



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
Jon Regala, Senior Planner

Date: December 29, 2008

Subject: **CBD ZONING AMENDMENTS – Upper Story Step Backs & Retail Requirements**
File No. ZON08-00019

RECOMMENDATION

At the January 5, 2009 Design Review Board (DRB) meeting, provide staff feedback on the attached draft design guidelines and regulations that pertain to upper story step backs and retail design requirements in the Central Business District (CBD). Staff will include the DRB's recommendations from this meeting in the packet for the City Council's January 20, 2009 public hearing on this matter.

BACKGROUND

In CBD 1, the Zoning Code adopts the Comprehensive Plan policies as regulations to be used by the DRB. In order to remove the discretion and uncertainty of the Downtown Plan policies, the Council has been committed to creating clear zoning *regulations* and supporting design guidelines that clarify the policies in question: upper story step backs and superior retail design as described in the Downtown Plan section of the Comprehensive Plan. The Council has had 4 study sessions regarding this matter with input from the DRB. The proposed regulations and supporting guidelines will help attain the Council's goal of codifying the Downtown Plan policies.

All of the proposed changes will affect property in CBD 1. Proposed changes which affect retail height at the street level and measuring building height in terms of feet rather than stories will affect all CBD zones (except where already being applied). Attachment 1 contains a matrix which shows the affected zones. Attachment 2 contains the proposed changes to the CBD use zone charts in the Kirkland Zoning Code (KZC).

Below is a summary of the proposed changes based on previous direction from the City Council.

Superior Retail

Research of approved projects (Merrill Gardens, the Heathman Hotel, Kirkland Central, and Bank of America site) indicates that in designing for "superior retail" – which partially justified height bonuses, the

DRB has consistently focused on the public realm by providing wider than required sidewalks and/or public open space in the form of plazas. The Council is considering increasing sidewalk widths to an average of 13 feet (from 10 feet) with a 12-foot minimum. This proposed change has been incorporated into the CBD use zone charts (see Attachment 2) with additional language in KZC Section 110.52 and Plate 34H (see Attachment 3).

Also being considered is requiring a minimum 15-foot retail ground floor height and 30-foot minimum depth for retail space (see Attachments 2 and 4). Design guidelines have been revised to support the taller retail frontage (e.g. better glazing/window standards). Attachment 5 contains a draft guideline. Banks and related financial service uses would be prohibited along Park Lane and Lake Street.

Building Height

Regarding building heights, CBD 1 is proposed to be divided into a CBD 1A zone and a CBD 1B zone (see diagram to the right) to correspond to the 4-story and 5-story height districts established in the Comprehensive Plan.

In addition, the Zoning Code would be amended to express building height in terms of feet rather than stories. Therefore, in CBD 1A the maximum height will be 45 feet (rather than 4 stories) and in CBD 1B the maximum height will be 55 feet (rather than 5 stories) to reflect the allowed height in the Downtown Plan. This change has been incorporated into the CBD use zone charts (see Attachment 2).



Height of rooftop appurtenances would not be allowed to be increased above the allowed height for parapets and/or peaked roofs (see Attachment 4).

Two Stories along Lake Street South

The City Council is considering requiring a 30-foot setback from the property line for all stories above the second story. The setback could be reduced to a minimum 25 feet in exchange for additional public space at the ground level (one square foot of floor space in exchange for one square foot of public space at the ground level).

Three stories along Central Way

Consistent with the requirement for buildings along Lake Street South, stories above the *third* story for buildings along Central Way would be setback 30 feet from the property line. The setback could be reduced to a minimum 25 feet in exchange for additional public space at the ground level (one square foot of floor space in exchange for one square foot of public space at the ground level).



Upper Story Step Back Map

Upper Story Step backs

To address policies regarding upper story step backs found in the Downtown Plan for Design District 1A and 1B, the City Council is considering requiring an average upper story *setback* of 20 feet measured from the property line. This average setback would be required for stories above the second story and would apply to the area of building within 30 feet of the property line. This regulation would apply to buildings within CBD 1A and 1B along Park Lane, 3rd Street, Main Street, 2nd Avenue South, and Kirkland Avenue. The DRB would be given authority to review and approve the final arrangement of setbacks for upper stories based on guidelines for modulation and vertical and horizontal definition of building forms.

Attachment 6 contains the draft guidelines regarding upper story step backs.

ATTACHMENTS

1. Matrix of Proposed Changes
2. CBD Use Zone Charts
3. Proposed Change to KZC Section 110.52 and Plate 34H
4. Proposed Changes to KZC Section 50.62
5. Draft Window/Glazing Guideline
6. Draft Upper Story Step Back Guidelines

CBD Zones Affected by Proposed Changes

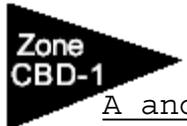
Proposed Changes	CBD 1	CBD 2	CBD 3	CBD 4	CBD 6	CBD 7	CBD 8
Require 13' average sidewalk width with 12' minimum	x						
Prohibit bank and related financial uses along Park Lane and Lake Street South	x						
No size and roof coverage modifications to rooftop appurtenances allowed	x						
Height measured in feet instead of stories	x	x	x	x	x	x	Already measured in feet
Minimum 15' ground floor retail height	x	x	x	x	x	x	x
Along Lake Street - 30' upper story setback (3 rd , 4 th , and 5 ^{th*} stories)	x						
Along Central Way - 30' upper story setback (4 th and 5 ^{th*} stories)	x						
Along all other streets - 20' average upper story setback (3 rd , 4 th , and 5 ^{th*} stories)	x						
Allow ground floor public space tradeoff for additional upper story building area	x						
Supporting design guidelines	x	x	x	x	x	x	x

X = Applies to Zone
 * Where 5th Story is Allowed

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.

 <p>Zone CBD-1 A and 1B</p>	Section 50.10 – GENERAL REGULATIONS
	<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.).

3. 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. The Design Review Board is authorized to allow a reduction of the 30' setback by not more than 5' if: each square foot of additional building area is offset with an additional square foot of public open space (excluding area required for sidewalk dedication) at the street level; and the design is consistent with applicable design guidelines.

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. The Design Review Board is authorized to allow a reduction of the 30' setback by not more than 5' if: each square foot of additional building area is offset with an additional square foot of public open space (excluding area required for sidewalk dedication) at the street level; and the design is consistent with applicable design guidelines.

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 Design Review Board is authorized to allow a reduction of the 20' average setback by not more than 5' (minimum 15' required average) if: each square foot of additional building area is offset with an additional square foot of public open space (excluding area required for sidewalk dedication) at the street level; and the design is consistent with applicable design guidelines.

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 set aside for vehicular areas rather than building) x (Required average setback) x (Number of stories proposed above the second story).

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

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

4. The street level floor of all buildings shall contain one or more of the following uses at a minimum depth of 20' and an average depth of 30' (as measured from the face of the building on the abutting right-of-way): Retail; Restaurant or Tavern; Banking and Related Financial Services; or Entertainment, Cultural and/or Recreational Facility use. 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.

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

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

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

Section 50.12

Zone
 CBD-1

USE ZONE CHART

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

Section 50.12	 USE  REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		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						
.025	Banking and Related Financial Services (see spec reg. 2)	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	2 to 4 stories above each abutting right-of-way. 1A - 45' above each abutting right-of-way 1B - 55' above each abutting right-of-way	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. Drive-through facilities are permitted as an accessory use if: <ol style="list-style-type: none"> The drive-through facility existed prior to January 1, 2004, OR the drive-through facility will replace a drive-through facility which existed on January 1, 2004, and which drive-through facility: <ol style="list-style-type: none"> Was demolished to allow redevelopment of the site on which the primary use was located; and Will serve the same business served by the replaced facility, even if that business moves to a new location; and Does not result in a net increase in the number of drive-through lanes serving the primary use; and 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 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 Any replacement drive-through facility is reviewed and approved pursuant to Chapter 142 KZC for compliance with the following criteria: <ol style="list-style-type: none"> The design of the vehicular access for any new drive-through facility is compatible with pedestrian walkways and parking access. Disruption of pedestrian travel and continuity of pedestrian-oriented retail is limited by minimizing the width of the facility and associated curb-cuts.

Except along Park Lane and Lake Street.

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 #4 on the street level floor of a building fronting on Park Lane or Lake Street.

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

Section 50.12	 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	Hotel or Motel	D.R., Chapter 142 KZC	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							2 to 4 stories above each abutting right-of-way.			See KZC 50.60 and 105.25.	

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

Section 50.12

Zone
 CBD-1

USE ZONE CHART

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'	0'	100%	2 to 4 stories above each abutting right-of-way.	D	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> 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. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect signed by an Acoustical Engineer, must be submitted with the D.R. and building permit applications. A veterinary office is not permitted if the subject property contains dwelling units. 	
.070	Office Use							D					One per each 350 sq. ft. of gross floor area. See KZC 50.60.
.080	Stacked or Attached Dwelling Units							A					1.7 per unit. See KZC 50.60.
.090	School, Day-Care Center or Mini School or Day-Care Center	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required along all property lines adjacent to outside play areas. Structured play areas must be setback from all property lines by at least five feet. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 									

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

Section 50.12

Zone
 CBD-1

USE ZONE CHART

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

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

50.14 User Guide.

The charts in KZC [50.17](#) contain the basic zoning regulations that apply in the CBD 2 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

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

[link to Section 50.17 table](#)

41'

Section 50.17

Zone
 CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure	
				Front	Side	Rear							
.010	A Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60. See KZC 50.60 and 105.25. One for each room. See Special Regulation 4 and KZC 50.60. One per each 125 sq. ft. of gross floor area. See KZC 50.60.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. c. No structure, other than moorage structures, may be waterward of the high waterline. For regulation regarding moorages, see the moorage listings in this zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 2. The following uses are not permitted in this zone: a. Vehicle service stations. b. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. c. Drive-in facilities and drive-through facilities. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 4. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.	
	.020												Entertainment, Cultural and/or Recreational Facility
	.030												Hotel or Motel
	.040												Restaurant or Tavern

(Revised 4/07)

Section 50.17

Zone
 CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	School, Day-Care Center, or Mini School or Day-Care Center	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ol style="list-style-type: none"> A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this zone. A six-foot-high fence is required along all property lines adjacent to outside play areas. Structured play areas must be setback from all property lines by at least five feet. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

28'

Section 50.17

Zone
 CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	 USE  REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Assisted Living Facility See Special Regulation 4.	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: a. One parking stall shall be provided for each bed. 3. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. c. No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 4. 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.

28'

Section 50.17

Zone
 CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.070	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	
.080	Office Use									D	One per 350 sq. ft. of gross floor area. See KZC 50.60.	

28'

Section 50.17

Zone
 CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	Stacked or Attached Dwelling Units	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per unit. See KZC 50.60.	<ol style="list-style-type: none"> The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ol style="list-style-type: none"> A high waterline yard equal in depth to the greater of 15 ft. or 15 percent of the average parcel depth is hereby established on the subject property. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 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.
.100	Public Access Pier or Boardwalk		Landward of the high waterline 0' 0' 0'	Waterward of the high waterline 0' 10' 0'	See Special Regulation 8.	--	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	--	See Spec. Reg. 7.	--	<ol style="list-style-type: none"> No accessory uses, buildings, or activities may be permitted as part of this use. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. May not treat structures with creosote, oil base, or toxic substances. Must provide at least one covered and secured waste receptacle. All utility lines must be below the pier deck and, where feasible, underground. Piers must be adequately lit; the source of the light must not be visible from off the subject property. The pier or boardwalk must display the street address of the subject property. The address must be oriented to and visible from the lake with letters and numbers at least four inches high. The side property line yards may be reduced for over water public access piers or boardwalks which connect with waterfront public access on adjacent property. 	

(Revised 4/07)

Section 50.17

Zone
 CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.110	Moorage Facility for One or Two Boats	D.R., Chapter 142 KZC.	None	Landward of the high waterline 0' 0' 0'	Waterward of the high waterline 0' 10' 0'	See Special Regulation 5.	100%	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	--	See Spec. Reg. 9.	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> No accessory use, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone. Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. May not treat structures with creosote, oil-based, or toxic substances. Moorage structures may not be closer than 25 feet to another moorage structure not on the subject property. Must provide at least one covered and secured waste receptacle. All utility lines must be below the pier deck and, where feasible, underground. Piers must be adequately lit; the source of the light must not be visible from off the subject property. Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high. Covered moorage is not permitted. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.

(Revised 4/07)

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

28'

Section 50.17

Zone
 CBD-2

USE ZONE CHART

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

Section 50.17

Zone
 CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	Public Utility	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	1. May be permitted only if locating this use in the immediate area of subject property is necessary to permit efficient service to the area or the City as a whole. 2. No structures, other than moorage structures, may be waterward at the high water-line. For regulations regarding moorages, see the moorage listings in this zone.
.140	Government Facility											
.150	Community Facility											
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

28'

50.24 User Guide.

The charts in KZC [50.27](#) contain the basic zoning regulations that apply in the CBD 3 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

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

[link to Section 50.27 table](#)

Section 50.27

Zone
 CBD-3

USE ZONE CHART

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

41'

Section 50.27



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.27	USE ⇩ REGULATIONS ⇨	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.040	Any Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services including banking and related financial services	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 5.	0'	0'	80% See Spec. Reg. 5.	3-stories above average building elevation.	D See Spec. Reg. 4.	E	One per each 350 sq. ft. of gross floor area.	1. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. 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. Drive-in facilities and drive-through facilities. 2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 4. Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 5. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.

41'

Section 50.27

Zone
 CBD-3

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.27	USE ⇓ REGULATIONS ⇓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	Private Lodge or Club See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 4.	0'	0'	80%	3 stories above average building elevation.	D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets. 4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.

41'

Section 50.27



USE ZONE CHART

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

41'

Section 50.27

Zone
 CBD-3

USE ZONE CHART

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

41'

Section 50.27

Zone
 CBD-3

USE ZONE CHART

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

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

Section 50.27

Zone
 CBD-3

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.27	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.110	Assisted Living Facility See Special Regulation 3.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 stories above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: a. One parking stall shall be provided for each bed. 3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets. 4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.
.120	Public Utility			20' See Spec. Reg. 3.					C See Special Reg. 1.			1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses. 2. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 3. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.
.130	Government Facility or Community Facility								D See Special Regs. 1 and 2.			
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

41'

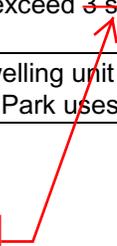
50.29 User Guide.

The charts in KZC [50.32](#) contain the basic zoning regulations that apply in the CBD 4 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

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

[link to Section 50.32 table](#)

41'



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

Section 50.32	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	4 stories above average building elevation or existing grade.	D See Spec. Reg. 3.	E	One per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> No aspect or component of this use, including open dining areas, may be oriented towards Second Avenue South. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Landscape Category B is required if subject property is adjacent to Planned Area 6C. Drive-in or drive-through facilities are prohibited.
.020	Entertainment, Cultural or Recreational Facility								D See Spec. Reg. 4.		See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> No aspect or component of this use, including hotel/motel rooms and open dining areas, may be oriented toward Second Avenue South. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 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. Landscape Category B is required if subject property is adjacent to Planned Area 6C.
.030	Hotel or Motel										One for each room. See Spec. Reg. 3.	<ol style="list-style-type: none"> 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. Landscape Category B is required if subject property is adjacent to Planned Area 6C.
.040	Any Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services including banking and related financial services.										One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. 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. Drive-in facilities and drive-through facilities. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Landscape Category B is required if subject property is adjacent to Planned Area 6C.

54'

Section 50.32

Zone
 CBD-4

USE ZONE CHART

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

Section 50.32	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	Private Lodge or Club	D.R., Chapter 142 KZC.	None	10'	0'	0'	100%	4 stories above average building elevation or existing grade.	D See Spec. Reg. 2.	B	See KZC 105.25.	1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.060	Office Use								D See Spec. Reg. 4.	D	One per each 350 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units. 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. Primary vehicle access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 4. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.070	Church								D See Spec. Reg. 3.	B	One per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. No parking is required for daycare or school ancillary to the use. 3. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.080	Stacked or Attached Dwelling Units								D See Spec. Reg. 1.	A	1.7 per unit.	1. Landscape Category C is required if subject property is adjacent to Planned Areas 6C.

54'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.32	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	School, Day-Care or Mini-School or Day-Care Center	D.R., Chapter 142 KZC.	None	10'	0'	0'	100%	4 stories above average building elevation of existing grade.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 3. Structured play areas must be setback from all property lines by at least five feet. 4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.100	Assisted Living Facility								D See Spec. Reg. 3.	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> a. One parking stall shall be provided for each bed. 3. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.110	Detached Dwelling Units	None	3,600 sq. ft.	20'	5'	10'	60%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> 1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.120	Public Utility, Government Facility, or Community Facility	D.R., Chapter 142 KZC.	None	10'	0'	0'	100%	4 stories above average building elevation of existing grade.	D See Spec. Reg. 1	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. Landscape Category C is required if subject property is adjacent to Planned Area 6C. Landscape Category A or B may be required depending on the type of use on the subject property and impacts associated with the use on nearby uses.
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

54'

50.39 User Guide.

The charts in KZC [50.42](#) contain the basic zoning regulations that apply in the CBD 6 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

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

[link to Section 50.42 table](#)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Restaurant or Tavern See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 4.	E	One per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue; provided, that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue. Vehicular access for these uses and components of these uses, including subterranean parking must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct nonresidential traffic associated with subject property away from areas north of Sixth Avenue. Access for drive-through facilities must be approved by the Public Works Department. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. The required front yard for this use shall be zero feet from Central Way for one or two stories. No parking may encroach into the required 20-foot front yard.

54'

Section 50.42

Zone
 CBD-6

USE ZONE CHART

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

Section 50.42	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	Any Retail Establishment, other than those specifically listed, limited or prohibited in this Zone, selling goods or providing services, including banking and related financial services. See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 6.	E	One per each 350 sq. ft. of gross floor area.	1. These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue provided that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue. 2. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers is not permitted. Motorcycle sales, service, or rental is permitted if conducted indoors. 3. Vehicular access for these uses and components of these uses, including subterranean parking, must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct nonresidential traffic associated with subject property away from areas north of Sixth Avenue. 4. Ancillary assembly and manufacture of goods on premises may be permitted as part of a retail establishment if: a. The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 5. Access for drive-through facilities must be approved by the Public Works Department. 6. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. 7. 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. 8. The required front yard for this use shall be zero feet from Central Way for one or two stories. No parking may encroach into the required 20-foot front yard.
.040	Hotel or Motel. See Spec. Reg. 1.									One for each room. See Spec. Reg. 7.		
.050	Entertainment, Cultural and/or Recreational Facility. See Spec. Reg. 1.									See KZC 105.25.		

54'

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Section 50.42

Zone
CBD-6

USE ZONE CHART

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

54'

Section 50.42

Zone
 CBD-6

USE ZONE CHART

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

54'

Section 50.42

Zone
 CBD-6

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	School, Day-care, or Mini-School or Day-care Center	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4-stories above average building elevation. See also Special Regulation 2.	D See Spec. Reg. 3.	B	See KZC 105.25.	<ol style="list-style-type: none"> For any portion of a structure on the subject property within 40 feet of Seventh Avenue of Fifth Street north of Sixth Avenue that does not exceed 30 feet above average building elevation, the minimum required side yards are five feet but two side yards must equal at least 15 feet. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street as measured at the midpoint of the frontage of the subject property on Fifth Street. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. A six-foot high fence is required along all property lines adjacent to outside play areas. Structured play areas must be setback from all property lines by at least five feet. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.

54'

Section 50.42

Zone
 CBD-6

USE ZONE CHART

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

54'

Section 50.42

Zone
 CBD-6

USE ZONE CHART

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

54'

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50.44 User Guide.

The charts in KZC [50.47](#) contain the basic zoning regulations that apply in the CBD 7 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

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

[link to Section 50.47 table](#)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Vehicle Service Station	D.R., Chapter 142 KZC.	22,500 sq. ft. None	20'	15'	15'	80%	3 stories above average building elevation.	B See Spec. Reg. 3.	E	See KZC 105.25.	<ol style="list-style-type: none"> May not be more than two vehicle service stations at any intersection. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be more than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity, and Storage, for further regulations. Landscape Category A is required if the subject property is adjacent to Planned Area 7B.
.020	Restaurant or Tavern			20'	0'	0'	80%	See Spec. Reg. 2.	D See Spec. Reg. 1.		1 per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Landscape Category B is required if the subject property is adjacent to Planned Area 7B, unless drive-in or drive-through facilities are present in which case Landscape Category A shall apply. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent. For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> One outdoor waste receptacle shall be provided for every eight parking stalls. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.040	Entertainment, Cultural and/or Recreational Facility			20'	0'	0'	80%	See Spec. Reg. 3.	D See Spec. Reg. 2.		See KZC 105.25.	<ol style="list-style-type: none"> 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. Landscape Category B is required if the subject property is adjacent to Planned Area 7B. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.
.050	Hotel or Motel										One for each room. See Spec. Reg. 1.	

Section 50.47



USE ZONE CHART

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

41'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	Office Use See Spec. Reg. 4.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3-stories above average building elevation.	D See Spec. Reg. 3.	D	1 per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Ancillary assembly and manufacture of goods on premises may be permitted as part of office use if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent upon this office use; and The outward appearance and impacts of this office use with ancillary assembly or manufacturing activities must be no different from other office uses. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect signed by an acoustical engineer must be submitted with the D.R. and building permit applications. A veterinary office is not permitted if the subject property contains dwelling units. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. 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.
.100	School, Day-Care Center, or Mini-School or Day-Care Center See Spec. Reg. 6.								D	B	See KZC 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required along all property lines adjacent to outside play areas. Structured play areas must be setback from all property lines by at least five feet. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). This use may be located on the Central Way level of a building only if there is an intervening retail storefront between this use and the right-of-way.

Section 50.47

Zone
 CBD-7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.110	Assisted Living Facility See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3-stories above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> One parking stall shall be provided for each bed. 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.
.120	Stacked or Attached Dwelling Units See Special Regulation 1.										1.7 per unit.	<ol style="list-style-type: none"> 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.
.130	Public Utility, Government Facility, or Community Facility								D See Spec. Reg. 1.	B	See KZC 105.25.	<ol style="list-style-type: none"> Landscape Category C is required if the subject property is adjacent to Planned Area 7B. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

110.52 Sidewalks and Other Public Improvements in Design Districts

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

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

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

Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks

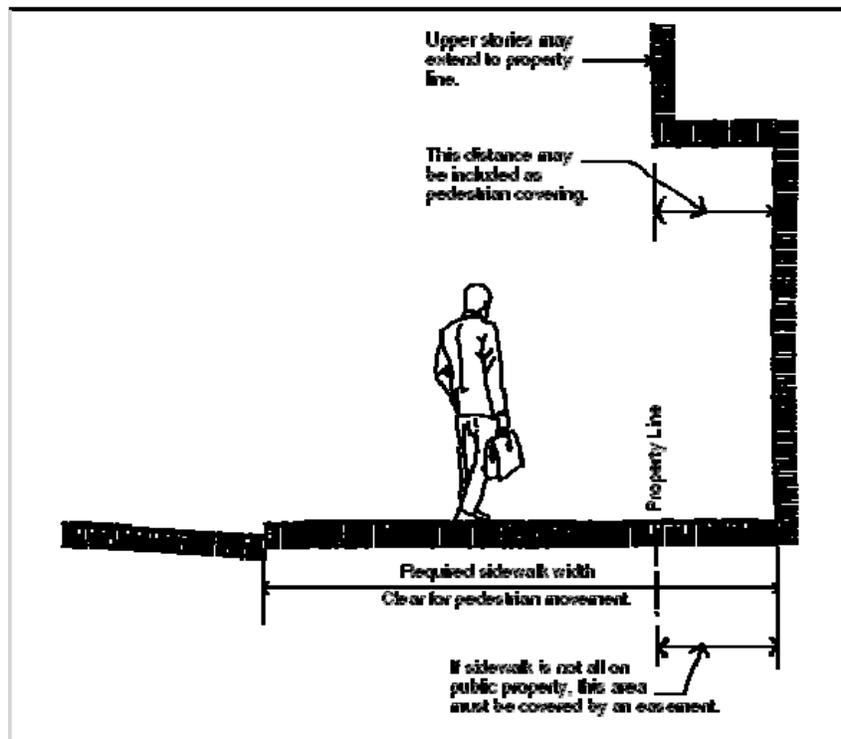
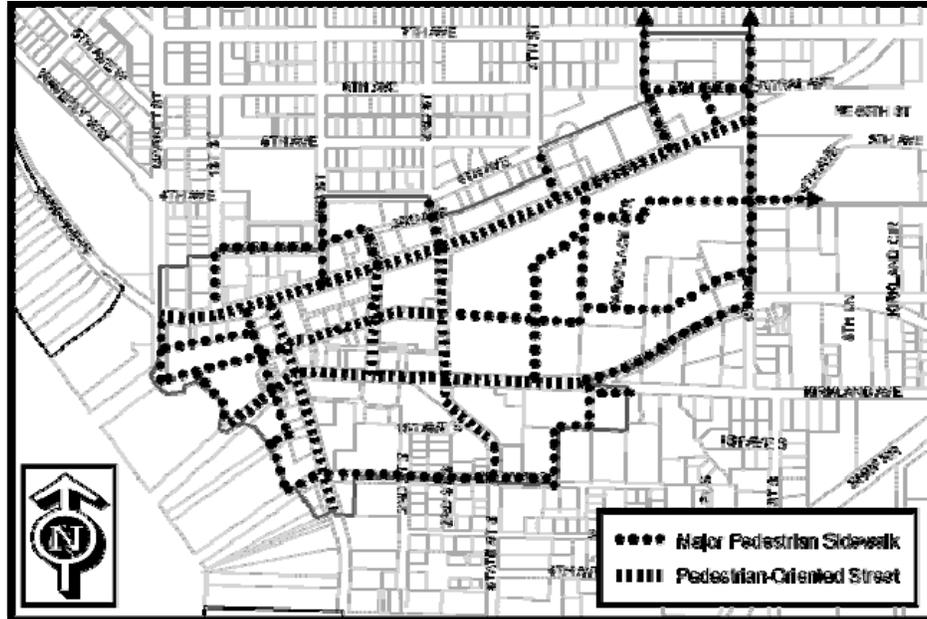


FIGURE 110.52.A

Plate 34H Pedestrian Circulation in the CBD



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.~~

3. 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.

4. ~~In addition to the height exceptions established by KZC 115.60, t~~he 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.

"Pedestrian-Friendly" Building Fronts

Issue

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

Discussion

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

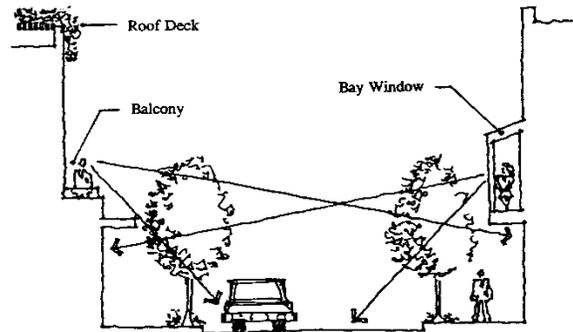


Sitting areas for restaurant and merchandise displays should allow at least a 10' wide pavement strip for walking. Planters can define the sitting area and regulate pedestrian flow.

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

- ◆ Recess the wall with niches that invite people to stop, sit, and lean.

- ◆ Allow street vendors.
- ◆ Install trellises with climbing vines or plant materials.
- ◆ Provide a planting bed with plant material that screens at least 50 percent of the surface.
- ◆ Provide artwork on the surface.



Guideline

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

Special Consideration for Downtown Kirkland

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

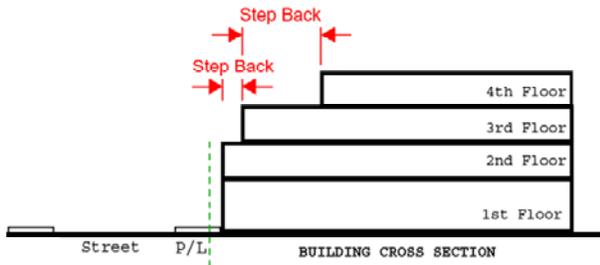
Guideline

Storefronts should be highly transparent with windows of clear vision glass beginning no higher than 2' above grade to at least 10' above grade and covering at least 75% of the façade length.

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

Issue

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



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



Marina Heights

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

Discussion

Design guidelines should address upper story step backs to improve the pedestrian experience and maintain human scale. When viewed from

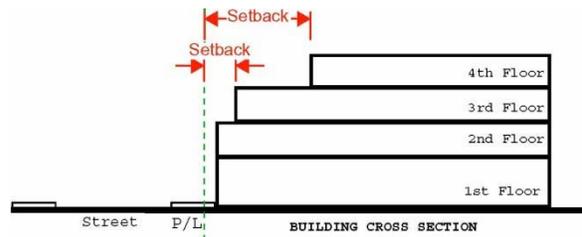
across the street, upper story step backs generally reduce perceived building massing and provide additional sunlight at the ground level. When viewed from the sidewalk immediately adjacent to the building, upper story step backs reduce the view of the upper stories and help maintain pedestrian scale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

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

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

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

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

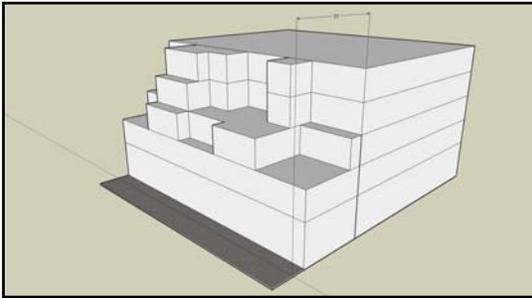


The required upper story setback should be allowed to be reduced if an equal amount of beneficial public open space is provided at the street level. A certain amount of building

cantilevering over sidewalks may also be allowed if the pedestrian environment is not adversely affected.

Guidelines – Upper Story Step backs

- *Buildings above the second story (or third story where applicable in the Downtown Plan) should utilize upper story step backs to create receding building forms as building height increases, allow for additional solar access, and maintain human scale at the street level.*
- *A rigid stair step or “wedding cake” approach to upper story step backs is not appropriate.*



Varied step back approach

- *Upper story step backs should be measured as a setback from the property line to provide consistency between projects.*
- *Decks and/or balconies should be designed so that they do not significantly increase the apparent mass of the building within the required upper story setback area (e.g. transparent or open railings).*
- *In addition to applying setbacks to upper stories, building facades should be well modulated to avoid blank walls and provide architectural interest.*
- *Along pedestrian oriented streets, upper story building facades should be stepped back to provide enough space for decks, balconies and other activities overlooking the street*
- *Landscaping should be included where appropriate to soften building forms and provide visual interest.*
- *Continuous two or three story street walls should be avoided by incorporating vertical and horizontal modulations into the building form.*

- *Limited areas of vertical three, four, or five story walls can be used to create vertical punctuation at key facades. Special attention to maintain an activated streetscape is important in these areas.*

Guidelines - Open Space at Street Level

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

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

Guidelines - Building Cantilevering Over Sidewalks

Buildings may be allowed to cantilever over sidewalks if consistent with following guidelines:

- *Unobstructed pedestrian flow should be maintained through the subject property to adjoining sidewalks.*
- *Space under the building cantilever should appear and function as part of the public realm.*
- *The sense of enclosure is minimized.*