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

MEMORANDUM

To: Planning Commission

From: Angela Ruggeri, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director

Date: November 8, 2012

Subject: PARKER PRIVATE AMENDMENT REQUEST (PAR)
FILE CAM12-00290

RECOMMENDATION

Hold a public hearing to take testimony on the potential amendments to the Comprehensive Plan, Zoning Code and Municipal Code for the PLA5C study area and make a recommendation to the City Council.

Staff is recommending amendments that would allow increased density for properties in the PLA5C zone. Amendments to the Zoning Code would also express height limits in feet rather than in both feet and number of stories which is now the case. Design review for the entire PLA5C zone is also being considered, along with reductions in required front setback yards and the amount of required common recreational open space.

BACKGROUND DISCUSSION

The City Council directed staff to study the proposed amendments to the Comprehensive Plan and Zoning Code for PLA5C. The amendments would allow increased density for the parcel at 911 - 5th Avenue in the Moss Bay Neighborhood (see Attachment 1). The property is currently developed with office uses and there are office uses to the south. The post office is to the west. There is multifamily housing (zoned PLA 5D) to the east and NE 85th Street is directly north of the site.

This proposal is a further refinement of the 2008 proposal included in the Downtown Area Planned Action Ordinance. The 2008 proposal included the Parkplace mixed use project along with two other PARs (the Orni proposal and the Altom proposal). The Parker property was included in the Orni proposal. At that time, the Orni request was to rezone the area from PLA5D to PLA5C, and to change the land use designation from High Density Residential to Office/Multifamily. This rezone increased the permitted height on the subject properties from 30' above average building elevation to the lower of 6 stories or 60' above average building elevation. Amendments to the PLA5C zoning regulations required buildings to step down to 4 stories or 40' above average building elevation for the portion of the buildings within 325' of the residential properties to the east (the properties included in the Orni proposal).

Although multifamily residential uses are allowed in PLA5C, increased density was not part of the original proposal. The density/floor area ratio for the property was raised for office development with the original amendment, but remained limited for multifamily. Because of this, the present designation and zoning encourages the development of office and discourages multifamily. An amendment for increased density was approved for the Altom PAR in 2011. The Altom PAR is also located in PLA5C. That amendment allowed the residential density on only the Altom site to be commensurate with the increased height allowed in 2008.

The Planning Commission reviewed the request at their study session on September 27, 2012 and directed staff to study the full PLA5C zone (see Attachment 2), rather than just looking at the Parker property. In addition to the office buildings that are located on the Orni and Altom properties, the PLA 5C zone includes a 4 story office building on the corner of Central Way and 6th Street and the US Post Office. The PLA5C zone is surrounded by Parkplace and the Central Business District to the west; NE 85th Street to the north; multifamily development to the east (PLA5D with a density limit of 24 units/acre); and office and multifamily development with one single family home to the south (PLA5A with a density limit of 24 units/acre). The allowable density in PLA5C is presently 24 units per acre, except in the Altom PAR area. The proposal would remove the maximum density indicated by units per acre. Instead, density would be determined by the number of units that would fit in the building envelope. The building envelope is determined by the Zoning Code regulations relating to required yards, maximum height and lot coverage. This is how density is currently determined in the Central Business District which is just west of the PLA5C zone.

Additional Amendments for PLA5C

The Planning Commission held another study session on October 25, 2012 where they reviewed the whole PLA5C zone, and it was determined that the following other sections of the Zoning Code may require amendments.

- Design Review:
  The properties in PLA5C share characteristics with the Central Business District (CBD) and in the CBD densities are established through building height and bulk requirements. However, one difference between the two zones is that design review is required in the CBD. In the PLA5C zone, administrative design review is only required for buildings over 30' above average building elevation (ABE) that are either south of 4th Avenue and within 180' east of 6th Street (Altom PAR area) or within 325' of the PLA 5C eastern boundary (Orni PAR area).

  Potential Code Amendments:
  Require Design Review for development activities in PLA5C. Use Zoning Code Chapter 142 (Design Review) to determine the type of Design Review that will be required.

- Common Recreational Open Space:
  In PLA5C, 200 square feet of common recreational open space is required per unit of multifamily housing. This is not a requirement in other zones where density is determined by building height and bulk (such as the CBD, JBD and Totem Lake). At a previous study meeting, the Planning Commission proposed that common recreational open space should still be required, but that a limit be put on the total requirement per multifamily project.

Potential Code Amendments:
Continue to require 200 square feet per unit, but cap the maximum requirement at 4800 square feet/acre. The present zoning allows 24 units per acre resulting in 4800 square feet of required open space per acre.

- Front Yard Setback Requirements:
  The present zoning requires an additional 1' setback from the front property line for each one foot above 30' in height. The existing front property line setback is 20', so if a building is 60' high it would be required to be setback from the front property line 50'. The front property line setback is 0' for most uses in the CBD and JBD. The front property line setback is 10' for many of the uses in Totem Lake and the North Rose Hill Business District.

  Potential Code Amendments:
  Reduce the front setback yard to 10' and remove the requirement for an additional 1' of setback for each 1' of height above 30' ABE.

- Height Limits Expressed in Feet and Number of Floors:
  Height limits in the Zoning Code for PLA5C are expressed in terms of number of stories as well as number of feet. It will be less confusing and consistent with other areas of the code if maximum height is expressed in feet rather than in both feet and number of stories which is now the case.

  Potential Code Amendment:
  Express height in feet only (remove story limit).

Summary of Potential Amendments:

Comprehensive Plan:
- Change in density for PLA5C on the Comprehensive Plan Land Use maps (see Attachments 3 & 4).
- Change in Comprehensive Plan language relating to density for PLA5C (see Attachment 5).

Zoning Code:
- Change in density limit for PLA5C (see Attachment 6).
- Change in height limit to feet only - remove maximum number of stories (see Attachment 6)
- Change front yard setback requirements (see Attachment 6)
- Change Design review requirements (see Attachment 6, 7 and 8)
- Edit Chapter 112 – Affordable Housing Incentives – Multifamily to add PLA 5C to the sections in Chapter 112 presently relating to affordable housing requirements in the Rose Hill and Totem Lake zones (see Attachment 9)
- Put maximum square footage limit on Common Recreational Open Space requirement (see Attachment 10)

Update Design Guidelines in Municipal Code to include PLA5C
- See Attachment 11

Environmental Review

An EIS Addendum was issued on November 7, 2012 to fulfill the environmental review requirements for the proposed amendments for PLA5C. The impacts of the proposal are within the range of impacts

disclosed and evaluated in the *2004 City of Kirkland Draft and Final Comprehensive Plan EIS* and the *2008 Downtown Planned Action FEIS*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action (see Attachment 12).

Decisional Criteria for Amending the Comprehensive Plan and Zoning Code:

The following Factors to Consider in Approving an Amendment to the Comprehensive Plan, found in Zoning Code Section 140.25 must be considered when reviewing City initiated amendment requests:

1. The effect upon the physical, natural, economic, and/or social environments.

   The traffic impact for a multifamily development built under the proposed amendments would be less than that of an office development of the same size which is already allowed under existing code (see the "Environmental Analysis – Traffic Impacts" section of Attachment 12).

2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.

   The PLA5C zone is currently developed with office uses and the US Post Office. The sites to the east contain multifamily residential developments and the sites to the south contain office buildings and multifamily developments with one single family home. The NE 85th Street right-of-way is to the north. The Parkplace development and a multifamily residential project are to the west. The properties in PLA5C share characteristics with the downtown. Densities are established through building height and bulk requirements in the Central Business District and they would be established in the same way through the proposed amendments for these properties. Other proposed amendments are also similar to the regulations in the Central Business District.

3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.

   Public facilities are adequate to handle the increase in density that is proposed.

4. The quality and location of land planned for the proposed land use type and density.

   The proposed land use type and density fit well with the Moss Bay Neighborhood Plan and with the adjacent downtown development.

5. The effect, if any, upon other aspects of the Comprehensive Plan.

   The changes proposed to PLA5C in the Comprehensive Plan are consistent with the existing Comprehensive Plan as a whole.

The City may amend the Comprehensive Plan only if it finds that the following criteria found in Zoning Code Section 140.30 are met:

1. The amendment must be consistent with the Growth Management Act (GMA).
2. The amendment must be consistent with the countywide planning policies.

3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long term benefits to the community as a whole, and is in the best interest of the community.

The City may amend the text of the Zoning Code only if it finds that the following criteria found in Zoning Code Section 135.25 are met:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland.

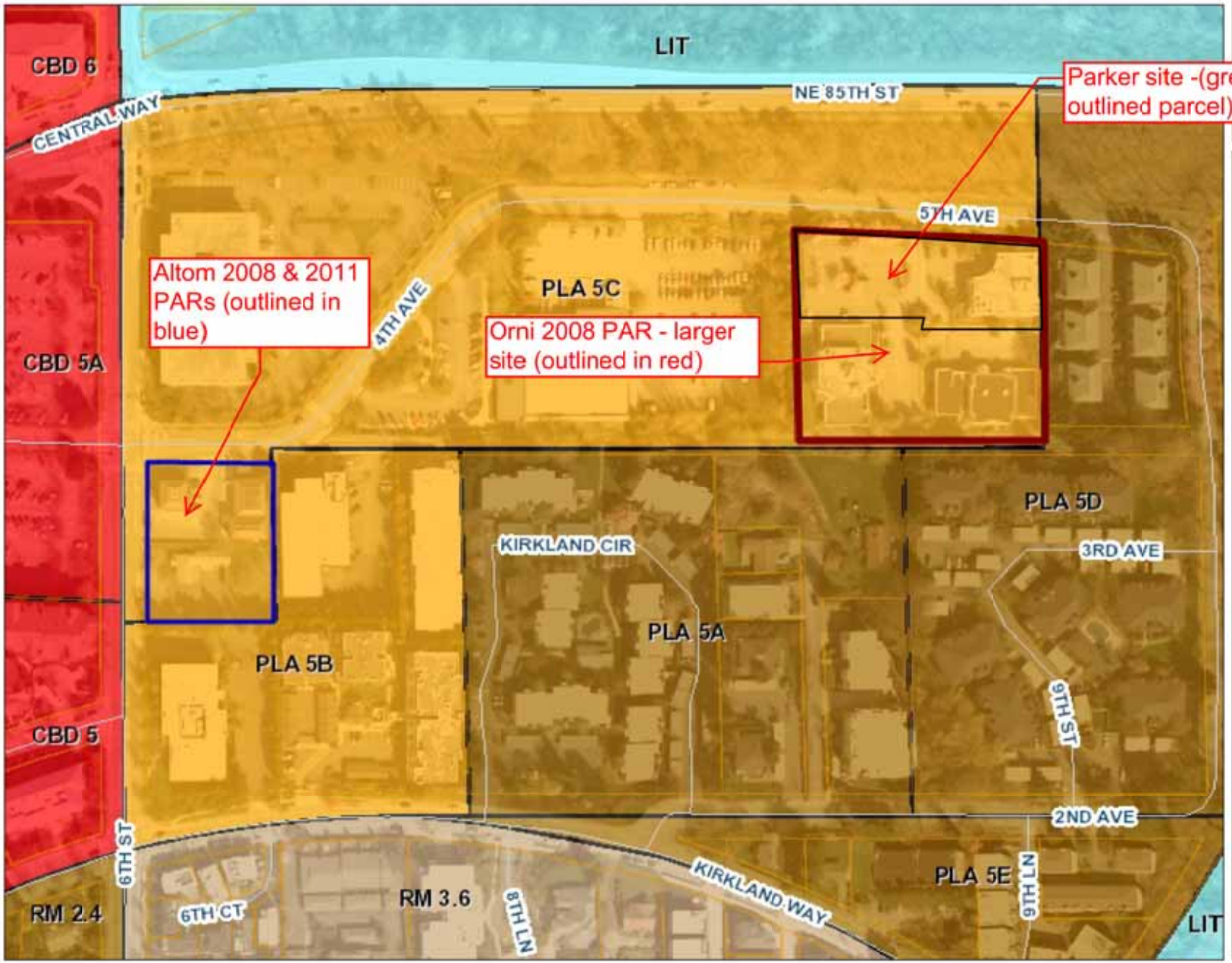
The proposed amendments are consistent with the GMA and countywide planning policies by accommodating high density development immediately adjacent to the Kirkland Central Business District. They are internally consistent with other parts of the Comprehensive Plan. They also bear substantial relation to public health, safety and welfare and will be in the best interest of the community as they allow for more downtown housing adjacent to the proposed mixed use development containing office and retail on the Parkplace site. The area surrounding the Downtown has already been called out in the Moss Bay Neighborhood Plan as generally most appropriate for higher density developments.

Next Steps

The Planning Commission will prepare a recommendation to the City Council. The City Council is scheduled to consider adoption of the amendments by ordinance on December 11, 2012.

Attachments:
1. Map of the PAR area
2. Map of PLA5C
3. Map LU-1: Comprehensive Land Use Map
4. Figure MB-2: Moss Bay Area Land Use
5. Comprehensive Plan language for PLA5C
6. PLA 5C Use Zone Charts
7. Zoning Code Chapter 92 – Design Regulations
8. Zoning Code Chapter 142 – Design Review amendments
9. Chapter 112 Amendments
10. Chapter 115 – Common Recreational Open Space
11. Design Guidelines
12. EIS Addendum

cc: File CAM12-00290
Ron Parker
Moss Bay Neighborhood Association
KAN



Attachment 1

Legend

- Streets
- Parcels

Zoning

- Commercial
- Industrial
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space

z_Image09

- Red: Band_1
- Green: Band_2
- Blue: Band_3

1:2,319

0.1 0 0.04 0.07 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

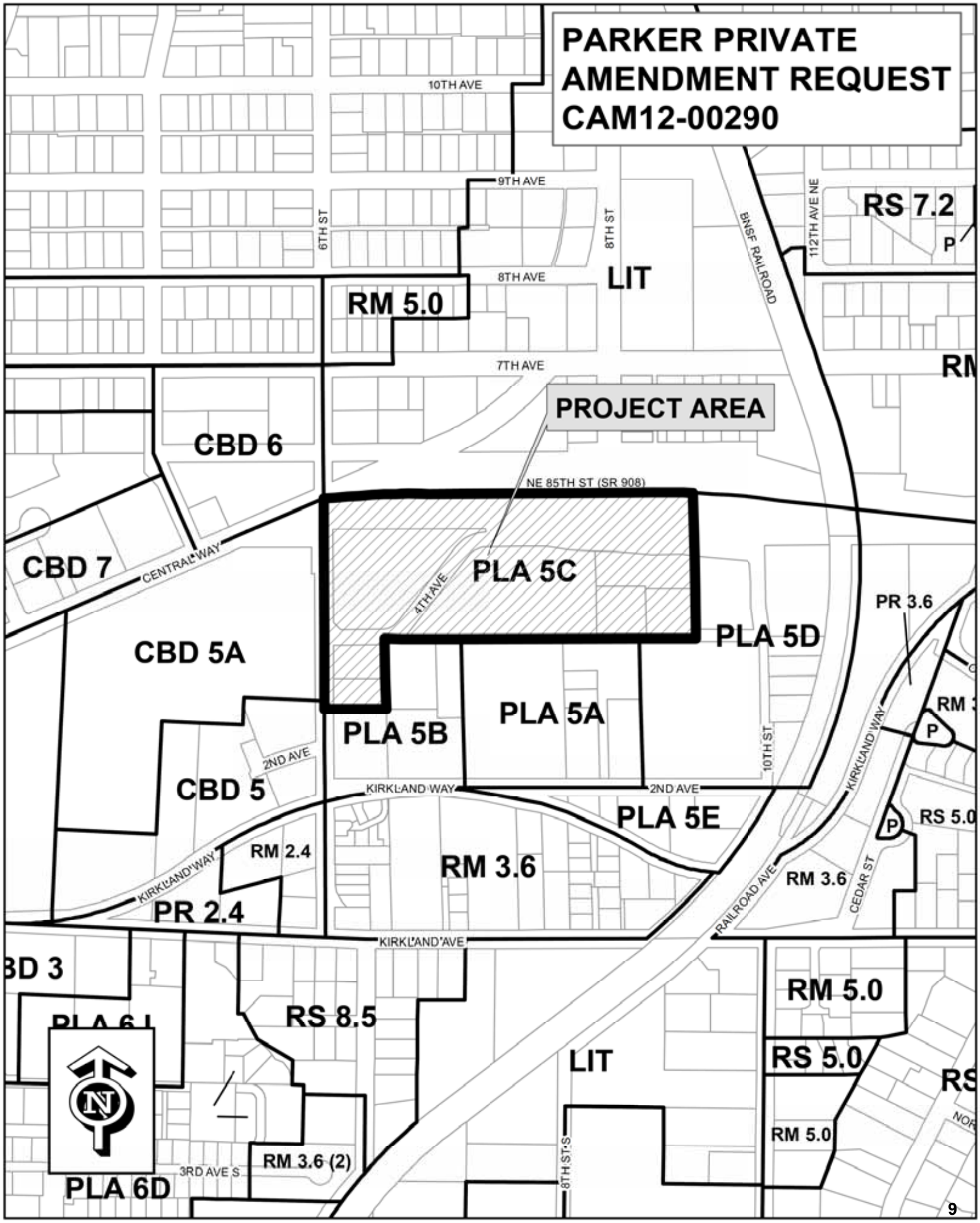
Produced by the City of Kirkland. © 2011 City of Kirkland, Washington, all rights reserved.

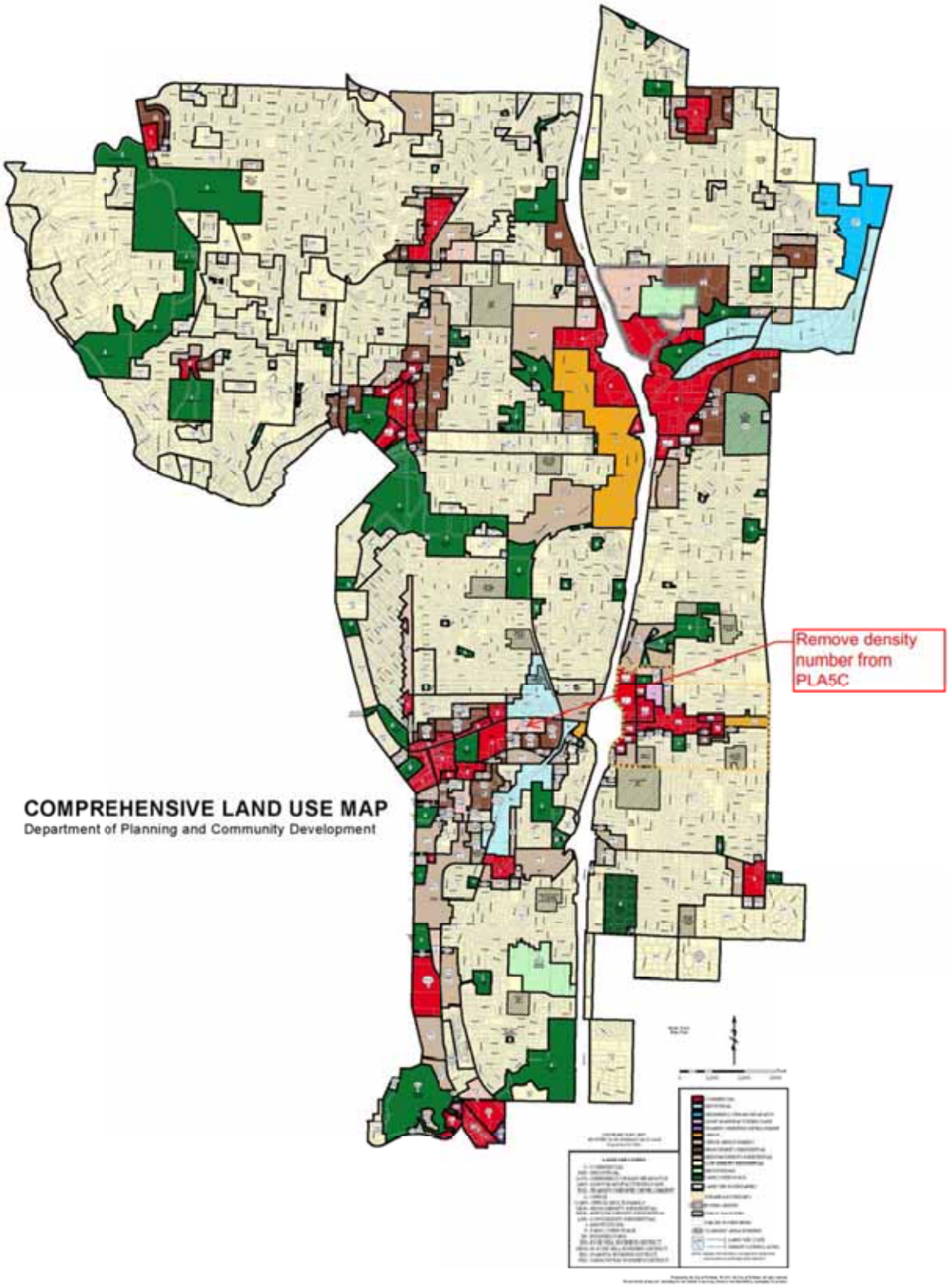
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description


PARKER PRIVATE
AMENDMENT REQUEST
CAM12-00290
10TH AVE
9TH AVE
6TH ST
8TH ST
8TH AVE
7TH AVE
BNSF RAILROAD
112TH AVE NE
RS 7.2
P
LIT
RM 5.0
RM
PROJECT AREA
CBD 6
NE 85TH ST (SR 908)
CBD 7
CENTRAL WAY
PLA 5C
4TH AVE
PR 3.6
PLA 5D
CBD 5A
PLA 5A
RM
PLA 5B
10TH ST
KIRKLAND WAY
2ND AVE
CBD 5
KIRKLAND WAY
2ND AVE
PLA 5E
RS 5.0
RM 2.4
RM 3.6
RM 3.6
CEDAR ST
KIRKLAND WAY
PR 2.4
RAILROAD AVE
KIRKLAND AVE
BD 3
RM 5.0
RS 8.5
LIT
RS 5.0
RS
RM 5.0
RM 3.6 (2)
3RD AVE S
8TH ST S
PLA 6D
N



LU-1 Comprehensive Land Use Map

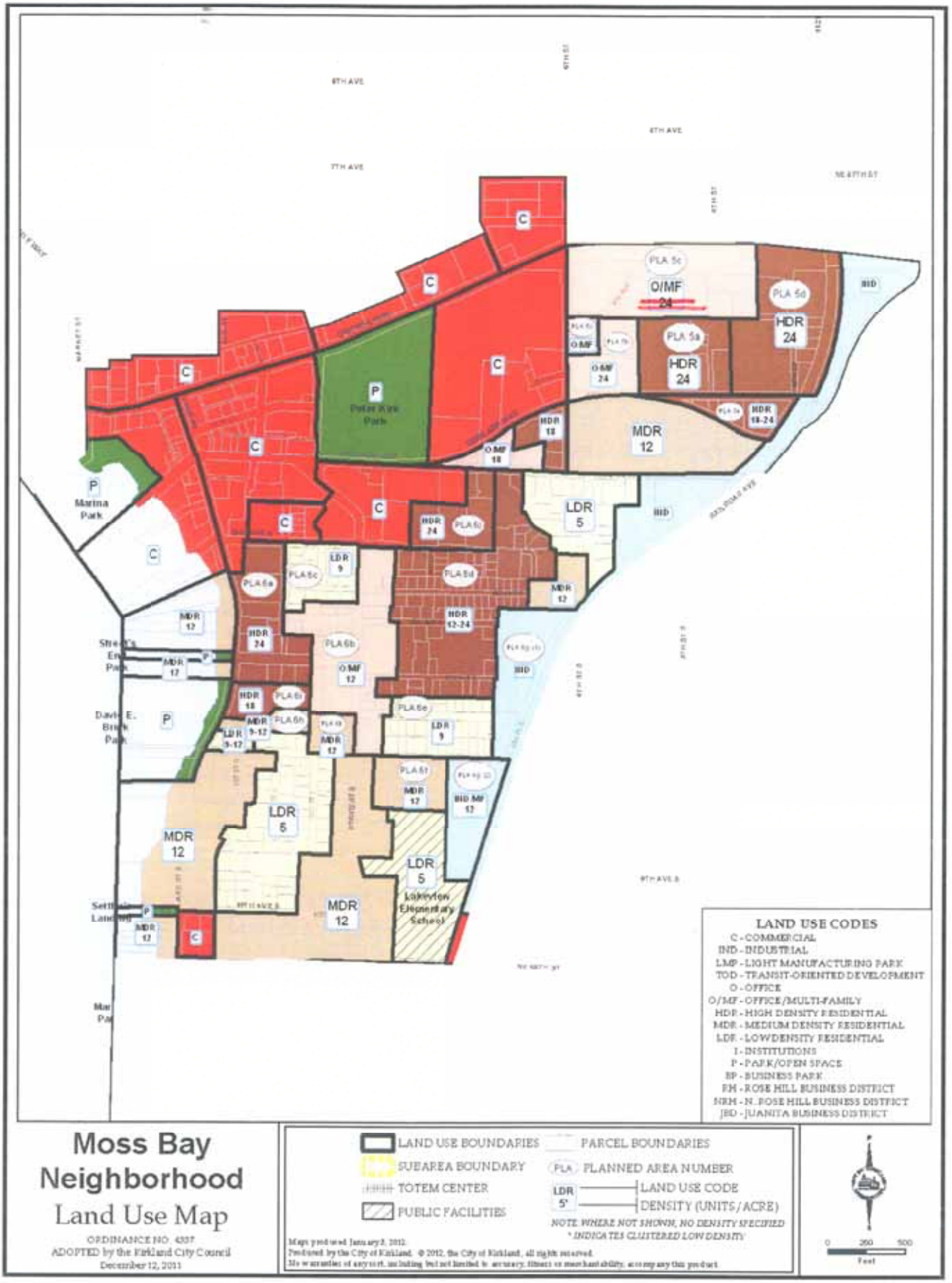


Figure MB-2: Moss Bay Area Land Use

XV.D. Moss Bay Neighborhood
4. Perimeter Areas

with no designated density limit.

North C Subarea

Subarea C, located north of Subareas B and A, and north and west of Subarea D, contains office development and the U.S. Post Office facility serving Greater Kirkland. Remaining land should develop as professional office or multifamily residential. ~~As indicated on Figure MB-2, the majority of the area should develop at 24 dwelling units per acre. No density limit should apply to the area south of 4th Avenue and within 180 feet of 6th Street.~~ Structures up to five or six stories in height are appropriate in the area north of Subareas B and A for developments containing at least one acre. The adjacent steep hillside limits potential view obstruction from tall buildings. At the same time, taller than normal structures could themselves take advantage of views to the west while maintaining greater open area on site and enhancing the greenbelt spine. Structures up to four stories in height are appropriate in the eastern portion near Subarea 5D for developments containing at least one acre, if additional building setbacks are provided from residential development to the east in Subarea 5D.

East D Subarea

The easternmost third of PLA 5 is identified as Subarea D. This area has developed in high-density multifamily uses. Any future development should be multifamily residential at a density of up to 24 dwelling units per acre.

South E Subarea

The most southerly subarea is the smallest and is somewhat isolated from the other subareas. Lying between 2nd Avenue and Kirkland Way, this area could develop with high-density multifamily residential (up to 24 units per acre). Due to sight distance problems on Kirkland Way, access to and from this area should be restricted to 2nd Avenue.

D. Planned Area 6

Concept of "Subareas" discussed.

The bulk of the land south of Kirkland Avenue is contained in Planned Area 6 (Figure MB-2). Within this planned area, land is divided into a number of subareas, based on unique conditions including use conflicts, various parcel ownerships, traffic problems, lack of utilities, and other factors which may influence future development of the land. Due to its location, this planned area also has a special relationship with the Downtown.

Land use in Subarea A discussed.

Land contained in Subarea A lies south of the Downtown area, east of Lake Street, and west of State Street. This land is designated for high-density development due to its nearness to the Downtown and adjacency to Lake Street.

Land use in Subarea B discussed.

The lands along State Street are designated as Subarea B. Much of this land is already developed with office uses making future office development also appropriate. Multifamily development should also be allowed due to its compatibility with offices and adjacent residential uses. Such multifamily development should occur at a density of 12 dwelling units per acre.

Standards for future professional office development along State Street are listed.

Future professional offices along State Street should locate only north of 7th Avenue South, in order to encourage a compact office corridor. The standards pertaining to office development should be as follows:

60.39 User Guide. The charts in KZC 60.42 contain the basic zoning regulations that apply in Planned Area 5C, including sub-zones. 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 60.40

Zone PLA5C

Section 60.40 – 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 provision of this code may apply to the subject property.
2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. ~~In density limited zones, two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots.~~ See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or
   b. The maximum horizontal facade within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.

   See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
   (Does not apply to Detached Dwelling Unit uses).

~~4. Any portion of a structure that exceeds 30 feet above average building elevation must be set back from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses or property within 325 feet of the PLA 5C eastern boundary).~~

4. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
   a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
   b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
   c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
   d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.

   (Does not apply to Public Park uses).

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

Section 60.42	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.010	Detached Dwelling Units	None	3,600 sq. ft.	20'	5'	10'	70%	25' above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units	~~If the development is south of 4th Avenue and within 180' east of 6th Street, or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation,~~ Chapter 142 KZC. ~~Otherwise, none.~~ D.R.		10'	5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C – 15'. See Spec. Reg. 4.	10' See Spec. Reg. 5.		• If the development contains at least 1 acre, ~~then the lower of 6 stories or~~ 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then ~~the lower of 4 stories or~~ 40' above average building elevation. • If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, ~~then the lower of 4 stories or~~ 52' above average building elevation. • If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, ~~then the lower of 3 stories or~~ 40' above average building elevation. • Otherwise, 30' above average building elevation.	D		1.7 per unit.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 4. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 5. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. 6. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C. ~~7. Minimum amount of lot area per dwelling unit is as follows:~~ ~~a. South of 4th Avenue and within 180 feet of 6th Street: none.~~ ~~b. Otherwise: 1,800 square feet.~~

(Revised 2/12)

Section 60.42 Zone PLA5C USE ZONE CHART

Section 60.42	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.030	Office Use	~~If the development is south of 4th Avenue and within 180' east of 6th Street, or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation,~~ Chapter 142 KZC. ~~Otherwise, none.~~ D.R.	None	~~20'~~ 10'	5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C – 15'.	10'	70%	• If the development contains at least 1 acre, ~~then the lower of 6 stories or~~ 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then ~~the lower of 4 stories or~~ 40' above average building elevation. • If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, ~~then the lower of 4 stories or~~ 52' above average building elevation. • If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, ~~then the lower of 3 stories or~~ 40' above average building elevation. • Otherwise, 30' above average building elevation.	C	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. 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 development permit application. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 4. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.

(Revised 2/12)

Section 60.42	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.040	Development Containing Stacked or Attached Dwelling Units and Office Uses. See Spec. Reg. 1.	~~If the development is south of 4th Avenue and within 180' east of 6th Street, or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation,~~ Chapter 142 KZC. ~~Otherwise, none.~~ D.R.	3,600 sq. ft.	~~20'~~ 10'	5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C – 15'. See Spec. Reg. 6.	10' See Spec. Reg. 7.	70%	• If the development contains at least 1 acre, ~~then the lower of 6 stories or~~ 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then ~~the lower of 4 stories or~~ 40' above average building elevation. • If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, ~~then the lower of 4 stories or~~ 52' above average building elevation. • If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, ~~then the lower of 3 stories or~~ 40' above average building elevation. • Otherwise, 30' above average building elevation.	C	D	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 6. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 7. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. 8. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C. ~~9. Minimum amount of lot area per dwelling unit is as follows:~~ ~~a. South of 4th Avenue and within 180 feet of 6th Street: none.~~ ~~b. Otherwise: 1,800 square feet.~~

Section 60.42 Zone PLA5C USE ZONE CHART

Section 60.42 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.050	Church	~~Process I, Chapter 145 KZC.~~ Chapter 142 KZC D.R.	7,200 sq. ft.	~~20'~~ 10'	20' on each side	20'	70%	~~The lower of 6 stories or~~ 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then ~~the lower of 4 stories or~~ 40' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. No parking is required for day-care or school ancillary to this use. 3. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.

Section 60.42	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.060	School or Day-Care Center	~~If this use is adjoining a low-density zone, then Process II, Chapter 145 KZC. Otherwise: None.~~ Chapter 142 KZC D.R	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: ~~50'~~ 10'	50' on each side	50'	70%	~~The lower of 6 stories or~~ 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then ~~the lower of 4 stories or~~ 40' above average building elevation.	D	B	See KZC 105.25.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 3. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 4. Hours of operation may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 6. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 9. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 10. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.
				If this use can accommodate 13 to 49 students or children, then: ~~20'~~ 10'	20' on each side	20'						

Section 60.42 Zone PLA5C USE ZONE CHART

Section 60.42	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.070	Mini-School or Mini-Day-Care	~~If the development is south of 4th Avenue and within 180' east of 6th Street, or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation,~~ Chapter 142 KZC. ~~Otherwise none.~~ D.R.	3,600 sq. ft.	~~20'~~ 10'	5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C – 15'.	10'	70%	• If the development contains at least 1 acre, ~~then the lower of 6 stories or~~ 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then ~~the lower of 4 stories or~~ 40' above average building elevation. • If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, ~~then the lower of 4 stories or~~ 52' above average building elevation. • If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, ~~then the lower of 3 stories or~~ 40' above average building elevation • Otherwise, 30' above average building elevation.	E	B	See KZC 105.25.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by 5 feet. 5. An on-site passenger loading are may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 9. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.

Section 60.42	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.080	Assisted Living Facility	~~If the development is south of 4th Avenue and within 180' east of 6th Street or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation;~~ Chapter 142 KZC. ~~Otherwise, none.~~ D.R.	3,600 sq. ft.	~~20'~~ 10'	5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C – 15'.	10'	70%	• If the development contains at least 1 acre, ~~then the lower of 6 stories or~~ 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then ~~the lower of 4 stories or~~ 40' above average building elevation • If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, ~~then the lower of 4 stories or~~ 52' above average building elevation. • If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, ~~then the lower of 3 stories or~~ 40' above average building elevation. • Otherwise, 30' 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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.~~ ~~3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1-1/2 times the number of stacked dwelling units allowed on the subject property may be approved if the following criteria are met:~~ ~~a. Project is of superior design; and~~ ~~b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.~~ 2. ~~3.~~ The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 3. ~~5.~~ The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 4. ~~6.~~ Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. ~~7.~~ For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.

Section 60.42 Zone PLA5C USE ZONE CHART

Section 60.42	USE ⇩ REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.090	Convalescent Center or Nursing Home	~~Process I, Chapter 145 KZC.~~ Chapter 142 KZC D.R.	7,200 sq. ft.	~~20'~~ 10'	10' on each side	10'	70%	~~The lower of 6 stories or~~ 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then ~~the lower of 4 stories or~~ 40' above average building elevation.	C	B	1 for each bed.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. ~~2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.~~ 2. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.
.100	Public Utility		None		20' on each side				A		See KZC 105.25.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. 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 the nearby uses. 3. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.
.110	Government Facility or Community Facility				10' on each side				C See Spec. Reg. 2.			
.120	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

(Revised 3/09)

92.05 INTRODUCTION

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), Totem Center (TC), Yarrow Bay Business District (YBD) and ~~in areas indicated on the use zone charts for~~ PLA 5C.

   Special provisions that apply to a particular Design District are noted in the section headings of the chapter.

2. Applicability – The provisions of this chapter apply to all new development, with the exception of development in the TL 7 zone. The provisions of Chapters 142 and 162 KZC regarding Design Review and nonconformance establish which of the regulations of this chapter apply to developed sites. Where provisions of this chapter conflict with provisions in any other section of the code, this chapter prevails. For more information on each Design District refer to the Design Guidelines applicable to that Design District adopted by reference in Chapter 3.30 KMC.

3. Design Review Procedures – The City will use Chapter 142 KZC to apply the regulations of this chapter to development activities that require Design Review approval.

4. Relationship to Other Regulations – Refer to the following chapters of the Zoning Code for additional requirements related to new development on or adjacent to the subject property.

   a. Landscaping – Chapter 95 KZC describes the installation and maintenance of landscaping requirements on the subject property.

   b. Installation of Sidewalks, Public Pedestrian Pathways and Public Improvements – Chapter 110 KZC describes the regulations for the installation of public sidewalks, major pedestrian sidewalks, pedestrian-oriented sidewalks, or other public improvements on or adjacent to the subject property in zones subject to Design Review. Plate 34 in Chapter 180 KZC provides the location and designation of the sidewalk, pedestrian walkways, pathways or other required public improvements within each Design District.

   c. Pedestrian Access to Buildings, Installation of Pedestrian Pathways, Pedestrian Weather Protection – Chapter 105 KZC describes the requirements for pedestrian access to buildings and between properties, through parking areas and requirements for pedestrian weather protection. See also Plate 34 in Chapter 180 KZC.

   d. Parking Area Location and Design, Pedestrian and Vehicular Access – Chapter 105 KZC describes the requirements for parking lot design, number of driveways, or pedestrian and vehicular access through parking areas.

   e. Screening of Loading Areas, Outdoor Storage Areas and Garbage Receptacles – Chapter 95 KZC describes the location and screening requirements of outdoor storage. Chapter 115 KZC describes the screening of loading areas, waste storage and garbage disposal facilities.

5. Dedication – The City may require the applicant to dedicate development rights, air space, or an easement to the City to ensure compliance with any of the requirements of this chapter.

6. Design Districts in Rose Hill Business District – Various places in this chapter refer to the three (3) Design Districts in the Rose Hill Business District: Regional Center, Neighborhood Center and East End. Figure 92.05.A below describes where these are located. For a more detailed description of each area, see the Design Guidelines for the Rose Hill Business District adopted by reference in Chapter 3.30 KMC.

2) Any development in the following zones within the NE 85th Street Subarea: RH 8, PR 3.6, RM, PLA 17A.

3) Any development in the MSC 1, MSC 2, and MSC 4 zones located within the Market Street Corridor.

2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC 142.25.

3. Exemptions from Design Review – The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92 KZC:

a. Any activity which does not require a building permit; or

b. Interior work that does not alter the exterior of the structure; or

c. Normal building maintenance including the repair or maintenance of structural members; or

d. Any development listed as exempt in the applicable Use Zone Chart.

142.25 Administrative Design Review (A.D.R.) Process

1. Authority – The Planning Official shall conduct A.D.R. in conjunction with a related development permit pursuant to this section.

The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC, or in zones where so specified, with the applicable design guidelines adopted by KMC 3.30.040. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.

b. Design guidelines for the Rose Hill Business District (RHBD), the Totem Lake Neighborhood (TLN) and Yarrow Bay Business District (YBD) as adopted in KMC 3.30.040.

the PLA5C zone

c. For review of attached or stacked dwelling units within the NE 85th Street Subarea, and the Market Street Corridor, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.

2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040, by submitting an A.D.R. application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.

3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and for the Planning Official to designate which design regulations, or design guidelines, apply to the proposed development based primarily on the location and nature of the proposed development.

4. A.D.R. Approval

   a. The Planning Official may grant, deny, or conditionally approve the A.D.R. application. The A.D.R. approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.

   b. Additions or Modifications to Existing Buildings

      1) Applications involving additions or modifications to existing buildings shall comply with the design regulations of Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040 to the extent feasible depending on the scope of the project. The Planning Official may waive compliance with a particular design regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.

      2) The Planning Official may waive the A.D.R. process for applications involving additions or modifications to existing buildings if the design regulations are not applicable to the proposed development activity.

5. Lapse of Approval – The lapse of approval for the A.D.R. decision shall be tied to the development permit and all conditions of the A.D.R. approval shall be included in the conditions of approval granted for that development permit.

6. Design departure and minor variations may be requested pursuant to KZC 142.37.

142.35 Design Board Review (D.B.R.) Process

1. Timing of D.B.R. – For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity. An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.

2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.

3. Authority – The Design Review Board shall review projects for consistency with the following:

   a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.

   b. Design Guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.

   c. The Design Principles for Residential Development contained in Appendix C of the Comprehensive Plan for review of attached and stacked dwelling units located within the NE 85th Street Subarea, the PLA5C zone and the Market Street Corridor.

   d. The Parkplace Master Plan and Design Guidelines for CBD 5A as adopted in Chapter 3.30 KMC.

application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the date of distribution of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

Additional Approval Provision for TL 2 and TL 5 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a CMP in TL 2 or TL 5. The Notice of Approval shall also include a phasing plan for all improvements shown or described in the CMP.

Additional Approval Provision for RHBD – The Design Review Board shall determine the thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a Conceptual Master Plan (CMP) in the RHBD. The Notice of Approval for the CMP will state the thresholds for future review of projects and also include a phasing plan for all improvements shown or described in the CMP.

142.37 Design Departure and Minor Variations

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:

   a. In the CBD and YBD: minimum required yards; and

   b. In the Totem Center: minimum required yards, floor plate maximums and building separation requirements; and

   the PLA5C zone

   c. In the RHBD and the TLN: minimum required yards, landscape buffer and horizontal facade requirements; and

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

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

   f. In the MSC 3 zone of the Market Street Corridor: horizontal facade requirements.

   This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the use zone chart allows the applicant to request a reduced setback administratively.

2. Process – If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon using the D.B.R. process.

Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY

Sections:

112.05 User Guide
112.10 Purpose
112.15 Affordable Housing Requirement
112.20 Basic Affordable Housing Incentives
112.25 Additional Affordable Housing Incentives
112.30 Alternative Compliance
112.35 Affordability Provisions
112.40 Regulatory Review and Evaluation

112.05 User Guide

This chapter offers dimensional standard flexibility and density and economic incentives to encourage construction of affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

If you are interested in proposing four (4) more residential units in commercial zones, high density residential zones, medium density zones or office zones, or you wish to participate in the City's decision on such a project, you should read this chapter.

112.10 Purpose

There is a limited stock of land within the City zoned and available for residential development and there is a demonstrated need in the City for housing which is affordable to persons of low and moderate income. Therefore, this chapter provides development incentives in exchange for the public benefit of providing affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

112.15 Affordable Housing Requirement

1. Applicability –

   a. Minimum Requirement – All developments creating four (4) or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations for the Use Zone or the Special Regulations in the Use Zone Chart for the specific use. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council.

   b. Voluntary Use – All other provisions of this chapter are available for use within the disapproval jurisdiction of the Houghton Community Council and in developments where the minimum requirement does not apply.

2. Calculation in Density-Limited Zones – For developments in density-limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC 112.20.

3. Calculation in RH, ~~and~~ TL ~~Zones~~ and ~~in the Designated Portion of~~ PLA 5C Zone~~s~~ – For developments in the RH, ~~and~~ TL ~~Zones,~~ and ~~the portion of~~ PLA 5C ~~south of 4th Avenue and within 180 feet of 6th Street~~, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed. Zones

4. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the

6) Roaming and Grazing Areas – Roaming and grazing areas must be at least 20 feet from each property line. The City may permit barns and pens to extend into the property line in common with the abutting property; provided, that an abutting property owner files a signed and notarized statement in support of the request.

7) Outdoor Manure Piles

a) PLA 16 zone: No outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.

b) All other zones: No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.

6. Bonds – The City may require a bond under Chapter 175 KZC to ensure that the subject property is maintained in a clean condition.

115.23 Common Recreational Space Requirements for Certain Residential Uses

1. General – Residential developments identified herein by zone and use listing shall comply with the common recreational space requirements of this section:

a. RM and RMA Zones: "Detached, Attached, or Stacked Dwelling Units," KZC 20.10.020;

b. PR and PRA Zones: "Detached, Attached or Stacked Dwelling Units," KZC 25.10.020;

c. NRH 5 Zone: "Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses)," KZC 54.36.010;

d. NRH 6 Zone: "Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses)," KZC 54.42.010;

e. PLA 5A Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.32.020;

f. PLA 5B Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.37.020; and "Development Containing Stacked or Attached Dwelling Units and Office Uses," KZC 60.37.040;

g. PLA 5C Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.42.020; and "Development Containing Stacked or Attached Dwelling Units and Office Uses," KZC 60.42.040; Maximum required common recreational open space for PLA 5C is 4800 square feet/acre.

h. PLA 5D Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.47.020;

i. PLA 5E Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.52.020;

j. PLA 6A Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.57.020;

k. PLA 6B Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.62.020; and "Development Containing Stacked or Attached Dwelling Units and Office Uses," KZC 60.62.040;

l. PLA 6D Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.72.020;

m. PLA 6F Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.82.020;

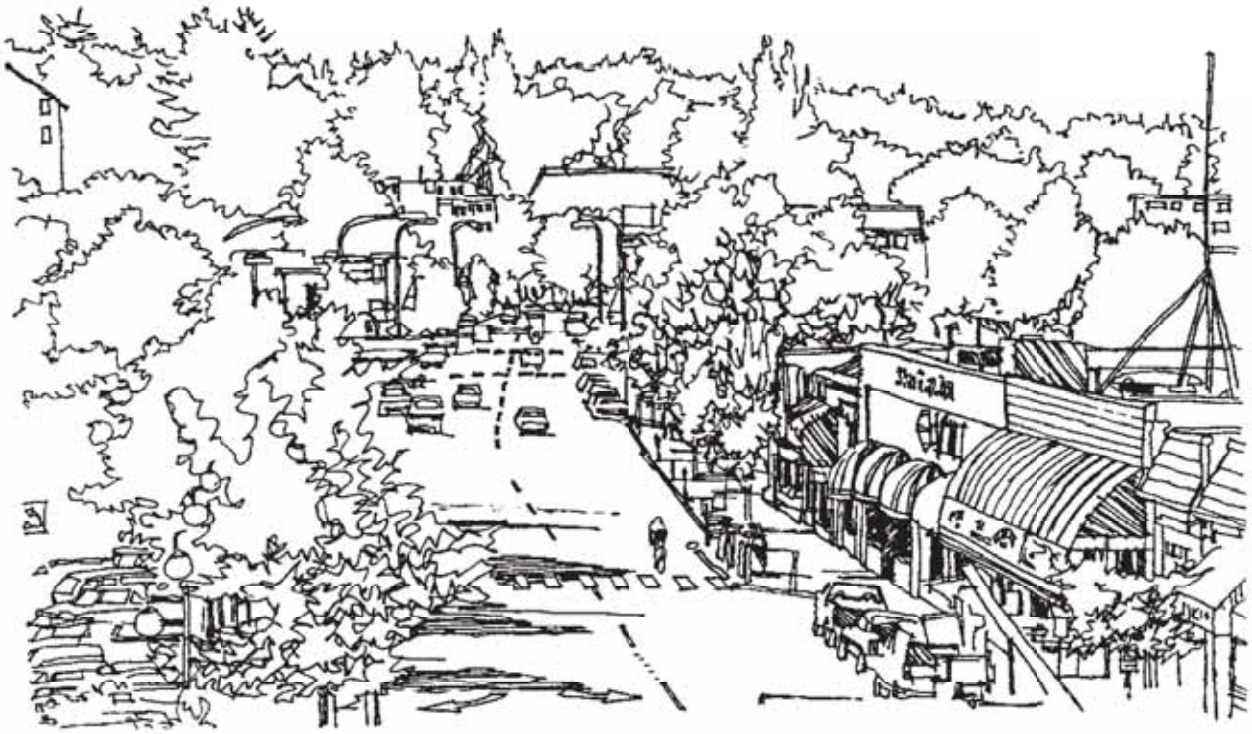
Introduction

This document sets forth a series of Design Guidelines, adopted by Section 3.30 of the Kirkland Municipal Code, that will be used by the City in the in the design review process. For Board Design Review (BDR), the Design Review Board will use these guidelines in association with the Design Regulations of the Kirkland Zoning Code. To the extent that the standards of the Design Guidelines or Design Regulations address the same issue but are not entirely consistent or contain different levels of specificity, the Design Review Board will determine which standard results in superior design. For Administrative Design Review (ADR), the Planning Official will use these guidelines when necessary to interpret the Design Regulations. They are also intended to assist project developers and their architects by providing graphic examples of the intent of the City's guidelines and regulations.

Most of the concepts presented in the Design Guidelines are applicable to any pedestrian-oriented business district.* "Special Considerations" have been added, such as for Downtown Kirkland, to illustrate how unique characteristics of that pedestrian-oriented business district relate to the Guideline.

The Design Guidelines do not set a particular style of architecture or design theme. Rather, they will establish a greater sense of quality, unity, and conformance with Kirkland's physical assets and civic role.

The Design Guidelines will work with improvements to streets and parks and the development of new public facilities to create a dynamic setting for civic activities and private development. It is important to note that these Guidelines are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.



** The guidelines also apply to residential development in the Central Business District (CBD), the Juanita Business District (JBD), the North Rose Hill Business District, the Market Street Corridor (MSC), Totem Center and to mixed use development throughout the City.*

,and Planned Area 5C (PLA5C);

Kirkland Design Guidelines

The drawing below illustrates many of the design Guidelines described in this appendix

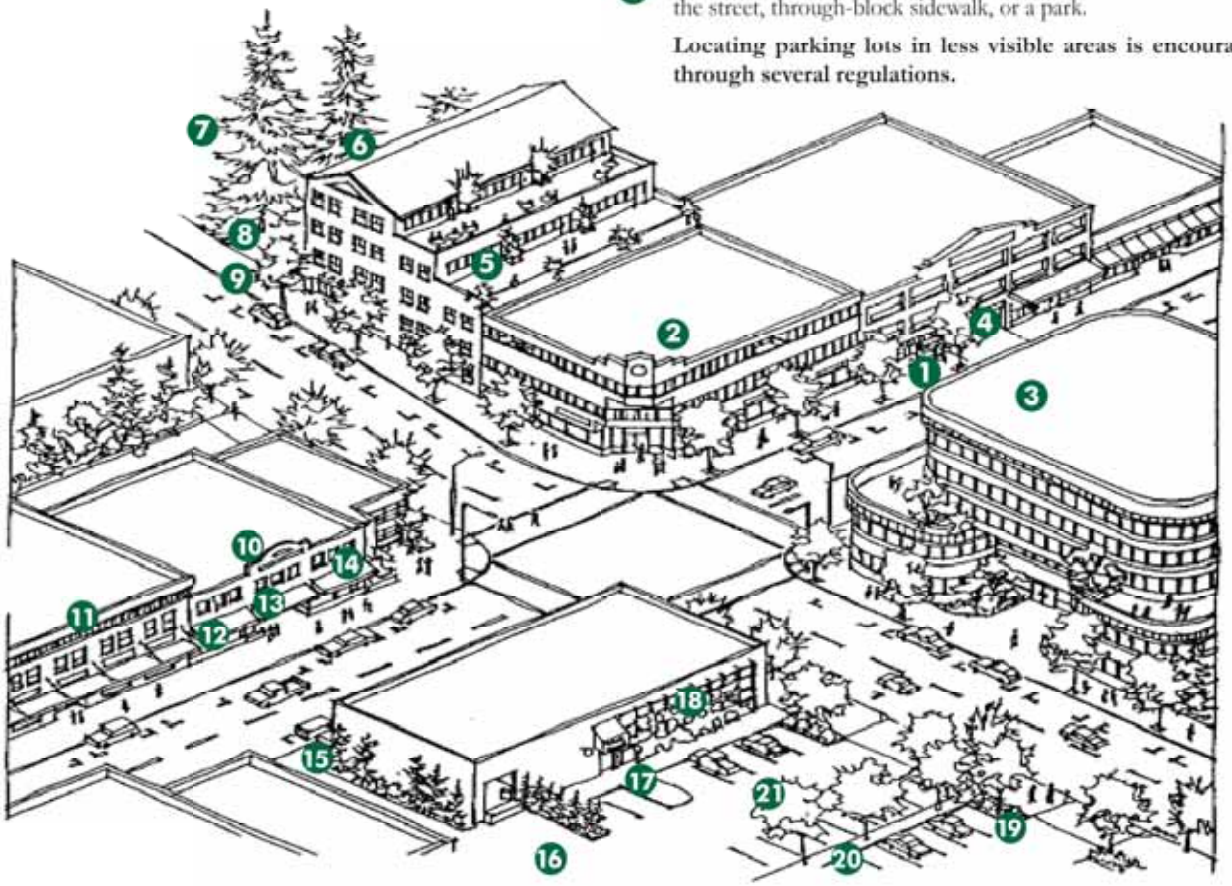
1. Pedestrian plazas and places for vendors encouraged through several regulations.
2. Buildings on corner lots may be required to incorporate an architectural or pedestrian-oriented feature at the corner. Many options are possible including plazas, artwork, turrets, curved corners, etc.

   Special architectural requirements placed on use of concrete block and metal siding.
3. "Architectural scale" requirements direct large buildings to fit more comfortably with neighboring development. This example employs building setbacks, decks, curved surfaces, and recessed entries to reduce appearance of building mass.
4. Parking garages on pedestrian-oriented streets or through-block sidewalks may incorporate pedestrian-oriented uses or pedestrian-oriented space into front facades.

   Street trees required along certain streets.
5. Human scale features such as balconies or decks, bay windows, covered entries, gable or hipped rooflines, multiple paned windows, or pedestrian-oriented space may be required.
6. More flexible method of measuring building height on slopes.
7. New policies regarding tree protection and enhancement of wooded slopes.Standards for size, quantity, quality, and maintenance of landscape plant materials are set by the Zoning Code.
8. Standards for size, quantity, quality, and maintenance of landscape plant materials are set by the Zoning Code.
9. Standards are set for pathway width, pavement, lighting, and site features on required major pathways and public properties.
10. A building cornerstone or plaque may be required.
11. Covering up existing masonry or details with synthetic materials is restricted.
12. Ground story facades of buildings on pedestrian-oriented streets or adjacent to parks may be required to feature display windows, artwork, or pedestrian-oriented space.
13. Pedestrian weather protection required on pedestrian-oriented streets.
14. Architectural detail elements such as decorative or special windows, doors, railings, grillwork, lighting, trellises, pavements, materials, or artwork to add visual interest may be required.

    Size of parking lots abutting pedestrian-oriented streets may be restricted.
15. Quantity and locations of driveways are regulated.
16. Visible service areas and loading docks must be screened.
17. Provision for pedestrian circulation is required in large parking lots.
18. Blank walls near streets or adjacent to through-block sidewalks must be treated with landscaping, artwork, or other treatment.
19. Screening of parking lots near streets is required.
20. Standards for curbs, signing, lighting, and equipment are set for parking lots.
21. Internal landscaping is required on large parking lots visible from the street, through-block sidewalk, or a park.

    Locating parking lots in less visible areas is encouraged through several regulations.



Purpose of the Design Guidelines for Downtown Kirkland

In 1989 the Kirkland City Council adopted Kirkland's Downtown Plan which set a vision for the downtown's future and outlined policies and public actions to make that vision a reality. One of the recommended actions is the adoption of a set of Downtown Design Guidelines to be used in reviewing all new development and major renovations in the downtown area. The goal of the Design Guidelines as stated in the plan is to

> *. . . balance the desired diversity of project architecture with the equally desired overall coherence of the downtown's visual and historic character. This is to be achieved by injecting into each projects' creative design process a recognition and respect of design guidelines and methods which incorporate new development into downtown's overall pattern.*

In addition, the guidelines are intended to further the following urban design goals stated in the plan:

- Promote a sense of community identity by emphasizing Kirkland's natural assets, maintaining its human scale, and encouraging activities that make downtown the cultural, civic, and commercial heart of the community.
- Maintain a high-quality environment by ensuring that new construction and site development meet high standards.
- Orient to the pedestrian by providing weather protection, amenities, human scale elements, and activities that attract people to downtown.
- Increase a sense of continuity and order by coordinating site orientation, building scale, and streetscape elements of new development to better fit with neighboring buildings.
- Incorporate parks and natural features by establishing an integrated network of trails, parks, and open spaces and maintaining existing trees and incorporating landscaping into new development.
- Allow for diversity and growth through flexible guidelines that are adaptable to a variety of conditions and do not restrict new development.

Insert "Purpose of the Design Guidelines for PLA5C" here (wording is shown on the following page).

Purpose of the Design Guidelines for Juanita Business District

The Juanita Business District Plan was adopted in 1990 by the City Council. It states that "the underlying goal of redevelopment in the business district is to create a neighborhood-scale, pedestrian district which takes advantage of the amenities offered by Juanita Bay."

As part of the Juanita Business District Plan, Design Regulations and Design Guidelines were established for new development and major renovations in the Business District (JBD). These guidelines and regulations are intended to further the following urban design features stated in the plan:

- Pedestrian pathways from the surrounding residential areas to and through the business district and on to Juanita Beach Park should be acquired and improved.
- View corridors to the lake should be explored through new development in the business district.
- Entry features, such as signs or sculpture, should be established in the locations shown in the Juanita Business District Plan.
- Coordinated streetscape improvements should be used throughout the business district, including street trees, street furniture, and other amenities, like flowers, banners, and signs.

Purpose of the Design Guidelines for the Market Street Corridor, including the Market Street Historic District

The City Council adopted the Market Street Corridor Plan in December of 2006 as part of the Market and Norkirk Neighborhood planning process. The new plan was created for commercial and multifamily properties adjoining Market Street extending from the Central Business District at the south end to 19th Avenue at the north end. The plan includes a vision for the corridor of an attractive, economically healthy area that accommodates neighborhood oriented businesses, office uses and multifamily housing in a way that complements and protects the adjacent residential neighborhoods.

The historic 1890's buildings at the intersection of Market Street and 7th Avenue create a unique sense of place that represents the original town center of Kirkland. The plan establishes an historic district in this area that will reflect the City's past through both its old and new buildings and its streetscape. New development and renovation within

Purpose of the Design Guidelines for PLA5C

Planned Area 5C is part of the Moss Bay Neighborhood and is designated for high density residential and office uses. It is located just east of the Central Business District (CBD) and shares many of the CBD's characteristics, although retail uses are not allowed.

The adjacent steep hillside to the north of PLA5C is part of the 85th Street right-of-way and it limits potential view obstruction from the five to six story buildings which can be developed in PLA5C.

The following guidelines, which encourage wide sidewalks, do not apply to PLA5C since there are no "pedestrian oriented streets" or "major pedestrian sidewalks" designated in the Zoning Code for this area.

- Sidewalk Width: Movement Zone
- Sidewalk Width: Storefront Activity Zone

An additional guideline that does not apply is "Height Measurement on Hillsides"

Fact Sheet

Action Sponsor and Lead Agency	City of Kirkland Department of Planning and Community Development
Proposed Action	Legislative adoption of amendments to the City's Comprehensive Plan, Zoning regulations, and Municipal Code Design Guidelines for the PLA5C zone. These amendments are a further refinement of the 2008 changes included in the Downtown Area Planned Action Ordinance and are pursuant to KZC Chapters 135 (Amendments to Text of the Zoning Code), 140 (Amendments to the Comprehensive Plan) and 160 (Process IV) and Kirkland Municipal Code 3.30.040 (Design guidelines adopted by reference).
Responsible Official	**Eric R. Shields, AICP** **Planning Director**
Contact Person	Angela Ruggeri AICP, Senior Planner, City of Kirkland (425) 587-3256.
Required Approvals	Adoption by Kirkland City Council
Location of Background Data	File CAM12-00290 City of Kirkland Department of Planning and Community Development 123 Fifth Avenue Kirkland, WA 98033
Date of Issuance	November 7, 2012

City of Kirkland

Process IV Comprehensive and Zoning Code Amendments related to PLA5C

EIS Addendum dated November 7, 2012

File No. CAM12-00290

I. Background

The City of Kirkland proposes to adopt amendments to the Comprehensive Plan and Zoning Code related to PLA5C. The amendments will be reviewed using the Chapter 160 KZC, Process IV with adoption by City Council.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Comprehensive Plan, Zoning Code and Municipal Code amendments.

II. EIS Addendum

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2)). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c) -625, and -706).

The City published a Draft and Final EIS on its Comprehensive Plan in 2004. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

In October 2008, the City completed the Downtown Area Planned Action Final Environmental Impact Statement (FEIS) addressing the Parkplace, Orni and Altom proposals. Changes to PLA5C and their expected impacts were reviewed as part of this Planned Action FEIS.

This current addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS* and to the *2008 Downtown Planned Action FEIS* is being issued pursuant to WAC 197-11-625 to meet the City's SEPA responsibilities. The 2004 EIS and the 2008 Downtown Area Planned Action evaluated plan alternatives and impacts that encompass the same general policy direction, land use pattern, and environmental

impacts that are expected to be associated with the proposed PLA5C amendments discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the 2004 and 2008 EIS documents, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

III. Non-Project Action

Decisions on the adoption or amendment of Comprehensive Plan and zoning regulation changes are referred to in the SEPA rules as "non-project actions" (WAC 197-11-704(2)(b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. The adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS,* the PLA5C addendum and the eventual action on the PLA5C changes are "non-project actions".

IV. Environmental Analysis

The *Comprehensive Plan EIS* (City of Kirkland, 2004) and the *2008 Downtown Planned Action FEIS* evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan's policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Comprehensive Plan and regulation amendments for PLA5C are similar in magnitude to the potential impacts disclosed in the *2004 Comprehensive Plan EIS* and the *2008 Downtown Planned Action FEIS.* As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in these two environmental impact statements, no additional or new significant impacts beyond those identified are anticipated.

Traffic Impacts

These amendments would have little impact on the permitted size of buildings in the PLA5C zone. The primary potential impact would be from the difference in traffic generation due to the increased density allowance for residential uses. However, the traffic generated from the higher residential density would be less than from office uses that are currently allowed. No additional or new significant impacts beyond those already identified in the referenced environmental impact statements are anticipated.

An example for comparison purposes is as follows. The *2008 Downtown Planned Action FEIS*, estimated that a site in PLA5C could potentially be built out at 101,234 square feet

of office space including 20 residential units. The number of pm peak trips for the 101,234 square feet of office plus 20 residential units was calculated to be 174.

Staff evaluated the potential traffic impact of the increased residential density by comparing the resulting residential density with the office density allowed. Assuming a building size of 101,234 (the same size as was evaluated for the office proposal) and one unit for each 1000 square feet of building area, there could potentially be a maximum of 101 units on the site. This is similar to the density of other downtown developments including Kirkland Central and Bank of America, but does not take into account specific site characteristics that may reduce the actual number of units. The result is approximately 74 pm trips or 100 trips less than were estimated for the office development. Although the trips would have somewhat different patterns than for office, we discussed this with the City's traffic engineer and he felt confident that the impact would still be less.

V. Description of the Proposed PLA5C Amendments to the Comprehensive Plan, Zoning Regulations and Municipal Code Design Guidelines.

See attached documents for more complete information on these amendments.

Description of proposed Comprehensive Plan amendments

The 24 unit/acre density designation on the citywide Land Use map and the Moss Bay Neighborhood Land Use map will be removed for PLA5C. The designation will also be removed from the narrative for North C Subarea under Planned Area 5.

Description of proposed Zoning Code amendments

- Allow density to be determined by the height and bulk of the building.
- Express height limits in feet rather than in both feet and number of stories which is now the case.
- Require Design Review for development activities in PLA 5C. Use Zoning Code Chapter 142 (Design Review) to determine the type of Design Review that will be required.
- Continue to require 200 square feet per unit of common recreational open space, but cap the maximum requirement at 4800 square feet/acre.
- Reduce the front setback yard to 10' and remove the requirement for an additional 1' of setback for each 1' of height above 30' ABE.

Design Guidelines for Pedestrian-Oriented Business Districts

The Design Guidelines for Pedestrian-Oriented Business Districts, as adopted in the Kirkland Municipal Code Section 3.30.040, are used by the Design Review Board in doing their review of projects and also by staff for administrative design review. These will now be used for projects in PLA5C.

VI. Public Involvement

The Planning Commission will hold a public hearing on November 15, 2012. Public notice of the amendments and the public hearing is being provided in accordance with State law. The City Council will take final action on the proposal on December 11, 2012. All future dates are subject to change.

VII. Conclusion

This EIS Addendum fulfills the environmental review requirements for the proposed amendments for PLA5C. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *2004 City of Kirkland Draft and Final Comprehensive Plan EIS* and the *2008 Downtown Planned Action FEIS*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.