

RESOLUTION R-4787

AN RESOLUTION OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE ASSOCIATED WITH THE SHORELINE MASTER PROGRAM UPDATE, FILE NO. ZON06-00017.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendations of the Planning Commission and the Houghton Community Council dated September 10, 2009 and bearing Kirkland Department of Planning and Community Development File No. ZON06-00017; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on June 25, 2009, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on June 22, 2009, held a courtesy hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendations of the Planning Commission and Houghton Community Council; and

WHEREAS, the City Council wishes to state its intent to adopt the attached proposed Zoning Code text upon approval of the City's Shoreline Master Program by the State Department of Ecology; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The City Council hereby approves the proposed Zoning text amendments of Ordinance 3719 as amended, the Kirkland Zoning Ordinance as set forth in Attachment A attached to this resolution and incorporated by reference. The City Council intends to adopt the proposed Zoning text amendments set forth in Attachment A upon the City's final adoption of its Shoreline Master Program.

PASSED by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**EXHIBIT 2**

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

# ZONING CODE AMENDMENTS

(in order as they appear in Attachment 1 )

## Use Zone Charts (revised)

WDI – Sec 30.10  
WDII – Sec 30.20  
WDII – Sec 30.30  
CBD2 – Sec 50.15  
JBD2 – Sec 52.15  
JBD3 - Sec 52.20  
JBD4 - Sec 52.25  
JBD5 - Sec 52.30  
PLA2 - Sec 60.15  
PLA3A - Sec 60.20  
PLA3B - Sec 60.25  
PLA6A - Sec 60.55  
PLA6H - Sec 60.90  
PLA6I - Sec 52.95  
PLA15A - Sec 60.170  
PR - Sec 25.08  
BN - Sec 40.08  
RS - Sec 15.08  
RM - Sec 20.08

## Other sections

Chapter 115 - Sec 115.07 (Revised)  
Sec 30.17 in WDI (Deleted)  
Sec 30.27 in WDII (Deleted)  
Sec 30.37 in WDII (Deleted)  
Sec 50.20 in CBD2 (Deleted)  
Sec 52.35 in JDB5 (Deleted)  
Sec 60.18 in PLA 2 (Deleted)  
Sec 60.28 in PLA 3B (Deleted)  
Sec 60.173 in PLA 15 (Deleted)



## CHAPTER 30 – WATERFRONT DISTRICT (WD) ZONES

30.05 User Guide. The charts in KZC 30.15 contain the basic zoning regulations that apply in the WD I zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 30.10

The logo for Zone WD1, featuring the text "Zone WD1" in white on a black triangular background.

#### Section 30.10 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. ~~See KZC 30.17 for regulations regarding bulkheads and land surface modification.~~
2. ~~3.~~—The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
  - a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
  - b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and
  - c. The design of the public use area is specifically approved by the City.  
(Does not apply to Public Access Pier, ~~or Boardwalk~~ or Public Access Facility; ~~Moorage Facility for 1 or 2 Boats~~ Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units; Public Park; ~~or Public Utility uses~~; Boat Launch; or Water Taxi).
3. The required 30-foot front yard may be reduced, subject to all of the following conditions:
  - a. The existing primary structure does not conform to the minimum shoreline setback standard;
  - b. The proposed complete replacement or replacement of portion of the existing primary structure comply with the minimum required shoreline setback established under the provisions of KZC Chapter 83, or as otherwise approved under the shoreline setback reduction provisions established in Section 83.380 KZC;
  - c. The front yard for the complete replacement or the portion of replacement may be reduced one (1) foot for each one (1) foot of the shoreline setback that is increased in dimension from the setback of the existing non conforming primary structure, provided that subsection 3.d below is met; and
  - d. Within the front yard, each portion of the replaced or portion of replaced primary structure is setback from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.  
(Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Boat launch; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility uses; Boat Launch; or Water Taxi).
4. A view corridor must be maintained across 30 percent of the average parcel width. Refer to KZC Chapter 83 for additional details. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties (does not apply to Public Access Pier or Boardwalk, Moorage Facility for 1 or 2 Boats, or Public Park uses).
5. May not use lands waterward of the high waterline~~ordinary high water mark~~ to determine lot size or to calculate allowable density.
6. May also be regulated under the Shoreline Master Program, KMC Title 24 ~~refer to KZC Chapter 83~~.

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

Section 30.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line
.010	Detached Dwelling Units	None	3,600 sq. ft./unit, except if 1,800 sq. ft./unit for up to 2 dwelling units if the public access provisions of KZC 83.390 are met 3,600 sq. ft.	30' or greater of: a. 15' or	The greater of: a. 15 yards or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'	5', but two side yards must equal at least 15 feet. The greater of:	a. 15% of the average parcel depth. See Chapter 83 KZC	80%	30' above average building elevation. This provision may not be varied	E	A	2.0 per unit	<ol style="list-style-type: none"> <li>No structures, other than moorage structures or public access piers, may be waterward of the <a href="#">high waterline/ordinary high water mark</a>. For the regulations regarding <del>moorages and public access piers</del>, see the specific listings in this zone <del>piers or docks serving detached dwelling units</del>, refer to the specific listings in <a href="#">this zone and Chapter 83 KZC</a>.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>
			The minimum dimension of any yard, other than those listed, is 5'. See General Regulations										

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Section 30.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
.020	Detached, Attached or Stacked Dwelling Units	Process I, Chapter 145 KZC	3,600 sq. ft. per unit	30'	The greater of: a. 15 yards b. 1 1/2 times the height of the primary structure above average building elevation minus 10'	40' 5" but the side yards must equal at least 15 feet.	See Chapter 83 KZC. The greater of: a. 15' or b. 15% of the average parcel depth.	30' above average building elevation. See also Special Regulation 3	D	.	<ol style="list-style-type: none"> <li>No structures, other than moorage structures or public access piers, may be waterward of the <u>high waterline</u> or <u>ordinary high water mark</u>. For the regulations regarding moorage and public access piers, see the specific listings in this zone <u>and Chapter 83 KZC</u>.</li> <li><u>Chapter 83 KZC contains regulations regarding shoreline setbacks, view corridors, and public pedestrian walkways. Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public use areas.</u></li> <li>Structure height may be increased to 35 feet above average building elevation if:                         <ol style="list-style-type: none"> <li>The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</li> <li><u>a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or</u> <u>b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.</u></li> </ol> </li> <li><u>The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.</u></li> </ol>	
				See General Regulations and Spec. Reg. 6								

REGULATIONS CONTINUED ON NEXT PAGE

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
.020	Detached, Attached or Stacked Dwelling Units (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 6. Any required yard, other than the front <u>yard or high water line or shoreline setback required yard</u> , 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 shall provide the minimum required yard	
.030	Public Access Pier, or Boardwalk, or Public Access Facility	<del>. Process, Chapter 145 KZC See Chapter 83 KZC-</del>	None	<del>See Chapter 83 KZC Waterward of the High Waterline</del>			<del>--</del>	<del>See Chapter 83 KZC Pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck</del>	<del>--</del>	<del>See Spec. Reg. 7</del>	See KZC 105.25	<del>Refer to Chapter 83 KZC for additional regulations.</del> 1. <del>No accessory uses, buildings, or activities are permitted as part of this use.</del> 2. <del>If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a building permit for this use.</del> 3. <del>May not treat a structure with creosote, oil base or toxic substances.</del> 4. <del>Must provide at least one covered and secured waste receptacle.</del> 5. <del>All utility lines must be below the pier deck and, where feasible, underground.</del> 6. <del>Piers must be adequately lit; the source of the light must not be visible from neighboring properties.</del> 7. <del>Structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake.</del> 8. <del>North and south property line yards may be decreased for over water public use facilities which connect with waterfront public access on adjacent property.</del>

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			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage					Height of Structure
				Front	North Property Line	South Property Line	Shoreline Setback/High Water Line						
.040	<a href="#">Piers, docks, boat lifts and canopies serving Detached Dwelling Unit Moorage Facility for 1 or 2 boats</a>	<a href="#">See Chapter 83 KZC</a> None		<a href="#">See Chapter 83 KZC</a> Waterward of the High Waterline			-80%		<a href="#">See Spec. Reg. 8</a>	None 1 per each 2 slips. Otherwise, None if the moorage is reserved for the exclusive use of an adjoining residential development.	<a href="#">Refer to Chapter 83 KZC for additional regulations.</a> 1. No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone. 2. Moorage structure may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 3. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a building permit for this use. 4. May not treat moorage structure with creosote, oil base or toxic substances. 5. Must provide at least one covered and secured waste receptacle. 6. All utility lines must be below the pier deck and, where feasible, underground. 7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 8. Moorage structures must display the street address of the subject property. 9. Covered moorage is not permitted. 10. Aircraft moorage is not permitted.		
				In addition, no moorage structure may be within— a. 25' of a public park; or b. 25' of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5'									
.050	<a href="#">Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units</a>	<a href="#">See Chapter 83 KZC</a>	None	<a href="#">See Chapter 83 KZC</a>						None	<a href="#">Refer to Chapter 83 KZC for additional regulations</a>		

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						

.0650	Marina General Moorage Facility	Process II-A, Chapter 150 KZC, See Chapter 83 KZC	None, but must have at least 100' of frontage on Lake Washington	Landward of the High Waterline Ordinary High Water Mark	30' See Gen. Regs	The greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'	5', but side yards must equal at least 15 feet	See Chapter 83 KZC For moorage structure, 0' For other structures, the greater of a. 15' or b. 15% of the average parcel depth.	80%	Landward of the High Waterline ordinary high water mark, 30' above average building elevation. See also Spec. Reg. 32. Waterward of the High Waterline, Dock and Pier decks may not be more than 24' above mean sea level.	B	B See Spec. Reg. 13	1 per each 2 slips. Otherwise, None, if the moorage is reserved for the exclusive use of an adjoining residential development.	1. Refer to Chapter 83 KZC for additional regulations. 1. Except as permitted by Special Regulation 16, no structures, other than each moorage structure or public access pier, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 2. Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. 3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30' above average building elevation. 4. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 5. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. 6. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review size and configuration of moorage
				Waterward of the Ordinary High Water See Chapter 83 KZC High Waterline										

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
			<p>No moorage structure may be—</p> <p>a. Within 100 feet of a public park or</p> <p>b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at a 45° angle from the side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening over water structure; or (See next page for the rest of the Required Yard Regulations)</p>								<p>structures to insure that:</p> <p>a. The moorage structures are not larger than is necessary to moor the specified number of boats; and</p> <p>b. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and</p> <p>c. The moorage structures will not adversely affect nearby uses; and</p> <p>d. The moorage structures will not have a significant long term adverse effect on aquatic habitats.</p> <p>7. If the moorage structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use.</p> <p>REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE</p>	

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Section 30.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
.050	General Moorage Facility (continued)			<p>e. _____ Closer to a lot containing a detached dwelling unit than a line that starts where the high waterline of the lot intersects the side property line of the lot closest to the moorage structure and runs waterward toward the moorage structure at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening overwater structure; or</p> <p>d. _____ Within 25 _____ of another moorage structure not on the subject property.</p> <p>The minimum dimension of any yard, other than those listed, is 5 _____</p> <p>See previous page for the rest of this column.</p>						<p>8. _____ May not treat moorage structure with creosote, oil-base or toxic substance.</p> <p>9. _____ Must provide at least two covered and secured waste receptacles.</p> <p>10. _____ All utility and service lines must be below the pier deck and, where feasible, underground.</p> <p>11. _____ Must provide public restrooms unless moorage is only available for residents of dwelling units on the subject property.</p> <p>12. _____ Piers must be adequately lit. The source of light must not be visible from neighboring properties.</p> <p>13. _____ Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high.</p> <p>14. _____ Covered moorage is not permitted.</p> <p>15. _____ Aircraft moorage is not permitted.</p> <p>346. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:</p> <p>a. Boat and motor sales leasing.</p> <p>b. Boat and motor repair and service if:</p> <ol style="list-style-type: none"> <li>1) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and</li> <li>2) All dry land motor testing is conducted within a building.</li> </ol> <p>6. _____ Boat launching ramp if:</p> <ol style="list-style-type: none"> <li>1) _____ It is not for use of the general public; and</li> <li>2) _____ Is paved with concrete; and</li> </ol>		

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
											<p><del>3) There is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant; and</del></p> <p><del>4) Access to the ramp is not directly from the frontage road; and</del></p> <p><del>The design of the site is specifically approved by the City.</del></p> <p><del>d. Dry land storage. However, stacked storage is not permitted.</del></p> <p>e. c. Meeting and special events rooms.</p> <p>f. d. Gas and oil sale for boats, if:</p> <ol style="list-style-type: none"> <li>1) Storage tanks are underground and on dry land; and</li> <li>2) The use has facilities to contain and cleanup gas and oil spills. May have an over-water shed that is not more than 50 square feet and 10 feet high as measured from the deck.</li> </ol> <p><del>17. At least one pump-out facility shall be provided for use by the general public. This facility must be easily accessible to the general public and clearly marked for public use.</del></p>	

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line
.060	Restaurant or Tavern	Process IIA, Chapter 150 KZC	7,200 sq. ft	30'	5', but greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'	two side yards must be equal at least 15 feet.	See Chapter 83 KZC. The greater of: a. 15' or b. 15% of the average parcel depth.	80%	-30' above average building elevation. See also Special Regulation 3.	B	E	1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>No structures, other than moorage structures or public access piers, may be waterward of the <u>high waterline</u> or <u>ordinary high water mark</u>. For the regulations regarding moorages, see the <u>moorage-specific</u> listings in this zone <u>and Chapter 83 KZC</u>.</li> <li><u>Chapter 83 KZC contains regulations regarding shoreline</u> Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.</li> <li>Structure height may be increased to 35 feet above average building elevation if: <ol style="list-style-type: none"> <li>The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</li> <li>a. The increase is offset by a view corridor that is superior to that required by the General Regulations; <u>or</u> b. <del>The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.</del></li> </ol> </li> <li><del>The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation.</del></li> <li>5. Outside storage is not permitted.</li> <li>6. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation.</li> <li>7. Drive-in or drive-through facilities are prohibited.</li> </ol>

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
.070	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. <u>May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.</u>									<ol style="list-style-type: none"> <li><del>The provisions of Chapter 90 KZC, limiting development in and around wetlands, do not apply to a public park, if the development is approved as part of a Master Plan.</del></li> <li>This use may include a public access pier, <del>or</del> boardwalk, <u>or public access facility.</u> See <u>KZC 30.15.030</u> the specific listing in this Zone and Chapter 83 KZC for regulations regarding these uses.</li> <li><u>This use may include swimming beaches or other public recreational uses. See Chapter 83 for regulations regarding these uses.</u></li> </ol>	
.080 .090	Public Utility Government Facility Community Facility	Process IIA, Chapter 150 KZC	None	30' See Gen. Regs	<del>The greater of:</del> a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus	<del>5', but two yards must equal at least 15 feet.</del> See Chapter 83 KZC. The greater of: a. 15' or b. 15% of the average parcel depth.	80%	-30' above average building elevation. See also Special Regulation 3.	A C See Spec. Reg. 5.	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>No structures, other than moorage structures or public access piers, may be waterward of the <del>high waterline</del> <u>ordinary high water mark.</u> For the regulation regarding moorages and public access piers, see the specific listings in this zone <u>and Chapter 83 KZC.</u></li> <li><u>Chapter 83 KZC contains regulations regarding shoreline. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas.</u></li> <li>Structure height may be increased to 35 feet above average building elevation if: <ol style="list-style-type: none"> <li>The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</li> <li>The increase is offset by a view corridor that is superior to that required by the General Regulations; <del>or</del> <del>b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.</del></li> </ol> </li> </ol>

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

Section 30.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
				40'							4. <del>The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation.</del> 5. For a Government Facility use, Landscape Category A or B may be required depending on the type of use on the subject property and the impacts on the nearby uses.	

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

Section 30.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line
.100	Assisted Living Facility	Process I, Chapter 145 KZC	3,600 sq. ft	30'	The greater of: a. 15 yards or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'	5', but two side yards must equal at least 15 feet	See Chapter 83 KZC. The greater of: a. 45% of the average parcel depth.	80%	-30' above average building elevation. See also Special Regulation 7.	D	A	2.0 per independent unit. 1 per assisted living unit	<ol style="list-style-type: none"> <li>A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home is included, the following parking standards shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> <li>One parking stall shall be provided for each bed.</li> </ol> </li> <li>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 property may be approved if the following criteria are met: <ol style="list-style-type: none"> <li>Project is of superior design, and</li> <li>Project will not create impacts that are substantially different than would be created by a permitted multifamily development.</li> </ol> </li> <li>No structures, other than moorage structures or public access piers, may be waterward of the <u>high waterline</u> or <u>ordinary high water mark</u>. For the regulation regarding moorages and public access piers, see the specific listings in this zone <u>and Chapter 83 KZC</u>.</li> <li><u>The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot structure that exceeds 25 feet above average building elevation.</u></li> <li><u>Chapter 83 KZC contains regulations regarding shoreline. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property, within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The</u></li> </ol>

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

Section 30.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
.110	Boat launch (for non-motorized boats)	See Chapter 83 KZC	None	See Chapter 83 KZC						None	Refer to Chapter 83 KZC for additional regulations.	

~~City shall require signs designating the public pedestrian access and public uses areas.~~  
~~6.7. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and~~  
~~a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or~~  
~~b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.~~  
~~7. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation.~~  
~~8. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.~~

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

Section 30.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
.120	Water taxi	See Chapter 83 KZC	None	Landward of the Ordinary High Water Mark			80%	- Landward of the ordinary high water mark, 30' above average building elevation. See also Spec. Reg. 2	B	B	See KZC 105.25	1. Refer to Chapter 83 KZC for additional regulations. 2. _____ Structure height may be increased to 35 feet above average building elevation if: a. _____ The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and b. _____ The increase is offset by a view corridor that is superior to that required by the General Regulations
				30' See Gen. Regs		5', but two side yards must equal at least 15 feet	See Chapter 83 KZC					

30.19 User Guide. The charts in KZC 30.25 contain the basic zoning regulations that apply in the WD II zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

## Section 30.20



Zone  
WDII

### Section 30.20 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
- ~~2. See KZC 30.27 for regulations regarding bulkheads and land surface modifications.~~
- ~~3.~~ May not use lands waterward of the ordinary high water mark~~high waterline~~ to determine lot size or to calculate allowable density.
- ~~3.~~ The required yard abutting an unopened right-of-way shall be a site property rather than a front property line.
- ~~4.~~ May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83~~KMC Title 24~~

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

Section 30.25	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	Shoreline Setback/High Water Line						

.010	Detached Dwelling Units	None	12,500 sq. ft.	For those properties that conform to the standard shoreline setback requirements established in Chapter 83 KZC, either: a. 10' or b. The average of the existing front yards on the properties abutting the subject property to the	5'	5'	See Chapter 83 KZC. The greater of: a. 15' or b. 15% of the average parcel dept	5', but 2 side yards must equal at least 15'. or Spec Reg 5	50%	For properties with a minimum of 45' of frontage along Lake Washington, 30' above average building elevation. See Special Reg 10. Otherwise, 25' above average building elevation	E	A	2.0 per unit.	<ol style="list-style-type: none"> <li>No structure, other than a moorage structure, may be waterward of the <u>high-waterline ordinary high water mark</u>. For the regulations regarding moorage, see the <u>Moorage listing in this zone Chapter 83 KZC</u>.</li> <li>For this use, only one dwelling unit may be on each lot regardless of lot size.</li> <li>If dwelling units exist on property that abuts the subject property to the north and south, the required high waterline yard is the average of the distance of existing legally constructed structures from the high waterline on these two abutting properties. If, because of abutting properties, the required high waterline yard is increased 3. For properties located south of the <u>Lake Ave W Street End park</u>, the required <u>opposite front</u> yard may be decreased to the average of the existing <u>opposite front</u> yards on the properties abutting the subject property to the north and south.</li> <li>If either the north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. The dimensions of any required yard, other than as specifically listed, will be determined on a case-by-case basis, <u>unless otherwise specified in this Section</u>. The City will use the setback for this use in RS zones as a guide for this use.</li> <li>The gross floor area of any floor above the first story at street or vehicular access easement level shall be reduced by a minimum of 15% of the floor area of the first story, subject to the following conditions: <ol style="list-style-type: none"> <li>The structure must conform to the standard shoreline setback requirements established in Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in Section 83.380 KZC.</li> <li>The required floor area reductions shall be</li> </ol> </li> </ol>
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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 30.25	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	Shoreline Setback/High Water Line						

			north and south.									<p>incorporated into one or both facades facing the side property lines in order to provide separation between neighboring residences. See Plate xx.</p> <p>c. This provision shall not apply to residences that do not contain a ceiling height greater than 16 feet above the street or vehicular access easement level, as measured at the midpoint of the frontage of the subject property on the abutting right-of-way.</p> <p>d. The calculation of gross floor area shall apply the provisions established in KZC 115.42.1, minus five feet.</p> <p>Each portion of a structure must be setback from the north property line by a distance equal to or greater than the height of that portion of the structure above the north property line (See Plate 22).</p> <p>6. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). The front required yard provisions shall not apply to public street ends located west of Waverly Way, which shall be regulated as a side yard.</p> <p>7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>8. Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.</p> <p>9. The required yard along the east side of the vehicular access easements known as 5<sup>th</sup> Ave W or Lake Avenue West is 0 feet.</p> <p>10. The required yard along the west side of the</p>
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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 30.25	USE ⇓ REGULATIONS ⇓	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line	Shoreline Setback High Water Line							Side Property Line
				a. <del>25</del> of a public park; or b. <del>25</del> of another moorage structure not on the subject property. See Special Regulation 1.  <a href="#">See Chapter 83 KZC</a>				ing boards and similar features may not be more than 3' above the deck.				5. <del>Must provide at least one covered and secured waste receptacle.</del> 6. <del>All utility lines must be below the pier deck and, where feasible, underground.</del> 7. <del>Piers must be adequately lit; the source of the light must not be visible from neighboring properties.</del> 8. <del>Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake.</del> 9. <del>Covered moorage is not permitted.</del> 10. <del>Aircraft moorage is not permitted.</del> 11. <del>Two or more adjoining waterfront lots may share a mooring facility. If this occurs, the following regulations apply:</del> a. <del>All lots will be taken together as the subject property to determine compliance with the requirements of this use.</del> b. <del>The moorage structure may be built to accommodate two boats for each residential unit on the subject property.</del> c. <del>The owner of each lot must deed to the City the over water development rights to the property. Upon request, the City will, without cost, deed this right back to the owner of a lot, but the number of boats permitted to moor at the shared moorage facility will be reduced by two.</del>		
<u>.030</u>	Public Utility	Process IIA, Chapter 150 KZC.	None	20'	<del>20</del>	20'	<del>The</del> greater	5', but 2 side yards	70%	25' above average building	A	B	See KZC 105.25.1. Site design must minimize adverse impacts on surrounding residential neighborhoods.	

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

Section 30.25	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	Shoreline Setback/High Water Line						
.040	Government Facility Community Facility				of: a. 15' or b. 15% of the average parcel depth. See Chapter 80 KZC	must equal at least 15'		elevation	C See Spec. Reg. 4.		2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, 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 shall not exceed 50 feet. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. 3. <del>If either a north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard.</del> The dimension of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide. 4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses		
.050	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.									1. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. <del>2. The provisions of Chapter 90 KZC limiting development in and around wetlands do not apply to a public park, if the development is approved as part of a Master Plan.</del> 3. This use may include a public access pier or boardwalk. See <del>KZC 30.15.030</del> Chapter 83 KZC for regulations regarding these uses.		

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

Section 30.25	USE  REGULATIONS 	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	Shoreline Setback/High Water Line						

30.29 User Guide. The charts in KZC 30.35 contain the basic zoning regulations that apply in the WD III zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

## Section 30.30

Zone  
WDIII

### Section 30.30 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
- ~~2.~~ Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
- ~~3.~~ May not use lands waterward of the [high water line/ordinary high water mark](#) to determine lot size or to calculate allowable density.
3. The required 30-foot front yard may be reduced, subject to all of the following conditions:
  - a. The existing primary structure does not conform to the minimum shoreline setback standard;
  - b. The proposed complete replacement or replacement of portion of the existing primary structure comply with the minimum required shoreline setback established under the provisions of KZC Chapter 83, or as otherwise approved under the shoreline setback reduction provisions established in Section 83.380 KZC;
  - c. The front yard for the complete replacement or the portion of replacement may be reduced one (1) foot for each one (1) foot of the shoreline setback that is increased in dimension from the setback of the existing non conforming primary structure, provided that subsection 3.d below is met; and
  - d. Within the front yard, each portion of the replaced or portion of replaced primary structure is setback from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.

(Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Boat launch; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility uses; Boat Launch; or Water Taxi).
4. [The required 30-foot front yard may be reduced, subject to the following conditions:](#)
  - [a. The existing primary structure does not conform to the minimum shoreline setback standard;](#)
  - [b. The front yard may be reduced one foot for each one foot of the shoreline setback that is increased in dimension;](#)
  - [c. The new or remodeled primary structure must comply with the minimum required shoreline setback established under the provisions of KZC Chapter 83, or as otherwise approved under the shoreline setback reduction provisions established in Section 83.380 KZC; and](#)
  - [d. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line. ~~increase in~~](#)
5. May also be regulated under the Shoreline Master Program, [KMC Title 24 Chapter 83 KZC](#).

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

Section 30.35	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						

.010	Detached Dwelling Unit	None	<a href="#">3,600 sq. ft./unit, except if 1,800 sq. ft./unit for up to 2 dwelling units if the public access provisions of KZC 83.390 are met</a> 3,600 sq. ft.	30' See also Spec. Reg. 2.	<del>1. The greater of:</del> a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'	<del>5', but 2 side yards must equal at least 15' or 40'</del>	<del>See Chapter 83 KZC. The greater of:</del> a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. This provision may not be varied.	E	A	2.0 per unit.	<p>1. No structures, other than moorage structures or public access piers, may be waterward of the <del>high waterline ordinary high water mark</del>. For the regulations regarding moorages and public access piers, see the specific listings in this zone <del>and Chapter 83 KZC.</del></p> <p><del>2. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. Chapter 83 KZC contains regulations regarding shoreline setbacks, view corridors, and public pedestrian walkways.</del></p> <p><del>3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</del></p> <p><del>4. The required yard of a structure abutting Lake Washington Blvd. must be increased two feet for each one foot that structure exceeds 25 feet above the adjacent centerline of Lake Washington Blvd.</del></p>
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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 30.35	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line
					See General Regulations								
.020	Attached or Stacked Dwelling Units	Process I, Chapter 145 KZC.	3,600 sq. ft. per unit	30'	The greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'	5', but 2 side yards must equal at least 15' or 40'	See Chapter 83 KZC The greater of: a. 15' or b. 15% of the average parcel depth	80%	30' above average building elevation. See also Spec. Reg. 3	D	A	2.0 per unit.	<p>1. No structures, other than moorage structures or public access piers, may be waterward of the <u>high waterline/ordinary high water mark</u>. For the regulations regarding moorages and public access piers, see the specific listings in this zone <u>and Chapter 83 KZC</u>.</p> <p>2. <u>Chapter 83 KZC contains regulations regarding shoreline setbacks, view corridors, and public pedestrian walkways. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public uses areas. See Chapter 83 KZC for requirements.</u>  <del>5. A view corridor must be maintained across 30% of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.</del></p> <p>53. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</p> <p>a. The increase is offset by a view corridor that is superior to that required by <del>Special Regulation 4</del> <u>Chapter 83 KZC</u>; or</p> <p>b. <del>The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.</del>  <del>67. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.</del></p> <p>REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE</p>

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

Section 30.35	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
.020	Attached or Stacked Dwelling Units (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. Any required yard, other than the front <u>required yard</u> or <u>high water line required yard/shoreline setback</u> , 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 shall provide the minimum required yard.	
.030	Public Access Pier, Boardwalk or Public Access Facility	See Chapter 83 KZC Process I, Chapter 145 KZC.	None	See Chapter 83 KZC Waterward of the High Waterline - 40' 40' - See also Special Regulation 8			-	Pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck	-	See Spec. Reg. 7	See KZC 105.25.	Refer to Chapter 83 KZC for additional regulations. 1. No accessory uses, buildings, or activities are permitted as part of this use. 2. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. 3. May not treat a structure with creosote, oil base or toxic substances. 4. Must provide at least one covered and secured waste receptacle. 5. All utility lines must be below the pier deck and, where feasible, underground. 6. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 7. Structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake. 8. North and south property line yards may be decreased for over-water public use facilities which connect with waterfront public access on adjacent property.

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

Section 30.35	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line
					40'	40'							5'
.040	Piers, docks, boat lifts and canopies serving Detached Dwelling Unit.	See Chapter 83 KZC None	None	See Chapter 83 KZC Waterward of the High Waterline - 40' 40' - In addition, no moorage structure may be within - a. 25' of a public park; or b. 25' of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5'	80%	Pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	-	See Spec. Reg. 9.	None	Refer to Chapter 83 KZC for additional regulations. 1. Moorage must be for the exclusive use of the residents of the subject property. Renting moorage spaces is not permitted. 2. No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone. 3. Moorage structure may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 4. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. 5. May not treat moorage structure with creosote, oil base or toxic substances. 6. Must provide at least one covered and secured waste receptacle. 7. All utility lines must be below the pier deck and, where feasible, underground. 8. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 9. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 10. Covered moorage is not permitted. 11. Aircraft moorage is not permitted. 12. Live aboard boats are prohibited.			

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Section 30.35	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure						
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line	
.050	General Moorage Facility Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units	See Chapter 83 KZC Process II, Chapter 150 KZC.	None, but must have at least 100' of frontage on Lake Washington.	Landward of the High Waterline Ordinary High Water Mark	30'	The greater of: a. 15' or b. 15% of the average parcel depth.	5', but 2 side yards must be equal at least 15'	See Chapter 83 KZC For moorage structure, 0'	80%	Landward of the High Waterline Ordinary High Water Mark, 30' above average building elevation. Waterward of the High Waterline, Dock and Pier decks may not be more than 24' above mean sea level.	B	B See Spec. Reg. 14.	None	Refer to Chapter 83 KZC for additional regulations. 1. Moorage must be for the exclusive use of the residents of the subject property. Renting moorage space is not permitted. 2. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 3. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. 4. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 5. A view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line whichever will result in the widest view corridor given development on adjacent properties. 6. The design on the site must be compatible with the scenic nature of the waterfront. If the development will result in the

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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 30.35	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
				<p>No moorage structure may be—</p> <p>a. Within 100 feet of a public park; or</p> <p>b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at a 45° angle from the side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening overwater structure; or</p> <p>(See next page for the rest of the Required Yard Regulations)</p>							<p>isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.</p> <p>7. The City will determine the maximum allowable number of moorages based on the following factors:</p> <p>a. The ability of the land landward of the high waterline to accommodate the necessary support facilities.</p> <p>b. The potential for traffic congestion.</p> <p>c. The number of moorages shall not exceed the number of dwelling units on the subject property.</p> <p>REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE</p>	

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

Section 30.35	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line
.050	General Moorage Facility (continued)			<p>e. Closer to a lot containing a detached dwelling unit than a line that starts where the high waterline of the lot intersects the side property line of the lot closest to the moorage structure and runs waterward toward the moorage structure at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening overwater structure; or</p> <p>d. Within 25' of another moorage structure not on the subject property.</p> <p>The minimum dimension of any yard, other than those listed, is 5'.</p> <p>(See previous page for the rest of this column)</p>						<p>8. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review size and configuration of moorage structures to insure that:</p> <p>a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and</p> <p>b. The moorage structures are not larger than is necessary to moor the specified number of boats; and</p> <p>c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and</p> <p>d. The moorage structures will not adversely affect nearby uses; and</p> <p>e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats.</p> <p>9. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use.</p> <p>10. May not treat moorage structure with creosote, oil base or toxic substance.</p> <p>11. Must provide at least two covered and secured waste receptacles.</p> <p>12. All utility and service lines must be below the pier deck and, where feasible, underground.</p> <p>13. Piers must be adequately lit. The source of light must not be visible from neighboring properties.</p> <p>14. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high.</p> <p>15. Covered moorage is not permitted.</p> <p>16. Aircraft moorage is not permitted.</p> <p>17. At least one pump-out facility shall be provided.</p>			

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Section 30.35	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line
.060	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. <u>May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.</u>						<ol style="list-style-type: none"> <li><del>The provisions of Chapter 90 KZC limiting development in and around wetlands do not apply to a public park, if the development is approved as part of a Master Plan.</del></li> <li>This use may include a public access pier, <del>or</del> boardwalk or public access facility. <u>See the specific listing in this zone and Chapter 83 KZC for regulations regarding these uses. See KZC 30.15.030 for regulations regarding these uses.</u></li> <li>This use may include swimming beaches or other public recreational uses. <u>See Chapter 83 for regulations regarding these uses.</u></li> </ol>					
.070	Public Utility	Process IIA, Chapter 150 KZC.	None	30'	The greater of: a. 15' or b. 1 1/2 times the height of the primary	5', but 2 side yards must equal at least 15' - 10'	See Chapter 83 KZC. The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. See also Special Regulation 3.	A	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>No structures, other than moorage structures or public access piers, may be waterward of the <del>high water line</del> <u>ordinary high water mark</u>. For regulations regarding moorages and public access piers, see the specific listings in this zone <del>and Chapter 83 KZC.</del></li> <li><del>Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas.</del></li> <li><u>Chapter 83 KZC contains regulations regarding shoreline setbacks, view corridors, and public pedestrian walkways. A view corridor must be maintained across 30 percent of</u></li> </ol>
.080	Government Facility Community Facility									C	See Spec. Reg. 4.		

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 30.35	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
				structure above average building elevation minus 10'							<p><del>the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.</del></p> <p><del>4.3. Structure height may be increased to 35 feet above average building elevation if:</del></p> <p><del>a. The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</del></p> <p><del>a-b. The increase is offset by a view corridor that is superior to that required by Special Regulation 4; or</del></p> <p><del>b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.</del></p> <p><del>5. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation.</del></p> <p><del>6.4. 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.</del></p>	

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

Section 30.35	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line
.090	Assisted Living Facility	Process I, Chapter 145 KZC.	3,600 sq. ft.	30 See also Spec. Reg. 6.	<del>The greater of: a. 15 or b. 1 1/2 times the height of the primary structure above average building elevation minus 10.</del>	<del>5, but 2 side yards must equal at least 15.</del>	<del>See Chapter 83. The greater of: a. 15 or b. 15% of the average parcel depth.</del>	80%	30 above average building elevation. See also Special Regulation 8.	D	A	2.0 per independent unit. 1 per assisted living unit.	<p>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</p> <p>2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home is included, the following parking standards shall apply to the nursing home portion of the facility:</p> <p>a. One parking stall shall be provided for each bed.</p> <p>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 property may be approved if the following criteria are met:</p> <p>a. Project is of superior design, and</p> <p>b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.</p> <p>4. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulation regarding moorages and public access piers, see the specific listings in this zone <a href="#">and Chapter 83 KZC.</a></p> <p><del>5. Chapter 83 KZC contains regulations regarding shoreline setbacks, view corridors, and public pedestrian walkways. Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas.</del></p>
				The minimum dimension of any yard, other than those listed, is 5'.									

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Section 30.35	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line
.090	Assisted Living Facility (continued)										<p>A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the existing view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.</p> <p>5. Structure height may be increased to 35 feet above average building elevation if:</p> <p>a. The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</p> <p>a-b. The increase is offset by a view corridor that is superior to that required by Chapter 83 KZC <del>Special Regulation 7</del>; or</p> <p>b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.</p> <p>9. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation.</p> <p>10. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</p>		
.100	Boat launch (for non-motorized boats)	See Chapter 83 KZC	None	See Chapter 83 KZC					None	Refer to Chapter 83 KZC for additional regulations.			

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Section 30.35	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							Shoreline Setback/High Water Line
					30'	5', but 2 side yards must equal at least 15'							See Chapter 83 KZC
.110	Water taxi	See Chapter 83 KZC	None	Landward of the Ordinary High Water Mark			80%	Landward of the ordinary high water mark, 30' above average building elevation.	B	B	See KZC 105.25.	Refer to Chapter 83 KZC for additional regulations.	

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

## Section 50.15

Zone  
CBD -2

### Section 50.15 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
- ~~2. See KZC 50.20 for regulations regarding bulkheads and land surface modification.~~
32. Along Lake Street South, north of Kirkland Avenue, buildings exceeding one story above Lake Street South shall demonstrate compliance with the Design Regulations of Chapter 92 KZC and all provisions of the Downtown Plan. Through Design Review (D.R.) the City shall find that any allowance for additional height is clearly outweighed by identified public benefits such as through-block public pedestrian access or through-block view corridors (Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; or Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units)(~~does not apply to Public Access Pier or Boardwalk and Moorage Facility for One or Two Boats uses~~).
43. In no case shall the height exceptions identified in KZC 50.62 and 115.60(2)(d) result in a structure which exceeds 28 feet above the abutting right-of-way (Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Boat launch; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units; or Marina)(~~does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats uses and General Moorage Facility Uses~~).
54. South of Second Avenue South, maximum height of structure is three stories above Lake Street South as measured at the midpoint of the frontage of the subject property on Lake Street South. Buildings exceeding two stories shall demonstrate compliance with the design regulations of Chapter 92 KZC and all provisions of the Downtown Plan (Does not apply to Public Access Pier, Boardwalk or Public Access Facility; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; or Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units)(~~does not apply to Public Access Pier or Boardwalk and Moorage Facility for One or Two Boats uses~~).
65. For purposes of measuring building height, if the subject property abuts more than one right-of-way, the applicant may choose which right-of-way shall be used to measure the allowed height of structure. (~~does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats, and General Moorage Facility uses~~) (Does not apply to Public Access Pier, Boardwalk or Public Access Facility; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units).
76. May not use land waterward of the high waterlineordinary high water mark to determine lot size or to calculate allowable density.
87. Development in this zone may also be regulated under the City's Shoreline Master Program; refer to KZC Chapter 83, consult that document.

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

Section 50.17	USE  REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						

.010	A Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60..	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <del>a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property.</del> <del>a. Chapter 83 KZC contains regulations regarding shoreline setbacks and public pedestrian walkways.</del> <del>b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</del> <del>e-b. No structure, other than moorage structures, may be waterward of the high waterline ordinary high water mark. For regulation regarding moorages, see the moorage listings in this zone and Chapter 83 KZC.</del> <del>d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</del>
See KZC 50.60 and 105.25.												
One for each room. See Special Regulation 4 and KZC 50.60.	2. The following uses are not permitted in this zone: a. Vehicle service stations. b. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. c. Drive-in facilities and drive-through facilities.											
One per each 125 sq. ft. of gross floor area. See KZC 50.60.	3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 4. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.											
.020	Entertainment, Cultural and/or Recreational Facility											
.030	Hotel or Motel											
.040	Restaurant or Tavern											

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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 50.17	USE ↓  ↑ REGULATIONS	Required Review Process	MINIMUMS			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)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.050	School, Day-Care Center, or Mini School or Day-Care Center	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way	D	E	See KZC 50.60 and 105.25.	<p>1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington:</p> <p>a. <del>Chapter 83 KZC contains regulations regarding shoreline setbacks and public pedestrian walkways.</del> <del>A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property.</del></p> <p>b. <del>Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</del></p> <p>c. No structure, other than moorage structures, may be waterward of the <del>high waterline</del><u>ordinary high water mark</u>. For regulations regarding moorages, see the moorage listings in this zone <u>and Chapter 83 KZC</u>.</p> <p>2. A six-foot-high fence is required along all property lines adjacent to outside play areas.</p> <p>3. Structured play areas must be setback from all property lines by at least five feet.</p> <p>4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</p> <p>5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</p> <p>6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			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)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.060	Assisted Living Facility See Special Regulation 4.	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> <li>a. One parking stall shall be provided for each bed.</li> </ol> </li> <li>3. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ol style="list-style-type: none"> <li>a. Chapter 83 KZC contains regulations regarding shoreline setbacks and public pedestrian walkways. <del>a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property.</del></li> <li>b. <del>Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</del></li> <li>e-b. No structure, other than moorage structures, may be waterward of the <del>high waterline</del> ordinary high water mark. For regulations regarding moorages, see the moorage listings in this zone and Chapter 83 KZC.</li> <li>d. <del>Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</del></li> </ol> </li> <li>4. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</li> </ol>	

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

Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
			DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
.070	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	<p>1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington:</p> <p><del>a. Chapter 83 KZC contains regulations regarding shoreline setbacks and public pedestrian walkways. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property.</del></p> <p><del>b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</del></p> <p><del>c. No structure, other than moorage structures, may be waterward of the high waterline ordinary high water mark. For regulations regarding moorages, see the moorage listings in this Zone and Chapter 83 KZC.</del></p> <p><del>d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</del></p> <p>2. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:</p> <p>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and</p> <p>b. The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses.</p> <p>3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</p> <p>4. Veterinary offices are not permitted in this zone.</p>
.080	Office Use								D	D		

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

Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure	
				Front	Side	Rear							
.090	Stacked or Attached Dwelling Units	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per unit. See KZC 50.60.	<p>1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington:</p> <p>a. <del>Chapter 83 KZC contains regulations regarding shoreline setbacks and public pedestrian walkways.— A high waterline yard equal in depth to the greater of 15 ft. or 15 percent of the average parcel depth is hereby established on the subject property.</del></p> <p>b. <del>Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</del></p> <p>c. <del>No structure, other than moorage structures, may be waterward of the high waterline ordinary high water mark. For regulations regarding moorages, see the moorage listings in this Zone and Chapter 83 KZC.</del></p> <p>d. <del>Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</del></p> <p>2. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</p>	
.100	Public Access Pier or Boardwalk, or Public Access Facility			Landward of the <del>high waterline</del> ordinary high water mark	0	0	0	Waterward of the high waterline	0	10	0	See Special Regulation 8.	<p>1. <del>Refer to Chapter 83 KZC for additional regulations. No accessory uses, buildings, or activities may be permitted as part of this use.</del></p> <p>2. <del>If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.</del></p> <p>3. <del>May not treat structures with creosote, oil base, or toxic substances.</del></p> <p>4. <del>Must provide at least one covered and secured waste receptacle.</del></p> <p>5. <del>All utility lines must be below the pier deck and, where feasible, underground.</del></p> <p>6. <del>Piers must be adequately lit; the source of the light must not be visible from off the subject property.</del></p>

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

Section 50.17	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)					
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure				
				Front	Side	Rear										
										<p>7. _____ The pier or boardwalk must display the street address of the subject property. The address must be oriented to and visible from the lake with letters and numbers at least four inches high.</p> <p>8. _____ The side property line yards may be reduced for over water public access piers or boardwalks which connect with waterfront public access on adjacent property.</p>						
.110	<a href="#">Piers, docks, boat lifts and canopies serving Detached Dwelling Unit Moorage Facility for One or Two Boats</a>	D.R., Chapter 142 KZC.  Also see Chapter 83 KZC	None	<p>Landward of the <u>high waterline</u> ordinary <u>high water mark</u></p> <table border="1"> <tr> <td>0'</td> <td>0'</td> <td>0'</td> </tr> </table> <p>Waterward of the <u>high waterline</u></p> <table border="1"> <tr> <td>0-</td> <td>10-</td> <td>0-</td> </tr> </table> <p>See Special Regulation 5.</p>	0'	0'	0'	0-	10-	0-	100%	<p>See Chapter 83 KZC. Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.</p>	--	See Spec. Reg. 9.	See KZC 50.60 and 105.25. None	<p>1. Refer to Chapter 83 KZC for additional regulations. No accessory use, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone.</p> <p>2. _____ Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width.</p> <p>3. _____ If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.</p> <p>4. _____ May not treat structures with creosote, oil-based, or toxic substances.</p> <p>5. _____ Moorage structures may not be closer than 25 feet to another moorage structure not on the subject property.</p> <p>6. _____ Must provide at least one covered and secured waste receptacle.</p> <p>7. _____ All utility lines must be below the pier deck and, where feasible, underground.</p> <p>8. _____ Piers must be adequately lit; the source of the light must not be visible from off the subject property.</p> <p>9. _____ Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high.</p> <p>10. _____ Covered moorage is not permitted.</p> <p>11. _____ A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.</p>
0'	0'	0'														
0-	10-	0-														

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

Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
		Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units <a href="#">D.R., Chapter 142 KZC.</a> <a href="#">See Chapter 83 KZC</a>	None	0'	0'	0'	100%	See Chapter 83 KZC	-	-	None	Refer to Chapter 83 KZC for additional regulations.
.120	General Moorage Facility Marina	Process II, Chapter 150 KZC, and D.R., Chapter 142 KZC. Also see <a href="#">Chapter 83 KZC</a>	None, but must have at least 100 ft. of frontage on Lake Washington.	0'	0'	0'	100%	Landward of the high waterline ordinary high water mark, 28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way. Waterward of the high waterline, pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	See Spec. Reg. 53.	B See Spec. Reg. 14.	See KZC 50.60 and 105.25.	1. Refer to Chapter 83 KZC for additional regulations. The City will determine the maximum allowable number of moorages based on the following factors: <ol style="list-style-type: none"> <li>The topography of the area.</li> <li>The ability of the land waterward of the high waterline to support the moorages.</li> <li>The nature of nearby uses.</li> <li>The potential for traffic congestion.</li> <li>The effect on existing habitats.</li> </ol> 2. Moorage structures may not be larger than is reasonably necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of moorage structures to insure that: <ol style="list-style-type: none"> <li>The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the Outer Harbor Line.</li> <li>The moorage structures are not larger than is necessary to moor the specified number of boats.</li> <li>The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation.</li> </ol> 3. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC: <ol style="list-style-type: none"> <li>Gas and oil sale for boats, if:                             <ol style="list-style-type: none"> <li>Storage tanks are underground and on dry land; and</li> <li>The use has facilities to contain and clean up oil and gas spills.</li> </ol> </li> <li>An over-water shed, which is no more than 50 square feet and not more than 10 feet high as measured from the deck, accessory to oil and gas sale for boats.</li> <li>Boat and motor sales and leasing.</li> </ol>

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Section 50.17	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
										d. Boat or motor repair and service if: 1) This activity is conducted on dry land and either totally within a building or totally sight screened from the adjoining property and the right-of-way; and 2) All dry land motor testing is conducted within a building. e. Meeting and special events rooms. <del>4. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</del> 5. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer. <del>6. At least one pump-out facility shall be provided for use by the general public. This facility must be easily accessible to the general public and clearly marked for public use.</del> <del>7. Must provide public restrooms unless moorage is available only for the residents of dwelling units on the subject property.</del> <del>8. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.</del> <del>9. May not treat moorage structures with creosote, oil based, or toxic substances.</del> <del>10. No moorage structure may be within:</del> a. 100 feet of a public park; b. 50 feet of any abutting lot that contains a detached dwelling unit and c. 25 feet of another moorage structure not on the subject property. <del>11. Must provide at least two covered and secured waste receptacles.</del> <del>12. All utility lines must be below the pier decks and, where feasible underground.</del> <del>13. Piers must be adequately lit; the source of the light must not be visible from off the subject property.</del> <del>14. Moorage structures must display the street address of the subject</del>		

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Section 50.17	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
											<p>property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high.</p> <p>15. Covered moorage is not permitted. Aircraft moorage is not permitted.</p> <p>16. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.</p> <p>17. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</p> <p>18. No structures, other than moorage structures, may be waterward of the high waterline.</p>	
	<a href="#">Tour Boat</a>	D.R., Chapter 142 KZC See Chapter 83 KZC.	None	0'	0'	0'	100%	Landward of the ordinary high water mark, 28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	See Spec. Reg. 2	B	See KZC 50.60 and 105.25.	<p>1. Refer to Chapter 83 KZC for additional regulations.</p> <p>2. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of KZC Chapter 95 as a guide for requiring a buffer.</p>
	<a href="#">Passenger Only Ferry Terminal</a>	D.R., Chapter 142 KZC See Chapter 83 KZC.	None	0'	0'	0'	100%	Landward of the ordinary high water mark, 28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each	See Spec. Reg. 2	B	See KZC 50.60 and 105.25.	<p>1. Refer to Chapter 83 KZC for additional regulations.</p> <p>2. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.</p>

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Section 50.17	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
							right-of-way.					
	<a href="#">Water Taxi</a>	D.R., Chapter 142 KZC See Chapter 83 KZC.	None	0'	0'	0'	100%	Landward of the ordinary high water mark, 28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	See Spec. Reg. 2	B	See KZC 50.60 and 105.25.	1. Refer to Chapter 83 KZC for additional regulations. 2. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.
	<a href="#">Boat Launch (motorized boats)</a>	D.R., Chapter 142 KZC See Chapter 83 KZC.	None	0'	0'	0'	100%	Landward of the ordinary high water mark, 28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each	See Spec. Reg. 2	B	See KZC 50.60 and 105.25.	1. Refer to Chapter 83 KZC for additional regulations. 2. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.

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

Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	Public Utility	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	1. May be permitted only if locating this use in the immediate area of subject property is necessary to permit efficient service to the area or the City as a whole. 2. No structures, other than moorage structures, may be waterward at the <a href="#">high-waterline</a> <a href="#">ordinary high water mark</a> . For regulations regarding moorages, see the moorage listings in this zone <a href="#">and Chapter 83 KZC</a> .
.140	Government Facility											
.150	Community Facility											
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. <a href="#">May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.</a>										

52.14 User Guide. The charts in KZC [52.17](#) contain the basic zoning regulations that apply in the JBD 2 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use

## Section 52.15

Zone  
JBD-2

### Section 52.15 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property. The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.

2. Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.

3. The maximum height of structures on the subject property may be increased by up to 13 feet if a view corridor is maintained across 30 percent of the average parcel width for the portion of the building above 26 feet. The corridor will be located to provide the widest view corridor given development on adjacent properties to the north and south.

4. See Chapters [100](#) and [162](#) KZC for information about nonconforming signs. KZC [162.35](#) describes when nonconforming signs must be brought into conformance or removed (does not apply to Public Parks uses).

[5. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

**52.19** The charts in KZC [52.22](#) contain the basic zoning regulations that apply in the JBD 3 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

## Section 52.15



Zone  
JBD-3

### Section 52.20 – GENERAL REGULATIONS

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. A 10-foot landscape buffer shall be provided along 98th Avenue NE. Alternative techniques for framing this entryway to the business district may be proposed by the applicant as part of D.R.
3. The maximum height of structures on the subject property may be increased by up to 13 feet if a view corridor is maintained across 30 percent of the average parcel width for the portion of the building above 26 feet. The corridor will be located to provide the widest view corridor given development on adjacent properties to the north and south
4. See Chapters [100](#) and [162](#) KZC for information about nonconforming signs. KZC [162.35](#) describes when nonconforming signs must be brought into conformance or removed (does not apply to Public Parks uses).
5. [May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

52.24 User Guide. The charts in KZC 52.27 contain the basic zoning regulations that apply in the JBD 4 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

## Section 52.25

Zone  
JBD-4

### Section 52.25 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. ~~Must provide public pedestrian access as required under Chapter 83 KZC. Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.~~
3. ~~A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor, given development on adjacent properties to the east and west (does not apply to Public Parks uses).~~
43. May not use lands waterward of the ~~high waterline~~ ordinary high water mark to determine lot size or to calculate allowable density.
54. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83 ~~KMC Title 24~~.

52.29 User Guide. The charts in KZC 52.32 contain the basic zoning regulations that apply in the JBD 5 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

## Section 52.30

Zone  
JBD-5

### Section 52.30 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. ~~Must provide public pedestrian access as required under Chapter 83 KZC. Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.~~
3. ~~A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor, given development on adjacent properties to the east and west (does not apply to Public Access Pier or Boardwalk, Public Parks, Moorage Facility for 1 or 2 Boats and General Moorage Facility uses).~~
4. ~~Must provide a required yard of 15 feet or 15 percent of average parcel depth, whichever is greater, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this Chapter, this provision shall govern (does not apply to Public Access Pier or Boardwalk, Public Parks, Moorage Facility for 1 or 2 Boats and General Moorage Facility uses).~~
53. May not use lands waterward of the ~~high waterline~~ordinary high water mark to determine lot size or to calculate allowable density.
64. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83KMC Title 24.

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

Section 52.32	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.160	Public Access Pier or Boardwalk or Public Access Facility	D.R., Chapter 142 KZC. Also see Chapter 83 KZC	None	Landward of the high waterline 0' 0' 0'	Waterward of the high waterline 0' 10' 0'	See also Spec. Reg. 8 See Chapter 83 KZC	-	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	-	See Spec. Reg. 7.	-	Refer to Chapter 83 KZC for additional regulations. 1. No accessory uses, buildings, or activities may be permitted as part of this use. 2. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 3. May not treat structures with creosote, oil base, or toxic substances. 4. Must provide at least one covered and secured waste receptacle. 5. All utility lines must be below the pier deck and, where feasible, underground. 6. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 7. The pier or boardwalk must display the street address of the subject property. The address must be oriented to and visible from the lake with letters and numbers at least four inches high. 8. The side property line yards may be reduced for over water public access piers or boardwalks which connect with waterfront public access on adjacent property. 9. See KZC 52.35 for regulations regarding bulkheads and land surface modification. 10. This development may also be regulated under the City's Shoreline Master Program; consult that document. 11. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 52.32	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						

.170	Piers, docks, boat lifts and canopies serving Detached Dwelling Unit Moorage Facility for One or Two Boats	None	None	Landward of the high waterline	80%	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	-	See Spec. Reg. 9.	See KZC 405.25.	Refer to Chapter 83 KZC for additional regulations. 1. No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone. 2. Moorage structures may not extend waterward beyond a point 150 ft. from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 3. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 4. May not treat structures with creosote, oil base, or toxic substances. 5. Moorage structures may not be closer than 25 feet to another moorage structure not on the subject property. 6. Must provide at least one covered and secured waste receptacle. 7. All utility lines must be below the pier deck and, where feasible, underground. 8. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 9. Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high. 10. Covered moorage is not permitted. Aircraft moorage is not permitted. 11. A high waterline yard equal in depth to the greater of 15 feet or 7 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard. 12. See KZC 52.35 for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property. 13. This development may also be regulated under the City's Shoreline Master Program; consult that document. 14. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.
				0'    0'    0'						
				Waterward of the high waterline						
				0'    10'    0'						

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 52.32	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.175	<a href="#">Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units</a>	None								<a href="#">Refer to Chapter 83 KZC for additional regulations.</a>		

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

Section 52.32	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.180	General Moorage Facility Marina	Process IIA, Chapter 150 KZC, and D.R., Chapter 142 KZC.	None. but must have at least 100' of frontage on Lake Washington.	Landward of the high waterline ordinary high water mark 0'      0'      0'	Waterward of the high waterline 0'      10'      0'	See also Spec. Reg. 5.	80%	Landward of the high waterline ordinary high water mark 26' above average building elevation. Waterward of the high waterline, pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	See Spec. Reg. 4.	B See Spec. Reg. 13.	See KZC 105.25.	<p>1. Refer to Chapter 83 KZC for additional regulations. 1. The City will determine the maximum allowable number of moorages based on the following factors:</p> <ul style="list-style-type: none"> <li>a. The topography of the area.</li> <li>b. The ability of the land waterward of the high waterline to support the moorages.</li> <li>c. The nature of nearby uses.</li> <li>d. The potential for traffic congestion.</li> <li>e. The effect on existing habitats.</li> </ul> <p>2. Moorage structures may not be larger than is reasonably necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of moorage structures to insure that:</p> <ul style="list-style-type: none"> <li>a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the Outer Harbor Line.</li> <li>b. The moorage structures are not larger than is necessary to moor the specified number of boats.</li> <li>c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation.</li> </ul> <p>3-2. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:</p> <ul style="list-style-type: none"> <li>a. Gas and oil sale for boats, if: <ul style="list-style-type: none"> <li>1) Storage tanks are underground and on dry land; and</li> <li>2) The use has facilities to contain and clean up oil and gas spills.</li> </ul> </li> <li>b. An over-water shed, which is no more than 50 square feet and not more than 10 feet high as measured from the deck, accessory to oil and gas sale for boats.</li> <li>c. Boat and motor sales and leasing.</li> <li>d. Boat or motor repair and service if: <ul style="list-style-type: none"> <li>1) This activity is conducted on dry land and either totally within a building or totally sight screened from the adjoining property and the right-of-way; and</li> <li>2) All dry land motor testing is conducted within a building.</li> </ul> </li> <li>e. Meeting and special events rooms.</li> </ul> <p>4. The City may require the applicant to install a buffer between the subject</p>

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

Section 52.32	USE  REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						

property and adjoining property. The City will use the requirements of Chapter 95 KZC as a guide for requiring a buffer.

REGULATIONS CONTINUED ON NEXT PAGE

.180 General Moorage Facility (Continued)

- 5. ~~At least one pump out facility shall be provided. This facility must be easily accessible to the general public and clearly marked for public use, unless moorage is available only for the residents of dwelling units on the subject property.~~
- 6. ~~Must provide restrooms unless moorage is available only for the residents of dwelling units on the subject property.~~
- 7. ~~If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.~~
- 8. ~~May not treat moorage structures with creosote, oil base, or toxic substances.~~
- 9. ~~No moorage structure may be within:~~
  - a. ~~100 feet of a public park;~~
  - b. ~~50 feet of any abutting lot that contains a detached dwelling unit;~~
- or
- e. ~~25 feet to another moorage structure not on the subject property.~~
- 10. ~~Must provide at least two covered and secured waste receptacles.~~
- 11. ~~All utility lines must be below the pier decks and, where feasible, underground.~~
- 12. ~~Piers must be adequately lit; the source of the light must not be visible from off the subject property.~~
- 13. ~~Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high.~~
- 14. ~~Covered moorage is not permitted. Aircraft moorage is not permitted.~~
- 15. ~~A high waterline yard equal in depth to the greater of 15 feet or ten percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.~~
- 16. ~~No structures, other than moorage structures, may be waterward~~

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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 52.32	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
											of the high waterline. 17. See KZC 52.35 for regulations regarding bulkheads and land surface modification. 18. This development may also be regulated under the City's Shoreline Master Program; consult that document. 19. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.	
	<a href="#">Passenger Only Ferry Terminal</a>	See Chapter 83 KZC.	None	0'	0'	0'	80%	Landward of the Ordinary High Water Mark, 26' above average building elevation.	B	B	See KZC 105.25	1. Refer to Chapter 83 KZC for additional regulations.
	<a href="#">Water Taxi</a>	See Chapter 83 KZC.	None	0'	0'	0'	80%	Landward of the Ordinary High Water Mark, 26' above average building elevation.	B	B	See KZC 105.25	1. Refer to Chapter 83 KZC for additional regulations.
	<a href="#">Boat Launch (motorized boats)</a>	See Chapter 83 KZC.	None	0'	0'	0'	80%	Landward of the Ordinary High Water Mark, 26' above average building elevation.	B	B	See KZC 105.25	1. Refer to Chapter 83 KZC for additional regulations.

49.05 User Guide. The charts in KZC 49.15 contain the basic zoning regulations that apply in each P zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 49.10**



Section 49.10 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.

[3. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

The charts in KZC [50.12](#) contain the basic zoning regulations that apply in the CBD 1 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 50.10**

**Zone  
CBD-1A  
& 1B**

Section 50.10 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. The maximum height of structure shall be measured at the midpoint of the frontage of the subject property on the abutting right-of-way, excluding First Avenue South. See KZC 50.62 for additional building height provisions.
3. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services; and Entertainment, Cultural and/or Recreational Facility use. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way). Buildings proposed and built after April 1, 2009, and buildings that existed prior to April 1, 2009, which are at least 10 feet below the maximum height of structure, shall have a minimum depth of 10 feet and an average depth of at least 20 feet containing the required uses listed above. The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential, hotel, and office uses may be allowed within this space subject to applicable design guidelines.
4. Where public improvements are required by Chapter 110 KZC, sidewalks on pedestrian-oriented streets within CBD 1A and 1B shall be as follows:  
Sidewalks shall be a minimum width of 12 feet. The average width of the sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street shall be 13 feet. The sidewalk configuration shall be approved through D.R.
5. Upper story setback requirements are listed below. For purposes of the following regulations, the term “setback” shall refer to the horizontal distance between the property line and any exterior wall of the building. The measurements shall be taken from the property line abutting the street prior to any potential right-of-way dedication.
  - a. Lake Street: No portion of a building within 30 feet of Lake Street may exceed a height of 28 feet above Lake Street except as provided in KZC 50.62.
  - b. Central Way: No portion of a building within 30 feet of Central Way may exceed a height of 41 feet above Central Way except as provided in KZC 50.62.
  - c. Third Street and Main Street: Within 40 feet of Third Street and Main Street, all stories above the second story shall maintain an average setback of at least 10 feet from the front property line.
  - d. All other streets: Within 40 feet of any front property line, other than Lake Street, Central Way, Third Street, or Main Street, all stories above the second story shall maintain an average setback of at least 20 feet from the front property line.
- e. The required upper story setbacks for all floors above the second story shall be calculated as Total Upper Story Setback Area as follows:  
Total Upper Story Setback Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average setback) x (Number of stories proposed above the second story). See Plate 35.
- f. The Design Review Board is authorized to allow a reduction of the required upper story setback by no more than five feet subject to the following:
  - 1) Each square foot of additional building area proposed within the setback is offset with an additional square foot of public open space (excluding area required for sidewalk dedication) at the street level.
  - 2) The public open space is located along the sidewalk frontage and is not covered by buildings.
  - 3) For purposes of calculating the offsetting square footage, along Central Way, the open space area at the second and third stories located directly above the proposed ground level public open space is included. Along all other streets, the open space area at the second story located directly above the proposed ground level public open space is included.
  - 4) The design and location is consistent with applicable design guidelines.
- g. The Design Review Board is authorized to allow rooftop garden structures within the setback area.
- h. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.

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60.14 User Guide. The charts in KZC 60.17 contain the basic zoning regulations that apply in Planned Area 2, 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 60.15

Zone  
PLA2

### Section 60.15 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Development in parts of this zone may be limited by Chapter [83 or 90](#) KZC, regarding development near streams, lakes and wetlands. In addition, the site must be designed to concentrate development away from, and to minimize impact on, the wetlands.
3. ~~See KZC 60.18 for regulations concerning bulkheads and land surface modifications (does not apply to Mini-School or Mini-Day Care (7–12 attendees) and Day-Care Home (6 or less attendees) uses).~~
43. May not use lands waterward of the [high waterline/ordinary high water mark](#) to determine lot size or to calculate allowable density.
54. May also be regulated under the Shoreline Master Program, [refer to KZC Chapter 83/KMC Title 24](#).

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 60.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			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)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.010	Attached or Stacked Dwelling Unit	Process IIB, Chapter 152 KZC.	35,000 sq. ft. per unit	20'	5', but 2 side yards must equal at least 15'	10'	60%	25' above average building elevation. See Special Regulation 4-3.	D	A	1.7 per unit.	<p>1. No structure may be waterward of the <del>high waterline</del> ordinary high water mark.</p> <p>2. <del>No structure may be within 50 feet of the high waterline of the canal. No structure may be within 100 feet of the high waterline of the remainder of Lake Washington.</del></p> <p>3-2. If the development includes portions of Planned Area 3, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3.</p> <p>4-3. The height of a structure may be increased as long as neither of the following maximums is exceeded:</p> <p>a. The structure may not exceed 60 feet above average building elevation.</p> <p>b. The structure may not exceed a plane that starts 3.5 feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal.</p> <p>5-4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</p> <p>6-5. 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.</p> <p>7-6. 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.</p>	

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

Section 60.17	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.020	Mini-School or Mini-Day-Care	Process IIB, Chapter 152 KZC.  None	35,000 sq. ft.	20'	5', but 2 side yards must equal at least 15'	10'	60%	25' above average building elevation. See Special Regulation 4-3.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. No structure may be waterward of the <del>high waterline</del> <u>ordinary high water mark</u>.</li> <li><del>2. No structure may be within 50 feet of the high waterline of the canal. No structure may be within 100 feet of the high waterline of the remainder of Lake Washington.</del></li> <li><del>3-2.</del> If the development includes portions of Planned Area 3, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3.</li> <li><del>4-3.</del> The height of a structure may be increased as long as neither of the following maximums is exceeded:               <ol style="list-style-type: none"> <li>a. The structure may not exceed 60 feet above average building elevation.</li> <li>b. The structure may not exceed a plane that starts 3.5 feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal.</li> </ol> </li> <li><del>5-4.</del> May locate on the subject property if:               <ol style="list-style-type: none"> <li>a. It will serve the immediate neighborhood in which it is located; or</li> <li>b. It will not be detrimental to the character of the neighborhood in which it is located.</li> </ol> </li> <li><del>6-5.</del> A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li><del>7-6.</del> Hours of operation may be limited by the City to reduce impacts on nearby residential areas.</li> <li><del>8-7.</del> Structured play areas must be setback from all property lines by five feet.</li> <li><del>9-8.</del> An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li><del>10-9.</del> The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential areas.</li> <li><del>11-10.</del> May include accessory living facilities for staff persons.</li> <li><del>12-11.</del> These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	Public Utility	Process IIA, Chapter 150 KZC.	None	20'	20' on each side	10'	70%	25' above average building elevation.	A	A	See KZC 105.25. 1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.	
.040	Government Facility			10' on each side	B See Spec. Reg. 2.	B						
.050	Community Facility	Process IIB, Chapter 152 KZC.										
.060	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.									1. Portions of the park located within the wetlands must be devoted exclusively to passive recreation that is not consumptive of the natural environment.	

60.19 User Guide. The charts in KZC 60.22 contain the basic zoning regulations that apply in Planned Area 3A, 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 60.20

Zone  
PLA3A

### Section 60.20 – 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 in parts of this zone may be limited by Chapter [83 or 90](#) KZC, regarding development near streams, lakes, and wetlands.
3. The site must be designed to concentrate development away from and to minimize impacts on the wetlands (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Mini-School or Mini-Day-Care and Public Park uses).
4. If the development includes portions of Planned Area 2, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3 (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Public Utility, Government or Community Facility, and Public Park uses).
5. The height of structures may be increased if:
  - a. The structure does not exceed 60 feet above average building elevation,
  - b. The amount of pervious surface on the subject property in this zone significantly exceeds 50 percent, and
  - c. The site is designed to the maximum extent feasible to provide views through the subject property from Lake Washington Boulevard and Bellevue Way while complying with the General Regulations.  
(Does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Public Utility, Government or Community Facility, and Public Park uses).
6. May not use lands waterward of the [high waterline/ordinary high water mark](#) to determine lot size or to calculate allowable density.
7. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure extends 25 feet above average building elevation.
8. City entryway design must be provided on the subject property adjacent to Lake Washington Boulevard as follows:
  - a. An earthen berm, 12 feet wide and with a uniform height of three feet at the center;
  - b. Lawn covering the berm;
  - c. London Plane at least two inches in diameter, planted 30 feet on center along the berm.
9. Vehicular circulation on the subject property must be designed to minimize traffic impacts on Lake Washington Boulevard and at the SR-520 interchange. The city may limit access points onto Lake Washington Boulevard and Points Drive and require traffic control devices and right-of-way realignment (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Public Utility, Government or Community Facility, and Public Park uses).
10. May also be regulated under the Shoreline Master Program, [refer to KZC Chapter 83/KMC Title 24](#).

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 60.22	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			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)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.010	Detached Dwelling Unit	None	5,000 sq. ft. per unit	20'	5'	10'	70%	30' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> <li>Access points onto Lake Washington Boulevard must be minimized to prevent arterial congestion and traffic safety hazards. Shared access points must be utilized where feasible.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>For attached or stacked dwelling units, 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.</li> <li>For attached or stacked dwelling units, 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.</li> </ol>	
.020	Attached or Stacked Dwelling Unit				5', but 2 side yards must equal at least 15' See Spec. Reg. 3.	See Spec. Reg. 4.			D		1.7 per unit.		
.030	Attached or Stacked Dwelling Units	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres with 3,600 sq. ft. per unit.	10' on each side. See Spec. Reg. 2	10' See Spec. Reg. 3.	30' above average building elevation. See General Regulations.	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>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 10 feet.</li> <li>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.</li> </ol>						

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.22	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.040	Office Uses	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres. See Special Regulation 1.	20'	5', but 2 side yards must equal at least 15'	10'	70%	30; above average building elevation. See General Regulations.	C	D	<p>If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, one per each 300 sq. ft. of gross floor area.</p> <ol style="list-style-type: none"> <li>1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard.</li> <li>2. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> <li>a. May only treat small animals on the subject property.</li> <li>b. Outside runs and other outside facilities for the animals are not permitted.</li> <li>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.</li> </ol> </li> <li>3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> <li>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> </ol>	

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

Section 60.22	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			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)			
			Lot Size	REQUIRED YARDS (See Ch. 115)												
				Front	Side	Rear										
.050	Development Containing Attached, or Stacked Dwelling Units and Office uses.	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres with 3,600 sq. ft. per unit.	20'	5', but 2 side yards must equal at least 15' See Spec. Reg. 4.	10' See Spec. Reg. 5.	70%	30' above average building elevation. See General Regulations.	C	D	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A veterinary office is not permitted in any development containing dwelling units.</li> <li>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> <li>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.</li> <li>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.</li> </ol>				
.060	School or Day-Care Center		Must be part of a development with a site area of at least 15 acres. See Special Regulation 1.	If this use can accommodate 50 or more students or children, then: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">50'</td> <td style="width:33%;">50' on each side</td> <td style="width:33%;">50'</td> </tr> </table> If this use can accommodate 13 to 49 students or children, then: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">20'</td> <td style="width:33%;">20' on each side</td> <td style="width:33%;">20'</td> </tr> </table>			50'	50' on each side	50'	20'	20' on each side	20'	30' above average building elevation. See General Regulations	D	B	<ol style="list-style-type: none"> <li>1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard.</li> <li>2. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>3. Hours of operation may be limited to reduce impacts on nearby residential areas.</li> <li>4. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> <li>5. 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.</li> </ol>
50'	50' on each side	50'														
20'	20' on each side	20'														

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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.22	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
											<p>6. May include accessory living facilities for staff persons.</p> <p>7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential areas.</p> <p>8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>	
.070	Mini-School or Mini-Day-Care	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres.	20'	5', but 2 side yards must equal at least 15'	10'	70%	30' above average building elevation. See General Regulations.	E	B	See KZC 105.25.	<p>1. A six-foot-high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only.</p> <p>2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</p> <p>3. Structured play areas must be setback from all property lines by five feet.</p> <p>4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</p> <p>5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential areas.</p> <p>6. May include accessory living facilities for staff persons.</p> <p>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>
.080	(Reserved)											
.090	Convalescent Center or Nursing Home	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres. See Special Regulation 1.	20'	10' on each side	10'	70%	30' above average building elevation. See General Regulations.	C	B	1 for each bed	<p>1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard.</p>

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS														
Section 60.22	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)			
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure		
				Front	Side	Rear								
.100	Church	Process IIB, Chapter 152 KZC.  See Special Regulation 1.	Must be part of a development with a site area of at least 15 acres.	20'	20' on each side	20'	70%	30' above average building elevation. See General Regulations.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 2.	1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard. 2. No parking is required for day-care or school ancillary to the use.		
.110	Public Utility			None	10' on each side	10'		30' above average building elevation.	A				See KZC 105.25	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.120	Government Facility or Community Facility								C See Spec. Reg. 1.					
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. <a href="#">May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.</a>									1. Any portion of the park located within the wetland must be devoted exclusively to passive recreation that is not consumptive			

**60.54** User Guide. The charts in KZC 60.57 contain the basic zoning regulations that apply in Planned Area 6A, 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 60.55**

**Zone  
PLA6A**

Section 60.55 – 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. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.  
See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.  
(Does not apply to Detached Dwelling Unit uses).
3. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).

[4. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

**60.94** User Guide. The charts in KZC 60.97 contain the basic zoning regulations that apply in Planned Area 6I, 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 60.95**



**Zone  
PLA6I**

**Section 60.95 – 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. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.  
See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.  
(Does not apply to Detached Dwelling Unit uses).
3. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).

[4. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

60.89 User Guide. The charts in KZC 60.92 contain the basic zoning regulations that apply in Planned Area 6H, 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 60.90

**Zone  
PLA6H**

### Section 60.90 – 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. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.  
(Does not apply to Detached Dwelling Unit uses).

[3. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

60.169 User Guide. The charts in KZC 60.172 contain the basic zoning regulations that apply in Planned Area 15A, 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 60.170

Zone  
PLA15A

### Section 60.170 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. A view corridor shall be provided and maintained across the subject property as follows and as described in Plate 27 (does not apply to Development containing Attached or Stacked Dwelling Units and Restaurant or Tavern and General Moorage Facility use under an approved Master Plan):
  - a. A view corridor must be maintained across 30 percent of the average parcel width; and
  - b. Along Lake Washington Boulevard, the view corridor of 30 percent of the average parcel width shall be increased 2.5 feet for each foot, or portion thereof, that any building exceeds 30 feet above average building elevation. If the subject property does not directly abut Lake Washington Boulevard, the length of the view corridor along its east property line shall be determined by projecting the view corridor as required along Lake Washington Boulevard across the subject property to the view corridor required along the shoreline; and
  - c. Along the shoreline, the width of the view corridor shall be:
    1. Sixty percent of the length of the high waterline if the height of any building is greater than 30 feet but less than or equal to 35 feet above average building elevation, or
    2. Seventy percent of the high waterline if the height of any building is greater than 35 feet above average building elevation. If the subject property does not directly abut the shoreline, the width of the view corridor along its west property line shall be determined by projecting the view corridor as required along Lake Washington Boulevard across the subject property to the view corridor required along the shoreline; and
  - d. The view corridor must be in one continuous piece; and
  - e. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. Trees or shrubs that mature to a height of greater than three feet above average grade may not be placed in the required view corridor. Parking stalls or loading areas are not permitted in the required view corridor that would result in vehicles obscuring the line of sight from Lake Washington Boulevard to the high waterline as shown in Plate 27; and
  - f. The view corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.
3. Structures may extend into the required front yard along Lake Washington Boulevard, provided that:
  - a. The entire structure within the required front yard is below the elevation of Lake Washington Boulevard; and
  - b. A public use area with superior landscaping is provided over the entire structure within the required front yard, the design of which is approved by the City; and
  - c. The required view corridor is provided for the portion of the structure within the required yard; and
  - d. Landscaping or other similar measures shall be provided to screen the exterior walls of any portion of the structure within the required yard that are visible from Lake Washington Boulevard or adjacent properties.
4. ~~The required north property line is five feet if the adjacent property to the north contains a use other than residential.~~
5. Trees or shrubs that mature to a height that would exceed the height of the primary structure are not permitted to be placed on the subject property.
6. ~~See KZC 60.173 for regulations regarding bulkheads and land surface modifications.~~
7. May not use lands waterward of the ~~high waterline~~[ordinary high water mark](#) to determine lot size or to calculate allowable density.
8. May also be regulated under the Shoreline Master Program, [refer to KZC Chapter 83KMC Title 24](#).

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.172	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Side Property Line	South Side Property Line						
.010	Detached Dwelling Unit	Process I, Chapter 145 KZC.	5,000 sq. ft.	30' See also Spec. Reg. 1. The greater of: a. 15', or b. 1/2 times the height of the primary structure above average building elevation minus 10'	15', or 1/2 times the height of the primary structure above average building elevation minus 10'	5', but two yards must equal at least 15 feet.	40'. The greater of: a. 15'-or b. 15% of the average parcel depth. See Chapter 83 KZC	80%	30' above average building elevation.	E	A	2.0 per unit.  1. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the city. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. An applicant may propose a development containing residential uses and moorage facilities using this use listing only if the use of the moorage facilities is limited to the residents of the subject property.
				The minimum dimension of any yard, other than those listed, is 5'								

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

Section 60.172	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Side Property Line							Shoreline Setback High Water Line
.020	Attached or Stacked Dwelling Units	Process IIB, Chapter 152 KZC.	7,200 sq. ft. with at least 3,600 sq. ft. per unit	30' See also Spec. Regs. 3 and 4. The greater of:	a. 15' or b. 4 1/2 times the height of the primary structure above average building elevation minus 40' See General Regulations.	5, but two side yards must equal at least 15 feet. 40' The greater of:	a. 15' or b. 15% of the average parcel depth. See Chapter 83 KZC.	80%	30' above average building elevation. See Spec. Reg. 5.	D	A	2.0 per unit.	<ol style="list-style-type: none"> <li>No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding moorages and public access piers, see the specific listings in this zone.</li> <li><u>Must provide public pedestrian access as required under Chapter 83 KZC.</u> <del>Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public use areas.</del></li> <li>The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: <ol style="list-style-type: none"> <li>Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</li> <li>Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and</li> <li>The design of the public use area is specifically approved by the city.</li> </ol> </li> <li>The required front yard for any portion of the structure over 30 feet in height above average building elevation shall be 35 feet. This required front yard cannot be reduced under Special Regulation 3 above for a public use area.</li> <li>Structure height may be increased to 40 feet above average</li> </ol>
.025	Office		No NC							D		If medical or dental office, then one per each 200 sq ft. of gross floor area otherwise, one per 300 sq ft of gross floor area.	

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

Section 60.172	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
				The minimum dimension of any yard, other than those listed, is 5' See Spec. Reg. 10.							building elevation if: a. Obstruction of views from existing development lying east of Lake Washington Boulevard is minimized; and b. Maximum lot coverage is 80 percent, but shall not include any structure allowed within the required front yard under the General Regulations in KZC 60.170; and c. Maximum building coverage is 50 percent, but shall not include any structure allowed within the required front yard under the General Regulations in KZC 60.170 or any structure below finished grade; and	
.020	Attached or Stacked Dwelling Units (continued)										d. A waterfront area developed and open for public use shall be provided with the location and design specifically approved by the City. Public amenities shall be provided, such as non-motorized watercraft access or a public pier. A public use easement document shall be provided to the City for the public use area, in a form acceptable to the City. The City shall require signs designating the public use area; and e. The required public pedestrian access trail from Lake Washington Boulevard to the shoreline shall have a trail width of at least six feet and shall have a grade separation from the access driveway; and f. No roof top appurtenances, including elevator shafts, roof decks or plantings, with the exception of ground cover material on the roof not to exceed four inches in height, shall be on the roof of the building or within the required view corridors. 6. A transportation demand management plan shall be provided and implemented for the subject property, including provisions for safe pedestrian crossing and vehicle turning movements to and from the subject	
.025	Office											

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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.172	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
.020											property to Lake Washington Boulevard, and bus stop improvements if determined to be needed by METRO. The City shall review and approve the plan.	
.025											<p>7. The design of the site must be compatible with the scenic nature of the waterfront.</p> <p>8. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>9. An applicant may propose a development containing residential uses and moorage facilities using this use listing only if the use of the moorage facilities is limited to the residents of the subject property.</p> <p>10. Any required yard, other than the front <del>or high water line</del> required 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 shall provide the minimum required yard.</p>	

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

Section 60.172	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
.030	Public Access Pier, or Public Access Facility, or Boardwalk	Process IIB, Chapter 152 KZC. Also See Chapter 83 KZC.	None	See Chapter 83 KZC. Waterward of the High Waterline			—	See Chapter 83 KZC. Pier decks may not be more than 24— above mean sea level. Diving boards and similar features may not be more than 3— above the deck.	—	See Spec. Reg. 7.	See KZC 105.25.	1. Refer to Chapter 83 KZC for additional regulations. 1. No accessory uses, buildings, or activities are permitted as part of this use. 2. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a building permit for this use. 3. May not treat a structure with creosote, oil base or toxic substances. 4. Must provide at least one covered and secured waste receptacle. 5. All utility lines must be below the pier deck and, where feasible, underground. 6. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 7. Structure must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 8. North and south property line yards may be decreased for over-water public use facilities which connect with waterfront public access or adjacent property.
			—	40'	40'	—	—	See Special Regulation 8.	—	—	—	
.040	Piers, docks, boat lifts and canopies serving Detached Dwelling	See Chapter 83 KZC. None	—	See Chapter 83 KZC. Waterward of the High Waterline			80%	See Chapter 83 KZC. Pier decks may	See Spec. Reg.	None 1 per each 2 slips. Otherwise, none if the moorage facility	1. Refer to Chapter 83 KZC for additional regulations. 1. No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone.	

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Section 60.172	USE ↓ REGULATIONS ↘	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
				In addition, no moorage structure may be within: a. 25' of a public park; or b. 25' of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5'.		not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.		8.	is reserved for the exclusive use of an adjoining residential development.	2. Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 3. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. 4. May not treat moorage structure with creosote, oil base or toxic substances. 5. Must provide at least one covered and secured waste receptacle. 6. All utility lines must be below the pier deck and, where feasible, underground. 7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 8. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 9. Covered moorage is not permitted. 10. Aircraft moorage is not permitted.		
.045	Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units			See Chapter 83 KZC.		See Chapter 83 KZC.			None	1. Refer to Chapter 83 KZC for additional regulations.		
.050	General Moorage Facility Marina	Process IIB, Chapter	None, but must have at	Landward of the High Waterline Ordinary High Water Mark	80%	Landward of the High WaterlineOrd	B	B See Spec.	1 per each 2 slips. Otherwise, none if the	1. Refer to Chapter 83 KZC for additional regulations. 1. Except as permitted by Special Regulation 17, no structures, other than moorage structures or public access piers, may be waterward of		

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

Section 60.172



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	North Property Line	South Side Property Line						

152 KZC. Also See Chapter 83 KZC.	least 100 feet of frontage on Lake Washington.	30 See Spec. Reg. 3-2.	The greater of: a. 15 feet or b. 1/2 times the height of the primary structure above average building elevation minus 10 feet.	5', but two side yards must be equal at least 15 feet.	For moorage structures, 0 feet. For other structures, the greater of: a. 15 feet or b. 15% of the average parcel depth. See Chapter 83 KZC.	inary High Water Mark, 30 above average building elevation. See Spec. Reg. 4-3.		Reg. 14-14.	moorage facility is reserved for the exclusive use of an adjoining residential development.	the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. 3-2. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 4-3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 5-4. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 6. The City will determine the maximum allowable number of moorage based on the following factors: a. The ability of the land landward of the high waterline to accom-
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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.172	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
			—	10—	10—	—					<p>moderate the necessary support facilities.</p> <p>b. ——— The potential for traffic congestion.</p> <p>REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE</p>	
			<p>No moorage structure may be:</p> <p>a. Within 100— feet of a public park; or</p> <p>b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at a 45° angle from the side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening overwater structure; or</p> <p>(See next page for the rest of the Required Yard Regulations)</p>									

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

Section 60.172 USE  REGULATIONS 	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
		Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage				Height of Structure
			Front	North Property Line	South Side Property Line	Shoreline Setback High Water Line					

.050	General Moorage Facility Marina (continued)		e. Closer to a lot containing a detached dwelling unit than a line that starts where the high waterline of the lot intersects the side property line of the lot closest to the moorage structure and runs waterward toward the moorage structure at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening overwater structure; or d. Within 25' of another moorage structure not on the subject property.  The minimum dimension of any yard, other than those listed, is 5'.  (See previous page for the rest of this column)				7. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review the size and configuration of moorage structures to insure that: a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and b. The moorage structures are not larger than is necessary to moor the specified number of boats; and c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and d. The moorage structures will not adversely affect nearby uses; and e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats. 8. If the moorage structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. 9. May not treat moorage structure with creosote, oil base or toxic substance. 10. Must provide covered and secured waste receptacles on all piers. 11. All utility and service lines must be below the pier deck and, where feasible, underground. 12. Must provide public restrooms unless moorage is only available for residents of dwelling units on the subject property. 13. Piers must be adequately lit. The source of light must not be visible from neighboring properties. 14. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high. 15. Covered moorage is not permitted. 16. Aircraft moorage is not permitted. 17. The following accessory components are allowed if approved
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Section 60.172	USE  REGULATIONS 	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						

											through Process IIB, Chapter 152 KZC: a. Boat and motor sales leasing. b. Boat and motor repair and service if: 1) The activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and 2) All dry land motor testing is conducted within a building. c. Boat launch ramp if: 1) It is not for the use of the general public; and 2) Is paved with concrete; and 3) There is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant; and 4) Access to the ramp is not directly from the frontage road; and 5) The design of the site is specifically approved by the City. d. Dry land storage. However, stacked storage is not permitted. e. Meeting and special events rooms. f. Gas and oil sale for boats, if: 1) Storage tanks are underground and on dry land; and 2) The use has facilities to contain and cleanup gas and oil spills. May have an over-water shed that is not more than 50 square feet and 10 feet high as measured from the pier deck. <del>48. At least one pump-out facility shall be provided for use by the general public. This facility must be easily accessible to the general public and clearly marked for public use.</del>
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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
.055	<a href="#">Tour Boat</a>	See <a href="#">Chapter 83 KZC</a> .	None	30 See <a href="#">Spec. Reg. 2.</a>	5', but two side yards must equal at least 15 feet.	See <a href="#">Chapter 83 KZC</a>	80%	Landward of the Ordinary High Water Mark, 30' above average building elevation. See <a href="#">Spec. Reg. 3</a>	B	B	See <a href="#">KZC 105.25</a>	<ol style="list-style-type: none"> <li>1. Refer to Chapter 83 KZC for additional regulations.</li> <li>2. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:                             <ol style="list-style-type: none"> <li>a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</li> <li>b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</li> <li>c. The design of the public use area is specifically approved by the City.</li> </ol> </li> <li>3. Structure height may be increased to 35 feet above average building elevation if:                             <ol style="list-style-type: none"> <li>a. the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</li> <li>b. The increase is offset by a view corridor that is superior to that required by the General Regulations</li> </ol> </li> </ol>
	<a href="#">Passenger Only Ferry Terminal</a>	See <a href="#">Chapter 83 KZC</a> .	None	30 See <a href="#">Spec. Reg. 2.</a>	5', but two side yards must equal at least 15 feet.	See <a href="#">Chapter 83 KZC</a>	80%	Landward of the Ordinary High Water Mark, 30' above average building elevation. See <a href="#">Spec. Reg. 3</a>	B	B	See <a href="#">KZC 105.25</a>	<ol style="list-style-type: none"> <li>1. Refer to Chapter 83 KZC for additional regulations.</li> <li>2. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:                             <ol style="list-style-type: none"> <li>a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</li> <li>b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</li> <li>c. The design of the public use area is specifically approved by the City.</li> </ol> </li> <li>3. Structure height may be increased to 35 feet above average building elevation if:                             <ol style="list-style-type: none"> <li>a. the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</li> <li>b. The increase is offset by a view corridor that is superior to that required by the General Regulations</li> </ol> </li> </ol>

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Section 60.172	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
	<a href="#">Boat Launch (motorized boats)</a>	<a href="#">See Chapter 83 KZC.</a>	None	30 <a href="#">See Spec. Reg. 3.</a>	5', but two side yards must equal at least 15 feet.	<a href="#">See Chapter 83 KZC</a>	80%	<a href="#">Landward of the Ordinary High Water Mark, 30' above average building elevation.</a>	B	B	<a href="#">See KZC 105.25</a>	<ol style="list-style-type: none"> <li>Refer to Chapter 83 KZC for additional regulations.</li> <li>The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:               <ol style="list-style-type: none"> <li>Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</li> <li>Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</li> <li>The design of the public use area is specifically approved by the City.</li> </ol> </li> </ol>
	<a href="#">Boat Launch (for non-motorized boats)</a>	<a href="#">See Chapter 83 KZC.</a>	None	30 <a href="#">See Spec. Reg. 3.</a>	5', but two side yards must equal at least 15 feet.	<a href="#">See Chapter 83 KZC</a>	80%	<a href="#">Landward of the Ordinary High Water Mark, 30' above average building elevation.</a>	B	B	<a href="#">See KZC 105.25</a>	<ol style="list-style-type: none"> <li>Refer to Chapter 83 KZC for additional regulations.</li> <li>The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:               <ol style="list-style-type: none"> <li>Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</li> <li>Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</li> <li>The design of the public use area is specifically approved by the City.</li> </ol> </li> </ol>

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Section 60.172	USE  REGULATIONS 	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						

	<a href="#">Water Taxi</a>	<a href="#">See Chapter 83 KZC.</a>	<a href="#">None</a>	<a href="#">30 See Spec. Reg. 2.</a>		<a href="#">5', but two side yards must equal at least 15 feet.</a>	<a href="#">See Chapter 83 KZC</a>	<a href="#">80%</a>	<a href="#">Landward of the Ordinary High Water Mark, 30 above average building elevation. See Spec. Reg. 3</a>	<a href="#">B</a>	<a href="#">B</a>	<a href="#">See KZC 105.25</a>	<ol style="list-style-type: none"> <li>Refer to Chapter 83 KZC for additional regulations.</li> <li>The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:                             <ol style="list-style-type: none"> <li>Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</li> <li>Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</li> <li>The design of the public use area is specifically approved by the City.</li> </ol> </li> <li>Structure height may be increased to 35 feet above average building elevation if:                             <ol style="list-style-type: none"> <li>The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</li> <li>The increase is offset by a view corridor that is superior to that required by the General Regulations</li> </ol> </li> </ol>
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<a href="#">.060</a>	<a href="#">Professional Football, Baseball, or Soccer Practice or Play Facility</a>	<a href="#">Process II B, Chapter 152-KZC.</a>	<a href="#">3-acres See Special Regulation 6.</a>	<a href="#">20 See Spec. Reg. 3. The greater of:</a>	<a href="#">a. 15 or b. 15% of the average parcel depth.</a>	<a href="#">10 The greater of:</a>	<a href="#">a. 15 or b. 15% of the average parcel depth.</a>	<a href="#">80%</a>	<a href="#">30 above average building elevation. See Special Regulation 4.</a>	<a href="#">C</a>	<a href="#">B</a>	<a href="#">See KZC 105.25.</a>	<ol style="list-style-type: none"> <li>No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this zone.</li> <li>Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.</li> <li>The required 20-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:                             <ol style="list-style-type: none"> <li>Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</li> </ol> </li> </ol>
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Section 60.172	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
				The minimum dimension of any yard, other than those listed, is 5 feet							<p>b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and</p> <p>c. The design of the public use area is specifically approved by the City.</p> <p>4. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</p> <p>a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or</p> <p>b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.</p> <p>5. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.</p> <p>6. Subsequent division of an approved Master Plan into smaller lots is permitted provided that the required minimum acreage is met for the Master Plan.</p>	
.070	Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and <a href="#">General Moorage Facility Marina</a>  See Special Regulation 1 for other uses also allowed.	See Special Regulation 2.	5 acres with no less than 3,100 sq. ft. per dwelling unit. See also Special Regulations 3 and	See Special Regulation 7.				See Spec. Reg. 8	See KZC 105.25.	<p>1. The following uses and components are also allowed:</p> <p>a. Retail establishment.</p> <p>b. Office use.</p> <p>c. Hotel.</p> <p>d. Boat and motor repair and service if:</p> <p>1) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and</p> <p>2) All dry land motor testing is conducted within a building.</p> <p>e. Dry land boat storage. However, stacked storage is not permitted.</p> <p>f. Gas and oil sales or boats if:</p> <p>1) Storage tanks are underground and on dry land; and</p> <p>2) The use has facilities to contain and clean up gas and oil spills.</p> <p>May have an over-water shed that is not more than 50 square feet and 10 feet high as measured from the pier deck.</p>		

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
			14.								g. Meeting and or special events rooms. h. Boat launching ramp if it is paved with concrete. i. School or day-care center. j. Mini-school or mini-day-care center, or day-care home. 2. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA-15A and PLA-15B, which are owned by the applicant. The Master Plan will be approved in two stages: a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following: 1) A site plan which diagrammatically shows the general location, shape and use of the major features of development. 2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the final Master Plan. In approving the Preliminary Master Plan, the City shall determine	
.070	Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and <a href="#">General Moorage Facility Marina</a> (continued)									the appropriate review process for the Final Master Plan. The City may determine that the Final Master Plan be reviewed using Process IIA, Chapter 150 KZC, if the Preliminary Master Plan shows the placement, approximate dimensions and uses of all structures, vehicular and pedestrian facilities, open space and other features of development. Otherwise, the Final Master Plan shall be reviewed using Process IIB, Chapter 152 KZC. b. The second stage will result in approval of a final Master Plan using Process IIA, Chapter 150 KZC, or Process IIB, Chapter 152 KZC, as established by the Preliminary Master Plan. The final Master Plan shall set forth a detailed development plan which is consistent with the Preliminary Master Plan. Each phase of the Master Plan shall set forth a schedule for obtaining building permits for and construction of that phase. 3. Part of the unit count allowed in Planned Area 15A may be devel-		

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			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage					Height of Structure
				Front	North Property Line	South Side Property Line	Shoreline Setback Height Water Line						

											<p>oped in Planned Area 15B. The maximum permitted number of dwelling units on the subject property in Planned Area 15A is computed using the following formula:                  (The total lot area in square feet divided by 3,100) minus the unit count transferred to Planned Area 15B = the maximum permitted number of dwelling units.</p> <p>4. The maximum amount of allowable floor area for nonresidential use is computed using the following formula:                  (The maximum number of dwelling units allowed on the subject property - the number of dwelling units proposed) x the average square footage of the dwelling units = amount of square footage available for nonresidential use.</p> <p>5. Development must provide opportunities for public access to, use of and views of the waterfront by including all of the following elements:</p> <ol style="list-style-type: none"> <li>a. A public pedestrian access trail along the entire waterfront of the subject property within connections to Lake Washington Boulevard at or near either end;</li> <li>b. Waterfront areas developed and open for public use;</li> <li>c. Improvements to and adjacent to Lake Washington Boulevard which are open for public use; and</li> <li>d. Corridors which allow unobstructed views of Lake Washington from Lake Washington Boulevard. In addition, obstruction of views from existing development lying east of Lake Washington Boulevard must be minimized.</li> </ol> <p>REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE</p>
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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
.070	Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and <a href="#">General Moorage Facility/Marina</a> (continued)										<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>6. All nonresidential uses, except office uses, must be located and designed to have substantial waterfront orientation and accessibility from waterfront public use areas.</p> <p>7. The City will determine required yards, lot coverage, structure height and landscaping based on the compatibility of development with adjacent uses and the degree to which public access, use and views are provided. <a href="#">Also see Chapter 83 KZC for required shoreline setback.</a></p> <p>8. All signs must be approved as part of a Comprehensive Design Plan in accordance with KZC 100.80.</p> <p>9. Must comply with General Regulations and Special Regulations 6 – 16 for the use listing in this zone entitled "General Moorage Facility."</p> <p>10. Must provide pumping facilities to remove effluent from boat holding tanks.</p> <p>11. Must provide a waste oil tank.</p> <p>12. Vehicular circulation on the subject property must be designed to mitigate traffic impacts on Lake Washington Boulevard and Lakeview Drive. Access points must be limited, with primary access located at the intersection of Lake Washington Boulevard and Lakeview Drive. The City may required traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts.</p> <p>13. The regulations for this use may not be modified with a Planned Unit Development.</p> <p>14. Subsequent subdivision of an approved Master Plan into smaller lots is permitted provided that the required minimum acreage is met for the Master Plan.</p> <p>15. Restaurant uses with drive-in or drive-through facilities are not permitted in this zone.</p>	

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Side Property Line							Shoreline Setback Height Water Line
.080 .090	Public Utility Government Facility Community Facility	Process IIA, Chapter 150 KZC.	None	30 See Spec. Reg. 3.	The greater of: a. 15 yards or b. 1/2 times the height of the primary structure above average building elevation minus 10'	5', but two yards must equal at least 15 feet.	The greater of: a. 15 yards or b. 15% of the average parcel depth - See Chapter 83 KZC	80%	30' above average building elevation. See Special Regulation 4.	A	B	See KZC 105.25.	<p>1. No structures, other than moorage structures or public access piers, may be waterward of the <u>high waterline ordinary high water mark</u>. For the regulations regarding moorages, see the <u>moorage-specific</u> listings in this zone <u>and Chapter 83 KZC</u>.</p> <p>2. <u>Chapter 83 KZC contains regulations regarding shoreline setbacks, view corridors, and public pedestrian walkways</u> Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.</p> <p>3. The required 30 front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:                      a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and                      b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and                      c. The design of the public use area is specifically approved by the City.</p> <p>4. Structure height may be increased to 35 feet above average building elevation if:                      a. The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and                      a-b. The increase is offset by a view corridor that is superior to that required by the General Regulations; or                      b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.</p> <p>5. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached</p>

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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 60.172	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line	Shoreline Setback/High Water Line						
												<p><del>dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.</del></p> <p>6. 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.</p>	
.100	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

**25.05** User Guide. The charts in KZC 25.10 contain the basic zoning regulations that apply in each PR 8.5, PR 5.0, PR 3.6, PR 2.4 and PR 1.8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 25.08**



**Zone  
PR**

Section 25.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.  
See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. The required yard of a structure abutting Lake Washington Boulevard or Lake St. S. must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).
4. If the property is located south of NE 85th Street between 124th Avenue and 120th Avenue, to the extent possible, the applicant shall save existing viable significant trees within the required landscape buffers separating nonresidential development from adjacent single-family homes.
5. [May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

**40.05** User Guide. The charts in KZC 40.10 contain the basic zoning regulations that apply in each of the BN zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 40.08**



**Zone  
BN**

Section 40.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).
4. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.
5. [May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

CHAPTER 15 - SINGLE-FAMILY RESIDENTIAL (RS) ZONES

**15.05** User Guide. The charts in KZC 15.10 contain the basic zoning regulations that apply in each RS 35, RS 12.5, RS 8.5, RS 7.2, RS 6.3 and RS 5.0 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 15.08**



Zone  
RS

Section 15.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, 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 shall not exceed 50 feet.  
See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.  
(Does not apply to Detached Dwelling Unit and Mini-School or Mini-Day-Care Center uses).
3. May not use lands waterward of the ~~high waterline~~ [ordinary high water mark](#) to determine lot size or to calculate allowable density.
4. May also be regulated under the Shoreline Master Program, [refer to KZC Chapter 83](#)~~KMC Title 24~~.

## CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM) ZONES

**20.05** User Guide. The charts in KZC 20.10 contain the basic zoning regulations that apply in each RM 5, RM 3.6, RM 2.4, and RM 1.8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 20.08

Zone  
RM

#### Section 20.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.  
See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.  
(Does not apply to ~~Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units~~~~General Moorage Facility~~ and Detached Dwelling Units uses).
3. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:  
Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.  
(Does not apply to ~~General Moorage Facility uses~~).
4. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
5. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation.  
(Does not apply to ~~Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units and General Moorage Facility and~~ Public Park uses).
6. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, ~~the following regulations apply: refer to Chapter 83 KZC for regulations regarding shoreline setbacks, and public pedestrian walkways. a. — Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this chapter, this provision shall govern. b. — Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. c. — A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties. — (Does not apply to General Moorage Facility, Detached Dwelling Units and Public Park uses).~~
7. If the property is located in the NE 85th Street Subarea, the following shall apply:
  - a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.
  - b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19(3) to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).
8. May not use lands waterward of the ~~high waterline~~~~ordinary high water mark~~ to determine lot size or to calculate allowable density.
9. May also be regulated under the Shoreline Master Program, ~~refer to KZC Chapter 83~~~~KMC Title 24~~.

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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 20.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			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)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.010	Detached Dwelling Units	None	5,000 sq. ft. in an RM 5.0. Otherwise, 3,600 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	60%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 8.	E	A	2.0 per unit.	<ol style="list-style-type: none"> <li>For this use, only one dwelling unit may be on each lot regardless of the size of the lot.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>If the property is in an RM 1.8, 2.4, or 3.6 zone and contains less than 5,000 sq. ft., each side yard may be five feet.</li> </ol>	
.020	Detached, Attached or Stacked Dwelling Units  Stacked Dwelling Units are not permitted in RM 5.0.	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft. with a density as established on the Zoning Map. See Spec. Reg. 1.	20'	5', but 2 side yards must equal at least 15'. See Spec. Reg. 6.	10' See Spec. Reg. 7.	60%	Otherwise, 30' above average building elevation. See Spec. Reg. 8.	D See Spec. Reg. 4.	A	1.7 per unit.	<ol style="list-style-type: none"> <li>Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> <li>In RM 5.0 zones, the minimum lot area per unit is 5,000 sq. ft.</li> <li>In RM 3.6 zones, the minimum lot area per unit is 3,600 sq. ft.</li> <li>In RM 2.4 zones, the minimum lot area per unit is 2,400 sq. ft.</li> <li>In RM 1.8 zones, the minimum lot area per unit is 1,800 sq. ft.</li> </ol> </li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>Chapter 115 KZC contains regulations regarding common recreational space requirements for this use.</li> <li>If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies.</li> <li>Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following: <ol style="list-style-type: none"> <li>Each development shall incorporate at least two acres; and</li> <li>Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.</li> </ol> </li> <li>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.</li> </ol>	

REGULATIONS CONTINUED ON NEXT PAGE

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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 20.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.020	Detached, Attached or Stacked Dwelling Units (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE  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. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.	
.030	Church	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20'	20'	20'	70%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C See Spec. Reg. 3.	B	1 for every 4 people based on maximum occupancy load of worship. See Spec. Reg. 2.	1. The property must be served by a collector or arterial street. 2. No parking is required for day-care or school ancillary to the use. 3. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies.

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

Section 40.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Side Property Line							High Water Line Shoreline Setback
.040	Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units, General Moorage Facility	See Chapter 83 KZC	None, but must have at least 100' of frontage on Lake Washington.	30 See also Spec. Reg. 4.	Landward of the high waterline of the primary structure above average building elevation minus 10'.	5', but two side yards must be at least 15 feet.	See Chapter 83 KZCF or moorage structure, For other structures the greater of: a. 15' or b. 15% of the average parcel depth.	60%	Landward of the ordinary high water mark or 30' above average building elevation. Waterward of the high waterline, dock and pier decks may not be more than 24' above mean sea level.	B	B	None	<ol style="list-style-type: none"> <li>Refer to Chapter 83 KZC for additional regulations.</li> <li>Chapter 83 KZC contains regulations regarding shoreline: <ol style="list-style-type: none"> <li>Moorage may only be used by residents of the dwelling units on the subject property, or their guests.</li> <li>Except as permitted by Special Regulation 18, no structures, other than moorage structures or public access piers or boardwalks, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone.</li> <li>Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.</li> </ol> </li> <li>The required 30' front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: <ol style="list-style-type: none"> <li>Within 30' of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</li> <li>Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and</li> <li>The design of the public use area is specifically approved by the City.</li> </ol> </li> <li>A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent</li> </ol>

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

Section 40.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units General Moorage Facility (continued)	See Chapter 83 KZC		-	10-	10-	-			None	to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. 6. The design on the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.  REGULATIONS CONTINUED ON NEXT PAGE  Refer to Chapter 83 KZC for additional regulations. 7. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. c. The number of moorages shall not exceed the number of dwelling units on the subject property. 8. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review the size and configuration of moorage structures to insure that: a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and b. The moorage structures are not larger than is necessary to moor the specified number of boats; and c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and d. The moorage structures will not adversely affect nearby uses; and e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats.		

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 40.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
				line of the lot closest to the moorage structure at a 30-degree angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not exceed beyond any intervening over water structure; or d. Within 25' of another moorage structure not on the subject property.  The minimum dimension of any yard, other than listed, is 5'.						<p>9. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use.</p> <p>10. May not treat moorage structure with creosote, oil base, or toxic substance.</p> <p>11. Must provide at least two covered and secured waste receptacles.</p> <p>12. All utility and service lines must be below the pier deck and, where feasible, underground.</p> <p>13. Piers must be adequately lit. The source of the light must not be visible from neighboring properties.</p> <p>14. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high.</p> <p>15. Covered moorage is not permitted.</p> <p>16. Aircraft moorage is not permitted.</p> <p>17. At least one pump-out facility shall be provided.</p> <p>18. See KZC 30.11 for regulations regarding bulkheads and land surface modification.</p>		

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

Section 20.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	School or Day-Care Center	Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50'    50' on each side    50'			70%	If adjoining a low density zone other than RSX, then 25 above average building elevation. Otherwise, 30 above average building elevation. See Spec. Reg. 8.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. May locate on the subject property only if: <ol style="list-style-type: none"> <li>a. It will not be materially detrimental to the character of the neighborhood in which it is located.</li> <li>b. Site and building design must minimize adverse impacts on surrounding residential neighborhoods.</li> </ol> </li> <li>2. A six-foot-high fence is required only along the property line adjacent to the outside play areas.</li> <li>3. Structured play areas must be set back from all property lines as follows: <ol style="list-style-type: none"> <li>a. Twenty feet if this use can accommodate 50 or more students or children.</li> <li>b. Ten feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> <li>4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area 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 nearby residential uses.</li> <li>5. May include accessory living facilities for staff persons.</li> <li>6. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> <li>8. For school use, structure height may be increased, up to 35 feet, if: <ol style="list-style-type: none"> <li>a. The school can accommodate 200 or more students; and</li> <li>b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</li> <li>c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and</li> <li>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</li> </ol> </li> </ol> <p><i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i></p>

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

Section 20.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop See Spec. Reg. 9.	Process IIA, Chapter 150 KZC. <a href="#">Also see Chapter 83 KZC for properties in shoreline jurisdiction.</a>	7,200 sq. ft.	20'	5' but 2 side yards must equal at least 15'.	10'	60%	If adjoining a low density zone other than RSX, then 25 above average building elevation. Otherwise, 30 above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.</li> <li>May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.</li> <li>Must be located on a collector arterial or higher volume right-of-way.</li> <li>Placement and scale must indicate pedestrian orientation.</li> <li>Must mitigate traffic impacts on residential neighborhood.</li> <li>Gross floor area may not exceed 3,000 square feet.</li> <li>May not be located above the ground floor of a structure.</li> <li>Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>This use is not permitted in an RM zone located within the NE 85th Street Subarea.</li> </ol>
.070	Mini-School or Mini-Day-Care	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft.						D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>May locate on the subject property if: <ol style="list-style-type: none"> <li>It will not be materially detrimental to the character of the neighborhood in which it is located.</li> <li>Site design must minimize adverse impacts on surrounding residential neighborhoods.</li> </ol> </li> <li>A six-foot-high fence is required along the property line adjacent to the outside play areas.</li> <li>Structured play areas must be set back from all property lines by five feet.</li> <li>An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li>To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</li> <li>May include accessory living facilities for staff persons.</li> <li>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>

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ATTACHMENT A

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

Section 20.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Assisted Living Facility (Not permitted in RM 5.0)	Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft.	20'	5' but 2 side yards must equal at least 15'	10'	60%	If adjoining a low density zone other than RSX, then 25 above average building elevation. Otherwise, 30 above average building elevation.	D See Spec. Reg. 6.	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>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.</li> <li>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 property may be approved if the following criteria are met:                             <ol style="list-style-type: none"> <li>Project is of superior design, and</li> <li>Project will not create impacts that are substantially different than would be created by a permitted multifamily development.</li> </ol> </li> <li>The assisted living facility shall provide usable recreation 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 recreation space per unit located outside.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies.</li> </ol>
.090	Convalescent Center or Nursing Home	Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC.	7,200 sq. ft.		10' on each side		70%		C See Spec. Reg. 2	B	1 for each bed.	<ol style="list-style-type: none"> <li>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.</li> <li>If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then Landscape Category A applies.</li> </ol>

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Section 20.10	USE ↓ REGULATIONS ⇓	Required Review Process	MINIMUMS			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)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.100	Public Utility	Within the NE 85th Street Sub-area, D.R., Chapter 142	None	20'	20' on each side	20'	70%	If adjoining a low density zone other than RSX, then 25 above average building elevation. Otherwise, 30 above average building elevation.	A See Spec. Regs. 2 and 3.	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 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. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then Landscape Category A applies.	
.110	Government Facility Community Facility	KZC. Otherwise, Process IIA, Chapter 150 KZC.			10' on each side	10'			C See Spec. Regs. 2 and 3.				
.120	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.											

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

Section 40.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Side Property Line							High Water Line Shoreline Setback
.040	Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units, General Moorage Facility	See Chapter 83 KZC	None, but must have at least 100' of frontage on Lake Washington.	30 See also Spec. Reg. 4.	Landward of the high waterline of the primary structure above average building elevation minus 10'. a. 15' or more b. 1-1/2 times the height of the structure	5', but two side yards must be at least 15 feet. For other structures the greater of: a. 15' or b. 15% of the average parcel depth	See Chapter 83 KZCF moorage structure, 0' For other structures the greater of: a. 15' or b. 15% of the average parcel depth	60%	Landward of the ordinary high water mark high waterline 30 above average building elevation. Waterward of the high waterline, dock and pier decks may not be more than 24' above mean sea level.	B	B	None	<ol style="list-style-type: none"> <li>Refer to Chapter 83 KZC for additional regulations.</li> <li>Chapter 83 KZC contains regulations regarding shoreline: <ol style="list-style-type: none"> <li>Moorage may only be used by residents of the dwelling units on the subject property, or their guests.</li> <li>Except as permitted by Special Regulation 18, no structures, other than moorage structures or public access piers or boardwalks, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone.</li> <li>Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.</li> </ol> </li> <li>The required 30' front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: <ol style="list-style-type: none"> <li>Within 30' of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</li> <li>Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and</li> <li>The design of the public use area is specifically approved by the City.</li> </ol> </li> <li>A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent</li> </ol>

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

Section 40.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units General Moorage Facility (continued)	See Chapter 83 KZC	-	10-	10-	-				None	to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. 6. The design on the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.  REGULATIONS CONTINUED ON NEXT PAGE  Refer to Chapter 83 KZC for additional regulations. 7. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. c. The number of moorages shall not exceed the number of dwelling units on the subject property. 8. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review the size and configuration of moorage structures to insure that: a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and b. The moorage structures are not larger than is necessary to moor the specified number of boats; and c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and d. The moorage structures will not adversely affect nearby uses; and e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats.		

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 40.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Side Property Line						
				line of the lot closest to the moorage structure at a 30-degree angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not exceed beyond any intervening over water structure; or d. Within 25' of another moorage structure not on the subject property.  The minimum dimension of any yard, other than listed, is 5'.						<p>9. _____ If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use.</p> <p>10. _____ May not treat moorage structure with creosote, oil base, or toxic substance.</p> <p>11. _____ Must provide at least two covered and secured waste receptacles.</p> <p>12. _____ All utility and service lines must be below the pier deck and, where feasible, underground.</p> <p>13. _____ Piers must be adequately lit. The source of the light must not be visible from neighboring properties.</p> <p>14. _____ Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high.</p> <p>15. _____ Covered moorage is not permitted.</p> <p>16. _____ Aircraft moorage is not permitted.</p> <p>17. _____ At least one pump-out facility shall be provided.</p> <p>18. See KZC 30.11 for regulations regarding bulkheads and land surface modification.</p>		

## Revisions to Definitions Chapter 5 of the Kirkland Zoning Ordinance as follows:

.060 Average Parcel Depth – The average of the distance from the ~~high-waterline-ordinary high water mark~~ to the ~~street-providing~~ public right of way or vehicular access easement road, whichever provides the direct access to the subject property as measured along the side property lines or the extension of those lines where the water frontage of the subject property ends, the center of the ~~high-waterline ordinary high water mark~~ of the subject property and the quarter points of the ~~high-waterlineordinary high water mark~~ of the subject property. See ~~the following diagram for examples~~ Plate 19. ~~At the northern terminus of the 5<sup>th</sup> Ave West private access easement, the average parcel depth shall be measured from the high-waterline to the public pedestrian access easement providing access to Waverly Beach Park.~~

.065 Average Parcel Width – The average of the distance from the north to the south property lines as measured along the ~~ordinary high water mark~~ ~~high-waterline~~ and the front property line, or along the east and west property lines if the parcel does not abut the ~~ordinary hig water mark~~ ~~high-waterline~~ of Lake Washington.

.245 Dry Land – The area of the subject property landward of the ~~high-waterlineordinary high water mark~~.

~~.365 High Waterline – The line where the water meets the land when the water level of Lake Washington is 21.8 feet above mean sea level based on the Corps of Engineers Datum Point. High Waterline shall be construed to be the same as Ordinary High Water Mark (OHWM), as defined in WAC 173-16-030(10).~~

~~.612 Ordinary High Waterline – This term has the same meaning as "high-waterline."~~

.720 Property Line – Those lines enclosing a lot and those lines defining a recorded vehicular access easement. The following are categories of property lines:

1. Front property line is any property line that is adjacent to a street or vehicular access easement or tract more than 21 feet in width, except when said vehicular access easement or tract:
  - a. Is located entirely on an adjacent lot or lots and does not serve the subject property; or
  - b. Encompasses a hammerhead turnaround required by the Fire Department, whether or not it is located on or serves the subject property.

Neither the Burlington Northern, I-405, nor SR-520 rights-of-way shall be considered front property lines.

2. Rear property line is any property line that is farther from and essentially parallel to a front property line except on a lot which contains two or more front property lines; or any property line that is adjacent to a street, alley or vehicular access easement or tract 21 feet or less in width, except when said vehicular access easement or tract serves only one lot, or is located entirely on an adjacent lot or lots and does not serve the subject property; or any property line that is adjacent to a vehicular access easement or tract which encompasses a hammerhead turnaround required by the Fire Department.

3. Side property line is any property line other than a front property line or a rear property line, or in Waterfront District Zones, any property line other than a ~~north, south, front,~~ or ordinary high water mark. ~~high waterline shoreline setback required under Chapter 83 KZC.~~

~~4. North property line is the property line running essentially east to west at the northern end of the lot, at an angle of more than 67° 30' from a line running true north-south (see Plate 28).~~

~~5. South property line is the property line running essentially east to west at the southern end of a lot that also contains a north property line.~~

~~6. High Waterline—This term is defined separately in this chapter.~~

.727 Public Access Pier or Boardwalk – An elevated structure which is constructed waterward of the high waterlineordinary high water mark and intended for public use.

.775 Required Yard – Those areas adjacent to and interior from the property lines and involving the following designations (if two required yards are coincidental, the yard with the greater dimensions shall predominate):

1. Front: That portion of a lot adjacent to and parallel with any front property lines and at a distance therefrom equal to the required front yard depth.

2. Rear: That portion of a lot adjacent to and parallel with the rear property line and at a distance therefrom equal to the required rear yard depth.

3. Side: That portion of a lot adjacent to and parallel with the side property line and at a distance therefrom equal to the required side yard depth. All yards not otherwise categorized shall be designated side yards.

~~4. North Property Line Yard: That portion of a lot adjacent to and parallel with the north property line and at a distance therefrom equal to the required north property line yard depth.~~

~~5. South Property Line Yard: That portion of a lot adjacent to and parallel with the south property line and at a distance therefrom equal to the required south property line yard depth.~~

~~6. High Waterline Yard: That portion of a lot adjacent to and parallel with the high waterline and at a distance landward therefrom equal to the required high waterline yard depth.~~

115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

1. Number of Occupants – The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KZC 5.10.300.
2. Owner Occupancy – One of the units must be the principal residence of the property owner(s).
3. Subdivision – Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
4. Scale – The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area.

Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. When calculating the square footage of the ADU (see KZC 5.10.340, definition of "gross floor area"), covered exterior elements such as decks and porches will not be included; provided, the total size of all such covered exterior elements does not exceed 200 square feet. An accessory dwelling unit will be considered to be "detached" from the principal unit if it has any of the following characteristics:

- a. It does not share a common roof structure with the principal unit.
  - b. It is not integrated into the footprint of the principal unit.
  - c. The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.
5. Location. The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached structures must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; provided, that an accessory dwelling unit shall not be considered a "dwelling unit" in the context of Special Regulations in Chapters 15 through 60 KZC which limit the number of detached dwelling units on each lot to one.
  6. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.
  7. Parking. There shall be one off-street parking space provided for the accessory dwelling unit.

~~8. WD I and WD III Zones. Properties located in the WD I and WD III Zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC 30.15.020 and 30.35.020 for attached or stacked dwelling units.~~

~~8. 9.~~ Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.

~~9. 10.~~ Permitting

a. Application

- 1) The property owner shall apply for an accessory dwelling unit permit with the Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning Department.

- 2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.
- 3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning Department, or may occur as a result of enforcement action.

c. Preexisting Units – That portion of a single-family residence which meets the definition of accessory dwelling unit which existed on January 1, 1995, may be legally established, and not subject to zoning violation fines, if the following requirements are met:

- 1) An application for an accessory dwelling permit is filed by December 31, 1997;
- 2) The accessory dwelling unit is determined to meet the requirements of this section, as well as the other code requirements referred to in KZC 115.65(5)(g).

d. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed.

## **Miscellaneous**

### **WDI**

#### **30.17 Bulkhead and Land Surface Modification**

##### **1. Bulkheads**

- a. General**—Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.
- b. Allowable Reasons**—A bulkhead may be constructed only if:
  - 1)** It is needed to prevent significant erosion due to wave action; and
  - 2)** The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.
- c. Prohibited Location**—A bulkhead may not be erected within a wetland or between a wetland and the lake.
- d. Design of Bulkhead**—The bulkhead must be designed to minimize the transmittal of wave energy to other properties.
- e. Placement of the Bulkhead**—The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.
- f. Change in Configuration of the Land**—Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.
- g. Backfill**—The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

##### **2. Land Surface Modification Waterward of the High Waterline**

- a. General**—Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.
- b. Required Permit**—The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.
- c. Allowable Reasons**—The City may approve an application for a land surface modification waterward of the high waterline only if:
  - 1)** No unique or significant natural area of flora or fauna will be destroyed; and

- ~~2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and~~
- ~~3) Either:
  - ~~a) The application is filed by a public agency to improve navigability, public safety; or~~
  - ~~b) The application is to create a public use or recreation area; or~~
  - ~~c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or~~
  - ~~d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.~~~~
- ~~d. Requirements for Dredging — If the land surface modification involves dredging, the following regulations apply:
  - ~~1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.~~
  - ~~2) The applicant shall restore any beneficial vegetation disturbed during dredging.~~
  - ~~3) The dredging shall be the minimum necessary to provide sufficient draft for navigation or moorage.~~~~
- ~~e. Requirements for Fill — If the land surface modification involves fill, the following regulations apply:
  - ~~1) Material Used for Landfill — The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic and inorganic material that would be detrimental to the water quality of the existing habitat.~~
  - ~~2) Use of Vegetation — Exposed fill areas must be stabilized with vegetation.~~~~
- ~~3. Land Surface Modification within the High Waterline Yard
  - ~~a. General — Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.~~
  - ~~b. Allowable Reasons — The City may approve an application for a land surface modification within the high waterline yard only if:
    - ~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~
    - ~~2) Either:
      - ~~a) The application is filed by a public agency to improve public safety, recreation, or access; or~~~~~~~~

- ~~b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~
  - ~~c) The land surface modification is necessary to provide public access; or~~
  - ~~d) The land surface modification is necessary to the structural safety of a structure; or~~
  - ~~e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~
  - ~~f) This application is part of an application for bulkhead approved under paragraph 1 of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.~~
- ~~c. Material Used for Landfill — The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.~~
  - ~~d. Use of Vegetation — The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~
  - ~~e. Disposition of Excavated Materials — Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.~~
- ~~4. Land Surface Modification Landward of the High Waterline Yard — Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.~~
- ~~5. Emergency Measures — An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

### **30.17 Bulkhead and Land Surface Modification**

#### **1. Bulkheads**

- ~~a. General — Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~
- ~~b. Allowable Reasons — A bulkhead may be constructed only if:
  - ~~1) It is needed to prevent significant erosion due to wave action; and~~
  - ~~2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.~~~~
- ~~c. Prohibited Location — A bulkhead may not be erected within a wetland or between a wetland and the lake.~~

- d. ~~Design of Bulkhead~~—The bulkhead must be designed to minimize the transmittal of wave energy to other properties.
- e. ~~Placement of the Bulkhead~~—The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.
- f. ~~Change in Configuration of the Land~~—Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.
- g. ~~Backfill~~—The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. ~~Land Surface Modification Waterward of the High Waterline~~

- a. ~~General~~—Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.
- b. ~~Required Permit~~—The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.
- c. ~~Allowable Reasons~~—The City may approve an application for a land surface modification waterward of the high waterline only if:
  - 1) No unique or significant natural area of flora or fauna will be destroyed; and
  - 2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and
  - 3) Either:
    - a) The application is filed by a public agency to improve navigability, public safety; or
    - b) The application is to create a public use or recreation area; or
    - c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or
    - d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.
- d. ~~Requirements for Dredging~~—If the land surface modification involves dredging, the following regulations apply:
  - 1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.

~~2) The applicant shall restore any beneficial vegetation disturbed during dredging.~~

~~3) The dredging shall be the minimum necessary to provide sufficient draft for navigation or moorage.~~

~~e. Requirements for Fill — If the land surface modification involves fill, the following regulations apply:~~

~~1) Material Used for Landfill — The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic and inorganic material that would be detrimental to the water quality of the existing habitat.~~

~~2) Use of Vegetation — Exposed fill areas must be stabilized with vegetation.~~

### ~~3. Land Surface Modification within the High Waterline Yard~~

~~a. General — Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.~~

~~b. Allowable Reasons — The City may approve an application for a land surface modification within the high waterline yard only if:~~

~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~

~~2) Either:~~

~~a) The application is filed by a public agency to improve public safety, recreation, or access; or~~

~~b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~

~~c) The land surface modification is necessary to provide public access; or~~

~~d) The land surface modification is necessary to the structural safety of a structure; or~~

~~e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~

~~f) This application is part of an application for bulkhead approved under paragraph 1 of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.~~

~~c. Material Used for Landfill — The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.~~

~~d. Use of Vegetation — The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~

- ~~e. Disposition of Excavated Materials — Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.~~
- ~~4. Land Surface Modification Landward of the High Waterline Yard — Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See KMC Title 29 for those regulations.~~
- ~~5. Emergency Measures — An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

**WDII**

~~30.27 Bulkhead and Land Surface Modification~~

~~1. Bulkheads~~

- ~~a. General — Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~
- ~~b. Allowable Reasons — A bulkhead may be constructed only if:
  - ~~1) It is needed to prevent significant erosion due to wave action; and~~
  - ~~2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.~~~~
- ~~c. Prohibited Location — A bulkhead may not be erected within a wetland or between a wetland and the lake.~~
- ~~d. Design of Bulkhead — The bulkhead must be designed to minimize the transmittal of wave energy to other properties.~~
- ~~e. Placement of the Bulkhead — The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.~~
- ~~f. Change in Configuration of the Land — Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.~~
- ~~g. Backfill — The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.~~

~~2. Land Surface Modification Waterward of the High Waterline~~

- ~~a. General — Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.~~
- ~~b. Required Permit — The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.~~
- ~~c. Allowable Reasons — The City may approve an application for a land surface modification waterward of the high waterline only if:
  - ~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~
  - ~~2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and~~
  - ~~3) Either:~~~~

- a) ~~The application is filed by a public agency to improve navigability, public safety; or~~
  - b) ~~The application is to create a public use or recreation area; or~~
  - c) ~~The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property.~~
  - d. ~~Requirements for Dredging—If the land surface modification involves dredging, the following regulations apply:~~
    - 1) ~~Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.~~
    - 2) ~~The applicant shall restore any beneficial vegetation disturbed during dredging.~~
  - e. ~~Requirements for Fill—If the land surface modification involves fill, the applicant must comply with the provisions of subsections (3)(c) and (d) of this section.~~
- ~~3. Land Surface Modification within the High Waterline Yard~~
- a. ~~General—Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~
  - b. ~~Allowable Reasons—The City may approve an application for a land surface modification within the high waterline yard only if:~~
    - 1) ~~No unique or significant natural area of flora or fauna will be destroyed; and~~
    - 2) ~~Either:~~
      - a) ~~The application is filed by a public agency to improve public safety, recreation, or access; or~~
      - b) ~~The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~
      - c) ~~The land surface modification is necessary to provide public access; or~~
      - d) ~~The land surface modification is necessary to the structural safety of a structure; or~~
      - e) ~~There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~
      - f) ~~This application is part of an application for bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.~~

- ~~c. Material Used for Landfill—The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.~~
  - ~~d. Use of Vegetation—The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~
  - ~~e. Disposition of Excavated Materials—Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.~~
- ~~4. Land Surface Modification Landward of the High Waterline Yard—Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.~~
  - ~~5. Emergency Measures—An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

## WDIII

### ~~Bulkhead and Land Surface Modification~~

#### ~~1. Bulkheads~~

- ~~a. General — Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~
- ~~b. Allowable Reasons — A bulkhead may be constructed only if:
  - ~~1) It is needed to prevent significant erosion due to wave action; and~~
  - ~~2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.~~~~
- ~~c. Prohibited Location — A bulkhead may not be erected within a wetland or between a wetland and the lake.~~
- ~~d. Design of Bulkhead — The bulkhead must be designed to minimize the transmittal of wave energy to other properties.~~
- ~~e. Placement of the Bulkhead — The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.~~
- ~~f. Change in Configuration of the Land — Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.~~
- ~~g. Backfill — The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.~~

#### ~~2. Land Surface Modification Waterward of the High Waterline~~

- ~~a. General — Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.~~
- ~~b. Required Permit — The City will use Process IIB, described in Chapter 152-KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.~~
- ~~c. Allowable Reasons — The City may approve an application for a land surface modification waterward of the high waterline only if:
  - ~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~
  - ~~2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and~~
  - ~~3) Either:~~~~

- ~~a) The application is filed by a public agency to improve navigability, public safety; or~~
  - ~~b) The application is to create a public use or recreation area; or~~
  - ~~c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or~~
  - ~~d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.~~
- ~~d. Requirements for Dredging — If the land surface modification involves dredging, the following regulations apply:~~
- ~~1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.~~
  - ~~2) The applicant shall restore any beneficial vegetation disturbed during dredging.~~
  - ~~3) The dredging shall be the minimum necessary to provide sufficient draft for navigation or moorage.~~
- ~~e. Requirements for Fill — If the land surface modification involves fill, the following regulations apply:~~
- ~~1) Material Used for Landfill — The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic and inorganic material that would be detrimental to the water quality of the existing habitat.~~
  - ~~2) Use of Vegetation — Exposed fill areas must be stabilized with vegetation.~~
- ~~3. Land Surface Modification within the High Waterline Yard~~
- ~~a. General — Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section.~~
  - ~~b. Required Permit — The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for land surface modification within the high waterline yard. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~
  - ~~c. Allowable Reasons — The City may approve an application for a land surface modification within the high waterline yard only if:~~
    - ~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~
    - ~~2) Either:~~
      - ~~a) The application is filed by a public agency to improve public safety, recreation, or access; or~~

- ~~b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~
  - ~~c) The land surface modification is necessary to provide public access; or~~
  - ~~d) The land surface modification is necessary to the structural safety of a structure; or~~
  - ~~e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~
  - ~~f) This application is part of an application for a bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.~~
- ~~d. Material Used for Landfill — The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the exposing habitat.~~
  - ~~e. Use of Vegetation — The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~
  - ~~f. Disposition of Excavated Materials — Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.~~
- ~~4. Land Surface Modification Landward of the High Waterline Yard — Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.~~
  - ~~5. Emergency Measures — An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

## **CBD-2**

### ~~50.20 Bulkhead and Land Surface Modification~~

#### ~~1. Bulkheads~~

- ~~a. General — Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~
- ~~b. Allowable Reasons — A bulkhead may be constructed only if:
  - ~~1) It is needed to prevent significant erosion due to wave action; and~~
  - ~~2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.~~~~
- ~~c. Prohibited Location — A bulkhead may not be erected within a wetland or between a wetland and the lake.~~
- ~~d. Design of Bulkhead — The bulkhead must be designed to minimize the transmittal of wave energy to other properties.~~
- ~~e. Placement of the Bulkhead — The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.~~
- ~~f. Change in Configuration of the Land — Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.~~
- ~~g. Backfill — The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.~~

#### ~~2. Land Surface Modification Waterward of the High Waterline~~

- ~~a. General — Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.~~
- ~~b. Required Permit — The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.~~
- ~~c. Allowable Reasons — The City may approve an application for a land surface modification waterward of the high waterline only if:
  - ~~1) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and~~
  - ~~2) Either:~~~~

~~a) The application is filed by a public agency to improve navigability or public safety; or~~

~~b) The application is to create a public use or recreation area; or~~

~~c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property.~~

~~d. Requirements for Dredging—If the land surface modification involves dredging, the following regulations apply:~~

~~1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.~~

~~2) The applicant shall restore any beneficial vegetation disturbed during dredging.~~

~~e. Requirements for Fill—If the land surface modification involves fill, the applicant must comply with the provisions of subsections (3)(d) and (3)(e) of this section.~~

### ~~3. Land Surface Modification within the High Waterline Yard~~

~~a. General—Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~

~~b. Allowable Reasons—The City may approve an application for a land surface modification within the high waterline yard only if:~~

~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~

~~2) Either:~~

~~a) The application is filed by a public agency to improve public safety, recreation, or access; or~~

~~b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~

~~c) The land surface modification is necessary to provide public access; or~~

~~d) The land surface modification is necessary to the structural safety of a structure; or~~

~~e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~

~~f) This application is part of an application for a bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.~~

- ~~c. Public Use Area Required— If the land surface modification within the high waterline yard is proposed as part of a development other than a small moorage facility, the City shall require that part of the high waterline be developed as a public use area. The size and design of the public use area must be specifically approved by the City based on the size of the subject property, the use on the subject property, and the ability to use design features to separate the public use area from the private elements of the development.~~
  - ~~d. Material Used for Landfill— The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.~~
  - ~~e. Use of Vegetation— The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~
  - ~~f. Disposition of Excavated Materials— Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.~~
- ~~4. Land Surface Modification Landward of the High Waterline Yard— Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See KMC Title 29 for those regulations.~~
- ~~5. Emergency Measures— An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

## JBD-5

### 52.35 Bulkhead and Land Surface Modification

#### ~~1. Bulkheads~~

- ~~a. General — Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section.~~
- ~~b. Required Permit — The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for a bulkhead. A permit may also be required from the U.S. Army Corps of Engineers. Consult that agency for further information.~~
- ~~c. Allowable Reasons — A bulkhead may be constructed only if:
  - ~~1) It is needed to prevent significant erosion due to wave action; and~~
  - ~~2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.~~~~
- ~~d. Prohibited Location — A bulkhead may not be erected within a wetland or between a wetland and the lake.~~
- ~~e. Design of Bulkhead — The bulkhead must be designed to minimize the transmittal of wave energy to other properties.~~
- ~~f. Placement of the Bulkhead — The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.~~
- ~~g. Change in Configuration of the Land — Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.~~
- ~~h. Backfill — The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.~~

#### ~~2. Land Surface Modification Waterward of the High Waterline~~

- ~~a. General — Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.~~
- ~~b. Required Permit — The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.~~
- ~~c. Allowable Reasons — The City may approve an application for a land surface modification waterward of the high waterline only if:
  - ~~1) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and~~~~

~~2) Either:~~

- ~~a) The application is filed by a public agency to improve navigability or public safety; or~~
- ~~b) The application is to create a public use or recreation area; or~~
- ~~c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or~~
- ~~d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.~~

~~d. Requirements for Dredging — If the land surface modification involves dredging, the following regulations apply:~~

- ~~1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.~~
- ~~2) The applicant shall restore any beneficial vegetation disturbed during dredging.~~
- ~~3) The dredging shall be the minimum necessary to provide sufficient draft for navigation and moorage.~~

~~e. Requirements for Fill — If the land surface modification involves fill, the applicant must comply with the provisions of subsections (3)(e) and (3)(f) of this section.~~

~~3. Land Surface Modification within the High Waterline Yard~~

~~a. General — Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section.~~

~~b. Required Permit — The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for land surface modification within the high waterline yard. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~

~~c. Allowable Reasons — The City may approve an application for a land surface modification within the high waterline yard only if:~~

- ~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~

~~2) Either:~~

- ~~a) The application is to improve public safety, recreation, or access; or~~
- ~~b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~
- ~~c) The land surface modification is necessary to provide public access; or~~

- ~~d) The land surface modification is necessary to the structural safety of a structure; or~~
  - ~~e) There has been severe and unusual erosion within the one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~
  - ~~f) This application is part of an application for a bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(h) of this section.~~
- ~~d. Public Use Area Required — If the land surface modification within the high waterline yard is proposed as part of a development other than a small moorage facility, the City shall require that part of the high waterline be developed as a Public Use Area. The size and design of the Public Use Area must be specifically approved by the City based on the size of the subject property, the use on the subject property, and the ability to use design features to separate the Public Use Area from the private elements of the development.~~
- ~~e. Material Used for Landfill — The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.~~
- ~~f. Use of Vegetation — The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~
- ~~g. Disposition of Excavated Materials — Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.~~
- ~~4. Land Surface Modification Landward of the High Waterline Yard — Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See KMC Title 29 for those regulations.~~
- ~~5. Emergency Measures — An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

## PLA2

### ~~60.18 Bulkhead and Land Surface Modification~~

- ~~1. Bulkheads — Bulkheads are not permitted in this zone.~~
- ~~2. Land Surface Modification Waterward of the High Waterline
  - ~~a. General — Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.~~
  - ~~b. Required Permit — The City will use the City Council Process IIB as described in Chapter 152 KZC to review and decide upon an application for a land surface modification waterward of the high waterline.~~
  - ~~c. Allowable Reasons — The City may approve an application for a land surface modification waterward of the high waterline only if the application is filed by a public agency to improve navigability, public recreation, or public safety; and
    - ~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~
    - ~~2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties.~~~~
  - ~~d. Requirements for Dredging — If the land surface modification involves dredging, the dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved fill on the subject property.~~
  - ~~e. Requirements for Fill — If the land surface modification involves fill, the material for the fill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.~~
  - ~~f. Use of Vegetation — The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~~~
- ~~3. Land Surface Modification within the Regulated Wetland — Land surface modification within a regulated wetland and within a wetland buffer is regulated by Chapter 90 KZC. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.~~
- ~~4. Land Surface Modification Other than Waterward of the High Waterline or the Regulated Wetland or Wetland Buffer — See KMC Title 29 for regulations regarding land surface modifications other than waterward of the high waterline or within the regulated wetland or wetland buffer.~~
- ~~5. Emergency Measures — An applicant may take emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

**PLA3B**

**60.28 Bulkhead and Land Surface Modification**

1. Bulkheads

- a. General — Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.
- b. Allowable Reasons — A bulkhead may be constructed only if:
  - 1) It is needed to prevent significant erosion due to wave action; and
  - 2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.
- c. Prohibited Location — A bulkhead may not be erected within a wetland or between a wetland and the lake.
- d. Design of Bulkhead — The bulkhead must be designed to minimize the transmittal of wave energy to other properties.
- e. Placement of the Bulkhead — The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.
- f. Change in Configuration of the Land — Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.
- g. Backfill — The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

- a. General — Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.
- b. Required Permit — The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.
- c. Allowable Reasons — The City may approve an application for a land surface modification waterward of the high waterline only if:
  - 1) No unique or significant natural area of flora or fauna will be destroyed;
  - 2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and

3) ~~Either:~~

~~a) The application is filed by a public agency to improve navigability or public safety; or~~

~~b) The application is to create a public use or recreation area; or~~

~~c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or~~

~~d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.~~

~~d. Requirements for Dredging — If the land surface modification involves dredging, the following regulations apply:~~

~~1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.~~

~~2) The applicant shall restore any beneficial vegetation disturbed during dredging.~~

~~3) The dredging shall be the minimum necessary to provide sufficient draft for navigation and moorage.~~

~~e. Requirements for Fill — If the land surface modification involves fill, the following regulations apply:~~

~~1) Material Used for Landfill — The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.~~

~~2) Use of Vegetation — Exposed fill areas must be stabilized with vegetation.~~

~~3. Land Surface Modification within the High Waterline Yard~~

~~a. General — Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~

~~b. Allowable Reasons — The City may approve an application for a land surface modification within the high waterline yard only if:~~

~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~

~~2) Either:~~

- ~~a) The application is filed by a public agency to improve public safety, recreation, or access; or~~
  - ~~b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~
  - ~~c) The land surface modification is necessary to provide public access; or~~
  - ~~d) The land surface modification is necessary to the structural safety of a structure; or~~
  - ~~e) There has been severe and unusual erosion within the one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~
  - ~~f) This application is part of an application for a bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.~~
- ~~c. Material Used for Landfill — The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.~~
- ~~d. Use of Vegetation — The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~
- ~~4. Land Surface Modification Landward of the High Waterline Yard — Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See KMC Title 29 for those regulations.~~
- ~~5. Emergency Measures — An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

## PLA15A

### ~~60.173 Bulkhead and Land Surface Modification~~

#### ~~1. Bulkheads~~

- ~~a. General — Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section.~~
- ~~b. Required Permit — The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for a bulkhead. A permit may also be required from the U.S. Army Corps of Engineers. Consult that agency for further information.~~
- ~~c. Allowable Reasons — A bulkhead may be constructed only if:
  - ~~1) It is needed to prevent significant erosion due to wave action; and~~
  - ~~2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.~~~~
- ~~d. Prohibited Location — A bulkhead may not be erected within a wetland or between a wetland and the lake.~~
- ~~e. Design of Bulkhead — The bulkhead must be designed to minimize the transmittal of wave energy to other properties.~~
- ~~f. Placement of the Bulkhead — The bulkhead may not extend waterward of the high waterline unless it is associated with approved fill.~~
- ~~g. Change in Configuration of the Land — Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.~~
- ~~h. Backfill — The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.~~

#### ~~2. Land Surface Modification Waterward of the High Waterline~~

- ~~a. General — Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.~~
- ~~b. Required Permit — The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.~~
- ~~c. Allowable Reasons — The City may approve an application for a land surface modification waterward of the high waterline only if:
  - ~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~
  - ~~2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and~~~~

3) ~~Either:~~

- ~~a) The application is filed by a public agency to improve navigability, public recreation, or public safety; or~~
- ~~b) The application is to create a public use or recreation area; or~~
- ~~c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or~~
- ~~d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorages; or~~
- ~~e) The application is consistent with an approved Master Plan for a "development containing attached or stacked dwelling units, restaurants or taverns and general moorage facilities."~~

~~d. Requirements for Dredging — If the land surface modification involves dredging, the following regulations apply:~~

- ~~1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.~~
- ~~2) The applicant shall restore any beneficial vegetation disturbed during dredging.~~
- ~~3) The dredging shall be the minimum necessary to provide sufficient draft for navigation or moorage.~~

~~e. Requirements for Fill — If the land surface modification involves fill, the following regulations apply:~~

- ~~1) Material Used for Landfill — The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality or the existing habitat.~~
- ~~2) Vegetation — Exposed fill areas must be stabilized with vegetation.~~
- ~~3) Public Use Area Required — If the fill is proposed as part of a "Development containing attached or stacked dwelling units, restaurants or taverns and general moorage facilities," part of the high waterline yard shall be developed as a public use area. The size and design of the public use area must be specifically approved by the City based on the size of the subject property, the use on the subject property, and the ability to use design features to separate the public use area from the private elements of the development.~~

~~3. Land Surface Modification within the High Waterline Yard~~

- ~~a. General — Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section.~~

- ~~b. Required Permit — The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for land surface modification within the high waterline yard. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.~~
  - ~~c. Allowable Reasons — The City may approve an application for a land surface modification within the high waterline yard only if:
    - ~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~
    - ~~2) Either:
      - ~~a) The application is filed by a public agency to improve public safety, recreation, or access; or~~
      - ~~b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~
      - ~~c) The land surface modification is necessary to provide public access; or~~
      - ~~d) The land surface modification is necessary to the structural safety of a structure; or~~
      - ~~e) There has been severe and unusual erosion within the one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~
      - ~~f) This application is part of an application for bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(h) of this section.~~~~~~
- ~~d. Material Used for Landfill — The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality or the existing habitat.~~
- ~~e. Use of Vegetation — The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~
- ~~f. Disposition of Excavated Materials — Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.~~
- ~~4. Land Surface Modification Landward of the High Waterline Yard — Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See KMC Title 29 for those regulations.~~
- ~~5. Emergency Measures — An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~



**Teresa Swan**

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**From:** C Zech [ottozech@hotmail.com]  
**Sent:** Tuesday, October 06, 2009 8:39 AM  
**To:** citycouncil@ci.kirkland.wa.us  
**Subject:** regarding SMP draft

Dear Council

I am addressing you regarding the staff proposals relating to the draft SMP update.

The draft SMP Update still contains some very onerous, expensive and complicated rules for lakefront homeowners – rules not required by State law. While I support the SMP Update process, it seems that the Kirkland planning suggestions place too great a burden on property owners which, as we have seen in the past, is not well received in Kirkland.

I do not understand why the Kirkland proposed changes would seek **to enhance the already evaluated and tried methods suggested by the state**. Imposing more intense regulations will not only **burden the home owner**, but would indicate to me that the city would be forced to add to its already top heavy staffing and regulatory personnel to *monitor and enforce* these changes. A basic tenet of planning is that an imposed rule not create a potentially expensive fiscal burden. During my tenure on the park board, we saw an example of this issue repeatedly, one relatively inexpensive example being: Some citizens proposed 'no dogs in parks' which would carry with it the need to hire an animal control resource that we really could not afford.

One next step is to request that the City of Kirkland request a one year extension to submit the plan. The State of Washington provides for a one year extension, if the City makes the request. The additional year will provide an opportunity for study and improved understanding of the whole impact of the City's proposals.

Please consider this alternative as a way to ensure that in changing and/or increasing the regulatory demands, you are truly 1) addressing the impacts to the citizens of Kirkland, 2) adopting regulations that are useful and proven, and 3) being fiscally responsible.

Thanks for your consideration  
Cindy Zech  
1695 10th St W  
Kirkland, WA 98033  
425 827 6562



**Teresa Swan**

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**From:** Janet Jonson  
**Sent:** Wednesday, October 07, 2009 9:05 AM  
**To:** City Council  
**Cc:** David Ramsay; Marilynne Beard; Eric Shields; Paul Stewart; Teresa Swan; Cheri Aldred  
**Subject:** FW: regarding SMP

Council: For the October 22<sup>nd</sup> Special Study Session. JJ

Janet Jonson

City Manager's Office  
City of Kirkland  
123 5th Avenue  
Kirkland, WA 98033  
425-587-3007  
425-587-3019 fax  
[jjonson@ci.kirkland.wa.us](mailto:jjonson@ci.kirkland.wa.us)

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**From:** Sigrid E. Elenga [<mailto:sigride@mobilegis.com>]  
**Posted At:** Tuesday, October 06, 2009 6:50 PM  
**Posted To:** Kirkland Council  
**Conversation:** regarding SMP  
**Subject:** regarding SMP

Dear Council,

I am addressing you regarding the staff proposals relating to the draft SMP update.

The draft SMP Update still contains some very expensive, excessive rules for lakefront homeowners – rules not required by State law. While I support the SMP Update process, the Kirkland planning suggestions place too great a burden on property owners.

Let us not forget that the improvement plans were conceived to improve the lake environment. I would recommend that the Kirkland City Council singly and in collaboration with other city governments surrounding Lake Washington study the water and noise pollution in and around Lake Washington from motorized boats that affect fish, wild life, and humans, and make being by the lake unhealthy and unpleasant. Many days this summer, we observed large oil and gasoline slicks on the lake, large numbers of dead fish drifting by—many more than in years past—and noise from motorized boats, especially on weekends, louder than the noise from a busy freeway. I would like to see a law enacted that restricts motor boats to have electrical motors and regular checks so that these motors do not pollute water and air. I would recommend the use of rowing and sail boats that do not adversely affect the lake population and environment. Many lake communities in the world have restricted motorized boats in order to save lake environments and have done well doing so.

Please make the request to the State to grant one year to study the proposal. The State of Washington provides for a one year extension, if you make the request. The additional year will provide an opportunity for study and improved understanding of the whole impact of the City's proposals.

Please consider this alternative as a way to ensure that in changing and/or increasing the regulatory demands, you are truly 1) addressing the impacts to the citizens of Kirkland, 2) adopting regulations that are useful, healthy, and proven, and 3) being environmentally and fiscally responsible.

Thank you for your consideration,  
Sigrid Elenga  
425-827-6124



RICHARD K. SANDAAS  
12453 Holmes Point Drive  
Kirkland, WA 98034

October 13, 2009

Councilmember  
City of Kirkland  
123  
Kirkland, Wa

Subject: Shoreline Master Program Update

You have recently been provided a 756 page packet for our study session on October 22 of the Shoreline Master Program Update. You face a daunting task in reviewing this material which comes from a process of nearly 4 years.

While you hardly need more pages to read, I am compelled to write this letter about the Updates. I have been following the process since August of 2006 and have submitted numerous letters and provided public comment since then.

This letter is, by necessity, lengthy. If I accomplish one thing it would be to gain your awareness of the lack of sound science to support the goals, policies, and regulations. I go into this in detail below and with the attached report, but please note this DOE guidance;

Ultimately, local government elected officials must consider all of the information put before them, including opposing views and opinions, judge their credibility and decide what standards best achieve SMP guideline requirements, given local circumstances.

You have the authority to challenge the science being used.

Here are key points I raised in my October 3, 2006 comment letter on the draft *Inventory*:

- Lake Washington is an urban lake which was forever altered with the construction of the ship canal and locks when the lake was lowered.
- The lowering of the lake resulted in the creation of much of Kirkland's shoreline with bulkheads to contain the newly formed lots.
- The Shoreline Management Act of 1972 and the existing Shoreline Master Program have served the city and public well with the resulting preservation of wetlands in Yarrow and Juanita Bays and the halting of non-water related overwater structures.
- Strong political and staff leadership lead to the acquiring of former shoreline oil tank farms and a lumber yard. Converting them into parks resulting in significant public shoreline access. The *Inventory* shows 43% of Kirkland shoreline area is park/open space.

- One third of Kirkland’s shoreline is natural/semi natural. Less than one third of the entire shoreline is vertical or armored shoreline.

This reality is the basis for the SMP updates..

As a long time shoreline owner on Holmes Point Drive, in the Proposed Annexation Area, and as Chair of the Shoreline Property Owners and Contractors Association, I have an understanding of property owners concerns. The following are criteria which are key to gaining support by shoreline property owners for the SMP updates:

- Based on Sound Science that is reviewed and vetted
- Attain measurable environmental benefits
- Feasible and practical
- Cost effective
- Fair and equitable
- Not impose hardships (required by RCW 90.58.100)
- Not impose risks to property or homes (required by RCW 90.58.100)
- Avoid unintended consequences
- Flexible

In this letter I will discuss how these criteria are being met with the SMP Update.

### **Sound Science**

This remains the most significant issue that has not been responded to. Earlier this year I reviewed the scientific studies and reports that have been referred to and relied upon by the SMP update process. In March I prepared a report which documented that the body of science and research is not complete, contains suppositions and hypotheses, is sometimes contradictory, and cannot be applied broadly to all shoreline locations on Lake Washington. In addition to the Planning Commission and staff, it also had a wide distribution to regulators and other local agency staff. To date I have received no responses, rebuttals or challenges to my conclusions, except for one: Kirkland Planning Department Staff replied that continuing concerns about scientific information should be addressed by state and federal agencies and that the city has consulted best available science. (March 12, 2008 Staff Comments) **Best available science is not sound science that is peer reviewed and vetted.**

Of the many examples in my report, none is more graphic than the list of 13 unanswered questions that are contained in a literature review prepared by the Watershed Company for the City of Bellevue in 2000. Some nine years later these remain unanswered, once again underscoring the lack of sound science. These questions are attached to this letter along with my report.

Another example is the problem that the *Chinook Conservation Strategy for WRIA 8* points out. With respect to the rise and fall of the lake it states “removing of bank hardening structures may not be sufficient to create sandy beaches”. Still another is the

statement in the *Synthesis of Salmon Research and Monitoring* study which says “very few fish are found with cobble and larger substrates”. Yet in order for a beach to survive the wave exposure on the Kirkland shoreline it would have to consist of cobbles or rocks rather than the granular sand that the fish seem to prefer.

I point out in my report that now is the time for policy makers to fully understand the extent and applicability of the body of scientific knowledge that exists and make a determination as to which pathway forward to follow, with four suggested options to consider. The fourth being to waive the scientific deficiencies and base the SMP updates on policies and regulations which would be focused mostly on aesthetics and a hopeful outcome for habitat improvement. It is an important choice to make and one that should be carefully deliberated.

#### **Attain measurable environmental benefits**

The environmental benefits are based on hypothesis and incomplete science. Late in the process, staff has included a pilot project in the Parks CIP which would replace a portion of a bulkhead with a soft shoreline. This would be a first step in determining environmental benefits and answer other questions such as feasibility, functionality, capital costs, and maintenance costs.

#### **Feasible and practical**

Bulkhead removal and shoreline landscaping are the standout issues here. Bulkheads exist along the shoreline for a key reason: they are necessary to contain the property that was developed with the lowering of the lake and which is exposed to significant storm impacts. Mr. Allen Schwartz in his follow up letter to the July 9, 2009 Open House provides in-depth analysis on this and other issues.

The landscaping requirements are based on the premise that it will provide shading of the water and falling debris into the water from overhanging vegetation. As has been pointed out repeatedly, neither will result due to the setting and sun exposure of Kirkland’s shoreline. The shoreline has a western exposure so that there is little or no water shade possible from shoreline landscaping. Landscaping will have to be planted far enough away the OHWL to avoid being washed away by wind waves and boat wakes with the result that the trunks will be more than eight feet away from the waters edge. Even at this distance the root system would be vulnerable to erosion. The result is that to get any overhang at all, branches would have to very long. The shoreline landscaping requirements are not feasible, impractical, would not accomplish the intended result of shading and debris production, and would unfavorably impact the property owner’s view corridor and use of the property.

#### **Cost effective**

The SMP update process has never dealt with measurable results, cost impacts, or cost effectiveness. It is now time to do that before adopting the Update. Are there other projects or improvements that could provide true environmental benefits? What about storm water runoff and non-point pollution? Addressing these issues would have far more beneficial impact on the lake than speculative benefits of landscaping and bulkhead

removal. Witness the repeated closure of Juanita Beach Park due to poor water quality. Would it not be better to spend money where the benefits are assured?

**Fair and equitable**

The private shoreline owner will bear extraordinary costs as a result of the SMP Update. The upland owners bear responsibility for environmental impacts on Lake Washington.. Higher densities as driven by the Growth Management Act have resulted in significant increases in impervious surfaces and other actions impacting water quality in streams and Lake Washington. A program to deal with these issues and a way of financing should be adopted concurrently with the SMP update process.

**Not impose hardships; Not impose risks to property or homes**

These criteria are embodied in RCW 90.58.100 and are of vital interest to all shoreline property owners. There are many unanswered questions about the risks imposed by bulkhead removal, the most important one being damage to a structure, although on-going land erosion is also important. The regulations cite the ‘significant possibility of an existing structure damaged within 3 years’. The logic behind the three year limit is not apparent. Regardless of the duration, if a home is damaged as a result of SMP policies and regulations it is a violation of the RCW. This arbitrary time period should be eliminated.

**Avoid unintended consequences**

By their nature, these are not always possible to predict. However, at least two come to mind. One is the risk of impacting the integrity of the sewer interceptor pipes that lie along Kirkland’s shoreline by bulkhead removal and other alterations. Another is the impact on adjacent properties by bulkhead removal and alternations on a single property in between. If erosion occurs, or structures are impacted, what is the remedy? Who is liable? The regulations attempt to deal with this by requiring a transition to adjacent properties, but would this really be effective?

**Flexible**

The development of Kirkland’s residential and commercial shoreline over the years has resulted in a wide variety of configurations and settings which makes a “one size fits all” approach impractical. That approach likely would constrain innovative approaches. It also has the potential of discouraging a number of redevelopment projects with the resulting deterioration of housing stock. Mr. Dave Douglas of Waterfront Construction has provided numerous comments on this topic, particularly as it pertains to piers and bulkheads. Other areas of concern with a need for a flexible approach are set-backs, structure footprints, and landscaping.

Much work has gone into the SMP update process involving countless hours of Kirkland Planning Commission members, Houghton Community Council members, staff, and consultants and this should be recognized. However the questions and issues outlined in this letter are very important to shoreline property owners and I urge you to address them.

5

And, please keep in mind the reality mentioned at the beginning of this letter and build on that.

Very truly yours,

Richard K. Sandaas  
PAA Shoreline Property Owner  
Chair, SPOCA

*A Summary of the Effects of Bulkheads, Piers, and Other Artificial Structures and  
Shorezone Development on ESA-listed Salmonids in Lakes*

T. Kahler, M. Grassley, and David Beauchamp

Thirteen Unanswered Questions,

1. How do juvenile salmonids respond to piers, bulkheads and other artificial structures in local lakes?
2. Is there a relationship between piers and predation on juvenile salmonids in local lakes? How are the structures utilized by the various predators?
3. Which characteristics or combination of characteristics of piers attract bass in local lakes?
4. Do prisms and grating change predator or prey response to piers? How effectively do they reduce shading *in situ*?
5. How do bulkheads and piers affect sediment distribution/composition and benthic invertebrate distribution and abundance in local lakes?
6. How does pier lighting affect the behavior of Chinook fry and their predators in Lake Washington and Lake Sammamish, and ultimately the predation rate on Chinook fry?
7. How do juvenile salmonids and their prey, and adult salmonids respond to drop-hammer and vibratory pile driving in lakes?
8. What are the cumulative impacts of overwater coverage on total lake productivity from the existing structures on Lakes Washington, Sammamish, and Union?
9. How do juvenile salmonids in local lakes respond to temporary construction-related turbidity?
10. What is the current contribution of two-stroke marine engine emissions to PAH contamination in local lakes?
11. How pervasive is the use of dock-cleaning chemicals by homeowners around local lakes and what chemicals are being used? What hazard does this chemical use pose to fish? Same question for lawn-care products.
12. How do juvenile and adult salmonids respond to local boating and swimming activity?
13. How do changes in sediment distribution/composition affect populations of bass?

## SHORELINE MASTER PROGRAM UPDATES

### SCIENCE AND GREEN SHORELINES

The SMP update processes being conducted by the local governments on Lake Washington are leading to policies and regulations calling for removal of hardened shorelines and replacement with beaches; shoreline landscaping intended to provide shade, while at the same time requiring modification of piers to reduce shading; the reduction of piers, both in size and number; and placement of woody debris along the shoreline. The result will be the expenditure of millions of dollars by shoreline property owners and taxpayers. It also results in loss of usable shoreline and uplands by both private property owners as well as park users.

The drivers behind this are guidance and directives from the Department of Ecology and WRIA 8 taken from research and studies with the focus on salmon habitat. Even though DOE is requiring local governments to use “all available technical and scientific information” and to “solicit additional information through the public participation process”, the body of science and research is not complete, contains suppositions and hypotheses, is sometimes contradictory, and cannot be applied broadly to all shoreline locations on Lake Washington. WRIA 8 has identified the Kirkland shoreline as a Tier 1 Migratory Corridor, but have studies been conducted to support that?

### SCIENCE AND ITS DEFICIENCIES

#### VETTING OF SCIENCE

A number of researchers have been studying Lake Washington for many years. Those studies have found their way into a body of conventional wisdom that is widely used, yet a vetting process for these studies and research is yet to be established. If such studies are to be the basis for establishing public policy and cost property owners and taxpayers millions of dollars, it is reasonable to expect, and compelling, that claims based on science be tested before serving as the basis of public decision making. An example is the vetting of scientific claims developed in connection with the Columbia River. In that important watershed the Northwest Power Planning Council has implemented an Independent Science Review Board to review all studies before they are used as the basis of policy or rule making. With so much at stake a similar process should be invoked for the Lake Washington studies.

#### AREA SPECIFIC STUDIES – WHERE DO THE FISH TRAVEL?

The DOE Guidance Fall 2008 cites one study which “focuses on the affects of shoreline alterations to salmon migration” implying its applicability to all parts of Lake Washington and Lake Sammamish.<sup>i</sup> Yet this study was conducted for Cedar River Chinook salmon at the south end of Lake Washington. A close reading of the study and its conclusions shows considerable unanswered questions.

There are several other studies which are also specific to the Chinook at the south end of Lake Washington and one documents their migration along the western shore of Lake Washington past Seward Park to the Ship Canal.<sup>ii iii</sup> These localized studies are being used in SMP update processes as a basis for actions elsewhere on the lake, far away from the migratory route that these Cedar River Chinook utilize, and these fish are the majority of Chinook found in Lake Washington.

As to where fish travel in other parts of Lake Washington, here are excerpts from other studies:

The distribution of juvenile Coho salmon in Lakes Washington and Sammamish **is poorly understood.**<sup>iv</sup>

“...small numbers of Chinook salmon spawn in several tributaries to Lake Washington and Lake Sammamish but juvenile production from these streams **is unknown.**”<sup>v</sup>

“**However little research has been conducted** to understand habitat use or finer-scale movement patterns of juvenile Chinook salmon during their migratory phase in late-May, June, and July.”<sup>vi</sup>

**Not much information is known** about the habitat use of Coho salmon and steelhead in Lake Washington.<sup>vii</sup>

Outmigration behaviors of sockeye, Coho, and steelhead **have not been studied** in Lake Washington.<sup>viii</sup>

Juvenile Chinook in the North Lake Washington population are less shoreline-oriented than juveniles from the Cedar River. **More information is needed** about the trajectories of NLW juvenile Chinook in Lake Washington, particularly when they move offshore.<sup>ix</sup>

#### EFFECTS OF PIERS AND BULKHEADS ON SALMON

Study Excerpts:

**No studies were located that specifically investigated** the effects of piers and armored shorelines on the migration of juvenile Chinook and Coho salmon along lakeshores.<sup>x</sup>

**The question remains** whether juvenile salmonids in lakes migrate under, or otherwise utilize, piers, or if they avoid them and/ or traverse their perimeter.<sup>xi</sup>

Behavior at each structure appears to depend on a variety of factors...although these are based primarily on **anecdotal observation.** (example of non-scientific hypotheses)<sup>xii</sup>

Additionally, juvenile Chinook salmon may be attracted to boat ramps due to the docks in between the boat ramps **which may provide some overhead cover.**<sup>xiii</sup>

The substrate and slope are similar along this shoreline and it is unclear why Chinook salmon prefer the north part over the south part. One possibility is that the north sites are close to a **pier which may provide overhead cover** if needed.<sup>xiv</sup>

The result is that **resource managers are challenged** to recommend and implement Chinook salmon conservation strategies in Lake Washington with few references to unaltered lacustrine habitats, and an **incomplete understanding** of how alterations to the Lake Washington ecosystem affect juvenile Chinook salmon.<sup>xv</sup>

Shoreline processes of Lake Washington have been changed by the regulated maximum one foot rise and fall of the lake. (Regulated at the Locks) Therefore **the removal of bank hardening structures may not be sufficient to create sandy beaches...**<sup>xvi</sup>

Studies of the relationship between shoreline armoring and predation on juvenile Chinook or Coho salmon in Lake Washington and Lake Sammamish **were not found.**<sup>xvii</sup>

**While no direct links were identified** between predation and bulkheads, an intuitive connection exists. (This is an example of subjective or hypothetic conclusions found throughout many of the studies)<sup>xviii</sup>

### SHORELINE VEGETATION, WOODY DEBRIS, AND BEACHES

Study Excerpts:

**Very few fish are found with cobble and larger substrates.**<sup>xix</sup> (This is significant because in many shoreline areas containing bulkheads, the replacement beaches would have to consist of cobbles and larger materials because sand will wash away in the first storm. Extensive beach restoration which must protect property from erosion would require cobble and larger granular material.)

The pattern of woody debris use is **somewhat unclear.**<sup>xx</sup>

Overall results indicated that there was **no difference** in the abundance of Chinook salmon between shoreline sections with small woody debris and sections without woody debris.<sup>xxi</sup>

### WATER QUALITY

None of the studies listed report on water quality, yet this is fundamental to the health of all aquatic life. The WRIA 8 document develops a hierarchy for tributary streams and lists Juanita Creek (doesn't mention Forbes Creek) as a Tier 3 subarea. The actions for this category are enhancing water quality and hydrologic integrity.<sup>xxii</sup> Thus for Kirkland, it would seem that the focus should be on storm water runoff and non-point pollution for tributary areas.

### UNANSWERED QUESTIONS

The excerpts shown above confirm the issues facing the science underlying the SMP update processes. In addition, there are other questions raised by these studies. A comprehensive list is found in the literature search conducted by The Watershed Company for the city of Bellevue (Reference 4). Page 49 of this report contains 13 unanswered questions which should be reviewed by all local government policy makers. And, to further the body of science, they should be answered.

## **GREEN SHORELINES**

There is another driver and that is a movement that has a push-pull relationship with the SMP update processes. It is called Green Shorelines. Other terms associated with this are salmon friendly, ecologically friendly, soft engineering, soft shorelines, alternative shoreline design, and living shorelines. It is a broad concept, applied to the entire shoreline of Lake Washington in a "one size fits all" way. As yet, it doesn't recognize the physical differences along the lake shoreline, exposure to storm driven waves and boat wakes, fish migratory patterns, extent of existing or potential fish habitat, or other unique characteristics.

Green Shorelines presumes that the restoration envisioned will achieve the goal of improved habitat and support salmon recovery. It also presumes that current scientific studies are sufficient to support and justify the goals for alternatives to shoreline hardening and justify the millions of dollars of expenditures to achieve them.

There is also an aesthetic component, typified by a number of comments lamenting the urbanization of Lake Washington beginning with the construction of the Ship Canal and the Locks and the lowering of the lake and the developments along the shoreline over the years.

A publication titled “*Green Shorelines; Bulkhead alternatives for a healthier Lake Washington*” has been prepared by the City of Seattle. It cites habitat restoration as a prime objective and provides resource information for bulkhead replacement. It does not reference specific scientific studies.

## SHORELINE PROPERTY OWNERS’ PERSPECTIVES

There is no group more interested and concerned about the health and ecology of Lake Washington than shoreline property owners. Furthermore there is no group that has more site specific knowledge about the lakeshore and the waters surrounding it than these property owners. For these reasons the criteria that support future actions must be well founded and credible.

Owners will support credible programs with these criteria:

- Attain measurable environmental benefits
- Feasible and practical
- Cost effective
- Fair and equitable
- Not impose hardships
- Not impose risks to property or homes
- Avoid unintended consequences

**Based on sound science that is reviewed and vetted**

There is a widespread belief among shoreline property owners that the credibility of the SMP update processes and the Green Shoreline movement is hampered by the lack of several of these criteria, a most significant one being vetted science.

## HOW TO RESPOND TO THESE DEFICIENCIES AND QUESTIONS?

Policy makers must consider the scientific basis driving the SMP policies and resulting regulations and determine if it is sufficient, or not. The DOE Guidance states:

Ultimately, local government elected officials must consider all of the information put before them, including opposing views and opinions, judge their credibility and decide what standards best achieve SMP guidelines requirements, **given local circumstances**.

If it is determined that the science is not adequate or applicable as a basis for a local government’s SMP update process, several options are available.

The first is to join with the other local governments on Lake Washington to put in place a vetting process for the science that is being used to support the SMP update processes. This effort should be led by the Department of Ecology and coordinated with the other regulatory agencies so that the end result is endorsed by all.

Second, further studies should be conducted to answer the questions still remaining, the most significant ones being those contained in the Literature Search mentioned above. The vetting process would likely raise additional questions and concerns.

Third, studies should be conducted that are site specific to a local government’s shoreline so that actions can be implemented that will insure real environmental benefit. A key issue is where do salmon migrate, to

what extent to they utilize a local government's shoreline? It is not enough to say, 'It seems Chinook are all over the lake'.<sup>xxiii</sup> One example of a site specific study is the *Movement and Habitat Use* study that was conducted for Chinook coming from the Cedar River to the Ship Canal (Reference 5). This study follows the rationale of the site specific requirement being imposed on private shoreline property owners who must provide an engineering report to justify the retention of bulkheads to protect their property.

The fourth option is to waive the scientific deficiencies and base the SMP updates on policies and regulations which would be focused mostly on esthetics and a hopeful outcome for habitat improvement.

**In any event, now is the time for policy makers to fully understand the extent and applicability of the body of scientific knowledge that exists and make a determination as to which pathway forward to follow.**

In the meantime, the real and serious issues of stormwater runoff and non-point pollution, true threats to fish habitat, continue.

Prepared by Richard Sandaas  
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Chair, SPOCA, Shoreline Property Owners and Contractors Association  
March 10, 2009  
[eride@msn.com](mailto:eride@msn.com)

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<sup>i</sup> R. A. Tabor and R. M Piaskowski, 2002. Nearshore Habitat Use by Juvenile Chinook Salmon to Lentic Systems of the Lake Washington Basin. Annual Report, 2001. U.S. Fish and Wildlife Service, Lacey, WA.

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<sup>v</sup> Mark T. Celedonia, R. A. Tabor, S. Sanders, D. W. Lantz, and I. Grettenberger, 2008. Movement and Habitat Use of Chinook Salmon Smolts and Two Predatory Fishes in Lake Washington and the Lake Washington ship Canal. U. S. Fish and Wildlife Service, Lacey, WA. Page 1

<sup>vi</sup> Ibid, Page 3

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- vii Multiple Contributors, Synthesis, Page 41
- viii Ibid, Page 45
- ix Chapter 4: Chinook Conservation Strategy for WRIA 8, Page 32
- x Kahler, A Summary of the Effects, Page 43
- xi Ibid, Page 44
- xii Celedonia, Movement and Habitat, Page 2
- xiii Tabor, Nearshore Habitat, 2001, Page 49
- xiv Tabor, Nearshore Habitat, 2004, Page 29
- xv Celedonia, Movement and Habitat, Page 1
- xvi Chapter 4: Chinook, Pages 32 and 33
- xvii Kahler, A Summary of the Effects, Page 36
- xviii Ibid, Page 36
- xix Multiple Contributors, Synthesis, Page 40
- xx Tabor, Nearshore Habitat, 2004, Page 52
- xxi Ibid, Page 12
- xxii Chapter 4: Chinook, Pages 25 and 26
- xxiii R. A. Tabor, Comments, November 18, 2008, Chinook salmon usage of Kirkland shorelines

Richard K. Sandaas  
12453 Holmes Point Drive  
Kirkland, WA 98034  
425 823 2145

October 15, 2009

Mayor James L. Lauinger  
City of Kirkland  
123 Fifth Avenue West  
Kirkland, WA 98033

Subject: Shoreline Master Program Update

Dear Mayor Lauinger:

By way of introduction, I am a long time shoreline property owner on Holmes Point, in the Proposed Annexation Area, and Chair of the Shoreline Property Owners and Contractors Association (SPOCA), whose membership includes a number of Kirkland shoreline owners. I also have some history with the Shoreline Management Act and SMP process, when, in the early 1970's serving as Mayor of Yarrow Point, I led the development of the SMP for that jurisdiction.

The Kirkland SMP Update process has resulted in your now being provided a 756 page packet for your study session on October 22. While you face a daunting task in reviewing this and other supporting material coming from a process begun more than 3 years ago, I cannot stress enough the importance of your reviewing the public comments that have been submitted over this time. Your packet has Exhibits P and Q which format the comments by topic and provide staff/consultant responses to many of them. While this provides a convenient way to look at the issues, you will not gain the contextual understanding without reading the letters in which they were submitted. I urge you look through the binder that has been prepared with those letters. Among many others, worthy of review are those submitted by Mr. Dave Douglas of Waterfront Construction, and Mr. Alan Schwartz, a Kirkland shoreline owner.

I have also submitted numerous letters and provided public comment over the past three years and I refer you to my letter of July 22, 2009 to the Planning Commission where I outline a number of remaining concerns that shoreline property owners have about the Update. A critical one concerns the "science" that has been used as a basis for the

**RECEIVED**

OCT 19 2009

**CITY OF KIRKLAND  
CITY MANAGER'S OFFICE**

While focusing on the science issue in this letter, this in no way should downplay the importance of those issues and objectives I have raised throughout the process: *Attain measurable environmental benefits; Be feasible and practical; Be cost effective; Be fair and equitable; Not impose hardships; Not impose risks; Avoid unintended consequences; and Be flexible.*

I began questioning the use of this "science" early in the process and followed up by reading the many science and research reports that have been prepared. I found that the "science" is not complete, contains suppositions and hypotheses, is sometimes contradictory, and cannot be applied broadly to all shoreline locations on Lake Washington. It has not been peer reviewed or vetted. In March of this year I prepared a report about my review and it has been widely circulated, including regulators and staff members. I urged that the jurisdictions on Lake Washington join to raise this issue about the lack of sound science to support the SMP Updates with the Department of Ecology. This has not been done and DOE staff has not responded to my report.

I will not go into detail about the issues in this letter. Instead I have attached my report on science along with the thirteen unanswered questions referred to in my report.

I also refer you to the Governing Principles of the Guidelines for the SMP Update process contained in WAC 173-26-186, (10)(d):

*Conduct or support such further research, studies, surveys, and interviews as are deemed necessary.*

It is now time to follow the principle contained in the WAC and to face reality about the scientific basis being used to justify and support the SMP Update process

Very truly yours,



Richard K. Sandaas

## SHORELINE MASTER PROGRAM UPDATES

### SCIENCE AND GREEN SHORELINES

The SMP update processes being conducted by the local governments on Lake Washington are leading to policies and regulations calling for removal of hardened shorelines and replacement with beaches; shoreline landscaping intended to provide shade, while at the same time requiring modification of piers to reduce shading; the reduction of piers, both in size and number; and placement of woody debris along the shoreline. The result will be the expenditure of millions of dollars by shoreline property owners and taxpayers. It also results in loss of usable shoreline and uplands by both private property owners as well as park users.

The drivers behind this are guidance and directives from the Department of Ecology and WRIA 8 taken from research and studies with the focus on salmon habitat. Even though DOE is requiring local governments to use “all available technical and scientific information” and to “solicit additional information through the public participation process”, the body of science and research is not complete, contains suppositions and hypotheses, is sometimes contradictory, and cannot be applied broadly to all shoreline locations on Lake Washington. WRIA 8 has identified the Kirkland shoreline as a Tier 1 Migratory Corridor, but have studies been conducted to support that?

### SCIENCE AND ITS DEFICIENCIES

#### VETTING OF SCIENCE

A number of researchers have been studying Lake Washington for many years. Those studies have found their way into a body of conventional wisdom that is widely used, yet a vetting process for these studies and research is yet to be established. If such studies are to be the basis for establishing public policy and cost property owners and taxpayers millions of dollars, it is reasonable to expect, and compelling, that claims based on science be tested before serving as the basis of public decision making. An example is the vetting of scientific claims developed in connection with the Columbia River. In that important watershed the Northwest Power Planning Council has implemented an Independent Science Review Board to review all studies before they are used as the basis of policy or rule making. With so much at stake a similar process should be invoked for the Lake Washington studies.

#### AREA SPECIFIC STUDIES – WHERE DO THE FISH TRAVEL?

The DOE Guidance Fall 2008 cites one study which “focuses on the affects of shoreline alterations to salmon migration” implying its applicability to all parts of Lake Washington and Lake Sammamish.<sup>1</sup> Yet this study was conducted for Cedar River Chinook salmon at the south end of Lake Washington. A close reading of the study and its conclusions shows considerable unanswered questions.

There are several other studies which are also specific to the Chinook at the south end of Lake Washington and one documents their migration along the western shore of Lake Washington past Seward Park to the Ship Canal.<sup>2 3</sup> These localized studies are being used in SMP update processes as a basis for actions elsewhere on the lake, far away from the migratory route that these Cedar River Chinook utilize, and these fish are the majority of Chinook found in Lake Washington.

As to where fish travel in other parts of Lake Washington, here are excerpts from other studies:

The distribution of juvenile Coho salmon in Lakes Washington and Sammamish is **poorly understood**.<sup>4</sup>

"...small numbers of Chinook salmon spawn in several tributaries to Lake Washington and Lake Sammamish but juvenile production from these streams is **unknown**."<sup>5</sup>

"**However little research has been conducted** to understand habitat use or finer-scale movement patterns of juvenile Chinook salmon during their migratory phase in late-May, June, and July."<sup>6</sup>

**Not much information is known** about the habitat use of Coho salmon and steelhead in Lake Washington.<sup>7</sup>

Outmigration behaviors of sockeye, Coho, and steelhead **have not been studied** in Lake Washington.<sup>8</sup>

Juvenile Chinook in the North Lake Washington population are less shoreline-oriented than juveniles from the Cedar River. **More information is needed** about the trajectories of NLW juvenile Chinook in Lake Washington, particularly when they move offshore.<sup>9</sup>

#### EFFECTS OF PIERS AND BULKHEADS ON SALMON

Study Excerpts:

**No studies were located that specifically investigated** the effects of piers and armored shorelines on the migration of juvenile Chinook and Coho salmon along lakeshores.<sup>10</sup>

**The question remains** whether juvenile salmonids in lakes migrate under, or otherwise utilize, piers, or if they avoid them and/ or traverse their perimeter.<sup>11</sup>

Behavior at each structure appears to depend on a variety of factors...although these are based primarily on **anecdotal observation**. (example of non-scientific hypotheses)<sup>12</sup>

Additionally, juvenile Chinook salmon may be attracted to boat ramps due to the docks in between the boat ramps **which may provide some overhead cover**.<sup>13</sup>

The substrate and slope are similar along this shoreline and it is unclear why Chinook salmon prefer the north part over the south part. One possibility is that the north sites are close to a **pier which may provide overhead cover** if needed.<sup>14</sup>

The result is that **resource managers are challenged** to recommend and implement Chinook salmon conservation strategies in Lake Washington with few references to unaltered lacustrine habitats, and an **incomplete understanding** of how alterations to the Lake Washington ecosystem affect juvenile Chinook salmon.<sup>15</sup>

Shoreline processes of Lake Washington have been changed by the regulated maximum one foot rise and fall of the lake. (Regulated at the Locks) Therefore **the removal of bank hardening structures may not be sufficient to create sandy beaches**...<sup>16</sup>

Studies of the relationship between shoreline armoring and predation on juvenile Chinook or Coho salmon in Lake Washington and Lake Sammamish **were not found**.<sup>17</sup>

**While no direct links were identified** between predation and bulkheads, an intuitive connection exists. (This is an example of subjective or hypothetical conclusions found throughout many of the studies)<sup>18</sup>

### SHORELINE VEGETATION, WOODY DEBRIS, AND BEACHES

Study Excerpts:

**Very few fish are found with cobble and larger substrates.**<sup>19</sup> (This is significant because in many shoreline areas containing bulkheads, the replacement beaches would have to consist of cobbles and larger materials because sand will wash away in the first storm. Extensive beach restoration which must protect property from erosion would require cobble and larger granular material.)

The pattern of woody debris use is **somewhat unclear.**<sup>20</sup>

Overall results indicated that there was **no difference** in the abundance of Chinook salmon between shoreline sections with small woody debris and sections without woody debris.<sup>21</sup>

### WATER QUALITY

None of the studies listed report on water quality, yet this is fundamental to the health of all aquatic life. The WRIA 8 document develops a hierarchy for tributary streams and lists Juanita Creek (doesn't mention Forbes Creek) as a Tier 3 subarea. The actions for this category are enhancing water quality and hydrologic integrity.<sup>22</sup> Thus for Kirkland, it would seem that the focus should be on storm water runoff and non-point pollution for tributary areas.

### UNANSWERED QUESTIONS

The excerpts shown above confirm the issues facing the science underlying the SMP update processes. In addition, there are other questions raised by these studies. A comprehensive list is found in the literature search conducted by The Watershed Company for the city of Bellevue (Reference 4). Page 49 of this report contains 13 unanswered questions which should be reviewed by all local government policy makers. And, to further the body of science, they should be answered.

### **GREEN SHORELINES**

There is another driver and that is a movement that has a push-pull relationship with the SMP update processes. It is called Green Shorelines. Other terms associated with this are salmon friendly, ecologically friendly, soft engineering, soft shorelines, alternative shoreline design, and living shorelines. It is a broad concept, applied to the entire shoreline of Lake Washington in a "one size fits all" way. As yet, it doesn't recognize the physical differences along the lake shoreline, exposure to storm driven waves and boat wakes, fish migratory patterns, extent of existing or potential fish habitat, or other unique characteristics.

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<sup>6</sup> Ibid, Page 3

<sup>7</sup> Multiple Contributors, Synthesis, Page 41

<sup>8</sup> Ibid, Page 45

<sup>9</sup> Chapter 4: Chinook Conservation Strategy for WRIA 8, Page 32

<sup>10</sup> Kahler, A Summary of the Effects, Page 43

<sup>11</sup> Ibid, Page 44

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- 12 Celedonia, Movement and Habitat, Page 2
- 13 Tabor, Nearshore Habitat, 2001, Page 49
- 14 Tabor, Nearshore Habitat, 2004, Page 29
- 15 Celedonia, Movement and Habitat, Page 1
- 16 Chapter 4: Chinook, Pages 32 and 33
- 17 Kahler, A Summary of the Effects, Page 36
- 18 Ibid, Page 36
- 19 Multiple Contributors, Synthesis, Page 40
- 20 Tabor, Nearshore Habitat, 2004, Page 52
- 21 Ibid, Page 12
- 22 Chapter 4: Chinook, Pages 25 and 26
- 23 R. A. Tabor, Comments, November 18, 2008, Chinook salmon usage of Kirkland shorelines

*A Summary of the Effects of Bulkheads, Piers, and Other Artificial Structures and  
Shorezone Development on ESA-listed Salmonids in Lakes*

T. Kahler, M. Grassley, and David Beauchamp

Thirteen Unanswered Questions,

1. How do juvenile salmonids respond to piers, bulkheads and other artificial structures in local lakes?
2. Is there a relationship between piers and predation on juvenile salmonids in local lakes? How are the structures utilized by the various predators?
3. Which characteristics or combination of characteristics of piers attract bass in local lakes?
4. Do prisms and grating change predator or prey response to piers? How effectively do they reduce shading *in situ*?
5. How do bulkheads and piers affect sediment distribution/composition and benthic invertebrate distribution and abundance in local lakes?
6. How does pier lighting affect the behavior of Chinook fry and their predators in Lake Washington and Lake Sammamish, and ultimately the predation rate on Chinook fry?
7. How do juvenile salmonids and their prey, and adult salmonids respond to drop-hammer and vibratory pile driving in lakes?
8. What are the cumulative impacts of overwater coverage on total lake productivity from the existing structures on Lakes Washington, Sammamish, and Union?
9. How do juvenile salmonids in local lakes respond to temporary construction-related turbidity?
10. What is the current contribution of two-stroke marine engine emissions to PAH contamination in local lakes?
11. How pervasive is the use of dock-cleaning chemicals by homeowners around local lakes and what chemicals are being used? What hazard does this chemical use pose to fish? Same question for lawn-care products.
12. How do juvenile and adult salmonids respond to local boating and swimming activity?
13. How do changes in sediment distribution/composition affect populations of bass?



**Teresa Swan**

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**From:** Janet Jonson  
**Sent:** Monday, November 02, 2009 1:52 PM  
**To:** City Council  
**Cc:** David Ramsay; Marilynne Beard; Eric Shields; Paul Stewart; Teresa Swan; Kathi Anderson; Cheri Aldred  
**Subject:** FW: Improvements to the SMP

Council: For tonight's Study Session. JJ

Janet Jonson  
City Manager's Office  
City of Kirkland  
123 5th Avenue  
Kirkland, WA 98033  
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**From:** RLSTYLE [mailto:rlstyle@aol.com]  
**Posted At:** Sunday, November 01, 2009 2:38 AM  
**Posted To:** Kirkland Council  
**Conversation:** Improvements to the SMP  
**Subject:** Improvements to the SMP

Honorable Councilmembers:

Much progress has been made updating our shoreline regulations especially regarding setbacks. The density as stated as a percentage of lot size, needs to be revised to acknowledge what has already been established as the current buildable area using setbacks.

As I understand it, "Density" will be based on a 12,500 square foot zoning. However, many buildable lots are smaller than 12,500 sq. ft. They should be allowed to build out to the setback lines as many existing lots do now, 10 feet front, 5 feet side, and 15 feet from the Ordinary High Water Mark. The 5-foot setback should be allowed on both sides and not be determined through the variance procedure.

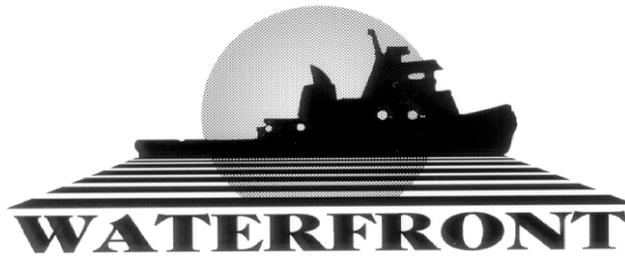
The variance procedure allows a property owner to pursue equal rights previously granted to adjacent property owners. The new language of the proposed regulations regarding setbacks acknowledges what's already there. Why not do the same regarding densities instead of forcing affected property owners apply for a variance?

Something else you should consider. The side yard setback of 5 feet in low-density zoning has a provision of at least having no less than 15 feet of side yard setbacks. That was an attempt to have a view corridor in between houses. Even now on city property, the city has planted vegetation that blocks views thereby ignoring your own regulations. Your proposed planting requirements will block views.

Thank you for your consideration.

Robert L. Style  
6735 Lake Washington Blvd, NE  
Kirkland, WA 98033  
425-827-0216





November 17, 2009

City of Kirkland  
Attn: City Council  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033

Dear City Council Members,

Thank you for your ongoing work with the Kirkland SMP Update process. I want to start by commending your Planning Department, Planning Commission and the Houghton Community Council for conducting an extensive and sensitive review that was for the most part responsive and respectful to the city's waterfront property owners. While not perfect in its current form, it is representative of thousands of hours of hard work and contribution from all sides. I want to cite the work of Paul Stewart, Teresa Swan and Stacy Clauson for their tireless efforts and willingness to listen to sound and experienced argument and advice in formulating the document coming before you.

I have reviewed the Draft SMP for your November 23, 2009 Study Session and request the following considerations. It is difficult to explain several issues associated with my comments in writing because it is based on a deep understanding of the local, state and federal permitting processes.

Request for Examples of Existing Bulkhead Replaced With Soft Shoreline Stabilization with No Loss of Property

I have recently sent a request to Ecology and all local Planning Departments, Planning Commissions and City Councils requesting examples of shoreline stabilization projects for property owners and contractors where total removal or replacement of a bulkhead or other hard shoreline stabilization structure with a "soft" measure will not result in a loss of property. Under the new rules bulkheads will not be allowed to have major repairs or be replaced because if a primary structure is not threatened within 3 years. Very few Kirkland property owners will be able to meet the new standards to allow replacement of their bulkheads with similar structures. Protection and loss of property are the biggest concerns of your waterfront property owners so this must be addressed.

Recommendation: Please request valid, tangible and reasonable information from Ecology and provide it to Kirkland waterfront property owners before approving the Draft SMP and forwarding it to the state for review and final approval. You are the last defense between your citizens and the state's attempt to have private bulkheads removed.

83.80 Definitions

- Hard Structural Shoreline Stabilization- Shore erosion control practices using hardened structures that armor and stabilize the shoreline from erosion. Hard shoreline stabilization structures typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces that are located at or waterward of ordinary high water, as well as those structures located on average within five (5) feet landward of OHWM. These include bulkheads, rip-rap, groins, retaining walls and similar structures.

Area of Concern: It appears the City has either on its own or through consultation with others added wording to revise or invent an entirely different meaning. While the initial description of "at or waterward of the ordinary high water" aligns with the traditional meaning, the City has included "as well as those structures located on average within 5 feet landward of the OHWM" which drastically expands the meaning in an effort to prevent owners from protecting their properties.

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Waterfront Construction, Inc.  
205 NE Northlake Way, Suite 230, Seattle, WA 98105  
P: (206) 548-9800 F: (206) 548-1022

Everett Office  
Waterfront Construction, Inc.  
10315 19<sup>th</sup> Avenue SE, Suite 106, Everett, WA 98208  
P: (425) 357-0312 F: (425) 357-0320

Can the City explain where this definition came from? This may have been strategically formulated by the City to prevent property owners from installing structures immediately behind existing bulkheads and require any replacement structures to be installed a minimum of 5 feet landward. It is uncertain who was consulted to “conjure up” such a definition. Any stretch beyond a shoreline stabilization being located at or waterward of ordinary high water is strictly being used to accomplish Ecology’s goal of removing private bulkheads.

- Recommendation: Please consider having the City adopt the original language to read: Hard Structural Shoreline Stabilization- Shore erosion control practices using hardened structures that armor and stabilize the shoreline from erosion. Hard shoreline stabilization structures typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces that are located at or waterward of ordinary high water. These include bulkheads, rip-rap, groins, and similar structures.

### 83.270 Piers, Docks, Moorage Buoys and Piles, Boatlifts and Boat Canopies Serving a Detached Dwelling Unit Use

#### 4.a New Pier or Dock Dimensional Standards

- Maximum Area: surface coverage, including all attached float decking, ramps, ells and fingers (Page 60 of 147)  
Area of Concern: These area limitations shall include platform lifts.  
Recommendation: Please consider removing the proposal to include platform lifts with the maximum area. The Corps RGP-3 the City has pulled these dimension from does not reference platform lifts. Platform lifts are not attached to a structure and are typically considered a lift that is applied for and approved under the RGP-1. Although platform lifts are uncommon, by including them in the maximum area for a residential pier they will push the project over the maximum size and trigger a Variance process. There are no mandates in the SMP Update requirements from Ecology requiring platform lifts to be included and I am not aware of any other local government including these detached structures as a part of the maximum area if they are adopting the RGP-3 dimensional standards.
- Maximum Length for piers, docks, ells, fingers and attached floats (Page 61 of 147)  
Area of Concern: 26 ft for ells  
Recommendation: Please consider allowing each property owner to have a 26 foot long ell for joint-use piers. The Corp RGP-3 (although not specifically pointed out) allows each property owner to have a 6’ x 26’ ell as an incentive for their sharing a single overwater structure. A typical joint-use structure with a 4’ x 70’ (280sqft) main walkway and (2) 6’ x 26’ (312sqft) ells is 108sqft less than the maximum area for 2 owners and 368sqft less than 2 single family piers.
- Maximum Width (page 61 of 147)  
Area of Concern: For piers with no ells or fingers, the most waterward 26’ section of the walkway may be 6’ wide.  
Recommendation: Please consider allowing joint-use piers to have the most waterward 52’ section of the main walkway 6’ wide to provide additional area for 2 users. This will provide moorage area equal to what an owner would have if they were to propose a single use pier that is more impacting. This will be an incentive, eliminate an additional pier and result in far less coverage than the maximum area allowed of 700sqft for 2 owners under the proposed regulations. A typical 100 foot long joint-use pier would result in a 4’ x 48’ (192sqft) and 6’ x 52’ (312sqft) main walkway totaling 504sqft or a 196sqft reduction. If 2 property owners were to proposed individual structures it could total be as much as 960sqft of overwater coverage.
- Minimum Water Depth for ells and floating dock attached to a pier. (Page 61 of 147)  
Area of Concern: Ells must be in water depths of 9 feet or greater and float decking must be in water depths of 10 feet or greater.  
Recommendation: Please consider removing this requirement since it may encourage property owners to build piers longer than they really need and spend much more money. Please allow the federal regulators to review projects and decide of the location of the ell or float has an impact on listed species or critical habitat. In the following section the City is allowing a design approved by federal or state agencies anyway so this becomes a moot point. The WAC encourages people to only propose the minimum size necessary for the intended use.

83.270.4.b (Page 62 of 147)

Administrative Approval for Alternative Design of New Pier or Dock for Detached Dwelling Unit

▪ State and Federal Agency Approval

Area of Concern: While this allows an applicant to submit to state (WDFW) and Federal (Army Corps) before submitting to the City and it appears to allow an applicant to have a new pier that exceeds some of the dimensional standards proposed by the City it is problematic based on how the permitting process works as outlined below:

- WDFW and the Army Corps often approve projects where a pier is wider than 4 feet and other sections are wider than 6 feet since they review a project based on many different factors and are more flexible than the SMP. Their review is based on mitigation including credit for removing an existing more impacting structure. If the applicant receives approval from WDFW and the Corps the City should accept it as approved and not require any changes.
- A project cannot be forwarded to WDFW without first going to the City and having a SEPA Review and Determination completed. The SEPA Determination of Exemption is required for WDFW to have a complete application.
- Applicants cannot directly submit to the Department of Ecology so they cannot receive approval. DOE only gets involved when a project requires a Variance or Conditional Use Permit. This means the City cannot forego their responsibility and will be required to take in and review a project and forward it with a recommendation to DOE through a Variance or Conditional Use. The approval criteria outlined in the WAC are specific and rarely are routine projects approved simply because they do not meet the dimensional standards in a SMP. The Variance process is supposed to be reserved for items that are no fault of the property owner and beyond their control. This is why the SMP must be flexible and less restrictive.
- Having a project approved in this manner, if it were possible, will delay the permitting process substantially, even for projects with slight deviations from the SMP. There is no deviation process outlined in the SMP guidelines, only a Variance. This also will not achieve the streamlined process local governments are hoping for.

The most effective and least controversial way to administer this would be for the City to accept the precise design that has been approved by the Army Corps and the Federal Services. Although this will still delay the overall process, property owners who propose a design that does not comply with the dimensional standards in the SMP will still have an option. The applicant can submit the project under a Deviated or Alternative SDP (the City should adopt this new type of permit) Process and it could be processed similar to a standard SDP. This would alleviate the Variance process.

If the City does not adopt a new type of permit and chooses to take the project in as a Variance then the applicant and the City will have the approval of the Corps to support the applicant's alternate design. The Corps permit will have been reviewed by fisheries biologists at 3 agencies (Army Corps, USFWS and NMFS) who are more highly qualified than those with the Department of Ecology who typically review projects. All Corps permits render a "May Affect, Not Likely to Adversely Affect" listed species or critical habitat, which is the same determination that the RGP-3 renders. The manner in which DOE embraced and pressed the RGP-3 dimensional standards onto local governments without conducting adequate research into its usefulness or success is causing Kirkland and other local governments to adopt unreasonable and impractical standards.

If an applicant applies to and receives a permit from the Army Corps, the City should support it through an alternative process even if it exceeds the proposed dimensional standards in the SMP. It is doubtful DOE would allow this even though it makes the most sense and benefits property owners, especially for the redevelopment or replacement of existing and more impacting structures.

Please note that approval by WDFW should be removed from the requirement for Administrative Approval for an Alternative Design since WDFW does not have any dimensional standards to use in the design of a project and SEPA approval from the City must be received before an applicant can apply to WDFW.

1<sup>st</sup> Recommendation: Please identify the process to be used by the applicant for the above scenario since it is more than likely to be one of the main avenues used for approval.

2<sup>nd</sup> Recommendation: Please consider accepting the federal and state approved designs as proposed and eliminate the 4 foot portion of pier or dock located within 30 feet of the OHWM and 6 feet for walkways.

3<sup>rd</sup> recommendation: Establish a mitigation offset table similar to what the Army Corps RGP-6 (marine waters) uses to credit property owners for the removal of existing structures to be used toward offset impacts from a proposed project. As proposed, the RGP-3 with no mitigation offset table offers all incentives to property owners proposing new structures on undeveloped shorelines and but no incentive to those replacing or redeveloping existing structures.

83.270 5.a and b (Pages 63 through 66 of 147)

Repair and Replacement of Existing Piers

- Area of Concern: The City is taking projects that are currently exempt from Substantial Development under the WAC and requiring them to meet the new dimensional standards with a few exceptions. This will have a devastating impact on the repair and replacement of existing piers because they are essentially being declared as non conforming structures when under the WAC as long as there is no change in size, location or configuration they can be replaced in-kind and under an exemption. This is an area where the City has the best opportunity to make improvements to existing structures and under this requirement it will be missed.

Total above water repairs to the entire surface of a pier are routine and minor work. This type of work is exempt from SDP and SEPA under the WAC, approved by the Corps under a NWP3 Maintenance permit, and receives streamlined approval from WDFW. This work has no impact on habitat and actually results in improvements because solid deck surfaces are typically replaced by a 100% grated surface to allow light penetration to the water below.

1<sup>st</sup> Recommendation: Please do not classify the repair of a dock surface or its substructure as equivalent to a total replacement of a pier nor treat it as such. The in-kind replacement of an existing pier should not be equated to a new pier. The replacement of 50% or more of existing piles should not trigger new standards even with the more liberal dimensions listed in this section.

2<sup>nd</sup> Recommendation: Please do not classify the total replacement of an existing pier as environmentally equivalent to an entirely new pier nor treat it as such. In-kind replacements should continue to be reviewed and approved as shoreline exemptions to serve as an incentive for property owners to improve conditions at their site. While SEPA review may be triggered based on local government preferences, if all work takes place within the footprint of the existing pier it should be exempt from a shoreline permit. Pier replacements always result in vast improvements over existing conditions through the WDFW and Corps processes including, 100% grating, pier bottom and surface elevated higher above the OHWM, less, smaller diameter and untreated steel piles with longer spans between, and approved treatments.

Thank you for the opportunity to comment on the SMP Update process.

Sincerely,

David Douglas  
Permit Coordinator  
Waterfront Construction, Inc.

# KIRKLAND LAKESHORE ASSOCIATION

A voluntary association dedicated to promoting the well-being of Kirkland's lakeshore.

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November 23, 2009 (REVISED)

Kirkland City Council  
City Hall  
123 Fifth Ave  
Kirkland WA 98033

## Re: Questions for SMP Update Study Session 3

Dear Council Members:

On behalf of the families living along the lakeshore in Kirkland, we respectfully submit the following questions that we recommend the City Council get answered before considering the Planning Commission's draft SMP Update for a up or down vote. Following each question is a brief summary of the positions of staff and the KLA.

### Why is it necessary to change the status quo by expanding shoreline setbacks?

Staff position: shoreline setbacks must be increased to prevent owners from rebuilding their houses closer to the lakeshore than they currently are, which it must be assumed they will do unless this is prohibited. *Source: Eric Shields, COK*

KLA position: changes to shoreline setbacks are unnecessary because the staff's assumption is factually incorrect – owners site their homes in the *best* location, which is frequently not the *closest* location to the lake. If staff's assumption were correct, all homes would already be located the minimum allowed distance from the lake. Staff is pursuing setback changes because these allow the City to "barter" for improvements such as native planting strips in exchange for some relief in the new setbacks.

### If shoreline setbacks are expanded, why can't existing single family homes remain where they are as long as they are not enlarged?

Staff position: generally, existing policy is that "non-conformances" should be eliminated over time, and in keeping with that policy staff is proposing that homes located in the shoreline setback expanded by the SMP Update be moved when then owner proposes a remodel that makes "any structural change." *See, 83.550.5.b.2.* Where such changes are minor, e.g., moving a door or window, there is a process for requesting and administrative variance. *Source: email from Paul Stewart, COK.*

KLA position: existing homes should be grandfathered, meaning that they do not need to comply with the new setbacks as long as no changes are made that would increase the extent of the non-conformity. For example, if a homeowner wants to renovate an existing home without moving or expanding the structure, this should be allowed regardless of the structural nature of the renovations – which are clearly irrelevant to ecological functions of the lakeshore. There is no requirement that planning staff grant administrative variances in such cases, and so staff's point in this regard is of no reassurance to homeowners. Note also that the native tree and

planting requirement along the lakeshore is triggered when the cost of the renovation exceeds 50% of the replacement cost of the structure – again a measure that has no bearing on ecological functions but is rather merely a mechanism to force homeowners to bear the cost of improvements desired by the Planning Commission.

**I understand why we want to require soft shorelines for new construction, but why does the concept of “no net loss” require that we prohibit property owners from replacing existing bulkheads?**

Staff position: where owners are replacing more than 50% of their bulkheads, they should be required to install “soft” shoreline alternatives where possible, regardless of whether this is required to meet “no net loss” or not. *Source: KLA discussions with staff*

KLA position: this is a clear case of requiring improvements at homeowner expense that are not required to meet “no net loss.” It would be fine to encourage soft shoreline alternatives, and even to require the owner to make a filing explaining why bulkhead replacement is preferable to soft alternatives, but mandating this is inconsistent with the “no net loss” principle.

**Isn't it prudent to include an economic test in the definition of “feasible”? How can something be “feasible” if it is prohibitively expensive?**

Staff position: including some reasonableness test in the definition of “feasible” is problematic because the meaning of “reasonable” is unclear. *Source: Paul Stewart, COK*

KLA position: defining “feasible” without a reasonableness test is changing the definition to “possible.” In multiple instances elsewhere in the SMP Update, staff uses the word “reasonable”, and so this word clearly has a workable definition or the staff would not have used it elsewhere.

**Does the City really want to get in the business of policing whether shoreline trees die of natural causes, and forcing residential property owners at their expense to replace them on a 2:1 basis?**

Staff position: “You should ask the Planning Commission that question.” *Paul Stewart, Study Session 2*

KLA position: Kirkland already has one of the strictest tree ordinances in the State, and the staff and Planning Commission are currently working on increasing the restrictions and fines. Whatever the rules for trees, it is only basic fairness they should be the same for everyone.

Thank you for your consideration.

Sincerely,

KIRKLAND LAKESHORE ASSOCIATION



By Kevin Harrang, Member

Maxine Keesling  
15241 NE 153rd Street  
Woodinville, WA 98072  
(425) 483-8523

November 23, 2009

Kirkland City Council  
123 5th Avenue  
Kirkland WA 98033

RE: Lot 3, Forbes Lake (9530 Slater Avenue)

STUDY SESSION

I saw the Seattle Times public notice of this Shoreline Master Program and came from Woodinville to ask you to please go easy in view of what the Kirkland City Council did before.

In 1998 the Council doubled the depth of its wetland buffers, thereby reducing my 16,000 sq. ft. lot on Forbes Lake - a drainage catch basin for the NE 85th Street commercial corridor - to 15' of unencumbered area along Slater Avenue. (It should be noted that in 1997 the city allowed a 100-unit apartment complex to be built 30' from the lake edge with no apparent ill effects on water quality.)

I have already spent more than \$43,000 to meet mitigation requirements in order to build on a portion of the buffer area nearest Slater. Before I'm through I will have spent more than 4 years and more than \$100,000 to get a building permit on that lot for a 936 square-foot footprint house for my granddaughter and her husband that was specifically designed to fit. Including a 20' front yard setback I'm being allowed to use 20% of the lot while being required to record 80% of the lot in a (restored) native growth protection easement dedicated to the City of Kirkland with 5 years of guaranteed maintenance paid for by me.

Whatever you do here tonight can have significant effects on what can and cannot be done on private property in your city.

Sincerely,

*Maxine Keesling*

**RECEIVED**

NOV 24 2009

**CITY OF KIRKLAND  
CITY MANAGER'S OFFICE**



**Teresa Swan**

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**From:** Janet Jonson  
**Sent:** Tuesday, November 24, 2009 11:19 AM  
**To:** City Council  
**Cc:** David Ramsay; Paul Stewart; Teresa Swan  
**Subject:** FW: Comments to Shoreline Management Plan

Janet Jonson

City Manager's Office  
City of Kirkland  
123 5th Avenue  
Kirkland, WA 98033  
425-587-3007  
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jjonson@ci.kirkland.wa.us

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**From:** Allen Schwartz [mailto:allenschwartz@hotmail.com]  
**Posted At:** Tuesday, November 24, 2009 10:27 AM  
**Posted To:** Kirkland Council  
**Conversation:** Comments to Shoreline Management Plan  
**Subject:** Comments to Shoreline Management Plan

To; Kirkland City Council

Cc: Kirkland planning commission  
Teresa Swan, Senior planner  
Paul Stewart, Deputy Director of planning

Subject: Shoreline Management Plan (SMP) comments

I attended several SMP meetings hosted by the Kirkland Planning Commission and the Kirkland staff. I commend this group for providing these opportunities for shoreline property owners to express their concerns. They have listened to our concerns and made many changes which make the current version much easier to live with than the original version. I thank them for that.

I still have some frustration in the areas of shoreline vegetation and docks, as I do not believe there is enough sound science on the ecological benefits to justify the impact being imposed on waterfront property. However, I realize this is just my opinion and others probably disagree,

For me, there is one remaining major issue as follows.

### **New or Enlarged Structural Shoreline Stabilization**

The current version of the SMP still states;

For new or enlarged hard structural stabilization conclusive evidence, documented by a geo-technical analysis, that the primary structure is in danger from shoreline erosion caused by waves. The analysis must show that there is a significant possibility that an existing structure will be damaged within 3 years as a result of shoreline erosion in the absence of hard structural stabilization.....

As a Kirkland waterfront owner for 38 years, it is my observation we get a few storms a year with sustained winds of 20 to 25 miles per hour. If these winds occur during the winter when the lake is at its lowered level, the bulkhead prevents water from coming into my yard. When they occur after the lake level has been raised, even these winds have peak waves which are higher than my bulkhead. There is enough wave energy in just the wave tops to send water 15 to 20 feet up my lawn. These are the kind of winds that occur, on average during a three year period. However, we get less frequent winds that are much higher. The following chart shows some significant storms at Boeing Field over the last 75 years.

<b>Maximum Winds at Boeing Field for Selected Storms</b>		
<b>Date of Storm</b>	<b>Peak Wind</b>	<b>Peak Gust</b>
Oct 21, 1934	58 mph	75 mph (E)
<b>Jan 20, 1993</b>	<b>44 mph</b>	<b>70 mph</b>
Oct 12, 1962	44 mph	66 mph
Jan 15, 1951	40 mph	60 mph
Feb 25, 1958	40 mph	58 mph
Dec 12, 1995	40 mph	47 mph
Oct 27, 1950	35 mph	65 mph
Nov 24, 1983	35 mph	54 mph
Nov 14, 1981	35 mph	46 mph
Mar 3, 1999	33 mph	52 mph
Jan 16, 2000	32 mph	54 mph
Jan 09, 1953	31 mph	53 mph
Feb 28, 1955	30 mph	49 mph
Mar 26, 1971	30 mph	46 mph
Nov 15, 1981	29 mph	48 mph
Dec 27, 2002	26 mph	48 mph
Jan 19, 1964	25 mph	48 mph
Dec 22, 1955	25 mph	44 mph

I do not know if this is all the significant storms that have occurred over this time period or just “selected” storms. If I assume this is all of the significant storms, then storm occurrence frequency is approximately as follows.

Wind in excess of 50 mph a couple times in 100 years; a wind in excess of 40 mph about every 10 years; a wind in excess of 30 mph about every 5 years and a wind in excess of 25 mph every year.

Wave height is proportional to wind speed squared and wave energy is proportional to wave height squared, Shoreline destruction is directly proportional to wave energy. If shoreline destruction is assumed to be 1X for our annual 25 mph wind, then the destruction level for stronger winds is as follows:

<u>Wind Speed</u>	<u>Shoreline destruction</u>
25 mph	1X
30 mph	2.1X

35 mph	3.8X
40 mph	6.5X
45 mph	10.5X
50 mph	16X

Clearly the large storms cause major damage compared to our annual storms. If the city assumes a three year storm (occurs only once in 3 years on average) is only 25 to 30 mph and shoreline protection is not allowed for stronger winds, when these stronger winds do occur, property damage is assured.

The term used in the SMP (significant possibility) is judgmental. I believe most people would assume “significant possibility” must be at least higher than 50%. This says if there is a 49% possibility the primary structure will be damaged within three years, that is acceptable. I doubt any waterfront owner would agree a 49% possibility their house will be damaged within three years is acceptable.

Surely home owners should not be expected to endure damage to their homes on a regular basis. Surely we should not be expected to replace our soft shorelines on a regular basis. Unless this criterion is revised, waterfront destruction is assured.

I find it ironic that where flood plains are involved, the government requires a house to be protected from a 100 year flood. A 100 year flood occurs when the area is exposed to a 100 year rain. A 100 year rain is the heaviest rain that falls, on average, in 100 years. Meanwhile waterfront owners are not being allowed to protect themselves from anything more than a 3 year wind, and then only for a three year period.

I get the impression; this cannot be relaxed because it is what the State Shoreline Management Plan requires. This brings up another issue. I have no knowledge of what the process was when the State Department of Ecology produced their guidelines. I don't know if input from the states waterfront owners was requested or allowed. I do believe the average waterfront owner was not exposed to these guidelines until it came to them through their local governments. So is it too late to revise the State guidelines before the average waterfront owner is even exposed to it?

I understand the tough balance the city has between doing what the waterfront owners want and what the Department of Ecology wants. However, I believe this requirement is completely unreasonable and if some one does not challenge this requirement, it is going to cause significant problems in the future. I encourage the city to do what they can in this area.

I know the city has a goal of submitting their SMP by December. That is only a few weeks away. The document is still being revised and, with some issues remaining, I would like to see the submittal delayed until it settles down enough for every one to get to review a more final copy.

Thank you for listening,

Allen Schwartz  
409 5<sup>th</sup> Ave W  
Kirkland, WA 98033

425-827-5183  
allenschwartz@hotmail.com