturing is not permitted in the DC zone as the focus downtown is to be on office and retail uses.

Multifamily Development

In an article in Urban Land (publication of the Urban Land Institute) entitled, "Tsunami of Rental Housing Demand is on the Way, 9/26/11" author Leslie Braunstein states that, based on the latest ULI research, while U.S. homeownership has dropped from its peak of more than 69 percent in 2004 to about 66 percent today, the number of renters in the United States has grown by nearly 4 million people. The millenials are expected to contribute more than 11 million new renters over the next decade. Ms. Braunstein notes that the rental housing supply is not keeping up with demand. In particular, affordable rental housing is in short supply.

Zoning for multifamily development in commercial areas serves three purposes: it provides a housing type appealing to Gen Y and the aging Boomers, it energizes local retail, and it provides opportunities for people to live closer to work with adequate densities for effective transit.

The ICMA report, "The New Normal Requires New Rules for Success" by Aaron Gruen, April 2011, encourages zoning more land for higher-density housing as a way to support retail businesses. "If multifamily uses are encouraged and single-family housing prices are not again excessively inflated, demand will increase for some retail uses."

Mark Hinshaw, in a presentation at American Planning Association Washington conference in October 2011, focused again on the oversupply of commercial and office land. He noted that apartments and /multifamily development are now able to get construction financing and that the area needs to find places for people to live in the middle of the community.

In a March 2009 article, "In Putting the Urban in Suburban," Alan Ehrenhalt points out that, "There is the Catch-22 of density and transit. Every study shows that those willing to live in retrofitted suburbs want good public transit more than almost anything else…But without density, it's extremely hard to persuade local authorities to create the transit lines." One example he cites of a successful suburban retrofit is in Lakewood Colorado, a Denver suburb, where a failing shopping mall was demolished and replaced with more than a thousand housing units in three and four story buildings. The buildings were sited on narrow, gridded streets with wide sidewalks. "It's not a shopping center pretending to be a downtown," the developer insists. "It's a real downtown."

If building vertical mixed use is not immediately attractive to developers, the opportunity for vertical mixed use in the future may be preserved in stand-alone buildings with a requirement that the first floor be designed with a floorplan and head height to accommodate future retail uses.

As mentioned previously, multifamily development is permitted in all of the city's commercial zones. In the RB zone, multifamily is limited to 35' in height if not in a mixed use development or with large setbacks from property lines. Pulling buildings closer to the street to encourage pedestrian access, and allowing higher transit-supportive densities are discouraged by these requirements.

In the DC zone, a mixed use requirement also applies to multifamily, although it can occur either vertically or horizontally. Again, base height is limited to 35' unless in a mixed use development or if structured parking is provided.

Although standalone multifamily is permitted in the CB zone, it is generally limited to 35' in height.

Other Issues

Transportation Opportunities

Kenmore serves as an important local and regional transportation hub--with SR-522, a large Park and Ride facility, and Kenmore Air located here. The Comprehensive Plan supports augmenting this role through development of a Lake Washington ferry terminal in the city. Consideration of whether plans for the city's commercial zones support or limit these opportunities is important.

Kenmore Air Harbor is a major employer in Kenmore and is defined as an "essential public facility" under state growth management guidelines, meriting special protection. Airports require a special use permit in the RB zone. Expansions of Kenmore Air Harbor generally would require a new special use permit.

Airport "influence areas" are typically places where dense residential developments, schools, hospitals, or uses that attract wildlife are incompatible. Uses should not be sensitive to noise.

Federal Aviation Regulation (FAR) Part 77, *Objects Affecting Navigable Airspace* provides guidance to protect airspace, including the area that encompasses the airport, runway protection zones, and airport approaches. For most airports, these FAR Part 77 surfaces extend beyond airport boundaries. The city presently does not have information on Kenmore Air Harbor requirements.

Location of a future ferry terminal could also impact surrounding land uses. Since there are limited areas where this use could locate, it may be worth "building in" some opportunities through master plan or other zoning requirements.

<u>Relationship to Proposed Transit Oriented District (TOD)</u>

In 2009 and 2010, the Downtown Task Force developed a recommendation for a TOD in Kenmore. The area identified by the Task Force included areas zoned Regional Business and Downtown Commercial on the east side of 68th Avenue NE. The City Council held a public hearing on the recommendation on September 27, 2010 and then tabled the discussion until a comprehensive review of the RB zoning could be completed.

Significant features of the TOD are as follows:

1. The TOD is proposed as overlay and does not cover much of downtown Kenmore (see Attachment 6). A developer may choose between using the existing underlying zoning or TOD zoning (with corollary incentives).
2. The TOD includes area within .25 up to .5 mile from Bothell Way, walkable to high-frequency express and local bus transit.
3. TOD incentives include reduction in the minimum required commercial or residential parking spaces and increase of allowable residential density up to 120 dwelling units per acre, with wider variety of allowed uses in some zones and potentially increased height up to 65'.
4. TOD requirements include: a minimum density of 40 du/acre, 10% affordable housing, preservation of significant tree groves, public pathways, and design standards.

<u>Lakepointe Project</u>

Kenmore's largest redevelopable waterfront piece (more than 40 acres in size) has an approved mixed use master plan, set to expire in December 2015. Current "existing legal" uses of the site are industrial and will become more intensive over the next few years if the site is used for auxiliary construction for the 520 bridge. There continues to be significant public interest in public access to the shoreline and protection of the Sammamish River. This is also a potential site for a cross-lake ferry terminal.

The project as approved would include 1200 dwelling units, 205,588 sq.ft. office, 438,627 sq.ft. retail and commercial space (including cinemas and a hotel)—enough space for an estimated 1462 employees. Heights of the approved project range from 35' along the Sammamish River to 90+ feet at the north central interior of site.

The project includes cleanup for contamination regulated under Model Toxics Control Act (MTCA) compliance through placement of an engineered cap over the site.

Since the Lakepointe approval in 2001, conflicting community visions have been presented for the property: mixed-use development, park/open space, high-tech business park, and regional industrial uses. What is the city's vision for this significant property?

Kenmore Village Project

The city of Kenmore owns the 3rd largest redevelopable commercial property in town, although locational commitments have been made to the Post Office (which holds a lease until 2015 with options to extend to 2040). The city's Development Agreement with RECP/UP Kenmore, LP would provide 300 dwelling units, 23,000 sq.ft. of community event and central gathering space, and 77,200 sq.ft. of retail that could support 171 employees. Some live/work spaces might also be included. In the Development Agreement, NE 181st Street is identified as the city's main pedestrian-oriented retail shopping street with the character of a downtown "Main Street." Closing on the Kenmore Village property is to occur by December 15, 2014, with the developer filing the site plan review permit by December 15, 2013.

Successful redevelopment of local downtowns has frequently been centered around a catalyst project supported by local government. In Bothell, for example, the city has been a major developer of the downtown. Likewise, in Bremerton and Burien, public investment has spurred private growth.

Existing Legal Uses

In the RB zone, existing legal uses as of May 8, 2003, which are not otherwise currently allowed, are permitted and can be rebuilt, re-established, remodeled, or enlarged subject only to current development code requirements for height, lot coverage, etc. Expansion of existing legal uses may even be permitted onto adjacent parcels if the adjacent parcels were and still are owned or leased by the same business at the time the use became existing legal. This is a different treatment than for traditional nonconformances that generally cannot be expanded or intensified except through a conditional use permit that addresses issues of character and appearance, health and safety, and traffic.

In the RB zone, the existing legal use provision means that many of the major existing industrial uses (Glacier/Cal Portland, Cemex, operations on the Lakepointe site) can be continued without any constraints to redevelopment or expansion other than the physical limitations of setbacks, parking, height, etc. There is no "push" to convert these industrial uses to other uses, even though the Comprehensive Plan envisions just such a transformation.

If the city wishes to allow existing legal uses to continue but also support an "attractive, vital, pedestrian-friendly city center," consideration could be given to requiring site improvements (sidewalks, landscaping, etc.) in exchange for redevelopment or expansion. Specific requirements, particularly frontage improvements, could be identified in the code to support a gradual improvement of the city's attractiveness from surrounding properties and SR-522. This might actually make Kenmore more appealing to future developers of other types of uses.

View Issues

Kenmore currently has no view standards except in the CB zone where certain approved height increases must maintain a view corridor for upland development.

The Downtown Plan supports maintaining views of the lake, and the Economic Development Strategy cites the waterfront as Kenmore's competitive advantage. The Strategy recommends using zoning to preserve public lake views.

In his presentation at the APA Conference (October 2011), urban designer Mark Hinshaw noted that even if a community can't have a physical connection to the waterfront, it can at least preserve views. Kenmore could consider a similar approach when considering building height limits along the north shore of Lake Washington.

Sustainability

A new focus in land use planning is "sustainability"—meeting the needs of the present without compromising the ability of future generations to meet their own needs. A sustainable community generally means a healthy community built on a "three-legged stool" of economic vitality, environmental quality, and social equity (fairness).

In a fourth quarter 2010 national research survey completed by Harris Interactive with funding provided by the Ford Foundation, 79% of respondents were in favor of "sustainable communities"—defined as "an urban, suburban, or rural community that has more housing and transportation choices, is closer to jobs, shops or schools, is more energy independent, and helps protect clean air and water."

Measures of sustainability include such things as programs for pollution prevention, brownfield redevelopment, critical areas protection, locations with reduced auto dependence and walkable streets, housing and jobs proximity, an effective public transit system, low-impact development, and a green building program. Most measures of sustainability lead to the same broad vision: a mixed-use, pedestrian-friendly place, protective of the environment and with a diversity of jobs and housing types.

Improving Kenmore's sustainability could include consideration of more jobs for residents, improved access to transit, diversity of housing opportunities, a focus on green building, and continued environmental protection.

Zoning Considerations

Approaches to commercial zoning could include continued reliance on the chart of permitted, conditional and prohibited uses, or could consider such new approaches as developing more flexible performance-based zoning or a more concentrated focus on development agreements or master plans.

The Urban Land Institute (ULI) explains that "traditional zoning relies on the segregation of uses (a place for everything and everything in its place). However this approach does not always work and may limit options if neighboring uses can be designed to accommodate each other." With flexible or performance based standards, "regulation of land uses is based not on use categories determined at the time zoning ordinances are adopted but on their actual physical characteristics and functions - their 'performance' - measured against predetermined criteria and standards. Performance standards can include traffic generation, noise, lighting levels, stormwater runoff, loss of wildlife or vegetation, or even architectural style. Theoretically, in a regulatory system based solely on performance standards, any use could locate adjacent to any other use, provided that it could satisfy the criteria and standards contained in the ordinance. Questions of potential uses are wide open, whereas site planning, building design, and facility operation, among other factors, may be strictly controlled. Only a few regulatory systems even approach such flexibility. Nevertheless, virtually all contemporary zoning codes contain, to varying degrees of 'purity', elements of performance standards."

In 1995, the state legislature authorized "development agreements" in RCW 36.70B.170 – .210. These statutes place some restrictions and requirements on local government use of development agreements, and they apply to any new agreements or contracts related to rezones (Municipal Research Services Center). A development agreement (such as the one used for Kenmore Village) is a site-specific, negotiated document that outlines all facets of a development—permitted uses and site standards. The agreement can be authorized only after a public hearing. Master plans achieve a similar end, but may be more conceptual in nature and typically do not include all of the specifics of a development agreement. Using these kinds of tools allows the city to consider developments "outside the box" of regular zoning with a corollary ability to negotiate important development requirements. The tradeoff is the upfront investment in process made by the developer.

Flexible, performance-based zoning, or code requirements for master plans or development agreements, could be used in some commercial areas of the city to move away from use restrictions and toward a more general discussion of land use compatibility. This approach could be helpful as the city ultimately does not know what types of uses will want to locate here in the future.

Themes

Reviewing the information on existing conditions and future trends presented in this paper, some overarching themes can be identified:

- The fundamental vision of the city's Comprehensive Plan is consistent with future trends. Both the plan and the preferred economic development strategy provide continued support for mixed land uses, with a pedestrian and transit orientation.

- The city's current commercial zones need adjustment. Uses are too specific, there are inconsistencies between zoning districts, and there are too many overlapping layers of regulation.

- Jobs for the Kenmore residents of the future are likely to be in:

    ❖ professional, scientific and technical occupations, either in office settings (including medical offices) or as home occupations;

- service occupations, particularly related to health care (nurses and aides, for example);
- light manufacturing associated with clean tech; and
- entertainment, recreation and food and drink services.

- The area zoned for retail in Kenmore may be too extensive. Revisiting permitted land uses along the SR-522 corridor to begin retrofitting the strip commercial corridor may have beneficial results.
- The city may wish to consider allowing horizontal rather than requiring vertical mixed use in commercial zones.
- Height limits may need to be increased, both for multifamily development and office development.
- Incentives for retail/restaurant development along the Burke Gilman Trail could be developed.
- Multifamily development should be encouraged in the city's commercial zones at higher densities than presently allowed.
- A conditional use permit for light manufacturing in the RB zone may not be necessary. It might be helpful to identify performance/size standards for light manufacturing uses rather than listing specific permitted/prohibited uses in the zone, to support new technologies.
- "Existing legal uses" could be required to provide a more attractive face for the community in exchange for redevelopment or expansion.
- Views of, and access to, the waterfront are important assets for Kenmore.

Conclusion

The significant adjustments to the city's commercial zones explored in this working paper (reducing land zoned for retail use, allowing a mix of smaller-scale office and light manufacturing uses to support clean tech, and increasing allowable multifamily densities, for example) would require consideration of Comprehensive Plan amendments to address zone purposes and densities and, possibly, to revise the Comprehensive Plan Land Use Map. Although regulatory changes to address some of the themes identified in this paper are possible, without amendments to the Comprehensive Plan, the potential scope of the changes is constrained.

Attachments
Attachment 1: Comparison of Code Standards, NB, CB, DC and RB Zones
Attachment 2: Table of Comparative Uses

Attachment 3: Active P-Suffixes
Attachment 4: Map of Existing Business Types
Attachment 5: Map of Vacant, Redevelopable or Pipeline Properties
Attachment 6: Proposed Transit Oriented District (TOD) Map

COMPARISON OF CODE STANDARDS
NB, CB, DC AND RB ZONES

	Neighborhood Business (NB)	**Community Business (CB)**	**Downtown Commercial (DC)**	**Regional Business (RB)**
Intent	To provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties and to provide for limited residential development. Non-residential uses should serve the everyday needs of the surrounding residential area. Mixed use and townhouse development allowed. Industrial and community/ regional business-scaled uses excluded.	Pedestrian –friendly, mixed use development that both supports larger mixed use and commercial areas with its residential development and provides small-scale retail, office and personal services for the local community. Not appropriate for extensive outdoor storage or auto-related uses.	Mix of private and public uses designed to create a small-town feel, and pedestrian-friendly environment. Permitted uses emphasize mixed or multiple use developments, and include high-density housing, civic and governmental offices, small-scale commercial and retail, and locally oriented professional and personal services.	Provide for the broadest mix of comparison retail, wholesale, service and recreational/cultural land uses with compatible storage and fabrication uses, serving regional market areas and offering significant employment opportunities. Compact higher-density development that is supportive of transit encouraged. Outdoor sales and storage allowed.
Density	8 to 12 dwelling units/acre	18 to 36 dwelling units/acre	36 to 72 dwelling units/acre	36 to 48 dwelling units/acre in mixed use
Setbacks	Street: 10’ Interior: 0’ to 20’	Street: 0’ to 10’ Interior: 0’ to 15’	Street: 0’ to 10’ Interior: 0’ to 20’	Street: 10’ Interior: 0’ to 20’
Height	Standalone uses except townhouses: 35’ to 75’. Mixed uses and townhouses: 45’ to unlimited.	35’	Standalone uses: 35’. Mixed uses: 65’.	Standalone uses: 35’ to 75’. Mixed uses: 65’ to unlimited.

	Neighborhood Business (NB)	Community Business (CB)	Downtown Commercial (DC)	Regional Business (RB)
Maximum Impervious Surface	85%	90%	90%	90%
Design Standards	Not applicable.	The CB zone is congruent with the Design Standard 3 area.	The DC zone is in the Design Standard 1 area.	The RB zone is in the Design Standard 1 and Design Standard 2 areas.

Attachment 2

TABLE OF COMPARATIVE USES

P = Permitted Use (allowed outright)
C = Conditional Use (public comment period; decision by director; appealable to hearing examiner)
S = Special Use (public hearing; decision by hearing examiner; appealable to court)
X = Prohibited
No entry in cell = Not addressed in the zone

ZONING DISTRICT:	NB	CB	DC	RB
Adult Entertainment Business	X	X	P	P
Agricultural Product Sales	X			X
Airport	S			S
Aircraft, Ship and Boat Building				X
Amusement Arcade	X			P
Amusement Park	X			C
Amusement and Recreation Services	X			P
Apartment	P			
Apparel and Accessory Stores	X			
Apparel and Other Textile Products Manufacture				C
Arboretum	P			P
Artist Studios	P	P	P	P
Arts and Crafts Schools/Studios		P	P	
Auction House	X		P existing	
Auto Supply Stores	X	X	P	
Automotive Parking	P			
Automotive Rental and Leasing	X	X		
Automotive Rental and Leasing, Accessory			P	
Automotive Rental and Leasing, New, Nonaccessory			X	
Automotive Repair	P	X	P existing	P
Automotive Repair, Accessory			P	
Automotive Repair, New, Nonaccessory			X	
Automotive Service	P	X	P existing	P
Automotive Service, Accessory			P	
Automotive Service, New, Nonaccessory			X	
Bed and Breakfast Guesthouse	P	P	P	C
Book, Stationery, Video & Art Supply Stores	P			
Bowling Center	X			P
Building, Hardware and Garden Materials Stores	P			
Bulk Retail	X	X	X	
Campground	X			X
Car Wash		X		
Car Wash, Accessory			P	

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ZONING DISTRICT:	NB	CB	DC	RB
Car Wash, Nonaccessory			X	
Cemetery, Columbarium or Mausoleum	P			P, C
Chemicals and Allied Products Manufacture				X
Church, Synagogue, Mosque, Temple	P			P
City Government Facilities and Offices		C	P	
College/University	P, C, S	C	C	P
Commercial/Industrial Accessory Uses	P			
Communication Facility	C, S			P
Communication Facility, Major		C	C	
Communication Facility, Minor		C	C	
Communication Office	X			
Community Residential Facility I and II	P	C	C	P
Commuter Parking Lot	P			
Computer and Office Equipment Manufacture				C
Conference Center	P	C	P	P
Construction and Trade	X	X	X	
Court	X			
Cultural Facilities		C	P	
Day Care I and II	P	P	P	P
Department and Variety Stores	P			
Designated Manufactured Home	X			X
Destination Resort	X			C
Dormitory	X			X
Drive-Through Service		X	P	
Drug Stores	P			
Drycleaning Plants	X			X
Earth Station	P, C			P
Eating and Drinking Places	P	P	P	
Electronic and Other Electric Equipment Manufacture				C
Elementary School	X			X
Energy Resource Recovery Facility	S			S
Fabric Shops	X			
Fabricated Metal Products				X
Fairground	X			S
Family Child-Care Home	X	P		X

VA. Discussion of Commercial Zoning Project - Debbie Bent, Community Development Director

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ZONING DISTRICT:	NB	CB	DC	RB
Farm Product Warehousing, Refrigeration and Storage	X			X
Fire Facility	P	C	C	
Florist Shops	P			
Food and Kindred Products Manufacture				C
Food Stores	P			
Forest Product Sales	X			
Freight and Cargo Service	X			
Fuel Dealers	X			
Funeral Home/Crematory	X			P
Furniture and Fixtures Manufacture				C
Furniture and Home Furnishings Stores	X			
Gasoline Service Station	P		P existing; X new	
General Business Service	P	P	P	
General Personal Service	P			P
Golf Course Facility	X			
Golf Facility				X
Government/Business Services Land Uses, Except Warehousing and Wholesale Trade; Farm Product Warehousing; Refrigeration and Storage; Log Storage; Transportation Service; Heavy Equipment and Truck Repair; and Helistop				P
Guided Missile and Space Vehicle Manufacture				X
Heavy Equipment and Truck Repair	X			X
Heavy Machinery and Equipment Manufacture				X
Heliport	S			S
Helistop	C	X	C	C
Hobby, Toy, Game Shops	P			
Home Industry	X			X
Home Occupation	P	P	P	P
Hospital	X	X	C	P
Hotel	X	X	P	P
Hydroelectric Generation Facility	X			X
Individual Transportation and Taxi	X			
Indoor Storage		X	X	
Industrial and Commercial Machinery Manufacture				X

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ZONING DISTRICT:	NB	CB	DC	RB
Industrial Launderers	X			X
Interim Recycling Facility	P	X	X	P
Jail	S			S
Jail Farm/Camp	X			X
Jewelry Stores	X			
K-12 Educational Institution (Public or Private)		C	C	
Kennel or Cattery	X			P
Landfill	S			S
Leather and Leather Goods Manufacture				C
Library	P			P
Liquor Stores	X			
Livestock Sales	X			X
Log Storage	X			X
Manufacturing		X	X	
Manufacturing Land Uses, Except Printing and Publishing	X			
Marina	P			P
Measuring and Controlling Instruments Manufacture				C
Medical/Dental Lab	X	C	C	P
Medical/Dental Office/Outpatient Clinic	P	P	P	P
Middle/Junior High School	X			X
Miscellaneous Equipment Rental	X			
Miscellaneous Health Services	X			P
Miscellaneous Light Manufacturing				P, C
Miscellaneous Repair	X			P
Miscellaneous Transportation Vehicles Manufacture				X
Mobile Food Vendor		X	P	
Mobile Home and Manufactured Home	X			X
Mobile Home Park	X	X		X
Monuments, Tombstones and Gravestones Sales	X			
Motel	X	X	X	P
Motor Vehicle and Bicycle Manufacturing				X
Motor Vehicle and Boat Dealers	X	X		
Motor Vehicle and Boat Dealers, Accessory			P	
Motor Vehicle and Boat Dealers, Nonaccessory			X	

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ZONING DISTRICT:	NB	CB	DC	RB
Movie Production/Distribution				P
Multiple Family Dwelling		P	P	P
Municipal Water Production	S			S
Museum	P			P
Nonhydroelectric Generation Facility	C, S			C, S
Nursing and Personal Care Facilities	X	C	X	P
Off-Site Services			P	
Oil and Gas Extraction	S			S
Organization Hotel/Lodging Houses	X			P
Outdoor Advertising Service	X			
Outdoor Performance Center	X	X	P	S
Outdoor Retail Display/Sidewalk Sale		X	P	
Outdoor Storage		X	X	
Paper and Allied Products Manufacture				X
Park	P	P	P	P
Parking: Commuter Parking Lot or Structure, Off-Street Required Parking Lot or Structure			P	
Passenger Transportation Service	X			
Personal Medical Supply Stores	X			
Pet Shops	P			
Petroleum Refining and Related Industries				X
Photographic and Electronic Shops	P			
Police Facility	P	C	C	
Primary Metal Industries				X
Printing and Publishing	P			P, C
Private Stormwater Management Facility	P	P	P	
Professional Office	P	P	P	
Professional Sports Teams/Promoters	X			
Public Agency Animal Control Facility	X			S
Public Agency Archives	X			
Public Agency Training Facility	X			S
Public Agency or Utility Office	P			
Public Agency or Utility Office: Non-city		C	C	
Public Agency or Utility Yard	X			
Racetrack	S			S
Railroad Equipment Manufacture				X
Recreational Facilities, Indoor		C	P	

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ZONING DISTRICT:	NB	CB	DC	RB
Recreational Facilities, Outdoor		X	X	
Recreational Vehicle Park	X			X
Religious Institutions: Church, Synagogue, Mosque, Temple		C	C	
Rental Services, No Outside Storage		P	P	
Rental Services With Outside Storage		X	X	
Research, Development and Testing	X			
Residential Accessory Uses	P			P
Resource Land Uses	X			X
Retail Land Uses				P
Retail Sales, Indoor		P	P	
Retail Sales, Outdoor		X	X	
Rubber and Miscellaneous Plastic Products Manufacture				X
School Bus Base	S			S
School District Support Facility	C			P
Secondary or High School	X			C
Secure Community Transition Facilities	S			S
Self-Service Storage	X	X	X	
Senior Citizen Assisted Living	P			P
Services, Off-site		C		
Services, On-site		P	P	
Shooting Range	X			C
Single Detached Dwelling Unit	X	P existing; X new		X
Social Services	P			P
Social Services, Correctional		X	C	
Social Services, Noncorrectional		C	P	
Soil Recycling Facility	X			X
Specialized Instruction School	P	C	C	P
Sporting Goods and Related Stores	X			
Sports Club	C			P
Stable	X			X
Stadium/Arena	X			S
Stone, Clay, Glass and Concrete Products Manufacture				P
Taxi Stand		X	P	
Telegraph and Other Communications	X			

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ZONING DISTRICT:	NB	CB	DC	RB
Textile Mill Products				X
Theater	X	X	P	P
Theater, Drive-in	X			C
Theatrical Production Services	X	X	P	P
Tire Retreading				C
Tow Truck Operation/Auto Impoundment Yard			X	
Tow Truck Operation/Auto Yard		X		
Townhouse	P			
Trail	P	P	P	P
Transfer Station	S			S
Transit Bus Base	S			S
Transit Center		X	P	
Transportation Service	X			X
Trucking and Courier Service	X	X	X	
Used Goods: Antiques/Secondhand Shops	X			
Utility Facility	P	C	C	
Vactor Waste Receiving Facility	P			
Vehicle Auction			P existing	
Veterinary Clinic	P			P
Veterinary Office/Clinic		C	P	
Vocational School	X	C	C	P
Warehousing and Wholesale Trade	X	X	X	X
Wastewater Treatment Facility	S			S
Winery/Brewery				C
Wood Products Manufacture, Except Furniture				C
Work Release Facility	S			S
Zoo/Wildlife Exhibit	X			S

King County

NS-P01: Kenmore and Woodinville Right-of-Way Dedication and Roadway Improvements

Effective: August 18, 1997

Description

Kenmore and Woodinville Right-of-Way Dedication and Roadway Improvements

Development Condition Text

Kenmore and Woodinville Right-of-Way Dedication and Roadway Improvements (Source: Northshore Community Plan Update and Area Zoning, pp. 233-234)

To implement policy T-16, the following P-suffix condition applies:

Development and land use permits on tax lots 005 and 0079, in STR 11-26-4, tax lots 0457, 0453, 0451, 0423, 0425, 0606, 0663, 0480 and 0475 in STR 12-26-4, and tax lots 0046, 0078 and 0167 in STR 1-26-4 shall meet the following P-suffix condition:

The development shall dedicate and build NE 185th Street to collector arterial standards on the property frontage.

Ordinance

12824

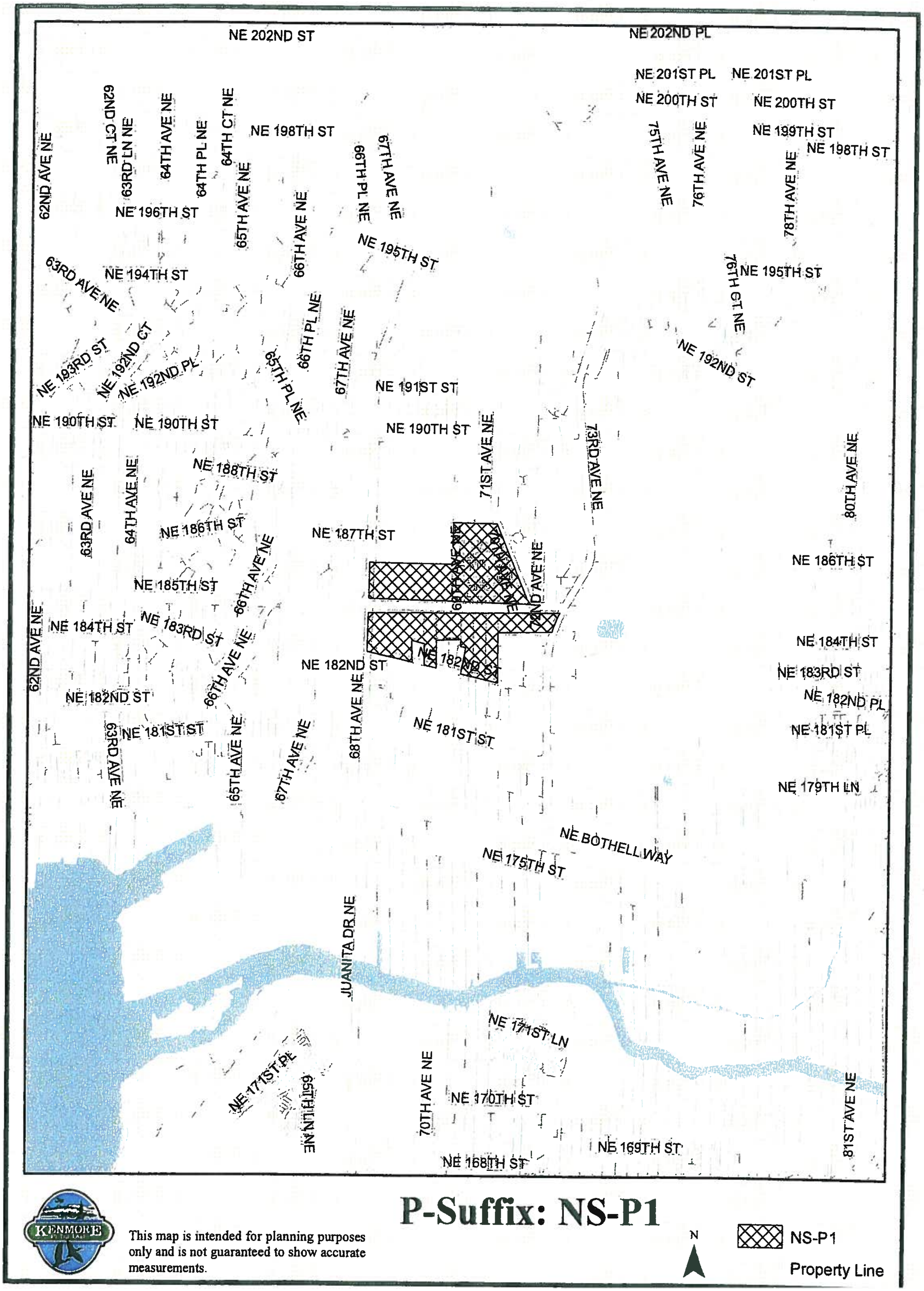
Effective Date

August 18, 1997

Changes

N/A

View Map(s) for NS-P1. *(Click on a map name in the list)*



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King County

NS-P04: Mixed-Use Pedestrian Oriented Area

Effective: August 18, 1997

Description

Mixed-Use Pedestrian Oriented Area

Development Condition Text

Mixed Use Pedestrian Oriented Area (Source: Northshore Community Plan Update and Area Zoning, pp. 241-254 and as amended by Ordinance 11653)

To implement policies CI 4 , K 2 and K 12, special conditions are attached to the property known as the Kenmore Pre Mix site. The discussion and mitigation below applies specifically to the Pre Mix site.

The Mixed Use District is intended to be a pedestrian oriented place, where residents and visitors can enjoy an "urban village" extension of Kenmore. The design of the Mixed Use District is intended to integrate different land uses and activities and minimize the conflicts between vehicles, pedestrians and cyclists. It includes a new "pedestrian street" that will connect the new Lakepointe Drive to the waterfront park. Shops and dining establishments will front the street, with residences above.

The Mixed Use District will provide almost a mile of Lake Washington and Sammamish River channel shoreline public access. A waterfront promenade will be developed for pedestrian use along the existing barge basin, and will include trees, benches, public viewpoints, walking paths and sidewalk cafes. The promenade will lead to a new public waterfront park at the end of the peninsula with a special public gathering place for musical events and other occasions. The park will have unobstructed views down Lake Washington available to residents of the Kenmore community.

Pedestrian improvements will include a new public shoreline park along the Sammamish River channel, which will incorporate a shoreline/wildlife interpretive trail and bike path. Townhouse style homes will be set back from the shoreline to allow for enhancement of this new natural area. The shoreline/wildlife interpretive trail will lead to a new public community shoreline park with public restrooms and a trailhead interpretive center.

Mixed business residential use is recognized as a viable use in the long term for the Kenmore Pre-Mix site. However, any development in this area requires mitigation of environmental impacts. Therefore, a site-specific mitigation program is incorporated in the P-Suffix conditions for this area. The objective of this mitigation plan is to ensure that all impacts of the proposed development are mitigated.

SR-522 in Kenmore is recognized to be at "ultimate design." Roads that are at ultimate design cannot be widened without significant destruction of existing development and potential environmental damage because the land around the roadway is already developed and/or contains natural features. King County recognizes that while some improvement to adjacent roadways is possible, congestion below County thresholds is likely to continue on SR 522. The level of acceptability cannot be based on current County standards due to the ultimate design characteristics of the SR-522 roadway described above.

The King County Department of Public Works has identified transportation improvements which will facilitate traffic flow in Kenmore. Transit improvements have also been identified. The transportation P suffix conditions in this package identify ways to mitigate transportation impacts as a result of mixed use development on the Pre Mix site.

The following p suffix conditions apply to the Pre Mix site:

1._Permitted Uses

_Permitted uses shall include those uses permitted in the various zones within the Pre-mix site, except the following:

_a._Gasoline service stations

_b._Drive through restaurants

_c._Retail nurseries

_d._Car washes

_e._Stores with outdoor storage

_f._Single retail tenants with a gross floor area in excess of 65,000 square feet

_For properties in the Neighborhood Commercial, Waterfront, and Waterfront Extension Subdistricts (described below), the location of residential dwelling units shall be prohibited on the ground floor, and retail and service uses are encouraged on the ground floor. Other ground floor uses (including parking) may be permitted when designed so as to be compatible with the pedestrian orientation of the development.

2._Building Development

_Orientation to Pedestrian Street

_For properties with frontage on the primary pedestrian street the following building setback requirements shall apply:

__Street Setback: maximum of 5 feet; larger setbacks shall be allowed if arcades, street side outdoor cafes, patios, parks, plazas, or other public spaces are provided along the street.

__For properties with frontage on the primary pedestrian street, the primary ground floor building entrance should orient to either the street or public spaces such as plazas, arcades, and parks.

_For development located on the primary pedestrian street, a minimum of 75% of the street shall be fronted by buildings at grade. A minimum of 50% of the buildings on the street shall be fronted by retail or service uses.

_Public pedestrian access to the waterfront located at the rear of buildings located on the primary pedestrian street shall be provided a minimum of every 300 feet of street frontage.

_Street Facade Requirements

_The building street facade of ground floor retail and service uses that front the primary pedestrian street shall include windows and overhead protection. The use of blank walls without facade ornamentation is not permitted along the primary pedestrian street.

_Building materials such as concrete, brick, masonry, glass, tile, stone, metal, or wood are required on the building street facade. Sheer, uninterrupted glass curtain walls, all mirrored glass and cinderblocks are not permitted on the building street facade along the primary pedestrian street.

_Height

_Maximum heights shall be 92 feet in the northern and central portions of the mixed use development area. A 45-foot height limit shall apply to all development within 100 feet of the channelized edge of the Lake Washington shoreline. The boundary of the channelized edge shall extend to the inner harbor line. A 35-foot height limit shall apply to all development within the first 200 feet, and a 45-foot height limit to all development within the next 100 feet of the Sammamish River shoreline edge and the Lake Washington shoreline edge that is not channelized.

_Street Frontage

_The frontage of Lakepointe Drive shall be designed as to be attractive to passing road users and to screen surface parking adjacent to the roadway. For example, parking areas fronting on Lakepointe Drive should be screened either by bermed landscaping or buildings. Street trees shall be provided along Lakepointe Drive.

3._Parking

_Amount and Location

_At full build out, off street parking shall be no greater than one space for every 400 square feet of floor area in the waterfront, waterfront extension, and residential subdistricts; provided that during initial phases of development, off street parking standards may be exceeded in anticipation of future development.

_In the Neighborhood Commercial subdistrict, minimum parking requirements for office, retail and commercial uses shall be one space for every 300 square feet of public area.

_Surface parking shall be located to the greatest degree possible in the rear of buildings that front the primary pedestrian street. Any parking which cannot be accommodated in the rear of the building may be provided on the side of the building.

_At full build-out, on-site surface parking shall consume a maximum of 50% of the total site area in the Neighborhood Commercial subdistrict, and 25% of the total site area in the Waterfront, Waterfront Extension, and Residential subdistricts. The remaining off street parking requirements shall be accommodated using one or a combination of the following:

__On site parking structure

__On street parking spaces

__Off site common parking facility

_At full build out, 75% of the parking in the Waterfront, Waterfront Extension, and Residential subdistricts shall be provided in structures or on street.

_In the Neighborhood Commercial subdistrict of the Pre Mix site, a maximum of 60 parking stalls are permitted in any one surface parking lot. At a minimum, parking lots must be separated by buildings, streets, or 12 feet of Type II landscaping.

_Design

_All parking areas that front sidewalks (except along Lakepointe Drive) shall be screened by a streetwall and landscaping.

_Retail uses shall be provided on the first floor of the street side edges of parking structures.

4._Transit and Transportation Circulation

_Mitigation for development of the Pre Mix site should emphasize enhancement of transit and non vehicular use and improvement of local access and circulation within the Kenmore area. Therefore, mitigating conditions (as specified in paragraph 14 below) include dedication and construction of Lakepointe Drive, signalization of the intersection of this road with 68th Avenue and with SR 522, dedication and improvement of a transit stop on SR 522, contribution to development of a pedestrian bridge crossing SR 522, construction of a pedestrian street, provision of commuter parking, the construction of Lakepointe Drive and improvements to a new intersection at 65th Avenue NE, and development and enforcement of a transportation management plan on site.

_Fair share participation in applicable projects listed in the current Mitigation Payment System Program, as well as contribution towards other transportation projects identified through the Master Plan and development plan approval process.

_Furthermore, the requirement that residential development occur throughout the various phases of development of the Pre Mix site will ensure that transit and transportation linkages occur from the very beginning of development.

5._Pedestrian and Bicycle Circulation

_Design of the Mixed Use District shall emphasize public pedestrian access and linkages to the transit facilities and adjacent sites. This includes contribution to development of a pedestrian bridge across SR 522, as specified in Condition 14 below, if approved by King County and WSDOT. Required primary public pedestrian and bicycle routes are shown on Map B (Northshore Community Plan Update and Area Zoning, p. 256). Other, minor pedestrian routes shall be identified through the Master Planning and building permit review processes.

_All pedestrian walkways and connections, including shoreline pedestrian routes, shall be accessible and open to the general public. Public vehicular access may be limited to the Residential area. Pedestrian access within the Residential area shall be limited to two public access corridors across the subdistrict.

_Bicycle and pedestrian linkages to the Burke Gilman Trail, and to the transit stop required as part of Condition 14 below, shall be provided. See Map B (Northshore Community Plan Update and Area Zoning, p. 256). Location of these linkages is subject to the review and approval of King County.

_Bicycle parking facilities shall be provided at all major public destination points.

6._Landscaping and Public Amenities

_All properties that front the pedestrian street must provide sidewalk landscaping and other amenities (street furniture, street trees, and special lighting).

_20% of the entire mixed use development shall be designated as public open space for the general public. Major public activity nodes are identified on Map B (Northshore Community Plan Update and Area Zoning, p. 256). A public gathering place which accommodates a minimum of 50 people shall be provided on the site. See Map F and G (Northshore Community Plan Update and Area Zoning, pp. 260-1). These public open space areas shall be easily accessible to the pedestrian, and shall be considered in the pedestrian circulation plan. Waterfront access areas, public parks and sensitive area buffers may be utilized to calculate the 20% requirement. Internal pedestrian walkways, public streets, and private open space areas shall not be utilized to calculate the 20% requirement. Public access shall be provided around the entire waterfront edge of the site, See Map B (Northshore Community Plan Update and Area Zoning, p. 256).

_Street trees shall be provided in all roads constructed with the development. .

7._Vehicular Access and Circulation

_Driveways on the primary pedestrian street shall be limited to an average of one for every two hundred lineal feet.

_The on site vehicular circulation system shall contribute to pedestrian movement and safety by including all of the following items that are feasible, considering the overall design of the development:

· Pedestrian crosswalks at key crossing areas

· Signage that clearly communicate the location of vehicular and pedestrian zones

· Designated passenger drop off areas

· Parking on interior roads, to slow down vehicular traffic

· The primary pedestrian street shall be built in the Waterfront subdistrict. Location of this pedestrian route as shown in Map B is conceptual. Actual location may vary based on road and signalization design. The street shall be built to the general specifications of the illustrative street section in Map C and Map D (Northshore Community Plan Update and Area Zoning, p. 257-8)

8._Public Viewpoints

_Public viewpoints, linked with the pedestrian routes, shall be provided. Public viewpoints shall provide views of the Sammamish River and Lake Washington. See Maps B, E, F and G (Northshore Community Plan Update and Area Zoning, p. 256-261). Public viewpoints shall be integrated into the pedestrian plan for the site and shall be easily accessible to the public. Development of the public viewpoint areas shall include pedestrian amenities such as seating and signage.

9._Shoreline Enhancement

_The shoreline edge of the Sammamish River and Lake Washington shall be improved to enhance water quality and wildlife and marine habitat. A wetland and riparian enhancement plan subject to the review and approval of King County, shall be performed by a qualified wetland biologist. Setbacks shall be subject to the King County Sensitive Areas Ordinance and the Shoreline Master Program with a minimum 100-foot setback for structures from the river's edge. Buffer averaging may require off site mitigation, to be determined in the Master Plan process. No disturbance of the Sensitive Areas Ordinance required buffers is permitted, except at minimum 300 foot intervals, wildlife viewing trails extending into the buffer may be allowed if no significant impact to the wildlife and marine habitat is anticipated to occur. The use of moorage developed in the barge channel shall be limited to private use. Public moorage shall be provided, if feasible, on the Lake Washington frontage of the site, subject to approval under the King County Sensitive Areas Ordinance, the Shoreline Master program and other agencies with jurisdiction. Approval of all water moorage is subject to mitigation of marine/air conflicts. A special study shall be performed to determine if boat moorage will have a negative impact on salmon runs entering the Sammamish River or feeding at the River mouth. If it is found that moorage and associated boat traffic may have an impact, boat moorage shall not be provided.

10._Affordable Housing.

_Affordable housing units amounting to 10% of the total number of units in the development shall be provided. Compliance with this requirement shall be required (a) upon occupancy of the first 400 units at the Pre Mix site, and (b) thereafter, upon the completion of each additional 260 residential units at the site. Compliance may be achieved through construction of affordable units or provision of adequate security to the County to ensure their future development. The affordable units need not be provided within the development, but must be provided within the Northshore planning area. Units may be either rented or sold. Affordable housing shall be calculated as follows: Rented units shall be provided only to households earning less than 50% of the median income. Monthly rents shall be no greater than 30% of the monthly income from households earning 50% of the median income. Sold units shall be sold to first time buyers (i.e. person not having owned a home in the past three years) earning less than 80%

of the median income. Home prices shall be Affordable based on FHA lending standards. Covenants shall be established which guarantee the fulfillment of this obligation.

11._Residential Density.

_Residential density at full build out shall be calculated at the following levels per acre for the gross land area of each subdistrict in the development:

________Minimum_Maximum_Neighborhood Commercial____12 du/ac_ 48 du/ac

_Waterfront & Waterfront Extension___12 du/ac_24 du/ac

_Residential______24 du/ac_48 du/ac

_Residential uses in the mixed use area shall not exceed 75% and shall not fall below 50% of the total built floor area of the development at full build out. Where feasible, buildings with non residential uses (in particular, large buildings), shall include residential uses as well. A minimum of 25% of total floor area of each phase of development shall be residential.

12._Hazardous Waste Removal

_Prior to any development, the applicant shall conduct additional environmental assessment as specified by King County and, if contamination is found, shall prepare a remediation plan and schedule acceptable to the King County Executive Branch. Prior to development of any phase of the project, contamination (if any) on the portion of the site to be developed in that phase shall be remediated in accordance with the remediation plan and all legal requirements. The remainder of the site shall be cleaned up on accordance with the remediation schedule.

13._Fair Share Mitigation.

_In applying the above conditions on individual properties, mitigation shall be at a reasonable level related to each proposed development.

14._Phasing Requirements

_The approved Master Site Plan for and all approvals for development of phases of the Pre Mix site, shall satisfy the following requirements for phasing, provision of mitigation, and development by subdistrict.

_a._Subdistrict Development. The Pre Mix site shall be divided into four subdistricts, as shown on Map A. The location of the subdistrict boundaries may vary somewhat from Map A; the final boundaries for each subdistrict will be determined in the master plan process. Development in each subdistrict is subject to all P Suffix conditions of the zone set forth above, as well as the subdistrict specific conditions described below and any mitigations identified through the Master Site Plan approval process. The Residential Subdistrict may overlap with the adjacent subdistricts for the purpose of distributing density across the site, as set forth under the approved Master Plan. This plan contemplates that ultimate development of the outright RB zoned portion of the Pre Mix site (not including the Waterfront Extension Subdistrict) will include approximately 1000 units of residential development and approximately 500,000 square feet of commercial (including approximately 250,000 square feet of office/professional service, and 250,000 square feet of retail and entertainment) development.

__(1)_Neighborhood Commercial (approximately 12 18 acres). This area will serve as the focus of neighborhood scale retail and commercial development, because of its proximity to road and transportation infrastructure. It may also include entertainment uses, and will incorporate residential development, though at a lower density than the remainder of the Mixed Use District. Where feasible, residential uses will be included in the same structure as retail and office uses. Some vertical integration of residential and retail/office uses shall occur in this area.

__(2)_Waterfront (approximately 10 14 acres). This subdistrict will emphasize pedestrian scale access and development, both at and near the channelized edge of the inner harbor. Development will be mixed use, with a higher density of residential than in the Neighborhood Commercial Subdistrict. Enjoyment of the urban shoreline environment and pedestrian connections throughout the site will be stressed.

__(3)_Residential (approximately 10 14 acres). The residential subdistrict will be the center of residential development on the site. This area will be linked to the neighboring commercial and waterfront subdistricts, as well as to the transit stop, by pedestrian corridors, bridges, and other linkages. Residential development will respect the natural shoreline of the Sammamish River, where public access will be provided.

__(4)_Waterfront Extension (approximately 4 8 acres). This future phase (potentially zoned RB P) will develop after the discontinuation of the existing industrial use.

_b._Phasing. There are no restrictions on when or where development may occur within the Pre Mix site, so, long as it is in accordance with the approved master plan.

_c._Mitigation Phasing Requirements. The purpose of identifying mitigation phasing requirements in the area zoning is to insure that adequate mitigation is in place for development of each portion of the mixed use development site. These requirements are designed to insure that most of the capital project roadway mitigations for the entire Pre Mix site shall occur at the beginning of development. Thus most of the roadway related capital infrastructure and amenities will be in place in connection with initial development to support full development of the Pre Mix site. Certificates of occupancy shall not be issued for a particular subdistrict until the mitigation requirements of that subdistrict have been satisfied or adequate security to ensure their satisfaction has been provided King County (unless these p suffix conditions or the approved Master Plan set forth a different timetable for completion of the mitigation).

__Mitigation provided under these conditions shall be credited where appropriate against mitigation requirements otherwise applicable to the project through the SEPA process or under County codes. The property owner may fund mitigation improvements based upon agreements for reimbursement of portions of such costs by public agencies or other benefited private parties.

__The intersection of SR 522 and 68th Avenue currently operates at LOS F. Significant mitigation of this intersection is not possible, and therefore mitigation for the development of the Pre Mix site must be directed to improving access and circulation in other ways. Satisfaction of the linkage requirements set forth below shall be construed as satisfying the County's concurrence and intersection standards for the overall project.

__(1)_Overall Project Mitigation. The following items shall be provided in connection with initial development of the Pre Mix site. Certificates of occupancy shall not be issued for development on the Pre Mix site until the following mitigation requirements have been satisfied or adequate security to ensure their satisfaction has been provided King County.

___(a)_Full signalization of the intersection of 68th Avenue and Lakepointe Drive (listed in the CIP), and intersection improvements to include a northbound left turn and left turn/pass through lanes on 68th Avenue but not including improvements to the 68th Avenue Bridge over the Sammamish River;

___(b)_Dedication of right of way adequate for a five lane principal arterial on site for Lakepointe Drive, connecting 68th Avenue to SR 522 at the northwest corner of the Pre Mix site;

___(c)_Construction of Lakepointe Drive on site in a five lane cross section with landscaped median within the dedicated right of way, connecting 68th Avenue to SR 522;

___(d)_Provide for signalization and reconfiguration of the intersection of SR 522 and Lakepointe Drive (listed in the CIP), once signal installation authority has been obtained from the State of Washington by King County;

___(e)_Provide for realignment of existing 175th Street with a grade separated crossing under Lakepointe Drive (listed in the CIP), as set forth in Map B(Northshore Community Plan p 256);

___(f)_Construction of two enhanced transit stops (to be listed in the CIP), which shall be located on the north and south side of SR 522 and north of the Burke Gilman Trail and shall include seating areas, weather protection, and specially designed landscaping and walkway surfaces. The transit stop may be in lane or pull out, and King County shall be responsible for land acquisition and for obtaining approvals for the transit stops;

___(g)_The developer shall be responsible for achieving SOV trip reduction for the project by providing 50 commuter parking stalls in a location accessible to the southern enhanced transit stop or by contributing its fair share to the construction of a new park and ride facility in the Kenmore area, as determined in the approved Transportation Management Plan.

___(h)_Payment of fair share mitigation fees, including those for a fair share contribution to the transit lane improvements planned on SR 522 with credit, if applicable, for the system improvements (e.g., Lakepointe Drive) constructed for the project;

___(i)_Pedestrian access from the developed area to the transit stop and the 68th Avenue/SR 522 intersection;

___(j)_Provision of other minor roadway improvements identified by the Master Plan, such as signal phasing, lane realignment, etc.;

___(k)_Provide a touchdown location on site for the proposed pedestrian bridge crossing SR 522;

___(l)_Provide for a grade separated connection for the Burke Gilman Trail under the to be constructed Lakepointe Drive, that is compatible with the design of the Burke Gilman Trail undercrossing at 68th Avenue. The Trail shall have a 12 foot clear height and project design shall seek to enhance linkages between the Trail and pedestrian routes in the project and reasonably to minimize grade change along the Trail. A curb-cut shall be provided on SR 522 east of 65th Avenue N.E. for access to a parking structure, and the Trail level portion of the parking structure shall include retail or pedestrian services or open space oriented to the Trail (subject to WSDOT approval);

___(m)_The developer shall provide cash incentives, such as transit subsidies, parking fees, or rent abatement for transit use, in residential leases, if called for under the approved transportation management plan;

___(n)_The developer shall maintain access on the existing 175th Street for the off site lots adjacent to the northeast corner of the project site, as long as the design and function of such access is acceptable to the owners of the off site lots and will not result in adverse impacts to the use of these lots;

___(o)_Development of shoreline enhancement, including public recreation and access areas on the Sammamish River shoreline of the

Mixed Use District. Development in the initial phase shall include parking, public restrooms, trailhead facilities, vehicle turnaround, public viewpoint, construction of shoreline interpretive trail, enhancement of the riparian edge of the Sammamish River, and provision of a public viewpoint;

___(p)_Prior to any development, the applicant shall conduct additional environmental assessment as specified by King County and, if contamination is found, shall prepare a remediation plan and schedule acceptable to the King County Executive Branch. Prior to development of any phase of the project, contamination (if any) on the portion of the site to be developed in that phase shall be remediated in accordance with the remediation plan and all legal requirements. The remainder of the site shall be cleaned up on accordance with the remediation schedule.

___(q)_The developer shall appoint an on site transportation coordinator, and provide cash incentives, such as transit subsidies, parking fees, or rent abatement for transit use, in residential leases in the residential subdistrict, if called for under the approved TMP. If alternative p-suffix conditions are utilized (see P-suffix condition 16.i.) the application shall include a mitigation plan which identifies both the actual cost and fair share cost of project mitigation;

__(2)_Neighborhood Commercial Subdistrict Mitigation. The requirements for the Neighborhood Commercial Subdistrict are satisfied with the initial phase development. Therefore, additional mitigation requirements are not set forth for further development in the neighborhood commercial subdistrict. Although single use commercial buildings are not prohibited in this subdistrict, residential and commercial uses in various structures should be integrated to the greatest degree possible, through the use of walkways and other functional connections between buildings. Further, the prohibition on ground floor residential units will encourage the inclusion of mixed uses in residential structures.

__(3)_Waterfront Subdistrict Mitigation. Additional mitigation requirements for the Waterfront Subdistrict, identified below, are focused on enhancing open space opportunities in this portion of the mixed use district and on emphasizing pedestrian connections within the development. Development shall satisfy the following criteria, in addition to the standards of the underlying zoning:

___(a)_The pedestrian street shall be constructed. See Maps C and D (Northshore Community Plan Update and Area Zoning, p. 257-8). Construction of the street shall be phased so that the street is constructed in conjunction with development of adjacent buildings. The pedestrian street shall be developed to County road standards as a business access street including two traffic lanes, two 8 foot parallel parking strips, and two 10 foot sidewalk areas.

___(b)_The harborside promenade shall be constructed. See Map E (Northshore Community Plan Update and Area Zoning, p. 259). Like the pedestrian street, the construction of the harborside promenade shall be phased to occur in conjunction with development of adjoining buildings. The harborside promenade shall be constructed as a 20 foot wide hard surfaced pedestrian walkway, beginning at the channelized edge, and shall include pedestrian features such as seating, landscaping, sidewalk cafes, and pedestrian amenities.

___(c)_Upon completion of the pedestrian street, a public parking area shall be developed at the southern end of the pedestrian street. The parking area shall provide parking for approximately 20 vehicles.

___(d)_A harborside viewpoint shall be constructed in conjunction with the harborside promenade, at a location identified in the approved master plan. See Map E (Northshore Community Plan Update and Area Zoning, p. 256).

___(e)_A lakeside viewpoint shall be developed at the southern end of the site, at a location identified in the approved master plan. Development of the lakeside view point shall occur upon completion of the pedestrian street. See Map B and F. (Northshore Community Plan Update and Area Zoning, p. 256 and 260)

___(f)_A public gathering place shall be developed at the southern end of the pedestrian street, adjacent to the lakeside viewpoint and in a location identified in the approved master plan. See Map F (Northshore Community Plan Update and Area Zoning, p. 260). The major public gathering place shall provide area for gathering of at least fifty people. It shall be developed upon completion of the pedestrian street.

__4._Residential Subdistrict Mitigation. Additional mitigation/linkage requirements for the residential subdistrict are geared toward enhancing pedestrian connections within the site, reducing reliance on single occupancy vehicles, and enhancing transit use. Development shall satisfy the following criteria, in addition to the standards of the underlying zoning:

___(a)_Internal pedestrian connections from the residential subdistrict to the transit stop shall be provided;

___(b)_A pedestrian bridge over SR 522 shall be provided (subject to WSDOT approval) when fair share funding for construction is available from sources other than the developer. The developer shall be required to pay its fair share toward the cost of the bridge;

___(c)_At build out of the Residential District, the developer shall provide a shuttle service to connect the development with the transit stop, if called for under the approved TMP;

__5._Waterfront Extension Stage Mitigation. Mitigation requirements for the waterfront extension stage are provided in connection with development of the other subdistricts. Therefore, additional mitigation requirements are not set forth for development in the Waterfront Extension Subdistrict. Development in this subdistrict may not proceed until mitigation for the overall development and Waterfront subdistrict have been provided.

15._Mixed Use Master Plan Submittal Requirements.

_Before development can occur, a Master Plan shall be completed and approved. The following requirements apply to the process for obtaining Master Plan approval for development of the Pre Mix site. The Master Plan application shall be subject to review and approval by DDES. The Master Plan application shall establish vehicular, pedestrian and open space connections within the entire development. These vehicular, pedestrian and open space connections and transportation mitigations shall be binding. Approval of the Master Plan shall assure:

_a._the Mixed Use development area in its entirety meets the goals, policies and criteria of the Northshore Community Plan;

_b._that there is adequate environmental review of the cumulative impacts of all mixed use development in Kenmore;

_c._that there is detailed project level review of environmental impacts of the phase or phases that comprise the development application;

_d._that there is adequate mitigation developed for the project level review;

_e._that specific criteria of the Northshore Area Zoning and these p suffix conditions are met;

_f._that each phase of development will adequately meet the expressed goals for the mixed use area, and adequately mitigate for its impacts at the time of development.

16._Required Elements for Master Plan and Final Development Applications:

_The following elements are required of the Master Plan applications in the mixed use development area. This application may include development approval for one or more phases of the entire mixed use area. The discussion of the following elements should be conceptual in nature in the preliminary master plan application, except for phases for which final development approval is sought.

_a._Environmental documents assessing project level impacts of the development. Appropriate mitigation necessary for site specific impacts should be identified.

_b._Housing units for all phases shall be identified by number and type for each phase including affordable housing requirements of item 10 of the area zoning. Any phase included in a final development application shall also identify location and value of housing units in that phase, if applicable.

_c._Retail/Commercial uses for all phases shall be identified by square footage per phase. Any phase included in a final development application shall also identify major tenant types and building locations in that phase.

_d._Office uses for all phases shall be identified by square footage. Any phase included in a final development application shall include building footprints and employment data for that phase.

_e._Public and private facility improvements shall be identified for the entire mixed use development area. Appropriate size or capacity, location, operational characteristics and relationship should be estimated or defined in further detail as defined in other sections of the mixed use requirements.

_f._Open space shall be identified for all phases and broken down by the amount per phase and type of facility. Specific improvements should be identified for the phase of a final development application.

_g._Vehicular circulation and access shall be identified for all phases. Any phase included in a final development application shall include locations of driveways and parking and a plan for internal circulation.

_h._A map and text identifying pedestrian and bicycle circulation through the entire Mixed Use Development Area is required. Major routes are identified on Map B (Northshore Community Plan p.256). Major pedestrian and bicycle connections identified by King County through the staff report shall be binding for subsequent building permits, unless revised. Detailed design of facilities within any phase applying for final development approval shall be included for that phase.

_i._P-suffix conditions for the Pre-Mix site are intended to be flexible to facilitate development of a pedestrian-oriented place. Alternative P-suffix conditions may be utilized where the Department deems such alternatives to be warranted based upon: 1) changed conditions relating to proposed project plans or capital improvements, including but not limited to transit plans, road alignments, or pedestrian connections; or 2) modified P-suffix conditions which would result in a development which has equal or greater overall environmental benefits. Alternative conditions may be approved by the Department only where the alternatives meet the goals and intent to both the P-suffix condition and the Northshore Plan.

__The application shall include a description of how the project conforms to the requirements of the P-suffix conditions, or if any alternative conditions are proposed, a description of how such alternative conditions are warranted under criteria set forth above.

_j._An agreement identifying timing and funding of public and private funding commitments for identified capital and transit improvements shall be prepared by King County. This agreement shall also include funding commitments necessary to mitigate impacts for the phase or phases proposed in the development application. The plan shall be consistent with the p suffix conditions. If the agreement proposes that the developer funds construction of improvements in excess of the developer's fair share, the agreement shall also include a plan that describes how such excess contributions can be recaptured from public or private sources and/or credited against mitigation required for development of future phases, including the waterfront extension district.

_k._A transportation management plan shall be created for the entire site to reduce single occupancy vehicle trips related to the project. Strategies to be considered shall include transit subsidies, parking fees, and rent abatement. Mitigations should not be required in excess of the project's overall fair share.

_l._King County shall be required to conduct SEPA review of the Master Plan. King County and the applicant have completed the transportation analysis for the project, and the transportation related p suffix conditions are based on this analysis and are intended to mitigate the impacts of the development. This transportation study will be incorporated in the SEPA review for this area zoning. Future SEPA review for the Master Plan and more specific elements of the project should rely on previously conducted analysis where appropriate and should be scoped so as to focus review on impact areas not previously reviewed.

17._Subsequent Applications

_The following elements are required of subsequent development applications within the mixed use development area:

_a._Developer shall make application to DDES for final development approval of portions of the site prior to actual construction. The application shall include the information identified in Section 16 above for final development plans and shall also include building elevations for review of mixed use and pedestrian-oriented requirements of these p-suffix conditions. The final development plan shall be approved if it is consistent with the Master Plan.

_b._Revisions to the Master Plan may be approved by King County in connection with future development of the site, as long as the revisions to the Master Plan conform to the goals and intent of the P suffix conditions and the Northshore Plan.

Ordinance

12824

Effective Date

August 18, 1997

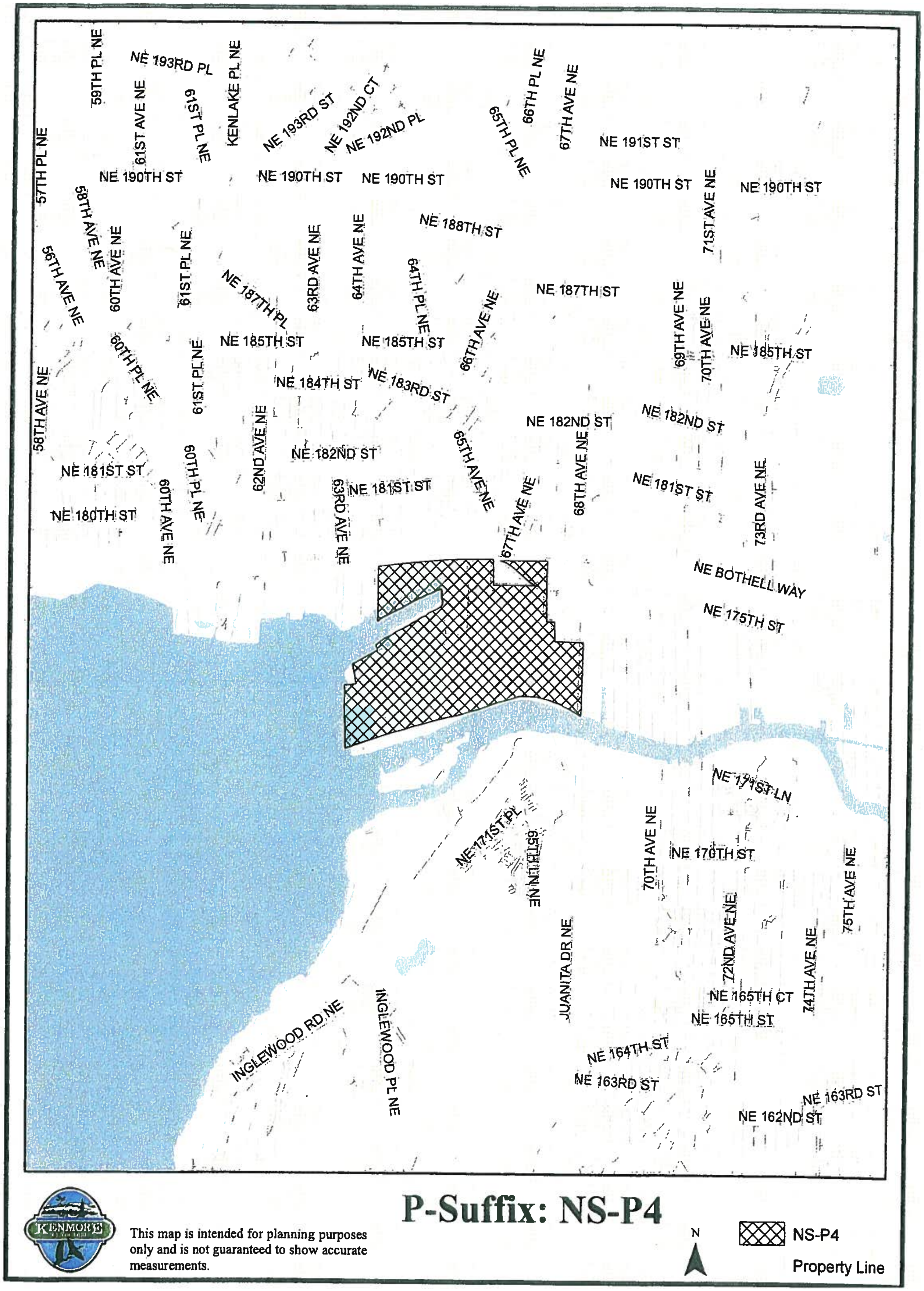
Changes

N/A

View Map(s) for NS-P4. *(Click on a map name in the list)*

Note: *If there are more than one map listed below, there may be a map file ending with a **"_x"** which provides an index for the remainder of the maps.*

ns-p4.gif



VA. Discussion of Commercial Zoning Project - Debbie Bent, Community Development Director

King County

NS-P10: STR 11-26-4: TL 9001, 9137, 9020, 9165 STR 12-26-4: TL 416410-0310, 0305, 0300, 0295, 0290, 0285, 0275, 0270

Effective: August 18, 1997

Description

STR 11-26-4: TL 9001, 9137, 9020, 9165 STR 12-26-4: TL 416410-0310, 0305, 0300, 0295, 0290, 0285, 0275, 0270

Development Condition Text

STR 11-26-4: T.L. 9001, 9137, 9020, 9165

_STR 12-26-4: T.L. 416410-0310, 0305, 0300, 0295, 0290,

0285, 0280, 0275, 0270 (Source: Northshore Community Plan Update and Area Zoning, p. 271)

No retail uses are permitted with the exception of the sale of forest products and other building materials. Office uses shall be allowed only as required in support of industrial wholesale and permitted retail operations on the site. Personnel service uses such as banks, service stations, hotels, restaurants and mini-warehouses are not permitted. Residential uses are not permitted (applies only to the I-P and RB-P zones of these properties).

A. These use limits shall apply for STR 11-26-4: T.L. 9001, 9137, 9020, 9165 until such time as a Commercial Site Development permit (in conjunction with an approved Master Plan per the requirements of NS-P4) is approved.

B. These use limits shall apply for STR 12-26-4: T.L. 416410-0310, 0305, 0300, 0295, 0290, 0285, 0280, 0275, 0270 until such time as any development permit (in conjunction with an approved Master Plan or similar phased plan per the requirements of NS-P19 for development) is approved.

Ordinance

12824

Effective Date

August 18, 1997

Changes

N/A

View Map(s) for NS-P10. *(Click on a map name in the list)*

***Note:** If there are more than one map listed below, there may be a map file ending with a **"_x"** which provides an index for the remainder of the maps.*

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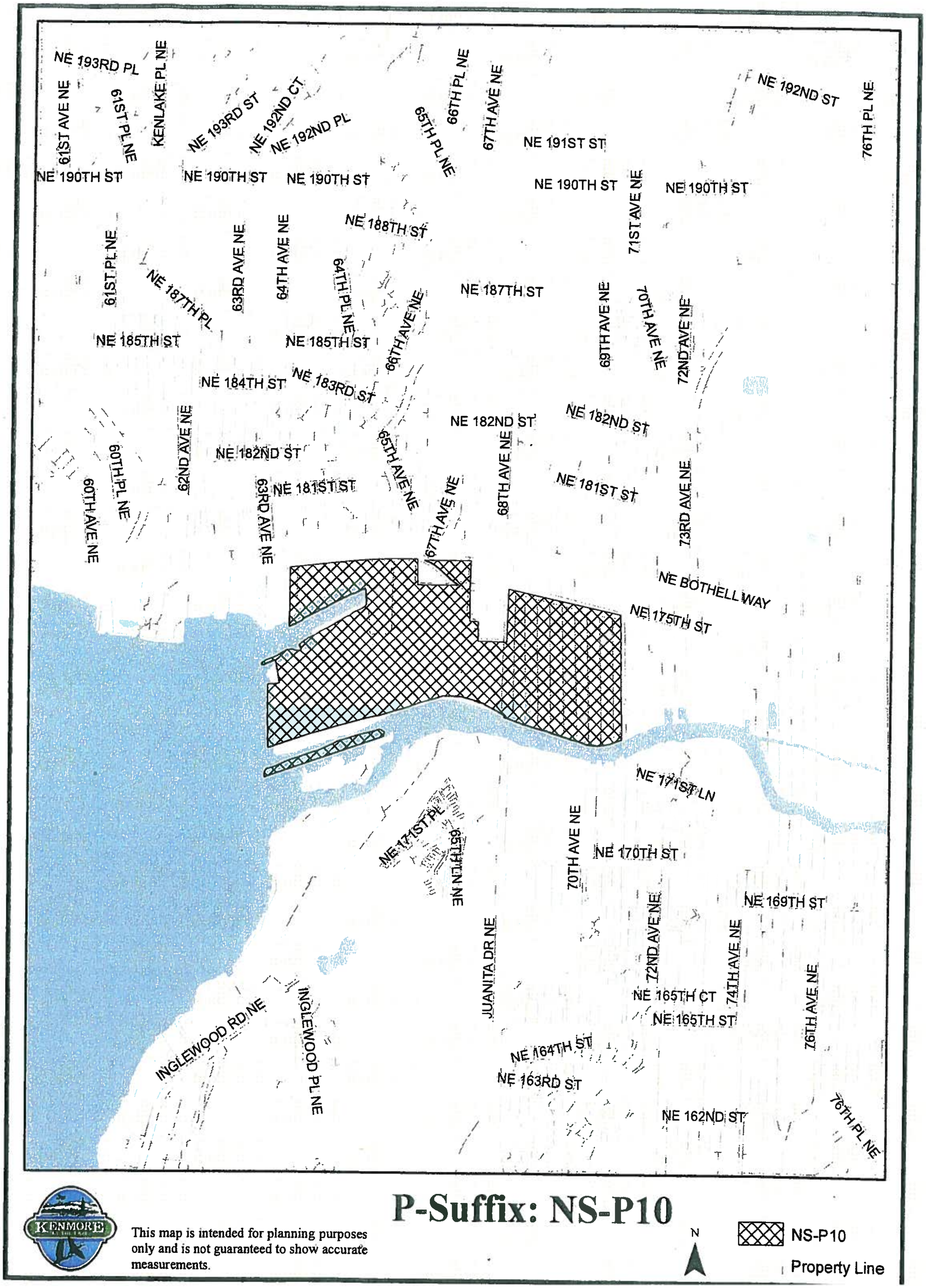

VA. Discussion of Commercial Zoning Project - Debbie Bent, Community Development Director

King County

NS-P13: Harbor Village Development and Marina

Effective: August 18, 1997

Description

Harbor Village Development and Marina

Development Condition Text

Harbor Village Development and Marina (Source: Northshore Community Plan Update and Area Zoning, p. 273)

The conditions of permits 130-79R, 131-79R, 020-77-SH, and 127-82-R continue to apply.

I._Upland Site Construction

1._The applicant shall guarantee that public access to the shoreline from N.E. 175th Street and from the King County Kenmore Log Boom Park abutting the ordinary high water line along the entire shoreline of the subject property except for the boat hoist and fueling facility in the east 150 feet will be available in perpetuity.

2._The applicant shall provide a comprehensive signing plan for the proposed site. Said signing plan shall include the following:

a. Exterior: Only one free-standing sign at the primary entrance to the proposed marina development shall be allowed. Said sign shall be no higher than ten feet from existing grade. The use of natural materials and indirect lighting shall be encouraged. In no instance shall the proposed sign rotate or contain flashing lights.

Only one freestanding sign shall be allowed for the proposed residential development. Said sign shall be no higher than five feet from existing grade and shall contain no more than thirty square feet of information.

b. Interior: Only one sign per use within the commercial portion of the development shall be allowed. Each sign shall be located preferably at ground level and in no case, shall be above the roof line of any structure. The use of natural materials and indirect lighting shall be encouraged. In no case shall the required signing rotate or contain flashing lights. A single, comprehensive sign for the interior commercial development on the site may be authorized provided it is in keeping with the size and character of the proposed development.

3._The applicant shall provide separate public restroom facilities for both the general public and marina tenants on the proposed site.

4._With reference to the applicant's plans to construct ponds and streams within the proposed site, all side slopes leading into the ponds shall be a ratio of no less than 4 to 1 (horizontal to vertical).

5._The proposed boat hoist shall be used exclusively by the marina sales and tenants of the marina.

II._Marina Site Construction

1._"Live aboards" shall not be permitted at any time. The marina management shall be responsible for the strict enforcement of this regulation and repeated violations of said regulations shall be considered to be a violation of approved Shoreline Management Substantial Development Permit.

2._All side slopes adjacent to the inner harbor line (ordinary high water line) shall be at a ration of 1½:1 (horizontal to vertical). No further encroachment beyond that which is necessary to construct the proposed rip-rap rock shoreline protection is authorized.

3._The proposed chemical treatment of pilings to be utilized within the marina development must be approved by the Washington State Department of Fish & Wildlife and the Washington State Department of Ecology. In any instance, all treated lumber must be completely dry before use in or near the water.

4._The applicant shall provide waste/garbage disposal receptacle in conspicuous places, on the docks and adjacent to the shoreline of the marina complex.

5._In-water maintenance and repair of boats moored at the marina facility shall not be permitted. Only minor in-water maintenance related to day-to-day upkeep of boats is allowed. In no instances shall chemicals or other contaminants be allowed to enter Lake Washington. The marina management will have the responsibility of strictly enforcing this condition. If repeated violations of this condition take place, revocation of the approved Shoreline Management Substantial Development Permit may be warranted.

6._The applicant shall provide a recorded public easement from the ordinary high water line to, and including, the breakwater facility. Said easement may stipulate that public access only be authorized during daylight hours. The required public access easement shall be for fishing and visual access to the water only.

7._The applicant shall provide to King County, at no cost, a moorage slip for the Marine Patrol Safety Unit boat. Additionally the applicant shall make available minimal office space to the Marine Patrol Safety Division, Department of Public Safety at no cost.

8._A log boom or other appropriate navigational devices shall be established along the west property line of the proposed site in order to prevent pleasure craft from entering the shallow waters of the King County Log Boom Park. The location of said facilities shall be subject to the approval of the King County Division of Parks.

9._The applicant shall provide to King County a detailed contingency plan indicating how chemical/oil spills would be removed in the event such an occurrence should take place. Said plan shall clearly indicate the type of equipment to be maintained on-site at all times and the personnel available to carry out said program. This plan shall be submitted to King County Fire Marshal and the Department of Ecology for their approval.

10._The applicants shall participate in conjunction with King County Marine Patrol Division (Department of Public Safety), the United States Army Corps of Engineers, and United States Coast Guard in formulating a water access and safety plan for the north end of Lake Washington. Said participation shall include proportionate funding by the applicant for such off-site/on-site control devices as navigational buoys, speed limit signs, night lights, safety signs etc., as deemed appropriate. The proposed marina complex shall not commence operation until such time as a water access and safety plan for the north end of Lake Washington has been approved by the public agencies noted above and is in place and operational. If King County does not implement and access and safety plan for the north end of Lake Washington within twelve months of final Council Action on this matter, this condition relative to the commencement of operations of the marina shall be waived.

11._The applicant shall retain at least ten transient moorage slips for the patrons of Harbour Village Marina restaurant and commercial area only.

12._All pleasure craft moored at the site shall be in excess of 26 feet in designated length.

III._Dredging

1._Dredging shall only be permitted between November 1 through March 1 and June 20 through July 15 of any year unless specifically modified by the Washington State Department of Fisheries.

2._The applicant shall be required to post in escrow (naming King County as an assignee) sufficient funds for King County to hire an independent firm to design a water quality monitoring program acceptable to the Washington State Department of Ecology (DOE) and the United State Army Corps of Engineers. The number of daily samples and types of tests to be performed shall be approved by said agencies. If specified water quality standards are exceeded any time during the dredging operation, the independent consultant shall have the authority to shutdown the dredging operations until such time as water quality standards are met.

3._Hydraulic dredging shall be prohibited.

4._There shall be no dredging more than ten percent below the final contours as indicated on the submitted plans.

5._The limits of dredging with the King County Kenmore Log Boom Park shall be approved by the King County Division of Parks prior to the commencement of dredging operations. No additional accumulation of sediment resulting from dredging shall be permitted within the King County Log Boom Park. In the event that additional accumulation occur the applicant shall remove excess material to the satisfaction of King County Parks and Building and Land Development Divisions and the Washington Department of Fisheries and Game.

6._All dredging and pile driving operations shall be limited to the hours of 8:00 A.M. through 5:00 P.M. on weekdays and 9:00 A.M. through 5:00 P.M. on weekends.

7._A sonic pile driver must be utilized if soil conditions permit as determined by a qualified soils expert.

8._The applicant shall demonstrate that all reasonable noise reduction techniques have been utilized to reduce dBA levels from the dredging and pile driving activities. Such demonstration shall be submitted to the Health Department prior to any work for their approval.

9._A $25,000 performance bond shall be posted to assure the removal of any silt of other sediment which the reviewing agency finds to be caused by the dredging operations of this project and which is close enough to residences between the Log Boom Park on the Lake Forest Park Community Center to affect their beach and near shore water areas.

Ordinance

12824

Effective Date

August 18, 1997

Changes

N/A

View Map(s) for NS-P13. *(Click on a map name in the list)*

Note: *If there are more than one map listed below, there may be a map file ending with a* ***"_x"*** *which provides an index for the remainder of the maps.*

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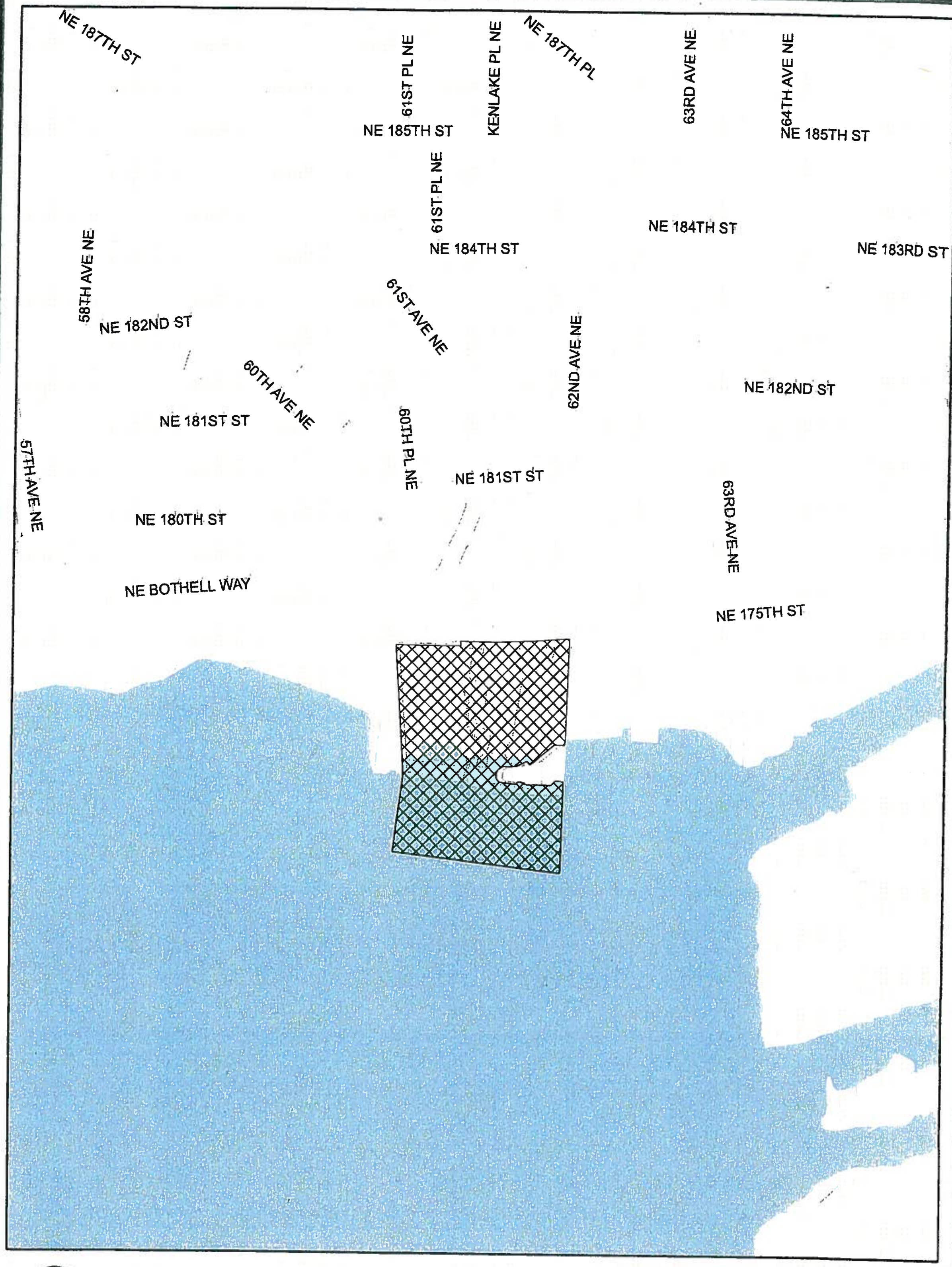

P-Suffix: NS-P13

This map is intended for planning purposes only and is not guaranteed to show accurate measurements.

N

NS-P13

Property Line

VA. Discussion of Commercial Zoning Project - Debbie Bent, Community Development Director

King County

NS-P19: Mixed Use Redevelopment Requirements

Effective: August 18, 1997

Description

Mixed Use Redevelopment Requirements

Development Condition Text

Mixed Use Redevelopment Requirements (Source: Northshore Community Plan Update Area Zoning, pg. 277)

Conditions for Development

Mixed business-residential use is recognized as a viable use in the long term for the underutilized and vacant land delineated on the Kenmore Pedestrian Oriented Areas and Design Requirements map B (Northshore Community Plan Update Area Zoning, p.240). However, any development in this area requires substantial mitigation for significant environmental impacts to be reduced or eliminated. Any mixed use development proposed in this area must achieve the following criteria . If special district overlay-pedestrian oriented commercial development conditions are adopted by the County Council, they shall apply to these areas.

A._SR-522 in Kenmore is recognized to be at "ultimate design." Roads that are at ultimate design cannot be widened without significant destruction of existing development and potential environmental damage because that land around the roadway is already developed and/or contains natural features. King County recognizes that while some improvement to adjacent roadways is possible, congestion below County thresholds is likely to continue on SR-522.

_The King County Department of Public Works has identified potential transportation improvements which will facilitate traffic flow in Kenmore. Preliminary transit improvements have also been identified. The level of acceptability cannot be based on current County standards due to the ultimate design characteristics of the SR-522 roadway described above. Completion of the Transportation/Circulation Master Plan is necessary to update and clarify mitigation measures when a more detailed development proposal is submitted.

_Mitigation for development of the RB-P site should emphasize enhancement of transit and non-vehicular use and improvement of local access and circulation within the Kenmore area. Therefore, mitigating conditions include dedication and construction of a new 175th bypass road, signalization of the intersection of this road with 68th Avenue, participation in the cost of a improvement of a transit hub on SR-522, participation in the cost of development of a pedestrian bridge crossing SR-522, construction of a pedestrian route, participation in the cost of intersection improvements at the intersection of the new 175th bypass road and 73rd Avenue, and development and enforcement of a transportation management plan on site. Fair share participation in applicable projects listed in the current Mitigation Payment System program as well as transportation projects recommended in the Northshore Plan is also a required mitigation condition.

B._The general design of the project shall be oriented to the pedestrian. Access by automobile to the interior of the development shall be minimized. A minimum of 60% of the parking shall be in structures, on-street, or off-site in joint use parking facilities. No more than 60 stalls may be provided in one parking lot. Lots must be separated by buildings, open space or roads at a minimum of 12' depth between lots.

C. _One pedestrian overcrossing and one at grade pedestrian crossing to the existing Kenmore core should be provided across SR 522. In addition, direct, identifiable pedestrian access to the Lake Washington and Sammamish River waterfronts should be provided by abutting properties. Pedestrian access must be clearly visible from NE 175th and the SR-522, NE 68th Street intersection. Access to the water and to major pedestrian routes must be open to the general public. Linkages shall be provided to the nearby park facilities of Logboom Park, Swamp Creek Park (South of SR-522) and Kenmore Park.

D._20% of the entire mixed use development area shall be designated as public open space for the general public. A public gathering place which accommodates a minimum of 50 people shall be provided on the site. These public open space areas shall be easily accessible to the pedestrian, and shall be considered in the pedestrian circulation plan. Waterfront access areas, public parks and sensitive area buffers may be utilized to calculate the 20% requirement. Internal pedestrian walkways, public streets, landscaping and private open space areas shall not be utilized to calculate the 20 % requirement. Public access shall be provided around the entire waterfront edge of the site.

E. _A minimum of two view corridors shall be provided. View corridors identified in the Kenmore Urban Design Study are recommended conceptually, subject to further design review.

F._At least two public viewpoints, linked with the pedestrian routes shall be provided. Public viewpoints shall provide views of Kenmore and the Sammamish River.

G._Bicycle and pedestrian linkages to the Burke-Gilman shall be provided. Location of these linkages is subject to the review and approval of King County.

H._The shoreline edge of the Sammamish River shall be enhanced to provide for water quality and wildlife and marine habitat. A wetland and riparian enhancement plan, subject to the review and approval of King County, shall be performed by a qualified wetland biologist. Setbacks shall be subject to the King County Sensitive Areas Ordinance and the Shoreline Master Program. Variations to adopted setbacks may require off-site mitigation, to be determined in the development permit process. No disturbances of SAO required buffers shall be allowed, except at minimum 300 foot intervals, wildlife viewing trails extending into the buffer may be allowed if no significant impact to the wildlife and marine habitat is anticipated to occur.

I._Affordable housing units amounting to 10% of the total number of units in the development shall be provided. The affordable units need not be provided within the development, but must be provided within the Northshore planning area. Units may be either rented or sold. Affordable housing shall be calculated as follows: Rented units shall be provided only to households earning less than 50% of the median income. Monthly rents shall be no greater than 30% of the monthly income for households earning 50% of the median income. Sold units shall be sold to first-time buyers (i.e. person not having owned a home in the past three years) earning less than 80% of the median income. Home prices shall be Affordable based on FHA lending standards. Covenants shall be established which guarantee the fulfillment of this obligation.

J._In general, commercial and office use should be provided adjacent to the Kenmore commercial core and residential development to the water. Specific exceptions to this may be made if the pedestrian orientation of the project will be improved. (For example, a restaurant, or other pedestrian oriented uses may be located on the waterfront.)

K._Residential density shall be calculated at a maximum of 24 d.u.'s per acre and at a minimum of 12 d.u.'s per acre for the gross land area of the entire development. Residential uses in the mixed use area shall not exceed 75% and shall not fall below 50% of the total built floor area of the development.

L._Specific requirements from the Kenmore Mixed Use Pedestrian Oriented Area P-suffix conditions shall apply to the Mixed Use Development Area, as defined in this Area Zoning.

M._Maximum heights shall be 92 feet in the northern portions of the mixed use development area. A 45 foot height limit shall apply to all development within 300 feet of the Sammamish River shoreline edge.

N._Satisfaction of these conditions may be accomplished through phased development.

O._In applying the above conditions on individual properties, mitigation shall be at a reasonable level related to each proposed development.

Permit Submittal Requirements

The following requirements apply to the process applying for any permits for uses currently prohibited under NS-P10. These conditions apply to all properties shown on Map B designated as the Mixed Use Pedestrian Oriented Area (Northshore Community Plan Update Area Zoning, p240). If applications are submitted independently on separate parcels, the applications shall be analyzed as phases of the entire mixed use development area. The phase one application shall establish vehicular, pedestrian and open space connections to all other Mixed Use properties in Kenmore. These vehicular, pedestrian and open space connections shall be binding. The phase one proposal shall prepare environmental documents that consider both the impacts of the subject application (phase) and the cumulative impacts of all other phases based on buildout of the Mixed Use Pedestrian Oriented Area. Any and all phases of development within the Area should assure:

1._the Mixed Use development area in its entirety meets the goals, policies and criteria of the Northshore Community plan;

2._that there is adequate environmental review of the cumulative impacts of all mixed use development in Kenmore;

3._that there is detailed project level review of environmental impacts of the phase or phases that comprise the application.

4._that there is adequate mitigation developed for the project level review and that mitigation can be achieved for cumulative impacts of all mixed use development in Kenmore.

5._that specific criteria of the Northshore Area Zoning are met.

6._that there is adequate transportation mitigation for each phase of project development to meet the policy direction established by the King County Council for road adequacy in SR-522 corridor.

Required Elements for Development Applications

The following elements are required of the first development application in the mixed use development area. This application may constitute one or more phases of the entire mixed use area.

1._Buildout of the mixed use development area is likely to have significant environmental impacts. The environmental review for the entire Mixed Use area should address all relevant elements of the environment from WAC 197-11-444. Mitigation to address probable significant adverse impacts should be identified. Alternatives to buildout of the Mixed Use Area should be analyzed.

2._Environmental documents assessing project level impacts of the phase or phases of the Mixed Use Development Area proposed in the application shall be prepared. Appropriate mitigation necessary for site-specific impacts should be identified.

3._Mixed Use Development Comprehensive Project Description

a._Housing units for all phases shall be identified by number and type for each phase including affordable housing requirements of Item K of the area zoning. The phase or phases included in the first application shall also identify location and value of housing units.

b._Retail/Commercial uses for all phases shall be identified by square footage per phase. The phase or phases included in the first application shall also identify major tenant types and building locations.

c._Office uses for all phases shall be identified by square footage. The phase or phases included in the first application shall include building footprints and employment data.

d._Public and private facility improvements shall be identified for the entire mixed use development area. Appropriate size or capacity, location, operational characteristics and relationship should be estimated or defined in further detail as defined in other sections of the mixed use requirements.

e._Open space shall be identified for all phases and broken down by the amount per phase and type of facility. Specific improvements should be identified for the phase or phases of the first application.

4._Transportation/Circulation Master Plan

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a._A Traffic and Circulation report shall be prepared identifying all capital and transit improvements possible to improve traffic flow through Kenmore. The report shall include the appropriate cost of each project. King County shall weigh the cumulative impacts of the mixed use development area on the transportation system as part of approval of any phase of development.

b._A Financing report identifying public and private funding commitments for identified capital and transit improvements shall be prepared. King County shall ultimately determine the public/private financing commitments in coordination with the applicant, Metro and WASHDOT.

c._A Phasing report shall be prepared identifying the timing of funding commitments necessary to mitigate impacts for the phase or phases proposed in the application. The staff report prepared by King County shall recommend to the County Council which road and transit improvements from the Transportation/Circulation Master Plan are necessary for the proposed phases of mixed use development. Policy K-11 and item A from the Conditions for Development shall apply. No development permits shall be approved until construction and/or service contracts are signed for capital and transit improvements needed for each project phase.

5._Pedestrian/Bicycle Circulation Plan

A map and text identifying pedestrian and bicycle circulation through the entire Mixed Use Development Area is required. Policy K-11 and items B, C, D, F, G and I from The Conditions for Development shall be incorporated. Major pedestrian and bicycle connections identified by King County through the staff report shall be binding for subsequent permit applications. Detailed design of facilities within the phase or phases applying for rezone shall be included.

6._Open Space Plan

Map and text identifying public and private open space for the entire Mixed Use Development Area is required. Policy K-11 and items E, I and K from the Conditions for Development shall be incorporated. The staff report prepared by King County shall identifying acreage and location of open space necessary for the mixed use development area at buildout based on impacts of the proposal and the policies and criteria of the Northshore Community Plan. At least 25% of all the open space necessary for entire Mixed Use Development shall be constructed as part of the Phase I approval.

The following elements are required of subsequent applications within the mixed use development area:

1._Environmental documents assessing project level impacts of the phase or phases of the Mixed Use Development Area proposed in the application shall be prepared. Appropriate mitigation necessary for site-specific impacts should be identified.

2._Phased Project Description A map and narrative shall be submitted describing buildout of all phases proposed in the application. The narrative shall include:

a._Housing units by phase - number, type, location and value, including the affordable housing component identified in policy K-11 and item J of the Area Zoning.

b._Retail/Commercial uses by phase-major tenant types, square footage and location;

c._Office uses by phase-square feet, building footprints and employment;

d._Public/Private facility improvements by phase-type, approximate size or capacity, location, operational characteristics, relationship to existing facilities and method of financing.

e._Open Space by phase - type, area size, improvements.

3._Capital and Transit Improvements Phasing Report that identifies improvements necessary for the phase or phases proposed in the application based on the Transportation/Circulation Master Plan and the financing report shall be identified. This shall include timing of funding commitments.

4._Pedestrian/Bicycle Phasing Report that identifies detailed bicycle and pedestrian improvements identified for the phase or phases proposed in the application based on the Pedestrian/Bicycle Circulation Plan.

5._Open Space Phasing Report that identifies detailed open space provisions for the phase or phases proposed in the application based on the Open Space Plan.

Ordinance

12824

Effective Date

August 18, 1997

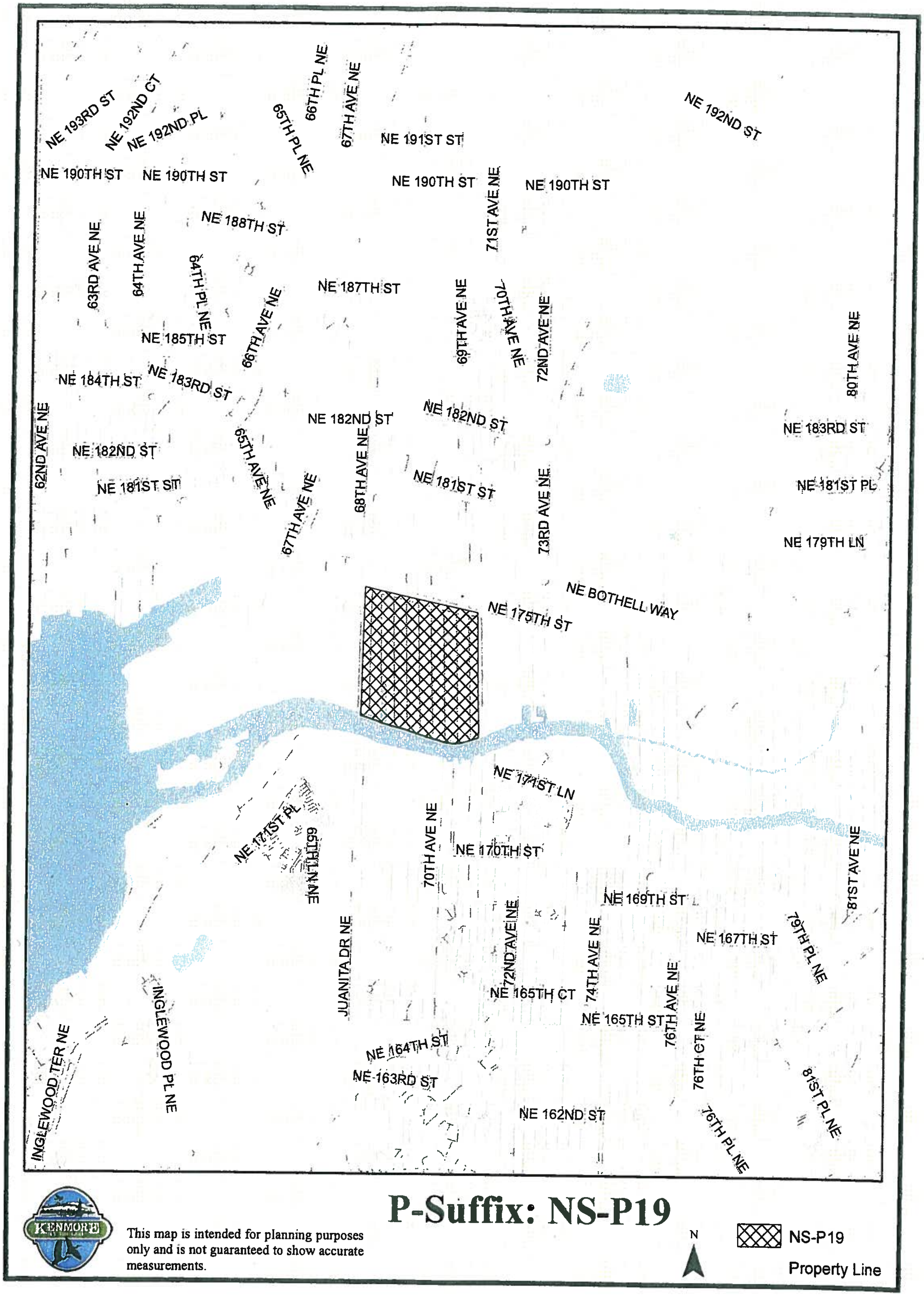
Changes

N/A

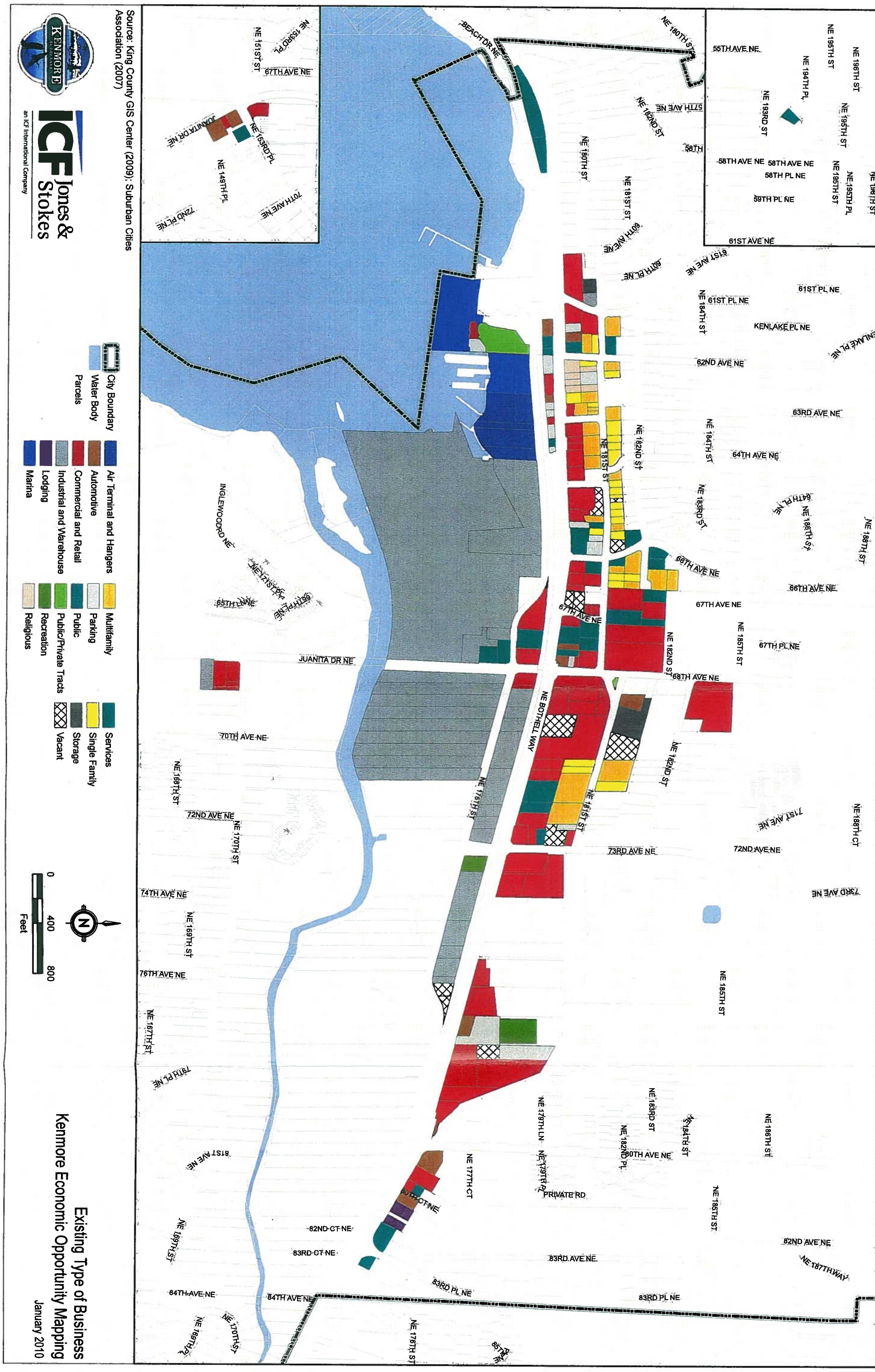
View Map(s) for NS-P19. *(Click on a map name in the list)*

Note: *If there are more than one map listed below, there may be a map file ending with a **"_x"** which provides an index for the remainder of the maps.*

ns-p19.gif



VA. Discussion of Commercial Zoning Project - Debbie Bent, Community Development Director



Attachment 4

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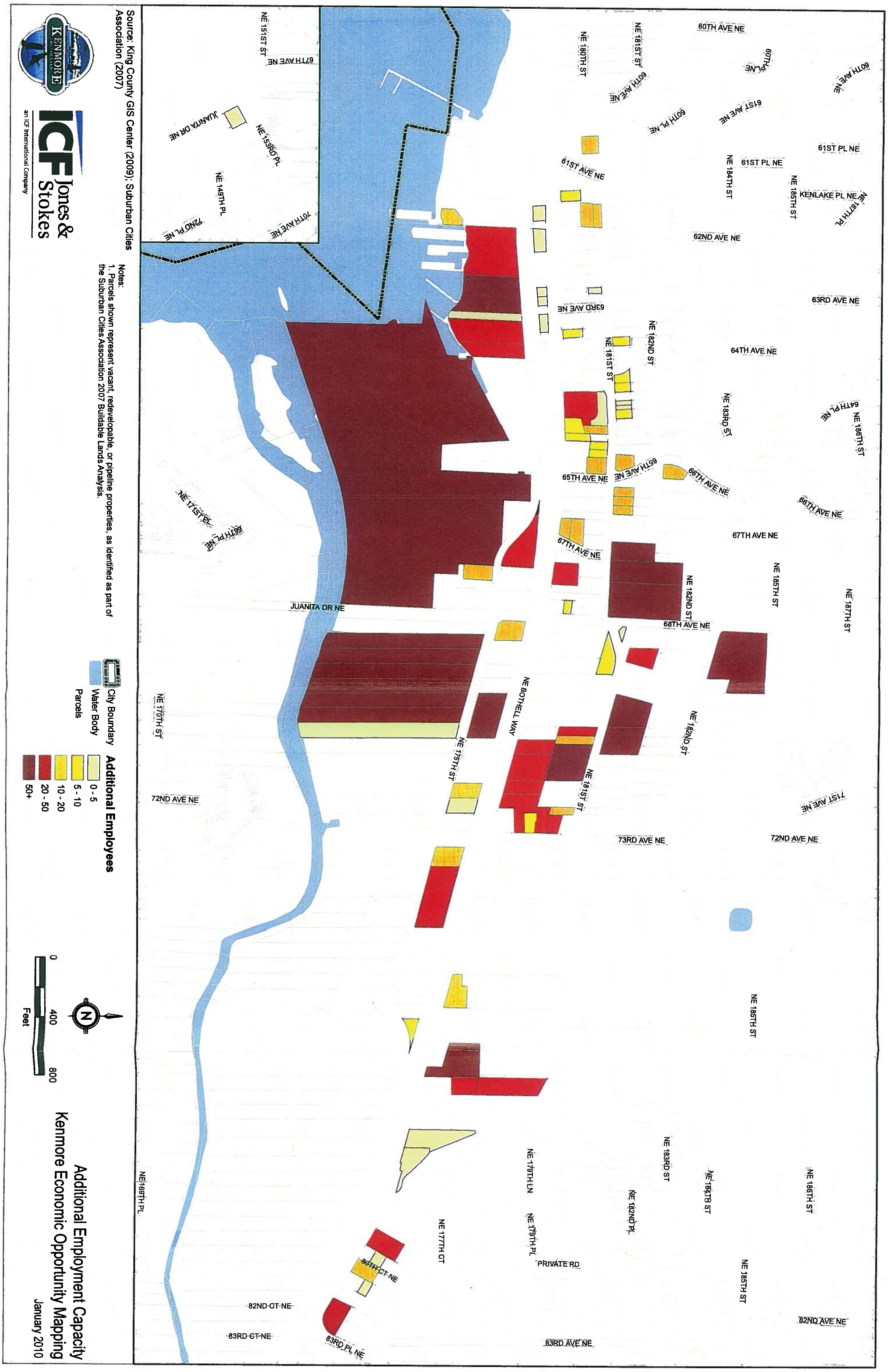
Attachment 5



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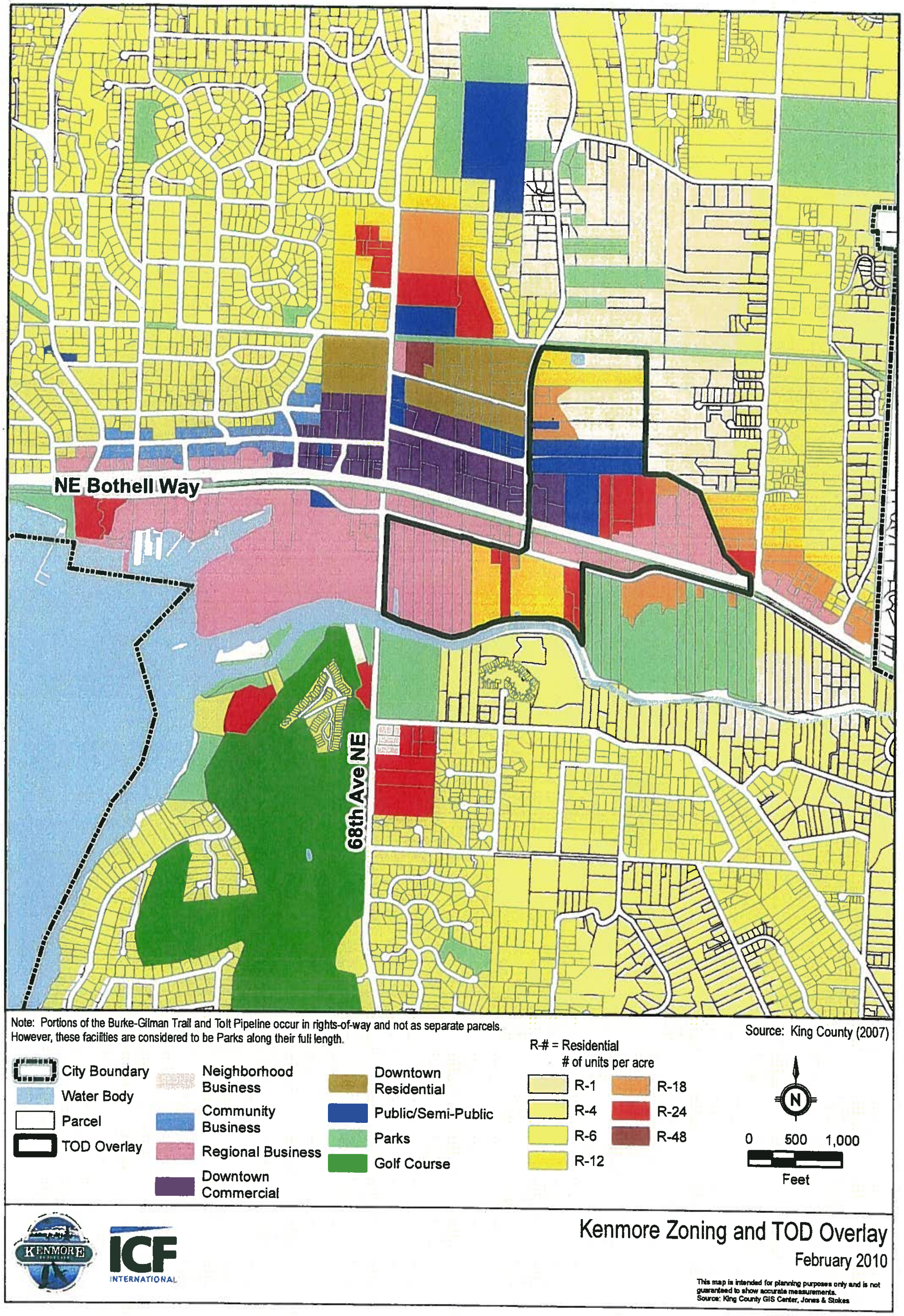
Attachment 6



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