

Taller buildings or “towers” in TL 1 should have relatively compact floor plates. The use of towers above a two-three story podium creates a varied building footprint and the perception of a smaller overall building mass. When the building’s mass is instead concentrated in lower buildings with larger floor plates, greater emphasis should be placed on open space and plazas to provide relief at the pedestrian level.

Design treatments used in the upper portion of a building can promote visual interest and variety in the Totem Lake Business District Core skyline. Treatments that sculpt the facades of a building, provide for variety in materials, texture, pattern or color, or provide a specific architectural rooftop element can contribute to the creation of a varied skyline.

## Special Considerations for Neighborhood Business Districts, Finn Hill Neighborhood Center (FHNC) and the Houghton/Everest Neighborhood Center, Bridle Trails Neighborhood Center (BCX Zone)

### Issue

Because these districts are typically integrated into residential areas, the design should reflect the scale of the neighborhood by avoiding long façades without visual relief.

### Guideline

***Façades over 120 feet in length should incorporate vertical definition including substantial modulation of the exterior wall carried through all floors above the ground floor combined with changes in color and material.***

## Building Modulation – Horizontal

### Issue

Horizontal building modulation is the horizontal articulation or division of larger building façades. The lower portion of a multi-story building should incorporate pedestrian-scale elements and a strong base. The top of the building should incorporate distinctive roof treatments. Elevations that are modulated with horizontal elements appear less massive than those with sheer, flat surfaces. Horizontal modulation is well suited to downtown areas and automobile-oriented streetscapes where the development of tall building masses is more likely.

## Discussion

A lively urban character uses a variety of architectural forms and materials that together create an integrated pattern of development with recurring architectural features. Horizontal awnings, balconies, and roof features should be incorporated into new development provided that their appearance varies through the use of color, materials, size, and location.



*Horizontal modulation elements: canopy, brick banding, and window details.*

### Guideline

***Horizontal building modulation may be used to reduce the perceived mass of a building and to provide continuity at the ground level of large building complexes. Building design should incorporate strong pedestrian-oriented elements at the ground level and distinctive roof treatments.***

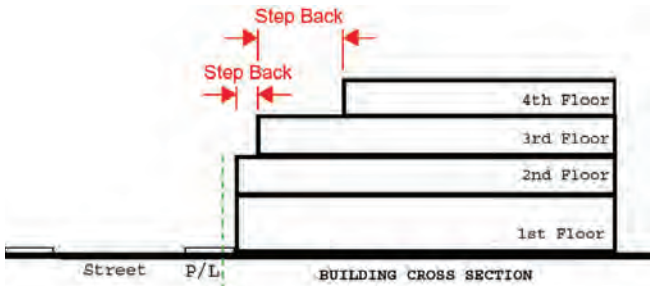
## Special Consideration for Downtown Kirkland

Large-scale developments, particularly east of the core area, should stress continuity in streetscape on the lower two floors. Setback facades and varied forms should be used above the second stories.

## Special Consideration for Building Massing in Central Business District 1 (CBD 1A & 1B) and the Houghton/ Everest Neighborhood Center - Upper Story Step Backs, Bridle Trails Neighborhood Center (BCX Zone)

### Issue

Taller buildings can negatively affect human scale at the street level and should be mitigated. Upper story step backs provide a way to reduce building massing for larger structures. An upper story building step back is the horizontal distance between a building façade and the building façade of the floor below.



By reducing mass at upper stories, visual focus is oriented towards the building base and the pedestrian experience. In addition, greater solar access may be provided at the street level due to the wider angle which results from the recessed upper stories.



*Marina Heights*

Upper story step backs are appropriate in areas where taller buildings are allowed and imposing building facades at the sidewalk are intended to be avoided.

## Discussion

Design guidelines should address upper story step backs to improve the pedestrian experience and maintain human scale. When viewed from across the street, upper story step backs generally reduce perceived building massing and provide additional sunlight at the ground level. When viewed from the sidewalk immediately adjacent to the building, upper story step backs reduce the view of the upper stories and help maintain pedestrian scale by preventing large buildings from looming over the sidewalk.

Since the benefits of upper story step backs are primarily experienced from the public realm in front of buildings, the step backs should be located within a zone along the front property line.

Overly regimented building forms along front facades should be avoided to prevent undesirable building design. The arrangement of building step backs should create varied and attractive buildings consistent with the principles discussed in previous sections.

Upper story step backs also allow for additional eyes on the street in the form of decks and/or balconies. Upper story activities help improve the relationship of the building to the streetscape. Landscaping should also be incorporated at the upper stories to help soften building forms.

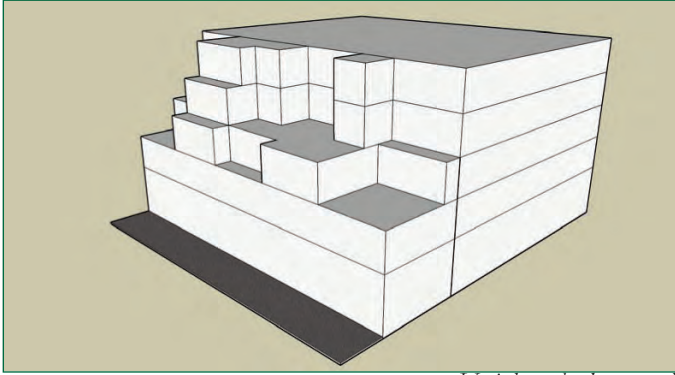
In order to quantify upper story step backs, measurement should be taken from the property line. Setback is the term used to describe the distance of a structure from the property line. By measuring from the pre-existing property line, setbacks provide for consistency in measurement and will account for projects where additional right-of-way is proposed or required along the property frontage for wider sidewalks and/or additional public open space.

The required upper story setback should be allowed to be reduced if an equal amount of beneficial public open space is provided at the street level. A certain amount of building cantilevering over sidewalks may also be allowed if the pedestrian environment is not adversely affected.

The Kirkland Zoning Code establishes the requirements for upper story setbacks and provisions for allowing reductions to the required upper story setbacks in exchange for open space at the street level. The following guidelines are intended to provide the Design Review Board the tools to create varied and attractive buildings.

## Guidelines - Upper Story Setbacks

- ◆ *Buildings above the second story (or third story where applicable in the Downtown Plan) should utilize upper story step backs to create receding building forms as building height increases, allow for additional solar access, and maintain human scale at the street level.*
- ◆ *The final arrangement of building mass should be placed in context with existing and/or planned improvements, solar access, important street corners, and orientation with the public realm.*
- ◆ *A rigid stair step or “wedding cake” approach to upper story step backs is not appropriate.*
- ◆ *Decks and/or balconies should be designed so that they do not significantly increase the apparent mass of the building within the required upper story setback area.*



*Varied step back approach*

- ◆ In addition to applying setbacks to upper stories, building facades should be well modulated to avoid blank walls and provide architectural interest.
- ◆ Along pedestrian oriented streets, upper story building facades should be stepped back to provide enough space for decks, balconies and other activities overlooking the street.
- ◆ Landscaping on upper story terraces should be included where appropriate to soften building forms and provide visual interest.
- ◆ Continuous two or three story street walls should be avoided by incorporating vertical and horizontal modulations into the building form.
- ◆ Limited areas of vertical three, four, or five story walls can be used to create vertical punctuation at key facades. Special attention to maintain an activated streetscape is important in these areas.
- ◆ For properties on Park Lane which front multiple streets and upper story setbacks are proposed to be averaged, concentration of upper story building mass along Park Lane should be avoided.

### Guideline - Open Space at Street Level

Reductions to required upper story setbacks may be appropriate where an equal amount of beneficial public open space is created at the street level consistent with the following principles:

- ◆ Public open space should be open to the sky except where overhead weather protection is provided (e.g. canopies and awnings).
- ◆ The space should appear and function as public space rather than private space.
- ◆ A combination of lighting, paving, landscaping and seating should be utilized to enhance the pedestrian experience within the public open space.
- ◆ Public open space should be activated with adjacent shops, outdoor dining, art, water features, and/or landscaping while still allowing enough room for pedestrian flow.

- ◆ Where substantial open space “trade-offs” are proposed, site context should be the primary factor in the placement of the public open space (e.g. important corners, solar access).

### Guideline for CBD 1A & 1B only - Building Cantilevering Over Sidewalks

*Buildings may be allowed to cantilever over sidewalks if a sidewalk dedication and/or easement is required consistent with following guidelines:*

- ◆ The total length of cantilevered portions of a building should be no more than 1/3rd of the entire length of the building façade. The cantilevered portions of a building should be spread out and not consolidated in a single area on the building façade.
- ◆ Unobstructed pedestrian flow should be maintained through the subject property to adjoining sidewalks.
- ◆ Space under the building cantilever should appear and function as part of the public realm.
- ◆ The sense of enclosure is minimized.

## Special Considerations for Neighborhood Business Districts and FHNC

### Issue

Where buildings are close to the street in these neighborhood areas, vertical building massing can negatively affect human scale at the street level. Upper story step backs provide a way to reduce building massing. An upper story building step back is the horizontal distance between a building façade and the building façade of the floor below.

### Guideline

*Above the ground floor, buildings should utilize upper story step backs to create receding building forms as building height increases. Rather than a rigid stair step approach, varied step back depths and heights should be used to create well modulated façades and usable decks and balconies overlooking the street.*

### Issue

Within the South Rose Hill Neighborhood Plan, additional mitigation of scale impacts is called for.

### Guideline

*Building height, bulk, modulation, and roofline design should reflect the scale and character of adjoining single-family development.*





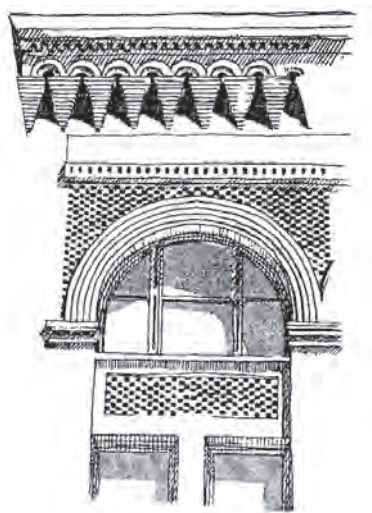
# Building Material Color and Detail

## Introduction

Many historic cities and towns owe much of their charm to a limited palette of building materials. One thinks of how the white clapboard houses of a New England village or the tile-roofed structures of an Italian hill town provide a more unified, consistent visual character. Today, there is a wide spectrum of building materials available, and modern towns such as Kirkland feature a variety of materials and colors. Architects have demonstrated that materials often considered unattractive, such as cinderblocks or metal siding, can be successfully used in attractive, high-quality buildings.

When buildings are seen from a distance, the most noticeable qualities are the overall form and color. If we take the typical building in Kirkland to be 100' wide and 35' tall, then we must be at least 200' away from the building for it to fit within our cone of vision so that we can perceive its overall shape. At that distance, windows, doors, and other major features are clearly visible.

However, as we approach the building and get within 60' to 80' from the building (approximately the distance across a typical downtown street), we notice not so much the building's overall form as its individual elements. When we get still closer, the most important aspects of a building are its design details, texture of materials, quality of its finishes, and small, decorative elements. In a pedestrian-oriented business district, it is essential that buildings and their contents be attractive up close.



Therefore, these design guidelines are intended to allow a variety of materials and colors, but direct the use of certain materials so that their application does not significantly detract from design consistency or quality. Most of the regulations in the Zoning Code deal with the application of specific materials such as metal siding and cinderblocks so that their potentially negative characteristics are minimized. In addition, the guidelines include guidelines and regulations that require all buildings to incorporate design details and small-scale elements into their facades.

## Ornament and Applied Art

### Issue

Ornament and applied art add quality, visual interest, and a sense of human scale to the built environment. It is necessary to understand the place and appropriateness of ornament in order to maintain a cohesive and integrated urban setting.

### Discussion

Ornament and applied art can be used to emphasize the edges and transition between public and private space, and between walls to ground, roof to sky, and architectural features to adjacent elements. Ornament may consist of raised surfaces, painted surfaces, ornamental or textured banding, changing of materials, or lighting. Therefore, buildings should incorporate art features that emphasize architectural elements and connections. Ornament should also maintain a cohesive relationship to its setting, emphasizing its connection to the surrounding space.

### Guideline

***Ornament and applied art should be integrated with the structures and the site environment and not haphazardly applied. Significant architectural features should not be hidden, nor should the urban context be overshadowed. Emphasis should be placed on highlighting building features such as doors, windows, eaves, and on materials such as wood siding and ornamental masonry. Ornament may take the form of traditional or contemporary elements. Original artwork or hand-crafted details should be considered in special areas.***

### Special Considerations for the Market Street Corridor

Emphasis on building features such as doors, windows, cornice treatment, bricks and ornamental masonry should be taken into consideration when designing new or remodeled buildings in the historic district. These features should be in keeping with the building materials, colors and details of the existing historic buildings.



## Color

### Issue

Color bolsters a sense of place and community identity (e.g., white New England villages, adobe-colored New Mexico towns, limestone Cotswold villages). Kirkland should consider emphasizing the existing color scheme and developing a unified design identity.

### Discussion

A variety of colors should be used in Kirkland. By no means should design be limited by overly-restrictive guidelines dictating color use. Based on Kirkland's existing color scheme, the following general guidelines can prevent garish, incongruous colors from being inappropriately applied or juxtaposed to more subdued earth tones and colors.

- ◆ Where appropriate, use the natural colors of materials such as brick, stone, tile, and stained wood (painted wood is acceptable).
- ◆ Use only high-quality coatings for concrete.
- ◆ Emphasize earth tones or subdued colors such as barn red and blue-gray for building walls and large surfaces.
- ◆ Reserve bright colors for trim or accents.
- ◆ Emphasize dark, saturated colors for awnings, and avoid garish and light colors that show dirt.
- ◆ Avoid highly-tinted or mirrored glass (except stained-glass windows).
- ◆ Consider the color of neighboring buildings when selecting colors for new buildings.

### Guideline

***Color schemes should adhere to the guidelines enumerated above. The use of a range of colors compatible within a coordinated color scheme should be encouraged.***

### ***Special Considerations for Bridle Trails Neighborhood Center (BCX Zone)***

Special attention to the use of colors and materials should be used on a building's upper stories to reduce the appearance of taller buildings.

## Street Corners

### Issue

Street corners provide special opportunities for visual punctuation and an enhanced pedestrian environment. Buildings on corner sites should incorporate architectural design elements that create visual interest for the pedestrian and provide a sense of human proportion and scale.

### Discussion

Corners are crossroads and provide places of heightened pedestrian activity. Rob Krier notes that: "The corner of a building is one of the most important zones and is mainly concerned with the mediation of two facades." Corners may be accentuated by towers and corner building entrances.



### Guideline

***Buildings should be designed to architecturally enhance building corners.***

### ***Special Consideration for Downtown Kirkland***

Special attention should be paid to both the design and detailing of new buildings on corner sites in the pedestrian oriented design districts. Existing buildings could incorporate some of these elements (human-scale and visual punctuation) through the use of such elements as awnings and well-designed signs at the corner.

Downtown Kirkland has several "T" intersections, and the building located at the terminus of the street view corridor presents a high-visibility opportunity for special architectural treatment.

The corner of Central Way and Third Street marks a prominent gateway to the core area as well as the Downtown Transit Center and deserves special design emphasis.

### ***Special Consideration for Houghton/Everest Neighborhood Center***

The corner of NE 68th Street and 108th Avenue NE provides a gateway to the Neighborhood Center. Buildings at this corner should be designed to enhance this gateway with elements such as building setbacks and step backs, architectural features, public open space, view preservation and art (see also Design Guidelines for Entry Gateway Features). Building frontages should encourage street level pedestrian activity.



## Signs

### Issues

Kirkland's Zoning Code regulates signs throughout the city in order to create a high-quality urban environment. Automobile-oriented signs typically found on commercial strips can be overpowering and obtrusive. Pedestrian signs are smaller and closer to viewers; thus, creative, well-crafted signs are more cost effective than large signs mounted high on poles.

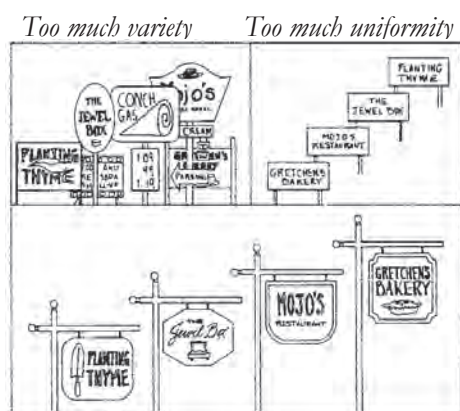
Signs should be an integral part of a building's facade. The location, architectural style, and mounting of signs should conform with a building's architecture and not cover up or conflict with its prominent architectural features. A sign's design and mounting should be appropriate for the setting.

### Discussion

Pedestrian-oriented signs are most effective when located within 15' of the ground plane. Three-inch-high letters can be read at 120' and 6" letters read at 300'. Large lettering is not necessary. The signs should be aligned to people on sidewalks and not automobile drivers. "Blade" signs or single signs hanging below canopies or small signs located on canopies or awnings are effective.

Signs with quality graphics and a high level of craftsmanship are important in attracting customers. Sculpted signs and signs that incorporate artwork add interest. Signs with front lighting and down lighting (but not internal lighting) are recommended. Neon signs are appropriate when integrated with the building's architecture.

Generic, internally-lit "can" signs that are meant to be set anywhere are not appropriate. Ground-mounted signs should feature a substantial base and be integrated with the landscaping and other site features. Mounting supports should reflect the materials and design character of the building or site elements or both.



*Though unified by common design elements, signs can still express the individual character of businesses.*

### Guidelines

- ◆ All signs should be building-mounted or below 12' in height if ground mounted. Maximum height is measured from the top of the sign to the ground plane.
- ◆ No off-premises commercial signs, except public directional signs, should be permitted. No billboards should be permitted.
- ◆ Signs for individual parking stalls should be discouraged. If necessary, they should not be higher than necessary to be seen above bumpers. Parking lot signs should be limited to one sign per entrance and should not extend more than 12' above the ground.
- ◆ Neon signs, sculptural signs, and signs incorporating artwork are encouraged.
- ◆ Signs that are integrated with a building's architecture are encouraged.
- ◆ Shingle signs and blade signs hung from canopies or from building facades are encouraged.
- ◆ Traditional signs such as barber poles are encouraged.

### Special Considerations for Downtown Kirkland

- ◆ The Downtown Plan's mandate for high-quality development should also be reflected in sign design.
- ◆ No internally lit plastic-faced or can signs should be permitted.
- ◆ All signs in the downtown should be pedestrian-oriented. Master-planned sites such as Parkplace may also include signs oriented to automobile traffic for the whole complex.

### Special Considerations for the Totem Lake Business District Core

- ◆ Signs within the TL2 should be coordinated through a sign package for the entire property.

### Special Considerations for the Market Street Corridor

Electrical signs are not allowed along the Market Street Corridor. Signs within the historic district should reflect the historic nature of the buildings in the area.





# Natural Features

## Introduction

### General

An important aspect of a pedestrian-oriented business district is its physical setting. Natural features of a place are key to residents' and visitors' perception. This section lays out guidelines which serve to merge the design of structures and places with the natural environment. It discusses concepts behind new landscaping as well as the maintenance and protection of existing natural features.

### *Special Considerations for Downtown Kirkland*

A primary goal stated in the Downtown Plan's Vision Statement is to "clarify Downtown's natural physical setting." Besides its excellent waterfront, Downtown Kirkland's most important natural feature is its bowl-shaped topography which provides views down from the heights and views from the downtown of the wooded hillsides surrounding the district. The valley topography also helps to define the downtown's edges and facilitates the transition from largely commercial activities in the valley floor to the mostly residential areas in the uplands. Although Peter Kirk Park is a man-made open space, it too provides a naturalizing function.

### *Special Considerations for Juanita Business District*

The underlying goal of redevelopment in the business district is to create a neighborhood-scale, pedestrian district which takes advantage of the amenities offered by Juanita Bay.

### *Special Considerations for the Totem Lake Business District Core*

An important goal in the Totem Lake Business District Plan is to establish a green corridor extending in an east/west direction across the neighborhood. Portions of the green corridor follow Totem Lake Boulevard, along the western boundary of TL 2. Properties abutting the designated greenbelt should be landscaped with materials that complement the natural areas of the green corridor where possible.

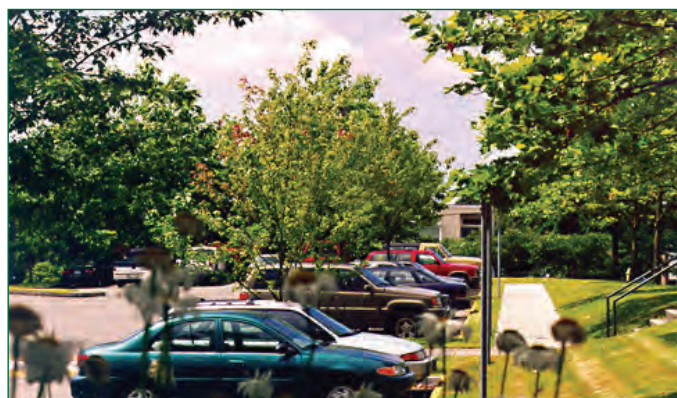
## Visual Quality of Landscapes

### Issue

The relationship between landscaping and architecture is symbiotic; plant materials add to a building's richness, while the building points to the architectural qualities of the landscaping.

### Discussion

Foliage can soften the hard edges and improve the visual quality of the urban environment. Landscaping treatment in the urban environment can be categorized as a *pedestrian/ auto, pedestrian, or building landscape*.



***The Pedestrian/Auto Landscape*** applies to where the pedestrian and auto are in close proximity. Raised planting strips can be used to protect the pedestrian from high-speed and high-volume traffic. Street trees help create a hospitable environment for both the pedestrian and the driver by reducing scale, providing shade and seasonal variety, and mitigating noise impacts.

***The Pedestrian Landscape*** offers variety at the ground level through the use of shrubs, ground cover, and trees. Pedestrian circulation, complete with entry and resting points, should be emphasized. If used effectively, plant materials can give the pedestrian visual cues for moving through the urban environment. Plant materials that provide variety in texture, color, fragrance, and shape are especially desirable.

***The Building Landscape.*** Landscaping around urban buildings – particularly buildings with blank walls – can reduce scale and add diversity through pattern, color, and form.

Examples of how landscaping is used to soften and enhance the visual quality of the urban environment include:

- ◆ Dense screening of parking lots.
- ◆ Tall cylindrical trees to mark an entry.



- ◆ Continuous street tree plantings to protect pedestrians.
- ◆ Several clusters of dense trees along long building facades.
- ◆ Cluster plantings at focal points.
- ◆ Parking with trees and shrubs planted internally as well as on the perimeter.

## Guidelines

*The placement and amount of landscaping for new and existing development should be mandated through design standards. Special consideration should be given to the purpose and context of the proposed landscaping. The pedestrian/auto landscape requires strong plantings of a structural nature to act as buffers or screens.*

*The pedestrian landscape should emphasize the subtle characteristics of the plant materials. The building landscape should use landscaping that complements the building's favorable qualities and screens its faults.*

*Along the Cross Kirkland Corridor and Eastside Rail Corridor, landscape design should screen where necessary, but generally soften the edge between the public and private space to integrate and complement corridor functions.*

### **Special Consideration for North Rose Hill Business District**

A dense landscape buffer should be utilized to provide a transition separating commercial uses from adjoining single family or multi-family residential uses.

### **Special Consideration for the Totem Lake Business District Core**

Within TL 1, special landscaping elements such as gateways, arches, fountains and sculptures should be incorporated, in order to create a lively streetscape and provide visual interest along the street edge. Where possible, existing mature landscaping should be retained and incorporated into new development to soften the impact of increased site coverage and preserve the green character of the area.

### **Special Consideration for Bridle Trails Neighborhood Center (BCX Zone)**

A combination of both street and private trees with associated landscaping should be used to help mitigate the urban edges of the neighborhood center adjacent to residential neighborhoods.

## Protection and Enhancement of Wooded Slopes

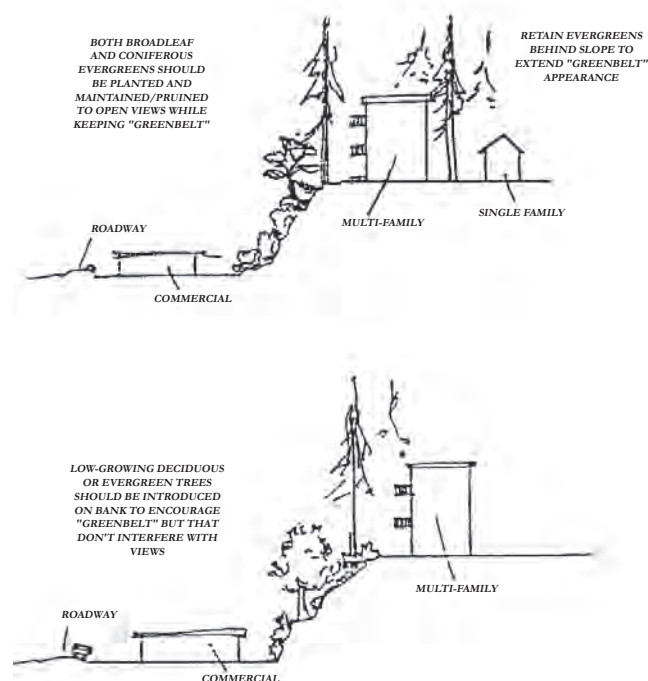
### Issue

Topography provides opportunities for natural screening that maintains views.

### Discussion

New plantings on wooded slopes should be selected for their slender, open growth pattern. Limbing-up and thinning-out branches should also be allowed to maintain views while keeping the character of the wooded hillsides. Weed species should be removed and replaced with appropriate native species. Wooded slopes can:

- ◆ Reduce visual impacts of the urban environment.
- ◆ Separate uses by providing a transition zone.
- ◆ Mitigate urban noise and air pollution for upland uses.
- ◆ Provide wildlife habitat.



## Guidelines

*Vegetation on slopes should be preserved and maintained as a buffer using native vegetation wherever possible.*

*New multifamily and single-family residential developments on slopes should be required to retain about 30 percent of the site in wooded open space and inventoried significant trees. Tree removal or enhancement can be determined by the use and site design.*





*Property owners of lowlands should be sensitive to upland uses and enhance hillsides to maintain existing views. Deciduous trees should be restricted to small varieties; coniferous evergreens should be thinned-out or limbed-up to allow for views from adjoining properties.*

*In developments above view slopes, coniferous evergreens should be incorporated into the site back from the slope to give continuity with the wooded slope. The back sides of commercial lots at the base of hillsides should be planted to screen upland properties from unsightly views of rooftops.*

### ***Special Consideration for Downtown Kirkland***

Using and enhancing existing wooded slopes is especially important to Kirkland's natural setting. The hillsides surrounding Downtown Kirkland can provide a "ring of green." As vegetation ascends the slope it provides a "greenbelt" effect. The proper maintenance or enhancement of such slopes need not disrupt view corridors of upland properties.

### ***Special Consideration for Juanita Business District***

The views of wooded hillsides surrounding the Juanita Business District are a local asset that can be used to upgrade the area's visual impact.

## **Height Measurement on Hillsides**

### **Issue**

Maintaining views and enhancing natural land forms is important to the design character of Kirkland. The scale relationships of built forms to their terrain should minimize visual barriers to views and lessen the impact on surrounding neighborhoods. In order to promote responsible design, building height restrictions should permit a development envelope that conforms to the terrain. Terracing, the stepping down of horizontal elements, is an effective way to develop hillsides and maintain views.



*mmTerraced buildings reflect the hillside topography ringing Kirkland's Downtown.*

## **Discussion**

The visual character of a landscape should be reflected in the buildings. Buildings that do not conform to steep inclines detract from the natural features of the site and should be avoided. In contrast, buildings that use the terrain as an opportunity for variation in the built form easily fit into their setting without disruption. Terracing a building to roughly parallel the slope of a site will create a building envelope that follows the contour of its property. Terraced roof decks, modulated roofs, and sloped roofs can carry out this objective.

## **Guideline**

*The top of the building should roughly follow the slope of the existing terrain.*

## **Views of Water**

### **Issue**

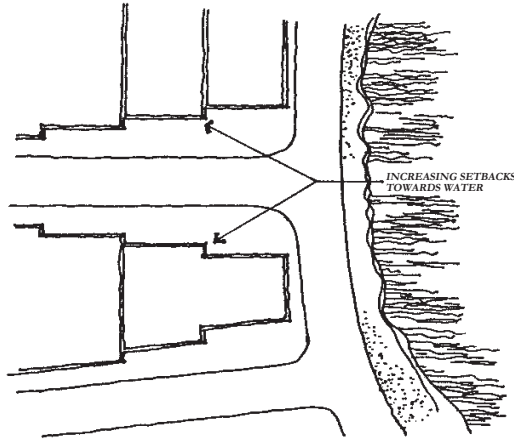
Views of Lake Washington give Kirkland its sense of place within the regional context. The waterfront remains an exceptional resource that should be better linked to nearby districts. A water view is a recurring reminder of the direction, function, and origin of Kirkland.

## **Discussion**

Views may be considered in three ways. The *distant panorama* may be seen from one-quarter to more than one mile away. Development has eliminated most of Kirkland's panoramic views; remaining views should be protected. *View corridors* are places where an avenue between buildings creates a slotted visual path allowing a glimpse of the water beyond. *Proximity views* are those adjacent to and within one block away from the waterfront; they extend the waterfront's character. Each type of view is critical to Kirkland's urban design character.

View corridors and panoramic views from higher ground can be protected by height restrictions and limitations on rooftop clutter. Existing structures in some areas block views of the Lake. With renovation of existing structures, opening up of views should be encouraged. New development should respect the existing view corridors.

Proximity views require much larger fields of vision, therefore, development should remain a comfortable distance from the shore and be set back along view corridors. This will allow views of the water to widen from increasingly closer distances and will eliminate an abrupt change between development and shoreline.



### Guideline

*Existing views should be maintained. This can be accomplished by widening setbacks as development approaches the water. Buildings should step down hillsides. Buildings and rooftop appurtenances should be placed perpendicular to the water in order to safeguard views.*

### ***Special Consideration for Juanita Business District***

View corridors to the Lake should be explored through new development in the business district. Existing residential views and view opportunities through Juanita Beach Park and down public streets should be preserved.

### ***Special Consideration for Houghton/Everest Neighborhood Center***

Buildings, landscaping and streetscape features along the NE 68th Street corridor should be designed to preserve existing views from the public right-of-way. Public spaces should be oriented to take advantage of views when possible.

## Culverted Creeks

### Issue

Often stream beds fall victim to progress and their stream banks are reduced to a drain pipe. One way to further the objective of clarifying the natural physical setting is to reopen stream beds wherever possible.

### Guideline

*Opportunities should be sought to restore portions of culverted creeks to their natural state.*

### ***Special Consideration for Downtown Kirkland***

A former stream bed, now enclosed in culverts, flows through the center of downtown from 6th Street, through Peter Kirk Park, just south of Central Way and into Marina Park. A restored stream bed could be incorporated in the parks and other public sites, and possibly on private property.

### ***Special Considerations for the Totem Lake Business District Core***

One channel of the Totem Lake tributary extends along I-405, west of Totem Lake Boulevard in a culvert to Totem Lake. If it is feasible, restoration of this stream bed could be incorporated into the green corridor design developed for this segment of Totem Lake Boulevard. Another tributary of Juanita Creek runs across the northwest section of the Business District Core, with portions in a culvert and other portions remaining in an open stream bed. Redevelopment of these properties could include restoration of the culverted portions of the stream as an amenity provided on site.



CITY OF KIRKLAND  
Planning and Building Department  
123 5th Avenue, Kirkland, WA 98033  
425.587.3600 ~ [www.kirklandwa.gov](http://www.kirklandwa.gov)

---

## DEVELOPMENT STANDARDS LIST MODERA BRIDLE TRAILS, DRV23-00164

### ZONING CODE STANDARDS

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

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

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

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

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

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

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

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

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

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

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



designated for compact cars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**115.120 Rooftop Appurtenance Screening.** New or replacement appurtenances on existing

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

***Prior to issuance of a grading or building permit:***

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

***Prior to occupancy:***

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

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



## DEVELOPMENT STANDARDS

### DRV23-00164

#### BUILDING DEPARTMENT

##### Building Department Conditions

Please call 425-587-3600 for Building Department questions related to these conditions.

##### General Conditions

##### Permits & Codes:

1. Permit applications applied for before July 1, 2023 shall demonstrate compliance with the 2018 editions of the International Residential, Mechanical Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland. (IRC, IMC, UPC). Permit applications applied for on July 1, 2023 or later shall comply with the 2021 editions of the previously mentioned codes.
  2. Permit applications applied for before July 1, 2023 shall demonstrate compliance with the 2018 edition of the International Energy Conservation Code as adopted and amended by the State of Washington (WSEC). Permit applications applied for on July 1, 2023 or later shall comply with the 2021 edition of the International Energy Conservation Code as adopted and amended by the State of Washington (WSEC).
  3. An Electrical Permit is required to be obtained separately. Kirkland reviews, issues and inspects all electrical permits in the city. Electrical permit applications shall demonstrate compliance with the 2020 Washington Cities Electrical Code Chapters 1 and 3 as published by WABO. (WCEC)
  4. A separate Demolition Permit is required for removal of existing structure(s) prior to recording.
  5. Structural:
  6. Structural components must be designed for seismic design category D, wind speed of 110 miles per hour and Exposure B.
- Other:

1. Prior to issuance of Building, Demolition or Land Surface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.040
2. Construction type is measured from the 'Grade Plane' as defined by the International Building Code. The allowable height for the proposed construction type of IIIA, is 60 feet. The provided plans do not have enough information to determine what the current actual height of the building is. This will be reviewed with the building permit application.

#### FIRE DEPARTMENT

##### FIRE DEPARTMENT COMMENTS

Contact: Captain Chappell at 425-587-3655; or [jchappell@kirklandwa.gov](mailto:jchappell@kirklandwa.gov)

##### ACCESS

The building fronts on one right of way. The distance around the building is approximately 380 feet. The fire department access is NOT met.

##### FIRE FLOW

Fire flow requirement is based on total square footage of the building and type of construction. With allowed IFC reduction, required fire flow for this building appears to be 2000 gpm. The existing fire flow appears to be approximately 400gpm. Duration of 4 hours needs to be confirmed with Water Department.

##### HYDRANTS

Fire hydrants will need to be placed so that there is a hydrant within 150 feet of every part of the building accessible by fire department vehicles. The east side of the structure appears to be lacking in hydrant coverage.

##### FIRE SPRINKLERS

A sprinkler system is required to be installed throughout the building. Submit plans, specifications and calculations



DRV23-00164

Page 2 of 9

electronically for approval at [www.MyBuildingPermit.com](http://www.MyBuildingPermit.com). All plans shall be designed and stamped by a person holding a State of Washington Certificate of Competency Level III certification. The system shall be installed by a state licensed sprinkler contractor. REF RCW 18.60 State of Washington.

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

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

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

\*\*\*City of Kirkland has zoning requirements for sprinkler and fire alarm systems. Further information found in KMC at [www.kirklandwa.gov](http://www.kirklandwa.gov) and Operating Policies.

#### STANDPIPES

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

A standpipe is required. Submit plans, specifications and calculations electronically for approval at [www.MyBuildingPermit.com](http://www.MyBuildingPermit.com). The plans shall include isometric elevation drawing of the entire standpipe system including location of any isolation valves. It may be incorporated into the fire sprinkler system.

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

#### FIRE ALARM

A fire alarm system is required to be installed throughout the building. A separate permit is required from the Fire Department prior to installation. Submit plans and specifications for approval electronically at [MyBuildingPermit.com](http://MyBuildingPermit.com). The system shall comply with Washington State Barrier Free requirements regarding installation of visual devices and pull stations. The low-frequency requirement is also required for this project. The specific requirements for the system can be found in Kirkland Operating Policy 10.

#### FIRE EXTINGUISHERS

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

#### COMMERCIAL COOKING

If any of the tenants are restaurants, a commercial cooking hood and duct extinguishing system is required to be installed. The permit may be applied for electronically at [MyBuildingPermit.com](http://MyBuildingPermit.com). The system shall be listed for application or specifically designed for such application. In addition, a K-class (Kitchen) fire extinguisher with a UL rating of 1-A:K is required to be installed within 30 feet of cooking equipment. The hood and duct suppression system is required to be tied into the building fire alarm system.

#### KEY BOX

A Key box is required (Knox Box 4400, recessed, and tampered). It shall be installed in an approved accessible location no

DRV23-00164

Page 3 of 9

higher than six feet above grade. In most cases it will be located at the front entrance to the building. The box may be purchased on-line at [www.knoxbox.com](http://www.knoxbox.com); or by filling out an order form which is available from the Fire Department office. Contact the Fire Prevention Bureau at 425-587-3661 for more information.

#### EMERGENCY RADIO COVERAGE (Effective 7-1-16)

This is a required fire protection system for this project. The permit may be applied for electronically at [MyBuildingPermit.com](http://MyBuildingPermit.com).

#### SMOKE CONTROL

Depending upon the type of construction, a smoke control system may be required. Elevation of building is not confirmed at this time. This needs to be dialed in before permitting.

#### FIRE SAFETY DURING CONSTRUCTION

The fire prevention program superintendent shall develop and maintain an approved prefire plan in cooperation with the fire chief. Prefire plans for buildings exceeding 50,000 s.f. shall be approved prior to the issuance of the building permit.

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

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

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

#### COURTYARD

Courtyards provide unique Fire Department response challenges. Access to courtyard is required via straight/direct access corridor and/or stairway from exterior to courtyard at a location acceptable to the Fire Code official. If a stairway is used it shall comply with International Fire Code Section 1011 and a corridor shall comply with International Fire Code Section 1020. The access shall have a minimum width of 4 feet (or as directed by the fire code official) and be large enough to carry a 35-foot-long sectional ladder (minimum folded length 20 feet) directly from the exterior to the courtyard without obstructions. The access door shall be marked at the street as "Direct access to courtyard."

### PUBLIC WORKS DEPARTMENT

#### PUBLIC WORKS CONDITIONS

Permit #:

Project Name:

Project Address:

Date:

#### Public Works Staff Contacts

Ryan Schauble, Senior Development Engineer

Phone: 425-587-3842 / E-mail: [rschauble@kirklandwa.gov](mailto:rschauble@kirklandwa.gov)

#### General Conditions:

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

2. Permit Fees, Connection Charges and Impact Fees. Click on the hyperlinks to view the latest fee schedules. Contact Public Works staff if there are general questions about fees. Fees for a specific permit will not be determined until plan review is complete. The applicant is responsible for completing and submitting the Public Works Improvement Evaluation Packet (available in either Excel or PDF) before fees and securities are determined. If the project site is located in a water/sewer service area other than City of Kirkland (i.e., Northshore Utility District or Woodinville Water District), then those utility connection charges will be collected by the respective utility district.
3. All street and utility improvements for Short Plats and Subdivisions shall be permitted through a Land Surface Modification (LSM) Permit. Click on the hyperlink to view the LSM Checklist. Street and utility improvements covered under a building permit will not require a separate LSM permit, unless specified otherwise by staff.
4. Right-of-Way (ROW) Restoration Performance and Maintenance Securities: The Developer must post a performance security to cover all ROW restoration requirements. The security amount will be based on the scope of work in the right-of-way and other risk factors to public infrastructure. The performance security will be released once the project is complete and the permit(s) passed Final Inspections. Prior to Final Inspections, the Developer must also post a Maintenance Security covering all public improvements installed by the project for a period of two (2) years from the permit Final date. The security amount will be determined by the Public Works Department.
5. Traffic Concurrency Review:  
Prior to submittal of a Building or Zoning Permit, the applicant must apply for a Concurrency Test Notice. Contact Thang Nguyen, Transportation Engineer, at 425-587-3869 for more information. A separate Concurrency Permit will be created. After concurrency has passed, the project will receive a concurrency test notice that allows the applicant to proceed with all development permits. A "Certificate of Concurrency" is established with a development or building permit. It will read as follows: CERTIFICATE OF CONCURRENCY: This project has been reviewed and approved for water, sewer, and traffic concurrency. Any water and sewer mitigating conditions are listed within the conditions below. Any traffic mitigating conditions will be found in an attached memorandum from the Public Works Traffic Engineering Analyst to the Planning Department Project Planner. Upon issuance of this permit, this project shall have a valid Certificate of Concurrency and concurrency vesting until the permit expires. This condition shall constitute issuance of a Certificate of Concurrency pursuant to chapter 25.12 of the Kirkland Municipal Code.
6. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy G-7, Engineering Plan Requirements. This policy is contained in the Public Works Pre-Approved Plans and Policies Manual. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer. All drawings shall bear the licensed engineer's stamp. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
7. Prior to issuance of any commercial or multifamily Building Permit, the applicant shall provide an analysis and plan for garbage, recycling and composting storage and pickup. Refer to Policy G-9 in the Public Works Pre-Approved Plans as a guide. The plan must be approved by Waste Management and by Public Works. The applicant shall submit a letter report to summarize the analysis and the plan, supported by such details as container sizing calculations, storage area sizing calculations, and truck access and turnaround details.
8. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.

Sanitary Sewer Conditions:

1. The existing sanitary sewer main in the right-of-way is adequate to serve the project. However, the sewer along the west and south property lines appears to be on or near the parcel; need verification and an public sewer easement extending 10 feet from the center of the pipes, and an understanding of the potential impacts of construction (where is the building foundation in relation to the sewer lines).



DRV23-00164

Page 5 of 9

2. Provide a plan and profile design for the sewer line extension.
3. A 20 foot wide public sanitary sewer easement must be recorded with the property.
4. Provide a new sides sewer for the property sized per the Uniform Plumbing Code. Lines 8 inches or greater in diameter shall enter the public system at manhole.
5. Access for maintenance of the sewer manholes is required. Provide a 15' wide access easement from the right-of-way to each sanitary sewer manhole.
6. Any businesses serving food or drink are required to have grease interceptor on the waste line prior to discharge to the City sewer system. The interceptor shall be sized per the Uniform Plumbing Code (minimum).

**Water System Conditions:**

1. The existing water main in the right-of-way is adequate to serve the domestic needs of the project.
2. The existing water service shall be abandoned at the main, unless expressly approved otherwise by Public Works Department.
3. See Fire Department conditions for fire flow requirements. If water system improvements are required to meet fire flow the City's consultant will model the system and provide the necessary system upgrades; applicant will need to inform the City of the needed fire flow based upon they project details (type of construction, height, etc.).
4. In mixed-use projects each use shall have a separate water meter (i.e., the retail use shall have a separate water meter from residential use).

**Surface Water Conditions:**

1. Provide temporary and permanent storm water control in accordance with the 2021 King County Surface Water Design Manual (KCSWDM) and the City of Kirkland Addendum (Policy D-10). Refer to Policies D-2 and D-3 in the Public Works Pre-Approved Plans and Policies Manual for design guidance, or contact Kirkland Surface Water staff at (425) 587-3800 for assistance. Based on the pre-submittal information provided by the applicant, this project should expect a Full Drainage Review. The drainage review level and requirements may change based on the actual development proposal at the time of permit application.
2. Vesting of Surface Water Regulations and Design Manual:
  - Only a "Complete Building Permit Application" or "Complete Short Plat / Subdivision Application" will vest a development project to the current surface water design requirements (i.e., current Design Manual). Other Land Use Permits, Zoning Permits, or Design Review Process does not vest a project with regard to surface water requirements. For example: Master Plan, Variance, Use Permits, Design Review Board - does not vest. Complete application means, at a minimum, a complete project description, site plan, and if applicable, SEPA checklist; and shall satisfy Kirkland Municipal Code 20.12.210.
  - If a new Design Manual is adopted by the City of Kirkland after a project is vested to the former Design Manual, then the vested project must start construction within 5 years from the date of new Design Manual adoption to remain vested to the former requirements. Start construction means the site work associated with, and directly related to the approved project has begun. For example: grading the project site to final grade or utility installation. Simply clearing the project site does not constitute the start of construction. A performance bond is not equivalent to construction start.
3. Calculating impervious surface area based on lot coverage: This is important for flow control analysis (hydrologic modeling purposes). In accordance with KZC Chapter 115.90 – Calculating Lot Coverage. The regulation update allowed conventional (sand set) pavers to be counted as a "Partially Exempt Material", allowed to received 50 percent exemption for zoning lot coverage for the area they cover, and up to 10 percent of the total lot size. Conventional pavers do not have to meet surface water mitigation specifications (e.g. not designed as LID BMP pervious pavers per Public Works Pre-Approved Plan CK-L-09). As a result, lots are allowed 10 percent more runoff generating surface area, and thus have to provide flow control accordingly.

Furthermore, impervious surface areas shall also include frontage and street improvements – streets, sidewalks, trails, etcetera and shall be taken from the layouts of the proposed plans. Building footprint and driveways or building coverage shall be as follows:

- For commercial or multi-family development, the impervious coverage shall either:
    - o Assume the maximum impervious coverage permitted by the KZC plus an additional 10% OR
    - o Estimate impervious coverage from layouts of the proposal. If estimated from the layouts of the proposal, the impervious coverage shall include calculations of all impervious surfaces, including eaves. This option may require a Reduced Impervious Surface Limit to be recorded on the property.
4. A drainage report (Technical Information Report or TIR) must be submitted with the Land Use application or permit application. A downstream analysis is required for all projects (except for Basic Drainage Review). For Simplified Drainage Review, use the Simplified TIR Submittal Template available on the City of Kirkland website.
  5. This project is in a Level 2 Flow Control Area and is required to comply with core drainage requirements in the KCSWDM. Historic (forested) conditions shall be used as the pre-developed modeling condition for design of the stormwater detention system.
  6. The 15-minute time step must be used to perform the flow control analysis. Do not use the 1-hour time step. Approved hydrologic modeling programs are MGS Flood and WWHM (latest version of the software).
  7. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater Low Impact Development (LID) Best Management Practices (BMPs) per the KCSWDM. If feasible, stormwater LID BMPs are required to the maximum extent feasible. If LID BMPs are infeasible, pervious pavement cannot be used to reduce overall impervious lot coverage. The Private Maintenance Agreement will be recorded on all projects that construct a stormwater LID BMP or facility, per Policy D-7.
  8. Soil information may be necessary for designing LID BMPs per the KCSWDM, and there are other reasons a soil report is necessary for a project (e.g., steep slopes, sensitive areas, etc.). Refer to Policy D-8 for details.
  9. Special inspections may be required for LID BMPs on this project. Provide documentation of inspections by a licensed geotechnical professional that the BMP will function as designed.
  10. If the project will create or replace more than 5,000 square feet of pollution generating impervious surface (PGIS), provide water quality treatment in accordance with the KCSWDM. The enhanced treatment level is required for multi-family residential, commercial, industrial projects, and single family residential projects with eight or more dwelling units per acre density.
  11. Soil Amendment per Pre-Approved Plan E.12 is required for all landscaped areas.
  12. All roof and driveway drainage must be tight-lined to the storm drain system or utilize low impact development techniques on-site.
  13. Provide collection and conveyance of right-of-way storm drainage. Provide a plan and profile design for the storm sewer system. Size and material of construction shall be in accordance with the City Kirkland Pre-Approved Plans and Notes. Refer to Policy D-5 for details.
  14. Construction Stormwater Pollution Prevention Plan (CSWPPP):
    - All proposed projects that will conduct construction activities onsite, or offsite must provide stormwater pollution prevention and spill controls to prevent, reduce, or eliminate the discharge of pollutants (including sediment) to onsite or adjacent stormwater systems or watercourses.
    - Refer to Core Requirement No. 5 in the KCSWDM and Policy D-12.
    - Provide an erosion control report and plan with the Building or Land Surface Modification Permit application. The plan shall be in accordance with the KCSWDM.

- Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.

15. If the total disturbed land area is one acre or greater, the following conditions apply:

- The applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Department of Ecology. Provide the City with a copy of the Notice of Intent for the permit. Permit Information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>
  - o Among other requirements, this permit requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP) and identify a Certified Erosion and Sediment Control Lead (CESCL) prior to the start of construction. The CESCL shall attend the City of Kirkland PW Dept. pre-construction meeting with a completed SWPPP.
- Turbidity monitoring by the developer/contractor is required for any surface water leaving the site.
- A Stormwater Pollution Prevention and Spill (SWPPS) Plan must be kept on site during all phases of construction and shall address construction-related pollution generating activities. Follow the guidelines in the Ecology Pollution Prevention Manual for plan preparation.

#### Street and Pedestrian Improvement Conditions:

1. The subject property abuts 130th Ave NE and NE 70th Place rights-of-way. Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

##### A. 130th Ave NE

- Dedicate sufficient right-of-way (ROW) abutting the property to install half-street improvements. Appears no dedication is required; will need survey to verify.
- Install new Type-A concrete curb and gutter along the frontage. The face of curb shall be 30 feet from the face of curb across the street to allow for 2-11 ft travel lanes and 8 ft parking lane along the property frontage. Widen the street pavement to meet the curb and gutter. The curb transitions shall happen outside of the property limits.
- Install a minimum 8-ft wide concrete sidewalk behind the curb with street trees 30 ft on-center in 4x6 tree wells.
- Provide pedestrian lighting 60 ft on-center between the street trees; city to provide lighting specification (has not been determined based on the new zoning).
- Provide no parking anytime signs along the west side of the street opposite the frontage improvements.
- Provide a striping plan for the new buffered bike lane; show existing channelization for the street.
- Install drainage to pick the new curb line with through-curb inlet structures. Structures in the travel lane shall have round hinged solid locking lids.
- Contact the Planning Department regarding other requirements that are not right-of-way related; increased building lighting, etc.
- Identify and protect trees with retention value in the right-of-way.
- Coordinate improvements with planned Kirkland street projects, if any.

##### B. NE 70th Place

- Dedicate sufficient right-of-way (ROW) abutting the property to install half-street improvements. Appears a 6 ft dedication is required (see 110.52 for allowed easement for some of the dedication); will need survey to verify.
- Install new Type-A concrete curb and gutter along the frontage. The face of curb shall be 3 feet from the existing face to allow for the existing travel lane widths and an 8 ft buffered bike lane. Widen the street pavement to meet the curb and gutter. The curb transitions shall happen outside of the property limits.
- Install a minimum 10-ft wide concrete sidewalk behind the curb with street trees 30 ft on-center in 4x6 tree wells.
- Provide pedestrian lighting 60 ft on-center between the street trees; city to provide lighting specification (has not been determined based on the new zoning).
- Install drainage to pick the new curb line with through-curb inlet structures. Structures in the travel lane shall have round hinged solid locking lids.
- A striping plan for channelization of the street may be required, contact Thang Nguyen for guidance.



- Coordinate with King County Metro for the relocation of the 245 bus stop; process and requirements.
  - Contact the Planning Department regarding other requirements that are not right-of-way related; increased building lighting, etc.
  - Identify and protect trees with retention value in the right-of-way.
  - Coordinate improvements with planned Kirkland street projects, if any.
2. Access Requirements (KZC Chapter 105.10 and 105.18):
- A. An east west pedestrian connection is required along the south property line; either 8 ft paved path or a 5 ft concrete sidewalk. The alignment along the north side of the fire lane is fine, and should be raised or separated from the fire lane. See 105.18 for additional requirements; the access should connect at grade with a walkable service at both ends and provide lighting (consult planning for requirements).
- B. Access from NE 70th Place is allowed, but shall only be from the existing shared access drive along the east property line. The new access as shown/proposed does not meet the City's driveway separation requirements, and the City is limiting new access to Arterial/Collector streets when alternative accesses exist; existing shared driveway from NE 70th Place and access from 130th Ave NE. Access from the shared driveway is recommended at 150 ft from the intersection with 70th, but may be 100 ft (minimum required distance)
- C. Access from 130th Ave NE is allowed. The access as proposed does not meet driveway separation requirements; minimum 50ft. However, the City would consider allowing the access if an access easement was granted to the adjacent parcels along the entire south property line to allow for a future joint access driveway.
- D. The unobstructed paved access shall be 24 ft wide. Internal parking garage drive isles shall meet the requirements of the parking plates.
- E. Contact Thang Nguyen, 425.587.3869, regarding access, parking, concurrency or Traffic Impact Analysis (TIA) questions.
3. Meet the requirements of the Kirkland Driveway Policy R-4.
4. Meet the requirements of the Kirkland Intersection Sight Distance Policy R.13. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle.
5. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.
- Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
  - Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.
6. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections. Public Works will fabricate the signs and provide the developer with the poles and bases for the developer to install.
7. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project, associated street, or utility improvements.
8. Underground all new and existing on-site utility lines and overhead transmission lines. Underground any new off-site transmission lines.
9. Zoning Code Section 110.60.7.b establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground; underground the existing overhead utility in the 130th Ave NE right-of-way the length of the property (~140 ft).
10. New LED street lights may be required per Puget Sound Energy (PSE) design and Public Works approval. Contact PSE or a

DRV23-00164

Page 9 of 9

third-party consultant may perform lighting analysis. If new lighting or upgrades are necessary, design plans must be submitted for review prior to issuance of an LSM or building permit. Contact PSE Street Lighting Account Manager: Lyndsey Goldsmith at [Lyndsey.Goldsmith@pse.com](mailto:Lyndsey.Goldsmith@pse.com), 425-396-3838 or 425-395-5225.

11. A striping plan for the street must be submitted with the building or grading permit.

## CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, 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 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

- 
- 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

---

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

#### 35.05.020 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. 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. 4749 § 1, 2021; Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4476 § 2, 2015)

## 35.10 General Regulations

---

### 35.10.010 All Commercial Zones

---

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

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 and Building 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 and Building 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 1, BC 2 Zones

---

1. 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 and Building 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.
2. 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.
  3. In the BC 1 and BC 2 zones, side and rear yards abutting a residential zone shall be 20 feet.
  4. 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 1 zone, 35 feet above average building elevation.
    - b. 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;
      - 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. For development where the maximum height of the structure is 30 feet above average building elevation:
  - 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 and Building 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.
2. For development where the maximum height of the structure is 60 feet above average building elevation:
  - a. Uses above the third story are limited to Assisted Living Facility and Attached or Stacked Dwelling Units.
  - b. No portion of a building within 40 feet of NE 70th Place shall exceed a height of 60 feet above NE 70th Place measured at the midpoint of the frontage of the subject property on the NE 70th Place right-of-way. The Design Review Board is

authorized to allow rooftop amenities where this height limit is imposed.

c. The development includes a Retail Establishment Selling Groceries and Related Items with a minimum 15,000 square feet of floor area. This requirement only applies if the subject property contains more than five acres. This use must provide for a full-service grocery store that sells food and supplies including but not limited to fresh fruits and vegetables; refrigerated and frozen foods; dairy products; canned goods; dry goods; fresh meats and cheeses; delicatessen items; beverages; nonfood items such as soaps, detergents, paper goods, and other household products; and health and beauty aids. The Planning and Building Director is authorized to allow a decrease in the square footage to not less than 10,000 square feet if the applicant demonstrates that a smaller space supports a viable full-service grocery store with all required components.

d. For all building facades facing and within 100 feet of the abutting right-of-way, all portions of a structure greater than three stories in height, as measured from the abutting right-of-way, shall be stepped back from the third story facade as follows:

1) From NE 70th Place and that portion of 132nd Avenue NE across from Snyder's Corner Park by an average of eight feet;

2) From 130th Avenue NE, and NE 65th Street, and that portion of 132nd Avenue NE south of Snyder's Corner Park by an average of 12 feet;

3) The required upper story step backs for all floors above the third story shall be calculated as total upper story step back area as follows:  $\text{Total Upper Story Step Back Area} = (\text{Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas}) \times (\text{Required average step back}) \times (\text{Number of stories proposed above the third story})$ . The Design Review Board is authorized to allow rooftop amenities within the step back area.

e. The development shall provide publicly accessible pedestrian oriented open space(s) adjacent to the street or through-block pathway. The publicly accessible space(s) shall contain a minimum of 1,000 square feet or one square foot per 200 gross square feet of above grade building area, whichever is greater. The size calculation shall not include the required width of abutting sidewalks or pathways. Locations, dimensions, features and improvements (such as plazas, seating, public art, children's recreation space) shall be reviewed and approved through by the Design Review Board based on applicable guidelines.

f. Development at the corner of NE 70th Place and 132nd Avenue NE shall provide a gateway feature, such as public art. The gateway feature shall be reviewed and approved by the Design Review Board based on applicable design guidelines.

g. 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.

h. Development shall be designed, built and certified to achieve or exceed the high performing building standards described in KZC 115.62.

i. The commercial floor shall be a minimum of 13 feet in height.

j. Except along NE 65th Street and 130th Avenue NE, 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 have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building). The Design Review Board (or Planning and Building Director if not subject to Design Review) 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.

k. Development shall contain commercial uses oriented to adjoining arterials and through-block pathways. The location and frontages of these commercial uses shall be reviewed through Design Review for consistency with applicable guidelines or regulations.

l. Development shall provide for one north-south through-block pathway connection between NE 70th Place and NE 65th Street and two east-west through-block pathway connections between 130th Avenue NE and 132nd Avenue NE (see Plate 34Q). The Design Review Board shall determine the final location and configuration of the through-block

pathway connections based on convenience and utility for nonmotorized access and orientation toward commercial uses and pedestrian-oriented open space.

m. Lobbies and amenity space 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 retail frontage along the street or through-block pathway. The Design Review Board (or Planning and Building Director if not subject to Design Review) may approve a minor increase to ground floor residential lobbies and amenities if they are connected to retail use and the design of the ground floor frontage will maximize visual interest.

n. Attached or Stacked Dwelling Units and Assisted Living Facilities located at the street level floor along NE 65th Street and 130th Avenue NE shall have a minimum seven-foot required yard.

o. In addition to the height exceptions of KZC 115.60, the following height exceptions are established:

1) An additional five feet is allowed for buildings providing a grocery store.

2) 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.

3) 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.

### 35.10.050 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 and Building 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.

6) Development shall be designed, built and certified to achieve or exceed the high performing building standards described in KZC 115.62.

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 the high performing building standards described in KZC [115.62](#).
- 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. 4788 § 1, 2022; Ord. 4784 § 1, 2022; Ord. 4749 § 1, 2021; 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 1, BC 2, BCX, HENC 1, HENC 3)**

(See also KZC [35.30](#), Density/Dimensions Table, and KZC [35.40](#), Development Standards Table)

Use		Required Review Process:				
		I = Process I, Chapter <a href="#">145</a> KZC IIA = Process IIA, Chapter <a href="#">150</a> KZC IIB = Process IIB, Chapter <a href="#">152</a> KZC			DR = Design Review, Chapter <a href="#">142</a> KZC None = No Required Review Process	
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)				
		BN, BNA	FHNC	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>	DR <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>	DR <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>	DR <a href="#">10</a>	DR <a href="#">10</a>
35.20.050	<u>Community Facility</u>	DR	DR	None	DR	DR
35.20.060	<u>Convalescent Center</u>	DR	DR	None <a href="#">2</a>	DR	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	DR <a href="#">14</a>	DR
35.20.080	<u>Government Facility</u>	DR	DR	None	DR	DR
35.20.090	<u>Hotel or Motel</u>	NP	DR <a href="#">15</a>	None <a href="#">15</a>	DR <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>	DR <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>	DR	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>	DR <a href="#">18, 19</a>	DR <a href="#">18, 19</a>
35.20.130	<u>Private Lodge or Club</u>	DR	DR	None	DR	DR
35.20.140	<u>Public Park</u>	See KZC <a href="#">45.50</a> for required review process.				

DRVZ3-00164

Use		Required Review Process:				
		I = Process I, Chapter <a href="#">145</a> KZC IIA = Process IIA, Chapter <a href="#">150</a> KZC IIB = Process IIB, Chapter <a href="#">152</a> KZC			DR = Design Review, Chapter <a href="#">142</a> KZC None = No Required Review Process	
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)				
		BN, BNA	FHNC	BC 1, BC 2	BCX	HENC 1, HENC 3
35.20.150	<a href="#">Public Utility</a>	IIA	IIA	None	DR	DR
35.20.160	<a href="#">Restaurant or Tavern</a>	DR <a href="#">11, 12, 13</a>	DR <a href="#">11, 12, 13</a>	None <a href="#">11, 13</a>	DR <a href="#">11, 13</a>	DR <a href="#">11</a>
35.20.170*	<a href="#">Retail Establishment</a> 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>	DR <a href="#">11, 12, 23</a>	DR <a href="#">11, 12, 23, 30</a>
35.20.180*	<a href="#">Retail Establishment</a> providing banking and related financial services	DR <a href="#">11</a>	DR <a href="#">11</a>	None <a href="#">11</a>	DR <a href="#">11</a>	DR <a href="#">11</a>
35.20.190*	<a href="#">Retail Establishment</a> 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>	DR <a href="#">11, 12</a>	DR <a href="#">11, 12</a>
35.20.200	<a href="#">Retail Establishment</a> providing storage services	NP	NP	NP	NP	DR <a href="#">25, 26, 31</a>
35.20.210*	<a href="#">Retail Establishment</a> providing vehicle or boat sales or vehicle or boat service or repair	NP	NP	None <a href="#">27</a>	NP	NP
35.20.220*	<a href="#">Retail Establishment</a> 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>	DR <a href="#">11, 12</a>	DR <a href="#">11, 12, 23, 30</a>
35.20.230*	<a href="#">Retail Establishment</a> 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>	DR <a href="#">11, 12</a>	DR <a href="#">11, 12, 23, 30</a>
35.20.240*	<a href="#">Retail Variety or Department Store</a>	DR <a href="#">11, 23</a>	DR <a href="#">11, 23</a>	None <a href="#">11, 12, 23, 30</a>	DR <a href="#">11, 12</a>	DR <a href="#">11, 12, 23, 30</a>
35.20.250	<a href="#">School or Day-Care Center</a>	DR <a href="#">10, 16, 17</a>	DR <a href="#">10, 16, 17</a>	None <a href="#">10, 16, 17</a>	DR <a href="#">10, 16, 17</a>	DR <a href="#">10, 16, 17</a>
35.20.260*	Reserved					
35.20.270	<a href="#">Vehicle Service Station</a>	DR <a href="#">17, 28, 29</a>	DR <a href="#">17, 28, 29</a>	I <a href="#">28</a>	DR <a href="#">28</a>	DR <a href="#">28</a>

**Permitted Uses (PU) Special Regulations:**

- 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 1 and BC 2 zones. In the 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 or Stacked Dwelling Units and Assisted Living Facilities are allowed in BCX subject to the provision of KZC [35.10.040](#).
- 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:
- 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.
- 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 BCX, 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:
- May only treat small animals on the subject property.
  - Outside runs and other outside facilities for the animals are not permitted.
  - Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application.
- PU-19. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
- 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.
- 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:
- 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.
- PU-24. Reserved.
- PU-25. May include accessory living facilities for resident security manager.
- PU-26. This use not permitted if any portion of the property is located within 150 feet of the Cross Kirkland Corridor.

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.

PU-31. This use not permitted unless accessory to another permitted use.

(Ord. 4844 § 1, 2023; Ord. 4784 § 1, 2022; Ord. 4781 § 1, 2022; Ord. 4749 § 1, 2021; 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 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 <u>115</u> KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
35.30.010	Assisted Living Facility	BN: None <sup>3</sup> BNA: None <sup>2, 3</sup> FHNC: None <sup>2</sup> BC 1, BC 2, HENC 1, HENC 3: None <sup>1</sup> BCX: None	BN, BNA: <u>4</u> FHNC: <u>4, 18</u> BC 1, BC 2: <u>4, 5</u> BCX: <u>6</u> HENC 1, HENC 3: <u>4, 20</u>				
35.30.020*	Attached or Stacked Dwelling Units	BN, BNA: None <sup>2, 7</sup> FHNC: None <sup>2</sup> BCX, HENC 1, HENC 3: None BC 1, BC 2: None <sup>16</sup>	BN, BNA, BC 1, BC 2: <u>4</u> FHNC: <u>4, 18</u> HENC 1, HENC 3: <u>4, 20</u> BCX: <u>6</u>				
35.30.030*	Reserved						
35.30.040	Church	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' 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: <u>19</u> BC 1, BC 2: <u>11</u> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.050	Community Facility	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' 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: <u>19</u> BC 1, BC 2: <u>11</u> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>



USE		Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
35.30.060	Convalescent Center	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BNA: 35' above ABE. <sup>9, 10</sup> BC 1, BC 2: <sup>11</sup> FHNC: <sup>19</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.070	Entertainment, Cultural and/or Recreational Facility	None BN, BNA: None <sup>12</sup>	10' BCX: 0'	BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80% <sup>21</sup>	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.080	Government Facility	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' 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 1, BC 2: <sup>11</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.090	Hotel or Motel	None	10'	BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0' FHNC: 10'	BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0' FHNC: 10'	80%	FHNC: <sup>19</sup> BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.100	Mini-School or Mini-Day-Care Center	None	10' BN: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' 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 1, BC 2: <sup>11</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.110	Nursing Home	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' 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 1, BC 2: <sup>11</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.120	Office Use	None	10' BN: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' 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 1, BC 2: <sup>11</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.130	Private Lodge or Club	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' 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 1, BC 2: <sup>11</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.140	Public Park	Development standards will be determined on a case-by-case basis.					

USE		Minimum Lot Size	REQUIRED YARDS (See Chapter <a href="#">115</a> KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
35.30.150	Public Utility	None	10' BN: 20'	BN, BNA, FHNC: 20' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 20' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. <a href="#">9</a> , <a href="#">10</a> BNA: 35' above ABE. <a href="#">9</a> , <a href="#">10</a> FHNC: <a href="#">19</a> BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. <a href="#">6</a> 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' BCX: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80% <sup>21</sup>	BN: 30' above ABE. <a href="#">9</a> , <a href="#">10</a> BNA: 35' above ABE. <a href="#">9</a> , <a href="#">10</a> FHNC: <a href="#">19</a> BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. <a href="#">6</a> 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	BCX: 20' FHNC, BC 1, BC 2: 10' HENC 1, HENC 3: 0'	BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0' FHNC: 10'	BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0' FHNC: 10'	80% <sup>21</sup>	FHNC: <a href="#">19</a> BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. <a href="#">6</a> HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.180*	Retail Establishment providing banking and related financial services	None BN, BNA, HENC 1, HENC 3: None <sup>12</sup>	BN, HENC 1, HENC 3: 0' BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80% <sup>21</sup>	BN: 30' above ABE. <a href="#">9</a> , <a href="#">10</a> BNA: 35' above ABE. <a href="#">9</a> , <a href="#">10</a> FHNC: <a href="#">19</a> BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. <a href="#">6</a> HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.190*	Retail Establishment 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' BCX: 0' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80% <sup>21</sup>	BN: 30' above ABE. <a href="#">9</a> , <a href="#">10</a> BNA: 35' above ABE. <a href="#">9</a> , <a href="#">10</a> FHNC: <a href="#">19</a> BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. <a href="#">6</a> HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.200	Retail Establishment providing storage services	None	HENC 1, HENC 3: 10'	HENC 1, HENC 3: 0'	HENC 1, HENC 3: 0'	80%	HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	None	BC 1, BC 2: 10'	BC 1, BC 2: 0' <sup>8</sup>	BC 1, BC 2: 0' <sup>8</sup>	80%	BC 1, BC 2: <a href="#">11</a>
35.30.220*	Retail Establishment 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' BCX: 0' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80% <sup>21</sup>	BN: 30' above ABE. <a href="#">9</a> , <a href="#">10</a> BNA: 35' above ABE. <a href="#">9</a> , <a href="#">10</a> FHNC: <a href="#">19</a> BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. <a href="#">6</a> HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>
35.30.230*	Retail Establishment selling groceries and related items	None BN, BNA: None <sup>14</sup>	BN, HENC 1, HENC 3: 0' BCX: 0' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80% <sup>21</sup>	BN: 30' above ABE. <a href="#">9</a> , <a href="#">10</a> BNA: 35' above ABE. <a href="#">9</a> , <a href="#">10</a> FHNC: <a href="#">19</a> BC 1, BC 2: <a href="#">11</a> BCX: 30' above ABE. <a href="#">6</a> HENC 1, HENC 3: 30' above ABE. <a href="#">20</a>

DRV23-00164

USE		Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
35.30.240*	Retail Variety or Department Store	None BN, BNA: None <sup>14</sup>	BN, HENC 1, HENC 3: 0' BCX: 0' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	80% <sup>21</sup>	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.250	School or Day-Care Center	None	BN: 0' BNA, FHNC, BC 1, BC 2, BCX, HENC 1, HENC 3: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' <sup>8</sup> BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' 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 1, BC 2: <sup>11</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
35.30.260*	Reserved						
35.30.270	Vehicle Service Station	22,500 sq. ft.	40'	15'	15'	80%	BNA: 35' above ABE. <sup>9, 10</sup> FHNC: <sup>19</sup> BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE. <sup>6</sup> HENC 1, HENC 3: 30' above ABE. <sup>20</sup>
			<sup>17</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.
- 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](#).
- 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:

- a. Retail establishments selling groceries and related items in the BNA zone are not subject to this limit.
- b. 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:

- 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.

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.DD-21. In the BCX zone, where this use is the ground floor of a mixed use development, 100 percent lot coverage applies to the entire development.

(Ord. 4811 § 1, 2022; Ord. 4784 § 1, 2022; Ord. 4749 § 1, 2021; 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 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 <u>95</u> KZC)	Sign Category (Chapter <u>100</u> KZC)	Required Parking Spaces (Chapter <u>105</u> KZC)
35.40.010	<u>Assisted Living Facility</u>	<u>1</u>	<u>A<sup>14</sup></u>	1.7 per independent unit. 1 per <u>assisted living unit</u> .
35.40.020	<u>Attached or Stacked Dwelling Units</u>	<u>1</u>	<u>A<sup>14</sup></u>	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 <u>105.20</u> for visitor parking requirements. See <u>DS-2</u> .
35.40.030*	Reserved			
35.40.040	<u>Church</u>	C	<u>B<sup>14</sup></u>	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>	<u>C<sup>4</sup></u>	<u>B<sup>14</sup></u> <b>BN, BNA: B<sup>5</sup></b>	See KZC <u>105.25</u> .
35.40.060	<u>Convalescent Center</u>	C <b>BN, BNA: B<sup>6</sup></b>	<u>B<sup>14</sup></u>	1 for each bed.



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)
35.40.070	Entertainment, Cultural and/or Recreational Facility	B BNA: B <sup>6</sup>	E <sup>14</sup> BNA: D	See KZC <a href="#">105.25</a> .
35.40.080	Government Facility	C <sup>4</sup>	B <sup>14</sup> BN, BNA: B <sup>5</sup>	See KZC <a href="#">105.25</a> .
35.40.090	Hotel or Motel	B	E <sup>14</sup>	1 per each room. <sup>7</sup>
35.40.100	Mini-School or Mini-Day-Care Center	D BN, BNA: B <sup>6</sup>	B <sup>14</sup>	See KZC <a href="#">105.25</a> . <sup>8, 9</sup>
35.40.110	Nursing Home	C BN, BNA: B <sup>6</sup>	B <sup>14</sup>	1 for each bed.
35.40.120	Office Use	BN, BNA: B <sup>6</sup> HENC 1, HENC 3, BC 1, BC 2: C FHNC, BCX: B	D <sup>14</sup>	1 per each 300 sq. ft. of gross floor area. <sup>13</sup>
35.40.130	Private Lodge or Club	C BN, BNA: B <sup>6</sup>	B <sup>14</sup>	1 per each 300 sq. ft. of gross floor area.
35.40.140	Public Park	Development standards will be determined on a case-by-case basis.		
35.40.150	Public Utility	A <sup>4</sup>	B <sup>14</sup> BN, BNA: B <sup>5</sup>	See KZC <a href="#">105.25</a> .
35.40.160	Restaurant or Tavern	BN, BNA: B <sup>6</sup> FHNC, BC 1, BC 2, BCX: B <sup>10</sup> HENC 1, HENC 2: B	E <sup>14</sup> BN, BNA: D	1 per each 100 sq. ft. of gross floor area. <sup>15</sup>
35.40.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	B	E <sup>14</sup>	1 per each 300 sq. ft. of gross floor area.
35.40.180*	Retail Establishment providing banking and related financial services	B <sup>6</sup>	E <sup>14</sup> BN, BNA: D	1 per each 300 sq. ft. of gross floor area.
35.40.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	B <sup>6</sup>	E <sup>14</sup> BN, BNA: D	1 per each 300 sq. ft. of gross floor area.
35.40.200	Retail Establishment providing storage services	A	E	See KZC <a href="#">105.25</a> .
35.40.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	A	E	BC 1, BC 2: See KZC <a href="#">105.25</a> . <sup>11</sup>
35.40.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	B <sup>6</sup>	E <sup>14</sup> BN, BNA: D	1 per each 300 sq. ft. of gross floor area.
35.40.230*	Retail Establishment selling groceries and related items	B <sup>6</sup>	E <sup>14</sup> BN, BNA: D	1 per each 300 sq. ft. of gross floor area.
35.40.240*	Retail Variety or Department Store	B <sup>6</sup>	E <sup>14</sup> BN, BNA: D	1 per each 300 sq. ft. of gross floor area.
35.40.250	School or Day-Care Center	D BN, BNA: B <sup>6</sup>	B <sup>14</sup>	See KZC <a href="#">105.25</a> . <sup>9, 12</sup>
35.40.260*	Reserved			
35.40.270	Vehicle Service Station	A	E <sup>14</sup> BNA: D	See KZC <a href="#">105.25</a> .

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

DS-1. Same as the regulations for the ground floor use. Landscape Category E for street level floor residential uses, otherwise same as the regulations for the street level floor use.

- DS-2. Within the BCX zone a parking modification to decrease the required number of spaces for attached or stacked dwelling units is not required to increase the parking supply 15 percent over demand per KZC 105.103(3).
- 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 and Building 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.
- DS-14. Signs for a development within the BCX zone must be proposed within a master sign plan application (KZC 100.80). In addition to the approval criteria of KZC 100.80(4) a master sign plan application shall show how signs on the subject property will not be visually disruptive to the adjoining residential neighborhood.
- DS-15. Within the BCX zone the required parking for Restaurants and Taverns uses is one per each 300 square feet of gross floor area.

(Ord. 4784 § 1, 2022; Ord. 4749 § 1, 2021; 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.*

Comments on Permit DRV23-00164 Modera at Bridle Trails, 13033 NE 70<sup>th</sup> Place

Three concerns:

- 1- Traffic – I question whether it is even possible to sufficiently mitigate the impact of hundreds of cars entering and leaving the building each day. The intersection of 70<sup>th</sup> Place and 130<sup>th</sup> Ave NE will require a traffic light without a doubt, yet will that be enough to prevent significant backups on each street, especially on 130<sup>th</sup> trying to get into or out of the Bridle Trails Apartments?
- 2- Parking – It is reasonable to assume that of 368 residential units 90% or more will have at least one car per unit and perhaps half will have two cars per unit. Will the parking on site accommodate more than 500 cars? If not, where will the others park? In the shopping center, occupying spots the shoppers currently use? Up along 130<sup>th</sup> NE in either direction?
- 3- Building itself - The size will be out of proportion to the character of the neighborhood. A 5-story building with retail on the ground floor means 4 floors for 368 units, 92 units per floor. The footprint of that building has to be immense to accommodate that! At 5 stories tall the building will loom over the surrounding buildings and road itself, essentially occupying and dominating the skyline of the area. The esthetics of the exterior of the building cannot possibly compensate for the size of it and its intrusion on the immediately surrounding area.

Respectfully submitted,

David P. Pomeroy  
6508 130<sup>th</sup> Ave NE  
K 204  
Kirkland, WA 98033  
Pom2hnl@yahoo.com