



**MEMORANDUM**

**To:** Design Review Board  
**From:** Tony Leavitt, Senior Planner  
**Date:** December 6, 2019  
**File No.:** DRV19-00677  
**Subject:** **6700 108<sup>th</sup> AVENUE OFFICE BUILDING  
CONCEPTUAL DESIGN CONFERENCE**

**I. MEETING GOALS**

At the December 16, 2019 Design Review Board (DRB) meeting, the DRB should review the concept design for the 6700 108<sup>th</sup> Avenue Office Building Project. At the meeting, the DRB should determine:

- A. How the design guidelines affect or pertain to the proposed development.
- B. Determine which guidelines apply to the proposed development.
- C. Determine what other application materials are needed for the Design Response Conference.

**II. BACKGROUND INFORMATION**

The subject property is located at 6700 108<sup>th</sup> Avenue NE (see Attachment 1). The applicant is proposing to construct a 3-story building with two stories of office above a level of structured parking and office space. Vehicular access to the property is proposed from 108<sup>th</sup> Avenue NE. The applicant has provided a program description and general project information which includes three building massing options (see Attachment 2). The applicant's preferred building massing option is shown as Scheme 3.

**III. SITE**

The subject property (containing 10,632 square feet) currently contains a surface parking lot with a commercial food truck parked on site. The site elevation has a gradual upward elevation change from 108<sup>th</sup> Avenue NE to the east edge of the property. The property has street frontage along 108<sup>th</sup> Avenue NE. The street is designated as a minor arterial street.

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

South and East: PR 3.6, 30-foot max, currently developed as office developments

North: HENC 3, 30-foot max, currently developed as a gas station

West: HENC 1, 35-foot max, currently developed as Houghton Shopping Center

Additional photographs prepared by the applicant that show the surrounding properties are contained in Attachment 2.

#### IV. **KEY ZONING REGULATIONS**

Zoning regulations for uses in the Houghton Everest Neighborhood Center (HENC) 3 zone are found in the use-zone chart (see Attachment 3). The following regulations are important to point out as they form the basis of any new development on the site.

- A. Permitted Uses: Permitted uses in this zone include but are not limited to office, commercial and residential. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to a pedestrian-oriented street, a major pedestrian sidewalk, a through-block pathway or the Cross Kirkland Corridor.

*Staff Comment: The applicant is proposing an office use.*

- B. Height: The HENC 3 zone allows a maximum height of 30 feet as measured above the average building elevation (ABE). Adjacent to 108th Avenue NE any portion of a structure greater than two stories in height must be stepped back from the facade below by an average of 15 feet with a minimum step back of five feet. The Design Review Board is authorized to allow rooftop deck and/or garden structures within the step back area.

*Staff Comment: The applicant will need submit height calculations with the Design Response Conference application. Staff will review the project for compliance with the City's height and step back regulations during the Design Response phase.*

- C. Setbacks: The required setbacks are 10 feet from 108th Avenue NE front property line and 0 feet from all other property lines.

*Staff Comment: The applicant's preferred design scheme complies with setback requirements.*

- D. Parking: The project is required to comply with the following parking standards for office uses:

- 1 stall per 300 square feet of gross floor area for general office uses.
- 1 stall per 200 square feet of gross floor area for medical, dental, or veterinarian office uses.

*Staff Comment: The applicant will be required to demonstrate compliance with applicable City parking requirements.*

- E. Right-of-Way Improvements: The Public Works Department is requiring that the project dedicate a 12-foot wide easement along the 108<sup>th</sup> Avenue frontage for future right-of-way improvements. A 5-foot wide sidewalk will be located along the frontage.

*Staff Comments: The applicant is showing the easement as part of the design documents.*

#### V. **DESIGN GUIDELINES FOR PEDESTRIAN-ORIENTED BUSINESS DISTRICTS**

The project will be reviewed for consistency with the Design Guidelines for Pedestrian-Oriented Business Districts. The following is a list of key design issues and/or design techniques that should be addressed with this project.

- Building Location and Orientation
- Public Improvements (Sidewalks and Street Trees)
- Pedestrian Connections, Lighting, and Amenities

- Blank Wall Treatment
- Residential Open Space
- Parking Lots and Vehicular Circulation
- Architectural Style and Scale
- Human Scale
- Building Details and Materials
- Signs
- Visual Quality of Landscapes

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

## **VI. CONTEXT**

The context or setting in which the proposed development will be located is important in determining the appropriate design regulations that would apply. The following are several questions that are geared towards identifying the physical environment around and on the subject property. These questions will help supplement the discussion on the key design guidelines appropriate for the proposed project.

### **A. How does the site relate to its surroundings?**

The applicant and Design Review Board should discuss the physical and built environment on and around the subject property. Topics include height of neighboring structures, topography, and landscaping.

### **B. What are the Opportunities and Constraints of the Site and Vicinity given the following topics?**

- Streetscape
- Urban Form
- Activities and Uses in the area
- Pedestrian Patterns and Environment
- Character of Adjacent Buildings
- Landscaping/Open Space

## **VII. DISCUSSION ISSUES**

The role of the DRB at the Conceptual Design Conference is to help determine how the design guidelines found in the Pedestrian-Oriented Design Guidelines apply to the proposed development. The following sections and questions below are representative of the City's design guidelines. These questions are to be used as a tool to help identify how design guidelines would apply to the proposed project.

### **A. Scale**

1. What are the key vantages of the project?
2. Identify appropriate mitigation techniques for building massing of the proposed buildings. Possible techniques include vertical and horizontal modulation, corner treatment, and roof forms. The applicant has provided several massing schemes including a preferred option for the DRB's review and comment (see Attachment 2).

**B. Pedestrian Access**

1. How does the proposed massing and location of structures relate or respond to the pedestrian environment?
2. What are opportunities for pedestrian oriented spaces at the street level?
3. What are the key pedestrian connections?
4. How would the project engage pedestrians?

**C. Open Space and Landscaping**

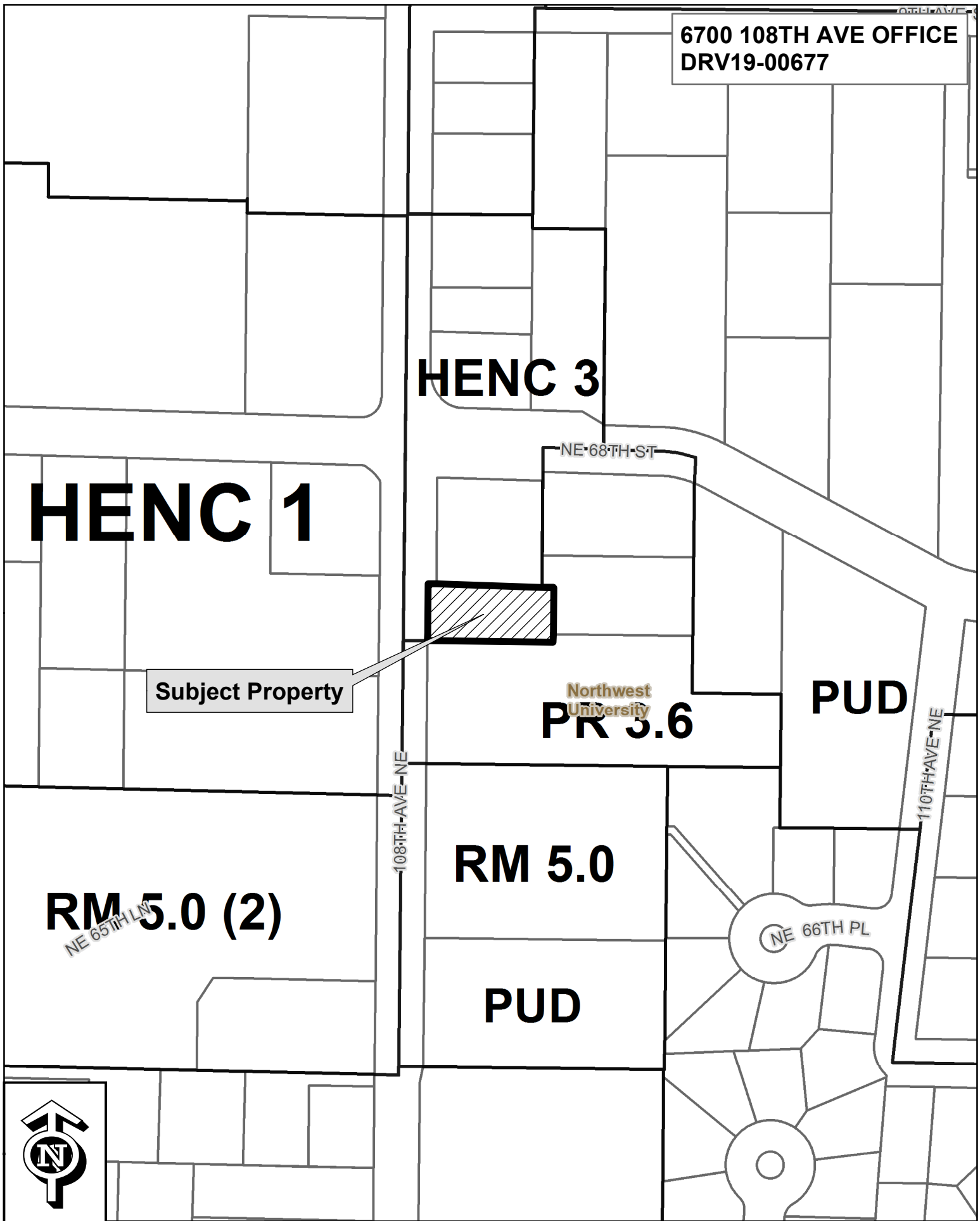
What are opportunities for landscaping and/or open space on the subject property?

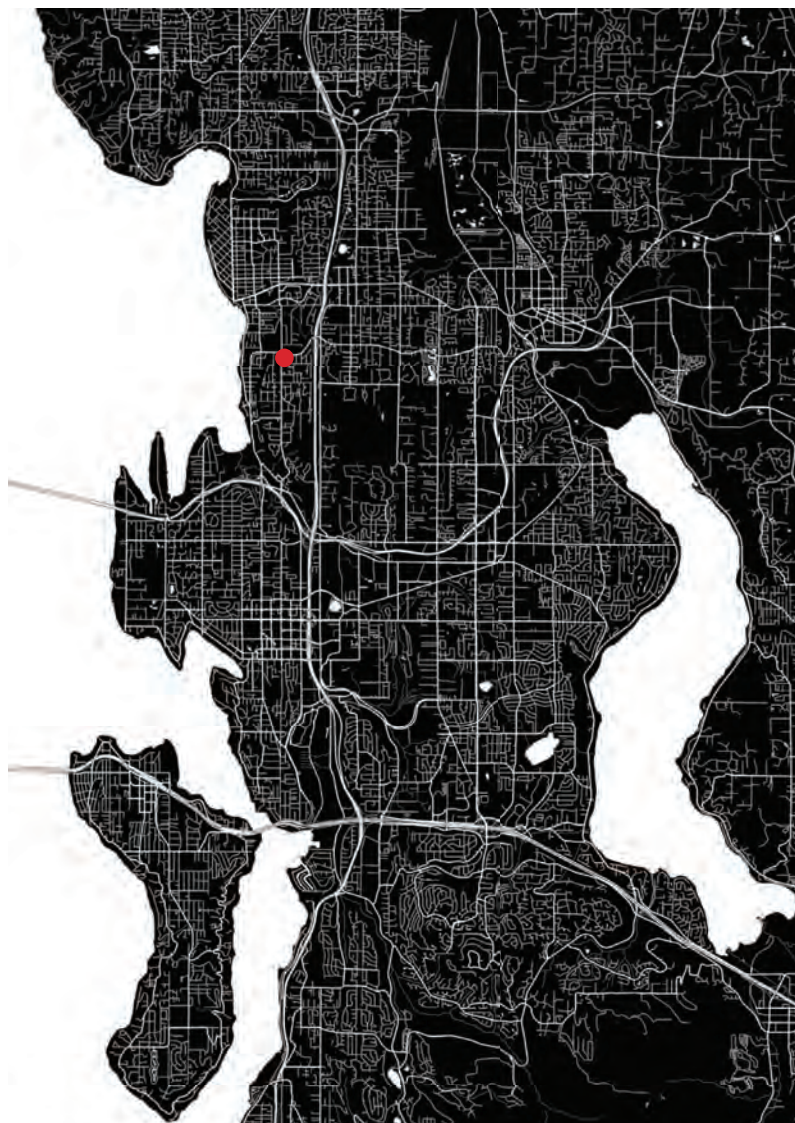
**VIII. ITEMS REQUIRED FOR DESIGN RESPONSE CONFERENCE**

The Design Review Board shall determine what models, drawings, perspectives, 3-D SketchUp model, or other application materials the applicant will need to submit with the design review application.

**IX. ATTACHMENTS**

1. Vicinity Map
2. CDC Plan Submittal
3. HENC 3 Use Zone Chart





2	LOCATION OVERVIEW
3	SITE CONTEXT
4-5	ZONING CODE ANALYSIS
6	PRELIMINARY PLANS
7-9	DESIGN SCHEMES
10	SUMMARY





- 1 Current Site, Looking SE across 108th
- 2 Current Site, Looking N from 108th
- 3 Vicinity Map







- 1 Site Vicinity Connections
- 2 Site Access & Adjacent Uses

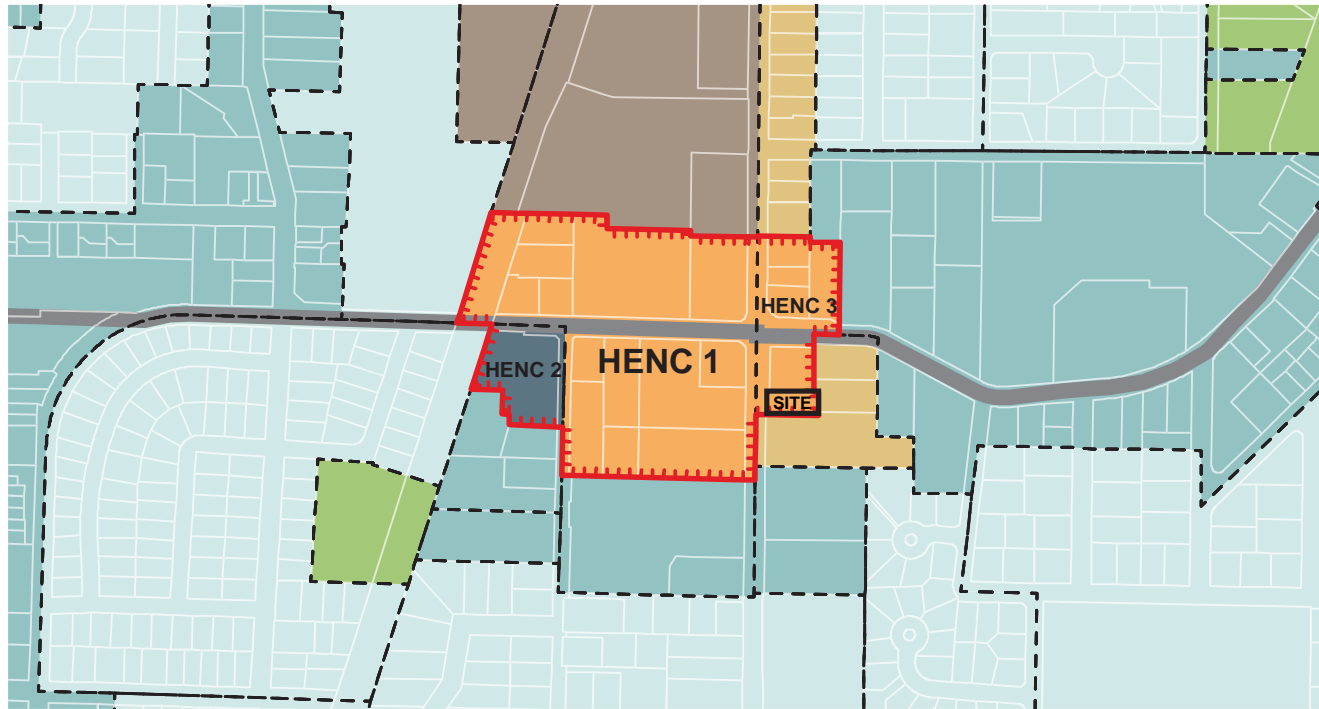


- Site
- Primary Street
- Bus Stop









- Commercial
- Office

- ➡ Pedestrian Access
- ➡ Existing Vehicle Access
- ➡ Views to Lake Washington





ZONING & SURROUNDING AREAS

	Low Density Residential		Parks
	Medium Density Residential		Commercial Mixed Use
	High Density Residential		Office Mixed Use
	Design District		Industrial Mixed Use



### ZONING REQUIREMENTS FOR HENC 3

#### SETBACKS

Front: 10'  
Side: 0'  
Rear: 0'

\*Minimum 14-foot-wide sidewalks are required along 106th Avenue NE, 108th Avenue NE and 6th Street South on the side of the right-of-way that abuts HENC 1; and on both sides of NE 68th Street.

#### HEIGHT LIMITS

30' above A.B.E.

\*Adjacent to NE 68th Street, 106th Avenue NE, 108th Avenue NE, 6th Street South and the Cross Kirkland Corridor (CKC), any portion of a structure greater than two stories in height must be stepped back from the facade below by an average of 15 feet with a minimum step back of five feet.

#### LOT COVERAGE

80%

#### PROPOSED USE

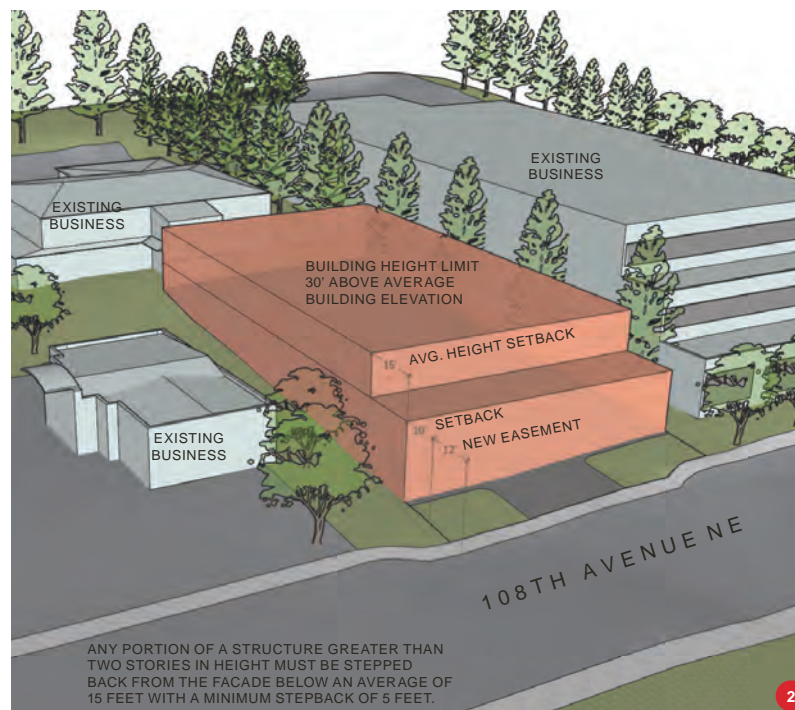
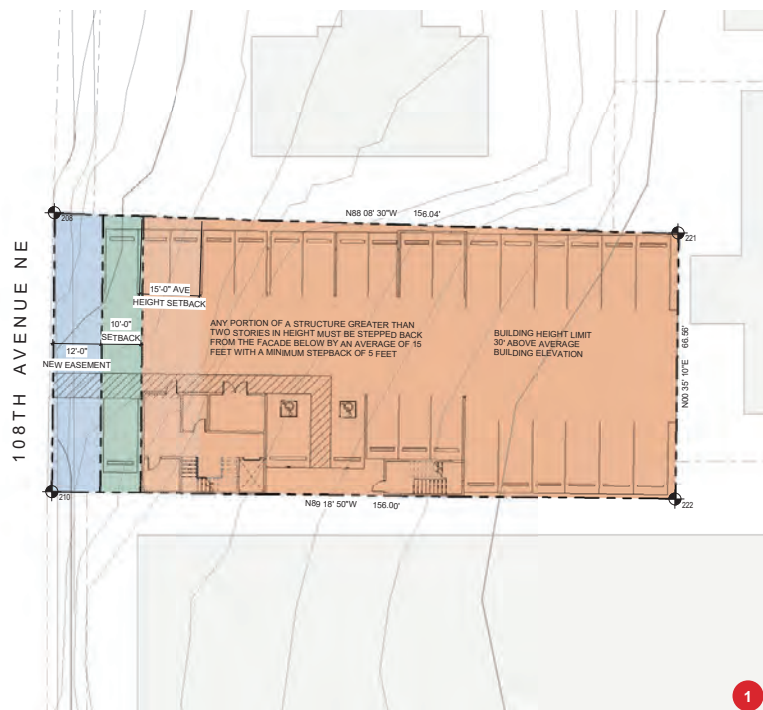
Office Use - Allowed with Design Review

#### PARKING REQUIREMENTS

1 space required per 300 sq.ft. of gross floor area.

May develop & designate up to 50% compact stalls.

Barrier free parking standards per Washington State regulations for barrier-free.



- 1 Zoning Envelope Plan Diagram
- 2 Zoning Envelope Aerial Diagram

# PROPOSED PROJECT INFORMATION

## **BUILDING GROSS AREA**

Ground Floor	900 SF
Second Floor	4,050 SF
Third Floor	4,050 SF
<b>TOTAL</b>	<b>9,000 SF</b>

## **PARKING REQUIRED**

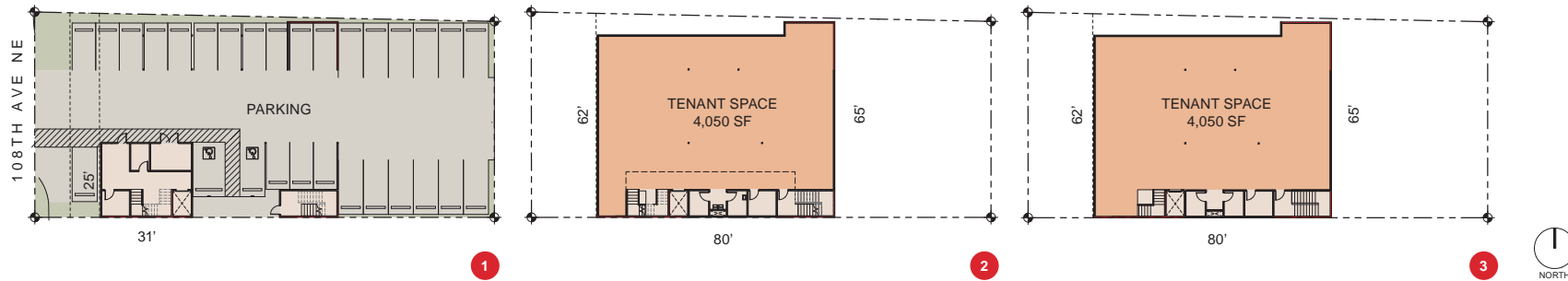
Gross Area / 300 SF  
9,000 SF / 300 SF/Stall = 30 Stalls

## **PARKING PROVIDED**

Compact:	14 Stalls
Standard:	13 Stalls
Barrier-Free:	2 Stalls
<b>TOTAL:</b>	<b>29 Stalls</b>

Dedicated Bicycle Parking: -1 Required Stall

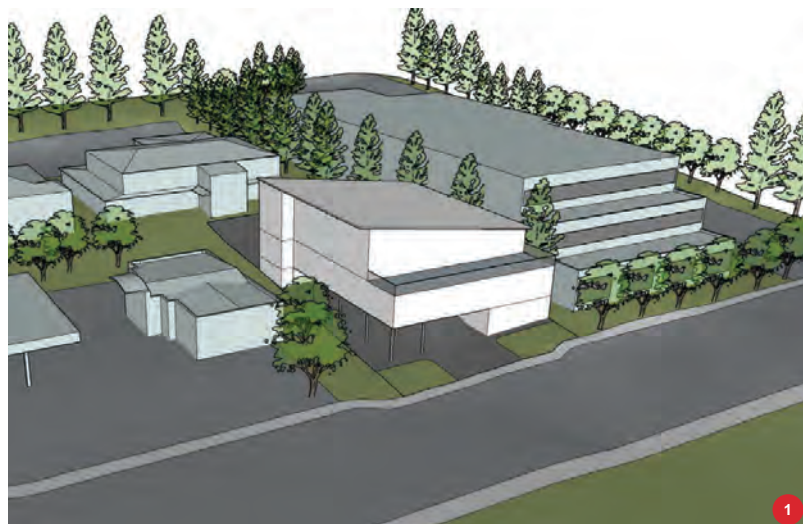
- 1 Ground Floor
- 2 Second Floor Plan
- 3 Third Floor Plan





## SCHEME 1

Scheme 1 strictly follows the provisions of the zoning code including the 15' upper level setback on the third floor. The ground floor consists of tuck-under parking stalls with a small building lobby. The second and third floors are full office floors. The third floor has a full width rooftop deck.



1



2

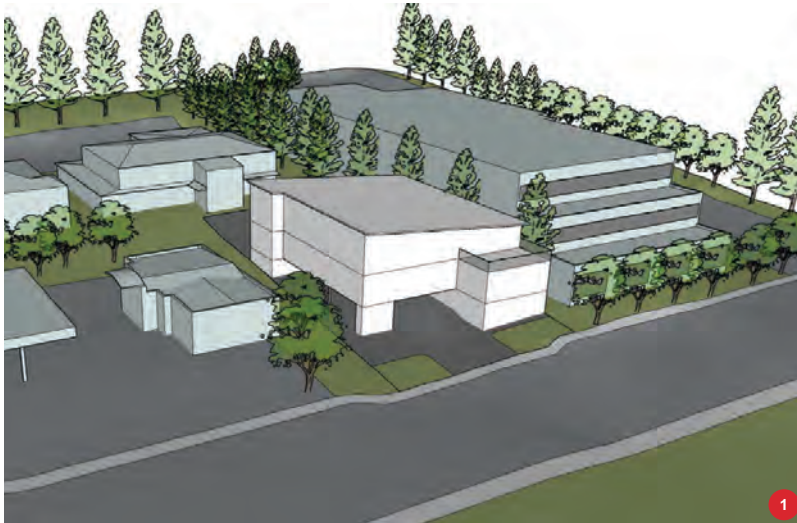


3

- 1 Aerial View Looking Southeast
- 2 West View
- 3 North View

## SCHEME 2

Scheme 2, simplifies the building massing and reduces the size of the upper level deck. The entire north portion of the facade is stepped back 15' in lieu of only stepping back the third story. The second and third floors are full office floors. This scheme maximizes the building envelope while still allowing for a smaller upper floor exterior deck.

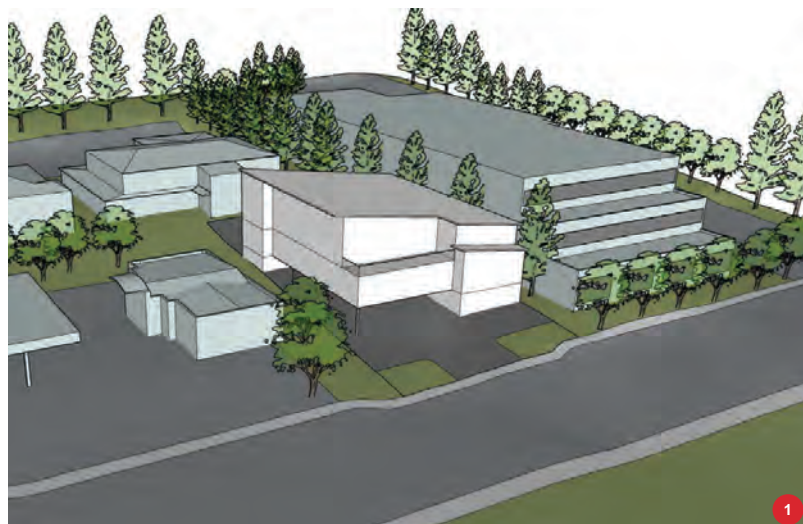


- 1 Aerial View Looking Southeast
- 2 West View
- 3 North View



### SCHEME 3 - PREFERRED

Scheme 3, the preferred option, introduces a lower, sloped roof over the building entry on the south west corner of the project. The upper level step-back is reduced to 5 feet on the south side of the upper level, and 15 feet+ on the north. This scheme extends the sloped roof to cover the rooftop deck. Additionally, the entire building is moved back on the site to align with the facade of the building to the south. This increases the front yard setback by approximately 15 feet. The area in front of the building would be used for visitor parking and landscaped areas.



1



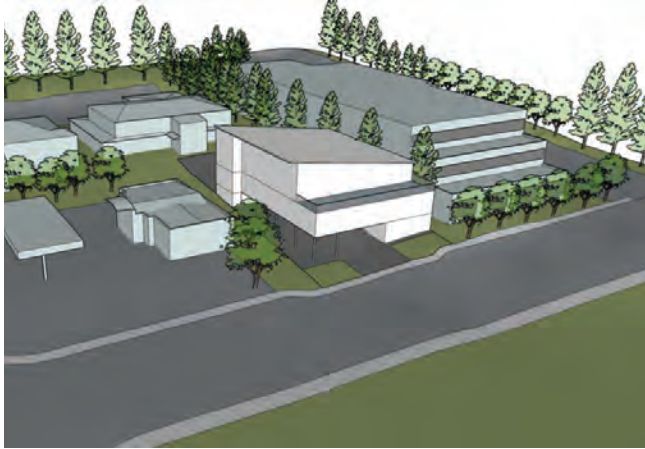
2



3

- 1 Aerial View Looking Southeast
- 2 West View
- 3 North View





SCHEME 1

**PROS**

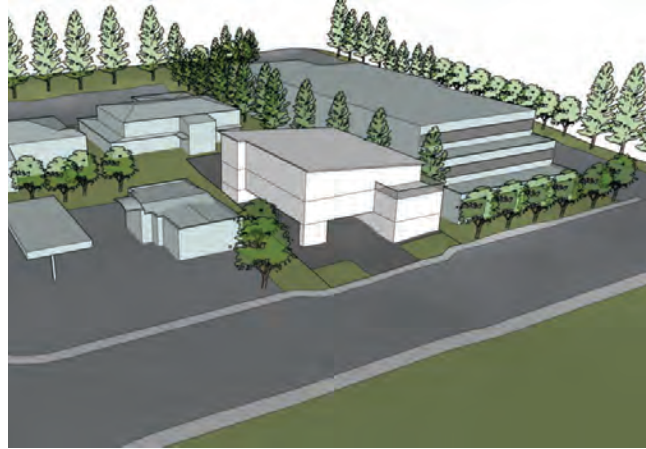
- Adheres to zoning code upper level step-back
- Provides large deck
- No design departures required

**CONS**

- Building entry is not readily apparent
- Deck is larger than required for tenant program

**DESIGN DEPARTURES**

- None



SCHEME 2

**PROS**

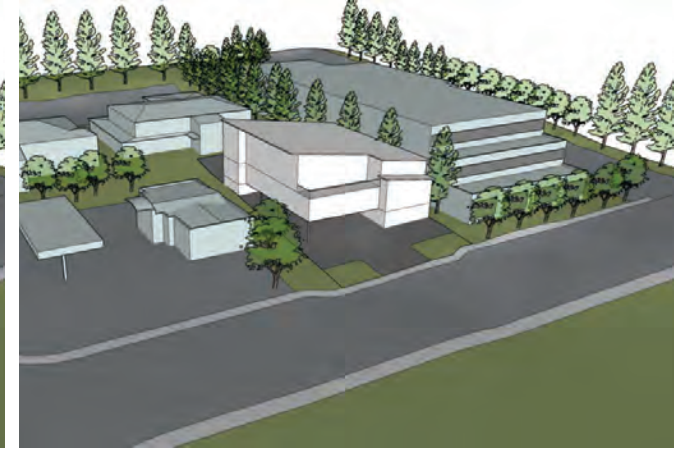
- Simplified building mass
- Usable office floor plates
- Clear sense of entry

**CONS**

- Single, smaller outdoor deck provided
- Building mass is pushed towards the street

**DESIGN DEPARTURES**

- Allow visitor parking stalls between the building and street



SCHEME 3 - PREFERRED

**PROS**

- Clear sense of entry
- Provides covered upper level deck
- Reduced deck size
- Additional front yard setback
- Responds to adjacent context
- Increased landscaping opportunity
- Preserves views for adjacent existing tenants

**CONS**

- South west corner of office floors is disconnected making difficult to space plan

**DESIGN DEPARTURES**

- Allow visitor parking stalls between the building and street

**KZC 105.58 - Parking between the building and street**

KZC 105.58.1.a does not apply due to 6th street not being a Pedestrian Oriented Street (per Plate 34O). Therefore, we fall under the provisions of KZC 105.58.1.1.b: "parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists."

Due to the limited site area, there is no other feasible location to place parking stalls on the site. The only alternative would be to remove these stalls which would reduce the total allowable buildable area due to inadequate parking stalls. If we were to reduce the building area it would make this project impractical from a development standpoint. Due to these factors, we argue that no other feasible alternative exists.

**SUMMARY**

6700 108TH AVENUE, NE | KIRKLAND, WASHINGTON | 12/19/2019

12/6/2019

KZC CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)

**CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)****Sections:**

- [35.05](#) User Guide
  - [35.05.010](#) Applicable Zones
  - [35.05.020](#) Common Code References
- [35.10](#) General Regulations
  - [35.10.010](#) All Commercial Zones
  - [35.10.020](#) BN, BNA Zones
  - [35.10.030](#) BC, BC 1, BC 2 Zones
  - [35.10.040](#) BCX Zones
  - [35.10.050](#) FHNC Zone
  - [35.10.060](#) HENC 1, HENC 3 Zones
- [35.20](#) Permitted Uses
- [35.30](#) Density/Dimensions
- [35.40](#) Development Standards

**35.05 User Guide**

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- Step 1. Check that the zone of interest is included in KZC [35.05.010](#), Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC [35.05.020](#), Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC [35.10](#) that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC [35.20](#) 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 [35.30](#) 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 [35.40](#) 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.*

**35.05.010 Applicable Zones**


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This chapter contains the regulations for uses in the commercial zones (BN, BNA, BC, BC 1, BC 2, BCX, FHNC, HENC 1, HENC 3) of the City.

**35.05.020 Common Code References**

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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. Some development standards or design regulations may be modified as part of the design review process. See Chapters [92](#) and [142](#) KZC for requirements.
  5. Chapter [115](#) KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility, Attached or Stacked Dwelling Units, and Stacked Dwelling Unit uses.
  6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC [115.24](#).
  7. 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. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4476 § 2, 2015)

**35.10 General Regulations****35.10.010 All Commercial Zones**


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

<https://www.codepublishing.com/WA/Kirkland/?html/KirklandZNT.html>

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## KZC CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)

1. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed; provided, that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.

**35.10.020 BN, BNA Zones**

1. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:
  - a. The street level floor of all buildings shall be limited to one or more of the following uses, except as allowed in subsection (1)(c) of this section: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented toward fronting arterial and collector streets 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).
 

The Design Review Board (or Planning Director if not subject to DR) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. The Design Review Board (or Planning Director if not subject to DR) may modify the frontage requirement where the property abuts residential zones in order to create a more effective transition between uses.
  - b. The commercial floor shall be a minimum of 13 feet in height. In the BN zone, the height of the structure may exceed the maximum height of structure by three feet for a three-story building with the required 13-foot commercial floor.
  - c. 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. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
2. Where Landscape Category B is specified, the width of the required landscape strip shall be 10 feet for properties within the Moss Bay neighborhood and 20 feet for properties within the South Rose Hill neighborhood. All other provisions of Chapter 95 KZC shall apply.
3. In the BNA zone, developments may elect to provide affordable housing units as defined in Chapter 5 KZC subject to the voluntary use provisions of Chapter 112 KZC.

**35.10.030 BC, BC 1, BC 2 Zones**

1. In the BC zone, at least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.
2. In the BC 1 and BC 2 zones, the following requirements shall apply to all development that includes residential or assisted living uses:
  - a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
  - b. The commercial floor shall be a minimum of 13 feet in height.
  - c. Commercial uses shall be oriented to adjoining arterials.
  - d. Residential uses, assisted living uses, and parking for those uses 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. The intervening commercial frontage shall be a minimum of 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
3. In BC 1 and BC 2 zones, 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. See Chapter 112 KZC for additional affordable housing incentives and requirements.
4. In the BC 1 and BC 2 zones, side and rear yards abutting a residential zone shall be 20 feet.
5. In the BC 1 and BC 2 zones, all required yards for any portion of a structure must be increased one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation (does not apply to Public Park uses).
6. Maximum height of structure is as follows:
  - a. In the BC zone, if adjoining a low density zone other than RSX, then 25 feet above average building elevation. Otherwise, 30 feet above average building elevation.
  - b. In the BC 1 zone, 35 feet above average building elevation.
  - c. In the BC 2 zone, 35 feet above average building elevation. Structure height may be increased to 60 feet in height if:
    - 1) At least 50 percent of the floor area is residential;



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KZC CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)

- 2) Parking is located away from the street by placing it behind buildings, to the side of buildings, or in a parking structure;
- 3) The ground floor is a minimum 15 feet in height for all retail, restaurant, or office uses (except parking garages); and
- 4) The required yards of any portion of the structure are increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).

**35.10.040 BCX 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 30 feet above average building elevation (does not apply to Public Park uses).
2. The following requirements shall apply to all development that includes residential or assisted living uses:
  - a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
  - b. The commercial floor shall be a minimum of 13 feet in height. The height of the structure may exceed the maximum height of structure by three feet.
  - c. Commercial uses shall be oriented to adjoining arterials.
  - d. Residential uses, assisted living uses, and parking for those uses 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. The intervening commercial frontage shall be a minimum of 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

**35.10.050 FHNC Zone**

1. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:
  - a. The street level floor of all buildings shall be limited to one or more of the following uses, except as allowed in subsection (1)(c) of this section: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented toward fronting streets 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).  
  
The Design Review Board (or Planning Director if not subject to DR) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest.
  - b. The commercial floor shall be a minimum of 15 feet in height.
  - c. 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. Lobbies for residential or assisted living uses are allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
2. Maximum height of structure is as follows:
  - a. Thirty-five feet above average building elevation;
  - b. Fifty-five feet above the midpoint of the subject property on the abutting right-of-way, if:
    - 1) The subject property contains a minimum of five acres and any development includes a grocery store with a minimum 20,000 square feet of floor area.
    - 2) Office uses are only allowed on the ground floor and second floor of any structure.
    - 3) For all building facades facing and within 100 feet of Juanita Drive or NE 141st Street, all portions of a structure greater than two stories in height shall be stepped back from the second story building facade by an average of 20 feet. The required upper story step backs for all floors above the second story shall be calculated as Total Upper Story Step Back Area as follows: Total Upper Story Step Back Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average step back) x (Number of stories proposed above the second story). The Design Review Board is authorized to allow rooftop garden structures within the step back area.
    - 4) The proposal includes public gathering places, community plazas, and public art. At least one public plaza shall contain a minimum of 2,500 square feet in one continuous piece with a minimum width of 30 feet. The space shall be designed to be consistent with the design guidelines for public open space.
    - 5) 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. See Chapter 112 KZC for additional affordable housing incentives and requirements.

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## KZC CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)

- 6) Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
- 7) Signs for a development approved under this provision must be proposed within a Master Sign Plan application (Chapter 100 KZC) for all signs within the project.
- 8) Drive-in and drive-through facilities are prohibited.
- c. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations zone are established:
  - 1) Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - 2) For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

**35.10.060 HENC 1, HENC 3 Zones**

## 1. In the HENC 1 and 3 zones:

- a. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to a pedestrian-oriented street, a major pedestrian sidewalk, a through-block pathway or the Cross Kirkland Corridor.
- b. Adjacent to NE 68th Street, 106th Avenue NE, 108th Avenue NE, 6th Street South and the Cross Kirkland Corridor (CKC), any portion of a structure greater than two stories in height must be stepped back from the facade below by an average of 15 feet with a minimum step back of five feet.

The Design Review Board is authorized to allow rooftop deck and/or garden structures within the step back area.

- c. Development adjoining the Cross Kirkland Corridor shall comply with the standards of KZC 115.24. Safe public pedestrian connections through sites to the Cross Kirkland Corridor are required (for approximate locations see Plate 34Q).
- d. Minimum 14-foot-wide sidewalks are required along 106th Avenue NE, 108th Avenue NE and 6th Street South on the side of the right-of-way that abuts HENC 1; and on both sides of NE 68th Street.
- e. Drive-in and drive-through facilities are allowed for gas stations and drug stores. All other drive-in and drive-through facilities are prohibited.

## 2. In the HENC 1 zone:

- a. No more than 20 percent of the gross floor area for any building may include office uses. This requirement does not apply to the area in HENC 1 that is located north of NE 68th Street between the Cross Kirkland Corridor and what would be the northern extension of 106th Avenue NE.
- b. Structure height may be increased to 35 feet above ABE if:
  - 1) A development of four acres or less includes at least one grocery store, hardware store, or drug store containing a minimum of 20,000 square feet of gross floor area.
  - 2) A development of more than four acres includes at least one grocery store, hardware store, or drug store containing a minimum of 20,000 square feet of gross floor area and one grocery store, hardware store, or drug store containing a minimum of 10,000 square feet of gross floor area.
  - 3) The site plan is approved by the Design Review Board and includes public gathering places and community plazas with public art. At least one of these public areas must measure a minimum of 1,500 square feet with a minimum width of 30 feet.
  - 4) The commercial floor is a minimum of 13 feet in height.
  - 5) Maximum allowed lot area per residential dwelling unit is 900 square feet or 48 units per acre.
  - 6) Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
  - 7) 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.

(Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4476 § 2, 2015)

**35.20 Permitted Uses****Permitted Uses Table – Commercial Zones (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)**(See also KZC 35.30, Density/Dimensions Table, and KZC 35.40, Development Standards Table)<https://www.codepublishing.com/WA/Kirkland/?html/KirklandZNT.html>

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Use		Required Review Process:				
		I = Process I, Chapter <a href="#">145</a> KZC		DR = Design Review, Chapter <a href="#">142</a> KZC		
		IIA = Process IIA, Chapter <a href="#">150</a> KZC		None = No Required Review Process		
		IIB = Process IIB, Chapter <a href="#">152</a> KZC		NP = Use Not Permitted		
		# = Applicable Special Regulations (listed after the table)				
		BN, BNA	FHNC	BC, BC 1, BC 2	BCX	HENC 1, HENC 3
35.20.010	<u>Assisted Living Facility</u>	DR <a href="#">1, 2, 3</a>	DR <a href="#">1, 2, 3</a>	None <a href="#">1, 2, 4</a>	None <a href="#">1, 2, 5</a>	DR <a href="#">1, 2, 4</a>
35.20.020	<u>Attached or Stacked Dwelling Units*</u>	DR <a href="#">3</a>	DR <a href="#">3</a>	None <a href="#">4</a>	None <a href="#">5</a>	DR <a href="#">4</a>
35.20.030*	<u>Reserved</u>					
35.20.040	<u>Church</u>	DR <a href="#">10</a>	DR <a href="#">10</a>	None <a href="#">10</a>	None <a href="#">10</a>	DR <a href="#">10</a>
35.20.050	<u>Community Facility</u>	DR	DR	None	None	DR
35.20.060	<u>Convalescent Center</u>	DR	DR	None <a href="#">2</a>	None	DR <a href="#">2</a>
35.20.070	<u>Entertainment, Cultural and/or Recreational Facility</u>	DR <a href="#">11, 12, 13, 14</a>	DR <a href="#">11, 12, 13, 14</a>	None	None	DR
35.20.080	<u>Government Facility</u>	DR	DR	None	None	DR
35.20.090	<u>Hotel or Motel</u>	NP	DR <a href="#">15</a>	None <a href="#">15</a>	None <a href="#">15</a>	DR <a href="#">15</a>
35.20.100	<u>Mini-School or Mini-Day-Care Center</u>	DR <a href="#">10, 16, 17</a>	DR <a href="#">10, 16, 17</a>	None <a href="#">10, 16, 17</a>	None <a href="#">10, 16, 17</a>	DR <a href="#">10, 16, 17</a>
35.20.110	<u>Nursing Home</u>	DR	DR	None <a href="#">2</a>	None	DR <a href="#">2</a>
35.20.120	<u>Office Use</u>	DR <a href="#">18, 19, 21</a>	DR <a href="#">18, 19, 21</a>	None <a href="#">18, 19</a>	None <a href="#">18, 19</a>	DR <a href="#">18, 19</a>
35.20.130	<u>Private Lodge or Club</u>	DR	DR	None	None	DR
35.20.140	<u>Public Park</u>	See KZC <a href="#">45.50</a> for required review process.				
35.20.150	<u>Public Utility</u>	IIA	IIA	None	None	DR
35.20.160	<u>Restaurant or Tavern</u>	DR <a href="#">11, 12, 13</a>	DR <a href="#">11, 12, 13</a>	None <a href="#">11, 13</a>	None <a href="#">11, 13</a>	DR <a href="#">11</a>
35.20.170*	<u>Retail Establishment</u> other than those specifically listed in this zone, selling goods, or providing services	NP	DR <a href="#">12, 23</a>	None <a href="#">11, 12, 23, 30</a>	None <a href="#">11, 12, 23</a>	DR <a href="#">11, 12, 23, 30</a>
35.20.180*	<u>Retail Establishment</u> providing banking and related financial services	DR <a href="#">11</a>	DR <a href="#">11</a>	None <a href="#">11</a>	None <a href="#">11</a>	DR <a href="#">11</a>
35.20.190*	<u>Retail Establishment</u> providing laundry, dry cleaning, barber, beauty or shoe repair services	DR <a href="#">11, 12, 13</a>	DR <a href="#">11, 12, 13</a>	None <a href="#">11, 12</a>	None <a href="#">11, 12</a>	DR <a href="#">11, 12</a>
35.20.200	<u>Retail Establishment</u> providing storage services	NP	NP	None <a href="#">25, 26</a>	None <a href="#">25</a>	DR <a href="#">25, 26</a>
35.20.210*	<u>Retail Establishment</u> providing vehicle or boat sales or vehicle or boat service or repair	NP	NP	None <a href="#">27</a>	None <a href="#">6, 7, 8, 9</a>	NP
35.20.220*	<u>Retail Establishment</u> selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	DR <a href="#">11, 23, 30</a>	DR <a href="#">11, 23, 30</a>	None <a href="#">11, 12, 23, 30</a>	None <a href="#">11, 12, 23</a>	DR <a href="#">11, 12, 23, 30</a>
35.20.230*	<u>Retail Establishment</u> selling groceries and related items	DR <a href="#">11, 23</a>	DR <a href="#">11, 23</a>	None <a href="#">11, 12, 23, 30</a>	None <a href="#">11, 12, 23</a>	DR <a href="#">11, 12, 23, 30</a>
35.20.240*	<u>Retail Variety or Department Store</u>	DR <a href="#">11, 23</a>	DR <a href="#">11, 23</a>	None <a href="#">11, 12, 23, 30</a>	None <a href="#">11, 12, 23</a>	DR <a href="#">11, 12, 23, 30</a>
35.20.250	<u>School or Day-Care Center</u>	DR <a href="#">10, 16, 17</a>	DR <a href="#">10, 16, 17</a>	None <a href="#">10, 16, 17</a>	None <a href="#">10, 16, 17</a>	DR <a href="#">10, 16, 17</a>
35.20.260*	<u>Reserved</u>					
35.20.270	<u>Vehicle Service Station</u>	DR <a href="#">17, 28, 29</a>	DR <a href="#">17, 28, 29</a>	I <a href="#">28</a>	I <a href="#">28</a>	DR <a href="#">28</a>

Permitted Uses (PU) Special Regulations:

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- PU-1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
- PU-3. This use is only allowed on the street level floor subject to the provisions of KZC 35.10.020(1) or 35.10.050.
- PU-4\*. Attached Dwelling Units are not allowed in the BC, BC 1 and BC 2 zones. In the BC, HENC 1 and HENC 3 zones, this use, with the exception of a lobby, may not be located on the ground floor of a structure. In the BC 1 and BC 2 zones, this use is only allowed subject to the provisions of KZC 35.10.030(2).
- PU-5\*. Attached Dwelling Units are not allowed in the BCX zone. This use is only allowed subject to the provisions of KZC 35.10.040(2).
- PU-6\*. This use specifically excludes new or used vehicle or boat sales or rentals, except motorcycle sales, service, or rental is permitted if conducted indoors.
- PU-7. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining to any residentially zoned property. Windows are permitted if they are triple-paned and unable to be opened.
- PU-8. Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas 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.
- PU-9. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
- PU-10. May include accessory living facilities for staff persons.
- PU-11. Uses with drive-in and drive-through facilities are prohibited in the BN zone. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
- PU-12. Ancillary assembly and manufactured goods on the premises of this use are permitted only if:
  - a. 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.
  - b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.
- PU-13. For restaurants with drive-in or drive-through facilities, one outdoor waste receptacle shall be provided for every eight parking stalls.
- PU-14. Entertainment, cultural and/or recreational facilities are only allowed in BNA and FHNC zones.
- PU-15. May include ancillary meeting and convention facilities.
- PU-16. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-17. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-18. 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.
- PU-19. 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-20. Reserved.
- PU-21. For properties located within the Moss Bay neighborhood, this use not allowed above the street level floor of any structure.
- PU-22. Reserved.
- PU-23. 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.
- PU-24. Reserved.
- PU-25. May include accessory living facilities for resident security manager.
- PU-26. This use not permitted in BC 1 and BC 2 zones or if any portion of the property is located within 150 feet of the Cross Kirkland Corridor.

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PU-27. Vehicle and boat rental are allowed as part of this use.

PU-28. May not be more than two vehicle service stations at any intersection.

PU-29. This use is not allowed in the BN zone.

PU-30. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

(Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4479 § 1, 2015; Ord. 4476 § 2, 2015)

\*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.

## 35.30 Density/Dimensions

Density/Dimensions Table – Commercial Zones (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)

(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE		Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
35.30.010	<u>Assisted Living Facility</u>	BN: None <sup>3</sup> BNA: None <sup>2, 3</sup> FHNC: None <sup>2</sup> BC, BC 1, BC 2, HENC 1, HENC 3: None <sup>1</sup> BCX: None	BN, BNA: <sup>4</sup> FHNC: <sup>4, 18</sup> BC, BC 1, BC 2: <sup>4, 5</sup> BCX: <sup>4, 6</sup> HENC 1, HENC 3: <sup>4, 20</sup>				
35.30.020*	<u>Attached or Stacked Dwelling Units</u>	BN, BNA: None <sup>2, 7</sup> FHNC: None <sup>2</sup> BC, BCX, HENC 1, HENC 3: None BC 1, BC 2: None <sup>16</sup>	BN, BNA, BC, BC 1, BC 2, BCX: <sup>4</sup> FHNC: <sup>4, 18</sup> HENC 1, HENC 3: <sup>4, 20</sup>				
35.30.030*	<u>Reserved</u>						
35.30.040	<u>Church</u>	None	10' BN, BC, BCX: 20'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.050	<u>Community Facility</u>	None	10' BN, BC, BCX: 20'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.060	<u>Convalescent Center</u>	None	10' BN, BC, BCX: 20'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> FHNC: <sup>19</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.070	<u>Entertainment, Cultural and/or Recreational Facility</u>	None BN, BNA: None <sup>12</sup>	10' BC, BCX: 20'	BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>

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USE		Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
35.30.080	Government Facility	None	10' BN, BC, BCX: 20'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <a href="#">9-10</a> BNA: 35' above ABE. <a href="#">9-10</a> FHNC: <a href="#">19</a> BC, BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.090	Hotel or Motel	None	10' BC, BCX: 20'	BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0' FHNC: 10'	BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0' FHNC: 10'	80%	FHNC: <a href="#">19</a> BC, BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.100	Mini-School or Mini-Day-Care Center	None	10' BN: 0' BC, BCX: 20'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <a href="#">9-10</a> BNA: 35' above ABE. <a href="#">9-10</a> FHNC: <a href="#">19</a> BC, BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.110	Nursing Home	None	10' BN, BC, BCX: 20'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <a href="#">9-10</a> BNA: 35' above ABE. <a href="#">9-10</a> FHNC: <a href="#">19</a> BC, BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.120	Office Use	None	10' BN: 0' BC, BCX: 20'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <a href="#">9-10</a> BNA: 35' above ABE. <a href="#">9-10</a> FHNC: <a href="#">19</a> BC, BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.130	Private Lodge or Club	None	10' BN, BC, BCX: 20'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <a href="#">9-10</a> BNA: 35' above ABE. <a href="#">9-10</a> FHNC: <a href="#">19</a> BC, BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.140	Public Park	Development standards will be determined on a case-by-case basis.					
35.30.150	Public Utility	None	10' BN, BC, BCX: 20'	BN, BNA, FHNC: 20' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 20' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <a href="#">9-10</a> BNA: 35' above ABE. <a href="#">9-10</a> FHNC: <a href="#">19</a> BC, BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.160	Restaurant or Tavern	None BN, BNA, HENC 1, HENC 3: None <sup>12</sup>	10' BN, HENC 1, HENC 3: 0' BC, BCX: 20'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <a href="#">9-10</a> BNA: 35' above ABE. <a href="#">9-10</a> FHNC: <a href="#">19</a> BC, BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	None	BC, BCX: 20' FHNC, BC 1, BC 2: 10' HENC 1, HENC 3: 0'	BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0' FHNC: 10'	BC, BC 1, BC 2: 0' BCX, HENC 1, HENC 3: 0' FHNC: 10'	80%	FHNC: <a href="#">19</a> BC, BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>

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KZC CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)

USE		Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
35.30.180*	<u>Retail Establishment</u> providing banking and related financial services	None BN, BNA, HENC 1, HENC 3: None <sup>12</sup>	BN, HENC 1, HENC 3: 0' BC, BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.190*	<u>Retail Establishment</u> providing laundry, dry cleaning, barber, beauty or shoe repair services	None BN, BNA, HENC 1, HENC 3: None <sup>12</sup>	BN, HENC 1, HENC 3: 0' BC, BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.200	<u>Retail Establishment</u> providing storage services	None	BC, BCX: 20' HENC 1, HENC 3: 10'	BC: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BC: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BC: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.210*	<u>Retail Establishment</u> providing vehicle or boat sales or vehicle or boat service or repair	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BCX, BC 1, BC 2: 0' <sup>8</sup>	BC, BCX, BC 1, BC 2: 0' <sup>8</sup>	80%	BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.220*	<u>Retail Establishment</u> selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	None BN, BNA: None <sup>14</sup>	BN, HENC 1, HENC 3: 0' BC, BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.230*	<u>Retail Establishment</u> selling groceries and related items	None BN, BNA: None <sup>14</sup>	BN, HENC 1, HENC 3: 0' BC, BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.240*	<u>Retail Variety or Department Store</u>	None BN, BNA: None <sup>14</sup>	BN, HENC 1, HENC 3: 0' BC, BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.250	<u>School or Day-Care Center</u>	None	BN: 0' BNA, FHNC, BC 1, BC 2, HENC 1, HENC 3: 10' BC, BCX: 20'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <sup>9, 10, 15</sup> BNA: 35' above ABE. <sup>9, 10, 15</sup> FHNC: <sup>19</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.260*	Reserved						
35.30.270	<u>Vehicle Service Station</u>	22,500 sq. ft.	40'	15'	15'	80%	BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. <sup>20</sup>

**Density/Dimensions (DD) Special Regulations:**

DD-1. In BC 1, BC 2 and HENC 1, subject to density limits listed for attached and stacked dwelling units. For density purposes, two assisted living units constitute one dwelling unit.

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## KZC CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)

- DD-2. In the BNA zone and in the FHNC zone for properties containing less than five acres, the gross floor area of this use shall not exceed 50 percent of the total gross floor area on the subject property.
- DD-3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property.
- DD-4. Same as the regulations for the ground floor use.
- DD-5. See KZC [35.10.030](#)(2).
- DD-6. See KZC [35.10.040](#)(2).
- DD-7. The minimum amount of lot area per dwelling unit is as follows:
- In the BN zone, 900 square feet.
  - In the BNA zone:
    - North of NE 140th Street, 1,800 square feet.
    - South of NE 124th Street, 2,400 square feet.
- DD-8. See KZC [35.10.030](#)(4) and (5).
- DD-9. If adjoining a low density zone other than RSX or RSA, then 25 feet above ABE.
- DD-10. See KZC [35.10.020](#)(1)(b).
- DD-11. See KZC [35.10.030](#)(5) and (6).
- DD-12. Gross floor area for this use may not exceed 10,000 square feet, except in the BN zone the limit shall be 4,000 square feet.
- DD-13. Reserved.
- DD-14. The gross floor area for this use may not exceed 10,000 square feet. Exceptions:
- Retail establishments selling groceries and related items in the BNA zone are not subject to this limit.
  - In the BN zone, the limit shall be 4,000 square feet.
- DD-15. For school use, structure height may be increased, up to 35 feet, if:
- The school can accommodate 200 or more students; and
  - 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
  - The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.
  - The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
- This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*
- DD-16. Nine hundred square feet per unit in BC 1 and BC 2.
- DD-17. Gas pump islands may extend 20 feet into the front yard. 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 [115.105](#), Outdoor Use, Activity and Storage, for further regulations.
- DD-18. See KZC [35.10.050](#)(2).
- DD-19. See KZC [35.10.050](#).
- DD-20. See KZC [35.10.060](#).

(Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4476 § 2, 2015)

*\*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.***35.40 Development Standards****Development Standards Table – Commercial Zones (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)**(Refer to KZC [35.20](#), Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC [35.30](#), Density/Dimensions Table)

Use	Landscape Category (Chapter <a href="#">95</a> KZC)	Sign Category (Chapter <a href="#">100</a> KZC)	Required <u>Parking Spaces</u> (Chapter <a href="#">105</a> KZC)
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## KZC CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)

Use	Landscape Category (Chapter <a href="#">95</a> KZC)	Sign Category (Chapter <a href="#">100</a> KZC)	Required Parking Spaces (Chapter <a href="#">105</a> KZC)
35.40.010 <u>Assisted Living Facility</u>	<a href="#">1</a>	A	1.7 per independent unit. 1 per <u>assisted living unit</u> .
35.40.020 <u>Attached or Stacked Dwelling Units</u>	<a href="#">1</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 <a href="#">105.20</a> for visitor parking requirements.
35.40.030* <u>Reserved</u>			
35.40.040 <u>Church</u>	C	B	1 for every four people based on maximum occupancy load of any area of worship. <sup>3</sup>
35.40.050 <u>Community Facility</u>	<a href="#">C<sup>4</sup></a>	B BN, BNA: <a href="#">B<sup>5</sup></a>	See KZC <a href="#">105.25</a> .
35.40.060 <u>Convalescent Center</u>	C BN, BNA: <a href="#">B<sup>5</sup></a>	B	1 for each bed.
35.40.070 <u>Entertainment, Cultural and/or Recreational Facility</u>	B BNA: <a href="#">B<sup>5</sup></a>	E BNA: D	See KZC <a href="#">105.25</a> .
35.40.080 <u>Government Facility</u>	<a href="#">C<sup>4</sup></a>	B BN, BNA: <a href="#">B<sup>5</sup></a>	See KZC <a href="#">105.25</a> .
35.40.090 <u>Hotel or Motel</u>	B	E	1 per each room. <sup>7</sup>
35.40.100 <u>Mini-School or Mini-Day-Care Center</u>	D BN, BNA: <a href="#">B<sup>5</sup></a>	B	See KZC <a href="#">105.25</a> & <a href="#">8</a>
35.40.110 <u>Nursing Home</u>	C BN, BNA: <a href="#">B<sup>5</sup></a>	B	1 for each bed.
35.40.120 <u>Office Use</u>	BN, BNA: <a href="#">B<sup>5</sup></a> HENC 1, HENC 3, BC, BC 1, BC 2: C FHNC, BCX: B	D	1 per each 300 sq. ft. of <u>gross floor area</u> . <sup>13</sup>
35.40.130 <u>Private Lodge or Club</u>	C BN, BNA: <a href="#">B<sup>5</sup></a>	B	1 per each 300 sq. ft. of <u>gross floor area</u> .
35.40.140 <u>Public Park</u>	Development standards will be determined on a case-by-case basis.		
35.40.150 <u>Public Utility</u>	<a href="#">A<sup>4</sup></a>	B BN, BNA: <a href="#">B<sup>5</sup></a>	See KZC <a href="#">105.25</a> .
35.40.160 <u>Restaurant or Tavern</u>	BN, BNA: <a href="#">B<sup>5</sup></a> FHNC, BC, BC 1, BC 2, BCX: <a href="#">B<sup>10</sup></a> HENC 1, HENC 2: B	E BN, BNA: D	1 per each 100 sq. ft. of <u>gross floor area</u> .
35.40.170* <u>Retail Establishment</u> other than those specifically listed in this zone, selling goods, or providing services	B	E	1 per each 300 sq. ft. of <u>gross floor area</u> .
35.40.180* <u>Retail Establishment</u> providing banking and related financial services	<a href="#">B<sup>5</sup></a>	E BN, BNA: D	1 per each 300 sq. ft. of <u>gross floor area</u> .
35.40.190* <u>Retail Establishment</u> providing laundry, dry cleaning, barber, beauty or shoe repair services	<a href="#">B<sup>5</sup></a>	E BN, BNA: D	1 per each 300 sq. ft. of <u>gross floor area</u> .
35.40.200 <u>Retail Establishment</u> providing storage services	A	E	See KZC <a href="#">105.25</a> .
35.40.210* <u>Retail Establishment</u> providing vehicle or boat sales or vehicle or boat service or repair	A	E	BC, BC 1, BC 2: See KZC <a href="#">105.25</a> . <sup>11</sup> BCX: 1 per each 250 sq. ft. of <u>gross floor area</u> . <sup>4</sup>
35.40.220* <u>Retail Establishment</u> selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	<a href="#">B<sup>5</sup></a>	E BN, BNA: D	1 per each 300 sq. ft. of <u>gross floor area</u> .
35.40.230* <u>Retail Establishment</u> selling groceries and related items	<a href="#">B<sup>5</sup></a>	E BN, BNA: D	1 per each 300 sq. ft. of <u>gross floor area</u> .

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## KZC CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.240* Retail Variety or Department Store	B <sup>a</sup>	E BN, BNA: D	1 per each 300 sq. ft. of <u>gross floor area</u> .
35.40.250 <u>School or Day-Care Center</u>	D BN, BNA: B <sup>a</sup>	B	See KZC <u>105.25</u> <sup>a, 12</sup>
35.40.260* Reserved			
35.40.270 <u>Vehicle Service Station</u>	A	E BNA: D	See KZC <u>105.25</u> .

**Development Standards (DS) Special Regulations:**

- DS-1. Same as the regulations for the ground floor use.
- DS-2. 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.
- DS-3. No parking is required for day-care or school ancillary to this use.
- DS-4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
- DS-5. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
- It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
  - The electronic readerboard is no more than 50 percent of the sign area;
  - Moving graphics and text or video are not part of the sign;
  - 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;
  - The electronic readerboard displays messages regarding public service announcements or City events only;
  - 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;
  - The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
  - 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-6. See KZC 35.10.020(2).
- DS-7. 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.
- DS-8. 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-9. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-10. For restaurants with drive-in or drive-through facilities Landscape Category A shall apply.
- DS-11. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
- DS-12. 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.
- DS-13. If a medical, dental or veterinary office, then one per each 200 square feet of gross floor area.

(Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4487 § 1, 2015; Ord. 4476 § 2, 2015)

\*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.

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KZC CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC, BC 1, BC 2, BCX, HENC 1, HENC 3)

**The Kirkland Zoning Code is current through Ordinance  
4684, passed May 7, 2019.**

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

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

City Telephone: (425) 587-3000

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

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