



CITY OF KIRKLAND
Planning and Community Development Department
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MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: July 26, 2012

Subject: Planning Commission Recommendation to adopt amendments to the Kirkland Comprehensive Plan, Kirkland Zoning Code, and Kirkland Municipal Code for the BN and BC "family" of zones, File No. ZON11-00042

RECOMMENDATION

It is recommended that the City Council receive a briefing on the recommendations of the Planning Commission regarding commercial zones (Enclosure A) and highlight any key issues for discussion at the October 2nd Council meeting. No action is being sought at the study session. On October 2nd, Council would provide direction to staff on:

- 1) Desired changes needed to prepare potential ordinances for consideration at the December 11, 2012 Council meeting when annual Comprehensive Plan amendments are adopted; and
- 2) Whether to prepare for Council consideration on October 16, 2012 either a renewal of the current BN zone moratorium or an interim zoning ordinance.

BACKGROUND DISCUSSION

Based on the approved Planning Work Program, the Planning Commission has been working since October, 2011 to review regulations and Comprehensive Plan policies for development in a number of Kirkland's commercial zones. The scope was amended in early 2012 in response to the moratorium on development in BN zones. In May, 2012 the City Council reviewed the Planning Commission's initial direction and provided specific feedback on the Lake Street South BN zone for the Commission to consider in their review. Enclosure C contains a summary of the Planning Commission recommendations and City Council feedback.

The Planning Commission has held six study sessions and conducted a public hearing to develop their recommendation. Links to all packet materials considered by the Planning Commission and City Council in association with this proposal are provided below:

October 27, 2011 meeting Planning Commission study session [meeting packet](#)

December 8, 2011 meeting Planning Commission study session [meeting packet](#)

<i>February 9, 2012 meeting</i>	<i>Planning Commission study session</i>	meeting packet part 1 meeting packet part 2
<i>February 23, 2012 meeting</i>	<i>Planning Commission study session</i>	meeting packet
<i>March 8, 2012 meeting</i>	<i>Planning Commission study session</i>	meeting packet
<i>April 3, 2012 meeting</i>	<i>City Council reviews scope</i>	meeting packet
<i>May 15, 2012 meeting</i>	<i>City Council reviews scope (cont.)</i>	meeting packet
<i>May 31, 2012 meeting</i>	<i>Planning Commission study</i>	meeting packet part 1 meeting packet part 2 meeting packet part 3 meeting packet part 4 meeting packet part 5
<i>June 28, 2012 meeting</i>	<i>Planning Commission hearing</i>	meeting packet part 1 meeting packet part 2 meeting packet part 3 meeting packet part 4 meeting packet part 5 meeting packet part 6 meeting packet part 7 meeting packet part 8
<i>July 19, 2012 meeting</i>	<i>Planning Commission deliberations</i>	meeting packet part 1 meeting packet part 2

SEPA Compliance

The City issued a SEPA Addendum for the proposed amendments on June 20, 2012.

Public Process

Pursuant to KZC 160.40, notice of the hearing was published in the official City newspaper, posted on office notice boards, and posted on the City website. In addition, the notice was sent to:

- All owners of property affected by the proposed changes
- Each affected neighborhood association with a description of the changes for the neighborhood
- Individuals who were previously invited to address the Commission on the Moss Bay Neighborhood BN zone
- Subscribers to the City's email updates for the pending project in the Moss Bay Neighborhood BN zone (currently 196 subscribers)

The City has also maintained a project webpage for the process and directed interested parties to visit that page for detailed information.

The City has received extensive correspondence on the proposed amendments. All correspondence received by the Planning Commission prior to the close of the public hearing is included in the June 28th and July 19th meeting packets (see links above). Additional correspondence received after the close of the public hearing is included as Enclosure B to this memo.

Enactment of Amendments

The Growth Management Act establishes that amendments to the Comprehensive Plan may occur no more often than once per year. The next scheduled date for adopting annual amendments is December 11, 2012. Proposed Plan amendments associated with this commercial codes project may be adopted at that time. Although there is no restriction on the frequency of adopting Zoning Code amendments, the Growth Management Act requires that development regulations be consistent with the Comprehensive Plan. Because some of the proposed Zoning Code amendments are related to Comprehensive Plan amendments (e.g. residential density limits), staff is recommending that adoption of all of the amendments associated with this commercial codes project be scheduled for December.

As the Council is aware, there is currently a moratorium on development activity in the BN zones. The moratorium is due to expire on November 7th. Since the new regulations would not be adopted until December, expiration of the moratorium would leave a five week gap in which BN zones would be governed by the existing zoning regulations. If this is not acceptable, one of two options could be considered by the Council on October 16:

- Renew the moratorium until the new regulations take effect; or
- Adopt interim regulations that would incorporate some or all of the regulations expected to be adopted in December.

Staff will be seeking direction on these two options at the October 2, 2012 Council meeting in order to bring legislation necessary to implement either option to the October 16 Council meeting.

Enclosures:

- A. Planning Commission Recommendation and Attachments
- B. Public Comment received after close of public hearing
- C. Revisions Matrix

cc: ZON11-00042
Planning Commission



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
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MEMORANDUM

Date: July 26, 2012

To: Kirkland City Council

From: Mike Miller, Chair, Kirkland Planning Commission

Subject: Planning Commission Recommendation to adopt amendments to the Kirkland Comprehensive Plan, Kirkland Zoning Code, and Kirkland Municipal Code, File No. ZON11-00042

Introduction

We are pleased to submit the recommended amendments to the Kirkland Comprehensive Plan, Kirkland Zoning Code, and Kirkland Municipal Code for consideration by the City Council.

- Comprehensive Plan amendments related to the City's neighborhood business areas are included as Attachment 1;
- KZC amendments related to the City's community business and neighborhood business areas are included as Attachment 2;
- KMC amendments (Design Guidelines) related to the City's neighborhood business areas are included as Attachment 3.

We note that our recommendation on the amendments is unanimous, with the exception of defining appropriate residential densities within two of the three neighborhood business areas. For those two areas, we forward you a majority recommendation (see discussion below).

Background

Based on the approved Planning Work Program, in October 2011 the Planning Commission began work on a package of amendments to the Kirkland Zoning Code (KZC) related to clarifying and improving commercial regulations.

On January 3, 2012 the City Council extended a moratorium on development in BN zones for a total of six months and directed the Planning Commission to include additional review of the BN zoning and related Comprehensive Plan policies. In the Ordinance, the Council entered the following specific Findings of Fact that the Commission has used as guidance on issues to be addressed:

- While mixed use development with residential and commercial uses is encouraged in the City's commercial districts, development should also be compatible in scale and character so as to fit well with surrounding uses.
- Existing Neighborhood Business (BN) zoning regulations are perceived as being inadequate to address the scale and density of development consistent with Comprehensive Plan policies.
- A planning process including significant opportunities for participation by property owners, residents and other stakeholders is underway and the moratorium is required to maintain current conditions while the planning process progresses.

Following this direction from the City Council, the Planning Commission expanded the scope of amendments to address the issues identified in BN and related zones. On May 15th, the City Council reviewed the Planning Commission's initial direction and provided the following feedback on the Lake Street South BN zone to the Planning Commission:

- Consider a Comprehensive Plan amendment to change the commercial designation for the Lake Street South commercial area from "Residential Market" to "Neighborhood Center".
- Consider a maximum residential density limit.
- Do not favor requirement for commercial space to be at street level.
- Do not favor an additional maximum three story height limit.
- Do not favor limiting the size of building floor plates.
- Require minimum 13' height for commercial space.
- Make buffers for retail and office consistent at five feet.
- Prohibit auto-oriented commercial uses.
- Establish minimum ground floor commercial frontage requirements.
- Require commercial use to be oriented to the street
- Limit the size of commercial uses to 4,000 square feet.
- Maintain 80% lot coverage.
- Establish a design review process and supporting guidelines or regulations.

The Planning Commission took this feedback into consideration in scoping the public hearing and in our deliberations.

Key Issues

One of the fundamental reasons for this work plan item was to address mixed use development in the identified commercial zones to ensure that the rules are clear, will achieve the desired outcome, and will preserve these commercial zones for the commercial needs of the community.

Regulating the intensity of land use in these neighborhood business areas has been a major issue throughout this process. Most Commissioners came into the process with a conviction that residential density limits should not be the fundamental restraint on intensity and the initial discussion revolved around bulk and mass restrictions. After comprehensive communication with the community, the majority of the Commission came to the conclusion that residential density limits were appropriate. However, while the Commission is able to forward a majority

recommendation on densities, there was significant deliberation around densities ranging from 12 units per acre to 48 units per acre and we could not reach a consensus recommendation on what the appropriate density should be in the South Rose Hill and Moss Bay BN zoned areas. Ultimately, we recommend the MSC 2 area at 24 units/acre (7-0 vote), the South Rose Hill BN area at 24 units/acre (6-1 vote), and the Moss Bay BN area at 36 units/acre (5-2 vote).

Proposed Comprehensive Plan Amendments for Neighborhood Business Areas

The Comprehensive Plan establishes a hierarchy of commercial districts; with Urban Center being the most intensive and Residential Market being the least intensive (see Attachment 4). Currently, the BN zone on Lake Street South and the Super 24 site (zoned RM 3.6) on Lake Washington Boulevard are the only designated Residential Markets. Other BN and BNA zones are designated as Neighborhood Centers. Where the City Council had suggested changing the Lake Street South BN area to "Neighborhood Center" for purposes of aligning the neighborhood business area, the Commission is recommending a different way of aligning these areas and addressing the City Council's concerns. We recommend retaining and adjusting the Residential Market designation and expanding it to the similar areas zoned BN and MSC 2.

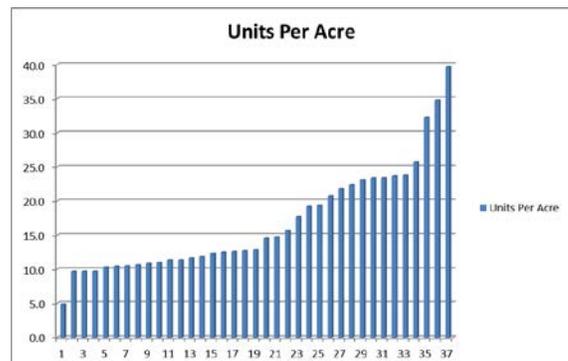
Recommended Comprehensive Plan amendments are included as Attachment 1 and are summarized below. Amendments highlighted with an asterisk indicate that Houghton Community Council approval is required. If the Council concurs with Planning Commission direction, the Commission and staff will coordinate the amendments with the Community Council as part of the annual amendment process.

1. *Amend the definition of "Residential Market" in order to acknowledge that the commercial area on Lake Street S encompasses a relatively large area (making it difficult to reconcile the "very small" part of the Residential Market definition) and to clarify that a "mixed-use building/center" includes residential use. In addition, the amended definition would note that residential densities are prescribed in the applicable neighborhood plan.
2. Change the following "Neighborhood Center" areas to "Residential Market":
 - a. Neighborhood Center area on the north side of NE 70th PI within the South Rose Hill Neighborhood; and
 - b. Neighborhood Center area on the west side of Market Street between 14th Ave W and 16th Ave W within the Market Street Corridor.

In reviewing other commercial areas within the neighborhood business "family" of zones, the Commission noted similarities in land use patterns. The area zoned MSC 2 on Market Street and the BN(1) zone in South Rose Hill do not neatly fit into the "Neighborhood Center" definition because neither are large enough to accommodate a supermarket as the major tenant. By contrast, other Neighborhood Centers are anchored by a supermarket with the exception of Juanita Village, which is anchored by a large drug store and a high concentration of smaller retail and restaurant tenants.

To create internal consistency within the Comprehensive Plan, the proposed amendments would amend the map of commercial areas to change the areas on Market Street and in South Rose Hill from Neighborhood Center to Residential Market.

3. *Eliminate the Residential Market area indicated for the RM 3.6 zoned area at 64th and Lake Washington Boulevard (Super 24 site). The policy base for limited commercial use of the area is established in the recently adopted Lakeview Neighborhood Plan. As a residential zone with very limited commercial use allowed, this area is not consistent with the other commercial areas that more closely align with the Residential Market definition.
4. Amend miscellaneous maps and text of the affected neighborhood plans to ensure consistency.
 - a. *Change Policy LU-5.9 to separate the concept of small markets in residential zones from the defined term "Residential Market". The intent is to preserve the existing policies supporting small individual stores or services within residential areas, without having each area designated in the Comprehensive Plan. The Zoning Code already allows such stores and services in multi-family zones through a conditional use permit.
 - b. Amend the neighborhood land use maps to specify a residential density range for those commercial areas with density limits. In establishing densities, the Commission considered the context of the surrounding area in terms of existing and planned land use. The Commission also decided that the appropriate density within these commercial areas should be higher than surrounding residential areas. This is consistent with existing Comprehensive Plan policies that encourage locating residential density in commercial areas in support of economic development, housing, and transportation goals. Where there is significant low density single family land use in the vicinity, the Commission arrived at 24 unit/acre. Where there is a high concentration of medium and high density multifamily land use in the vicinity, the Commission arrived at 36 units/acre. The Commission's recommended densities are:
 - i. Moss Bay BN area: 36 units/acre. The area is predominantly designated medium density residential at 12 units/acre. However, the area has numerous nonconforming developments that are built at much higher densities (see Attachment 6). The table to the right illustrates the range of actual built densities for multifamily projects in the vicinity. For purposes of comparison, the table excludes an over water structure.



- ii. South Rose Hill BN area: 24 units/acre. While there is some medium density in the vicinity, most of the area is bordered by low density residential to the north and west.
 - iii. Market Street Corridor MSC 2 area: 24 units/acre. Areas to the north and east are designated for office and medium density residential. However, the area to the west is entirely low density residential.
- c. Expand the text of the Moss Bay Neighborhood Plan to include a vision for the future of the commercial area at Lake Street South and 10th Street South. Currently, the text is limited to an explanation of current conditions in the area and does not address the facts that over 75% of the commercial area is either vacant or in single family use and that the existing commercial buildings are over 50 years old.

Proposed KZC Amendments

Proposed draft Kirkland Zoning Code amendments are included as Attachment 2 and are summarized and discussed below:

1. Within Neighborhood Business (BN), Neighborhood Business A (BNA), Market Street Corridor 2 (MSC 2) zones:
 - a. Adopt the residential density limits established in the neighborhood plans (see discussion above). Planned density adjoining various commercial zones is illustrated in Attachment 5. Attachment 6 illustrates the range of actual built densities adjoining the Moss Bay BN zone.

For the BNA zones in the annexed area on Finn Hill where there is no neighborhood plan, the Commission recommends establishing residential limits comparable to what the County had in place prior to annexation. The Commission considers this a holding pattern until the Comprehensive Plan is amended to establish a vision for these commercial areas. The recommendation is for 1 unit/1,800 square feet of land (24 dwellings per acre) for the northern BNA zone on Finn Hill (based on the higher density surroundings of that area) and 1/2,400 square feet (18 dwellings per acre) for the southern BNA zone on Finn Hill (based on lower density surroundings).
 - b. Replace the requirement for 75% commercial on ground floor with a requirement that new mixed use development provide a minimum depth of commercial space along adjoining streets. The Commission concluded that the 75% requirement was flawed because it dictates the amount of commercial space solely based on the size of the structure being built, it may force more commercial space than the market will bear or the neighborhood desires, and it does not adequately address other ground floor uses such as parking and residential.

For all of these neighborhood business zones, the recommendation is that new mixed-use development be required to provide specified commercial frontage along the streets. Residential use would be allowed on ground floor behind commercial frontage and limited residential lobbies would be allowed within commercial frontage.

The amendment should help preserve the neighborhood-serving commercial basis of these zones and work with the proposed setbacks and design standards (see below) to create pedestrian-oriented business districts.

- c. Require a minimum 13' height for ground floor commercial and allow increase in building height of up to three feet (in BN and MSC 2 zones) if needed to accommodate ground floor commercial. The intent is to provide space that is adaptable to various office, retail, and restaurant tenants over time. The height works in conjunction with proposed design guidelines to create transparent building frontages for pedestrian interest.
- d. Reduce required front yards from 20' to 0', restrict on-site parking in front of buildings, and establish requirements for improved pedestrian orientation. Working in concert with the commercial frontage requirements discussed above and requirements for wide sidewalks, pedestrian weather protection, and design review discussed below, the intent is to provide the tools to create pedestrian-oriented neighborhood business districts with commercial uses rather than parking lots lining the streets.

The setbacks for the BNA zone are not included in the draft code because they are currently at 10 feet (rather than 20 feet) and the Commission discussed waiting for future neighborhood planning.

- e. Standardize side setbacks for retail and office uses at 10' to facilitate retail uses and accommodate flexibility in tenants over time. The current codes establish different side yards setbacks for office uses (5' minimum, 15' combined) than those for retail uses (10' minimum).
- f. Standardize required land use buffers for retail and office uses at 10'. As with the setbacks discussed above, the current code establishes different land use buffer standards for office and retail uses, posing the same potential issues with changes in use over time and creating a disincentive to build retail project in these zones.
- g. Reduce maximum store size in the BN zone from 10,000 square feet to 4,000 square feet. Based on the hierarchy of commercial area established in the Comprehensive Plan, the recommended reduction emphasizes the neighborhood orientation of commercial uses in the BN zoned areas. Store size limits for the BNA zone would not be changed, consistent with decisions made with annexation zoning to not make existing larger establishments like QFC, Bartells, and Vision

Quest Athletic Club nonconforming. The MSC 2 zone already establishes a 4,000 square foot limit so no changes were considered. Business license data for existing uses in these zones has not identified any uses that exceed this limit, so no nonconformances will be created.

- h. Prohibit office use on upper floors of BN zone in the Moss Bay Neighborhood to limit the intensity of new mixed use development in the area and impacts on surrounding residential areas, in accordance with the Comprehensive Plan.
 - i. Prohibit auto-oriented uses such as vehicle service stations and drive-through in the BN zone, consistent with Comprehensive Plan policies emphasizing the pedestrian orientation of commercial uses. The MSC 2 zone already contains restrictions on auto-oriented uses. The BNA zone is not included because similar policies are not in place and there are a number of auto-oriented uses in existence.
 - j. Require design review for new development and adopt design guidelines/regulations. The Commission recommends application of the City's existing Design Guidelines for Pedestrian-Oriented Business Districts as the guidelines for new projects in these zones. The existing guidelines have been adapted to include a purpose statement for design of these districts and a number of special considerations for the projects (see Attachment 3).
2. Within the Community Business X (BCX), Community Business 1 (BC 1), and Community Business 2 (BC 2) zones:
- a. Replace the requirement for 75% commercial on the ground floor with a minimum commercial floor area ratio. The Commission concluded that the 75% requirement was flawed because it dictates the amount of commercial space solely based on the size of the structure being built, it may force more commercial space than the market will bear or the neighborhood desires, and it does not adequately address other ground floor uses such as parking and residential.

For these community business zones the recommendation is that new mixed-use development be required to provide minimum commercial floor area equal to 25% of the parcel size (e.g. – development of a 40,000 square foot parcel must include 10,000 square feet of commercial use). A map of existing floor area ratios within Kirkland's commercial zones is included as Attachment 7.

Working in conjunction with the minimum floor area ratio requirement, the code would require the commercial space to be oriented to the street and allow residential on the ground floor if placed behind an intervening commercial frontage.

Note that with annexation zoning for the BC 1 & BC 2 zones, the City adopted density limits of around 48 units/acre, comparable to King County's zoning.

These densities were not studied as part of this process and, similar to the BNA zones, should be considered a holding pattern until the Comprehensive Plan is amended to establish a vision for these commercial areas.

- b. Require a minimum 13' height for ground floor commercial and allow an increase in building height up to three feet in the BCX zone to accommodate that taller ground floor commercial. The intent is to provide space that is adaptable to various office, retail, and restaurant tenants over time.

Note that the regulations noted above only apply to new mixed use development containing residential uses. The Commission's consideration was to preserve commercial zones predominantly for commercial uses and to not create any nonconformances with these regulations.

Criteria for Amending the Comprehensive Plan

KZC Section 140.30 outlines the following criteria for amending the Comprehensive Plan. The City may amend the Comprehensive Plan only if it finds that:

1. The amendment must be consistent with the Growth Management Act.

The recommended amendments are consistent with the Growth Management Act. Changes would add clarity and predictability to existing policies and continue to allow appropriate growth in urban areas with a variety of densities and housing types. In addition, the City has conducted a thorough public process to consider the amendments and has received significant public participation.

2. The amendment must be consistent with the countywide planning policies.

The recommended amendments are consistent with the countywide planning policies. Amendments continue to concentrate development in urban areas with infrastructure capacity and continue to support the City's planned growth targets. Infill development of the commercial areas considered is supported while enhancing the community character and mix of uses.

3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.

The Planning Commission has conducted a review of relevant provisions of the Comprehensive Plan and concludes that the recommended amendments are not in conflict with other goals, policies, or provisions of the Comprehensive Plan.

4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.

As noted in the Land Use Element of the Comprehensive Plan:

The fundamental goal of the Land Use Element is to maintain a balanced and complete community by retaining the community's character and quality of life, while accommodating growth and minimizing traffic congestion and service delivery costs (pg. VI-3).

The recommended amendments are in the best interest of the community and result in long-term benefits. Amendments provide additional clarity and predictability in development patterns while continuing to encourage provision of local goods and services in community's neighborhood commercial areas while encouraging commercial and mixed use development at an appropriate intensity.

5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The recommended amendments affect two areas that are partially within SMA jurisdiction and subject to the City's Shoreline Master Program. The amendments are consistent with both State and local provisions.

Factors to Consider in Approving an Amendment to the Comprehensive Plan

Based on KZC 140.25, the Planning Commission has considered the following factors in consideration of the proposed amendments to the Comprehensive Plan:

1. The effect upon the physical, natural, economic, and/or social environments.
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.
4. The quantity and location of land planned for the proposed land use type and density.
5. The effect, if any, upon other aspects of the Comprehensive Plan.

Criteria for Amending the Zoning Code

KZC Section 135.25 outlines the following criteria for amending the text of the Zoning Code. The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and

The proposed amendments are consistent with the Comprehensive Plan.

2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and

The recommended amendments bear a substantial relation to public health, safety, and welfare. The amendments provide for orderly growth of several of Kirkland's

commercial areas while ensuring neighborhood compatibility and the continued provision of commercial services to Kirkland's residents and businesses.

3. The proposed amendment is in the best interest of the residents of Kirkland; and

As noted in the Land Use Element of the Comprehensive Plan:

The fundamental goal of the Land Use Element is to maintain a balanced and complete community by retaining the community's character and quality of life, while accommodating growth and minimizing traffic congestion and service delivery costs (pg. VI-3).

The recommended amendments are in the best interest of the community and result in long-term benefits. Amendments provide additional clarity and predictability in development patterns while continuing to encourage provision of local goods and services in community's neighborhood commercial areas while encouraging commercial and mixed use development at an appropriate intensity.

4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The recommended amendments affect a BN zone on Lake Street South that is partially within SMA jurisdiction and subject to the City's Shoreline Master Program. The amendments do not amend any provisions of the City's Shoreline Master Program and are consistent with both State and local provisions.

Material to Be Considered

KZC Section 160.60 notes that the City may not consider a specific proposal site plan or project in deciding whether or not a proposal should be approved through this process. While many members of the community engaged in this process in response to a specific project, the Commission has not considered any specific project in making our recommendations.

Public Participation

The Planning Commission held six study sessions to review the amendments leading up to the June 28th public hearing. Following the public hearing, the deadline for written testimony was extended to July 11th and the Planning Commission continued in deliberations on July 19th. The Planning Commission has received and considered extensive correspondence and public comment on the proposed amendments. All written correspondence received prior to the Planning Commission's July 11th deadline for public comment is available in our [meeting packets](#) for the June 28 public hearing and July 19 deliberations.

Attachments:

1. Comprehensive Plan Amendments
2. Zoning Code Amendments

3. Design Guidelines Amendments
4. Excerpt for Comprehensive Plan Land Use Element
5. Map of Planned Densities Around Commercial Zones
6. Map of Built Densities Around Lake Street South BN Zone
7. Map of Built Floor Area Ratios in Commercial Zones

Cc: ZON11-00042

VI. LAND USE

identified. In the Land Use Element, the general notion of protection of community character is promoted. However, this Element also acknowledges that the community will be growing and that a balance must be struck between providing more housing units and preserving the neighborhoods as they are today.

Several of the most important housing issues – affordability, special needs housing, and accessory units – are not addressed in this Element. They are discussed, instead, in the Housing Element.

Goal LU-4: Protect and enhance the character, quality, and function of existing residential neighborhoods while accommodating the City's growth targets.

Policy LU-4.1: Maintain and enhance Kirkland's single-family residential character.

The community vision, as described in the Vision Statement of this Plan, is that Kirkland's residential areas are diverse with a variety of housing choices including single-family detached, attached, stacked, cottage, carriage styles and accessory dwelling units.

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

Denser residential areas such as apartments and condominiums should continue to be sited close to or within commercial areas and transportation hubs to increase the viability of the multimodal transportation system.

Policy LU-4.3: Continue to allow for new residential growth throughout the community, consistent with the basic pattern of land use in the City.

Although the Land Use Element states that opportunities for new housing units should be dispersed throughout the community, significantly greater densities are not targeted for low-density neighborhoods. Instead, infill development is expected in these areas based on availability of developable land, while higher densities are clustered near existing commercial areas.

Policy LU-4.4: Consider neighborhood character and integrity when determining the extent and type of land use changes.

Protection of community character is a theme woven throughout the Land Use Element. Community character is most clearly expressed through the Neighborhood Plans. It is the intent of this policy to direct specific consideration of the unique characteristics of neighborhoods, as described in the Neighborhood Plans, before committing to major area-wide residential land use changes.

COMMERCIAL LAND USES

Commercial land uses are a critical part of the Kirkland community. They provide shopping and service opportunities for Kirkland residents, and also create employment within the City. The tax revenues generated by business help fund the capital facilities and public services that residents enjoy.

In return, the quality of life in the City's neighborhoods provides a main attraction for both businesses and their patrons. The proximity to Lake Washington, the fine system of parks, the availability of a regional medical center with good medical care, top notch educational facilities, the environmental ethic of the community, and quality infrastructure attract outsiders to Kirkland and make the City a good place to do business – for employers, employees, and customers.

Problems that the community faces – traffic congestion, particularly – create concerns for commercial land uses. Ease of transporting goods and adequate parking are especially important. An underlying premise of the Land Use Element, expressed in the Vision Statement, is that, in the future, residents of the City will not drive as much as they do presently to minimize traffic congestion and reduce parking needs. To that end, the Element attempts to promote commercial land use patterns that support alternative transportation modes and locate housing in commercial areas where appropriate.

Along with the need to provide new housing units for future residents, the City will need to designate adequate land area for commercial uses, some of which

VI. LAND USE

may employ Kirkland residents. If the opportunity for local employment is increased, the high proportion of residents who work outside the community may be reduced. This in turn would ease traffic congestion by shortening commute trips and making other modes of travel to work more feasible.

Currently, a hierarchy of “commercial development areas” exists in the City, based primarily on size and relationship to the regional market and transportation system (see Figure LU-2: Commercial Areas).

Some of Kirkland’s commercial areas serve primarily the surrounding neighborhood; others have a subregional or regional draw. Most of the larger commercial areas are centered around major intersections. They depend on principal arterials, the freeway, or the railroad for goods transport and for bringing in workers or customers. Smaller commercial areas, Neighborhood Centers, for example, have a more localized draw. Residents depend on their neighborhood grocery store, dry cleaners, bank, etc., for everyday needs.

The Land Use Element provides general direction for development standards in commercial areas and describes the future of specific commercial areas in Kirkland. The following terms are used in the discussion of commercial land uses:

Urban Center

An Urban Center is a regionally significant concentration of employment and housing, with direct service by high-capacity transit and a wide range of land uses, such as retail, recreational, public facilities, parks and open space. An Urban Center has a mix of uses and densities to efficiently support transit as part of the regional high-capacity transit system.

Activity Area

An Activity Area is an area of moderate commercial and residential concentration that functions as a focal point for the community and is served by a transit center.

Business District

A Business District is an area that serves the subregional market, as well as the local community. These districts vary in uses and intensities and may include office, retail, restaurants, housing, hotels and service businesses.

Neighborhood Center

A Neighborhood Center is an area of commercial activity dispensing commodities primarily to the neighborhood. A supermarket may be a major tenant; other stores may include a drug store, variety, hardware, barber, beauty shop, laundry, dry cleaning, and other local retail enterprises. These centers provide facilities to serve the everyday needs of the neighborhood. Residential uses may be located on upper stories of commercial buildings in the center.

Residential Market

A residential market is an individual store or ~~very~~ small, mixed-use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places.

Light Industrial/High Technology Area

A Light Industrial/High Technology area serves both the local and regional markets and may include office, light manufacturing, high technology, wholesale trade, storage facilities and limited retail.

Residential uses may be located above or behind commercial uses in the center, at densities specified in the applicable neighborhood plan.

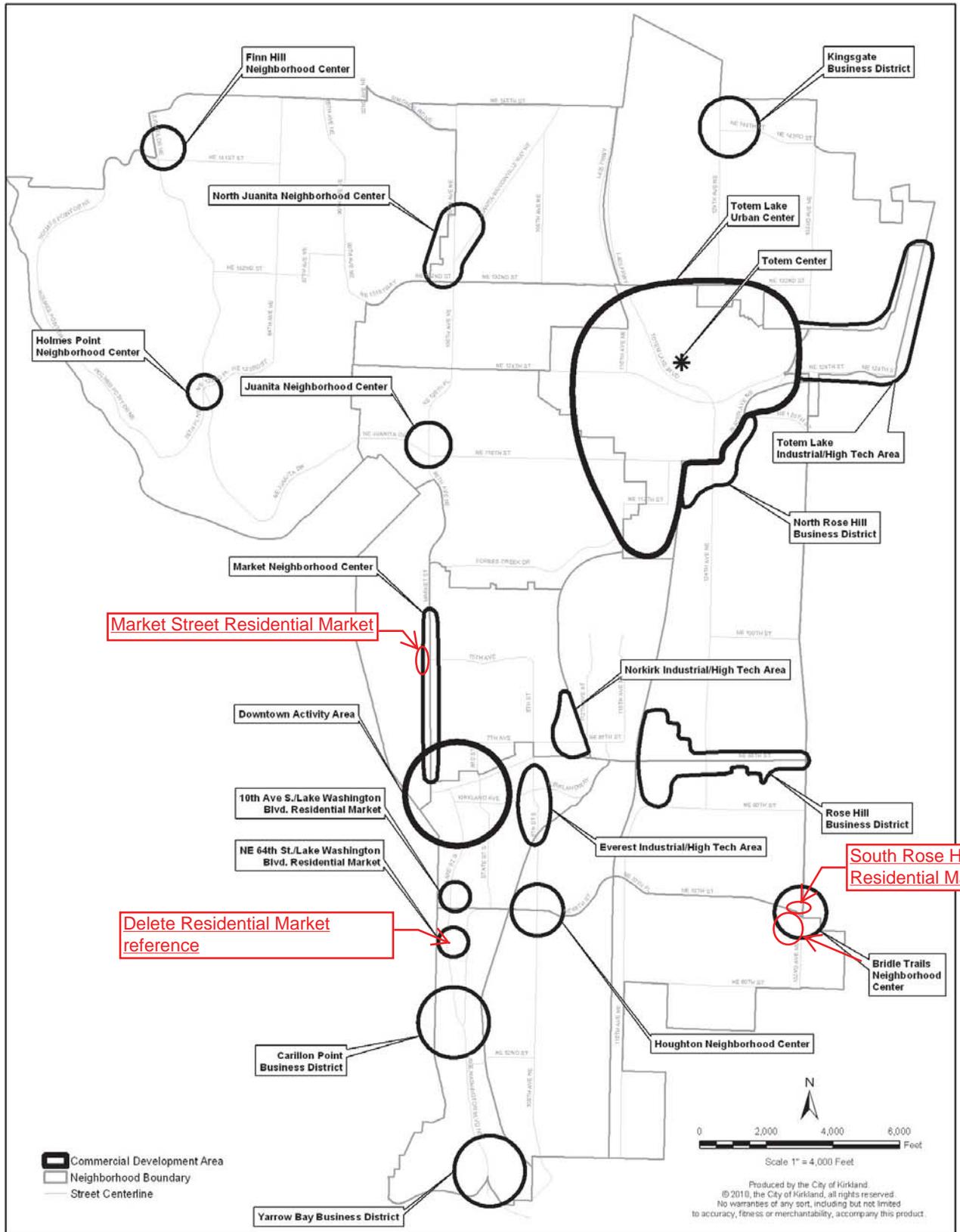


Figure LU-2: Commercial Areas

VI. LAND USE

Goal LU-5: *Plan for a hierarchy of commercial development areas serving neighborhood, community, and/or regional needs.*

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

Urban Design

- ◆ *Create lively and attractive districts with a human scale.*
- ◆ *Support a mix of retail, office, and residential uses in multistory structures.*
- ◆ *Create effective transitions between commercial area and surrounding residential neighborhood.*
- ◆ *Protect residential areas from excessive noise, exterior lighting, glare, visual nuisances, and other conditions which detract from the quality of the living environment.*

Access

- ◆ *Encourage multimodal transportation options, especially during peak traffic periods.*
- ◆ *Promote an intensity and density of land uses sufficient to support effective transit and pedestrian activity.*
- ◆ *Promote a street pattern that provides through connections, pedestrian accessibility and vehicular access.*
- ◆ *Encourage pedestrian travel to and within the commercial area by providing:*
 - *Safe and attractive walkways;*
 - *Close groupings of stores and offices;*
 - *Structured and underground parking to reduce walking distances and provide overhead weather protection; and*

- *Placement of off-street surface parking to the back or to the side of buildings to maximize pedestrian access from the sidewalk(s).*

- ◆ *Promote non-SOV travel by reducing total parking area where transit service is frequent.*

Each commercial area has its own unique attributes, although generalized development guidelines which work to preserve community character and support a multimodal transportation system are described in the above policies. Particular emphasis is placed on improving pedestrian accessibility in commercial areas.

These policies recognize that urban design is important, and that well-designed commercial areas, in partnership with Kirkland's residential neighborhoods, will project a positive community image.

Good urban commercial design complements and enhances adjacent residential areas.

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

The intent of this policy is that future economic development be concentrated in existing commercial areas. This concentration can help to maintain and strengthen these areas and also promote orderly and efficient growth that minimizes impacts and service expansion costs. Concentration also allows businesses to benefit from proximity to each other.

Intensification, rather than expansion of the boundaries of existing commercial areas into surrounding residential neighborhoods, is desirable. Infilling is preferred, particularly when it would create a denser pattern of development that is focused less on the private automobile and more on the opportunity for multiple transportation modes. Redevelopment may also provide new opportunities, especially in commercial areas where the community vision has changed over time.

VI. LAND USE

LU-5.8: *Promote development within the Bridle Trails, Houghton, and Juanita Neighborhood Centers that becomes part of the neighborhood in the way it looks and in the functions it serves.*

Neighborhood centers provide services to surrounding residential neighborhoods so that residents may shop close to home. They also may function as the focal point for a community. Because of these important ties to their neighborhood, neighborhood centers should develop in ways that provide goods and services needed by the local residents, enhance physical connections to the surrounding neighborhoods, foster good will and provide an opportunity for people to mingle and converse.

Policy LU-5.9: ~~Allow residential markets,~~ subject to the following development and design standards:

- ◆ *Locate small-scale neighborhood retail and personal services where local economic demand and local citizen acceptance are demonstrated.*
- ◆ *Provide the minimum amount of off-street parking necessary to serve market customers.*
- ◆ *Ensure that building design is compatible with the neighborhood in size, scale, and character.*

The intent of this policy is to permit small individual stores or service businesses in residential areas on a case-by-case basis. These businesses should cater to nearby residents, be oriented to pedestrian traffic, and require very little customer parking. They should be designed and located in a manner that is compatible with adjacent residences and that will not encourage the spread of commercial uses into residential areas. They should be located where local economic demand and neighborhood acceptance can be demonstrated.

Goal LU-6: *Provide opportunities for a variety of employment.*

Policy LU-6.1: *Provide opportunities for light industrial and high technology uses.*



405 Corporate Center

While Kirkland is not interested in recruiting heavy industry, the City is supportive of existing industrial enterprises and wants to encourage new high-technology businesses to locate here.

Policies that encourage residential and retail encroachment in industrial areas drive up the cost of land and promote conflicts which may force displacement of industrial operations. The strategy in the Land Use Element is to maintain industrial uses, while acknowledging that, in some parts of the City, industrial lands may be considered for conversion to other land uses.

Recognizing that each industrial area in the City has its own distinct character, the range of uses may vary between districts and may include some nonindustrial uses. Factors which should be taken into account when determining appropriate land uses include existing uses, surrounding uses, the local transportation system, and the effect on maintenance of primary jobs in the local job market.

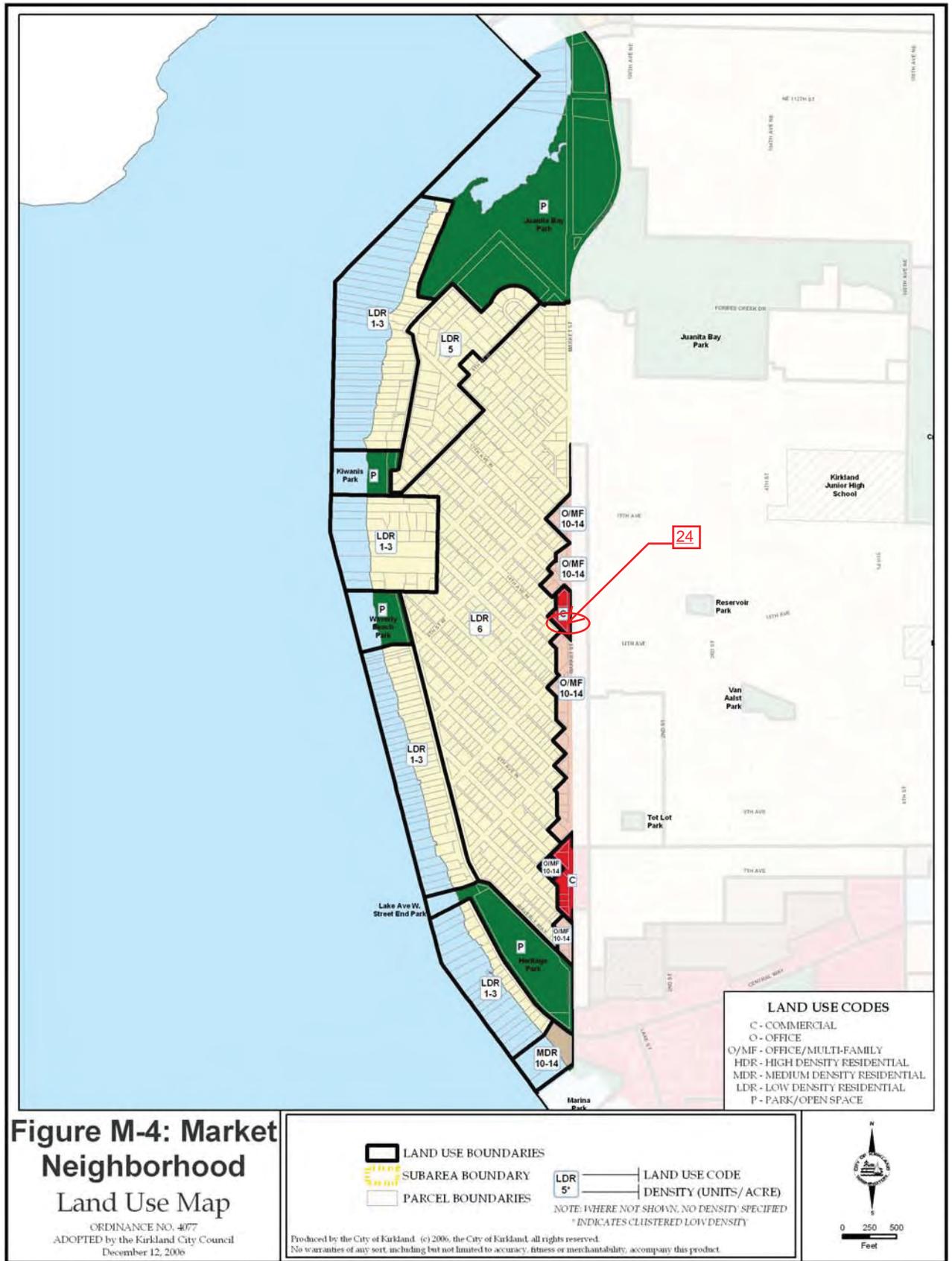


Figure M-4: Market Neighborhood Land Use

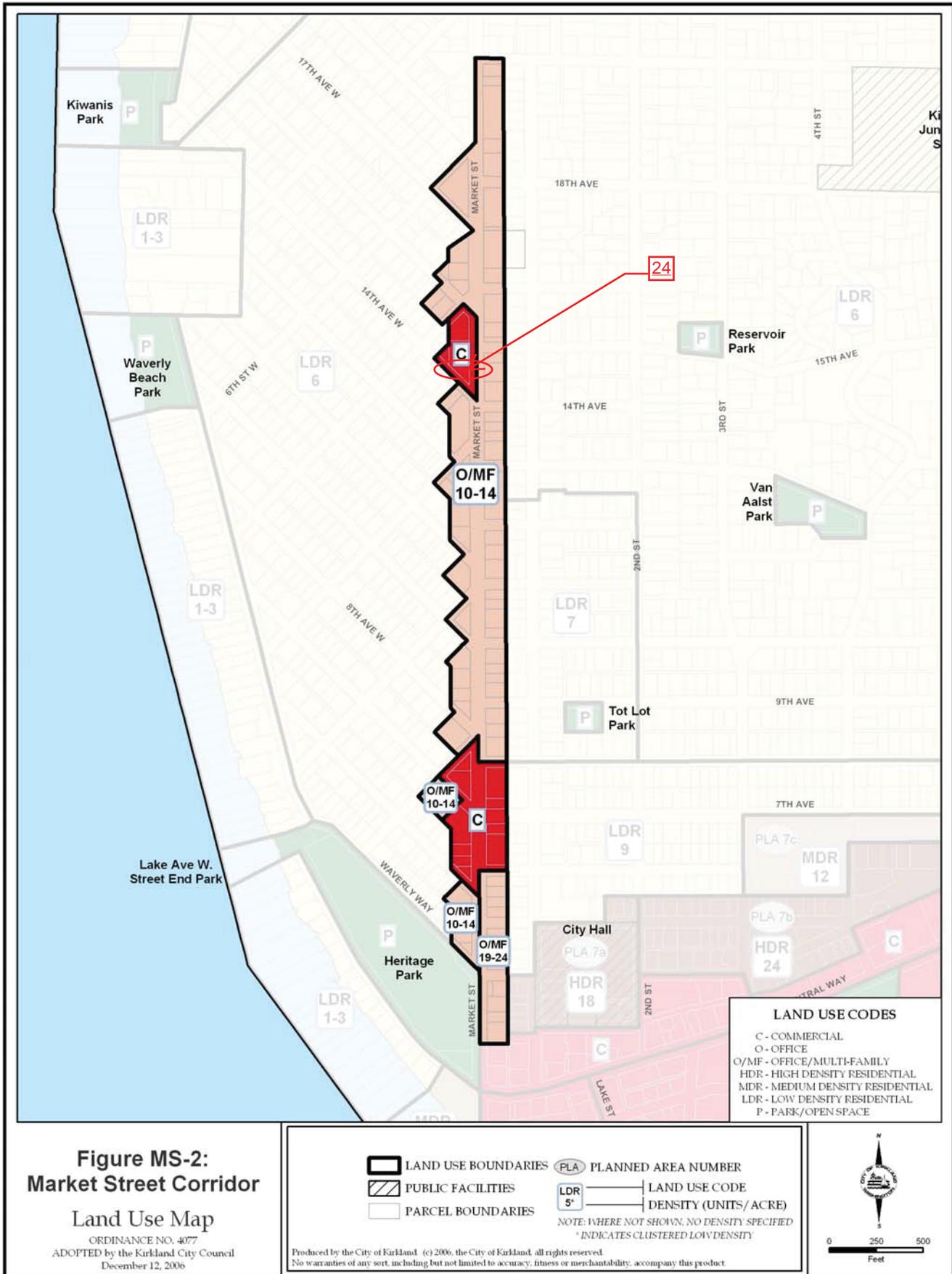


Figure MS-2: Market Street Corridor Land Use

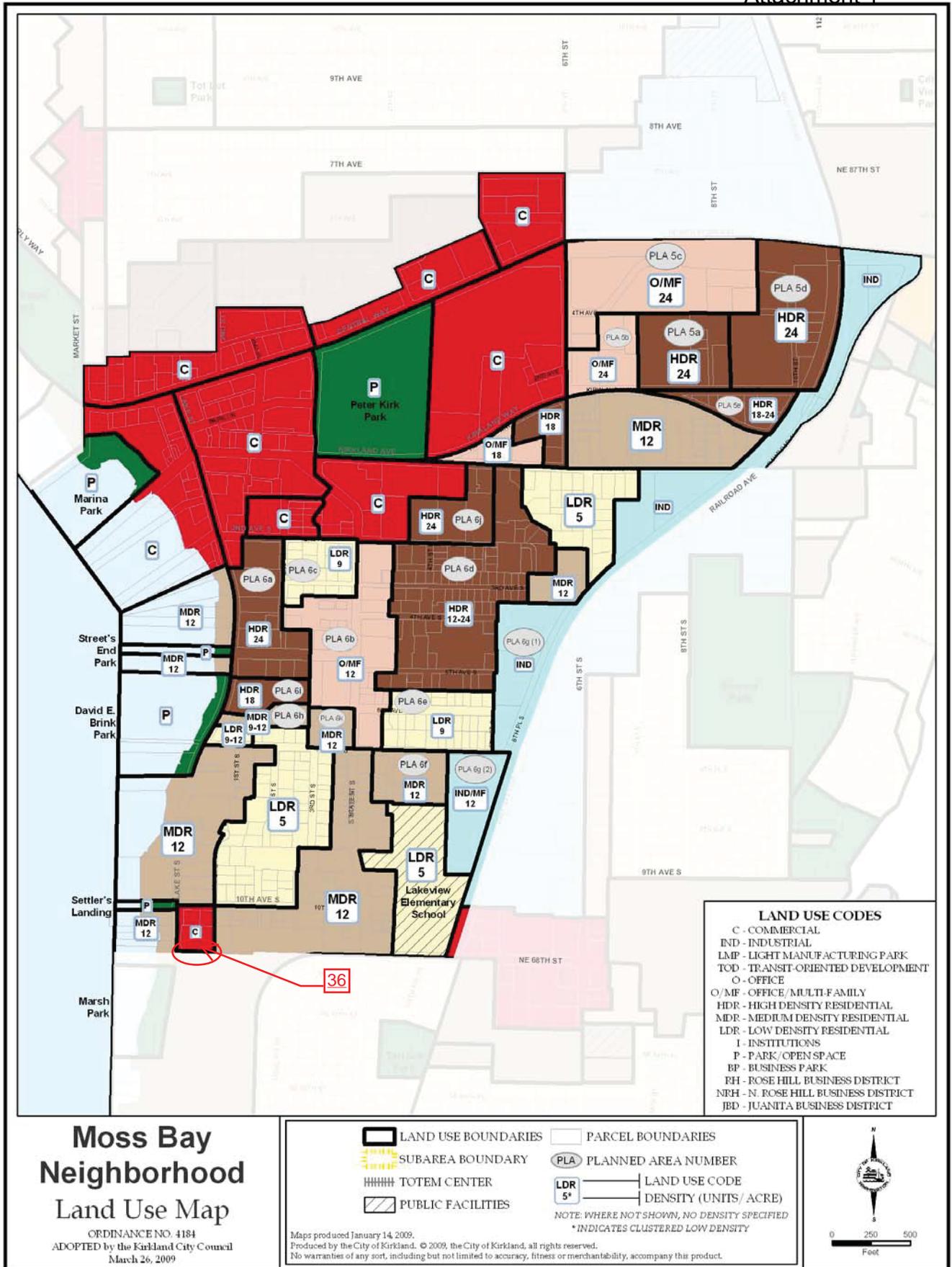


Figure MB-2: Moss Bay Area Land Use

XV.D. MOSS BAY NEIGHBORHOOD

4. PERIMETER AREAS

Land on the east side of Lake Street South is generally not suitable for commercial development.

Most of the land on the east side of Lake Street South appears to be unsuitable for commercial use because of steep slope conditions, as well as problems concerning vehicular ingress and egress. The southeast quadrant of the 10th Street South and Lake Street intersection, however, is developed with a market which serves as a convenience to the surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain.

Industrial activities east of the railroad tracks described.

The strip of land located east of the railroad tracks, south of Central Way and west of Kirkland Way, contains an existing light industrial use. While the area's proximity to I-405 and NE 85th Street makes it attractive for commercial development, the area is also near residential uses, and should be subject to greater restrictions than other industrial areas. Buildings should be well screened by a landscaped buffer, and loading and outdoor storage areas should be located away from residential areas. In addition, the number and size of signs should be strictly limited, with only wall- and ground-mounted signs permitted. Pole signs, such as the one currently located in this gateway area, are inappropriate. Finally, it is noted in the Everest Neighborhood Plan that there is a major territorial view at the intersection of NE 85th Street and Kirkland Way. This view of Lake Washington, Seattle, the Olympic Mountains and Downtown Kirkland falls over property in this area.

C. PLANNED AREA 5

High-density residential and office uses permitted in Planned Area 5.

The eastern portion of the Moss Bay Neighborhood has been designated as Planned Area 5. Due to topographic conditions and circulation patterns, land in Planned Area 5 is relatively secluded. The area has been designated for high-density residential and office uses because of the ability to buffer such high-density development from other uses in the area. The area is developed primarily in high-density residential development while limited office uses

To mitigate impacts to the adjoining residential area, new development should be subject to the following standards:

- (1) Commercial uses should be oriented to serving the neighborhood. Uses should not include vehicle service stations, drive-in or drive through businesses, auto service and sales, or storage facilities.
- (2) As part of mixed use development, upper floors should be limited to residential uses rather than office uses and residential should be limited to a density of 36 units per acre.
- (3) Design review should be used to address scale, context, and pedestrian orientation of new development.

to develop with high-density residential uses (up to 24 dwellings/acre).

West B Subarea

The southern portion of Subarea B is adjacent to 6th Street and the entire subarea is south of 4th Avenue. Subarea B is heavily impacted by traffic, as well as existing and future commercial uses and offices to the west. The noise and traffic make this area inappropriate for single-family use, while its ease of access and proximity to the Downtown makes it appropriate for both offices and multifamily uses at a density of up to 24 dwelling units per acre. New development in this subarea should minimize access points directly onto 6th Street. Access for offices, however, should be provided exclusively from 6th Street or 4th Avenue and precluded from Kirkland Way. Structures should be limited to three stories in height.

XV.G. SOUTH ROSE HILL NEIGHBORHOOD

- (8) Vegetative buffering (preferably with native, drought-tolerant plants) should be provided next to single-family areas.

Existing multifamily areas south of NE 80th Street and east of 116th Avenue NE should remain zoned as low-density development due to impacts. Redevelopment should focus on vegetation preservation and access.

Existing multifamily housing located south of NE 80th Street and east of 116th Avenue NE is impacted by existing Planned Area 13 office and multifamily uses to the north, the freeway, and Lake Washington High School. Its designation of low-density development to a maximum of seven dwelling units per acre should continue. If redevelopment occurs, the existing vegetative buffer along the southern border should be preserved. Access should be located so as to maximize sight distances along 116th Avenue NE and NE 80th Street by keeping the access away from the curve formed by their junction. Therefore, the access should be aligned with 118th Avenue NE.

4. ECONOMIC ACTIVITIES

NE 85th Street is a regional transportation and commercial corridor, featuring retail, office, and business park uses. Some medium- and high-density multifamily development is also present.

The only area of economic activity in South Rose Hill is within the commercial district along NE 85th Street (see Figure SRH-3). It is recognized as both a regional transportation and commercial corridor. This area includes retail, office, and business park uses, and, to a lesser degree, some medium- and high-density multifamily development. From I-405 east to the Kirkland city limits, the commercial corridor generally tapers from a depth of over 1,100 feet to about 150 feet at 132nd Avenue NE on both sides of NE 85th Street. See the NE 85th Street Subarea Plan for more information about the commercial corridor.

Commercial development is permitted on the north side of NE 70th Street, across from the Bridle Trails Shopping Center. Medium-density detached single-family residential development is also appropriate in the immediate vicinity.

The northwest corner of NE 70th Street and 132nd Avenue NE contains a small-scale commercial development. Development should not extend into the surrounding low-density residential neighborhood, however.

The northern boundary of the commercial area lies south of the existing single-family development along 132nd Avenue NE. The western boundary lies east of the existing single-family development along NE 70th Street. In the northwestern portion of the site, the boundary generally follows the toe of the existing slope.

To mitigate impacts to the adjoining residential area, development is subject to the following standards:

- (1) Commercial uses should be oriented to serving the neighborhood. Uses should not include vehicle service stations, drive-in businesses, auto service and sales, or storage facilities.
- (2) Building height, bulk, modulation, and roofline design should reflect the scale and character of single-family development. Blank walls should be avoided.
- (3) New structures should be substantially buffered from nearby low-density residential uses. Such buffering should consist of an earthen berm a minimum of 20 feet wide and five feet high at the center. In some places, the existing slope may replace the berm. The berm or slope should be planted with trees and shrubbery in sufficient size, number, and spacing to achieve a reasonable obstruction of views of the subject property. Alternatively, an equal or superior buffering technique may be used.

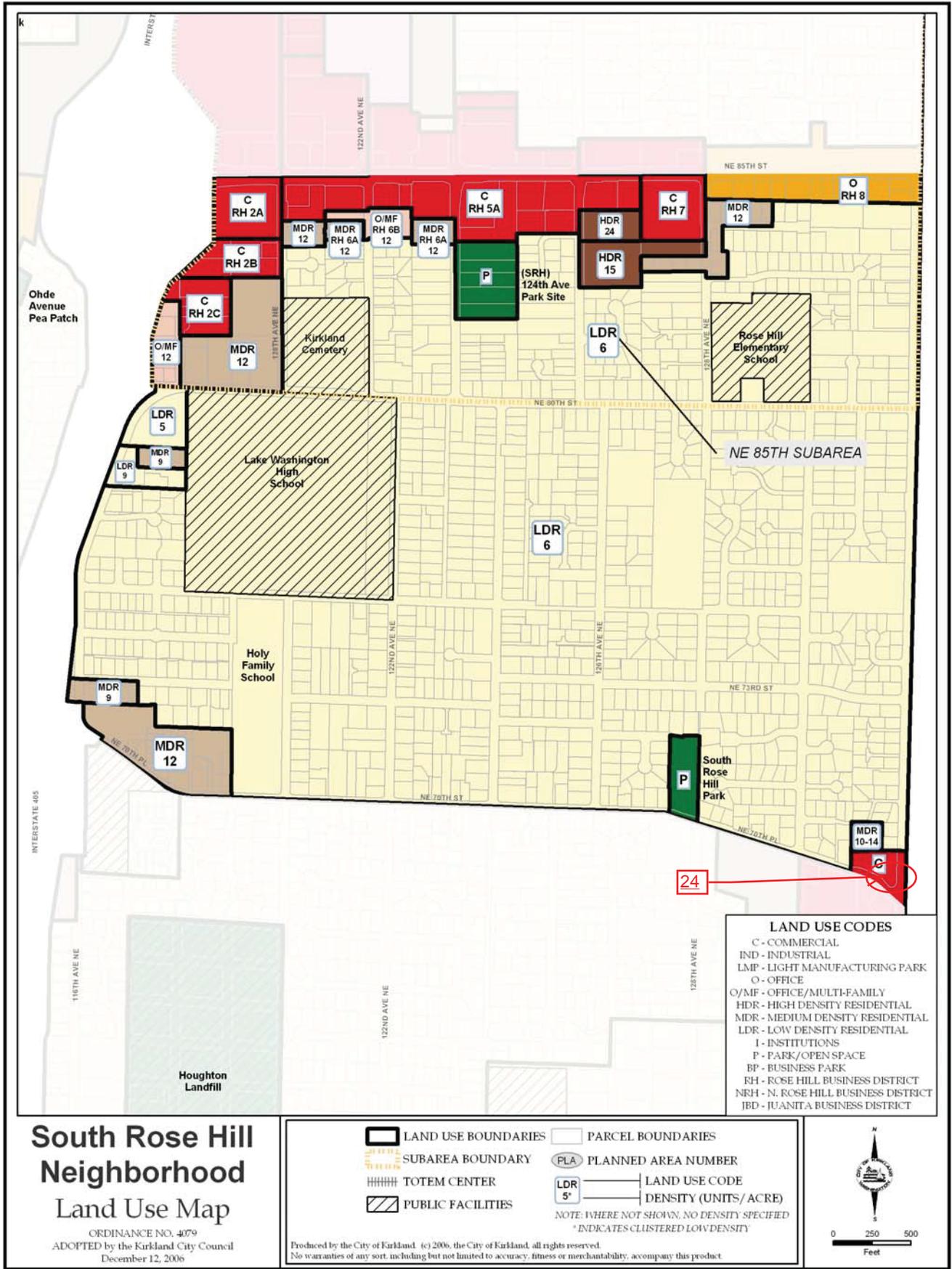


Figure SRH-3: South Rose Hill Land Use

XV.G. SOUTH ROSE HILL NEIGHBORHOOD

- (4) Businesses must be oriented to NE 70th Street or 132nd Avenue NE and must be directly connected, with on-site sidewalks, to sidewalks in adjacent rights-of-way.
- (5) Commercial access must be taken only from NE 70th Street and/or 132nd Avenue NE. Turning movements may be restricted to promote public safety.
- (6) Parking areas should be landscaped and visually screened from adjoining residential development.
- (7) The number and size of signs should be minimized to avoid a cluttered, intensive, commercial appearance. A master sign plan should be implemented. Back-lit or internally-lit translucent awnings should be prohibited. Only wall- or ground-mounted signs should be permitted.
- (8) Noise impacts to surrounding residential development should be minimized.
- (9) Hours of operation of businesses on the site should be limited to no more than 16 hours per day, ending at 10 p.m.

Immediately to the north of the commercial area, medium-density residential development is appropriate. Units should be small-lot detached single-family residences, however.

5. OPEN SPACE/PARKS

South Rose Hill has a number of publicly owned areas that currently provide park and open space opportunities for neighborhood residents. They are briefly described below.

South Rose Hill Neighborhood Park is a 2.5-acre site that was purchased as a result of a successful Park Bond in 1989. This park is located on NE 70th Street, at approximately 128th Avenue NE (see Figure SRH-4). Improvements in this park are typical of a neighborhood park facility, including pedestrian access.

Lake Washington High School is a 38.31-acre site located at NE 80th Street and 122nd Avenue NE. Improvements to this site include school buildings, a playfield, tennis courts, and track.

Rose Hill Elementary School is a 9.75-acre site located at NE 80th Street and 128th Avenue NE. Improvements to this site include school buildings and a playground.

Kirkland Cemetery is a 5.75-acre site located at NE 80th Street and 122nd Avenue NE. The cemetery is an important public historic landmark and open space feature in the neighborhood. Future funded improvements include irrigation, planting, relocation and improvement of cemetery entry, additional parking, new cemetery services, improved pedestrian and vehicular circulation, and expansion to the southeast corner of the property.

Efforts should be made to acquire additional parkland for this neighborhood, including smaller parcels.

Despite these parks and open space facilities, the neighborhood is deficient in parkland based on the standard of 15 acres per 1,000 population, because much of this land is owned by the Lake Washington School District. As a result, every effort should be made to acquire additional parkland for this neighborhood, including smaller parcels for use as “pocket parks.” These parks serve limited park needs where neighborhood park opportunities are lacking. Pocket parks are typically less than one acre in size

APPENDIX B – GLOSSARY

Mode Split: The statistical breakdown of travel by alternate modes, usually expressed as a percentage of travel by single-occupant automobile, carpool, transit, etc. Mode-split goals are used to evaluate the performance of transportation systems.

Moderate-Income Household: One or more adults and their dependents whose income exceeds 50 percent, but does not exceed 80 percent, of the median household income for King County, adjusted for household size, as published by the United States Department of Housing and Urban Development.

Multifamily: Residential use of land where a structure provides shelter for two or more households at medium to high densities.

Multimodal Transportation: Means of transport by multiple ways or methods, including automobiles, public transit, walking, bicycling, and ride-sharing.

Neighborhood Centers: Areas of commercial activity dispensing commodities primarily to the neighborhood. A supermarket may be a major tenant; other stores may include a drug store, variety, hardware, barber, beauty shop, laundry, dry cleaning, and other local retail enterprises. These centers provide facilities to serve the everyday needs of the neighborhood. Residential uses may be located on upper stories of commercial buildings in the center.

Office: Uses providing services other than production, distribution, or sale or repair of goods or commodities. Depending on the location, these uses may range from single-story, residential-scale buildings to multistory buildings and/or multibuilding complexes.

Office/Multifamily: Areas where both office and medium- or high-density residential uses are allowed. Uses may be allowed individually or within the same building.

Parks/Open Space: Natural or landscaped areas used for active or passive recreational needs, to protect environmentally sensitive areas, and/or to preserve natural landforms and scenic views.

Planning Period: The 20-year period following the adoption of a comprehensive plan or such longer period as may have been selected as the initial planning horizon by the planning jurisdiction.

Policy: Principle that reflects a method or course of action to achieve an identified goal.

Primary Jobs: Jobs which produce goods and services that bring income into the community.

Public Facilities: Include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, fire stations, libraries, and schools. These physical structures are owned or operated by a public entity that provides or supports a public service.

Public Services: Include fire protection and suppression, emergency medical services, law enforcement, public health, library, solid waste, education, recreation, environmental protection, and other governmental services.

Queue Bypass Lane: A lane provided for the movement of certain vehicles, typically transit or HOVs, which allows those vehicles to bypass queues at a traffic signal.

Regional Facilities: Public capital facilities of a regional or Statewide nature, such as wastewater treatment plants, airports, or in-patient treatment facilities. These facilities may be privately owned but regulated by public entities.

Regional Transportation Plan: The transportation plan for the regionally designated transportation system which is produced by the Regional Transportation Planning Organization (RTPO).

Regional Transportation Planning Organization (RTPO): The voluntary organization conforming to RCW 47.80.020, consisting of local governments

APPENDIX B – GLOSSARY

within a region containing one or more counties which have common transportation interests, such as the Puget Sound Regional Council.

Residential Markets: Individual stores or very small, mixed-use buildings/centers focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area.

Right-of-Way: Land in which the State, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.

Runoff: The overland or subsurface flow of water.

Sanitary Sewer Systems: All facilities, including approved on-site disposal facilities, used in the collection, transmission, storage, treatment, or discharge of any waterborne waste, whether domestic in origin or a combination of domestic, commercial, or industrial waste.

Sensitive Areas: Wetlands, streams, lakes, excluding Lake Washington, and frequently flooded areas.

Shorelines: Lake Washington, its underlying land, associated wetlands, those lands extending landward 200 feet from its OHWM and critical area buffers within 200 feet of the OHWM. These are lands within state shorelines jurisdiction, pursuant to RCW 90.58.030.

Single-Family: Residential use of land where dwelling units provide shelter and living accommodations for one family.

Single-Room Occupancy (SRO) Hotels: Typically a small room with a sink and a closet. Occupant shares bathroom, shower, and kitchen with other rooms.

Sustainable Building Practices: Various techniques to reduce construction and maintenance costs and to benefit the environment, such as using recycled building materials, reusing water and installing alternative heating and cooling systems.

Townhouse: Attached dwelling units (that is, having one or more walls in common) with each unit having its own exterior entrance.

Transit-Oriented Development (TOD): Development intended to maximize the use of transit.

Transportation Facilities: Includes capital facilities related to air, water, or land transportation.

Residential uses may be located above or behind commercial uses in the center, at densities specified in the applicable neighborhood plan.

Development Strategies: Strategies for managing travel behavior rather than at expanding the transportation network to meet travel demand. Such strategies can include the promotion of work-hour changes, ride-sharing and vanpooling options, transit flex passes, preferential parking for carpools, charge for parking, guaranteed ride home program, available showers and lockers and telecommuting.

Transportation System Management (TSM): Improvements that increase the capacity of the transportation network, but that do not include projects, such as adding additional lanes to streets. TSM strategies include, but are not limited to, signalization, channelization, and bus turnouts.

Urban Center: An area that has a regionally significant concentration of employment and housing, with direct service by high-capacity transit and a wide range of land uses, such as retail, recreational, public facilities, parks and open space. An Urban Center has a mix of uses and densities to efficiently support transit as part of the regional high-capacity transit system. An area must be designated by the King County Countywide Planning Policies to be an Urban Center.

Urban Growth: Refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. “Characterized by urban growth” refers to land hav-

CHAPTER 40 – NEIGHBORHOOD BUSINESS (BN) AND NEIGHBORHOOD BUSINESS A (BNA) ZONES

40.05 User Guide. The charts in KZC 40.10 contain the basic zoning regulations that apply in each of the BN and BNA zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 40.08

Zone
BN, BNA

Section 40.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The maximum horizontal facade shall not exceed 50 feet in width.
 See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. ~~The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).~~
4. ~~At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.~~
5. May also be regulated under the Shoreline Master Program; refer to Chapter 83 KZC.

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

4. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:
 - a. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented toward fronting arterial and collector streets and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street). The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. The Design Review Board (or Planning Director if not subject to D.R.) may modify the frontage requirement where the property abuts residential zones in order to create a more effective transition between uses.
 - b. The commercial floor shall be a minimum of 13 feet in height. The height of the structure may exceed the maximum height of structure by three feet for a three story building with the required 13 foot commercial floor.
 - c. Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
6. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed provided that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.
7. Where Landscape Category B is specified, the width of the required landscape strip shall be 10 feet for properties within the Moss Bay Neighborhood and 20 feet for properties within the South Rose Hill Neighborhood. All other provisions of Chapter 95 shall apply.
8. Developments may elect to provide affordable housing units as defined in Chapter 5 KZC subject to the voluntary use provisions of Chapter 112 KZC.

Section 40.10		USE REGULATIONS		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
				Required Review Process	MINIMUMS			MAXIMUMS			Use (5)	Accessory (10)	Density (105)	Regulations (105)
					Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height				
Front	Side	Rear	Front	Side	Rear	Lot Coverage	Height	Signage	(See Ch. 105)		(See also General Regulations)			
.010	Retail Establishment selling groceries and related items	None D.R., Chapter 142 KZC	None	BN zone: 20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation. Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	B	D	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Except for retail establishments selling groceries and related items in the BNA zone, gross floor area for this use may not exceed 10,000 square feet. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of this use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 		
.020	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art			BNA zone: 10'	see Gen. Reg. 7									
.030	Retail Variety or Department Store													
.040	Retail Establishment providing banking and related financial services			See Gen. Reg. 4.b										
.050	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services													
.055	Retail Establishment providing entertainment, recreational or cultural activities See Spec. Reg. 5.					1 per every 4 fixed seats.							<ol style="list-style-type: none"> Gross floor area for this use may not exceed 10,000 square feet. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and in-bly or manufacturing activities uses. For restaurants with drive-in or drive-through facilities, one outdoor waste receptacle shall be provided for every eight parking stalls. Retail Establishment providing entertainment, recreational or cultural activities only allowed in BNA zone. 	
.060	Restaurant or Tavern			1 per each 100 sq. ft. of gross floor area.										

Exceptions:
 a. Retail establishments selling groceries and related items in the BNA zone are not subject to this limit.
 b. In the BN zone, the limit shall be 4,000 square feet.

Uses with drive-in and drive-through facilities are prohibited in the BN zone. In the BNA zone,

D.R., Chapter 142 KZC

See Gen. Reg. 4.b

except in the BN zone the limit shall be 4,000 square feet.

Section 40.10

Zone
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 40.10	USE REGULATIONS ↓ ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.070	Private Lodge or Club	D.R., Chapter 142 KZC	None	BN zone: 20' BNA zone: 10'	10' on each side	10'	80%	If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation.	B see Gen. Reg. 7	B	1 per each 300 sq. ft. of gross floor area.	4. This use not allowed in the BN zone.
.080	Vehicle Service Station See Spec. Reg. 4	D.R., Chapter 142 KZC	22,500 sq. ft.	40'	15' on each side. See Spec. Reg. 3.	15'		Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	A	D	See KZC 105.25.	1. Hours of operation may be limited to reduce impact on residential areas. 2. May not be more than two vehicle service stations at any intersection. 3. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.090	Office Use See Spec. Reg. 4	D.R., Chapter 142 KZC	None	BN zone: 20' BNA zone: 10'	5', but 2-side yards must equal at least 15'. 10' on each side	10'		See Gen. Reg. 4.b	B see Gen. Reg. 7		If a medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 3. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.

4. For properties located within the Moss Bay Neighborhood, this use not allowed above the street level floor of any structure.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 40.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.100	Stacked Dwelling Unit. See Special Regulation 1. & 4	None	None	Same as the regulations for the ground floor use. See Special Regulation 1.				A	1.7 per unit.	1. This use, with the exception of a lobby, may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.		
.110	Church	D.R., Chapter 142 KZC	None	See Spec. Reg. 3						1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.		

See Gen. Reg. 4.b

1. This use is only allowed on the street level floor subject to the provisions of General Regulation 4.
 3. The minimum amount of lot area per dwelling unit is as follows:
 a. In the BN zone:
 i. In the Moss Bay Neighborhood, 1,200 sq. ft.
 ii. In the South Rose Hill Neighborhood, 1,800 sq. ft.
 b. In the BNA zone:
 i. North of NE 140th Street, 1,800 sq. ft.
 ii. South of NE 124th Street, 2,400 sq. ft.
 4. In the BNA zone, the gross floor area of this use shall not exceed fifty percent of the total gross floor area on the subject property.

Section 40.10

Zone
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 40.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.120	School or Day-Care Center	D.R., Chapter 142 KZC	None	If this use can accommodate 50 or more students or children, then: 50' 50' on 50' each side If this use can accommodate 13 to 49 students or children, then: 20' 20' on 20' each side	80	If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation. Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation. See Spec. Reg. 8- Z. See Gen. Reg. 4.b	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). Z. 8. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements. <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i>		

Section 40.10		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure					
USE	REGULATIONS		Front	Side	Rear							
.130	Mini-School or Mini-Day-Care	D.R., Chapter 142 KZC	None	BN zone: 20' BNA zone: 10'	5', but 2-side yards must equal at least 15'- 10' on each side	10'	80%	If adjoining a low density zone other than RSX and RSA, then 25' average building elevation. Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Assisted Living Facility See Spec. Reg. 3. 4 & 5		Same as the regulations for the ground floor use. See Spec. Reg. 3.						A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. This use may not be located on the ground floor of a structure. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 	

See Gen. Reg. 4.b

3. This use is only allowed on the street level floor subject to the provisions of General Regulation 4.

4. In the BNA zone, the gross floor area of this use shall not exceed fifty percent of the total gross floor area on the subject property.

5. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property.

Section 40.10

Zone
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 40.10	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.150	Convalescent Center or Nursing Home	D.R., Chapter 142 KZC	None	BN zone: 20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX or RSA, then 25' average building elevation.	G	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.160	Public Utility	Process IIA, Chapter 150 KZC		BNA zone: 10'	20' each side	20'		Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses. 2. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if: a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face; b. The electronic readerboard is no more than 50 percent of the sign area; c. Moving graphics and text or video are not part of the sign; d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way; e. The electronic readerboard displays messages regarding public service announcements or City events only; f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness; g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies; h. It is located to have the least impact on surrounding residential properties. If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.
.170	Government Facility Community Facility	D.R., Chapter 142 KZC			10' on each side	10'		See Gen. Reg. 4.b	C See Spec. Reg. 1			
.180	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

51.15 User Guide. The charts in KZC 51.20 contain the basic zoning regulations that apply in the MSC 2 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 51.18

Zone
MSC 2

Section 51.18 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The maximum horizontal facade shall not exceed 50 feet in width.
 See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
4. ~~At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.~~

4. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:
 - a. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented toward Market Street and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along Market Street).
The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest.
 - b. The commercial floor shall be a minimum of 13 feet in height. The height of the structure may exceed the maximum height of structure by three feet for a three story building with the required 13 foot commercial floor.
 - c. Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along Market Street.
5. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed provided that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.
6. Where Landscape Category B is specified, the width of the required landscape strip shall be 10 feet and all other provisions of Chapter 95 shall apply.
7. Developments may elect to provide affordable housing units as defined in Chapter 5 KZC subject to the voluntary use provisions of Chapter 112 KZC.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 51.20	USE ↓ REGULATIONS ↘	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Any Retail Establishment, other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.	D.R., Chapter 142 KZC.	None	20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B	D	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Gross floor area for this use may not exceed 4,000 square feet. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. Automotive service centers. Uses with drive-in facilities or drive-through facilities, except those existing as of June 15, 2007. Retail establishments providing storage services unless accessory to another permitted use. Retail establishments involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. Storage of parts unless conducted entirely within an enclosed structure. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of this use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.

0' along Market Street, otherwise

see Gen. Reg. 6

see Gen. Reg. 4.b

Section 51.20



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 51.20	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.020	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B	D	1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Restaurants and taverns are limited to 4,000 sq. ft. maximum. Drive-in and drive-through facilities are not permitted. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
.030	Private Lodge or Club	0' along Market Street, otherwise							B	D	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
.040	Office Use			5', but 2-side yards must equal at least 15'	20'	10'			C	D	If a medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.050	Stacked Dwelling Unit. See Spec. Reg. 1.			Same as the regulations for the ground floor use. See Spec. Reg. 1.					A	A	1.7 per unit.	<ol style="list-style-type: none"> This use, with the exception of a lobby, may not be located on the ground floor of a structure. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Attached or
see Gen. Reg. 4

Minimum lot area per dwelling unit is 1,800 square feet

(Revised 4/08)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 51.20	 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Church	D.R., Chapter 142 KZC.	None	20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	<ol style="list-style-type: none"> May include accessory living facilities for staff persons. No parking is required for day-care or school ancillary to this use.
.070	School or Day-Care Center			If this use can accommodate 50 or more students or children, then: 50' 50' on each side 50' If this use can accommodate 13 to 49 students or children, then: 20' 20' on each side 20' 10'			If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 8. Z	D	B. See Gen. Reg. 6	See KZC 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required only along the property lines adjacent to the outside play areas. Hours of operation may be limited to reduce impacts on nearby residential uses. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. May include accessory living facilities for staff persons. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). Z For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements. 	

0' along Market Street, otherwise

Section 51.20

Zone
MSC 2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 51.20	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Mini-School or Mini-Day-Care	D.R., Chapter 142 KZC.	None	20'	5', but 2-side yards must equal at least 15'	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be set back from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.090	Assisted Living Facility See Spec. Reg. 2. see Gen. Reg. 4			Same as the regulations for the ground floor use. See Spec. Reg. 2.						A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. This use may not be located on the ground floor of a structure. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.100	Convalescent Center or Nursing Home			20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for each bed.	
.110	Public Utility				20' on each side	20'			A		See KZC 105.25.	<ol style="list-style-type: none"> 1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.120	Government Facility Community Facility				10' on each side	10'			C See Spec. Reg. 1			
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

0' along Market Street, otherwise

10' on each side

B. See Gen. Reg. 6



For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of attached or stacked dwelling units allowed on the subject property.

CHAPTER 45 – COMMUNITY BUSINESS

45.05 User Guide. The charts in KZC 45.05 reading down the left hand column

Section 45.08

Zone BC, BC 1, BC 2

In the BC zone,

- Section 45.08 – GE
The following regulations apply:
1. Refer to Chapter 112 KZC for additional affordable housing incentives and requirements.
 2. If any portion of a structure is located in a residential zone, the following shall apply:
 - a. The height of the structure shall be limited to the maximum height allowed in the residential zone.
 - b. The maximum height of the structure shall be limited to the maximum height allowed in the residential zone.
 See KZC 115.30 for additional requirements.
 3. At least 75 percent of the ground floor shall be used for retail, restaurant, or office uses, and shall include:
 - a. a through-block pedestrian pathway or an internal pathway.
 - 6 4. In BC 1 and BC 2 zones, developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. See Chapter 112 KZC for additional affordable housing incentives and requirements.
 - 7 5. In the BC 1 and BC 2 zones, side and rear yards abutting a residential zone shall be 20 feet.
 - 8 6. In the BC 1 and BC 2 zones, all required yards for any portion of a structure must be increased one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation (does not apply to Public Park uses).
 - 9 7. Maximum height of structure is as follows:
 - a. In the BC zone, if adjoining a low density zone other than RSX, then 25 feet above average building elevation. Otherwise, 30 feet above average building elevation. Except if adjoining a low density zone, structure height may be increased above 30 feet in height through a Process IIA, Chapter 150 KZC, if:
 - i. It will not block local or territorial views designated in the Comprehensive Plan;
 - ii. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
 - iii. The required front yard of any portion of the structure is increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).
 - b. In the BC 1 zone, 35 feet above average building elevation.
 - c. In the BC 2 zone, 35 feet above average building elevation. Structure height may be increased to 60 feet in height if:
 - i. At least 50 percent of the floor area is residential;
 - ii. Parking is located away from the street by placing it behind buildings, to the side of buildings, or in a parking structure;
 - iii. The ground floor is a minimum 15 feet in height for all retail, restaurant, or office uses (except parking garages); and
 - iv. The required yards of any portion of the structure are increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).

4. In the BC 1 and BC 2 zones, the following requirements shall apply to all development that includes residential or assisted living uses:

- a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
- b. The commercial floor shall be a minimum of 13 feet in height.
- c. Commercial uses shall be oriented to adjoining arterials.
- d. Residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall be a minimum 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

5. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed provided that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 45.10	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Vehicle Service Station	Process I, Chapter 145 KZC.	22,500 sq. ft.	40'	15' on each side	15'	80%	See Gen. Regs. 5 and 6. 8 & 9	A	E	See KZC 105.25.	<ol style="list-style-type: none"> May not be more than two vehicle service stations at any intersection. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.020	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 2.	None	None	BC: 20'	0'	0'						<ol style="list-style-type: none"> Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. Vehicle and boat rental are allowed as part of this use.
.030	Restaurant or Tavern			BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5. 7 & 8	See Gen. Regs. 4 and 5. 7 & 8			B		1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> One outdoor waste receptacle shall be provided for every eight parking stalls. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. Landscape Category A shall apply.
.050	A Retail Establishment providing storage services. See also Spec. Regs. 1 and 2.								A		See KZC 105.25.	<ol style="list-style-type: none"> May include accessory living facilities for resident security manager. This use not permitted in BC 1 and BC 2 zones.

Section 45.10

Zone
BC, BC 1,
BC 2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 45.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Any Retail Establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	None	None	BC: 20' BC 1 and BC 2: 10'	0' See Gen. Regs. 4 and 5.	0' See Gen. Regs. 4 and 5.	80%	See Gen. Regs. 5 and 6. 8 & 9	B	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
.070	Office Use								C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 45.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Hotel or Motel	None	None	BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6. 8 & 9	B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.090	A Retail Establishment providing entertainment, recreational or cultural activities			BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5. 7 & 8	See Gen. Regs. 4 and 5. 7 & 8					1 per every 4 fixed seats.	In the BC zone,
.100	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	In the BC 1 and BC 2 zones, this use is only allowed subject to the provisions of General Regulation 4
.110	Stacked Dwelling Unit. See Special Regulation 1.		900 square feet per unit in BC 1 and BC 2, otherwise none.	Same as the regulations for the ground floor use. See Spec. Reg. 1.						A	1.7 per unit.	1. This use, with the exception of a lobby, may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Church		None	BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6. 8 & 9	C	B	1 for every four people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.
					7 & 8	7 & 8						

Section 45.10

Zone
BC, BC 1,
BC 2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 45.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	School or Day-Care Center	None	None	BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Mini-School or Mini-Day-Care			BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5.	See Gen. Regs. 4 and 5.						<ol style="list-style-type: none"> 1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 45.10		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
USE ↓	REGULATIONS ↑		Front	Side	Rear							
.150	Assisted Living Facility	None	For BC 1 and BC 2, see Spec. Reg. 5, otherwise none.	Same as the regulations for the ground floor use. See Spec. Reg. 4.					A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. This use may not be located on the ground floor of a structure. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 5. In BC 1 and BC 2, subject to density limits listed for attached and stacked dwelling units. For density purposes, two assisted living units constitute one dwelling unit.	
.160	Convalescent Center or Nursing Home			BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.170	Public Utility			BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5.	See Gen. Regs. 4 and 5.		8 & 9	A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.180	Government Facility Community Facility				7 & 8	7 & 8			C	See Spec. Reg. 1		
.190	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

In the BC zone,

In the BC 1 and BC 2 zones, this use is only allowed subject to the provisions of General Regulation 4

CHAPTER 47 – COMMUNITY BUSINESS X (BCX) ZONES

47.05 User Guide. The charts in KZC 47.10 contain the basic zoning regulations that apply in each of the BCX zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 47.08

Zone
BCX

Section 47.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The maximum horizontal facade shall not exceed 50 feet in width.
 See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses). 33
4. Except if adjoining a low density zone, structure height may be increased above 30 feet in height through a Process IIA, Chapter 150 KZC if:
 - a. It will not block local or territorial views designated in the Comprehensive Plan; and
 - b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.
 (Does not apply to Public Park and Automotive Service Center uses).
5. ~~At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.~~

5. The following requirements shall apply to all development that includes residential or assisted living uses:

- a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
- b. The commercial floor shall be a minimum of 13 feet in height. The height of the structure may exceed the maximum height of structure by three feet.
- c. Commercial uses shall be oriented to adjoining arterials.
- d. Residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall be a minimum 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
6. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed provided that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.

Editors note: deleted 25' reference because the BCX zone is only adjoined by RSX zone

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 47.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.010	Vehicle Service Station	Process I, Chapter 145 KZC.	22,500 sq. ft.	40'	15' on each side	15'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> 1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 	
.020	Automotive Service Center See Spec. Reg. 1.	None	None	20'	0'	0'						1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3.	<ol style="list-style-type: none"> 1. This use specifically excludes new or used vehicle or boat sales or rentals. 2. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining to any residentially zoned property. Windows are permitted if they are triple-paned and unable to be opened. 3. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 4. Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 5. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
.030	Restaurant or Tavern									B		1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 1. For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. c. Landscape Category A shall apply.

Section 47.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 47.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.050	A Retail Establishment providing storage services. See also Spec. Reg. 1.	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	A	E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.	
.060	Any Retail Establishment, other than those specifically listed in this zone, selling goods or providing services including banking and related financial services. See Spec. Reg. 1.								B		1 per each 300 sq ft. of gross floor area.	<ol style="list-style-type: none"> The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers is not permitted. Motorcycle sales, service, or rental is permitted if conducted indoors. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Access from drive through facilities must be approved by the Public Works Department. Drive through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 	



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 47.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.070	Office Use	None	None	20'	0'	0'	80%	<p>If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.</p> <p>B</p>	D	<p>If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.</p>	<ol style="list-style-type: none"> The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 	
.080	Hotel or Motel								B	E	<p>1 per each room. See also Spec. Reg. 2.</p>	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.090	A Retail Establishment providing entertainment, recreational or cultural activities										<p>1 per every 4 fixed seats.</p>	
.100	Private Lodge or Club								C	B	<p>1 per each 300 sq. ft. of gross floor area.</p>	
.110	Stacked Dwelling Unit. See Special Regulation 1.									A	<p>1.7 per unit.</p>	<ol style="list-style-type: none"> This use, with the exception of a lobby, may not be located on the ground floor of a structure. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

1. This use is only allowed subject to the provisions of General Regulation 5.

Section 47.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 47.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.120	Church	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for every four people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.	

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Section 47.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 47.10		Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.130	School or Day-Care Center	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 	
.140	Mini-School or Mini-Day-Care											<ol style="list-style-type: none"> 1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 	

Section 47.10		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage				
USE	REGULATIONS		Front	Side	Rear						
.150	Assisted Living Facility See Spec. Reg. 3.	None	None			Same as the regulations for the ground floor use. See Spec. Reg. 3.			A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. This use may not be located on the ground floor of a structure. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.160	Convalescent Center or Nursing Home		20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.170	Public Utility							A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.180	Government Facility Community Facility							C See Spec. Reg. 1.			
.190	Public Parks	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.									

3. This use is only allowed subject to the provisions of General Regulation 5.

**KZC Text Amendments
File No. ZON11-00042**

92.05 Introduction

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Neighborhood Business Districts (BN, BNA), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), Totem Center (TC), and in areas indicated on the use zone charts for PLA 5C.

92.15 Pedestrian-Oriented Improvements on or Adjacent to the Subject Property

1. All Zones – Pedestrian-Oriented Space and Plazas in Parking Areas – The applicant must provide at least 175 square feet of pedestrian-oriented space at the main building entrance in a central location, or adjacent to a parking area. This area must be raised at least six (6) inches above the parking lot surface and must be paved with concrete or unit pavers.

2. Pedestrian-Oriented Space and Plazas in TC, CBD, BN, BNA, MSC 2, NRHBD, RHBD and TLN Zones

a. In the CBD, BN, BNA, MSC 2, or in TC – If the subject property abuts a pedestrian-oriented street (see Plate 34 in Chapter 180 KZC) or public park, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

- 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
- 2) Contain paved walking surface of either concrete or approved unit pavers.
- 3) Contain on-site or building-mounted lighting which provides adequate illumination.
- 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
- 5) Contain landscaping such as trees, shrubs, trellises, or potted plants.
- 6) It may not include asphalt or gravel pavement or be adjacent to an unscreened parking area, a chain link fence or a blank wall which does not comply with the requirements of subsection (3) of this section, Blank Wall Treatment.
- 7) An alternative solution for the pedestrian-oriented space may be established through a Conceptual Master Plan in TL 2.

92.30 Architectural and Human Scale

6. Achieving Human Scale in All Zones

a. General

- 1) CBD – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least two (2) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a building facing a street or public park.
- 2) BN, JBD, NRHBD, RHBD, MSC, TC, YBD and TLN – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least one (1) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a 1-story building facing a street or through-block pathway, and at least two (2) of the elements or techniques for a 2-story building facing a street or through-block pathway (see Plate 34 in Chapter 180 KZC).
- 3) All Zones – The applicant shall use at least three (3) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of any facade of a building facing a street, through-block pathway or public park, if:
 - a) The facade has a height of three (3) or more stories; or
 - b) The facade is more than 100 feet long.

105.18 Pedestrian Access

3. Pedestrian Access – Required Improvements

b. Overhead Weather Protection – Location – The applicant shall provide pedestrian overhead weather protection in the following locations:

- 1) Along any portion of the building which is adjacent to a pedestrian walkway or sidewalk;
- 2) Over the primary exterior entrance to all buildings including residential units.
- 3) Exceptions in Design Districts:

In CBD Zones: Along at least 80 percent of the frontage of the subject property on each pedestrian-oriented street.

In RHBD, BN, BNA, MSC 2 and TLN Zones: Along at least 75 percent of a pedestrian-oriented building facade.

In JBD Zones: Along 100 percent of a building facade abutting a street or through-block pathway.

For more information regarding designated pedestrian-oriented streets see Plate 34 in Chapter 180 KZC, and pedestrian-oriented facades in Chapter 92 KZC.

105.58 Location of Parking Areas Specific to Design Districts

If the subject property is located in a Design District, the applicant shall locate parking areas on the subject property according to the following requirements:

- ~~3. Location of Parking Areas in the MSC Zones – Parking areas in the MSC zones shall not be located between the street and the building unless the Planning Official determines that the proposed landscape design provides superior visual screening of the parking area.~~
43. Location of Parking Areas in Certain TLN and RHBD Zones – Parking areas and vehicular access may not occupy more than 50 percent of the street frontage in the following zones (see Figure 105.58.A):

142.15 Development Activities Requiring D.R. Approval

1. Design Board Review (D.B.R.)

- a. The following development activities shall be reviewed by the Design Review Board pursuant to KZC [142.35](#):
- 1) New buildings greater than one (1) story in height or greater than 10,000 square feet of gross floor area, or in the Market Street Corridor Historic District (MSC 3 Zone).
 - 2) Additions to existing buildings where:
 - a) The new gross floor area is greater than 10 percent of the existing building's gross floor area; and
 - b) The addition is greater than 2,000 square feet of gross floor area; and
 - c) Either:
 - 1) The existing building and addition total more than 10,000 square feet of gross floor area; or
 - 2) The addition adds another story; or
 - 3) Is in the Market Street Corridor Historic District (MSC 3 zone).
 - 3) Renovations to existing facades, where the building is identified by the City as an historic structure or is in the Market Street Corridor Historic District (MSC 3 zone).
- b. Exemptions from D.B.R. – The following development activities shall be reviewed through the administrative design [review](#) process in KZC [142.25](#):
- 1) Any development where administrative design review is indicated in the applicable Use Zone Chart.
 - 2) Any development in the following zones within the NE 85th Street Subarea: RH 8, PR 3.6, RM, PLA 17A.
 - 3) Any development in the MSC 1, ~~MSC 2~~, and MSC 4 zones located within the Market Street Corridor.

2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC [142.25](#).

142.37 Design Departure and Minor Variations

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:

- a. In the CBD: minimum required yards; and
- b. In the Totem Center: minimum required yards, floor plate maximums and building separation requirements; and
- c. In the RHBD and the TLN: minimum required yards, landscape buffer and horizontal facade requirements; and
- d. In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards and horizontal facade requirements; and
- e. In the MSC 2 zone of the Market Street Corridor: height (up to an additional five (5) feet), minimum required front yards and horizontal facade requirements; and
- f. In the MSC 3 zone of the Market Street Corridor: horizontal facade requirements; ~~and-~~
- g. In the BN and BNA zones: horizontal façade requirements.

Plate 34M

Pedestrian Circulation in Neighborhood Business Zones (BN, BNA & MSC 2)

----- Pedestrian-Oriented Street

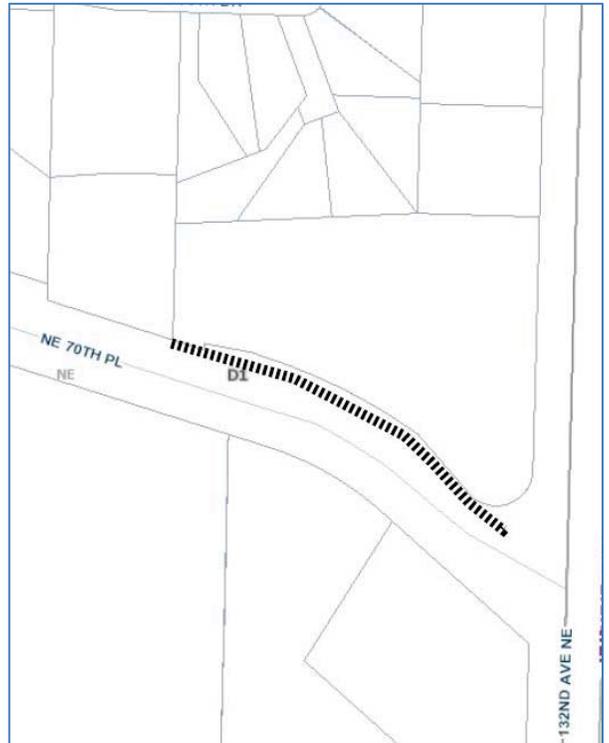
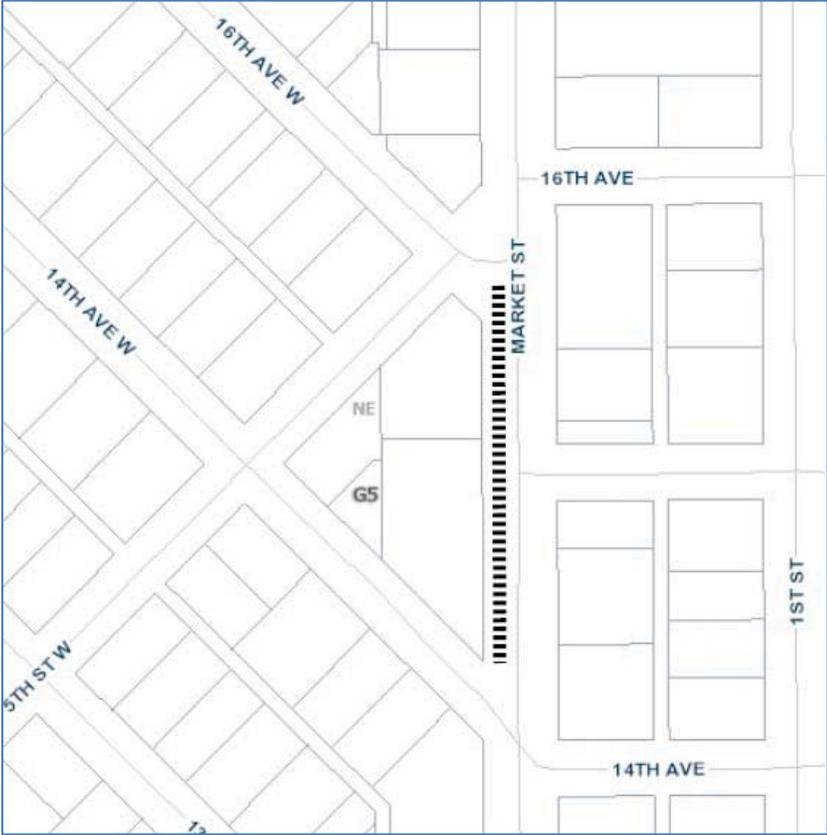


Plate 34M (continued)



The City of Kirkland

Design Guidelines

For Pedestrian-Oriented Business Districts



Adopted by the City Council pursuant to
Kirkland Municipal Code Section 3.30.040.
Updated March 3, 2009, R-4739.



Attest:

James Lauinger,
Mayor

Eric Shields
Director,
Planning & Community
Development

this historic district should reflect the scale and design features of the existing historic resources in the district.

As part of the Market Street Corridor Plan, Design Regulations and Guidelines are established for new development and major renovations in the Market Street Corridor (MSC). These guidelines and regulations are intended to further the following design objectives that are stated in the plan:

- ◆ Encourage preservation of structures and locations that reflect Kirkland’s heritage.
- ◆ Support a mix of higher intensity uses along the Market Street Corridor while minimizing impacts on adjacent residential neighborhoods.
- ◆ Maintain and enhance the character of the historic intersection at 7th Avenue and Market Street.
- ◆ Provide streetscape, gateway and public art improvements that contribute to a sense of identity and enhanced visual quality.
- ◆ Provide transitions between low density residential uses within the neighborhoods and the commercial and multifamily residential uses along Market Street.

Except for the MSC 2 zone,

The following guidelines, which suggest wider sidewalks, do not apply since there are no “pedestrian oriented streets” or “major pedestrian sidewalks” designated in the Zoning Code for the Market Street Corridor.

- ◆ Sidewalk Width: Movement Zone
- ◆ Sidewalk Width: Storefront Activity Zone

Additional guidelines that do not apply to the Market Street Corridor include:

- ◆ Protection and Enhancement of Wooded Slopes
- ◆ Height Measurement on Hillsides
- ◆ Culverted Creeks

Purpose of the Design Guidelines for North Rose Hill Business District

The North Rose Hill Business District goals and policies were adopted in 2003 as part of the North Rose Hill Neighborhood Plan. Development in the North Rose Hill Business District (NRHBD) is to complement the Totem Lake neighborhood and encourage increased residential capacity to help meet housing needs. Commercial uses are to be limited to those that are compatible with the residential focus of the NRHBD.

As part of the NRH plan, design regulations and guidelines were established for new development and major renovations in the Business District (NRHBD). These guidelines and regulations are intended to further the following urban design goals and policies stated in the plan:

- ◆ Ensure that public improvements and private development contribute to neighborhood quality and identity in the Business District through:
 - Establishment of building and site design standards.
 - Utilization of the design review process.
 - Location and sharing of parking lots .
 - Utilization of high quality materials, public art, bicycle and pedestrian amenities, directional signs on all arterials, and other measures for public buildings and public infrastructure, such as streets and parks.
- ◆ Provide transitions between commercial and residential uses in the neighborhood.
- ◆ Provide streetscape improvements that contribute to a sense of neighborhood identity and enhanced visual quality.

Since the focus of the NRHBD is on increasing residential capacity while accommodating supportive commercial uses, rather than developing into a destination retail business district, the following guidelines do not apply to this business district.

- ◆ Sidewalk Width – Movement Zone
- ◆ Sidewalk Width – Curb Zone
- ◆ Sidewalk Width – The Storefront Activity Zone
- ◆ Pedestrian Coverings
- ◆ Pedestrian-Friendly Building Fronts
- ◆ Upper-Story Activities Overlooking the Street

In addition, the following do not apply:

- ◆ Protection and Enhancement of Wooded Slopes
- ◆ Height Measurement on Hillsides
- ◆ Views of Water
- ◆ Culverted Creeks

Purpose of the Design Guidelines for Totem Center

The Kirkland City Council adopted a new neighborhood plan for Totem Lake in early 2002. The vision set forth in the Plan for Totem Center is of a dense, compact community, with a mix of business, commercial and residential uses and a high level of transit and pedestrian activity.



- ◆ Use materials and forms that reinforce the visual coherence of the campus.
- ◆ Provide inviting and useable open space.
- ◆ Enhance the campus with landscaping.
- ◆ Guidelines for the transit center to be located on the hospital campus should be developed and incorporated with guidelines for the rest of the campus.

The following guidelines do not apply to Totem Center:

- ◆ Height Measurement on Hillsides
- ◆ Views of Water

Purpose of the Design Guidelines for Neighborhood Business Districts

The Comprehensive Plan establishes a hierarchy of commercial districts, with regional goods and services at the upper end and neighborhood goods and services at the lower end. Kirkland's Neighborhood Business Districts (BN, BNA, and MSC 2) are designated as Residential Markets, with an emphasis on providing neighborhood goods and services. Given the more localized draw for residents to meet their everyday needs, an emphasis on convenient and attractive pedestrian connections and vehicular access is important. In addition, because these districts are surrounded by the residential land uses they serve, the design character and context of new development is critical to ensure that it integrates into the neighborhood.

The design guidelines are intended to further the following design objectives that are stated in the Plan:

- Establish development standards that promote attractive commercial areas and reflect the distinctive role of each area.
- Encourage and develop places and events throughout the community where people can gather and interact.
- Moss Bay neighborhood: Ensure that building design is compatible with the neighborhood in size, scale and character.
- South Rose Hill neighborhood: Residential scale and design are critical to integrate these uses into the residential area.

The following guidelines do not apply to these districts:

- Protection and Enhancement of Wooded Slopes
- Height Measurement on Hillsides
- Culverted Creeks

Pedestrian-Oriented Elements

Introduction

Successful pedestrian-oriented business districts, as opposed to “commercial strips,” depend upon making pedestrian circulation more convenient and attractive than vehicular circulation, because the retail strategy for such districts is to encourage the customer to visit often and for more than one purpose at a time. The desired shopping pattern is for the customer to park in a convenient location and walk to several different businesses or attractions. The guidelines in this section focus on creating a high-quality pedestrian environment, especially along *pedestrian-oriented streets*. *Pedestrian-oriented streets* are specific streets defined for each business district.

This section also deals with building elements that detract from pedestrian qualities. One such detraction is a large expanse of blank wall, which, when adjacent or near to neighboring properties or overlooking public areas, can be intrusive and create undesirable conditions for pedestrians and neighbors. Therefore, the guidelines direct new development to treat blank walls with landscaping, building modulation, or other elements to reduce the impact of blank walls on neighboring and public properties.

The guidelines dealing with the spatial and functional integration of sidewalk areas and building elements address several issues:

- ◆ Width of sidewalk to accommodate pedestrian flow, building entrances, and other sidewalk activities.
- ◆ Pedestrian weather protection.
- ◆ “Pedestrian-friendly” building fronts.
- ◆ Other building facade elements that improve pedestrian conditions along the sidewalk.
- ◆ Mitigation of blank walls and screening of service areas.



“Pedestrian-Friendly” Building Fronts Issue

Building setbacks were originally developed to promote “pedestrian-friendly” building fronts by providing light, air, and safety. But dull building facades and building setbacks that are either too wide or too narrow can destroy a pedestrian streetscape. A successful pedestrian business district must provide interesting, pedestrian-friendly building facades and sidewalk activities.

Discussion

Building fronts should have pedestrian-friendly features transparent or decorative windows, public entrances, murals, bulletin boards, display windows, seating, or street vendors that cover at least 75 percent of the ground-level storefront surface between 2’ and 6’ above the sidewalk.



Sitting areas for restaurant and merchandise displays should allow at least a 10’ wide pavement strip for walking. Planters can define the sitting area and regulate pedestrian flow.

Blank walls severely detract from a pedestrian streetscape. To mitigate the negative effects of blank walls:

- ◆ Recess the wall with niches that invite people to stop, sit, and lean.
- ◆ Allow street vendors.
- ◆ Install trellises with climbing vines or plan materials.
- ◆ Provide a planting bed with plant material that screens at least 50 percent of the surface.
- ◆ Provide artwork on the surface.

Guideline

All building fronts should have pedestrian-friendly features as listed above.

Special Consideration for Downtown Kirkland - Glazing

Building frontages along pedestrian-oriented streets in the Central Business District should be configured to have a 15’ story height to ensure suitability for diverse retail tenants and enhance the pedestrian experience. Where these taller retail stories are required, special attention to storefront detailing is necessary to provide a visual connection between pedestrian and retail activity.

Guideline

Storefronts along pedestrian-oriented streets should be highly transparent with windows of clear vision glass beginning no higher than 2’ above grade to at least 10’ above grade. Windows should extend across, at a minimum, 75% of the façade length. Continuous window walls should be avoided by providing architectural building treatments, mullions, building modulation, entry doors, and/or columns at appropriate intervals.

Special Consideration For Non-Retail Lobbies In Central Business District 1A & 1B

Non-retail uses are generally not allowed along street frontage within Central Business District 1. However, in order to provide pedestrian access to office, hotel, or residential uses located off of the street frontage or above the retail, some allowance for lobbies is necessary.

Guideline

Lobbies for residential, hotel, and office uses may be allowed within the required retail storefront space provided that the street frontage of the lobby is limited relative to the property’s overall retail frontage and that the storefront design of the lobby provides continuity to the retail character of the site and the overall street.

Special Consideration for Totem Center

Since pedestrians move slowly along the sidewalk, the street level of buildings must be interesting and varied. Since

Special Consideration for Neighborhood Business Districts

Issue

To create a focal point for the community and engage pedestrians, buildings are encouraged to be oriented to pedestrian-oriented streets in these zones. However, commercial space that is above or below the grade of the sidewalk can compromise the desired pedestrian orientation.

Guideline

Commercial space should generally be at grade with the adjoining sidewalk. Where this is not feasible, the building should be setback from the sidewalk far enough to allow a comfortable grade transition with generous pedestrian-oriented open space.

Taller buildings or “towers” in TL 1 should have relatively compact floor plates. The use of towers above a two-three story podium creates a varied building footprint and the perception of a smaller overall building mass. When the building’s mass is instead concentrated in lower buildings with larger floor plates, greater emphasis should be placed on open space and plazas to provide relief at the pedestrian level.

Design treatments used in the upper portion of a building can promote visual interest and variety in the Totem Center skyline. Treatments that sculpt the facades of a building, provide for variety in materials, texture, pattern or color, or provide a specific architectural rooftop element can contribute to the creation of a varied skyline.

Building Modulation – Horizontal

Issue

Horizontal building modulation is the horizontal articulation or division of larger building façades. The lower portion of a multi-story building should incorporate pedestrian-scale elements and a strong base. The top of the building should incorporate distinctive roof treatments. Elevations that are modulated with horizontal elements appear less massive than those with sheer, flat surfaces. Horizontal modulation is well suited to downtown areas and automobile-oriented streetscapes where the development of tall building masses is more likely.

Horizontal building modulation may be used to reduce the perceived mass of a building and to provide continuity at the ground level of large building complexes. Building design should incorporate strong pedestrian-oriented elements at the ground level and distinctive roof treatments.

Discussion

A lively urban character uses a variety of architectural forms and materials that together create an integrated pattern of development with recurring architectural features. Horizontal awnings, balconies, and roof features should be incorporated into new development provided that their appearance varies through the use of color, materials, size, and location.

Special Consideration for Neighborhood Business Districts

Issue

Because these districts are typically integrated into residential areas, the design should reflect the scale of neighborhood by avoiding long facades without visual relief.

Guideline

Facades over 120 feet in length should incorporate vertical definition including substantial modulation of the exterior wall carried through all floors above the ground floor combined with changes in color and material.

brick banding, and window details.

Guideline

Horizontal building modulation may be used to reduce the perceived mass of a building and to provide continuity at the ground level of large building complexes.

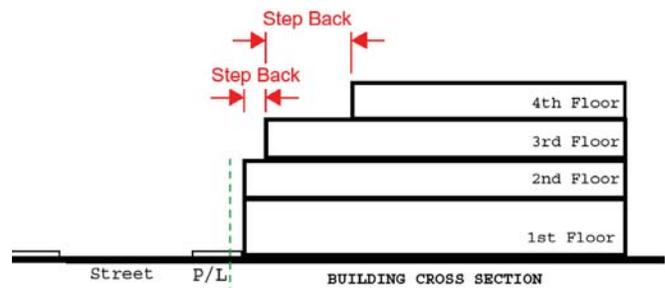
Special Consideration for Downtown Kirkland

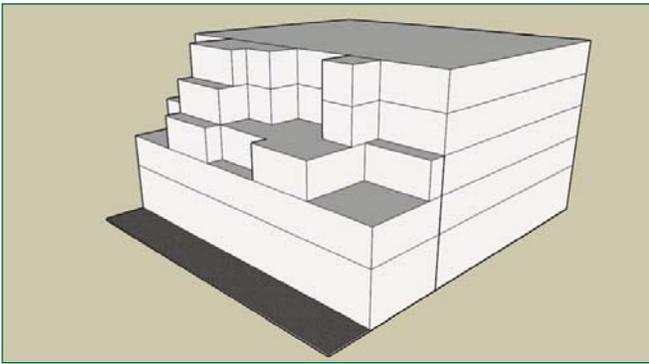
Large-scale developments, particularly east of the core area, should stress continuity in streetscape on the lower two floors. Setback facades and varied forms should be used above the second stories.

Special Consideration for Building Massing in Central Business District 1 (CBD 1A & 1B) - Upper Story Step Backs

Issue

Taller buildings can negatively affect human scale at the street level and should be mitigated. Upper story step backs provide a way to reduce building massing for larger structures. An upper story building step back is the horizontal distance between a building façade and the building façade of the floor below.





Varied step back approach

- ◆ Decks and/or balconies should be designed so that they do not significantly increase the apparent mass of the building within the required upper story setback area.
- ◆ In addition to applying setbacks to upper stories, building facades should be well modulated to avoid blank walls and provide architectural interest.
- ◆ Along pedestrian oriented streets, upper story building facades should be stepped back to provide enough space for decks, balconies and other activities overlooking the street
- ◆ Landscaping on upper story terraces should be included where appropriate to soften building forms and provide visual interest.
- ◆ Continuous two or three story street walls should be avoided by incorporating vertical and horizontal modulations into the building form.
- ◆ Limited areas of vertical three, four, or five story walls can be used to create vertical punctuation at key facades. Special attention to maintain an activated streetscape is important in these areas.
- ◆ For properties on Park Lane which front multiple streets and upper story setbacks are proposed to be averaged, concentration of upper story building mass along Park Lane should be avoided.

Guideline - Open Space at Street Level

Reductions to required upper story setbacks may be appropriate where an equal amount of beneficial public open space is created at the street level consistent with the following principles:

- ◆ Public open space should be open to the sky except where overhead weather protection is provided (e.g. canopies and awnings).
- ◆ The space should appear and function as public space rather than private space.

- ◆ Public open space should be activated with adjacent shops, outdoor dining, art, water features, and/or landscaping while still allowing enough room for pedestrian flow.
- ◆ A combination of lighting, paving, landscaping and seating should be utilized to enhance the pedestrian experience within the public open space.
- ◆ Where substantial open space “trade-offs” are proposed, site context should be the primary factor in the placement of the public open space (e.g. important corners, solar access.)

Guideline - Building Cantilevering Over Sidewalks

Buildings may be allowed to cantilever over sidewalks if a sidewalk dedication and/or easement is required consistent with following guidelines:

- ◆ The total length of cantilevered portions of a building should be no more than 1/3rd of the entire length of the building façade. The cantilevered portions of a building should be spread out and not consolidated in a single area on the building façade.
- ◆ Unobstructed pedestrian flow should be maintained through the subject property to adjoining sidewalks.
- ◆ Space under the building cantilever should appear and function as part of the public realm.
- ◆ The sense of enclosure is minimized.

Special Considerations for Neighborhood Business Districts

Issue

Where buildings are close to the street in these neighborhood areas, vertical building massing can negatively affect human scale at the street level. Upper story step backs provide a way to reduce building massing. An upper story building step back is the horizontal distance between a building façade and the building façade of the floor below.

Guideline

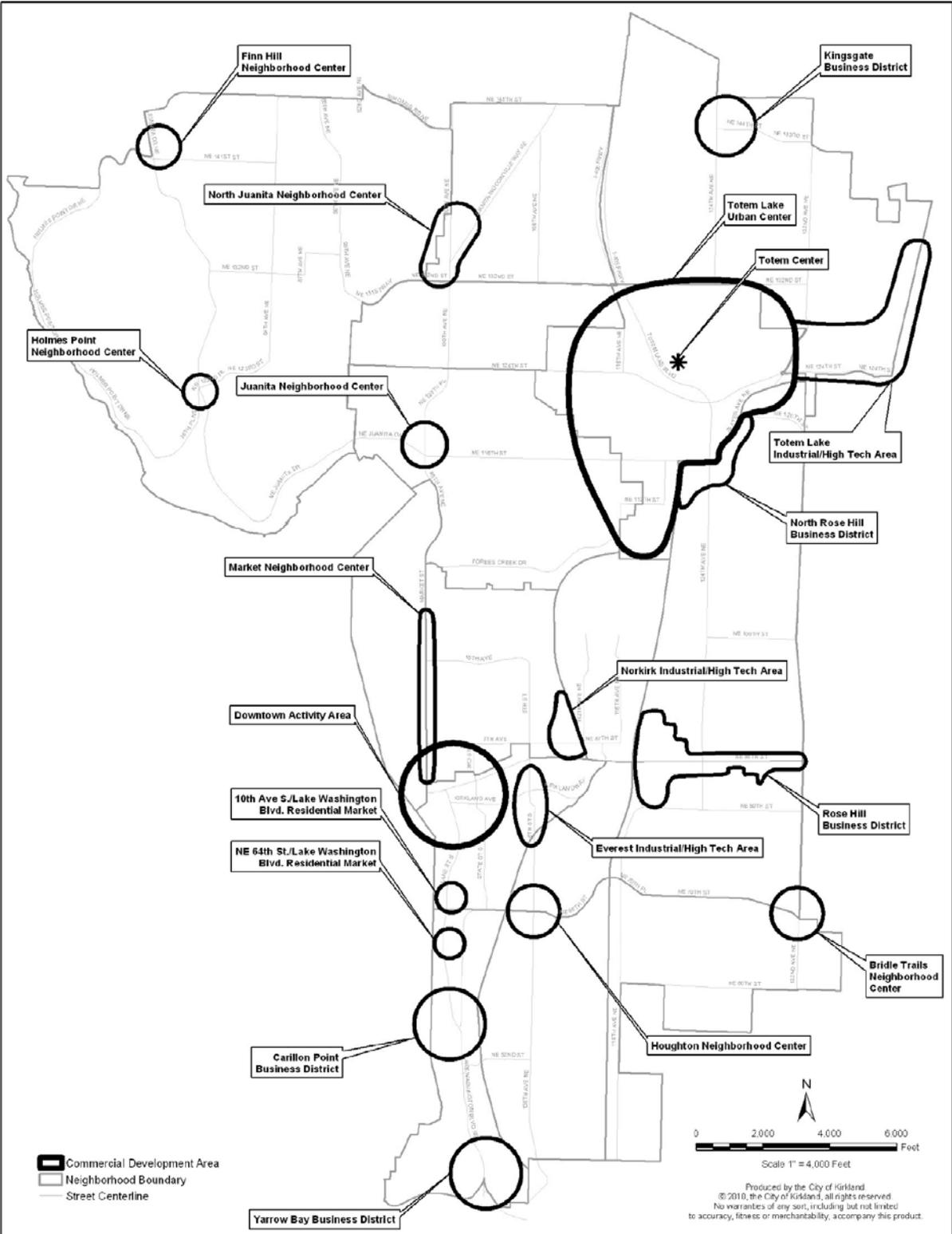
Above the ground floor, buildings should utilize upper story step backs to create receding building forms as building height increases. Rather than a rigid stair step approach, varied step back depths and heights should be used to create well modulated facades and usable decks and balconies overlooking the street.

Issue

Within the South Rose Hill Neighborhood Plan, additional mitigation of scale impacts is called for.

Guideline

Building height, bulk, modulation, and roofline design should reflect the scale and character of adjoining single-family development.



Map LU-2

Pg VI-13: Commercial land uses are a critical part of the Kirkland community. They provide shopping and service opportunities for Kirkland residents, and also create employment within the City. The tax revenues generated by business help fund the capital facilities and public services that residents enjoy.

In return, the quality of life in the City's neighborhoods provides a main attraction for both businesses and their patrons. The proximity to Lake Washington, the fine system of parks, the availability of a regional medical center with good medical care, top notch educational facilities, the environmental ethic of the community, and quality infrastructure attract outsiders to Kirkland and make the City a good place to do business – for employers, employees, and customers.

Problems that the community faces – traffic congestion, particularly – create concerns for commercial land uses. Ease of transporting goods and adequate parking are especially important. An underlying premise of the Land Use Element, expressed in the Vision Statement, is that, in the future, residents of the City will not drive as much as they do presently to minimize traffic congestion and reduce parking needs. To that end, the Element attempts to promote commercial land use patterns that support alternative transportation modes and locate housing in commercial areas where appropriate.

Along with the need to provide new housing units for future residents, the City will need to designate adequate land area for commercial uses, some of which may employ Kirkland residents. If the opportunity for local employment is increased, the high proportion of residents who work outside the community may be reduced. This in turn would ease traffic congestion by shortening commute trips and making other modes of travel to work more feasible.

Currently, a hierarchy of "commercial development areas" exists in the City, based primarily on size and relationship to the regional market and transportation system (see Figure LU-2: Commercial Areas).

Some of Kirkland's commercial areas serve primarily the surrounding neighborhood; others have a subregional or regional draw. Most of the larger commercial areas are centered around major intersections. They depend on principal arterials, the freeway, or the railroad for goods transport and for bringing in workers or customers. Smaller commercial areas, Neighborhood Centers, for example, have a more localized draw. Residents depend on their neighborhood grocery store, dry cleaners, bank, etc., for everyday needs.

The Land Use Element provides general direction for development standards in commercial areas and describes the future of specific commercial areas in Kirkland. The following terms are used in the discussion of commercial land uses:

Urban Center

An Urban Center is a regionally significant concentration of employment and housing, with direct service by high-capacity transit and a wide range of land uses, such as retail, recreational, public facilities, parks and open space. An Urban Center has a mix of uses and densities to efficiently support transit as part of the regional high-capacity transit system.

Activity Area

An Activity Area is an area of moderate commercial and residential concentration that functions as a focal point for the community and is served by a transit center.

Business District

A Business District is an area that serves the subregional market, as well as the local community. These districts vary in uses and intensities and may include office, retail, restaurants, housing, hotels and service businesses.

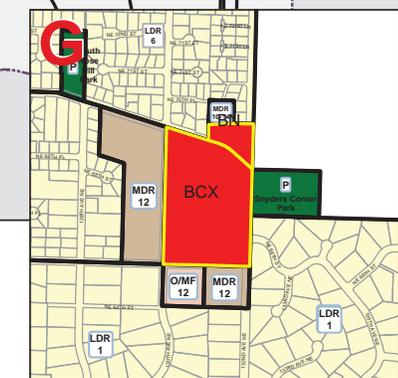
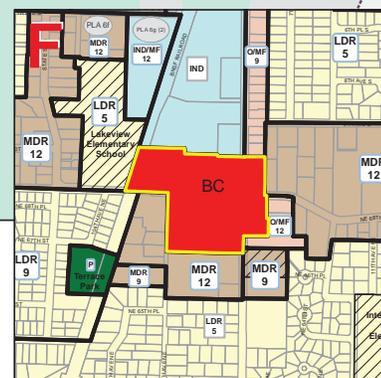
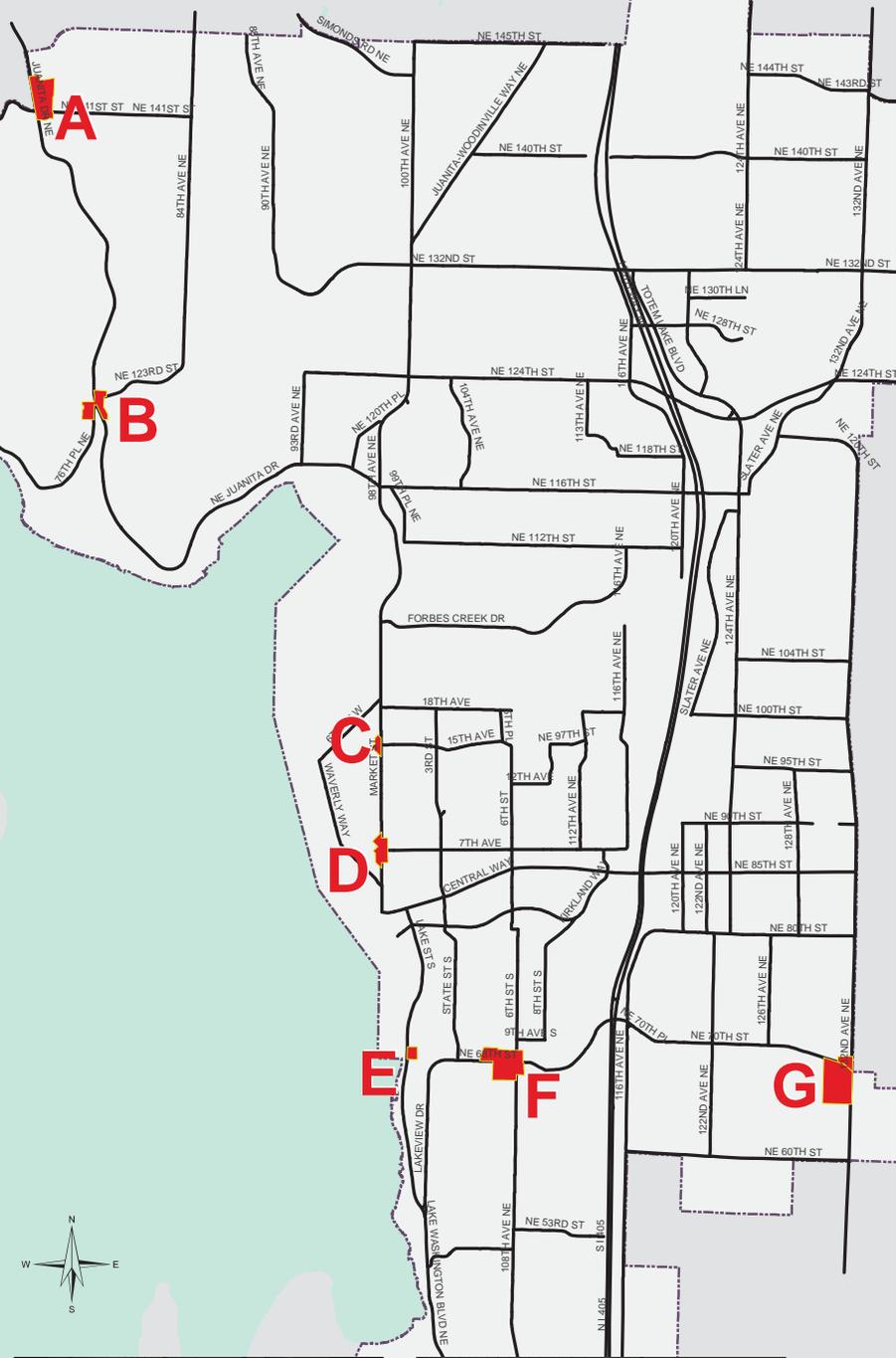
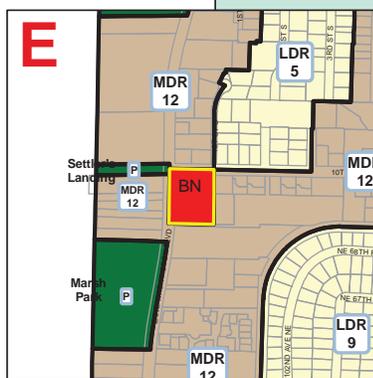
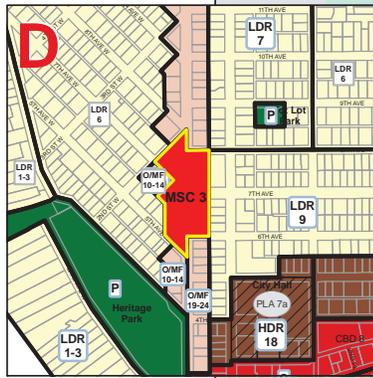
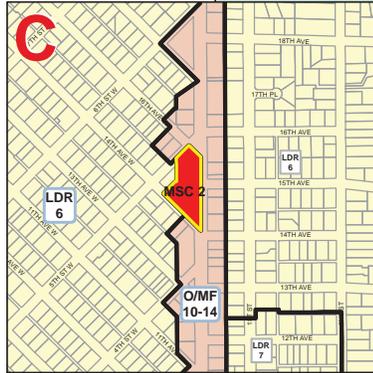
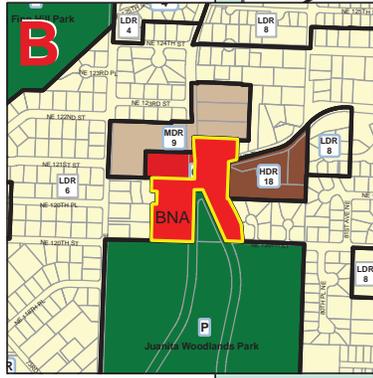
Neighborhood Center

A Neighborhood Center is an area of commercial activity dispensing commodities primarily to the neighborhood. A supermarket may be a major tenant; other stores may include a drug store, variety, hardware, barber, beauty shop, laundry, dry cleaning, and other local retail enterprises. These centers provide facilities to serve the everyday needs of the neighborhood. Residential uses may be located on upper stories of commercial buildings in the center.

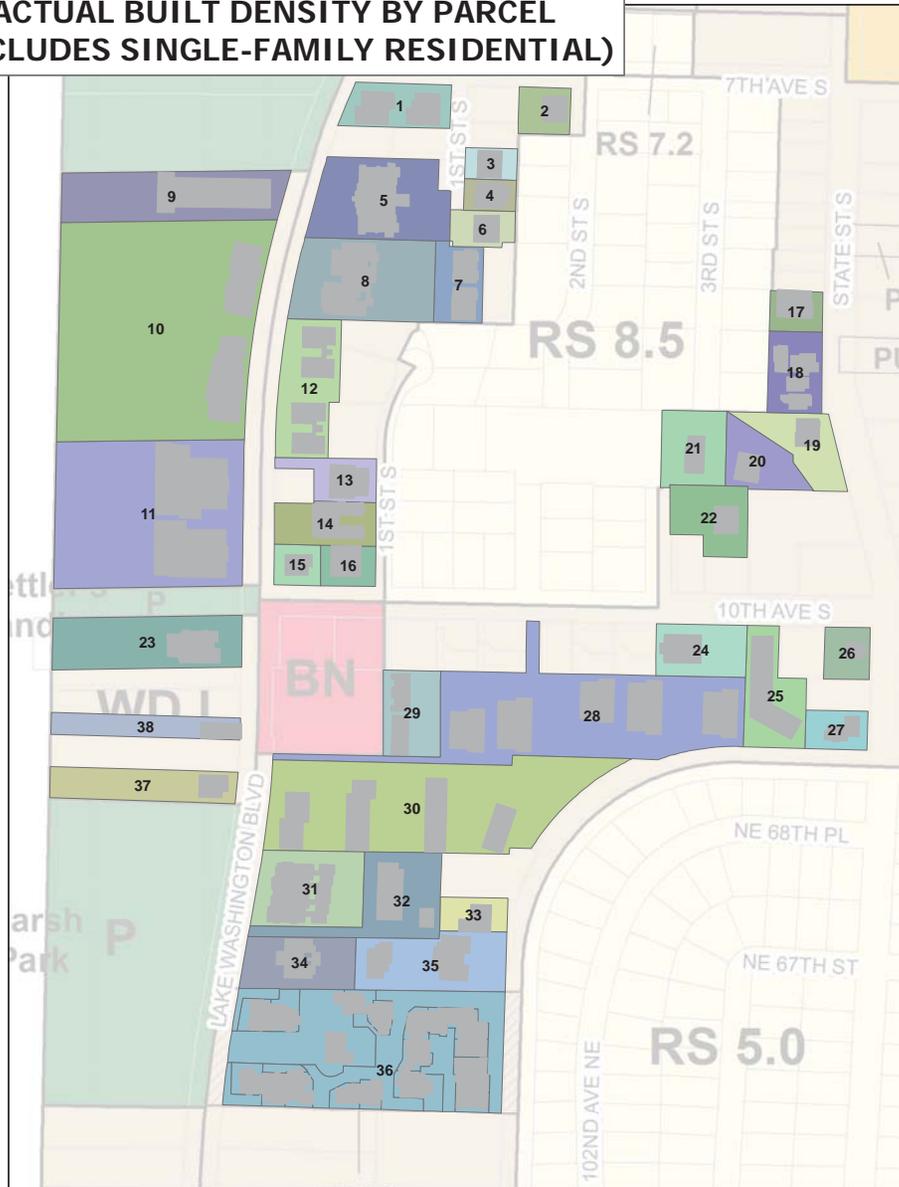
Residential Market

A residential market is an individual store or very small, mixed-use building/center focused on local pedestrian traffic. Residential scale and design are critical to integrate these uses into the residential area. Uses may include corner grocery stores, small service businesses (social service outlets, daycares), laundromats, and small coffee shops or community gathering places.

Commercial Zones: Surrounding Comprehensive Plan Density

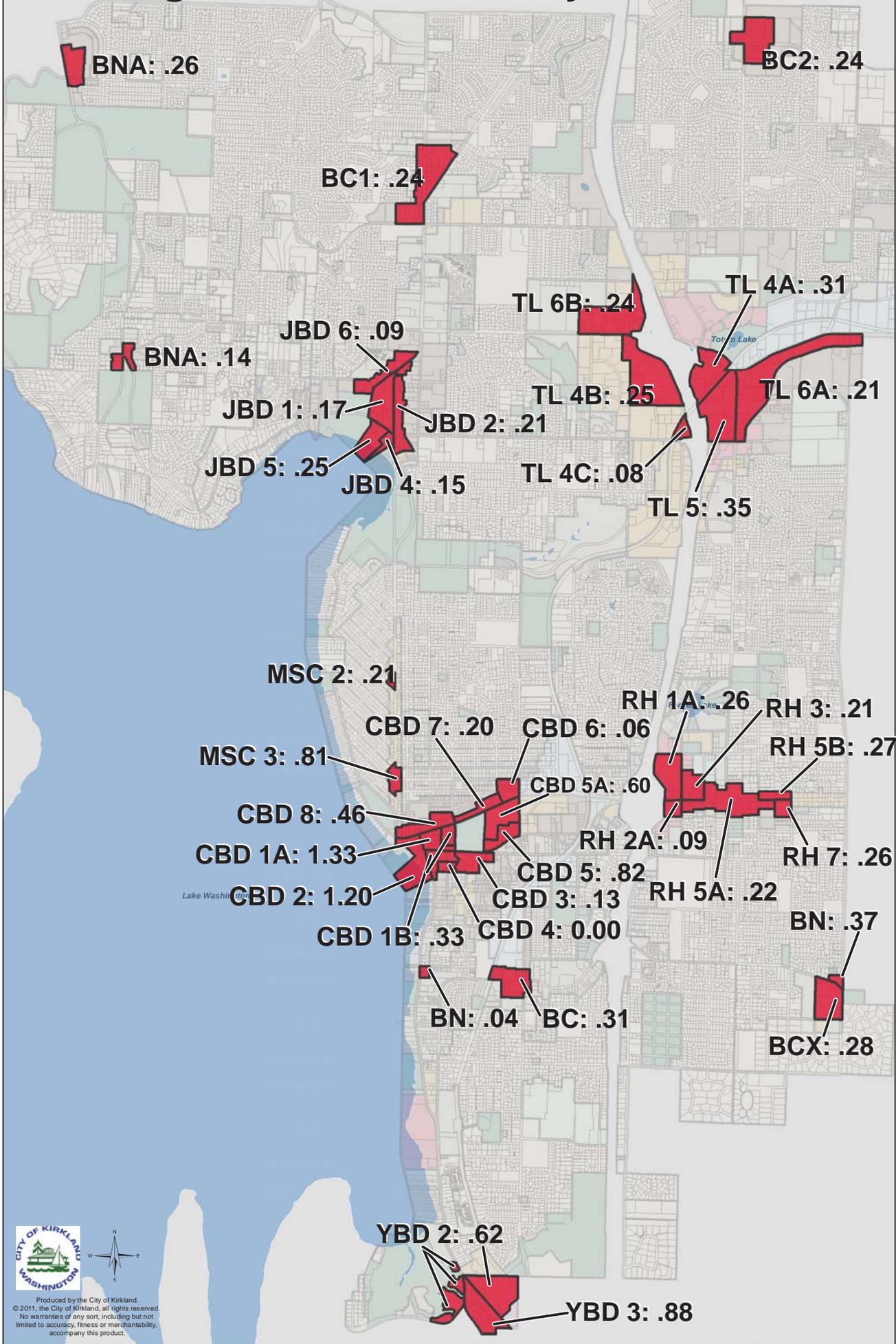


**ACTUAL BUILT DENSITY BY PARCEL
(EXCLUDES SINGLE-FAMILY RESIDENTIAL)**



No.	PIN	No. of Units	Lot Size	Units Per Acre	SqFt per Unit
1	5555000000	4	16,695	10.4	4,174
2	1720800400	4	9,000	19.4	2,250
3	1720800335	3	6,000	21.8	2,000
4	2560880000	2	6,002	14.5	3,001
5	4098500000	11	38,938	12.3	3,540
6	8937000000	4	8,400	20.7	2,100
7	2560900000	4	13,868	12.6	3,467
8	3810950000	11	42,233	11.3	3,839
9	7698200000	38	9,343	177.2	246
10	8127900000	23	42,833	23.4	1,862
11	9197570000	13	58,469	9.7	4,498
12	1924100000	8	27,900	12.5	3,488
13	2286600000	4	11,100	15.7	2,775
14	3298580000	4	16,078	10.8	4,020
15	0825059209	4	7,365	23.7	1,841
16	0825059272	7	8,772	34.8	1,253
17	7698320000	2	7,492	11.6	3,746
18	7981500000	4	15,874	11.0	3,969
19	0825059276	4	16,624	10.5	4,156
20	3888350000	4	14,754	11.8	3,689
21	0825059238	2	17,939	4.9	8,970
22	9354900055	4	17,998	9.7	4,500
23	9195250000	6	20,299	12.9	3,383
24	9354900370	9	17,500	22.4	1,944
25	1419780000	12	22,330	23.4	1,861
26	9354900430	2	9,000	9.7	4,500
27	0825059244	3	8,880	14.7	2,960
28	0825059024	60	101,750	25.7	1,696
29	6641300000	8	18,150	19.2	2,269
30	6818000000	56	102,700	23.8	1,834
31	7804260000	12	29,486	17.7	2,457
32	8662700000	7	28,687	10.6	4,098
33	0825059219	2	8,450	10.3	4,225
34	6640800000	16	21,621	32.2	1,351
35	9320450000	9	30,928	12.7	3,436
36	Mutp @	21	80,593	11.4	3,838
37	1310400000	5	5,493	39.7	1,099
38	0825059114	2	3,780	23.0	1,890

Existing Floor Area Ratio by Zone



From: [Jack Arndt](#)
To: [Mike Miller](#)
Cc: uwkkg@aol.com; [Jay Arnold](#); [Jon Pascal](#); [Byron Katsuyama](#); [Glenn Peterson](#); [C Ray Allshouse](#); [Andrew Held](#); [Robin Jenkinson](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#); blawler@sociuslaw.com
Subject: Commission Meeting - BN - July 19th..
Date: Friday, July 20, 2012 8:36:06 AM

Planning Commission Chair Mike Miller,.

I attended last night meeting regarding the BN Lake Street discussion,

1- We thank J. Pascal and A. Held for supporting the maximum density of 24, they were the only one's on the commission who really understood the issues going beyond 24 units in this location. Many of the other comments were not supported with clear facts other than higher density is there personal preference.

2- Why with the traffic concerned voiced by the citizens was this issue not discussed before a motion to approve at 36? Traffic is a major concern, you just added 100 plus cars to this area by going to 36 units per acre.

3- Your decision could result in a spot zoning legal challenge as you set different criteria for the other BN zones approved at 24 units per acre. Based on this decision, Lake Street should have been the same at 24 units per acre.

Sincerely,

Jack Arndt
6424 Lake Washington Blvd. NE.
Kirkland

From: jkfoster756@frontier.com
To: [Eric Shields](#); [Joan McBride](#); [Jeremy McMahan](#); [Penny Sweet](#); [Doreen Marchione](#); [Amy Walen](#); [Dave Asher](#); [Bob Sternoff](#); [Toby Nixon](#); [Mike Miller](#)
Cc: jkfoster756@frontier.com
Subject: Zone11-00042 Density cap BN Res Mkt
Date: Monday, July 23, 2012 3:34:33 PM

Dear Fellow Citizens,

Since the density cap on proposed BN Res Markets is still under discussion, I feel compelled to write to you once again.

It is important to have growth in Kirkland but it should be done in an orderly manner that keeps the high density areas near the already established commercial zones ie., downtown, Totem Lake, Juanita business area, etc.

I live on State St. and it has a nice blend of multi-family and single residences. The multi-family are landscaped and do not overwhelm the single residences. As you drive from 68th St. towards Kirkland Ave. you don't get density until a couple blocks before Kirkland Ave.

This should work the same way on Lake Washington Blvd/Lake St. with the property at 10th/Lake Washington Blvd. blending in and not overwhelming the neighbors with high density. Any business on the property should be for the neighboring area not of a scope to draw a lot of traffic to an already busy street. The dry cleaners and cafe already located there are a good example of what works in that area.

The nearby properties have up to 12 residential units. The proposed property at 10th/Lake Washington Blvd. should have 12 up to 24 units at the most to keep in the scope of the neighborhood.

Please work to keep our residential neighborhoods low key and not congested. Have the high density units near the already established commercial areas.

Thank you for working to keep Kirkland a pleasant city for residents and visitors alike.

Joan Foster
756 State St. #A
Kirkland, WA 98033

From: uwkkg@aol.com
To: [Mike Miller](#); [Jay Arnold](#); [Andrew Held](#); [Jon Pascal](#); [Glenn Peterson](#); [C Ray Allshouse](#); [Byron Katsuyama](#); [Kurt Triplett](#); [Janet Jonson](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: uwkkg@aol.com
Subject: Letter to Editor re: Planning Commission & Tasks at hand
Date: Wednesday, July 18, 2012 11:03:27 PM

Hello all:
(if possible could you confirm receipt since public has heard city computer system is "down")

I have submitted the following letter to editor @ Kirkland Views. Please consider all the input that you've received from other citizens of Kirkland. It is our hope that you have heard us and will respect the plans for our neighborhood much as you would want us to support the plans of your neighborhood if the roles were reversed.

We have expressed that our biggest concern is "Intensity" of development which we have clearly articulated as being # 1 concern the residential density. That intensity of use is also controlled by whether the building size is similar to surrounding buildings, whether the length of the facade is similar to surrounding buildings, whether the lot coverage is similar to the 20-30% lot coverage of surrounding buildings (or allowed at 60% like the maximum allowance that used to be allowed in the area). Set backs, step backs, architectural treatment all help as well - Design Review Board. But again, our neighborhood has never been planned in a manner to support ultra high density residential or big buildings. We hope you will respect those decisions that were collectively made during numerous years when the "lowest intensity" was desired and the planning staff, community, planning commission and city councils all agreed on a new commercial designation called "Residential Market" and came together in an agreement on what that definition, and what the limitations would be.

Thank you (Letter to Editor below)
Karen Levenson

Title: Kirkland's Welcoming Waterfront, Lush Landscapes, Fountains and Art

To the Editor

As the planning commissioners get ready to decide the "fate" of Kirkland's BN and MSC2 zoning, or at least their recommendation (which often then leads to City Council adoption), I find myself reflecting on days when I would visit Kirkland before I was a property owner here. What brought me from other areas of King County to walk, to dine, and then to eventually invest in Kirkland with a purchase and then reconstruction of a home? What brings others here for their leisure, for their shopping, for their dining, for location of their business or their home? How does this financially help our community?

An event that stands out in my mind happened several years ago. One of my very best friends from UW and a roommate during/after college was fighting her last days with a recurrence of a particularly aggressive breast cancer. I had just helped her get back over to Swedish Hospital and my mind was filled with deep sorrow and some anger and frustration with the insurance industry that had found a loophole wherein they

could get out of helping pay for her medical needs. She had spent her last months not only fighting for her life, but financially broken.

Yes the insurance company had found some legal loophole, or thought they had.

So for healing a broken and very frustrated heart, where to go? Where in the King County area would draw one for something of beauty and contemplation? Arguably, we have many such areas around Puget Sound, however, the specialness of Kirkland called me. I recall walking Lake Washington Boulevard/Lake St S and the feeling of reassurance from the lake vistas, but it was much more. It was the character of the area.

I marveled at the beautiful fountains and gardens in front of the Water's Edge condominiums. Similarly with Shumway and similarly with almost all of the HOAs and single family homes along the boulevard. I stopped for coffee, then stopped for lunch. I sat at the park and marveled at "life" in general and the time we all have to enjoy life.

There was a vibrancy and activity in the park where I sat thinking.

There were people and a sense of activity that was positive and vibrant. At the same time I felt a feeling of space since the area was not too crowded for me and my thoughts, or the teens throwing a football and running all over the park lawn.

I later moved to this neighborhood due to it's slightly congested (vibrant) character that welcomes folks in and is energetic, while at the same time a bit of a respite from congested, overly stressed areas.

I wonder if the Planning Commission gets what a gem we have along the boulevard and likely in many other areas where neighborhood plans are in place to preserve their special character. I wonder if our citizen volunteers will honor the decisions that were made during extensive study and the input of hundreds of people over many, many years.

Tonight we will see if they will finally implement the work that staff was supposed to do so that these zones are built with some vibrancy, but in step with the neighborhoods.

As a homeowner in this community, I love to hear about those who come to visit for many of the same reasons that I did before actually moving here. I watch joggers and dog walkers, teens and the elderly as they come and enjoy the area. Many will likely dine here or might bring their families or business here, as I did. If we begin allowing overcrowded buildings and monster sized structures to be built and plopped onto the boulevard without setbacks or other landscaping, fountains, art will we lose some of the beauty that currently draws them in? Will those who spend \$500 or \$2000 a month providing lush gardens and fountains still be willing to add this to our community when others just move in and exploit the properties next door?

I hope my fellow citizens will respect the work that was done by both the citywide Comprehensive Plan and the neighborhood plans. I hope that as we accept growth into our communities that we do it thoughtfully and gracefully and respectful of the decisions that have been made collectively, and that we not sacrifice our quality of life.

This is about citywide and neighborhood planning and implementing those decisions. It is not about zoning in a project specific manner to allow a developer to build something where he believes that he found a loophole.

Karen Levenson

From: uwkkg@aol.com
To: [Mike Miller](#); [Jon Pascal](#); [C Ray Allshouse](#); jarnold@kirkland.com; [Andrew Held](#); [Glenn Peterson](#); [Byron Katsuyama](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: Uwkkg@aol.com; neighboringproperties@gmail.com
Subject: ZON11 BN zoning & Density - results in another city
Date: Thursday, July 19, 2012 1:52:57 PM

I was reading about Naples due to a first visit ther. I had to wonder if Kirkland is moving in this direction...Are we planning and managing growth ... Or just reacting to GMA in a way that we jam growth where we can, inconsistent with how we planned ... And will this be the result down the road. What we choose and what we become is in your hands....

"Naples - which makes its position as Europes's most densely populated city plenty evident. M Watching the police try to enforce traffic sanity is almost comical in Italy's grittiest, most polluted, and most crime ridden city."

Karen Levenson

From: uwkkg@aol.com
To: [Mike Miller](#); [Jon Pascal](#); [Byron Katsuyama](#); [Glenn Peterson](#); [Andrew Held](#); [Jay Arnold](#); [C Ray Allshouse](#); [Kurt Triplett](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: Uwkkg@aol.com; neighboringproperties@gmail.com
Subject: Comm Codes BN - Odd reports - seeking clarification
Date: Friday, July 20, 2012 2:56:37 PM

Dear Planning Commissioners, City Council and Staff

I am out of town and was not able to participate in the planning Commission meeting and the perceived result seems so backward vs Comp Plan that I need to check in. What I hear sounds bizarre and incredibly ripe for spot zoning challenge, so I need to double check the reports of neighbors and attorneys who were at the meeting.

The reports I received seem to indicate that two "neighborhood center" areas (MSC2 & BN1) which are supposed to be lower intensity/density were approved for recommendation to maybe 18 units per acre while the properties specifically noted for LOWEST intensity use...were approved for recommendation at 36 units per acre.

Did the neighbors understand this correctly?

- 1) There has been no one advocating for any density cap on these other areas (but probably a good idea)
- 2) These other areas have the infrastructure that was documented as OK for slightly higher density
- 3) The BN on Lake St S has written documentation re why the properties only suitable for least density

MSC2 and BN -Res Mkt same distance from downtown but MSC has better infrastructure documented and is in a row of Office Commercial with higher densities than the resident MF of 10th and Lake.

BN1 is documented in deliberations as across from much more intense commercial development and good infrastructure.

if what I hear is correct, the conclusion that most would draw is that the properties with documented issues if built intense had this information pushed aside due to a proposed project (spot zone). there were also others that pointed to addresses of participants that might have had them "protecting" their neighborhoods even though the Comp Plan explained why these were appropriate for more density and intensity than the "residential markets."

Basically what I heard from neighbor seems unbelievably backwards and I don't have the ability to get audio feed, and see what was discussed so I am asking for some reasonable clarification explanations.

Thanks,
Karen Levenson

From: uwkkg@aol.com
To: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Toby Nixon](#); [Dave Asher](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Glenn Peterson](#); [C Ray Allshouse](#); [Byron Katsuyama](#); uwkkg@aol.com; neighboringproperties@gmail.com
Subject: ZON11-00042 Density cap BN Res mkt, BN(1), MSC2
Date: Sunday, July 22, 2012 11:43:23 PM

To Kirkland officials and staff:

1) I want to express how pleased I was that that there was strong consensus amongst ALL the planning commission that there should be reasonable density caps and specific design review board items regulating building size, character, fit with neighborhood. I was exceptionally pleased to hear them all comment that unlimited cap was INAPPROPRIATE in all 3 zones (BN1, BN-Res Mkt, MSC2) and that "crazy" densities such as the ones being proposed for Lake Street was clearly unrealistic and inappropriate.

I also want to express appreciation to the planning commissioners who researched multi-use and provided numerous examples of multi-use being successful at residential densities down to 10 dwellings per acre. the commissioners voted to allow multi-use at densities of 24/acre in Kirkland recognizing this viability as you will see below.

2) I was impressed by the fact that almost every council member included the option of 36 units per acre in the range of densities they offered for further consideration. Andy Held and Jon Pascal argued strongly for 12 per acre and 24 per acre respectively, which resonated with the neighbors, but the vote was a clear majority at 36 per acre.

3) I was surprised and saddened that there seemed to be favoritism to MSC2 properties in particular. Both MSC2 and BN(1) properties arrived on the scene as appropriate for a restrictive density cap during only the last few meetings. I agree that a cap similar to BN Res Mkt IS APPROPRIATE for these properties to be consistent with the comp plan. The problem is that 24/acre was assigned here... This makes these "Lower Intensity Neighborhood Market commercial" areas developed at 24 with "LEAST INTENSE RESIDENTIAL MARKET commercial at 36. The most recent Citywide EIS states that intensity of development will be measured in units per acre for residential uses so this is clearly backwards.

It should be 24 for all or 36 for all (neighbors say 24), if a discrepancy exists, the RES MKT cap is the smaller of the two.

IN SUMMARY:

- It has been confirmed that our most recent citywide EIS states that intensity is currently measured in dwellings per acre for residential uses and Floor area ratio for the non residential uses within a development
- I believe that 24/acre is a good density for all three of these zones
- I believe that if there is a difference then we need to be respectful of the fact that the Lake St Residential markets are

required to be LESS INTENSE than the MSC2 and BN(1) properties which are the second in lowest intensity (neighborhood center). In the BN(1) and MSC2 the city has documented that both have greater infrastructure to support the development as well as greater commercial uses in the same area (BN1 - grocery store, etc), (MSC2 - Market Street Corridor is generally all Commercial Office designation).

- Finally, I believe a claims of a spot zoning will arise if the BN-Residential market is approved for higher density 36 than MSC2/BN1 at density of 24. this would be costly for the city to defend.

- In addition to the spot zone issue there arises a big concern when zones like the MSC2 have the planning director state that this is his neighborhood and immediately after that comment a more restrictive cap of 24 is unanimously voted in. This is a zone that was not being considered for a cap until 1 month prior. There was not a neighborhood outcry other than a few signatures on the 600 person petition. there were no neighborhood speakers asking for density more restrictive. while I agree that there should be a cap here, the unchampioned assumption of a density cap more restrictive in the planning directors neighborhood is bound to draw further criticism and review of public records, meeting tapes and other areas of legal objection.

- In sum, planning commissioners have clearly voted that multi-use can be economically feasible at 24/acre as they voted this density for the majority of the multiuse areas. They also discussed successful multiuse developments at 10/acre in other cities. I agree that reasonable density restrictions on all three zones is appropriate. These density caps should either be the same at 24 per acre or the Residential Market parcels should be slightly less in density and intensity as required by the Comprehensive Plan.

Sincerely,

Karen Levenson
6620 Lake Washington Boulevard NE
Kirkland, WA 98033
Uwkg@aol.com

From: uwkkg@aol.com
To: [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Toby Nixon](#); [Dave Asher](#); [Kurt Triplett](#); [Eric Shields](#); [Jeremy McMahan](#)
Cc: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [Andrew Held](#); [Glenn Peterson](#); [C Ray Allshouse](#); [Byron Katsuyama](#); neighboringproperties@gmail.com; uwkkg@aol.com
Subject: Clarification Re: ZON11-00042 Density cap BN Res mkt, BN(1), MSC2
Date: Monday, July 23, 2012 11:10:12 PM

Neighbors asked me to clarify that MSC2 was the new name given to the BN (neighborhood business) properties on Market Street.

It would therefore make a good argument for all 3 BNs to have the same density cap
BN(1), BN (MSC2), BN Residential Market.

Thanks again for your thoughts,
Karen Levenson
6620 Lake Washington Blvd NE #101, Kirkland

-----Original Message-----

From: uwkkg <uwkkg@aol.com>
To: jmcbride@kirklandwa.gov; dmarchione@kirklandwa.gov; psweet@kirklandwa.gov; awalen@kirklandwa.gov; bsternoff@kirklandwa.gov; tnixon@kirklandwa.gov; dasher@kirklandwa.gov; ktriplett@kirklandwa.gov; eshields@kirklandwa.gov; jmcmahan@kirklandwa.gov
Cc: mmiller@kirklandwa.gov; jpascal@kirklandwa.gov; jarnold@kirklandwa.gov; aheld@kirklandwa.gov; gpeterson@kirklandwa.gov; callshouse@kirklandwa.gov; bkatsuyama@kirklandwa.gov; uwkkg@aol.com; neighboringproperties@gmail.com
Sent: Mon, Jul 23, 2012 8:43 am
Subject: ZON11-00042 Density cap BN Res mkt, BN(1), MSC2

To Kirkland officials and staff:

1) I want to express how pleased I was that that there was strong consensus amongst ALL the planning commission that there should be reasonable density caps and specific design review board items regulating building size, character, fit with neighborhood. I was exceptionally pleased to hear them all comment that unlimited cap was INAPPROPRIATE in all 3 zones (BN1, BN-Res Mkt, MSC2) and that "crazy" densities such as the ones being proposed for Lake Street was clearly unrealistic and inappropriate.

I also want to express appreciation to the planning commissioners who researched multi-use and provided numerous examples of multi-use being successful at residential densities down to 10dwellings per acre. the commissioners voted to allow multi-use at densities of 24/acre in Kirkland recognizing this viability as you will see below.

2) I was impressed by the fact that almost every council member included the option of 36 units per acre in the range of densities they offered for further consideration. Andy Held and Jon Pascal argued strongly for 12 per acre and 24 per acre respectively, which resonated with the neighbors, but the vote was a clear majority at 36 per acre.

3) I was surprised and saddened that there seemed to be favoritism to MSC2 properties in particular. Both MSC2 and BN(1) properties arrived on the scene as appropriate for a restrictive density cap during only the last few meetings. I agree that a cap similar to BN Res Mkt IS APPROPRIATE for these properties to be consistent with the comp plan. The problem is that 24/acre was assigned here... This makes these "Lower Intensity Neighborhood Market commercial" areas developed at 24 with "LEAST INTENSE RESIDENTIAL MARKET commercial at 36. The most recent Citywide EIS states that intensity of development will be measured in units per acre for residential uses so this is clearly backwards.

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- I believe that 24/acre is a good density for all three of these zones
- I believe that if there is a difference then we need to be respectful of the fact that the Lake St Residential markets are required to be LESS INTENSE than the MSC2 and BN(1) properties which are the second in lowest intensity (neighborhood center). In the BN(1) and MSC2 the city has documented that both have greater infrastructure to support the development as well as greater commercial uses in the same area (BN1 - grocery store, etc), (MSC2 - Market Street Corridor is generally all Commercial Office designation).
- Finally, I believe a claims of a spot zoning will arise if the BN-Residential market is approved for higher density 36 than MSC2/BN1 at density of 24. this would be costly for the city to defend.
- In addition to the spot zone issue there arises a big concern when zones like the MSC2 have the planning director state that this is his neighborhood and immediately after that comment a more restrictive cap of 24 is unanimously voted in. This is a zone that was not being considered for a cap until 1 month prior. There was not a neighborhood outcry other than a few signatures on the 600 person petition. there were no neighborhood speakers asking for density more restrictive. while I agree that there should be a cap here, the unchampioned assumption of a density cap more restrictive in the planning directors neighborhood is bound to draw further criticism and review of public records, meeting tapes and other areas of legal objection.
- In sum, planning commissioners have clearly voted that multi-use can be economically feasible at 24/acre as they voted this density for the majority of the multiuse areas. They also discussed successful multiuse developments at 10/acre in other cities. I agree that reasonable density restrictions on all three zones is appropriate. These density caps should either be the same at 24 per acre or the Residential Market parcels should be slightly less in density and intensity as required by the Comprehensive Plan.

Sincerely,

Karen Levenson
6620 Lake Washington Boulevard NE
Kirkland, WA 98033
Uwkg@aol.com

From: uwkkg@aol.com
To: [Jeremy McMahan](mailto:Jeremy.McMahan@kirklandwa.gov); [Joan McBride](mailto:Joan.McBride@kirklandwa.gov); [Doreen Marchione](mailto:Doreen.Marchione@kirklandwa.gov); [Penny Sweet](mailto:Penny.Sweet@kirklandwa.gov); [Amy Walen](mailto:Amy.Walen@kirklandwa.gov); [Bob Sternoff](mailto:Bob.Sternoff@kirklandwa.gov); [Toby Nixon](mailto:Toby.Nixon@kirklandwa.gov); [Dave Asher](mailto:Dave.Asher@kirklandwa.gov); [Kurt Triplett](mailto:Kurt.Triplett@kirklandwa.gov); [Eric Shields](mailto:Eric.Shields@kirklandwa.gov)
Cc: [Mike Miller](mailto:Mike.Miller@kirklandwa.gov); [Jon Pascal](mailto:Jon.Pascal@kirklandwa.gov); [Jay Arnold](mailto:Jay.Arnold@kirklandwa.gov); [Andrew Held](mailto:Andrew.Held@kirklandwa.gov); [Glenn Peterson](mailto:Glenn.Peterson@kirklandwa.gov); [C Ray Allshouse](mailto:C.Ray.Allshouse@kirklandwa.gov); [Byron Katsuyama](mailto:Byron.Katsuyama@kirklandwa.gov); neighboringproperties@gmail.com; uwkkg@aol.com
Subject: RE: Clarification Re: ZON11-00042 Density cap BN Res mkt, BN(1), MSC2
Date: Tuesday, July 24, 2012 1:58:34 PM

Regarding MSC2 and BN zones. Jeremy, I understand that MSC2 is currently it's own zoning designation, however, what I wanted to bring to attention is that until 2007.... for likely a dozen or more years, this was BN zoned. The other MSC commercial zone was a BC or BCX.

Additionally, what I've learned is that many of these zoning changes may have been made without following the rules...notice, etc. That brings into question, somewhat... the following.... If you need to do A,B,C to change a zoning and you don't do those steps... well if you didn't do the steps then arguably the change wasn't made.

This is more extreme than I mean to be. Mostly, this was a BN zone and when Market Street was given its own classifications the former BC zones were made MSC3, the former Office designation were made MS1 and MS4 and the BN was made MSC2..... The argument here is that MSC2 is the BN equivalent in the Market Street Corridor. The Comprehensive Plan also supports this as the text describing how the MSC2 properties must be made to fit into their neighborhoods - size, scale, etc is very similar to the language for the other BN(1) and BN-Res Market zones.

I feel pretty confident that this is straight forward and understandable ... and I hope you do too.

Karen Levenson

-----Original Message-----

From: Jeremy McMahan <JMcMahan@kirklandwa.gov>
To: 'uwkkg@aol.com' <uwkkg@aol.com>; Joan McBride <JMcBride@kirklandwa.gov>; Doreen Marchione <DMarchione@kirklandwa.gov>; Penny Sweet <PSweet@kirklandwa.gov>; Amy Walen <AWalen@kirklandwa.gov>; Bob Sternoff <BSternoff@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>; Eric Shields <EShields@kirklandwa.gov>
Cc: Mike Miller <MMiller@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Andrew Held <AHeld@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; C Ray Allshouse <CALLshouse@kirklandwa.gov>; Byron Katsuyama <BKatsuyama@kirklandwa.gov>; neighboringproperties <neighboringproperties@gmail.com>
Sent: Tue, Jul 24, 2012 5:08 pm
Subject: RE: Clarification Re: ZON11-00042 Density cap BN Res mkt, BN(1), MSC2

Hi Karen,

MSC 2 is an existing zone on Market Street (site of Dooley's Doghouse and the Zip Mart). It is included with this package of amendments because the characteristics of the MSC 2 zone are quite similar to the BN zone.

Let me know if you have additional questions.

Jeremy McMahan
Planning Supervisor
City of Kirkland
jmcman@kirklandwa.gov
425.587.3229

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
Sent: Monday, July 23, 2012 11:10 PM
To: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Kurt Triplett; Eric Shields; Jeremy McMahan
Cc: Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Glenn Peterson; C Ray Allshouse; Byron Katsuyama; neighboringproperties@gmail.com; uwkkg@aol.com
Subject: Clarification Re: ZON11-00042 Density cap BN Res mkt, BN(1), MSC2

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6620 Lake Washington Blvd NE #101, Kirkland

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From: uwkkg <uwkkg@aol.com>
To: jmcbride <jmcbride@kirklandwa.gov>; dmarchione <dmarchione@kirklandwa.gov>; psweet <psweet@kirklandwa.gov>; awalen <awalen@kirklandwa.gov>; bsternoff <bsternoff@kirklandwa.gov>; tnixon <tnixon@kirklandwa.gov>; dasher <dasher@kirklandwa.gov>; ktriplett <ktriplett@kirklandwa.gov>; eshields <eshields@kirklandwa.gov>; jmcman <jmcman@kirklandwa.gov>
Cc: mmiller <mmiller@kirklandwa.gov>; jpascal <jpascal@kirklandwa.gov>; jarnold <jarnold@kirklandwa.gov>; aheld <aheld@kirklandwa.gov>; gpeterson <gpeterson@kirklandwa.gov>; callshouse <callshouse@kirklandwa.gov>; bkatsuyama <bkatsuyama@kirklandwa.gov>; uwkkg <uwkkg@aol.com>; neighboringproperties <neighboringproperties@gmail.com>
Sent: Mon, Jul 23, 2012 8:43 am
Subject: ZON11-00042 Density cap BN Res mkt, BN(1), MSC2

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Sincerely,

Karen Levenson
6620 Lake Washington Boulevard NE
Kirkland, WA 98033
Uwkkkg@aol.com

From: [Chuck Pilcher](#)
To: [Kurt Triplett](#)
Cc: [Mike Miller](#); [Jon Pascal](#); [Jay Arnold](#); [C Ray Allshouse](#); [Byron Katsuyama](#); [Andrew Held](#); [Glenn Peterson](#); [Joan McBride](#); [Doreen Marchione](#); [Penny Sweet](#); [Amy Walen](#); [Bob Sternoff](#); [Dave Asher](#); [Toby Nixon](#); [Robin Jenkinson](#); [Eric Shields](#); [Jeremy McMahan](#)
Subject: Rebuttal to Justin Stewart's letter 6.28.12 to PC re BN Hearing
Date: Saturday, July 14, 2012 10:27:51 PM
Attachments: [Dargey input to PC 6.28.2012 rebuttal.pdf](#)
[Dargey input to PC 6.28.2012.pdf](#)

Folks,

I did not see, until today, the letter that Justin Stewart sent to the Planning Commission for the June 28 BN zone hearing. I found it at the very end of Part 2 of the Planning Commission packet for next week's meeting, around page 145 or so. Please see the summary I have prepared in rebuttal to Justin's letter, along with a text version of his original. As usual, I've tried to keep it as brief as possible to respect your time. In doing so, I hope I am not too blunt.

I hope you have noticed, as I have, the huge amount of input you have received, hundreds of pages from what looks like at least a hundred citizens. I myself don't even know who most of them are, and new ones are popping up all the time on the local blogs like Patch and Kirkland Views. I trust that you are paying attention to this input.

I also trust that each of you is actually READING the EIS before participating in any discussion about it in August. It's a long slog, but there's both interesting and disappointing information contained therein.

As usual, thanks for all the hard work you put in on behalf of our City. I know we are all working toward the same goal of keeping Kirkland at the top of the list when it comes to livability. Potlatch is a great concept, but NOT ON OUR BOULEVARD.

Chuck Pilcher
chuck@bourlandweb.com
206-915-8593

Rebuttal to arguments made by Justin Stewart in comments to the Planning Commission for the June 28, 2012, Public Hearing regarding Consideration of Amendments to BN Zone

**Submitted by:
Charles A. Pilcher, Lakeview Neighborhood**

(Note that Mr. Stewart's comments were submitted in his capacity as Executive Vice-President of [PathAmerica](#), a corporation that provides "concierge services" to foreign investors. Those investors then receive fast-track Green Card residency status in return for providing money for construction projects in the USA.)

"As we have previously noted, there are only a few properties zoned BN in the City". At the time of the initial pre-submittal meeting December 3, 2009, there was only ONE BN Zone left in Kirkland yet to be developed, the one we are discussing. Thus, any concerns regarding the BN zoning are by default "project specific." The only other BN zones are the result of a later annexation.

"Further, as has been readily recognized, the primary driver for considering changes to the BN zone are comments by the public regarding the proposed Potlatch Village project. As a result, there is no apparent need for overall changes to the BN zone itself." In other words, we have no respect whatsoever for the concerns of over 500 Kirkland citizens and neighbors who will be impacted by our project, nor for the livability, safety, ambience and future of what our project will do to one of the most beautiful and pedestrian friendly boulevards in the entire country.

"Overall, I would emphasize that developers and property owners cannot and will not build projects where a City has adopted overly restrictive zoning mandates. Instead, developers and builders will simply go to neighboring cities where development is possible at a substantially lower cost and based on a more efficient process." It would please the citizens immensely if you would take this project elsewhere, somewhere that it fits with and does not degrade the surrounding neighborhood.

"[T]he best zoning codes regulate as the City desires while leaving design flexibility and choices to the applicant." The City has clearly expressed its desires in the Kirkland Comprehensive Plan, particularly the Moss Bay and Lakeview Neighborhood Plans, which are the sections most applicable to Lake Street and Lake Washington Boulevard. It is unfortunate that those desires were not codified in the Zoning Code, an oversight being corrected during the moratorium.

"I encourage you not to continue repeating the cycle and hurt the City's economy even further while the region overall begins to recover." Kirkland is a premier destination City known for its lakefront boulevard. The City's economy can only suffer if we do not protect that asset.

"Density cap: ... residential density is a requirement to offset the high costs of mixed-use buildings. When evaluating the financial viability of construction, developers will place value on the anticipated rental or sales income from the residential units but not the retail space. So there need to be enough residential units to cover the costs related to the whole commercial level of construction." The City of Kirkland is responsible for assuring appropriate development in appropriate locations. The City has its own goals that may be in conflict with a developer's desire for profit. If you have a problem making a profit, the City may or may not alter the Land Use and Zoning. In the present case, Kirkland may have other interests at stake.

"Limit on number of stories: There is no apparent reason or need to limit number of stories to a building when the height limit is already set." This may be correct, but the overriding issue is one of density and intensity of use. If a developer will not reduce density and intensity under existing guidelines,

and in fact sinks the ground floor below street level in an effort to circumvent the height limit, an added limit on the number of stories is an appropriate response by the City.

"Limitations on floor plate size: This type of requirement would make development economically unfeasible, especially in the Lake St. BN zone.... If the Commission's intent is to break up the street façade, this is accomplished through other measures." This is true only because the developer (whom you represent) and the previous owner both overpaid for the property because of a lack of financial due diligence. A remedy for your failure to produce an economically viable project is not the responsibility of the City of Kirkland. Opponents have yet to see any significant "other measures" proposed that would significantly address the citizens concern and the desire of the City to assure appropriate scale, intensity and density.

"Commercial at street level: This consideration is clearly site and project specific to the Lake Street BN zoned property." Correct, but this was the only BN zoned property in the City at the time you submitted your proposal, so it has every right to be project specific. There is also a valid concern that this property was erroneously zoned BN in the first place.

"Design review: ...The BN zoning code already provides appropriate parameters for bulk and scale. To go beyond those parameters into design review will drive development interest away from the City and to the adjacent cities which do not require design review in similar zones." The City of Kirkland has a sovereign right to require any review it feels is necessary to protect its community from overzealous and inappropriate development that is disrespectful of the standards it desires for its future. The City represents the citizens and helps assure that their property rights are protected. It is the City's choice to do business as it sees fit. The reason Design Review is appropriate for BN zones is because that zone is in a neighborhood with existing design expectations. If you don't like it, build elsewhere.

Honorable Planning Commissioners
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
June 28, 2012

Re: Consideration of Amendments to BN Zone

Testimony for June 28, 2012 public hearing

Dear Honorable Planning Commissioners:

This letter supplements prior testimony and submittals by Potala Village Kirkland, Lobsang Dargey, and their attorneys and consultants related to consideration of amendments to the BN zone pursuant to the pending moratorium. I am a project executive for a broad variety of multi-family, mixed use and other major construction projects across the Puget Sound region. I have been working in the building industry for more than fifteen years in various capacities including project management and have extensive experience in building construction. I feel my comments in this letter regarding your consideration of amendments to the BN zone are well within my field of expertise. As we have previously noted, there are only a few properties zoned BN in the City.

Further, as has been readily recognized, the primary driver for considering changes to the BN zone are comments by the public regarding the proposed Potala Village project. As a result, there is no apparent need for overall changes to the BN zone itself. We simply see no rational basis for undertaking review of the BN zone when there are virtually no comments or input from the City that might warrant this review.

This Commission is undertaking a detailed review of almost every aspect of the BN zone. For the most part, the proposed changes are minor in nature, or do not appear likely to have major ramifications for the BN zone. However, we feel there are a few aspects of the Commission's review which should either remain as they are under the current zoning based on the current interplay of the various regulations, the intent of the BN zone and the design of Kirkland's commercial zones, generally. I've addressed those below after my general comments.

Page 2

Overall, I would emphasize that developers and property owners cannot and will not build projects where a City has adopted overly constrictive zoning mandates. Instead, developers and builders will simply go to neighboring cities where development is possible at a substantially lower cost and based on a more efficient process.

Development under clear and concise zoning is of no lesser quality, design or caliber. Instead, that development of equal quality is possible because those zoning codes are carefully constructed based on the input of design professionals who work in the industry every day. Those codes do not overburden development with inconsistent or redundant requirements. Instead, the best zoning codes regulate as the City desires while leaving design flexibility and choices to the applicant. The City thereby gets quality development without wasted resources. The City is already dealing with this in multiple areas where properties are over restricted by density limits (not updated), and by limits on allowable uses (properties sit vacant and values plummet). I encourage you not to continue repeating the cycle and hurt the City's economy even further while the region overall begins to recover.

Density cap. As staff previously commented, most Kirkland commercial zones do not have a density limit. Instead, density is determined by height, setbacks, parking and so forth. As I have stated in previous meetings, residential density is a requirement to offset the high costs of mixed-use buildings. When evaluating the financial viability of construction, developers will place value on the anticipated rental or sales income from

the residential units but not the retail space. So there need to be enough residential units to cover the costs related to the whole commercial level of construction.

Limit on number of stories. There is no apparent reason or need to limit number of stories to a building when the height limit is already set. A limit on the number of stories in any given building would be inconsistent with similar commercial zones and simply not necessary because height is addressed by the height limit of 25 feet (up to 30 feet with additional setback). Instead, a limitation on the number of stories would be redundant at best and result in either inefficient design or unnecessary and undesirable design limitations. For example, sloped properties always have more floors showing on the downhill side of the slope but the desirable design possibilities are only accomplishing using a total height limit versus regulating the number of stories. There are multiple 4-story buildings in the immediate surrounding area of the Lake St. BN zone, including directly across the street. With a height limit, the City's objectives are accomplished and the neighborhood is on notice as far as what height buildings are limited to without limiting the design possibilities of any site.

Limitations on floor plate size. This type of requirement would make development economically unfeasible, especially in the Lake St. BN zone. With the sloped topography, an abstract limitation on floor plat size simply does not work because of

Page 3

topography. If the Commission's intent is to break up the street façade, this is accomplished through other measures without effectively rendering the site economically unbuildable under the BN zone.

Commercial at street level. This consideration is clearly site and project specific to the Lake Street BN zoned property. A similar requirement simply doesn't exist in similar zones and wouldn't even work on other sites where there is a slope across the street frontage. There are code requirements that mandate the allowable slope and ADA access to the commercial frontage. This requirement is not only redundant but takes away creativity and character from possible design options (such as a pedestrian plaza integrated with the retail storefronts).

Design review. Adding yet another costly process to the City's already thorough development requirements for this zone will only further hurt Kirkland's economy and property values. The BN zoning code already provides appropriate parameters for bulk and scale. To go beyond those parameters into design review will drive development interest away from the City and to the adjacent cities which do not require design review in similar zones. The City of Kirkland has a growing reputation as the most internally inconsistent local municipality for the development process. Adding a design review element to the BN zone will only further steer economic development away from Kirkland to the surrounding areas. Further, there has been no explanation for why design review is necessary for the BN zone but not for other commercial zones.

I truly appreciate the time, energy and thought put in by the Commission to try to improve the beautiful City of Kirkland. While evaluating the zoning elements that are currently in place and possible changes to them, I hope you will not lose sight of the negative impacts of over restricting the City's commercial zones.

Sincerely,
Justin Stewart, LEED® AP
Executive Vice President
Path America

Development Standards for Neighborhood Business Family of Zones

	BN (Moss Bay, ±1.21 acre zone)			BN (South Rose Hill, ± 1.1 acre zone)		BNA (Finn Hill, ±7.65 acre zone north & ±4.4 acre zone south)		MSC 2 (Market Street, ±.84 acre zone)	
	Current	PC Rec.	5/15/12 CC Feedback	Current	PC Rec.	Current	PC Rec.	Current	PC Rec.
Comprehensive Plan¹	Residential Market	Retain Residential Market, clarify scale in the definition & add guidance for mixed use	Change to Neighborhood Center	Neighborhood Center	Change to Residential Market	Neighborhood Center	No change	Neighborhood Center	Change to Residential Market
Residential Density	None	36 units/acre	Should be a maximum	None	24 units/acre	None	<ul style="list-style-type: none"> 24 units/acre for north area, 18 units/acre for south area² Residential square feet not to exceed 50% of the site's total square feet of floor area 	None	24 units/acre
Minimum Commercial Floor Area	75% of ground floor	Minimum commercial frontage	Ok with frontage concept	75% of ground floor	Minimum commercial frontage	75% of ground floor	Minimum commercial frontage	75% of ground floor	Minimum commercial frontage
Residential on Ground Floor of Structure	Prohibited	<ul style="list-style-type: none"> Allow behind commercial frontage Res. lobby allowed in comm. frontage 	Ok with allowances	Prohibited	<ul style="list-style-type: none"> Allow behind commercial frontage Res. lobby allowed in comm. frontage 	Prohibited	Allow, subject to 50% requirements above	Prohibited	<ul style="list-style-type: none"> Allow behind commercial frontage Res. lobby allowed in comm. frontage
Commercial Orientation	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Limit parking between building & street 	Ok with orientation and height. Did not support previous PC direction to require commercial to be at grade with street	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Limit parking between building & street 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Limit parking between building & street 	Toward arterial or sidewalk	<ul style="list-style-type: none"> Toward arterial or sidewalk Minimum 13' ground floor height Limit parking between building & street

¹ PC also recommends removing Residential Market from RM 3.6 zone on LWB (Super 24 site)

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

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

	BN (Moss Bay)			BN (South Rose Hill)		BNA (Finn Hill)		MSC 2 (Market Street)	
	Current	PC Rec.	5/15/12 CC Feedback	Current	PC Rec.	Current	PC Rec.	Current	PC Rec.
Maximum Height	30'	Allow 3' increase for 3 story bldg. with 13' ground floor height	Did not support previous PC direction to limit to 3 story max.	30'	Allow 3' increase for 3 story bldg. with 13' ground floor height	35'	Allow 3' increase for 3 story bldg. with 13' ground floor height	30'	Allow 3' increase for 3 story bldg. with 13' ground floor height
Maximum Lot Coverage	80%	No change	Ok with no change	80%	No change	80%	No change	80%	No change
Required Yards³	20' front ⁴ 10' side & rear	<ul style="list-style-type: none"> • 0' front • Design guidelines address ped. orientation & massing above ground floor • Require 10' sidewalks and ped. weather protection • 10' side & rear for all uses 	Did not comment	20' front 10' side & rear	<ul style="list-style-type: none"> • 0' front • Design guidelines address ped. orientation & massing above • Require 10' sidewalks and ped. weather protection • ground floor • 10' side & rear for all uses 	10' front 10' side & rear	<ul style="list-style-type: none"> • No change 	20' front 10' side & rear	<ul style="list-style-type: none"> • 0' front • Design guidelines address ped. orientation & massing above ground floor • Require 10' sidewalks and ped. weather protection • 10' side & rear for all uses
Land Use Buffer	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	10' for all commercial uses adjoining residential	5' for all commercial uses	Retail=20' adjoining SF, 15' adjoining MF Office=20' adjoining SF, 5' adjoining MF ⁵	10' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	10' for all commercial uses adjoining residential	Retail=15' adjoining SF or MF Office=15' adjoining SF, 5' adjoining MF	10' for all commercial uses adjoining residential
Maximum Retail/Restaurant Store Size	10,000 s.f. per establishment	4,000 per establishment	Ok with 4,000 s.f. limit	10,000 s.f. per establishment	4,000 per establishment	10,000 s.f. per establishment, excludes grocery, drug, hardware...	No change	4,000 s.f. per establishment	No change

³ Note that office has 5' minimum side (15' combined)

⁴Required yard along Lake St S or LWB increased 2' for each 1' that the structure exceeds 25' (applies to RM along Boulevard as well)

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

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

	BN (Moss Bay)			BN (South Rose Hill)		BNA (Finn Hill)		MSC 2 (Market Street)	
	Current	PC Rec.	5/15/12 CC Feedback	Current	PC Rec.	Current	PC Rec.	Current	PC Rec.
Use Limitations	Use Zone Charts	<ul style="list-style-type: none"> • Prohibit non-pedestrian oriented (e.g. veh. service station & drive-thru) • Prohibit Office use on upper floors 	Ok with prohibiting non-pedestrian uses, did not comment of office restriction	Use Zone Charts	Prohibit non-pedestrian oriented (e.g. vehicle service station & drive-thru)	Use Zone Charts	No change	Prohibits non-pedestrian oriented (e.g. vehicle service station & drive-thru)	No change
Maximum Building Length	None	Design guidelines	Ok with design guidelines	None	Design guidelines	None	Design guidelines	Design regulations	Design guidelines
Review Process	None	Design Board Review	Ok with design review, PC to recommend process & guidelines	Process IIA	<ul style="list-style-type: none"> • Design Board Review • Incorporate Comp Plan criteria into special regulations 	None	Design Board Review	Administrative Design Review	Design Board Review

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

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