

- a) The sign(s) shall be designed and constructed to City standards. A copy of the notice described in subsection (8)(a) of this section and a site plan and/or vicinity map shall be attached to each sign.
- b) The Planning and Building Department is authorized to develop the standards for the public notice signs necessary for implementation of this section.
- c) One (1) sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Planning and Building Department shall approve the location of each sign.
- d) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven (7) calendar days thereafter.
- 4) By posting the notice on the City's website.

9. Design Response Conference – The design response stage allows the Design Review Board to review the design plans and provide direction to the applicant on issues to be resolved for final approval. The applicant shall present a summary of the project to the Design Review Board. The Planning Official shall present a review of the project for consistency with the requirements specified in subsection (3) of this section. Public comment relevant to the application may be taken. Persons commenting must provide their full name and mailing address. The Design Review Board may reasonably limit the extent of comments to facilitate the orderly and timely conduct of the conference.

The Design Review Board shall decide whether the application complies with the requirements specified in subsection (3) of this section. The Design Review Board shall make its decision by motion that adopts approved project drawings in addition to changes or conditions required by the Design Review Board. If the Design Review Board finds that the application does not meet those requirements, it shall specify what requirements have not been met and options for meeting those requirements. The Design Review Board may continue the conference if necessary to gather additional information necessary for its decision on the design review application. If the conference is continued to a specific date, no further public notice is required; otherwise notice shall be mailed to all parties participating in the design response conference.

Conceptual Master Plan Conference for TL 2 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over one and one-half (1-1/2) acres in size in TL 2. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 2 zoning chart.

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

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

10. Approval – After reviewing the D.B.R. application and other application materials, the Design Review Board may grant, deny or conditionally approve subject to modifications the D.B.R. application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no

subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the date of distribution of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

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

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

(Ord. 4683 § 2, 2019; Ord. 4637 § 3, 2018; Ord. 4496 § 3, 2015; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4193 § 1, 2009; Ord. 4177 § 2, 2009; Ord. 4171 § 1, 2009; Ord. 4121 § 1, 2008; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004; Ord. 3954 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002; Ord. 3814 § 1, 2001)

## 142.37 Design Departure and Minor Variations

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:

- a. In the CBD and YBD: minimum required yards; and
- b. In the Business District Core: minimum required yards, floor plate maximums and building separation requirements; and
- c. In the RHBD, FHNC, the PLA 5C zone, the HENC, and the TLBD: minimum required yards, and landscape buffer; and
- d. In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards; and
- e. In the MSC 2 zone of the Market Street Corridor: height (up to an additional five (5) feet), and minimum required front yards.

This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the Use Zone Chart allows the applicant to request a reduced setback administratively.

2. Process – If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon using the D.B.R. process.

3. Application Information – The applicant shall submit a complete application on the form provided by the Planning and Building Department, along with all information listed on that form, including a written response to the criteria in subsection (4) of this section.

4. Criteria – The Design Review Board may grant a design departure or minor variation only if it finds that all of the following requirements are met:

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

(Ord. 4683 § 2, 2019; Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4437 § 1, 2014; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4177 § 2, 2009)

## 142.40 Appeals of Design Review Board Decisions

1. Jurisdiction – Appeals of the decision of the Design Review Board will be heard as follows:

- a. If a related development permit requires an open record public hearing, then the appeal shall be heard at that hearing and decided upon by the hearing body or officer or officer hearing the related development permit.
- b. If there are no other open record hearings required for related development permits, then the decision of the Design Review Board shall be heard according to the Process I appeal procedures and provisions in KZC [145.60](#) and judicial review procedures and provisions in KZC [145.110](#).

Only those issues under the authority of the Design Review Board as established by KZC [142.35](#)(3) and (4) are subject to appeal.

2. Who May Appeal – The decision of the Design Review Board may be appealed by the applicant or any other individual or entity who submitted written or oral comments to the Design Review Board.

3. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning and Building Department within 14 calendar days following the date of the distribution of the Design Review Board decision. It must contain a clear reference to the matter being appealed and a statement of the specific elements of the Design Review Board decision disputed by the person filing the appeal.

4. Fees – The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.

5. Notice

a. Content – The Planning Official shall prepare a notice of the appeal containing the following:

- 1) The file number and a brief written description of the matter being appealed.
- 2) A statement of the scope of the appeal including a summary of the specific matters disputed in the letter of appeal.
- 3) The time and place of the public hearing on the appeal.
- 4) A statement of who may participate in the appeal.
- 5) A statement of how to participate in the appeal.

b. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall distribute this notice, or a summary thereof, to the applicant, appellant(s), and Design Review Board. The notice of appeal may be combined with the hearing notice for the related development permit, if applicable.



6. Participation in the Appeal – Only the person(s) who filed the appeal, the applicant, and the chair (or designee) of the Design Review Board may participate in the appeal. These persons may participate in the appeal in either or both of the following ways:

- a. By submitting written comments or testimony to the hearing body or officer prior to commencement of the hearing.
- b. By appearing in person, or through a representative, at the hearing and submitting oral testimony directly to the hearing body or officer. The hearing body or officer may reasonably limit the extent of oral testimony to facilitate the orderly and timely conduct of the hearing.

7. Scope of the Appeal – The scope of the appeal is limited to the specific elements of the Design Review Board decision disputed in the letter of appeal and the hearing body or officer may only consider comments, testimony, and arguments on these specific elements.

8. Staff Report on the Appeal

a. Content – The Planning Official shall prepare a staff report containing the following:

- 1) The written decision of the Design Review Board.
- 2) All written comments received by the Design Review Board.
- 3) The letter of appeal.
- 4) All written comments on the appeal received by the Planning and Building Department from the appellant or applicant and within the scope of the appeal.
- 5) An analysis of the specific element(s) of the Design Review Board's decision disputed in the letter of appeal.

The Planning Official may present the staff report orally to the hearing body or officer.

b. Distribution – At least seven (7) calendar days before the hearing, the Planning Official shall distribute the staff report to the hearing body or officer, the appellant, and the applicant.

9. Electronic Sound Recordings – The hearing body or officer shall make a complete electronic sound recording of each hearing.

10. Continuation of the Hearing – The hearing body or officer may continue the hearing if, for any reason, it is unable to hear all of the testimony on the appeal or if it determines that it needs more information within the scope of the appeal. If, during the hearing, the hearing body or officer announces the time and place of the continued hearing on the matter, no further notice of that hearing need be given.

11. Decision on the Appeal

a. Criteria – Unless substantial relevant information is presented which was not considered by the Design Review Board, the decision of the Design Review Board shall be accorded substantial weight. The decision may be reversed or modified if, after considering all of the evidence in light of the authority of the Design Review Board pursuant to KZC 142.35(3), the hearing body or officer determines that a mistake has been made. Specific allowances established by the applicable use zone charts may not be appealed unless the Design Review Board has approved exceptions to those allowances.

b. General – The hearing body or officer shall consider all information and material within the scope of the appeal submitted by the appellant. The hearing body or officer shall adopt findings and conclusions and

either:

- 1) Affirm the decision being appealed; or
- 2) Reverse the decision being appealed; or
- 3) Modify the decision being appealed.

c. Issuance of Written Decision – Within eight (8) calendar days after the public hearing, the hearing body or officer shall issue a written decision on the appeal. Within four (4) business days after it is issued, the hearing body or officer shall distribute the decision by mail to the appellant and the applicant.

d. Effect – If the appeal hearing is combined with an open record hearing for a related development permit, the decision on the appeal shall become part of the decision on the related development permit. The final decision of the City on the appeal of the Design Review Board decision shall occur at the same stage as the final decision of the City on the related development permit. Any appeal or challenge of the action of the hearing body or officer on the appeal of the Design Review Board decision shall be limited to the scope of the initial appeal.

(Ord. 4491 § 3, 2015; Ord. 4413 § 1, 2013; Ord. 4320 § 1, 2011; Ord. 4250 § 1, 2010; Ord. 4193 § 1, 2009; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3954 § 1, 2004)

## 142.50 Modifications

---

1. The Planning Official may approve a modification to the D.R. approval for the proposed development if:

- a. The need for the modification was not known and could not reasonably have been known before the D.R. approval was granted;
- b. The modification is minor and will not, in any substantial way, change the proposed development or violate any requirement imposed by the Design Review Board. The Planning Official may consult with the Design Review Board in his/her decision; and
- c. The development that will result from the modification will be consistent with the design regulations, design guidelines, and Comprehensive Plan.

2. Any modification, other than as specified in subsection (1) of this section, must be reviewed and decided upon as a new D.R. approval under this chapter.

(Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006)

## 142.55 Lapse of Approval for Design Review Board Decisions

---

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void.

For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land or other actions approved under this chapter and

complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void.

For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

(Ord. 4372 § 1, 2012; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006)

### **142.60 Bonds**

The Planning Official may require a bond under Chapter [175](#) KZC to ensure compliance with any aspect of a D.R. approval.

(Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006)

---

#### **The Kirkland Zoning Code is current through Ordinance 4713, passed December 10, 2019.**

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

## Chapter 142 – DESIGN REVIEW

## Sections:

- 142.05 User Guide
- 142.15 Development Activities Requiring D.R. Approval
- ~~142.17 Design Review Process~~
- ~~142.20 Timing~~
- 142.25 Administrative Design Review (A.D.R.)
- 142.35 Design Board Review (D.B.R.)
- 142.40 Appeals of Design Review Board Decisions
- 142.50 Modifications
- 142.55 Lapse of Approval
- 142.60 Bonds

## 142.05

User Guide

Various places in this code indicate that certain developments, activities, or uses are required to be reviewed through design review or D.R. Design review may either be administrative design review (A.D.R.) or design board review (D.B.R.). This chapter describes these design review processes.

## 142.15

Development Activities Requiring D.R. Approval

- ~~1. All development activities subject to KZC 92.35(2) and (5) need not be reviewed through D.R., but shall comply with this chapter.~~
- ~~2. The following development activities are subject to D.R. unless subsection (3) of this section applies:~~
  - ~~a. The development of an undeveloped site.~~
  - ~~b. The addition of new floor area to an existing building.~~
  - ~~c. A change to the exterior appearance of over 25 percent of a facade visible from a street or park.~~
- ~~3. The following activities are not subject to D.R.:~~
  - ~~a. Any activity which does not require a building permit; or~~
  - ~~b. Any activity on the exterior of a building of which the total cost or fair market value, whichever is higher, does not exceed \$10,000; or~~
  - ~~c. Interior work which does not alter the exterior of the structure; or~~
  - ~~d. Normal building maintenance including the repair or maintenance of structural members; or~~
  - ~~e. Any development listed as exempt in the applicable Use Zone Chart.~~
- ~~4. See also KZC 162.35, Certain Nonconformances Specifically Regulated, for additional information regarding the application of design regulations to existing development and~~

DRV18-00312 Appeal

Enclosure 8

~~remodels. The City encourages voluntary compliance with the design regulations, the Comprehensive Plan, and design guidelines even for projects which do not require D.R. approval according to the terms of this subsection.~~

#### Development Activities Requiring D.R. Approval

##### 1. Design Board Review (D.B.R.)

##### a. The following development activities shall be reviewed by the Design Review Board pursuant to KZC 142.35:

1). New buildings greater than one story in height or greater than 10,000 square feet of gross floor area.

2). Additions to existing buildings where:

a) The new gross floor area is greater than 10% of the existing building's gross floor area; and

b) The addition is greater than 2,000 square feet of gross floor area; and

c) Either:

1) The existing building and addition total more than 10,000 square feet of gross floor area; or

2) The addition adds another story.

3). Renovations to existing facades, where the building is identified by the City as an historic structure.

##### b. Exemptions from D.B.R.: The following development activities shall be reviewed through the Administrative Design Process in KZC 142.25:

1) Any development where administrative design review is indicated in the applicable Use Zone Chart.

2) Any development in the following zones within the NE 85<sup>th</sup> Street Subarea: RH8, PR 3.6, RM, PLA 17A.

##### 2. Administrative Design Review (A.D.R.) All other development activities not requiring D.B.R. review under Section 1 above shall be reviewed through the A.D.R. process pursuant to KZC 142.25.

##### 3. Exemptions from Design Review The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92, KZC:

a. Any activity which does not require a building permit; or

b. Interior work that does not alter the exterior of the structure; or

c. Normal building maintenance including the repair or maintenance of structural members; or

d. Any development listed as exempt in the applicable Use Zone Chart.



Sections 142.17 and 142.20 deleted.

~~See also KZC-162.35, Certain Nonconformance's Specifically Regulated, for additional information regarding the application of design regulations to existing development and remodels.~~  
~~Design Review Process~~

~~1. Unless otherwise specified in the Use Zone Chart, the following development activities shall be reviewed administratively pursuant to KZC-142.25:~~

~~a. All new one-story buildings containing less than 10,000 square feet of gross floor area.~~

~~b. The following additions to existing buildings:~~

~~1) To one-story buildings where the existing and new floor area total less than 10,000 square feet of gross floor area; or~~

~~2) To buildings greater than one story or 10,000 square feet of gross floor area where the gross floor area is expanded by less than 10 percent.~~

~~c. Renovations to existing facades, unless the building is identified by the City as a historic structure.~~

~~d. Development activities in RH-8, PR, RM, and PLA-17A Zones located within the NE 85th Street Subarea.~~

~~2. Unless otherwise specified in the Use Zone Chart, all other development activities shall be reviewed by the Design Review Board pursuant to KZC-142.35.~~

142.20Timing

~~For any development activity that requires D.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity.~~

~~An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.~~

142.25

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

1. Authority - The Planning Official shall conduct review the A.D.R. in conjunction with a related development permit pursuant to KZC 142.25.

The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

- a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
- b. Design guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in KMC 3.30.040.
- c. The neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required, such as the Downtown Plan, Juanita Business District Plan, the Totem Lake Neighborhood Plan, the North Rose Hill Neighborhood Plan for the North Rose Hill Business District, and the NE 85th Street Subarea Plan for the Rose Hill Business District (RHBD).
- d. For review of attached or stacked dwelling units within the NE 85th Street Subarea, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.

2. Application - As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92, KZC by submitting an A.D.R. application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.

3. 1-Pre-Design Conference - Before applying for A.D.R. approval, the applicant may shall schedule and attend an A.D.R. a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and:

- a. For the Planning Official to designate which design regulations apply to the proposed development based primarily on the location and nature of the proposed development.

- b. To discuss how the design guidelines and other applicable provisions of this code and Comprehensive Plan affect or pertain to the proposed development;

- c. For the Planning Official to determine what models, drawings, perspectives, 3D-CAD model, or other application materials the applicant will need to submit with the A.D.R. application.

4. A.D.R. Approval - After reviewing the A.D.R. application for compliance with the design regulations contained in Chapter 92, KZC, and prior to issuance of any development permit requiring A.D.R.,

DRV18-00312 Appeal

Enclosure 8

~~a. The Planning Official may grant, deny, or conditionally approve, subject to modifications, the A.D.R. application approval for the proposed development. No development permit for the subject property requiring A.D.R. approval will be issued until the proposed development is granted A.D.R. approval or conditional approval. The terms of A.D.R. approval or conditional approval will become a conditions of approval for on each subsequent any related development permit and no subsequent development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.~~

~~b. Additions Or Modifications To Existing Buildings -~~

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

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

~~Application—Following the pre-design meeting, the applicant shall submit an A.D.R. application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application form, as well as all application materials required as a result of the pre-design meeting.~~

~~3. Decision—The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92-KZC. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:~~

~~a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.~~

~~b. Design guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in KMC 3.30.040.~~

~~c. The neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required, such as the Downtown Plan, Juanita Business District Plan, the Totem Lake Neighborhood Plan, the North Rose Hill Neighborhood Plan for the North Rose Hill Business District, and the NE 85th Street Subarea Plan for the Rose Hill Business District (RHBD).~~

~~d. For review of attached or stacked dwelling units within the NE 85th Street Subarea, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.~~

~~After reviewing the A.D.R. application and other application materials, the Planning Official may grant, deny or conditionally approve subject to modifications the A.D.R. approval for the proposed development. No development permit for the subject property requiring A.D.R. approval will be issued until the proposed development is granted A.D.R. approval or conditional approval. The terms of A.D.R. approval or conditional approval will become a~~

DRV18-00312 Appeal

Enclosure 8

~~condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval. The Planning Official shall send written notice of the A.D.R. decision to the applicant. If the A.D.R. is denied, the decision shall specify the reasons for denial.~~

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

4. Requests for Reconsideration

- a. ~~Only the applicant may request reconsideration of the A.D.R. decision.~~
- b. ~~Only the City and the applicant may participate in the request for reconsideration.~~
- c. ~~The applicant may request the Planning Director to reconsider any aspect of the Planning Official's A.D.R. decision by delivering a written request for reconsideration to the Planning Department within seven calendar days following the postmarked date of distribution of the Planning Official's written decision. The applicant shall specify in the request what aspect of the decision he/she wishes to have reconsidered and the reason for the request.~~
- d. ~~Within seven calendar days after receiving a request for reconsideration, the Planning Director shall notify the applicant whether or not the Planning Director will reconsider the decision. The Planning Director may reconsider the decision only if he/she concludes that there is substantial merit in the request.~~
- e. ~~If the Planning Director reconsiders the decision, the Planning Director shall send written notice of the final A.D.R. decision to the applicant. The decision shall specify the reasons for modifications, if applicable.~~

65. Design Departure and Minor Variations

- a. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:
  - 1) In the CBD: minimum required yards setback requirements; and
  - 2) In the Totem Center: minimum required yards setback, floor plate maximums and building separation requirements; and
  - 3) In the RHBD and the TLN: minimum required yards setback, landscape buffer and horizontal facade requirements.

This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the use zone chart allows the applicant to request a reduced setback administratively.



DRV18-00312 Appeal

Enclosure 8

- b. Process – If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon using the D.B.R. process.
- c. Application Information – The applicant shall submit a complete application on the form provided by the Planning Department, along with all information listed on that form, including a written response to the criteria in subsection (65)(d) of this section.
- d. Criteria – The Design Review Board may grant a design departure or minor variation only if it finds that all of the following requirements are met:
  - 1) The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;
  - 2) The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

142.35

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

1. Timing of D.B.R. - For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity.

An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.

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

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

- a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.
- b. Design Guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.
- c. ~~The design regulations contained in Chapter 92-KZC, except as provided for in subsection (2)(d) of this section. To the extent that the standards of the design guidelines or design regulations address the same issue but are not entirely consistent or contain different levels of specificity, the Design Review Board shall determine which standard results in superior design.~~
- d. ~~The design regulations contained in Chapter 92-KZC do not apply to development in TL 2, where development is proposed within a Conceptual Master Plan.~~
- ce. The applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.

DRV18-00312 Appeal

Enclosure 8

df. The Design Principles for Residential Development contained in Appendix C of the Comprehensive Plan for review of attached and stacked dwelling units located within the NE 85th Street Subarea.

43. The Design Review Board is authorized to approve minor variations in development standards within the following areas certain Design Districts described in Section 142.25.(6)(a) provided the variation complies with the criteria of KZC 142.25(65)(bd):

a. ~~In the CBD: minimum required yards.~~

b. ~~In Totem Center: minimum required yards, from setback, floor plate maximums and building separation requirements.~~

c. ~~In the RHBD and TLN: minimum required yards, from setback, landscape buffer and horizontal facade requirements.~~

54. Pre-Design Conference – Before applying for D.B.R. approval, the applicant shall attend a pre-design conference with the Planning Official. The conference will be scheduled by the Planning Official upon written request by the applicant. The purpose of this conference is for the Planning Official to discuss how the design regulations, design guidelines, and other applicable provisions of this code and the Comprehensive Plan relate to the proposed development and to assist the applicant in preparing for the conceptual design conference. A pre-design conference may be combined with a pre-submittal meeting.

65. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference with the Design Review Board. The conference will be scheduled by the Planning Official to occur within 30 days of written request by the applicant. The purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the Design Review Board and:

a. To discuss how the design regulations, design guidelines and other applicable provisions of the Comprehensive Plan affect or pertain to the proposed development;

b. For the Design Review Board to designate which design regulations, design guidelines and other applicable provisions of the Comprehensive Plan apply to the proposed development based primarily on the location and nature of the proposed development; and

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

76. Application – Following the conceptual design conference, the applicant shall submit the design review application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application, as well as all application materials required as a result of the conceptual design conference.

87. Public Notice

a. Contents – On receipt of a complete design review application, the Planning Official shall schedule a design response conference with the Design Review Board to occur within

60 calendar days of receiving the complete application. The Planning Official shall provide public notice of the design response conference. Public notice shall contain the name of the applicant and project, the location of the subject property, a description of the proposed project, time and place of the first design response conference, and a statement of the availability of the application file.

b. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the first design response conference as follows:

- 1) By mailing the notice or a summary thereof to owners of all property within 300 feet of any boundary of the subject property.
- 2) Publish once in the official newspaper of the City.
- 3) Post conspicuously on the subject property on a public notice sign. The Department of Planning and Community Development is authorized to develop standards and procedures for public notice signs.

98. Design Response Conference – The design response stage allows the Design Review Board to review the design plans and provide direction to the applicant on issues to be resolved for final approval. The applicant shall present a summary of the project to the Design Review Board. The Planning Official shall present a review of the project for consistency with the requirements specified in subsection (32) of this section. Public comment relevant to the application may be taken. Persons commenting must provide their full name and mailing address. The Design Review Board may reasonably limit the extent of comments to facilitate the orderly and timely conduct of the conference.

The Design Review Board shall decide whether the application complies with the requirements specified in subsection (32) of this section. The Design Review Board shall make its decision by motion that adopts approved project drawings in addition to changes or conditions required by the Design Review Board. If the Design Review Board finds that the application does not meet those requirements, it shall specify what requirements have not been met and options for meeting those requirements. The Design Review Board may continue the conference if necessary to gather additional information necessary for its decision on the design review application. If the conference is continued to a specific date, no further public notice is required; otherwise notice shall be mailed to all parties participating in the design response conference.

Conceptual Master Plan Conference for TL 2 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over one and one-half acres in size in TL 2. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 2 zoning chart.

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

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

DRV18-00312 Appeal

Enclosure 8

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

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

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

142.40

#### Appeals of Design Review Board Decisions

1. Jurisdiction – Appeals of the decision of the Design Review Board will be heard as follows:
  - a. If a related development permit requires an open record public hearing, then the appeal shall be heard at that hearing and decided upon by the hearing body or officer or officer hearing the related development permit.
  - b. If there are no other open record hearings required for related development permits, then the decision of the Design Review Board shall be heard at an open record hearing by the City Council.

Only those issues under the authority of the Design Review Board as established by KZC 142.35(2) are subject to appeal.
2. Who May Appeal – The decision of the Design Review Board may be appealed by the applicant or any other individual or entity who submitted written or oral comments to the Design Review Board.
3. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the postmarked date of the distribution of the Design Review Board decision. It must contain a clear reference to the matter being appealed and a statement of the specific elements of the Design Review Board decision disputed by the person filing the appeal.



**Kirkland Zoning Code Amendments****Chapter 142-Revised 5/25/07**

DRV18-00312 Appeal

Enclosure 8

4. Fees – The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.
5. Notice
  - a. Content – The Planning Official shall prepare a notice of the appeal containing the following:
    - 1) The file number and a brief written description of the matter being appealed.
    - 2) A statement of the scope of the appeal including a summary of the specific matters disputed in the letter of appeal.
    - 3) The time and place of the public hearing on the appeal.
    - 4) A statement of who may participate in the appeal.
    - 5) A statement of how to participate in the appeal.
  - b. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall send a copy or a summary of this notice to the applicant, appellant(s), and Design Review Board. The notice of appeal may be combined with the hearing notice for the related development permit, if applicable.
6. Participation in the Appeal – Only the person(s) who filed the appeal, the applicant, and the chair (or designee) of the Design Review Board may participate in the appeal. These persons may participate in the appeal in either or both of the following ways:
  - a. By submitting written comments or testimony to the hearing body or officer prior to commencement of the hearing.
  - b. By appearing in person, or through a representative, at the hearing and submitting oral testimony directly to the hearing body or officer. The hearing body or officer may reasonably limit the extent of oral testimony to facilitate the orderly and timely conduct of the hearing.
7. Scope of the Appeal – The scope of the appeal is limited to the specific elements of the Design Review Board decision disputed in the letter of appeal and the hearing body or officer may only consider comments, testimony, and arguments on these specific elements.
8. Staff Report on the Appeal
  - a. Content – The Planning Official shall prepare a staff report containing the following:
    - 1) The written decision of the Design Review Board.
    - 2) All written comments received by the Design Review Board.
    - 3) The letter of appeal.

DRV18-00312 Appeal

Enclosure 8

- 4) All written comments on the appeal received by the Planning Department from the appellant or applicant and within the scope of the appeal.
- 5) An analysis of the specific element(s) of the Design Review Board's decision disputed in the letter of appeal.

The Planning Official may present the staff report orally to the hearing body or officer.

- b. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute copies of the staff report to the hearing body or officer, the appellant, and the applicant.
9. Electronic Sound Recordings – The hearing body or officer shall make a complete electronic sound recording of each hearing.
10. Continuation of the Hearing – The hearing body or officer may continue the hearing if, for any reason, it is unable to hear all of the testimony on the appeal or if it determines that it needs more information within the scope of the appeal. If, during the hearing, the hearing body or officer announces the time and place of the continued hearing on the matter, no further notice of that hearing need be given.

## 142.55

Lapse of Approval For Design Review Board Decisions

1. General – Unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one year after the final decision granting the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three years after the final decision on the D.B.R. approval or the decision becomes void. "Final decision" means the final decision of the Planning Official or Design Review Board.
2. Extensions
  - a. Application – The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the D.B.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1) of this section.
  - b. Fee – The applicant shall include with the letter of request the fee as established by ordinance.
  - c. Review Process – An application for a time extension will be reviewed by the Planning Official.
3. Appeals
  - a. Who Can Appeal – Any person who is aggrieved by a time extension or denial of a time extension under this section may appeal that determination.
  - b. How To Appeal – The applicant must file a letter of appeal within 14 days of the approval or denial of the time extension indicating how the determination affects his/her property and presenting any relevant arguments or information on the correctness of the determination. The applicant shall include the appeal fee as established by ordinance.
  - c. Applicable Procedures – All appeals of decisions under this section will be reviewed and decided upon using Process IIA, described in Chapter 150 KZC.

## 142.60

Bonds

The Planning Official may require a bond under Chapter 175 KZC to ensure compliance with any aspect of a D.R. approval.

11. Decision on the Appeal

- a. Criteria – Unless substantial relevant information is presented which was not considered by the Design Review Board, the decision of the Design Review Board shall be accorded substantial weight. The decision may be reversed or modified if, after considering all of the evidence in light of the design regulations, design guidelines, and Comprehensive Plan, the hearing body or officer determines that a mistake has been made. Specific allowances established by the applicable use zone charts may not be appealed unless the Design Review Board has approved exceptions to those allowances.
- b. General – The hearing body or officer shall consider all information and material within the scope of the appeal submitted by the appellant. The hearing body or officer shall adopt findings and conclusions and either:
  - 1) Affirm the decision being appealed; or
  - 2) Reverse the decision being appealed; or
  - 3) Modify the decision being appealed.
- c. Issuance of Written Decision – Within eight calendar days after the public hearing, the hearing body or officer shall issue a written decision on the appeal. Within four business days after it is issued, the hearing body or officer shall distribute the decision by mail to the appellant and the applicant.
- d. Effect – If the appeal hearing is combined with an open record hearing for a related development permit, the decision on the appeal shall become part of the decision on the related development permit. The final decision of the City on the appeal of the Design Review Board decision shall occur at the same stage as the final decision of the City on the related development permit. Any appeal or challenge of the action of the hearing body or officer on the appeal of the Design Review Board decision shall be limited to the scope of the initial appeal.

142.50

Modifications

1. The Planning Official may approve a modification to the D.R. approval for the proposed development if:
  - a. The need for the modification was not known and could not reasonably have been known before the D.R. approval was granted;
  - b. The modification is minor and will not, in any substantial way, change the proposed development or violate any requirement imposed by the Design Review Board. The Planning Official may consult with the Design Review Board in his/her decision; and
  - c. The development that will result from the modification will be consistent with the design regulations, design guidelines, and Comprehensive Plan.
2. Any modification, other than as specified in subsection (1) of this section, must be reviewed and decided upon as a new D.R. approval under this chapter.



## Kirkland Zoning Code Amendments

Chapter 142 Revised 5/25/07  
 DPV18-00312 Appeal  
 Enclosure 8

142.55

Lapse of Approval For Design Review Board Decisions

1. General – Unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one year after the final decision granting the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three years after the final decision on the D.B.R. approval or the decision becomes void. "Final decision" means the final decision of the Planning Official or Design Review Board.

2. Extensions

a. Application – The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the D.B.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1) of this section.

b. Fee – The applicant shall include with the letter of request the fee as established by ordinance.

c. Review Process – An application for a time extension will be reviewed by the Planning Official.

3. Appeals

a. Who Can Appeal – Any person who is aggrieved by a time extension or denial of a time extension under this section may appeal that determination.

b. How To Appeal – The applicant must file a letter of appeal within 14 days of the approval or denial of the time extension indicating how the determination affects his/her property and presenting any relevant arguments or information on the correctness of the determination. The applicant shall include the appeal fee as established by ordinance.

c. Applicable Procedures – All appeals of decisions under this section will be reviewed and decided upon using Process IIA, described in Chapter 150 KZC.

142.60

Bonds

The Planning Official may require a bond under Chapter 175 KZC to ensure compliance with any aspect of a D.R. approval.



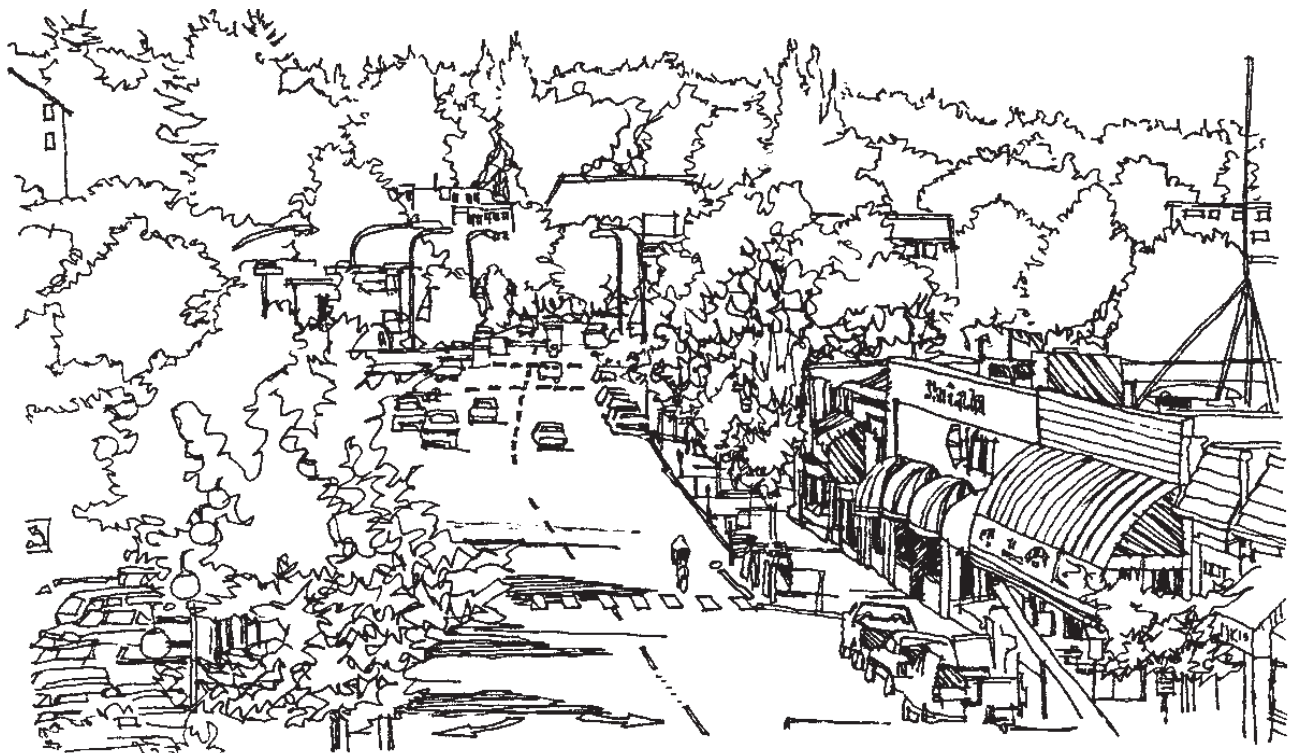
# Introduction

This document sets forth a series of Design Guidelines, adopted by Section 3.30 of the Kirkland Municipal Code, that will be used by the City in the design review process. For Board Design Review (BDR), the Design Review Board will use these guidelines in association with the Design Regulations of the Kirkland Zoning Code. To the extent that the standards of the Design Guidelines or Design Regulations address the same issue but are not entirely consistent or contain different levels of specificity, the Design Review Board will determine which standard results in superior design. For Administrative Design Review (ADR), the Planning Official will use these guidelines when necessary to interpret the Design Regulations. They are also intended to assist project developers and their architects by providing graphic examples of the intent of the City's guidelines and regulations.

Most of the concepts presented in the Design Guidelines are applicable to any pedestrian-oriented business district.\* “Special Considerations” have been added, such as for Downtown Kirkland, to illustrate how unique characteristics of that pedestrian-oriented business district relate to the Guideline.

The Design Guidelines do not set a particular style of architecture or design theme. Rather, they will establish a greater sense of quality, unity, and conformance with Kirkland's physical assets and civic role.

The Design Guidelines will work with improvements to streets and parks and the development of new public facilities to create a dynamic setting for civic activities and private development. It is important to note that these Guidelines are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.



*\* The guidelines also apply to residential development in the Central Business District (CBD), the Juanita Business District (JBD), the North Rose Hill Business District, the Market Street Corridor (MSC), the Finn Hill Neighborhood Center (FHNC), the Houghton/ Everest Neighborhood Center (HENC), the Totem Lake Business District Core, and Planned Area 5C (PLA5C); and to mixed use development throughout the City.*



## Kirkland Design Guidelines

The drawing below illustrates many of the design Guidelines described in this appendix

- 1 Pedestrian plazas and places for vendors encouraged through several regulations.
- 2 Buildings on corner lots may be required to incorporate an architectural or pedestrian-oriented feature at the corner. Many options are possible including plazas, artwork, turrets, curved corners, step backs, setbacks, etc.

**Special architectural requirements placed on use of concrete block and metal siding.**

- 3 “Architectural scale” requirements direct large buildings to fit more comfortably with neighboring development. This example employs building setbacks, decks, curved surfaces, and recessed entries to reduce appearance of building mass.
- 4 Parking garages on pedestrian-oriented streets or through-block sidewalks may incorporate pedestrian-oriented uses or pedestrian-oriented space into front facades.

**Street trees required along certain streets.**

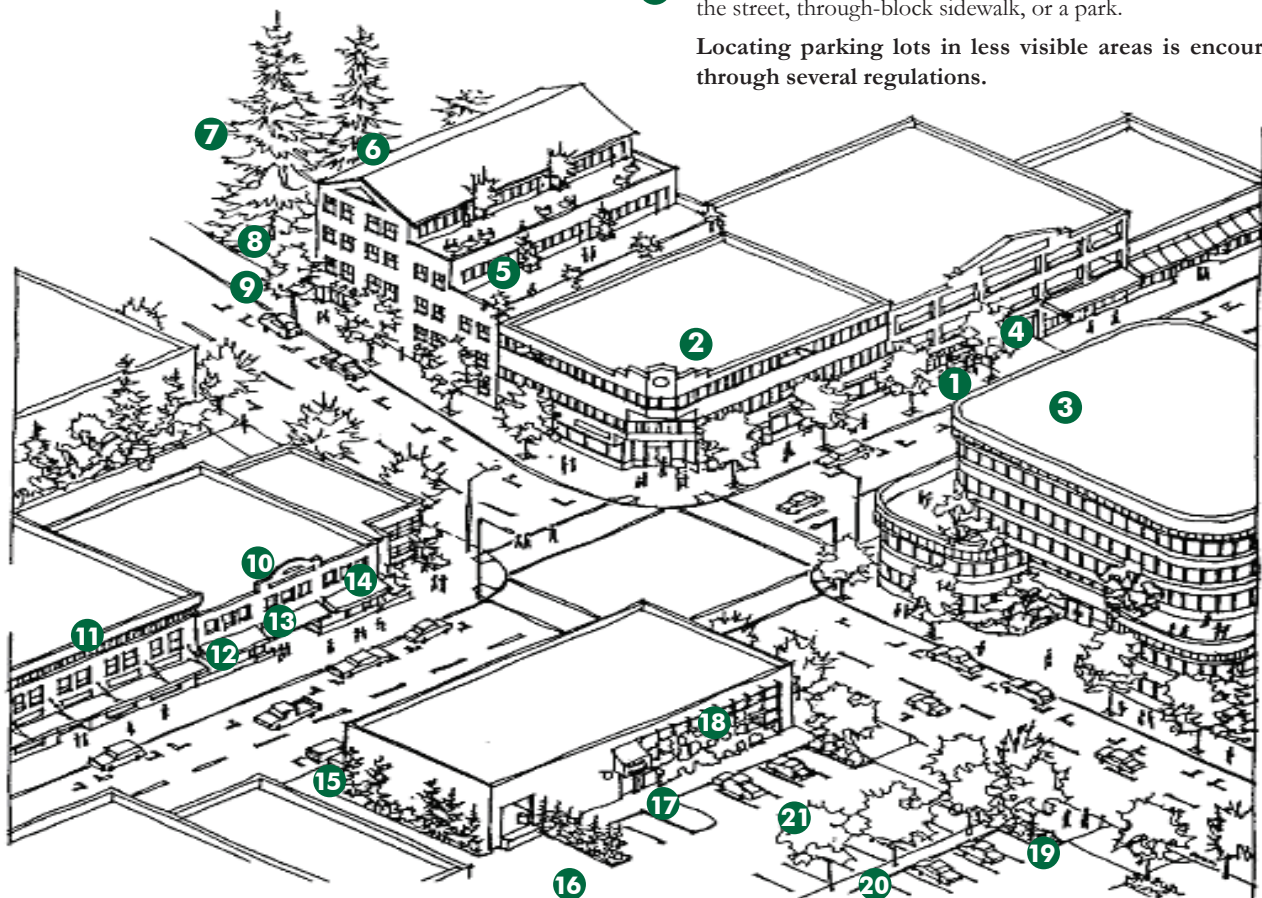
- 5 Human scale features such as balconies or decks, bay windows, covered entries, gable or hipped rooflines, multiple paned windows, or pedestrian-oriented space may be required.
- 6 More flexible method of measuring building height on slopes.
- 7 New policies regarding tree protection and enhancement of wooded slopes. Standards for size, quantity, quality, and maintenance of landscape plant materials are set by the Zoning Code.

- 8 Standards for size, quantity, quality, and maintenance of landscape plant materials are set by the Zoning Code.
- 9 Standards are set for pathway width, pavement, lighting, and site features on required major pathways and public properties.
- 10 A building cornerstone or plaque may be required.
- 11 Covering up existing masonry or details with synthetic materials is restricted.
- 12 Ground story facades of buildings on pedestrian-oriented streets or adjacent to parks may be required to feature display windows, artwork, or pedestrian-oriented space.
- 13 Pedestrian weather protection required on pedestrian-oriented streets.
- 14 Architectural detail elements such as decorative or special windows, doors, railings, grillwork, lighting, trellises, pavements, materials, or artwork to add visual interest may be required.

**Size of parking lots abutting pedestrian-oriented streets may be restricted.**

- 15 Quantity and locations of driveways are regulated.
- 16 Visible service areas and loading docks must be screened.
- 17 Provision for pedestrian circulation is required in large parking lots.
- 18 Blank walls near streets or adjacent to through-block sidewalks must be treated with landscaping, artwork, or other treatment.
- 19 Screening of parking lots near streets is required.
- 20 Standards for curbs, signing, lighting, and equipment are set for parking lots.
- 21 Internal landscaping is required on large parking lots visible from the street, through-block sidewalk, or a park.

**Locating parking lots in less visible areas is encouraged through several regulations.**





## Purpose of the Design Guidelines for Downtown Kirkland

In 1989 the Kirkland City Council adopted Kirkland's Downtown Plan which set a vision for the downtown's future and outlined policies and public actions to make that vision a reality. One of the recommended actions is the adoption of a set of Downtown Design Guidelines to be used in reviewing all new development and major renovations in the downtown area. The goal of the Design Guidelines as stated in the plan is to

*... balance the desired diversity of project architecture with the equally desired overall coherence of the downtown's visual and historic character. This is to be achieved by injecting into each projects' creative design process a recognition and respect of design guidelines and methods which incorporate new development into downtown's overall pattern.*

In addition, the guidelines are intended to further the following urban design goals stated in the plan:

- ◆ Promote a sense of community identity by emphasizing Kirkland's natural assets, maintaining its human scale, and encouraging activities that make downtown the cultural, civic, and commercial heart of the community.
- ◆ Maintain a high-quality environment by ensuring that new construction and site development meet high standards.
- ◆ Orient to the pedestrian by providing weather protection, amenities, human scale elements, and activities that attract people to downtown.
- ◆ Increase a sense of continuity and order by coordinating site orientation, building scale, and streetscape elements of new development to better fit with neighboring buildings.
- ◆ Incorporate parks and natural features by establishing an integrated network of trails, parks, and open spaces and maintaining existing trees and incorporating landscaping into new development.
- ◆ Allow for diversity and growth through flexible guidelines that are adaptable to a variety of conditions and do not restrict new development.

## Purpose of the Design Guidelines for PLA5C

Planned Area 5C is part of the Moss Bay Neighborhood and is designated for high density residential and office uses. It is located just east of the Central Business District (CBD) and shares many of the CBD's

characteristics, although retail uses are not allowed.

The adjacent steep hillside to the north of PLA5C is part of the 85<sup>th</sup> Street right-of-way and it limits potential view obstruction from the five to six story buildings which can be developed in PLA5C.

The following guidelines, which encourage wide sidewalks, do not apply to PLA5C since there are no "pedestrian oriented streets" or "major pedestrian sidewalks" designated in the Zoning Code for this area.

- ◆ Sidewalk Width: Movement Zone
- ◆ Sidewalk Width: Storefront Activity Zone

An additional guideline that does not apply is "Height Measurement on Hillsides."

## Purpose of the Design Guidelines for Juanita Business District

The Juanita Business District Plan was adopted in 1990 by the City Council. It states that "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."

As part of the Juanita Business District Plan, Design Regulations and Design Guidelines were established for new development and major renovations in the Business District (JBD). These guidelines and regulations are intended to further the following urban design features stated in the plan:

- ◆ Pedestrian pathways from the surrounding residential areas to and through the business district and on to Juanita Beach Park should be acquired and improved.
- ◆ View corridors to the lake should be explored through new development in the business district.
- ◆ Entry features, such as signs or sculpture, should be established in the locations shown in the Juanita Business District Plan.
- ◆ Coordinated streetscape improvements should be used throughout the business district, including street trees, street furniture, and other amenities, like flowers, banners, and signs.

## Purpose of the Design Guidelines for the Market Street Corridor, including the Market Street Historic District

The City Council adopted the Market Street Corridor Plan in December of 2006 as part of the Market and Norkirk Neighborhood planning process. The new plan





was created for commercial and multifamily properties adjoining Market Street extending from the Central Business District at the south end to 19th Avenue at the north end. The plan includes a vision for the corridor of an attractive, economically healthy area that accommodates neighborhood oriented businesses, office uses and multifamily housing in a way that complements and protects the adjacent residential neighborhoods.

The historic 1890's buildings at the intersection of Market Street and 7th Avenue create a unique sense of place that represents the original town center of Kirkland. The plan establishes an historic district in this area that will reflect the City's past through both its old and new buildings and its streetscape. New development and renovation within this historic district should reflect the scale and design features of the existing historic resources in the district.

As part of the Market Street Corridor Plan, Design Regulations and Guidelines are established for new development and major renovations in the Market Street Corridor (MSC). These guidelines and regulations are intended to further the following design objectives that are stated in the plan:

- ◆ Encourage preservation of structures and locations that reflect Kirkland's heritage.
- ◆ Support a mix of higher intensity uses along the Market Street Corridor while minimizing impacts on adjacent residential neighborhoods.
- ◆ Maintain and enhance the character of the historic intersection at 7th Avenue and Market Street.
- ◆ Provide streetscape, gateway and public art improvements that contribute to a sense of identity and enhanced visual quality.
- ◆ Provide transitions between low density residential uses within the neighborhoods and the commercial and multifamily residential uses along Market Street.

Except for the MSC2 zone, the following guidelines, which suggest wider sidewalks, do not apply since there are no "pedestrian oriented streets" or "major pedestrian sidewalks" designated in the Zoning Code for the Market Street Corridor.

- ◆ Sidewalk Width: Movement Zone
- ◆ Sidewalk Width: Storefront Activity Zone

Additional guidelines that do not apply to the Market Street Corridor include:

- ◆ Protection and Enhancement of Wooded Slopes

- ◆ Height Measurement on Hillsides
- ◆ Culverted Creeks

## Purpose of the Design Guidelines for North Rose Hill Business District

The North Rose Hill Business District goals and policies were adopted in 2003 as part of the North Rose Hill Neighborhood Plan. Development in the North Rose Hill Business District (NRHBD) is to complement the Totem Lake Business District and encourage increased residential capacity to help meet housing needs. Commercial uses are to be limited to those that are compatible with the residential focus of the NRHBD.

As part of the NRH plan, design regulations and guidelines were established for new development and major renovations in the Business District (NRHBD). These guidelines and regulations are intended to further the following urban design goals and policies stated in the plan:

- ◆ Ensure that public improvements and private development contribute to neighborhood quality and identity in the Business District through:
  - *Establishment of building and site design standards.*
  - *Utilization of the design review process.*
  - *Location and sharing of parking lots.*
  - *Utilization of high quality materials, public art, bicycle and pedestrian amenities, directional signs on all arterials, and other measures for public buildings and public infrastructure, such as streets and parks.*
- ◆ Provide transitions between commercial and residential uses in the neighborhood.
- ◆ Provide streetscape improvements that contribute to a sense of neighborhood identity and enhanced visual quality.

Since the focus of the NRHBD is on increasing residential capacity while accommodating supportive commercial uses, rather than developing into a destination retail business district, the following guidelines do not apply to this business district.

- ◆ Sidewalk Width – Movement Zone
- ◆ Sidewalk Width – Curb Zone
- ◆ Sidewalk Width – The Storefront Activity Zone
- ◆ Pedestrian Coverings
- ◆ Pedestrian-Friendly Building Fronts
- ◆ Upper-Story Activities Overlooking the Street

In addition, the following do not apply:

- ◆ Protection and Enhancement of Wooded Slopes
- ◆ Height Measurement on Hillsides



- ◆ Views of Water
- ◆ Culverted Creeks

## Purpose of the Design Guidelines for the Totem Lake Business District Core

The Kirkland City Council adopted a new neighborhood plan for Totem Lake in early 2002. The vision set forth in the Plan for the Totem Lake Business District Core is of a dense, compact community, with a mix of business, commercial and residential uses and a high level of transit and pedestrian activity.

The Plan establishes key overall design principles for the Business District Core, as well as specific design objectives for the Totem Lake Mall (TL 2), Evergreen Hospital campus (TL 3), and the mixed-use area west of the campus (TL 1). Design objectives promoted in the plan for the Business District Core include:

- ◆ Accommodate high density, transit-oriented development, consistent with the district's position in an Urban Center.
- ◆ Ensure that public and private development contribute to a lively and inviting character in the Business District Core.
- ◆ Reinforce the character of the Business District Core through public investments
- ◆ Produce buildings that exhibit high quality design, incorporate pedestrian features and amenities and display elements of both continuity and individuality
- ◆ Provide public spaces that are focal points for the community
- ◆ Provide visual and functional connections between adjacent developments through landscaping, public spaces and pedestrian connections.

Design considerations specific to the three subareas within the district include:

### Mixed-Use Area (TL 1)

- ◆ Break up the mass of larger buildings through techniques such as towers over podiums, to create a varied building footprint and the perception of a smaller overall building mass.
- ◆ Incorporate features that create distinctive roof forms, to contribute to a skyline that is visually interesting throughout the district.

- ◆ Ensure appropriate transitions from lower density uses north of the Business District Core through providing residentially scaled façades and centered building masses in development along NE 132nd Street.

### Retail Center (TL 2)

The Totem Lake Business District Plan direction for the TL2 area is to support its growth as a vibrant, intensive retail center for the Kirkland community and surrounding region. These guidelines are intended to promote the vision of this area as a "village-like" community gathering place, with high-quality urban and architectural design in redevelopment. To provide for flexibility and increased development potential, while ensuring coordinated development and design integrity over time, redevelopment should occur within the context of an overall site development or Master Plan for the entire property.

### Evergreen Hospital Medical Center Campus (TL 3)

The Totem Lake Business District Plan acknowledges the important role the hospital plays in the Kirkland community, and supports growth on the campus to strengthen this role. Design objectives stated in the Plan for the Evergreen Hospital campus are consistent with those expressed in the Master Plan approved for the site:

- ◆ Taller buildings should be located toward the center of the site and designed to minimize shadowing and transition impacts on residential areas.
- ◆ Public access to usable green spaces on the campus can help to offset the impacts of taller buildings on the site.
- ◆ Ensure campus edges are compatible with neighboring uses.
- ◆ Enhance and improve pedestrian access with the campus and to surrounding uses, particularly the transit center and to TL 2.

The approved Master Plan for the hospital campus includes additional, unique design guidelines that apply to institutional development in a campus environment:

- ◆ *Respond to Physical Environment:* New buildings should be attractive as well as functional additions to the campus.
- ◆ *Enhance the Skyline:* The upper portion of buildings should be designed to promote visual interest and variety on the skyline, except where building function dictates uninterrupted vertical mass.



- ◆ Avoid blank facades in buildings located on the perimeter of the campus.
- ◆ Use materials and forms that reinforce the visual coherence of the campus.
- ◆ Provide inviting and useable open space.
- ◆ Enhance the campus with landscaping.
- ◆ Guidelines for the transit center to be located on the hospital campus should be developed and incorporated with guidelines for the rest of the campus.

The following guidelines do not apply to the Totem Lake Business District Core:

- ◆ Height Measurement on Hillsides
- ◆ Views of Water

## Purpose of the Design Guidelines for Finn Hill Neighborhood Center (FHNC)

The Finn Hill Neighborhood Plan was adopted in early 2018 by the City Council. The Neighborhood Plan sets the vision for the Finn Hill Neighborhood Center north of NE 141st ST along Juanita Drive as a mixed use, neighborhood scale commercial and residential village to strengthen the neighborhood identity.

The design guidelines are intended to further the following design objectives described in the Plan for the FHNC and summarized below:

- ◆ Building and site design is attractive, pedestrian oriented and compatible in scale and character with the surrounding neighborhood.
- ◆ Pedestrian paths connect between uses on a site and adjacent properties.
- ◆ Parking lots or parking garages are oriented to the back or side of buildings or treated with landscaping or design features.
- ◆ Streetscape improvements are attractive to identify Finn Hill as unique to other commercial districts and multi-modal in design.
- ◆ Public gathering spaces contain seating and landscaping.
- ◆ Bicycle and pedestrian amenities are provided including directional signage.
- ◆ Green building and sustainable site techniques are utilized.
- ◆ Art, signs and landscaping are used to add character to the commercial area.

The following guidelines do not apply to this district:

- ◆ Protection and enhancement of wooded slopes
- ◆ Height measurement on Hillsides
- ◆ Culverted Creeks
- ◆ Open Space at Street Level

## Purpose of the Design Guidelines for the Houghton/Everest Neighborhood Center (HENC)

The plan for the HENC was adopted in 2017. The primary goal of the plan is to promote a strong and vibrant pedestrian oriented neighborhood center with a mix of commercial and residential land uses that primarily serve the adjacent neighborhoods.

In addition, the HENC contains an important interface with the Cross Kirkland Corridor (CKC). Successfully integrating site and building design, as well as public access, with this important transportation and open space amenity will mutually benefit the neighborhood center and the CKC. Thoughtful design of the interface will attract nonmotorized customers and residents to the neighborhood center and create an attractive and safe space for pedestrians and bicyclists using the CKC.

The Guidelines are intended to further the following design objectives that are stated in the Comprehensive Plan.

- ◆ Coordinate development on both sides of the NE 68th Street Corridor in the Everest and Central Houghton neighborhoods.
- ◆ Promote a pedestrian-oriented development concept through standards for a coordinated master plan for the center.
- ◆ Reduce ingress and egress conflicts within and around the center through creation of a circulation system for all users including vehicles, bicycles and pedestrians.
- ◆ Design buildings with careful attention given to modulation, upper story step backs, and use of materials to reduce the appearance of bulk and mass.
- ◆ Coordinate street improvements.
- ◆ Provide transitions between commercial and low density residential areas.
- ◆ Discourage southbound through traffic on 106th Avenue NE.

- ◆ Enhance the gateway at the corner of NE 68th Street and 108th Avenue NE.
- ◆ Provide gathering spaces and relaxation areas within the center.

The following guidelines do not apply to the Neighborhood Center:

- ◆ Protection and Enhancement of Wooded Slopes
- ◆ Height Measurement on Hillsides
- ◆ Culverted Creeks

## Purpose of the Design Guidelines for Neighborhood Business Districts

The Comprehensive Plan establishes a hierarchy of commercial districts, with regional goods and services at the upper end and neighborhoods goods and services at the lower end.

Kirkland's Neighborhood Business Districts (BN, BNA, and MSC2) are important in providing neighborhood goods and services. Given the more localized draw for residents to meet their everyday needs, an emphasis on convenient and attractive pedestrian connections and vehicular access is important.

In addition, because these districts are surrounded by the residential land uses they serve, the design character and context of new development is critical to ensure that it integrates into the neighborhood.

The design guidelines are intended to further the following design objectives that are stated in the Plan:

- ◆ Establish development standards that promote attractive commercial areas and reflect the distinctive role of each area.
- ◆ Encourage and develop places and events throughout the community where people can gather and interact.
- ◆ Moss Bay neighborhood: Ensure that building design is compatible with the neighborhood in size, scale, and character.
- ◆ South Rose Hill neighborhood: Residential scale and design are critical to integrate these uses into the residential area.

The following guidelines do not apply to these districts:

- ◆ Protection and Enhancement of Wooded Slopes
- ◆ Height Measurement on Hillsides
- ◆ Culverted Creeks

