



CITY OF KIRKLAND
Planning and Building Department
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MEMORANDUM

Date: March 20, 2019

To: Planning Commission

From: Janice Coogan, Senior Planner
Adam Weinstein, AICP, Planning and Building Director
Jeremy McMahan, Planning and Building Deputy Director

Subject: Public Hearing on Rose Hill Neighborhood amendments to Zoning Code,
Comprehensive Plan Land Use Map, and Zoning Map, File Number CAM19-00043

Recommendation

After a staff presentation, conduct a public hearing to receive comments on proposed draft amendments to the Comprehensive Plan Land Use Map, Zoning Map and Zoning Code to implement the Rose Hill Neighborhood Plan policies.

Following the public hearing, deliberate on your recommendation to the City Council. The City Council is scheduled to take action on the Planning Commission recommendation on April 16, 2019.

Background

The [Rose Hill Neighborhood Plan](#) was adopted on December 11, 2018 (O-4670). The proposed amendments are needed to bring the Comprehensive Plan Land Use Map, Zoning Map and zoning regulations into compliance with the new policies in the Rose Hill Neighborhood Plan.

Several of these amendments originated as citizen amendment requests to change land use classifications or code provisions during the Neighborhood Plan update process and are reflected in adopted plan policies. The key changes are to zones in the Rose Hill Business District and Planned Area 14 related to the Lake Washington Institute of Technology. More background on the land use study areas and citizen amendment requests discussed in this memo and during the neighborhood plan update process can be found in the [Planning Commission October 25, 2018](#) public hearing materials or in the [December 11, 2018 City Council meeting packet](#).

At the request of City Council, staff has also proposed amendments to bring ground floor/street level floor commercial requirements for zones in the Rose Hill Business District into consistency with similar requirements in other commercial zones in the city, and to promote neighborhood plan objectives related to walkable neighborhoods and the economic development role the District plays in the city.

On February 28, 2019, the Planning Commission held a study session on the proposed amendments and expressed support to move the changes forward to a public hearing. No

changes to the draft amendments were recommended, although the Planning Commission suggested that graphics or photos would be helpful to illustrate the difference between ground floor and street level definitions. Please see Attachment 8 for this illustration.

On March 11, 2019, the City Council Planning and Economic Development Committee was briefed by staff on the proposed amendments. No changes to the draft amendments were suggested.

Since the February 28 study session, staff has made two revisions to the draft code amendments:

- In the RH 8 zone, frontage requirements for required liner commercial use were added based on a percent of the property frontage in response to public comments; and
- In the RH 3 zone, flexibility was added to allow office uses on upper floors of projects as a result of additional discussions with the developer of the Petco site (12120 NE 85th St) **about the BRT station and the City's economic development goals.**

These changes are discussed in more detail below and draft amendments are included in Attachment 3.

Description of Proposed Amendments

Below is a summary of the proposed draft code amendments that staff recommends for adoption. Attachment 9 highlights the relevant policies from the Rose Hill Neighborhood Plan that support these amendments.

- Comprehensive Plan Amendment to Land Use Map to reclassify properties located at 8519, 8523, 8525, 8527 126th Ave NE from Low Density Residential six dwelling units per acre (LDR 6) to Rose Hill Business District RH5B zone (see Attachment 1 for map changes). Associated RH5B Zoning Code amendments are described below and included in Attachment 3. This amendment request was proposed during the neighborhood plan process (Jin request). Policy RH 30 supports the amendment and describes the types of development that should be allowed for the parcels (See Attachment 9). Rather than adopt the map rezone changes when the Neighborhood Plan was adopted, the City **Attorney's office recommended we wait to change the land use map until the draft regulations for RH 5B were formulated.**
- Zoning Map amendment to reflect reclassification of parcels described above from RS 7.2 to RH 5B zone and inclusion within the Rose Hill Business District Design District boundary (see Attachment 1).
- Zoning Code Amendments in Rose Hill Business District (RHBD) Zones:
Attachment 2 is a map showing the zoning districts where amendments are proposed. Attachments 3, 6, and 7 provide the draft code amendments.
 - RH5B zone: Amendments to KZC 53.52 and 53.54.090 relate to four properties at 8519, 8523, 8525, 8527 126th Ave NE discussed above to allow detached, attached or stacked medium density residential development at twelve dwelling units per acre or limited commercial development depending on the location of

properties (Attachment 3). Existing General Regulation #13 is proposed to be deleted because it is redundant with Kirkland Zoning Code Chapters 100 and 162 that govern when non-conforming signs need to be brought into conformance.

A new General Regulation #13 relates to the rezones and describes: that uses are limited to medium density residential uses at 3,600 sq. ft. per unit if the subject property is in the RH 5B zone west of 126th Ave NE within 100 feet of a low-density zone (i.e., RS 7.2 (see definition of adjoining), and does not abut NE 85th Street development). Development standards for height, setbacks, etc. are similar to the RM 3.6 zone. Detached, attached or stacked residential uses would be subject to Administrative Design Review. If consolidated with lots abutting NE 85th Street (and not adjoining a low-density zone), the commercial uses allowed in RH5B would be permitted. Policy RH 30 supports the rezones and describes the type of development that should occur for the parcels.

- o RH 3 zone: Amendments are proposed to increase lot coverage from 80% to 100%, increase building height by 8 feet to a maximum building height of 75 feet, and provide additional opportunities for office development (for development comprising more than 6 acres) (see Attachment 3). The first two items were submitted by Madison Development during the Neighborhood Plan update to make minor adjustments to development standards to clarify the code requirements and the vision for the RH 3.

Madison Development and staff are proposing an additional change to existing Special Regulation #7 that currently requires the development to include residential uses on the site based on 50% of the floor area constructed above the 45/50-foot building height. The proposed change would eliminate this regulatory preference for residential and provide flexibility that would allow more office without the requirement for substantial residential uses. As discussed in the following analysis, staff has studied the implications of this request and believes it has merit.

When the original regulations were created for the RH 3 zone in 2006, one of the goals was to incentivize providing affordable housing by allowing for an increase in building height (a strategy the City has used in many commercial zones to encourage mixed uses and more affordable housing). Since the adoption of the Kirkland 2035 Plan in 2013, the City has made remarkable progress toward meeting adopted housing targets of adding 8,361 new housing units by 2035 – particularly considering the number of units completed since 2013 and the fact that there are over 4,700 new units under construction or in the permit pipeline.

In contrast, the Land Use Element adopted with the Kirkland 2035 Comprehensive Plan shows **that the City's** additional employment growth target is 22,435 jobs. **What we've found is that** since 2013, less than 5,000 office jobs have been created or are planned to be created (this estimate is based on the square footage of new and pipeline office development and the standard capacity calculation of 4 jobs per 1,000 square feet of office space).

Conclusion: The Zoning Code amendments in Attachment 3 would clarify the type of urban, mixed use development intended for the zone in the Rose Hill Neighborhood Plan, Comprehensive Plan and Rose Hill Business Design Guidelines. Allowable lot coverage would be increased to permit the development of underground parking garages that extend approximately across the entire site. 100% lot coverage is similar to what is allowed in the CBD zones. The maximum building height requirements in the RH 3 zone are proposed to be amended to respond to the extreme grade changes of the zone and to allow roof top amenities.

In general, staff supports allowing additional office development in the RH 3 zone. Office development in close proximity to the future Sound Transit Bus Rapid Transit station at I-405/NE 85th Street interchange could be beneficial in that it would encourage commuting by transit (studies have shown that locating employment-generating uses near transit foster transit use to a greater extent than residential uses). In addition, with the high rate of residential development over the last few years, the city is making substantial progress toward meeting its affordable housing targets, but could use more employment, especially near the future transit stop on NE 85th Street. In the Rose Hill Neighborhood Plan, there is no specific policy support for incentivizing residential uses over office uses. Based on this analysis and conclusion, staff recommends revising the RH 3 requirements to allow office uses to be developed in the upper stories of new buildings. However, in order to not lose critical affordable housing that accompanies residential development of the zone, staff is recommending maintaining an affordable housing requirement for nonresidential development with an option for the developer to pay in lieu fees for building affordable housing (instead of building affordable units on-site).

- RH3, RH5A, RH5B, RH7, RH8 zones: Amendments to change the term “ground floor” use to “street level floor” use and other requirements for consistency with other commercial zones and to promote neighborhood plan policies. See analysis below and Attachment 3.
- Analysis of Street Level Commercial Use in Mixed-Use Developments in RH3, RH5A, RH5B, RH7 and RH8 zones

The Planning Commission and City Council recently refined the requirements for street level commercial use in mixed-use commercial zones in the Totem Lake Business District and the Finn Hill Neighborhood Center. At the request of City Council, staff is proposing that similar refinements be made for the Rose Hill Business District zones that are adjacent to NE 85th Street and will not be part of the Station Area Plan. The ground floor commercial requirements in the Station Area, including zones adjacent to Interstate 405 (Regional Center area), will be evaluated independently.

The proposed amendments include:

1. Changing the term Ground Floor to Street Level Floor in the zones listed above.

Ground Floor is defined in Section 5.10.345 of the Zoning Code as:

"The floor of a structure that is closest in elevation to the finished grade along the façade of the structure that is principally oriented to the street which provides primary access to the subject property."

Street Level Floor is defined in Section 5.10.902 of the Zoning Code as:

"The floor of a building which is closest in elevation to the elevation of the centerline of each abutting right-of-way measured at the midpoint of the frontage of the subject property on each abutting right-of-way."

On properties with topography that is higher or lower than the adjacent right-of-way (in this case NE 85th Street), the **"ground floor"** can be above or below the right-of-way. The purpose of requiring certain uses on the ground floor is to provide an active pedestrian environment along the street. **The term "ground floor" was changed to "street level floor" in the Totem Lake and Finn Hill Zones** to better define where that pedestrian-focused environment should occur. Retail tenant space above or below the street level sidewalk does not usually support strong retail and pedestrian activity.

The proposed amendment changes **the term "ground floor" to "street level floor"** in the RH3, RH5A, RH5B, RH7 and RH8 zones. In RH 8, the amendments would require that commercial space be oriented to NE 85th Street, where it is most desirable and would not conflict with vehicle access (typically on side streets) (see Attachment 3). A minimum frontage requirement of 60% along NE 85th Street is also proposed in RH 8 as suggested by public comments to ensure that pedestrian-oriented commercial space constitutes a significant portion of the street level floor.

2. Refining street level commercial regulations in mixed-use developments to better support the purpose of the requirements in each zone, and to promote viable, local-serving retail establishments and walkable neighborhoods.

As described in at the Planning Commission study session, staff put together the matrix in Attachment 4 that analyzes the existing regulations and proposes changes based on the different objectives for commercial use for each of the zones as described in the Rose Hill Neighborhood Plan and the Rose Hill Business District Design Guidelines.

As part of the Totem Lake amendments, a similar analysis was undertaken to determine the amount of commercial use that should be required on the street level floor of mixed-use developments. The following categories were used for that analysis **to help identify the City's objectives for the commercial** requirements and the appropriate zoning tools to meet those objectives.

- a. Retention of commercial use/tax base. Where an area has traditionally been important to providing a strong commercial base for the City, for example **Totem Lake's role as the City's "economic engine," a requirement that** commercial use occupy a substantial percentage of the street level floor may be appropriate. This also applies to RH 3, RH 5A, and RH 7 zones where the regulations require at least 50 percent of the total gross floor area located on the ground floor (change to street level floor) of all structures on the subject property to contain retail, restaurant, tavern, hotel or motels uses. These zones have larger parcels, are located closer to the freeway interchange and are intended to provide larger commercial uses and employment opportunities.
- b. Contribution to an active pedestrian environment. Both street level floor uses and building design at the street level contribute to the pedestrian **environment. In the City's very active commercial areas such as downtown** Kirkland and the Village at Totem Lake, street level uses are generally restricted to those that draw pedestrians: retail, restaurants/taverns and entertainment, cultural or recreational activities. **In the City's pedestrian-**oriented districts, such as the downtown and neighborhood business areas, regulations call for a minimum linear frontage and minimum floor to ceiling first floor building heights (13-15 feet tall), to provide opportunities for successful commercial street frontage as tenants change over time.
- c. Creation of a lively streetscape. In other less active commercial or mixed-use areas outside of the core of the business district, the objective may be to simply enhance the streetscape to contribute to an interesting experience for pedestrians or other visitors. In these areas, a broader range of uses may be appropriate at the ground floor, including office uses.

Summary of Staff Recommendation for Street-level Commercial Uses

- Zones RH3, RH5A, RH5B and RH7 all include areas where the Rose Hill Neighborhood Plan and Design Guidelines emphasize the importance of maintaining and encouraging commercial uses and the pedestrian environment. The existing zoning already addresses these objectives. These zones fall into a combination of Categories a. and b., as described above, where retention of the tax base and pedestrian orientation are important. The existing requirement for 50% of the ground floor to be retail, restaurant, tavern, hotel or motel uses oriented toward NE 85th Street is appropriate. Other commercial zones in Houghton-Everest and Totem Lake have similar requirements that a percentage of the gross floor area on the ground floor (street level floor) be occupied by commercial use.
- The main recommended change **for these zones is the substitution of the term "street level floor" for "ground floor" (see Attachment 3)** to better reflect the desired orientation of commercial uses to the street. The **"ground floor" requirement** is challenging to apply where properties contain topography changes from the street elevation (in this case NE 85th Street).

- When the original RH 8 zoning was adopted in 2006, the area was intended to transition strip commercial uses along a highway corridor, with houses being turned into businesses (formerly PR 3.6 office/residential zoning), into a more pedestrian oriented, mixed use residential area with offices, small scale retail, and personal services oriented to NE 85th Street. Commercial orientation to side streets where it is closer to the residential areas to the north or south is discouraged. Lot consolidation is encouraged to allow for greater flexibility in site design and to meet the goals of the Rose Hill Business District. In 2015, portions of the RH 8 zone were expanded to the north, which combined with the lot consolidation incentives, created additional depth and topographic changes to potential development sites.

The RH8 district **is designated as the "East End" in both the Comprehensive Plan and the Design Guidelines for the Rose Hill Business District.** Less intensive mixed-use commercial uses (in relation to the Regional Center or Neighborhood Center sections of the District), and more residentially-oriented uses are envisioned for this area and may include office, neighborhood retail and neighborhood service uses. The existing zoning for RH8 does not allow residential uses on the "ground floor". Given the depth of potential development sites, multiple street frontages, and topographic change, **the existing zoning is not particularly clear about what the "ground floor" is, and thus, which uses are allowed on different floors of a building.** The proposed zoning would clarify use **restrictions based on the "street level floor" along NE 85th Street, allowing residential uses on the ground floor with commercial uses oriented along NE 85th Street and restricting commercial uses above the "street level floor".** Graphics and photos in Attachment 8 illustrate existing development with linear commercial and the difference between using the term "ground floor" versus "street level floor" **in the zoning regulations.**

In response to public comments about the concern that a developer could provide a narrow width of commercial use along the property frontage on the street level, a minimum commercial linear frontage is recommended to be added to the RH 8 district. Staff recommends a minimum 60% linear frontage of commercial uses at the street level floor in the RH 8 zone. The draft amendment text in Attachment 3 is similar to the YBD 1 zone at the South Kirkland Park and Ride (50% linear frontage is required) but increased to a minimum 60% of linear frontage of the property along NE 85th Street where more commercial use is desired. The other 40% of the property frontage could comprise driveways, pedestrian oriented spaces or parking areas.

The proposed RH8 district zoning would require linear commercial use oriented to NE 85th Street (not side streets) and these commercial uses could include office uses. The minimum depth of the commercial use must be 20 feet with an average depth of at least 30 feet, allowing for a high-quality, retail-ready space. Requiring a minimum percentage of gross floor area of the subject property for commercial use is not appropriate because of the limited commercial orientation of the East End.

- PLA 14 zone amendments related to Lake Washington Institute of Technology (LWIT) to implement policy guidance for a future campus expansion to allow market rate, affordable, residential suites or dormitory residential uses and other development

standards (Attachment 6 and 7). A future expansion of the campus would require a separate public review and hearing process. Policies RH 47-51 provides the policy support for this amendment.

- Miscellaneous Zoning Code Sections amendments to replace references to NE 85th St Subarea Plan with Rose Hill Business District (RHBD) or North/South Rose Hill Neighborhood Plan with Rose Hill Neighborhood Plan (Attachment 8). With the adoption of the Rose Hill Neighborhood Plan, the North and South Rose Hill Neighborhood Plan chapters were consolidated into one plan and the NE 85th Street Subarea Plan chapter was deleted. Therefore, these Zoning Code references need to be revised.

Criteria for Amending the Comprehensive Plan, Zoning Map and Zoning Code
KZC Section 140.25 lists the factors to consider for Comprehensive Plan amendments. The City shall take into consideration, but is not be limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. The effect upon the physical, natural, economic, and/or social environments.
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.
4. The quantity and location of land planned for the proposed land use type and density.
5. The effect, if any, upon other aspects of the Comprehensive Plan.

KZC Section 140.30 lists the criteria that must be met to amend the Comprehensive Plan:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community and is in the best interest of the community.

KZC Section 130.20 relates to amendments to the Zoning Map criteria. The City may decide to approve a legislative rezone only if it finds that:

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the community of Kirkland.

Conclusion

The proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map for the rezones and Zoning Code amendments are consistent with the above criteria, Comprehensive Plan, Growth Management Act and Countywide Planning Policies. Attachment 9 is an excerpt

from the Rose Hill Neighborhood Plan specifically listing the policies supporting the proposed amendments.

As desired mixed-use development occurs in the Rose Hill Business District in the future, the amendments to the RH 3 district to increase lot coverage and building height and provide additional employment opportunities will provide the increased density in land use to support future improvements to transit service to the neighborhood. The allowance for additional density in the RH 5B zone provides similar benefits. The proposed amendments that would convert "ground floor" to "street level floor," along with requirements for minimum depth and liner commercial frontage requirements in RH 8, would clarify the desired size and orientation of commercial uses along NE 85th Street. The intent of the existing regulations in the RH 8 district was to allow residential uses behind liner commercial street uses or parking located below the street level use (similar to other commercial districts like Downtown). The amendments clarify this intent.

The proposed policy to prioritize campus expansion in underutilized portions of the Lake Washington Technical Institute campus will prioritize protection of the wooded steep slope. The proposed amendments bear a substantial relation to the public health, safety, and welfare because they would encourage utilization of the already-developed portion of the college campus and protect surrounding sensitive natural areas. The future addition of housing at the college campus will help the college meet existing needs for affordable housing. Any future expansion of the campus would need to go through a public review process including environmental review.

Compliance with State Environmental Policy Act (SEPA) - Environmental Review
A SEPA addendum to the City of Kirkland 2015 Comprehensive Plan Update Draft and Final Environmental Impact Statement was issued on the draft amendments on March 15, 2019 and is contained in the official file in the Planning and Building Department. The SEPA Addendum identifies whether the proposed amendments would result in new environmental impacts beyond those identified for the Comprehensive Plan Update.

Submittal of Draft Plans to the Department of Commerce

Under RCW 36.70A.106, the City is required to submit a Notice of Intent to Adopt along with any amendments to development regulations to the Washington Department of Commerce (DOC) at least sixty days prior to final adoption. DOC may review the draft regulations to confirm that they are consistent with the GMA, and with multi-regional and region planning policies. The City submitted the Intent to Adopt the Draft amendments to the Department of Commerce on February 15, 2019.

Public Outreach

Zoning Code Chapters 135 and 160 describe the Process IV process for legislative amendments to the Comprehensive Plan, Zoning Code and Zoning Map. Pursuant to the code requirements, public notice was distributed 14 calendar days before the public hearing and included: a notice of the amendments that was published in the official newspaper, posted on official notification boards of the City, and posted **on the City's website**. A public notice board was installed in front of the four properties for the rezones on 126th Avenue NE. Although not required, a courtesy postcard was mailed to property owners and residents located within each zone and 300 feet

from the zones where amendments are proposed. Previously, as part of the neighborhood plan update process, the public was notified of all the land use study area proposals prior to the public hearing for the neighborhood plan. Code amendments are described on the project webpage at www.kirklandwa.gov/RHBT85 and email announcements were sent to participants of the Rose Hill Neighborhood listserv. In addition, staff produced a video to inform the public about the function of street-level commercial spaces in the context of neighborhood planning. Here is a [link](#) to the video on U-Tube.

Public Comment Themes and Staff Response

Attachment 10 contains the public comments received to date. The key themes are summarized below. *Staff responses to the comments are in italics.*

The majority of the comments received are duplicates of the same topics related to the proposed RH 8 zoning and many refer to the Continental Divide project proposed on NE 85th Street between 131-132nd Avenue NE. Staff is not in a position to debate the merits of the design of the Continental Divide project because it is undergoing a quasi-judicial review process. Instead, staff provides the enclosed legislative code amendment recommendations to clarify the existing zoning regulations that conform to the Comprehensive Plan, respond to the changing conditions and needs of the City and comply with the approval criteria (KZC 135 Zoning Code Text Amendments). A few emails were received related to the proposed amendments to the PLA 14 Lake Washington Institute of Technology campus in support of adding housing at the campus, including from President of the Lake Washington Institute of Technology Dr. Amy Morrison.

Public Comments Related to RH 8 Amendments:

- The RH 8 zone in the East End of the business district is labeled office on the zoning map and is considered small scale, lower density development and therefore, stacked dwelling units should not be permitted on the ground floor. Changing the term to street level floor would allow residential on the ground floor.

Staff Response: To provide background context for proposed zoning code amendments in RH 8, the Comprehensive Plan Land Use Element designates the Rose Hill Business District as a mixed-use office and residential corridor district. The Rose Hill Neighborhood Plan sets forth policies for the type of land use pattern intended for the Rose Hill Business District (see Attachment 9). The goals of the business district over time are to improve and transform the area from strip one story commercial uses along an old state highway, to a more pedestrian friendly, mixed use commercial and residential district with both regional and local commercial uses. These key strategies have been in place since the original NE 85th Street Subarea Plan adoption in 2001 and are included in the updated Rose Hill Neighborhood Plan.

The Neighborhood Center and Regional Center areas of the District near I-405 allow a range of building heights from 45 feet to 67 feet above average building elevation (depending on the zone). The East End of the District RH 8 zoning allows a mix of residential, less intensive mixed use commercial and residential uses with commercial uses limited to no greater than 4,000 sq. ft. gross floor area. As in all the RHBD zones,

commercial uses (retail or office) are encouraged to be oriented to NE 85th Street. Other policies encourage minimizing curb cuts, consolidating access on NE 85th ST, 124th Avenue NE and 132nd Avenue NE, and that buildings should be located at the front of lots along NE 85th Street with parking underneath, at the rear of buildings, or behind or adjacent to buildings. Policies intended to minimize impacts on the surrounding neighborhood discourage cut through traffic through neighborhoods and on side streets, to locate driveways as close to NE 85th Street as feasible, support noise and light studies for certain commercial uses to minimize impacts to residential areas (noise and light studies are required for certain uses). Traffic calming improvements have been installed since original District policies were adopted.

- Do not change ground floor definition to street level floor. Changing the definition to street level will allow more residential units on the first level behind the commercial and allow the parking garage below grade.

Staff Response: As described earlier in the memo, staff has found over time that the term street level floor better describes the desired orientation and pedestrian access of commercial uses along the NE 85th Street frontage (especially with properties containing sloped topography), which is the case along NE 85th Street. The proposed amendments clarify the intent. The amendment could incrementally increase the number of residential units developed as part of mixed-use projects in the RH 8 district, although residential densities for stacked dwelling units are already unlimited in this district (but subject to building height, setback, and other limitations imposed by development regulations).

- Specify a density limit for stacked dwelling units (like in MSC 1 and 4 zones) to prevent inappropriately dense developments

Staff Response: As in a majority of the larger commercial districts in the city, including the Rose Hill Business District, mixed use residential and commercial uses are encouraged to support transit access and the 10-minute neighborhood planning and land use concept. The number of dwelling units allowed is based on the development restrictions for the site and ground floor/street level floor uses. Development standards such as types of uses, setbacks, landscape buffers, maximum building height, and parking will limit the number of dwelling units allowed.

- Require floor to ceiling height to be 15 feet so a parking garage would not be permitted

Staff Response: The RH 8 zone already requires a minimum of 15 feet of floor to ceiling height. Changing the term to street level would clarify that parking could be provided below grade or behind liner commercial, which is a preferred design as described in the Rose Hill Neighborhood Plan, Rose Hill Business District Design Guidelines and Design Regulations in Zoning Code Chapter 92.

- Specify a minimum commercial width frontage along the street or minimum amount of commercial use on the ground floor to prevent developer loopholes that would result in narrow commercial frontages along the street.

Staff Response: As discussed above, staff studied this request and recommends that a minimum 60% of the linear frontage of the property along NE 85th Street include commercial uses

- Require commercial frontage on 131nd and 132nd Ave NE; otherwise, residential uses on the ground floor will face commercial uses across the street on 131nd Avenue NE and 132nd Avenue NE.

Staff Response: Requiring commercial frontage on side streets in addition to NE 85th Street is not necessary. Depending on the depth and property location, residential uses are located across the street on side streets in the Neighborhood Center and East End zones (including RH 8). Requiring commercial frontage along side streets would likely not be successful unless they are office uses. On corner properties, vehicular access is desired from side streets rather than NE 85th Street because of the volume and speed of cars along NE 85th Street.

- Change the way maximum building height is calculated on slopes in the Rose Hill Business District to protect privacy, noise level and solar access for homes at the bottom of the slope.

Staff Response: There are no changes proposed to the method for calculating building height. Common to most zones in the city the maximum building height is calculated using the average grade of the subject property (average building elevation is a defined term) to respond to varying topography changes or height above adjacent streets. This includes the low-density single family RSX 7.2 zones located north and south of the RH 8 zones which allow homes to go up to 30 feet above average building elevation. Structures located within 30 feet of a parcel in a low-density zone have additional limitations on structure size to mitigate for impacts on single family homes (see KZC 115.136 and RH 8 General Regulations).

Public Comments Related to Amendments for Lake Washington Institute of Technology (LWIT)

- President Morrison raised concerns that the proposed amendments to PLA 14 would be too restrictive in that they would prioritize new development on the existing surface parking lot rather than allowing development to extend into the slope and Native Growth Protection Easement on the west side of the property.

Staff Response: The regulations as written are intended to establish the priorities for evaluating a future campus expansion and an environmental analysis (including geotechnical soils report) would need to be conducted to determine whether development of the steeply-sloped area is warranted. If the criteria in the regulations

are met, development of the sloped/Native Growth Protection Easement could be possible. Staff has conveyed this response directly to President Morrison.

- Emails in support of allowing housing on the Lake Washington Institute of Technology campus.
- Emails expressing concerns about future development on slope on the west side of the campus.

Staff Response: See response immediately above.

Next Steps and Schedule

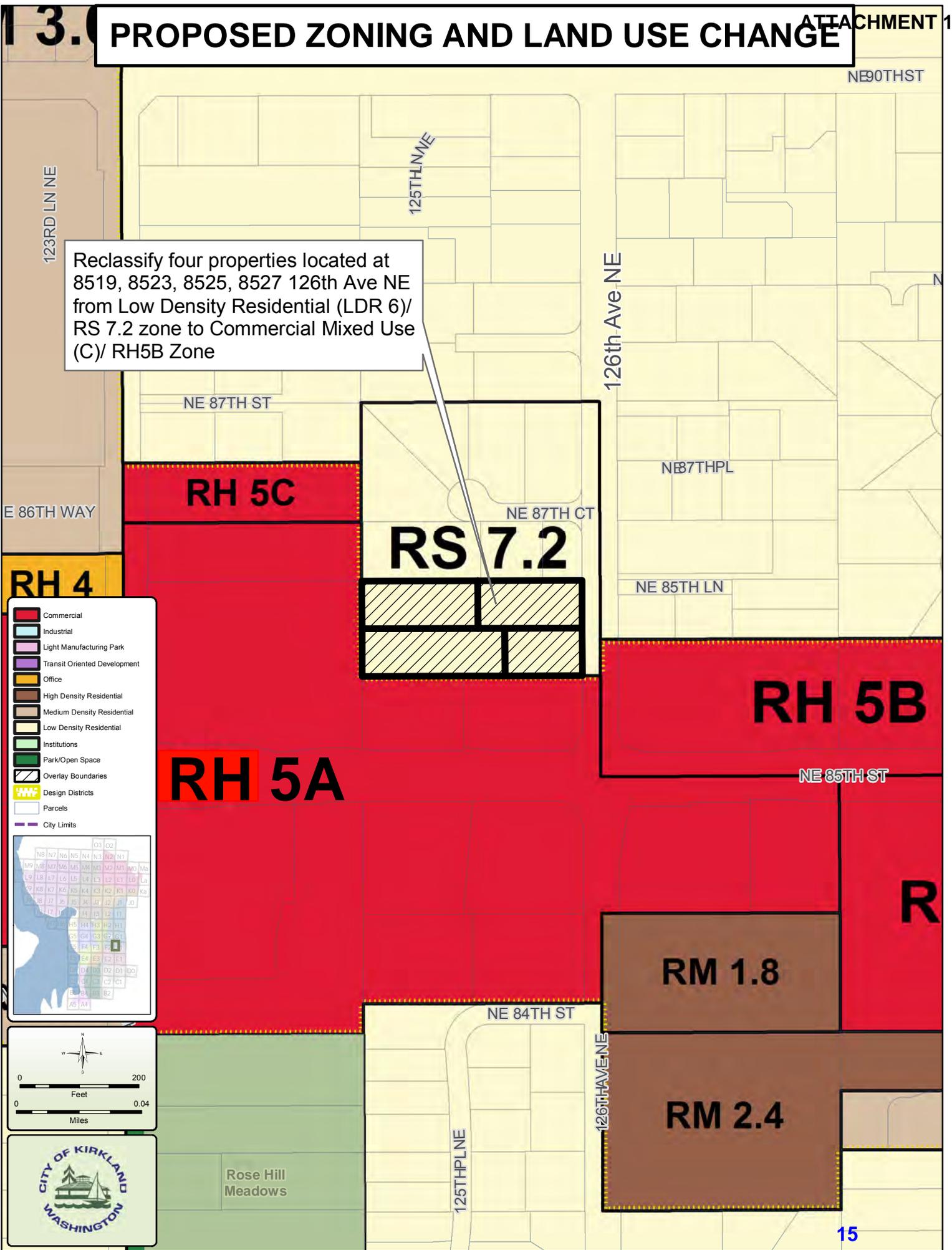
Following the public hearing, the Planning Commission should discuss a recommendation to City Council. City Council is scheduled to review the Planning Commission recommendation on April 16, 2019.

Attachments:

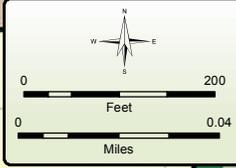
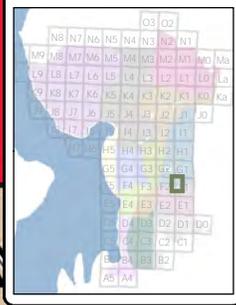
1. Comprehensive Plan land use and rezone map changes for RH5B
2. Map showing RH zones where amendments are proposed
3. RH3, RH5A, RH5B, RH-7, RH-8 draft amendments
4. Matrix of ground floor requirements in RH zones
5. PLA 14 zone map
6. PLA 14, (LWIT) draft amendments
7. Miscellaneous KZC amendments
8. Photos, illustrations showing existing street level uses
9. Rose Hill Plan policy support for amendments
10. Public Comments received to date

cc: File Number CAM19-00043

Reclassify four properties located at 8519, 8523, 8525, 8527 126th Ave NE from Low Density Residential (LDR 6)/ RS 7.2 zone to Commercial Mixed Use (C)/ RH5B Zone



- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits

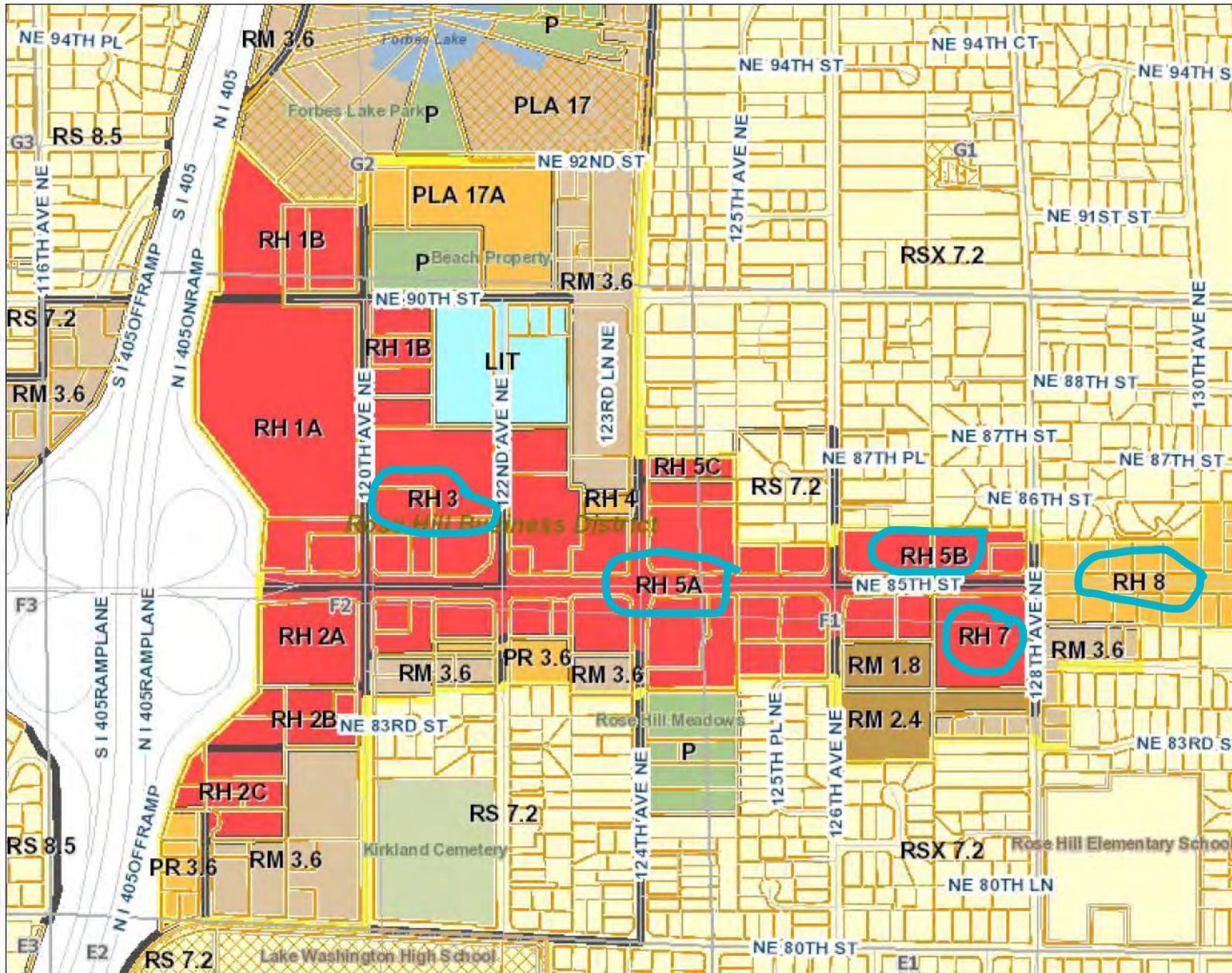


Rose Hill Meadows



Ground Floor Retail Study

ATTACHMENT 2



Legend

- City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Lakes
- Parks
- Schools
- Overlay Zones**
- (EQ)
- (HL)
- (HP)
- Planned Unit Development
- Design District
- City Zoning**
- Commercial
- Industrial
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions

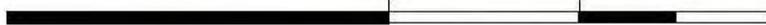
1: 7,249



Notes

Include in ground floor retail study:
 RH3, RH5A, RH5B, RH7 and RH8
 Not included: RH1A, RH1B, RH2A,
 RH2B, RH2C, RH4 and RH5C

0.2 0 0.11 0.2 Miles



NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

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53.30 User Guide. The charts in KZC 53.34 contain the basic zoning regulations that apply in the RH 3 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 53.32

Zone
RH 3

Section 53.32 – 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. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
3. Individual retail uses in this zone are limited to a maximum gross floor area of 65,000 square feet.
4. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapters 105 and 110 KZC, and Plate 34K).
5. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.
7. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
8. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements.
9. A through-block pedestrian pathway shall be installed pursuant to the through-block pathway standards in KZC 105.19; see Plate 34K:
 - a. Along the north portion of the zone to make an east-to-west pedestrian connection between 124th Avenue NE and 120th Avenue NE as designated in the Comprehensive Plan; and
 - b. Connecting the north end of the zone to NE 85th Street.
10. For lighting requirements associated with development, see KZC 115.85(2).

Section 53.34

Zone
RH 3

USE ZONE CHART

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

Section 53.34	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	Development containing: retail establishments selling goods, or providing services including banking and other financial services, restaurants, taverns	D.R., Chapter 142 KZC. See Spec. Regs. 1 and 2.	More than 6 acres See Spec. Reg. 7	As established with design review process.			80% 100%	45'—67'75' above average building elevation along the north end of the zone with a maximum of 45' measured above NE 85th Street. See Spec. Regs. 5 and 7.	See Spec. Reg. 2. See Spec. Reg. 4.	As established in the CMP.	<ol style="list-style-type: none"> 1. May also include one or more of the other uses allowed in this zone. Development regulations of this section apply to all uses developed within a Conceptual Master Plan (CMP). 2. Development must be part of a Conceptual Master Plan (CMP) for the entire subject property. The proposed CMP shall be reviewed using the Design Review process provisions of KZC 142.35. Subsequent development proposals shall follow DR or ADR as set forth in the Notice of Approval for the Conceptual Master Plan. The Conceptual Master Plan shall incorporate the design guidelines contained in the Design Guidelines for the Rose Hill Business District pertaining to the RH 3 zone. 3. Location of drive-through facilities will not compromise the pedestrian orientation of the development. See KZC 105.96 for other requirements. 4. Signs for a development approved under this provision must be proposed within a Master Sign Plan application pursuant to KZC 100.80 for all signs within the project. 5. Building height shall be 45 feet measured above the midpoint of the frontage of the subject property along NE 85th Street, or if the subject property does not front on NE 85th Street, at the midpoint of the property frontage along any other public right-of-way. If the property abuts more than one public right-of-way, the applicant may select the right-of-way from which to measure. 6. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 7. <u>Maximum building height for a development including residential use is 6775 feet above average building elevation. However, the equivalent of the additional gross floor area constructed above 4550 feet over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground-street level floor. An applicant may elect to not develop residential uses. However, because elimination of residential uses would also eliminate inclusion of required affordable housing in the zone contrary to City objectives, the applicant is still required to either provide the affordable housing component or provide payment in lieu of constructing affordable housing pursuant to KZC 112.30.4.b and c. For purposes of calculating the number of required affordable units, the number of affordable units shall be provided at a density of 7.25 units per acre based on the total</u> 	

Section 53.34



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.34	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						
.020	Vehicle Service Station	D.R., Chapter 142 KZC.	Less than 6 acres.	20'	0'	0'	80%	35' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> Gas pump islands must be set back at least 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer 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 95.40 through 95.45, required landscaping, for further regulations.
.030	Automotive Service Center See Spec. Reg. 1.			10'							1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 1.	<ol style="list-style-type: none"> Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. Parts and tires must be stored entirely within an enclosed structure. Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.040	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 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.
.050	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.								C		1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are 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. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

REGULATIONS CONTINUED ON NEXT PAGE

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.34	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	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE	
.060	Hotel or Motel	D.R., Chapter 142 KZC.	Less than 6 acres.	10'	0'	0'	80%	35' above average building elevation.	C	E	1 per each room. See also Spec. Reg. 2.	3. For a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles, the following shall apply: a. For the number of required parking stalls see KZC 105.25. b. Parts must be stored entirely within an enclosed structure. c. See KZC 95.40 through 95.45, required landscaping, for further regulations.
.070	Entertainment, Cultural and/or Recreational Facility										See KZC 105.25.	
.080	Office Use									D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 53.34	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							
.090	Private Lodge or Club	D.R., Chapter 142 KZC.	Less than 6 acres.	10'	0'	0'	80%	35' above average building elevation.	C	B	1 per each 300 sq. ft. of gross floor area.		
.100	Church										1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.		<ol style="list-style-type: none"> 1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.
.110	School, Day-Care Center, Mini-School or Mini-Day-Care Center								D		See KZC 105.25.		<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. 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 nearby residential uses. 3. May include accessory living facilities for staff persons. 4. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduce impacts on nearby residential uses.
.120	Stacked Dwelling Units, Assisted Living Facility										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. 1 per assisted living unit.		<ol style="list-style-type: none"> 1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 53.34



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.34	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	Convalescent Center or Nursing Home	D.R., Chapter 142 KZC.	Less than 6 acres.	10'	0'	0'	80%	35' above average building elevation.	C	B	1 per each bed.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 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.
.140	Public Utility								A		See KZC 105.25.	
.150	Government Facility Community Facility								C See Spec. Reg. 1.			
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

53.50 User Guide. The charts in KZC 53.54 contain the basic zoning regulations that apply in the RH 5A and 5B 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 53.52

Zone
RH 5A,
5B

Section 53.52 – 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. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
3. To the extent possible, viable significant trees and vegetation shall be retained within required landscape buffers separating nonresidential uses from residential uses. The applicant shall record a greenbelt easement over the required landscape buffer.
4. Individual retail uses in this zone are limited to a maximum of 65,000 square feet of gross floor area.
5. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, detached, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
6. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels (unless use is not permitted in RH 5B). These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
7. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
9. For lighting requirements associated with development, see KZC 115.85(2).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Prior to any of the following uses (unless use is not permitted in RH 5B) occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the planning official:
- Establishments expected to operate past 9:00 p.m.
 - Vehicle service station.
 - Automotive service center.
 - Retail establishment providing entertainment, recreational or cultural activities.
 - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
 - Car washes.
 - Veterinary offices.
 - Any establishment where animals are kept on site.
 - Drive-through facilities with loudspeaker systems.
 - Establishments involving a large truck loading dock for deliveries.
- The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
11. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
- a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.
12. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105.96 KZC for requirements. Drive-through facilities are not permitted in the RH 5B zone.
13. ~~See Chapters 100 and 162 KZC for information about nonconforming signs. Chapter 162.35 KZC describes when nonconforming signs must be brought into conformance or removed.~~

New #13: If the subject property is located in RH 5B zone west of 126th Ave NE adjoining a low density zone and does not abut NE 85th Street, or is not consolidated with lots abutting NE 85th Street, development is limited to detached, attached, or stacked dwelling units and the minimum lot size per dwelling unit is 3,600 square feet. Development of detached, attached or stacked dwelling units is subject to Administrative Design Review per 142 KZC.

Section 53.54



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.54	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 See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20' See Spec. Reg. 4.	15' See Spec. Reg. 4.	15' See Spec. Reg. 4.	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> This use is permitted only if the subject property abuts NE 85th Street. This use is not permitted in the RH 5B zone. 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 or covers over gas pump islands may not be closer 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 95.40 through 95.45, required landscaping, for further regulations.
.020	Automotive Service Center See Spec. Reg. 1.		None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 4.	<ol style="list-style-type: none"> This use is not permitted in the RH 5B zone. This use specifically excludes a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of a building adjoining any residential zone. Windows are permitted if they are triple-paned and unable to be opened. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. Parts and tires must be stored entirely within an enclosed structure. Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.030	Entertainment, Cultural and/or Recreational Facility										See KZC 105.25.	
.040	Restaurant or Tavern See Spec. Regs. 1 and 2.										1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Taverns and restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone. 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.

Section 53.54



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.54	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	Any Retail Establishment other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are 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. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. For a retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, or recreation trailers, the following shall apply: <ol style="list-style-type: none"> This use is not permitted in the RH 5B zone; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. For the number of required parking stalls see KZC 105.25. Parts must be stored entirely within an enclosed structure. See KZC 95.40 through 95.45, required landscaping, for further regulations. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.
.060	Office Use								B	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 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. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.



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

Section 53.54	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						
.070	Hotel or Motel See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis. The maximum height of a hotel or motel is 54 feet above ABE on property abutting the LIT zone.
.080	Private Lodge or Club									B	1 per each 300 sq. ft. of gross floor area.	
.090	<u>Detached. Attached or Stacked Dwelling Units See Spec. Reg. 1., 2., 5.</u>	<u>One dwelling unit none otherwise D.R. Chapter 142</u>	<u>For RH 5B zone. See General Regulation #13 and Special Regulation #2 Otherwise none</u>	<u>10'</u>	<u>0'</u>	<u>In RH 5B zone: 10' See Special Regulation #4</u>	<u>60%</u>		<u>One detached dwelling unit E. Otherwise D</u>	A	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. <u>One detached dwelling unit: 2.0 per unit</u>	<ol style="list-style-type: none"> <u>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</u> <u>This use is allowed subject to the requirements of General Regulations #6 and #13.</u> <u>Minimum required side yard is 5 feet abutting RS 7.2 zone. 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.</u> <u>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.</u> <u>Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.</u>
.100	Church									B	1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> May include accessory living facilities for staff persons. No parking is required for day-care or school ancillary to the use.



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS															
Section 53.54	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	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	B	See KZC 105.25. See Spec. Regs. 2 and 4.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. 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 nearby residential uses. 3. May include accessory living facilities for staff persons.4 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 			
.120	Assisted Living Facility, Convalescent Center or Nursing Home								A Convalescent Center or Nursing Home: B	Independent unit: 1.7 per unit. Assisted living unit: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.			<ol style="list-style-type: none"> 1. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 		
.130	Public Utility								B					See KZC 105.25.	<ol style="list-style-type: none"> 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.
.140	Government Facility Community Facility								C See Spec. Reg. 1.						
.150	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process.													

53.70 User Guide. The charts in KZC 53.74 contain the basic zoning regulations that apply in the RH 7 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 53.72



Zone
RH 7

Section 53.72 – 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. Individual retail uses in this zone are limited to a maximum of 65,000 square feet of gross floor area.
3. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
4. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
5. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
7. Drive-through and drive-in facilities are not permitted in this zone.
8. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans Manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.
9. For lighting requirements associated with development, see KZC 115.85(2).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
- Establishments expected to operate past 9:00 p.m.
 - Vehicle service station.
 - Automotive service center.
 - Car washes.
 - Retail establishment providing entertainment, recreational or cultural activities.
 - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
 - Veterinary offices.
 - Drive-through facilities with loudspeaker systems.
 - Establishments involving a large truck loading dock for deliveries.
- The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
11. 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.

Section 53.74

Zone
RH 7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.74	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	Restaurants or Taverns	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	30' above average building elevation.	A	E	1 per each 100 sq. ft. of gross floor area.	1. Fast food restaurants must provide one outdoor waste receptacle for every eight parking stalls.
.020	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. See Spec. Regs. 1 and 2.			adjacent to NE 85th St., otherwise 20'.							1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations; Automotive service centers; Uses with drive-in facilities or drive-through facilities; Retail establishments providing storage services unless accessory to another permitted use. A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment, and similar vehicles; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are 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. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 53.74	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	Office Use	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	A	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 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. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 	
.040	Hotel or Motel									E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis. 	
.050	Entertainment, Cultural and/or Recreational Facility										See KZC 105.25.		
.060	Private Lodge or Club									B	1 per each 300 sq. ft. of gross floor area.		
.070	Attached or Stacked Dwelling Units									A	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"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 	

Section 53.74

Zone
RH 7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.74	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						
.080	Development Containing Stacked Dwelling Units and one or more of the following uses: Retail uses including Banking and Other Financial Services, Restaurants or Taverns See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	More than 3 acres.	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	45' above average building elevation.	A	E	For residential: 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. For other uses see KZC 105.25.	<ol style="list-style-type: none"> Development may also include other uses allowed in this zone. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. Automotive service centers. Uses with drive-in facilities or drive-through facilities. Retail establishments providing storage services unless accessory to another permitted use. Retail establishment involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles. The entire zone must be physically integrated both in site, building design, pedestrian access internally and to the street and provide other pedestrian amenities. At least 10 percent of the units in new residential developments of four units or greater shall be affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.
.090	Church		None					30' above average building elevation.		B	1 per every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 2.	<ol style="list-style-type: none"> May include accessory living facilities for staff persons. No parking is required for day-care or school ancillary to the use.

Section 53.74

Zone
RH 7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 53.74	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	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. 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 nearby residential uses. 3. May include accessory living facilities for staff persons. 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 	
.110	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.								A Convalescent or Nursing Home: B	B	Independent unit: 1.7 per unit. Assisted living unit: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.	<ol style="list-style-type: none"> 1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 	
.120	Public Utility								A	B	See KZC 105.25.	<ol style="list-style-type: none"> 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. 	
.130	Government Facility Community Facility								C See Spec. Reg. 1.				
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

53.80 User Guide. The charts in KZC 53.84 contain the basic zoning regulations that apply in the RH 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 53.82

**Zone
RH 8**

Section 53.82 – 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 creating four or more new dwelling units that includes lots or portions of lots adjoining 131st Avenue NE or 132nd Avenue NE that are located more than 120 feet north of NE 85th Street shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
4. On lots that are not abutting NE 85th Street or are not consolidated with at least one lot abutting NE 85th Street, development shall be subject to the permitted uses and regulations in the RSX zone, except that isolated parcels may be developed independently with office use.
5. If the lot area of the subject property is equal to or greater than 18,000 square feet, maximum building height is 35 feet above average building elevation, except maximum building height is 30 feet within 30 feet of an RSX zone, on lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and parcels abutting 131st Avenue NE.
6. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
7. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
9. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-Approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Drive-through and drive-in facilities are not permitted in this zone.
11. 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.
12. For lighting requirements associated with development see KZC 115.85(2).
13. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
 - Establishments expected to operate past 9:00 p.m.
 - Retail establishment providing entertainment, recreational or cultural activities.
 - Veterinary offices.
 - Any establishment where animals are kept on site.
 - Establishments involving a large truck loading dock for deliveries.The study shall verify that the noise expected to emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
14. A City entryway feature shall be provided on the parcel located at the northwest corner of the intersection of NE 85th Street and 132nd Avenue, or adjacent parcel under common ownership with such parcel. Entryway features shall include such elements as: a sign, art, landscaping and lighting. See Chapter 92 KZC, Design Regulations.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.84	USE REGULATIONS	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category	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	Office Use	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 3 and 5.	A	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The 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. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.020	Restaurant									E	1 per each 100 sq. ft. of gross floor area.	1. May not be located above the <u>ground-floor-street level floor</u> of a structure. 1-2 <u>Must be oriented toward NE 85th Street.</u> 2-3. <u>Gross floor area for each individual use may not exceed 4,000 sq. ft.</u>
.030	Entertainment, Cultural and/or Recreational Facility										See KZC 105.25.	1. Gross floor area for each individual use may not exceed 4,000 sq. ft.
.040	Any 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	1 per each 300 sq. ft. of gross floor area.	1. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. Automotive service centers. Uses with drive-in facilities or drive-through facilities. Retail establishments providing storage services unless accessory to another permitted use. A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment and similar vehicles; provided, that motorcycle sales, service or rental is permitted if conducted indoors. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. Storage of parts unless conducted entirely within an enclosed structure. 2. This use <u>must be oriented toward NE 85th Street and</u> may not be located above the <u>ground-street level</u> floor of a structure except for personal service establishments that provide services involving the care of a person, or of a person's apparel, such as laundry and dry cleaning services, beauty shops, barber shops, shoe repair shops and tailors may be located above the <u>ground-street level</u> floor; provided, that the use of exterior areas adjoining residential uses is prohibited.

Section 53.84



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.84	USE REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category	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	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE 3. Gross floor area for each individual use may not exceed 4,000 sq. ft. 4. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 5. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.	
.050	Stacked Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 3 and 5.	A	A	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.	1. <u>This use may not be located on the ground floor of a structure.</u> <u>At least 60% of the linear frontage of the property along NE 85th Street shall include commercial use. The commercial use shall be at the street level floor and oriented toward NE 85th Street. Commercial uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building along the street). Lobbies for non-commercial uses are allowed in the commercial frontage provided that they do not exceed 20% of the building's linear commercial frontage. The Planning Director or Design Review Board 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 the design of the retail frontage will maximize visual interest.</u> 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.060	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.										Independent unit: 1.7 per unit. Assisted living facility: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed. 1. <u>This use may not be located on the ground floor of a structure.</u> <u>At least 60% of the linear frontage of the property along NE 85th Street shall include commercial use. The commercial use shall be at the street level floor and oriented toward NE 85th Street. Commercial uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building along the street). Lobbies for non-commercial uses are allowed in the commercial frontage provided that they do not exceed 20% of the building's linear commercial frontage. The Planning Director or Design Review Board may approve a minor reduction in the depth requirements if the applicant</u>	

Section 53.84



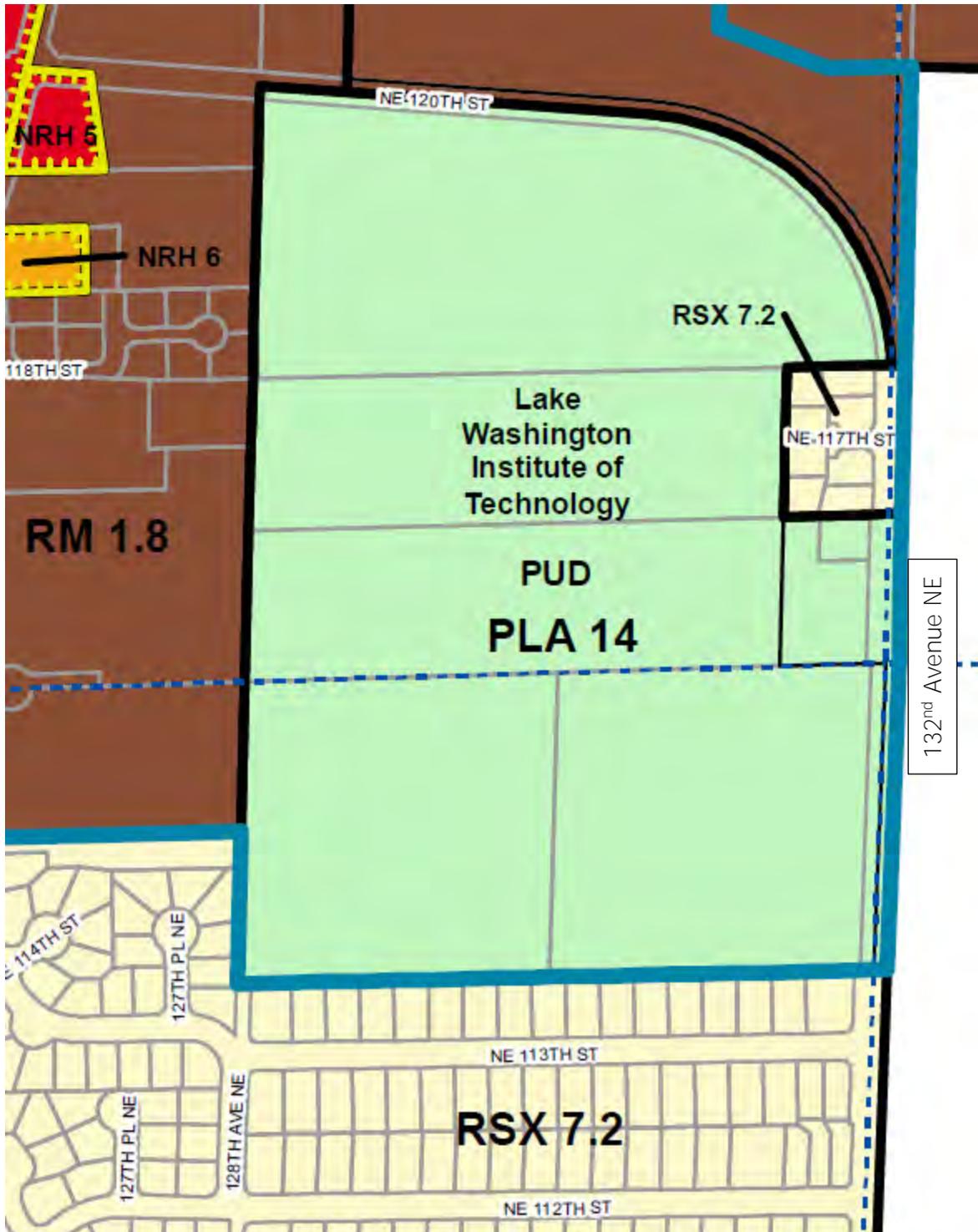
USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 53.84	USE [?]	REGULATIONS [?]	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category	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	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 3 and 5.	A	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. 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 nearby residential uses. 3. May include accessory living facilities for staff persons. 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 5. For school use, structure height may be increased, up to 35 feet, if: <ol style="list-style-type: none"> a. The school can accommodate 200 or more students; and 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 c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements. 	
.090	Public Utility												
.100	Government Facility Community Facility								C See Spec. Reg. 1.			<ol style="list-style-type: none"> 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. 	
.110	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process.											

Relevant Commercial Capacity and Design Objectives in Rose Hill Business District Zones					
Policy/ Regulatory Document	Zoning District				
	RH3	RH5A	RH5B	RH7	RH8
Rose Hill Neighborhood Plan	Consolidated mixed use transit-oriented development. Emphasis on ground level retail & pedestrian amenities	Commercial emphasis with ground level retail	Commercial emphasis with ground level retail	Commercial emphasis with ground level retail	<ul style="list-style-type: none"> • Less intensive office, neighborhood retail & service uses than rest of district to the west.
Policy/ Regulatory Document	Zoning District				
	RH3	RH5A	RH5B	RH7	RH8
Design Guidelines	<ul style="list-style-type: none"> • Identified for Master Plan development • Commercial use emphasized • Combination regional & neighborhood-oriented businesses 	<ul style="list-style-type: none"> • West of 124th Ave NE: Combination regional & neighborhood-oriented businesses • East of 124th Ave NE: Neighborhood oriented businesses • Pedestrian-friendly storefronts on NE 85th Street 	<ul style="list-style-type: none"> • Neighborhood oriented businesses • Pedestrian-friendly storefronts on NE 85th Street 	<ul style="list-style-type: none"> • Neighborhood oriented businesses • Pedestrian-friendly storefronts on NE 85th Street 	<ul style="list-style-type: none"> • Lower intensity than rest of District • More residential in design • Small family businesses • Service businesses • Small scale mixed use • Oriented to NE 85th Street.
Existing Zoning	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	<p>Ground floor shall include commercial use oriented to NE 85th Street.</p> <p>Residential use not allowed on the ground floor.</p> <p>No restaurant or retail above ground floor*</p>

Proposed Zoning	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway	Street level floor shall include commercial use oriented to NE 85 th Street with a minimum depth of 20' and average depth of 30' , 60% minimum commercial along NE 85 th Street property frontage, residential behind liner street commercial No restaurant or retail above street level floor*
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*Except that personal service establishment that provide services involving the care of a person, or a person's apparel, such as laundry and dry-cleaning services, beauty shops, barber shops, shoe repair shops and tailors may be located above the street level floor; provided, that the use of exterior areas adjoining residential uses is prohibited.



Chapter 45 – INSTITUTIONAL ZONES (P, PLA 1, PLA 14)

Draft Code Amendments to PLA 14. Section 45.20.Special Regulation PU-18 2/15/2019

Sections:

45.05	User Guide
45.05.010	Applicable Zones
45.05.020	Common Code References
45.10	General Regulations
45.20	Permitted Uses
45.30	Density/Dimensions
45.40	Development Standards
45.50	Public Park
45.60	Private College and Related Facilities

45.05 User Guide

- Step 1. Check that the zone of interest is included in KZC 45.05.010, Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC 45.05.020, Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC 45.10 that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC 45.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless “NP” (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).
- Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 45.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).
- Step 6. Find the Use of interest in the Development Standards Table in KZC 45.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.

45.05.010 Applicable Zones

This chapter contains the regulations for uses in the institutional zones (P, PLA 1, PLA 14) of the City.

45.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.

4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Detached Dwelling Unit uses.
5. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

(Ord. 4476 § 2, 2015)

45.10 General Regulations

Reserved. (Ord. 4476 § 2, 2015)

Kirkland Zoning Code
 Chapter 45 – INSTITUTIONAL ZONES (P, PLA 1, PLA 14)

45.20 Permitted Uses

Permitted Uses Table – Institutional Zones (P, PLA 1, PLA 14)

(See also KZC 45.30, Density/Dimensions Table, and KZC 45.40, Development Standards Table)

Use		Required Review Process:		
		P	PLA 1	PLA 14
		IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC NP = Use Not Permitted # = Applicable Special Regulations (listed after the table) None = No Required Review Process		
45.20.010	Church	NP	NP	1, 2
45.20.020	Community Facility	3	4 IIB	1, 4
45.20.030	Detached Dwelling Unit	NP	5 None	6 None
45.20.040	Government Facility	3	4 IIA	1, 4
45.20.050	Mini-School or Mini-Day-Care Center	NP	NP	7, 8, 9, 10 I
45.20.060	Private College and Related Facilities	NP	11, 12	NP
45.20.070	Professional Football, Baseball, or Soccer Practice or Play Facility	NP	13, 14, 15, 16, 17	NP
45.20.080	Public College or University	NP	NP	18 IIB
45.20.090	Public Park	See KZC 45.50 for required review process.		
45.20.100	Public Utility	None	4 IIA	1, 4
45.20.110	School or Day-Care Center	NP	NP	1, 2, 7, 8, 9, 10

The Kirkland Zoning Code is current through Ordinance 4664, passed October 16, 2018.

Permitted Uses (PU) Special Regulations:

- PU-1. The required review process is as follows:
- a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.
 - b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping.
- PU-2. The property must be served by a collector or arterial street.
- PU-3. If the proposal is for a governmental facility located at the Houghton Landfill site as designated on the Official Zoning Map, Process IIB. Otherwise, Process IIA.
- PU-4. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-5. Not more than one dwelling unit may be on each lot regardless of lot size.
- PU-6. Not more than one dwelling unit may be on each lot, regardless of the size of the lot.
- PU-7. May locate on the subject property only if:
- a. It will not be materially detrimental to the character of the neighborhood in which it is located; or
 - b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- PU-8. A six-foot-high fence is required along the property line adjacent to the outside play areas.
- PU-9. Hours of operation and the maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
- PU-10. May include accessory living facilities for staff persons.
- PU-11. If development is consistent with the Master Plan adopted in R-4203, then none. Otherwise, must amend the Master Plan using Process IIB, Chapter 152 KZC.
- PU-12. See KZC 45.60.
- PU-13. None, if part of approved Master Plan adopted in R-4203. Otherwise, Process IIB, Chapter 152 KZC.
- PU-14. One point of vehicular access only is permitted directly onto NE 53rd Street. Secondary access through the college campus is permitted.
- PU-15. No public exhibitions or games shall be permitted.
- PU-16. No helicopter operations shall be permitted, except for emergency situations.

- PU-17. Only one professional sport organization may occupy and use the facility in any consecutive 12-month period.
- PU-18. If the development is consistent with the Master Plan adopted in R-3571, and with the Planned Unit Development adopted in O-3197, or with a subsequently approved Master Plan, then no zoning process is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking locations, buffering and landscaping. (Ord. 4476)

Add new text to PU-18: A subsequent expansion of the master plan shall include the following additional requirements:

- a. Site plan that is designed to be an active, walkable, transit supportive campus environment.
- b. May include detached, attached, stacked, residential suites and/or dormitory housing for students, staff or employees or other public agencies as part of this use. Development creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing incentives and requirements.
- c. Provide bike and pedestrian routes through the campus that connect with the surrounding neighborhoods, integrate with, and help expand the City's network of Neighborhood Greenways described in the Rose Hill Neighborhood Plan including: connection on campus between 132nd Avenue NE on the east to Slater Avenue NE to the west, and connect the campus to NE 113th Place at the southwest corner.
- d. Protect the natural greenbelt easement on the west slope of campus. Prioritize the redevelopment potential of existing surface parking areas before considering expansion into natural greenbelt easement. Allow additional building height in lieu of expansion into the greenbelt easement. Allow limited encroachment into the greenbelt easement only if sufficient development potential cannot be achieved in the already-developed area outside the greenbelt easement and subject to environmental assessment.
- e. Ensure new development is compatible with the surrounding residential neighborhood.
- f. Allow no additional driveway access to 132nd Avenue NE to maintain traffic flow and safety on the arterial.
- g. Mitigation may be required for impacts of the proposed expansion and existing non-conformances regarding code compliance including, where feasible, correcting parking lot design and landscaping deficiencies consistent with code requirements.

2, 2015)

45.30 Density/Dimensions

Kirkland Zoning Code
 Chapter 45 – INSTITUTIONAL ZONES (P, PLA 1, PLA 14)

Density/Dimensions Table – Institutional Zones (P, PLA 1, PLA 14)

(Refer to KZC 45.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 45.40, Development Standards Table)

Use	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation		
		Front	Side	Rear				
45.30.010	Church	7,200 sq. ft.	20'	20'	20'	70%	30' above ABE.	
45.30.020	Community Facility	None	20' P: 1	10' P: 1	10' P: 1	70% P: 1	25' above ABE. P: 1	
45.30.030	Detached Dwelling Unit	PLA 1: 8,500 sq. ft. PLA 14: 7,200 sq. ft.	PLA 1: 20' PLA 14: 20' ³	PLA 1: 5' ² PLA 14: 5' ³	10'	50%	PLA 1: 25' above ABE. PLA 14: 30' above ABE.	
45.30.040	Government Facility	None	20' P: 1	10' P: 1	10' P: 1	70% P: 1	25' above ABE. P: 1	
45.30.050	Mini-School or Mini-Day-Care Center	7,200 sq. ft.	20' ⁴	5' ^{2,4}	10' ⁴	50%	30' above ABE.	
45.30.060	Private College and Related Facilities	5						
45.30.070	Professional Football, Baseball, or Soccer Practice or Play Facility	10 acres	6, 7			80%	30' above ABE. ^{8, 9}	
45.30.080	Public College or University	As established in the Master Plan.						
45.30.090	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50.						
45.30.100	Public Utility	None	20' P: 1	P: 1 PLA 1: 10' PLA 14: 20'	P: 1 PLA 1: 10' PLA 14: 20'	70% P: 1	25' above ABE. P: 1	
45.30.110	School or Day-Care Center	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then:			70%	30' above ABE. ¹¹	
			50' ¹⁰	50' ¹⁰	50' ¹⁰			
			If this use can accommodate 13 to 49 students or children, then:					
			20' ¹⁰	20' ¹⁰	20' ¹⁰			

The Kirkland Zoning Code is current through Ordinance 4664, passed October 16, 2018.

Density/Dimensions (DD) Special Regulations:

- DD-1. Will be determined on case-by-case basis.
- DD-2. Five feet but two side yards must equal at least 15 feet.
- DD-3. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
- DD-4. Structured play areas must be set back from all property lines by five feet.
- DD-5. As established in the Master Plan or as allowed in KZC 45.60.
- DD-6. As established in the Master Plan or as allowed under Special Regulation DD-7.
- DD-7. All structures and practice and play facilities must be set back from exterior property lines at least 50 feet. Parking lots must be set back at least 50 feet from single-family uses and screened and interspersed with landscaping pursuant to Chapters 95 and 105 KZC.
- DD-8. Maximum structure height is determined by the approved Master Plan.
- DD-9. Maximum height of temporary structures shall be 60 feet above finished grade.
- DD-10. Structured play areas must be set back from all property lines as follows:
 - a. 20 feet if this use can accommodate 50 or more students or children.
 - b. 10 feet if this use can accommodate 13 to 49 students or children.
- DD-11. For school use, structure height may be increased, up to 35 feet, if
 - a. The school can accommodate 200 or more students; and
 - b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure are increased by one foot for each additional one foot structure height; and
 - c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
 - d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

(Ord. 4476 § 2, 2015)

Kirkland Zoning Code
 Chapter 45 – INSTITUTIONAL ZONES (P, PLA 1, PLA 14)

45.40 Development Standards

Development Standards Table – Institutional Zones (P, PLA 1, PLA 14)

(Refer to KZC 45.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 45.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)	
45.40.010	Church	C	B	1 for every 4 people based on maximum occupancy load of worship. ¹
45.40.020	Community Facility	C ³ P: Will be determined on a case-by-case basis.	B P: Will be determined on a case-by-case basis.	See KZC 105.25.
45.40.030	Detached Dwelling Unit	E	A	2.0 per dwelling unit.
45.40.040	Government Facility	C ³ P: Will be determined on a case-by-case basis.	B P: Will be determined on a case-by-case basis. ²	See KZC 105.25.
45.40.050	Mini-School or Mini-Day-Care Center	E	B ⁴	See KZC 105.25. ^{5,6}
45.40.060	Private College and Related Facilities	7		
45.40.070	Professional Football, Baseball, or Soccer Practice or Play Facility	C ⁸	B ^{9,10}	See KZC 105.25. ^{11,12,13}
45.40.080	Public College or University	As established in the Master Plan.		
45.40.090	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 and 105.25.		
45.40.100	Public Utility	A ³ P: Will be determined on a case-by-case basis.	B P: Will be determined on a case-by-case basis.	See KZC 105.25.
45.40.110	School or Day-Care Center	D	B ¹⁵	See KZC 105.25. ^{6,14}

The Kirkland Zoning Code is current through Ordinance 4664, passed October 16, 2018.

Development Standards (DS) Special Regulations:

- DS-1. No parking is required for day-care or school ancillary to the use.
- DS-2. One pedestal sign with a readerboard having electronic programming is allowed at a fire station or at the North Kirkland Community Center only if:
- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
 - b. The electronic readerboard is no more than 50 percent of the sign area;
 - c. Moving graphics and text or video are not part of the sign;
 - d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
 - e. The electronic readerboard displays messages regarding public service announcements or City events only;
 - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
 - g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
 - h. It is located to have the least impact on surrounding residential properties.
- If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.
- DS-3. 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.
- DS-4. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses.
- DS-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.
- DS-6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-7. As established in the Master Plan or as allowed in KZC 45.60.
- DS-8. Perimeter buffering is determined by the approved Master Plan.
- DS-9. A single pedestal or monument sign, non-interior illuminated, shall be permitted on NE 53rd Street.
- DS-10. No graphics or markings shall be permitted on the exterior of the temporary structure, except as required by state, federal or local regulations.

- DS-11. During summer training camp, the public will be directed, by means of pedestal signs at entrances to the college, to the parking areas in the interior of the campus.
- DS-12. All structures and practice and play facilities must be set back from exterior property lines at least 50 feet. Parking lots must be set back at least 50 feet from single-family uses and screened and interspersed with landscaping pursuant to Chapters 95 and 105 KZC.
- DS-13. On-site parking shall be adequate to meet peak season use.
- DS-14. 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.
- DS-15. Electrical signs shall not be permitted.

(Ord. 4476 § 2, 2015)

45.50 Public Park

1. Except as provided for in subsection (3) of this section, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum:
- a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. The required public hearing on a Master Plan proposed within the Houghton Community Municipal Corporation shall be conducted by the Houghton Community Council, which may be a joint hearing with the Parks Board;
 - b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following:
 - 1) A description of the proposal;
 - 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies;
 - 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any;
 - 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act;
 - 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and
 - 6) A recommended action by the City Council.
 - c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds:
 - 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan;
 - 2) It is consistent with the public health, safety, and welfare;
 - 3) If the Master Plan is proposed within the Houghton Community Municipal Corporation, it shall become effective according to the procedure in KMC 2.12.040.
2. In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following:

- a. Location, dimensions, and uses of all active and passive recreation areas;
 - b. Potential users and hours of use;
 - c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards;
 - d. Landscaping;
 - e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property.
3. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following:
- a. Lighting for outdoor nighttime activities;
 - b. The construction of any building of more than 4,000 square feet;
 - c. The construction of more than 20 parking stalls;
 - d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment. (Ord. 4476 § 2, 2015)

45.60 Private College and Related Facilities

1. The Master Plan, approved by Resolution R-4203, includes a site plan, which is on file with the City. That site plan is, by reference, incorporated as a part of this code as it pertains to the location, configuration and nature of improvements in the PLA 1 zone.
2. In addition to the site plan referenced above, the adopted Master Plan includes the following special regulations:
 - a. Future development permits shall be reviewed by the Planning Director to ensure consistency with the Master Plan.
 - b. The applicant shall indicate all site improvements and landscaping for the areas to be affected by construction which are proposed to accompany the construction of each facility. The Planning Director shall have the authority to require implementation of these related elements of the Master Plan at such time new facilities, structures or additions are being constructed.
 - c. At the time of application for development of the married student housing information relating to the degree of cutting and filling necessitated shall be provided. Plans for stabilization of nearby slopes shall be included in this information. This information shall indicate to what extent the drainage conditions on the eastern portion of the campus will be disturbed, and what measures will be taken to insure that surrounding properties will not be adversely affected by alternate drainage patterns.
 - d. A 30-foot-wide landscape buffer planted as follows:
 - 1) Two rows of trees planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.
 - 2) Shrubs, 18 inches high, planted to attain coverage of at least 60 percent of the buffer area within two years.
 - 3) The buffer shall be provided around the campus perimeter, except along 108th Ave. NE, 114th Ave. NE, I-405, and between on-campus duplex housing and adjacent single-family sites or I-405. The buffer

- shall incorporate all existing significant trees and vegetation. Where fencing is proposed, it shall be wood, unless alternative fencing is requested in writing by the adjacent neighbor and agreed to by the applicant.
- e. A 15-foot-wide landscape buffer planted pursuant to the requirements of subsections (d)(1) and (2) of this section shall be provided between on-campus duplex housing and adjacent single-family sites. The buffer shall incorporate all existing significant trees and vegetation.
 - f. New construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible.
 - g. Storm drainage plans shall accompany any applications for development permits. Said plans shall comply with the requirements of KMC Title 15.
 - h. Development permits for additional parking areas shall include a lighting plan for review and approval by the Planning Director. The lighting shall be directed such that it does not negatively impact adjacent residential areas.
 - i. All main interior streets shall maintain a driving width of 24 feet plus curb and gutter improvements on both sides of the streets, for a total of 28 feet. Widths of, and improvements to secondary streets and service roads, shall be subject to the review and approval of the Planning Director. It will be necessary for secondary streets and service roads to provide adequate clearance for emergency vehicle access.
 - j. The location, material and design of any walkway within the campus shall be at the discretion of the College and its representatives, but will be reviewed by the Planning Director; provided, that the pedestrian/bicycle path in 114th Ave. NE shall be asphalt or concrete, eight feet wide.
 - k. The “NO PARKING” signs along 110th Avenue NE, east of the men’s dormitory, shall remain indefinitely, to discourage future parking along this street.
 - l. Within 30 feet of all outer edges of the campus (except along 108th Ave. NE, 114th Ave. NE, and I-405), no institutional uses or new parking areas are permitted, including any future redevelopment of the maintenance buildings.
 - m. The housing unit, south of Gairloch, and west of 114th Ave. NE, shall be separated from abutting properties to the north and east by a dense vegetative buffer of not less than 30 feet.
 - n. Parking lots shall include landscaping islands as required by Chapter 105 KZC.
 - o. Where adjacent to existing single-family residences, existing campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen of the roadways and parking areas from the nearby residences. The amount and type of landscaping shall be subject to the review and approval of the Planning Director. An effort shall be made to reduce the amount of asphalt surfacing wherever possible.
 - p. Construction of the proposed clock tower shall be subject to the issuance of a Process IIB Permit, to be reviewed by the Houghton Community Council, the Kirkland Hearing Examiner and the Kirkland City Council.
 - q. The two westernmost campus access drives (adjacent to the Seventh Day Adventist Church and opposite 111th Ave. NE) shall be closed to general vehicle use. The driveway serving The Firs married student housing shall be relocated to lie within the 114th Ave. NE right-of-way.
 - r. The District Office shall have only one access point from 108th Avenue NE.
 - s. New buildings or building expansions must conform with design guidelines as adopted as part of the Master Plan.
 - t. The City is authorized to implement measures, identified in the approved Master Plan, to protect the surrounding neighborhood from parking impacts.
 - u. For other regulations applicable to this use, see the Master Plan approved under Resolution R-4203.

- v. Structure height shall not exceed 30 feet above average building elevation if located within 100 feet of the campus perimeter, or 40 feet above average building elevation if located greater than 100 feet from the campus perimeter.
3. Deviations from the approved Master Plan may be administratively approved by the Planning Director:
- a. Unless:
- 1) There is a change in the use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use.
 - 2) The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change; and
- b. The proposed modification or deviation satisfies all of the following:
- 1) No vehicular ingress or egress from surrounding streets may be changed.
 - 2) No roadways, parking lots or structures within 100 feet of the site perimeter may be shifted toward the perimeters. Any other shifting or improvements shall be consistent with the design concept of the College.
 - 3) No buffers shown in the approved site plan may be reduced, unless specifically authorized by some other special regulation.
 - 4) Reconfigurations of the footprint of the structures shown in the approved plan may be permitted; provided, that such changes are not apparent off-site and do not increase building height.
 - 5) Minor new structures not shown on the approved site plan may be permitted; provided, that they are at least 200 feet from the site perimeter, are not apparent from off-site and do not require the significant shifting of roadways, parking areas or other improvements.
- c. The Planning Director shall notify the Houghton Community Council in writing, at least 40 days before issuance of a decision on a request for a modification of the Master Plan.
- d. A Process IIB zoning permit review process is required:
- 1) For any change to the Master Plan that does not meet the above criteria;
 - 2) For leasing of any campus facilities to long-term tenants;
 - 3) For any increase in student population above 1,200; or
 - 4) For a change in all or any part of the Seahawks facility to a use other than a professional football team office and practice facility. (Ord. 4476 § 2, 2015)

20.10 General Regulations20.10.010 All Medium Density Residential Zones

1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density (does not apply to PLA 6F, PLA 6H, PLA 6K, PLA 7C, PLA 9 and PLA 15B zones).
3. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136, except for the following uses: KZC 20.20.060, Detached Dwelling Unit, and 20.20.180, Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit (does not apply to WD I, WD III, PLA 2, and PLA 3B zones).

20.10.020 RM, RMA Zones

1. 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.
2. 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.
3. 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 Public Park uses).
4. If the property is located in the ~~NE 85th Street Subarea~~, the following shall apply:

Rose Hill Business District (RHBD)

 - 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.

- ← Rose Hill Business District (RHBD)*
- PU-2. Within the ~~NE 85th Street Subarea~~, D.R., Chapter 142 KZC.
- PU-3. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-4. 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 combined with an assisted living facility use, the required review process shall be the least intensive process between the two uses.
- PU-5. 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.
- PU-6. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-7. Stacked Dwelling Units are not allowed.
- PU-8. a. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.
 b. West of Forbes Lake, site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of Slater Avenue NE and extending south to NE 90th Street.
 c. Adjacent to Forbes Lake, new development should provide for public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints.
 d. No vehicular connection through this subarea to NE 90th Street is permitted.
 e. Viewpoints and interpretive information around streams and wetlands should be provided where possible. These features shall be permitted only where protection of natural features can be reasonably assured.
- PU-9. Detached Dwelling Units are not allowed as part of a development containing Attached or Stacked Dwelling Units.
- PU-10. a. The hotel or motel use may include ancillary meeting and conference facilities for the resident clientele and guests of residents, but not the general public.
 b. The hotel or motel use may not include restaurant, retail, or office uses.
- PU-11. 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. The majority of the public use and access areas and off-site right-of-way improvements shall be included in the initial phases of the Final Master Plan.

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- PU-18. A community facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-19. May not include miniature golf.
- PU-20. The following accessory uses are specifically permitted as part of this use:
- Equipment storage facilities.
 - Retail sales and rental of golf equipment and accessories.
 - A restaurant.
- PU-21. Stacked dwelling units are not permitted in RM and RMA 5.0.
- PU-22. 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:
- Each development shall incorporate at least two acres; and
 - Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.
- PU-23. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.
- PU-24. For this use, only one dwelling unit may be on each lot regardless of lot size.
- PU-25. Hours of operation may be limited by the City to reduce impact on residential uses.
- PU-26. The following accessory components are permitted as part of this use:
- Retail sales and rental of sports equipment for activity conducted on the subject property.
 - A restaurant encompassing not more than 20 percent of the gross floor area of this use.
- PU-27. a. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.
 b. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.
 c. Must be located on a collector arterial or higher volume right-of-way.
 d. Placement and scale must indicate pedestrian orientation.
 e. Must mitigate traffic impacts on residential neighborhood.
 f. May not be located above the ground floor of a structure.
 g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
 h. This use is not permitted in an RM zone located within the ~~NE 85th Street Subarea~~ *Rose Hill Business District (RHBD)*
 i. Also see Chapter 83 KZC for properties in shoreline jurisdiction.
- PU-28. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:
- Boat and motor sales leasing.

25.10 General Regulations25.10.010 All High Density Residential Zones

The following regulations apply to all uses in these zones unless otherwise noted:

1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.

25.10.020 RM, RMA Zones

1. 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.

2. If the subject property is located within the ~~North~~ ^{Delete} 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.
3. 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 Public Park uses).
4. If the property is located in the ~~NE 85th Street Subarea~~ ^{← Rose Hill Business District (RHBD)}, 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 to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).
5. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
6. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.

Permitted Uses Table – High Density Residential Zones (Continued)
 (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)
 (See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		Required Review Process:									
		RM, RMA	HENC 2	PLA 5A	PLA 5D	PLA 5E	PLA 6A	PLA 6D	PLA 6I	PLA 6J	PLA 7A, B
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC					DR = Design Review, Chapter 142 KZC None = No Required Review Process				
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
25.20.100	Nursing Home	IIA 1, 3	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.110	Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	NP	NP	NP	NP	NP	NP	NP	NP	NP	None 22, 23, 24
25.20.120	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	I 11	I 11	NP	NP	NP	NP	NP	NP	NP	NP
25.20.130	Public Park	See KZC 45.50 for required review process.									
25.20.140	Public Utility	IIA 1, 8	IIA 1, 8	None	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.150	School or Day-Care Center	IIA 1, 10, 15, 16, 18, 19	IIA 1, 10, 15, 16, 18, 19	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 21, 25	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 21			

Permitted Uses (PU) Special Regulations:

Rose Hill Business District (RHBD)

- PU-1. Within the ~~NE 85th Street Subarea~~ and HENC 2, D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. 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.

- f. May not be located above the ground floor of a structure.
- g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- h. This use is not permitted in an RM zone located within the ~~NE 85th Street Subarea~~ → Rose Hill Business District (RHBD)

PU-15. May locate on the subject property if:

- a. It will not be materially detrimental to the character of the neighborhood in which it is located.
- b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.

PU-16. A six-foot-high fence is required along the property line adjacent to the outside play areas.

PU-17. Structured play areas must be set back from all property lines by five feet.

PU-18. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.

PU-19. May include accessory living facilities for staff persons.

PU-20. May locate on the subject property only if:

- a. It will serve the immediate neighborhood in which it is located; or
- b. It will not be materially detrimental to the character of the neighborhood in which it is located.

PU-21. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

PU-22. This use is permitted only in PLA 7B, extending 50 feet west of the property line adjoining 4th Street, south of 4th Avenue.

PU-23. The following regulations apply to veterinary offices only:

- a. May only treat small animals on the subject property.
- b. Outside runs and other outside facilities for the animals are not permitted.
- c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.
- d. A veterinary office is not permitted in any development containing dwelling units.

PU-24. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:

- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
- b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

PU-25. May locate on the subject property only if:

- a. It will serve the immediate neighborhood in which it is located; or
- b. It will not be materially detrimental to the character of the neighborhood in which it is located; or
- c. The property is served by a collector or arterial street.

(Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)

Permitted Uses Table – Office Zones (Continued)
 (PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PRA 2.4; PR 1.8; PRA 1.8; PLA 5B, PLA 5C; PLA 6B; PLA 15A; PLA 17A)
 (See also KZC 30.30, Density/Dimensions Table, and KZC 30.40, Development Standards Table)

Use		Required Review Process:						
		PO	PR, PRA	PLA 5B	PLA 5C	PLA 6B	PLA 15A	PLA 17A
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC		DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)				
30.20.290	Water Taxi	NP	NP	NP	NP	NP	I 16	NP

Permitted Uses (PU) Special Regulations:

Rose Hill Business District (RHBD)

- PU-1. Within the ~~NE 85th Street Subarea~~, D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. 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 less intensive process between the two uses.
- PU-4. 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.
- PU-5. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.
- PU-6. No structures, other than moorage structures or public access piers, may be waterward of the high waterline.
- PU-7. Must provide public pedestrian access as required under Chapter 83 KZC.
- PU-8. 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 property to Lake Washington Boulevard, and bus stop improvements if determined to be needed by METRO. The City shall review and approve the plan.
- PU-9. The design of the site must be compatible with the scenic nature of the waterfront.

30.20

- PU-10. 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.
- PU-11. The common recreational open space requirements may be waived if the City determines that preservation of critical areas provides a superior open space function.
- PU-12. Within the ~~NE 85th Street Subarea~~ and Yarrow Bay Business District, D.R., Chapter 142 KZC. *Rose Hill Business District (RHBD)*
- PU-13. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-14. Outdoor uses are not permitted.
- PU-15. For this use, only one dwelling unit may be on each lot regardless of lot size.
- PU-16. See Chapter 141 KZC for additional procedural requirements in addition to those on Chapter 145 KZC.
- PU-17. 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 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.
- PU-18. a. The following uses and components are also allowed:
- 1) Retail establishment.
 - 2) Office use.
 - 3) Hotel.
 - 4) Boat and motor repair and service if:
 - a) 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

- b) All dry land motor testing is conducted within a building.
 - 5) Dry land boat storage. However, stacked storage is not permitted.
 - 6) Gas and oil sales or boats if:
 - a) Storage tanks are underground and on dry land; and
 - b) The use has facilities to contain and clean up gas and oil spills.
 May have an overwater shed that is not more than 50 square feet and 10 feet high as measured from the pier deck.
 - 7) Meeting and/or special events rooms.
 - 8) Boat launching ramp if it is paved with concrete.
 - 9) School or day-care center.
 - 10) Mini-school or mini-day-care center, or day-care home.
 - b. Development must provide opportunities for public access to, use of and views of the waterfront by including all of the following elements:
 - 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;
 - b. Waterfront areas developed and open for public use;
 - c. Improvements to and adjacent to Lake Washington Boulevard which are open for public use; and
 - 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.
 - c. All nonresidential uses, except office uses, must be located and designed to have substantial waterfront orientation and accessibility from waterfront public use areas.
 - d. Marina use must comply with Chapter 83 KZC.
 - e. Must provide pumping facilities to remove effluent from boat holding tanks.
 - f. Must provide a waste oil tank.
 - g. 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 require traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts.
 - h. The regulations for this use may not be modified with a Planned Unit Development.
 - i. Restaurant uses with drive-in or drive-through facilities are not permitted in this zone.
- PU-19. A veterinary office is not permitted in any development containing dwelling units.
- PU-20. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
 - a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
 - b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
- PU-21. Primary vehicular access must be directly from 6th Street or 4th Avenue.
- PU-22. This use is not permitted in a PR 3.6 zone located in the **NE 85th Street Subarea**. *Rose Hill Business District (RHBD)*
- PU-23. May not be located above the ground floor of a structure.

40.10

40.05.010 Applicable Zones

This chapter contains the regulations for uses in the industrial zones (LIT, PLA 6G) of the City.

40.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
4. Refer to KZC 115.105 for provisions regarding outside use, activity and storage.
5. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

(Ord. 4494 § 2, 2015; Ord. 4476 § 2, 2015)

40.10 General Regulations40.10.010 LIT Zones

1. If the property is located in the NE 85th Street Subarea, the applicant shall install a through-block pedestrian pathway to connect an east-west pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE pursuant to the through-block pathway standards in KZC 105.19 (See Plate 34K).

2. Retail uses are prohibited unless otherwise allowed in the use zone tables.

40.10.020 PLA 6G Zones

1. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).
2. All vehicular access shall be from the east. The site access shall be configured to structurally prevent the use of 7th Avenue South or other residential streets (does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).

(Ord. 4494 § 2, 2015; Ord. 4476 § 2, 2015)

Permitted Uses Table – Industrial Zones (LIT, PLA 6G) (Continued)
 (See also KZC 40.30, Density/Dimensions Table, and KZC 40.40, Development Standards Table)

Use		Required Review Process:	
		LIT	PLA 6G
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)	
40.20.245	Retail Establishment Selling Marijuana or Products Containing Marijuana	None 7, 30, 31	NP
40.20.250	School or Day-Care Center	None 7, 16, 17, 18	Schools are NP, see KZC 40.20.060 for Day-Care Centers
40.20.260	Vehicle or Boat Repair, Services, Storage, or Washing	None 7, 25	NP
40.20.270	Warehouse Storage Service	None 7, 14	None 11, 12, 13, 14, 15
40.20.280	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	None 7	None 11, 12, 13, 14, 15
40.20.290	Wholesale Printing or Publishing	None 7, 14	None 11, 12, 13, 14, 15
40.20.300	Wholesale Trade	None 7, 14	None 11, 12, 13, 14, 15

Permitted Uses (PU) Special Regulations:

PU-1 – PU-6. Reserved.

PU-7. Within the ~~NE 85th Street Subarea~~, D.R., Chapter 142 KZC.

Rose Hill Business District (RHBD)

PU-8. Livestock auctions are not permitted.

PU-9. Reserved.

- Rose Hill Business District (RHBD)
- 2) Any development in the following zones within the NE 85th Street Subarea: RH 8 except development that includes lots or portions of lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and properties abutting 131st Avenue NE, PR 3.6, RM, PLA 17A.
 - 3) Any development in the MSC 1 and MSC 4 zones located within the Market Street Corridor.
2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC 142.25.
 3. Exemptions from Design Review – The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92 KZC:
 - a. Any activity which does not require a building permit; or
 - b. Interior work that does not alter the exterior of the structure; or
 - c. Normal building maintenance including the repair or maintenance of structural members; or
 - d. Any development listed as exempt in the applicable Use Zone Chart.

(Ord. 4498 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3833 § 1, 2002)

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

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

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

- a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
 - b. Design guidelines for the Rose Hill Business District (RHBD), the Totem Lake Business District (TLBD) and Yarrow Bay Business District (YBD) as adopted in KMC 3.30.040.
 - c. For review of attached or stacked dwelling units within the NE 85th Street Subarea, the PLA 5C zone, the Houghton/Everest Neighborhood Center, and the Market Street Corridor, Design Guidelines for Residential Development as adopted in KMC 3.30.040.
- Rose Hill Business District (RHBD)
2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040, by submitting an A.D.R. application on a form provided by the Planning and Building Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.
 3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and for the

Planning Official to designate which design regulations, or design guidelines, apply to the proposed development based primarily on the location and nature of the proposed development.

4. A.D.R. Approval

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

b. Additions or Modifications to Existing Buildings

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

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

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

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

(Ord. 4637 § 3, 2018; Ord. 4496 § 2, 2015; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4357 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004)

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

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

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

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

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

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

c. The Design Guidelines for Residential Development, as adopted in KMC 3.30.040, for review of attached and stacked dwelling units located within the **NE 85th Street Subarea,**

Conceptual Master Plan Conference for TL 5 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over four (4) acres in size in TL 5. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 5 zoning chart.

Conceptual Master Plan Conference for RHBD – The Design Review Board shall consider a Conceptual Master Plan (CMP) in the RH 3 zone within the NE 85th Street Subarea. The CMP shall incorporate the design considerations for the RH 3 zone set forth in the Design Guidelines for the Rose Hill Business District.

Rose Hill Business District (RHBD)

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

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

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

(Ord. 4637 § 3, 2018; Ord. 4496 § 3, 2015; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4193 § 1, 2009; Ord. 4177 § 2, 2009; Ord. 4171 § 1, 2009; Ord. 4121 § 1, 2008; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004; Ord. 3954 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002; Ord. 3814 § 1, 2001)

142.37 Design Departure and Minor Variations

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:
 - a. In the CBD and YBD: minimum required yards; and
 - b. In the Business District Core: minimum required yards, floor plate maximums and building separation requirements; and
 - c. In the RHBD, FHNC, the PLA 5C zone, the HENC, and the TLBD: minimum required yards, and landscape buffer; and

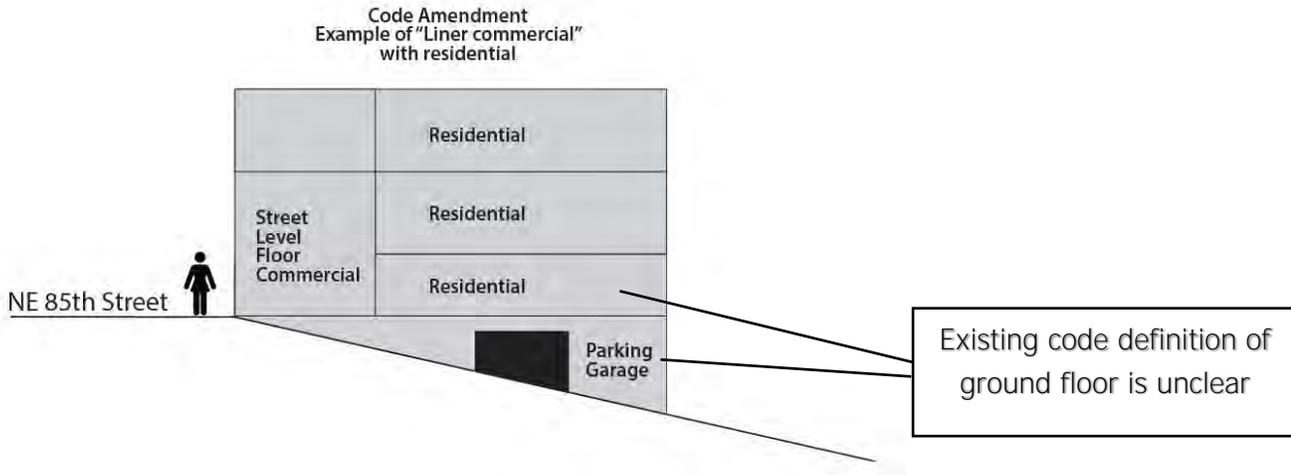
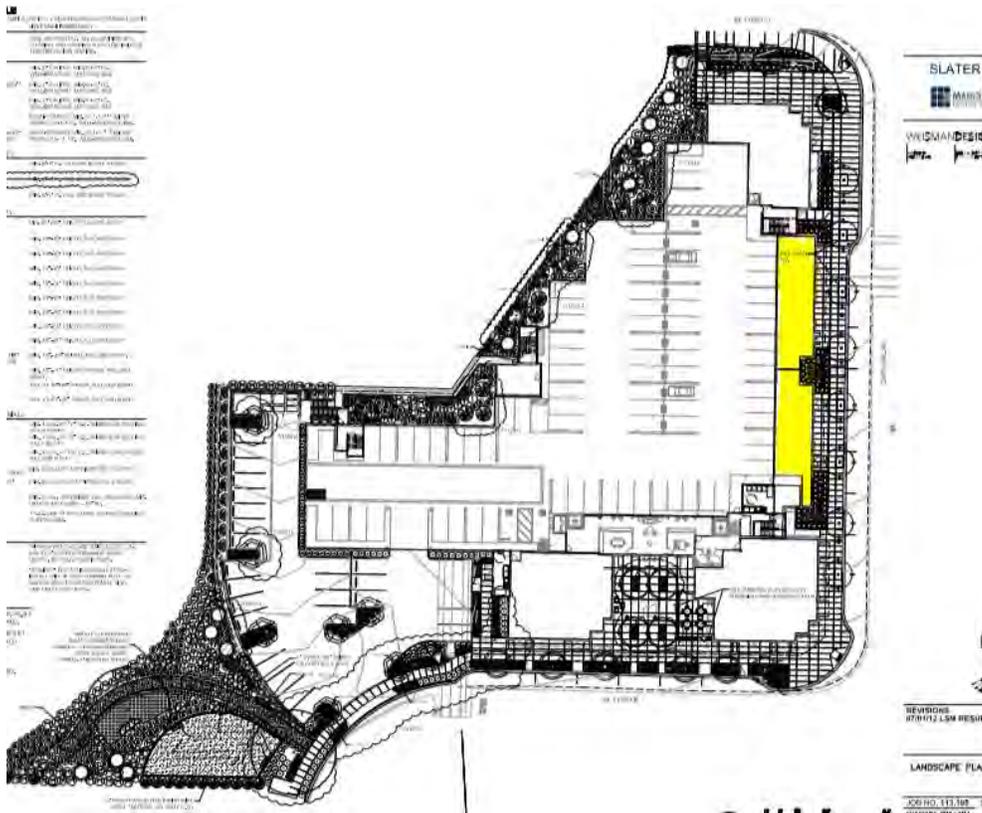


Photo examples of existing commercial buildings with street level floor orientation to street, underground parking or minimum commercial depths

Dibble office building located on sloped property on Market Street Corridor with office oriented to street and underground parking accessible from side street (alley). MSC 1 zone. MSC 1 zone does not require commercial frontage requirements with residential uses.



Slater 116th Street mixed use residential/commercial project on corner of NE 116th Street and 124th Avenue NE. With stacked dwelling units, the NRH 1 zone requires commercial frontage requirements with minimum 20 feet depth and height requirements oriented toward NE 116th Street and 124th Avenue NE. No minimum commercial width or amount is required along the property frontage, however no parking is allowed on street level unless an intervening commercial use. Residential lobbies on the street level floor not to exceed 20% of the building's linear frontage.



Excerpt From Rose Hill Neighborhood Plan- Policies that support amendments

Rose Hill Business District Policies

The boundaries of the Rose Hill Business District (are shown on RH Figure 4 and extend along the NE 85th Street corridor from I-405 on the west to 132nd Avenue NE (the Kirkland City limits and common boundary with the City of Redmond) on the east.

NE 85th Street is recognized as both a commercial area and transportation corridor serving regional and local users. The intersection of NE 85th Street and Interstate 405 is being redeveloped in conjunction with Sound Transit and the Washington State Department of Transportation to create a regional bus rapid transit system with dramatically improved transit, vehicle, pedestrian, and bicycle connectivity. The western portion of the District (nearest I-405) features major regional retail uses, and several automobile dealerships. From I-405 east to the Kirkland city limits, the commercial area generally narrows north to south and generally become less intensively developed. Other land uses in the area include retail stores, offices, and business parks, single-family homes, and multifamily housing.

Visually, the Rose Hill Business District is characterized by a variety of older strip commercial development, some newer buildings and, particularly at the east end of the Subarea, some former single-family residential structures converted to commercial use. Most of these retail and commercial buildings include little or no landscaping, and little in the way of pedestrian access.

Vision for the District

Over time, the Rose Hill Business District is envisioned to be an attractive, vibrant, transit-oriented mixed use commercial area combining housing, regional and local retailers. Large retailers continue to dominate the western half of the business district. Generally, the land uses are more intensive on the west end of the District (near the Bus Rapid Transit station and freeway) and less intensive (more neighborhood oriented) on the east end. The zoning has maintained the line between single-family residential areas, multifamily residential areas, and adjacent office/retail/commercial areas.

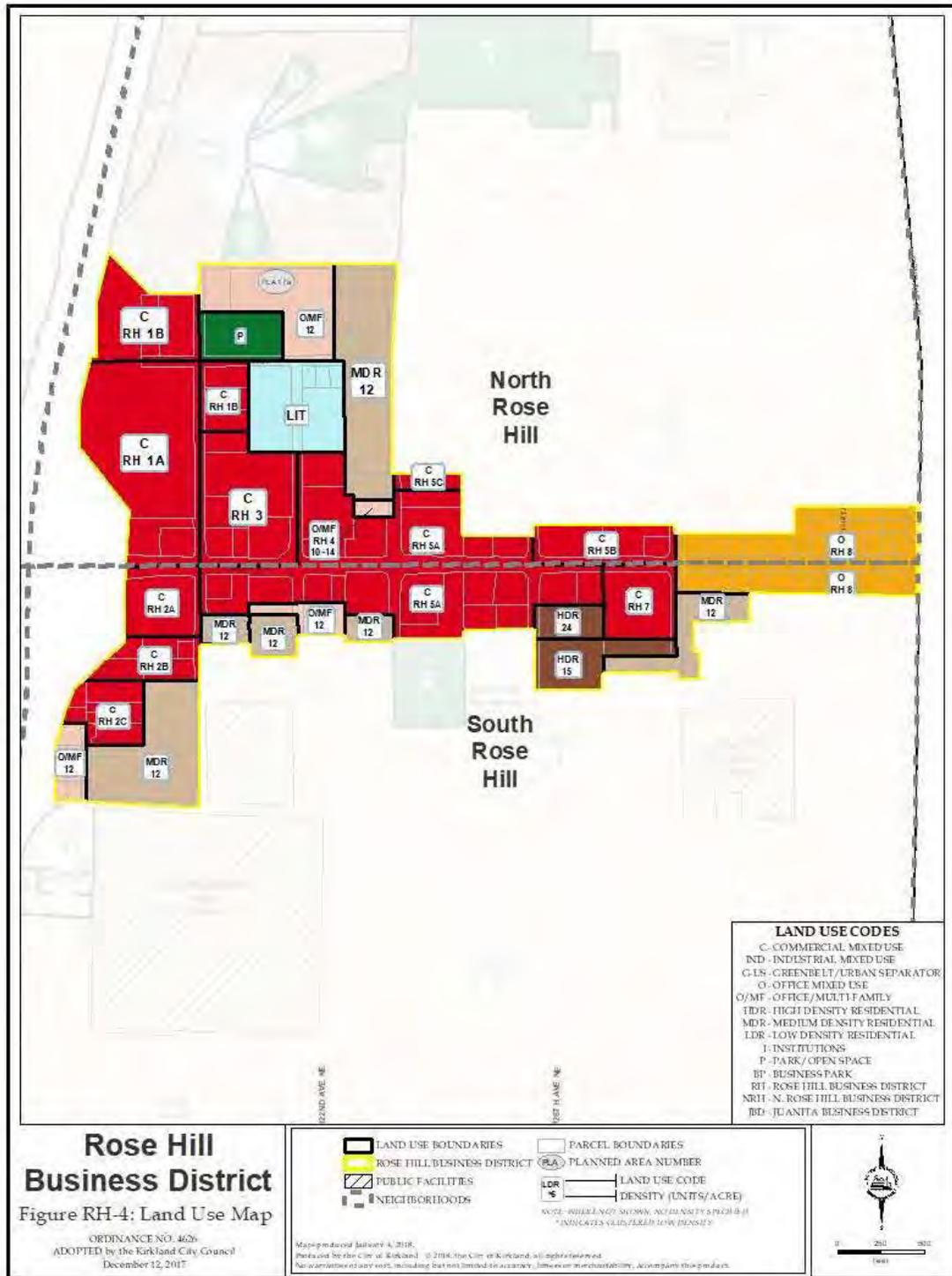
NE 85th Street itself continues to serve as a primary transportation link between Kirkland, Redmond, and the reconfigured I-405/NE 85th Street interchange with a Sound Transit station. Modifications to NE 85th Street have improved its ability to be used by pedestrians and transit, while maintaining or slightly increasing its capacity for **vehicles. Steps also have been taken to minimize "cut-through" traffic and other traffic impacts in the residential areas north and south of the business district.**

The appearance of the district, as it has evolved, has benefited from a coordinated effort by the City, business owners and property owners to improve the image of the area. As properties redevelop architectural and landscape design standards for new or remodeled retail, commercial and multifamily residential buildings have improved the appearance of the district. These standards require ample landscaping or other techniques to ease the transition between different adjacent land uses. These standards also generally require new commercial or mixed-use buildings to be oriented to the sidewalks (with parking behind or to the side), and promote neighborhood character with coordinated signage and **less of a "strip mall" feel.**

Commercial

The Rose Hill Business District including all the land along NE 85th Street itself, is designated for commercial (retail, office, and service), office, light industry/office area, or mixed commercial and multifamily uses (see RH Figure 4). The west end is the regional center portion of the District (nearest I-405). It includes several large freeway-oriented businesses with community-wide or regional markets, and several automobile dealerships. A light industry/office area includes technology, manufacturing and wholesale enterprises. The central neighborhood center and east end portions of the District also includes smaller retail stores and services with more local markets. In addition to the car dealers, there are a

number of auto-oriented stores and services (gas stations, car washes, tire stores, etc.). The District includes a small but growing amount of office space, particularly in the blocks between 120th and 124th Avenues NE.



The following policies recognize the economic significance to the City of the major regional retail uses located in the Rose Hill Business District, the importance of transit-oriented development, and enhance **the area's commercial viability while minimizing impacts on adjacent residential neighborhoods to the north, south and east.** The land use districts in RH Figure 4 and corresponding zoning designations describe the appropriate types and intensities of commercial uses, with the most intensive development adjacent to the NE 85th Street/I-405 interchange and Bus Rapid Transit, and a scaling down of development to the north, south and east.

Policies and zoning regulations encourage smaller-footprint neighborhood-serving businesses along NE 85th Street and integrated with major retail uses in the interchange area. New and remodeled commercial development is subject to appropriate architectural and site design standards in order to improve the appearance of the commercial area, and to assure appropriate transition and buffering between the commercial area and adjacent residential areas. Commercial development should not be permitted to spread beyond the existing Rose Hill Business District into adjacent residential areas.

Policy RH 20: Enhance the commercial viability of the Rose Hill Business District, while minimizing impacts on adjacent residential neighborhoods to the north, south and east.

Policy RH 21: Recognize the economic significance to the City of the major retail uses located in the Rose Hill Business District, and cooperate with these business owners to help assure their continued viability, consistent with the other goals and policies of this District.

Policy RH 22: Promote vibrant walkable employment destinations and affordable housing near the future Sound Transit Bus Rapid Transit Station near the I-405/NE 85th ST Interchange.

Policy RH 23: Utilize zoning incentives or other techniques to encourage commercial redevelopment in the District that will foster the 10 minute neighborhood concept.

Regional Center Policies

Policy 24: Establish the parameters of future transit-oriented redevelopment in RH 1, 2 and 3 in a Transit Station Area Plan that coordinates land use, transportation, economics and urban design elements in partnership with Sound Transit, King County Metro, and WSDOT. The initial stages of the Transit Station Area Plan should establish the full boundaries of the station area to fully integrate the station with the surrounding land uses.

Policy RH 25: Until the Transit Station Area Plan is adopted, the regional retail nature of this portion of the District should be preserved in order to provide regional shops and services in addition to generating sales tax revenue that is important to fund necessary City services.

Policy RH 26: In RH 1A preserve the large regional retailer.

Policy RH 27: In RH 1B limit new development in recognition of wetland and stream constraints on these properties and observe the applicable critical area regulations.

Policy 28: In RH 2A, B and C, require retail uses (including car dealer), and permit office and/or residential uses. Require retail use to be the predominant ground level use and discourage extensive surface parking lots. Encourage consolidation of properties into a coordinated site design however, discourage large, singular retail or wholesale uses through establishment of a size limitation that, in recognition of convenient access to I-405, may be greater than in the rest of the District.

Other site design considerations include the following:

- Allow a range of building height four to five stories if offices above retail or a maximum of six stories if residential above retail. Additional height may be allowed to encourage a variety of roof

forms and roof top amenities. Step back upper stories from NE 85th Street. Three stories on the south of NE 85th ST is appropriate where buildings are adjacent to existing residences.

- Limit the total floor area, separate the buildings and include ample building modulation to create open space within and around the development.
- In order to prevent commercial access to and from 118th Avenue NE, limit vehicular access to NE 85th Street and 120th Avenue NE. Allow office and residential uses and emergency vehicles to access from 118th Avenue NE.
- Encourage underground or structured parking (discourage large ground level parking lots).
- Limit the impacts of new signs to residents across 120th Avenue NE.

Policy RH 29: In RH 3 require consolidated mixed use transit oriented development with an emphasis on ground level retail and/or pedestrian amenities along street frontages to promote walkability in the neighborhood. Allow a range of building height from four to a maximum of six stories, with increased height on the northern portion of site where the ground elevation is lower. Additional height may be allowed to encourage a variety of roof forms and roof top amenities. Emphasize transit access to the Transit Station at the freeway interchange, and include connections between 120th and 122nd Avenues NE. Limit vehicular access points onto NE 85th Street.

Neighborhood Center Policies

Policy RH 30: In the core portion of the Rose Hill Business District, between 124th and 128th Avenue NE, allow general commercial uses subject to district-wide design guidelines including the following standards:

- Limit the number of driveways on NE 85th Street, and encourage existing development to consolidate driveways and curb cuts. In addition, observe the following transition standards:
- Set vehicular access points located on north-south side streets back from adjacent residential properties as much as possible without creating problems for traffic turning to and from NE 85th Street.
- Locate a heavily landscaped buffer strip along any boundary with residential properties or along streets separating commercial development from residential properties.
- Retain existing significant trees and vegetation within the buffer. Preclude this landscaped area from further development by the creation of a greenbelt protective easement.
- Keep sources of noise and light to a minimum and directed away from adjacent residential properties.
- In RH 5B east of 126th Avenue NE, restrict permitted uses to those that generate limited noise, light and glare, odor and traffic impacts. Examples of uses that would be appropriate in this area include medical/dental offices, insurance offices, dry cleaners and coffee shops.
- The low density residential parcels west of 126th Avenue NE, north and east of RH 5A and south of the parcels adjoining NE 87th Court, are appropriate for RH 5B commercial mixed use and multifamily uses subject to the following:
 - in addition to the land use restrictions listed above for RH 5B, limit development to medium density residential, 12 dwelling units per acre (attached, stacked or detached), on properties adjoining low density development, and on lots that do not abut NE 85th Street or are not consolidated with lots abutting NE 85th Street.

East End Policies

Policy RH 31: In the east end of the Rose Hill Business District in RH-8, allow a range of less intensive office, neighborhood retail, and neighborhood service uses on both sides of NE 85th Street from 128th Avenue NE to 132nd Avenue NE with the following types of businesses and site design considerations:

- Limit permitted uses to those that generate limited noise, light and glare, odor, and traffic impacts. Examples of uses that would be appropriate in this area include medical/dental offices, insurance offices, dry cleaners, and coffee shops
- Encourage property owners to aggregate their properties to allow more efficient redevelopment with fewer access points onto NE 85th Street, by providing incentives including increased building heights up to three stories with decreased front setbacks.
- Encourage new buildings to be located at the front of the lots, with parking underneath, at the rear of buildings, or between adjacent buildings. Encourage mixed-use buildings to have residential units on upper levels. Discourage single-story retail buildings.
- For lots that do not abut NE 85th Street or are not consolidated with lots abutting NE 85th Street, development should be limited to low density residential. Where properties are isolated by commercial or multifamily development, this policy does not apply.
- To minimize curb cuts on 131st and 132nd Avenues NE, combined access to provide a connection between 131st and 132nd Avenues NE should be required when properties abutting NE 85th Street are aggregated with lots not abutting NE 85th Street.
- Limit height of commercial or mixed use commercial and multifamily development to a maximum of 30 feet next to low density residential development.

General Policies

Policy RH 32: Upgrade public infrastructure to support commercial redevelopment in the District.

Policy RH 33: Expand on already-completed streetscape improvements throughout the Business District that enable pedestrians, drivers, bicyclists, and other users to have a safe, pleasant experience.

Policy RH 34: Coordinate with King County, Sound Transit and WSDOT to provide additional pedestrian amenities at transit stops.

Policy RH 35 Install a neighborhood sign and landscape entry feature on NE 85th Street, just west of 132nd Avenue NE.

Policy RH 36: Continue to work closely with business and property owners in the Rose Hill Business District, and business groups which represent them, to improve and upgrade the appearance of the District.

Policy RH 37: To the extent authorized by law, require the removal of billboards.

Policy RH 38: Underground the remainder of overhead utility lines along the NE 85th Street frontage with redevelopment, to improve public views to the west and the attractiveness of the commercial district.

Public – Planned Area 14 Lake Washington Institute of Technology

LWIT is a major public higher education institution serving the region. Located on about 55 acres, the institute is surrounded by residential development. The west side of the site is a heavily wooded steep slope area that provides a visual buffer separating the institute and the remainder of the Totem Lake Urban Center located in Rose Hill. Protected with a greenbelt easement, the hillside also contains a watercourse and functions as a wildlife corridor in an area experiencing residential infill development.

Policy RH 44: Recognize and promote the role the Institute of Technology plays in the Rose Hill neighborhood, the wider Kirkland community and in the region.

Policy RH 45: Seek partnership opportunities between LWIT and the City on educational, technical, recreational, and social service initiatives.

Policy RH 46: Encourage LWIT to continue to provide community meeting facilities for the neighborhood and the City.

Policy RH 47: Actively promote the expansion of the LWIT into an active, walkable, transit-supportive campus environment with housing affordable to students and staff and allow future housing partnerships for public employees.

Policy RH 48: Ensure that any Institute of Technology expansion is compatible with the surrounding residential neighborhood and protects the natural greenbelt easement on the western slope. Expansion should prioritize the redevelopment potential of existing surface parking areas. If necessary, allow additional height in lieu of expansion into the greenbelt easement. Allow limited encroachment into the greenbelt easement if sufficient development potential cannot be achieved in the already-developed area, subject to environmental assessment.

Policy RH 49: Provide public review of major expansion of the institute. Mitigation may be required for impacts of the proposed expansion and, where feasible, the existing use, including correcting parking lot design and landscaping deficiencies.

*Policy RH 50: Encourage LWIT to provide bike and pedestrian connections through the campus that **connect with the surrounding neighborhoods, and integrate with, and help expand, the City's network of Neighborhood Greenways.** Connect 132nd Avenue NE on the east side of the campus to Slater Avenue NE to the west, and connect the campus to NE 113th Place at the southwest corner. See Figures RH14 and RH 16*

Policy RH 51: Allow no additional driveway access to 132nd Avenue NE to maintain traffic flow and safety on the arterial.

From: [Morrison, Amy](#)
 To: [Janice Coogan](#); [Thomas, Bill](#)
 Subject: RE: Proposed draft Zoning Code amendments to PLA 14 related to LWIT
 Date: Thursday, February 28, 2019 10:59:18 AM
 Attachments: [image003.png](#)
[image001.png](#)

Okay thank you Janice for sharing the portion of the Rose Hill Neighborhood Plan that pertains to College, I appreciate it.

Amy

Dr. Amy Morrison | President



Office of the President | West Building 301
 11605 132nd Avenue NE | Kirkland, WA 98034
 T: (425) 739-8200 | amy.morrison@lwtech.edu
www.LWTech.edu | [@LWTechPrez](https://twitter.com/LWTechPrez)

From: Janice Coogan [<mailto:JCoogan@kirklandwa.gov>]
Sent: Wednesday, February 27, 2019 4:15 PM
To: Morrison, Amy <Amy.Morrison@lwtech.edu>; Thomas, Bill <Bill.Thomas@lwtech.edu>
Subject: RE: Proposed draft Zoning Code amendments to PLA 14 related to LWIT

Amy and Bill,

I forwarded your email to the Planning Commissioners, and I wanted to respond to your comments with a few points. I'm not sure you have seen the final version of the policies in the Rose Hill Neighborhood Plan related to the LWIT adopted in December 2018, so I've attached a copy. I believe in the final policies, we did take into consideration your comments to Joan in November. The draft code amendments for the PLA 14 zone basically incorporate the adopted policies into code requirements. Depending on the extent of your campus expansion and environmental studies, I believe the draft regulations would allow you to do what you want to. The regulations are intended to establish the priorities for evaluating future campus expansion. You would need to make a case why you couldn't utilize the existing developed portions of the site before needing to go into the hillside.

Janice Coogan

Senior Planner
 City of Kirkland Planning and Building Department
 123 Fifth Avenue Kirkland WA 98033

425.587.3257

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From: Morrison, Amy <Amy.Morrison@lwtech.edu>
Sent: Monday, February 25, 2019 3:29 PM
To: Janice Coogan <JCoogan@kirklandwa.gov>; Thomas, Bill <Bill.Thomas@lwtech.edu>
Cc: Adam Weinstein <AWeinstein@kirklandwa.gov>
Subject: RE: Proposed draft Zoning Code amendments to PLA 14 related to LWIT

Good Afternoon Janice,

Thanks for letting me know on your progress made. Once again, I am going to raise concerns the restrictive language under PU-18: d. I have raised this concern previously as well (please see below).

The reality is that building housing on the majority of the greenbelt is improbable due to the steep slope. With that said, there are some areas in which housing could be located that would create some buffer to the rest of the campus and create an esthetically pleasing living environment versus building in the middle of our parking lots.

I ask that this be conveyed to the Commissioners again please.

Thank you again,
 Amy

Dr. Amy Morrison | President



Office of the President | West Building 301
 11605 132nd Avenue NE | Kirkland, WA 98034
 T: (425) 739-8200 | amy.morrison@lwtech.edu
www.LWTEch.edu | [@LWTEchPrez](https://twitter.com/LWTEchPrez)

From: Goings, Amy [<mailto:Amy.Goings@lwtech.edu>]
Sent: Friday, November 02, 2018 8:50 AM

To: Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>
Cc: Thomas, Bill <Bill.Thomas@lwtech.edu>
Subject: RE: Rose Hill Neighborhood Plan - LWIT proposed policies

Hi Joan, thanks for your email. I plan to be at the City Council meeting on the 20th.

In addition, we are fine with this addition but would prefer that "as a last resort" be removed. And instead have the last sentence read Allow limited encroachment into the greenbelt easement subject to environmental assessment and recognition of the importance to protect this area.

We agree that the greenbelt is important however if we are held to a last resort standard, which is subjective, that may restrict our options for housing on campus.

Please let me know if I can assist further.

Amy

Dr. Amy Morrison Goings | President
 Office of the President | West Building W301
 11605 132nd Avenue NE | Kirkland, WA 98034
 T: 425.739.8200 | amy.goings@lwtech.edu | www.LWTech.edu | @LWTechPrez

From: Janice Coogan [<mailto:JCoogan@kirklandwa.gov>]
Sent: Tuesday, February 19, 2019 3:29 PM
To: Morrison, Amy <Amy.Morrison@lwtech.edu>; Thomas, Bill <Bill.Thomas@lwtech.edu>
Subject: Proposed draft Zoning Code amendments to PLA 14 related to LWIT

Amy and Bill,

For your information, are attached draft code amendments for the PLA 14 zone that we plan to take to the Planning Commission for a study session on February 28, 2019 along with other code amendments in the Rose Hill Neighborhood. We wanted to give you an early view of the amendments.

The code amendments are intended to implement the adopted policies in the Rose Hill Neighborhood Plan, amendment requests from you, or city staff initiated to clarify the ground floor/street level requirements in the Rose Hill Business District. The full Planning Commission meeting packet for the study session will be available by Friday afternoon February 22 on the Planning Commission's webpage. Here's a [link](#).

Give me a call if you have questions. You are welcome to attend the study session or send a comment email directly to PlanningCommissioners@kirklandwa.gov.

Here is the tentative schedule for the next steps:

- March 28 public hearing before the Planning Commission
- April 16 final adoption by City Council

Of course, this schedule may change depending on the direction we receive from the Planning Commission, City Council or the amount of public interest.

Janice Coogan

Senior Planner

City of Kirkland Planning and Building Department

123 Fifth Avenue Kirkland WA 98033

425.587.3257

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From: [Adam Weinstein](#)
 To: [Janice Coogan](#); [Angela Ruggeri](#)
 Cc: [Jeremy McMahan](#)
 Subject: FW: Rose Hill Business Code Amendments
 Date: Thursday, February 28, 2019 2:38:02 PM

. . . . one more.

Adam

Adam Weinstein, AICP
Director of Planning and Building

City of Kirkland
 123 5th Avenue
 Kirkland, WA 98033

(425) 587-3227
aweinstein@kirklandwa.gov

From: Anthony Shoumikhin <anthony@shoumikh.in>
Sent: Thursday, February 28, 2019 11:08 AM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

To whom it may concern:

1. Currently, all of the zones being changed can have apartments as dense as a developer wants. I don't want Rose Hill to be densely populated and oppose unlimited density for apartments.
2. A loophole in the proposed changes allows apartments on the first floor on 85th Street as long as there are "some" businesses. I don't want first floor apartments on 85th Street.
3. The city government wants to add as many apartments as possible, even on the first floor starting about 30 feet from 85th Street. That will add many more people and result in apartments lacking privacy and security. I don't want first floor apartments along the streets intersecting 85th Street. I want either 50% or 100% businesses and offices on the first floor.
4. Buildings in Rose Hill have a maximum height starting from the average height of the ground, but when built on a slope they can tower over adjacent homes. I think Rose Hill should have rules to protect the privacy, noise level, and solar access for homes at the bottom of a slope. I want rules for buildings on slopes.

Regards,
 Anton Shumikhin
 12717 NE 94th Ct
 Kirkland, WA 98033

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From: [Jeremy McMahan](#)
 To: [Janice Coogan](#)
 Subject: FW: Rose Hill Rezoning
 Date: Tuesday, March 19, 2019 5:07:15 PM

From: AT&T Yahoo Mail <cr8tive@frontier.com>
Sent: Tuesday, March 19, 2019 4:05 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>
Subject: Rose Hill Rezoning

Dear Kirkland Planning Commission Members,

I am Lynn Armstrong and I have lived at 8534 131st AVE NE for 25 years. My property is on the NW corner of the proposed Continental Divide project and have great concerns about this high density project.

I participated in the city sponsored Solarize Kirkland project and have been stunned to discover that the city does NOT support this project nor protect residents' solar access after we have made a significant investment that was advertised to increase our green energy revenues as well as increase our property values. This proposed project will significantly impact my solar access causing a huge shadow on my whole yard for a significant time during the year. I am asking you to **protect current residents like myself with a solar easement** that would move this proposed project away from the property line and limit the height next to single family homes.

I am concerned with the limited notification provided by the city on this project. We have had concerns since hearing about this in June of 2018 that residents are not notified appropriately. Our neighbors have felt and expressed that the city has not been forthcoming on communication regarding changes for codes and zoning and this is another example. I receive an email from the city yesterday about this meeting. **One day notice is not adequate.**

This proposed zoning and terminology change is not acceptable. Making changes to benefit the developers who are not originally adhering to code, zoning and neighborhood plans should not be how the City of Kirkland functions. The applicant was vested under the existing zoning regulation.

- The east end of the Business corridor is designed to be low density and needs to remain this way.
- This project was labeled Office and now it is proposed to be unlimited density mixed use. Keep the current restriction of "no residential on the ground floor"
- Do not change the definition of ground floor to street level. **Ground floor is ground floor.**
- A building of this size will impact the character of neighborhood and encroaching on the privacy, solar access, and current residents' quality of life in this area of single family homes. **Keep the height limit to 30 feet and do not allow for exceptions.** Reorienting the plan to have tallest structures on the south side of this property would provide more of a transition into our neighborhood.
- A transition between main street commerce and residential need to be maintained and protected.
- Increase traffic from 134 apt will significantly impact our ability to enter and exit 131st AVE NE and the lack of sufficient parking will increase street parking in front of our home, both will have an impact our children's safety.

We are not opposed to reasonable development in scale with a neighborhood. This project is out of scale and violate the spirit and intent of the zoning code and Rose Hill design standards and City Plan. **Do not make changes to the zoning, standards and plan to accommodate the developers.** Please help protect the Rose Hill neighborhood and keep Kirkland a safe and enjoyable place to live. Thank you for your time.

Lynn Armstrong

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From: [Joan Lieberman-Brill](#)
 To: [Janice Coogan](#)
 Subject: FW: Rose Hill Code Amendments
 Date: Thursday, February 28, 2019 3:01:59 PM

FYI

From: Erik Carlson <erik.carlson86@gmail.com>
Sent: Thursday, February 28, 2019 3:00 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Rose Hill Code Amendments

Hello,

I am a resident on NE 88th Street here in Kirkland and as such will be directly impacted by the amendments being discussed in regard to the North Rose Hill planning changes.

Like many of my neighbors, I echo their same concerns and criticisms in how these plans have been handled so far. One of my neighbors, Olivia, has done a through job of comprising some of our prevailing concerns in her own comment. I would like to echo these sentiments as I feel the care and attention used in it are outside my capabilities.

Specify Lot Size for Stacked Dwelling Units:

Because the Lot Size for Stacked Dwellings is written as “None” on the existing and proposed Use Zone Chart for RH-8, the density is unlimited. This zone needs a minimum lot size to prevent inappropriately dense developments in RH-8. The zones of MSC-1 and MSC-4 are comparable to RH-8, because they abut Market Street and are also zoned “Office Mixed Use.” As examples, their minimum lot sizes per Stacked Dwelling unit:

- MSC-1: 3,600 sq. ft.
- MSC-4 west of Market Street: 3,600 sq. ft.
- MSC-4 east of Market Street: 1,800 sq. ft.

I am not necessarily suggesting these minimums, but I am suggesting that a minimum be established.

Specify Commercial Frontage Width:

The proposed code amendment for Stacked Dwellings in RH-8 establishes a minimum depth and minimum average depth but doesn’t establish a width nor does it define how much commercial use is required. All but three* of Kirkland’s zones requiring commercial frontage define commercial frontage as 100% by omitting Stacked Dwellings from the street level floor uses like this: “The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Hotel or Motel; Entertainment, Cultural and/or Recreational Facility; or Office” (KZC 54.08 5a)

Then outlining the exception for street level residences as needing a commercial buffer from the street like this:

“Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above.” (KZC 54.08 5b)

RH-8 should include this pattern of language to reflect other zones and prevent a loophole in which a building could be designed with a 4-foot-wide and 30-foot-deep commercial space. Such a loophole exists in TL-6A and TL-6B and should be closed there also.

**Three zones that don't require or define 100% commercial frontage width: TL-6A and TL-6B which have unspecified width and YBD-1 which has at least 50% width.*

Specify Percentage of Commercial at Street Level:

The zone abutting RH-8 to the west is RH-7. Its General Regulations include a minimum of 50% of the total gross floor area on the ground floor be commercial use.

“At least 50 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, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).” (KZC 53.72.4)

I propose adding this pattern of language (replacing the list of commercial uses with those allowed in RH-8) to RH-8, because:

1. The more residences an area adds, the more walkable commercial services will be needed.
2. Commercial uses are pedestrian-friendly, which is a stated goal for the Rose Hill Business District
3. Residences are not pedestrian-friendly because residences are not useful pedestrian destinations like a commercial use could be.
4. Residences at the street level lack privacy and security.

Specify Conditions for Slopes:

Buildings on slopes are not addressed in the “Height of Structure” column on Kirkland’s Use Zone Charts. There should be language defining the height of buildings on slopes, because facades on slopes that abut low density zones can tower above homes at the bottom of the slope. I propose using language like this to address slopes (with 30’ as an example):

“30' above average building elevation. No façade abutting a low-density zone shall exceed 30' unless that façade is set back from the property line of the low-density zone by the same amount as that façade’s height.”

For example, a 50-foot-tall façade could abut a low-density property if it was 50’ from the property line. This is intended to protect the privacy, noise level, and solar access of low-density properties.

Thank you for your time and patience,

Erik Carlson

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From: [Joan Lieberman-Brill](#)
 To: [Janice Coogan](#)
 Subject: FW: Concerns for Rose Hill Rezone
 Date: Thursday, February 28, 2019 2:53:02 PM

FYI

From: Jackie Kilby <jaccki01@gmail.com>
Sent: Thursday, February 28, 2019 2:51 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Concerns for Rose Hill Rezone

Hello,

I am a resident at 12861 NE 88th St here in Kirkland, on the lovely Rose Hill. I (like many people) have some concerns I would like to voice regarding the idea to rezone this area.

Specify Percentage of Commercial at Street Level:

The zone abutting RH-8 to the west is RH-7. Its General Regulations include a minimum of 50% of the total gross floor area on the ground floor be commercial use.

“At least 50 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, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).” (KZC 53.72.4)

I propose adding this pattern of language (replacing the list of commercial uses with those allowed in RH-8) to RH-8, because:

1. The more residences an area adds, the more walkable commercial services will be needed.
2. Commercial uses are pedestrian-friendly, which is a stated goal for the Rose Hill Business District
3. Residences are not pedestrian-friendly because residences are not useful pedestrian destinations like a commercial use could be.
4. Residences at the street level lack privacy and security.

Specify Conditions for Slopes:

Buildings on slopes are not addressed in the “Height of Structure” column on Kirkland’s Use Zone Charts. There should be language defining the height of buildings on slopes, because facades on slopes that abut low density zones can tower above homes at the bottom of the slope. I propose using language like this to address slopes (with 30’ as an example):

“30' above average building elevation. No façade abutting a low-density zone shall exceed 30' unless that façade is set back from the property line of the low-density zone by the same amount as that façade's height.”

For example, a 50-foot-tall façade could abut a low-density property if it was 50' from the property line. This is intended to protect the privacy, noise level, and solar access of low-density properties.

Thank you for your consideration in this matter.

Sincerely,
Jacqueline Kilby

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From: [Lenae Nofziger](#)
To: [Janice Coogan](#)
Subject: Housing at Lake Washington Institute of Technology
Date: Monday, March 18, 2019 7:16:14 PM

Hello,

I fully support the idea of building campus housing at Lake Washington Institute of Technology. This would serve those who work there well and would prevent them from having to commute long distances. It's a good use of resources and a win-win for both the school and its faculty, staff, and students.

All the best,
Lenae Nofziger
Kirkland, WA

Lenae Nofziger

Associate Professor | Department of English

Assistant Dean | College of Arts & Sciences

Office 425-889-5730

lenae.nofziger@northwestu.edu | northwestu.edu

US News & World Report Best Value

From: [Jeremy McMahan](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Wednesday, March 20, 2019 9:07:33 AM

From: Lynda Riversinc <riversinc2@gmail.com>
Sent: Tuesday, March 19, 2019 9:29 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

Dear Planning Commission,

I m writing in regards to proposed Rose Hill Business Code Amendments. I am opposed to allowing apartments on the first floor of any of the new proposed buildings, I see no reason for it. it seems to me the community is better served to keep any of these new buildings on Rose Hill as mixed use, with businesses on the ground floor. I can only guess that you are making these changes to keep some large cooperate builder happy, which is so very wrong. You are suppose to be here for the community as a whole, not some big builder best interest. also, (I know this is most likely the wrong email for all of this) two other issues for any of these large proposed building period. Traffic (you keep added housing etc with out improving the infrastructure - people don't all take buses, even when they do *they still have cars!*) and second, affordability. We don't need more high end apartments period, we need something low and even mid cost - over building will not create this, but the permit process could.... *please consider it.*

As long as you keep building without improving the infrastructure any, or maintaining a place for small business to operate, you will be making this city unlivable - or close to it.

Please keep me informed of any future decisions made in regards to the Rose Hill Neighborhood.

Lynda Myra / Kirkland resident since 1983

riversinc2@gmail.com

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From: [Jeremy McMahan](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Wednesday, March 20, 2019 9:07:33 AM

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Sent: Tuesday, March 19, 2019 9:29 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

Dear Planning Commission,

I m writing in regards to proposed Rose Hill Business Code Amendments. I am opposed to allowing apartments on the first floor of any of the new proposed buildings, I see no reason for it. it seems to me the community is better served to keep any of these new buildings on Rose Hill as mixed use, with businesses on the ground floor. I can only guess that you are making these changes to keep some large cooperate builder happy, which is so very wrong. You are suppose to be here for the community as a whole, not some big builder best interest. also, (I know this is most likely the wrong email for all of this) two other issues for any of these large proposed building period. Traffic (you keep added housing etc with out improving the infrastructure - people don't all take buses, even when they do they still have cars!) and second, affordability. We don't need more high end apartments period, we need something low and even mid cost - over building will not create this, but the permit process could.... *please consider it.*

As long as you keep building without improving the infrastructure any, or maintaining a place for small business to operate, you will be making this city unlivable - or close to it.

Please keep me informed of any future decisions made in regards to the Rose Hill Neighborhood.

Lynda Myra / Kirkland resident since 1983

riversinc2@gmail.com

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From: [Joan Lieberman-Brill](#)
 To: [Janice Coogan](#)
 Subject: FW: Proposed amendments to Rose Hill Neighborhood
 Date: Thursday, February 28, 2019 4:25:27 PM

FYI

From: Linda Young <youngym64@gmail.com>
Sent: Thursday, February 28, 2019 4:19 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Proposed amendments to Rose Hill Neighborhood

Dear Kirkland Planning Commission Members,

I am submitting the following public comment regarding the proposed code amendments to the Rose Hill Neighborhood.

I am most concerned about RH-8. Crucial attributes are unspecified in RH-8 which could allow for properties that invade the privacy, solar access, quality of life, vehicle access, noise levels, and property values for low density neighborhoods abutting RH-8. Especially concerning is that these new buildings are being placed in single family, residential areas. For example, the apartment complex proposed for the corner of 132nd and 85th. This development will impede the entering/exiting of residents of 131st and 87th streets. Increasing the allotted size of this complex will further impede an already impossible traffic situation especially considering there are no amendments for traffic flow.

I recommend these attributes be specified:

Specify Lot Size for Stacked Dwelling Units:

Because the Lot Size for Stacked Dwellings is written as “None” on the existing and proposed Use Zone Chart for RH-8, the density is unlimited. This zone needs a minimum lot size to prevent inappropriately dense developments in RH-8. The zones of MSC-1 and MSC-4 are comparable to RH-8, because they abut Market Street and are also zoned “Office Mixed Use.” As examples, their minimum lot sizes per Stacked Dwelling unit:

- MSC-1: 3,600 sq. ft.
- MSC-4 west of Market Street: 3,600 sq. ft.
- MSC-4 east of Market Street: 1,800 sq. ft.

I am not necessarily suggesting these minimums, but I am suggesting that a minimum be established.

Specify Commercial Frontage Width:

The proposed code amendment for Stacked Dwellings in RH-8 establishes a

minimum depth and minimum average depth but doesn't establish a width nor does it define how much commercial use is required. All but three* of Kirkland's zones requiring commercial frontage define commercial frontage as 100% by omitting Stacked Dwellings from the street level floor uses like this:

"The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Hotel or Motel; Entertainment, Cultural and/or Recreational Facility; or Office" (KZC 54.08 5a)

Then outlining the exception for street level residences as needing a commercial buffer from the street like this:

"Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above." (KZC 54.08 5b)

RH-8 should include this pattern of language to reflect other zones and prevent a loophole in which a building could be designed with a 4-foot-wide and 30-foot-deep commercial space. Such a loophole exists in TL-6A and TL-6B and should be closed there also.

**Three zones that don't require or define 100% commercial frontage width: TL-6A and TL-6B which have unspecified width and YBD-1 which has at least 50% width.*

Specify Percentage of Commercial at Street Level:

The zone abutting RH-8 to the west is RH-7. Its General Regulations include a minimum of 50% of the total gross floor area on the ground floor be commercial use.

"At least 50 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, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC)." (KZC 53.72.4)

I propose adding this pattern of language (replacing the list of commercial uses with those allowed in RH-8) to RH-8, because:

1. The more residences an area adds, the more walkable commercial services will be needed.
2. Commercial uses are pedestrian-friendly, which is a stated goal for the Rose Hill Business District
3. Residences are not pedestrian-friendly because residences are not useful pedestrian destinations like a commercial use could be.
4. Residences at the street level lack privacy and security.

Specify Conditions for Slopes:

Buildings on slopes are not addressed in the “Height of Structure” column on Kirkland’s Use Zone Charts. There should be language defining the height of buildings on slopes, because facades on slopes that abut low density zones can tower above homes at the bottom of the slope. I propose using language like this to address slopes (with 30’ as an example):

“30’ above average building elevation. No façade abutting a low-density zone shall exceed 30’ unless that façade is set back from the property line of the low-density zone by the same amount as that façade’s height.”

For example, a 50-foot-tall façade could abut a low-density property if it was 50’ from the property line. This is intended to protect the privacy, noise level, and solar access of low-density properties.

Please consider these proposals as they are intended to protect the Rose Hill neighborhood, clearly define requirements for developers, and keep Kirkland a pleasant place to work and live.

Sincerely,
Linda Young
13004 NE 87th St Kirkland WA 98033

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From: [Adam Weinstein](#)
 To: [Janice Coogan](#); [Angela Ruggeri](#)
 Cc: [Jeremy McMahan](#)
 Subject: FW: Rose Hill Business Code Amendments
 Date: Thursday, February 28, 2019 2:34:49 PM
 Attachments: [image001.png](#)

. . . another comment for tonight.

Adam

Adam Weinstein, AICP
Director of Planning and Building

City of Kirkland
 123 5th Avenue
 Kirkland, WA 98033

(425) 587-3227
aweinstein@kirklandwa.gov

From: Marie Fromm <msf@mariefromm.com>

Sent: Thursday, February 28, 2019 11:35 AM

To: Adam Weinstein <AWeinstein@kirklandwa.gov>; Angela Rozmyn <ARozmyn@kirklandwa.gov>; Carter Bagg <CBagg@kirklandwa.gov>; Colleen Cullen <CCullen@kirklandwa.gov>; Glenn Peterson <GPeterson@kirklandwa.gov>; John Tymczyszyn <JTymczyszyn@kirklandwa.gov>; Mathew Pruitt <MPruitt@kirklandwa.gov>; Sandeep Singhal <ssinghal@kirklandwa.gov>

Subject: Rose Hill Business Code Amendments

Greetings,

As the homeowner of 12861 NE 88th St, I have concerns about this zoning change. Placing high density housing - without appropriate limits - adjoining low density neighborhoods such as ours destroys our quality of life, impairs vehicle access, creates noise and will reduce our property values.

- Specify Reasonable Lot Size for Stacked Dwelling Units on RH-8 to prevent inappropriately dense dwelling units
 - The Lot Size for Stacked Dwellings is written as “None” on the existing and proposed Use Zone Chart for RH-8, the density is unlimited. This zone needs a minimum lot size to prevent inappropriately dense developments in RH-8
- Specify Commercial Frontage Width for the RH-8 to prevent developer loopholes:
 - The proposed code amendment for Stacked Dwellings in RH-8 establishes a minimum depth and minimum average depth but doesn’t establish a width nor does it define how much commercial use is required.

- Specify Percentage of Commercial at Street Level
 - The more residences an area adds, the more walkable commercial services will be needed. Residences on the ground floor are not pedestrian-friendly because residences are not useful pedestrian destinations like a commercial use could be.
 - First floor Commercial uses are pedestrian-friendly, which is a stated goal for the Rose Hill Business District. Specifying the majority as Commercial Frontage Width is vital.

- Specify Conditions for Slopes
 - Buildings on slopes are not addressed in the “Height of Structure” column on Kirkland’s Use Zone Charts. There should be language defining the height of buildings on slopes, because facades on slopes that abut low density zones can tower above homes at the bottom of the slope
 - eg: “30’ above average building elevation. No façade abutting a low-density zone shall exceed 30’ unless that façade is set back from the property line of the low-density zone by the same amount as that façade’s height.”

Please consider these proposals as they are intended to protect the Rose Hill neighborhood, clearly define requirements for developers, and keep Kirkland a pleasant place to work and live.

Thank you,

- Marie Fromm & Connie Eronson
12861 NE 88th St, Kirkland, WA

0 L L more L 5, 20 King I- unit 1G unit of 1R- per I	1. This use may not be located on the ground floor of a structure. The street level floor of the building shall include commercial use. The commercial use shall be oriented toward NE 85 th Street and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street). Lobbies for this use are allowed within the commercial frontage, provided they do not exceed 20 percent of the building's linear commercial frontage along the street. The Planning Director or Design Review Board 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 the design of the retail frontage will maximize visual interest. 1-2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 1. This use may not be located on the ground floor of a structure. The street level floor of the building shall include commercial use. The commercial use shall be oriented toward NE 85 th Street and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street). Lobbies for this use are allowed within the commercial frontage, provided they do not exceed 20 percent of the building's linear commercial frontage along the street. The Planning Director or Design Review Board 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 the design of the commercial frontage will maximize visual interest. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 1. No parking is required for day-care or school ancillary to the use.
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to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

From: [Adam Weinstein](#)
To: [Janice Coogan](#); [Angela Ruggeri](#)
Cc: [Janice Coogan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Thursday, February 28, 2019 2:35:58 PM

From: Olga Sirenko <olga@shoumikh.in>
Sent: Thursday, February 28, 2019 11:27 AM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

To whom it may concern:

1. Currently, all of the zones being changed can have apartments as dense as a developer wants. I don't want Rose Hill to be densely populated and oppose unlimited density for apartments.
2. A loophole in the proposed changes allows apartments on the first floor on [85th Street](#) as long as there are "some" businesses. I don't want first floor apartments on [85th Street](#).
3. The city government wants to add as many apartments as possible, even on the first floor starting about 30 feet from [85th Street](#). That will add many more people and result in apartments lacking privacy and security. I don't want first floor apartments along the streets intersecting [85th Street](#). I want either 50% or 100% businesses and offices on the first floor.
4. Buildings in Rose Hill have a maximum height starting from the average height of the ground, but when built on a slope they can tower over adjacent homes. I think Rose Hill should have rules to protect the privacy, noise level, and solar access for homes at the bottom of a slope. I want rules for buildings on slopes.

Regards,
Olga Sirenko
[12717 NE 94th Ct](#)
[Kirkland, WA 98033](#)

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From: [Joan Lieberman-Brill](#)
 To: [Janice Coogan](#)
 Subject: FW: Public Comment on Rose Hill Business Code Amendments
 Date: Wednesday, February 27, 2019 12:51:26 PM

FYI

From: Olivia A <okayall@outlook.com>
Sent: Wednesday, February 27, 2019 12:46 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>
Subject: Public Comment on Rose Hill Business Code Amendments

Dear Kirkland Planning Commission Members,

I am submitting the following public comment regarding the proposed code amendments to the Rose Hill Neighborhood.

I am most concerned about RH-8. Crucial attributes are unspecified in RH-8 which could allow for properties that invade the privacy, solar access, quality of life, vehicle access, noise levels, and property values for low density neighborhoods abutting RH-8. I recommend these attributes be specified:

Specify Lot Size for Stacked Dwelling Units:

Because the Lot Size for Stacked Dwellings is written as “None” on the existing and proposed Use Zone Chart for RH-8, the density is unlimited. This zone needs a minimum lot size to prevent inappropriately dense developments in RH-8. The zones of MSC-1 and MSC-4 are comparable to RH-8, because they abut Market Street and are also zoned “Office Mixed Use.” As examples, their minimum lot sizes per Stacked Dwelling unit:

- MSC-1: 3,600 sq. ft.
- MSC-4 west of Market Street: 3,600 sq. ft.
- MSC-4 east of Market Street: 1,800 sq. ft.

I am not necessarily suggesting these minimums, but I am suggesting that a minimum be established.

Specify Commercial Frontage Width:

The proposed code amendment for Stacked Dwellings in RH-8 establishes a minimum depth and minimum average depth but doesn’t establish a width nor does it define how much commercial use is required. All but three* of Kirkland’s zones requiring

commercial frontage define commercial frontage as 100% by omitting Stacked Dwellings from the street level floor uses like this:

“The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Hotel or Motel; Entertainment, Cultural and/or Recreational Facility; or Office” (KZC 54.08 5a)

Then outlining the exception for street level residences as needing a commercial buffer from the street like this:

“Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above.” (KZC 54.08 5b)

RH-8 should include this pattern of language to reflect other zones and prevent a loophole in which a building could be designed with a 4-foot-wide and 30-foot-deep commercial space. Such a loophole exists in TL-6A and TL-6B and should be closed there also.

**Three zones that don't require or define 100% commercial frontage width: TL-6A and TL-6B which have unspecified width and YBD-1 which has at least 50% width.*

Specify Percentage of Commercial at Street Level:

The zone abutting RH-8 to the west is RH-7. Its General Regulations include a minimum of 50% of the total gross floor area on the ground floor be commercial use.

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I propose adding this pattern of language (replacing the list of commercial uses with those allowed in RH-8) to RH-8, because:

1. The more residences an area adds, the more walkable commercial services will be needed.
2. Commercial uses are pedestrian-friendly, which is a stated goal for the Rose Hill Business District
3. Residences are not pedestrian-friendly because residences are not useful pedestrian destinations like a commercial use could be.
4. Residences at the street level lack privacy and security.

Specify Conditions for Slopes:

Buildings on slopes are not addressed in the “Height of Structure” column on Kirkland’s Use Zone Charts. There should be language defining the height of buildings on slopes, because facades on slopes that abut low density zones can tower above

homes at the bottom of the slope. I propose using language like this to address slopes (with 30' as an example):

“30' above average building elevation. No façade abutting a low-density zone shall exceed 30' unless that façade is set back from the property line of the low-density zone by the same amount as that façade's height.”

For example, a 50-foot-tall façade could abut a low-density property if it was 50' from the property line. This is intended to protect the privacy, noise level, and solar access of low-density properties.

Please consider these proposals as they are intended to protect the Rose Hill neighborhood, clearly define requirements for developers, and keep Kirkland a pleasant place to work and live.

Sincerely,

Olivia Ahna

8402 132nd Ave NE

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From: [Jeremy McMahan](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Tuesday, March 19, 2019 1:56:29 PM

-----Original Message-----

From: Paula Christiansen <pkmmad001@frontier.com>
Sent: Tuesday, March 19, 2019 1:46 PM
To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>
Subject: Rose Hill Business Code Amendments

Dear Commissioners,

Although I am nostalgic for the "old" Kirkland, I agree that we need greater residential density. However, I think we need to support opportunities for residents to meet and mingle. Those opportunities, I believe, are provided in public spaces such as shops (including full-scale grocery stores and drugstores) and restaurants and small parks and community centers (including libraries, senior centers, performance spaces, and places of worship, among others). They are NOT provided by uninterrupted miles of apartment buildings.

Therefore I think that Kirkland is not best served by having large blocks of residence-only buildings. Even in mixed-use buildings, I don't think first-floor apartments are best use of the space along public streets.

I ask that you forbid residences on the ground floor of apartment/mixed-use buildings adjacent to a public street.

I also don't want to subsidize the developers (and add to residential tension) by allowing them to depend upon street parking for their tenants'/clients' needs, so I ask that you require that adequate, even ample, parking be provided on the property being developed.

Thank you.

Paula Christiansen

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From: [Rex Rempel](#)
To: [Janice Coogan](#)
Subject: housing at Lake Washington Tech
Date: Monday, March 18, 2019 7:06:27 PM

I think it's a great idea to permit campus housing for Lake Washington. We need affordable housing. I have lived in faculty housing at Northwest U (also in Kirkland) for 17 years, and it has been a god-send. It has allowed us to live where we work. This meant having 1 less car and saving hundreds of hours every year. If not for this, we'd have to live an hour away possibly.

I am all for LWTech getting campus housing, if they see fit.
Rex Rempel
Kirkland, WA

Rex Rempel, LICSW
Social worker and professor of Behavioral Health
RexR.MSW@gmail.com
(206) 639-5625

From: [Joan Lieberman-Brill](#)
To: [Janice Coogan](#)
Subject: FW: Rose Hill Business Code Amendments
Date: Thursday, February 28, 2019 12:15:13 PM
Attachments: [February 28_KirklandPlanning.docx](#)

FYI

From: Michele Westmorland <michele@westmorlandimages.com>
Sent: Thursday, February 28, 2019 12:14 PM
To: planningcommissioners@kirkland.gov; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; kttriplett@kirkland.gov
Subject: Rose Hill Business Code Amendments

Please see the attached letter of concern for the planning meeting to be held this evening at Kirkland City Hall.

Michele Westmorland



Director/Photographer

Phone: 425-896-8113

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From: [Joan Lieberman-Brill](#)
 To: [Janice Coogan](#)
 Subject: FW: Rose Hill Code Amendments
 Date: Wednesday, March 13, 2019 4:01:35 PM
 Attachments: [image001.png](#)
[image002.png](#)

FYI

From: Roger Wright <wright.roger15@gmail.com>

Sent: Wednesday, March 13, 2019 3:56 PM

To: Planning Commissioners <PlanningCommissioners@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Adam Weinstein <AWeinstein@kirklandwa.gov>; Kurt Triplett <KTriplett@kirklandwa.gov>

Subject: Rose Hill Code Amendments

Good afternoon Planning Commission,

I recently attended the 3.5 hour Code Amendments meeting to unfortunately hear the agenda quickly skim through the proposed changes to RH 8, even though that was the reason the vast majority of the crowd was in attendance. I will not be able to attend the public hearing, so I wanted to voice my concerns to you ahead of time. The comment that put things into perspective for me is that the proposed project in RH 8 has a density of almost 60 units per acre (133 units over 2.26 acres), located almost 1 mile from I-405 and the proposed BRT station. This seems like there is an unintentional loophole that directly contradicts the RH 8 Design Guidelines (below) which states "Small Scale Mixed Use" and "Lower Intensity." Further, as part of the last meeting, Colleen started, to general agreement from the commission, that higher density should be aggregated closer to I-405. Please consider one of the following for RH-8:

1. Do not make proposed changes and instead clearly define ground floor as the level adjacent to 85th. By doing that, no residential will be allowed on the ground floor, and the ceiling height must be 15 feet. That would only allow one level of residential above the commercial to fit into the 30 ft height requirements. The way the current zoning stands, developers attempt to call the parking garage "ground level" so they don't have to abide by the 15 ft height minimum on the first level and then they can maximize density on upper levels. If you don't believe me, this is a direct quote from Merit Homes to the City (that was obtained from a public records request), arguing for their parking garage (which is below 85th Street) to be Ground Level, hence allowing residential units at the level of 85th without the 15 ft first floor height requirements:

"The term "ground floor" may be open to interpretation. Continental Divide interprets "ground floor" to mean, in this case, the access through the garage on 132nd, which is the main North South street with multiple lanes and a traffic light at 85th."

2. Make RH-8 consistent with the rest of 85th whereas 50% of street level must be commercial. By having only 20-30 ft of commercial, it allows a developer to put up a thin commercial facade to disguise a large multifamily development which contradicts the overall plan to make the east end more pedestrian friendly. Similar to point 3 below, it also creates unevenness along 131st st.

Policy/ Regulatory Document	Zoning District				
	RH3	RH5A	RH5B	RH7	RH8
Design Guidelines	<ul style="list-style-type: none"> Identified for Master Plan development Commercial use emphasized Combination regional & neighborhood-oriented businesses 	<ul style="list-style-type: none"> West of 124th Ave NE: Combination regional & neighborhood-oriented businesses East of 124th Ave NE: Neighborhood oriented businesses Pedestrian-friendly storefronts on NE 85th Street 	<ul style="list-style-type: none"> Neighborhood-oriented businesses Pedestrian-friendly storefronts on NE 85th Street 	<ul style="list-style-type: none"> Neighborhood-oriented businesses Pedestrian-friendly storefronts on NE 85th Street 	<ul style="list-style-type: none"> Lower intensity More residential in design Small family businesses Service Small scale mixed use Commercial use oriented to NE 85th Street.
Existing Zoning	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	50% of ground floor of all structures must be retail, restaurants or hotel/motel and oriented to NE 85 th Street or another sidewalk or pathway.	Ground floor shall include commercial use oriented to NE 85 th Street. Residential use not allowed on the ground floor. No restaurant or retail above ground floor*
Proposed Zoning	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	50% of street level floor of all structures must be retail, restaurants or hotel/motel. Oriented to NE 85 th Street or another sidewalk or pathway.	Street level floor shall include commercial use oriented to NE 85 th Street with a minimum depth of 20' and average depth of 30'. No restaurant or retail above street level floor*

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