
105.19 Public Pedestrian Walkways

1. Public Pedestrian Walkways – Location – In addition to the pedestrian walkways required in KZC [105.18](#), the City may require the applicant to install pedestrian walkways for use by the general public on the subject property and dedicate public pedestrian access rights in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:
 - a. A pedestrian connection is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or designated elsewhere in this code; or
 - b. A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or to transit; or
 - c. A through-block pedestrian pathway where specifically required in Design Districts; or
 - d. A through-block pedestrian pathway if blocks are unusually long; or
 - e. Pedestrian access is necessary to connect between existing or planned dead-end streets, through streets, or other pedestrian access.
2. Required Improvements – The applicant shall install public pedestrian walkways pursuant to the following standards:
 - a. General:
 - 1) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts, or easements at the City's option;
 - 2) The width of the access right-of-way, tract, or easement, and the walkway material and width, shall be determined per the Public Works Pre-Approved Plans;
 - 3) The height of solid (blocking visibility) fences along a pedestrian walkway that is not directly adjacent to a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors;
 - 4) All new building structures shall be set back a minimum of five (5) feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent to a public or private street right-of-way;
 - 5) The alignment of walkways shall consider the location of proposed and existing buildings (preferably located along building fronts or property lines);
 - 6) Adequate pedestrian lighting at a maximum of 12 feet in height shall be provided along the pathway;

- 7) Overhead weather protection shall be installed consistent with KZC [105.18\(3\)](#).
- b. Through-Block Pathway Standards – General – If a through-block pathway is designated to be installed on the subject property, it shall be installed pursuant to the following standards. See subsection (2)(c) of this section for standards within specified Design Districts.
- 1) A minimum unobstructed pavement width of eight (8) feet, paved with decorative concrete. A minimum of five (5) feet may be approved for residential uses.
 - 2) Trees placed at an average of 30 feet on-center between the pathway and any parking or vehicular access area (see Figure 105.19.A). Exceptions:
 - a) To increase business visibility and accessibility, the City may allow modifications in the required tree coverage adjacent to primary building entries; however, no less than one (1) tree per 60 lineal feet of the required pathway shall be provided.
 - b) The required trees must be placed in planting strips at least 4.5 feet in width or within tree grates.
 - 3) Adequate pedestrian lighting at a maximum of 12 feet in height shall be provided along the pathway.
 - 4) Barriers that will limit pedestrian access between the subject property and adjacent properties are not permitted.
 - 5) The through-block pathway may be retained within dedicated rights-of-way, tracts, or easements at the City's option. The width of the pathway right-of-way, tract, or easement will be determined by the Planning Official.
 - 6) If subject to Design Review the City will specifically review and approve the material and configuration of all through-block pathways as part of the Design Review decision.
- c. Through-Block Pathway Standards Specific to Certain Design Districts
- 1) In JBD 1 – See Use Zone Chart KZC 52.10 for location of through-block pathways in JBD 1. Through-block pathways adjacent to the front of buildings must be 10 feet wide with a 6-inch vertical curb, and paved with concrete or unit pavers. Pathways that are not adjacent to the front of buildings must have a minimum width of eight (8) feet and differentiated with texture or material from adjacent driveway and parking area pavement unless otherwise determined through Design Review.
 - 2) In TL 2 – See Use Zone Chart KZC 55.19 for location of through-block pathways in TL 2. The minimum width, curb specifications and paving materials for through-block pathways shall be established through the Conceptual Master Plan review. Through-block pathways

must have adequate lighting, with increased illumination around building entrances and at street crossings.

- 3) In TL 5 – See Use Zone Chart KZC 55.37 for location of through-block pathways in TL 5. See subsection (b) of this section for development standards.
- 4) In TL 6B – See Use Zone Chart Section 55.43 for location of through-block pathways in TL 6B. See subsection (b) of this section for development standards.

Through-Block Pathway

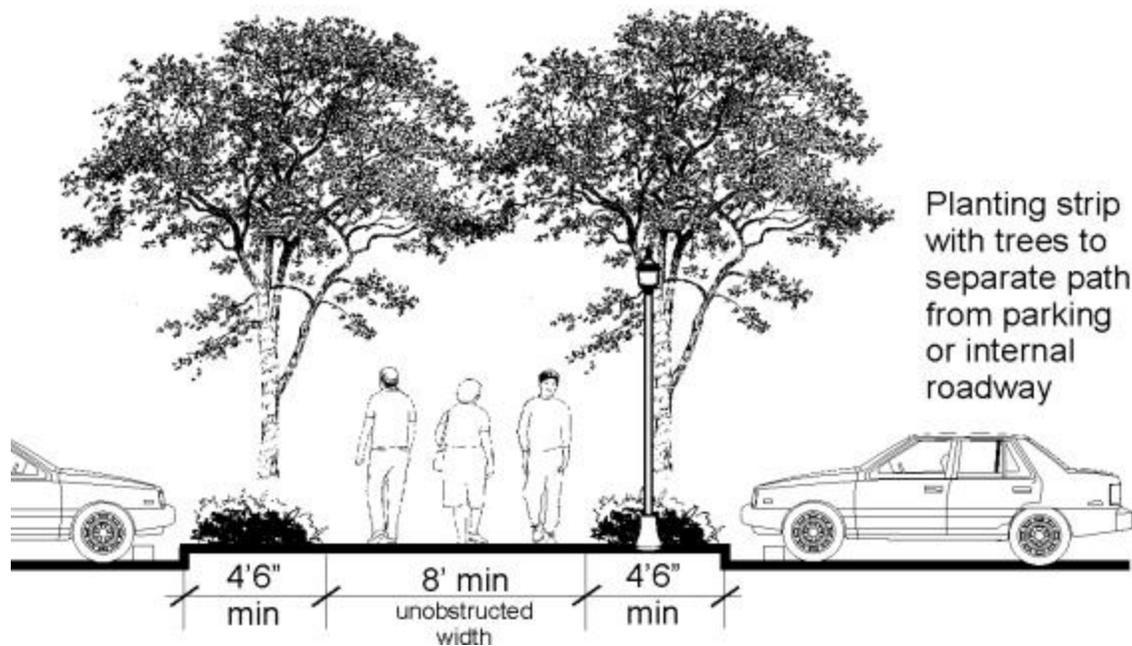


FIGURE 105.19.A



Memo

April 2, 2013

Mr. Jon Regala
 City of Kirkland
 City Hall
 123 5th Ave
 Kirkland WA 98033-6189

Re: Request for minor variation 450 Central Way DRV12-01340

Jon,

The applicant seeks to improve the frontage along 4th Avenue. In lieu of providing commercial frontage or a 20' setback, the applicant proposes to provide residential use at the ground floor. The applicant is requesting floor area to occur within the upper level 20' setback per KZC 50.47.060 SR #5 & 50.47.120 SR #1:

Amount of gross floor area within upper level setback as measured from the cul-de-sac right of way line:

	<u>Bldg. 1</u>	<u>Bldg 2</u>	
Level 2:	466 SF	174 sf	
Level 3:	466 SF	174 sf	
Level 4:	466 SF	174 sf	
Level 5	466 SF	174 sf	
	1,864 SF	696 SF	2,560 sf

Justification:

1. The intent of the code is to provide robust commercial frontage along streets in the CBD zone to activate and support a positive pedestrian experience. 4th Avenue is not a through street and commercial space at this location is marginal and possibly not viable. City Staff has recognized that this code requirement was not necessarily intended for this condition.
2. The project could build out to the property line, by right, at the street level and have a common area deck at the upper level setback. The adjacent building to the west has a setback of approximately 10' south of the ROW. We propose a 5' set back as a means of averaging the major building frontage along the 4th Avenue cul-de-sac (commercial building to the west + building 1 + building 2). This allows for a graceful massing and transition around the cul-de-sac geometry and honors the request from the neighbors to the north to maintain the quiet residential character.

The residential use is compatible with the use across the cul-de-sac at Park 54 condominiums and reinforces a quiet, residential frontage. This departure will not have any substantial detrimental effect on nearby properties, the neighborhood or the City. In lieu of separate buildings and setting back from the property line, the applicant could recapture the area between buildings 1, 2 & 3 which would equate to approximately 5,430 SF and build out to the property line at the first level, an additional 513 SF. This equates to 3,383 SF more or >232% beyond the requested area. However, this is not the applicant's preferred approach as we do not believe this would result in superior design or public benefit.

3. As a precedent, the CB -1 zone utilizes a public space mitigation provision (KZC 50.10.5) to offset area that resides in the upper level setback. This project site is a less pedestrian- intensive location, and to apply this method, it would conclude the mitigation as follows:
5,248 min. SF (open courtyard @ north buildings) – 2,560 sf (encroachment area) = 2,688 sf

Respectfully,



Jay Janette



Memo

April 1, 2013

Mr. Jon Regala
City of Kirkland
City Hall
123 5th Ave
Kirkland WA 98033-6189

Re: Request for minor variation 450 Central Way DRV12-01340

Jon,

We have evaluated the application based on the recently communicated interpretation of the upper level setback relationship to the public improvement easement, not the property line. The applicant is requesting floor area to occur within the upper level 20' setback per KZC 50.47.060 SR #5:

Amount of gross floor area within upper level setback as measured from the public improvement easement line 6.17' north of existing property line:

Mezzanine Level:	507 SF
Level 3:	825 SF
Level 4:	825 SF
Level 5	<u>645 sf</u>
	2,802 SF

Justification:

1. The encroachment, in large part, is to activate the Central Way façade with modulation to promote visual interest, human scale and space for people. In lieu of a large open courtyard entrance, the applicant could close this area in at the upper levels to recapture the floor area. The area that could be recaptured is approximately 6,000 sf (3,198 SF more or >200% beyond the requested area). However, this is not the applicant's preferred approach as we do not believe this would result in superior design or public benefit.
2. In lieu of an 18' high garage entrance, the applicant is proposing to put occupied floor area within the volume over the garage entrance. Places for people should be incentivized vs. empty garage volume along Central Way.

3. As an average of the setback along the Central Way frontage, the project exceeds the minimum setback by a large margin:

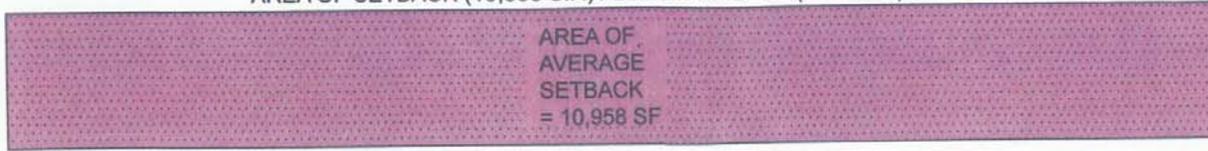
Central Way	Setback	Length	Average
3rd floor	13.9	62.8	872.9
3rd floor bay projections	10.9	60.0	654.0
Central Courtyard	132.5	42.0	5565.0
		164.8	7091.9
			43.0 > 20.0'

4. There is an existing neighboring development to the west that currently resides at the property line, not the public improvement easement line. If the project took the setback measurement from the current property line and not the easement line, the project would only have 480 SF of gross floor area in the setback.
5. As a precedent, the CB -1 zone utilizes a public space mitigation provision (KZC 50.10.5) to offset area that resides in the upper level setback. This project site is a less pedestrian- intensive location, and to apply this method, it would conclude the mitigation as follows:
4,780 min. SF (open courtyard) – 2,802 sf (encroachment area) = 1,978 sf

Respectfully,

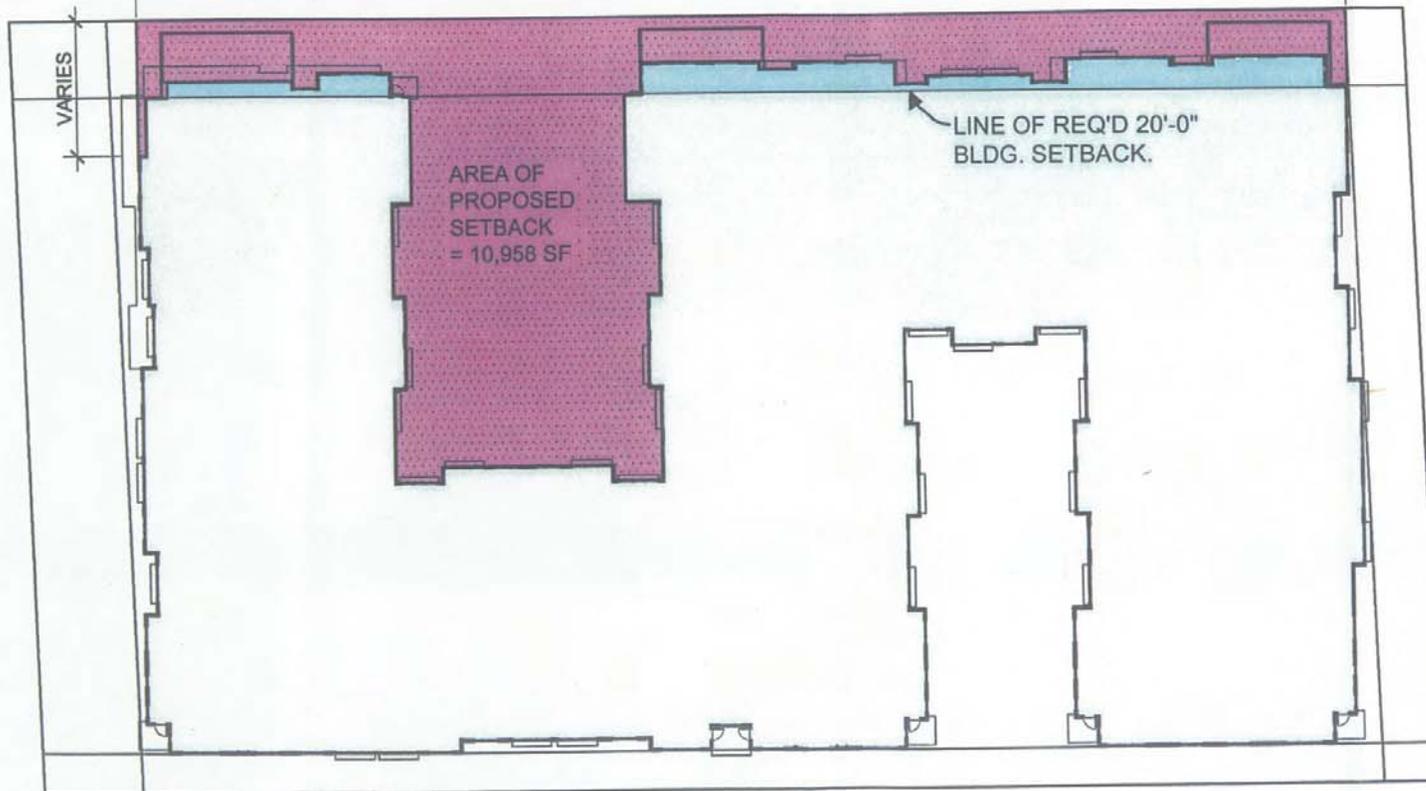
Jay Janette

AREA OF SETBACK (10,958 S.F.) / LENGTH 312'-10" (312.83FT) = 35.03 FT



35'-0"
AVERAGE
SETBACK

312'-10"



VARIES

-  AREA OF REQUESTED UPPER LEVEL DEPARTURE
-  AREA OF BUILDING SETBACK



Alexan Kirkland Average Setback

60436



b. Staff Analysis:

The applicant shall submit a building permit consistent with the applicant's proposal found in Attachment 2. A proposal for the additional landscaping along the north/south pedestrian pathway shall be included for staff review.

The DRB requested that any significant change in landscaping be brought back to them for their review.

3. DESIGN DEPARTURE

Section 142.25.5 of the Zoning Code provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from setback requirements in the CBD.

Section 142.25.5 of the Zoning Code states that "The DRB may grant a design departure or minor variation only if it finds that all of the following requirements are met:

- 1) The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;
- 2) The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood."

a. Design Review Board Discussion:

In zone CBD-3 the first floor retail may go all the way to the property line, but the floors above are to be setback 20' from the property line. The applicant requested that a portion of the floors above the first floor retail be allowed to encroach into the 20' setback area (see section drawings on pages 21, 22, 22a, 22b and 28 of Attachment 2).

The DRB determined that the request resulted in superior design and fulfilled the policy basis for the applicable design regulations and design guidelines. It was determined that the design of the building itself as well as the public amenities proposed by the applicant adequately addressed the design departure criteria. The specifics of this site including the curve of Kirkland Avenue and site topography also contribute to the appropriateness of the design.

The DRB also determined that the design departure would not have a substantial detrimental effect on nearby properties or the City or neighborhood.

b. Staff Analysis:

The applicant shall submit a building permit consistent with the proposal found in Attachment 2.



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
www.kirklandwa.gov - 425.587.3225

MEMORANDUM

To: Interpretation No. 13-1

From: Eric R. Shields, AICP, Planning Director 

Date: February 25, 2013

Subject: KZC 50.47 – INTERVENING RETAIL SPACE REQUIREMENT IN CBD 7

ISSUE

There are several types of uses in the CBD 7 zoning district which require an intervening retail space if located on the street level floor of a building. They are private lodges or clubs, churches, office uses, assisted living, stacked or attached dwelling units, and residential suites. At question is whether these uses should be allowed without an intervening retail space on the street level floor of a building where property does not front a pedestrian-oriented street.

INTERPRETATION

The CBD 7 special regulation requiring an intervening retail use does not apply along 4th Avenue.

APPLICABLE CODE SECTIONS

The following CBD 7 uses in Kirkland Zoning Code (KZC) Section 50.47 have a special regulation requiring an intervening retail space: private lodge or club, church, office, assisted living, stacked or attached dwelling units, and residential suites. The special regulation for each use states:

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.

The specific code sections are as follows:

KZC Section 50.47.070 - Private lodge or club, Special Regulation 3

KZC Section 50.47.080 – Church, Special Regulation 3

KZC Section 50.47.090 – Office, Special Regulation 4

KZC Section 50.47.110 - Assisted living, Special Regulation 3

KZC Section 50.47.120 - Stacked or attached dwelling units, Special Regulation 1

KZC Section 50.47.125 - Residential suites, Special Regulation 1

ANALYSIS

KZC Section 170.40.1 states that the Planning Director may issue an interpretation of any of the provisions of the Code. This section requires the Planning Director to base a decision on three criteria which are addressed below.

1. Defined or common meaning of the words of the provision.

The strict meaning of the words contained in the special regulation would require retail use at the street level floor abutting all rights of way within the CBD 7 zone.

2. The general purpose of the provision as expressed in the provision.

The general purpose of this provision is to encourage active retail streetscapes in the Central Business District. This is accomplished by precluding less pedestrian-oriented uses on the street level unless they are located behind a retail storefront. For those properties in CBD 7 fronting on Central Way, the retail requirement is appropriate to create a cohesive retail district and streetscape. The subject of this interpretation is whether the general purpose of the retail provision is to create a retail streetscape along 4th Avenue (see map to right).



The portion of 4th Avenue within CBD 7 is not designated as a Pedestrian-Oriented Street. This street currently serves as vehicular access to the condominium development to the north. Based on the land use patterns and the Comprehensive Plan provisions noted below, this street is not part of the retail district and is not intended to have a retail streetscape. Rather, this area forms the transition and provides access from the Central Business District into a residential development.

3. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.

Comprehensive Plan policies regarding 4th Avenue do not indicate the street as having a retail character and streetscape. None of the Downtown Plan maps designate 4th Avenue within CBD 7 as being a 'major pedestrian route' (Figure MB-4) or identified as a 'pedestrian path' (Figure MB-6).

Further, the Zoning Code designates Pedestrian-Oriented Streets (Plate 34H) and establishes street improvement requirements based on that designation. The requirements include elements such as pedestrian weather protection, minimum requirements for windows and window displays, and wider sidewalks. In all cases, Pedestrian-Oriented Streets are retail streets (Central Way, Park Lane, Lake Street, Kirkland Avenue, etc.). The fact that 4th Avenue is not a designated Pedestrian-Oriented Street further reinforces the conclusion that this street was not intended to be a retail oriented street. If retail were to develop along this street, the absence of the Pedestrian-Oriented Street designation would exempt the street level retail from many of the design requirements that make retail attractive and functional.

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

Zone
CBD-7

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).
4. See KZC [50.62](#) for additional building height provisions.

[link to Section 50.47 table](#)

This page of the Kirkland Zoning Code is current through Ordinance 4371, passed August 7, 2012.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/> (<http://www.ci.kirkland.wa.us/>)

City Telephone: (425) 587-3190

Code Publishing Company (<http://www.codepublishing.com/>)

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.	20'	15'	15'	80%	41' 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 set back 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.	

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.	41' above average building elevation.	D See Spec. Reg. 4.	E	1 per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Access for drive-through facilities must be approved by the Public Works Department. Ancillary assembly and manufacture of goods on premises may be 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. 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. 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.
.070	Private Lodge or Club See Spec. Reg. 3.			20'	0'	0'	80%		D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> No parking is required for daycare or school ancillary to the use. 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.
.080	Church See Spec. Reg. 3.										One per every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		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%	41' 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. 5.								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 set back 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. 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.

ATTACHMENT 9
CBD 7 USE ZONE CHART
DRY/12-01340

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%	41' above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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.
.120	Stacked or Attached Dwelling Units See Spec. Reg. 1.										See Spec. Reg. 2.	<ol style="list-style-type: none"> 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. 2. This use must provide a minimum of one parking stall per bedroom or studio unit and an average of at least 1.3 parking stalls per unit for each development. In addition, guest parking shall be provided at a rate of 0.1 stalls per bedroom or studio unit with a minimum of two guest parking stalls provided per development.

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						
.125	Residential Suites	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	41' above average building elevation.	D	A	See Spec. Reg. 2.	<ol style="list-style-type: none"> 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. 2. For parking managed pursuant to Special Regulation 3, parking shall be provided at a rate of 0.5 per living unit plus one per on-site employee. Otherwise parking shall be provided at a rate of one per living unit plus one per on-site employee and modifications to decrease the requirement are prohibited. See KZC 50.60. 3. The required parking shall be 0.5 per living unit where the parking is managed as follows and the property owner agrees to the following in a form approved by the City and recorded with King County: <ol style="list-style-type: none"> a. Rentals shall be managed such that the total demand for parking does not exceed the available supply of required private parking. If the demand for parking equals or exceeds the supply of required private parking, the property owner shall either restrict occupancy of living units or restrict leasing to only tenants who do not have cars. b. The property owner shall prepare a Transportation Management Plan (TMP) for review and approval by the City and recording with King County. At a minimum, the TMP shall include the following requirements: <ol style="list-style-type: none"> 1) Charge for on-site parking, unbundled from the rent, for tenants who have cars. 2) Bus pass or equivalent alternative transportation mode subsidies for tenants who don't have cars. 3) Lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off site to avoid parking charges. 4) Adequate secured and sheltered bicycle parking to meet anticipated demand. 5) Designation of a Transportation Coordinator to manage the TMP, provide commute information to all new tenants, and be a point of contact for the City. 6) At the time the project attains 90 percent occupancy, the property owner shall provide an accurate and detailed report of initial resident parking demand and alternative commute travel. The report format shall be reviewed and approved by the City.

REGULATIONS CONTINUED ON NEXT PAGE

CBD USE ZONE CHART
DRY12-01340

ATTACHMENT 9

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						
.125	Residential Suites (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE 7) Following the initial survey, the property owner shall submit a biennial survey of residents prepared and conducted by a licensed transportation engineer or other qualified professional documenting on-site and potential off-site parking utilization and alternative commute travel. The Planning Director may increase or decrease the frequency of the survey based on the documented success of the TMP. 8) Acknowledgement by the property owner that it shall be a violation of this code for the actual parking demand for the project to exceed the available supply of required parking or to fail to comply with the provisions of the TMP or reporting requirements. c. After one year of project occupancy, the Planning Official may allow a decrease in the required number of spaces if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study of the property. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer. 4. All residential suites and all required parking within a project shall be under common ownership and management. 5. Development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 Star certified, LEED Gold certified, or Living Building Challenge certified.	
.130	Public Utility, Government Facility, or Community Facility	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	41' above average building elevation.	D See Spec. Reg. 1.	B	See KZC 105.25.	1. Landscape Category C is required if the subject property is adjacent to Planning 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.										

ATTACHMENT 9
CBD 7
USE ZONE CHART
DRY 12-01340



International Forestry

CONSULTANTS, INC.

a subsidiary of American Forest Management, Inc.

11415 NE 128th Street, Suite 110, Kirkland, WA 98034 ♦ (425) 820-3420 ♦ Fax (425) 820-3437 ♦ www.inforestry.com

October 23, 2012

Mr. Robert Pantley
Natural & Built Environments
2025 Rose Point Lane
Kirkland, WA, 98033

Trees on North Property Line at Crab Cracker Site

Dear Mr. Pantley:

Today at your request, I visually inspected the row of trees along the north property line at 450 – Central Way in Kirkland (Crab Cracker Site). It is my understanding that the site is proposed for re-development. The purpose of the visit was to generally inspect the health and condition of the subject trees and evaluate any potential impacts to the subject trees associated with the re-development of the site. Although I have not made a detailed study of the construction plans, the following is a preliminary summary of my observations.

The subject trees are comprised of a planted row or narrow grouping of Douglas-fir trees. These are very young, vigorous trees, estimated at 15 to 18 years of age. The subject trees range in diameter of 6" to 10" and have attained total heights of 25' to 35'. The majority is in very good condition and has developed good form and taper.

Douglas-fir is a native coniferous species. These are very long-lived trees that attain heights in excess of 150' at maturity. Normal growth rates are 1' to 2' per year, depending on soil conditions. Given current vigor and past growth rates, estimates of closer to 2' per year are anticipated.

Douglas-fir is also very tolerant of root disturbance and root pruning. Given the age and size of the subject trees, excavations to as close as within 6' of the tree trunks would be acceptable for successful preservation and maintaining the subjects in a safe and healthy condition. Trees can also be selectively removed from the row or narrow grouping without adversely affecting neighboring trees. The subjects have full crowns and have developed very good trunk taper as a result.

If the plan is to enhance the screen the Douglas-fir trees are providing, consider adding a different tree species within openings in the tree row. A variety of western red cedar called 'Excelsa' would be ideal in this situation. These grow to roughly 50' in height at maturity and have denser foliage than the native western red cedar.

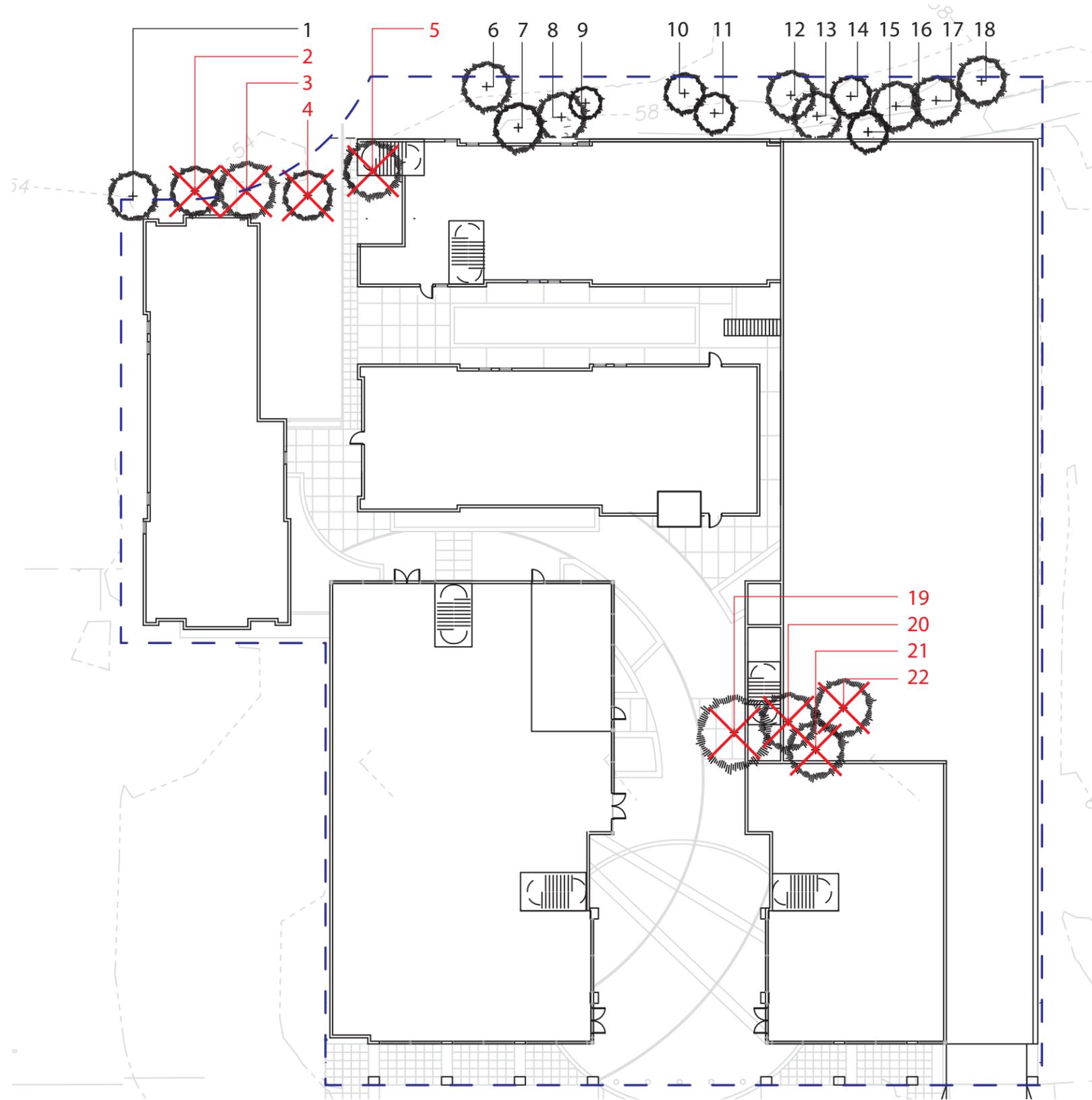
In closing, I do not have any significant concerns regarding the successful retention of the majority of the subject trees. These are very young trees that will tolerate root disturbance and adapt accordingly to their new growing environment.

Please feel free to call if you have any questions or if I can be of any further assistance.

Sincerely,

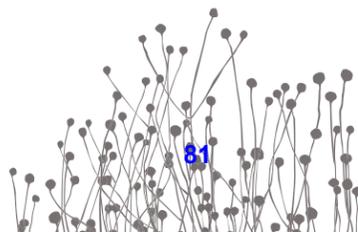
A handwritten signature in blue ink that reads "Bob Layton". The signature is written in a cursive style with a large initial "B".

Bob Layton
ISA Certified Arborist #PN-2714A
Certified Tree Risk Assessor #233



EXISTING TREE SCHEDULE

#	BOTANICAL NAME COMMON NAME	DBH	COMMENTS
TREES			
1	Pseudotsuga menziesii Douglas Fir	12"	
2	Pseudotsuga menziesii Douglas Fir	12"	
3	Pseudotsuga menziesii Douglas Fir	12"	
4	Pseudotsuga menziesii Douglas Fir	12"	
5	Pseudotsuga menziesii Douglas Fir	14"	
6	Pseudotsuga menziesii Douglas Fir	12"	
7	Pseudotsuga menziesii Douglas Fir	12"	
8	Pseudotsuga menziesii Douglas Fir	12"	
9	Pseudotsuga menziesii Douglas Fir	8"	
10	Pseudotsuga menziesii Douglas Fir	10"	
11	Pseudotsuga menziesii Douglas Fir	10"	
12	Pseudotsuga menziesii Douglas Fir	12"	
13	Pseudotsuga menziesii Douglas Fir	12"	
14	Pseudotsuga menziesii Douglas Fir	10"	
15	Pseudotsuga menziesii Douglas Fir	10"	
16	Pseudotsuga menziesii Douglas Fir	12"	
17	Pseudotsuga menziesii Douglas Fir	12"	
18	Pseudotsuga menziesii Douglas Fir	12"	
19	Pinus sp. Pine	18"	
20	Pinus sp. Pine	14"	
21	Pinus sp. Pine	14"	
22	Pinus sp. Pine	14"	





CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 - (425) 587-3225
www.kirklandwa.gov

**CONSULTING ARBORIST MULTIFAMILY and
LSM (GRADING PERMIT) REVIEW CHECKLIST**

Permit Number: DRV12-01340
Address: 452 Central Way
First Review Due By:
Assigned Planner: Jon Regala
Assigned Public Works Reviewer: Rob Jammerman
Routing Type: Regular

TREE DATA SHEET

- Planner complete the following:
- Lot Size: 48,453 s.f. per GIS Project Area: 44,255 s.f. per area calculation
Tree Density Required: N/A
- Consulting Arborist to complete this form and route to planner with comments & recommendations on plans or in document
- # Existing Credits to remain on-site:
Supplemental Trees Required: 10 understory trees and 7 shrubs that reach 6 feet tall. All planted approximately 10 feet o.c. to enhance vegetative buffer in 15 years when Douglas Fir trees grow thin.
- Right-of-way or parks trees impacted: Yes No
- Trees on adjoining property impacted: Yes No
- Existing on-site grove: Yes No If Yes, what are the impacts to grove: Grove will be thinned
- Preserved grove on Tree Protection Plan per KZC 95.51: Yes No
- Site Plan Alterations Required: Yes No (*KZC 95.30*) Enhance vegetative buffer plantings
- Development Standards Varied: Yes No (*KZC 95.32*)

The DBH measurements are incorrect for 13 of 22 trees. Five trees do not appear on the plans but are on-site (#23 through #28). Trees #6 through #18 are located on the plans incorrectly. Field observations and measurements prove that they are approximately 9 feet from one another. All of these inaccuracies add challenges to analyzing how well the proposal preserves the existing vegetative buffer specifically in the accuracy of survey data and the horizontal location of the improvements.

In my best estimation 16 trees have a high likelihood of surviving the proposed construction process, particularly the excavation. The arborist report identifies 6 feet as a limit of disturbance for these trees.

I have no objection to a 6 foot limit of disturbance. Trees #13 should be removed due to its live canopy of approximately 10% and a 3 inch ivy vine (dead) distorting the trunk taper. See image below.

The vegetative buffer will remain mostly intact if tree protection measures are maintained through construction per City of Kirkland standards. Enhancing the buffer is strongly recommended for permit approval due to the spaces created via tree removal. Also, the remaining Douglas fir trees will grow thin below the roof height due to a lack of sunlight. This natural process will result in a substandard buffer for the residents to the north. Part of the buffer enhancement should include taller shrubs and understory canopy tree species to maintain a vegetative buffer when the remaining Douglas fir trees grow thin in approximately 10 to 20 years.



Vegetated buffer from south with tree #1 (far left) and arrows identifying tree #13 and #23 (far right)



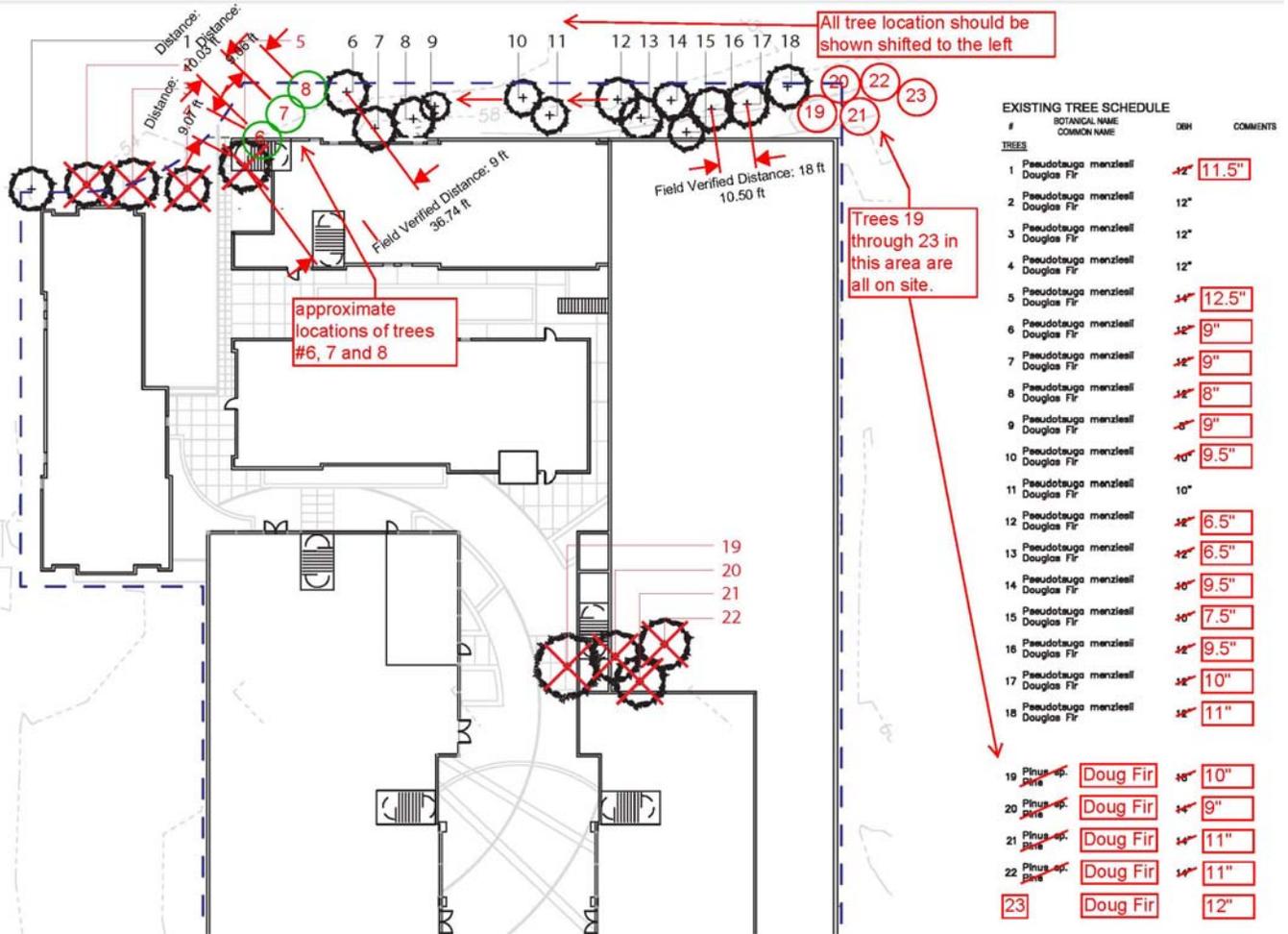
Vegetated buffer from north with tree #1 on far right and arrow identifying tree #14



Tree #13



Tree #13 with the ivy vine distorting the trunk



Field observations and corrections

City of Kirkland,
123 5th Ave
Kirkland, WA 98033

Re: 450 Central Ave

Dear City of Kirkland Design Review Board

We humbly present to you Kirkland's first LiveWorkArt community, designed to create a more walkable, people oriented community with the great clarity that the car exists. We are challenged to bring vibrancy to a location that currently has little pedestrian activity. To achieve this, we must find the magic blend creating that special place to visit and enjoy while keeping a realistic eye on economics. A destination. To do this, we must create a place people want to come to visit often because it "fits Kirkland", who we are and who we want to be. This brings us the process of creating our City's first urban Village for LiveWorkArt blended with the best of retail and punctuated with our respect for our history and our people. We started with the hardest design element first.

Parking always dominates our architecture because of the political nature of "The Beast". We have addressed this head on through multiple design aspects.

- Installing 30 parking stalls for retail use to come off of Central Avenue for our "unmanaged retail parking" which keeps such activity away from our neighbors to the north while minimizing pedestrian interface from Central.
- The balance of the parking will be "managed and buried" underground, out of site at great expense but necessary to create the potential of a pedestrian focus and robust community experience.
- Designing in 30 more parking stalls than the 228 required under our proposal. Thoughtfully, we believe, we have planned for multiple other uses over time beginning with a place for civic volunteers to park during such events as Summerfest, Kirkland Uncorked and other needs. Once proving a reduced and different need, we expect to see conversion of stalls over time to more bicycle parking and perhaps such interesting ideas as a music sound room, a small film studio and other artistic options. We do expect that, based on experience, we will have in excess of 50 stalls that will not be needed for daily use. Nationally and locally, the clear macro trend is fewer cars per person in our downtown communities. We have designed for this adaptive reuse over time.

Architecture/Neighbors/Art/History/Community

Our passion and principles provides us with clarity of direction in our design. Our focus is blending the commercial presence of retail and the work aspects of artists with the residential living above the retail and work spaces. Several aspects of our design include but are not limited to our neighbors, our local artists, our history, and our community:

- We are very mindful of our neighbors and have sought to "see through their eyes" to understand how to maintain a residential character to the non-Central Ave sides. This has included focusing private open spaces away from our neighbors to the north and focusing these effects internally and to the south.
- After asking our neighbors at Park 54 what they prefer, we are maintaining many of the existing trees to the north as a visual buffer. While we understand that Douglas Fir trees may not be everyone's preferred plantings, our neighbors want them maintained so we strongly stand with

them on keeping the majority of these trees to the extent they support strong screening. Some trees will be removed for vehicle access, those that are dead or dying, and some not needed for screening while we will add additional trees to “fill in” some areas to achieve additional screening. We have worked with our landscape architect/arborist and a second arborist to thoughtfully retain the trees and plant out this area.

- Art creates the basis of our LiveWorkArt community. Art will be woven in art and history from Central Avenue into the people promenade. This is enhanced by the circular walking function around the artist working areas and integrated by our lease contracts into the retail spaces. The rotating art center will provide for ongoing displays by on site and community artists. The upper decks will be accessible by elevator and stairs to provide additional areas for ongoing art shows and events.
- Celebrating our City’s history and especially our citizens and citizen groups past up to the present integrated with art weaves a finer tapestry to create the community center we envision.
- Our architecture begins with the Central Ave presentation to our community of “being Kirkland”. Quality based, strong in its inviting community retail presentation but gentle as it rises up to the residential uses.
- We present with timeless and honest materials of brick, Cedar, concrete and steel.
- The steel is historical to respect and remember Peter Kirk and his aspirations.
- The brick is to respect and acknowledge the 50 years of the Kirkland Art Center but with a “our time” vocabulary and expression.
- The Cedar is designed, for the regional, natural, and softer aspects of the community, to compliment the dynamics provided by the brick, concrete and steel.
- People spaces designed throughout the village community, covered but open space on Central Ave, in the center courtyard, open grand southerly decks, through an inspiring and majestic windowed elevator and the integration of the artist work spaces and strong retail for people use, year round.
- Carefully detailed with deeply considered analysis from all aspects to balance the needs of the “many views” from Central Ave; pedestrians, visitors driving into town and ever mindful of our neighbors to the north, west and east.
- Landscaping is a connective element that joins the art and history in special places, in special ways. Some are firmly “grounded” while other aspects are dynamic to reflect changes in art and history, to respond to the ever-changing nature of different artistic expressions.

We fuss over the details within the context of the greater scale of the community. Many thoughts and opinions from many people in our community and our design team have formed our presentation to you to achieve a singular community that we hope you find to be Kirkland in its foundation, its attitude, and its aspirations.

Warm Regards,

Robert Pantley



Its Manager and CEO
Building Certified LEED Platinum
2012 Governor’s Smart Communities Award Winner
2011 Hammer Award, Built Green Builder of the Year
robert@pantley.com
naturalandbuilt.com
USAsustain.com
office: 425-828-4663