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MEMORANDUM

To: David Ramsay, City Manager

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

Date: February 9, 2009

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

RECOMMENDATION

Continue City Council deliberations on the draft amendments to the Central Business District (CBD) and provide staff with additional direction for any desired revisions to the amendments. If Council concludes their deliberations on the highlighted topics on February 17th, staff recommends that the public hearing be reopened for public testimony at the March 3rd City Council meeting.

BACKGROUND

The following list summarizes Council direction to staff from the February 3rd meeting. The first three topics are highlighted as areas where additional Council direction may be needed. The remaining topics summarize Council direction but don't need further deliberation at this time.

FURTHER COUNCIL DIRECTION NEEDED

- A. Revise building heights to a two-tier approach where lower buildings would be held to lesser standards for required retail depth and required retail height (see Attachment 1, General Regulation 3 and Section 50.62.2).**
- **New buildings that are at least 10' below the maximum allowed height would only be required to provide a 20' average retail depth (10' minimum) and a minimum 13' ground story retail height.**
 - **Buildings that are proposed at the maximum allowed height would be required to provide a 30' average retail depth (20' minimum) and a minimum 15' ground story retail height.**

Clarifying discussion: In providing this direction on February 3rd, Council expressed concern that if the retail depth and height requirements applied to all buildings, then there was no incentive for an applicant who wished to build a lower building. Although staff has not conducted any economic analysis of the two tier

system to determine if it would provide enough incentive to build a lower building, it appears unlikely that it would. The benefit of the additional 10' of building height would likely far outweigh any cost associated with the additional retail height and depth. It should also be noted that in CBD 1A, a 35' height limit (without the additional retail height and depth) would adversely affect typical office floor to floor heights.

If the goal is to achieve the mix of building heights envisioned in the Downtown Plan, measures previously discussed, including different height limits in the CBD 1A and CBD 1B zones and establishing height limits along Lake Street and Central Way, will be more effective at creating that mix.

B. Remove the word “Related” from the use “Banking and Related Financial Institutions” so that it reads “Banking and Financial Institutions”.

Clarifying discussion: This change would seem to broaden the list of uses to any financial institution. The current requirement is that only banking-related financial institutions are allowed. Staff is not sure that the Council intended to broaden the allowance. Options include:

- *Removing the word “related” if the intent is to broaden the list of allowed financial institutions.*
- *Leaving the wording as is and defer discussion.*
- *Remove “related financial institutions” entirely, allowing only banks on the ground floor (the office use listing would be expanded to include financial institutions, thereby allowing them above the ground floor).*

C. Staff should present options for regulating upper story setbacks on sites with multiple frontages.

Discussion: For all streets other than Central Way and Lake Street, the draft regulations propose a 20' average building setback within a 30' setback zone for all stories above the second story. This setback is measured from the property line prior to any dedication for a wider sidewalk. In addition, the 20' average setback may be reduced to an average of 15' if each square foot of additional building area proposed within the setback is offset with an additional square foot of public open space at the street level. These regulations codify the Downtown Plan policies that recommend significant upper story step backs and a reduction of building mass for stories above the 2nd story.

As drafted, this regulation applies to all street frontages regardless of the number of streets fronting on the subject property. Property owners within CBD 1 have expressed concern that application of this regulation will negatively affect development on properties with multiple street frontages.

Staff has provided diagrams that show how corner properties may be affected. The map to the right shows locations within CBD 1 corresponding to the five perspective diagrams on the following pages that depict the affected properties.

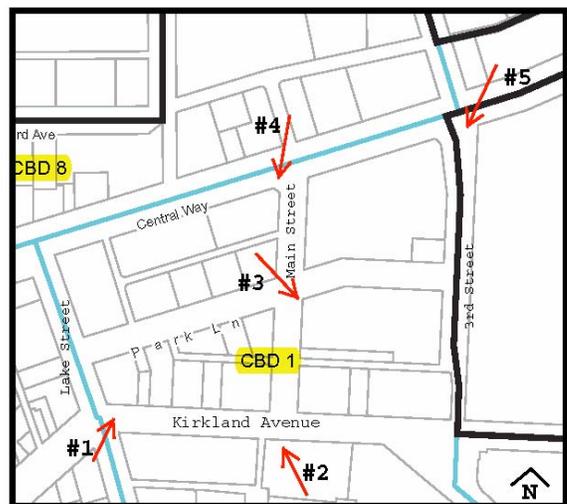
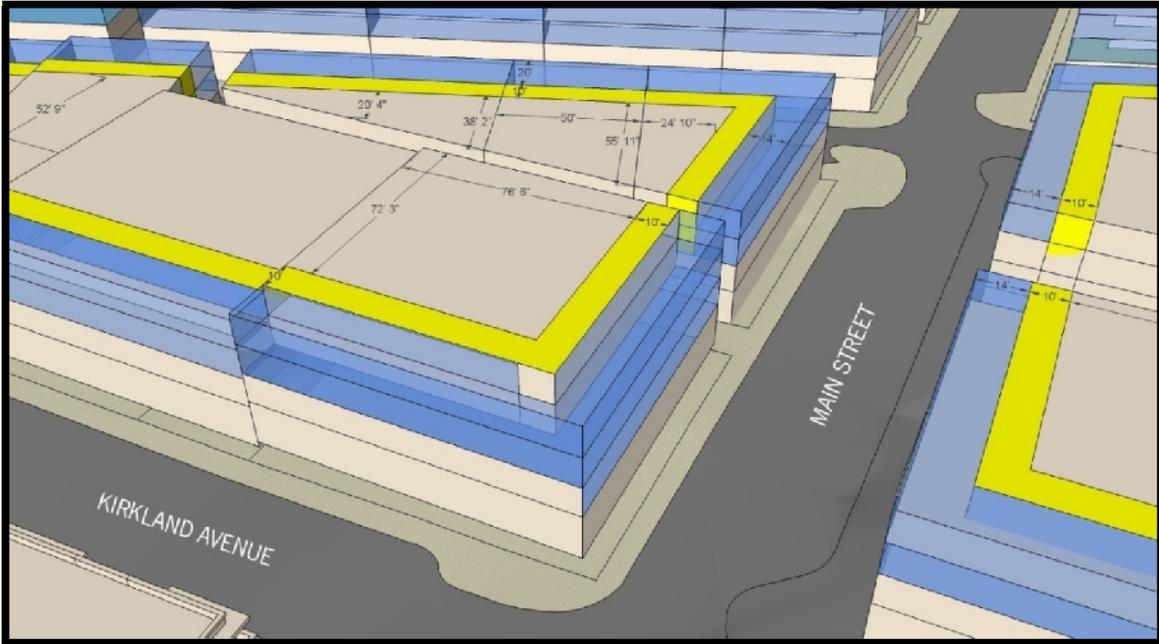


Diagram #2



Perspective along Kirkland Avenue looking northwest towards the Frontier Bank property.

Diagram #3



Perspective along Main Street looking southeast towards the Antique Mall property.

Diagram #4



Perspective along Central Way looking southwest towards the Eastside Trains property.

Diagram #5



Perspective along Central Way looking southwest towards the Peter Kirk Square property.

Options for discussion:

- No changes, keep as drafted.
- Require a 20' average upper story setback along Park Lane and Kirkland Avenue and a reduce the requirement to a 10' upper story setback on Third Street, Main Street, and Second Avenue South.
- Require a 20' average upper story setback on one street only. For properties with frontage on more than one street, the average could be reduced to 10' on the additional street frontages. Some regulatory prioritization of streets may be desirable under this option.

COUNCIL DIRECTION – SUMMARY, NO DISCUSSION NEEDED

- A. Retain 13' sidewalk requirement (see Attachment 1, General Regulation 4).
- B. Prohibit banks on Park Lane and Lake Street (see Attachment 1, Section 50.12.025 Special Regulations 1 and 2).
- C. Retain “Entertainment, Cultural, and/or Recreational Facility” as an allowed retail use. Add discussion to “parking lot” for future consideration (see Attachment 1, General Regulation 3).
- D. Measure the 30' Lake Street setback from the property line (see Attachment 1, General Regulation 5).
- E. Keep upper story setbacks on streets (other than Lake Street and Central Way) at 20' average setback within 30' zone (see Attachment 1, General Regulation 5). *Note that the discussion of multiple frontages above may modify this.*
- F. Call out the corner of Central Way and Third Street for special consideration in the Design Guidelines (see Attachment 2).

COMPREHENSIVE PLAN CONSISTENCY

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. Note that with the creation of regulations to implement the Comprehensive Plan policies, the draft amendments would cease to use the Comprehensive Plan as a regulatory document. The matrix below summarizes the Downtown Plan policies in the first column and the related draft amendments in the second column.

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 building setback formula and supporting design guidelines that require buildings to step back above the 2nd story (see CBD 1A/1B, draft General Regulation 5.c & d).
<ul style="list-style-type: none"> ▪ Buildings 2 stories along Lake Street 	<ul style="list-style-type: none"> ▪ Limit buildings to two stories within 30' of Lake Street (see CBD 1A/1B,

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

Policies for “Bonus” Story	Regulatory Response
<p>Additional 4th story in Design District 1A, additional 5th story in District 1B</p>	<ul style="list-style-type: none"> ▪ Amend zoning map to divide CBD 1 into CBD 1A and CBD 1B zones consistent with the Design Districts (see draft ordinance O-4178). ▪ Establish allowed height in feet rather than stories (see draft use zone charts). ▪ Allow 45’ maximum height in CBD 1A (see draft CBD 1A/1B use zone charts). ▪ Allow 55’ maximum height in CBD 1B (see draft CBD 1A/1B use zone charts).
<ul style="list-style-type: none"> ▪ At least 2 upper stories are residential in 1A, at least 3 upper stories are residential in 1B 	<ul style="list-style-type: none"> ▪ 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 incentivize 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.
<ul style="list-style-type: none"> ▪ 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’) 	<ul style="list-style-type: none"> ▪ Establish maximum building heights of 45’ in CBD 1A and 55’ in CBD 1B (see draft CBD 1A/1B use zone charts).
<ul style="list-style-type: none"> ▪ Stories above 2nd stepped back significantly 	<ul style="list-style-type: none"> ▪ See average setback requirement (CBD 1A/1B, draft General Regulation 5.c & d) and draft new design guidelines. Note guidelines that require building mass to recede as height increases.
<ul style="list-style-type: none"> ▪ Building form stepped back at 3rd, 4th, and 5th stories 	<ul style="list-style-type: none"> ▪ See average setback requirement (CBD 1A/1B, draft General Regulation 5.c & d) and draft new design guidelines. Note guidelines that require building mass to recede as height increases.
<ul style="list-style-type: none"> ▪ Project provides superior retail space at street level 	<ul style="list-style-type: none"> ▪ Establish enhanced retail design standards that apply to all of CBD 1A/1B, regardless of height. ▪ Require retail uses at the street level at a minimum average depth of 30’ (see draft CBD 1A/1B General Regulation 3). <i>Discussion above would reduce for lower buildings.</i> ▪ 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). <i>Discussion above would reduce for lower buildings.</i> ▪ Increase sidewalk width requirement from 10’ to minimum 13’ average (see draft CBD 1A/1B General Regulation 4). ▪ Establish open space/plaza incentives in conjunction with upper story setback requirements (see draft CBD 1A/1B General Regulation 5.d). ▪ 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.
<ul style="list-style-type: none"> ▪ Height of rooftop appurtenances and screening limited and integrated into roof form 	<ul style="list-style-type: none"> ▪ 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).

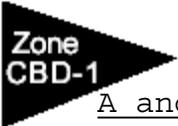
ATTACHMENTS

1. Draft Regulations
2. Draft Design Guidelines

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

Section 50.10, General Regulations continued on next page

Section 50.10, General Regulations continued

3. Parking and uses other than the following shall be prohibited on the street level floor of all buildings within a minimum depth of 20' and an average depth of at least 30': Retail; Restaurant or Tavern; Banking and Related Financial Services; or Entertainment, Cultural and/or Recreational Facility use. The required depth of uses shall be 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. Within proposed or existing buildings built after April 1, 2009 that are 10' or more below the maximum allowed height of structure, uses other than those listed above shall be prohibited within a 10' minimum depth and a 20' average depth.

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.

Note - insert any regulations for multiple frontages here

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.

USE ZONE CHART

Section 50.12

Zone
CBD-1

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

Section 50.12	USE ↑	REGULATIONS ↑	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage				
			Front	Side	Rear						
.010	Restaurant or Tavern		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		0'	0'	0'	100%	1A - 45' above each abutting right-of-way. 1B - 55' above each abutting right-of-way.			One per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. 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. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled 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.

Section 50.12

Zone
CBD-1

USE ZONE CHART

USE REGULATIONS		DIRECTIONS: FIRST, read down to find use... THEN, across for 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)	
Section 50.12	USE → ↑	None	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. Drive-through facilities are permitted as an accessory use if: 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: 1) Was demolished to allow redevelopment of the site on which the primary use was located; and 2) Will serve the same business served by the replaced facility, even if that business moves to a new location; and 3) Does not result in a net increase in the number of drive-through lanes serving the primary use; and 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 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 d. Any replacement drive-through facility is reviewed and approved pursuant to Chapter 142 KZC for compliance with the following criteria: 1) The design of the vehicular access for any new drive-through facility is compatible with pedestrian walkways and parking access. 2) Disruption of pedestrian travel and continuity of pedestrian-oriented retail is limited by minimizing the width of the facility and associated curb-cuts.	
			.025	Banking and Related Financial Services (see spec. reg. 2)	D.R., Chapter 142 KZC							

Except along Park Lane and Lake Street.

in CBD 1A or 1B

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

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.

Section 50.12



USE ZONE CHART

ATTACHMENT 1

Section 50.12		REGULATIONS		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
		USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS				Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)
Section 50.12	USE	REGULATIONS	Lot Size		REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure	D	E		
				Front	Side	Rear	0'					0'	0'
.030	Hotel or Motel		None	0'	0'	0'	100%	2 to 5 stories above each abutting right-of-way.	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		None	0'	0'	0'	100%	2 to 4 stories above each abutting right-of-way.	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.	

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			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'	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 90 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. 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. 3. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect signed by an Acoustical Engineer, must be submitted with the D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units.	
	Office Use		0'	0'	0'	2 to 5 stories above each abutting right-of-way.	A	D	One per each 350 sq. ft. of gross floor area. See KZC 50.60. 1.7 per unit. See KZC 50.60.			
.080	Stacked or Attached Dwelling Units											
.090	School, Day-Care Center or Mini School or Day-Care Center						2 to 4 stories above each abutting right-of-way.	B	B	See KZC 50.60 and 105.25.	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).	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 50.12	USE ↓	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS			Special Regulations (See also General Regulations)			
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)
					Front	Side	Rear						
.100	Assisted Living Facility See Special Regulation 3.		D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 to 5 stories above each abutting right-of-way	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. b. 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. 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.
.110	Public Utility, Government Facility, or Community Facility								2 to 4 stories above each abutting right-of-way	D	B	See KZC 50.60 and 105.25.	
.120	Public Park												

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

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; **provided however that in CBD 1A and CBD 1B, any proposed or existing buildings built after April 1, 2009 that are 10' or more below the permitted maximum height of structure shall be required to provide a minimum 13' story height of ground floor retail.**~~

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.

Street Corners

Issue

Street corners provide special opportunities for visual punctuation and an enhanced pedestrian environment. Buildings on corner sites should incorporate architectural design elements that create visual interest for the pedestrian and provide a sense of human proportion and scale.

Discussion

Corners are crossroads and provide places of heightened pedestrian activity. Rob Krier notes that: "The corner of a building is one of the most important zones and is mainly concerned with the mediation of two facades." Corners may be accentuated by towers and corner building entrances.

Guideline

Property owners and developers should ~~be encouraged to~~ architecturally enhance building corners.

Special Consideration for Downtown Kirkland

Special attention should be paid to both the design and detailing of new buildings on corner sites in the pedestrian oriented design districts. Existing buildings could incorporate some of these elements (human-scale and visual punctuation) through the use of such elements as awnings and well-designed signs at the corner.

Downtown Kirkland has several "T" intersections, and the building located at the terminus of the street view corridor presents a high-visibility opportunity for special architectural treatment.

The corner of Central Way and Third Street marks a prominent gateway to the core area as well as the Downtown Transit Center and deserves special design emphasis.