



CITY OF KIRKLAND
Planning and Building Department
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MEMORANDUM

To: Design Review Board
From: Tony Leavitt, Senior Planner
Date: July 10, 2018
File No.: DRV18-00317
Subject: **312 CENTRAL WAY MIXED USE PROJECT
DESIGN RESPONSE CONFERENCE**

I. MEETING GOALS

At the July 16, 2018 Design Review Board (DRB) meeting, the DRB should continue the Design Response Conference from June 18th and determine if the project is consistent with the design guidelines contained in Design Guidelines for Pedestrian Oriented Business Districts, as adopted in Kirkland Municipal Code (KMC) Section 3.30.040.

At the June 18th Meeting, the DRB was accepting of the overall design, but the Board requested that the applicant submit the following items:

- 3rd and Central Way corner treatment including size, scale and ground level transparency.
- Provide higher quality renderings that clearly show materials, textures and colors. Ensure that buildings colors do not make the building look "homogenous". Provide additional site context as well.
- Address treatment of the blank wall along 3rd Street. Increased glazing, use of landscaping and trellis are options.
- Recalculate the encroachments (including balconies) into the required setback yards for the minor variation request.
- Show driplines of existing trees and construction impacts to the trees.
- Provide roof cap details to demonstrate the projects' design intent.
- Provide wall section depicting the extent of exterior window glazing.
- Include more detailed 3D information depicting the extent of the roof landscape as well as mechanical equipment and solar panels. Also provide more detailed 3D and sectional information depicting the impact difference between the preferred and compliant roof top schemes.
- Provide spot elevations for all sides of the building showing the relationship of building finished floor levels to exterior levels.

II. PROPOSAL

The subject property is located at 312 Central Way (see Attachment 1). The applicant is proposing to construct a 4 story LEED Platinum Certified mixed use building that will include two levels of below grade parking. The street level will consist of commercial spaces, residential lobby/ amenities, and a garage/loading entrance. Three levels of residential units and associated amenities will be located above (see Attachment 2).

The proposal includes a request for minor variations to allow upper story encroachments into the required front yard setback along Central Way.

III. SITE

The subject property (31,716 square feet in size) is currently developed with a Wendy's Fast Food Restaurant and associated surface parking lot. The site is relatively flat but has a significant slope along the north edge of the property adjacent to the alley. The property has street frontage along 3rd Street and Central Way. 3rd Street is a designated for Major Pedestrian Sidewalk, but it is not a pedestrian oriented street. Central Way is a designated Pedestrian Oriented Street.

The following list summarizes the zoning designation, uses, and allowed heights of properties adjacent to the subject property:

North: PLA 7B, Multiple residential developments, 30 feet above ABE

West: CBD 8, Two-story mixed use building, 3 stories above Central Way

South: Park/ Open Space, Peter Kirk Park, Determined as part of Park Master Plan

East: CBD 7, Capri Mixed Use Project, 41 feet above ABE

Additional photographs and models prepared by the applicant showing the surrounding properties are contained in Attachment 2.

IV. CONCEPTUAL DESIGN CONFERENCE

A Conceptual Design Conference was held on February 5, 2018. The DRB provided direction to the applicant in preparation for the Design Response Conference. At the meeting, the DRB discussed:

- A. How the design guidelines affect or pertain to the proposed development.
- B. Which guidelines applied to the proposed development; and
- C. The application materials that are needed for the Design Response Conference.

The DRB's feedback from the conference is summarized in Section V.B below under the DRB's discussion on the various design topics.

V. DESIGN RESPONSE CONFERENCE

The Design Review Board reviews projects for consistency with design guidelines for pedestrian-oriented business districts, as adopted in Kirkland Municipal Code Chapter 3.30. In addition to the standard guidelines contained in the *Design Guidelines for Pedestrian-Oriented Business Districts*, the following information summarizes key guidelines that apply specifically to the project or project area. See also Section VI for information regarding zoning regulations and how they affect the proposed development.

A. Pedestrian-Oriented Design Guidelines

1. General

The following is a list of key design issues and/or design techniques that should be addressed with this project as identified in the design guidelines.

- Building Scale
 - Vertical and horizontal modulation
 - Architectural scale
- Pedestrian-Orientation
 - Plazas
 - Pedestrian friendly building fronts
 - Blank wall treatment
- Landscaping
- Building material, color, and detail

See the adopted Design Guidelines for Pedestrian-Oriented Business Districts for complete text and explanations.

2. Special Considerations for Downtown Kirkland

In addition to the standard guidelines contained in the *Design Guidelines for Pedestrian-Oriented Business Districts*, the following list summarizes some of the key guidelines which apply specifically to the project or project area.

- Most of the business core of Kirkland is already developed with fairly narrow sidewalks. New development should provide sidewalks at the recommended width. Providing wider sidewalks throughout downtown is a long-term endeavor.
- Retail frontages in the Central Business District should have a 15' story height to ensure diverse retail tenants and enhance the pedestrian experience. Where these taller retail stories are required, special attention to storefront detailing is necessary to provide a visual connection between pedestrian and retail activity.
- A strong street tree planting scheme is especially important in downtown because of the variety of scale and architecture encouraged in private development. Major entries into Kirkland, especially along Central Way, Kirkland Avenue, Lake Street, and Market Street, should be unified by a strong street tree program.
- Parking lot location and design is critical on busy entry streets such as Market Street, Central Way, Lake Street, Kirkland Avenue, and in the congested core area where pedestrian activities are emphasized. The *Downtown Plan* calls for limiting the number of vehicle curb cuts.
- Pedestrian features should be differentiated from vehicular features; thus fenestration detailing, cornices, friezes, and smaller art concepts should be concentrated in Design Districts 1 and 2, while landscaping and larger architectural features should be concentrated in Design Districts 3, 5, 7, and 8.
- Large-scale developments, particularly east of the core area, should stress continuity in streetscape on the lower two floors. Setback facades and varied forms should be used above the second stories.
- The Downtown Plan's mandate for high-quality development should also be reflected in sign design.

B. Compliance with Design Guidelines

1. Scale

a. DRB Discussion

The DRB expressed a preference for massing Option 3 (the applicant's preferred design). The DRB requested the following items for submittal:

- Address the treatment of 3rd Street "Blank Wall" at ground level. Suggest glazing, landscaping, or other like solutions.
- Increase modulation on both the alley and Central Way facades.
- Increase the variety of roof lines and element.
- Include design elements to activate building corners.
- Communicate how the design supports the proposed setback variations by providing superior design and does not have substantial detrimental effects. Provide graphics and data quantifying area encroaching into required setbacks
- Provide solar studies to illustrate shadow impact of adjacent properties. A model showing the views and upper story step backs.

b. Supporting Design Guidelines

The *Design Guidelines for Pedestrian Oriented Business Districts* contain the following policy statements that address the use of these techniques:

- All building fronts should have pedestrian-friendly features.
- Special Consideration for the CBD - Retail frontages in the Central Business District should have a 15' story height to ensure diverse retail tenants and enhance the pedestrian experience. Where these taller retail stories are required, special attention to storefront detailing is necessary to provide a visual connection between pedestrian and retail activity.
- Storefronts should be highly transparent with windows of clear vision glass beginning no higher than 2' above grade to at least 10' above grade. Windows should extend across, at a minimum, 75% of the façade length. Continuous window walls should be avoided by providing architectural building treatments, mullions, building modulation, entry doors, and/or columns at appropriate intervals.
- Lobbies for residential, hotel, and office uses may be allowed within the required retail storefront space provided that the street frontage of the lobby is limited relative to the property's overall retail frontage and that the storefront design of the lobby provides continuity to the retail character of the site and the overall street.
- All buildings on pedestrian-oriented streets should be encouraged to have upper-story activities overlooking the street, as well as balconies and roof decks with direct access from living spaces. Planting trellises and architectural elements are encouraged in conjunction with decks and bay windows. Upper-story commercial activities are also encouraged.

- All building entries should be well lit. Building facades in pedestrian areas should provide lighting to walkways and sidewalks through building-mounted lights, canopy- or awning-mounted lights, and display window lights. Encourage variety in the use of light fixtures to give visual variety from one building facade to the next. Back-lit or internally-lit translucent awnings should be prohibited.
- Successful pedestrian-oriented plazas are generally located in sunny areas along a well-traveled pedestrian route. Plazas must provide plenty of sitting areas and amenities and give people a sense of enclosure and safety.
- Commercial developments should have well defined, safe pedestrian walkways that minimize distances from the public sidewalk and transit facilities to the internal pedestrian system and building entrances.
- Blank walls should be avoided near sidewalks, parks, and pedestrian areas. Where unavoidable, blank walls should be treated with landscaping, art, or other architectural treatments.
- Varied window treatments should be encouraged. Ground floor uses should have large windows that showcase storefront displays to increase pedestrian interest. Architectural detailing at all window jambs, sills, and heads should be emphasized.
- Architectural building elements such as arcades, balconies, bay windows, roof decks, trellises, landscaping, awnings, cornices, friezes, art concepts, and courtyards should be encouraged.
- Special Consideration for the CBD - Pedestrian features should be differentiated from vehicular features; thus fenestration detailing, cornices, friezes, and smaller art concepts should be concentrated in Design Districts 1 and 2, while landscaping and larger architectural features should be concentrated in Design Districts 3, 5, 7, and 8.
- Vertical building modulation should be used to add variety and to make large buildings appear to be an aggregation of smaller buildings.
- Horizontal building modulation may be used to reduce the perceived mass of a building and to provide continuity at the ground level of large building complexes.

c. Staff Analysis

As requested by the DRB, the applicant has provided detailed plans of massing Option 3 for review (see Attachment 2).

The DRB should provide input on the following items:

- *Does the building provide enough horizontal and/or vertical modulation when viewed from key vantages?*
- *Are the building corners adequately treated?*
- *Is the ground floor residential lobby acceptable relative to the property's overall retail frontage? Does the storefront design of the lobby provide continuity to the retail character of the site and the overall street?*
- *Analysis of the requested minor variations is included in Section V.C below.*

2. **Open Space and Landscaping**

a. DRB Discussion

The DRB had the following recommendations regarding open space and landscaping:

- Provide detail design solutions for pedestrian plazas at entry and corner.
- Explore options for driveway design. Ensure width is not too long for pedestrians. Look at breaking up width to provide refuge.

b. Supporting Design Guidelines

The *Design Guidelines and Zoning Regulations* contain the following guideline addressing the visual quality of landscapes:

- KZC Chapter 95 requires that a landscape plan be approved as part of the Design Review Process.
- The placement and amount of landscaping for new and existing development should be mandated through design standards. Special consideration should be given to the purpose and context of the proposed landscaping. The pedestrian/auto landscape requires strong plantings of a structural nature to act as buffers or screens.
- The pedestrian landscape should emphasize the subtle characteristics of the plant materials. The building landscape should use landscaping that complements the building's favorable qualities and screens its faults.
- Special Consideration for the CBD - A strong street tree planting scheme is especially important in downtown because of the variety of scale and architecture encouraged in private development. Major entries into Kirkland, especially along Central Way, Kirkland Avenue, Lake Street, and Market Street, should be unified by a strong street tree program.
- Special Consideration for the CBD - Parking lot location and design is critical on busy entry streets such as Market Street, Central Way, Lake Street, Kirkland Avenue, and in the congested core area where pedestrian activities are emphasized. The Downtown Plan calls for limiting the number of vehicle curb cuts.

c. Staff Analysis

The DRB should review the landscape treatment around the building, within the pedestrian plaza, and on the building terraces. Landscaping should be placed in areas to help mitigate building massing and enhance the pedestrian experience along the project frontages. The applicant has applied for a driveway variance with the Public Works Department to allow the two curb cuts to be located closer together.

The DRB should provide input on the following items:

- *What changes, if any, are needed to the pedestrian plaza and driveway plans?*
- *Are there other opportunities for landscaping?*

3. Building Materials, Color, and Details

a. DRB Discussion

This topic was not discussed in detail at the Conceptual Design Conference.

b. Supporting Design Guidelines

The *Design Guidelines for Pedestrian Oriented Business Districts* contain the following policy statements that address the use of these techniques:

- Ornament and applied art should be integrated with the structures and the site environment and not haphazardly applied. Significant architectural features should not be hidden, nor should the urban context be overshadowed. Emphasis should be placed on highlighting building features such as doors, windows, eaves, and on materials such as wood siding and ornamental masonry. Ornament may take the form of traditional or contemporary elements. Original artwork or hand-crafted details should be considered in special areas.
- The use of a range of colors compatible within a coordinated color scheme should be encouraged.
- Buildings should be designed to architecturally enhance building corners. Special attention should be paid to both the design and detailing of new buildings on corner sites in the pedestrian oriented design districts. Existing buildings could incorporate some of these elements (human-scale and visual punctuation) through the use of such elements as awnings and well-designed signs at the corner.

c. Staff Analysis

Attachment 2, Sheets 43 to 45 contains color elevation drawings and callouts for the proposed building materials. The applicant has been directed to bring larger material samples to the DRB meeting. The DRB should provide feedback to the applicant regarding the proposed materials and colors.

C. Minor Variations

1. Applicant's Request

KZC Section 142.37.1.a allows an applicant to request minor variations to the minimum required setback in the CBD zone. The DRB may grant a minor variation only if it finds that the following are met (KZC Section 142.37.4):

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

A 20' setback is required along Central Way. Ground floor retail space may have a zero-foot setback. The applicant has requested the following minor variations:

- 10 foot encroachment on the Levels 2, 3 foot encroachment on Level 3 and 3 encroachment on Level 4 (see Attachment 2, Sheets 23 thru 25) along Central Way.
- Approximately 2,279 square feet of total setback encroachment.

The applicant's response to the minor setback variation criteria above can be found in Attachment 2, Sheet 61.

VI. KEY ZONING REGULATIONS

The applicant's proposal is also subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Fire and Building Code, and Public Works Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided to familiarize the applicant with some of these additional development regulations. These regulations and standards are not under the review authority of the DRB and will be reviewed for compliance as part of the building permit review for the project.

In terms of zoning, development on the subject property is subject to the regulations in CBD 7 (see Attachment 4) as well as other applicable KZC sections. The following regulations are important to point out as they form the basis of any new development on the site. Below are some of the key zoning standards that apply to the development followed by staff comment in italics.

- A. Permitted Uses: Permitted uses in this zone include, but are not limited to retail, restaurants, office, and stacked dwelling units. Office and residential uses may not be located on the ground floor of a structure unless there is a minimum 30 foot (in depth) intervening retail use.

Staff Comment: The applicant is proposing ground floor retail and a residential lobby. The DRB has the authority to allow residential lobbies on the ground floor subject to specific design guidelines. The upper stories will consist of only residential uses. The parking for the project is proposed in a below-grade parking structure.

- B. Setbacks: A minimum 20' front yard setback is required along Central Way. One-story street level retail shall have a zero foot setback, but any portion above the street level must be setback 20'. There are no required setbacks for the side or rear property lines and no setback from 3rd Street or the alley.

Staff Comment: A 20' front yard setback is required along Central Way with the exception of one-story retail. The applicant has requested a minor variation to the setback requirement pursuant to KZC Section 142.37. See Section V.C above.

- C. Height: CBD 7 allows a maximum height of 41' measured above the average building elevation. In addition, KZC Section 50.62.2 requires that the minimum ground floor height is 15' for retail, restaurant, and other ground floor uses. Additional height is allowed for peaked roofs and/or parapets. For structures with a peaked roof, the peak may extend five (5) feet above the height limit if the slope of the roof is greater than three (3) feet vertical to 12 feet horizontal and eight (8) feet above the height limit if the slope of the roof is equal or greater than four (4) feet vertical to 12 feet horizontal. Decorative parapets may exceed the height limit by a maximum of four feet, provided that the average height of the parapet around the perimeter of the structure shall not exceed two feet.

Staff Comment: The applicant's design shows rooftop elements that exceed the maximum height limit. As a result, the applicant will need to apply for a rooftop appurtenance modification pursuant to KZC Section 115.120.4.b. The modification will be reviewed by and decided on by Staff.

KZC Section 115.120.4.b states that the Planning Official may approve a modification to the standards of subsection (4)(a) of this section if:

1) *No reasonable alternatives to the increased height or size, such as utilizing alternative equipment design or technology or locating the appurtenances at or below grade or within the structure, exists, and the amount of increase and the size of the appurtenance and its screening is the minimum amount necessary; and*

2) *The applicant submits accurate graphic representations or other information that demonstrates that a) Views from adjacent properties will not be significantly blocked; and b) Visibility of the appurtenances from adjacent properties and streets will be minimized; and c) Aesthetic impacts resulting from the increased height and/or area will be minimized through appropriate screening, architectural integration, and/or location or consolidation of the appurtenance(s); and*

3) *The height of the appurtenance, including the combined height of mechanical equipment or elevator penthouse and appurtenances mounted on top of the penthouse, shall in no event exceed the lesser of the following: the height of the story immediately below the appurtenance, or fifteen feet above the applicable height limitation; and*

4) *In no event shall the total area occupied by rooftop appurtenances or enclosed within their screening exceed 25 percent the total area of the building footprint.*

The applicant has submitted two rooftop plans for the "Central Hub" portion of the building (see Attachment 2, Sheets 26 and 27). The "preferred" design includes an enclosed resident's lounge. The "interim" design is a roof form that covers the roof deck. Both designs include an elevator and stair access to the roof.

The applicant's "preferred" design does not meet the KZC definition of rooftop appurtenance (HVAC equipment, mechanical or elevator equipment and penthouses, roof access stair enclosures, and similar equipment or appurtenances that extend above the roofline of a building). The "interim" design meets the definition of rooftop appurtenance. However, the appurtenances will require administrative review and approval

The City is in the process of reviewing a code amendment that could allow additional rooftop uses. It's expected that the amendment will be considered by the City Council in the fall.

D. Lot Coverage: CBD 7 zoning regulations allow 80% lot coverage or 100% if retail is provided with a 0' setback.

E. Parking: Retail uses must provide one parking space for each 350 square feet of gross floor area. Restaurant uses must provide one parking space for each 125 square feet of gross floor area. The KZC requires the following parking standards for stacked dwelling units:

- 1.2 stalls per studio unit
- 1.3 stalls per 1 bedroom unit
- 1.6 stalls per 2 bedroom unit
- 1.8 stalls per 3 or more bedroom unit
- Guest Parking: A minimum 10% of the total number of required parking spaces shall be provided for guest parking and located in a common area accessible by guests. If the required number of guest parking spaces results in a fraction, the applicant shall provide the number of spaces equal to the next higher whole number.

Staff Comment: Staff has not yet evaluated the proposed project for compliance with the City's parking regulations. The applicant must demonstrate compliance with the City's parking requirements as part of any building permit.

- F. Landscaping: Based on the proposed uses on the subject property and the adjoining multi-family development to the north, a 15'-wide landscape buffer is required along the north property line planted pursuant to standards found in KZC Section 95.42.

Staff Comment: The applicant's design would require a landscape buffer modification pursuant to KZC Section 95.46.1. The modification requires agreement from neighboring property owners and approval by Staff.

- G. Sidewalks: Central Way is a designated as a Pedestrian Oriented Street. Therefore the sidewalk standards require a minimum 10' wide sidewalk along the entire frontage of the subject property abutting Central Way. An 8' wide sidewalk is required along 3rd Street as it is a Major Pedestrian Sidewalk. The final sidewalk configuration shall be approved through the design review process.

VII. PEDESTRIAN ORIENTED DESIGN GUIDELINES

In addition to the standard guidelines contained in the *Design Guidelines for Pedestrian-Oriented Business Districts*, the list in Attachment 5 summarizes some of the key guidelines or regulations which apply specifically to the project or project area. The following is a list of key design issues and/or design techniques that should be addressed with this project.

- Pedestrian-oriented space and plazas
- Blank wall treatment
- Vertical and horizontal definition
- Architectural scale
- Horizontal modulation
- Change in roofline
- Human scale
- Building material, color, and detail
- Signage

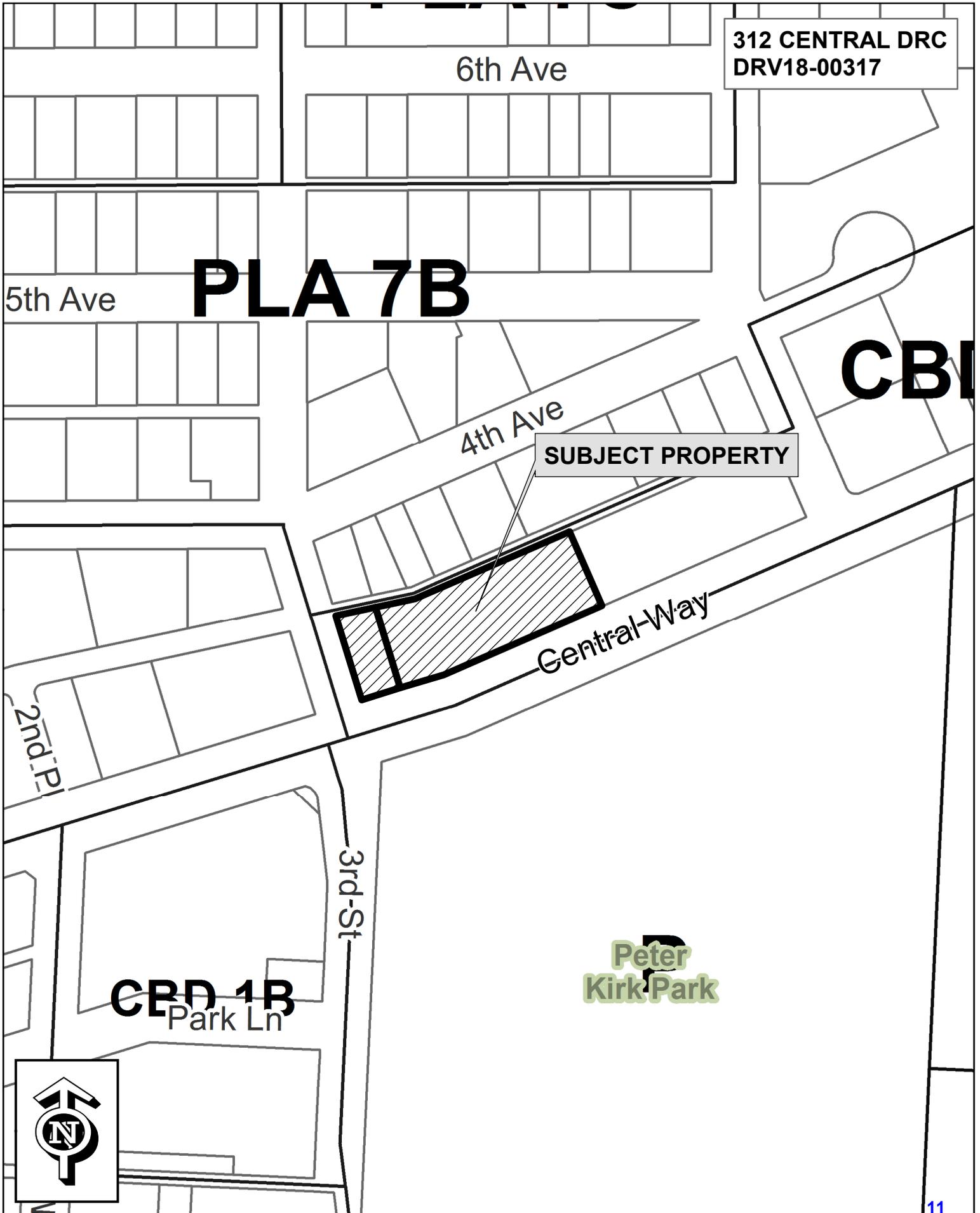
See adopted Design Guidelines for Pedestrian-Oriented Business Districts for complete text and explanations.

VIII. PUBLIC COMMENT

Prior to the finalization and distribution of this memo, Staff received 3 comment emails and letters. These are included as Attachment 6.

IX. ATTACHMENTS

1. Vicinity Map
2. Applicant's Plan Submittal (will be posted to web on July 13th)
3. Development Standards
4. CBD 7 Use Zone Chart
5. Design Guidelines – Special Considerations for Downtown Kirkland
6. Public Comment Emails



Attachment 2, Development Plans, will be posted on Friday, July 13th.



CITY OF KIRKLAND
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DEVELOPMENT STANDARDS LIST

FILE: 312 CENTRAL WAY MIXED USE, DRV17-00773

ZONING CODE STANDARDS

95.51.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.

95.52 Prohibited Vegetation. Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

100.25 Sign Permits. Separate sign permit(s) are required. In JBD and CBD cabinet signs are prohibited.

105.32 Bicycle Parking. All uses, except single family dwelling units and duplex structures with 6 or more vehicle parking spaces must provide covered bicycle parking within 50 feet of an entrance to the building at a ratio of one bicycle space for each twelve motor vehicle parking spaces. Check with Planner to determine the number of bike racks required and location.

105.18 Entrance Walkways. All uses, except single family dwellings and duplex structures, must provide pedestrian walkways between the principal entrances to all businesses, uses, and/or buildings on the subject property.

105.18 Overhead Weather Protection. All uses, except single family dwellings, multifamily, and industrial uses, must provide overhead weather protection along any portion of the building, which is adjacent to a pedestrian walkway.

105.18.2 Walkway Standards. Pedestrian walkways must be at least 5' wide; must be distinguishable from traffic lanes by pavement texture or elevation; must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20' above the ground.

105.18.2 Overhead Weather Protection Standards. Overhead weather protection must be provided along any portion of the building adjacent to a pedestrian walkway or sidewalk; over the primary exterior entrance to all buildings. May be composed of awnings, marquees, canopies or building overhangs; must cover at least 5' of the width of the adjacent walkway; and must be at least 8 feet above the ground immediately below it. In design districts, translucent awnings may not be backlit; see section for the percent of property frontage or building facade.

105.19 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.

105.58 Parking Lot Locations in Design Districts. See section for standards unique to each district.

105.65 Compact Parking Stalls. Up to 50% of the number of parking spaces may be

designated for compact cars.

105.60.2 Parking Area Driveways. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.

105.60.3 Wheelstops. Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.

105.60.4 Parking Lot Walkways. All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. Lots with more than 25,000 sq. ft. of paved area must provide pedestrian routes for every 3 aisles to the main entrance.

105.77 Parking Area Curbing. All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

105.96 Drive Through Facilities. See section for design criteria for approving drive through facilities.

110.52 Sidewalks and Public Improvements in Design Districts. See section, Plate 34 and public works approved plans manual for sidewalk standards and decorative lighting design applicable to design districts.

110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

115.45 Garbage and Recycling Placement and Screening. For uses other than detached dwelling units, duplexes, moorage facilities, parks, and construction sites, all garbage receptacles and dumpsters must be setback from property lines, located outside landscape buffers, and screened from view from the street, adjacent properties and pedestrian walkways or parks by a solid sight-obscuring enclosure.

115.47 Service Bay Locations. All uses, except single family dwellings and multifamily structures, must locate service bays away from pedestrian areas. If not feasible must screen from view.

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

115.115.3.g Rockerries and Retaining Walls. Rockerries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

115.120 Rooftop Appurtenance Screening. New or replacement appurtenances on existing

buildings shall be surrounded by a solid screening enclosure equal in height to the appurtenance. New construction shall screen rooftop appurtenances by incorporating them in to the roof form.

Prior to issuance of a grading or building permit:

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

Prior to occupancy:

95.51.2.a Required Landscaping. All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City

110.60.5 Landscape Maintenance Agreement. The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way. It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

DEVELOPMENT STANDARDS

DRV18-00317



FIRE DEPARTMENT

FIRE DEPARTMENT COMMENTS

Contact: Grace Steuart at 425-587-3660; or gsteuart@kirklandwa.gov

ACCESS

The building fronts on two rights of way. The distance around the building is approximately 380 feet. The fire department has no additional requirements for access.

FIRE FLOW

Fire flow requirement is based on total square footage of the building and type of construction.

Fire flow on Central Way is approximately 5,000 gpm which is adequate.

HYDRANTS

Fire hydrants will need to be placed so that there is a hydrant within 150 feet of every part of the building accessible by fire department vehicles.

FIRE SPRINKLERS

A sprinkler system is required to be installed throughout the building. Submit three sets of plans, specifications and calculations for approval; or submit electronically. All plans shall be designed and stamped by a person holding a State of Washington Certificate of Competency Level III certification. The system shall be installed by a state licensed sprinkler contractor. REF RCW 18.60 State of Washington.

A dedicated sprinkler riser room is required and it shall be placed on an exterior wall. The underground line shall run from the outside directly up into the riser room (meaning, it shall not run under the slab for any distance). If the riser room has direct access from the outside, a PIV is not required. The sprinkler riser room may be used for other mechanical equipment, but not for the main electrical room nor shall it be used for storage; it may be used to house the fire alarm panel.

NOTE: TWO PERMITS are required from the Fire Department for installation of the fire sprinkler system, one for the underground and one for the sprinkler system itself. No work shall be performed on the sprinkler system without a Fire Department permit.

The civil drawings may be used as reference but do not constitute permission to install the fire sprinkler underground. The underground permit is NOT over-the-counter, so should be applied for well in advance of the anticipated date of start of construction.

STANDPIPES

Standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet below the highest level of fire department vehicle access.

A standpipe is required. Submit three sets of plans for approval; or electronically. The plans shall include isometric elevation drawing of the entire standpipe system including location of any isolation valves. It may be incorporated

into the fire sprinkler system.

Note: Per the IFC 3313, standpipes shall be operational when the progress of construction is not more than 40 feet in height above the lowest level of fire department access. The standpipe shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

FIRE ALARM

A fire alarm system is required to be installed throughout the building. A separate permit is required from the Fire Department prior to installation. Submit three sets of plans and specifications for approval; or the permit may be applied for electronically at MyBuildingPermit.com. The system shall comply with Washington State Barrier Free requirements regarding installation of visual devices and pull stations. The specific requirements for the system can be found in Kirkland Operating Policy 10.

FIRE EXTINGUISHERS

Portable fire extinguishers are required per Section 906 of the IFC. Minimum rating is 2A10BC. Extinguishers shall be mounted or in cabinets so that the top of the extinguisher is no more than 5 feet above the finished floor. Travel distance to a fire extinguisher shall not exceed 75 feet as measured along the route of travel.

COMMERCIAL COOKING

If any of the tenants are restaurants, a commercial cooking hood and duct extinguishing system is required to be installed. Submit three sets of plans and specifications to the Fire Department for approval; or the permit may be applied for electronically at MyBuildingPermit.com.. The system shall be listed for application or specifically designed for such application. In addition, a K-class (Kitchen) fire extinguisher with a UL rating of 1-B:C is required to be installed within 30 feet of cooking equipment. The hood and duct suppression system is required to be tied into the building fire alarm system.

KEY BOX

A Key box is required (Knox Box). It shall be installed in an approved accessible location no higher than six feet above grade. In most cases it will be located at the front entrance to the building. The box may be purchased on-line at www.knoxbox.com; or by filling out an order form which is available from the Fire Department office. Contact the Fire Prevention Bureau at 425-587-3661 for more information.

EMERGENCY RADIO COVERAGE (Effective 7-1-16)

This is not a requirement for a radio system per se, only providing you with information regarding the City's radio requirement for new buildings. The building "may" need a radio system because it is not exempted outright from the requirement (via any of the below thresholds)

510.1 Emergency Responder Radio Coverage. All new buildings shall have approved radio coverage for emergency responders within any building meeting any of the following conditions.

1. There are more than five stories above grade plane (as defined by the International Building Code, Section 202);
 2. The total building area is 50,000 square feet or more;
 3. The total basement area is 10,000 square feet or more;
- Or
4. There are floors used for human occupancy more than 30 feet below the finish floor of the lowest level of exit discharge.

Exception:

1. Buildings and area of buildings that have minimum radio coverage signal strength levels of the King County Regional 800 MHz Radio System within the building in accordance with Section 510.4.1. (This may be determined

through analysis during the construction phase.)

If it is determined that a radio system is required, a fire department construction permit is required for installation.

SMOKE CONTROL

Depending upon the type of construction, a smoke control system may be required.

FIRE SAFETY DURING CONSTRUCTION

The building is approximately 100,000 s.f. (not including garage). In addition to the general fire safety requirements in IFC 3308, the Kirkland Fire Department has several requirements for high rise and/or wood-frame buildings more than 50,000 square feet in area.

3308.8.1 Job Site Security. After above grade combustibile construction has begun, the job site shall be secured with controlled access. In addition, off hours guard service and/or motion controlled surveillance may be required at the discretion of the fire code official.

3308.8.2 Job shacks and other temporary structures. Job shacks and other temporary structures located within or less than 20' from the permanent building shall be:

- Constructed of non-combustible materials or 1 hour fire-resistive construction.
- Shall not be equipped with fuel fired heaters
- Shall be equipped with monitored fire alarm system when located below grade
- Shall not function as offices unless protected with automatic sprinkler systems

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS CONDITIONS

Permit #: DRV18-00317

Project Name: Bartell's Mixed Use (Henbart)

Project Address: 312 Central Way

Date: June 12, 2018

Public Works Staff Contacts

Land Use and Pre-Submittal Process:

Building and Land Surface Modification (Grading) Permit Process:

John Burkhalter, Development Engineering Manager

Phone: 425-587-3846 / E-mail: jburkhalter@kirklandwa.gov

Tuan Phan, Development Engineer

Phone: 425-587-3843 / E-mail: tphan@kirklandwa.gov

Thang Nguyen, Transportation Engineer

Phone: 425-587-3869 / E-mail: tnguyen@kirklandwa.gov

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site.

2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The applicant should anticipate the following fees:

- o Water, Sewer, and Surface Water Connection Fees *
- o Side Sewer Inspection Fee *
- o Water Meter Fee *
- o Right-of-way Fee
- o Review and Inspection Fee

o Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code (only residential components of the project will pay park and

school impact fees). The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the project. The credit amount for each demolished building will be equal to the most currently adopted Fee schedule.

* Fee to be paid with the issuance of a Building Permit.

3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit, including the required LSM Checklist.

4. Performance and Maintenance Securities:

- A Performance Security is required prior to issuance of any Permit which includes work in the City's right-of-way. The security amount may range from \$30,000.00 to 60,000.00 (value determined based on amount of ROW disruption) and shall be posted with Public Works Department. This security will be held until the project has been completed.

- Prior to Final Inspection of the Land Surface Modification improvements, there will be a condition of the permit to establish a two year Maintenance security.

5. Prior to submittal of a Building or Zoning Permit, the applicant must apply for a Concurrency Test Notice. Contact Thang Nguyen, Transportation Engineer, at 425-587-3869 for more information. A separate Concurrency Permit will be created.

6. After concurrency has passed, the project will receive a concurrency test notice that allows the applicant to proceed with all development permits. A "Certificate of Concurrency" is established with a development or building permit. It will read as follows: CERTIFICATE OF CONCURRENCY: This project has been reviewed and approved for water, sewer, and traffic concurrency. Any water and sewer mitigating conditions are listed within the conditions below. Any traffic mitigating conditions will be found in an attached memorandum from the Public Works Traffic Engineering Analyst to the Planning Department Project Planner. Upon issuance of this permit, this project shall have a valid Certificate of Concurrency and concurrency vesting until the permit expires. This condition shall constitute issuance of a Certificate of Concurrency pursuant to chapter 25.12 of the Kirkland Municipal Code.

7. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy G-7, Engineering Plan Requirements. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

8. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.

9. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).

10. A completeness check meeting is required prior to submittal of any Building Permit applications.

11. Prior to issuance of any commercial or multifamily Building Permit, the applicant shall provide a plan for garbage, recycling and composting storage and pickup. The plan shall conform to Policy G-9 in the Public Works Pre-approved Plans and be approved by Waste Management and the City. Important feature is to provide enough storage area for recycling and composting; and being able to pick up containers without storing in the ROW overnight. Please contact John MacGillivray, 425.587.3804, if you have questions.

12. The required tree plan shall include any significant trees in the public right-of-way along the property frontage.

Sanitary Sewer Conditions:

1. The existing sanitary sewer main in the right-of-way is adequate to serve the project.

2. Provide a side sewer stub to serve the Project. Side sewers serving the property shall be PVC gravity sewer pipe per Public Works Pre-Approved Criteria and sized per the Uniform Plumbing Code. 8-inch stub will need to be connected to a manhole.

3. Any businesses serving food or drink are required to have grease interceptor on the waste line prior to discharge to the City sewer system. The interceptor shall be sized per the Uniform Plumbing Code (minimum). Please make provisions for this if there is a possibility of a restaurant/coffee shop in the future retail space.

Water System Conditions:

1. The existing water main in the right-of-way is adequate to serve the project.

2. Provide a separate water service from the water main to the meter for the retail use and the domestic. A third meter shall be required for irrigation if desired; City of Kirkland will set the water meters (3" and up shall be provided by the Project). The water meter size is determined/verified when the Building Permit is submitted and shall be sized per the Uniform Plumbing Code.

3. The existing water service shall be abandoned at the main, unless approved otherwise by Public Works. Note: The existing water service may be used provided that it is in the right location, is not galvanized or blue poly, and is sized adequately to serve the building (per the Plumbing Code).

4. See Fire Department conditions for fire flow requirements.

5. In mixed-use projects each use shall have a separate water meter, i.e., the retail use shall have a separate water meter from residential use.

Surface Water Conditions:

1. Provide temporary and permanent storm water control in accordance with the 2016 King County Surface Water Design Manual (KCSWDM) and the City of Kirkland Addendum (Policy D-10).

2. To determine the drainage review level required, the target impervious surface area is the maximum allowable lot coverage area for the project, plus any offsite improved impervious areas. See Policies D-2 and D-3 in the Public Works Pre-Approved Plans for drainage review information, or contact Kirkland Surface Water staff at (425) 587-3800 for assistance. The Kirkland Drainage Review Flow Chart is a helpful tool to determine a project's drainage review level. Drainage review levels are summarized below:

- Full Drainage Review

- o Any non-single-family residential project that creates more than 2,000 sf of new and/or replaced impervious surface, or greater than 7,000 sf of land disturbing activity will trigger a Full Drainage Review.
- o Single family residential projects that propose improvements greater than the Simplified thresholds explained above will be subject to a Full Drainage Review.

3. This project is in a Level 1 Flow Control Area (Potential Direct Discharge), and is required to comply with core drainage requirements in the KCSWDM.

a) To qualify for direct discharge, the applicant must demonstrate (at a minimum):

- The conveyance system between the project site and Lake Washington will be comprised of manmade conveyance elements and will be within public right-of-way or a public or private drainage easement, AND
- The conveyance system will have adequate capacity per Core Requirement #4, Conveyance System, for the entire contributing drainage area, assuming build-out conditions to current zoning for the equivalent area portion and existing conditions for the remaining area;

b) If a stormwater detention system is required, this project may be designed to Level 1 flow control standards. Existing conditions may be used as the pre-developed condition. Calculations of the existing impervious surface area for modeling shall be in accordance with the formula described in the KCSWDM.

4. The project may qualify for an exception to detention if the target surfaces will generate no more than a 0.15 cfs increase over 100-year peak flow of the existing site conditions. The 15-minute time step must be used to perform the flow control analysis. Do not use the 1-hour time step. Approved hydrologic modeling programs are MGS Flood and WWHM 2012.
5. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater Low Impact Development (LID) Best Management Practices (BMPs) per the KCSWDM. If feasible, stormwater LID BMPs are required to the maximum extent feasible. If LID BMPs are infeasible, pervious pavement cannot be used to reduce overall impervious lot coverage. The Private Maintenance Agreement will be recorded on all projects that construct a stormwater LID BMP or facility, per Policy D-7.
6. Soil information may be necessary for designing LID BMPs per the KCSWDM, and there are other reasons a soil report is necessary for a project (e.g., steep slopes, sensitive areas, etc.). Refer to Policy D-8 for details.
7. Special inspections may be required for LID BMPs on this project. Provide documentation of inspections by a licensed geotechnical professional that the BMP will function as designed.
8. If the project will create or replace more than 5,000 square feet of pollution generating impervious surface (PGIS), provide stormwater quality in accordance with the KCSWDM. The enhanced treatment level is required for multi-family residential, commercial, industrial projects, and single family residential projects with eight or more dwelling units per acre density. Based on the site layout the Project doesn't appear to trigger this requirement.
9. Soil Amendment per Pre-Approved Plan E.12 is required for all landscaped areas.
10. Provide collection and conveyance of right-of-way storm drainage.
11. Construction Stormwater Pollution Prevention Plan (CSWPPP):
 - All proposed projects that will conduct construction activities onsite, or offsite must provide stormwater pollution prevention and spill controls to prevent, reduce, or eliminate the discharge of pollutants (including sediment) to onsite or adjacent stormwater systems or watercourses.
 - Refer to Core Requirement No. 5 in the KCSWDM and Policy D-12.
 - Provide an erosion control report and plan with the Building or Land Surface Modification Permit application. The plan shall be in accordance with the KCSWDM.
 - Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts Central Way and 3rd Street. These are Arterial and Collector type streets, respectively. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:
 - A. Central Way Improvements:
 - Remove and replace all curb gutter and sidewalk.
 - Provide a 10 foot sidewalk with street trees 30 foot on center in 4'x6' tree wells.
 - Provide pedestrian lighting 60 foot on center.
 - Replace curb in a location to provide 7.5' parking lane, 6' bike lane, 2-10' travel lanes. Start at the east end of the Project by measuring over 33.5' from the north edge of the center turn lane to the new face of curb and then match the curb profile on the south side of the street. See attached sketch.
 - Provide a full street channelization plan. It will help the Project design immensely to survey west thru the Central Way intersection about 125 feet to the existing median island picking up face of curb and all striping (full width), and doing the same east of the project about 50 feet. Based on the results we may ask for an alternate

alignment.

- Dedicate right-of-way to encompass a minimum of 5 feet of the proposed sidewalk. The remainder may be in a public pedestrian easement (parking garage structure would be allowed below the easement area).
- Extend median island from east past the proposed driveway, and provide c-curb west to the intersection (left turn lane onto 3rd street to be 11 feet wide). Project driveway is right in, right out only.

B. 3rd Street Improvements:

- Remove and replace all curb gutter and sidewalk.
- Provide an 8' wide sidewalk with street trees 30 foot on center in 4'x6' tree wells.
- Provide Pedestrian Lighting 60 foot on-center.
- May need to provide c-curb in 3rd Street to block left turn out of alley. Traffic study needs to evaluate. Update: access no longer proposed through alley, no c-curb is required.

2. Meet the requirements of the Kirkland Driveway Policy R-4. Spacing Table from R-4, for reference:

3. Meet the requirements of the Kirkland Intersection Sight Distance Policy R.13. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle.

4. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project, associated street, or utility improvements.

5. Underground all new and existing on-site utility lines and overhead transmission lines. Underground any new off-site transmission lines.

6. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on 3rd Street is feasible at this time.

7. New LED street lights may be required per Puget Sound Energy design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

Brynja Myren - Account Sales Manager, Intolight, PUGET SOUND ENERGY

Tel 425-462-3833 | Cell 206-604-3348 | Fax 425-462-3149

Email brynja.myren@pse.com | Website: www.intolight.com

8. City of Kirkland Transportation Engineer, Thang Nguyen, 425.587.3869, questions and comments:

Driveway concept concerns (Central Way):

- It is most likely that the driveways on Central Way will be restricted to right-turns only.
- Provide a driveway queue analysis.
- Explain how traffic would work safely with two driveways adjacent to each other.
- The two separate driveways do not meet the City's driveway spacing standard and will need to apply for a variance. What mitigations are proposed for not meeting the driveway spacing requirement?
- How would you maintain sight distance with exiting vehicles from both driveways?
- Sight distance issue- it appears that there may be a vertical wall between the two driveways restricting sight distance and restricting exiting vehicles from both driveways to see each other.
- Traffic conflicts between the two driveways. How would you propose to separate the traffic between the two driveways?
- The two proposed driveways next to each other create a 40 foot wide driveway, wider than our standard.
- I don't see how truck can maneuver within the loading area to use the drive through ramp, that means they'll have to exit onto Central Way so the driveway to the drive-through will need to be at least 24 feet wide. As a consequence, the two driveways will create a 48 feet wide.

- The driveway to the loading docks will need to be at least 24 feet wide to provide two-way traffic out of the loading docks unless they can prove that trucks can exit out onto the alley; but then we probably don't want large delivery trucks to use the alley on a regular basis.
- Can a passenger vehicle from the drive-through make a 180 degrees turn to head eastbound on the alley?
- The driveway should have aprons instead of curb returns.
- More design detail is needed as it relates to the drive-through and how it connects with the alley.
- Will the driveway be gated and where will the gate be located?
- The ramp and driveway to the truck loading area has to provide two-way access with adequate width for the truck to maneuver without having to back out onto the street.

Other concerns with access:

- Must show that the trucks can maneuver within the parking garage. No backing out onto the street.
- What are the truck delivery times and frequencies?
- Is a drive-through allowed?
- Need to provide more details on the drive-through, the driveway connecting to the alley, the driveways on Central Way, garage gate if it is proposed.
- What safety mitigation will be install to maintain safe access?
- Where is the truck load/unload for tenants?
- Is the applicant requesting short-term load/unload on-street parking?
- The project will be required to test for transportation concurrency and provide a transportation impact analysis report.
- What is the impact on the alley?
- How will you screen headlights to the residential houses to the north of the alley?
- Alley circulation: One-way eastbound traffic on the alley maybe a good alternative if it doesn't create new conflicts for the existing condo and office building along the alley. More analysis needed for this concept.

Related City Website Links

- City of Kirkland Pre-Approved Plans and Policies
- Public Works Development Fees
- Stormwater FAQs
- Application Forms (Electronic, Paper)
- KZC105 – Private Drive, Private and Pedestrian Walkway Requirements
- KZC110 - Public Right-of-way Improvement Requirements

50.44 User Guide – CBD 7 zones.

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

Section 50.45

Zone
CBD-7

Section 50.45 – GENERAL REGULATIONS

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

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. Site design must include installation of pedestrian linkages between public sidewalks and building entrances and between walkways on the subject property and existing or planned walkways on abutting properties consistent with the major pedestrian routes in the Downtown Plan chapter of the [Comprehensive Plan](#) (does not apply to [Public Utility](#), [Government Facility](#) or [Community Facility](#) and [Public Park](#) uses).
3. No setback is required adjacent to Third Street (does not apply to [Vehicle Service Station](#) and [Public Park](#) uses).
4. See KZC [50.62](#) for additional building height provisions.

[link to Section 50.47 table](#)

The Kirkland Zoning Code is current through Ordinance 4628, passed December 12, 2017.

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

City Website: <http://www.kirklandwa.gov/> (<http://www.kirklandwa.gov/>)

City Telephone: (425) 587-3000

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

eLibrary (<http://www.codepublishing.com/elibrary.html>)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS ↘	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Vehicle Service Station	D.R., Chapter 142 KZC.	22,500 sq. ft.	20'	15'	15'	80%	41' above average building elevation.	B See Spec. Reg. 3.	E	See KZC 105.25.	<ol style="list-style-type: none"> May not be more than two vehicle service stations at any intersection. Gas pump islands must be set back at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be more than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity, and Storage, for further regulations. Landscape Category A is required if the subject property is adjacent to Planned Area 7B.
.020	Restaurant or Tavern			20'	0'	0'	80%	See Spec. Reg. 2.	D See Spec. Reg. 1.		1 per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Landscape Category B is required if the subject property is adjacent to Planned Area 7B, unless drive-in or drive-through facilities are present in which case Landscape Category A shall apply. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent. For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> One outdoor waste receptacle shall be provided for every eight parking stalls. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.040	Entertainment, Cultural and/or Recreational Facility			20'	0'	0'	80%	See Spec. Reg. 3.	D See Spec. Reg. 2.		See KZC 105.25.	<ol style="list-style-type: none"> The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. Landscape Category B is required if the subject property is adjacent to Planned Area 7B. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.
.050	Hotel or Motel										One for each room. See Spec. Reg. 1.	

Section 50.47

Zone
CBD-7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Any Retail Establishment, other than those listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	20'	0'	0'	80% See Spec. Reg. 5.	41' above average building elevation.	D See Spec. Reg. 4.	E	1 per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Access for drive-through facilities must be approved by the Public Works Department. Ancillary assembly and manufacture of goods on premises may be permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers is not permitted. Motorcycle sales, service, or rental is permitted if conducted indoors. Landscape Category B is required if the subject property is adjacent to Planned Area 7B. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.
.070	Private Lodge or Club See Spec. Reg. 3.			20'	0'	0'	80%		D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> No parking is required for daycare or school ancillary to the use. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.
.080	Church See Spec. Reg. 3.										One per every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	Office Use See Spec. Reg. 4.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	41' above average building elevation.	D See Spec. Reg. 3.	D	1 per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Ancillary assembly and manufacture of goods on premises may be permitted as part of office use if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent upon this office use; and The outward appearance and impacts of this office use with ancillary assembly or manufacturing activities must be no different from other office uses. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect signed by an acoustical engineer must be submitted with the D.R. and building permit applications. A veterinary office is not permitted if the subject property contains dwelling units. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.
.100	School, Day-Care Center, or Mini-School or Day-Care Center See Spec. Reg. 4.								D	B	See KZC 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required along all property lines adjacent to outside play areas. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. This use may be located on the Central Way level of a building only if there is an intervening retail storefront between this use and the right-of-way.

Section 50.47

Zone
CBD-7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.110	Assisted Living Facility See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	41' above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> a. One parking stall shall be provided for each bed. 3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.
.120	Stacked or Attached Dwelling Units See Spec. Reg. 1.										1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit. See KZC 105.20 for visitor parking requirements.	<ol style="list-style-type: none"> 1. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply on Fourth Avenue.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.125	Residential Suites	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	41' above average building elevation.	D	A	See Spec. Reg. 2.	<ol style="list-style-type: none"> 1. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply on Fourth Avenue. 2. For parking managed pursuant to Special Regulation 3, parking shall be provided at a rate of 0.5 per living unit plus one per on-site employee. Otherwise parking shall be provided at a rate of one per living unit plus one per on-site employee and modifications to decrease the requirement are prohibited. See KZC 50.60. 3. The required parking shall be 0.5 per living unit where the parking is managed as follows and the property owner agrees to the following in a form approved by the City and recorded with King County: <ol style="list-style-type: none"> a. Rentals shall be managed such that the total demand for parking does not exceed the available supply of required private parking. If the demand for parking equals or exceeds the supply of required private parking, the property owner shall either restrict occupancy of living units or restrict leasing to only tenants who do not have cars. b. The property owner shall prepare a Transportation Management Plan (TMP) for review and approval by the City and recording with King County. At a minimum, the TMP shall include the following requirements: <ol style="list-style-type: none"> 1) Charge for on-site parking, unbundled from the rent, for tenants who have cars. 2) Bus pass or equivalent alternative transportation mode subsidies for tenants who don't have cars. 3) Lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off site to avoid parking charges. 4) Adequate secured and sheltered bicycle parking to meet anticipated demand. 5) Designation of a Transportation Coordinator to manage the TMP, provide commute information to all new tenants, and be a point of contact for the City. 6) At the time the project attains 90 percent occupancy, the property owner shall provide an accurate and detailed report of initial resident parking demand and alternative commute travel. The report format shall be reviewed and approved by the City.

REGULATIONS CONTINUED ON NEXT PAGE

Section 50.47

Zone
CBD-7

USE ZONE CHART

Section 50.47		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
Front	Side	Rear										
.125	Residential Suites (continued)											<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>7) Following the initial survey, the property owner shall submit a biennial survey of residents prepared and conducted by a licensed transportation engineer or other qualified professional documenting on-site and potential off-site parking utilization and alternative commute travel. The Planning Director may increase or decrease the frequency of the survey based on the documented success of the TMP.</p> <p>8) Acknowledgement by the property owner that it shall be a violation of this code for the actual parking demand for the project to exceed the available supply of required parking or to fail to comply with the provisions of the TMP or reporting requirements.</p> <p>c. After one year of project occupancy, the Planning Official may allow a decrease in the required number of spaces if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study of the property. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer.</p> <p>4. All residential suites and all required parking within a project shall be under common ownership and management.</p> <p>5. Development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 Star certified, LEED Gold certified, or Living Building Challenge certified.</p> <p>6. Developments containing this use shall provide common living area available to all residential suite residents. Common living area shall consist of areas such as shared kitchens, dining areas, and community rooms. Areas such as bathrooms, laundries, utility rooms, storage, stairwells, mailrooms, and hallways shall not be counted as common living area. The minimum amount of common living area for each project shall be 250 square feet plus an additional 20 square feet per living unit.</p>

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS ↘	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	Public Utility, Government Facility, or Community Facility	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	41' above average building elevation.	D See Spec. Reg. 1.	B	See KZC 105.25.	1. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

Design Guidelines for Pedestrian Oriented Business Districts

In addition to the standard guidelines contained in the *Design Guidelines for Pedestrian-Oriented Business Districts*, the following list summarizes some of the key guidelines or regulations which apply specifically to the project or project area.

Special considerations for Downtown Kirkland

- Most of the business core of Kirkland is already developed with fairly narrow sidewalks. New development should provide sidewalks at the recommended width. Providing wider sidewalks throughout downtown is a long-term endeavor.
- Retail frontages in the Central Business District should have a 15' story height to ensure diverse retail tenants and enhance the pedestrian experience. Where these taller retail stories are required, special attention to storefront detailing is necessary to provide a visual connection between pedestrian and retail activity.
- A strong street tree planting scheme is especially important in downtown because of the variety of scale and architecture encouraged in private development. Major entries into Kirkland, especially along Central Way, Kirkland Avenue, Lake Street, and Market Street, should be unified by a strong street tree program.
- Parking lot location and design is critical on busy entry streets such as Market Street, Central Way, Lake Street, Kirkland Avenue, and in the congested core area where pedestrian activities are emphasized. The *Downtown Plan* calls for limiting the number of vehicle curb cuts.
- Because land is limited in Downtown Kirkland, efficient and compact parking lot configurations are a top priority. Parking lots in the periphery of the core area that accommodate about 100 vehicles (approximately 3/4 to 1 acre) should be articulated with landscaped berms.
- Garages built on Downtown Kirkland's perimeter slopes, near residential areas, or near the waterfront can fit less obtrusively into the landscape when terraced. Treatment of the facade of the parking structure can be just as effective in mitigating the visual impacts of parking garages as pedestrian-oriented businesses, plazas, or landscaped setbacks at the ground level.
- Pedestrian features should be differentiated from vehicular features; thus fenestration detailing, cornices, friezes, and smaller art concepts should be concentrated in Design Districts 1 and 2, while landscaping and larger architectural features should be concentrated in Design Districts 3, 5, 7, and 8.
- Large-scale developments, particularly east of the core area, should stress continuity in streetscape on the lower two floors. Setback facades and varied forms should be used above the second stories.
- The Downtown Plan's mandate for high-quality development should also be reflected in sign design.
- No internally lit plastic-faced or can signs should be permitted.
- All signs in the downtown should be pedestrian-oriented. Master-planned sites such as Parkplace may also include signs oriented to automobile traffic for the whole complex.

Windward Real Estate Services Inc.

Land Development Services

February 14, 2017

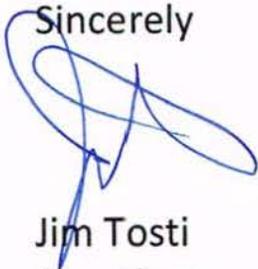
To: Tony Leavitt, City or Kirkland Planning and Building Dept.

Re: 312 Central Way project, DRV18-00317

Tony,

I am the owner of parcel numbers 149863-0000, 149857-0000 and 149860-0000 immediately north of the 312 Central Way project. I am writing to notify you that we do not support reducing the landscape buffer along the subject properties north boundary, paralleling the City's alley ROW.

Sincerely



Jim Tosti
President

Tony Leavitt

From: Aimee Voelz <avoelz@yahoo.com>
Sent: Monday, June 18, 2018 9:35 AM
To: Tony Leavitt
Subject: support for 312 Central Way Henbart project

Hi Tony,

I'm a Moss Bay resident in Kirkland and am writing to share my support for the project planned at 312 Central Way.

A team from Henbart came to our Moss Bay Neighborhood Association meeting in March and gave a presentation about the project and answered questions from residents. It looks like a positive addition to Moss Bay and I'm glad to see housing units added to the downtown area.

Thanks much,
Aimee Voelz

Brad Barnett
319 4th Avenue #102
Kirkland, WA 98033

June 18th, 2018

Kirkland Design Review Board
Attn: Permit # DRV18-00317
123 Fifth Avenue
Kirkland, WA 98033

To Whom it May Concern,

My name is Brad Barnett and I'm a resident and am writing on behalf of the residents of 319 4th Avenue. Our property is located immediately adjacent to the North side of the new 312 Central Avenue Mixed use property (DRV18-00317).

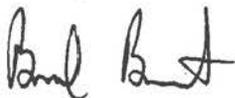
We write this note and will come to this meeting with heavy hearts as we've enjoyed our views to beautiful Peter Kirk Park and downtown Kirkland for some 20 years. We very much understand we cannot argue or make a case for private views and understand that it's simply the price of expansion and growth.

That said, we do want to bring to the Design Review Board's attention the tree line that so magnificently divides the two properties as well as our new neighbors to the West at 303 4th Avenue. As tax paying residents of Kirkland, we all understand how so very difficult it is to take down a tree, and rightly so. The trees provide and help construct our beautiful skyline. They provide a buffer and privacy between neighbors and sound barriers for growing expansion and traffic. They remind us where we live and why we choose to live here. We would even contend that the new residential tenants of this new property would argue the same points.

In conclusion, we ask for the Kirkland Design Review Board to carefully consider this request. Maintaining the tree line is a win on all fronts: for the existing neighbors, the future tenants of 312 Central Way and for the City and being environmentally responsible. Let's be good stewards of our environment, maintain our beautiful natural cityscape and foster good old fashion neighborly cohabitation.

Thanks for your consideration and please reach out should you need anything further information.

Sincerely,



Brad Barnett
Brad_Barnett@sbcglobal.net

