

Chapter 92 – DESIGN REGULATIONS

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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.

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.
 - 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](#).

Plate 34B
123rd Avenue NE and NE 120th Street Improvements in TL 5 Zone

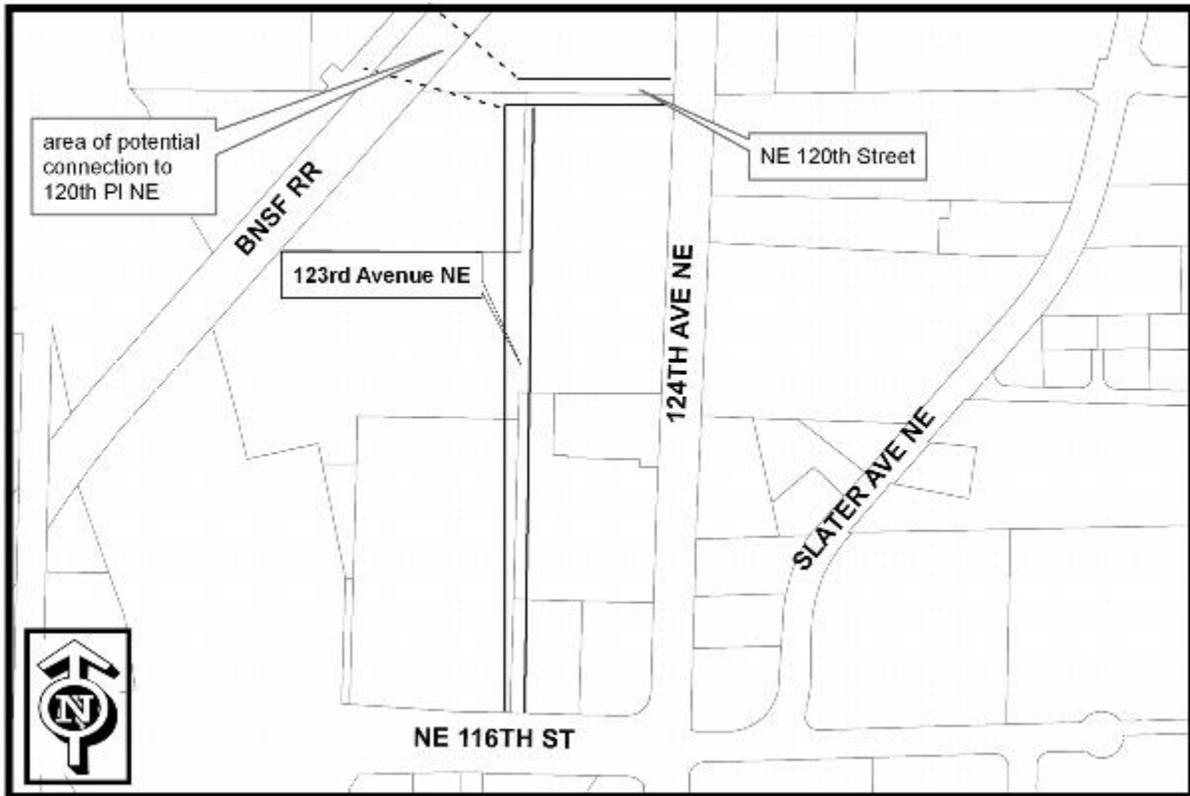
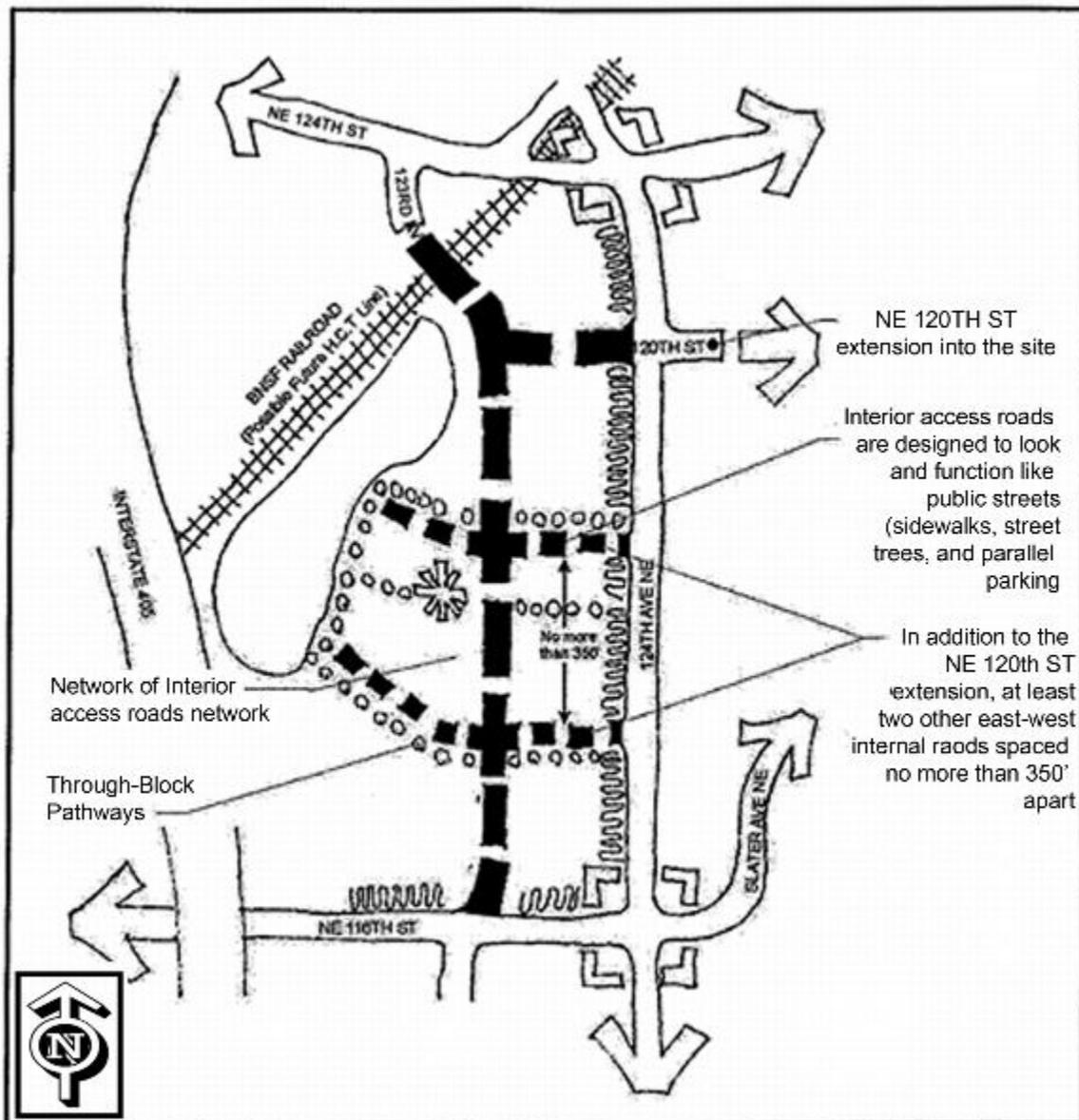


Plate 34F Vehicular Access and Pedestrian Pathway Concept for TL 5



Dorian Collins

From: Wayne Barnes [businessworksnz@gmail.com]
Sent: Tuesday, March 27, 2012 12:08 PM
To: Eric Shields; Dorian Collins
Cc: Fred Cal American 4912; Jacqueline Miller Cal American; Tina Of Regent West 03285920808; Bruce Chalfant; Duncan Milloy
Subject: Totem Square
Attachments: Totem 120th _2.jpg

Eric and Dorian,

Thank you for the work that you have done on the behalf of Totem Square.

On January 13, Bruce Chalfant and I, representing the ownership of Totem Square, met with Ray Steiger, PE, Director of Public Works regarding some of the concerns about the new road 120th going in to 124th Ave NE.

Concerns are:

- That the new road 120th is facing directly into a high voltage transmission tower
- That once the street lights are placed for the 120th and 124 intersection, long lines of traffic will be backed up and block the ingress and egress of Totem Square
- That there is a new railroad easement between and old section of 120th and the new 120th street and what use will be made of that rail line to connect 120th with other roads
- Will 120th be able to cross under the freeway because of the underpass that the rail line has at its disposal
- Will the ingress and the egress of Totem Square be tied into the new traffic light on 120th
- How will the access of bicycles traveling along 120th get on to the new rail trail

These are the main concerns that we have about the interfacing of Totem Square and the new 120th Street. What we see is a possible solution is to connect the new 120th Street west to the rail trail and beyond to the existing 120th Street by Motel 6. This would allow traffic to exit out Pine. Further a road way could be placed on the rail easement and exit under the 405 freeway to 120th Ave NE.

The solution proposed to the planning commission of running a road north and south does not seem to work. It would appear to us that the better solution would be to go east and west.

We are always available to discuss the alternatives to help improve the Totem Lakes district.

Thank you,
Wayne Barnes



Wayne Barnes
PO Box 88699
Los Angeles, CA
90009-8699

E 116th St

118th Ave NE

ed Meyer

Dining
Lumber
NE 118th St

120th Ave NE



120th Ave NE

Mineral C Seattle
North - Kirkland
PA

NE 124th St

File Ave

124th Lake Blvd

TOTEM Square

NEW ROAD

RESTAURANT II

Dance Home &
Office Interiors

Food Chicken II

Laughs
Comedy Spot

Kenn Zabara II

NE 116th St
Browns Bag
Cafe Kirkland

Hertz Rent
A Car

Existing High Voltage
Power Pole
Square 15 X 15

124th Ave NE

NEW ROAD

Discount
Fire

NE 124th St

Slater Ave NE

Slater Ave NE

NE 116th St

127th Ave NE

NE 117th St

NE 118th St

NE 119th St

NE 119th St

Dorian Collins

From: Todd Woosley [todd@woosleyproperties.com]
Sent: Tuesday, March 20, 2012 3:16 PM
To: Dorian Collins
Subject: TL 7 update requests, and Comp. Plan Amendment form request

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Dorian,

Thanks for the helpful conversation this afternoon. I really appreciate you sharing your time and expertise about the best way to move forward with improvements to Totem Lake's land use regulations.

Here are the specific changes to the TL7 USE ZONE CHART you asked for to include in the staff presentation to the Planning Commission Thursday:

.010: Special Regulations 2. change percent to 35%

.020, .030, .040, & .050: Special Regulations 1. change percent to 35%

Note: I forgot to discuss the 3,000 square foot limit on the printing, publishing, or duplicating services. Can the size be increased outright, or be 35% of a building?

.170: Special Regulations 1. increase gross floor area to 5,000 square feet (or whatever a standard Kinko's might be. Perhaps the one on Bellevue's Main Street (with the Starbucks) is a good example.

.190: Special Regulations 1. a. increase the percentage to 35%

If you have time, could you please send me a copy of the chart you plan to show the Commission? I'd like to speak in favor of it at their meeting.

Also, please remember to send me Eric's email regarding a privately sponsored Comp. Plan amendment request.

Thanks.

Sincerely,

Todd

Todd R. Woosley
Hal Woosley Properties, Inc.
12001 N.E. 12th Street, Suite #44
Bellevue, WA 98005
(425) 455-5730 #3 office
(425) 454-7150 mobile

Dorian Collins

Subject: FW: TL 7 regulations

From: Todd Woosley [mailto:todd@woosleyproperties.com]
Sent: Tuesday, March 20, 2012 3:36 PM
To: Eric Shields
Cc: Dorian Collins
Subject: Re: TL 7 regulations

Hi Eric,

Just wanted to make sure you understood the request for land use regulation changes include TL10B. The owners of the former Eastside Spray building would need to have two changes to meet demonstrated market demand. The first one might be able to be accomplished in the current process. Here is an excerpt from their letter to the City on January 12, 2012:

"...either eliminate the restriction on percentage of wholesale sales or increase the percentage to a maximum of fifty (50%) percent."

The second change apparently requires a Comprehensive Plan amendment, but is the most important:

"...zoning changes that would allow automobile sales and/or service uses in Totem Lake's TL10B zoning district."

Dorian has been very helpful in explaining the processes needed to accomplish these changes.

One thing you could help me understand better is any possible method to accelerate zoning changes. In particular, the Preliminary Totem Lake Action Plan suggests "Consider special call for amendments to TL Plan". Does this create the opportunity to make a Comp Plan change allowing auto sales and/or service in the 1010B zone without having to wait for at least two more years?

Please let me know.

Sincerely,

Todd

Todd R. Woosley
Hal Woosley Properties, Inc.
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Bellevue, WA 98005
(425) 455-5730 #3 office
(425) 454-7150 mobile

Dorian Collins

From: Todd Woosley [todd@woosleyproperties.com]
Sent: Tuesday, March 20, 2012 12:48 PM
To: Dorian Collins
Cc: Eric Shields; T.J. and Carole Woosley; Bruce Wynn; Ellen Miller-Wolfe; Joan McBride; Doreen Marchione; Bob Sternoff; Penny Sweet; Toby Nixon; Amy Walen; Dave Asher; Chuck Pilcher; Kurt Triplett
Subject: TL 7 Six Story Examples from Redmond

Hi Dorian,

Thanks for sending over the Planning Commission packet. Now that my internet access is finally restored, the first thing I wanted to share with you and the Planning Commission is reaffirming our request to have the height limits in the western portion of TL7 increased to allow 6 story buildings.

We doubt the ten foot increase (from 35 to 45 feet) recommended by staff is high enough to make redevelopment feasible. We're also concerned a forty five foot height limit is not consistent with the area's GMA designation as an Urban Center. Heights and FARs need to be large enough to allow the high levels of both employment and housing densities envisioned for Urban Centers. The western portion of TL7 is at the core of the Totem Lake Neighborhood, sandwiched between the area's busiest roadway and the BNSF railroad corridor. It's perfectly located for urban scale development, perhaps even Transit Oriented Development (TOD). By most accounts, forty five foot buildings do not generate enough demand to support significant transit service.

In addition, Totem Lake's ' competitors to the east and south do allow for greater heights. Both Redmond and Bellevue have much greater heights and floor area ratios (FARs) allowed in their designated urban centers. The Bel-Red Corridor allows up to 150 feet and an FAR of 4.0 in certain areas, and Redmond's Overlake Village allows up to twelve stories. It also allows a 4.0 FAR. On a smaller scale, Downtown Redmond allows exactly the type of building structure we request be allowed in TL7. As a result, new development has, and is, occurring. Please see the attached photos taken this morning in downtown Redmond. My understanding is the key to these projects' coming to fruition was the allowance of six stories.

It's apparent the most likely near and mid-term market for redevelopment is for these types of buildings. Even Bellevue's Spring District master plan envisions these type of structures potentially being built in their first phase. Allowing six stories creates the opportunity to construct buildings with a concrete ground floor, and five floors of "stick frame" construction above. Much closer to home, a building about this size is being built right across the street (N.E 124th Avenue) from TL 7.

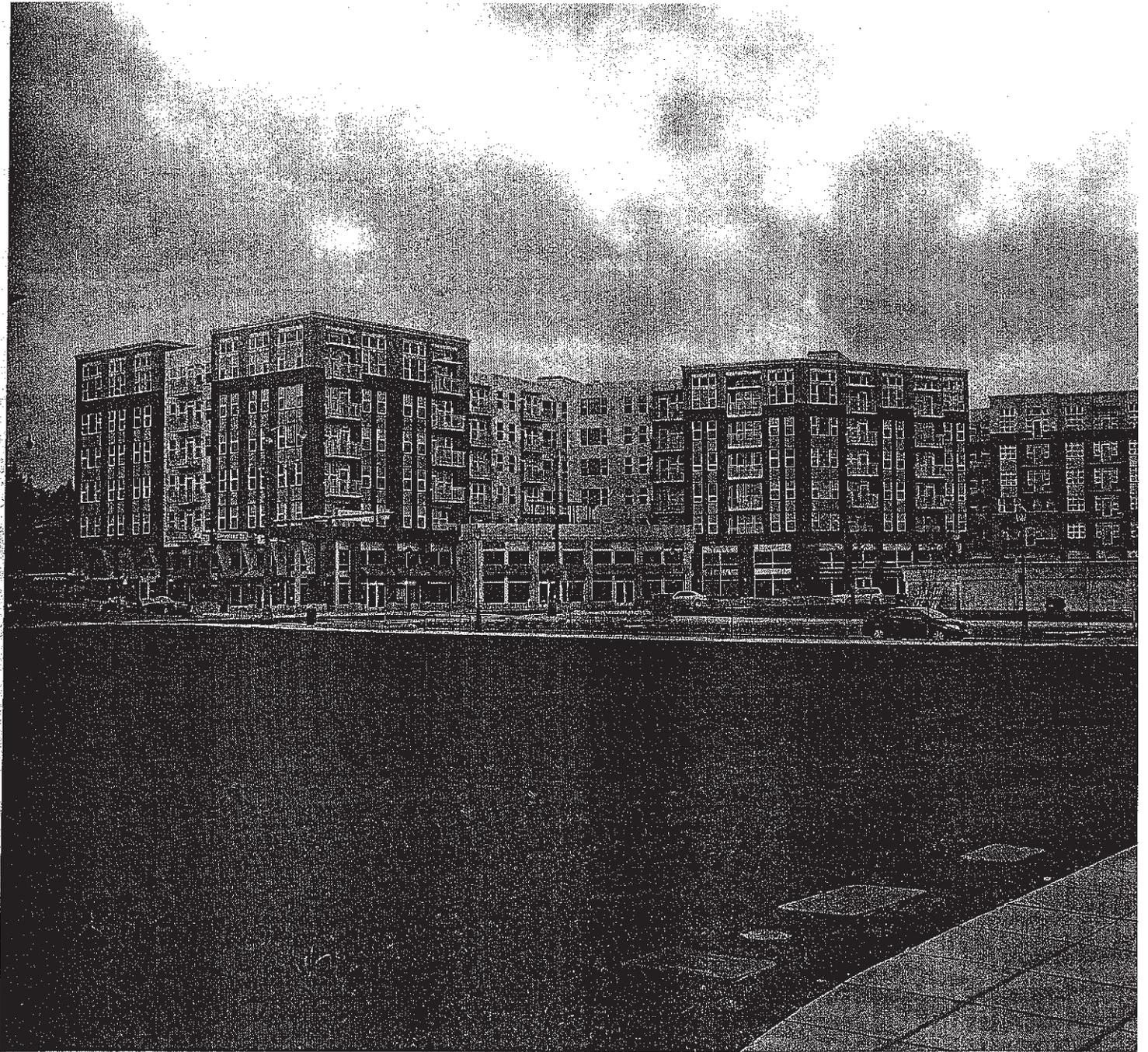
Therefore, we respectfully request the City support and adopt six story building heights in the western portion of the TL 7 zoning district.

Sincerely,

Todd

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To: Kirkland Chamber of Commerce Public Policy Committee
From: Hal Woosley Properties, Inc.
Date: March 19, 2012
Re: Chamber Support for Totem Lake Land Use Regulation Improvements

The Kirkland Chamber of Commerce has an opportunity to help improve the Totem Lake neighborhood's economic vitality by supporting changes to existing regulations that currently limit business and redevelopment. Hal Woosley Properties, Inc. requests the Chamber take a position in support of certain changes requested by businesses, property owners and property managers to accomplish this.

The City of Kirkland is currently considering allowing additional business types (a.k.a. Permitted Uses), greater building heights and increased flexibility for businesses in certain zoning districts in the Totem Lake neighborhood. This is part of the first phase of the Totem Lake revitalization effort.

Any support would be greatly appreciated. Most helpful would be a position in support of the specific changes (e.g. more businesses allowed, greater building heights and increased business flexibility) requested by the business community. At a minimum, a position in support of Land Use Principles would clearly communicate the Chamber's support for an improved business climate.

An example of a Kirkland Chamber of Commerce *Land Use Principles Position* is below:

**KIRKLAND CHAMBER OF COMMERCE
LAND USE PRINCIPLES POSITION**

The Greater Kirkland Chamber of Commerce supports land use regulations that enhance Kirkland's economic vitality, foster the free enterprise system and protect private property rights. The Chamber is committed to representing the best interests of its members, the people they serve and Kirkland's overall business climate. In addition, the Chamber supports the goals of the State's Growth Management Act, especially Comprehensive Planning for economic development.

Therefore, the Kirkland Chamber supports land use regulations that allow more types of businesses to locate in commercial areas, give these businesses increased flexibility in how they operate, help preserve or increase the values of investment property, and opposes changes that devalue businesses and commercial property or further restrict land use. The Chamber also supports regulations that prevent the

creation of non-conforming businesses, allow existing businesses to expand, and attracts new business to the area.

Furthermore, the Kirkland Chamber offers its expertise in the development of new land use regulations. The Chamber will play a constructive role in advancing a regulatory framework that fosters economic vitality, protects the rights of businesses and property owners, and meets community goals.

Dorian Collins

From: Todd Woosley [todd@woosleyproperties.com]
Sent: Tuesday, March 20, 2012 3:36 PM
To: Eric Shields
Cc: Dorian Collins
Subject: Re: TL 7 regulations

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Eric,

Just wanted to make sure you understood the request for land use regulation changes include TL10B. The owners of the former Eastside Spray building would need to have two changes to meet demonstrated market demand. The first one might be able to be accomplished in the current process. Here is an excerpt from their letter to the City on January 12, 2012:

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One thing you could help me understand better is any possible method to accelerate zoning changes. In particular, the Preliminary Totem Lake Action Plan suggests "Consider special call for amendments to TL Plan". Does this create the opportunity to make a Comp Plan change allowing auto sales and/or service in the 1010B zone without having to wait for at least two more years?

Please let me know.

Sincerely,

Todd

Todd R. Woosley
Hal Woosley Properties, Inc.
12001 N.E. 12th Street, Suite #44
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(425) 455-5730 #3 office
(425) 454-7150 mobile

On Jan 11, 2012, at 5:04 PM, Eric Shields wrote:

Thanks Todd. Do you know what the name of the other TL district is?

Eric Shields

From: Todd Woosley [mailto:todd@woosleyproperties.com]
Sent: Wednesday, January 11, 2012 4:48 PM
To: Eric Shields
Cc: T.J. and Carole Woosley
Subject: Re: TL 7 regulations

Hi Eric,

Thanks for your message. There are two main concerns re: the TL 7 zoning. First, the restriction that the retail/office component of a manufacturing business is limited to 20% (.010). We're finding this precludes some businesses from either locating in Totem Lake (not just the TL 7 district), or existing businesses expanding their retail component (which weakens their economic vitality). Perhaps this restriction should be completely removed. At a minimum, 35% might make it workable. The same general problem affects restaurant's, too (.190).

The Auto Service/Sales issue is for another Totem Lake zoning district. Hal Woosley Properties, Inc. is representing a business that would like to locate in the area, but this use is not allowed in the zoning district where an available property is located. Ideally, Auto Sales would be allowed. Understanding this is a type of retail use, just allowing Auto Service could work for this client.

Sincerely,

Todd

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On Jan 11, 2012, at 11:27 AM, Eric Shields wrote:

Todd,

Kurt mentioned to me that you and he talked after the Chamber meeting yesterday. He mentioned that one of your concerns had to do with an automotive use. Does that sound right? If so, please give me a little more detail. Dorian and I had already met to discuss broadening (and simplifying) the range of uses in TL7, but I want to make sure I understand your concerns to see if we can address them with the PC on Thursday.

Eric Shields, Director
Kirkland Department of Planning & Community Development
eshields@kirklandwa.gov | 425-587-3226

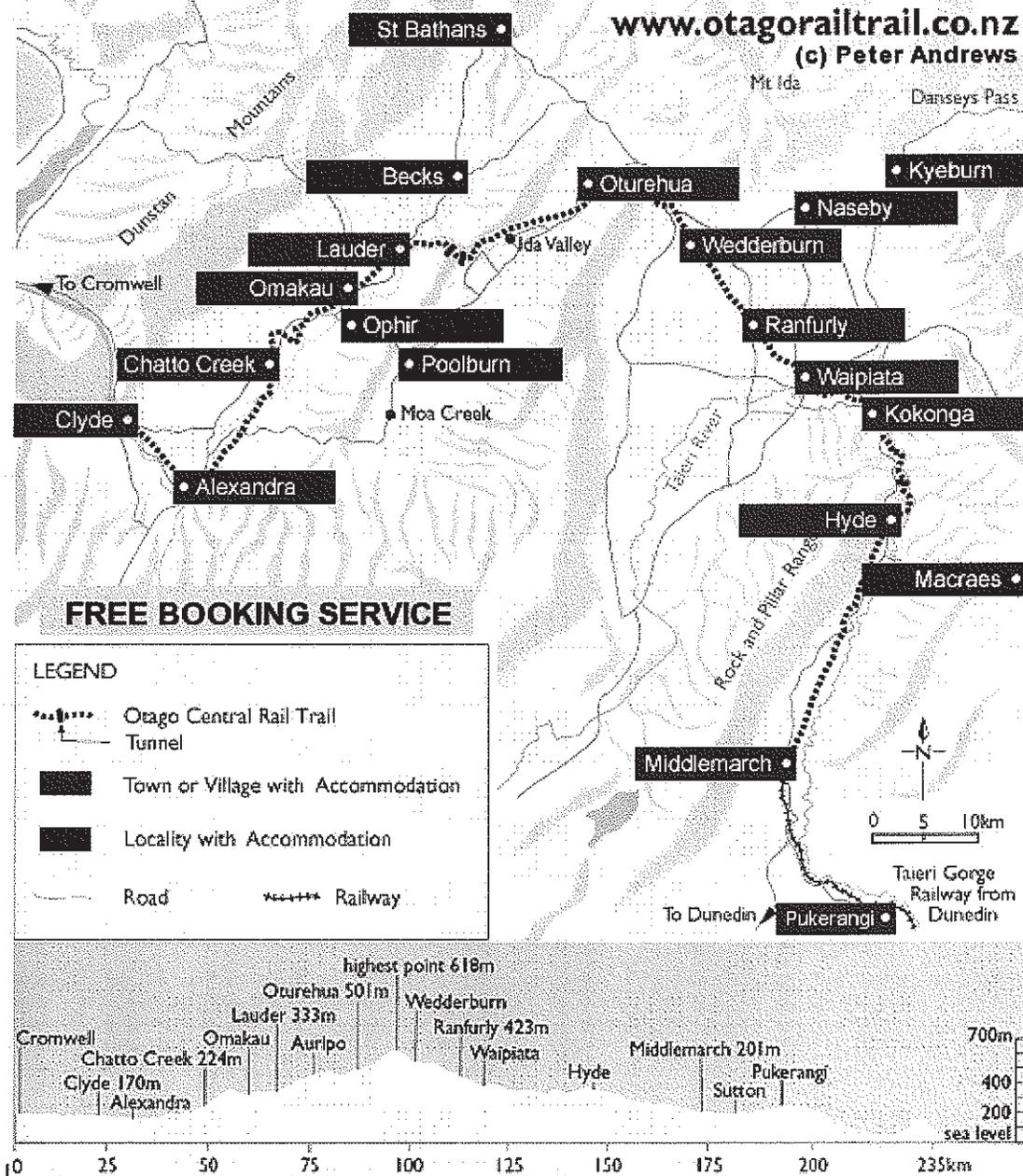
Otago Rail Trail, New Zealand

www.otagorailtrail.co.nz

<http://www.centralotagorailtrail.co.nz>

http://en.wikipedia.org/wiki/Otago_Central_Rail_Trail

150km (90 miles) from Clyde to Dunedin on the South Island of New Zealand. On average, 4 days is sufficient to cycle the Trail. Thirty bike rental companies are along the trail as people can start and stop anywhere on the trail. It opened Feb 2000 for walkers, cyclists and horse riders and on any day 300 to 500 people are on the trail.



SUBMITTED BY
WAYNE BARNES
3/22/12²⁰⁹

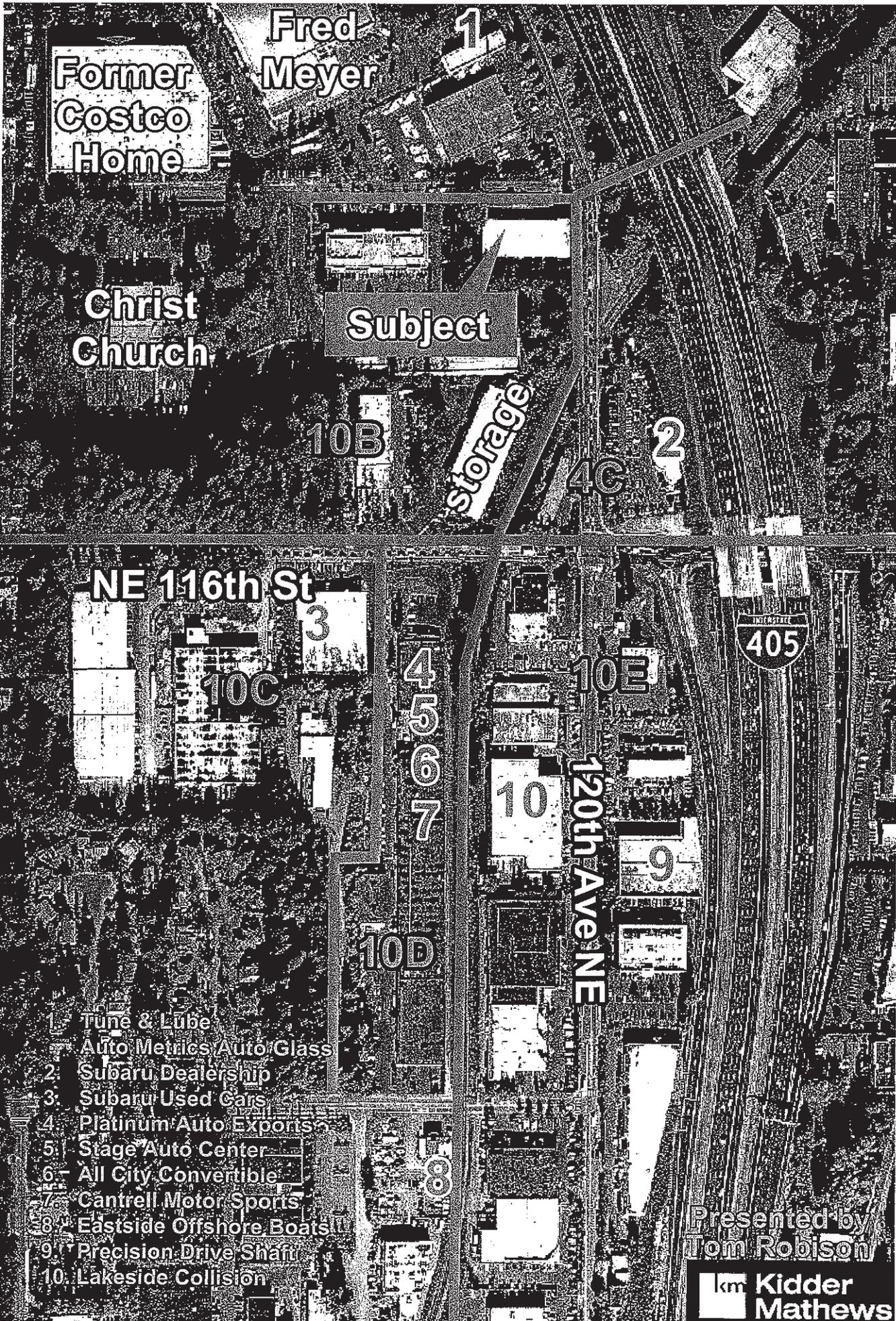
The **Otago Central Rail Trail** is a 150-kilometre walking, cycling and horse riding track in the South Island of New Zealand. A pioneering project for New Zealand, the successful cycle trail joined the New Zealand Cycle Trail umbrella organisation in 2012, having been one of the inspirations for it.

http://en.wikipedia.org/wiki/New_Zealand_Cycle_Trail

The **New Zealand Cycle Trail** project is a New Zealand government initiative, co-funded together with local Councils and charitable trusts, which is to build and operate a network of cycle routes through the country. As of mid 2011, the first of the 18 proposed 'Great Rides' (dedicated cycleways, mostly off-road and in particularly scenic locations) were being finished, while construction was ongoing on most of the others. The first set of 'Touring Routes' (mostly on-road, to connect Great Rides), had also been announced.

Wayne Barnes
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- 1. Tune & Lube
- 2. Auto Metrics Auto Glass
- 3. Subaru Used Cars
- 4. Platinum Auto Exports
- 5. Stage Auto Center
- 6. All City Convertible
- 7. Cantrell Motor Sports
- 8. Eastside Offshore Boats
- 9. Precision Drive Shaft
- 10. Lakeside Collision

Presented by
Tom Robinson

km Kidder Mathews

DBRB, LLC

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E-mail: suebehey3@frontier.com

January 12, 2012

Kirkland Planning Commission
Kirkland City Council
City Manager
123 5th Avenue
Kirkland, WA 98033

Re: Totem Lake Zoning District TL10B – Property located at 11731 120th Avenue NE, Kirkland

Dear Planning Commissioners, Councilmembers, and City Manager:

We request the City expedite the review of zoning changes that would allow automobile sales and/or service uses in Totem Lake's TL10B zoning district. And either eliminate the restriction on percentage of wholesale sales or increase the percentage to a maximum of fifty (50%) percent. This would help bring new business to Kirkland, as well as generate tax revenue for the City.

For the last three years, our property has been on the market, and numerous businesses have expressed interest in purchasing it. Unfortunately, the City's restrictive zoning code prevents the types of businesses that want to locate in this part of Totem Lake from doing so. The current code fails to reflect the market.

Allowing these uses would demonstrate Kirkland is truly responsive to the immediate needs of revitalizing business development especially during this historical economic recession. Delaying the improvement to the zoning code until years later due to procedural issues deters faith in our community government's ability to respond appropriately during difficult economic times. We trust the City will demonstrate its support for business, and find a way to allow auto sales and service in Totem Lake's TL10B zone, as quickly as possible.

Sincerely,

Dan Behey

Dan Behey
Managing Partner

CC: PlanningCommissioners@kirklandwa.gov
citycouncil@kirklandwa.gov
ktripplett@kirklandwa.gov
DCollins@ci.kirkland.wa.us
EShields@kirklandwa.gov