



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
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MEMORANDUM

Date: June 20, 2007

To: David Ramsay, City Manager

From: Angela Ruggeri, AICP, Senior Planner
Eric R. Shields, AICP, Planning Director

Subject: STUDY AND ADOPTION OF MARKET STREET CORRIDOR ZONING CHANGES,
DESIGN REGULATIONS AND DESIGN GUIDELINES (FILE ZON07-00007)

RECOMMENDATION

Staff recommends that Council review the proposed changes to the Zoning Map, Zoning Code and Design Guidelines to implement the Market Street Corridor Plan and direct any appropriate changes prior to adopting the attached ordinances.

COUNCIL REVIEW

Staff suggests that the Council consider the Planning Commission's memorandum of transmittal (Exhibit A) and recommended amendments to the Zoning Map, Zoning Code and Design Guidelines for Pedestrian-Oriented Business Districts in the Municipal Code. The Planning Commission's recommendations will result in the following:

- Changes to the Zoning Map with new specialized zones for the Market Street Corridor including Market Street Corridor 1 through 4 zones (MSC 1, 2, 3, 4) and new use zone charts for these zones (see Attachments A-1 through A-4 to the enclosed Zoning Ordinance).
- Amendments to Kirkland Zoning Code Chapters 92, 105, 110 and 142 relating to design regulations for development along the Market Street Corridor (see Attachments A-5 through A-8 to the enclosed Zoning Ordinance).
- Additions to Kirkland Municipal Code Section 3.30.040, Design Guidelines for Pedestrian-Oriented Business Districts (see Attachment A to the enclosed Municipal Code Ordinance).

Karen Tennyson, the Planning Commission Chair will transmit the Commission's recommendation at your meeting and staff will present an overview of the recommended regulations. Staff suggests

that the Council consider the Commission's transmission memo as a guide for discussion of the recommended changes.

Staff recommends that the effective date of the ordinance be 30 days from passage of the ordinance in order to provide lead time to train staff and establish procedures.

BACKGROUND DISCUSSION

The Market Street Corridor Plan was adopted in December of 2006 as part of the Market and Norkirk Neighborhood Plan updates. This new plan was created for commercial and multifamily properties adjoining Market Street, extending as far north as 19th Avenue. The Market Neighborhood boundary line was also moved to the middle of Market Street, so that the east side of the street is part of the Norkirk Neighborhood and the west side of the street is part of the Market Neighborhood.

The Market Street Corridor Plan policies were used as a basis for the changes to the Corridor zoning and design guidelines. These changes include:

- Design review requirements for the corridor.
- Maintenance of a professional office/residential atmosphere in the MSC 1 and MSC 4 zones with an allowance for some small neighborhood oriented retail.
- Maintenance of a neighborhood oriented business atmosphere in the MSC 2 zone.
- Preservation of the historic district at the intersection of Market Street and 7th Avenue with a mix of commercial uses allowed in the area (MSC 3 zone).

The Planning Commission held three study sessions on these changes where they discussed the various issues and took public comments. Public involvement efforts also included staff presentations to the Market and Norkirk Neighborhood Associations prior to the public hearing on April 26, 2007 to explain the proposed amendments. All Planning Commission meetings were advertised on public notice sign boards, on the project website, and in e-mails sent to the list serve subscribers.

The memorandum prepared for the hearing is available for viewing at:

http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/mnh/Market_Work_program.htm

The audio of the hearing, to listen to the public comments, is available at

http://www.ci.kirkland.wa.us/depart/Planning/Planning_Commission/Planning_Commission_Meetings_Online.htm. All other Commission meetings are also available on-line.

All written comments received on this project are included as Exhibit B to this memorandum. All Planning Commission meeting minutes are included as Exhibit C.

SEPA COMPLIANCE

An addendum to the City's Draft and Final EIS for the 2004 Kirkland Comprehensive Plan was issued on May 14, 2007.

EXHIBITS:

- Exhibit A Planning Commission Transmittal Memorandum, dated May 7, 2007
- Exhibit B Public Comments received on the Project
- Exhibit C Planning Commission Minutes

Cc: File IV-03-27Kirkland Chamber of Commerce
Market Neighborhood Association
Norkirk Neighborhood Association
The Kirkland Heritage Society, Heritage Hall, 203 Market Street, Kirkland, WA 98033
File ZON07-00007



MEMORANDUM

To: City Council

From: Kirkland Planning Commission
_____, Chair
Karen Tennyson

Date: June 20, 2007

Subject: PLANNING COMMISSION RECOMMENDATION TO ADOPT MARKET STREET CORRIDOR ZONING CHANGES, DESIGN REGULATIONS AND DESIGN GUIDELINES (ZON07-00007)

Introduction

We are pleased to submit these recommended zoning changes, design regulations and design guidelines for consideration by the City Council. They will implement the recently adopted policies contained in the Market Street Corridor Chapter of the Comprehensive Plan.

These Market Street Corridor policies are the basis for the proposed changes that incorporate the following.

- Design review will be required for the designated Market Street Corridor.
- A professional office/residential atmosphere will be maintained in the MSC 1 and MSC 4 zones with an allowance for some neighborhood oriented retail.
- A neighborhood oriented business atmosphere will be maintained in the MSC 2 zone.
- The historic district at the intersection of Market Street and 7th Avenue is to be preserved and a mix of commercial uses will be allowed in that area.

1. Zoning Map Amendments for the Market Street Corridor
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The Market Street Corridor is presently made up of three main zones. The majority of the corridor is zoned Professional Office Residential (PR) with a residential density of 3600 square feet per unit (12 units/acre). A small section on the south end has a residential density of 1800 square feet per unit (24 units/acre). There is a Neighborhood Business Zone (BN) toward the north end of the corridor on the west side of Market Street. This zone presently contains a small strip mall development. There is also a Community Business Zone (BC) surrounding the historic district at 7th Avenue and Market Street. The new zoning divides the corridor into four subareas.

New zones have been designed specifically for the Market Street Corridor. These zones are based on existing zoning with adjustments for the unique aspects of the Corridor. They are titled Market Street Corridor (MSC) 1, 2, 3 and 4 and correspond to the subareas shown on Attachment A-1 to the Zoning Ordinance.

2. Use Zone Charts for the Market Street Corridor Zones

The proposed charts for these zones are included as Attachments A-2, A-3 and A-4 to the Zoning Ordinance. These charts show the changes that have been made to the existing use zone charts for the corridor. The following list of potential Zoning Code changes is organized by zone and subarea.

Market Street Corridor 1 and 4 (MSC 1 and MSC 4)

The zoning was previously Professional Office Residential (PR)

(See Attachment A-2 to the Zoning Ordinance)

1. Administrative Design Review is required for all use listings except detached dwelling units and public parks.
2. A general regulation has been added to say that some development standards or design regulations may be modified as part of the Design Review Board process.
These standards include:
 - Reduction of the required front yard setback, and
 - Flexibility of the horizontal façade regulation. (See Attachment A-8 to the Zoning Ordinance - Chapter 142)
3. Required lot sizes for some uses have been changed or removed.
The required lot size of 7,200 square feet for a restaurant or tavern use has been removed and there is no minimum lot size for the new general retail category.
4. Required front yard has been reduced from 20' to 10' in the MSC 4 zone.
5. The common recreational open space requirement has been removed from the Detached, Attached or Stacked Dwelling Unit listing.
This requirement is not normally used for multifamily housing in business districts throughout the City.
6. A general small retail category has been added.
This listing replaces the more specific listings for grocery store, drug store, Laundromat, dry cleaner, barber shop and shoe repair shop that are in the PR zone. The old listings were required to go through a Process I permit. The wording used for the general retail category is similar to the wording for general retail used in the Rose Hill 8 zone.

This general small retail category is described as follows:

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.

- Gross floor area for this use cannot exceed 2,000 square feet. This maximum square footage is used to maintain a reasonable size for neighborhood oriented/small retail uses.
- The following uses are not permitted in this zone:
 - Vehicle service stations.
 - Automotive service centers.
 - Uses with drive-in facilities or drive-through facilities.
 - 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.
- Noise limitations have also been added to the special regulations.

See Attachment A-2 to the Zoning Ordinance for the full listing of special regulations.

7. Funeral homes have been eliminated as a permitted use in this zone.

8. Restaurants, Taverns and Fast Food Restaurants (as described in 9 below)

- Are limited to 2000 square feet (there was no size limit in the PR zone)
- Noise limitations have also been added to the special regulations.
- Restaurants and taverns require administrative design review (they required a Process I permit under the previous zoning).

See Attachment A-2 to the Zoning Ordinance for the full listing of special regulations.

9. A fast food use has been added to the restaurant and tavern listing on the use zone charts.

This was done so that coffee shops and similar uses will be allowed in the zone. Drive-in or drive-through facilities are not allowed and administrative design review is required.

Market Street Corridor 2 (MSC 2)

The zoning was previously Neighborhood Business (BN)

(See Attachment A-3 to the Zoning Ordinance)

1. Administrative Design Review is required for all use listings except public parks.
2. A general regulation has been added to say that some development standards or design regulations may be modified as part of the Design Review Board process.

These standards include:

- Reduction of the required front yard setback, and
 - Height increase of up to 5' maximum, and
 - Flexibility of the horizontal façade regulation. (See Attachment A-8 to the Zoning Ordinance – Chapter 142)
3. A general small retail category has been added.
This listing replaces the more specific listings that are in the BN zone. The wording used for the general retail category is similar to the wording for general retail used in the MSC 1 and MSC 4 zone.

This general small retail category is described as follows:

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.

- Gross floor area for this use cannot exceed 4,000 square feet. This maximum square footage is used to maintain a reasonable size for neighborhood oriented/small retail uses.
- The following uses are not permitted in this zone:
 - Vehicle service stations.
 - Automotive service centers.
 - Uses with drive-in facilities or drive-through facilities, except those existing as of July 1, 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.

*** This exception is to allow for the existing espresso stand in this zone.

- Noise limitations have also been added to the special regulations.

See Attachment A-3 to the Zoning Ordinance for a full listing of special regulations.

4. Vehicle Service Stations have been eliminated as a permitted use in this zone.
5. Restaurants, Taverns and Fast Food Restaurants (as described in 6 below)
 - Are limited to 4000 square feet (there was no size limit in the BN zone)
 - Noise limitations have also been added to the special regulations.

See Attachment A-3 to the Zoning Ordinance for the full listing of special regulations.

6. A fast food use has been added to the restaurant and tavern listing on the use zone charts. This was done so that coffee shops and similar uses will be allowed in the zone. Drive-in or drive-through facilities are not allowed and administrative design review is required.
7. Noise limitations have been placed on the use listing for Private Lodges or Clubs.
See Attachment A-3 to the Zoning Ordinance for the full listing of special regulations.

Market Street Corridor 3 (MSC 3)

The zoning was previously Community Business (BC)

(See Attachment A-4 to the Zoning Ordinance)

Note: The property to the west of the MSC 3 zone will be zoned MSC 1 since it is not included in the Market Street Corridor Historic District in the Comprehensive Plan.

1. Design Review by the Design Review Board is required for all use listings except public parks.
2. A general regulation has been added to say that some development standards or design regulations may be modified as part of the Design Review Board process.

These standards include:

- Flexibility of the horizontal façade regulation. (See Attachment A-8 to the Zoning Ordinance - Chapter 142)
3. The front yard setback for MSC 3 has been reduced from 20' to zero to reflect the locations of the existing historic buildings.
 4. The maximum height for MSC 3 is 30' to be closer to the heights of the existing historic buildings. The existing code only allows for 25' if the property is adjoining a low density residential zone.
 5. A general small retail category has been added.

This listing replaces the more specific listings that are in the BC zone. The wording used for the general retail category is similar to the wording for general retail used in the MSC 1, MSC 2 and MSC 4 zone.

This general small retail category is described as follows:

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.

- Gross floor area for this use cannot exceed 4,000 square feet. This maximum square footage is used to maintain a reasonable size for neighborhood oriented/small retail uses.
- The following uses are not permitted in this zone:
 - Vehicle service stations.
 - Automotive service centers.
 - Uses with drive-in facilities or drive-through facilities.
 - 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 except those existing as of July 1, 2007***.
 - Storage and operation of heavy equipment, except delivery vehicles associated with retail uses.
 - Storage of parts unless conducted entirely within an enclosed structure.

**** This exception is to allow for the existing car sales lot in this zone.*

- Noise limitations have also been added to the special regulations.

See attachment A-4 to the Zoning Ordinance for the full listing of special regulations.

6. Vehicle Service Stations have been eliminated as a permitted use in this zone.

7. Restaurants, Taverns and Fast Food Restaurants (as described in 8 below)

- Are limited to 4000 square feet (there was no size limit in the BC zone)
- Noise limitations have also been added to the special regulations.

See attachment A-4 to the Zoning Ordinance for the full listing of special regulations.

8. A fast food use has been added to the restaurant and tavern listing on the use zone charts.

This was done to address coffee shops and similar uses in the zone. Drive-in or drive-through facilities are not allowed and administrative design review is required. The parking requirement is the same as it is for restaurants and taverns (1 stall/100 square feet of gross floor area). It was 1 stall/80 square feet of gross floor area under the previous zoning. The wording is the same as the wording used for the MSC 1, MSC 2 and MSC 4 zones for the same purpose.

9. Noise limitations have been placed on the use listings for Hotel or Motel, Retail establishments providing entertainment, recreational or cultural activities, and Private Lodges or Clubs.

See Attachment A-4 to the Zoning Ordinance for the full listing of special regulations.

3. Design Regulations – Zoning Code Chapters 92, 105, 110 and 142

(see Attachments A-5 through A-8 to the Zoning Ordinance)

The Design Regulations in Chapter 92 of the Zoning Code are used for administrative design review of projects. The City Council recently approved amendments to the code that simplified Chapter 92 and moved some of the design regulations to other parts of the code. The amended parts of the code that relate to design review for the corridor are included as Attachments A-5 through A-8 to the Zoning Ordinance.

4. Design Guidelines for Pedestrian Oriented Business Districts

(see Attachment A to the Municipal Code Ordinance)

The Design Guidelines for Pedestrian Oriented Business Districts, as adopted in the Kirkland Municipal Code Section 3.30.040, are used by the Design Review Board in doing their review of projects and also by staff for administrative design review. Sections that relate specifically to the Market Street Corridor will be added to these guidelines and are shown in Attachment A to the Municipal Code Ordinance.

Public Participation

All public comments received on these regulations, are included in this packet as Exhibit B. All Planning Commission meeting minutes are included as Exhibit C.

Activities

- The Planning Commission held 3 study sessions leading up to the April 26, 2007 public hearing.
- Prior to the public hearing, staff presented the draft regulations at the Market and Norkirk Neighborhood Associations' regular meetings (on March 21 and April 4, respectively).

Notices

All of these events were open to members of the public. All meetings were advertised on eight large public notice boards located throughout both the Market and Norkirk Neighborhoods, except for the neighborhood association meetings, which are administered by the associations. In addition, the City sent out direct postcard mailings to all Market and Norkirk Neighborhood property owners and neighborhood residents prior to the public hearing and advertised via the *Seattle Times*. Three signboards were also posted along the Market Street Corridor.

Three hundred and nine subscribers to the list service for the MN Neighborhood Plan update project have been kept informed of the status of the Market Street Corridor amendments. All staff memorandums were available for viewing on line on the project website. Additionally, the project website advertised the meeting schedule.

cc: File 07-00007

Angela Ruggeri

From: Joan Lieberman-Brill
Sent: Tuesday, April 24, 2007 3:55 PM
To: ANDREW HELD (public@andyheld.com); byron Katsuyama; Carolyn Hayek (CHayek@Verizon.net); Janet Pruitt (janetpruitt@hotmail.com); Karen Tennyson; kiri@rennakerco.com; Matthew Gregory (mjg@awerks.com)
Cc: Angela Ruggeri; Paul Stewart; Eric Shields
Subject: FW: Comments for the Planning Commission meeting April 26

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

From: Jean Guth [mailto:djguth@yahoo.com]
Sent: Tuesday, April 24, 2007 3:51 PM
To: Joan Lieberman-Brill
Subject: Comments for the Planning Commission meeting April 26

Hi Joan:

My husband Eric Holtz and I live in the Norkirk neighborhood. We would like to let the members of the Planning Commission know that we support the idea of regulations to help historic preservation and also support the small lot\single family home initiative. I think for the latter, the small lot program that would allow large lots to subdivide and build a smaller home, we would endorse a FAR for these homes that is around 2000 square feet.

Additionally, we continue to support the reduced FAR for the Norkirk area. Our neighborhood continues to see the construction of "big box" style houses with little relationship to the style of surrounding existing homes and that reduce the street views of the lake.

We also support the implementation of the proposed Market Street Commercial Corridor zoning changes. We would like to encourage a change in the Market Street zoning to allow neighborhood coffee shops, small local restaurants and pubs. It seems like a maximum square footage of 2000-2500 square feet might encourage the establishment of some of the neighborhood places we enjoy and patronize and minimize the neighborhood impact. Please feel free to contact me for any clarification. And let me know if there is any further information you need from me. Thank you, Jean Guth 425-889-4769

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Exhibit B

Angela Ruggeri

From: robert stonefelt [stoneyage@msn.com]
Sent: Wednesday, February 28, 2007 12:50 PM
To: Angela Ruggeri
Cc: KirklandCouncil; David Ramsay; Eric Shields; Paul Stewart
Subject: Please Forward to Planning Commission/Market St. Corridor

Dear Chair, Vice Chair, PC Members,

If you recall, I spoke with some enthusiasm at the last Planning Commission meeting, regarding Angela Ruggeri's draft recommendations for the Market Street corridor.

It seems that some of PC Members did not share my enthusiasm in supporting her recommendations. My understanding was that some of recommendations could create more traffic in an already (at times) congested Market Street.

If my observation of your sentiments, is correct, could you please reconsider? Especially, as it could relate to Green Building/Development incentives for the Market Street Corridor. Such as possible setback reductions, including reduced from 20' from market to 10' or at the very least 15'? And/or Market St. corner properties having setback reductions from existing 20'. Above, in conjunction with possible limited height increases and less restrictive alley parking access for businesses.

A good example I would like to respectfully ask you to check out; is the newly constructed building, south of hair salon on 15th avenue and Market Street. A building of clerestory windows on northside, with minimum sloped roof. A great design that COULD HAVE INCORPORATED A LIVING VEGETATED ROOF SYSTEM. However, Living Roofs do not necessarily have to be on flat roofs only.

My point in this example; is that Market Street is mixed use that transitions both Norkirk & Market Street residential neighborhoods. What a pleasant surprise it would be, especially, from east of Market, for a view looking down on Market building structures with living vegetated roof systems.

This one only Green idea would be compatible to residential neighborhoods and more? importantly in a small, but significant way also help reduce water runoff, that eventually, can/will empty into the lake. A Shoreline Management Act related issue, involving more than just lake waterfront property owners, and what they are doing along the shoreline.

Yes, an argument can be made how will a few buildings with less runoff really favorably impact our shorelines and environment. But, then, where do we start? Please, provide common sense leadership in these important decisions where you see the opportunity to provide real incentives that make sense for the development sector; and how we are to manage our future growth challenges. Growth does not have to be a negative. It can deal with positive alternatives.

Thank you so much for your continued time and service to our community's future planning needs, I remain

2/28/2007

Sincerely Yours,
Robert Stonefelt



KIRKLAND PLANNING COMMISSION
January 25, 2007

1. **CALL TO ORDER/ROLL CALL - 7:00**

Members Present: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Members Absent: Kiri Rennaker.

Staff Present: Joan Lieberman-Brill, Angela Ruggeri, Paul Stewart, and Teresa Swan.

2. **ANNOUNCEMENT OF AGENDA**

3. **REQUESTS FROM THE AUDIENCE - NONE**

1. Robert Stonefelt, 901 1st Street. Spoke in favor of the Norkirk Neighborhood rezone.

4. **PUBLIC HEARINGS**

The Chair opened the public hearing on the 2006 City Initiated Comprehensive Plan Amendments and related Zoning Map Amendments for the Mark Twain Park Land Exchange-File No. ZON06-00009

Teresa Swan gave a brief history and timeline of the land exchange for Mark Twain Park. This has already been authorized by the City Council on May 2, 2006. She also explained that amendments for the land exchange are a carry-over of the 2006 Comprehensive Plan amendments adopted in December 2006.

Ms. Swan showed a map of the exchange and discussed the planned access easement for a future public road connection as part of a future subdivision of the property. She responded to questions of the commission regarding the easement.

The chair asked for public comment. There were none.

Motion to recommend to City Council the Staff's recommendation.
Moved by Karen Tennyson, Vice Chair, seconded by Carolyn Hayek

Discussion ensued, beginning with clarification of the public lands indicated on the Neighborhood Land Use Map (attachment 4, 8 and 11).

Mr. Stewart indicated we will review corrections to the map where public lands are indicated.

Vote: Motion carried 6-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

The Chair closed the Public Hearing portion of the meeting. The Commissioners moved to the study session area of the Chambers.

5. **STUDY SESSIONS**

- A. Drafted Work Program for Market and Norkirk Neighborhoods' Small Lot Single-Family and Historic Preservation Regulations- File No.MIS06-00053. Held study session to review proposed work program schedule and public involvement. Provided direction on changes to work program.

Joan Lieberman-Brill discussed her goal for tonight's meeting.

The Chair asked for public comment.

1. Pete Bartnick, 313 11th PL. Mr. Bartnick is a member of the Norkirk Neighborhood association and invited any of the Commissioners to attend the March meeting when this subject is on the agenda. Mr. Bartnick also spoke regarding Small Lot Single-Family and would like to see more restrictions on the smaller lot.

2. Robert Stonefelt, 901 1st Street. Spoke against FAR restrictions on Small Lots.

The Chair directed the meeting back to Ms. Lieberman-Brill.

The Commission discussed and received clarification on how the calendar is scheduled. Ms Lieberman-Brill clarified the intent of the meetings being out of sequence.

The commission clarified the timeline and the expectations at the different meetings.

Angela Ruggeri responded and clarified her role in this process. Ms. Lieberman-Brill also responded regarding the tight timeline.

The Chair summarized how the process and timeline would work.

Planning staff noticed a discrepancy in the schedule. Discussion ensued.

Planning staff clarified how the appropriate neighborhood associations are informed during this process via website list service and mailed memorandums, in hopes that they will attend the PC meetings to obtain information and to have an opportunity to voice their opinions.

The commission discussed neighborhood involvement, and the Planning Commission's opportunities for outreach.

Ms. Lieberman-Brill clarified the mechanism for how public can sign up to receive e-mails through the City's web-site. She further described the

various ways in which this the public has been notified. She mentioned that the web-site for the Plan Updates has received a substantial amount of 'hits'.

The Chair asked for discussion on issues to address, there were none.

- B. Drafted Work Program for the Market Street Commercial Corridor Design Regulations. Held study session, reviewed proposed work program schedule and public involvement. Provided direction on changes to work program.

The Commission agreed that most of the discussion points for the public involvement and scheduling discussed on the previous item were applicable to this agenda item as well.

Ms. Ruggeri outlined the key issues to the Market Street Corridor Design Regulations including design review process for Historic intersection and possibly the rest of the corridor; tweaking the zoning requirements; and possibly expanding the retail uses allowed along the corridor because they are presently limited due to old zoning language.

6. UNFINISHED BUSINESS

- A. Drafted Planning Work Program and Joint Meeting with City Council. Reviewed the revised Planning Work Program and discussed joint meeting with City Council. Recommended Council adopt Planning Work Program, identified discussion topics for joint meeting, and approved letter of transmittal to the City Council.

Mr. Stewart summarized some of the key issues discussed during the Planning Commission Retreat held December 14th.

The Commission discussed roles of both the Houghton Community Council and the CAC (Citizen Advisory Committee) in the neighborhood plans. There is a concern of double representation.

Mr. Stewart agreed with the Commission ideas on recruitment and how to work with the CAC and HCC.

Ms. Lieberman-Brill clarified the schedule changes.

The Chair asked for public comment.

1. Robert Stonefelt 901 1st Street. Spoke again regarding incentives to builders. Spoke about environmental issues, and stewardships.

The Commission extensively discussed better ways to articulate the letter of transmittal to the City Council.

The Commission discussed how to prioritize three key topics for the joint meeting with the city council.

Further discussion on which Commissioners will present the key topics to the City Council.

The Commission adopted the work program as ammended.

The Chair called for a break - 8:40

The meeting resumed - 8:49

- B. Planning Commission Revised Rules of Procedure. Reviewed proposed revised rules of procedure. Adopted rules.

Staff clarified for the Commission that the department should be referred to as Planning and Community Development Department.

Discussion on Section 3, Order of Business. When public comment should be heard. Commission agreed that this should be moved to Section 8, Item C and should include language to allow the Chair the flexibility to get comment when it makes sense.

Discussion on Section 9, item C, when to close the public hearing.

Motion to approve the Rules of Procedure as amended.

Moved by Karen Tennyson, Vice Chair, seconded by Matthew Gregory

Vote: Motion carried 6-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

The Chair was provided a copy of Roberts Rules of Order for reference.

7. **NEW BUSINESS - NONE**

8. **READING AND/OR APPROVAL OF MINUTES:**

A. **October 26, 2006**

No vote was recorded after the motion to approve Miscellaneous Zoning Code Amendments.

Motion to approve October 26, 2006 minutes as amended.

Moved by Karen Tennyson, Vice Chair, seconded by Matthew Gregory

Vote: Motion carried 6-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

B. **November 9, 2006**

Item 10, A; Administrative Reports, there is no detail of what the Planning Commission presented to the City Council.

Motion to approve November 9, 2006 minutes as amended.

Moved by Andy Held, no second required

Vote: Motion carried 6-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

9. **TASK FORCE REPORTS**

City has hired consultants for the update to the Downtown Strategic Plan.
Commission received clarification regarding the Strategic Plan.

10. **ADMINISTRATIVE REPORTS**

A. City Council Actions

Mr. Stewart mentioned that the City Council agreed with the Planning Commission to move forward with the Innovative Housing regulations, and are starting that process.

B. Hearing Examiner Actions

C. Public Meeting Calendar Update

The Chair reminded the commission of their meeting on February 6th with the City Council.

11. **COMMENTS FROM THE AUDIENCE - NONE**

12. **ADJOURNMENT - 9:04**

Motion to Approve

Moved by Matthew Gregory, seconded by Karen Tennyson, Vice Chair

Chair
Kirkland Planning Commission



KIRKLAND PLANNING COMMISSION
February 08, 2007

1. **CALL TO ORDER/ROLL CALL - 7:00PM**

Members Present: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Members Absent: None.

Staff Present: Paul Stewart, Dorian Collins, Joan Lieberman-Brill, Angela Ruggeri, and Eric Shields.

2. **ANNOUNCEMENT OF AGENDA**

3. **REQUESTS FROM THE AUDIENCE**

The Chair clarified the new rules of procedure adopted by the Planning Commission regarding Public Comment.

1. George Tuton, 1936 4th St. Asked if the Commission had considered his earlier recommendation to have a time capsule. Paul Stewart offered to check and have someone get back to Mr. Tuton regarding this.

2. Robert Stonefelt, 901 1st St. Spoke in favor of .4 FAR for Small Lot Single Family Incentives. He attended a meeting of the Norkirk Neighborhood, and felt that the majority (20-25 residents) were also in favor of the .4 FAR. Also spoke in favor of the flexibility of the proposed zoning code amendments to the Market Street Commercial Corridor Plan.

The Chair was also in attendance of the Norkirk Neighborhood meeting and she did say that the majority was in favor of .4 FAR, but clarified that they preferred smaller (.3 FAR), but they felt that no one would be motivated by the .3 FAR.

5. **STUDY SESSIONS**

A. Innovative Housing Regulations - Work Program -- File No. ZON07-00005. Reviewed draft work program for development of permanent innovative housing regulations. Provided direction for any changes to approach.

Senior Planner Dorian Collins reviewed the Innovative Housing Regulations Work Program for the year.

The City has contracted with Michael Luis, who will lead an advisory group consisting of architects, builders, developers and realtors. The intent is they will help provide input for permanent innovative housing regulations for the City.

She discussed the timeline for the various advisory meetings and the community workshop.

Ms. Collins responded to questions regarding the advisory group. Followed by discussion on how the participants were chosen for the advisory groups.

The Commission discussed examples of various innovative housing projects they would like to receive information about and possibly visit.

The Chair asked for public comments regarding innovative housing. There were none.

Paul Stewart distributed copies to the Commissioners of the 2006 King County benchmarks on Affordable housing. This was done at the request of the City Council.

Eric Shields discussed a recent meeting he attended with ARCH. They are putting together an advisory group to provide strategic input. Participation from Planning Commission members is welcome. Janet Pruitt and Carolyn Hayek expressed an interest.

- B. Small Lots & Historic Preservation -- File No. MIS06-00053. Discussed issues and reviewed draft regulations to implement small lot single-family and historic preservation policies. Provided direction on changes to the draft regulations.

Joan Lieberman-Brill began her presentation by stating the format for tonight's meeting.

She summarized the purpose of the Historic Preservation Regulations for the Market and Norkirk neighborhoods. She then discussed the proposed policies to provide incentives for retaining historically significant residences.

Planning staff clarified flag lots for the Commission.

Ms. Lieberman-Brill continued her overview by discussing Historic Residence Designation Standards, Criteria and Process.

Planning staff responded to questions regarding enforcement of improvements or alterations to historical residences.

Ms. Lieberman-Brill introduced Julie Koler, with the King County Historic Preservation Program. Ms. Koler described the interlocal agreement between the City of Kirkland and King County. She summarized how the proposed process for a residence to be considered historically significant is a less extensive process than obtaining a Landmark Designation.

Ms. Koler responded to clarifying questions of the Commission.

Ms. Koler discussed the role of the Landmarks Commission. She mentioned that there currently are incentive packages available for owners of historic residences; tax breaks, low interest loans, and direct grant and aid.

Planning staff responded to questions of the Commission. Ms. Koler concluded her presentation.

The Chair asked for public Comment.

1. Pat Tuton, 1936 4th St. Spoke in favor of historic preservation, but feels that it may not be a realistic investment because there isn't a market for historic homes as residences due to comfort (small bathrooms, small closets) and maintenance issues.

2. Bob Burke, 1032 4th St. Mr. Burke lives in an older home. He spoke in favor of incentives to help ensure historic preservation.

The Chair directed questions of the overlay zone to Mr. Burke.

3. George Tuton, 1936 4th St. Spoke in favor of historic preservation but feels it is difficult and costly to maintain an older home.

4. Pat Tuton, 1936 4th St. Ms. Tuton asked how burdensome it would be to obtain permits for needed repairs to a historic residence.

Ms. Koler responded that a health and safety issue is not required for review at King County. The King County process takes about a month for approval of routine maintenance and repair.

5. Barbara Loomis, 304 8th Ave W. Ms. Loomis lives in a designated historic residence. Spoke in favor of incentives to help preserve historic residences.

The Chair asked for public comment. There were none.

Joan Lieberman-Brill resumed her presentation of Historic Residence Designation Criteria and Process. Ms. Lieberman-Brill responded to questions regarding how many potentially historic homes on subdividable properties exist in Market and Norkirk based on an inventory done for the Kirkland Heritage Society in 1999.

Planning Staff and Commission discussed various lists available of potential historic properties. They also discussed to what extent homeowners would be made aware that their home is a potentially historic residence and might be eligible for voluntary nomination as a designated historic residence.

The Commission discussed the staff recommendation on process.

Ms. Lieberman-Brill discussed mechanisms to ensure compliance. Followed by further commission discussion.

Julie Kohler responded to questions regarding the possibility of rebuilding a historic home after it was destroyed. King County does not support this because they strive to save history and not provide a recreation of it.

Continued discussion on mechanisms to ensure compliance and criteria for repair and maintenance.

Ms. Koler clarified for the Commission by explaining the differences between historic residences and Landmark Properties.

The Chair asked for public comment.

1. Pete Bartnick, 313 11th Pl. Mr. Bartnick asked if there were any stipulation to allow a home to be moved to another lot and allow the same incentive. The Commission responded that the house may be moved to another location on the lot, but not another piece of property.

2. Robert Stonefelt, 901 1st St. Asked for clarification regarding criteria for historic homes.

Ms. Lieberman-Brill resumed her presentation with Small Lot Single Family Regulations Purpose. She described the different standards; lot size, zoning and FAR's.

The Commission received clarification on the concept of the flag lot.

Ms. Lieberman-Bill showed graphics of the FAR options for small lot single family regulations that would be feasible incentives to homeowners.

Commission and Staff discussion ensued, followed by the conclusion of Ms. Lieberman-Brill's presentation.

The Chair asked for public comment.

1. Thelma Shanks, 815 18th Ave W. Ms. Shanks clarified the options for her property. She spoke in favor of .4 FAR.

Commission discussion on FAR.

2. Pete Bartnick, 313 11th Pl. Would like to see incentives for encouraging both houses to be built on the street, instead of one behind the other.

Ms. Lieberman-Brill provided key issue discussion items for small lot single family regulations. She suggested the Commission begin with FAR.

Commission and Staff extensively discussed FAR.

The Commission discussed Mr. Luis' study regarding economic viability.

The Commission received clarification on what is expected during tonight's meeting.

The Chair called for a break - 9:39

The meeting resumed at 9:51.

Staff and Commission discussion on whether to move tonight's third study session item (Market Street Commercial Corridor Design Regulations) to a

future meeting. The decision was made to include all items tonight and stay late.

Ms. Lieberman-Brill clarified for the Commission the items she will have prepared for the next Public Hearing meeting.

The Chair invited public comment.

1. Robert Stonefelt, 911 1st. Spoke in favor of .4 FAR, he felt that it provides more options for homeowners and builders.
2. Pete Bartnick, 313 11th Pl. Mentioned some issues discussed at the Norkirk Neighborhood meeting held the previous night regarding recommended FAR and stated those present supported the concept of small lot single family regulations.

- C. Market Street Corridor Design Regulations -- File No. MIS07-00007 Discussed issues and draft regulations to implement the Market Street Corridor design policies. Provided direction on the draft regulations.

The Chair invited public comment.

1. Pete Bartnick, 313 11th Pl. Spoke against allowing non-conforming lots.

Angela Ruggeri gave a brief background to the Market Street Corridor Design Regulations. She clarified the potential changes to the zoning of the subareas. She responded to questions of the Commission regarding the plan, and began discussion with Subareas One and Four.

Lengthly Staff and Commission discussion on retail uses.

Ms. Ruggeri continued with discussion on Subareas One and Four; requiring administrative design review with design standards relating to building frontage, street corners, pedestrian oriented space, parking garages, scale and materials. Discussion followed regarding commercial parking and standards for administrative design review.

Ms. Ruggeri continued her presentation by moving on to Subarea Two (Zip Mart Area). Staff and Commission discussion on the goals to allow for greater flexibility in retail uses and ways to improve the Market Corridor streetscape.

Commission and Staff discussion on Subarea Three and ways to retain the character of the Historic District. Commission agreed to require support from the Design Review Board to maintain character of the district.

Brief discussion on Subareas One through Four, how zoning areas will be shown for the Market Street Corridor.

The Chair invited public comment. There was none.

6. **UNFINISHED BUSINESS**

7. **NEW BUSINESS**
8. **READING AND/OR APPROVAL OF MINUTES - NONE**
9. **TASK FORCE REPORTS**
10. **ADMINISTRATIVE REPORTS**
 - A. City Council Actions
 - (1) Brief discussion on observations from Joint Meeting with City Council.
 - B. Hearing Examiner Actions
 - C. Public Meeting Calendar Update * February 22 Meeting is cancelled
11. **COMMENTS FROM THE AUDIENCE - NONE**
12. **ADJOURNMENT - 10:57PM**

Chair
Kirkland Planning Commission



KIRKLAND PLANNING COMMISSION
March 08, 2007

1. **CALL TO ORDER/ROLL CALL - 7:03**

Members Present: Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, and Janet Pruitt, Chair.

Members Absent: Matthew Gregory, Andy Held, and Karen Tennyson, Vice Chair.

Staff Present: Paul Stewart, Eric Shields, Joan Lieberman-Brill, and Angela Ruggeri.

2. **ANNOUNCEMENT OF AGENDA**

3. **REQUESTS FROM THE AUDIENCE**

1. Loren Feldman, 9520 130th Ave NE. Had a question regarding incentives for historic preservation.

Eric Shields responded to Mr. Feldman's question.

2. Bruce Johnson, 1013 6th St. Had a question regarding Small Lot Single-Family regulations.

Eric Shields responded to Mr. Johnson's question.

4. **STUDY SESSIONS**

A. Market and Norkirk Neighborhoods' Small Lot Single-Family and Historic Preservation Regulations, File No. MIS06-00053. Continued to discuss issues and draft regulations to implement small lot single-family and historic preservation policies. Provided direction on the draft regulations.

Joan Lieberman-Brill clarified that the policies and incentives regarding Small-Lot Single Family and Historic Preservation have already been adopted in December 2006 with the adoption of the Market and Norkirk neighborhood plans. The intent of the study sessions is to draft regulations to implement the two policies. She stated the format of tonight's meeting and began her presentation with a background on Historic Preservation Regulations.

Ms. Lieberman-Brill responded to Mr. Feldman's question.

She noted the changes that clarify the issue of flag lots and how their lot area is proposed to be calculated.

She then summarized the proposed new section in Zoning Code Chapter 75 that has been revised to ensure that the historic character giving features of

the residences are retained. She then described the hierarchy of alteration criteria.

Ms. Lieberman-Brill summarized the direction they are looking for from the Commission prior to the Public Hearing next month. She then concluded her presentation.

The chair invited public comment.

1. Loren Feldman. 9520 130th Ave NE. Asked what the eligibility criteria is for a historic home.

2. Joe Bergevin 12838 NE 95th St. Asked what would happen if a homeowner wanted to redevelop a historic home.

Mr. Shields and Mr. Stewart responded to Mr. Bergevin's question.

Ms. Lieberman-Brill responded to questions regarding how any interior remodeling would affect the historic designation of a home.

Staff and Commission discussion on the difference between Small-Lot Single Family and Historic Preservation regulations.

The Commission asked Ms. Lieberman-Brill for statistical information on the square footage of those historic residences, identified on the "Historic Preservation" maps introduced during the Plans adoption process. She will provide assessor information for the next meeting.

Mr. Bergevin (speaker number two, above) was allowed to address the Commission. He questioned if a historic home could be moved to another site on the lot. The Commission responded 'yes' to his inquiry.

The Commission discussed eligibility requirements.

Ms. Lieberman-Brill introduced Julie Koler, from The King County Historic Preservation Program. Ms. Koler responded to Commission questions about how the criteria for Historic Designation is applied.

The Commission and Staff discussed different types of penalties that could be applied when alterations to a historic residence are made that violate the criteria. Further discussion on how to handle homes that have health and safety issues, or that have burned. Also, what would be done if someone maliciously intends to take advantage of the regulation.

The Commission concluded their discussion on historic preservation. They then verified the timelines and the upcoming meetings planned regarding Market and Norkirk neighborhoods.

The Chair invited public comment.

1. Todd Owens, 218 Main St. Is interested in sidewalks, and wanted to know the best way to make comments. Mr. Shields suggested several options for Mr. Owens.

2. Joe Bergevin, 12838 NE 95th St. Asked for a clarification on the differences between Small-Lot Single Family and Historic Preservation. He spoke against smaller FAR for the Historic Preservation regulation.

There were no further comments. The Chair concluded the historic preservation discussion of the meeting.

The Chair called for a break at 8:12.

The meeting resumed at 8:28.

The Chair invited Public Comment.

1. Angelique Reiss, 428 16th Ln. Spoke against small lot single family proposal. Spoke in favor of reduced (.3 or less) FAR.
2. Josh Reiss, 428 16th Ln. Spoke against small lot single family proposal.
3. Robert Stonefelt, 901 1st St. Spoke in favor of small lot single family proposal.
4. Pete Bartnick, 313 11th Pl. Spoke in favor of .3 FAR, but questioned some of the housing data included in the packet.

Joan Lieberman-Brill resumed her presentation with the Small-Lot Single Family portion of the study session. She summarized the changes made since February, and discussed some of the reports prepared by housing consultant Michael Luis that are included in the packet. Mr. Luis was in attendance at the meeting.

Ms. Lieberman-Brill showed some graphics of possible visual impact of different FAR in the RS 7.2 and RS 8.5 zones. These were prepared at the request of the Council.

Ms. Lieberman-Brill introduced housing consultant Mike Luis who responded to Pete Bartnick's (speaker number four, above) previous comments regarding his reports. He then clarified some of the main points of his report and how his data was compiled.

Mr. Luis responded to questions from the Commission regarding how square footage is measured and land prices.

Mr. Bergevin (audience member) was allowed to address the Commission with questions regarding corner lots. Mr. Shields responded. Mr. Bergevin then commented that many of the homes being built in this area are custom, and not 'spec' houses.

Following the Key Issues, the Commission briefly discussed reducing FAR on one or both lots, driveway portion of a flag lot, and mechanisms to ensure compliance.

The Commission discussed in length Key Issue number one, recommended FAR.

Ms. Lieberman-Brill responded to questions with respect to whether or not a detached garage is included in the FAR. Followed by Commission discussion on detached garages.

Staff and Commission discussed possible scenarios for different FAR's.

Mr. Shields reminded the Commissioners of a public comment that asked them to consider measuring overall lot coverage rather than just FAR.

Mr. Shields clarified the Commission's opinions regarding FAR, ADU's and detached garages.

Ms. Lieberman Brill reminded the Commission of the upcoming meetings.

The Chair invited public comment.

1. Angelique Reiss, 428 16th Ln. Ms. Reiss received clarification on how easements are calculated in the lot area. She also asked the Commission to consider different FAR's for one and two story homes.
2. Tim Olson, 1571 3rd St. Asked the commission to not consider the visual examples from the packet. He then received clarification on parking requirements. He also encouraged the Commission to recommend more detailed language in the regulation.
3. Pete Bartnick, 311 11th Pl. Asked Mr. Luis regarding the feasibility of development of smaller homes. Mr. Luis responded. Mr. Bartnick encouraged the Commission to try to be innovative when making recommendations about exceptions that could be made regarding FAR.
4. Joe Bergevin, 12838 NE 95th St. Asked the Commission to consider zero lot lines and encouraged them to look at his project located in Juanita as an example.

The Chair called for a break at 9:49.

The meeting resumed at 9:58.

Market Street Corridor Design Regulations, File No. MIS07-00007. Continued discussion of draft regulations to implement the Market Street Corridor policies. Planning Commission provided direction on the draft regulations.

The Chair asked for public comment. There was none.

Angela Ruggeri began her presentation by briefly summarizing what has taken place so far.

Ms. Ruggeri went through each subarea for discussion beginning with the PR zones (north and south of the historic district). This zone has proposed changes to allow a more general small retail category for the Market Street Corridor.

Ms. Ruggeri clarified that the intent is to allow neighborhood oriented retail, but not to make it a retail destination. Staff and Commission discussed existing businesses and store square footage. There was also discussion of specific retail uses that should be allowed.

Ms. Ruggeri briefly discussed funeral homes, size limit for retail uses, and minimum lot size requirement for retail uses in the Market Street Corridor.

Staff and Commission discussed special regulations to limit fast food restaurants.

Staff and Commission discussed the reduced front yard setback in subarea four. This was followed by a brief discussion on horizontal facade regulation and front yard setback in subareas one and four.

Staff and Commission discussed the allowance of Dwelling Units in the PR zones. Followed by discussion on Dwelling Units in the BN zone (Zip Mart area).

Continued discussion on floor area size limit for retail uses in the BN zone. Further discussion on types of limited fast food uses in the Market Street Corridor.

The Commission briefly discussed the suggestion for requiring administrative design review in the BN and PR zones and Design Review Board review in the historic district.

Ms. Ruggeri briefly discussed an e-mail from Commissioner Matthew Gregory regarding the boundry for the Historic District.

Ms. Ruggeri concluded her presentation.

The Chair asked for public comment.

1. Robert Stonefelt, 901 1st St. Mr. Stonefelt asked for clarification on the PR 3.6 zone. Mr. Shields responded.

5. **READING AND/OR APPROVAL OF MINUTES:**

A. December 14, 2006

Motion to approve December 14, 2006 minutes as written.

Moved by Carolyn Hayek, seconded by Kiri Rennaker

Vote: Motion carried 4-0

Yes: Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, and Janet Pruitt, Chair.

6. **TASK FORCE REPORTS**

Commissioner Hayek mentioned that the Downtown Action Team seems to be evolving. They are readdressing the downtown strategic plan and are asking for more involvement. Mr. Shields clarified the role and vision of the Downtown Action Team.

Motion to appoint Carolyn Hayek as a representative to the Downtown Advisory Committee.

Moved by Byron Katsuyama, seconded by Kiri Rennaker

Vote: Motion carried 4-0

Yes: Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, and Janet Pruitt, Chair.

7. **ADMINISTRATIVE REPORTS**

A. City Council Actions

B. Hearing Examiner Actions

C. Public Meeting Calendar Update - Discussion on rescheduling March 22 and April 12 Planning Commission meetings.

8. **COMMENTS FROM THE AUDIENCE - None.**

9. **ADJOURNMENT - 11:06**

Motion to Approve adjourn.

Moved by Kiri Rennaker, seconded by Byron Katsuyama

Chair
Kirkland Planning Commission



KIRKLAND PLANNING COMMISSION
April 26, 2007

1. CALL TO ORDER/ROLL CALL - 7:00

Members Present: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Members Absent: None.

Staff Present: Paul Stewart, Eric Shields, Joan Lieberman-Brill, and Angela Ruggeri.

2. ANNOUNCEMENT OF AGENDA

3. REQUESTS FROM THE AUDIENCE - None.

4. PUBLIC HEARINGS

- A. Market and Norkirk Neighborhoods' Small Lot Single-family & Historic Preservation Regulations, File No. MIS06-00053. Held a public hearing on the Market and Norkirk Neighborhoods' Small Lot Single-Family and Historic Residence Preservation regulations. Took public comment at the hearing and then provided staff with direction on zoning and subdivision regulations and a recommendation for City Council.

Joan Lieberman-Brill began by stating the format for tonight's public hearing and explained the intent of the proposed regulations.

She reviewed the Small Lot Single-Family Standards that are being proposed. She then discussed minimum lot size and the incentives that being considered for the various zones.

She displayed maps that show the lots that may potentially take advantage of this incentive in both Market and Norkirk neighborhoods. She then showed what revisions have been made to the proposed regulation since the March study session.

Ms. Lieberman-Brill summarized the direction that Staff will be looking for from the Commission following tonight's Public Hearing.

The Chair addressed the audience to ensure they understood the purpose of tonight's Public Hearing.

1. Karin Munro, 309 10th Ave W. Ms. Monroe asked for clarification regarding the lots impacted by this proposed regulation.

2. Pete Bartnick, 313 11th PL. He spoke in favor of the Small Lot Single-Family Regulation with the .35 FAR but would prefer .30 FAR.

3. Brad Hinkel, 1820 10th PL W. Mr. Hinkel asked for clarification on how this regulation would impact his lots. Mr. Shields and Commissioners responded to Mr. Hinkel's questions.

4. Robert Stonefelt, 901 1st ST. Mr. Stonefeld spoke in favor of Small Lot Single-Family Regulation but asked the Commission to reconsider and allow .4 FAR in the RS8.5 zone.

There were no further public comments.

Commissioner Hayek responded to one of the comments from the public regarding subdivision of lots.

Mr. Shields added by explaining current subdivision regulations.

Ms. Lieberman-Brill responded to Commission questions regarding allowing an ADU on the smaller lot. Further Commission and Staff discussion on different ADU options.

The Chair asked for indication from the Commission on how they felt regarding how the reduced FAR should be applied. The Commission concurred that the reduced FAR should only be on the smaller lot.

The Commission continued discussion of FAR.

Mr. Shields responded to questions of the Commission. He then encouraged the Commission to not complicate their recommendations regarding this FAR regulation.

The Chair asked each Commissioner to indicate their preference for the recommended FAR.

Motion to recommend to City Council on the Small Lot Single-Family Home incentive that small lots can be created with a reduced FAR of .3 on the reduced lot size lot only, but can be increased to .35 with design requirements as specified in the zoning code for RS 5.0 zones; a minimum side yard setback of 7-1/2 feet on both sides and a roof pitch of 12:4.

Moved by Andy Held, seconded by Karen Tennyson, Vice Chair

Mr. Held amended his motion.

Motion to recommend to the City Council on the Small Lot Single-Family Home incentive that small lots can be created with a reduced FAR of .3 on the reduced lot size lot only, but can be increased to .35 with design requirements as specified in the zoning code regarding minimum roof pitch and minimum side yard setbacks of 7-1/2 feet. ADU's are not allowed on the small lots and all the other proposed zoning amendments related to the Small Lot single-Family regulations are as proposed by staff in the packet dated April 18, 2007.

Moved by Andy Held, seconded by Carolyn Hayek

The Commission discussed side yard setbacks.

Vote: Motion carried 7-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

Ms. Lieberman-Brill resumed her presentation with the Historic Preservation Regulation portion of the Public Hearing.

She summarized the purpose and proposed standards for the Historic Residence Preservation incentives.

Ms. Lieberman-Brill discussed Historic Residence Designation Criteria and Process. She then introduced Julie Koler from King County Preservation Office. Ms. Koler provided examples of homes with historical significance when they were built, and how they look currently. She addressed the issue of eligibility to preserve historic homes.

Ms. Lieberman-Brill continued her presentation by briefly reviewing details of the regulations regarding repairs, maintenance, alterations and violation enforcement.

She then summarized the revisions made to the Historic Preservation Regulation since the March study session.

Ms. Lieberman-Brill clarified the next steps and the timeline for this Regulation.

The Chair asked for public comment regarding the Historic Preservation Regulations.

1. Margaret Carnegie, 11259 126th Ave NE. Ms. Carnegie commented that the restrictions are so strict that not many homes would qualify as a historic residence, and that other older homes still add value to the neighborhood.
2. Pete Bartnick, 313 11th Pl. Mr. Bartnick spoke in favor of Historic Preservation and asked the Commission to consider allowing a historic residence to be moved to another location.
3. Greg Harris, 420 10th Ave. Mr. Harris asked what the incentives are to potential Historic Homeowners. The Commission and Staff responded to Mr. Harris' questions.
4. Pete Bartnick, 313 11th Pl. Mr. Bartnick wanted to clarify his previous comment that he was asking the Commission to consider allowing a historic residence to be moved to different lot, and not somewhere on the same lot, which is currently allowed.

The Chair closed the public hearing portion of the meeting.

Ms. Koler and Mr. Shields responded to the last public comment regarding moving a historic residence to another lot.

The Commission discussed moving historic homes. Staff clarified that this proposed regulation would only apply to the Market and Norkirk neighborhoods at this time.

Ms. Lieberman-Brill emphasized that Historic Preservation is not the same process as obtaining a Historic Landmark Designation.

The Commission discussed whether or not to allow ADU's on either lot.

Staff responded to Commission questions regarding protecting a historic residence and how many of these potential historic residences exist.

Ms. Koler and Staff responded to questions in regard to demolition, alteration or damage to a historic residence. Commission discussion ensued.

The Chair asked for final discussion from the Commission regarding possible disincentives if a historic residence is destroyed.

The Commission briefly discussed non-conformance. They then discussed impact fees.

Staff responded to Commission discussion regarding impact fees.

Motion to recommend to City Council the Staff recommendation as proposed, but the FAR on a historic lot would revert to a .25 if the residence were removed or 75% of the existing house whichever is smaller or the house would need to be restored to the original form and area

Moved by Matthew Gregory, seconded by Karen Tennyson, Vice Chair

The motion was amended by Commissioner Held, and supported by Commissioner Gregory.

Motion to to recommend to City Council the Staff recommendation as proposed, but the FAR on a historic lot would revert to a .25 if the residence were removed or 75% of the existing house whichever is smaller or the house would need to be restored to the original form and area. If the house were destroyed not due to the intent of the owner, the FAR could be .3 with incentives to .35 based upon roof pitch and setbacks.

Moved by Matthew Gregory, seconded by Karen Tennyson, Vice Chair

Vote: Motion carried 7-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

The Chair called for a break at 9:01.

The meeting resumed at 9:10

Motion to close the Public Hearing on the Market and Norkirk Neighborhoods' Small Lot Single-Family & Historic Preservation Regulations.

Moved by Karen Tennyson, Vice Chair, seconded by Matthew Gregory

Vote: Motion carried 7-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

B. [Market Street Corridor Design Regulations, File No. ZON07-00007.](#) Held a public hearing on the Market Street Corridor regulations and design guidelines. Took

public comment at the hearing and then provide staff with direction on regulations and design guidelines for the Market Street Corridor and a recommendation for City Council.

Angela Ruggeri began her presentation by giving a background on the Market Street Corridor Plan. She then showed a map and detailed the Subareas.

She discussed the new zoning format that is being proposed. Subarea one and four are being combined together because they are similar in the proposed regulations. She then discussed the proposed changes and the review process that may be required.

She itemized the proposed changes to subarea one and four regarding Retail categories, multi-family, limiting the types of restaurant uses, parking, and historic streetlights.

Ms. Ruggeri then discussed the subarea two proposed changes to retail category as well as the design review requirement. The language is more open to allow for potential redevelopment of this area.

She discussed subarea three and the requirements for design review. The proposed Changes also include a more general retail category, reducing the maximum retail size, prohibiting gas stations and car dealerships and adding noise restrictions.

Ms. Ruggeri explained design regulations in Chapter 92 of the zoning code which includes the regulations that Staff will use to review proposals along the corridor, except the Historic District. She then discussed design guidelines for Pedestrian-Oriented Business Districts that will be used by the Design Review Board, for the Historic District.

The Chair asked for public comment.

1. Scott McDonald, 6350 NE 159th St, Kenmore. Mr. McDonald owns the building at 410 Market St, and had comments regarding parking. He feels the design guidelines should encourage underground parking in the Market Street Corridor.

2. Robert Stonefelt, 901 1st St. Mr. Stonefelt had questions for Ms. Ruggeri regarding building height in Subarea One and asked for clarification regarding adjoining property. He then spoke in favor of reducing front setbacks and allowing flexibility in horizontal facade in the Market Street Corridor.

The Commission began their discussion by clarifying front yard setback in the Subarea two. Mr. Shields and Ms. Ruggeri responded to questions regarding parking and setbacks. Followed by a more detailed discussions on parking.

Ms. Ruggeri responded to the issue of underground parking that was brought up by the first public comment.

The Commission discussed retail size in Subareas two and three. They offered a suggestion to increase the maximum retail size to 4000 square feet. This would be the same as the maximum square footage allowed for restaurants.

The Commissioners conveyed the sentiments of a working group that to discussed the Market Street Corridor, and talked about the one existing drive through business (a small coffee vendor).

Commission continued discussion on drive through facilities and a concern for the only existing drive through business in the corridor.

Continued extensive Commission and Staff discussion regarding drive-through businesses in the corridor.

Ms. Ruggeri clarified for the Commission the special regulations in the use zone chart 40.10.

Ms. Ruggeri asked the Commission to take a look at some proposed changes to design regulations for use during Administrative Design Review. She also mentioned that she may be proposing more changes to the language in the guidelines for the Historic District.

The Chair announced that this public hearing will be continued to May 24th.

5. **READING AND/OR APPROVAL OF MINUTES:**

A. January 25, 2007

Motion to approve the January 25, 2007 meeting minutes.

Moved by Carolyn Hayek, seconded by Karen Tennyson, Vice Chair

Vote: Motion carried 7-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

B. February 8, 2007

Motion to approve the February 8, 2007 meeting minutes.

Moved by Karen Tennyson, Vice Chair, seconded by Carolyn Hayek

Vote: Motion carried 7-0

Yes: Matthew Gregory, Andy Held, Byron Katsuyama, Kiri Rennaker, Carolyn Hayek, Karen Tennyson, Vice Chair, and Janet Pruitt, Chair.

6. **ADMINISTRATIVE REPORTS**

Public Meeting Calendar Update - Brief discussion on the Innovative Housing Community workshop that is scheduled for April 30th.

Task Force Reports - Commissioner Carolyn Hayek attended an ARCH meeting and reported on the discussions.

7. **COMMENTS FROM THE AUDIENCE - None.**

8. **ADJOURNMENT - 10:20**

Motion to adjourn.

Moved by Kiri Rennaker, seconded by Karen Tennyson, Vice Chair

Chair
Kirkland Planning Commission



KIRKLAND PLANNING COMMISSION
May 24, 2007

1. **CALL TO ORDER/ROLL CALL**

Members Present: Byron Katsuyama - Vice-Chair, Janet Pruitt, Kiri Rennaker, and Karen Tennyson - Chair.

Members Absent: Matthew Gregory, Carolyn Hayek, and Andy Held.

Staff Present: None.

2. **ANNOUNCEMENT OF AGENDA**

3. **REQUESTS FROM THE AUDIENCE - None.**

4. **PUBLIC HEARINGS - Continued (Both hearings are only open for information requested from the Planning Commission)**

- A. **Zoning Code Amendments Related to Design Regulations in Chapter 92 - ZON07-00002** Continued public hearing for the purpose of taking public comment on Chapter 142 design review threshold criteria. Made a recommendation to City Council on proposed code amendments to this section.

Janice Soloff some of the key issues after the public hearing held on May 10th.

- B. **Market Street Corridor Design Regulations - ZON07-00007.** Considered the proposed amendments and public comment. Made a recommendation to the City Council on the proposed rezones, Zoning Code amendments and design guidelines for the Market Street Corridor.

Angela Ruggeri gave a brief history on these amendments. They were adopted by the Council in December. The purpose of tonight's discussion is to bring more information as a result of the April 24 hearing.

Retail and restaurant sizes. Blooming Home in Historic District. That retail is 4000 square feet. Salons & photography are smaller, Zip Mart is 2400 sq feet. She displayed a map that showed the proposed different sq footage of retail in the different subareas. Asian Wok is the only current restaurant. Some examples

Commissioner Carolyn Hayek arrived at 7:21.

Ms. Ruggeri continued her discussion on retail size.

The Chair asked for discussion on retail/restaurant size. Ms. Ruggeri responded to questions regarding conformance/non-conformance of the

Asian Wok. What would happen if the property were to be destroyed or sold. Ms. Ruggeri and Mr. Shields read and interpreted the code.

Mr. Shields clarified for the Commission improvement value as square foot, and not actual value.

Commissioner Andrew Held arrived at 7:27.

The next key issue was where and how much parking. Ms. Ruggeri showed pictures of current parking situations. Below grade, parking in the rear, garage, parking in front, first floor parking. She also showed an example of a building that has two parking options.

Staff has changed their recommendation on this issue. Ms. Ruggeri responded to questions regarding height limit. Market as well as Rose Hill...

The Commission discussed different parking options and landscaping. It isn't the parking in front of the building, it is the structure that may be offensive.

Commission discussion on front yard setbacks and the inclusion of parking. Rose Hill Business District allows parking in front and behind the building depending on the conditions. Market Street Corridor is different that it has street parking, and Rose Hill does not.

Staff responded to parking issues. Continued Commission discussion regarding parking and landscaping. Mr. Shields clarified code for Multi-Family in residential.

The Commission concurred to agree with the Staff Recommendation but to add some language about encouraging landscape buffer. Staff asked the Commission ...

The last key issue was a description of fast food use (coffee shop) listing. Ms. Ruggeri explained the proposed special regulation for all four corridor zones. Extensive staff and Commission discussion on restaurant vs. fast food restaurant.

Ms. Ruggeri read the definition of fast food for the Commission. Mr. Shields read the definition of restaurant for the Commission. In order to compare the two.

Extensive Commission discussion regarding 'drive up' facilities where goods/meals are delivered to you why you wait in your car.

Commission discussion on fast food restaurants and what is being accomplished here.

Ms. Ruggeri moved on to Design Regulations/Chapter 92 of Zoning Code. Design Guidelines for Redestiran-Oriented Business Districts.

Ms. Ruggeri explained the next steps. Recommendation followed by Recommendation to council by Ms. Ruggeri on July 3, 2007.

Motion to recommend Market Street Corridor Design Regulations - ZON07-00007. with noted changed on parking landscaping and the zoning changes. Moved by Matthew Gregory, seconded by Byron Katsuyama - Vice-Chair

Vote: Motion carried 7-0

Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama - Vice-Chair, Janet Pruitt, Kiri Rennaker, and Karen Tennyson - Chair.

The Chair called for a break at 8:27.

The meeting was c 8:36

Building permit activity, ADR. Added criteria to make it more clear.

Ms. Soloff addressed the Commission and asked for discussion or thoughts on the revisions that were made since the last meeting. After a brief discussion and clarification, the Commission concurred with Staff's recommendations.

Motion to approve staff's recommendation as sta

Moved by Byron Katsuyama - Vice-Chair, seconded by Karen Tennyson - Chair

Commissioner Matthew Gregory arrived at 7:15.

- A. Innovative Housing - ZON07-00005. Received report of conclusions and recommendations from Builder/Advisory Group and Community Workshop on Innovative Housing, and discussed issues related to the development of regulations for this type of housing. Provided direction to staff for preparation of draft regulations for innovative housing.

Dorian Collins began...

Direction from CC in January to go through with permanent regulation. As staff moves forward with preparations of permanent regulations, consider: Design quality, Public Benefits (Community orientation, Open Space, Environmental Sensitivity...

Mike Luis reviewed the input from the group participants. He quickly went over the either/or question that a developerbuilder would answer when deciding to develop a property. Cost vs. Sales value.

Conclusions of the meetings, FAR, mix up single fam & cottage. Easy permit process, keep the door open. Staff flexibility.

Workshop, 30 people showed up. Conclusion was that most people reacted favorably to these types of housing.

Ms. Collins discussed blah blah... then review process. Demonstration rprogram, proposal... tested housing types.

Standards/Design elements... need to be incorporated into the permanent regulations are size, FAR/density, setbacks, mix of unit types. ... She then discussed Site Design, min/max unit clusters. Locations of open space (public and

private)... Building Design... orientation of main entry, porch size, roof pitch, variation in design styles w/in developments, compatibility with surrounding neighborhood, details design elements ie: doors, dormers, bay windows modulation, colors, materials.

Staff Proposal on Standards... Project size 4-25 units (as in test), review process (cottage, compact SF, and -affordable- carriage house process 1, other, process 11A), unit types, mix of unit types, zones, separation (1500' between projects, no neighborhood limit), FAR, Unit size, Design Review.

Amenities, Staff Proposal, require public open space in all developments (community), require front porches (significant dimension), require pitched roof.

Direction from PC requested are, proposed approach

Mr. Luis returned to discuss the conclusion to his impact of including affordable units and allowance for density bonuses. According to his model (depending on land prices) a one for one allowance would be more advantageous for the developer. One Affordable unit in exchange for a bonus unit.

Mr. Luis responded to questions regarding how including a community building would affect his model.

Mr. Shields clarified that Mr. Luis' model is based on assumptions that may not always be the same situation. Discussion ensued regarding how to make allowances. Commission comment that why should there be an affordable allowance.

The Chair asked for public comment.

1. Jim Soules (builder of Danielson Grove, Cottage) spoke against the .35 FAR. The density of Mr. Luis' model is too dense. He asked the Commission to step back, and take a second look at FAR. He also felt that there would be many builders interested in building in Kirkland. Redmond requires an affordable unit if there are more than 10 units. Their current project contains a carriage house as the affordable unit, and it stands out in a negative way.

Mr. Soule and Mr. Shields responded to FAR questions regarding this project.

The Commission received clarification on number of units, and land pricing.

Mr. Luis responded to Commission comments regarding land prices.

Commission discussion regarding affordability.

Commission discussion regarding design review, and the possibility of allowing certain builders to skip cert Mr. Stewart responded to question regarding allowing a builder to skip design review process

Mr. Shields responded to questions regarding process review fees.

Commission discussion on why the proposal for the two design processes. Ms. Collins responded that there was a desire to keep community involvement. Mr. Shields also responded

Planning staff suggested the Commission discuss each topic beginning with FAR, mixed unit types. Mr. Shields responded to questions regarding FAR.

Commission discussion on mixed unit types.

Clarification that process I had design review and public notice, and process IIA for other styles. Process I is for the types of projects that have already been build by the test projects and Process IIA is for all others (hearing examiner).

Mr. Shields and Ms. Collins responded to questions regarding other projects.

Mr. Shields responded to questions regarding certain neighborhoods.

Discussion on mixed unit types. Staff clarified FAR, with the mixed unit issue. Mixed units are limited by a maximum size (1500 sq ft, not including the garage). The name doesn't matter so much (cottages, bungalows), but could be called compact homes. So, no limit on the number of units, just FAR in this scheme.

Next bullet point, affordable carriage & incentives for affordability. Commission and staff agree to add that process I to include public notice for compact and cottage. Commission discussion on Process types.

Incentives for affordability... Staff would like direction on should it be included or not. Extensive discussion on affordability. Affordability is not essential, but would like to open it up...

Administrative design review has already been discussed.

Level of detail in design standards... some definitions are crucial.

LID (Low Impact Development), requirements or incentives?

Private open space - all project types to include?? Mr. Soule commented on existing projects and how open space was handled.

Standards for parking. Should clusters of garages be encouraged.

Orientation of main building entries... should they only be toward the common space. Commission consensus is no.

Commission and staff discussion on limiting these types of projects in each neighborhood.

6. READING AND/OR APPROVAL OF MINUTES:

A. April 10, 2007

B. April 26, 2007

A. April 10, 2007

Motion to approved as corrected.

Moved by Andy Held, seconded by Kiri Rennaker

Vote: Motion carried 7-0

Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama - Vice-Chair, Janet Pruitt, Kiri Rennaker, and Karen Tennyson - Chair.

Motion to approve as corrected.

Moved by Andy Held, seconded by Kiri Rennaker

Vote: Motion carried 7-0

Yes: Matthew Gregory, Carolyn Hayek, Andy Held, Byron Katsuyama - Vice-Chair, Janet Pruitt, Kiri Rennaker, and Karen Tennyson - Chair.

7. **ADMINISTRATIVE REPORTS**

A. City Council Actions

B. Public Meeting Calendar Update - No items for the June 14 meeting.

Inclusionary housing...

Matthew Gregory has been appointed to the

Change of Chairs...

8. **COMMENTS FROM THE AUDIENCE**

9. **ADJOURNMENT**

Motion to Approve 9. ADJOURNMENT

Moved by Andy Held, seconded by No Second. (None Required)

Chair
Kirkland Planning Commission

ORDINANCE NO. 4106

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DESIGN GUIDELINES FOR PEDESTRIAN-ORIENTED BUSINESS DISTRICTS AND AMENDING SECTION 3.30.040 OF THE KIRKLAND MUNICIPAL CODE, FILE NO. ZON07-00007.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend the Guidelines for Pedestrian-Oriented Business Districts to include references to the Market Street Corridor, as set forth in the report and recommendation of the Planning Commission dated June 20, 2007 and bearing Kirkland Department of Planning and Community Development File No. ZON07-00007 and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on April 26, 2007, held a public hearing, on the design guidelines Market Street Corridor proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official together with the report and recommendation of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Text Amended: The following specific portions of the text of Section 3.30.040 of the Kirkland Municipal Code is amended to read as follows:

As set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect thirty (30) days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 20__.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 20__.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney



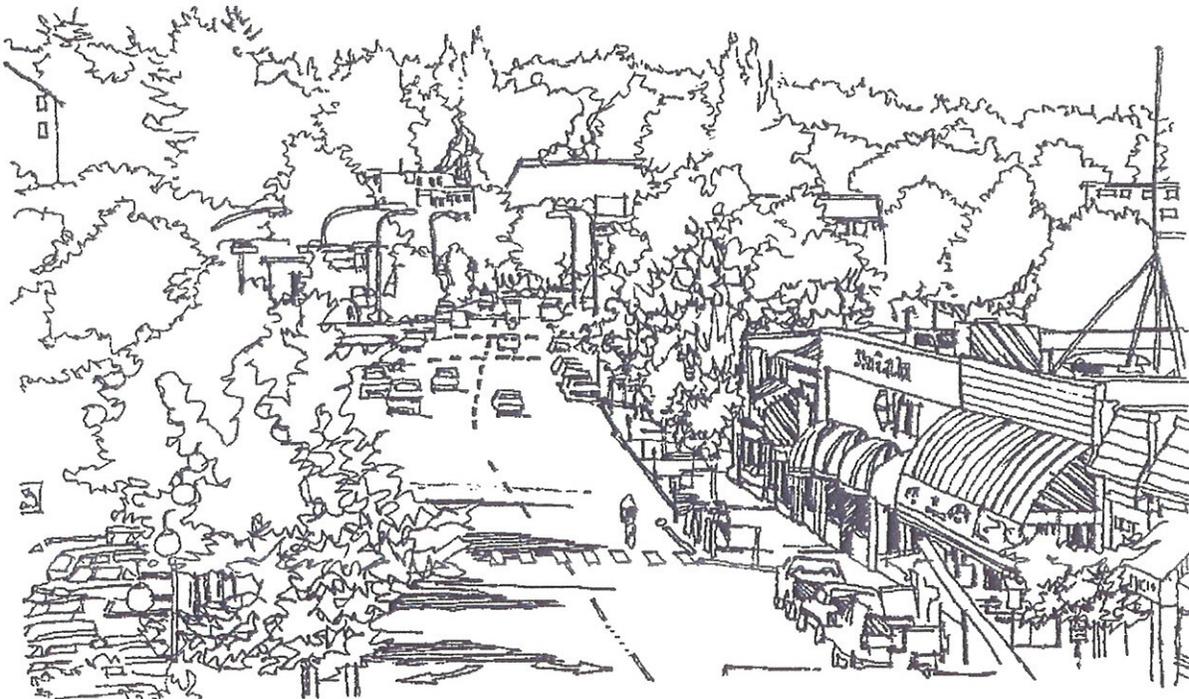
Introduction

This document sets forth a series of Design Guidelines, adopted by Section 3.30 of the Kirkland Municipal Code, that will be used by the City in the in the design review process. For Board Design Review (BDR), the Design Review Board will use these guidelines in association with the Design Regulations of the Kirkland Zoning Code. To the extent that the standards of the Design Guidelines or Design Regulations address the same issue but are not entirely consistent or contain different levels of specificity, the Design Review Board will determine which standard results in superior design. For Administrative Design Review (ADR), the Planning Official will use these guidelines when necessary to interpret the Design Regulations. They are also intended to assist project developers and their architects by providing graphic examples of the intent of the City's guidelines and regulations.

Most of the concepts presented in the Design Guidelines are applicable to any pedestrian-oriented business district.* "Special Considerations" have been added, such as for Downtown Kirkland, to illustrate how unique characteristics of that pedestrian-oriented business district relate to the Guideline.

The Design Guidelines do not set a particular style of architecture or design theme. Rather, they will establish a greater sense of quality, unity, and conformance with Kirkland's physical assets and civic role.

The Design Guidelines will work with improvements to streets and parks and the development of new public facilities to create a dynamic setting for civic activities and private development. It is important to note that these Guidelines are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.



** The guidelines also apply to residential development in the Central Business District (CBD), the Juanita Business District (JBD), the North Rose Hill Business District, in Totem Center and to mixed use development throughout the City.*


the Market Street Corridor (MSC)

Purpose of the Design Guidelines for Downtown Kirkland

In 1989 the Kirkland City Council adopted Kirkland's Downtown Plan which set a vision for the downtown's future and outlined policies and public actions to make that vision a reality. One of the recommended actions is the adoption of a set of Downtown Design Guidelines to be used in reviewing all new development and major renovations in the downtown area. The goal of the Design Guidelines as stated in the plan is to

... balance the desired diversity of project architecture with the equally desired overall coherence of the downtown's visual and historic character. This is to be achieved by injecting into each projects' creative design process a recognition and respect of design guidelines and methods which incorporate new development into downtown's overall pattern.

In addition, the guidelines are intended to further the following urban design goals stated in the plan:

- ◆ Promote a sense of community identity by emphasizing Kirkland's natural assets, maintaining its human scale, and encouraging activities that make downtown the cultural, civic, and commercial heart of the community.
- ◆ Maintain a high-quality environment by ensuring that new construction and site development meet high standards.
- ◆ Orient to the pedestrian by providing weather protection, amenities, human scale elements, and activities that attract people to downtown.
- ◆ Increase a sense of continuity and order by coordinating site orientation, building scale, and streetscape elements of new development to better fit with neighboring buildings.
- ◆ Incorporate parks and natural features by establishing an integrated network of trails, parks, and open spaces and maintaining existing trees and incorporating landscaping into new development.
- ◆ Allow for diversity and growth through flexible guidelines that are adaptable to a variety of conditions and do not restrict new development.

Purpose of the Design Guidelines for Juanita Business District

The Juanita Business District Plan was adopted in 1990 by the City Council. It states that "the underlying goal of redevelopment in the business district is to create a neighborhood-scale, pedestrian district which takes advantage of the amenities offered by Juanita Bay."

As part of the Juanita Business District Plan, Design Regulations and Design Guidelines were established for new development and major renovations in the Business District (JBD). These guidelines and regulations are intended to further the following urban design features stated in the plan:

- ◆ Pedestrian pathways from the surrounding residential areas to and through the business district and on to Juanita Beach Park should be acquired and improved.
- ◆ View corridors to the lake should be explored through new development in the business district.
- ◆ Entry features, such as signs or sculpture, should be established in the locations shown in the Juanita Business District Plan.
- ◆ Coordinated streetscape improvements should be used throughout the business district, including street trees, street furniture, and other amenities, like flowers, banners, and signs.



Purpose of the Design Guidelines for the Market Street Corridor, including the Market Street Historic District

The City Council adopted the Market Street Corridor Plan in December of 2006 as part of the Market and Norkirk Neighborhood planning process. The new plan was created for commercial and multifamily properties adjoining Market Street extending from the Central Business District at the south end to 19th Avenue at the north end. The plan includes a vision for the corridor of an attractive, economically healthy area that accommodates neighborhood oriented businesses, office uses and multifamily housing in a way that complements and protects the adjacent residential neighborhoods.

The historic 1890's buildings at the intersection of Market Street and 7th Avenue create a unique sense of place that represents the original town center of Kirkland. The plan establishes an historic district in this area that will reflect the City's past through both its old and new buildings and its streetscape. New development and renovation within 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.

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

Within TL 1, buildings should be set back at least ten feet from the sidewalk. Landscaping and entry features should be located within this setback yard, allowing the sidewalk to be somewhat narrower than on a pedestrian oriented street.

Pedestrian Paths and Amenities

Issues

Pedestrians require more detailed visual stimuli than do people in fast moving vehicles. Pedestrian paths should be safe, enjoyable, and interesting.

Discussion

Street furniture such as benches, planters, fountains, and sculptures enhance the visual experience and reduce apparent walking lengths. Planters, curbs, rails, and other raised surfaces can also be used for seating. Any height between 12" to 20" will do with 16" to 18" being the best. An appropriate seat width ranges from 6" to 24".

Unit paving such as stones, bricks, or tiles should be installed on small plazas and areas of special interest. Asphalt can be used on minor routes to reduce cost and maintenance.

For safety reasons, lighting should be planned along all pedestrian paths. Lighting can originate either from street lights or from building-mounted lights. Street trees and shrubs should be planted along all pedestrian walkways and used to screen parking lots. For safety and appearance purposes, trees and shrubs should be pruned regularly.

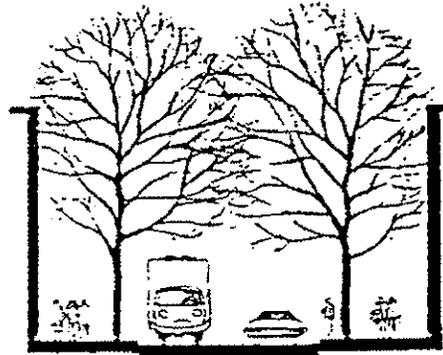
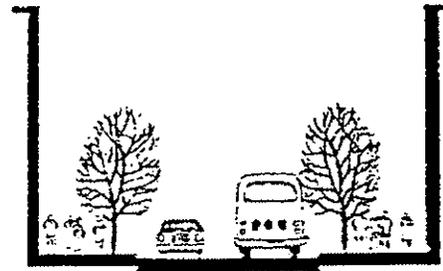
Street Trees

Issues

Streets are the conduits of life in a community. The repetition of trees bordering streets can unify a community's landscape. Trees add color, texture, and form to an otherwise harsh and discordant urban environment.

A strong street tree planting scheme can establish community identity and provide a respite from the weather and the built environment. Large, deciduous trees planted in rows on each side of the street can bring visual continuity to Kirkland – particularly on major entry arterials. Smaller trees should be planted in confined areas.

Street trees will not obscure businesses from the street if the appropriate trees are selected and maintained. Branches can frame ground floor businesses, allowing bus and truck movement while enhancing the pedestrian environment.



Trees should be of adequate size to create an immediate impact and have a good chance of survival. Species with invasive root systems or that are prone to disease, intolerant of pollution, or short-lived should be avoided.

Guideline

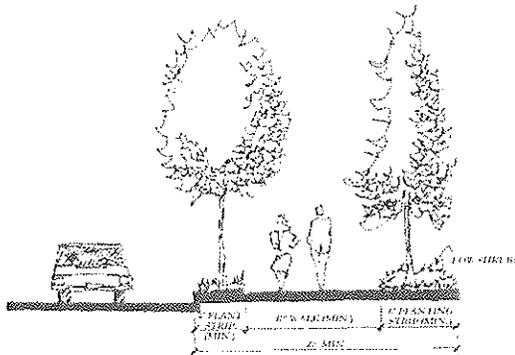
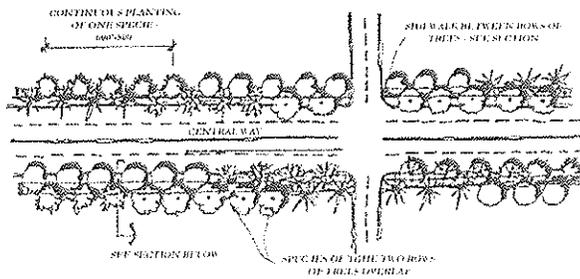
The City should prepare a comprehensive street tree planting plan recommending species and generalized locations.

Special Considerations for Downtown Kirkland

A strong street tree planting scheme is especially important in downtown because of the variety of scale and architecture encouraged in private development. Major entries into Kirkland, especially along Central Way, Kirkland Avenue, Lake Street, and Market Street, should be unified by a strong street tree program.

Some preliminary ideas for a street tree planting plan are:

Central Way: Two rows of trees on each side could be planted (one row near the curb and one row in the required setback on the perimeter of parking lots as in Parkplace). The two rows could feature uniform plantings of species approximately 600' to 800' long. The species could change so that different combinations of species occur along Central Way. This would provide a continuous boulevard effect and incorporate the existing trees.



Proposal for a distinctive, double-row tree planting of street trees on Central Way.

Lake Street and other pedestrian-oriented streets with narrow sidewalks: Flowering pear trees might be a good option since they have tight narrow shapes, attractive flowers, and dark green foliage. Photinia standards might be another option since they are small and have bright red evergreen foliage.

Special Considerations for Juanita Business District

Street trees in the business district should be upgraded with varieties that will not block views of businesses or the lake.

Some preliminary ideas for a street tree planting plan are:

98th Avenue NE: Limb up existing maples and add flowering pear trees (flowers and good fall color) along the curb.

Juanita Drive: Choose street trees that will screen large buildings but still allow views to the lake (flowering pears for example).

97th Avenue NE/120th Place NE: Plant trees to screen parking lots and service entrances. Possibilities are zelkova (elm-like with good fall color) or flowering pears.

Special Considerations for the Market Street Corridor

A consistent street tree plan should be used to add character to the Corridor. The landscape strip on the east side of Market Street adds interest and provides a more secure pedestrian environment. Additional street trees should be considered on the west side of Market Street in order to provide a similar environment.

Special considerations for North Rose Hill Business District

Feature a diverse planting of street trees that take into account width of landscape strip, location of overhead utility lines, and maintenance requirements.

Some preliminary ideas for a street tree planting plan are:

NE 116th Street: Add street trees that will buffer the pedestrian corridor from traffic while providing some visual access to adjacent businesses. (Quercus rubra (red oak), Tilia cordata ‘Greenspire’ (litttleleaf linden), Zelkova serrata ‘Village Green’ for example).

124th Avenue NE: Choose street trees that will buffer the pedestrian but still allow some visual access to adjoining businesses (Carpinus japonicus (Japanese hornbeam), Cercidiphyllum japonicum (Katsura), Fraxinus pennsylvanica ‘Summit’ (Summit ash) for example).

Slater Avenue NE: Add trees with flowers and good fall colors as a transition to the residential portion of the neighborhood (Malus sp. (flowering crab), Styrax japonicus (Japanese snowbell), Crataegus phaenopyrum (Washington hawthorn), Prunus padus ‘Summer Glow’ (bird cherry- red leaves) for example).

Special Considerations for Totem Center

Street trees within this area should be selected to achieve the varying objectives of the district. Some preliminary ideas for a street tree planting plan are:

Totem Lake Boulevard: South of NE 128th Street, trees should be planted that balance the goals of creating a “greenway” along the boulevard, providing a safe and inviting pedestrian experience and enabling visibility of the site’s businesses to the freeway traveler. Smaller trees planted at frequent intervals anchored by larger, “boulevard” trees at primary site entrances would achieve these objectives. As an alternative or additional component, groupings of trees planted behind a meandering sidewalk may also be effective.

North of NE 128th Street to NE 132nd Street, plantings should be unified with those used along Totem Lake Boulevard to the south.

120th Avenue NE: South of NE 128th Street, choose street trees that will emphasize the pedestrian connection between the upper and lower mall, such as the use of larger trees at crossings and major points of entry. Choose spacing and varieties to create a plaza-like character to encourage pedestrian activity. Trees in planters and colorful flower beds will soften the area for pedestrians but allow visual access to adjoining businesses.

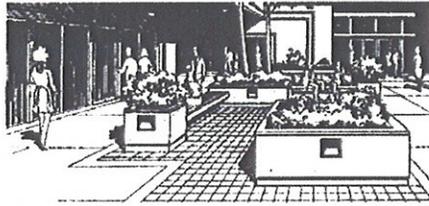
The tree planting plan used along NE 128th Street between Totem Lake Boulevard and 120th Avenue NE should be continued to the segment of 120th Avenue NE between NE 128th Street and NE 132nd Street, to provide a consistent identity throughout the district.

NE 132nd Street: Create a strong streetscape element, inviting to the pedestrian, with street trees proportionate to adjacent land uses.

Public Improvements and Site Features

Issue and Discussion

The quality and character of public improvements and site features such as street and park lights, benches, planters, waste receptacles, pavement materials, and public signs are critical components of a city's image. Standards for public improvements and site features, along with a master plan for public spaces, will assist in the development of a coordinated streetscape that will unify the variety of private development. Successful standards help assure high quality, low maintenance site features, and simplify the purchase and replacement of features for parks and public works departments.



Since public improvement standards have long-term implications for the community, relevant City departments must be involved in their development to make sure all concerns are met. Standards should permit some flexibility and address technical issues such as cost, availability, handicapped accessibility, and durability.

Guideline

The Department of Planning and Community Development, along with other City departments, should develop a set of public improvement and site feature standards for use in pedestrian-oriented business districts. The standards can be the same or unique for each district. A master plan for public spaces within a district should be adopted to coordinate placement of the features and otherwise carry out the Comprehensive Plan.

The City of Kirkland should work with interested groups to design a public sign system for gateways, pathways, information kiosks, etc., with a signature color palette and identifying logo.

Special Considerations for the Market Street Corridor

An historic style of street lights should be used to reflect the nature of the 1890's buildings in the historic district at 7th Avenue and Market Street. These lights may also be used along other stretches of the corridor, particularly in the area between the Historic District and the Central Business District.

Entry Gateway Features

Issue

The Comprehensive Plan calls for gateway features at the key entry points into neighborhoods and business districts. Entry points differ in topography, available space, and surrounding visual character; nevertheless, gateway features should be reinforced by a unified design theme. Gateway features can be different in size or configuration, yet still incorporate similar materials, landscaping, graphics, and design elements.

Discussion

The gateway features should frame and enhance views. Large sign bridges or flashing graphics would dominate the view and are inappropriate. Consistent elements that could be incorporated at all entry points might include:

- ◆ Distinctive landscaping such as floral displays or blue-green colored evergreen foliage.
- ◆ Multicolored masonry, perhaps forming a screen or wall on which an entry sign is placed.
- ◆ A distinctive light such as a column of glass block or cluster of globes.
- ◆ A unifying device such as the district's logo. In Downtown Kirkland, for example, a triangular sail logo could be a metal weather vane or an actual fabric sail on a steel armature.
- ◆ A repetitive element such as a series of closely spaced sails or lights.
- ◆ A trellis incorporating landscaping. A trellis or arbor is adaptable to space constraints.
- ◆ Similar artwork such as a different animal or bird sculpture at each entry.



Special Consideration for Totem Center

Throughout Totem Center, parking areas located between the street and the building should be discouraged. This is particularly critical in TL 2, where buildings should front on 120th Avenue NE to foster the desired pedestrian-oriented environment.

Circulation Within Parking Lots

Issue

Large parking lots can be confusing unless vehicle and pedestrian circulation patterns are well organized and marked. Parking lots should be combined to reduce driveways and improve circulation.

Discussion

Vehicle Circulation. Parking lots should have few dead-end parking lanes and provide drive-through configurations. The APA *Aesthetics of Parking* publication recommends channelized queuing space at the entrances and exits to parking lots to prevent cars from waiting in the street.

Pedestrian Circulation. Good pedestrian circulation is critical. A clear path from the sidewalk to the building entrance should be required for all sites, even through parking lots in front yards. For sites with large parking lots, clear pedestrian circulation routes within the lot from stalls to the building entrances should be provided. In addition, a raised concrete pavement should also be provided in front of the entrance as a loading or waiting area so the entrance will not be blocked by parked vehicles. Finally, pedestrian access between parking lots on adjacent properties should be provided.

Guideline

Parking lot design should be clear and well organized. Space should be provided for pedestrians to walk safely in all parking lots.

Special Consideration for Downtown Kirkland

Because land is limited in Downtown Kirkland, efficient and compact parking lot configurations are a top priority. Parking lots in the periphery of the core area that accommodate about 100 vehicles (approximately 3/4 to 1 acre) should be articulated with landscaped berms.

Parking Lot Landscaping

Issue

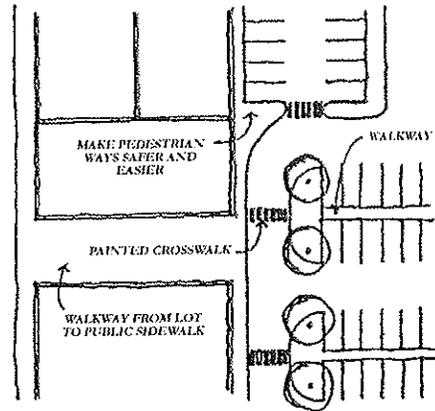
Parking lots are typically unsightly, require vast quantities of space, break the links between buildings, and destroy the continuity of streetfronts. If possible, parking lots should be located at the rear of buildings. When this is not possible, landscaping can be used to break up and screen parking lots.

Discussion

Parking lots can be concealed by a structural screen wall or through the use of plant materials. Plant materials can create dense, hedge-like screens, separating lots from adjacent uses or public right-of-ways. Perimeter plantings must provide an adequate screen. A screen wall constructed in a similar style as adjacent development may be used in lieu of perimeter landscaping.

Trees along the edges of and within parking lots can effectively soften an otherwise barren and hostile space. Interior plantings can be consolidated to provide islands of greenery or be planted at regular intervals. Use of drought-tolerant plants can improve the likelihood that the landscaping will survive and look good.

Landscaping guidelines should be flexible and allow creative screening methods (e.g., clustering trees, berming, mixing structures, and trees). Less landscaping should be required if the lot is hidden from view.

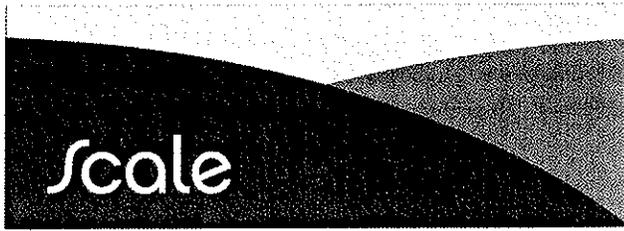


Guideline

Parking lots must be integrated with the fabric of the community by creatively using landscaping to reduce their visual impact.

Special Considerations for the Market Street Corridor

Screening and landscaping should be required where parking is adjacent to single family residential uses in order to reduce impacts on the adjoining homes.



Introduction

When architects talk about a building's "scale," they generally mean the perceived size of the building relative to an individual person or its surroundings. The term "human scale" is used to indicate a building's size relative to a person, but the actual size of a building or room is often not as important as its perceived size. Architects use a variety of design techniques to give a space or structure the desired effect; whether it be to make a room either more intimate or spacious, or a building either more or less imposing. Frank Lloyd Wright, for example, used wide overhangs and horizontal rooflines to make his prairie-style houses appear lower and longer, better fitting into the flat, midwestern landscape. Unless the objective is to produce a grandiose or imposing building, architects generally try to give a building a "good human scale," meaning that the building is of a size and proportion that feels comfortable. For most commercial buildings, the objective is to attract customers and visitors by designing comfortable, inviting buildings.

Generally, people feel more comfortable in a space where they can clearly understand the size of the building by visual clues or proportions. For example, because we know from experience the size of typical doors, windows, railings, etc., using traditionally-sized elements such as these provides a sense of a building's size. Greek temples that feature columns, but not conventional doors, windows, or other elements, do not give a sense of human scale (although the Greeks subtly modified the properties and siting of their temples to achieve the desired scale). The guidelines in this section describe a variety of techniques to give a comfortable human scale by providing building elements that help individuals relate to the building.

"Architectural scale" means the size of a building relative to the buildings or elements around it. When the buildings in a neighborhood are about the same size and proportion, we say they are "in scale." It is important that buildings have generally the same architectural scale so that a few buildings do not overpower the others. The exception to this rule is an important civic or cultural building that has a prominent role in the community. For example, nobody accuses a beautiful cathedral in a medieval European town of being "out of scale." Because the Comprehensive Plan encourages a variety of different uses and building heights, such as in Downtown Kirkland, the buildings' sizes will vary widely. To achieve a more harmonious relationship between the buildings and a more consistent character, design techniques should be used to break the volume of large buildings down into smaller units. Several guidelines in this section are directed toward achieving a consistent scale within districts.

The following guidelines illustrate some design techniques to give buildings a "sense of scale." The regulations in the Zoning Code related to scale require that project architects address the issues of human and architectural scale while providing a wide range of options to do so.

Fenestration Patterns

Issue

The size, location, and number of windows in an urban setting creates a sense of interest that relies on a subtle mixture of correct ratios, proportions, and patterns. Excess window glazing on a storefront provides little visual contrast; blank walls are dull and monotonous. The correct window-to-wall ratio and a mix of fenestration patterns can create an enjoyable and cohesive urban character on both pedestrian- and automobile-oriented streets.

Many local contemporary buildings have "ribbon windows" (continuous horizontal bands of glass) or "window walls" (glass over the entire surface). Although effective in many settings, these window types do little to indicate the scale of the building and do not necessarily complement the architecture of small-scaled buildings. Breaking large expanses or strips of glass with mullions or other devices can help to give the building a more identifiable scale.

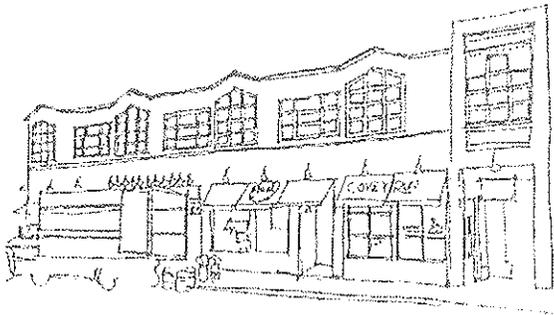
Discussion

According to an old architectural cliché, windows are a building’s eyes. We look to windows for visual clues as to the size and function of the building. If the window areas are divided into units that we associate with small-scale commercial buildings, then we will be better able to judge the building’s size relative to our own bodies. Breaking window areas into units of about 35 square feet or less with each window unit separated by a visible mullion or other element at least 6 inches wide would accomplish this goal. Another successful approach is multiple-paned windows with visible mullions separating several smaller panes of glass. But on the ground floor where transparency is vital to pedestrian qualities, this device may be counterproductive.

Patterns of fenestration should vary depending on whether the street is pedestrian- or automobile-oriented. A window pattern that is interesting from a car may be monotonous to a slow-moving pedestrian; likewise, a window pattern that is interesting to a pedestrian may seem chaotic from a fast-moving car. Thus, pedestrian-oriented fenestration should allow for more complex arrangements and irregularity while automobile-oriented fenestration should have more gradual changes in pattern and larger and more simple window types.

An optimum design goal would allow for varied treatment of window detailing with unifying features such as 18” to 24” sills, vertical modulation in structure, varied setbacks in elevation, and more highly ornamented upper-story windows. Excessive use of ribbon windows throughout a building does not engage the eye and should be avoided.

Guideline



Varied window treatments should be encouraged. Ground floor uses should have large windows that showcase storefront displays to increase pedestrian interest. Architectural detailing at all window jambs, sills, and heads should be emphasized.

Special Considerations for the Market Street Corridor

Window treatment in the historic district should reflect the trim detailing, size, proportions, location and number of windows in the existing historic buildings in the district.

Special Consideration for Downtown Kirkland

Breaking larger window areas into smaller units to achieve a more intimate scale is most important in Design Districts 1, 2, 4, 8, and the southwest portion of 3 where new buildings should fit with older structures that have traditional-styled windows.

Architectural Elements – Decks, Bay Windows, Arcades, Porches Issue

Special elements in a building facade create a distinct character in an urban context. A bay window suggests housing, while an arcade suggests a public walkway with retail frontage. Each element must be designed for an appropriate urban setting and for public or private use. A building should incorporate special features that enhance its character and surroundings. Such features give a building a better defined “human scale.”

Discussion

Requirements for specific architectural features should be avoided and variety encouraged. Building designs should incorporate one or more of the following architectural elements: arcade, balcony, bay window, roof deck, trellis, landscaping, awning, cornice, frieze, art concept, or courtyard. Insistence on design control should take a back seat to encouraging the use of such elements.

Guideline

Architectural building elements such as arcades, balconies, bay windows, roof decks, trellises, landscaping, awnings, cornices, friezes, art concepts, and courtyards should be encouraged.

Special Consideration for Downtown Kirkland

Pedestrian features should be differentiated from vehicular features; thus fenestration detailing, cornices, friezes, and smaller art concepts should be concentrated in Design Districts 1 and 2, while landscaping and larger architectural features should be concentrated in Design Districts 3, 5, 7, and 8.

Special Consideration for Totem Center

Balconies provide private open space, and help to minimize the vertical mass of structures. Residential building facades visible from streets and public spaces should provide balconies of a sufficient depth to appear integrated with the building and not “tacked on”.

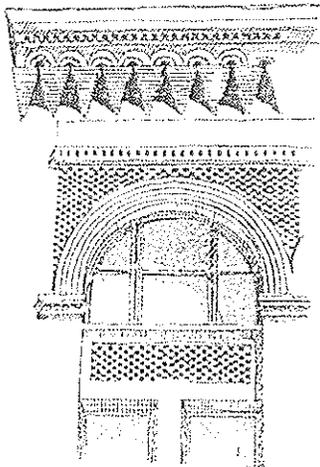
Building Material Color and Detail

Introduction

Many historic cities and towns owe much of their charm to a limited palette of building materials. One thinks of how the white clapboard houses of a New England village or the tile-roofed structures of an Italian hill town provide a more unified, consistent visual character. Today, there is a wide spectrum of building materials available, and modern towns such as Kirkland feature a variety of materials and colors. Architects have demonstrated that materials often considered unattractive, such as cinderblocks or metal siding, can be successfully used in attractive, high-quality buildings.

When buildings are seen from a distance, the most noticeable qualities are the overall form and color. If we take the typical building in Kirkland to be 100' wide and 35' tall, then we must be at least 200' away from the building for it to fit within our cone of vision so that we can perceive its overall shape. At that distance, windows, doors, and other major features are clearly visible.

However, as we approach the building and get within 60' to 80' from the building (approximately the distance across a typical downtown street), we notice not so much the building's overall form as its individual elements. When we get still closer, the most important aspects of a building are its design details, texture of materials, quality of its finishes, and small, decorative elements. In a pedestrian-oriented business district, it is essential that buildings and their contents be attractive up close.



Therefore, these design guidelines are intended to allow a variety of materials and colors, but direct the use of certain materials so that their application does not significantly detract from design consistency or quality. Most of the regulations in the Zoning Code deal with the application of specific materials such as metal siding and cinderblocks so that their potentially negative characteristics are minimized. In addition, the guidelines include guidelines and regulations that require all buildings to incorporate design details and small-scale elements into their facades.

Ornament and Applied Art Issue

Ornament and applied art add quality, visual interest, and a sense of human scale to the built environment. It is necessary to understand the place and appropriateness of ornament in order to maintain a cohesive and integrated urban setting.

Discussion

Ornament and applied art can be used to emphasize the edges and transition between public and private space, and between walls to ground, roof to sky, and architectural features to adjacent elements. Ornament may consist of raised surfaces, painted surfaces, ornamental or textured banding, changing of materials, or lighting. Therefore, buildings should incorporate art features that emphasize architectural elements and connections. Ornament should also maintain a cohesive relationship to its setting, emphasizing its connection to the surrounding space.

Guideline

Ornament and applied art should be integrated with the structures and the site environment and not haphazardly applied. Significant architectural features should not be hidden, nor should the urban context be overshadowed. Emphasis should be placed on highlighting building features such as doors, windows, eaves, and on materials such as wood siding and ornamental masonry. Ornament may take the form of traditional or contemporary elements. Original artwork or hand-crafted details should be considered in special areas.

Special Considerations for the Market Street Corridor

Emphasis on building features such as doors, windows, cornice treatment, bricks and ornamental masonry should be taken into consideration when designing new or remodeled buildings in the historic district. These features should be in keeping with the building materials, colors and details of the existing historic buildings.

Signs

Issues

Kirkland's Zoning Code regulates signs throughout the city in order to create a high-quality urban environment. Automobile-oriented signs typically found on commercial strips can be overpowering and obtrusive. Pedestrian signs are smaller and closer to viewers; thus, creative, well-crafted signs are more cost effective than large signs mounted high on poles.

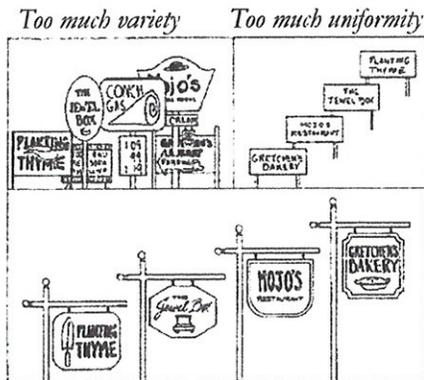
Signs should be an integral part of a building's facade. The location, architectural style, and mounting of signs should conform with a building's architecture and not cover up or conflict with its prominent architectural features. A sign's design and mounting should be appropriate for the setting.

Discussion

Pedestrian-oriented signs are most effective when located within 15' of the ground plane. Three-inch-high letters can be read at 120' and 6" letters read at 300'. Large lettering is not necessary. The signs should be aligned to people on sidewalks and not automobile drivers. "Blade" signs or single signs hanging below canopies or small signs located on canopies or awnings are effective.

Signs with quality graphics and a high level of craftsmanship are important in attracting customers. Sculpted signs and signs that incorporate artwork add interest. Signs with front lighting and down lighting (but not internal lighting) are recommended. Neon signs are appropriate when integrated with the building's architecture.

Generic, internally-lit "can" signs that are meant to be set anywhere are not appropriate. Ground-mounted signs should feature a substantial base and be integrated with the landscaping and other site features. Mounting supports should reflect the materials and design character of the building or site elements or both.



Though unified by common design elements, signs can still express the individual character of businesses.

Guidelines

- ◆ All signs should be building-mounted or below 12' in height if ground mounted. Maximum height is measured from the top of the sign to the ground plane.
- ◆ No off-premises commercial signs, except public directional signs, should be permitted. No billboards should be permitted.
- ◆ Signs for individual parking stalls should be discouraged. If necessary, they should not be higher than necessary to be seen above bumpers. Parking lot signs should be limited to one sign per entrance and should not extend more than 12' above the ground.
- ◆ Neon signs, sculptural signs, and signs incorporating artwork are encouraged.
- ◆ Signs that are integrated with a building's architecture are encouraged.
- ◆ Shingle signs and blade signs hung from canopies or from building facades are encouraged.
- ◆ Traditional signs such as barber poles are encouraged.

Special Considerations for Downtown Kirkland

- ◆ The Downtown Plan's mandate for high-quality development should also be reflected in sign design.
- ◆ No internally lit plastic-faced or can signs should be permitted.
- ◆ All signs in the downtown should be pedestrian-oriented. Master-planned sites such as Parkplace may also include signs oriented to automobile traffic for the whole complex.

Special Considerations for Totem Center

- ◆ Signs within the TL2 should be coordinated through a sign package for the entire property.

Special Considerations for the Market Street Corridor

Electrical signs are not allowed along the Market Street Corridor. Signs within the historic district should reflect the historic nature of the buildings in the area.

PUBLICATION SUMMARY
OF ORDINANCE NO. 4106

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DESIGN GUIDELINES FOR PEDESTRIAN-ORIENTED BUSINESS DISTRICTS AND AMENDING SECTION 3.30.040 OF THE KIRKLAND MUNICIPAL CODE, FILE NO. ZON07-00007.

SECTION 1. Amends specific portions of Section 3.30.040 of the Kirkland Municipal Code, Design Guidelines for Pedestrian- Oriented Business Districts to include the Market Street Corridor.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as thirty days after publication of said summary.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 20__.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk

ORDINANCE NO. 4107

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AMENDING PORTIONS OF CHAPTERS 92, 105, 110, 142, USE ZONE CHARTS IN CHAPTERS 25, 40 AND 45 AND ADDING NEW USE ZONE CHARTS FOR THE MARKET STREET CORRIDOR ZONES, MSC 1, MSC 2, MSC 3 AND MSC 4 AND AMENDING THE CITY OF KIRKLAND ZONING MAP (ORDINANCE 3710 AS AMENDED) TO CONFORM TO THE COMPREHENSIVE PLAN AND TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON07-00007.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, and the Kirkland Zoning Map, Ordinance 3710 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated 6/20/07 and bearing Kirkland Department of Planning and Community Development File No. ZON 07-00007; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on April 26, 2007, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning map and Zoning text amended: As set forth in Attachment A-1 through A-8 attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in full force and effect thirty (30) days from and after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 20__.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 20__.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Proposed Changes to Kirkland Zoning Map

Reclassify to Market Street Corridor 2 (MSC 2) zone.

PR 3.6

Reclassify to Market Street Corridor 1 (MSC 1) zone

BN

Market

Norkirk

PR 3.6

PR 3.6

BC

Reclassify to Market Street Corridor 3 (MSC 3) zone

Reclassify to Market Street Corridor 4 (MSC 4) zone

PR 3.6

PR 1.8

Legend

- Market neighborhood area
- tax_parcel
- parks
- row
- hydro_lakes
- BC
- BN
- PR1.8
- PR3.6



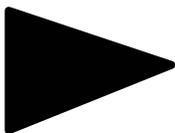
ATTACHMENT A-1

CHAPTER 25 XX – PROFESSIONAL OFFICE RESIDENTIAL (PR) ZONES MARKET STREET CORRIDOR 1 (MSC1) AND MARKET STREET CORRIDOR 4 (MSC4) ZONES

25-05 User Guide.

The charts in KZC 25.10 contain the basic zoning regulations that apply in ~~each PR 8.5, PR 5.0, PR 3.6, PR 2.4 and PR 1.8~~ the MSC1 and MSC4 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
25-08**



Section ~~25-08~~ – 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 horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.
 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. The required yard of a structure abutting Lake Washington Boulevard or Lake St. S. 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. ~~If the property is located south of NE 85th Street between 124th Avenue and 120th Avenue, to the extent possible, the applicant shall save existing viable significant trees within the required landscape buffers separating nonresidential development from adjacent single-family homes.~~

USE ZONE CHART

Section ~~25-10~~

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

Section 25-10	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						
.010	Detached Dwelling Units	None	8,500 sq. ft. if PR-8.5 zone, 5,000 sq. ft. if PR-5.0 zone, otherwise 3,600 sq. ft.	10' in MSC4, otherwise 20'	5' but 2 side yards must equal at least 15'.	10'	70%	If adjoining a low density zone other than RSX , then 25' above average building elevation. Otherwise, 30' above average building	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> For this use, only one dwelling unit may be on each lot regardless of lot size. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

USE ZONE CHART
Section 25.10

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

.020	Detached, Attached or Stacked Dwelling Units	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	8,500 sq. ft. if PR-8.5 zone, 5,000 sq. ft. if PR-5.0 zone, otherwise 3,600 sq. ft. with a density as established on the Zoning Map. See Spec. Reg. 1 for density requirements.					elevation.	D		1.7 per unit.	<p>1. Minimum amount of lot area per dwelling unit is as follows:</p> <ul style="list-style-type: none"> a. In PR 8.5 zones, the minimum lot area per unit is 8,500 sq. ft. b. In PR 5.0 zones, the minimum lot area per unit is 5,000 sq. ft. a.e. In PR 3.6 MSC1 zones, the minimum lot area per unit is 3,600 sq. ft. d. In PR 2.4 zones, the minimum lot area per unit is 2,400 sq. ft. b.e. In PR 1.8 MSC4 zone-zones west of Market Street, the minimum lot area per unit is 3,600 sq. ft., and east of Market Street the minimum lot area per unit is 1,800 sq. ft. <p>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>3. If the subject property contains four or more units, then it must contain at least 200 sq. ft. per unit of common recreational space usable for many activities. This required common recreational open space must have the following minimum dimensions:</p> <ul style="list-style-type: none"> a. For four to 20 units, the open space must be in one or more pieces each having at least 800 sq. ft. and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 sq. ft. per unit if permanent outdoor furniture, pool, cooking facilities, playing equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.
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USE ZONE CHART

Section 25.10

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

.030	Office Uses	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	<u>10' in MSC4, otherwise 20'</u>	5' but 2 side yards must equal at least 15'.	10'	70%	If adjoining a low density zone other than RSX , then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	D	If 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"> 1. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> 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. <u>c. 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.</u> <u>d. Not permitted in any development containing dwelling units.</u> 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> 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.
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USE ZONE CHART
Section 25.10

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

.040	<p>Development Containing Stacked or Attached Dwelling Units and Office Uses. See Spec. Reg. 1.</p>	<p>Within the NE 85th Street Subarea, D.R., Chapter 142-KZC. Otherwise, none.</p>	<p>3,600-sq.-ft. with a residential density as established on the Zoning Map. See Spec. Reg. 2.</p>	<p>20'</p>	<p>5' but 2' side yards must equal at least 15'.</p>	<p>10'</p>	<p>70%</p>	<p>If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.</p>	<p>C</p>	<p>D</p>	<p>See KZC-105.25.</p>	<ol style="list-style-type: none"> 1. A veterinary office is not permitted in any development containing dwelling units. 2. Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> a. In PR 8.5 zones, the minimum lot area per unit is 8,500 square feet. b. In PR 5.0 zones, the minimum lot area per unit is 5,000 square feet. c. In PR 3.6 zones, the minimum lot area per unit is 3,600 square feet. d. In PR 2.4 zones, the minimum lot area per unit is 2,400 square feet. e. In PR 1.8 zones, the minimum lot area per unit is 1,800 square feet. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational space usable for many activities. This required common recreational open space must have the following minimum dimensions: <ol style="list-style-type: none"> a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playing equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> 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.
<p><u>THIS LISTING IS NOT NECESSARY. MIXED USE DEVELOPMENT IS ALLOWED IF BOTH USES ARE ALLOWED IN THIS ZONE.</u></p>												

(Revised 4/07)

USE ZONE CHART

Section 25.10

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

.050	Restaurant, or Tavern, or Fast Food Restaurant.	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, Process I, Chapter 145 KZC.	8,500 sq. ft. if PR-8.5 zone, otherwise 7,200 sq. ft.	10' in MSC4, otherwise 20'	5' but 2 side yards must equal at least 15'.	10'	70%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B	E	1 per each 100 sq. ft. floor area.	<ol style="list-style-type: none"> 1. This use is limited to 2000 sq ft maximum, not permitted in a PR-3.6 zone located in the NE 85th Street Subarea. 2. Drive-in or drive-through facilities are not permitted. 3. Fast food Restaurants must provide one outdoor waste receptacle for every eight parking stalls. 4. 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.
.060	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop. 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.				40' on each side.						1 per each 300 sq. ft. floor area.	<ol style="list-style-type: none"> 1. This use is not permitted in a PR-3.6 zone located in the NE 85th Street Subarea. 1. The following uses are not permitted in this zone: <ul style="list-style-type: none"> • Vehicle service stations. • Automotive service centers. • Uses with drive-in facilities or drive-through facilities. • 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. 2. May not be located above the ground floor of a structure. 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. 3. Gross floor area cannot exceed 32,000 square feet. 4. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> a. 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. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.

(Revised 4/07)

USE ZONE CHART

Section 25.10

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
.070	Funeral Home or Mortuary										1. This use is not permitted in a PR 3.6 zone located in the NE 85th Street Subarea.
.080	Church										1. No parking is required for day-care or school ancillary to this use.
.090	School or DayCare Center	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none. If this use is adjoining a low density	8,500 sq. ft. if PR-8.5 zone, otherwise 7,200 sq. ft.	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:	70%	If adjoining a low density zone other than RSX , then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg.	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. Structured play areas must be set back from all property lines as follows: a. Twenty feet if this use can accommodate 50 or more students or children. b. Ten feet if this use can accommodate 13 to 49 students or children. 3. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered	

(Revised 4/07)

Attachment A-2

USE ZONE CHART

Section 25.10

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

		<p>zone, then Process I, Chapter 145-KZC.</p>		<p><u>10' in MSC4, otherw ise 20'</u> 20' on each side 20'</p>	7.				<p>loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</p> <p>4. May include accessory living facilities for staff persons.</p> <p>5. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</p> <p>6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p> <p>7. For school use, structure height may be increased, up to 35 feet, if:</p> <ul style="list-style-type: none"> 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; and d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements. <p>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</p> <p>8. For a Mini-School or Mini-Day-Care Center use, electrical signs shall not be permitted and the size of signs may be limited to be compatible with nearby residential uses.</p> <p>89. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>
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USE ZONE CHART
Section 25.10

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

.100	Mini-School or Mini-Day-Care	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	8,500 sq. ft. if PR-8.5 zone, 7,200 sq. ft. if PR-7.2 zone, 5,000 sq. ft. if PR-5.0 zone, otherwise 3,600 sq. ft.	10' in MSC4, otherwise 20'	5' but 2 side yards must equal at least 15'.	10'	70%	If adjoining a low density zone other than RSX , then 25' above average building elevation. Otherwise, 30' above average building elevation.	E	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. Structured play areas must be set back from all property lines by five feet. 3. 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. 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 5. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with 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).
.110	Assisted Living Facility								D	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 less intensive process between the two uses. 2.3. 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. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met: <ol style="list-style-type: none"> a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 3.4. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside. 4.5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

USE ZONE CHART

Section 25.10

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

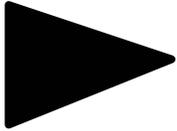
.120	Convalescent Center or Nursing Home	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC.	8,500 sq. ft. if PR-8.5 zone, otherwise 7,200 sq. ft.	10' in MSC4, otherwise 20'	10' on each side	10'	70%	If adjoining a low density zone other than RSX , then 25' above average building elevation. Otherwise, 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 less intensive process between the two uses.
.130	Public Utility	Otherwise, Process I, Chapter 145 KZC.	None		20' on each side	20'			A		See KZC 105.25.	
.140	Government Facility Community Facility				10' on each side	10'			C See Spec. Reg. 2.			1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. 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.
.150	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.										

CHAPTER ~~40_XX~~— NEIGHBORHOOD BUSINESS (BN) ZONES MARKET STREET CORRIDOR 2 (MSC2)

~~40.05~~—User Guide.

The charts in KZC ~~40.10~~ contain the basic zoning regulations that apply in ~~each of the BN_MSC2 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**



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 horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, 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. 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).~~

USE ZONE CHART
Section **40.10**

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 40.10	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	<u>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. Retail Establishment Selling Groceries and Related Items</u>	None D.R., Chapter 142 KZC.	None	20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX , 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 40,000 4,000 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. <p><u>2. The following uses are not permitted in this zone:</u></p> <ul style="list-style-type: none"> <u>Vehicle service stations.</u> <u>Automotive service centers.</u> <u>Uses with drive-in facilities or drive-through facilities, except those existing as of June 15, 2007.</u> <u>Retail establishments providing storage services unless accessory to another permitted use.</u> <u>Retail establishments involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles.</u> <u>Storage and operation of heavy equipment, except delivery vehicles associated with retail uses.</u> 	

USE ZONE CHART
Section **40.10**

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

.050	Retail Establishment Providing Laundry, Dry-Cleaning, Barber, Beauty or Shoe-Repair Services											use are permitted only if: a. 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. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.
.060	Restaurant, Restaurant, Tavern or Fast Food Restaurant										1 per each 100 sq. ft. of gross floor area.	1. Restaurant, taverns and fast food restaurants are limited to 4000 sq ft maximum. 2. Drive-in and drive-through facilities are not permitted. 3. Fast Food Restaurants must provide one outdoor waste receptacle for every eight parking stalls. 4. 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.
.070	Private Lodge or Club									B	1 per each 300 sq. ft. of gross floor area.	
.080	Vehicle Service Station	Process- HA, Chapter 450.	22,500- sq. ft.	40'	15' on each side. See Spec. Reg- 3.	15'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average	A	D	See KZC- 405.25.	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.

USE ZONE CHART
Section **40.10**

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

.090	Office Use	None D.R., Chapter 142 KZC.	None	20'	5', but 2 side yards must equal at least 15'.	20'		building elevation. If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C		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. 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. <u>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.</u> 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.
.100	Stacked Dwelling Unit. See Special Regulation 1.			Same as the regulations for the ground floor use. See Special Regulation 1.					A	1.7 per Per unit.	<ol style="list-style-type: none"> This use 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. 	
.110	Church	None D.R., Chapter 142 KZC.	None	20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Special 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.

(Revised 4/07)

USE ZONE CHART

Section 40.10

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

							elevation.				
.120	School or Day-Care Center			<p>If this use can accommodate 50 or more students or children, then:</p> <p>50' 50' on 50' each side</p> <p>If this use can accommodate 13 to 49 students or children, then:</p>			<p>If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg.</p>	D		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

USE ZONE CHART
Section **40.10**

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
				20'	20' on each side	20'		8.				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). 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>
130	Mini-School or Mini-Day-Care	None <u>D.R., Chapter 142 KZC.</u>	None	20'	5', but 2 side yards must equal at least 15'.	10'	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.	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).

(Revised 4/07)

Attachment A-3

USE ZONE CHART

Section 40.10

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

140	Assisted Living Facility See Spec. Reg. 3.			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. 2.3. This use may not be located on the ground floor of a structure. 3.4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	
150	Convalescent Center or Nursing Home		20'	10' on each side	10'	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.
160	Public Utility	D.R., Chapter 142KZC Process HA, Chapter 150-KZC		20' on each side	20'			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.
170	Government Facility Community Facility			10' on each side	10'			C See Spec. Reg. 1			

USE ZONE CHART
Section **40.10**

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

.180	Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis. <u>Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.</u>	--	B	See KZC-105.25.	1. Except as provided for in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum: <ol style="list-style-type: none"> a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following: <ol style="list-style-type: none"> 1) A description of the proposal; 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies; 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any; 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act; 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and 6) A recommended action by the City Council. c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds: <ol style="list-style-type: none"> 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and 2) It is consistent with the public health, safety, and welfare. In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following: <ol style="list-style-type: none"> a. Location, dimensions, and uses of all active and passive recreation areas; b. Potential users and hours of use; c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards; d. Landscaping; e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property. 2. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following: <ol style="list-style-type: none"> a. Lighting for outdoor nighttime activities; b. The construction of an building of
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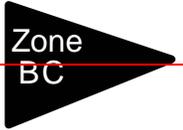
(Revised 4/07)

CHAPTER 45XX – COMMUNITY BUSINESS (BC) ZONES MARKET STREET CORRIDOR (MSC3) ZONE

45.05 User Guide.

The charts in KZC ~~45.10~~ contain the basic zoning regulations that apply in ~~each of the BC MSC3 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
45.08**



Section ~~45.08~~ – 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 horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, 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.~~
- ~~3. The required front 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).~~
- ~~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 uses).~~

USE ZONE CHART
Section **45.10**

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS														
Section 45.10	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"> 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 new vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 2.	None D.R., Chapter 142 KZC.	None	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 Chapter 105-KZC. See KZC-115.105, Outdoor Use, Activity and Storage, for further regulations. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use. 		
.030	Restaurant or Tavern Restaurant, Tavern or Fast Food Restaurant								B		1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> This use is limited to 4000 sq ft maximum. Drive-in or drive-through facilities are not permitted. Fast Food restaurants must provide one outdoor waste receptacle for every eight parking stalls. 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 		

(Revised 4/07)

USE ZONE CHART
Section **45.10**

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
												<u>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.</u>	
.040	Fast Food Restaurant											1 per each 80 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every 8 parking stalls. 2. Access for drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic while waiting in line to be served.
.050	A retail establishment providing storage services. See also Spec. Reg. 4.											See KZC 405.25.	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	<u>D.R., Chapter 142</u> <u>KZC None</u>	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.	B	E	1 per each 300 sq ft. of gross floor area.	<ol style="list-style-type: none"> <u>1. Gross floor area for this use may not exceed 4,000 square feet maximum.</u> <u>2. The following uses are not permitted in this zone:</u> <ul style="list-style-type: none"> <u>• Vehicle service stations.</u> <u>• Automotive service centers.</u> <u>• Uses with drive-in facilities or drive-through facilities.</u> <u>• Retail establishments providing storage services unless accessory to another permitted use.</u> <u>• Retail establishments involving the sale, service or repair of boats, recreational vehicles, heavy equipment and similar vehicles except those existing as of June 15, 2007.</u> <u>• Storage and operation of heavy equipment, except delivery vehicles associated with retail uses.</u> <u>• Storage of parts unless conducted entirely within an enclosed structure.</u> <u>3.4. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</u> <ol style="list-style-type: none"> a. 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. b. The outward appearance and impacts of this use with ancillary 	

(Revised 4/07)

USE ZONE CHART
Section 45.10

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

													b. 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	<u>D.R., Chapter 142</u> <u>KZC.None</u>	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.	B	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> 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. 3. <u>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.</u> 	
.090	A retail establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.	<ol style="list-style-type: none"> 1. <u>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.</u> 	

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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
.100	Private Lodge or Club									C	B	1 per each 300 sq. ft. of gross floor area.	<u>1. 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.</u>
.110	Stacked Dwelling Unit. See Special Regulation 1.										A	1.7 per Per unit.	1. This use 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			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 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.	

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Section 45.10

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
.130	School or Day-Care Center	<u>D.R., Chapter 142</u> <u>KZC.None</u>	None	30'	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. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

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USE ZONE CHART

Section 45.10

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

.150	Assisted Living Facility	D.R., Chapter 142 KZC. None	None	Same as the regulations for the ground floor use. See Spec. Reg. 4.				A	1.7 per Per independent unit. 1 per assisted living unit.	<p>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</p> <p>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.</p> <p>2.3. 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. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:</p> <p>a. Project is of superior design, and</p> <p>b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.</p> <p>3.4. This use may not be located on the ground floor of a structure.</p> <p>4.5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</p>															
											.160	Convalescent Center or Nursing Home	30'	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.	<p>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.</p>				
													.170	Public Utility	20'								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									

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Section **45.10**

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

.190	Public Park	See Special Regulations-1 and 2.	None	<p>Will be determined on case-by-case basis.</p> <p><u>Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.</u></p>	--	B	See KZC-405.25.	<p>1. Except as provided for in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum:</p> <p>a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. The required public hearing on a Master Plan proposed within the Houghton Community Municipal Corporation shall be conducted by the Houghton Community Council, which may be a joint hearing with the Parks Board;</p> <p>b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following:</p> <ol style="list-style-type: none"> 1) A description of the proposal; 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies; 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any; 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act; 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and 6) A recommended action by the City Council. <p>e. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds:</p> <ol style="list-style-type: none"> 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and 2) It is consistent with the public health, safety, and welfare; 3) If the Master Plan is proposed within the Houghton Community Municipal Corporation, it shall become effective according to the procedure in KMC 2.12.040.
REGULATIONS CONTINUED ON NEXT PAGE								

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USE ZONE CHART

Section 45.10

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

~~.190~~ Public Park
(continued)

~~REGULATIONS CONTINUED FROM PREVIOUS PAGE~~

- ~~—In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following:~~
 - ~~a. Location, dimensions, and uses of all active and passive recreation areas;~~
 - ~~b. Potential users and hours of use;~~
 - ~~c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards;~~
 - ~~d. Landscaping;~~
 - ~~e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property.~~
- ~~2. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following:~~
 - ~~a. Lighting for outdoor nighttime activities;~~
 - ~~b. The construction of any building of more than 4,000 square feet;~~
 - ~~c. The construction of more than 20 parking stalls;~~
 - ~~d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber-toys, slides, single basketball hoops, and similar equipment.~~

92.15. 4. Parking Garages

- a. All zones - Each facade of a garage or a building containing ground floor parking must either:
 - 1) Provide and maintain a ground floor area of the garage or building extending along the entire facade of the garage or building (excluding vehicle access points) which is developed as and made available for pedestrian-oriented businesses (see Figure 92.15.E); or

Providing Space for Pedestrian-Oriented Business

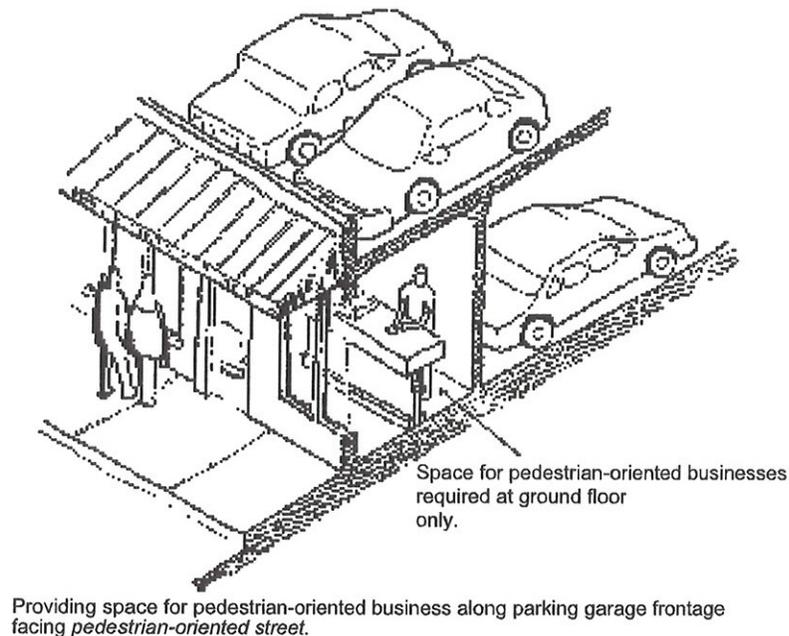


FIGURE 92.15.E

- 2) Provide and maintain a *pedestrian-oriented space*, at least 10 feet in depth and extending along the entire facade of the garage or building (excluding vehicle access points); or
 - 3) Treat the facade consistent with KZC 92.15.3.e. 1) 2) or 3), Treatment of Building Facades; or
 - 4) A combination of methods described above.
- b. All zones - There must be architectural screening or other treatment of openings above the ground level for the facades of parking garages along *pedestrian-oriented streets, through-block pathways and major pedestrian sidewalks.* the Market Street Corridor,
 - c. RHBD and TLN Zones - Structures containing parking on the ground floor:
 - 1) Parking structures on designated *pedestrian-oriented streets* shall provide space for ground-floor commercial uses along street frontages at a minimum of 75 percent of the frontage width. The entire facade facing a *pedestrian-oriented street* must feature a *pedestrian-oriented facade*.

Recessed windows, mullions and trim. Continuous window walls are prohibited unless used as an accent, such as in this building:

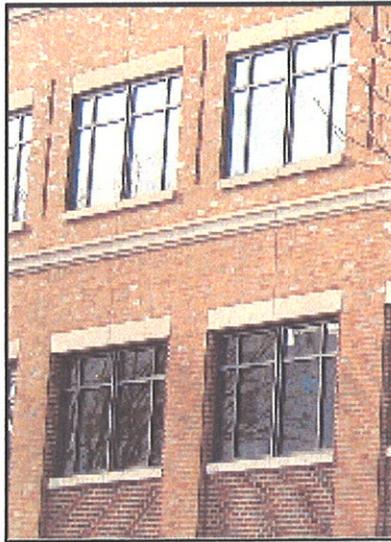


FIGURE 92.30.K

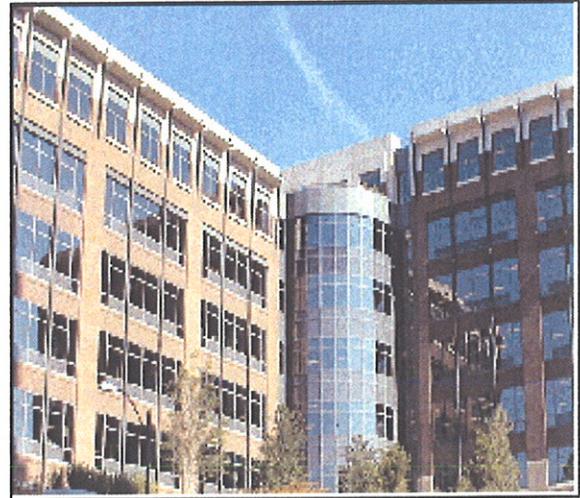


FIGURE 92.30.L

92.30, 6. Achieving Human Scale in All Zones

a. General

- 1) CBD - Except as provided in subsection 5. a. 3. of this section, the applicant shall use at least two of the elements or techniques listed in subsection 5.b. of this section in the design and construction of each facade of a building facing a street or public park.
- 2) JBD, NRHBD, TC, RHBD and TLN - Except as provided in subsection 5. a. 3. of this section, the applicant shall use at least one of the elements or techniques listed in subsection 5b. of this section in the design and construction of each facade of a one-story building facing a street or *through-block pathway*, and at least two of the elements or techniques for a two-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 of the elements or techniques listed in subsection 5b. 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 or more stories; or
 - b) The facade is more than 100 feet long.

b. Techniques To Achieve Human Scale in All Zones - The techniques to be used in the design and construction of building facades under subsection 5. a. of this section are listed below. As an alternative, the applicant may propose other techniques, elements or methods which provide human scale to the building and are consistent with the applicable design guidelines and the Comprehensive Plan.

- 1) On each story above the ground floor, provide balconies or decks, at least six feet wide and six feet deep.
- 2) On each story above the ground floor, provide bay windows that extend out at least one foot, measured horizontally, from each facade of the building.

Chapter 105 _ PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS

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:

1. Location of Parking Areas In the CBD, TC (TL1, TL2, TL3) zones-
 - a) Parking areas shall not be located between a *pedestrian-oriented street* and a building unless specified in a Conceptual Master Plan in TL 2. (See Plate 34 in Chapter 180 and Chapter 92 and 110 for additional requirements regarding pedestrian oriented streets),
 - b) On all other streets, parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists.
2. Location of Parking Areas in the JBD 2 and the NRHBD zones shall not be located between the street and the building unless no other feasible alternative exists on the subject property.
3. **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.**
3. 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)
 - a) TL 4, only properties fronting on 120th Avenue NE;
 - b) TL 5;
 - c) TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;
 - d) TL 6B, only properties fronting on NE 124th Street;
 - e) TL 10E.

Alternative configurations may be considered through the Design Review process, if the project meets the objectives of the KMC Design Guidelines for the Totem Lake Neighborhood.

- f) In the Regional Center (RH 1A, RH2A, RH3 and RH5A zones west of 124th Avenue). For parcels over two acres in size, parking lots and vehicular access areas may not occupy more than 50 percent of the NE 85th Street property frontage (see Figure 105.58.A). Alternative configurations will be considered through the Design Review process, if the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.

110.60

Additional Requirements

This section contains a series of requirements that apply to improvements required or proposed to be installed.

1. Dedication of Right-of-Way – If a right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant shall dedicate as right-of-way a strip of land adjacent to the existing right-of-way wide enough to encompass the required half-street improvements. The Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.
2. Fire Hydrants – The applicant shall install fire hydrants where and in the manner specified by the Department of Fire Services.
3. Incompatible Improvements – If improvements required by this chapter will connect with existing improvements in the same right-of-way that do not conform to this chapter, the following regulations apply:
 - a. If the improvements will connect with existing improvements of a greater dimension, the new improvement must be built at the greater dimension unless the Public Works Director determines that the dimensions of the existing improvement will be decreased in the future.
 - b. If the improvements will connect with existing improvements of a lesser dimension, the following regulations apply:
 - 1) If the Public Works Director determines that the dimensions of the existing improvements will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.
 - 2) If the Public Works Director determines that the dimensions of the existing improvements will be increased in the future, the applicant shall install the required improvements in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.
4. Landscape Strip and Street Trees – Landscape strips are typically found between the curb and the sidewalk and are planted with grass and street trees spaced 30 feet on-center. When improving landscape strips, the following regulations apply:
 - a. The applicant shall plant all landscape strips with vegetation approved by the City.
 - b. Trees shall be planted per the details outlined in Public Works Pre-Approved Plans and Policies Notebook.
 - c. The abutting property owner shall be responsible for keeping the sidewalk and landscaping abutting the subject property clean and litter-free, and any vegetation there shall be maintained. The City may require the owner of the subject property to sign a maintenance agreement in a form acceptable to the City Attorney, to run with the subject property. If an agreement is required, the applicant shall record this agreement in the King County Bureau of Elections and Records.
 - d. It is a violation of this code to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

- e. If a landscape strip or street trees in tree grates is not required, street trees planted 30 feet on-center 2.5 feet behind the sidewalk will be required, where feasible.
 - f. All trees planted in the right-of-way must be approved as to species by the Public Works Director. In the vicinity of overhead lines, tree species shall be selected based on City guidelines that will not interfere with those lines in the future. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.
5. Mailboxes – The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development. The mailbox location and type shall be approved by the Kirkland U.S. Post Master.
 6. Street Signs and Traffic Control Devices – The applicant shall install all street signs and traffic control devices in the location and manner established by the Department of Public Works.
 7. Utility Lines and Appurtenances
 - a. The location of sanitary sewer, storm drainage, and water main lines shall be as approved or required by the Public Works Director. All other utility lines, water meters and other utility appurtenances must be undergrounded within the utility strip, unless an alternate location is approved or required by the Public Works Director. Utility appurtenances must be no higher than finished grade unless this is determined by the Public Works Director to be infeasible.
 - b. All overhead service utility lines on the subject property must be undergrounded to the nearest primary source; undergrounding to a secondary service pole will not be allowed unless approved by the Public Works Director. All existing overhead utility lines in the public right-of-way adjacent to the subject site must be undergrounded unless the Public Works Director determines that this is infeasible. If undergrounding is determined to be infeasible, the property owner shall sign an agreement, in a form acceptable to the City Attorney, that waives the property owner's right to protest formation of a Local Improvement District (LID) for conversion of overhead utility lines to underground, in the public right-of-way adjacent to the subject property, consistent with RCW 35.43.182.
 8. Engineering Design – The applicant shall do preliminary engineering and provide construction design for the improvements required by this chapter.
 9. Other Necessary Improvements – The applicant shall install any other improvements that are necessary for the installation or proper operations or maintenance of the improvements required by this code.
 10. Replacement of Damaged or Substandard Existing Street Improvements – For properties that have existing street improvements, the owner shall remove and replace any damaged or substandard improvements in conjunction with the development of the property. Replacement shall include, but not be limited to, cracked curb, gutter, landscape strip, sidewalk, storm drainage infrastructure, barrier free ramps at street intersections, and installation of street trees.
 11. Entry or Gateway Features in Design Districts- In Design Districts, if the Comprehensive Plan or Design Guidelines designate the subject property for an entry or gateway feature, then the applicant shall design and install an entry feature area on the subject property. The size of the entry feature area shall be at least 100 square feet, and may include landscaping, art, signage or lighting. The design shall be reviewed by the City and decided upon as part of

the Design Review for the proposed development. The applicant shall provide an easement or dedication of property surrounding the entry feature.

Chapter 142 – DESIGN REVIEW

Sections:

- 142.05 User Guide
- 142.15 Development Activities Requiring D.R. Approval
- 142.25 Administrative Design Review (A.D.R.)
- 142.35 Design Board Review (D.B.R.)
- 142.40 Appeals of Design Review Board Decisions
- 142.50 Modifications
- 142.55 Lapse of Approval
- 142.60 Bonds

142.05

User Guide

Various places in this code indicate that certain developments, activities, or uses are required to be reviewed through design review or D.R. Design review may either be administrative design review (A.D.R.) or design board review (D.B.R.). This chapter describes these design review processes.

142.15

Development Activities Requiring D.R. Approval1. 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 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% 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.

d) or 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 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: RH8, 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 Section 1 above shall be reviewed through the A.D.R. process pursuant to KZC 142.25.
 3. Exemptions from Design Review The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92, KZC:
 - a. Any activity which does not require a building permit; or
 - b. Interior work that does not alter the exterior of the structure; or
 - c. Normal building maintenance including the repair or maintenance of structural members; or
 - d. Any development listed as exempt in the applicable Use Zone Chart.

Sections 142.17 and 142.20 deleted.

142.25

Administrative Design Review (A.D.R.) Process

1. Authority - The Planning Official shall conduct A.D.R. in conjunction with a related development permit pursuant to KZC 142.25.

The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

- a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
 - b. Design guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in KMC 3.30.040.
 - c. The neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required, such as the Downtown Plan, Juanita Business District Plan, the Totem Lake Neighborhood Plan, the North Rose Hill Neighborhood Plan for the North Rose Hill Business District (NRHBD), ~~and~~ the NE 85th Street Subarea Plan for the Rose Hill Business District (RHBD), and the Market Street Corridor Plan for the Market Street Corridor (MSC).
 - d. For review of attached or stacked dwelling units within the NE 85th Street Subarea and the Market Street Corridor, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.
2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92, KZC by

submitting an A.D.R. application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.

3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and the Planning Official to designate which design regulations apply to the proposed development based primarily on the location and nature of the proposed development.
4. A.D.R. Approval -
 - a. The Planning Official may grant, deny, or conditionally approve the A.D.R. application.. The A.D.R. approval or conditional approval will become conditions of approval for any related development permit and no development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.
 - b. Additions Or Modifications To Existing Buildings -
 - 1) Applications involving additions or modifications to existing buildings shall comply with the design regulations of Chapter 92 to the extent feasible depending on the scope of the project. The Planning Official may waive compliance with a particular design regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.
 - 2) The Planning Official may waive the A.D.R. process for applications involving additions or modifications to existing buildings if the design regulations are not applicable to the proposed development activity.
5. Lapse of Approval- The lapse of approval for the A.D.R. decision shall be tied to the development permit and all conditions of the A.D.R. approval shall be included in the conditions of approval granted for that development permit.
6. Design Departure and Minor Variations
 - a. 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:
 - 1) In the CBD: minimum required yards; and
 - 2) In the Totem Center: minimum required yards , floor plate maximums and building separation requirements; and
 - 3) In the RHBD and the TLN: minimum required yards, landscape buffer and horizontal facade requirements.
 - 4) In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards and horizontal façade requirements.

5) In the MSC 2 zone of the Market Street Corridor: height (up to an additional 5 feet), minimum required front yards and horizontal façade requirements.

6) In the MSC 3 zone of the Market Street Corridor: horizontal façade requirements.

This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the use zone chart allows the applicant to request a reduced setback administratively.

- b. Process – If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon using the D.B.R. process.
- c. Application Information – The applicant shall submit a complete application on the form provided by the Planning Department, along with all information listed on that form, including a written response to the criteria in subsection (6)(d) of this section.
- d. Criteria – The Design Review Board may grant a design departure or minor variation only if it finds that all of the following requirements are met:
 - 1) The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;
 - 2) The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

142.35

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

1. Timing of D.B.R - For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity. An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.
2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.
3. Authority – The Design Review Board shall review projects for consistency with the following:
 - a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.
 - b. Design Guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.
 - c. The applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.

- d. The Design Principles for Residential Development contained in Appendix C of the Comprehensive Plan for review of attached and stacked dwelling units located within the NE 85th Street Subarea and the Market Street Corridor.
4. The Design Review Board is authorized to approve minor variations in development standards within certain Design Districts described in Section 142.25.(6)(a) provided the variation complies with the criteria of KZC 142.25(6)(b):
5. Pre-Design Conference – Before applying for D.B.R. approval, the applicant shall attend a pre-design conference with the Planning Official. The conference will be scheduled by the Planning Official upon written request by the applicant. The purpose of this conference is for the Planning Official to discuss how the design regulations, design guidelines, and other applicable provisions of this code and the Comprehensive Plan relate to the proposed development and to assist the applicant in preparing for the conceptual design conference. A pre-design conference may be combined with a pre-submittal meeting.
6. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference with the Design Review Board. The conference will be scheduled by the Planning Official to occur within 30 days of written request by the applicant. The purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the Design Review Board and:
 - a. To discuss how the design regulations, design guidelines and other applicable provisions of the Comprehensive Plan affect or pertain to the proposed development;
 - b. For the Design Review Board to designate which design regulations, design guidelines and other applicable provisions of the Comprehensive Plan apply to the proposed development based primarily on the location and nature of the proposed development; and
 - c. For the Design Review Board to determine what models, drawings, perspectives, 3-D CAD model, or other application materials the applicant will need to submit with the design review application.
7. Application – Following the conceptual design conference, the applicant shall submit the design review application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application, as well as all application materials required as a result of the conceptual design conference.
8. Public Notice
 - a. Contents – On receipt of a complete design review application, the Planning Official shall schedule a design response conference with the Design Review Board to occur within 60 calendar days of receiving the complete application. The Planning Official shall provide public notice of the design response conference. Public notice shall contain the name of the applicant and project, the location of the subject property, a description of the proposed project, time and place of the first design response conference, and a statement of the availability of the application file.
 - b. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the first design response conference as follows:

- 1) By mailing the notice or a summary thereof to owners of all property within 300 feet of any boundary of the subject property.
 - 2) Publish once in the official newspaper of the City.
 - 3) Post conspicuously on the subject property on a public notice sign. The Department of Planning and Community Development is authorized to develop standards and procedures for public notice signs.
9. Design Response Conference – The design response stage allows the Design Review Board to review the design plans and provide direction to the applicant on issues to be resolved for final approval. The applicant shall present a summary of the project to the Design Review Board. The Planning Official shall present a review of the project for consistency with the requirements specified in subsection (3) of this section. Public comment relevant to the application may be taken. Persons commenting must provide their full name and mailing address. The Design Review Board may reasonably limit the extent of comments to facilitate the orderly and timely conduct of the conference.

The Design Review Board shall decide whether the application complies with the requirements specified in subsection (3) of this section. The Design Review Board shall make its decision by motion that adopts approved project drawings in addition to changes or conditions required by the Design Review Board. If the Design Review Board finds that the application does not meet those requirements, it shall specify what requirements have not been met and options for meeting those requirements. The Design Review Board may continue the conference if necessary to gather additional information necessary for its decision on the design review application. If the conference is continued to a specific date, no further public notice is required; otherwise notice shall be mailed to all parties participating in the design response conference.

Conceptual Master Plan Conference for TL 2 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over one and one-half acres in size in TL 2. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 2 zoning chart.

Conceptual Master Plan Conference for TL 5 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over four acres in size in TL 5. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 5 zoning chart.

Conceptual Master Plan Conference for RHBD – The Design Review Board shall consider a Conceptual Master Plan (CMP) in the RH 3 zone within the NE 85th Street Subarea. The CMP shall incorporate the design considerations for the RH 3 zone set forth in the Design Guidelines for the Rose Hill Business District.

10. Approval – After reviewing the D.B.R. application and other application materials, the Design Review Board may grant, deny or conditionally approve subject to modifications the D.B.R. application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or

conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the postmarked date of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

Additional Approval Provision for TL 2 and TL 5 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a CMP in TL 2 or TL 5. The Notice of Approval shall also include a phasing plan for all improvements shown or described in the CMP.

Additional Approval Provision for RHBD – The Design Review Board shall determine the thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a Conceptual Master Plan (CMP) in the RHBD. The Notice of Approval for the CMP will state the thresholds for future review of projects and also include a phasing plan for all improvements shown or described in the CMP.

142.40

Appeals of Design Review Board Decisions

1. Jurisdiction – Appeals of the decision of the Design Review Board will be heard as follows:
 - a. If a related development permit requires an open record public hearing, then the appeal shall be heard at that hearing and decided upon by the hearing body or officer or officer hearing the related development permit.
 - b. If there are no other open record hearings required for related development permits, then the decision of the Design Review Board shall be heard at an open record hearing by the City Council.

Only those issues under the authority of the Design Review Board as established by KZC 142.35(23) and (4) are subject to appeal.
2. Who May Appeal – The decision of the Design Review Board may be appealed by the applicant or any other individual or entity who submitted written or oral comments to the Design Review Board.
3. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the postmarked date of the distribution of the Design Review Board decision. It must contain a clear reference to the matter being appealed and a statement of the specific elements of the Design Review Board decision disputed by the person filing the appeal.
4. Fees – The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.
5. Notice

- a. Content – The Planning Official shall prepare a notice of the appeal containing the following:
 - 1) The file number and a brief written description of the matter being appealed.
 - 2) A statement of the scope of the appeal including a summary of the specific matters disputed in the letter of appeal.
 - 3) The time and place of the public hearing on the appeal.
 - 4) A statement of who may participate in the appeal.
 - 5) A statement of how to participate in the appeal.
 - b. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall send a copy or a summary of this notice to the applicant, appellant(s), and Design Review Board. The notice of appeal may be combined with the hearing notice for the related development permit, if applicable.
6. Participation in the Appeal – Only the person(s) who filed the appeal, the applicant, and the chair (or designee) of the Design Review Board may participate in the appeal. These persons may participate in the appeal in either or both of the following ways:
- a. By submitting written comments or testimony to the hearing body or officer prior to commencement of the hearing.
 - b. By appearing in person, or through a representative, at the hearing and submitting oral testimony directly to the hearing body or officer. The hearing body or officer may reasonably limit the extent of oral testimony to facilitate the orderly and timely conduct of the hearing.
7. Scope of the Appeal – The scope of the appeal is limited to the specific elements of the Design Review Board decision disputed in the letter of appeal and the hearing body or officer may only consider comments, testimony, and arguments on these specific elements.
8. Staff Report on the Appeal
- a. Content – The Planning Official shall prepare a staff report containing the following:
 - 1) The written decision of the Design Review Board.
 - 2) All written comments received by the Design Review Board.
 - 3) The letter of appeal.
 - 4) All written comments on the appeal received by the Planning Department from the appellant or applicant and within the scope of the appeal.
 - 5) An analysis of the specific element(s) of the Design Review Board's decision disputed in the letter of appeal.

The Planning Official may present the staff report orally to the hearing body or officer.

- b. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute copies of the staff report to the hearing body or officer, the appellant, and the applicant.
9. Electronic Sound Recordings – The hearing body or officer shall make a complete electronic sound recording of each hearing.
 10. Continuation of the Hearing – The hearing body or officer may continue the hearing if, for any reason, it is unable to hear all of the testimony on the appeal or if it determines that it needs more information within the scope of the appeal. If, during the hearing, the hearing body or officer announces the time and place of the continued hearing on the matter, no further notice of that hearing need be given.
 11. Decision on the Appeal
 - a. Criteria – Unless substantial relevant information is presented which was not considered by the Design Review Board, the decision of the Design Review Board shall be accorded substantial weight. The decision may be reversed or modified if, after considering all of the evidence in light of the design regulations, design guidelines, and Comprehensive Plan, the hearing body or officer determines that a mistake has been made. Specific allowances established by the applicable use zone charts may not be appealed unless the Design Review Board has approved exceptions to those allowances.
 - b. General – The hearing body or officer shall consider all information and material within the scope of the appeal submitted by the appellant. The hearing body or officer shall adopt findings and conclusions and either:
 - 1) Affirm the decision being appealed; or
 - 2) Reverse the decision being appealed; or
 - 3) Modify the decision being appealed.
 - c. Issuance of Written Decision – Within eight calendar days after the public hearing, the hearing body or officer shall issue a written decision on the appeal. Within four business days after it is issued, the hearing body or officer shall distribute the decision by mail to the appellant and the applicant.
 - d. Effect – If the appeal hearing is combined with an open record hearing for a related development permit, the decision on the appeal shall become part of the decision on the related development permit. The final decision of the City on the appeal of the Design Review Board decision shall occur at the same stage as the final decision of the City on the related development permit. Any appeal or challenge of the action of the hearing body or officer on the appeal of the Design Review Board decision shall be limited to the scope of the initial appeal.

142.50

Modifications

1. The Planning Official may approve a modification to the D.R. approval for the proposed development if:
 - a. The need for the modification was not known and could not reasonably have been known before the D.R. approval was granted;

- b. The modification is minor and will not, in any substantial way, change the proposed development or violate any requirement imposed by the Design Review Board. The Planning Official may consult with the Design Review Board in his/her decision; and
 - c. The development that will result from the modification will be consistent with the design regulations, design guidelines, and Comprehensive Plan.
2. Any modification, other than as specified in subsection (1) of this section, must be reviewed and decided upon as a new D.R. approval under this chapter.

142.55

Lapse of Approval For Design Review Board Decisions

1. General – Unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one year after the final decision granting the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three years after the final decision on the D.B.R. approval or the decision becomes void. “Final decision” means the final decision of the Planning Official or Design Review Board.
2. Extensions
 - a. Application – The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the D.B.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1) of this section.
 - b. Fee – The applicant shall include with the letter of request the fee as established by ordinance.
 - c. Review Process – An application for a time extension will be reviewed by the Planning Official.
3. Appeals
 - a. Who Can Appeal – Any person who is aggrieved by a time extension or denial of a time extension under this section may appeal that determination.
 - b. How To Appeal – The applicant must file a letter of appeal within 14 days of the approval or denial of the time extension indicating how the determination affects his/her property and presenting any relevant arguments or information on the correctness of the determination. The applicant shall include the appeal fee as established by ordinance.
 - c. Applicable Procedures – All appeals of decisions under this section will be reviewed and decided upon using Process IIA, described in Chapter 150 KZC.

142.60

Bonds

The Planning Official may require a bond under Chapter 175 KZC to ensure compliance with any aspect of a D.R. approval.

PUBLICATION SUMMARY
OF ORDINANCE NO. 4107

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AMENDING PORTIONS OF CHAPTERS 92, 105, 110, 142, USE ZONE CHARTS IN CHAPTERS 25, 40 AND 45 AND ADDING NEW USE ZONE CHARTS FOR THE MARKET STREET CORRIDOR ZONES, MSC 1, MSC 2, MSC 3 AND MSC 4 AND AMENDING THE CITY OF KIRKLAND ZONING MAP (ORDINANCE 3710 AS AMENDED) TO CONFORM TO THE COMPREHENSIVE PLAN AND TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. ZON07-00007.

SECTION 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code and to Ordinance 3710, as amended, the Kirkland Zoning Map.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as thirty (30) days after publication of summary.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 20__.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk