



**CITY OF KIRKLAND**  
Planning and Community Development Department  
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## **MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Eric Shields, Planning Director  
Jeremy McMahan, Planning Supervisor  
Jon Regala, Senior Planner

**Date:** January 8, 2009

**Subject:** CENTRAL BUSINESS DISTRICT AMENDMENTS PUBLIC HEARING, FILE NO. ZON08-00019

## **RECOMMENDATION**

Conduct the public hearing on the draft amendments to the Central Business District (CBD) and either adopt the amendments as drafted or provide staff with direction to revise the amendments and return for adoption at a subsequent meeting. Three ordinances are attached:

- Ordinance 4177 amending the text of the Kirkland Zoning Code to adopt new regulations (Attachment 4)
- Ordinance 4178 amending the zoning map to split the CBD 1 zone into CBD 1A and CBD 1B zones for purposes of maximum building heights (Attachment 6)
- Ordinance 4179 repealing the interim regulations for CBD 1 and 2 (Attachment 8)

In addition, the attached Resolution would approve amendment to the Design Guidelines for Pedestrian Oriented Business Districts in support of the Zoning Code amendments (Attachment 10).

Staff has identified one specific parcel in the CBD 1B area that is problematic under both existing rules and the draft amendments. The parcel in question is south of Second Avenue South on Lake Street and serves as currently serves as a parking lot for the Fish Café. Analysis and options are discussed later in this memo.

## **BACKGROUND**

Issue: In CBD 1, the current Zoning Code establishes allowed heights in a range of 2-4 or 2-5 stories (depending on location) and requires the Design Review Board (DRB) to determine the allowed heights through the Design Review process utilizing the Downtown Plan policies of the Comprehensive Plan (Attachment 1). The City Council received two appeals of DRB approvals in 2008 and subsequently determined that the current regulations lacked clarity and predictability and placed an inappropriate level of discretion on the DRB. In order to remove the discretion and uncertainty of the Downtown Plan policies, the Council has directed the creation of clear zoning regulations and supporting design guidelines that implement the policies in question. The Council's fundamental goal for these amendments is to clearly specify maximum allowed heights, minimum upper story step backs, and

minimum retail standards in the Zoning Code so these are not highly discretionary decisions that are deferred to the DRB and require interpretation of Comprehensive Plan policies.

To avoid the vesting of additional developments under the existing Zoning Code, the City Council enacted an interim ordinance (O-4149) imposing additional height limits within the CBD 1 and 2 zones. The effective date was November 1, 2008 and the ordinance remains in effect for 180 days unless repealed. In order to provide timely consideration of potential amendments and to avoid overburdening of the Planning Commission, the City Council also enacted an interim ordinance (O-4143) for the City Council to conduct the public hearings on proposed amendments rather than the Planning Commission.

Process: The City Council held four study sessions in 2008 (October 16<sup>th</sup>, November 10<sup>th</sup>, November 24<sup>th</sup>, and December 16<sup>th</sup>) to consider the issues, review solutions, and provide staff with direction on draft regulations and guidelines. Videos from those public meetings are available for viewing on the City's website.

At the request of the City Council, the Design Review Board has held three study sessions (November 17 and December 12, 2008 and January 5, 2009) to advise the City Council on code and design issues. Audio recordings of those public meetings are available on the City's website.

The DRB reviewed the most recent draft of the regulations and guidelines on January 5<sup>th</sup> and provided additional comments that staff has incorporated into the draft regulations and guidelines. The exception is a DRB suggestion to replace the term "upper story step back" with the term "upper floor offset". Staff tried the "offset" language but concluded that it made the guidelines less clear. A better definition of the "step back" is included at the beginning of the applicable guidelines and should help with the distinction.

Public Notice: The City has completed the following measures to ensure broad distribution of the public hearing notice and easy access to information about the proposed amendments:

- Created a project webpage with a summary of the amendments and information on all public meetings and the Council hearing. All meeting packets are posted for viewing.
- Postcard notification of the hearing with a link to project webpage was mailed to:
  - All 922 property owners within the affected CBD zones
  - All 489 property owners within a 300' radius of the affected zones
- Published in the Seattle Times (official City newspaper) and mailed to Kirkland Reporter
- E-mailed the postcard and web page link to:
  - Neighborhood Bulletin list serve
  - Downtown Advisory Committee
  - Kirkland Downtown Association
  - Chamber of Commerce
  - Kirkland Alliance of Neighborhoods
  - Planning Commission
  - DRB
  - CBD Commercial Property Owners group
  - CBD Condo Owners group
- Posted hearing notice on KGOV channel

Meetings: Staff has met with a number of downtown developers, property owners, the Chamber of Commerce Public Policy Committee, and others to review the draft amendments. Individuals identified a number of good things about the proposed changes and a number of issues they saw with the proposed changes. The most consistent positive comment identified is the certainty and predictability created. A summary of some of the issues identified include:

- Concern about the size of the minimum 30' upper story setback along Lake Street and Central Way.
- Concern about impacts of upper story setbacks where they apply to sites with multiple street frontages and to shallower parcels.
- Concern about a 15' retail height (rather than existing 13'-15' range) in terms of losing some flexibility and the potential proportions of the space for smaller sites.
- The restrictions on banks in terms of limiting tenant flexibility in a down economy and the traditional downtown presence of banks.
- The restrictions on banks and drive-throughs in terms of not being restrictive of those uses on all streets in CBD 1 or relating the allowed height to the use (e.g. – no additional height if banks are not “superior retail”).

### **SUMMARY OF AMENDMENTS**

The matrix below shows which changes affect each CBD zone. All of the proposed changes will affect properties in CBD 1. Proposed changes which affect retail height at the street level will affect all CBD zones except CBD 5. Proposed changes which affect measuring building height in terms of feet rather than stories will affect all CBD zones except CBD 5 and CBD 8 where such rules are already being applied. Attachment 4 contains the full text of changes to the Kirkland Zoning Code (KZC).

Proposed Changes	CBD 1	CBD 2	CBD 3	CBD 4	CBD 6	CBD 7	CBD 8
Require 13' average sidewalk width with 12' minimum	x						
Prohibit banks and related financial uses along Park Lane and Lake Street South	x						
Eliminate size and roof coverage modifications to rooftop appurtenances	x						
Measure height in feet instead of stories	x	x	x	x	x	x	Already measured in feet
Require minimum 15' ground floor retail height	x	x	x	x	x	x	x
Along Lake Street - require 30' upper story setback above 2 <sup>nd</sup> story (3 <sup>rd</sup> , 4 <sup>th</sup> , and 5 <sup>th*</sup> stories)	x						
Along Central Way - require 30' upper story setback above 3 <sup>rd</sup> story (4 <sup>th</sup> and 5 <sup>th*</sup> stories)	x						
Along all other streets - require 20' average upper story setback above 2 <sup>nd</sup> story (3 <sup>rd</sup> , 4 <sup>th</sup> , and 5 <sup>th*</sup> stories)	x						
Allow ground floor public space tradeoff for additional upper story building area	x						
Adopt supporting design guidelines	x	x	x	x	x	x	x

**X = Applies to Zone**  
**\* Where 5<sup>th</sup> Story is Allowed**

Below is a summary of the draft changes with the basic rationale for the amendments included in italics:

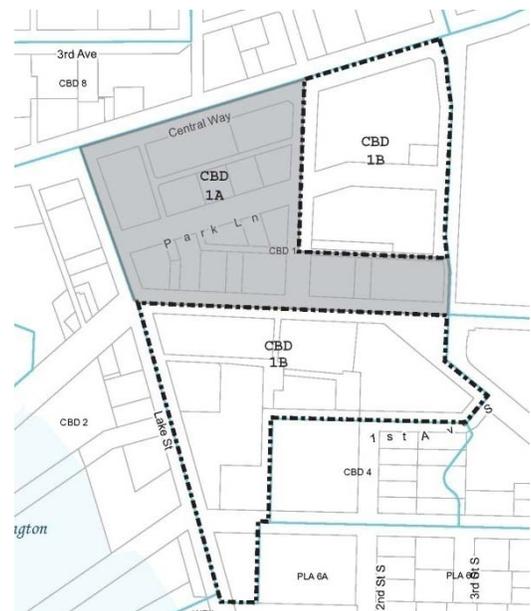
### ***Requirements for Building Height***

In order to remove the uncertainty about allowed heights, the draft zoning would replace the existing language specifying height in a range of stories with specific maximum heights. To establish clarity about how high buildings can be, the draft zoning specifies maximum heights in feet rather than in number of stories. In addition, where the Downtown Plan establishes specific height limits above Lake Street and Central Way, the draft zoning would codify a maximum height above those streets for a specified depth.

- **CBD 1:** CBD 1 is proposed to be divided into a CBD 1A zone and a CBD 1B zone (see diagram and Attachment 6) to correspond to the 4-story and 5-story height districts established in the Comprehensive Plan.

In terms of maximum allowed heights, the Zoning Code would be amended to allow 45 feet (rather than 4 stories) in CBD 1A and 55 feet (rather than 5 stories) in CBD 1B (see Attachment 4). These limits are consistent with the allowed height in the Downtown Plan policies.

Also, consistent with the Downtown Plan policies, the Zoning Code would be amended to limit the height of rooftop appurtenances in CBD 1 such that they would not be allowed to be above the allowed height for parapets and/or peaked roofs (see Attachment 4).



*Proposed CBD1A & 1B Zoning Districts*

***Rationale:** The Zoning Code currently specifies allowed heights in CBD 1 in a range of 2-5 stories and requires building over two stories to demonstrate compliance with all provisions of the Downtown Plan through the design review process. The Downtown Plan establishes policies for where various building heights are appropriate and under what conditions the maximum heights can be achieved. The Downtown Plan is a section of the Comprehensive Plan. Comprehensive Plans are policy documents and typically not regulatory in nature. Recent appeals have led to the conclusion that as a policy document, the Downtown Plan is subject to varying interpretations and has proven ill-suited to providing the regulatory clarity needed for downtown development. Therefore, the City Council has directed the creation of clear zoning regulations to codify Downtown Plan height policies. They have also directed that the draft regulations establish maximum acceptable building heights in feet without the variability found in the Downtown Plan.*

- **CBD 2, 3, 4, 6, and 7:** To establish consistency between CBD zones, the draft regulations include revisions to other CBD zones where height is currently measured in stories. The regulations would establish height limits in feet for all CBD zones. In the draft regulations, the conversion to feet consistently applies the maximum story heights (15' retail stories and 13' office stories) to establish a maximum building height.

*Rationale: Consistent with the amendments for CBD 1, Council has indicated a desire to clearly establish acceptable building heights that are independent of what uses occur within that allowed height. It has been noted that there may be cases where lower floor to floor heights could allow one more story than the current zoning would allow. For example, in an area like CBD 7 currently designated for 3 stories regardless of use, the maximum height of one story of retail (15') plus two stories of office (2 x 13') above is 41'. If an applicant chose to build lower residential stories, it would be possible to build a four story building.*

### **Requirements for Upper Story Setbacks in CBD 1**

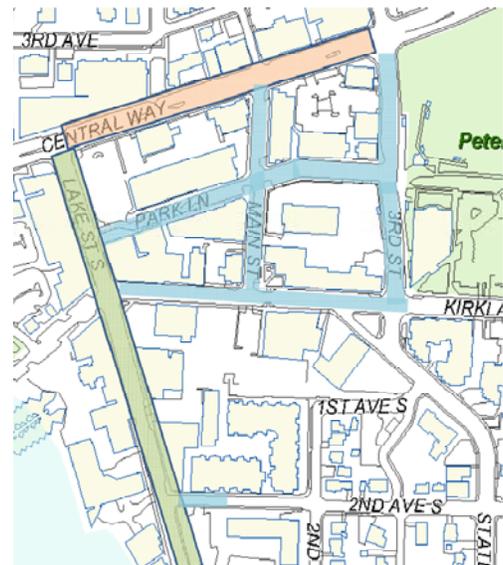
In order to establish clear massing requirements for buildings in CBD 1, the draft regulations establish specific dimensions for upper story setbacks and define setbacks as the horizontal distance between the property line and any exterior wall of the building. As shown in the diagram below, different standards are proposed for Lake Street, Central Way, and all other streets. Draft design guidelines are also established to address the design of the allowed building mass (see Attachment 10).

- Lake Street frontage: The draft CBD 1 chart requires that no portion of a building may exceed 28 feet (equivalent to two stories) within 30 feet of Lake Street. The setback is measured from current property lines. The setback could be reduced to a minimum of 25 feet in exchange for additional public space at the ground level (one square foot of floor space in exchange for each square foot lost for the dedication of the public space). Supporting design guidelines are created to provide the DRB direction and authority for the arrangement of open space trade-offs and modulation of facades.

*Rationale: The Downtown Plan policies state that "Buildings should be limited to two stories along all of Lake Street South to reflect the scale of development in Design District 2". One of the issues discussed by Council is the depth of a structure necessary for it to be considered a two story building. The draft regulation establishes the 25-30 foot depth as the appropriate dimension.*

- Central Way frontage: The draft CBD 1 chart requires that no portion of a building may exceed 41 feet (equivalent to three stories) within 30 feet of Central Way. The setback is measured from current property lines. The setback could be reduced to a minimum of 25 feet in exchange for additional public space at the ground level (one square foot of floor space in exchange for each square foot lost for the dedication of the public space). Supporting design guidelines are created to provide the DRB direction and authority for the arrangement of open space trade-offs and modulation of facades along Central.

*Rationale: The downtown Plan policies state that "Building up to three stories in height may be appropriate along Central Way to reflect the scale of Development in Design District 8...". Because the policy wording*



*parallels the policy for Lake Street, the depth of the setback is set at 25-30 feet. The Plan also discourages creation of a continuous three story street wall.*

- **All other frontages:** The draft CBD 1 chart requires an average upper story setback of 20 feet. This average setback would be required for stories above the second story and would apply to the area of building within 30 feet of the property line. This regulation would apply to buildings within CBD 1A and 1B along Park Lane, 3rd Street, Main Street, 2nd Avenue South, and Kirkland Avenue. The regulations establish specific requirements for the reduction of the building mass within the 30' zone. The arrangement of the allowed massing will be determined through the design review process subject to new guidelines established in the Design Guidelines for Pedestrian Oriented Business Districts (Attachment 10). The guidelines establish provisions for building step backs (defined as the horizontal distance between a building façade and the building façade of the floor below) and provisions for modulation and vertical and horizontal definition of building forms. The average setback could be reduced to a minimum of 15 feet in exchange for additional public space at the ground level (one square foot of floor space in exchange for each square foot lost for the dedication of the public space).

*Rationale: The Downtown Plan policies speak in general terms stating that buildings above the second story should be setback from the street to preserve human scale, achieve architectural scale, and reduce building mass. In locations where a bonus story is allowed, the policies encourage significant upper story step backs and building form stepped back at the third, fourth, and fifth story where applicable.*

*Maximizing the massing along pedestrian oriented street is not acceptable. By reducing mass at the upper stories, focus is reoriented towards the building base and back to the pedestrian experience. As shown in the diagram below, the challenge has been to establish specific standards to reduce the massing of upper stories along pedestrian-oriented streets.*

*Staff evaluated projects that have been approved or built within CBD 1 to determine how much massing above the second story has been approved by the DRB. The following table summarizes the data.*

Project	Area within 30' zone	3RD STORY	4TH STORY	5TH STORY	AVERAGE ABOVE 2ND
<b>Kirkland Central</b>	6930.00	11.66	11.66	15.09	12.80
<b>Heathman</b>	5490.00	12.77	15.54	N/A	14.16
<b>Merrill Gardens</b>	4613.00	17.37	17.37	24.17	19.64
<b>McLeod north</b>	7521.00	22.89	27.33	N/A	25.11
<b>McLeod all</b>	11327.00	25.13	28.03	N/A	26.58
<b>Bank of America</b>	8793.00	18.24	18.65	25.67	20.85
<b>PROJECT AVERAGE</b>		16.59	18.11	21.64	18.51

*Based on these data, the Council and DRB have studied a 20' average setback within 30' of the property line. Requiring the massing reductions within the 30' zone is important in that it prioritizes reductions that are visible*

from pedestrian oriented streets and ensures that buildings step back from those streets consistent with Downtown Plan policies.

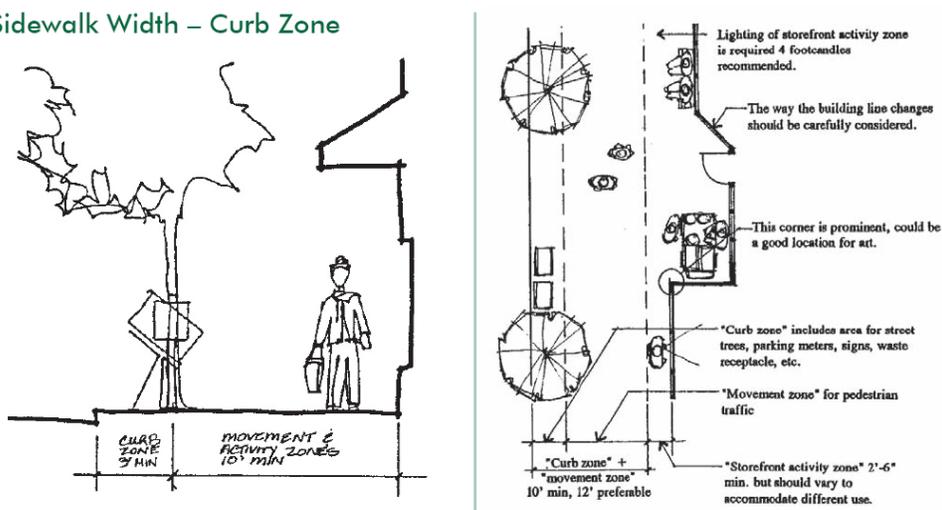
### **Requirements for Retail**

In order to eliminate the vagaries of the term “superior retail” from the regulatory regime, the City Council reviewed retail requirements within the CBD and discussed requirements that would enhance the retail environments. Although the current requirements for “superior retail” are only triggered when a bonus story is sought, an early conclusion was reached that the design all new retail space in CBD 1 should be of a high quality. Thus, the draft amendments would enhance retail requirements for all development in CBD 1 regardless of height.

- **CBD 1:** Increase sidewalk widths from 10' to an average of 13 feet with a 12-foot minimum. This proposed change has been incorporated into the CBD use zone charts with additional language in KZC Section 110.52.

*Rationale:* The Downtown Plan policies encourage projects to provide “superior retail space” as one justification for the bonus 4<sup>th</sup> or 5<sup>th</sup> story. The Council determined that the policy relates to both design and use of the space. Regarding design, research of approved projects (Merrill Gardens, the Heathman Hotel, Kirkland Central, and Bank of America site) indicates that in designing for “superior retail” (which partially justified height bonuses), the DRB has consistently focused on the public realm by providing wider than required sidewalks and/or public open space in the form of plazas. In addition, as shown in the illustration below, the City’s Design Guidelines for Pedestrian-Oriented Business Districts currently indicate the need for a minimum 13’ sidewalk width to accommodate sidewalk uses and activities.

#### Sidewalk Width – Curb Zone



- **CBD 1:** Prohibit banks and related financial service uses along Park Lane and Lake Street with an exemption for banks that existed prior to 2004.
- **CBD 1:** Require an average minimum 30-foot depth of retail space along all streets with a minimum depth of 20'. Previously the Code only required a 30' retail space as an intervening use if ground floor offices or residential were proposed.

*Rationale:* As noted above, Council discussed both design and use of retail space as they relate to the “superior retail space” policy. In terms of design, the draft regulations and guidelines reflect a desire to ensure high quality retail design throughout CBD 1 regardless of location. Regarding use of the space, the draft regulations reflect a distinction by Council about the character of different streets in CBD 1 and a desire to limit the expansion of bank uses at the street level. Park Lane and Lake Street were identified as streets that have a stronger traditional pedestrian retail character (only one existing bank) than other CBD 1 streets that have different pedestrian retail characteristics (6 banks). As a means of protecting the established character of Lake Street and Park Lane, the draft regulations prohibit the expansion of banking uses on these key retail streets.

*The 30’ retail depth requirement would ensure retail continuity by prohibiting uses such as parking garages, hotel rooms, or schools from taking up what should be street front retail space.*

- CBD 1, 2, 3, 4, 6, 7, 8: Require a minimum 15-foot retail ground floor height. Design guidelines have been revised to support the taller retail frontage (e.g. improved glazing/window standards).

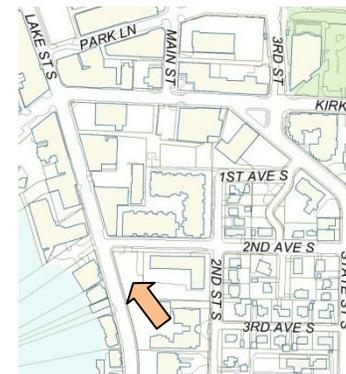
*Rationale:* The City Council considered height of retail space as a design and a use issue in that taller retail spaces allow for a greater diversity of retail tenants and provide a more dynamic retail streetscape. Because the proposed height limits in all zones assume higher ground floor retail space, Council has supported application of this requirement to all retail in the CBD zones. Note that although CBD 5 is not included, the approved Park Place Master Plan and Design Guidelines require higher retail spaces for Park Place too.

## **FISH CAFÉ PARKING LOT SITE - ISSUES**

The draft regulations apply the same standards to all properties within CBD 1. Based on prior conceptual design review discussions for development of this site, staff sees the following issues related to the draft regulations that are unique to this site:

- The site is south of the traditional retail core and it may be difficult to attract retail to the site, particularly retail that would extend across the entire Lake Street and Second Avenue South Frontage.
- Previous conceptual design review for the site indicates that access to the site would require multiple curb cuts.
- The limited depth of the site may not be conducive to deeper retail (30’ average) while allowing for parking behind.

Given these issues and the nexus between Comprehensive Plan policies for the 5<sup>th</sup> story and the policies for “superior retail”, it is possible that the draft regulations for retail requirements and height allowances are not practical for this site. Alternative solutions would be to adapt the regulations by modifying the retail requirement, reducing the height allowance, or both. Staff is meeting with various developers and property owners to review the draft regulations in advance of the public hearing and hope to meet with representatives of this property to discuss options.



## **CRITERIA FOR AMENDMENTS TO THE TEXT OF THE ZONING CODE**

Kirkland Zoning Code section 135.25 provides that the City may amend the text of the Zoning Code only if it finds that:

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

*The proposed amendments are consistent with the Comprehensive Plan. A detailed matrix listing the proposed amendment and the supporting policies for the Downtown Plan section of the Comprehensive Plan is included as Attachment 1. The proposed amendments are intended to codify the provisions of the Comprehensive Plan related to height, massing, and retail requirements. The fundamental goal of the amendments is to move away from regulating downtown development through Comprehensive Plan policies to a more appropriate and defensible process of regulating through the Zoning Code and supporting design guidelines.*

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

*The proposed amendments bear a substantial relation to public welfare. The codification of Comprehensive Plan policies for development in the Central Business District will ensure that development will occur in a manner that is consistent with the community's vision for the future growth and character of the downtown.*

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

*The codification of more clear and predictable development rules for Kirkland's Central Business District will benefit the entire community. Downtown developers will not face the risk of highly discretionary decisions about building height and mass. Community members will be able to review the regulations and understand more clearly what can be built in downtown. The Design Review Board will be able to focus on the design of high quality buildings in downtown and not cast in the position of deciding building heights. The resultant certainty and predictability should allow the community to move forward toward building the vision of the Downtown Plan with less contention than has been the case in the past.*

## **ATTACHMENTS**

1. Downtown Plan section of the Comprehensive Plan
2. Comprehensive Plan consistency matrix
3. Public Comment
4. Ordinance 4177 amending the text of the Kirkland Zoning Code
5. Ordinance 4177 publication summary
6. Ordinance 4178 amending the zoning map to split the CBD 1 zone into CBD 1A and CBD 1B zones
7. Publication summary of Ordinance 4178
8. Ordinance 4179 repealing the interim regulations for CBD 1 and 2
9. Resolution amending the Design Guidelines for Pedestrian Oriented Business Districts

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## XV.D. MOSS BAY NEIGHBORHOOD

### 3. DOWNTOWN PLAN

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#### A. VISION STATEMENT

Downtown Kirkland provides a strong sense of community identity for all of Kirkland. This identity is derived from Downtown's physical setting along the lakefront, its distinctive topography, and the human scale of existing development. This identity is reinforced in the minds of Kirklanders by Downtown's historic role as the cultural and civic heart of the community.

Future growth and development of the Downtown must recognize its unique identity, complement ongoing civic activities, clarify Downtown's natural physical setting, enhance the open space network, and add pedestrian amenities. These qualities will be encouraged by attracting economic development that emphasizes diversity and quality within a hometown setting of human scale.

#### B. LAND USE

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*A critical mass of retail uses and services is essential to the economic vitality of the Downtown area.*

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The Downtown area is appropriate for a wide variety of permitted uses. The area's economic vitality and identity as a commercial center will depend upon its ability to establish and retain a critical mass of retail uses and services, primarily located west of 3rd Street. If this objective is not reached, it relegates the Downtown to a weaker and narrower commercial focus (i.e., restaurant and offices only) and lessens the opportunities and reasons for Kirklanders to frequent the Downtown.

The enhancement of the area for retail and service businesses will best be served by concentrating such uses in the pedestrian core and shoreline districts and by encouraging a substantial increase in the amount of housing and office floor area either within or adjacent to the core. In implementing this land use concept as a part of Downtown's vision, care must be

taken to respect and enhance the existing features, patterns, and opportunities discussed in the following plan sections on urban design, public facilities, and circulation.

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*Land use districts in the Downtown area are identified in Figure C-3.*

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Figure C-3 identifies five land use districts within the Downtown area. The districts are structured according to natural constraints such as topographical change, the appropriateness of pedestrian and/or automobile-oriented uses within the district, and linkages with nearby residential neighborhoods and other commercial activity centers.

#### CORE AREA

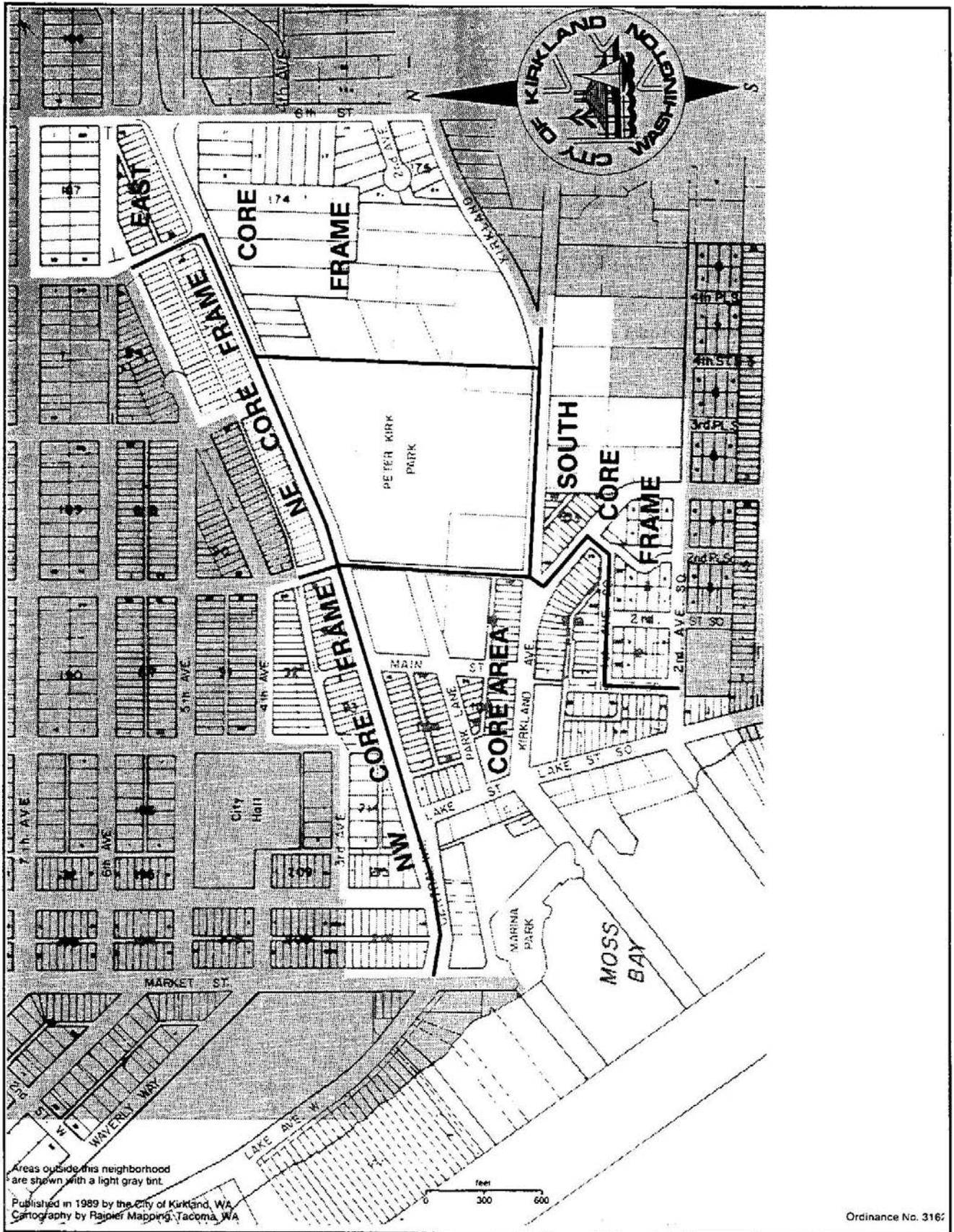
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*Pedestrian activity in the core area is to be enhanced.*

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The core area should be enhanced as the pedestrian heart of Downtown Kirkland. Land uses should be oriented to the pedestrian, both in terms of design and activity type. Appropriate uses include retail, restaurant, office, residential, cultural, and recreational.

Restaurants, delicatessens, and specialty retail shops, including fine apparel, gift shops, art galleries, import shops, and the like constitute the use mix and image contemplated in the Vision for Downtown. These uses provide visual interest and stimulate foot traffic and thereby provide opportunities for leisure time strolling along Downtown walkways for Kirklanders and visitors alike.



**Figure C-3: Downtown Land Use Districts**

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## XV.D. MOSS BAY NEIGHBORHOOD

### 3. DOWNTOWN PLAN

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#### *Drive-through facilities and ground-floor offices are prohibited.*

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The desired pedestrian character and vitality of the core area requires the relatively intensive use of land and continuous compact retail frontage. Therefore, automobile drive-through facilities should be prohibited. Similarly, office uses should not be allowed to locate on the ground level. These uses generally lack visual interest, generate little foot traffic, and diminish prime ground floor opportunities for the retail uses that are crucial to the ambiance and economic success of the core area.

The attractiveness of the core area for pedestrian activity should be maintained and enhanced. Public and private efforts toward beautification of the area should be promoted. Mitigation measures should be undertaken where land uses may threaten the quality of the pedestrian environment. For example, in areas where take-out eating facilities are permitted, a litter surcharge on business licenses should be considered as a means to pay for additional trash receptacles or cleaning crews.

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#### *The creation and enhancement of public open spaces is discussed.*

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Public open spaces are an important component of the pedestrian environment. They provide focal points for outdoor activity, provide refuge from automobiles, and stimulate foot traffic which in turn helps the retail trade. The establishment and use of public spaces should be promoted. Surface parking lots should be eliminated in favor of structured parking. In the interim, their role as one form of open area in the Downtown should be improved with landscaped buffers adjacent to rights-of-way and between properties. Landscaping should also be installed where rear sides of buildings and service areas are exposed to pedestrians.

A high-priority policy objective should be for developers to include only enough parking stalls in their projects within the core area to meet the immediate need and to locate the majority of their

parking in the core frame. This approach would reserve the majority of core land area for pedestrian movement and uses and yet recognize that the adjacent core frame is within a very short walk.

The City should generally avoid vacating alleys and streets in the core area. The existing network of street and alleys provides a fine-grained texture to the blocks which allows service access and pedestrian shortcuts. The small blocks also preclude consolidation of properties which might allow larger developments with less pedestrian scale. Vacations may be considered when they will not result in increased building mass and there is a substantial public benefit. Examples of public benefit might include superior pedestrian or vehicular linkages, or superior public open space.

#### **NORTHWEST CORE FRAME**

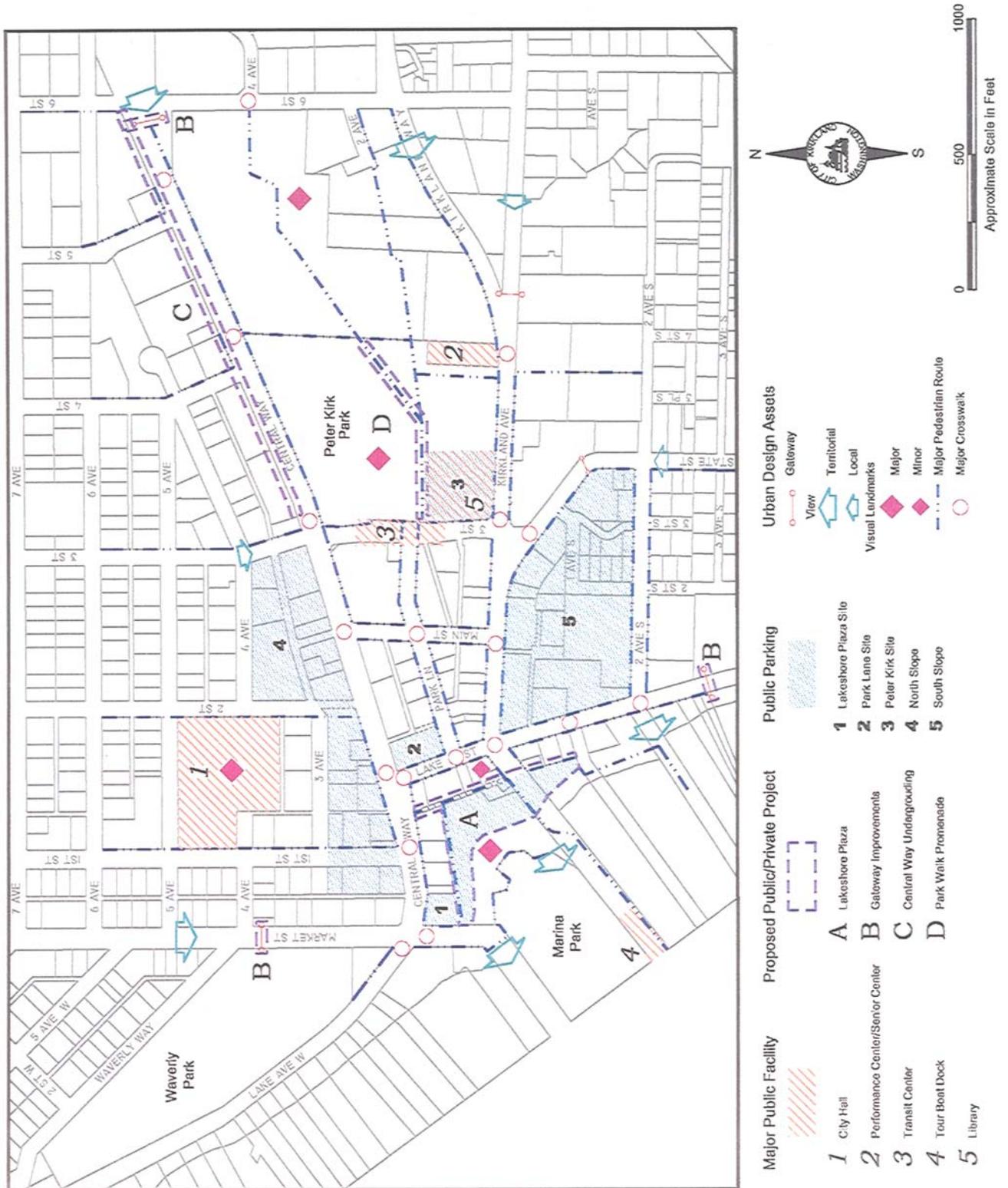
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#### *Office and office/multifamily mixed-use projects are appropriate in the Northwest Core Frame.*

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The Northwest Core Frame includes the area south of City Hall and north of the core area. This area should develop with office, or office/multifamily mixed-use projects, whose occupants will help to support the commercial establishments contained in the core. Retail and restaurant uses are desirable provided that they have primary access from Central Way.

This area presents an excellent opportunity for the development of perimeter parking for the core area and is so shown in the Downtown Master Plan (Figure C-4). Developers should be encouraged to include surplus public parking in their projects, or to incorporate private parking “transferred” from projects in the core or funded by the fee-in-lieu or other municipal source. While pedestrian pathways are not as critical in this area as they are in the core, drive-through facilities should nevertheless be encouraged to locate elsewhere, to the east of 3rd Street.



**Figure C-4: Downtown Master Plan**

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## **XV.D. MOSS BAY NEIGHBORHOOD**

### **3. DOWNTOWN PLAN**

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#### ***NORTHEAST CORE FRAME***

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***A broad range of commercial uses should be encouraged in the Northeast Core Frame.***

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The Northeast Core Frame currently contains the bulk of the Downtown area's automobile-oriented uses. Redevelopment or new development in this area should be encouraged to represent a broader range of commercial uses.

Future development should set the bulk of structures back from the street while providing low, one-story retail shops at the edge of the sidewalk. Development should also underground utilities, and incorporate parking lot landscaping and a reduction in lot coverage in site design. This will present an open, green face to Central Way and, in conjunction with Peter Kirk Park on the south side of the street, create a tree-lined boulevard effect as one approaches the core area from the east.

#### ***EAST CORE FRAME***

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***Development in the East Core Frame should be in large, intensively developed mixed-use projects.***

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The East Core Frame includes the area where the Kirkland Parkplace shopping center is located, and extends northerly to 7th Avenue. Developments in this area should continue to represent a wide range of uses, in several large, mixed-use projects. However, because the area between Central Way and Kirkland Way provides the best opportunities in the Downtown for a vital employment base, this area should continue to emphasize office redevelopment over residential.

Limited residential use should be allowed adjoining the eastern edge of Peter Kirk Park as a complementary use. These residential uses should be designed to accommodate the active nature of the park (e.g., noise, lighting, etc.) to avoid potential conflicts between future residents and park uses.

The north side of Central Way, within the East Core Frame, has been redeveloped to nearly its full potential with high density residential uses.

#### ***SOUTH CORE FRAME***

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***Retail, office, and office/multifamily mixed-use projects are suitable for the South Core Frame.***

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The South Core Frame immediately abuts the southern boundary of the core area. This area is suitable for retail, office, and office/multifamily mixed-use projects.

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***Public parking may be provided in the South Core Frame.***

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The South Core Frame, like the Northwest Core Frame, presents an excellent opportunity for the development of close-in public parking. Developers should be allowed to include surplus public parking in their projects in this area or to accommodate private parking "transferred" from the core or funded by "fee-in-lieu" or other municipal source.

The western half of the South Core Frame should develop more intensively than the eastern half of this area, due to its proximity to the Downtown core. The vacation of 1st Avenue South, west of 2nd Street South, and 1st Street South should be considered as a means of concentrating more intensive development to the west.

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***Mitigation measures to reduce impacts on single-family residences may be required.***

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As this area lies just north of an established single-family neighborhood, mitigation measures may be required to minimize the impacts of any new nonresidential development on these single-family homes. These measures may include the restriction of vehicle access to projects within the South Core Frame to nonresidential streets. Public

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## XV.D. MOSS BAY NEIGHBORHOOD

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improvements, such as physical barriers to restrict traffic flow in these areas, may be considered. The architectural massing of projects in this area should be modulated both horizontally and vertically to reduce their visual bulk and to reflect the topography which presently exists.

#### C. URBAN DESIGN

The urban design of Downtown Kirkland consists of many disparate elements which, together, define its identity and “sense of place.” This document provides policy guidelines for the design of private development and a master plan for the development of the public framework of streets, pedestrian pathways, public facilities, parks, public buildings, and other public improvements (see Figure C-4).

The following discussion is organized into three sections:

- A. Downtown Design Guidelines and Design Review;
- B. Building Height and Design Districts; and
- C. The Image of the City: Urban Design Assets.

#### ***DOWNTOWN DESIGN GUIDELINES AND DESIGN REVIEW***

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#### ***Mechanics of Design Review are described.***

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The booklet entitled “Design Guidelines,” which is adopted in Chapter 3.30 of the Kirkland Municipal Code, contains policy guidelines and concepts for private development in Downtown Kirkland. The booklet includes an explanation of the mechanics of the Design Review process to be used for all new development and major renovations in the Downtown area. Discretion to deny or condition a design proposal is based on specific Design Guidelines adopted by the City Council and administered by the Design Review Board and

Planning Department. Design Review enables the City to apply the Guidelines in a consistent, predictable, and effective manner.

The Guidelines are intended 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 project’s creative design process a recognition and respect of design principles and methods which incorporate new development into Downtown’s overall pattern. The Guidelines would be applied to any specific site in conjunction with the policy guidance provided by the Downtown Master Plan and the following text regarding Design Districts.

The Design Review Process enables the City to require new development to implement the policy guidance contained in the Guidelines, the Master Plan for Downtown, and to protect and enhance the area’s urban design assets. A more complete description of how Design Review should operate is found in the Zoning Code.

#### ***BUILDING HEIGHT AND DESIGN DISTRICTS***

Figure C-5 identifies eight height and design districts within Downtown Kirkland. The boundaries of these districts are determined primarily by the topographical characteristics of the land and the area’s proximity to other noncommercial uses.

#### ***Design District 1***

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***Maximum building height in Design District 1 is between two and five stories, depending on location and use.***

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This district is bordered by Lake Street, Central Way, 3rd Street, and generally 1st Avenue South. When combined with District 2, this area corresponds to the core area as shown in Figure C-3.

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The maximum building height in this area should be between two and five stories with no minimum setback from property lines. Stories above the second story should be set back from the street. To preserve the existing human scale of this area, development over two stories requires review and approval by the Design Review Board based on the priorities set forth in this plan.

Buildings should be limited to two stories along all of Lake Street South to reflect the scale of development in Design District 2. Along Park Lane west of Main Street, Third Street, and along Kirkland Avenue, a maximum height of two stories along street frontages will protect the existing human scale and pedestrian orientation. Buildings up to three stories in height may be appropriate along Central Way to reflect the scale of development in Design District 8 and as an intermediate height where adequately set back from the street. A continuous three-story street wall should be avoided by incorporating vertical and horizontal modulations into the design of buildings.

The portions of Design District 1 designated as 1A in Figure C-5 should be limited to a maximum height of three stories. As an incentive to encourage residential use of upper floors and to strengthen the retail fabric of the Core Area, a fourth story of height may be allowed. This additional story may be considered by the Design Review Board for projects where at least two of the upper stories are residential, the total height is not more than four feet taller than the height that would result from an office project with two stories of office over ground floor retail, stories above the second story are set back significantly from the street and the building form is stepped back at the third and fourth stories to mitigate the additional building mass, and the project provides superior retail space at the street level. Rooftop appurtenances and related screening should not exceed the total allowed height, and should be integrated into the height and design of any peaked roofs or parapets.

The portions of Design District 1 designated as 1B in Figure C-5 provide the best opportunities for new development that could contribute to the pedestrian fabric of the Downtown. Much of the existing development in these areas consists of older auto-

oriented uses defined by surface parking lots and poor pedestrian orientation. To provide incentive for redevelopment and because these larger sites have more flexibility to accommodate additional height, a mix of two to four stories in height is appropriate. East of Main Street, development should combine modulations in building heights with modulations of facade widths to break large buildings into the appearance of multiple smaller buildings. South of Kirkland Avenue, building forms should step up from the north and west with the tallest portions at the base of the hillside to help moderate the mass of large buildings on top of the bluff. Buildings over two stories in height should generally reduce the building mass above the second story.

As with Design District 1A, an additional story of height may be appropriate in 1B to encourage residential use of the upper floors and to strengthen the retail fabric in the Core Area. This additional story may be considered by the Design Review Board for projects where at least three of the upper stories are residential, the total height is not more than one foot taller than the height that would result from an office project with three stories of office over ground floor retail, stories above the second story are set back significantly from the street and the building form is stepped back at the third, fourth, and fifth stories to mitigate the additional building mass, and the project provides superior retail space at the street level. Rooftop appurtenances and related screening should not exceed the total allowed height, and should be integrated into the height and design of any peaked roofs or parapets.

Design considerations of particular importance in this area are those related to pedestrian scale and orientation. Building design at the street wall should contribute to a lively, attractive, and safe pedestrian streetscape. This should be achieved by the judicious placement of windows, multiple entrances, canopies, awnings, courtyards, arcades, and other pedestrian amenities. Service areas, surface parking, and blank facades should be located away from the street frontage.



**Figure C-5: Downtown Height and Design Districts**

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#### *Design District 2*

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***One to three stories in building height above Central Way or Lake Street are appropriate in Design District 2, depending on location.***

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This area is bordered by the shoreline, Central Way, Lake Street, and 3rd Avenue South. This area serves as the link between Downtown and the Lake and helps define the traditional pedestrian-oriented retail environment. In addition, the existing low development allows public views of the Lake from many vantages around the Downtown and allows evening sun into the Downtown core. To emphasize this link and the traditional role, building heights in this area should remain low. Two stories above the street are appropriate along Central Way and south of Kirkland Avenue. Along Lake Street South between Kirkland Avenue and Central Way, buildings should be limited to one story above the street. Two stories in height may be allowed in this area where the impacts of the additional height are offset by substantial public benefits, such as through-block public pedestrian access or view corridors. Buildings over one story in this area should be reviewed by the Design Review Board for both design and public benefit considerations. These benefits could also be provided with the development of the Lakeshore Plaza project identified in the Downtown Master Plan (see Figure C-4). Building occurring in conjunction with that project or thereafter should be reviewed in relation to the new context to determine whether two stories are appropriate. South of Second Avenue South, buildings up to three stories above Lake Street South are appropriate. Buildings over two stories should be reviewed by the Design Review Board to ensure an effective transition along the street and properties to the south.

As in District 1, pedestrian orientation is an equally important design consideration in District 2. In addition, improvements related to the visual or physical linkage between building in this area and the lake to the west should be incorporated in building design.

The public parking lot located near Marina Park at the base of Market Street is well suited for a parking structure of several levels, due to its topography. Incentives should be developed to encourage the use of this site for additional public parking.

#### *Design Districts 3 and 7*

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***Maximum building height is three stories in Design Districts 3 and 7.***

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These districts are east of 3rd Street, north of Central Way, and south of Peter Kirk Park. Maximum building height should be three stories, with a minimum front yard setback of 20 feet and maximum lot coverage of 80 percent. Lower portions of projects with a pedestrian orientation should be allowed to encroach into the setbacks to stimulate pedestrian activity and links to eastern portions of the Downtown. Street trees and ground cover are appropriate along Kirkland Avenue and Central Way. By keeping structures in this area relatively low-rise and set back from the street, views from upland residences can be preserved and the openness around Peter Kirk Park enhanced.

In Design District 3, the restriction of access points to nonresidential streets may be necessary in order to prevent a negative impact of development in this area on the single-family enclave which exists to the south.

#### *Design District 4*

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***Maximum building height to be four stories.***

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This district is located south of 1st Avenue South, east of 1st Street South. Land in this area is appropriate for developments of four stories in height.

The method for calculating building height should be modified for this area as described in the discussion of height calculation for structures in District 8. The

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opportunity to take advantage of substantial grade changes with terraced building forms also exists in the western half of District 4.

Vehicular circulation will be an important consideration in project design in this area. The restriction of access points to nonresidential streets in order to prevent a negative impact of development in this area on the single-family enclave which exists to the south may be necessary.

#### *Design District 5*

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***Building heights of two to five stories are appropriate in Design District 5.***

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This district lies at the east side of Downtown between Central Way and Kirkland Way. Maximum building height should be between three and five stories. The existing mix of building heights and arrangement of structures within the district preserves a sense of openness within the district and around the perimeter. Placement, size, and orientation of new structures in this district should be carefully considered to preserve this sense of openness. Buildings over two stories in height should be reviewed by the Design Review Board for consistency with applicable policies and criteria. Within the district, massing should generally be lower toward the perimeter and step up toward the center. Facades facing Central Way, Kirkland Way, and Peter Kirk Park should be limited to between two and three stories, with taller portions of the building stepped back significantly. Buildings over three stories in height should generally reduce building mass above the third story.

Buildings fronting Peter Kirk Park and the Performance Center should be well modulated, both vertically and horizontally, to ease the transition to this important public space. Buildings should not turn their backs onto the park with service access, blank walls, etc. Landscaping and pedestrian linkages should be used to create an effective transition. Residential development should be designed to integrate into both the office/retail character of the zone and the active urban nature of

Peter Kirk Park. Residential development should also be limited to those portions of the property fronting on park green space, rather than those portions fronting the Teen Center and Performance Center.

Design considerations related to vehicular and pedestrian access, landscaping, and open space are particularly important in this area. The intersection of 6th Street and Central Way is a prominent gateway to the Downtown. New development in this area should have a positive impact on the image of Kirkland and should be designed to enhance this entry. Within the district, a north-south vehicular access between Central Way and Kirkland Way should be preserved and enhanced with pedestrian improvements.

#### *Design District 6*

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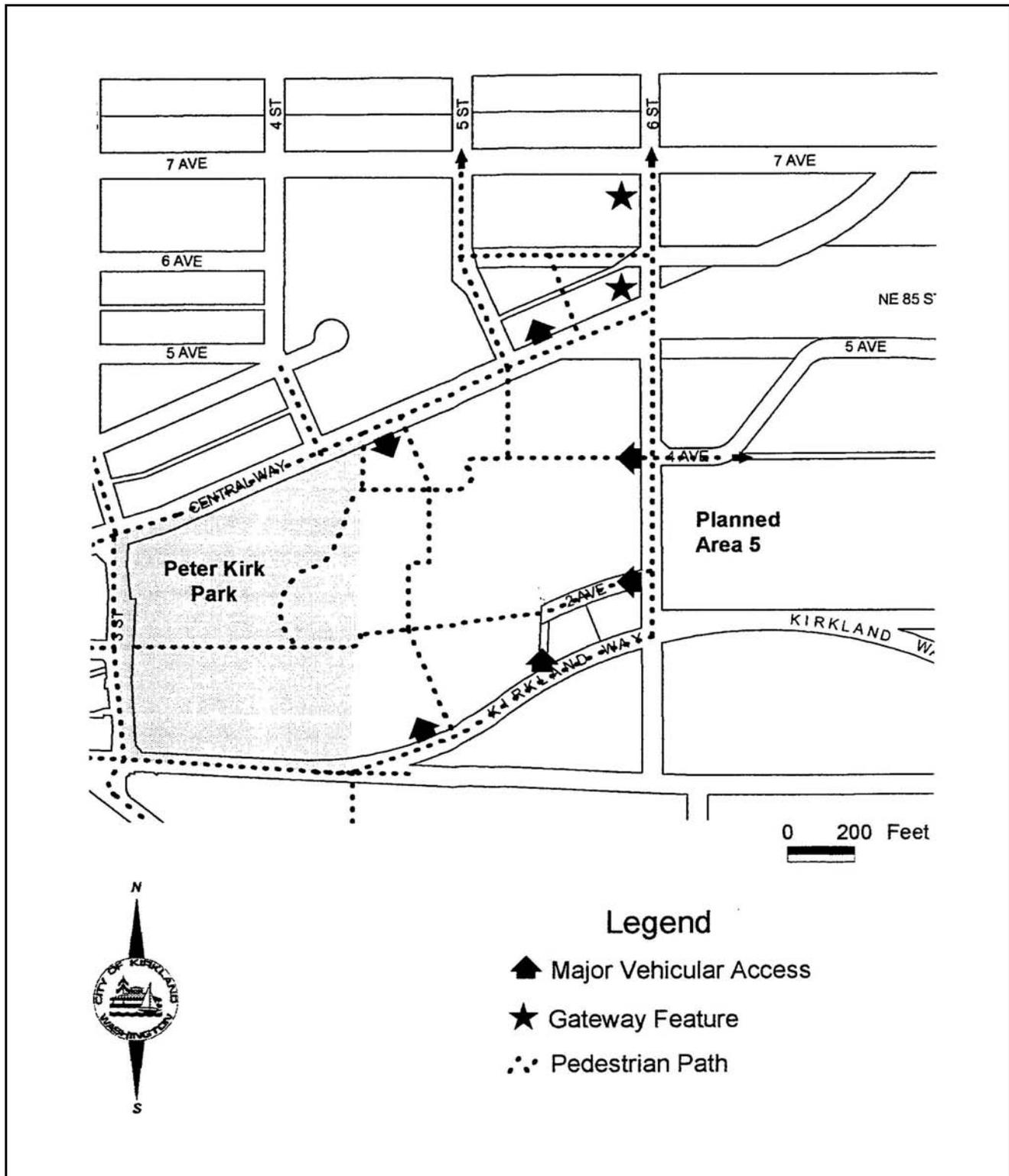
***Maximum building heights of two to four stories are appropriate for Design District 6.***

---

This large block of land located between 5th Street and 6th Street, north of Central Way, and south of 7th Avenue, is identified as a major opportunity site for redevelopment elsewhere in this document. Figure C-6 contains a schematic diagram of design and circulation considerations that should be incorporated in the redevelopment of this district. Development of this district should be relatively intensive and should be physically integrated through pedestrian access routes, design considerations, and intensive landscaping.

Safe, convenient, and attractive pedestrian connections across the district should be provided. This path should be designed under a covered enclosure or arcade along the storefronts in this area. Visual interest and pedestrian scale of these storefronts will contribute to the appeal of this walkway to the pedestrian. A connection of this pathway to Central Way should be made, with a continuation of the overhead enclosure to unify this pedestrian route.

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**Figure C-6: Design Districts 5 and 6 - Circulation and Gateways**

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Design considerations related to vehicular and pedestrian access, landscaping, and open space are particularly important in this area. The intersection of 6th Street and Central Way is a prominent gateway to the Downtown. New development in this area should have a positive impact on the image of Kirkland and should be designed to enhance this entry.

A substantial building setback or mitigating design such as the site configuration on the south side of Central Way is necessary in order to preserve openness at this important gateway site. The northeast and southeast corners of this block should be set aside and landscaped to provide public open spaces or miniparks at these gateways. Side-yard setbacks, however, should be minimal to reduce the appearance of a building surrounded by a parking area.

The northern portion of this district should be developed in uses that are residential both in function and scale. Access to this portion of the site may be either from 7th Avenue or from one of the adjacent side streets. Some of the significant trees along 7th Avenue should be incorporated into the site design as a means of softening the apparent mass of any new structures and to provide additional elements of continuity facing the single-family residences along 7th Avenue. In addition, building mass should step down toward 7th Avenue and design consideration should be given to the massing and form of single family homes to the north.

#### *Design District 8*

---

***Building heights of two to four stories are appropriate, depending on location.***

---

This district is located north of Central Way and south of 4th Avenue, between Market Street and 3rd Street. Maximum building height should be three stories abutting Central Way and two stories at 3rd and 4th Avenues. Structures which do not abut either of these streets should be allowed to rise up to four stories.

---

***Building height calculation should require terracing of building forms on sloped sites.***

---

Where dramatic elevation changes exist in this district, an innovative method of calculating height is appropriate. In order to encourage the terracing of building forms on the hillside, building height should be calculated relative to the ground elevation above which the individual planes of the structure lie. Additional bulk controls should apply to restrict the height within 100 feet of noncommercial neighborhoods to the same height allowed in the adjacent zone. Heights on the north side should step down to ease the transition to the core area and moderate the mass on top of the hillside.

Vehicular circulation to nonresidential portions of projects within this area should not occur on primarily residential streets. In addition, design elements should be incorporated into developments in this area which provide a transition to the residential area to the north.

#### ***THE IMAGE OF THE CITY: URBAN DESIGN ASSETS***

Many of Downtown's urban design assets are mapped on the Master Plan (Figure C-4) or are discussed explicitly in the text of the Height and Design Districts or the Downtown Design Guidelines. The following text should read as an explanation and amplification of references made in those two parts of the Downtown Plan.

#### *Visual Landmarks*

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***Lake Washington is a major landmark in Downtown Kirkland.***

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The most vivid landmark in Downtown Kirkland is Lake Washington. The lake provides a sense of openness and orientation and is a prominent feature from two of the three main approaches to the Downtown. Many residents and visitors to Kirkland form their impressions of the community from these important vantage points. The preservation and

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enhancement of views from the eastern (Central Way) and northern (Market Street) gateways is a high-priority policy objective.

Despite the prominence from these vantage points, the core area is not well oriented to capitalize on its waterfront setting. The existing activity centers of the retail core and the lake are separated by large surface parking lots. The City and property owners around Marina Park should aggressively pursue opportunities to correct this deficiency by structuring the existing surface parking below a public plaza. This open space amenity could redefine the Downtown and become the focal point of the community.

Other outstanding visual landmarks include the large green expanse of Peter Kirk Park, which provides an open space relief to the densely developed Downtown core to the west. The library and Senior Center building at the southeast edge of Peter Kirk Park, as well as the METRO transit center at the western boundary of the park, are also well-known local landmarks.

The City Hall facility provides an important visual and civic landmark on the northern slope above the Downtown. Marina Park and the pavilion structure situated there are also symbolic reference points of community, recreational, and cultural activities.

There are a number of features in and nearby the Downtown area with historic significance which add to its visual character and historic flavor. These landmarks include the historic buildings on Market Street and the old ferry clock on Lake Street at Kirkland Avenue. These structures should be recognized for their community and historic value, and their preservation and enhancement should have a high priority. In contrast to the bland architecture of many of the buildings in the Downtown constructed since the 1940's, some of the older structures help define the character of the Downtown. The City will consider preserving this character through a process of inventorying these structures and adopting historic protection regulations. New regulations could range from protecting the character of designated historic buildings to protecting the actual structure. Some

form of preservation would provide continuity between the Downtown vision and its unique past.

#### *Public Views*

---

#### ***Important Downtown views are from the northern, southern, and eastern gateways.***

---

A number of dramatic views exist in the Downtown and its immediate vicinity due to the hills, the valley, and the sloping land areas which form the bowl-like topography which characterizes the City's center. One of the views most often associated with Downtown Kirkland is from the eastern gateway, where Central Way meets 6th Street. From this vantage point, the hills north and south of the core area form a frame for a sweeping view of Lake Washington in the distance and the Olympic mountain range beyond.

Another striking view, identified in Figure C-4, is from the Market Street entry into Downtown. This approach is met with a view of the lake, Marina Park and its pavilion, and the City's shoreline. This view could be enhanced with redevelopment of the GTE site, where the existing massive building substantially diminishes this broad territorial view.

Where the Kirkland Avenue and 2nd Avenue South rights-of-way cross Lake Street and continue to Lake Washington, an unobstructed view of open water is visible to pedestrians and people traveling in vehicles. These views are very valuable in maintaining the visual connection and perception of public accessibility to the lake. These views should be kept free of obstruction.

#### *Gateways*

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#### ***Topographic changes define gateways into the Downtown area.***

---

The gateways into Downtown Kirkland are very clear and convey a distinct sense of entry. Two of the Downtown's three major gateways make use of a change in topography to provide a visual entry into the area.

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At the eastern boundary of the Downtown area, Central Way drops toward the lake, and the core area comes clearly into view. This gateway could be enhanced by an entry sign, similar to one located farther up the hill to the east, or some other distinctive structure or landscaping feature.

A second major gateway is the Downtown's northern entrance where Market Street slopes gradually down toward Marina Park. The historic buildings at 7th Avenue begin to form the visual impression of Downtown's character and identity, and the landscaped median adds to the boulevard feeling of this entryway. Some type of sign or other feature could be incorporated into the improvements to the Waverly site.

At the Downtown's southern border, the curve of Lake Street at about 3rd Avenue South provides a very clear gateway into the commercial core. It is at this point that the transition from residential to retail uses is distinctly felt. Here, also, is an opportunity to enhance this sense of entry by creation of literal gateposts, signs, or landscape materials.

#### *Pathways*

---

***An extensive network of pedestrian pathways covers the Downtown area.***

---

The size and scale of Downtown Kirkland make walking a convenient and attractive activity. An extensive network of pedestrian pathways covers the Downtown area, linking residential, recreational, and commercial areas. Downtown Kirkland is a pedestrian precinct unlike virtually any other in the region. It is almost European in its scale and quality.

The core of the shopping district, with its compact land uses, is particularly conducive to pedestrian traffic. Both sides of Lake Street, Park Lane, and Kirkland Avenue are major pedestrian routes. Many residents and visitors also traverse the land west of Lake Street to view and participate in water-oriented activities available there.

The Downtown area's major east/west pedestrian route links the lake with Peter Kirk Park, the Kirkland Parkplace shopping center, and areas to the east. For the most part, this route is a visually clear pathway, with diversity and nearby destinations contributing to its appeal to the pedestrian. Enhancement and improved definition of this important east-west pedestrian corridor would help link Park Place with the rest of the shopping district.

Minor pedestrian routes link the residential areas north of Central Way and south of Kirkland Avenue. These linkages need to be strengthened in order to accommodate the residential and office populations walking from the Norkirk Neighborhood and core frames, respectively. Additional improvements, such as brick paver crosswalks, pedestrian safety islands, and signalization, are methods to strengthen these north-south linkages.

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***Enhancement of Downtown pedestrian routes should be a high-priority objective.***

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Enhancement of the Downtown area's pedestrian routes should be a high-priority policy and design objective. For example, minor architectural features and attractive and informative signs should be used to identify public pathways. Public and private efforts to make pedestrian walkways more interesting, functional, convenient, and safe, should be strongly supported. Figure C-4 highlights a number of projects proposed for this purpose. These projects are discussed in detail elsewhere in this text.

## D. PUBLIC FACILITIES

### ***OPEN SPACE/PARKS***

Four major park sites are critical to the Downtown's feeling of openness and greenery. These parks weave a noncommercial leisure-time thread into the fabric of the area and provide a valuable amenity, enhancing Downtown's appeal as a destination. Each of the major approaches to the Downtown is met with a park, with the Waverly site and Marina Park enhancing the northern entry, and Peter Kirk

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Park and Dave Brink Park augmenting the eastern and southern approaches. Physical improvements in and near these parks should strengthen their visual prominence and prevent view obstruction.

Marina Park and Peter Kirk Park in particular are well-used by families and recreational groups. Public facilities at these parks should continue to expand opportunities for residents, such as the installation of permanent street furniture and play equipment for children at Marina Park.

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***Pedestrian improvements should be made to improve connections between parks and nearby facilities.***

---

Downtown projects which are not directly related to the parks should continue to locate adjacent to the parks, and in some cases, should share access or parking. Impacts from projects, such as the tour boat dock at Marina Park and the METRO transit center at Peter Kirk Park, should be minimized. Efforts to provide continuity between these facilities and the parks through the use of consistent walkway materials, landscaping, and other pedestrian amenities, will help to reduce the appearance of a separation of uses at these locations.

The boat launch ramp which exists at Marina Park is an important amenity in the community. It should be retained until another more suitable location is found.

#### **OTHER PUBLIC FACILITIES**

City Hall and the Library/Senior Center facility add to the community atmosphere and civic presence in the Downtown area. The plan for Downtown developed in 1977 recommended that the City Hall facility be moved from its previous location in the core area to its present site overlooking the Downtown from the northern slope. In its new location, City Hall is close enough to Downtown to contribute workers to the retail and restaurant trade, as well as to provide a visually prominent and symbolic landmark when viewed from the Downtown.

---

***Public efforts to assist the Downtown business district should be continued.***

---

The City should help to foster economic vitality in the Downtown by working with the private sector and by encouraging independent efforts toward economic development by the private sector. Such assistance to the business community might include supporting efforts to establish local improvement or business improvement districts. This could take the form of seed money for preliminary studies and the dissemination of information.

Other public efforts to strengthen the Downtown business climate should include the continued promotion of public projects such as the tour boat dock, in addition to continued support for private projects such as the Lakeshore Plaza Boardwalk, which would help to implement public policy goals.

## **E. CIRCULATION**

### ***PEDESTRIAN***

Pedestrian routes should have equal priority to vehicular routes in Downtown circulation.

Pedestrian amenities and routes should continue to be improved, and should be given equal priority with that of vehicular routes for circulation within the Downtown. Modifications to the street network and traffic patterns should not be allowed to disrupt Downtown pedestrian activity and circulation.

To be a truly successful walking environment, the core area of the Downtown must be safe, convenient, and pleasant for the pedestrian. Pedestrian safety would be increased greatly by reducing opportunities for conflicts with cars. The reprogramming of crosswalk signals to favor the pedestrian would discourage jaywalking and allow sufficient time for slower walkers to cross the street.

Convenience to the pedestrian will be enhanced by improving the directness and ease of pedestrian

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routes. “Shortcuts” between streets, or even between buildings, can link pedestrian routes over large distances where vehicles cannot circulate. Coordinated public directory signs and maps of walkways should be developed to clearly identify public pathways for the pedestrian.

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***A system of overhead coverings should be considered to improve the quality of pedestrian walkways year-round.***

---

The pleasures of walking in the Downtown area would be enhanced by the installation of minor public improvements, such as street furniture (benches, planters, fountains, sculptures, special paving treatments), flower baskets, and coordinated banners and public art. The creation of a system of overhead coverings such as awnings, arcades, and marquees would provide protection to the pedestrian during inclement weather, allowing for pedestrian activity year-round. All of these features would add visual interest and vitality to the pedestrian environment.

Brick crosswalks have been installed at 3rd Street and Park Lane in conjunction with the METRO transit center facility. The expansion of the use of brick for crosswalks throughout the Downtown should be considered. In any case, additional restriping of crosswalks in the Downtown area should be actively pursued.

The establishment and improvement of pedestrian pathways between activity centers should be a high-priority policy objective. Major pedestrian routes within the Downtown area are identified in Figure C-4. Major pathways include the extensive east-west “spine” or “Park Walk Promenade,” which links the lake with points east of 6th Street and the shoreline public access trail.

The Downtown Master Plan also identifies other important pedestrian routes which provide north-south pedestrian access. Improvements to these pathways should be promoted, particularly at the intersection of 6th Street and Central Way. Elevated crosswalks should be considered among the

alternatives reviewed for pedestrian access across Central Way. Disadvantages to elevated crosswalks which should be considered are potential view blockage and the loss of on-street pedestrian traffic.

The portion of the Park Walk Promenade spanning Peter Kirk Park was installed by the City during renovation of the park facilities. The walk serves the Senior Center and library, as well as commercial areas to the east and west. This walkway should be expanded upon when the remaining land south of Kirkland Parkplace develops.

Figure C-4 illustrates pedestrian system improvements for the two major routes which are intended to serve several purposes. These projects would improve the safety, convenience, and attractiveness of foot traffic in the Downtown, provide shelter from the weather, and create a unifying element highlighting the presence of a pedestrian linkage.

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***A large public plaza should be constructed west of buildings on Lake Street to enhance the Downtown’s lake front setting (See Figure C-4).***

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The Lakeshore Plaza shown on the Downtown Master Plan envisions a large public plaza constructed over structured parking. Ideally, the plaza would be developed through public/private partnerships to provide a seamless connection between the Downtown and the lake. The plaza would be at the same grade as Lake Street and would provide visual and pedestrian access from a series of at-grade pedestrian connections from Central Way and Lake Street.

The Park Walk Promenade identified on the Downtown Master Plan should consist of a series of minor structures placed at prominent locations along the walkway in order to clearly identify the pathway throughout its length, as well as to provide some protection during wet weather. The plexiglas and metal “space frames” used at Mercer Island’s Luther Burbank Park and at the Seattle Center are possible design options for protective structures. The concrete and metal gateway feature where Parkplace

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abuts Peter Kirk Park is a good model for visual markers along the east-west pedestrian spine.

#### **VEHICULAR**

Automobiles and public transit are the modes of transportation which move people in and out of the Downtown, and often between the core area and the frame. Within the Downtown, pedestrian circulation should be given equal priority with vehicular circulation. A primary circulation goal should be to emphasize pedestrian circulation within the Downtown, while facilitating vehicle access into and out of the Downtown.

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#### ***Alternate traffic routes should be considered.***

---

Lake Street should be designated to function as a major pedestrian pathway. The objectives for land use and pedestrian circulation should be seriously considered during any plans for traffic and roadway improvements on Lake Washington Boulevard. The goal to discourage commuter traffic on the boulevard should not be viewed independently from the need to retain vehicle access for tourists, shoppers, and employees to the Downtown.

State Street should continue to serve as a major vehicular route, bringing shoppers and workers into the Downtown area. Sixth Street should be developed to accommodate additional vehicles. Future plans for Lake Street and Lake Washington Boulevard may include the diversion of cars from the Downtown area, and 6th Street would provide the most appropriate north/south alternative route. The existence of commercial development on this street renders it more appropriate than State Street to handle substantial commuter traffic.

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#### ***The use of public transportation to the Downtown should be encouraged.***

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Third Street has been designed for the pedestrian and public transit user, with the METRO transit center located on this street. The use of public transportation as an alternative for people who work

or shop in the Downtown should be encouraged. Increased use of this mode of transportation would help to reduce traffic congestion and parking problems in the core area.

The number of vehicular curb cuts in the Downtown area should be limited. Both traffic flow in the streets and pedestrian flow on the sidewalks are disrupted where driveways occur. In the core frame in particular, the placement of driveways should not encourage vehicles moving to and from commercial areas to travel through residential districts.

#### **PARKING**

The core area is a pedestrian-oriented district, and the maintenance and enhancement of this quality should be a high priority. Nevertheless, it should be recognized that pedestrians most often arrive in the core via an automobile which must be parked within easy walking distance of shops and services. To this end, as discussed elsewhere in this chapter, private projects which include a substantial amount of surplus parking stalls in their projects should be encouraged to locate these parking stalls in the core frame.

The Downtown area contains a variety of parking opportunities. Four public parking lots exist in the Downtown area: at the west side of Peter Kirk Park, the street-end of Market Street at Marina Park, in Lakeshore Plaza, and at the intersection of Central Way and Lake Street. These lots are shown on the Downtown Master Plan (Figure C-4).

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#### ***Public parking to be a permitted use on private properties north and south of the core area.***

---

Other sites that would be appropriate for public parking include the north and south slope of the Downtown as shown in Figure C-4. Public parking in these areas would help to serve core-area businesses, while not detracting from the dense pattern of development critical to the pedestrian environment there.

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### 4. PERIMETER AREAS

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More intensive development of existing parking areas should be considered as a way to provide more close-in public parking. Certain sites, such as the Market Street-End lot and the Peter Kirk lot would adapt well to structured parking due to the topography in the immediate vicinity of these lots. Structuring parking below Lakeshore Plaza could make more efficient use of the available space and result in a dramatic increase in the number of stalls available.

The fee-in-lieu of parking alternative allows developers in the core area to contribute to a fund instead of providing required parking on site. The City's authority to spend the monies in this fund should be expanded to include the use of the funds on private property in conjunction with parking facilities being provided by private developers.

Another option for off-site parking should be considered which would allow developers to provide the parking required for their projects elsewhere in the core area or core frame. This alternative should include the construction of parking stalls in conjunction with another developer, if it can be shown that the alternative parking location will be clearly available to the public and is easily accessible to the core area.

The City's parking management and enforcement program should be maintained. The program should be evaluated periodically to assess its effectiveness, with revisions made when necessary.

#### A. LIVING ENVIRONMENT

The Central Neighborhood contains a wide variety of housing types, including many single-family residences and multifamily units. It is the intent of the Comprehensive Plan to provide a range of housing opportunities, and a continued broad range is planned for the Central Neighborhood (Figure C-1).

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#### *Considerations for low-density residential development are discussed.*

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The various residential densities designated for land in the Central Neighborhood, and particularly for the areas lying south of Kirkland Avenue, will be compatible if certain concerns are addressed. For example, a low-density designation is appropriate in any area developed predominantly in single-family homes, if the likelihood exists that these structures will be maintained for the lifetime of this Plan. Similarly, an area should remain committed to low-density uses if a higher-density development in the area could not be adequately buffered from single-family houses.

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#### *Considerations for medium- and high-density residential development are discussed.*

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A medium-density designation is appropriate for areas where sufficient land area is available to separate such development from adjacent single-family uses. In addition, medium-density residential development should not be allowed where it would significantly increase traffic volumes on streets where single-family housing is the predominant land use. Other considerations include the overall compatibility of medium-density development with adjacent single-family uses, with respect to height, setbacks, landscaping, and parking areas. If special precautions are taken to reduce adverse impacts on existing single-family homes, higher densities may be allowed. Within the Central Neighborhood, land surrounding the Downtown is generally most appropriate for these higher-density developments.

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#### *Medium-density residential development permitted in block between Kirkland Avenue and Kirkland Way, along 6th Street South, as well as south and west of Planned Area 6.*

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The block of land lying east of 6th Street, between Kirkland Way and Kirkland Avenue, is largely developed in a mix of single-family and multifamily uses. Medium-density residential development at a

# COMPREHENSIVE PLAN CONSISTENCY MATRIX

The criteria for amendments to the Kirkland Zoning Code require that the City Council find that the proposed amendment is consistent with the applicable provisions of the Comprehensive Plan. In this case, the intent of the City Council is to explicitly codify the policies found in the Downtown Plan section of the Comprehensive Plan. The matrix below summarizes the Downtown Plan policies in the first column and the related draft amendments in the second column. The complete text of the Downtown Plan is included as Attachment 1.

Policies For All development	Regulatory Response
<b>2-4 stories in 1A, 2-5 stories in 1B</b>	
<ul style="list-style-type: none"> <li>▪ Stories above 2<sup>nd</sup> setback (stepped back) from street</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establish a building setback formula and supporting design guidelines that require buildings to step back above the 2<sup>nd</sup> story (see CBA 1A/1B, draft General Regulation 5.c &amp; d).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Buildings 2 stories along Lake Street</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limit buildings to two stories within 30' of Lake Street (see CBA 1A/1B, draft General Regulation 5.a and d).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Street frontages 2 stories along:               <ul style="list-style-type: none"> <li>○ Park Lane west of Main</li> <li>○ 3<sup>rd</sup> Street</li> <li>○ Kirkland Avenue</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Establish a building setback formula and supporting design guidelines that require buildings to step back above the 2<sup>nd</sup> story (see CBA 1A/1B, draft General Regulation 5.c &amp; d). Applies to all CBA 1A/1B streets other than Lake Street and Central Way).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Buildings up to 3 stories along Central, avoid continuous 3 story street wall</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limit buildings to three stories within 30' of Central Way (see CBA 1A/1B, draft General Regulation 5.b and d).</li> </ul>
<b>Areas designated 1B best opportunities for new development</b>	
<ul style="list-style-type: none"> <li>▪ Mix of 2-4 stories</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limit portions of buildings along Lake Street to two stories (see CBD 1A/1B, draft General Regulation 5.a and d). Limit portions of buildings along Central Way to three stories (see CBA 1A/1B, draft General Regulation 5.b and d). Limit height off all other street frontages through average setback requirements above the second story (see CBA 1A/1B, Draft General Regulation 5.c &amp; d).</li> </ul>
<ul style="list-style-type: none"> <li>▪ East of Main modulate height and façade widths to break large buildings into appearance of multiple smaller buildings</li> </ul>	<ul style="list-style-type: none"> <li>▪ See average setback requirement (CBA 1A/1B, draft General Regulation 5.c &amp; d) and draft new design guidelines. See also existing requirements for vertical and horizontal modulation in Design Guidelines for Pedestrian Oriented Business Districts.</li> </ul>
<ul style="list-style-type: none"> <li>▪ South of Kirkland Avenue building from steps up from north and west, tallest at base of hillside</li> </ul>	<ul style="list-style-type: none"> <li>▪ See average setback requirement.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Buildings over 2 stories generally reduce mass above 2<sup>nd</sup> story</li> </ul>	<ul style="list-style-type: none"> <li>▪ See average setback requirement.</li> </ul>

Policies for “Bonus” Story	Regulatory Response
<p><b>Additional 4<sup>th</sup> story in Design District 1A, additional 5<sup>th</sup> story in District 1B</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Amend zoning map to divide CBD 1 into CBD 1A and CBD 1B zones consistent with the Design Districts (see draft ordinance 0-4178).</b></li> <li>▪ <b>Establish allowed height in feet rather than stories (see draft use zone charts).</b></li> <li>▪ <b>Allow 45’ maximum height in CBD 1A (see draft CBD 1A/1B use zone charts).</b></li> <li>▪ <b>Allow 55’ maximum height in CBD 1B (see draft CBD 1A/1B use zone charts).</b></li> </ul>
<ul style="list-style-type: none"> <li>▪ At least 2 upper stories are residential in 1A, at least 3 upper stories are residential in 1B</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establish maximum building heights based on the height of one story of retail (at 15’ minimum) with three (CBD 1A) or four (CBD 1B) stories of residential (at 10’ typical) above. Because office stories are typically taller than residential stories, the allowed heights will continue to incentive residential use of upper stories (more residential stories would fit within the height envelope). The draft code is not so prescriptive as to require the uppermost stories to be residential. See draft CBD 1A/1B use zone charts.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Height is less than 4’ taller than a 3 story office project in 1A (current code allows at 41’), less than 1’ taller than a 4 story office project in 1B (current code allows 54’)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establish maximum building heights of 45’ in CBD 1A and 55’ in CBD 1B (see draft CBD 1A/1B use zone charts).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Stories above 2<sup>nd</sup> stepped back significantly</li> </ul>	<ul style="list-style-type: none"> <li>▪ See average setback requirement (CBA 1A/1B, draft General Regulation 5.c &amp; d) and draft new design guidelines. Note guidelines that require building mass to recede as height increases.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Building form stepped back at 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> stories</li> </ul>	<ul style="list-style-type: none"> <li>▪ See average setback requirement (CBA 1A/1B, draft General Regulation 5.c &amp; d) and draft new design guidelines. Note guidelines that require building mass to recede as height increases.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Project provides superior retail space at street level</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establish enhanced retail design standards that apply to all of CBA 1A/1B, regardless of height.</li> <li>▪ Require retail uses at the street level at a minimum average depth of 30’ (see draft CBD 1A/1B General Regulation 3).</li> <li>▪ Require minimum retail height of 15’ (see draft KZC 50.62.2) and draft storefront glazing guidelines (note that existing guidelines already establish strong retail design standards).</li> <li>▪ Increase sidewalk width requirement from 10’ to minimum 13’ average (see draft CBD 1A/1B General Regulation 4).</li> <li>▪ Establish open space/plaza incentives in conjunction with upper story setback requirements (see draft CBD 1A/1B General Regulation 5.d).</li> <li>▪ Prohibit “Banking and Related Financial Institution” and related drive through uses on Park Lane and Lake Street. Grandfather use existing prior to 2004 (Bank of America). See draft 50.12.025 Special Regulations.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Height of rooftop appurtenances and screening limited and integrated into roof form</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limit height of rooftop appurtenances to not exceed height of roof form (up to 4’ for flat roofs with parapets, up to 8’ for pitched roofs). Modifications not permitted (see draft KZC 50.62.3).</li> </ul>

January 7, 2009

**OPUS NORTHWEST, L.L.C.**  
13920 SE Eastgate Way Suite 250 | Bellevue WA 98005  
Phone 425.467.2700 | Fax 425.467.2701

Kirkland City Council Members  
Kirkland City Hall  
123 5th Avenue  
Kirkland, WA 98033

RE: Kirkland CBD Zoning Amendments

Dear Council Members,

As stakeholders in the Antique Mall site on Park Lane in CBD 1B, we appreciate your desire to provide clarity and certainty in the new zoning amendments. After reviewing the latest draft amendments, we are pleased with the overall draft, but some items cause us concern in regard to the Antique Mall site.

One unique aspect about CBD 1B is the potential to have multiple sites that front more than one street. This is especially true in the case of the Antique Mall, where the property fronts multiple streets. During previous study sessions, it was mentioned that there would potentially be provisions allowing exceptions to the step back requirements when a site fronts more than one street. It appears that no provisions are in the current draft and this is concerning given the impact on the developable square footage. We calculate that as currently drafted, a 20' average step back equates to roughly a 24% reduction on the majority of floor plates for residential use, which is a tremendous loss both in the mutually desired density for the site as well as financial value of the completed project.

Residential buildings unlike office buildings typically do not have rectangular floor plates. Residential buildings inherently tend to provide plenty of modulation by how the units lay out in order to provide the units with views, light and air. The typical residential building design is a "U" or "E" shaped building. In either of these designs, portions of the building naturally step back, but not easily or efficiently on multiple sides. We strongly urge you to consider, in the case of residential buildings, only a required step back on the primary street front when a building faces multiple streets. Also, in the current amendment, the average step back calculation considers only the first 30' of a step back, which we believe is not right and recommend that a step back be counted for it's entire depth.

Again, thank you for your effort to provide certainty in the development process. Our intention is only to point out what we think are unintended consequences of the draft regulations and we hope you agree that these requirements have an excessive impact on this site and create an inequitable burden on this property.



Thomas B. Parsons  
Opus Northwest, L.L.C.



Kirk Johnson  
Capstone Partners, L.L.C.

## Jon Regala

---

**From:** Alan F Wilson [bigal@rockisland.com]  
**Sent:** Tuesday, December 30, 2008 1:52 PM  
**To:** Jon Regala  
**Subject:** Downtown Plan

Jon,

We think your work is excellent and the new Kirkland Downtown Plan is well formulated.

We must go to our strength, which is The Village of Kirkland! There is no way to compete with the City of Bellevue; nor should we desire to do so.

Economic viability will come if we adopt the plans you and the City Planners have outlined.  
Please pass on our comments to the City Council and all interested parties.

Best wishes for The New Year, and Thanks to You All,

Alan and Donna Wilson  
108 Second Ave So. #301  
Kirkland WA 98033

#425-828-2298

ORDINANCE 4177

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING ORDINANCE, TO AMEND THE HEIGHT REGULATIONS, BUILDING STEPBACKS, SIDEWALK WIDTHS, BANKING AND RELATED FINANCIAL USE LIMITATIONS, ROOFTOP APPURTENANCE ALLOWANCES, AND DIMENSIONAL REQUIREMENTS FOR RETAIL IN CENTRAL BUSINESS DISTRICT (CBD) ZONE 1; TO AMEND GROUND FLOOR RETAIL HEIGHT REQUIREMENTS IN CBD ZONES 1, 2, 3, 4, 6, 7, AND 8; AND TO MEASURE HEIGHT IN FEET INSTEAD OF STORIES IN CBD ZONES 1, 2, 3, 4, 6, AND 7; REPEALING ORDINANCE NO. 4143; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00019.

WHEREAS, on October 21, 2008, the City Council passed Ordinance No. 4149 adopting interim regulations limiting the height of buildings with Central Business District (CBD) Zones 1, 2, 3, 4, 6, 7, and 8; and

WHEREAS, on October 21, 2008, the Kirkland City Council also passed Ordinance No. 4143, adopting an interim zoning regulation for the process by which amendments to the text of the Kirkland Zoning Code (KZC) initiated by the City Council for Central Business District Zones 1, 2, 3, 4, 6, 7, and 8 including KZC Ch. 142, Design Review, would be considered; and

WHEREAS, Ordinance No. 4143 recited that owing to the workload of the Planning Commission and the time sensitivity of the issues, it would be beneficial for the City Council conduct the review without receiving a recommendation and report from the Planning Commission; and

WHEREAS, Ordinance No. 4143 adopted findings and conclusions supporting its action adopting the interim regulation; and

WHEREAS, the City Council held study sessions on October 16, November 10, November 24, and December 16, 2008, to consider the issues, review solutions, and provide staff with draft regulations and guidelines; and

WHEREAS, at the request of the City Council, the Design Review Board held study sessions on November 17 and December 12, 2008, and January 5, 2009, to advise the City Council on Zoning Code and design issues; and

WHEREAS, on December 23, 2008, draft regulations were forwarded to the Washington State Department of Community, Trade and Economic Development, as required by RCW 36.70A.106, for expedited review; and

WHEREAS, in accordance with the State Environmental Policy Act (SEPA), a SEPA Addendum to Existing Environmental Documents issued by the responsible official as provided in WAC 197-11-600, has accompanied the legislative proposal through the consideration process; and

WHEREAS, the City Council has determined that the interim regulation established for the review process on October 21, 2008, with the passage of Ordinance No. 4143 will not longer be necessary when the Zoning Code amendments adopted by this ordinance are effective; and

WHEREAS, on January 20, 2009, the City Council held a public hearing and considered the draft ordinance incorporating the Zoning Code amendments initiated by the City Council and the advice of the Design Review Board;

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Ordinance No. 4143, passed October 21, 2008, is hereby repealed.

Section 2. Zoning text amended: The following specified sections of the text of Ordinance No. 3719, as amended, the Kirkland Zoning Ordinance, be and are hereby amended as set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 3. 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 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2009.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

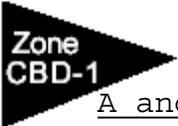
Approved as to Form:

\_\_\_\_\_  
City Attorney

## CHAPTER 50 - CENTRAL BUSINESS DISTRICT (CBD) ZONES

### 50.05 User Guide.

The charts in KZC [50.12](#) contain the basic zoning regulations that apply in the CBD 1 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.

 A and <u>1B</u>	<b>Section 50.10 – GENERAL REGULATIONS</b> The following regulations apply to all uses in this zone unless otherwise noted:
	<ol style="list-style-type: none"><li>1. Refer to Chapter <a href="#">1</a> KZC to determine what other provisions of this code may apply to the subject property.</li><li>2. Height measured at the midpoint of the frontage of the subject property on the abutting right-of-way, excluding First Avenue South. <del>Buildings exceeding two stories must demonstrate compliance with the design regulations of Chapter <a href="#">92</a> KZC and all provisions contained in the Downtown Plan. The City will determine compliance with these requirements through Design Review (D.R.).</del></li></ol>

**Section 50.10, General Regulations continued on next page**

## **Section 50.10, General Regulations continued**

3. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services; or Entertainment, Cultural and/or Recreational Facility use. The required uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building on the abutting right-of-way). The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential, hotel, and office uses may be allowed within this space subject to applicable design guidelines.

4. Where public improvements are required by KZC Chapter 110, sidewalks on Pedestrian-Oriented Streets within CBD 1A and 1B shall be as follows:

a. Sidewalks shall be a minimum width of 12'. The average width of the sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street shall be 13'. The sidewalk configuration shall be approved through D.R.

5. Upper level setback requirements are as follows. For purposes of the following regulations, the term "setback" shall refer to the horizontal distance between the property line and any exterior wall of the building.

a. **Lake Street:** No portion of a building within 30' of Lake Street may exceed a height of 28' above Lake Street except as provided in Section 50.62. The measurement shall be taken from the property line abutting Lake Street prior to any potential right-of-way dedication.

b. **Central Way:** No portion of a building within 30' of Central Way may exceed a height of 41' above Central Way except as provided in Section 50.62. The measurement shall be taken from the property line abutting Central Way prior to any potential right-of-way dedication.

c. **All other streets:** Within 30' of any front property line, other than Central Way or Lake Street, all stories above the second story shall maintain an average setback of at least 20' from the front property line (prior to any potential right-of-way dedication).

The required upper story setbacks for all floors above the second story shall be calculated as Total Upper Story Setback Area as follows:

Total Upper Story Setback Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for

vehicular areas) x (Required average setback) x (Number of stories proposed above the second story). See Plate XY.

d. The Design Review Board is authorized to allow a reduction of the 30' setback from Lake Street and Central Way to not less than 25'; and a reduction in the 20' required average setback from all other streets to not less than a 15' average subject to the following:

- 1) Each square foot of additional building area proposed within the setback is offset with an additional square foot of public open space (excluding area required for sidewalk dedication) at the street level.
- 2) The public open space is located along the sidewalk frontage and is not covered by buildings.
- 3) For purposes of calculating the offsetting square footage, along Central Way, include the open space area at the second and third stories located directly above the proposed ground level public open space. Along all other streets, include the open space area at the second story located directly above the proposed ground level public open space.
- 4) The design and location is consistent with applicable design guidelines.

e. The Design Review Board is authorized to allow rooftop garden structures within the setback area.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.12	 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	Restaurant or Tavern	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	2 to 4 stories above each abutting right-of-way.	D	E	One per each 125 sq. ft. of gross floor area. See KZC 50.60.	1. Drive-in or drive-through facilities are prohibited.
.020	Any Retail Establishment, other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, excluding banking and related financial services											1A - 45' above each abutting right-of-way. 1B - 55' above each abutting right-of-way.

Section 50.12

Zone  
CBD-1

USE ZONE CHART

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

Section 50.12	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.025	Banking and Related Financial Services  (see spec req. 2)	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	2 to 4 stories above each abutting right-of-way.  1A - 45' above each abutting right-of-way 1B - 55' above each abutting right-of-way	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	<div style="border: 1px solid blue; padding: 2px; display: inline-block;">Except along Park Lane and Lake Street.</div> 1. Drive-through facilities are permitted as an accessory use if: <ol style="list-style-type: none"> <li>a. The drive-through facility existed prior to January 1, 2004, OR the drive-through facility will replace a drive-through facility which existed on January 1, 2004, and which drive-through facility:                             <ol style="list-style-type: none"> <li>1) Was demolished to allow redevelopment of the site on which the primary use was located; and</li> <li>2) Will serve the same business served by the replaced facility, even if that business moves to a new location; and</li> <li>3) Does not result in a net increase in the number of drive-through lanes serving the primary use; and</li> </ol> </li> <li>b. The Public Works Department determines that vehicle stacking will not impede pedestrian or vehicular movement within the right-of-way, and that the facility will not impede vehicle or pedestrian visibility as vehicles enter the sidewalk zone; and</li> <li>c. The vehicular access lanes will not be located between the street and the buildings and the configuration of the facility and lanes is generally perpendicular to the street; and</li> <li>d. Any replacement drive-through facility is reviewed and approved pursuant to Chapter 142 KZC for compliance with the following criteria:                             <ol style="list-style-type: none"> <li>1) The design of the vehicular access for any new drive-through facility is compatible with pedestrian walkways and parking access.</li> <li>2) Disruption of pedestrian travel and continuity of pedestrian-oriented retail is limited by minimizing the width of the facility and associated curb-cuts.</li> </ol> </li> </ol>

2. Unless this use existed on the subject property prior to January 1, 2004, this use may not be located within the 30' depth (established by General Regulation #3 on the street level floor of a building fronting on Park Lane or Lake Street.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.12	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						
.030	Hotel or Motel <a href="#">See General Regulation #3</a>	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	<del>2 to 5 stories above each abutting right-of-way.</del>	D	E	One for each room. See Spec. Reg. 2 and KZC 50.60.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Vehicle and/or boat sale, repair, service or rental. c. Drive-in facilities and drive-through facilities. 2. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.
.040	Entertainment, Cultural and/or Recreational Facility							<del>2 to 4 stories above each abutting right-of-way.</del>			See KZC 50.60 and 105.25.	

1A - 45'  
above each abutting right-of-way  
1B - 55'  
above each abutting right-of-way

Section 50.12

Zone  
CBD-1

USE ZONE CHART

Section 50.12	USE REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)				
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure			
			Front	Side	Rear										
.060	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 to 4 stories above each abutting right-of-way.	D	B	See KZC 50.60 and 105.25.	1. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.			
.070	Office Use							2 to 5 stories above each abutting right-of-way.					A	1.7 per unit. See KZC 50.60.	2. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and b. The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses.
.080	Stacked or Attached Dwelling Units							2 to 4 stories above each abutting right-of-way.							
.090	School, Day-Care Center or Mini School or Day-Care Center											1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Structured play areas must be setback from all property lines by at least five feet. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).			

See General Regulation #3

See General Regulation #3

1A - 45' above each abutting right-of-way  
1B - 55' above each abutting right-of-way

See General Regulation #3

Section 50.12	 USE  REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
			Front	Side	Rear							
.100	Assisted Living Facility See Special Regulation 3.  <div style="border: 1px solid blue; padding: 2px; width: fit-content;">See General Regulation #3</div>	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	<del>2 to 5 stories above each abutting right-of-way.</del> <div style="border: 1px solid blue; padding: 2px; width: fit-content;">1A - 45' above each abutting right-of-way 1B - 55' above each abutting right-of-way</div>	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: a. One parking stall shall be provided for each bed. <del>3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</del>
.110	Public Utility, Government Facility, or Community Facility  <div style="border: 1px solid blue; padding: 2px; width: fit-content;">See General Regulation #3</div>						<del>2 to 4 stories above each abutting right-of-way.</del>	D See Special Reg. 1.	B	See KZC 50.60 and 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.	
.120	Public Park  <div style="border: 1px solid blue; padding: 2px; width: fit-content;">See General Regulation #3</div>	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

**50.14 User Guide.**

The charts in KZC [50.17](#) contain the basic zoning regulations that apply in the CBD 2 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.

	<p><b>Section 50.15 – GENERAL REGULATIONS</b></p> <p>The following regulations apply to all uses in this zone unless otherwise noted:</p>
	1. Refer to Chapter <a href="#">1</a> KZC to determine what other provisions of this code may apply to the subject property.
	2. See KZC <a href="#">50.20</a> for regulations regarding bulkheads and land surface modification.
	3. Along Lake Street South, north of Kirkland Avenue, buildings exceeding one story above Lake Street South shall demonstrate compliance with the Design Regulations of Chapter <a href="#">92</a> KZC and all provisions of the Downtown Plan. Through Design Review (D.R.) the City shall find that any allowance for additional height is clearly outweighed by identified public benefits such as through-block public pedestrian access or through-block view corridors (does not apply to Public Access Pier or Boardwalk and Moorage Facility for One or Two Boats uses).
	4. In no case shall the height exceptions identified in KZC <a href="#">50.62</a> and <a href="#">115.60(2)(d)</a> result in a structure which exceeds 28 feet above the abutting right-of-way (does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats uses and General Moorage Facility Uses).
	5. South of Second Avenue South, maximum height of structure is <del>three stories</del> above Lake Street South as measured at the midpoint of the frontage of the subject property on Lake Street South. Buildings exceeding two stories shall demonstrate compliance with the design regulations of Chapter <a href="#">92</a> KZC and all provisions of the Downtown Plan (does not apply to Public Access Pier or Boardwalk and Moorage Facility for One or Two Boats uses).
	6. For purposes of measuring building height, if the subject property abuts more than one right-of-way, the applicant may choose which right-of-way shall be used to measure the allowed height of structure (does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats, and General Moorage Facility uses).
	7. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.
8. Development in this zone may also be regulated under the City's Shoreline Master Program; consult that document.	

[link to Section 50.17 table](#)

41'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 50.17	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	A Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60.  See KZC 50.60 and 105.25.  One for each room. See Special Regulation 4 and KZC 50.60.  One per each 125 sq. ft. of gross floor area. See KZC 50.60.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. c. No structure, other than moorage structures, may be waterward of the high waterline. For regulation regarding moorages, see the moorage listings in this zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 2. The following uses are not permitted in this zone: a. Vehicle service stations. b. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. c. Drive-in facilities and drive-through facilities. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and 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. 4. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.	
	.020												Entertainment, Cultural and/or Recreational Facility
	.030												Hotel or Motel
	.040												Restaurant or Tavern

Section 50.17

Zone  
CBD-2

USE ZONE CHART

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

Section 50.17	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						
.050	School, Day-Care Center, or Mini School or Day-Care Center	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> <li>The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington:                             <ol style="list-style-type: none"> <li>A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property.</li> <li>Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</li> <li>No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this zone.</li> </ol> </li> <li>A six-foot-high fence is required along all property lines adjacent to outside play areas.</li> <li>Structured play areas must be setback from all property lines by at least five feet.</li> <li>Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>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.</li> <li>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>

28'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE  REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Assisted Living Facility See Special Regulation 4.	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	<ol style="list-style-type: none"> <li>A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:                             <ol style="list-style-type: none"> <li>One parking stall shall be provided for each bed.</li> </ol> </li> <li>The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington:                             <ol style="list-style-type: none"> <li>A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property.</li> <li>Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</li> <li>No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this zone.</li> <li>Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</li> </ol> </li> <li>This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</li> </ol>

28'

Section 50.17

Zone  
CBD-2

USE ZONE CHART

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

Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.070	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> <li>The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington:                             <ol style="list-style-type: none"> <li>A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property.</li> <li>Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</li> <li>No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone.</li> <li>Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and</li> <li>The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses.</li> </ol> </li> <li>This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</li> <li>Veterinary offices are not permitted in this zone.</li> </ol>
.080	Office Use											

28'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17		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						
.090	Stacked or Attached Dwelling Units	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per unit. See KZC 50.60.	<ol style="list-style-type: none"> <li>The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington:                             <ol style="list-style-type: none"> <li>A high waterline yard equal in depth to the greater of 15 ft. or 15 percent of the average parcel depth is hereby established on the subject property.</li> <li>Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</li> <li>No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone.</li> <li>Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</li> </ol> </li> <li>This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</li> </ol>
.100	Public Access Pier or Boardwalk		Landward of the high waterline 0' 0' 0'	Waterward of the high waterline 0' 10' 0'	See Special Regulation 8.	--	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	--	See Spec. Reg. 7.	--	<ol style="list-style-type: none"> <li>No accessory uses, buildings, or activities may be permitted as part of this use.</li> <li>If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.</li> <li>May not treat structures with creosote, oil base, or toxic substances.</li> <li>Must provide at least one covered and secured waste receptacle.</li> <li>All utility lines must be below the pier deck and, where feasible, underground.</li> <li>Piers must be adequately lit; the source of the light must not be visible from off the subject property.</li> <li>The pier or boardwalk must display the street address of the subject property. The address must be oriented to and visible from the lake with letters and numbers at least four inches high.</li> <li>The side property line yards may be reduced for over water public access piers or boardwalks which connect with waterfront public access on adjacent property.</li> </ol>	

Section 50.17

Zone  
CBD-2

USE ZONE CHART

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

Section 50.17	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						
.110	Moorage Facility for One or Two Boats	D.R., Chapter 142 KZC.	None	Landward of the high waterline 0' 0' 0'	Waterward of the high waterline 0' 10' 0'	See Special Regulation 5.	100%	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	--	See Spec. Reg. 9.	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> <li>No accessory use, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone.</li> <li>Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width.</li> <li>If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.</li> <li>May not treat structures with creosote, oil-based, or toxic substances.</li> <li>Moorage structures may not be closer than 25 feet to another moorage structure not on the subject property.</li> <li>Must provide at least one covered and secured waste receptacle.</li> <li>All utility lines must be below the pier deck and, where feasible, underground.</li> <li>Piers must be adequately lit; the source of the light must not be visible from off the subject property.</li> <li>Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high.</li> <li>Covered moorage is not permitted.</li> <li>A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.</li> </ol>

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	 USE  REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.120	General Moorage Facility	Process IIA, Chapter 150 KZC, and D.R., Chapter 142 KZC.	None, but must have at least 100 ft. of frontage on Lake Washington.	0'	0'	0'	100%	Landward of the high waterline, 2 stories above average building elevation. Waterward of the high waterline, pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	See Spec. Reg. 5.	B See Spec. Reg. 14.	See KZC 50.60 and 105.25.	1. The City will determine the maximum allowable number of moorages based on the following factors: a. The topography of the area. b. The ability of the land waterward of the high waterline to support the moorages. c. The nature of nearby uses. d. The potential for traffic congestion. e. The effect on existing habitats. 2. Moorage structures may not be larger than is reasonably necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of moorage structures to insure that: a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the Outer Harbor Line. b. The moorage structures are not larger than is necessary to moor the specified number of boats. c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation. 3. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC: a. Gas and oil sale for boats, if: 1) Storage tanks are underground and on dry land; and 2) The use has facilities to contain and clean up oil and gas spills. b. An over-water shed, which is no more than 50 square feet and not more than 10 feet high as measured from the deck, accessory to oil and gas sale for boats. c. Boat and motor sales and leasing. d. Boat or motor repair and service if: 1) This activity is conducted on dry land and either totally within a building or totally sight screened from the adjoining property and the right-of-way; and 2) All dry land motor testing is conducted within a building. e. Meeting and special events rooms. 4. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 5. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.

28'

REGULATIONS CONTINUED ON NEXT PAGE

Section 50.17

Zone  
CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE  REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.120	General Moorage Facility (continued)										6. At least one pump-out facility shall be provided for use by the general public. This facility must be easily accessible to the general public and clearly marked for public use. 7. Must provide public restrooms unless moorage is available only for the residents of dwelling units on the subject property. 8. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 9. May not treat moorage structures with creosote, oil-based, or toxic substances. 10. No moorage structure may be within: a. 100 feet of a public park; b. 50 feet of any abutting lot that contains a detached dwelling unit; and c. 25 feet of another moorage structure not on the subject property. 11. Must provide at least two covered and secured waste receptacles. 12. All utility lines must be below the pier decks and, where feasible, underground. 13. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 14. Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high. 15. Covered moorage is not permitted. Aircraft moorage is not permitted. 16. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard. 17. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. 18. No structures, other than moorage structures, may be waterward of the high waterline.	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	Public Utility	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> <li>May be permitted only if locating this use in the immediate area of subject property is necessary to permit efficient service to the area or the City as a whole.</li> <li>No structures, other than moorage structures, may be waterward at the high water-line. For regulations regarding moorages, see the moorage listings in this zone.</li> </ol>
.140	Government Facility											
.150	Community Facility											
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

28'

**50.24 User Guide.**

The charts in KZC [50.27](#) contain the basic zoning regulations that apply in the CBD 3 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.

	<b>Section 50.25 – GENERAL REGULATIONS</b>
	The following regulations apply to all uses in this zone unless otherwise noted:
	1. Refer to Chapter <a href="#">1</a> KZC to determine what other provisions of this code may apply to the subject property.
	2. No portion of a structure within 100 feet of the southerly boundary of 2nd Avenue South abutting Planned Area 6C may exceed 25 feet above average building elevation (does not apply to Detached Dwelling Unit uses).
	3. Site and building design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan (does not apply to Detached Dwelling Unit uses).

[link to Section 50.27 table](#)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.27	USE ⇓ REGULATIONS ⇓	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Entertainment, Cultural, and/or Recreational Facility	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 4.	0'	0'	80% See Spec. Reg. 4.	<del>3 stories</del> above average building elevation.	D See Spec. Reg. 3.	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>2. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.</li> <li>3. Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J.</li> <li>4. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.</li> </ol>
.020	Hotel or Motel										One for each room. See Spec. Reg. 2.	
.030	Restaurant or Tavern										One per each 125 sq. ft. of gross floor area.	

41'

Section 50.27

Zone  
CBD-3

USE ZONE CHART

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

Section 50.27	USE ⇩ REGULATIONS ⇨	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.040	Any Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services including banking and related financial services	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 5.	0'	0'	80% See Spec. Reg. 5.	3 stories above average building elevation.	D See Spec. Reg. 4.	E	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following uses are not permitted in this zone:                             <ol style="list-style-type: none"> <li>Vehicle service stations.</li> <li>The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.</li> <li>Drive-in facilities and drive-through facilities.</li> </ol> </li> <li>Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J.</li> <li>The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.</li> </ol>

41'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.27	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						
.050	Private Lodge or Club See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 4.	0'	0'	80%	<del>3 stories</del> above average building elevation.	D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>2. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J.</li> <li>3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets.</li> <li>4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> </ol>

41'

Section 50.27

Zone  
CBD-3

USE ZONE CHART

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

Section 50.27	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Office Use See Spec. Reg. 5.	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 6.	0'	0'	80%	3 stories above average building elevation.	D See Spec. Reg. 4.	D	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>The following regulations apply to veterinary offices only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>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 D.R. and building permit applications.</li> <li>A veterinary office is not permitted if the subject property contains dwelling units.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J.</li> <li>This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets.</li> <li>Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> </ol>

41'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 50.27	USE ⇩	REGULATIONS ⇩	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.070	Stacked or Attached Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 2.	0'	0'	80%	3 stories above average building elevation.	D	A	1.7 per unit.	<ol style="list-style-type: none"> <li>This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets.</li> <li>Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> </ol>	
.080	Detached Dwelling Units	None	3,000 sq. ft.	20'	5'	10'	70%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	A	2.0 per unit.	<ol style="list-style-type: none"> <li>For this use, only one dwelling unit may be on each lot regardless of size.</li> <li>This use may only be located west of State Street.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> </ol>	

41'

Section 50.27

Zone  
CBD-3

USE ZONE CHART

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

Section 50.27	USE ↓ REGULATIONS ↓	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.090	Church	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 4.	0'	0'	80%	3 stories above average building elevation.	D See Spec. Reg. 3.	B	One per every four people based on maximum occupancy of any area of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> <li>1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>2. No parking is required for day-care or school ancillary to the use.</li> <li>3. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J.</li> <li>4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> </ol>
.100	School, Day-Care Center, or Mini-School or Day-Care Center			20' See Spec. Reg. 7.					D	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required along all property lines adjacent to outside play areas.</li> <li>2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>3. Structured play areas must be setback from all property lines by at least five feet.</li> <li>4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>5. 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.</li> <li>6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> <li>7. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> </ol>	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.27	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						
.110	Assisted Living Facility See Special Regulation 3.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 stories above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:                             <ol style="list-style-type: none"> <li>a. One parking stall shall be provided for each bed.</li> </ol> </li> <li>3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets.</li> <li>4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> </ol>
.120	Public Utility			20' See Spec. Reg. 3.					C See Special Reg. 1.			<ol style="list-style-type: none"> <li>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 nearby uses.</li> <li>2. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J.</li> <li>3. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> </ol>
.130	Government Facility or Community Facility								D See Special Regs. 1 and 2.			
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

**50.29 User Guide.**

The charts in KZC [50.32](#) contain the basic zoning regulations that apply in the CBD 4 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.

	<b>Section 50.30 – GENERAL REGULATIONS</b>
	The following regulations apply to all uses in this zone unless otherwise noted:
	1. Refer to Chapter <a href="#">1</a> KZC to determine what other provisions of this code may apply to the subject property.
	2. Structures east of Second Street South shall be set back 10 feet from Second Avenue South (does not apply to Detached Dwelling Unit and Public Park uses).
	3. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure (does not apply to Public Park uses).
	4. Maximum height of structure is 55.4 feet above average building elevation west of Second Street South, including any adjacent structure in CBD-1 west of 2nd Street South developed with a structure in this zone.
	5. No portion of a structure within 100 feet of the southerly boundary of Second Avenue South abutting Planned Area 6C shall exceed 35 feet. No portion of a structure within 40 feet of First Avenue South shall exceed <del>3 stories</del> (does not apply to Detached Dwelling Unit uses).
6. Development shall not isolate any existing detached dwelling unit in this zone (does not apply to Detached Dwelling Unit and Public Park uses).	

[link to Section 50.32 table](#)

41'



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.32	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	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	4 stories above average building elevation or existing grade.	D See Spec. Reg. 3.	E	One per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>No aspect or component of this use, including open dining areas, may be oriented towards Second Avenue South.</li> <li>Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>Landscape Category B is required if subject property is adjacent to Planned Area 6C.</li> <li>Drive-in or drive-through facilities are prohibited.</li> </ol>
.020	Entertainment, Cultural or Recreational Facility								D See Spec. Reg. 4.		See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> <li>No aspect or component of this use, including hotel/motel rooms and open dining areas, may be oriented toward Second Avenue South.</li> <li>Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.</li> <li>Landscape Category B is required if subject property is adjacent to Planned Area 6C.</li> </ol>
.030	Hotel or Motel										One for each room. See Spec. Reg. 3.	<ol style="list-style-type: none"> <li>The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.</li> <li>Landscape Category B is required if subject property is adjacent to Planned Area 6C.</li> </ol>
.040	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.										One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following uses are not permitted in this zone:                             <ol style="list-style-type: none"> <li>Vehicle service stations.</li> <li>The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.</li> <li>Drive-in facilities and drive-through facilities.</li> </ol> </li> <li>Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and dependent upon this use and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>Landscape Category B is required if subject property is adjacent to Planned Area 6C.</li> </ol>

54'

Section 50.32

Zone  
CBD-4

USE ZONE CHART

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

Section 50.32	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						
.050	Private Lodge or Club	D.R., Chapter 142 KZC.	None	10'	0'	0'	100%	4 stories above average building elevation or existing grade.	D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>Landscape Category C is required if subject property is adjacent to Planned Area 6C.</li> </ol>
.060	Office Use								D See Spec. Reg. 4.	D	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following regulations apply to veterinary offices only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>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 D.R. and building permit applications.</li> <li>A veterinary office is not permitted if the subject property contains dwelling units.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and</li> <li>The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses.</li> </ol> </li> <li>Primary vehicle access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>Landscape Category C is required if subject property is adjacent to Planned Area 6C.</li> </ol>
.070	Church								D See Spec. Reg. 3.	B	One per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> <li>Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</li> <li>No parking is required for daycare or school ancillary to the use.</li> <li>Landscape Category C is required if subject property is adjacent to Planned Area 6C.</li> </ol>
.080	Stacked or Attached Dwelling Units								D See Spec. Reg. 1.	A	1.7 per unit.	<ol style="list-style-type: none"> <li>Landscape Category C is required if subject property is adjacent to Planned Areas 6C.</li> </ol>

54'

Section 50.32		USE REGULATIONS 		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
				Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
					Lot Size	REQUIRED YARDS (See Ch. 115)	Lot Coverage	Height of Structure						
			Front	Side	Rear									
.090	School, Day-Care or Mini-School or Day-Care Center	D.R., Chapter 142 KZC.	None	10'	0'	0'	100%	4 stories above average building elevation of existing grade.	D	B	See KZC 105.25.	1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 3. Structured play areas must be setback from all property lines by at least five feet. 4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 5. 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. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).		
.100	Assisted Living Facility								D 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. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: a. One parking stall shall be provided for each bed. 3. Landscape Category C is required if subject property is adjacent to Planned Area 6C.		
.110	Detached Dwelling Units	None	3,600 sq. ft.	20'	5'	10'	60%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.		
.120	Public Utility, Government Facility, or Community Facility	D.R., Chapter 142 KZC.	None	10'	0'	0'	100%	4 stories above average building elevation of existing grade.	D See Spec. Reg. 1	B	See KZC 105.25.	1. Landscape Category C is required if subject property is adjacent to Planned Area 6C. Landscape Category A or B may be required depending on the type of use on the subject property and impacts associated with the use on nearby uses.		
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.												

54'

54'

**50.39 User Guide.**

The charts in KZC [50.42](#) contain the basic zoning regulations that apply in the CBD 6 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.

	<b>50.40 – GENERAL REGULATIONS</b>
	The following regulations apply to all uses in this zone unless otherwise noted:
	1. Refer to Chapter <a href="#">1</a> KZC to determine what other provisions of this Code may apply to the subject property.
	2. The entire zone must be physically integrated both in site and building design. In addition, the design and development of the subject property must provide pedestrian linkage through this zone and between Central Way and areas to the north of this zone, consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan.
	3. The City may require that areas of the northeastern and southeastern portions of the subject property be developed with pedestrian scale amenities and landscaping to enhance the entryway into the Central Business District.

[link to Section 50.42 table](#)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	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	Restaurant or Tavern See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 4.	E	One per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue; provided, that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue.</li> <li>Vehicular access for these uses and components of these uses, including subterranean parking must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct nonresidential traffic associated with subject property away from areas north of Sixth Avenue.</li> <li>Access for drive-through facilities must be approved by the Public Works Department.</li> <li>Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.</li> <li>The required front yard for this use shall be zero feet from Central Way for one or two stories. No parking may encroach into the required 20-foot front yard.</li> </ol>

54'

Section 50.42

Zone  
CBD-6

USE ZONE CHART

Section 50.42		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS														
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)					
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure				
Front	Side	Rear														
<p><b>USE</b></p> <p><b>REGULATIONS</b></p>	.030	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 6.	E	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue provided that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue.</li> <li>The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers is not permitted. Motorcycle sales, service, or rental is permitted if conducted indoors.</li> <li>Vehicular access for these uses and components of these uses, including subterranean parking, must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct nonresidential traffic associated with subject property away from areas north of Sixth Avenue.</li> <li>Ancillary assembly and manufacture of goods on premises may be permitted as part of a retail establishment if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>Access for drive-through facilities must be approved by the Public Works Department.</li> <li>Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.</li> <li>The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.</li> <li>The required front yard for this use shall be zero feet from Central Way for one or two stories. No parking may encroach into the required 20-foot front yard.</li> </ol>				
	.040			Hotel or Motel. See Spec. Reg. 1.												One for each room. See Spec. Reg. 7.
	.050			Entertainment, Cultural and/or Recreational Facility. See Spec. Reg. 1.												See KZC 105.25.

54'

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Section 50.42

Zone  
CBD-6

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Office Use See Special Regulation 1.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 5.	D	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue provided that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue.</li> <li>Veterinary offices are not permitted in this zone.</li> <li>Vehicular access for this uses and components of this use, including subterranean parking, must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct nonresidential traffic associated with subject property away from areas north of Sixth Avenue.</li> <li>Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent upon this office use; and</li> <li>The outward appearance and impacts of this office use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> <li>Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.</li> <li>Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> </ol>
.070	Private Club or Lodge See Special Regulation 1.											

54'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Stacked, or Attached Dwelling Units See Special Regulation 1.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4-stories above average building elevation. See also Special Regulation 3.	D See Spec. Reg. 4.	A	1.7 per unit.	<ol style="list-style-type: none"> <li>1. Along Central Way, this use is only permitted above the ground floor.</li> <li>2. For any portion of a structure on the subject property within 40 feet of Seventh Avenue or Fifth Street north of Sixth Avenue that does not exceed 30 feet in height above average building elevation, the minimum required side yards are five feet but two side yards must equal at least 15 feet.</li> <li>3. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured from at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street, as measured at the midpoint of the frontage of the subject property on Fifth Street.</li> <li>4. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.</li> <li>5. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> <li>6. Along Seventh Avenue, buildings shall be designed with predominantly sloped roof forms.</li> <li>7. Within 40 feet of Seventh Avenue, the maximum length of any facade is 50 feet and a minimum 50 percent of this area shall be open space.</li> </ol>

54'



Section 50.42

Zone  
CBD-6

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	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						
.090	School, Day-care, or Mini-School or Day-care Center	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4-stories above average building elevation. See also Special Regulation 2.	D See Spec. Reg. 3.	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>For any portion of a structure on the subject property within 40 feet of Seventh Avenue of Fifth Street north of Sixth Avenue that does not exceed 30 feet above average building elevation, the minimum required side yards are five feet but two side yards must equal at least 15 feet.</li> <li>No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street as measured at the midpoint of the frontage of the subject property on Fifth Street.</li> <li>Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.</li> <li>A six-foot high fence is required along all property lines adjacent to outside play areas.</li> <li>Structured play areas must be setback from all property lines by at least five feet.</li> <li>Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>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.</li> <li>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> <li>Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> </ol>

54'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.100	Assisted Living Facility See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4-stories above average building elevation. See Special Regulation 6.	D See Spec. Reg. 7.	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:                             <ol style="list-style-type: none"> <li>a. One parking stall shall be provided for each bed.</li> </ol> </li> <li>3. Along Central Way, this use is only permitted above the ground floor.</li> <li>4. For any portion of a structure on the subject property within 40 feet of Seventh Avenue or fifth Street north of Sixth Avenue that does not exceed 30 feet in height above average building elevation, the minimum required side yards are five feet but two side yards must equal at least 15 feet.</li> <li>5. The development shall provide significant openness adjacent to Sixth Street.</li> <li>6. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street as measured at the midpoint of the frontage of the subject property on Fifth Street.</li> <li>7. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Area 7B or 7C zones.</li> <li>8. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> <li>9. Along Seventh Avenue, buildings shall be designed with predominantly sloped roof forms.</li> <li>10. Within 40 feet of Seventh Avenue, the maximum length of any facade is 50 feet and a minimum 50 percent of this area shall be open space.</li> </ol>

54'

Section 50.42

Zone  
CBD-6

USE ZONE CHART

Section 50.42		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
USE ↓	REGULATIONS ↑		Front	Side	Rear							
.110	Church	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4 stories above average building elevation. See also Special Regulation 2.	D See Spec. Reg. 3.	B	See KZC 105.25. See Special Regulation 5.	<ol style="list-style-type: none"> <li>For any portion of a structure on the subject property within 40 feet of Seventh Avenue or Fifth Street north of Sixth Avenue that does not exceed 30 feet above average building elevation, the minimum required side yards are five feet, but two side yards must equal at least 15 feet.</li> <li>No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street as measured at the midpoint of the frontage of the subject property on Fifth Street.</li> <li>Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.</li> <li>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 nearby uses.</li> <li>No parking is required for daycare or school ancillary to the church use.</li> <li>Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.</li> </ol>
.120	Public Utility, Government Facility, or Community Facility			See Special Regulations 1 and 6.								
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

54'

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**50.44 User Guide.**

The charts in KZC [50.47](#) contain the basic zoning regulations that apply in the CBD 7 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.

	<b>Section 50.45 – GENERAL REGULATIONS</b>
	The following regulations apply to all uses in this zone unless otherwise noted:
	1. Refer to Chapter <a href="#">1</a> KZC to determine what other provisions of this code may apply to the subject property.
	2. Site design must include installation of pedestrian linkages between public sidewalks and building entrances and between walkways on the subject property and existing or planned walkways on abutting properties consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
	3. No setback is required adjacent to Third Street (does not apply to Vehicle Service Station and Public Park uses).

[link to Section 50.47 table](#)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	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	Vehicle Service Station	D.R., Chapter 142 KZC.	22,500 sq. ft. None	20'	15'	15'	80%	3 stories above average building elevation.	B See Spec. Reg. 3.	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>May not be more than two vehicle service stations at any intersection.</li> <li>Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be more 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.</li> <li>Landscape Category A is required if the subject property is adjacent to Planned Area 7B.</li> </ol>
.020	Restaurant or Tavern			20'	0'	0'	80%	See Spec. Reg. 2.	D See Spec. Reg. 1.		1 per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Landscape Category B is required if the subject property is adjacent to Planned Area 7B, unless drive-in or drive-through facilities are present in which case Landscape Category A shall apply.</li> <li>The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.</li> <li>For restaurants with drive-in or drive-through facilities:                             <ol style="list-style-type: none"> <li>One outdoor waste receptacle shall be provided for every eight parking stalls.</li> <li>Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.</li> </ol> </li> </ol>
.040	Entertainment, Cultural and/or Recreational Facility			20'	0'	0'	80%	See Spec. Reg. 3.	D See Spec. Reg. 2.		See KZC 105.25.	<ol style="list-style-type: none"> <li>The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.</li> <li>Landscape Category B is required if the subject property is adjacent to Planned Area 7B.</li> <li>The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.</li> </ol>
.050	Hotel or Motel										One for each room. See Spec. Reg. 1.	

Section 50.47

Zone  
CBD-7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Any Retail Establishment, other than those listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	20'	0'	0'	80% See Spec. Reg. 5.	3-stories above average building elevation.	D See Spec. Reg. 4.	E	1 per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Access for drive-through facilities must be approved by the Public Works Department.</li> <li>Ancillary assembly and manufacture of goods on premises may be permitted only if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers is not permitted. Motorcycle sales, service, or rental is permitted if conducted indoors.</li> <li>Landscape Category B is required if the subject property is adjacent to Planned Area 7B.</li> <li>The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.</li> </ol>
.070	Private Lodge or Club See Spec. Reg. 3.			20'	0'	0'	80%		D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>No parking is required for daycare or school ancillary to the use.</li> <li>Landscape Category C is required if the subject property is adjacent to Planned Area 7B.</li> <li>This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</li> </ol>
.080	Church See Spec. Reg. 3.										One per every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 50.47	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							
.090	Office Use See Spec. Reg. 4.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3-stories above average building elevation.	D See Spec. Reg. 3.	D	1 per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Ancillary assembly and manufacture of goods on premises may be permitted as part of office use if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent upon this office use; and</li> <li>The outward appearance and impacts of this office use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> <li>The following regulations apply to veterinary offices only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>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 D.R. and building permit applications.</li> <li>A veterinary office is not permitted if the subject property contains dwelling units.</li> </ol> </li> <li>Landscape Category C is required if the subject property is adjacent to Planned Area 7B.</li> <li>This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</li> </ol>	
.100	School, Day-Care Center, or Mini-School or Day-Care Center See Spec. Reg. 6.								D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>A six-foot-high fence is required along all property lines adjacent to outside play areas.</li> <li>Structured play areas must be setback from all property lines by at least five feet.</li> <li>Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>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.</li> <li>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> <li>This use may be located on the Central Way level of a building only if there is an intervening retail storefront between this use and the right-of-way.</li> </ol>	

Section 50.47

Zone  
CBD-7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	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						
.110	Assisted Living Facility See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3-stories above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:                             <ol style="list-style-type: none"> <li>a. One parking stall shall be provided for each bed.</li> </ol> </li> <li>3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</li> </ol>
.120	Stacked or Attached Dwelling Units See Special Regulation 1.										1.7 per unit.	<ol style="list-style-type: none"> <li>1. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</li> </ol>
.130	Public Utility, Government Facility, or Community Facility								D See Spec. Reg. 1.	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. 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 nearby uses.</li> </ol>
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

## 50.62 Building Height Provisions in the CBD

1. ~~In cases where the height of structures is specified in number of stories, the following heights per story are allowed:~~
  - a. ~~Ground floor retail; ground floor restaurant and tavern; ground floor entertainment/cultural and/or recreational facility shall be a minimum of 13 feet in height and a maximum of 15 feet in height.~~
  - b. ~~Office; private club or lodge; church; school, day care center; public utility, government facility, or community facility; public park; ground floor of hotel or motel; retail above the ground floor shall be a maximum of 13 feet.~~
  - c. ~~Residential; hotel or motel above the ground floor shall be a maximum of 10 feet.~~

2. ~~To determine the allowed height of structure, determine the number of stories allowed in the use zone charts and apply the allowed height per story specified in subsection (1) of this section. For example, if three stories are allowed and the proposed use is ground floor retail with two stories of residential above, the allowed height would be 35 feet.~~

~~Buildings which are not constructed with the maximum allowable number of stories may increase the height of the stories actually constructed by an amount that does not result in a height greater than that which would have resulted from a building constructed with the maximum allowable number of stories. For the purpose of this height calculation, it shall be assumed that each unconstructed story would have been used for residential purposes if constructed, and therefore allows an additional 10 feet of height that can be added to the building.~~

~~For example, if three stories are allowed, but only two stories are constructed, an additional 10 feet may be added to the building height.~~

31. Height shall be measured above the point of measurement (e.g. above average building elevation, or above right-of-way) as specified in the particular use zone charts. For purposes of measuring building height above the abutting right(s)-of-way, alleys shall be excluded.

2. ~~Where retail frontage is required along an abutting street, the minimum story height of ground floor retail; ground floor restaurant and tavern; ground floor entertainment, cultural and/or recreational facility shall be 15 feet.~~

43. ~~In addition to the height exceptions established by KZC 115.60, t~~the following exceptions to height regulations in CBD zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend five feet above the height limit if the slope of the roof is greater than three feet vertical to 12 feet horizontal and eight feet above the height limit if the slope of the roof is equal or greater than four feet vertical to 12 feet horizontal.
  - c. Within CBD 1A and 1B, the height of rooftop appurtenances and related screening shall not exceed the maximum applicable height limitation beyond the height exceptions established in 3.a and 3.b above. In addition, the appurtenances and screening shall be integrated into the design of the parapet or peaked roof form. The height of rooftop

| appurtenances and the height of related screening may not be modified through Section 115.120.

### 110.52 Sidewalks and Other Public Improvements in Design Districts

- 1. This section contains regulations that require various sidewalks, pedestrian circulation and pedestrian-oriented improvements on or adjacent to properties located in Design Districts subject to Design Review pursuant to Chapter 142 KZC such as, CBD, JBD, TLN, TC, RHBD, and NRHBD zones.

The applicant must comply with the following development standards in accordance with the location and designation of the abutting right-of-way as a pedestrian-oriented street or major pedestrian sidewalk shown in Plate 34 of Chapter 180 KZC. See also Public Works Pre-Approved Plans manual for public improvements for each Design District. If the required sidewalk improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property; provided, that a minimum of five feet from the curb shall be retained as public right-of-way and may not be in an easement. Buildings may cantilever over such easement areas, flush with the property line in accordance with the International Building Code as adopted in KMC Title 21. (See Figure 110.52.A and Plate 34).

- 2. Pedestrian-Oriented Street Standards – Unless a different standard is specified in the applicable use zone chart, the applicant shall install a 10-foot-wide sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street. (See Figure 110.52.A).

#### Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks

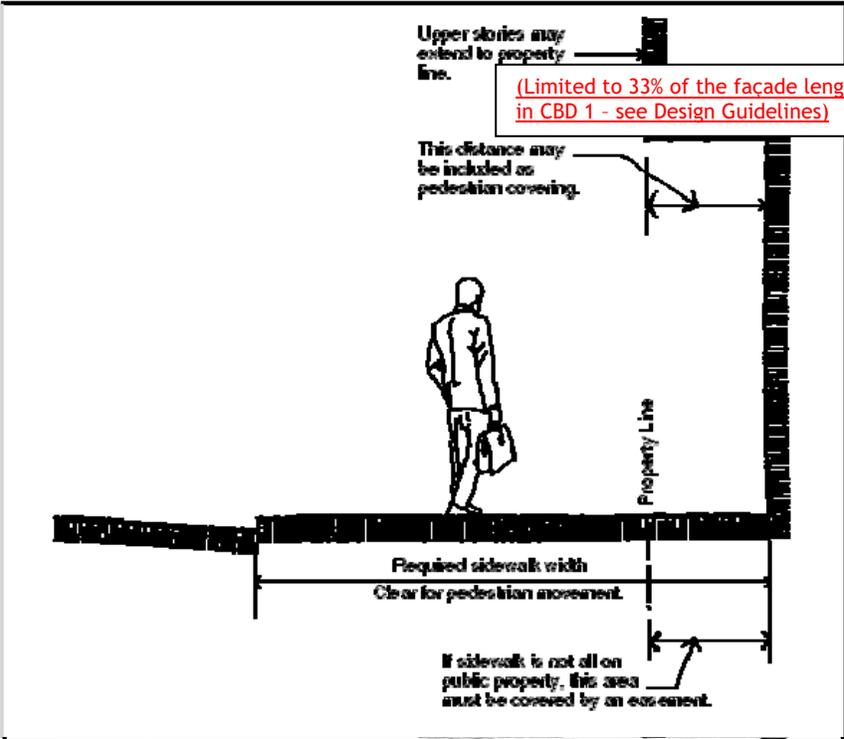


FIGURE 110.52.A

3. Major Pedestrian Sidewalk Standards – If the subject property abuts a street designated to contain a major pedestrian sidewalk in Plate 34, Chapter [180](#) KZC, the applicant shall install that sidewalk on and/or adjacent to the subject property consistent with the following standards:
  - a. Install in the approximate location and make the connections shown in Plate 34;
  - b. A sidewalk width of at least eight feet, unless otherwise noted in Plate 34;
  - c. Have adequate lighting with increased illumination around building entrances and transit stops; and
  - d. If parcels are developed in aggregate, then alternative solutions may be proposed.
4. Streets in the Totem Lake Neighborhood – Streets in the Totem Lake Neighborhood designated as major pedestrian sidewalks in Plate 34.E that are also shown to be within the landscaped boulevard alignment or “Circulator” in Plate 34.D in Chapter [180](#) KZC may have varied or additional requirements, such as wider sidewalks, widened and meandering planting areas, continuous and clustered tree plantings, special lighting, directional signs, benches, varying pavement textures and public art, as determined by the Director of Public Works.
5. NE 85th Street Sidewalk Standards – If the subject property abuts NE 85th Street, the applicant shall install a minimum 6.5-foot-wide landscape strip planted with street trees located adjacent to the curb and a minimum seven-foot-wide sidewalk along the property frontage. Where the public right-of-way lacks adequate width to meet the previous standard, a 10-foot-wide sidewalk with street trees in tree grates may be permitted or in an easement established over private property.

## 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.) Process
- [142.35](#) Design Board Review (D.B.R.) Process
- [142.40](#) Appeals of Design Review Board Decisions
- [142.50](#) Modifications
- [142.55](#) Lapse of Approval for Design Review Board Decisions
- [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. Approval

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

- 1) Any development where administrative design review is indicated in the applicable Use Zone Chart.
  - 2) Any development in the following zones within the NE 85th Street Subarea: RH 8, PR 3.6, RM, PLA 17A.
  - 3) Any development in the MSC 1, MSC 2, and MSC 4 zones located within the Market Street Corridor.
2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC [142.25](#).
  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.

### 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), 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).~~
- dc. 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 KZC 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 ~~may be requested pursuant to KZC 142.37~~
  - 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; and~~

~~4) In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards and horizontal facade requirements.~~

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

~~6) In the MSC 3 zone of the Market Street Corridor: horizontal facade 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.~~
  - ~~dc.~~ 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 KZC 142.25(6)(a)37 provided the variation complies with the criteria of KZC 142.25(6)(b)37.
  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 (CDC) 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 applicant shall submit a complete application for Design Review within six months following the CDC, or the results of the CDC will be null and void and a new CDC will be required prior to application for design review approval. 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.

#### 142.37. 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; and
- 4) In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards and horizontal facade requirements.

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

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

## **142.40 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](#)(3) 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

# PLATE XY

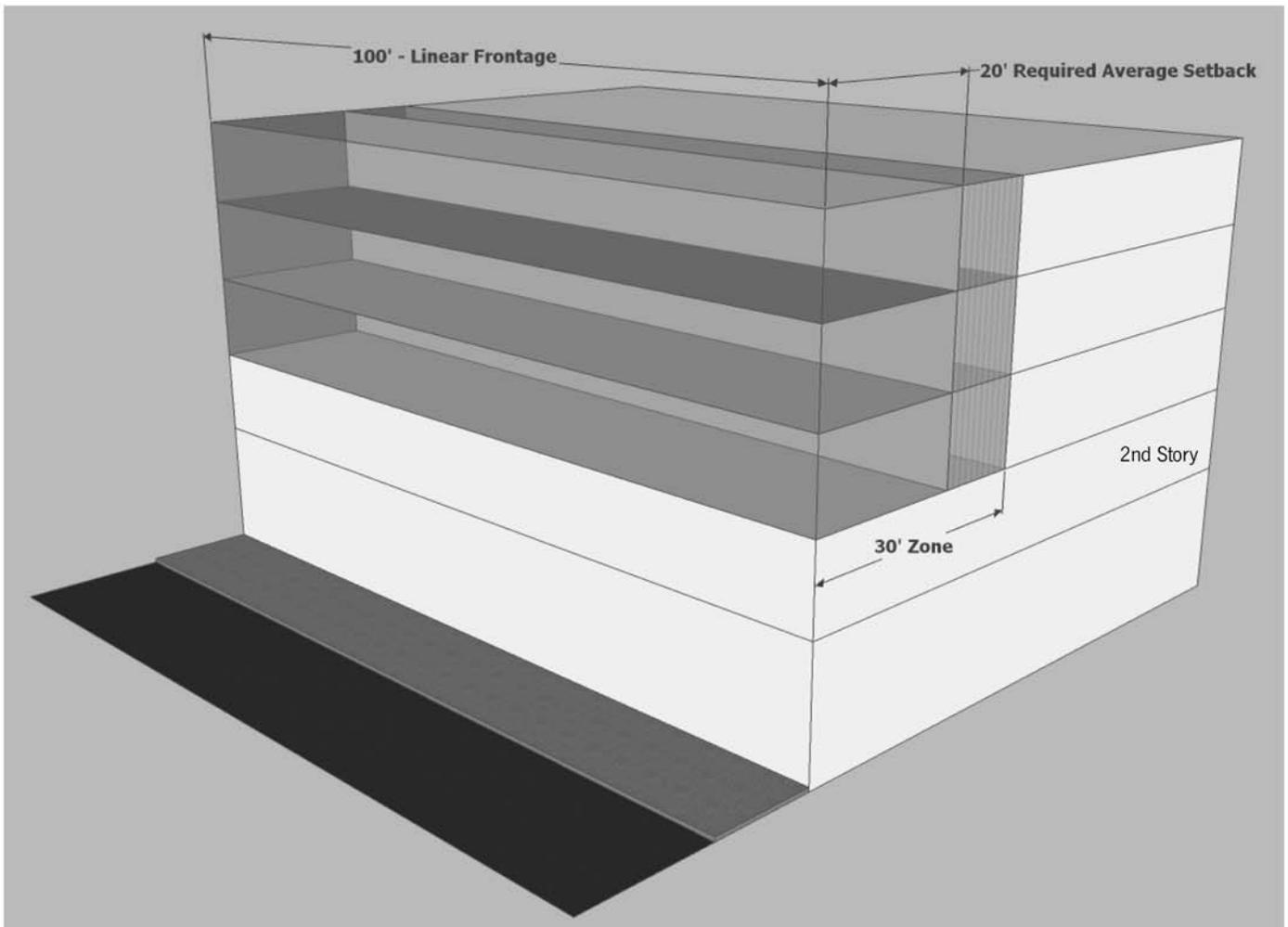
O-4177

## TOTAL UPPER STORY SETBACK AREA

### Total Upper Story Setback Area

The required upper story setback for all floors above the second story shall be calculated as Total Upper Story Setback Area as follows:

= (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average setback) x (Number of stories proposed above 2nd story)



### Example (for a 5-story building with 100 linear feet along the front property line):

- 1) The project would have 3,000 square feet of potential building space per story within the 30' zone (100 l.f. x 30' depth).
- 2) The upper 3 stories would have 9,000 square feet of potential building area within the 30' zone (100 l.f. x 30' depth x 3 stories)
- 3) The required average setback of 20' would equate to a setback area of 2,000 square feet per story (100 l.f. x 20' depth).
- 4) The upper 3 stories would have 6,000 square feet of Total Upper Story Setback Area [Total Upper Story Setback Area = 100' (lineal frontage) x 20' (required average setback) x 3 (stories proposed above the 2nd story)] and 3,000 square feet of allowed building area (9,000 square feet – 6,000 square feet).

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4177

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING ORDINANCE TO AMEND THE HEIGHT REGULATIONS, BUILDING STEPBACKS, SIDEWALK WIDTHS, BANKING AND RELATED FINANCIAL USE LIMITATIONS, ROOFTOP APPURTENANCE ALLOWANCES, AND DIMENSIONAL REQUIREMENTS FOR RETAIL IN CENTRAL BUSINESS DISTRICT (CBD) ZONE 1; TO AMEND GROUND FLOOR RETAIL HEIGHT REQUIREMENTS IN CBD ZONES 1, 2, 3, 4, 6, 7, AND 8; AND TO MEASURE HEIGHT IN FEET INSTEAD OF STORIES IN CBD ZONES 1, 2, 3, 4, 6, AND 7; REPEALING ORDINANCE NO. 4143; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00019.

SECTION 1. Repeals Ordinance No. 4131.

SECTION 2. Amends certain text of the Kirkland Zoning Code.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

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 \_\_\_\_\_, 2009.

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

\_\_\_\_\_  
City Clerk

ORDINANCE 4178

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING MAP ORDINANCE NO. 3710, AS AMENDED, TO CONFORM TO THE COMPREHENSIVE PLAN AND TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00019.

WHEREAS, on October 21, 2008, the City Council passed Ordinance No. 4149 adopting interim regulations limiting the height of buildings with Central Business District (CBD) 1; and

WHEREAS, on October 21, 2008, the Kirkland City Council also passed Ordinance No. 4143, adopting an interim zoning regulation for the process by which amendments to the text of the Kirkland Zoning Code (KZC) initiated by the City Council for Central Business District Zone (CBD) 1, including KZC Ch. 142, Design Review, would be considered; and

WHEREAS, Ordinance No. 4143 recited that owing to the workload of the Planning Commission and the time sensitivity of the issues, it would be beneficial for the City Council conduct the review without receiving a recommendation and report from the Planning Commission; and

WHEREAS, Ordinance No. 4143 adopted findings and conclusions supporting its action adopting the interim regulation; and

WHEREAS, the City Council held study sessions on October 16, November 10, November 24, and December 16, 2008, to consider the issues, review solutions, and provide staff with draft regulations and guidelines; and

WHEREAS, at the request of the City Council, the Design Review Board held study sessions on November 17 and December 12, 2008, and January 5, 2009, to advise the City Council on Zoning Code and design issues; and

WHEREAS, on December 23, 2008, draft regulations were forwarded to the Washington State Department of Community, Trade and Economic Development, as required by RCW 36.70A.106, for expedited review; and

WHEREAS, in accordance with the State Environmental Policy Act (SEPA), a SEPA Addendum to Existing Environmental Documents issued by the responsible official as provided in WAC 197-11-600, has accompanied the legislative proposal through the consideration process; and

WHEREAS, on January 20, 2009, the City Council held a public hearing and considered the draft ordinance incorporating the Zoning Code amendments initiated by the City Council and the advice of the Design Review Board;

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Map Amended. The official City of Kirkland Zoning Map as adopted by Ordinance No. 3710 is amended in accordance with Exhibit A attached to this ordinance.

Section 2. Official Map Change. The Director of the Department of Planning and Community Development is directed to amend the official City of Kirkland Zoning Map to conform with this ordinance, indicating thereon the date of the passage of the ordinance.

Section 3. Severability. 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 4. Effective Date. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Section 5. Ordinance Copy. 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 \_\_\_\_\_, 2009.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

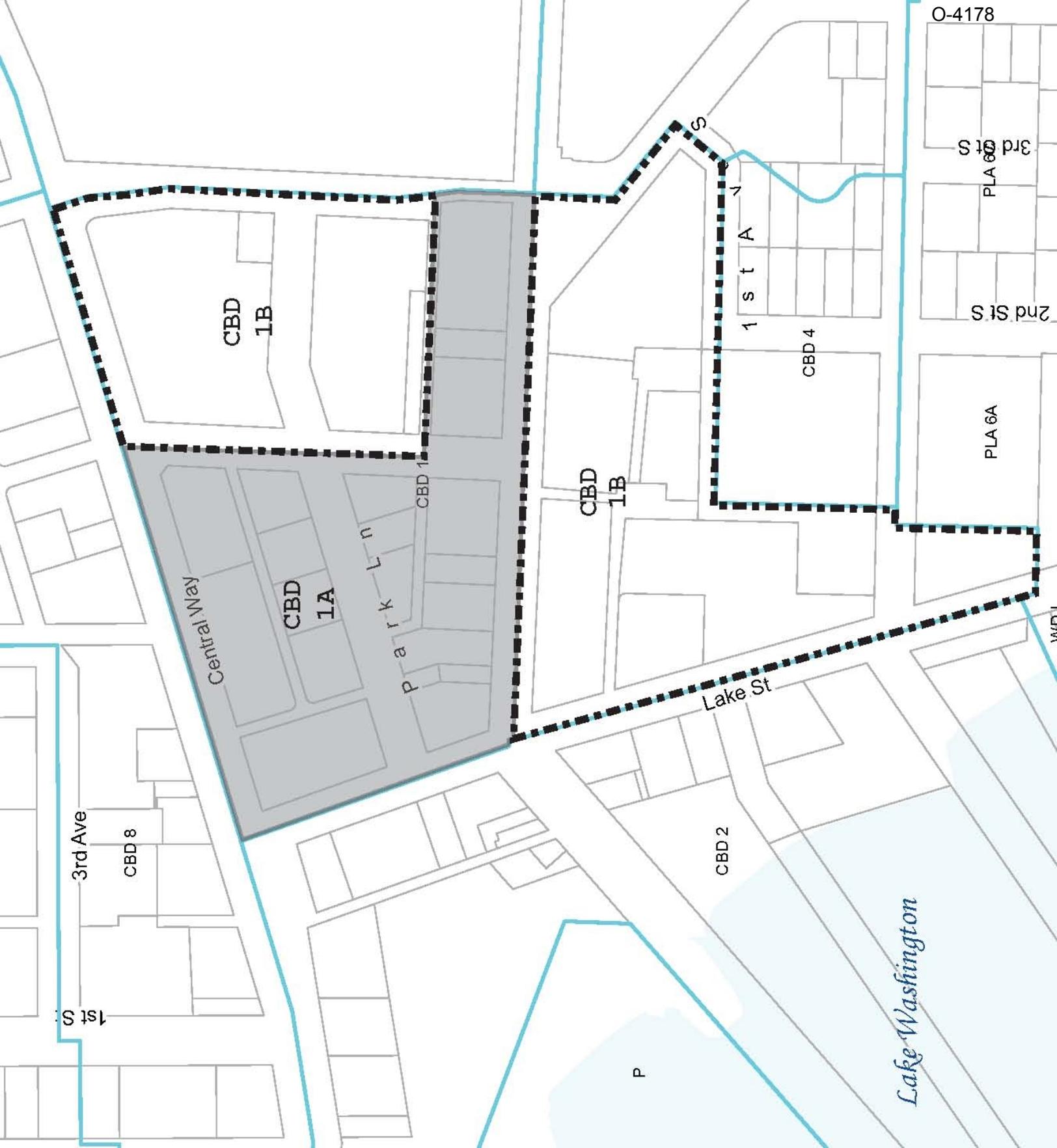
\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



O-4178

3rd St S

PLA 6B

2nd St S

PLA 6A

1st A

CBD 4

CBD 1B

CBD 1

CBD 1B

CBD 1A

Park Ln

Central Way

Lake St

3rd Ave

CBD 8

1st S

Lake Washington

P

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4178

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING MAP ORDINANCE NO. 3710, AS AMENDED, TO CONFORM TO THE COMPREHENSIVE PLAN AND TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00019.

SECTION 1. Amends the Kirkland Zoning Code Map.

SECTION 2. Directs the Director of the Department of Planning and Community Development to amend the official City of Kirkland Zoning Map.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

SECTION 5. Directs the City Clerk to certify the Ordinance and forward to the 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 \_\_\_\_\_, 2009.

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

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 4179

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND REPEALING ORDINANCE NO. 4149 WHICH ADOPTED INTERIM ZONING REGULATIONS LIMITING THE HEIGHT OF BUILDINGS WITHIN CENTRAL BUSINESS DISTRICT (CBD) ZONE 1.

WHEREAS, on October 21, 2008, the Kirkland City Council passed Ordinance No. 4149, adopting an interim zoning regulation within Central Business District Zone 1, which provided that no building within Design District 1A as designated in the Moss Bay Neighborhood portion of the Comprehensive Plan could be higher than three stories and no building in Design District 1B as designated in the Moss Bay Neighborhood portion of the Comprehensive Plan could be higher than four stories; and

WHEREAS, Ordinance No. 4149 further provided that within Central Business District Zone 1, no portion of a structure within one hundred (100) feet of Lake Street or Lake Street South could be higher than two stories; and

WHEREAS, Ordinance No. 4149 identified the concerns which caused the City Council to adopt interim regulations while it considered whether permanent Zoning Code amendments should be adopted; and

WHEREAS, Ordinance No. 4149 adopted findings and conclusions supporting its action adopting the interim regulations; and

WHEREAS, the City Council held study sessions on October 16, November 10, November 24, and December 16, 2008, to consider the issues, review solutions, and provide staff with direction on draft regulations and guidelines; and

WHEREAS, at the request of the City Council, the Design Review Board held study sessions on November 17 and December 12, 2008, and January 5, 2009, to advise the City Council on Zoning Code and design issues; and

WHEREAS, on December 23, 2008, draft regulations were forwarded to the Washington State Department of Community, Trade and Economic Development, as required by RCW 36.70A.106, for expedited review; and

WHEREAS, on January 20, 2009, after a public hearing, the City Council passed Ordinance Nos. 4177 and 4178, amending the Zoning Code and amending the Zoning Map, respectively, to address the identified concerns; and

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Ordinance 4149, passed October 21, 2008, is hereby repealed.

Section 2. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting  
this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Signed in authentication thereof this \_\_\_\_\_ day of  
\_\_\_\_\_, 2009.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

RESOLUTION R-4739

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AMENDED DESIGN GUIDELINES FOR PEDESTRIAN ORIENTED BUSINESS DISTRICTS AND AUTHORIZING THE MAYOR TO SIGN.

WHEREAS, with the passage of Ordinance No. 4143 on October 21, 2008, the City Council initiated a process whereby it would consider amendments to the text of the Kirkland Zoning Code (KZC) for Central Business District Zones 1, 2, 3, 4, 6, 7, and 8, including KZC Ch. 142, Design Review; and

WHEREAS, the City Council held study sessions on October 16, November 10, November 24, and December 16, 2008, to consider the issues, review solutions, and provide staff with draft regulations and guidelines; and

WHEREAS, at the request of the City Council, the Design Review Board held study sessions on November 17 and December 12, 2008, and January 5, 2009, to advise the City Council on Zoning Code and design issues; and

WHEREAS, the City Council has determined that it is appropriate to amend the Design Guidelines for Pedestrian Oriented Business Districts as they directly support Ordinance No. 4177 (CBD Zoning Amendments) and under KMC 3.30.040 design guidelines bearing the signature of the Mayor and Director of the Department of Planning and Community Development are adopted by reference;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The amendments to the Design Guidelines for Pedestrian Oriented Business Districts, attached hereto as Exhibit A, are hereby approved.

Section 2. The Mayor is hereby authorized to sign the amended Design Guidelines for Pedestrian Oriented Business Districts.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2009.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MAYOR

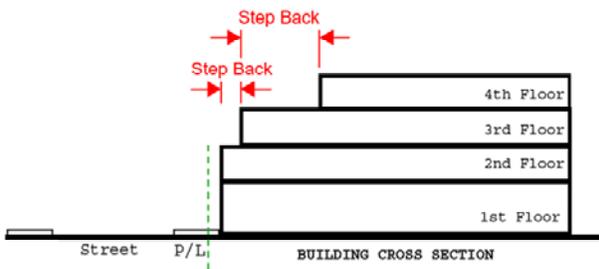
Attest:

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City Clerk

**NEW GUIDELINES – SPECIAL CONSIDERATION FOR BUILDING MASSING IN CENTRAL BUSINESS DISTRICT 1 (CBD 1A & 1B) - UPPER STORY STEP BACKS**

**Issue**

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



By reducing mass at upper stories, visual focus is oriented towards the building base and the pedestrian experience. In addition, greater solar access may be provided at the street level due to the wider angle which results from the recessed upper stories.



*Marina Heights*

Upper story step backs are appropriate in areas where taller buildings are allowed and imposing building facades at the sidewalk are intended to be avoided.

**Discussion**

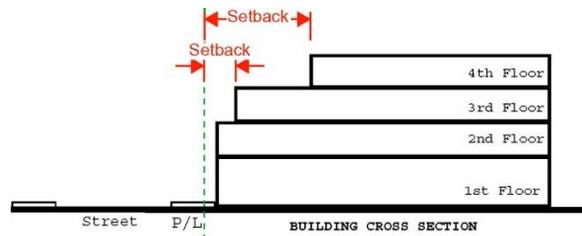
Design guidelines should address upper story step backs to improve the pedestrian experience and maintain human scale. When viewed from across the street, upper story step backs generally reduce perceived building massing and provide additional sunlight at the ground level. When viewed from the sidewalk immediately adjacent to the building, upper story step backs reduce the view of the upper stories and help maintain pedestrian scale by preventing large buildings from looming over the sidewalk.

Since the benefits of upper story step backs are primarily experienced from the public realm in front of buildings, the step backs should be located within a zone along the front property line.

Overly regimented building forms along front facades should be avoided to prevent undesirable building design. The arrangement of building step backs should create varied and attractive buildings consistent with the principles discussed in previous sections.

Upper story step backs also should allow for additional eyes on the street in the form of decks and/or balconies. Upper story activities help improve the relationship of the building to the streetscape. Landscaping should also be incorporated at the upper stories to help soften building forms.

In order to quantify upper story step backs, measurement should be taken from the property line. *Setback* is the term used to describe the distance of a structure from the property line. By measuring from the pre-existing property line, setbacks provide for consistency in measurement and will account for projects where additional right-of-way is proposed or required along the property frontage for wider sidewalks and/or additional public open space.

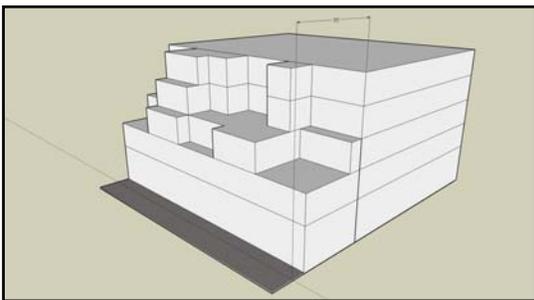


The required upper story setback should be allowed to be reduced if an equal amount of beneficial public open space is provided at the street level. A certain amount of building cantilevering over sidewalks may also be allowed if the pedestrian environment is not adversely affected.

The Kirkland Zoning Code establishes the requirements for upper story setbacks and provisions for allowing reductions to the required upper story setbacks in exchange for open space at the street level. The following guidelines are intended to provide the Design Review Board the tools to create varied and attractive buildings.

### **Guidelines – Upper Story Setbacks**

- *Buildings above the second story (or third story where applicable in the Downtown Plan) should utilize upper story step backs to create receding building forms as building height increases, allow for additional solar access, and maintain human scale at the street level.*
- *When averaging the required upper story setback, the final arrangement of building mass should be placed in context with existing and/or planned improvements, solar access, important street corners, and orientation with the public realm.*
- *A rigid stair step or “wedding cake” approach to upper story step backs is not appropriate.*



*Varied step back approach*

- *Decks and/or balconies should be designed so that they do not significantly increase the apparent mass of the building within the required upper story setback area.*
- *In addition to applying setbacks to upper stories, building facades should be well*

*modulated to avoid blank walls and provide architectural interest.*

- *Along pedestrian oriented streets, upper story building facades should be stepped back to provide enough space for decks, balconies and other activities overlooking the street*
- *Landscaping on upper story terraces should be included where appropriate to soften building forms and provide visual interest.*
- *Continuous two or three story street walls should be avoided by incorporating vertical and horizontal modulations into the building form.*
- *Limited areas of vertical three, four, or five story walls can be used to create vertical punctuation at key facades. Special attention to maintain an activated streetscape is important in these areas.*
- *For properties on Park Lane which front multiple streets and upper story setbacks are proposed to be averaged, concentration of upper story building mass along Park Lane should be avoided.*

### **Guidelines - Open Space at Street Level**

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

- *Public open space should be open to the sky except where overhead weather protection is provided (e.g. canopies and awnings).*
- *The space should appear and function as public space rather than private space.*
- *Public open space should be activated with window shopping, outdoor dining, art, water features, and/or landscaping while still allowing enough room for pedestrian flow.*
- *A combination of lighting, paving, landscaping, and seating should be utilized to enhance the pedestrian experience within the public open space.*
- *Where substantial open space “trade-offs” are proposed, site context should be the primary factor in the placement of the public open space (e.g. important corners, solar access.)*

***Guidelines - Building Cantilevering Over Sidewalks***

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

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

## **NEW GUIDELINE - GLAZING**

### **Special Consideration for Downtown Kirkland**

Retail frontages in the Central Business District are required to have a 15' story height to ensure diverse retail tenants and enhance the pedestrian experience. Where these taller retail stories are required, special attention to storefront detailing is necessary to provide a visual connection between pedestrian and retail activity.

#### ***Guideline***

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

## **NEW GUIDELINE - NON-RETAIL LOBBIES IN CENTRAL BUSINESS DISTRICT 1**

### **Special Consideration For Non-Retail Lobbies In Central Business District 1**

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

#### ***Guideline***

***Lobbies for residential, hotel, and office uses may be allowed within the required retail storefront space provided that the street frontage of the lobby is limited***

***relative to the property's overall retail frontage and that the storefront design of the lobby provides continuity to the retail character of the site and the overall street.***