



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Design Review Board

From: Jeremy McMahan, Planning Supervisor

Date: November 7, 2008

Subject: CBD 1 Zoning Code Amendments

RECOMMENDATION

Review the attached packet of information from the November 6th City Council study session and be prepared to provide staff and Council with recommendations on building step backs and retail requirements. Staff will provide the DRB with an update on Council direction at the November 17th DRB meeting.

BACKGROUND

The City Council has enacted an interim ordinance restricting development in CBD 1 and a portion of CBD 2. The Council is on a fast track to consider amendments this year that would clarify standards in CBD 1 for building height, building step backs, and retail requirements. Staff is in the process of working with the City Council to draft regulations and guidelines for consideration at a public hearing in December.

A copy of the November 6th Council packet is attached in addition to staff's presentation from that meeting.



CITY OF KIRKLAND
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

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

Date: October 31, 2008

Subject: CBD 1 and 2 Amendments Study Session, File No. ZON08-00019

RECOMMENDATION:

Review the options and recommendations for amendments to the CBD 1 and CBD 2 regulations and provide direction to staff to move forward with drafting regulations. As requested by the City Council, the DRB will provide input on building step backs and the retail design at their November 17th meeting.

The information in this memo is based on staff's understanding of Council's fundamental goal for these amendments:

- In CBD 1, clearly specify maximum allowed heights, minimum upper story step backs, 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;
- In CBD 2, clearly specify minimum public access and view corridor widths and locations in the Zoning Code so a potential second story is not a highly discretionary decision that is deferred to the DRB and requires interpretation of Comprehensive Plan policies

This memo is divided into the following sections:

I.	WORK PROGRAM.....	(page 2)
II.	CBD 1 ISSUES.....	(page 3)
	A. RETAIL.....	(page 3)
	B. BUILDING HEIGHTS.....	(page 4)
	C. STEP BACKS.....	(page 5)
	D. LAKE STREET STEP BACKS.....	(page 11)
	E. MIX OF TWO TO FOUR STORIES....	(page 11)
III.	CBD 2 ISSUE.....	(page 12)
IV.	DOWNTOWN PLAN SUMMARY.....	(page 13)
V.	PARKING LOT TOPICS.....	(page 15)

I. WORK PROGRAM:

The matrix below illustrates the status of the Council work program:

STEPS	COUNCIL DIRECTION	FURTHER DIRECTION NEEDED
<p>Step 1 and 2 (complete) : Reviewed and identified zones affected by the interim ordinance</p>	<ul style="list-style-type: none"> ▪ Replaced moratorium with an interim ordinance pertaining to all of CBD 1 and that portion of CBD 2 between Central Way and Kirkland Avenue ▪ Agreed to exclude CBD 3, 4, 5, 6, 7 and 8 from the interim ordinance 	<ul style="list-style-type: none"> ▪ None
<p>Step 3 (complete): Identified specific issues to address</p>	<ul style="list-style-type: none"> ▪ CBD 1 key issues: <ul style="list-style-type: none"> ○ Codify allowed building heights ○ Define two stories along Lake Street ○ Define upper story step back requirements ○ Define superior retail ○ Define “mix of two to four story buildings” in Design District 1B ▪ CBD 2 key issue: <ul style="list-style-type: none"> ○ Clarify the standards for achieving a second story between Central Way and Kirkland Avenue ▪ Consider role of the DRB and the design review process ▪ “Park” broader CBD issues for the Planning Commission’s 2009 work program 	<ul style="list-style-type: none"> ▪ None
<p>Step 4: Review options to address issues</p>	<ul style="list-style-type: none"> ▪ Staff to provide background information regarding issues identified 	<ul style="list-style-type: none"> ▪ Review and select options for further study
<p>Step 5: Hold Council public hearing on draft amendments</p>	<ul style="list-style-type: none"> ▪ <i>TBD</i> 	<ul style="list-style-type: none"> ▪ <i>TBD</i>
<p>Step 6: Adopt or modify amendments</p>	<ul style="list-style-type: none"> ▪ <i>TBD</i> 	<ul style="list-style-type: none"> ▪ <i>TBD (Note that the effective date of the amendments may not be less than 60 days after the City files the draft amendments with the State)</i>
<p>Step 7: Terminate interim ordinance</p>	<ul style="list-style-type: none"> ▪ <i>TBD</i> 	<ul style="list-style-type: none"> ▪ <i>TBD</i>

II. **CBD 1 ISSUES:**

A. Codify retail requirements:

Two key elements of “superior retail space” have been identified. First is the design of the space and second is the use of the space. Attachment 1 provides the decisional standards that staff and the DRB have applied to previous projects.

Design: The City’s Design Guidelines for Pedestrian-Oriented Business Districts already ensure high level of building design in terms of windows, building materials, pedestrian weather protection, and landscaping. The real “value added” part of the superior retail requirement has been the enhanced public realm that the DRB has required in approved projects. Examples from the four projects reviewed by the DRB for “superior retail”:

- Kirkland Central built a significant public plaza at the developer’s expense to replace Bear Island and the previous right turn pocket from Kirkland Avenue to State Street.
- The Heathman Hotel built a distinctive covered arcade and entry court provides approximately 28’ wide sidewalks and accommodates covered outdoor dining space. The streetscape design includes distinctive pavement patterns and a generous entry court into the lobby and restaurant.
- Merrill Gardens is building minimum 12’-6” sidewalks along their frontage with distinctive paving patterns, open space at the relocated crosswalk, and an extension of Main Street with sidewalks and retail frontage.
- Bank of America proposed a public plaza at their northwest corner with a fountain/public art feature, minimum 15’ sidewalks on Lake Street and minimum 12’-6” sidewalks on Kirkland Avenue, distinctive paving patterns and landscaping, and additional public open space at the northeast corner of the building.

The Zoning Code currently only requires a 10’ sidewalk width on CBD 1 streets and has no requirements for additional plazas or pedestrian open space.

Staff would suggest that Council focus on enhanced standards for sidewalks and public space as the most effective way to improve the design of retail and associated pedestrian experience. One concept would be to establish a wider sidewalk width and allow averaging of the width provided it does not fall below the 10’ minimum. Take a property with 100’ of street frontage with a 13’ wide average sidewalk requirement as an example. An applicant (or the DRB) might choose between:

- A 13’ wide sidewalk across the entire 100’ (1,300 square feet of sidewalk); or
- A 10’ sidewalk across 80’ of the frontage (800 square feet of sidewalk) and provide a 500 square foot plaza along the remaining 20’ of frontage.

Use: CBD 1 requires ground floor retail. Kirkland’s definition of retail is:

A commercial enterprise which provides goods and/or services directly to the consumer, whose goods are available for immediate purchase and removal from the premises by the purchaser and/or whose services are traditionally not permitted within an office use. The sale and consumption of food are included if: (a) the seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use, and (b) it can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

This definition includes banks and services businesses (spas, salons, etc.) that have been the subject of debate. The Zoning Code was also amended several years ago to grandfather existing drive-thru facilities as a way to remove a disincentive to redevelopment of bank sites in the CBD. There are currently six banks and three drive-thru facilities located in CBD 1.

The Downtown Advisory Committee (DAC) is currently working on a downtown retail strategy that addresses retail streets and may address appropriate retail uses to enhance those streets. Until a recommendation is received from the DAC (anticipated to Council in January), Council will need to decide if current uses regulations should be modified as part of the current code amendment process. Because it would be highly unfortunate for another opportunity site in CBD to redevelop and place a large bank at another key retail corner, Council should consider restricting the “banking and related financial institution” use along key retail streets now and allow further consideration of that restriction as a “parking lot” issue. Based on previous Council discussion and the draft Hovee report, those key retail streets in CBD 1 are probably Park Lane and Lake Street. At the same time, Council should consider whether to go back to prohibiting drive-thru facilities, either in all parts of CBD 1 or along certain streets.

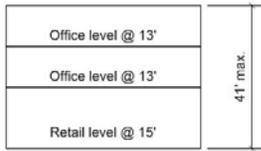
B. Codify Maximum Allowed Building Heights:

Currently, the Downtown Plan and the Zoning Code refers to the maximum height limit in CBD 1 in terms of allowed stories. The Zoning Code further clarifies the allowed story height by prescribing specific floor heights based on use. For example, ground floor retail/restaurant uses are allowed a range of 13’ to 15’ floor heights. Upper story office uses are allowed 13’ and upper story residential uses are allowed 10’.

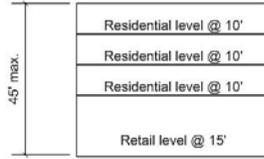
To simplify how height is regulated, one approach would be to allow buildings based on the residential floor to floor heights (up to 45’ in Design District 1A and 55’ in Design District 1B while not regulating the number of stories or the use of those upper stories. Another approach would be to allow buildings based on the office floor heights (up to 41’ in Design District 1A and 54’ in Design District 1B while not regulating the number of stories or the use of those upper stories. The later approach would likely pose a challenge to building a four story residential building in District 1A by constraining residential stories to 9.33’ rather than the typical 10’. Based on previous project mistakes of inadequate retail heights, staff would recommend that the ground floor retail story still have a minimum required height of 13’.

**Comparative Height Diagram for Downtown Height and Design District 1
Upper-story office use compared to upper-story residential use**

Height and Design District 1A Examples:



1A Office above Retail Project



1A Residential above Retail Project

Height and Design District 1B Examples:



1B Office above Retail Project



1B Residential above Retail Project

It should be noted that in addition to these heights, the Zoning Code encourages interesting roof forms by allowing additional heights of up to four feet for decorative parapets and up to eight feet for peaked roof forms. The Zoning Code also allows additional height for rooftop appurtenances. In CBD 1 the Zoning Code allows rooftop appurtenances to exceed the base height limit an additional 4' to 8' depending on the code section applied. The Downtown Plan contains a special provision which requires that if a bonus story is requested, rooftop appurtenances and related screening should not exceed the height allowed by the bonus story and should be integrated into the design of any peaked roofs or parapets.

Resolving the step back discussion below is essential in deciding these heights.

C. Codify Upper Story Step Backs:

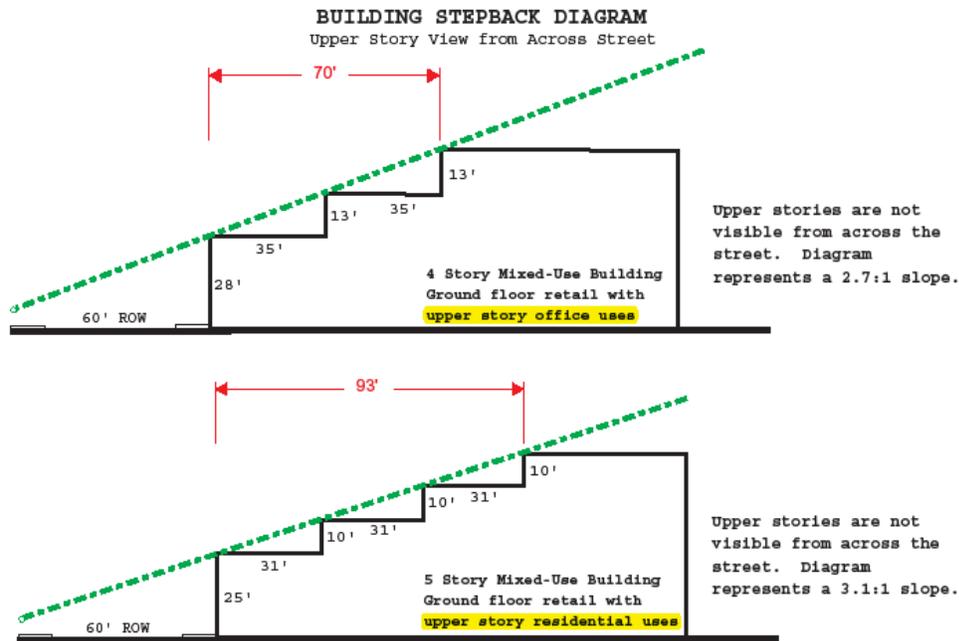
The City Council requested that staff provide background information regarding how upper story building step backs should be codified based on current downtown height and building massing policies. Step backs along Lake Street are addressed as a related issue in Section D below. The current Downtown Plan policies speak in general terms requiring that buildings above the second story should be setback from the street to preserving 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. To avoid a cookie cutter approach to regulating step backs, no specific formula may be appropriate without providing some DRB latitude to approve departures from a clear benchmark. Examples of step back requirements for other cities are included as Attachment 2. Examples from previous CBD 1 projects are included in Attachment 3.

In analyzing the policy rational for upper story step backs, staff considered and evaluated each of the following elements:

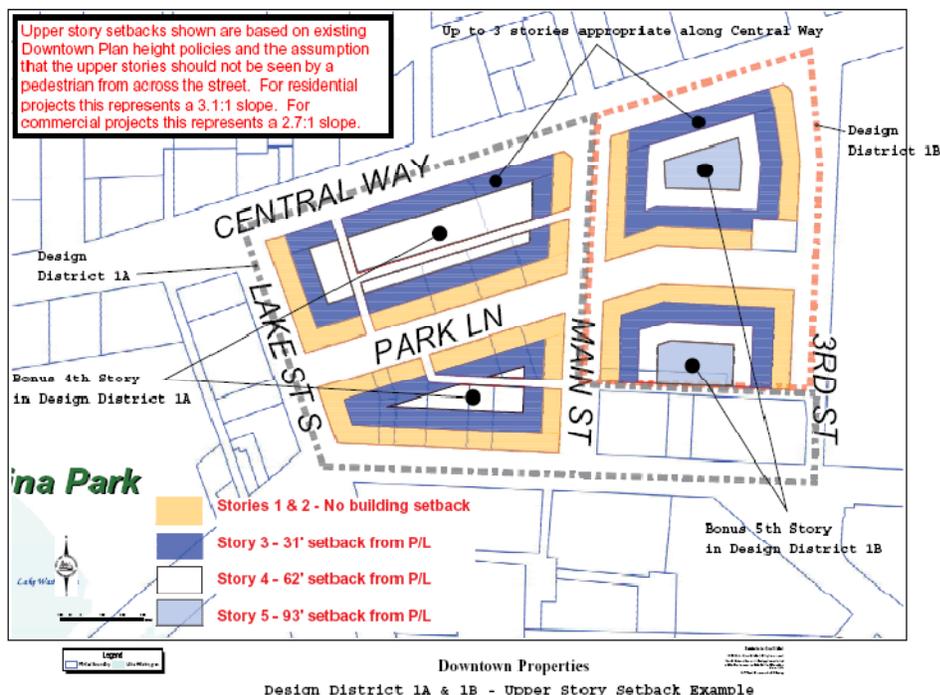
- Eliminate visibility of upper stories to moderate building massing
- Allow solar access to pedestrians
- Provide visual continuity along the street or visual continuity across the street

Visibility: Three approaches are analyzed below including: visibility from across the street, from the center of the street, and from the sidewalk. The typical right-of-way in downtown is 60'. That horizontal

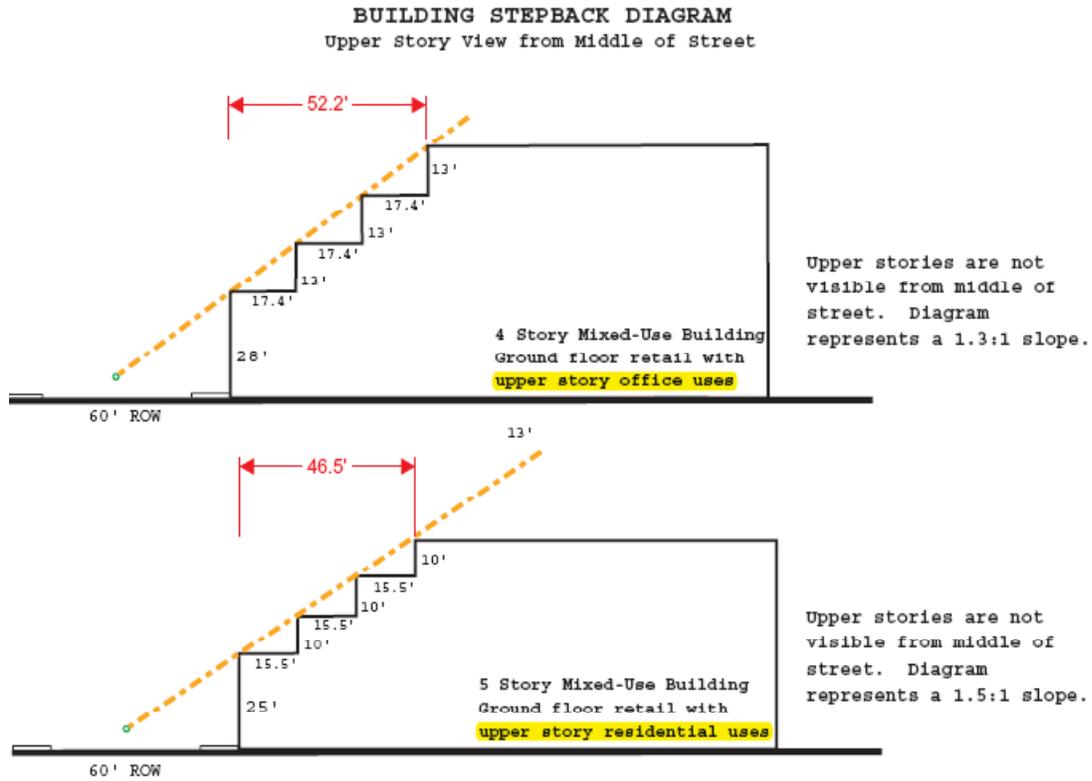
dimension can be combined with the vertical dimension of two stories along the street to determine how far upper stories would need to step back in order to not be visible from a particular vantage. The first diagram shows step backs necessary to eliminate visibility to a pedestrian from across the street.



As shown in the plan view diagram below, significant constraints with this approach are that it yields rather odd building forms (ziggurat) and precludes many properties from realistically being able to achieve the height, as the upper floor plates don't include adequate dimensions or square footage for any use.

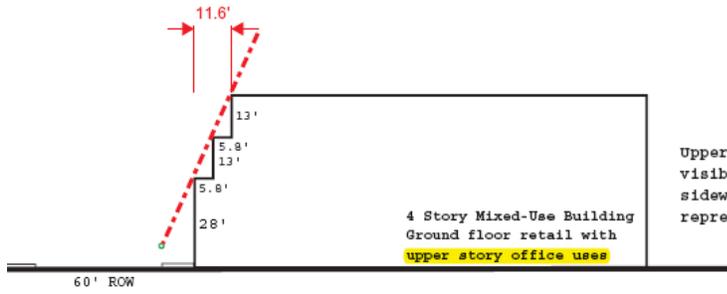


The second approach diagrammed below eliminates visibility of upper stories from the center of the street. This approach results in larger floorplates. The approach lacks the clarity of purpose of the previous and following approach because it represents the vantage of a pedestrian in the middle of the street (automobile view).

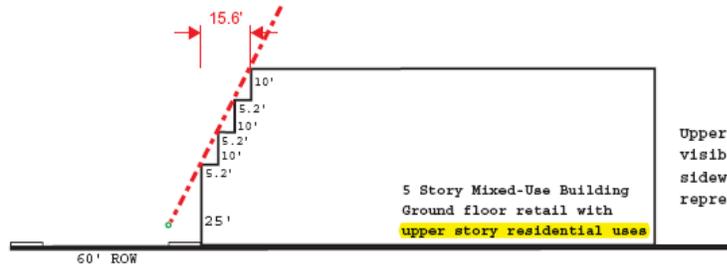


The third approach diagrammed below would eliminate visibility of upper stories from the sidewalk in front of the building. This approach has the least impact on upper floorplates and addresses pedestrian scale along the building frontage.

BUILDING STEPBACK DIAGRAM
Upper Story View from Adjacent Sidewalk



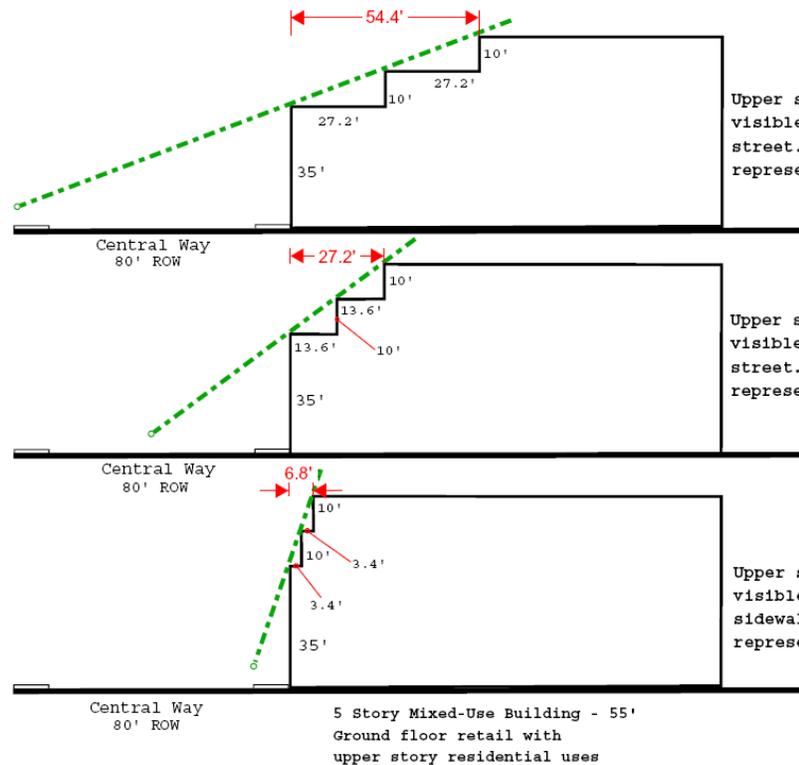
Upper stories are not visible from adjacent sidewalk. Diagram represents a 0.45:1 slope.



Upper stories are not visible from adjacent sidewalk. Diagram represents a 0.52:1 slope.

As illustrated below, the diagrams looks somewhat different for Central Way because the street is wider and policies suggest matching building massing with CBD 8, which allows 3 stories along Central Way.

BUILDING STEPBACK DIAGRAM - Central Way



Upper stories are not visible from across the street. Diagram represents a 2.7:1 slope.

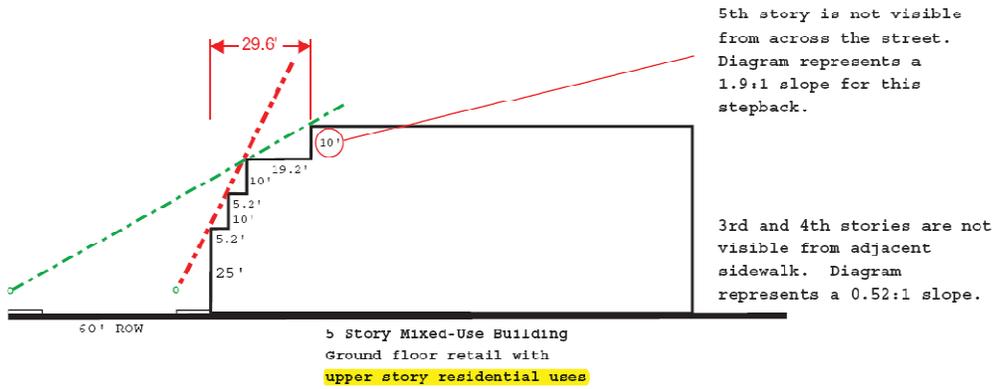
Upper stories are not visible from middle of street. Diagram represents a 1.4:1 slope.

Upper stories are not visible from adjacent sidewalk. Diagram represents a 0.34:1 slope.

Preliminary staff recommendation: For discussion purposes, staff has prepared the following diagram to illustrate a combination of these techniques. Here, the base stories are stepped back in relation to the sidewalk at the building frontage but the uppermost floor (residential building illustrated) is stepped back to eliminate visibility from across the street.

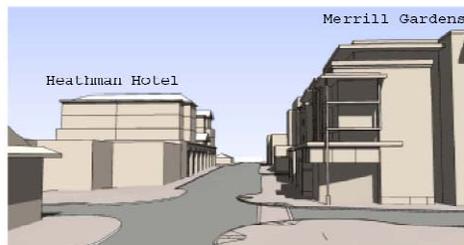
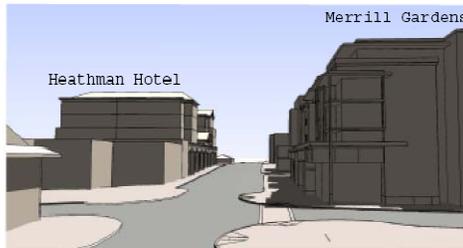
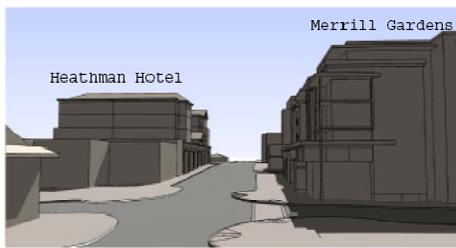
BUILDING STEPBACK DIAGRAM

Upper Story View from Adjacent Sidewalk combined with View of 'Bonus' story from across the street

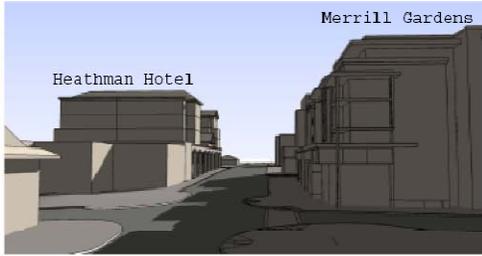


Solar Access: Staff evaluated downtown streets to understand the shading impacts of buildings on downtown sidewalks. Given the sun angle at Kirkland’s longitude, it should be understood that buildings of any height along the south sides of the street will shade the sidewalk on the south side of the street at most times of day on most days of the year. Therefore, it is more telling to understand the impacts that buildings have on the sidewalks on the north side of downtown streets. Staff modeled solar access along Kirkland Avenue using the nearly-completed Merrill Gardens project on the south side of Kirkland Avenue. The shadow of the building on Kirkland Avenue can be seen at various times of year at various times of day. Note that the morning and evening shadows are produced by buildings to the east or west.

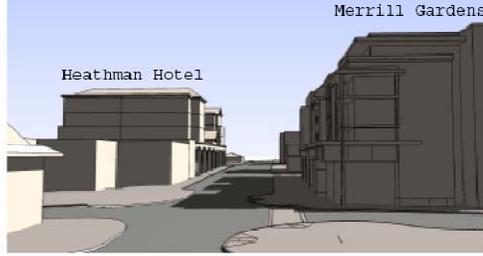
Shadow Study along Kirkland Avenue
June 21 - Summer Solstice (longest day)



Shadow Study along Kirkland Avenue
March 20 & September 22 - Spring and Autumn Equinox (equal day/night)



9 am



12 pm



3 pm



6 pm

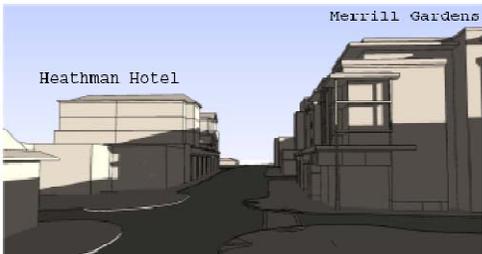
Shadow Study along Kirkland Avenue
December 21 - Winter Solstice (shortest day)



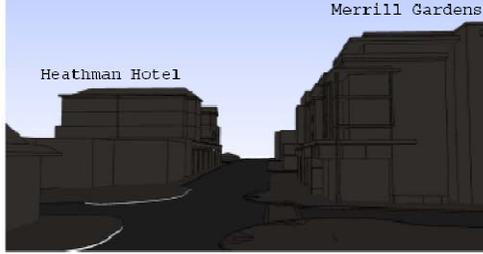
9 am



12 pm



3 pm



6 pm

The conclusion from these studies is that during most of the year when one would expect sun, 5 story buildings would not block solar access to the sidewalk on the north side of the street. In addition, the options discussed in the step back section of this memo would result in greater solar access than illustrated.

D. Lake Street Step Back:

Step backs along Lake Street deserve special consideration given the policy basis of two story buildings along the street to reflect the two story scale of CBD 2. This notion of visual continuity may suggest a different rationale for step backs in response to what Council decides is a “building” and the necessary depth “reflect” CBD 2 buildings. Staff will illustrate options with the use of a computer model of Lake Street to assist Council in this discussion on November 6th. Preliminarily, staff would recommend that buildings step back above the 2nd story in the range of 30-35’ to reduce the visibility of the 3rd floor from across Lake Street and to provide a perception of a two story building in keeping with CBD 2. Stories above the 3rd story would be visible, but the overall mass would recede substantially from the Lake Street frontage.

E. Mix of Two to Four Story Buildings:

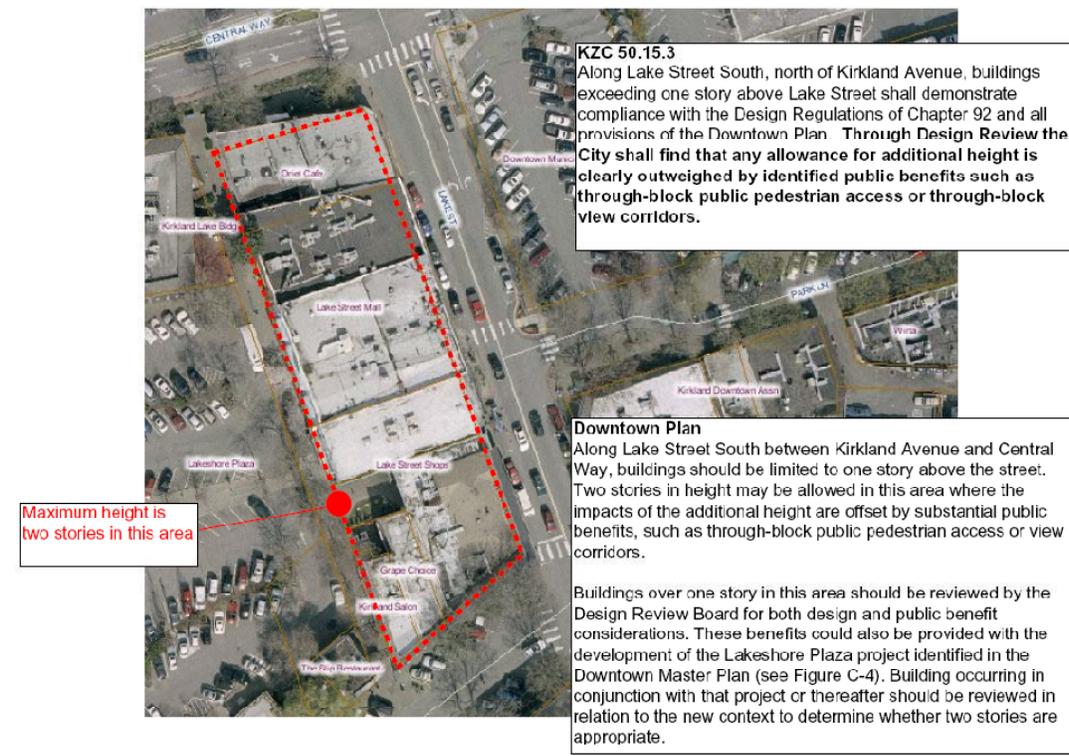
Where the Downtown Plan discusses a mix of two to four stories in Design District 1B, Council should decide if the policy intent is that the entirety of certain properties or buildings should be restricted to less than four stories or if the policy intent is to restrict portions of properties or buildings. The Council may wish to read this policy in conjunction with the policies for two story height restrictions along Lake Street, three story height restrictions along Central Way, and buildings south of Kirkland Avenue stepping up to the base of the Portsmouth hill.

III. CBD 2 ISSUE:

The current CBD 2 regulations require the DRB to weigh the impact of a 2nd story against substantial public benefit. This type of weighing of public impacts and benefits is better suited to something like a highly discretionary PUD process than a design driven decision. There are many ways to codify a clear standard that would allow properties to build a 2nd story if they meet the standard. One approach would be to mandate a minimum width at the north or south property line in terms of feet or percentage of parcel width that would be set aside for public access and view corridors. For example, if each parcel were required to set aside 10', two adjoining properties might provide 20' of width over time. Unfortunately, as can be seen from the building locations in the photograph below, the location of property lines is somewhat random from an urban planning perspective in that the access and view corridors may not result in the ideal locations. Such measures would help penetrate the block but would not make the grand gesture of opening up the downtown to the lake. Discussions during Lakeshore Plaza study considered more significant gestures like a continuation of Park Lane or opening up the corners of the block at Kirkland Avenue and/or Central Way.

Staff concludes that regulations can be drafted to achieve a basic objective. Those regulations could allow enough flexibility to create something better if properties were aggregated in a manner that an applicant could provide something more effective. However, the real solution to the long time objective of opening downtown to the lake probably needs something more akin to a collaborative master planning process between the City and the property owners.

CBD 2



IV. DOWNTOWN PLAN SUMMARY:

The following matrix is useful to track how potential amendments relate to Downtown Plan polices. The height policies of the Downtown Plan can be divided into two subsets; a set of policies that are required for all development over two stories and an additional set of policies that applies to projects seeking a “bonus” story for residential. Both sets of guidelines should be codified through this current process. The table below summarizes these Downtown Plan guidelines for ease of discussion.

Policies For All development	Regulatory Response
2-4 stories in 1A, 2-5 stories in 1B	
<ul style="list-style-type: none"> ▪ Stories above 2nd setback (stepped back) from street 	<ul style="list-style-type: none"> ▪ Establish a step back formula/method
<ul style="list-style-type: none"> ▪ Buildings 2 stories along Lake Street 	<ul style="list-style-type: none"> ▪ Establish a minimum step back from Lake Street for upper stories above the 2nd story
<ul style="list-style-type: none"> ▪ Street frontages 2 stories along: <ul style="list-style-type: none"> ○ Park Lane west of Main ○ 3rd Street ○ Kirkland Avenue 	<ul style="list-style-type: none"> ▪ Establish a step back formula/method
<ul style="list-style-type: none"> ▪ Buildings up to 3 stories along Central, avoid continuous 3 story street wall 	<ul style="list-style-type: none"> ▪ Establish step backs for stories above the 3rd story. Avoiding continuous street wall addressed in Design Guidelines
<ul style="list-style-type: none"> ▪ Areas designated 1B best opportunities for new development <ol style="list-style-type: none"> 1. Mix of 2-4 stories 	<ul style="list-style-type: none"> ▪ Two story buildings or portions of buildings could be required along Lake Street. Three story buildings or portions of buildings could be required along Central Way. Step backs establish intermediate heights
<ol style="list-style-type: none"> 2. East of Main modulate height and façade widths to break large buildings into appearance of multiple smaller buildings 	<ul style="list-style-type: none"> ▪ Addressed in Design Guidelines
<ol style="list-style-type: none"> 3. South of Kirkland Avenue building from steps up from north and west, tallest at base of hillside 	<ul style="list-style-type: none"> ▪ Establish step back formula/method
<ol style="list-style-type: none"> 4. Buildings over 2 stories generally reduce mass above 2nd story 	<ul style="list-style-type: none"> ▪ Establish step back formula/method

Policies for “Bonus” Story:	Regulatory Response:
Additional 4 th story in district 1A, additional 5 th story in district 1B for projects where:	Establish maximum/appropriate allowed heights
1. At least 2 upper stories are residential in 1A, at least 3 upper stories are residential in 1B	1. Allowed height regardless of use (no bonusing)
2. Height is less than 4’ taller than a 3 story office project in 1A, less than 1’ taller than a 4 story office project in 1B (see attached diagram)	2. Establish maximum height in feet rather than stories. Require minimum retail height
3. Stories above 2 nd stepped back significantly	3. Establish step back formula/method
4. Building form stepped back at 3 rd , 4 th , and 5 th stories	4. Establish step back formula/method
5. Superior retail at street level	5. Retail standards apply to all of CBD 1 regardless of height
6. Height of rooftop appurtenances and screening limited and integrated into roof form	6. Rooftop appurtenances height must be below roof form (up to 4’ for flat roofs with parapets, up to 8’ for pitched roofs)

V. PARKING LOT ISSUES

The following issues have been identified by the City Council as “parking lot” issues to be forwarded to the Planning Commission for possible inclusion in the 2009 Planning Work Program:

- Address retail requirements (depth, allowed uses, etc) following DAC report in January
- Parking requirements
- Economics of development
- Affordable Housing (*important note – height is the primary incentive for affordable housing in zones without density limits. If affordable housing in CBD 1 is an important Council objective, the current amendments may present the best opportunity to establish incentives or mandates. In the future, affordable housing in CBD 1 would be discussed in terms of incentives beyond what is established through the current process.*)
- Service and office uses on ground floor

What Constitutes Superior Retail Space?

Issue: Within Height Design Districts 1A and 1B, the Downtown Plan provides that as an incentive to encourage residential use of upper floors and to strengthen the retail fabric of the Core Area an additional story of height may be allowed. Among the criteria for the DRB to consider is that the project provides “superior retail space at the street level”. This document has been prepared by the Department of Planning and Community Development for use as a guide for applicants and the DRB to use in assessing the basic expectations of retail uses in 1A and 1B based on adopted policies and regulations. The intent is that by understanding the basics, we are better able to articulate when the retail space exceeds those basic expectations.

A. Basic retail expectations of the Zoning Code (without height bonus):

- CBD 1 standards:
 - If an office or housing use is located on the street level floor of a building, a minimum 30’ deep intervening retail space is required between the non-retail use and the street (Use Zone Charts).
 - Retail space must have a minimum 13’ in height (Building Height Provisions).
- Pedestrian Orientation:
 - Minimum 10’ sidewalk width (Required Public Improvements).
 - Minimum 75% glazing required between 2’ and 7’ height, options for artwork or landscape treatments (Design Regulations).
 - Minimum 80% pedestrian weather protection of property frontage (Design Regulations):
 - Minimum 5’ width
 - Should compliment architecture of building
 - Steel, glass, fabric and other materials of a more permanent nature are encouraged

B. Applicable Downtown Plan (Comprehensive Plan) design considerations:

- General design considerations related to pedestrian scale and orientation are of particular importance in this area:
 - Street wall (façade) should contribute to lively, attractive, and safe pedestrian streetscape
 - Judicious placement of windows
 - Multiple entrances
 - Awnings and canopies
 - Courtyards, arcades
 - Other pedestrian amenities
 - Service area, parking, blank facades are located away from street frontage

C. What are the considerations for “superior” retail space:

- Physical features:
 - Size – Is it larger/deeper/higher than the norm?
 - Quality – Are the materials and details superior to the norm?
 - Streetscape – Are the public improvements superior to the norm (sidewalks, street trees, street furniture, public art, etc.)?
- How does the retail fit into/contributes to downtown?
 - Does it support other retail by virtue of its pedestrian connections linkages, etc?
 - Is it space that attracts desired tenant types (allowed uses are regulated by the Zoning Code, but the design of a retail space can influence its flexibility to accommodate and adapt to different retail tenants)?

UPPER STORY STEPBACK CODE SUMMARY

	Seattle South Lake Union – SM Zone	Mercer Island – Town Center Zone	Kenmore – Downtown Commercial Zone	Kirkland – Downtown CBD 1
Process	DRB recommendation to Planning Director	Design Commission Decision	Commercial Site Development Permit – Planning Director Decision	DRB Decision
Height	Varies - 65', 75', 85', and 125'	Base height up to 2 stories allowed. Up to an additional 3 stories allowed if major site feature or significant public amenity is provided.	Base height of 35'. Increase to 65' allowed for mixed use developments containing residential density thresholds or to developments providing structured parking	2 to 5 stories depending on Design District
Required Upper Story Stepback	1' stepback for every 2' above base of 45' up to a maximum 15' (overall-not per floor)	General stepback requirement in Zoning Code above 2 nd story. No specific dimension given.	One of several options in order to reduce mass above 2 nd story. Min. 6' above first 2 stories. Min. 6' above 4 th story for maximum 12'.	Yes. General policies in Downtown Plan. No specific dimension given.
DRB Design Departure Allowed	Yes – except for items in list.	No.	The degree to which each standard applies to a development/redevelopment project shall be evaluated on a case-by-case basis.	Yes. Departure only allowed for required yards in CBD.
Public Open Space	20% to 25% of total development area required if additional height (10' to 20') is requested.	One of several options for additional height - Min. 2% to 3% of development gross floor area & no less than 1,500 to 4,000 sq.ft.	None	None
Affordable Housing (related to additional/bonus height)	None.	Available option in which to obtain additional height. 1 sq.ft. affordable housing area for every square foot of market building area or 1 affordable unit for every 3 market rate units provided on highest story – whichever is greater.	Additional height allowed up to 65' for bonus units granted through affordable housing provisions.	None.

SMC 23.48.010 General structure height.

A. Maximum Height. Maximum structure height shall be forty (40) feet, fifty-five (55) feet, sixty-five (65) feet, seventy-five (75) feet, eighty-five (85) feet or one hundred twenty-five (125) feet as designated on the Official Land Use Map, Chapter 23.32, except as provided in subsection B of this Section.

B. Within the South Lake Union Urban Center, the maximum structure height in zones with sixty-five (65) foot and seventy-five (75) foot height limits may be increased to eighty-five (85) feet; and the maximum structure height in zones with an eighty-five (85) foot height limit may be increased to one hundred and five (105) feet, when:

1. A minimum of two (2) floors in the structure have a floor to floor height of at least fourteen (14) feet; and
2. The additional height is used to accommodate mechanical equipment; and
3. The additional height permitted does not allow more than six (6) floors in zones with a sixty-five (65) foot height limit, or more than seven (7) floors in zones with a seventy-five (75) foot or eighty-five (85) foot height limit; and
4. The height limit provisions of 23.48.016  A1b, Standards applicable to specific areas, are satisfied.

C. Additional Height Permitted. Within the area bounded by Valley and Mercer Streets and Westlake and Fairview Avenues North, maximum structure height may be increased from forty (40) feet to sixty-five (65) feet as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. In order to grant the special exception, the Director must find:

1. The lot is not located within the shoreline district. However, if a lot is located partially within the shoreline district, those portions of that lot which are not in the shoreline district may be eligible for the special exception.

2. In order to reduce potential height, bulk and scale and view impacts, enhance pedestrian connections across Valley and Mercer Streets, and provide greater opportunities for public open space:

a. A minimum of twenty (20) percent of the total development area must be provided as useable open space at street level. The useable open space must be directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open space.

(1) If the Director determines that greater public benefit will result, a portion of the required useable open space may be located above street level, provided:

i. A minimum of twenty-five (25) percent of the total development area is provided as useable open space;

ii. The useable open space is directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open

space;

iii. The useable open space enhances visual and physical pedestrian connection(s) between South Lake Union Park and the development area; and

iv. The required useable open space is provided at heights less than forty (40) feet, measured from existing or finished grade, whichever is lower.

(2) If the Director determines that greater public benefit will result, a portion of the required useable open space may be located below street level, provided:

i. A minimum of twenty-five (25) percent of the total development area is provided as useable open space;

ii. The useable open space is directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open space;

iii. The useable open space enhances the pedestrian connection(s) between South Lake Union Park and the development area;

iv. The useable open space provides visual and physical connections from street level to the useable open space. Required useable open space allows for ease of access to pedestrians from street level and may include streetscape elements such as semitransparent fencing and low-level vegetation; and

v. The design and siting of the required useable open space provides adequate light and air exposure and encourages lively pedestrian activity.

vi. When useable open space is provided below street level, the height of facades that abut the open space shall be measured from existing grade.

b. All portions of a structure that exceed forty (40) feet in height are limited to a maximum lot coverage of sixty-four (64) percent. In addition, portions of a structure above forty (40) feet in height must be located at least fifteen (15) feet from the street property line along Valley Street and Westlake, Terry, Boren, and Fairview Avenues North.

c. Departures from development standards may be granted pursuant to Chapter 23.41. Part I, Design Review, except for open space quantity or upper level lot coverage requirements in this section.

3. For buildings constructed under permits applied for after February 21, 2001, all uses at street level, except for parking, must have a minimum floor to floor height of thirteen (13) feet. Along Terry Avenue North between Valley and Mercer Streets and along Valley Street between Westlake and Boren Avenues North, the following apply:

a. A minimum of eighty (80) percent of a structure's street front facade at street level must be occupied by uses other than parking. For purposes of calculating the eighty (80) percent, twenty-two (22) feet for the width of a driveway to access parking may be subtracted

from the length of the street front facade if the Director determines that access to parking from Valley Street or Terry Avenue North is the best opportunity to avoid traffic problems or pedestrian conflicts.

b. A minimum depth of thirty (30) feet from the street front facade of the structure must be occupied by uses other than parking. The minimum required depth may be averaged, with no depth less than fifteen (15) feet.

c. If the street front facade and depth requirements result in a space greater than fifty (50) percent of the structure's footprint, the Director may modify the street front facade and depth requirements to reduce the space to fifty (50) percent of the structure's footprint.

D. Pitched Roofs. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend ten (10) feet above the height limit. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend five (5) feet above the height limit (Exhibit 23.48.010 A  . No p
nd
beyond the height limit under this provision.

E. Rooftop Features.

1. Smokestacks; chimneys; flagpoles; and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend up to four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. Solar collectors may extend up to seven (7) feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection E4 does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment;

d. Atriums, greenhouses, and solariums;

e. Play equipment and open-mesh fencing which encloses it, as long as the fencing is at least fifteen (15) feet from the roof edge; and

f. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012 .

5. At the applicant's option, the combined total coverage of all features listed in subsection E4 above may be increased to sixty-five

(65) percent of the roof area, provided that all of the following are satisfied:

- a. All mechanical equipment is screened; and
 - b. No rooftop features are located closer than ten (10) feet to the roof edge.
6. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection E5 at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:
- a. Solar collectors;
 - b. Planters;
 - c. Clerestories;
 - d. Atriums, greenhouses and solariums;
 - e. Minor communication utilities and accessory communication devices according to the provisions of Section 23.57.012 ;
 - f. Nonfirewall parapets;
 - g. Play equipment.
7. Screening Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.
8. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012 .

(Ord. [121782](#) Section 15, 2005; Ord. [121359](#) Section 3, 2003; Ord. [120928](#) Section 16, 2002; Ord. [120117](#) Section 26, 2000; Ord. [118302](#) Section 9 (part), 1996.)

SMC 23.48.012 Upper-level setback requirements.

A. Upper-level Setbacks are required where shown on Map A, Upper-level setbacks, and as required in this Section.

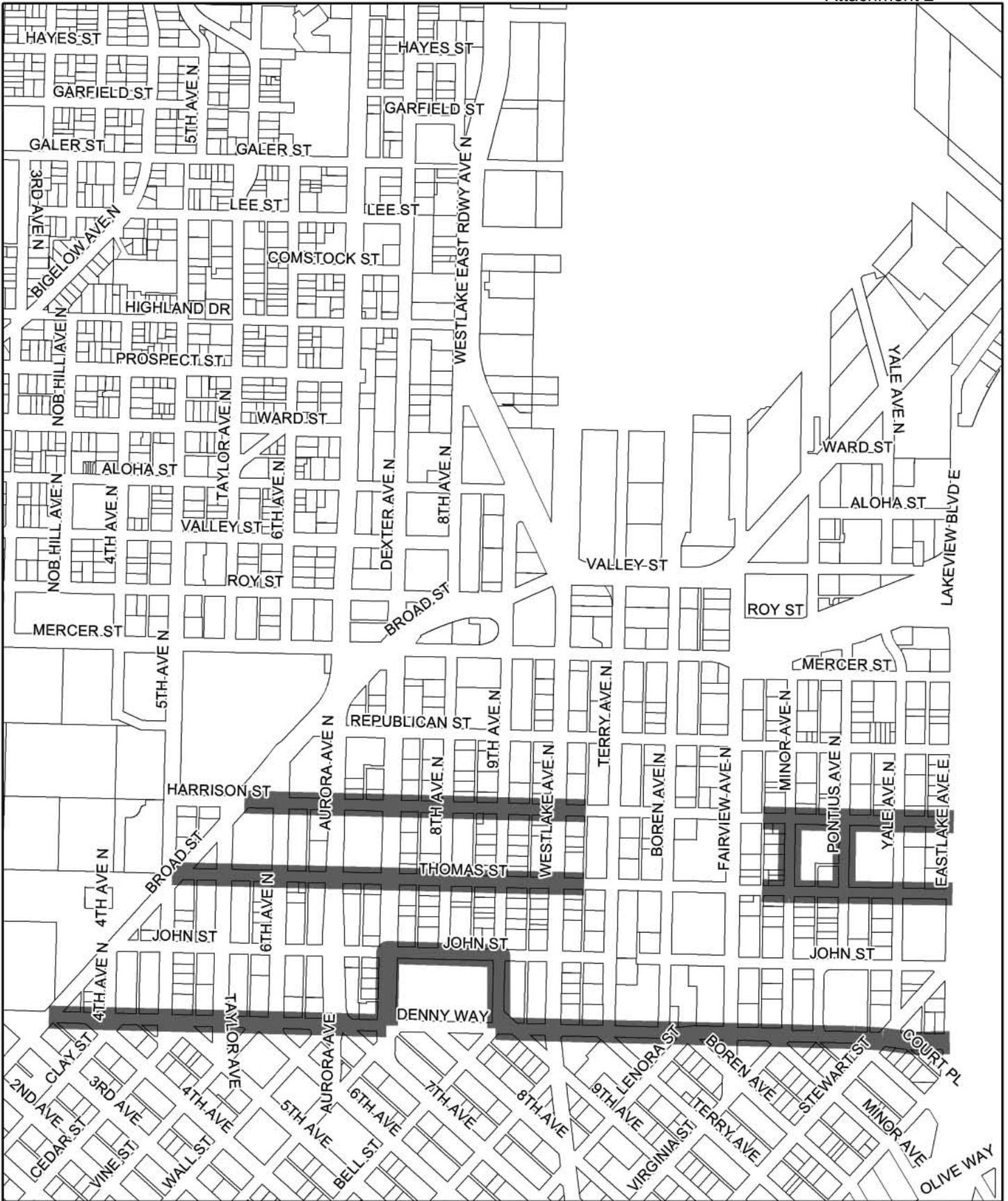
1. Structures on lots in the SM/65', SM/75' and SM/85' zones must provide an upper-level setback for the facade facing applicable streets or parks, for any portion of the structure greater than forty-five (45) feet in height.

2. Structures on lots abutting an alley in the SM/R designated area shall provide an upper-level setback for the facade facing an alley, for any portion of the structure greater than twenty-five (25) feet in height.

3. Structures on lots in the SM/125 zone, must provide an upper level setback for the facade facing applicable streets or parks, for any portion of the structure greater than seventy-five (75) feet in height.

B. Upper-level setbacks shall be provided as follows: Any portion of the structure shall be set back at least one (1) foot for every two (2) feet of height above twenty-five (25) feet, forty-five (45) feet, or seventy-five (75) feet whichever is applicable pursuant to subsection A of this section, up to a maximum required setback of fifteen (15) feet (Exhibit 23.48.012 A ).

C. Structures in Required Upper-level Setbacks. The first four (4) feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters shall be permitted in required setbacks (Exhibit 23.48.012 B .



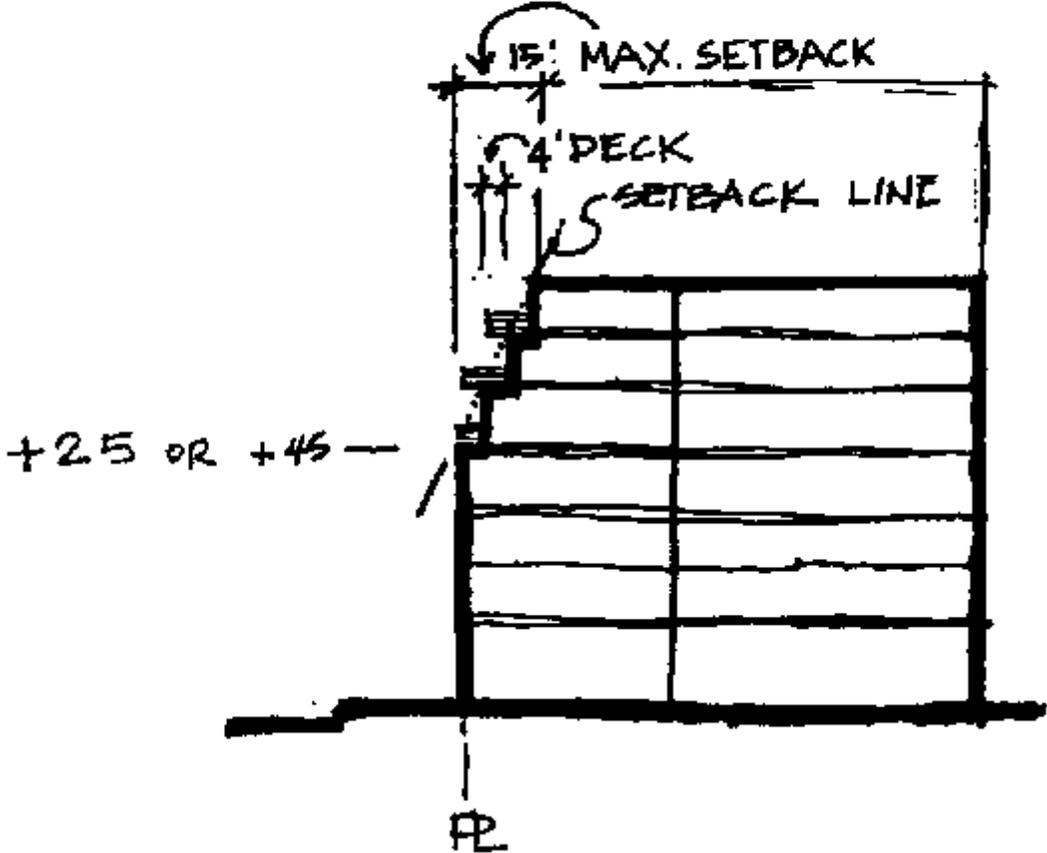
Upper-Level Setbacks

 Upper-level Setbacks Required



Map A

SMC 23.48.012
Exhibit 23.48.012 A
Upper level setback at either
25' or 45' in height



Mercer Island Town Center Zone

19.11.040 Building height.

A. Objectives. A pedestrian-scale environment is created through limiting building height. A base building height of two stories is established throughout the Town Center, in order to encourage such pedestrian-scale designs, respect for views, creation of visual interest and identity and incorporation of important public amenities. In the gateway, mixed use, mid-rise office, residential and auto focus areas, additional stories of building height may be allowed if the applicant complies with the following development and design standards.

B. Development and Design Standards.

1. Calculation of Building Height. Building height is the vertical distance measured from the average building elevation to the highest point of the roof structure. This does not include rooftop appurtenances.

2. Base Building Height. A base building height of up to two stories (not to exceed 26 feet) shall be allowed. One-story structures located adjacent to the public right-of-way shall be a minimum of 18 feet.

3. Additional Building Height.

a. Increase in Building Height in Exchange for Major Site Feature/Significant Public Amenity. The following chart sets forth the increased building height available for adding a major site feature or significant public amenity to the development:

Focus Area	Building Height with Major Site Feature	Maximum Building Height with Significant Public Amenity
Gateway	Four stories but not to exceed 52 feet	Five stories but not to exceed 65 feet
Mixed Use	Four stories but not to exceed 52 feet	Five stories but not to exceed 65 feet
Mid-Rise Office	Four stories but not to exceed 52 feet	Five stories but not to exceed 65 feet
Residential-NW	Four stories but not to exceed 52 feet	Five stories but not to exceed 65 feet
Residential-Central	Three stories but not to exceed 39 feet	Four stories but not to exceed 52 feet
Residential-South	Three stories but not to exceed 39 feet	Three stories but not to exceed 39 feet
Auto-Oriented	—	Three stories but not to exceed 39 feet

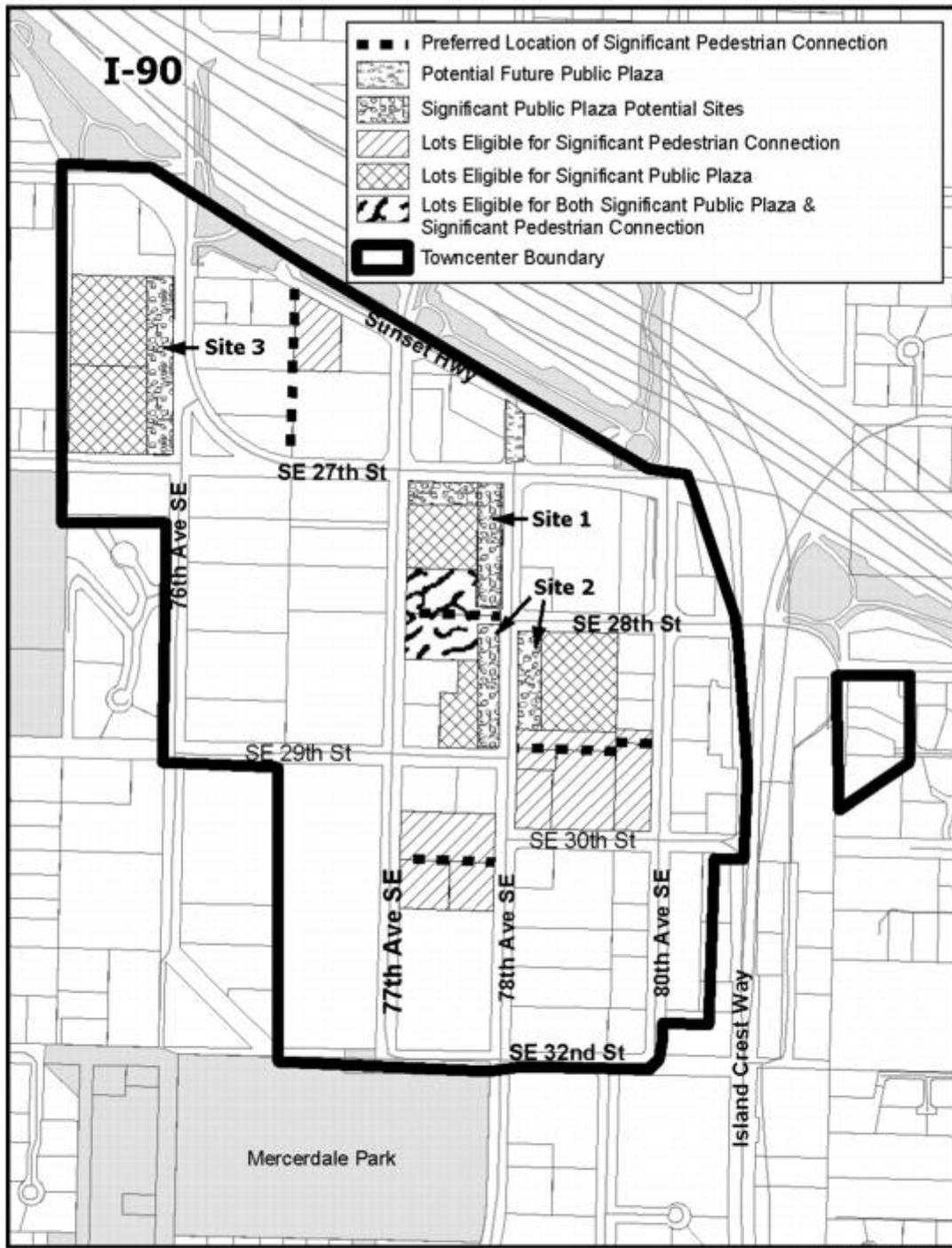
b. Eligibility for Maximum Building Height. Every lot in the Town Center is eligible for the maximum building height described in the above chart by providing a significant public amenity. The intent of this developer incentive is to obtain three significant public plazas in the Town Center, provide a single mid-block pedestrian connection across large city blocks in the Town Center and provide affordable housing in the Town Center. The type of significant public amenity that an applicant

must provide is described in Exhibit 3 in MICC [19.11.040](#) and in MICC [19.11.050](#) (B)(1).

4. Rooftop Appurtenances. Rooftop appurtenances are discouraged. If necessary, rooftop appurtenances may extend up to 10 feet above the maximum building height allowed, if there is a functional need for the appurtenance and that functional need cannot be met with an appurtenance of a lesser height. This provision shall not be construed to allow building height in excess of the maximum limit. Rooftop appurtenances should be located at least 10 feet from the exterior edge of any building, and together with the screening provided for below, shall not cover more than 20 percent of the rooftop area.

a. Screening of Rooftop Appurtenances. Appurtenances shall not be located on the roof of a structure unless they are hidden or camouflaged by building elements that were designed for that purpose as an integral part of the building design. All appurtenances located on the roof should be grouped together and incorporated into the roof design and thoroughly screened. The screening should be sight-obscuring, located at least 10 feet from the exterior edge of any building; and effective in obscuring the view of the appurtenances from public streets or sidewalks or residential areas located on the hillside surrounding the Town Center.

b. Wireless Communication Facilities. Wireless communication facilities (WCFs) shall be governed by MICC [19.06.040](#); provided, they shall be screened as required by subsection (B)(4)(a) of this section.



**Exhibit 3: Lots Eligible For
Significant Public Plazas
Significant Pedestrian Connections**



(Ord. 07C-02 § 2; Ord. 02C-05 § 1; Ord. 02C-04 § 3).

19.11.050 Significant public amenities.

A. Objectives. In order to focus more public amenities in the Town Center, to encourage affordable housing in future Town Center projects, and improve pedestrian circulation through mid-block connections, the city will provide a development bonus of one additional story of building height in exchange for a significant public amenity.

B. Development and Design Standards.

1. **Type of Significant Public Amenity Required.**

a. If an applicant owns a lot shown on Exhibit 3 in MICC [19.11.040](#) as eligible for either a significant pedestrian connection or significant public plaza, the applicant must provide such connection or plaza to qualify for the maximum building height except as otherwise described in subsections (B)(1)(c) and (d) of this section. If an applicant owns a lot shown on Exhibit 3 in MICC [19.11.040](#) as eligible for both a significant public plaza and a pedestrian connection, the design commission will select either a significant public plaza or connection based upon which amenity provides the greatest public benefit.

b. If an applicant owns a lot that is not highlighted on Exhibit 3 in MICC [19.11.040](#) as eligible for a connection or plaza, then the applicant must provide significant affordable housing to qualify for the maximum building height.

c. Once a significant public plaza has been approved by the design commission on Site 1, 2 or 3 shown on Exhibit 3 in MICC [19.11.040](#), no subsequent development may use a significant public plaza with respect to that site to qualify for the maximum building height but will still be eligible for the maximum building height by providing significant affordable housing.

d. Once a significant pedestrian connection has been approved by the design commission to create a mid-block connection for a large city block shown in Exhibit 3 in MICC [19.11.040](#), no subsequent development on such block may use a connection to qualify for the maximum building height but will still be eligible for the maximum building height by providing significant affordable housing.

2. **Significant Public Plaza.**

a. Location and Size. Significant public plazas shall be approximately located in the areas described in Exhibit 3 in MICC [19.11.040](#) as Sites 1, 2 and 3. A single plaza shall be a minimum size equal to three percent of the gross floor area of the development, but not less than 4,000 square feet in area. The plaza should be at least 20 feet in width. The design commission may allow a development to provide two or more plazas so long as the design commission determines that such multiple plazas will have an equal or greater public benefit and each plaza is at least 2,000 square feet in area. The primary purpose of the plaza shall be as a public gathering place. Other uses, including access to parking areas, lobby entrances, and stairs, must be secondary to the plaza purpose and areas required for such uses shall not be included in calculating the minimum size. Areas devoted to a plaza shall be in addition to any area required as a minor site feature under MICC [19.11.060](#).

b. Design Elements.

i. The plaza shall be at the same level as the public sidewalk, serve as a focal point for pedestrian activity within the Town Center, and should be fully integrated and designed consistent with any pedestrian connection or other public amenity.

ii. Plazas shall be designed with sufficient pedestrian amenities including seating, lighting, water features, special paving, landscaping, artwork and special recreational features, as determined by the design commission. At least two linear feet of seating surfaces per 100 square feet of space should be provided. To qualify, seating surfaces shall be a minimum of 18 inches in depth. At least half the seating should have seat backs and have surfaces made of wood, rather than metal, stone or

concrete. In addition, moveable chairs should be provided and shall not be for the sole use of an adjacent retail business.

iii. Pedestrian-oriented frontage is required on at least two sides unless the space is linear in design, in which case pedestrian-oriented frontage is required on at least one side.

iv. At least 25 percent but not more than 60 percent of the open space should be landscaped with trees, groundcover or other vegetation.

v. The plaza may not be covered by a roof, story or skybridge; provided portions of the plaza may be covered for weather protection, but not enclosed.

vi. All city approvals or permits for any structure shall be reviewed for compatibility with the alignment of any existing or approved plaza.

c. Plaza Plan. The applicant shall submit a plan with a minimum scale of one-quarter inch equals one foot for the plaza which shall include a description of all landscaping; lighting; street furniture; color and materials; relationship to building frontage; specific location of the plaza; and the relationship to and coordination with any pedestrian connection or other public amenity.

d. Public Access. The entire plaza should be open to the public 24 hours per day. Temporary closures will be allowed as necessary for maintenance purposes. Upon city approval, portions of the plaza may be separated, as required by the State of Washington Liquor Control Board, in order to allow outdoor seating for restaurant purposes.

3. Significant Pedestrian Connection.

a. Location and Size. Connections shall be located on the lots eligible for significant public connections as shown on Exhibit 3 in MICC [19.11.040](#). The actual location of the pedestrian connection on the lot shall be determined by the design commission based upon the following criteria: (i) the connection will connect with existing or future rights-of-way, other pedestrian connections and/or public plazas; (ii) the connection has the effect of dividing a large city block approximately in the middle of such block in approximately the preferred locations shown in Exhibit 3 in MICC [19.11.040](#); and (iii) it is likely that the remainder of the subject connection will be developed in the future based upon development conditions on surrounding lots. The connection shall be the length necessary to provide access between existing rights-of-way; provided, however, that if an applicant does not own all property necessary to make the connection, this option will still be available if an easement is provided to the city for the remainder of the connection. If the applicant fails to obtain the easement after using best efforts to obtain the easement, the city may still approve the connection. The connection shall be a minimum of 20 feet wide. The area devoted to a connection shall be in addition to the area devoted to any other minor site feature required pursuant to MICC [19.11.060](#). The primary purpose of the connection shall be as a means for pedestrian access between rights-of-way and as a public gathering place. Other uses, including access to parking areas, lobby entrances, and stairs must be secondary to and not conflict with the connection purpose and areas required for such uses shall not be included in calculating the minimum size.

b. Design Elements.

i. The connection shall be at the same level as the public sidewalk and incorporate sufficient pedestrian amenities such as seating areas, landscaping, art features, water features, weather protection and pedestrian scale lighting, as determined by the design commission.

ii. The connection should use special paving, such as decorative colored concrete, concrete unit brick or stone pavers and coordinated design features such as uniform

treatment of signing, landscaping and lighting over the entire length of the connection.

iii. The connection must provide predominantly continuous pedestrian-oriented frontage, plazas, pedestrian ways, street arcades, landscape features, or plazas along its entire length.

iv. The connection may not be covered by a roof or story; provided portions of the plaza may be covered for weather protection, but not enclosed, and skybridges connecting two buildings are allowed if the skybridge is less than 20 feet wide and less than 14 feet in height.

v. All city approvals or permits for any structure shall be reviewed for compatibility with the alignment of any existing or approved connection.

vi. The connection shall be for exclusive pedestrian use and may not be used by vehicles except as necessary for maintenance purposes.

c. Connection Plan. The applicant shall submit a plan with a minimum scale of one-quarter inch equals one foot for the connection which shall include a description of all landscaping; lighting; street furniture; color and materials; relationship to building frontage; specific location of the connection and the relationship to and coordination with any plaza.

d. Public Access. The entire connection should be open to the public 24 hours per day. Temporary closures will be allowed as necessary for maintenance purposes. Upon city approval, portions of the connection may be separated, as required by the State of Washington Liquor Control Board, in order to allow outdoor seating for restaurant purposes.

4. Legal Agreements Required for Significant Public Plaza and Pedestrian Connection. The owners of property to be devoted to a significant public plaza or pedestrian connection should retain fee ownership of that property but shall execute a legal agreement providing that such property is subject to a right of pedestrian use and access by the public. The agreement shall be in form and substance acceptable to the city attorney and be recorded with the King County division of records and elections and the Mercer Island city clerk. The obligations under the agreement shall run with the land. At the end of 50 years from the date the agreement is signed, the agreement will be reviewed by the city and the agreement shall continue or change in accordance with the then-existing public need for pedestrian use and public access for subsequent 50-year terms. No modifications to either a significant public plaza or pedestrian connection shall be made without approval of the city other than ordinary repairs and maintenance.

5. Significant Affordable Housing.

a. Affordable Housing Ratio. In order to qualify as significant affordable housing and in order to qualify for the development height bonus described in MICC [19.11.040](#), a development must provide affordable housing in at least the following ratios: (i) one square foot of affordable housing area in the development for every three additional square feet of market building area provided on the highest story; or (ii) one affordable housing unit in the development for every three additional market residential units provided on the highest story, whichever is greater. In no event shall there be less than two affordable housing units.

b. Design Elements.

i. The affordable housing units shall be intermingled with all other dwelling units in the development and are not required to be located on the top floor or bonus story.

ii. The type of ownership (owner versus rental) of the affordable housing units shall be the same as the type of ownership for the rest of the dwelling units in the development.

iii. The affordable housing units should consist of a range of number of bedrooms or studios that are comparable to units in the overall development.

iv. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

v. The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development.

c. Agreement. An agreement in form and substance acceptable to the city attorney shall be executed providing price restrictions, homebuyer or tenant qualifications and long-term affordability. The agreement shall be recorded with King County department of records and elections and shall constitute a covenant running with the land. Affordable housing units shall remain as affordable housing for a minimum of 30 years from the date of initial owner occupancy for owner affordable units and for the life of the project for rental affordable housing units.

d. Permit Fees. The city shall waive that portion of the building permit and plan review fees and reimburse that portion of the design review fees allocable to the highest story of the development based on the relative square footage of the highest story compared to the overall square footage of the building. (Ord. 07C-02 § 2).

19.11.060 Site features.

A. Objectives. All major new construction shall be designed to attract people to the Town Center, including the provision of special site features. Pedestrian-scale design elements may include street furniture or other seating surfaces on private property and design amenities scaled to the pedestrian such as awnings, drinking fountains, mid-block connections, arcades, colonnades, plazas, courtyards, water features, kiosks, public or private art and alternative paving materials in areas of pedestrian access.

B. Development and Design Standards.

1. Minor Site Features. All major new construction regardless of its height shall have at least three minor site features, subject to design commission determination that such choices contribute to a well-balanced mix of features in that focus area. All major new construction should have canopies or all-weather features described in subsection (B)(1)(b) of this section along 80 percent of all Type 1 streets. Minor site features may include the following:

a. Decorative Landmarks. Imaginative features that complement the building design and create visual focal points that give identity to an area, such as decorative clocks, special paving in pedestrian areas, art features, water features, drinking fountains, or creative designs for necessary building features or functions. Art should be integrated with the public street improvements. Examples include sculpture, murals, inlays, mosaics, friezes or bas-reliefs. The location of art shall provide for public view but not hinder pedestrian traffic.

b. Canopies or All-Weather Features. Specially designed all-weather features that integrate weather protection systems at the sidewalk level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection and sunlight on the pedestrian environment to make spending time outdoors feasible in all seasons, such as awnings, canopies, trellises, pergolas, or covered arcades.

i. Any canopy or awning over a public sidewalk should be a permanent architectural element.

ii. Any canopy or awning over a public sidewalk should project out from the building facade a minimum horizontal width of six feet and be between eight to 12 feet above grade.

iii. Architectural details should not be concealed by awnings or canopies.

- iv. Awning shapes should relate to the shape of the facade's architectural elements. The use of traditionally shaped awnings is encouraged.
 - v. Vinyl or plastic awnings or canopies are not allowed.
 - vi. All awnings or canopies must function to protect pedestrians from rain and other weather conditions.
- c. Kiosks. Community-oriented kiosks, which may include bulletin boards and newsstands or racks, creatively designed and consolidated and placed in areas where large numbers of people gather, which complements the site design and streetscape and reduces visual clutter.
- d. Courtyards. An outdoor covered or uncovered area easily accessible to the public at the same level as the public sidewalk or pedestrian connections which should:
- i. Be at least 10 feet in width, with a building facade on at least one side;
 - ii. Be covered with trees, groundcover, or other landscaping over at least 50 percent of its area; and
 - iii. Include seating, special paving material, pedestrian-scale lighting and other pedestrian furnishings;
 - iv. The courtyard may not be covered by a roof, story or skybridge; provided portions of the courtyard may be covered for weather protection, but not enclosed.
- e. Additional Sidewalk Setback. At least five feet of sidewalk width, in addition to the minimum sidewalk setback provided for in MICC [19.11.110\(B\)\(4\)](#), may be provided along 78th Avenue SE, along the entire street frontage of the development site. Such additional sidewalk should be designed to provide additional pedestrian access where parking pockets narrow the sidewalk, to accommodate street trees and benches, or to create spaces for more pedestrian-oriented activities such as outdoor dining or seating.

2. Major Site Features. Any major new construction which exceeds the two-story base height shall include at least one of the following major site features, subject to design commission determination that such choices contribute to a well-balanced mix of features in that focus area; provided, that a development providing a significant public amenity pursuant to MICC [19.11.050](#) is exempt from this major site feature requirement.

a. **Pedestrian Connection.** Pedestrian connections will qualify as a major site feature upon satisfaction of the design and development standards set forth in MICC [19.11.050\(B\)\(3\)](#) except that the minimum width shall be 10 feet.

b. **Public Plazas.** Public plazas will qualify as a major site feature upon satisfaction of the design and development standards set forth in MICC [19.11.050\(B\)\(2\)](#) except the plaza may be located anywhere in the Town Center including the sites identified on Exhibit 3 in MICC [19.11.040](#) and the minimum size of a single public plaza shall be at least two percent of the gross floor area of the development, but not less than 1,500 square feet in area. The design commission may allow a development to provide two or more plazas so long as the design commission determines that such multiple plazas will have an equal or greater public benefit as the single plaza, the combined square footage of the multiple plazas is at least two percent of the gross floor area of the development and each public plaza is at least 1,500 square feet in area.

c. **Water Feature.** A water feature shall be accessible and/or visible by pedestrians from an adjacent sidewalk or plaza.

i. Any water feature should be designed to use water efficiently with low water loss from evaporation and wind.

ii. In order to qualify as a major site feature, the cost of the water feature shall be

equivalent to at least two percent of the construction costs.

iii. Water features should be located in sunny areas.

d. Affordable Income Housing Units. Affordable housing will qualify as a major site feature upon satisfaction of the design and development standards set forth in MICC [19.11.050\(B\)\(5\)](#) except that the affordable housing ratio shall be as follows:

i. One square foot of affordable housing area in the development for every four additional square feet of market building area provided on the highest story; or

ii. One affordable housing unit in the development for every four additional market residential units provided on the highest story, whichever is greater.

3. Other Site Features. The design commission may approve other major or minor site features in place of those listed above.

a. "Major" Criteria. A site feature will only be considered as "major" if it is of equal or greater public benefit than one or more of the major site features listed above and should not be less than one percent of the construction costs.

b. Other Site Features. Examples of other site features include contribution to a public art or design project within close proximity to the new construction, such as the city's I-90 Artway; transit-oriented development (TOD) amenities, such as underground or structured parking that supports park and ride use or facilities that support bicycle use; or contribution to a public/private partnership, such as street improvements, that result in the development of a community-oriented public gathering place (such as at 78th Avenue SE between SE 27th Street and Sunset Highway). (Ord. 07C-02 § 2; Ord. 02C-05 § 1; Ord. 02C-04 § 3. Formerly 19.11.050).

Kenmore Downtown Commercial Zone**18.26.040 Zoning standards.**

The following zone-specific development standards in Table B apply in the downtown commercial zone:

Table B. Downtown Commercial Development Standards

STANDARD	REQUIREMENT
Base Density: Dwelling Units/Gross Acre	48; applies east of 68th Avenue NE
Maximum Density: Dwelling Units/Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE
Minimum Density: Dwelling Units/Net Acre for Stand-Alone Multifamily Proposals	36
Street Setback	Minimum 10 ft. from SR-522, unless otherwise allowed through the Chapter 18.52 KMC, Downtown Design Standards; other streets 0 ft. Maximum 10 ft. unless otherwise allowed through Chapter 18.52 KMC, Downtown Design Standards Subject to design review, site plan review, and right-of-way use permits, the city may authorize intrusions of structural elements into the public right-of-way including awnings, columns, bay windows, or others when such would not impede safe travel by pedestrians, solar access is not significantly diminished, and city liability is limited
Minimum Interior Setback	0 ft.; except when property adjoins R-1 to R-12 property, then 20 ft.
Base Height	35 ft.
Maximum Height	65 ft.
Applicable to mixed use developments containing residential dwellings at a minimum 50 percent of square footage to a maximum of 75 percent square footage; or to developments achieving density bonus; or to developments providing structured parking	
Maximum Impervious Surface: Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards

[Ord. 07-0267 § 3; Ord. 04-0197 § 1; Ord. 03-0175 § 17.]

18.26.050 Conflicts.

In the event of conflict between Chapter [18.52](#) KMC, Downtown Design Standards, and downtown commercial zone standards, the Kenmore downtown design standards shall prevail. [Ord. 03-0175 § 17.]

18.52.310 Upper level setbacks, mass, and bulk.

- A. Intent.
1. Develop Pedestrian Scale. To ensure that multiple-storied building facades do not overwhelm the pedestrian orientation and scale of downtown.
- B. Standards – Required. A minimum of two of the following techniques shall be applied to facades visible from public rights-of-way and public spaces to minimize the apparent bulk and mass of a building:
1. Step Back Buildings Over Two Stories. Buildings above two stories in height shall step back the upper stories as follows:
 - a. Stepbacks above two stories shall be a minimum of six feet from the first two floors;
 - b. A second, minimum six-foot stepback shall be made above four stories;
 - c. Evident Decrease in Bulk. Stepbacks need not be continuous and uniform across the entire facade as long as bulk is visually decreased.
 2. Horizontal Building Modulation. Use bays, recesses, and building projections to provide variations in large facades.
 - a. The maximum horizontal length without building modulation shall be 100 feet.
 - b. Modulation Depth. The minimum modulation depth shall be six feet.
 3. Modulated Roof Line. Provide breaks in the roofline by alternating stepped roofs, gables, dormers, etc. (see roof form standards, KMC [18.52.220](#)).
 4. Articulation. Building articulation with at least one of the following architectural elements:
 - a. Change in materials or color with a change in building plane;
 - b. Decks and Balconies. Decks, terraces, and balconies are encouraged but not required, and may be roofed or open;
 - c. Bay windows;
 - d. Repeat distinctive window patterns at horizontal modulation intervals.
 5. Other Treatments. Other architectural treatments which meet the intent of this standard.
- C. Exceptions.
1. Stairs, Corner Features, and Other Architectural Features. Stairs, corners, and other vertical architectural features are not required to step back. [Ord. 03-0176 § 1.]