



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425-587-3600

MEMORANDUM

To: Planning Commission

From: Adam Weinstein, AICP, Planning & Building Director
Allison Zike, AICP, Deputy Planning & Building Director
Scott Guter, AICP, Senior Planner

Date: February 15, 2023

Subject: NE 85TH ST STATION AREA PLAN – PHASE 2 – PUBLIC HEARING, FILE NO. CAM20-00153

RECOMMENDATION

Conduct a public hearing to receive public testimony on Phase 2 of the NE 85th St. Station Area Plan amendments to the Kirkland Zoning Code (KZC), Zoning Map, and Kirkland Municipal Code (KMC). At the conclusion of the public hearing, conduct Planning Commission (PC) deliberations and prepare a recommendation to the City Council on Phase 2 Station Area Plan amendments.

BACKGROUND

At a [June 28, 2022 special meeting](#), following a planning process extended to allow for more community input and project analysis, City Council (Council) adopted a plan for the NE 85th St Station Area. The adoption of the plan created a new subarea chapter in the city's Comprehensive Plan, and paves the way for a thriving, transit-oriented, new walkable district with high tech and family wage jobs, plentiful affordable housing, sustainable buildings, park amenities, and commercial and retail services. At that time, Council also adopted the first phase (Phase 1) of Station Area Zoning code amendments which implemented a Form-based Code (FBC) for the Commercial Mixed-use District, and the NE 85th St Station Area Plan Design Guidelines for the full subarea.

The PC has held three study sessions, on [October 13](#), [October 27](#), and [November 10, 2022](#), to specifically discuss the code amendments for Phase 2 of the Station Area Plan. Phase 2 of the Station Area is guided by the goals and policies adopted for the subarea in Phase 1. The Phase 2 adoption process includes specific parcel rezones, and Zoning Code and Municipal Code amendments to implement the FBC for the Neighborhood Mixed-use, Civic Mixed-use, and Urban Flex districts (see Figure 1). Phase 2 will also include adoption of the final Planned Action Ordinance (PAO) for the full Station Area.

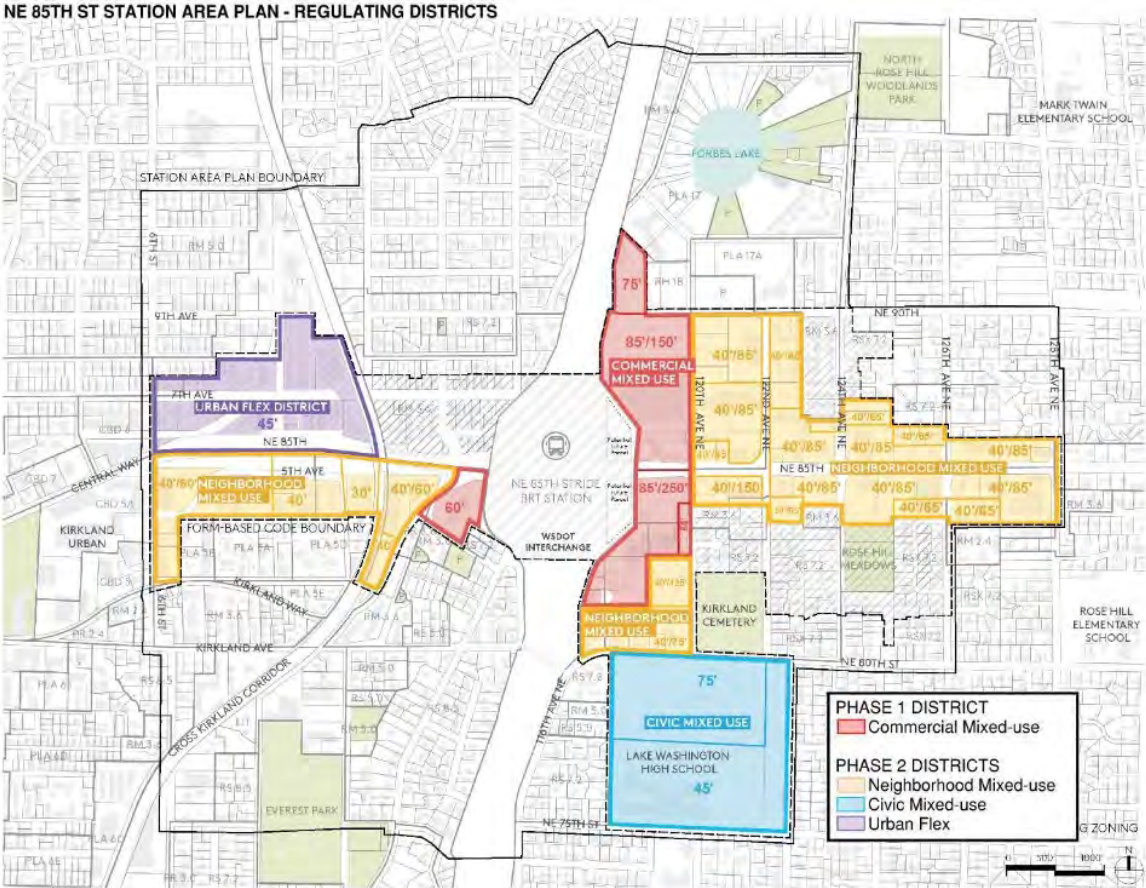


Figure 1: Regulating District Phases of the NE 85th Station Area Plan.

In the fall 2022 study sessions, Planning Commissioners discussed the development regulations for each Station Area district (or zone) and how the districtwide standards adopted in Phase 1 (e.g., height transitions, landscaping, parking rates) apply to Phase 2 districts. The PC received updates on the 120th Ave NE Corridor Study and provided feedback on this project, on each district, and on topics such as active street-level uses, maximum building heights, frontage and transition standards, and parking requirements. Staff has incorporated the direction received from the PC study sessions into the enclosed draft amendments to Chapter 57 KZC (see Attachment 1).

SUMMARY OF PROPOSED PHASE 2 DEVELOPMENT STANDARDS (KZC 57 AMENDMENTS) & PC FOCUS TOPICS

The draft FBC for Phase 2 includes the standards adopted with Phase 1, the addition of Phase 2 district standards, and minor amendments throughout the adopted Station Area FBC (KZC Chapter 57) to improve the function and clarity of the full chapter (see Attachment 1). Additional Zoning Code amendments also ensure that the FBC is well-integrated with applicable standards found in other chapters of the Zoning Code (see Attachment 2).

Many of the draft amendments in KZC 57 improve the function and clarity of the code but are not consequential to how the bulk and mass of buildings will be regulated.

Amendments include re-ordering some sections for easier usability, adjusting terms for easier cross referencing with other sections of the Zoning Code, listing definitions and terms in alphabetical order, adding common standards such as sign and overhead weather protection requirements, and clarifying the review process.

The more significant amendments to KZC 57 will add new subsections with development standards for the Phase 2 Station Area zones (see Figure 1). To assist with the PC's review, staff recommends that focus be directed to the topics that were the source of the most public input from the community and raised the most questions and discussion with the PC during previous study sessions. The PC should specifically discuss, deliberate, and prepare a recommendation on the following topics within the draft KZC amendments:

- New NMU Boundary Proposal
- Height Transition Standards
- Residential Parking Requirements
- Affordable Housing Standards
- Incentive Zoning – Grocery Store Amenities

Note – the PC's deliberation and recommendation are not limited to these topics, and other specific items can be discussed at the PC's discretion.

The following subsections include a brief review, summary of related staff work to develop draft standards, the question(s) the PC should answer in their deliberations, and a staff recommendation for each topic.

1. New NMU Boundary (Attachment 1, pages 8 – 9, and Attachment 3)

During previous discussions with staff, the PC expressed concern over the abrupt change in maximum building height between the properties in the NMU district containing a maximum bonus height of 150 feet and neighboring residential properties. The PC requested that staff explore introducing increments of allowed height on parcels to serve as transitions between adjacent zones. Furthermore, Council requested (in response to a letter from a property owner included in Attachment 9) that staff explore expanding the boundary of the NMU boundary to be inclusive of all parcels south of NE 85th St (within the Station Area) that are currently zoned for medium-density residential uses. With this direction, staff developed an option that adjusts the NMU boundary to incorporate the RM 3.6 zone south of the existing NMU boundary (see Figure 2, below) to address comments by PC and Council. These new parcels within the NMU boundary would have a maximum bonus height of 65 feet and would add an additional buffer between adjacent residential properties to the south and NMU zones with a taller height limit to the north. Attachment 3 shows an alternative Regulating Plan from the plan in the draft KZC 57 amendments (see Attachment 1, page 9 and Figure 2) that shows the additional RM 3.6 parcels included in the NMU zone.

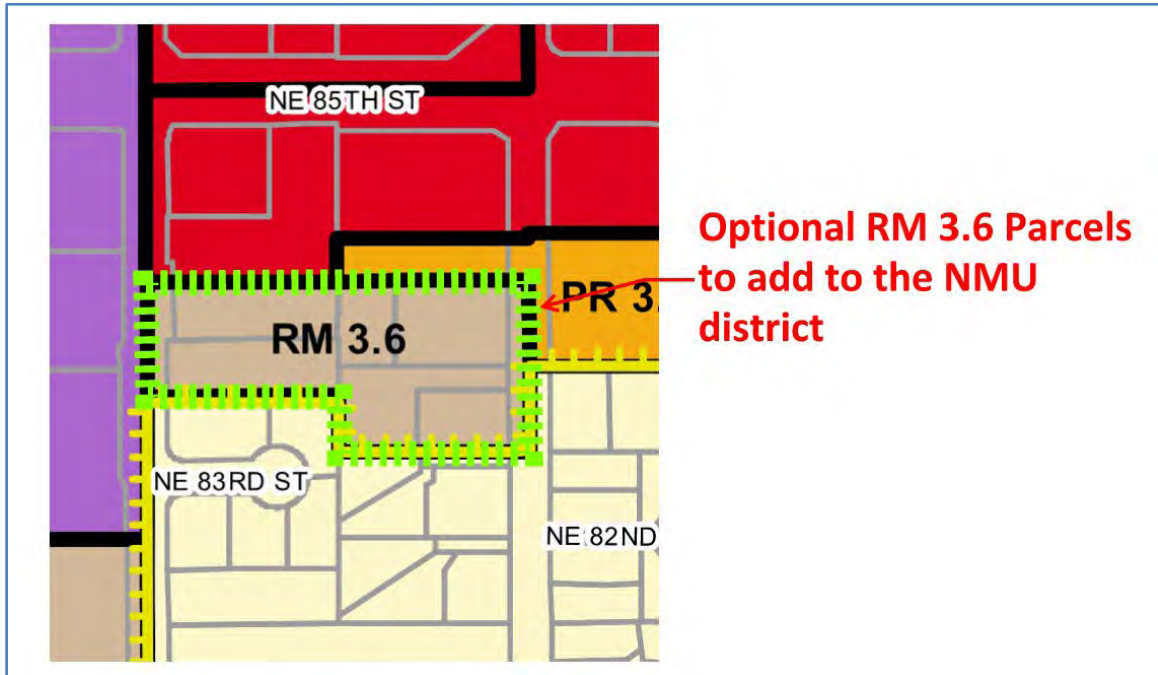


Figure 2: Existing Zoning Map - Optional parcel rezone from RM 3.6 to NMU.

Question for PC: Should the NMU district include the additional parcels shown in Figure 2? If included, is a maximum allowed height of 65 feet appropriate?

Staff Recommendation: Staff supports the adjusted boundary as it addresses the PC's concerns over the height difference between zoning districts and provides the "stepping down" of building heights between zones that Commission requested. Staff recommends a maximum allowed height of 65 feet for the subject parcels.

2. Transition Standards (Attachment 1, pages 72 – 74, and Attachment 4)

Transitions are intended to ensure that new development is consistent with the vision of the Station Area Plan to provide appropriate transitions of development intensity, height, and bulk between different zones. In the draft code amendments (see Attachment 1), transition standards include both a landscape buffer and a sky exposure plane. The PC had extended discussions at the fall 2022 study sessions on transition standards, specifically the sky exposure plane requirements. The PC's feedback focused on the effectiveness of the draft sky exposure plane angle at mitigating bulk and mass impacts between neighboring properties with significant differences between maximum building heights. Staff has responded to the PC's input in the draft FBC (see Attachment 1) by:

- Addressing sloped parcels (where there is a difference in the grade elevation between properties) by establishing a maximum height of the vertical plane based on the average elevation of the common property line between zoning districts.

- Increasing the angle of the sky exposure plane if the height between zoning districts is 50 feet or higher.

At the November 10 meeting, the PC agreed that no transition standard was necessary for locations where the maximum allowed height difference was less than 30 feet, and that a sky exposure plane of 25 degrees was adequate for locations where the maximum allowed height difference was between 30 feet and 50 feet. At that meeting, the PC asked staff to explore additional options to identify an appropriate sky exposure plane angle (bullet 2 above) greater than 30 degrees where the maximum allowed height difference is over 50 feet. The PC should deliberate on the alternative sky exposure planes shown in Attachment 4.

Question for PC: What sky exposure plane angle should be required for locations where the maximum allowed height difference is greater than 50 feet?

Staff Recommendation: Staff recommends a 30 degree sky exposure plane for the referenced locations, as it offers reasonable massing relief and ensures consistency with Station Area Land Use Goal SA-2 (excerpted from Comprehensive Plan Chapter XV.G):

Encourage development intensities that create the capacity to accommodate higher growth targets for the Subarea in the future.

Per PC direction, staff and the Station Area Plan consultants explored a sky exposure plane for the affected locations that was between 30 and 45 degrees, and selected 35 degrees for that analysis. Staff found the difference between 30 degree and 35 degree sky exposure planes result in little massing relief. A 35 degree sky exposure plane could also would result in a more complicated and costly building form on the upper floors. A 45 degree sky exposure plane, studied previously, results in a loss in both development capacity and related public amenities, and could also require a more complicated and costly building form on the upper floors- potentially discouraging new development from reaching the full allowed capacity.

3. Parking Requirements (Attachment 1, pages 74 – 76)

On November 10, the PC provided feedback on proposed parking ratios for residential uses and asked staff to provide lower parking standards for affordable housing and explore additional parking reductions.

The draft parking standards shown below (included in Attachment 1, Table 6) establish affordable housing parking requirements. Staff also included specific parking requirements for residential suites (micro housing).

Draft Districtwide Parking Standards Recommended by Staff

Land Use	Minimum Required Parking
Residential: Detached Dwelling Unit	2/unit

Residential: Residential Suites, Attached or Stacked Dwelling Units	0.5/affordable studio unit or residential suite 0.75/affordable one-bedroom unit s 0.75/studio unit or residential suite ⁱ ± 1/one-bedroom unit 1.25/two-bedroom unit 1.5/three- or more bedroom unit
Residential: Assisted Living Facility	0.5/unit
Residential: Convalescent Center	0.5/bed
Commercial	2/1000 SF GFA
Industrial	1/1000 SF GFA Breweries, wineries or distilleries shall apply the minimum required industrial parking rate only for the portion of the building engaged in industrial uses. Tasting rooms for breweries, wineries, or distilleries shall provide parking at 2/1000 SF GFA.
Institutional	Set by the City Transportation Engineer under KZC 105.25

In acknowledging that the parking standards presented above are quite low compared to other parts of Kirkland, staff would note that a further reduction or even elimination of parking requirements would help promote the Station Area Plan's objectives of increasing the City's housing supply, leveraging the regional transit investment, and creating a more walkable community. Staff would also note that the State Legislature is currently reviewing legislation that could eliminate parking requirements in areas, like the Station Area Plan, with substantial transit access.

Question for PC: Does PC agree with the draft residential parking standards recommended by staff?

Staff Recommendation: Planning and Transportation staff has completed significant background research on contemporary parking demand to draft the proposed parking rates for Residential and Institutional uses, including proposing that certain specific uses warrant rates that are different from the general rate. Staff recommends the draft parking standards, shown above, as maximums that should be considered and included in the draft KZC 57 amendments, as they reflect the planned multi-modal, transit-oriented approach of future development.

4. Affordable Housing Standards (Attachment 1, pages 7, 86 and Attachment 2 pages 22 – 27)

Creating more opportunities for housing, particularly affordable housing, in the Station Area has been a primary focus since the early phases of this project. Affordable housing is paramount among the benefits the community wants to see achieved with future growth (per extensive community input gathered beginning in 2020 and continuing to the current project phase), which was emphasized by direction from the PC and Council, and accordingly emphasized in the adopted goals and policies in the subarea Comprehensive Plan Chapter (Ch. XV.G). Staff has worked diligently to identify the best method to encourage and enable housing production, and maximize affordable housing, in the subarea. In addition to adopted Comprehensive goals and policies, staff sought to develop a regulatory framework that is balanced with the Incentive Zoning program for commercial development adopted in Phase 1 (i.e., taking care not to make either commercial or residential development substantially more attractive to developers than the other). Additionally, staff worked to create a simple structure that is easy to for developers to understand, staff to administer, and the community to understand likely development outcomes.

Given the above background and considerations, City staff has collaborated with staff from [A Regional Coalition for Housing \(ARCH\)](#) through our existing interlocal agreement to develop the recommended affordable housing requirements for the Station Area. ARCH staff has completed an analysis to support this joint recommendation that, at a high level, evaluates the increased value of properties in the Station Area resulting from the proposed code amendments (e.g., increased height/development capacity, lower parking requirements, abating property taxes through Multifamily Housing Tax Exemption) and identifies the affordable housing set-aside (as a percentage of total units) that can be supported in a given zone by that increased value. A background memorandum on the context and methodology behind the analysis was prepared by ARCH staff and is included as Attachment 5.

The analysis yielded a calibrated minimum affordable housing set-aside (in percentage terms) that can be supported by redevelopment, varying slightly according to the maximum height allowed in each Station Area zone. The affordable housing requirements in the Station Area will pair with the Incentive Zoning program for commercial development adopted with Phase 1, and set forth in KZC 57.30. For parcels in the NMU district where the regulating plan in KZC 57.10.030 indicates a “base” and “bonus” maximum allowed height, while the Incentive Zoning program requires development to “earn” bonus capacity above the base height on a per-square-foot basis, the affordable housing requirements apply to the total of all housing units in the development, regardless of units provided within the base or bonus capacity. The table below illustrates how the proposed affordable housing standards relate to the commercial Incentive Zoning program.

COMMERCIAL DEVELOPMENT		RESIDENTIAL DEVELOPMENT	
Base/Bonus Development Capacity	Requirements to Achieve Development Capacity	Base/Bonus Development Capacity	Requirements to Achieve Development Capacity
<i>Development up to maximum allowed <u>base</u> height</i>	Allowed as-of-right in compliance with development standards in KZC 57	<i>Development up to maximum allowed <u>base</u> height</i>	Must provide the minimum required % of affordable housing units set forth in KZC 112 as a share of total housing units
<i>Development up to maximum allowed <u>bonus</u> height</i>	Must provide community benefit amenities for each square foot of commercial development above the base height as set forth in KZC 57.30	<i>Development up to maximum allowed <u>bonus</u> height</i>	
<ul style="list-style-type: none"> • All development is required to comply with any applicable active ground floor requirements. • Any commercial square footage above the base height(including in a mixed use building with commercial and residential uses) must be earned through the Station Area Incentive Zoning program. • Any residential development including four or more units must comply with the Station Area affordable housing requirements 			

The proposed Station Area affordable housing requirements are included in Attachment 2 as draft amendments to KZC Chapter 112, and included in summary below:

- All projects creating four or more new dwelling units in the Neighborhood Mixed Use (NMU), Civic Mixed Use (CMU), or Urban Flex (UF) zones regulated in Chapter 57 KZC shall set aside the following minimum percentage of their residential units as affordable units, based on the maximum allowed height for each zone shown in the NE 85th St Station Area Regulating Plan in Figure 2, KZC 57.10.030:

Maximum Allowed Zone Height (up to bonus height where applicable)	Minimum Percent of Affordable Housing Units Required*
Less than 65'	10% - 15%
65' to 85'	20% - 25%
Above 85'	20% - 25%

**Please note that in order to optimize the calibration of the minimum requirement, ARCH is conducting some additional analysis and the required number will fall somewhere in the range of the above drafted requirement. Staff anticipates a final calibrated percentage requirement will be confirmed at the February 23 public hearing prior to the PC's deliberations.*

Affordable housing units provided pursuant to the above will be required to comply with the definition of "Affordable Housing Unit" as set forth in KZC 5 (and amended to include reference to Station Area zones in Attachment 2, Miscellaneous KZC Amendments). The KZC defines affordable housing units as units that are affordable to households earning no more than 50% of the King County median income (AMI) for rental units, and households earning no more than 80% of the King County AMI for owner-occupied units.

In addition to these proposed standards, staff has drafted an option to include an alternative compliance standard in KZC 112.120 (see Attachment 2, Misc. KZC Amendments) that would implement a sliding scale allowing developers to propose providing affordable housing units at a higher level of affordability (e.g., units affordable to households making no more than 60-80% of King County AMI) if a higher total share of units in the development are provided as affordable housing units.

Questions for PC: Does PC agree with the staff and ARCH recommendation for the base Station Area affordable housing requirements? Does PC recommend including the alternative compliance option in the affordable housing requirements?

Staff Recommendation: Jointly with ARCH, City staff recommends the base Station Area affordable housing requirements as shown in the table above and in the proposed KZC 112 amendments in Attachment 2, with the option for alternative compliance included. While the need for units at deeper levels of affordability is very important, providing flexibility for developers to consider varying levels of affordability and a higher number of total affordable housing units may aid in encouraging and enabling overall production of housing in the Station Area with future redevelopment, helping the City meet its affordable housing need.

5. Incentive Zoning – Grocery Store Amenities (Attachment 6)

During previous discussions with City, staff some Commissioners expressed concern over the effects of the Station Area's upzone and a possible resulting loss of a neighborhood grocery store like Safeway in the Station Area (e.g., the Safeway store site being

redeveloped without a grocery store). Extensive discussion by the PC at the fall 2022 study sessions considered if the Incentive Zoning program adopted in Phase 1 (included in KZC 57.30) should be amended to include the provision of a grocery store as an incentive amenity that developments could utilize to achieve bonus capacity over the base height. The PC did not reach consensus on the matter; however, staff has drafted an amendment to the incentive program that includes the addition of a grocery store as an eligible amenity and assigns a bonus capacity exchange rate to that amenity (see Attachment 6).

The drafted grocery store incentive amenity would utilize the definition of 'grocery store' PC previously recommended for use in the BCX zone (shown below), and proposes that in order to be used in exchange for bonus development capacity, a grocery store must be of significant size (at least 20,000 square feet).

Minimum Requirements for Grocery Stores in BCX Zone

A 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.

Additionally, staff considered that the grocery store should only be considered an incentive amenity if it is truly filling a "gap" or need in the district; therefore, the drafted language credit would only grant bonus development capacity for a grocery store if no others were in operation within one-half mile of the subject property. Note this would not preclude a multitude of grocery stores from operating; only what a developer may, or may not, receive in exchange for providing a grocery store. The intent here is to use the development bonus incentive judiciously and secure public benefits from developers that would not otherwise be provided.

Question for PC: Should the Incentive Zoning program be amended to include an option for development to receive bonus development capacity if a grocery store of at least 20,000 square feet is provided on-site?

Staff Recommendation: While grocery stores are, and will continue to be, an important service in the Station Area, staff posits that it will not be necessary to incentive grocery store uses in order to retain existing stores or potentially attract new stores. The Station Area contains existing transportation infrastructure with high vehicular frequency and large parcel sizes suitable for larger grocery stores. The Growth Framework of the Station Area will concentrate additional development capacity and population density and improves the area's multimodal transportation infrastructure that will support additional economic growth in this area. Existing conditions and the planned growth within the Station Area are favorable for locating a grocery in this area. The PC should consider that incorporating a grocery store use into the incentive zoning program could detract from the creation of affordable housing benefits (i.e., the primary benefit expected to be generated from Phase 2 as identified by City Council), and from the other incentive amenities that are included in the adopted Incentive Zoning program (enhanced mobility connections, parks/open space, sustainability, and schools). Staff would note that the two grocery stores in Moss Bay (PCC and QFC in and around Kirkland Urban) were developed not

as a result of prescriptive zoning or incentive zoning, but through leveraging good planning principles to support market opportunities (i.e., the establishment of ground-floor retail requirements, and the addition of substantial employment and residential density to create a sufficient customer base for the grocery stores).

SUMMARY OF MISCELLANEOUS CODE AMENDMENTS FOR STATION AREA IMPLEMENTATION

Below is a summary of the miscellaneous code amendments from various KZC chapters (outside of the Station Area chapter, KZC 57) necessary to fully implement the Station Area standards and complete clean-up of code sections that are made obsolete by that implementation. The full text of miscellaneous code amendments is included in Attachment 2.

- KZC 5.10.023: Amend Affordable Housing Unit definition to include new SAP Zones
- KZC 5.10.145: Amend Commercial Zones definition removing RH zones
- KZC 5.10.595: Amend Industrial Zones definition to remove RH 4 zone
- KZC 5.10.930.6: Amend Transit-Oriented Development (TOD) Zones definition to include SAP Zones
- KZC 10.25 Amend Zoning Categories Adopted section to include SAP Zones
- KZC 20.10.020.4: Amend Medium Density Residential Zones section removing Rose Hill Business District (RHBD) standards
- KZC 25.10.020.4: Amend High Density Residential Zones section removing RHBD standards
- KZC 30.20; Amend Office Zones, Permitted Uses (PU) Special Regulations removing PU-1, PU-12, and PU-21 related to RHBD standards
- KZC 40.10.010.1: Amend Industrial Zones, PU Special Regulation removing PU-7 related to RHBD standards
- KZC 53: Repeal RH 1B, RH 3, RH 4, RH 5A and 5B, RH 5C, and RH 7 zones.
- KZC 92: Amend Design Regulations to include SAP zones and remove RHBD zones except for RH 8
- KZC 95.45.3.a: Amend Perimeter Landscape Buffering for Driving and Parking Areas removing RHBD standard
- KZC 105.58.3: Amend Location of Parking Areas Specific to Design Districts removing RHBD standards
- KZC 110.52.5: Amend NE 85th Street Sidewalk Standards removing all RH zones except RH 8 zone
- KZC 112: Amend Affordable Housing Incentives – Multifamily Chapter adding SAP incentives
- KZC 142: Amend Design Review Chapter removing RHBD requirements
- Plate 34K: Repeal Through-Block Pathways Concept for RHBD Plate

SUMMARY OF PROPOSED ZONING MAP AMENDMENTS

The proposal includes legislative rezones of 1 parcel from RSX 7.2 to Civic Mixed Use (CVU), 36 parcels from RM 5.0 and LIT to Urban Flex (UF) and 75 parcels from PLA 5B,

PLA 5C, PLA 5D, LIT, PR 3.6, RM 1.8, RM 3.6, RH 1B, RH 3, RH 4, RH 5A, RH 5B, RH 5C, and RH 7 to Neighborhood Mixed Use (NMU). Attachment 7 includes parcel maps illustrating the proposed amendments to the Zoning Map.

Question for PC: Does PC recommend the parcel rezones as shown in the draft regulating plan in Attachment 1, or the alternate regulating plan with additional parcels added to the NMU zones as shown in Attachment 3?

Staff Recommendation: Staff recommends PC endorse the alternate regulating plan shown in Attachment 3.

SUMMARY OF PROPOSED MUNICIPAL CODE AMENDMENTS

Phase 2 includes a single amendment to adjust a map boundary to include the Urban Flex (UF) zone in the Central Kirkland Residential Target Areas for Multifamily Housing Property Tax Exemption (MFTE) eligibility (see Attachment 8). Adoption of Phase 2 of the Station Area Plan code and map amendments will rezone the subject area from Light Industrial to the Station Area Urban Flex (UF) zone, and will thereby allow residential uses in this zone (on upper floors only), where they were previously not allowed. As such, the area is not currently included within the boundary of the target area. By amending the target area, multifamily housing developments of at least four dwelling units would be eligible to apply to the City for MFTE pursuant to the eligibility criteria and application procedures in KMC 5.88. The purpose of the MFTE program is to encourage and stimulate construction of new multifamily housing, and particularly to increase the supply of multifamily housing opportunities within the City for low and moderate income households.

Staff Recommendation: Amend the boundary of the Central Kirkland Residential Target Area to include the Station Area UF zoned parcel as shown on Attachment 8.

CRITERIA FOR AMENDING THE ZONING CODE AND MAP

Amendments to the text of the Zoning Code must satisfy the following criteria contained in Chapter 135 of the Zoning Code.

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

Amendments to the text of the Zoning Map must satisfy the following criteria contained in Chapter 130 of the Zoning Code.

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

3. The proposal is in the best interest of the community of Kirkland.

Staff Analysis: The proposed amendments are consistent with and enact the Land Use Goals and Polices of the [NE 85th Street Station Subarea Plan](#) of the Comprehensive Plan and are consistent with the criteria listed above for amending the Zoning Code and map.

STATION AREA NAME AND IMPLEMENTATION PROCESS

Over the course of the Station Area Plan process, Council has expressed a desire to a replace the generic denotation of “Station Area” with a more distinguishing name for the plan and district. Several options have been explored, including community opinions through a survey and outreach to tribal representatives to explore a name recognizing Native cultural heritage. It is anticipated that Council may choose a name with the adoption of Phase 2 code amendments. If a name is chosen, amendments would be made in all relevant policy and regulatory documents to replace instances of “Station Area” with the chosen name.

ENVIRONMENTAL REVIEW & PLANNED ACTION ORDINANCE (PAO)

The Final Supplemental Environmental Impact Statement (FSEIS) for the Station Area Plan was published on December 30, 2021 and is available on the project webpage. The FSEIS analyzed the preferred plan direction for Station Area, disclosed potential significant impacts with the studied households and job growth, and identified mitigation measures for those impacts that will be implemented through the Station Area FBC, required infrastructure improvement projects with new development, and the forthcoming PAO. **An addendum to the FSEIS was published on June 24, 2022 that included additional transportation and environmental analyses. It is anticipated the City will issue a second addendum to the FSEIS prior to adoption in March 2023 in order to acknowledge the revision to the NMU district boundary if PC includes that in their recommendation to Council.**

Along with the Phase 2 legislative amendments, Council will consider adoption of a Final PAO. The PAO is the culmination of the environmental review process under the State Environmental Policy Act (SEPA) and will include specific mitigation measures for future development and submittal requirements for development applications to be reviewed as planned actions. Planned actions will be those projects that do not exceed the thresholds established in the PAO (e.g., activity units, vehicle trips), and are therefore not required to perform environmental review beyond that in the FSEIS for the Station Area. The purpose of the PAO is to streamline the environmental review of future public and private development projects that help promote the vision of the Station Area Plan. The PAO will cover the full Station Area, inclusive of the Lee Johnson site (a previously adopted PAO for that site will be void and the jobs and trip capacity allocated to that PAO will be added back in to the PAO for the full Station Area).

One benefit of a PAO is that it can provide certainty for future development applicants about the specific infrastructure projects they are required to build with their project, and/or how they may be required to contribute to infrastructure projects that provide system-wide capacity. The project team has coordinated with the Finance & Administration and Public Works Departments to incorporate the infrastructure projects

associated with the SAP into the City's Capital Improvement Program (CIP). In December 2022, the City's Capital Facilities Plan Chapter of the Comprehensive Plan was updated to reflect the revised CIP and the City will also update impact fees to ensure development applicants pay their fair share of capital costs.

It is important to note that the PAO does not contain any environmental analysis beyond the work completed in the Station Area Plan FSEIS and addenda. The public hearing for the [draft PAO](#) was already held by Council at their [November 15, 2022 meeting](#); therefore, the matter is not before PC at the February 23 meeting.

SUBMITTAL OF DRAFT PLANS TO THE DEPARTMENT OF COMMERCE

Under RCW 36.70A.106, the City is required to submit a Notice of Intent to Adopt along with any amendments to development regulations to the Washington Department of Commerce (DOC) at least sixty days prior to final adoption. DOC may review the draft regulations to confirm that they are consistent with the Growth Management Act, and with multi-regional and region planning policies. The City submitted the Intent to Adopt the Draft amendments to the DOC on October 11, 2022 and has received a response to confirm receipt by the DOC.

PUBLIC NOTICE AND TESTIMONY

Per code requirements, public notice was distributed 14 calendar days before the public hearing. Notice of the amendment was published in the official newspaper, mailed to residents and business subject to the rezone, and posted on official notification boards of the City, and on the City's website. Public notice boards were installed in the areas subject to rezone consistent with the criteria of KZC 160.40.

Specific to the PC public hearing, oral testimony may be provided live (virtually or in-person) to the Commission on February 23, 2023, or via written comment to the Commission prior to hearing. Attachment 9 contains the written testimony received prior to the public hearing through February 14, 2023.

NEXT STEPS

Following the public hearing, the PC should deliberate and forward a recommendation to the City Council. The PC recommendation for amendments to the Zoning Code and Zoning Map are scheduled to be considered by the City Council on March 21, 2023.

ATTACHMENTS

1. Draft Zoning Amendments to KZC 57
2. Miscellaneous Zoning Code Amendments
3. Regulating Plan Figure 2 Alternative
4. Transition Standard Alternatives
5. Affordable Housing Recommendations Draft Memo from ARCH
6. Alternative Grocery Store Amenities Incentive

7. Proposed Parcel Rezones
8. Amended MFTE Central Kirkland Residential Target Areas Map
9. Written Testimony Received Through February 14, 2023

cc: File Number CAM20-00153
Parties of Record (CAM20-00153)

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.05 Introduction	The following are amendments to various sections of Chapter 57 KZC. <u>Added text is shown as red and underlined.</u> Removed text is show as red with a strike through.	<u>32</u>
57.05.01 Background		<u>32</u>
57.05.02 Purpose		<u>32</u>
57.05.03 Development Agreements – Catalyst Projects		<u>32</u>
57.05.04 Code Organization <u>How to Use this Chapter</u>		<u>3</u>
57.05.05 Administrative <u>Review</u> Process		<u>5</u>
57.05.06 Definitions		<u>5</u>
57.05.07 Relationship To Other Regulations		<u>5</u>
57.10 Regulating Districts		<u>6 7</u>
57.10.01 Purpose		<u>6 7</u>
57.10.02 Applicability		<u>6 7</u>
57.10.03 Regulating Plan		<u>7 8</u>
57.10.04 Regulating District Standards		<u>8 10</u>
57.2015 Street Types		<u>31 22</u>
57. 2015 .01 Purpose		<u>31 22</u>
57. 2015 .02 Applicability		<u>31 22</u>
57. 2015 .03 Street Types Map		<u>32 23</u>
57. 2015 .04 Using Street Types		<u>33 24</u>
57. 2015 .05 Street Types Standards		<u>34 26</u>
57.1520 Frontage Types		<u>12-32</u>
57. 1520 .01 Purpose		<u>12-32</u>

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.1520.02 Applicability	12-32
57.1520.03 Frontage Types Components	13-33
57.1520.04 Frontage Types Standards	15-35
57.20 Street Types	31
57.20.01 Purpose	31
57.20.02 Applicability	31
57.20.03 Street Types Map	32
57.20.04 Using Street Types	33
57.20.05 Street Types Standards	34
57.25 Districtwide Standards	40-49
57.25.01 Purpose	40-49
57.25.02 Applicability	40-49
57.25.03 Rooftop Appurtenances, Amenities, and Structures	40-49
57.25.04 Landscaping, Green Infrastructure, And Environmental Features	40-49
57.25.05 Transitions	42-51
57.25.06 Parking	44-53
57.25.07 Green Innovation <u>Transportation Demand Management</u>	46-57
57.25.078 Green Innovation <u>Sustainability Standards</u>	58
57.30 Incentive Zoning Program	51-64
57.30.01 Purpose	51-64
57.30.02 General Provisions	51-64

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.30.03 Required Review

[51-64](#)

57.30.04 Incentive Amenities And Exchange Rates For Incentive Capacity

[51-64](#)

57.05 INTRODUCTION

57.05.01 Background

The City's NE 85th Street Station Subarea Plan was adopted in 2022 to support a thriving, new walkable district with high tech and family wage jobs, plentiful affordable housing, sustainable buildings, park amenities, and commercial and retail services linked by transit.

57.05.02 Purpose

Implementation of the vision established in the NE 85th Street Station Subarea Plan requires a comprehensive set of regulations and [the supporting d-Design g-Guidelines for the NE 85th St. Station Subarea Plan adopted by reference in Chapter 3.30 of the KMC](#). This Form-Based Code is intended to ensure that development in the Station Area is facilitated by clear and predictable standards that achieve transit-supportive development intensities in a high quality, pedestrian-oriented built environment.

57.05.03 DEVELOPMENT AGREEMENTS – CATALYST PROJECTS

As a means of encouraging early catalyst transit-oriented development projects within the Station Area (see [figure Figure 2](#)), projects on sites greater than four acres [within the Commercial Mixed Use District](#) are encouraged to apply for and negotiate a development agreement with the City pursuant to Chapter 36.70B RCW.

The purpose of such a development agreement is to provide a process for tailoring the regulations and incentives of this chapter as they apply to specific facts and circumstances. A Development Agreement approved by the City Council pursuant to chapter 36.70B RCW may approve specific variations or exceptions from the District Regulations if the Council finds and concludes in the Development Agreement that the variations or exceptions result in a project that provides overall greater benefit or overall better mitigation than would a project that strictly complies with the District Regulations, except that a Development Agreement may not authorize (1) additional height above the bonus maximum height; or (2) a [principal](#) use that is not otherwise permitted in the District.

57.05.04 **CODE ORGANIZATION** HOW TO USE THIS CODE

This code is organized into four sections:

- **Regulating Districts** define primary features of overall building form, including lot parameters, massing, height, and permitted uses. A Regulating Plan (Figure 2) defines the regulating district designation and allowed height for each parcel. These regulating districts are established on the Kirkland Zoning Map and in this chapter.

- **Street Types** [set the design intent for specific segments of public ROW, including functional classification, prioritized transportation modes, sidewalk and bikeway facility dimensions, and expected streetscape amenities like trees, planting, hardscape, and street furnishings.](#)

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

- **Frontage Types** establish design regulations for private property frontages, including the required front setback and building base. Eligible frontage types are determined based on the adjacent street type for a subject property.
- **Street Types** set the design intent for specific segments of public ROW, including functional classification, prioritized transportation modes, sidewalk and bikeway facility dimensions, and expected streetscape amenities like trees, planting, hardscape, and street furnishings.
- **Districtwide Standards** apply across the subarea, and include overall transitions, parking, plazas and public spaces, and landscaping and open space.

FIGURE 1: FORM-BASED CODE ELEMENT



57.05.05 Administrative Review Process

This chapter shall be administered by the Planning and Public Works Officials through the related development permit process. Design Board Review is required for projects that meet the criteria established in KZC Ch 142.15, and which are located in the following zones: Commercial Mixed Use, Neighborhood Mixed Use, Civic Mixed Use. In cases where a development project is subject to Design Board Review and this chapter establishes flexible standards design departures and variation from the requirements in this chapter such as averaging, the final standard shall be determined by the Design Review Board as established in KZC Ch 142.37, unless otherwise noted. Standards that which may be granted design departures and minor variations by the Design Review Board are the following:

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

1. [Maximum Street Level](#) Façade Width
2. [Minimum](#) Façade Break Width and Depth
3. ~~Lot~~ [Required](#) Setbacks
4. [Minimum](#) Upper Story Street Setbacks
5. [Maximum](#) Floor Plate Area
6. [Minimum Ground Floor](#) Parking Setbacks
7. Plaza/Public Space Dimensions
8. [Overhead Weather Protection Location and Configuration](#)

57.05.06 Definitions

For definitions, refer to KZC Ch 5.

57.05.07 Relationship to other regulations

Development in regulating districts contained in this chapter is subject to the below common code [references regulations](#). [Unless otherwise stated below, W](#)-where a provision in a referenced section below conflicts with a specific district or districtwide regulation contained in this chapter, the regulation of [that e](#)-specific district, or districtwide regulation shall govern.

Common Code Regulations. Refer to:

1. KZC Ch 1 to determine what other provisions of this code may apply to the subject property.
2. KZC Ch 45.50 for public park development standards.
3. KZC Ch 90 for regulations regarding development near streams, minor lakes (e.g. Forbes Lake), wetlands, fish and wildlife habitat conservation areas and frequently flooded areas.
4. KZC Ch 85 for regulations regarding development on property containing geologically hazardous areas.
5. KZC Ch 92 for design regulations.
6. KZC Ch 95 for regulations regarding tree retention and landscape standards for development on private property.
7. KZC Ch 105 for parking areas, vehicle and pedestrian access, and related improvements.
8. KZC Ch 112 for regulations regarding affordable housing standards.
9. KZC Ch 113 for regulations regarding cottage, carriage, and two/three-unit homes housing types.
10. KZC Ch 115 for applicable miscellaneous use development and performance standards.
11. KZC Ch 115.24 for development standards adjoining the Cross Kirkland [Corridor](#). [Regulating standards of KZC 115.24 govern where provisions in district or districtwide standards conflict.](#)

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

12. KZC Ch 142 for regulations regarding the design review process.

13. KZC Ch 162 for regulations regarding nonconformances.

57.10 REGULATING DISTRICTS

57.10.01 PURPOSE

Regulating districts are intended to translate the vision and goals documented in the NE 85th St. Station Area Plan adopted by Resolution R-5547 into standards that define allowed uses, lot parameters, building massing, and height controls. Regulating districts consist of two elements: a Regulating Plan that maps these districts to specific parcels, and parcels and Regulating District Standards that specify development standards for each district.:

57.10.02 Applicability

Regulating districts apply to areas shown on the Kirkland Zoning Map and in the Regulating Plan (Figure 2). They consist of the following zones:

- **Commercial Mixed Use (CMU):** This zone is intended to encourage uses consistent with large scale commercial and office development. It allows for office, commercial, retail, and civic/institutional uses. Maximum heights are established in the Regulating Plan and range from 60' west of I-405 to 250' east of I-405.

- **Neighborhood Mixed Use (NMU):** This zone is intended to encourage uses consistent with a mixed-use neighborhood that includes commercial development and a range of residential development types. It allows for commercial, civic/institutional, and residential uses. Maximum heights are established in the Regulating Plan and range from 60 ft west of I-405 to 150 ft east of I-405.

- **Urban Flex (UF):** This zone is intended to encourage uses consistent with a mixed-use neighborhood that supports light industrial uses consistent with an urban, walkable character. It allows for commercial, retail, civic/institutional, and residential uses. Maximum heights are established in the Regulating Plan and allow heights up to 45 ft west of I-405.

- **Civic Mixed Use (CVU):** This zone is intended to encourage uses consistent with a mixed-use environment anchored by civic/institutional uses. It allows for commercial and civic/institutional uses. Maximum heights are established in the Regulating Plan and allow heights up to 75 ft east of I-405.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.10.03 REGULATING PLAN

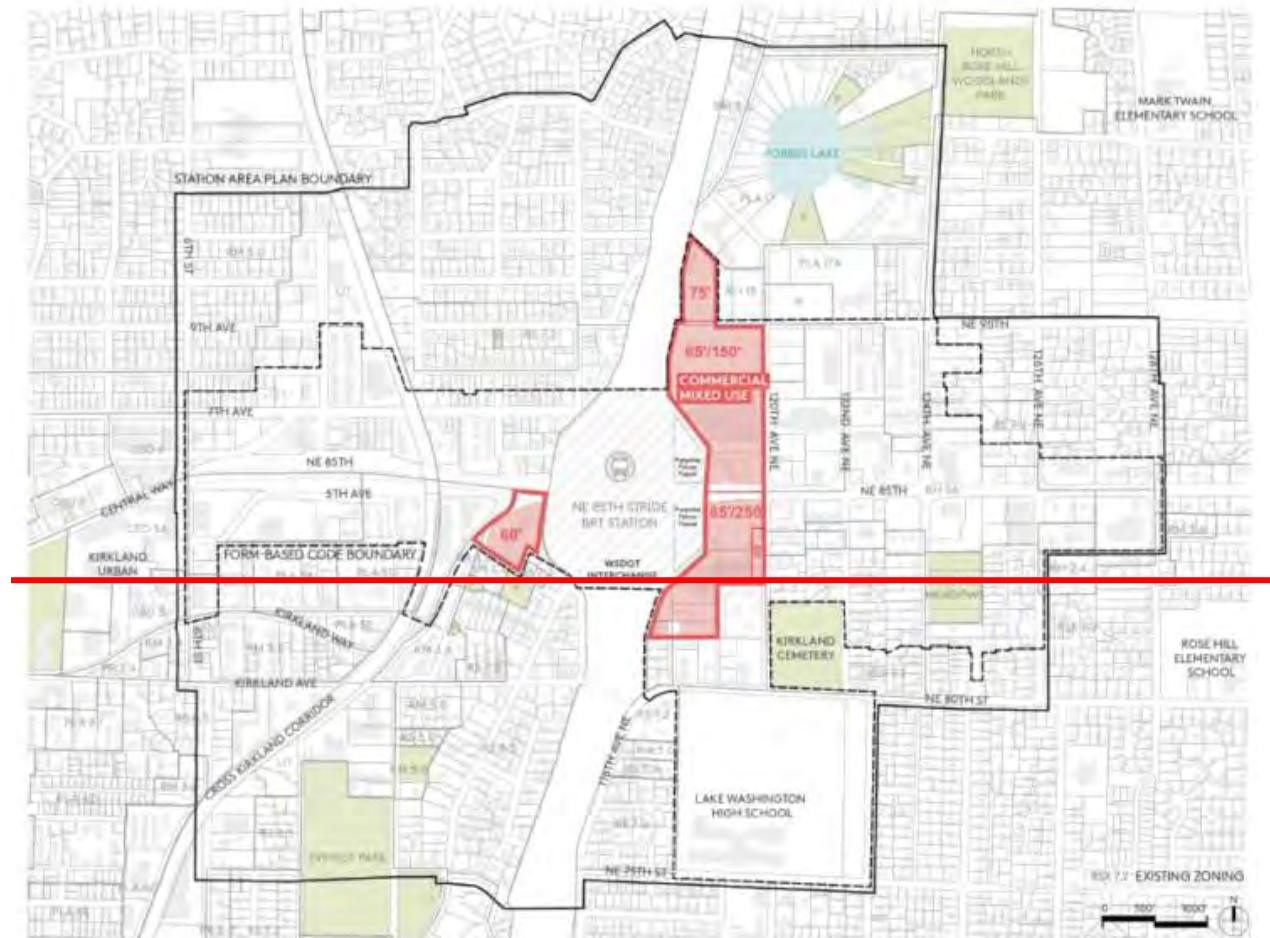
The Regulating Plan maps the applicable areas of the Form-Based Code area with the appropriate regulating district designation. Each designation includes two parts: a district designation followed by the height subdistrict for that zone. Heights are stated in terms of maximum base and bonus heights. For instance, CMU 85/150 would reflect a base maximum height allowance of 85' and bonus maximum height of 150'. Refer to the Incentive Zoning section of this chapter KZC Ch 57.30 for details on utilizing the bonus allowances [for commercial uses. Residential uses are allowed up to the bonus height allowances by complying with Chapter 112 KZC.](#) Where heights are stated as a single number, that number reflects the maximum height and there are no incentive allowances for additional height.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 2: REGULATING PLAN

FIGURE 2: REGULATING PLAN



USING THE REGULATING PLAN



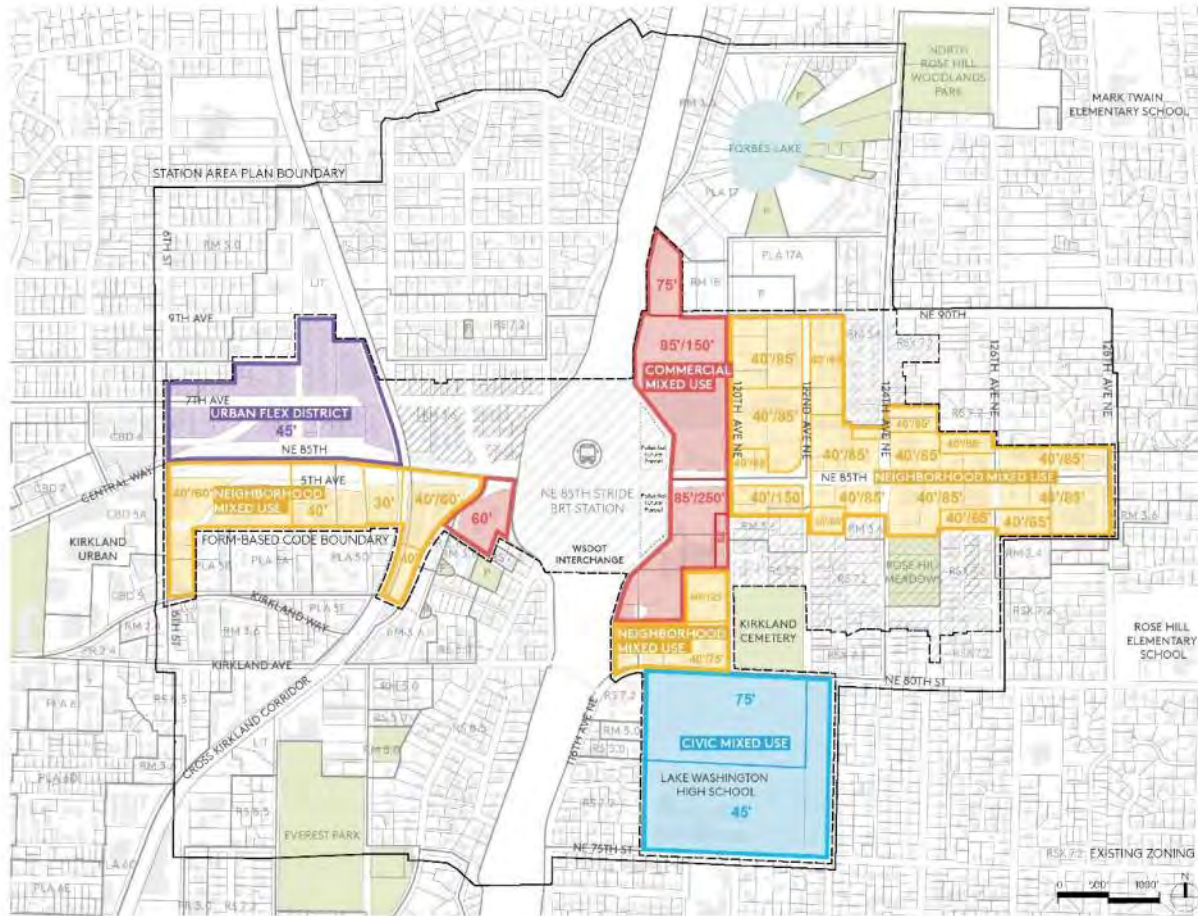
NE 85TH STREET STATION AREA PLAN FORM-BASED CODE

7

REGULATING DISTRICTS

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



USING THE REGULATING PLAN



KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.10.04 REGULATING DISTRICT STANDARDS

57.10.04.01 General Provisions

Illustrations and graphics are included in this section to assist users in understanding the purpose and requirements of the regulations. In the event a conflict occurs between the text of this section and any illustration or graphic, the text supersedes.

57.10.04.02 Regulating District Components

The following terms and concepts are used in regulating districts to address a lot's development parameters and building massing. This section is intended to clarify intent. For other full definitions, refer to KZC Ch 5.10.

~~1. Lot Boundary~~ represents the perimeter of the subject property

~~2. Lot Coverage~~ refers to the area of the Maximum Lot Coverage as defined in KZC Ch 5.10. The shaded area on graphics for lot coverage does not represent the required placement or location of buildable area.

~~3. Required Yards~~ refers to the minimum Required Yard as defined in KZC Ch 5.10.

~~4. 1. Base Maximum Allowed Height~~ is the maximum allowed height of all buildings within a given regulating subdistrict by right, based on the Average Building Elevation as defined in KZC Ch 5.10, unless an alternate height calculation is identified in this chapter.

~~5. 2. Bonus Maximum Allowed Height~~ is the maximum allowed height of all buildings within a given regulating subdistrict with applicable bonus height, based on the Average Building Elevation as defined in KZC Ch 5.10, unless an alternate height calculation is identified in this chapter. For details on the incentive zoning allowances, see the Incentive Zoning section of this chapter KZC Ch 57.30.

~~10. 3. Building Heights Maximums~~ are measured above Average Building Elevation unless a different benchmark is specified.

~~2. 4. Lot Coverage~~ refers to the area of the Maximum Lot Coverage as defined in KZC Ch 5.10. The shaded area on graphics for lot coverage does not represent the required placement or location of buildable area.

~~11. 5. Maximum Façade Width and Minimum Façade Break Width~~ refer to the horizontal length of a façade parallel to the parcel frontage. Maximum façade width is the maximum allowed distance of a continuous façade wall. Once that maximum façade width is reached, a façade break that modulates the façade and meets a minimum width is required.

~~6. Maximum Floor Plate~~ is the maximum Gross Floor Area square footage allowed for each floor of a structure based on ~~that~~ floor's height. Reductions shall be utilized at the exterior of the building. Maximum floor plate requirements are regulated at increments of structure floor height above the Average Building Elevation as defined in KZC Ch 5.10 unless an alternate height calculation is identified in this chapter. See Design Guidelines for additional guidance on achieving floor plate reductions.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

~~8.7. **Minimum Tower Separation** refers to the horizontal distance between the closest exterior walls of adjacent towers, excluding skybridges, decks, and balconies. “Tower” refers to any portions of buildings greater than 75’ in height above the Average Building Elevation as defined in KZC Ch 5.10 unless an alternate height calculation is identified in this chapter.~~

~~7.8. **Minimum Upper Story Street Setbacks** are height-based triggers specified along streets for the building façade to be set back from the back of the required pedestrian clear zone or shared path minimum sidewalk by a certain horizontal distance. This dimension may be averaged along the full street frontage, so long as no portion of the floor to be set back is less than 50% of the required setback distance. These setbacks apply to street-facing exterior walls only.~~

~~8. **Tower Separation** refers to the horizontal distance between the closest exterior walls of adjacent towers, excluding skybridges, decks, and balconies. “Tower” refers to any portions of buildings greater than 75’ in height.~~

9. **Primary Use** refers to the predominant and main land use activity on a site, and is the highest and most readily identifiable use that characterizes a property.

~~10. **Building Heights** are measured above Average Building Elevation unless a different benchmark is specified.~~

~~11. **Maximum Façade Width and Minimum Façade Break Width** refer to the horizontal length of a façade parallel to the parcel frontage. Maximum façade width is the maximum allowed distance of a continuous façade wall. Once that maximum façade width is reached, a façade break that modulates the façade and meets a minimum width is required.~~

~~10. **Vertical Articulation** refers to a required articulation of street-facing facades at 45’ in height across the full width of the façade. For design guidance in achieving vertical articulation, refer to Design Guidelines for the NE 85th St. Station Subarea Plan.~~

57.10.04.03 Commercial Mixed Use Continued Uses

1. Applicability

Principal-Primary and accessory uses in existence in the Commercial Mixed Use Station Area, as defined by the Figure-2 Regulating Plan (Figure 2), zones at the time of adoption of this chapter, that become non-conforming uses as a result of the provisions of this chapter, may continue as legal nonconforming uses.

2. Continued Uses and Minor Expansions Allowed

Structures in existence in the Commercial Mixed Use zone at the time of adoption of this chapter KZC Ch 57 that became nonconforming structures solely as a result of the provisions in this chapter shall be deemed legally conforming structures for purposes of maintenance, repair, and replacement, and may be enlarged by up to ten percent of the existing footprint or existing gross floor area without complying with the provisions of this chapter. Enlargement of such structures or addition of new structures that exceed existing gross floor area or existing footprint by more than ten percent shall comply with the provisions of this chapter, except that an applicant may request an exception to allow enlargement by more than ten percent without complying with all provisions of this chapter if they can demonstrate to the satisfaction of the Planning and Building Director that it is not reasonable and practicable for such enlargement to comply with this chapter; or that such enlargement will not materially increase the nonconformity of the subject property in a manner contrary to the stated purpose of this chapter. Any

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

enlargement of more than fifty percent of the footprint in existence at the time of adoption of this chapter shall conform to this chapter, except as provided in the next section.

3. Special Provisions for Continued Uses with Development Agreements

Subject properties greater than ten (10) acres in size with large-format retail sales uses in existence at the time of adoption of this chapter may redevelop or expand the structures associated with such uses by more than 10% of the existing gross floor area or existing footprint by means of a development agreement adopted pursuant to RCW 36.70B.170 et seq (“development agreement”).

In the Development Agreement, the City Council may approve administrative modifications and adjustments to the Station Area Regulations as reasonably required to facilitate the following:

(A) Expansion of retail buildings, modification of the existing parking layouts, expansion, or development of existing or new accessory uses, modifications to surface parking or the addition of structured parking, and enlargement of allowed floor plates.

(B) Redevelopment of a subject property with a large-format retail sales use by more than fifty percent of the existing gross floor area or existing footprint shall comply with the Station Area Regulations and intent of the Form-Based Code to the extent reasonably practicable subject to operational requirements for such uses.

(C) The continued sale of gasoline and diesel fuel shall be permitted as an accessory use to an existing large-format retail sales use. A car wash is also authorized as an accessory use to a large-format retail sales use.

57.10.04.04 Commercial Mixed Use

PERMITTED USES

Table 1 specifies permitted uses for this zone.

TABLE 1: COMMERCIAL MIXED USE DISTRICT USE TABLE

General Use	Commercial Mixed Use (CMU) <u>Permitted (P)/Not Permitted (NP)?</u>
Commercial	P
Institutional	P
Residential	NP
Industrial	NP

Uses Specifically Prohibited as Primary Use
--

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

Automotive Service Station
Vehicle Service Station
Sale, service, storage, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers
Drive-through facilities

SIGN CATEGORY (KZC CHAPTER 100)

All permitted uses within the Commercial Mixed Use District shall comply with Sign Category E unless otherwise specified in a development agreement or if a development receives bonus height. Developments that receive bonus height must have their signs proposed and approved as part of a master sign plan pursuant to KZC 100.80 and follow the guidelines described in the Design Guidelines for the NE 85th St. Station Subarea Plan.

CONTINUED USES

~~Principal and accessory uses in existence in the Commercial Mixed Use zone at the time of adoption of this chapter, that become non-conforming uses as a result of the provisions of this chapter, may continue as legal nonconforming uses.~~

~~Structures in existence in the Commercial Mixed Use zone at the time of adoption of this chapter KZC Ch 57 that became nonconforming structures solely as a result of the provisions in this chapter shall be deemed legally conforming structures for purposes of maintenance, repair, and replacement, and may be enlarged by up to ten percent of the existing footprint or existing gross floor area without complying with the provisions of this chapter. Enlargement of such structures or addition of new structures that exceed existing gross floor area or existing footprint by more than ten percent shall comply with the provisions of this chapter, except that an applicant may request an exception to allow enlargement by more than ten percent without complying with all provisions of this chapter if they can demonstrate to the satisfaction of the Planning and Building Director that it is not reasonable and practicable for such enlargement to comply with this chapter; or that such enlargement will not materially increase the nonconformity of the subject property in a manner contrary to the stated purpose of this chapter. Any enlargement of more than fifty percent of the footprint shall conform to this chapter, except as provided in the next section.~~

~~Subject properties greater than ten (10) acres in size with large-format retail sales uses in existence at the time of adoption of this chapter may redevelop or expand the structures associated with such uses by more than 10% of the existing gross floor area or existing footprint by means of a development agreement adopted pursuant to RCW 36.70B.170 et seq (“development agreement”).~~

~~In the Development Agreement, the City Council may approve administrative modifications and adjustments to the Station Area Regulations as reasonably required to facilitate the following:~~

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

~~(A) Expansion of retail buildings, modification of the existing parking layouts, expansion, or development of existing or new accessory uses, modifications to surface parking or the addition of structured parking, and enlargement of allowed floor plates.~~

~~(B) Redevelopment of a subject property with a large-format retail sales use by more than fifty percent of the existing gross floor area or existing footprint shall comply with the Station Area Regulations and intent of the Form-Based Code to the extent reasonably practicable subject to operational requirements for such uses.~~

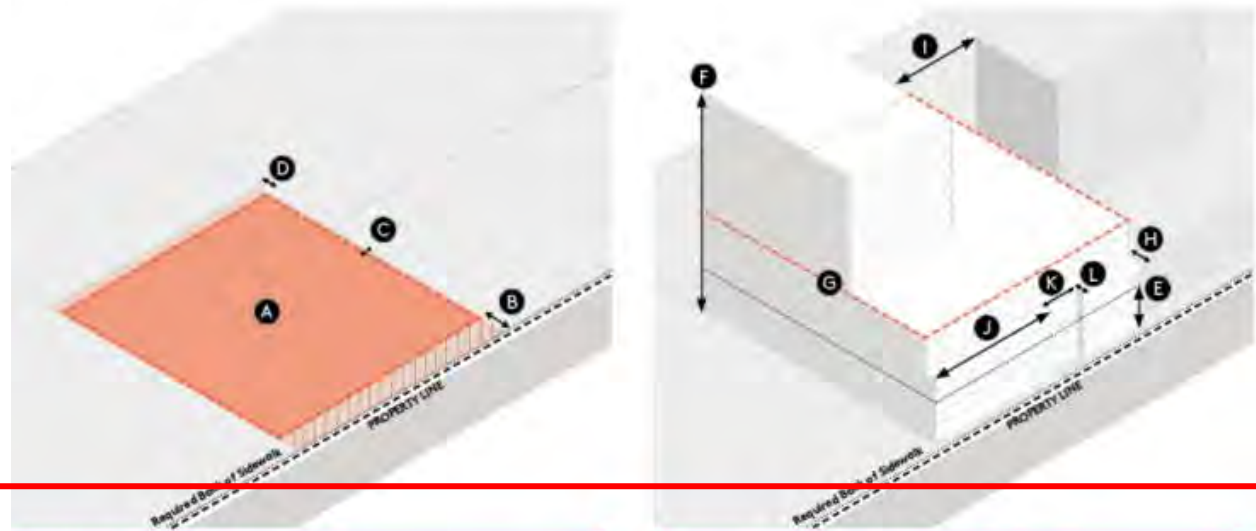
~~(C) The continued sale of gasoline and diesel fuel shall be permitted as an accessory use to an existing large-format retail sales use. A car wash is also authorized as an accessory use to a large-format retail sales use.~~

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 3: COMMERCIAL MIXED USE DISTRICT STANDARDS

FIGURE 3: COMMERCIAL MIXED USE DISTRICT STANDARDS



LOT COVERAGE AND SETBACKS

Permitted Uses	
General Permitted Uses	Commercial, Institutional
Lot Coverage	
A Max Lot Coverage *	90%
Required Yards	
B Front	Refer to Frontage Types
C Side	0' Min
D Rear	5' Min

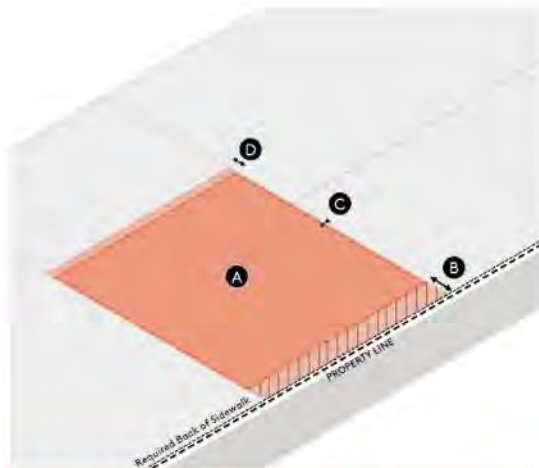
* Lot coverage as shown does not represent intended building placement or setbacks.

MASSING AND DEVELOPMENT DENSITY

Height and Floor Area	
E Base Maximum Allowed Height	Refer to Regulating Plan
F Bonus Maximum Allowed Height	Refer to Regulating Plan
G Maximum Floor Plate (per building)	Between 45'-75': 35,000 GSF Between 75'-125': 25,000 GSF Above 125': 20,000 GSF
Setbacks and Tower Separation	
H Upper Story Street Setbacks	At 75': 15' setback At 125': 30' setback
I Tower Separation	60'
J Maximum Facade Width	160'
K Minimum Facade Break Width	15'
L Minimum Facade Break Depth	5'

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



LOT COVERAGE AND SETBACKS

Permitted Uses

General Permitted Uses Commercial, Institutional

Lot Coverage

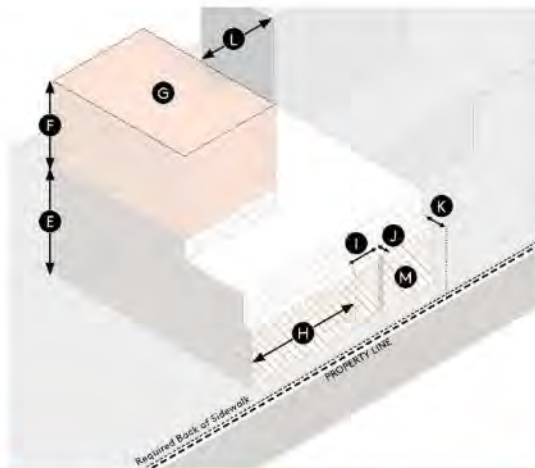
A Max Lot Coverage * 90%

Required Setbacks

B Front	Refer to Frontage Types
C Side	0 ft Min
D Rear	5 ft Min

* Lot coverage as shown does not represent intended building placement or setbacks.

Properties adjoining the Cross Kirkland Corridor are also subject to the standards of KZC 115.24.



MASSING AND DEVELOPMENT INTENSITY

Maximum Height and Floor Plate

E Base Maximum Allowed Height	Refer to Regulating Plan
F Bonus Maximum Allowed Height	Refer to Regulating Plan
G Maximum Floor Plate (per building)	45 ft-75 ft: 35,000 SF 75 ft-125 ft: 25,000 SF Above 125 ft: 20,000 SF

Facade Design

H Maximum Facade Width	160 ft
I Minimum Facade Break Width	15 ft
J Minimum Facade Break Depth	5 ft

Upper Story Massing

K Upper Story Street Setbacks	At 75 ft: 15 ft setback At 125 ft: 30 ft setback
L Tower Separation	60 ft Required at 45 ft
M Vertical Articulation	Refer to Design Guidelines for recommended articulation strategies.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.10.04.045 Neighborhood Mixed Use

~~Reserved.~~

PERMITTED USES

Table 2 specifies permitted uses for this zone.

TABLE 2: NEIGHBORHOOD MIXED USE DISTRICT USE TABLE

<u>General Use</u>	<u>Neighborhood Mixed Use (NMU) Permitted (P)/Not Permitted (NP)</u>
<u>Commercial</u>	<u>P</u>
<u>Institutional</u>	<u>P</u>
<u>Residential</u>	<u>P</u>
<u>Industrial</u>	<u>NP</u>

<u>Uses Specifically Prohibited as Primary Use</u>
<u>Automotive Service Station</u>
<u>Vehicle Service Station</u>
<u>Sale, service, storage, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers</u>
<u>Drive-through facilities</u>

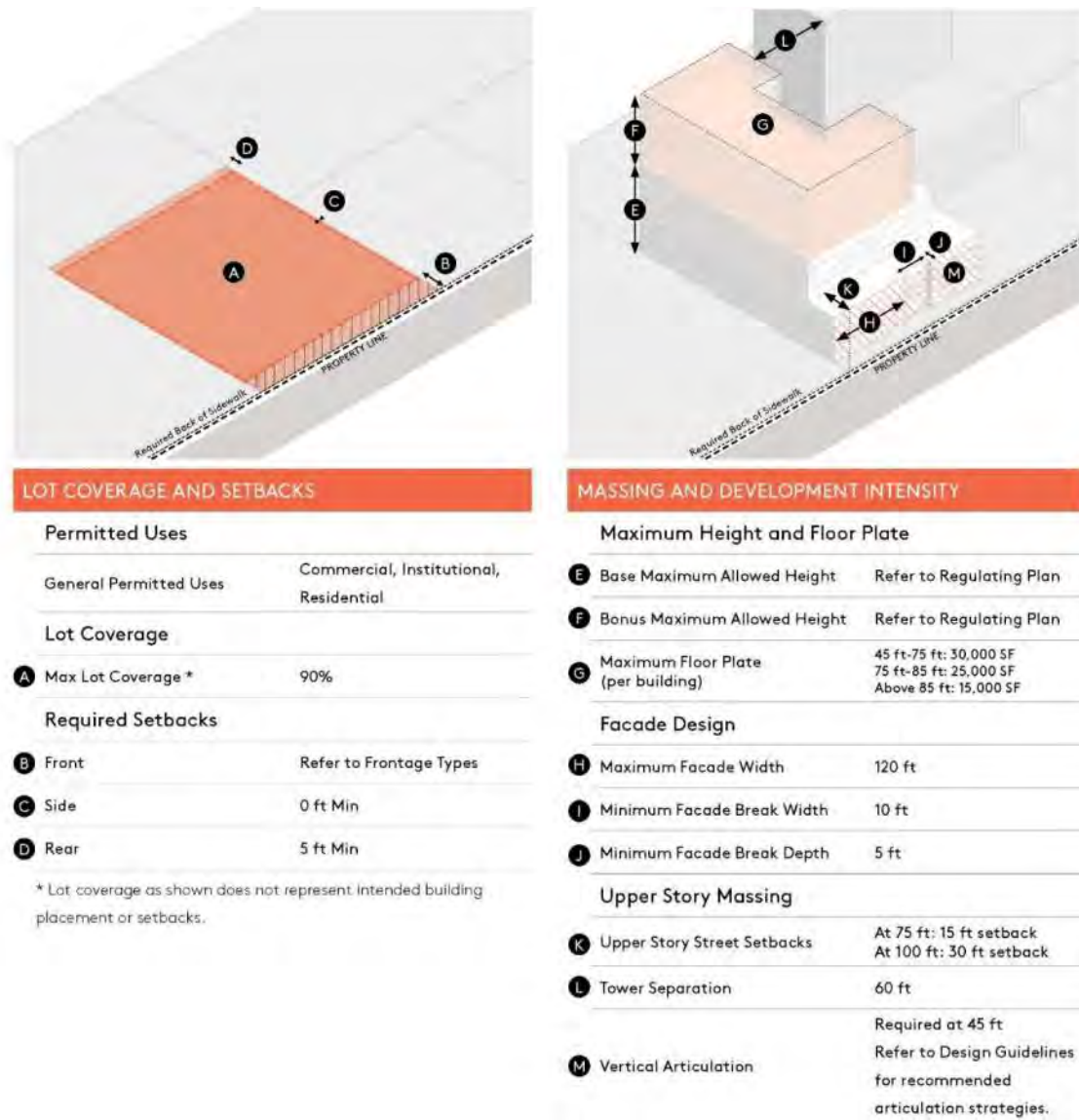
SIGN CATEGORY (KZC CHAPTER 100)

All permitted uses within the Neighborhood Mixed Use District shall comply with Sign Category E unless otherwise specified in a development agreement or if a development receives bonus height. Developments that receive bonus height must have their signs proposed and approved as part of a master sign plan pursuant to KZC 100.80 and follow the guidelines described in the Design Guidelines for the NE 85th St. Station Subarea Plan.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 4: NEIGHBORHOOD MIXED USE DISTRICT STANDARDS



KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.10.04.056 Neighborhood Residential
Reserved.

57.10.04.067 ~~Civic Mixed-Use~~ Urban Flex
Reserved.

PERMITTED USES

Table 3 specifies permitted uses for this zone.

TABLE 3: URBAN FLEX DISTRICT USE TABLE

<u>General Use</u>	<u>Urban Flex (UF)</u> <u>Permitted (P)/Not Permitted (NP)</u>
<u>Commercial</u>	<u>P</u>
<u>Institutional</u>	<u>P</u>
<u>Residential</u>	<u>P*</u>
<u>Industrial</u>	<u>P</u>

**see section below on Residential Uses*

<u>Uses Specifically Prohibited as Primary Use</u>
<u>Automotive Service Station</u>
<u>Vehicle Service Station</u>
<u>Sale, service, storage, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers</u>
<u>Drive-through facilities</u>

RESIDENTIAL USES

Residential use are not permitted on the street level floor, except for residential lobbies.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

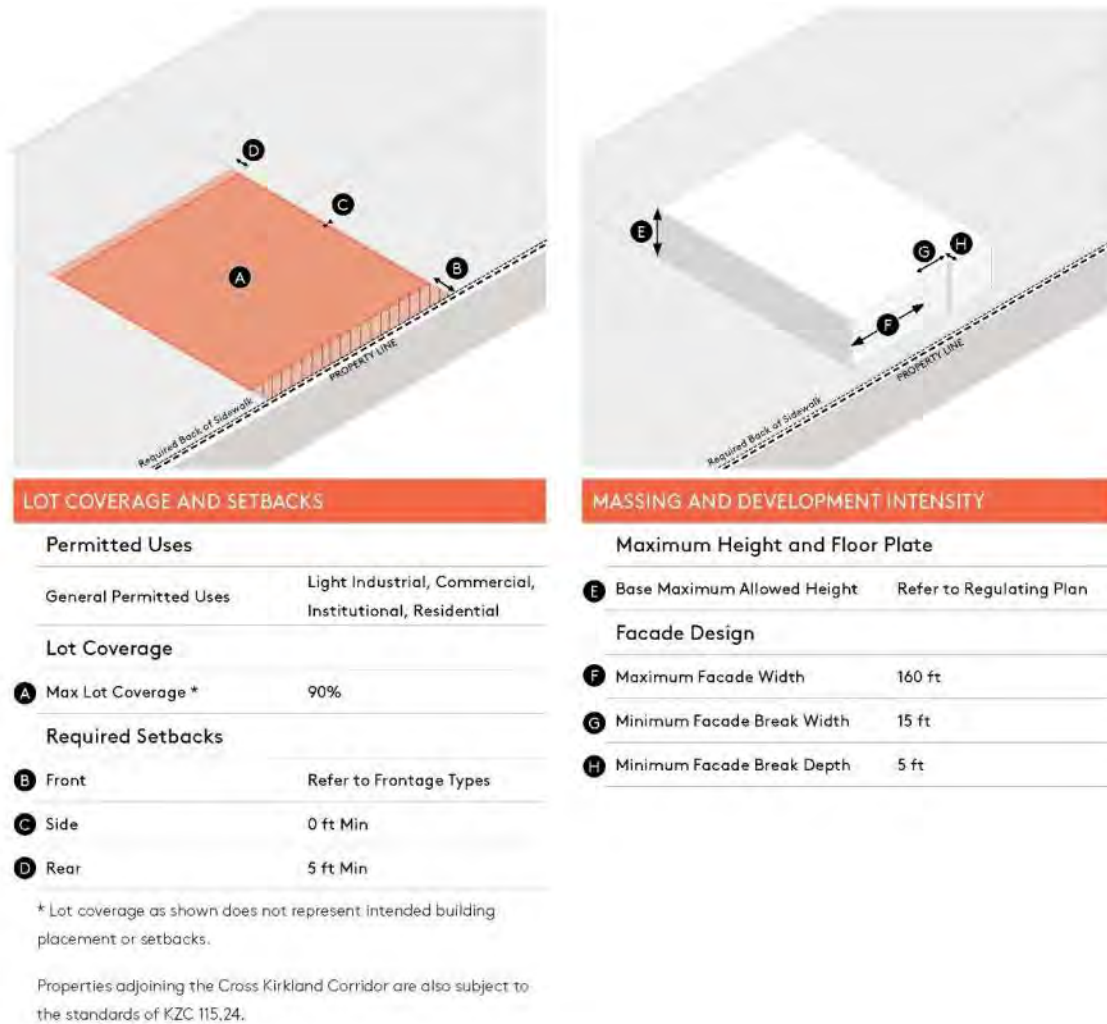
SIGN CATEGORY (KZC CHAPTER 100)

All residential uses shall comply with Sign Category A. Institutional uses shall comply with Sign Category B. Commercial uses shall comply with Sign Category E.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 5: URBAN FLEX DISTRICT STANDARDS



KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.10.04.078 ~~Urban Flex~~ Civic Mixed Use

~~Reserved.~~

PERMITTED USES

Table 4 specifies permitted uses for this zone.

TABLE 4: CIVIC MIXED USE DISTRICT USE TABLE

<u>General Use</u>	<u>Civic Mixed Use (CVU) Permitted (P)/Not Permitted (NP)</u>
<u>Commercial</u>	<u>P</u>
<u>Institutional</u>	<u>P</u>
<u>Residential</u>	<u>P</u>
<u>Industrial</u>	<u>NP</u>

<u>Uses Specifically Prohibited as Primary Use</u>
<u>Automotive Service Station</u>
<u>Vehicle Service Station</u>
<u>Sale, service, storage, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers</u>
<u>Drive-through facilities</u>

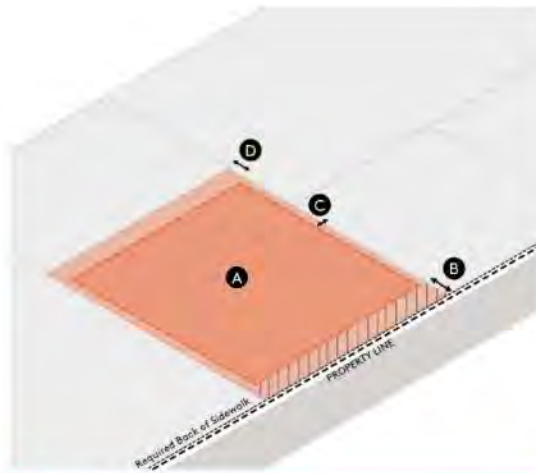
SIGN CATEGORY (KZC CHAPTER 100)

All residential uses shall comply with Sign Category A. Institutional uses shall comply with Sign Category B. Commercial uses shall comply with Sign Category E.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 6: CIVIC MIXED USE DISTRICT STANDARDS



LOT COVERAGE AND SETBACKS

Permitted Uses

General Permitted Uses	Commercial, Institutional, Residential
------------------------	--

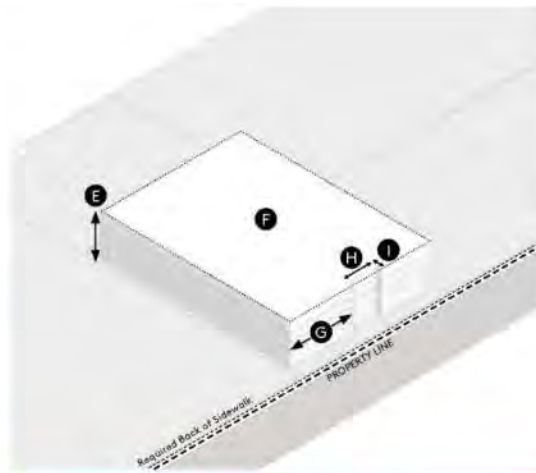
Lot Coverage

A Max Lot Coverage *	80%
-----------------------------	-----

Required Setbacks

B Front	Refer to Frontage Types
C Side	5 ft Min
D Rear	5 ft Min

* Lot coverage as shown does not represent intended building placement or setbacks.



MASSING AND DEVELOPMENT INTENSITY

Maximum Height and Floor Plate

E Base Maximum Allowed Height	Refer to Regulating Plan
Bonus Maximum Allowed Height	Refer to Regulating Plan
F Maximum Floor Plate (Per building)	45 ft-75 ft: 30,000 SF

Facade Design

G Maximum Facade Width	120 ft
H Minimum Facade Break Width	10 ft
I Minimum Facade Break Depth	5 ft

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.15 ~~FRONTAGE TYPES~~ STREET TYPES

57.~~2015~~.01 Purpose

Street types are intended to translate the vision and goals documented in the NE 85th ~~St.~~ Station Area Plan into standards that provide direction for improvements to public and private right of way. These street types specify typical dimensions, transportation mode considerations for appropriate facilities, and guidance on how public rights of way and private and frontage improvements can work together to create a cohesive, pleasant public realm.

57.~~2015~~.02 Applicability

Street Types apply to areas shown in the Street Types Map, in Figure ~~147~~. They consist of the following types:

- **Major Thoroughfares** connect regional centers or run through central commercial corridors. Many of these streets have significant traffic volumes at peak hours and are important places for high-capacity transit routes and ~~auto-separated~~ protected bike facilities.
- **Main Streets** are special streets that concentrate ground-floor retail and active uses, often with generous public realm designed to prioritize pedestrian activity ~~and support transit~~.
- **Neighborhood Mixed Use** streets are neighborhood streets serving low to mid-intensity commercial and midrise residential and occasional ground floor retail. They are generally lower vehicular traffic volume than major thoroughfares, and some may contain ~~separated~~ bike facilities and transit service.
- **Neighborhood Residential** streets are residentially focused with low vehicular traffic volumes, which ~~can~~ may accommodate designated bikeways or Neighborhood Greenways depending on roadway speeds and volumes ~~shared bike facilities~~.
- **Green Mid-Block Connections** provide important network connections for cyclists and pedestrians through and across long blocks and are typically found within larger commercial or residential developments or between existing parcels. In addition to providing bike and pedestrian access, they can also include on-site green stormwater infrastructure as part of their design, or where accommodating vehicle access, provide delivery and back of house access to parcels.

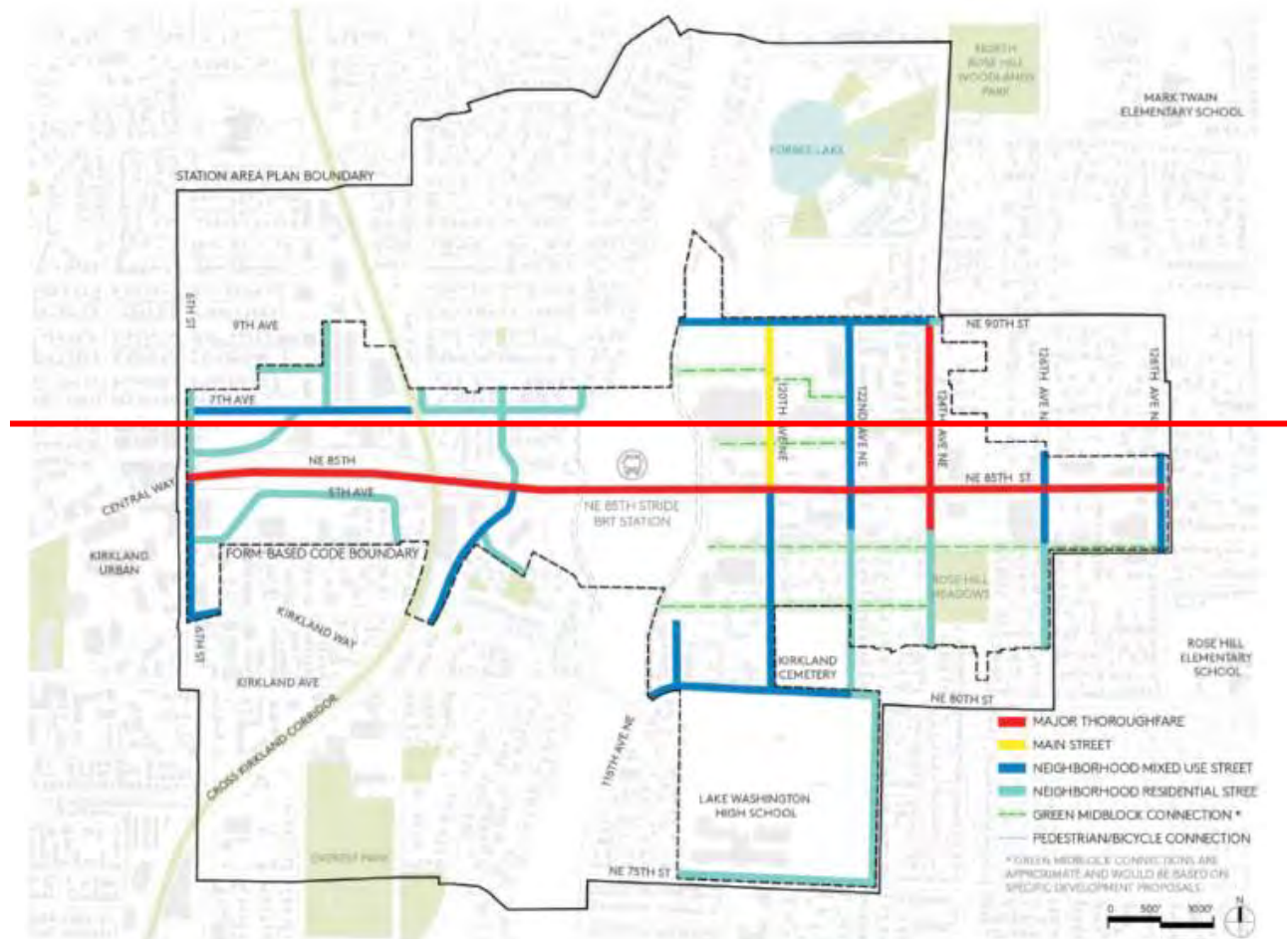
57.~~2015~~.03 Street Types Map

The Street Types Map shows the designated street type classification for each street segment within the Regulating Districts.

KIRKLAND ZONING CODE CHAPTER 57

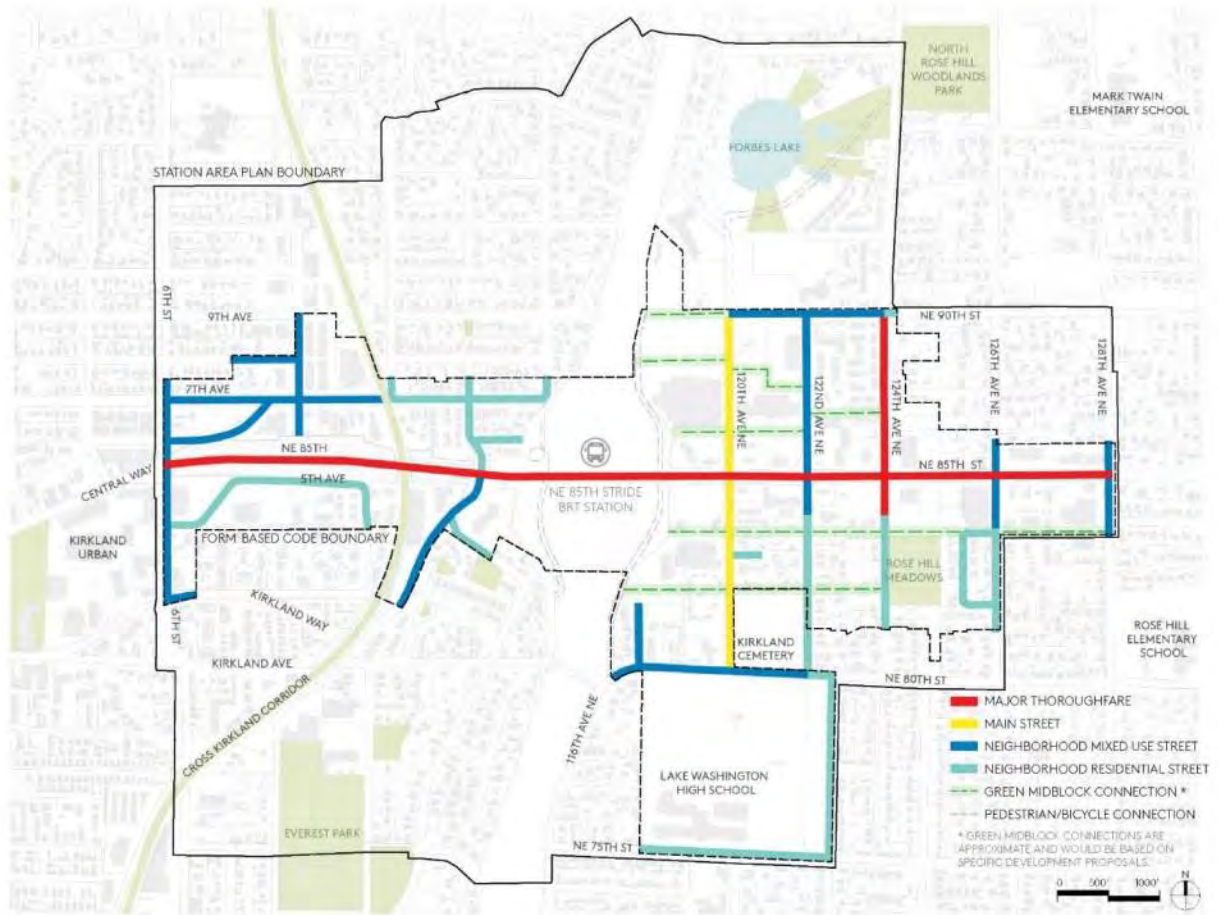
FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 147: STREET TYPES MAP



KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.2015.04 USING STREET TYPES

Individual Treatments

These street types reflect the general intent for improvements of the public right of way, and guidance for development of private rights of way within private parcels. Specific designs for each street are subject to change based on site conditions or existing right-of-way conditions constraints. In these cases, the Public Works Official shall determine how the proposed design meets the urban design and mobility intent of the designated street type.

Street Type Elements

Street types are comprised of the following elements:

- **Pedestrian Clear Zone:** the primary, accessible portion of the sidewalk that runs parallel to the street. This zone must be clear of obstructions and elements that could impede pedestrian travel.
- **Furnishing Zone:** the section of the sidewalk between the curb and the pedestrian clear zone in which street furniture and amenities, such as lighting, benches, utility poles, tree pits, and green infrastructure are provided.
- **Bikeway:** the portion of the right-of-way exclusively dedicated to bicycle travel. This can include a variety of facilities, including designated bike lanes, at-grade protected bike lanes or grade-separated (sidewalk level) protected bike lanes, paths within the roadway, raised paths between the curb and sidewalk. Bicycle riders may also use other facility types that are not exclusive bikeways, but shared facilities such as Neighborhood Greenways, which are low volume, low speed streets, with signage, pavement markings, and traffic calming elements to prioritize pedestrian and bicycle travel; or shared use bicycle and pedestrian facilities such as temporary on-street paths or off-street shared use paths or trails within the roadway.
- **Roadway/~~Travel~~ Lanes:** the area between curbs, which can include travel lanes, on-street parking, and bikeways.

~~Minimum and~~ Preferred and Minimum Dimensions

The street types show dimensions that reflect the desired space allocation for each portion of the right of way. The table below shows ~~minimum and~~ preferred and minimum dimensions for street type elements for each street type. Preferred dimensions should be constructed, except where the Public Works Official determines allowed deviations from these dimensions pursuant to modification procedures in KZC 110.70.

TABLE ~~25:~~ MINIMUM AND PREFERRED AND MINIMUM DIMENSIONS FOR STREET TYPE ELEMENTS

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

	Pedestrian Clear Zone	Bikeway ^{***}	Furnishing Zone	Travel Lane Width ^{***}	Number of Travel Lanes (Typical)	On-Street Parking Permitted (Typical)
Major Thoroughfare	8' 10' / 8'	6'*	8' 10' / 8'	10'	5-6	No
Main Street ^{****}	8' 15' / 10' / 8' / 6'	6'*	5' / 10' / 6' / 5'	10'	<u>2-3</u>	<u>Varies Yes</u>
Neighborhood Mixed Use	6' / 8' / 6'	5' bike lane / 7' buffered bike lane / <u>5'</u> bike lane	5' / 6' / 5'	10'	2	<u>Varies Yes</u>
Neighborhood Residential	5' / 6' / 5'	Type 1: 5' bike lane / 7' buffered bike lane / <u>5'</u> bike lane Type 2: N/A <u>Varies by configuration, see examples</u>	5' / 6' / 5'	10'	2	Type 1: No Type 2: Yes <u>Varies by configuration</u>
Green Mid-Block ^{**} Connection	6' / 10' / 6' <u>6-12', varies by configuration</u>	5' bike lane / 12' bidirectional trail Varies by configuration, see examples	2' / 6' / 2' <u>4-6', varies by configuration</u>	<u>10', if vehicle access allowed</u>	<u>2, if vehicle access allowed</u>	<u>No Varies by configuration</u>

*i Includes 1' separation between pedestrian and bike zones

See [Figure 13](#), Green Mid-Block Connection section, for alternative configurations.

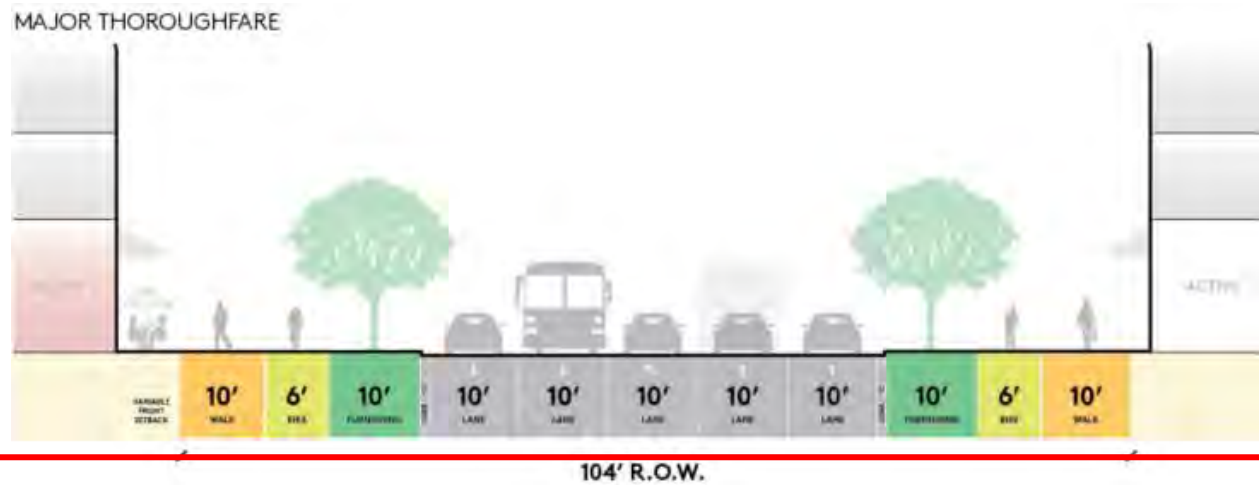
^{***}Exclusive of gutter pan

^{****}Refer to 120th Ave NE corridor study for conceptual design

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 8: MAJOR THOROUGHFARE



DESCRIPTION

Major Thoroughfares are streets that connect regional centers or pass through central commercial corridors. Many of these streets have significant traffic volumes at peak hours, and are key places for high-capacity transit routes, separated bike facilities, and wider sidewalks.

PERMITTED FRONTAGE TYPES

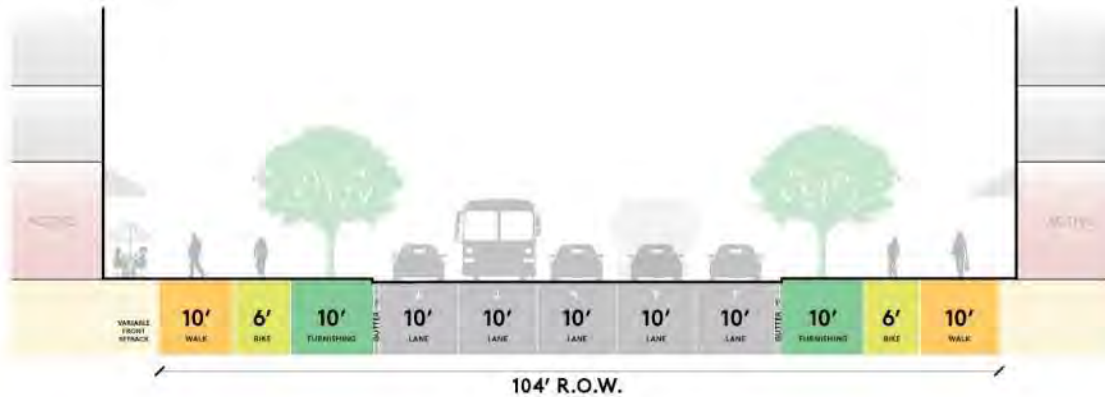
URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Not Permitted	Permitted	Not Permitted

FUNCTIONAL CLASSES Principal Arterial

ADJACENT LAND USES High intensity commercial, residential, and active ground-level uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



DESCRIPTION

Major Thoroughfares are streets that connect regional centers or pass through central commercial corridors. Many of these streets have significant traffic volumes at peak hours, and are key places for high-capacity transit routes, separated bike facilities, and wider sidewalks.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Not Permitted	Permitted	Not Permitted

FUNCTIONAL CLASSES Principal Arterial

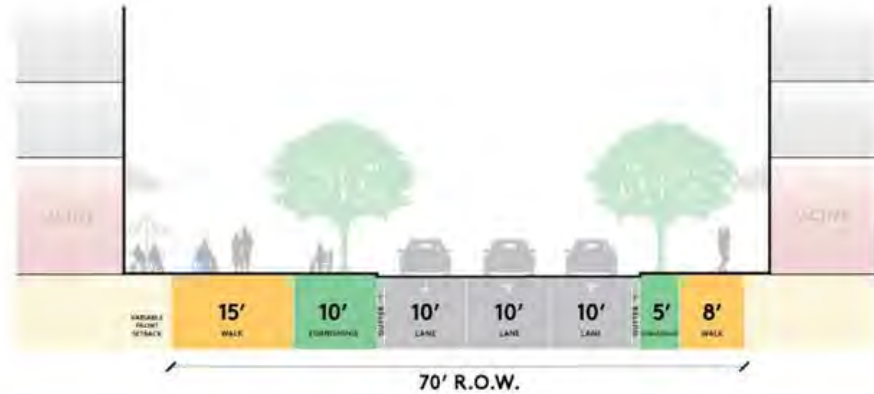
ADJACENT LAND USES High intensity commercial, residential, and active ground-level uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 9: MAIN STREET

MAIN STREET



DESCRIPTION

Main Streets are primary pedestrian corridors with active uses and generous sidewalks. They feature high quality streetscapes with linear open space, decorative paving, and tree canopy. These are often important corridors for transit or supported with transit nearby. Wide furnishing zone may include pockets for on-street parking.

PERMITTED FRONTAGE TYPES

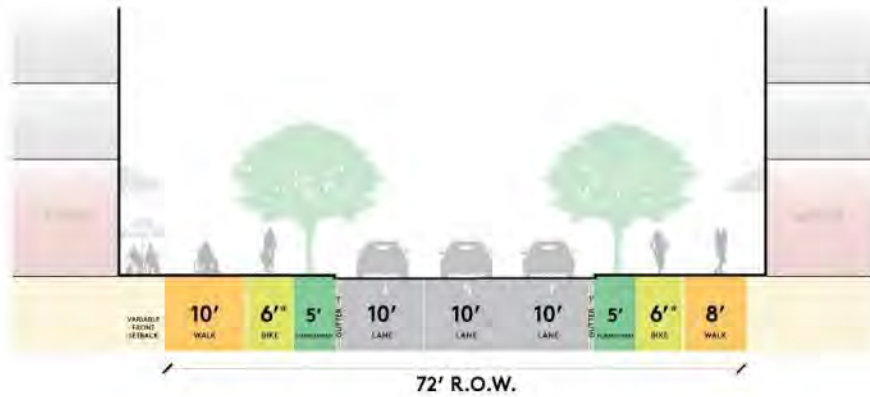
URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Not Permitted	Permitted	Not Permitted

ADJACENT LAND USES

Mid to high intensity commercial, residential, and ground-level retail uses.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



DESCRIPTION

Main Streets are primary pedestrian corridors with active uses and generous sidewalks. They feature high quality streetscapes with linear open space, decorative paving, and tree canopy. These are often important corridors for transit or supported with transit nearby. On-street parking may be accommodated where center turn lanes are not needed, or additional ROW dedication is provided.

** Includes 1' separation between pedestrian and bike zones.*

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Not Permitted	Permitted	Not Permitted

FUNCTIONAL CLASSES Minor Arterial, Collector

ADJACENT LAND USES Mid to high intensity commercial, residential, and ground-level retail uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 10: NEIGHBORHOOD MIXED USE STREET

NEIGHBORHOOD MIXED USE STREET



DESCRIPTION

Neighborhood mixed use streets have low to mid-intensity commercial and residential, occasional active ground floors. With generally lower vehicular volume than major thoroughfares, these streets require careful balancing among modes and should include wider sidewalks, buffered bike facilities, transit routes, and narrower travel lanes. On-street parking considered on a contextual basis and is subject to approval by Public Works Official.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/ PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Permitted	Permitted	Permitted

FUNCTIONAL CLASSES

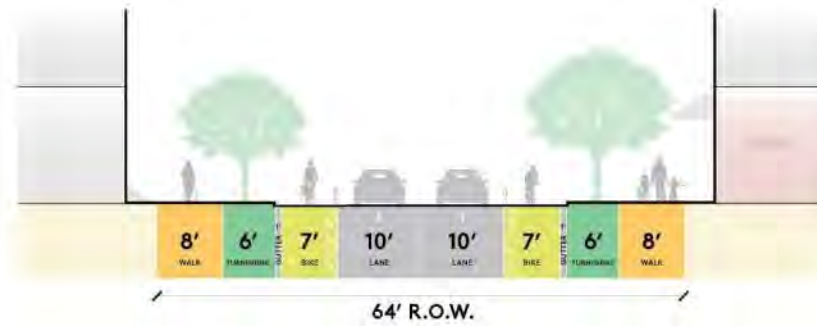
Minor Arterial, Collector, Neighborhood Access

ADJACENT LAND USES

Low to mid-intensity commercial, residential, and occasional active ground-level uses, civic and urban flex uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



DESCRIPTION

Neighborhood mixed use streets have low to mid-intensity commercial and residential, occasional active ground floors. With generally lower vehicular volume than major thoroughfares, these streets require careful balancing among modes and should include wider sidewalks, buffered bike facilities, transit routes, and narrower travel lanes. On-street parking considered on a contextual basis and is subject to approval by Public Works Official.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/ PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Permitted	Permitted	Permitted

FUNCTIONAL CLASSES Minor Arterial, Collector, Neighborhood Access

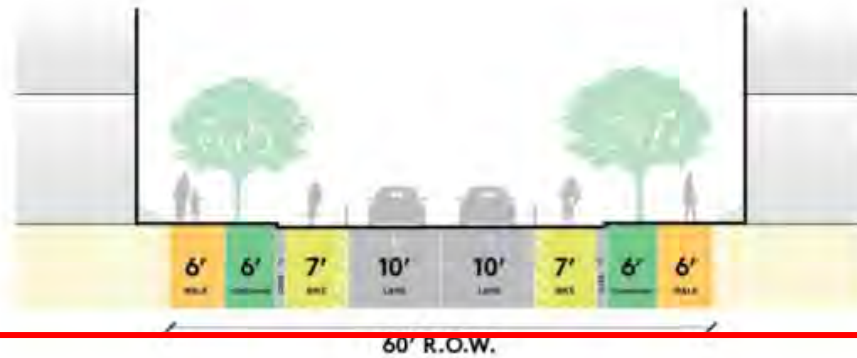
ADJACENT LAND USES Low to mid-intensity commercial, residential, and occasional active ground-level uses, civic and urban flex uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 11: NEIGHBORHOOD RESIDENTIAL STREET TYPE 1

NEIGHBORHOOD RESIDENTIAL STREET TYPE 1



DESCRIPTION

Neighborhood residential streets are low vehicular traffic volume streets that have primarily residential frontages and dedicated bicycle facilities.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/ PUBLIC SPACE	PRIVATE YARD
Not Permitted	Not Permitted	Permitted	Permitted	Permitted

FUNCTIONAL CLASSES

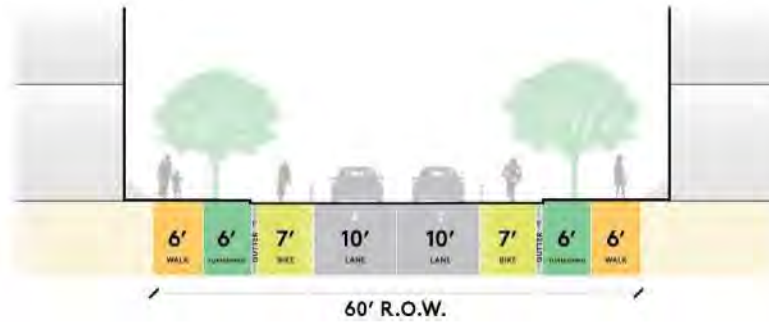
Collector, Neighborhood Access

ADJACENT LAND USES

Predominantly low to medium intensity residential uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



DESCRIPTION

Neighborhood residential streets are low vehicular traffic volume streets that have primarily residential frontages and dedicated bicycle facilities. On-Street parking may be considered in locations with wider ROW.

PERMITTED FRONTAGE TYPES *

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/ PUBLIC SPACE	PRIVATE YARD
Not Permitted	Not Permitted	Permitted	Permitted	Permitted

FUNCTIONAL CLASSES Collector

ADJACENT LAND USES Predominantly low to medium intensity residential uses

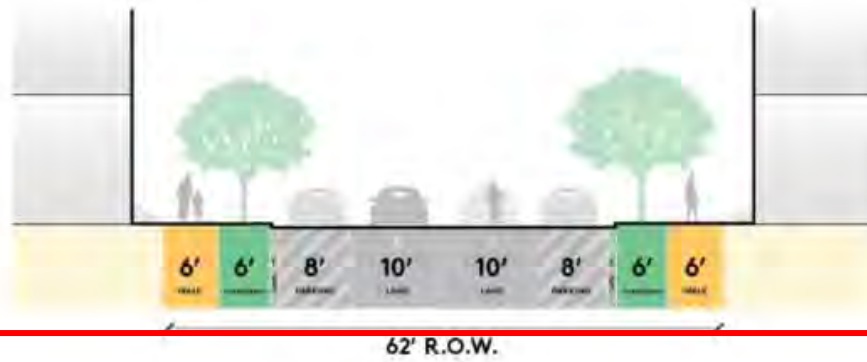
* Permitted frontage types within the Urban Flex Regulating District include Urban Street Edge, Retail & Active Uses, and Plaza/Public Space. Residential Stoop/Porch and Private Yard frontage types are prohibited.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 12: NEIGHBORHOOD RESIDENTIAL STREET TYPE 2

NEIGHBORHOOD RESIDENTIAL STREET TYPE 2



DESCRIPTION

Residential-focused streets with low vehicular traffic volumes, which can accommodate shared bike facilities.

PERMITTED FRONTAGE TYPES

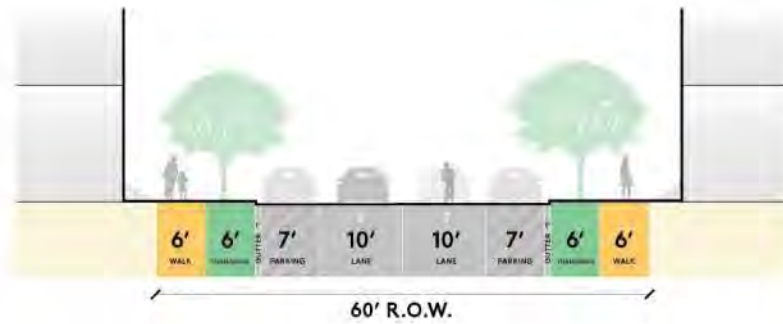
URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STODP/PORCH	PLAZA/ PUBLIC SPACE	PRIVATE YARD
Not Permitted	Not Permitted	Permitted	Permitted	Permitted

FUNCTIONAL CLASSES Neighborhood Access

ADJACENT LAND USES Predominantly low to medium intensity residential uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



DESCRIPTION

Residential-focused streets with low vehicular traffic volumes, which can accommodate shared bike facilities.

PERMITTED FRONTAGE TYPES *

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/PUBLIC SPACE	PRIVATE YARD
Not Permitted	Not Permitted	Permitted	Permitted	Permitted

FUNCTIONAL CLASSES Neighborhood Access

ADJACENT LAND USES Predominantly low to medium intensity residential uses

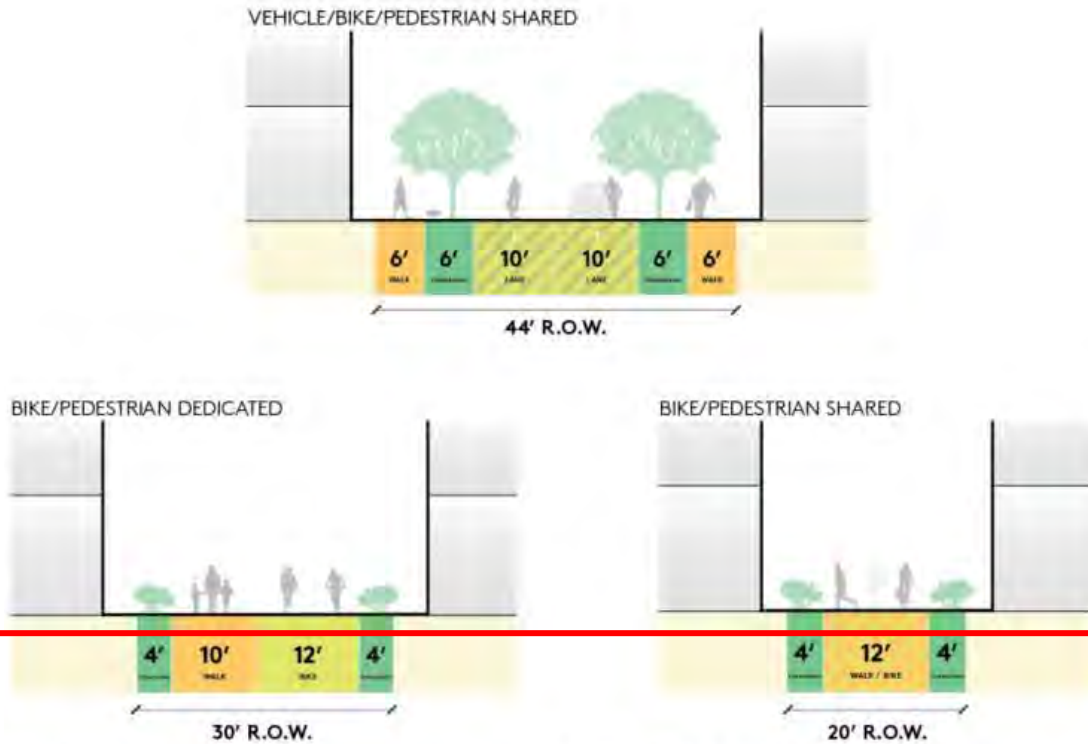
* Permitted frontage types within the Urban Flex Regulating District include Urban Street Edge, Retail & Active Uses, and Plaza/Public Space. Residential Stoop/Porch and Private Yard frontage types are prohibited.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 13: GREEN MID-BLOCK CONNECTION

GREEN MID-BLOCK CONNECTION



DESCRIPTION

These streets are generously landscaped mid-block connections typically as part of larger developments. May include required green infrastructure. Does not include public R.O.W. improvements to “green” an existing street. Mid-block connections may be used for emergency access, and may also be used for access to loading zones, parking entrances, or other “back of house” functions.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Permitted	Permitted	Permitted

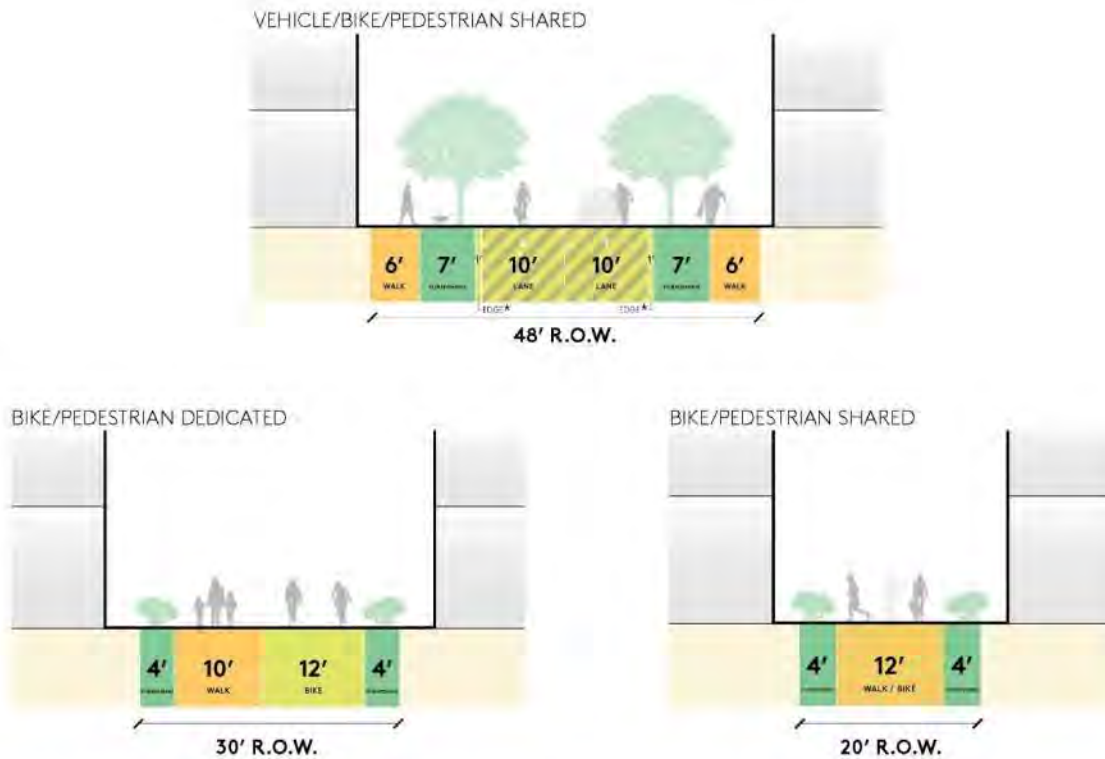
FUNCTIONAL CLASSES Neighborhood Access, Trail

ADJACENT LAND USES

Low to high intensity commercial or residential uses, typically within larger developments. May have active ground-level uses, depending on site design

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



DESCRIPTION

These streets are generously landscaped mid-block connections typically as part of larger developments. May include required green infrastructure. Does not include public R.O.W. improvements to “green” an existing street. Mid-block connections may be used for emergency access, and may also be used for access to loading zones, parking entrances, or other “back of house” functions.

** Edge refers to a material change at the same grade that transitions from travel lane to furnishing zone.*

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Permitted	Permitted	Permitted

FUNCTIONAL CLASSES Neighborhood Access, Trail

ADJACENT LAND USES

Low to high intensity commercial or residential uses, typically within larger developments. May have active ground-level uses, depending on site design

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.20 STREET TYPES FRONTAGE TYPES

57.~~1520~~.01 Purpose

Frontage Types are intended to create a cohesive public realm by regulating the relationship between private development and the public right-of-way.

57.~~1520~~.02 Applicability

Permitted frontage types are defined based on the street type designation of each street segment within the Regulating Districts as shown in Figure 147. A structure can apply more than one allowed frontage type along same street frontage. Application of a frontage type requires a minimum of 30' measured horizontally along the building façade, unless the building façade itself is less than 30'. The following types of frontages are permitted within the regulating districts:

- **Urban Street Edge:** This frontage type is intended to establish a public realm consistent with a walkable mixed use environment. Characteristics include buildings set close to the public sidewalk, pedestrian-oriented facades, and landscaping that contributes to an urban environment.
- **Active Use/Retail:** This frontage type is intended to foster a dynamic public realm anchored by active uses on the street level floor, including retail, institutional, or other public-facing uses.
- **Residential Stoop / Porch:** This frontage type is intended to establish a consistent, walkable residential frontage defined by buildings that engage the public right of way by inclusion of elements that reflect individual residential units like direct entries, articulated facades, and elevated stoops and porches.
- **Plaza / Public Space:** This frontage type is intended to support the creation of publicly accessible public space within the district. It is characterized by high quality landscaping, pedestrian-oriented amenities like seating, fountains, and artwork, and buildings that engage the open space with elements like primary entries and storefronts.
- **Private Yard:** This frontage type is intended to establish a streetscape with landscaped front yards, a visual connection to primary buildings from the sidewalk, and street wall edges maintained with elements like low fences, low walls and low height vegetation.

57.~~1520~~.03 Frontage Types Components

The following terms and concepts are used to address the elements of frontage types. This section is intended to clarify intent; for full definitions, refer to KZC Ch 5.10.

10 1. Sidewalk-Building Frontage Amenity Zones are portions of the frontage located between building façade and the back of the ~~prescribed minimum required~~ sidewalk width that can be designed to support an active pedestrian scaled street experience. For amenities with seating for outdoor dining, minimum depths are required to ensure adequate space.

2. Corner Design refers to the treatment of building facades at the intersection of specific street types. Facades shall be buffered from the corner property lines at a 45-degree angle behind a specified area within the property line at corners where the intersecting streets are a major thoroughfare, main street, or neighborhood mixed use street type. Corner design regulations apply to the full height of the building façade within the applicable area. For

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

design guidance on how to achieve the desired corner design, refer to Design Guidelines for the NE 85th Street Station Subarea Plan.

6-3. Entrance Location is intended to orient a primary building entrance along the frontage facing the street. Entrance locations shown in graphics depict one conforming design, but do not reflect specific location requirements.

74. Entrance Spacing refers to the linear horizontal distance between the closest points of entrances along a frontage.

85. Entrance Transparency is the minimum total transparency percentage of the entrance, which includes the gross area of the outer edge of doors and transom.

5 6. Façade Transparency refers to the minimum total transparent area of the building façade between 2' and 10' above the street level floor elevation. Illustrations are not otherwise intended to reflect specific location requirements.

9 7. Front Setback is the area from the back of the required sidewalk width where the building exterior wall should be located. It is expressed as minimum and maximum distance.

9 8. Frontage refers to a street-facing portion of a lot to a maximum depth of 50' from the required back of sidewalk.

14 9. Minimum Ground Floor Parking Setback refers to a horizontal setback from the frontage building façade that is required for any parking uses. Building area within this setback must be designed for use as residential, commercial, or institutional use consistent with applicable permitted uses.

4 10. Maximum Street-level Facade Width refers to the division of the street level floor of a building façade into vertical sections that reduce perceived bulk, create visual interest, and reflect the vision and objectives of the NE 85th St Station Area Plan to create a pedestrian oriented district. For design guidance in achieving maximum street-level facade widths, refer to Design Guidelines for the NE 85th Street Station Subarea Plan

13 11. Overhead Weather Protection refers to building projections or structures that provide shelter from rain and other weather-related impacts to the pedestrian experience. For design guidance in providing overhead weather protection, refer to additional standards in section 57.20.04.06 and Design Guidelines for the NE 85th Street Station Subarea Plan.

2 12. Street Level Floor refers to the first floor accessible from sidewalk, consistent with the definition in KZC Ch 5.10. This is also referred to as Ground Floor.

3 13. Street Level Floor Story Height refers to the floor to floor height of this pedestrian-oriented story.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.1520.04 FRONTAGE TYPE STANDARDS

57.1520.04.01 Urban Street Edge

INTENT AND CHARACTER

The Urban Street Edge frontage type is intended to establish a public realm consistent with a walkable mixed use environment. Characteristics include buildings set close to the public right of way, pedestrian-oriented facades, and landscaping that contributes to an urban environment. Examples consistent with the intent of this frontage type are shown in Figure 414.

FIGURE 414: CHARACTER EXAMPLES FOR URBAN STREET EDGE FRONTAGE TYPE



KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 515: URBAN STREET EDGE FRONTAGE STANDARDS



GROUND FLOOR DESIGN AND ENTRY

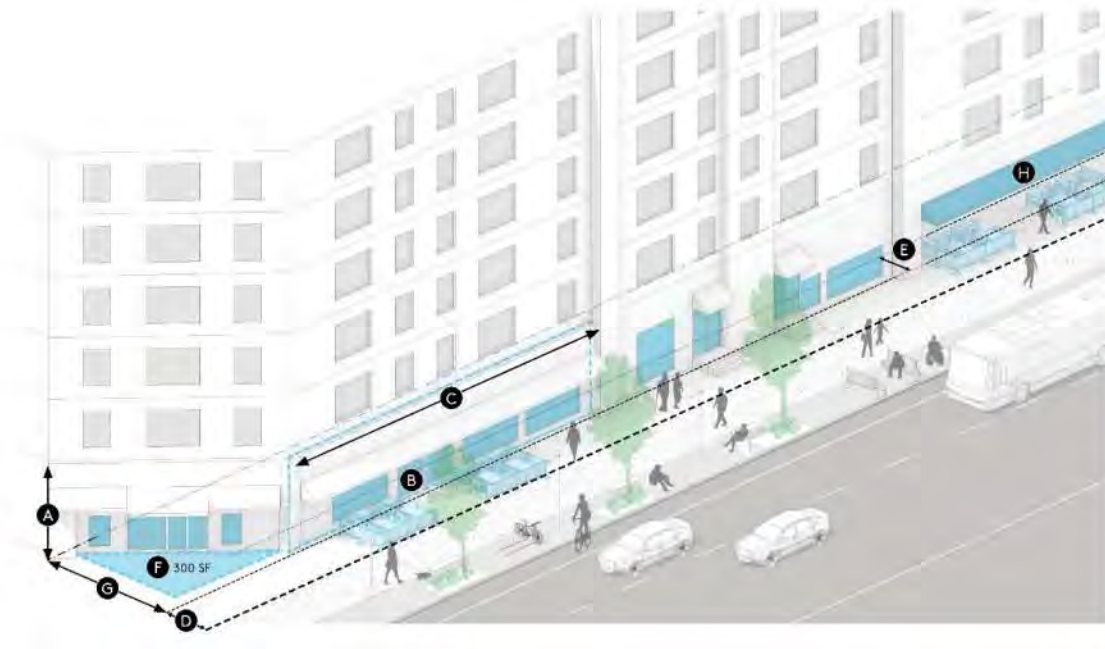
Ground Floor Design	
A Minimum Height	15'
B Facade Transparency	50%
C Max Street Level Facade Width	65'
Entrances	
Location	Required on primary street-facing frontage
Entry Transparency	80%

PUBLIC REALM

Public Realm	
D Front Setbacks (Min, Max)	0', 15'
E Sidewalk Cafes/ Amenity Zone	Min depth 7', up to 10' additional setback allowed
F Corner Design	300 GSF required within property line at corners where two intersecting streets are a combination of major thoroughfare, main street, or neighborhood mixed use
G Ground Floor Parking Setback	Average 30', Minimum 20'

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



GROUND FLOOR DESIGN AND ENTRY

Ground Floor Design

A Minimum Height	15'
B Facade Transparency	50%
C Max Street Level Facade Width	65'

Entrances

Location	Required on primary street-facing frontage
Entry Transparency	80%

PUBLIC REALM

Public Realm

D Front Setbacks (Min, Max)	0', 15'
E Sidewalk Cafes/ Amenity Zone	Min depth 7', up to 10' additional setback allowed
F Corner Design	Minimum 300 SF buffer required within property line at street corners
G Ground Floor Parking Setback	Average 30', Minimum 20'
H Overhead Weather Protection	Required for a minimum of 70% for all street-facing facades. See frontage type additional standards for specific requirements

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.~~1520~~.04.02 Retail / Active Use

INTENT AND CHARACTER

The Retail/Active Use frontage type is intended to foster a dynamic public realm anchored by active uses on the ground floor, including retail, civic, or other public-facing uses. Examples consistent with the intent of this frontage type are shown in Figure 16.

FIGURE 16: CHARACTER EXAMPLES FOR RETAIL / ACTIVE USE FRONTAGE TYPE

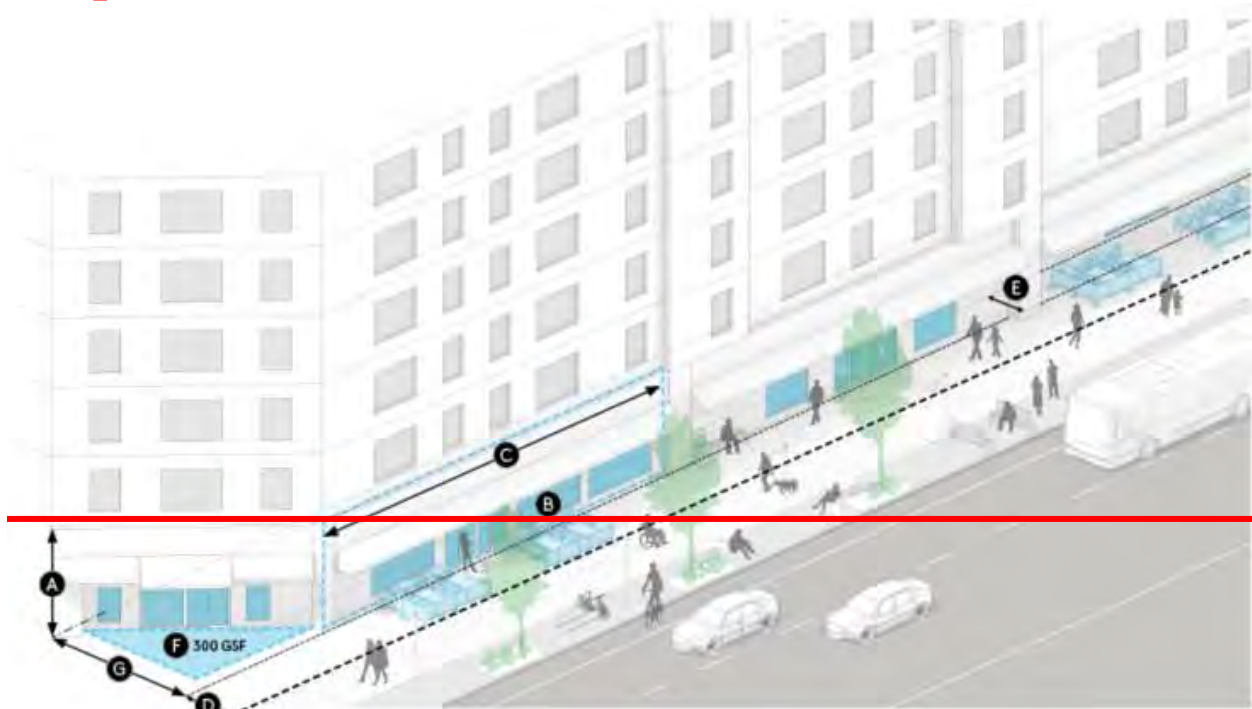


IMAGE CREDITS: CASCADE DESIGN COLLECTIVE, M. KENNEDY

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 17: RETAIL AND ACTIVE USES FRONTAGE STANDARDS

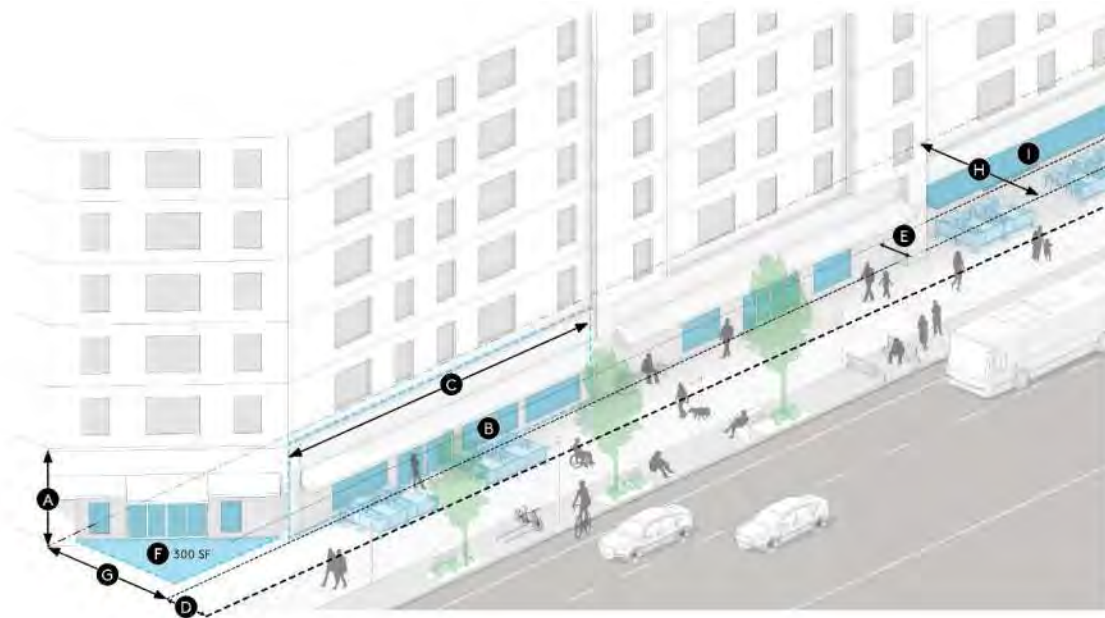


GROUND FLOOR DESIGN AND ENTRY	
Ground Floor Design	
A Minimum Street Level Story Height	15'
B Facade Transparency	75%
C Max Street Level Facade Width	65'
Entrances	
Location	Required on primary street-facing frontage
Entry Transparency	80%

PUBLIC REALM	
Public Realm	
D Front Setbacks (Min, Max)	0', 15'
E Sidewalk Cafes/ Amenity Zone	Min depth 7', up to 10' additional setback allowed
F Corner Design	300 GSF required within property line at corners where two intersecting streets are a combination of major thoroughfare, main street, or neighborhood mixed use
G Ground Floor Parking Setback	25'

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



GROUND FLOOR DESIGN AND ENTRY

Ground Floor Design

A	Minimum Street Level Story Height	15'
B	Facade Transparency	75%
C	Max Street Level Facade Width	65'

Entrances

Location	Required on primary street-facing frontage
Entry Transparency	80%

PUBLIC REALM

Public Realm

D	Front Setbacks (Min, Max)	0', 15'
E	Sidewalk Cafes/ Amenity Zone	Min depth 7', up to 10' additional setback allowed
F	Corner Design	Minimum 300 SF buffer required within property line at street corners
G	Ground Floor Parking Setback	Average 30', Minimum 20'
H	Active Ground Floor Depth	Average 30'
I	Overhead Weather Protection	Required for a minimum of 90% for all street-facing facades. See frontage type additional standards for specific requirements

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.~~1520~~.04.03 Residential Stoop / Porch

INTENT AND CHARACTER

This frontage type is intended to establish a consistent, walkable residential frontage defined by buildings that engage the public right of way, elements that reflect individual residential units like direct entries and articulated facades, and elevated stoops and porches.

FIGURE 18: CHARACTER EXAMPLES FOR URBAN-STREET-EDGE RESIDENTIAL STOOP / PORCH FRONTAGE TYPE



KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 19: RESIDENTIAL STOOP / PORCH FRONTAGE STANDARDS



GROUND FLOOR DESIGN AND ENTRY

Ground Floor Design

- A** Max Street Level Facade Width 36'
- B** Facade Transparency 50%

Entrances

Location Required at frontage, otherwise entry path can be used

PUBLIC REALM

Public Realm

- C** Front Setbacks (Min, Max) 5', 10'

- D** Corner Design

300 GSF required within property line at corners where two intersecting streets are a combination of major thoroughfare, main street, or neighborhood mixed use

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



GROUND FLOOR DESIGN AND ENTRY

Ground Floor Design

A Max Street Level Facade Width	36'
B Facade Transparency	50%

Entrances

Location	Required at frontage, otherwise entry path can be used
----------	--

PUBLIC REALM

Public Realm

C Front Setbacks (Min, Max)	5',10'
D Corner Design	Minimum 300 SF buffer required within property line at street corners

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

Residential Stoop/Porch Additional Standards

ALLOWANCES WITHIN FRONT SETBACKS

- Porches and steps connected to building entrances are allowed to extend up to 5' into the front setback area. For structures less than 18" above finished grade, refer to KZC Ch 115.115.
- Porches must meet the following requirements:
 - The finished floor of the porch is no more than four (4) feet above finished grade
 - Three (3) sides of the porch are open
 - The porch roof form is architecturally compatible with the roof form of the dwelling unit to which it is attached;
 - ~~- No deck, balcony, or living area is placed on the roof of the porch within the required front yard;~~
 - If the porch is covered, is no higher than one (1) story
- Low walls are allowed within the front setback, provided they are no taller than 3'.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.1520.04.04 Plaza/Public Space

INTENT AND CHARACTER

This frontage type is intended to support the creation of publicly accessible open space within the district. It is characterized by high quality landscape materials, pedestrian-oriented amenities like seating, fountains, and artwork, and buildings that engage the public space with elements like outdoor seating areas, primary building entrances, and transparent facades.

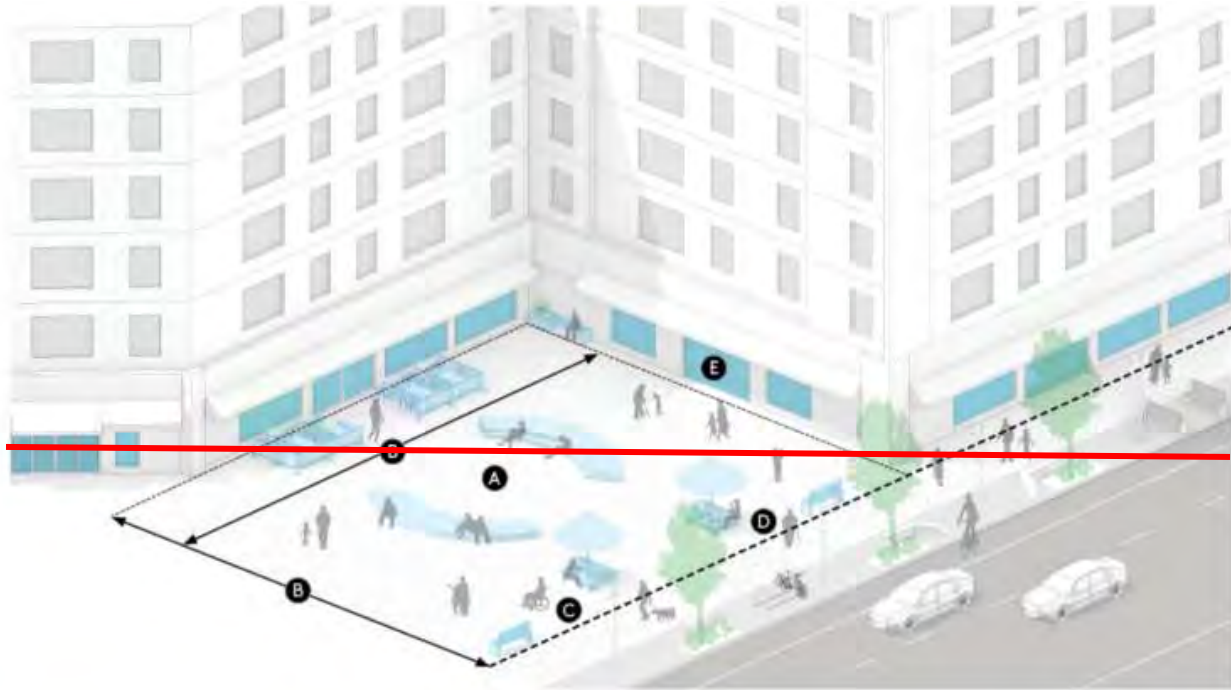
FIGURE 420: CHARACTER EXAMPLES FOR PLAZA/PUBLIC SPACE FRONTAGE TYPE



KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 214: PLAZA/PUBLIC SPACE FRONTAGE STANDARDS

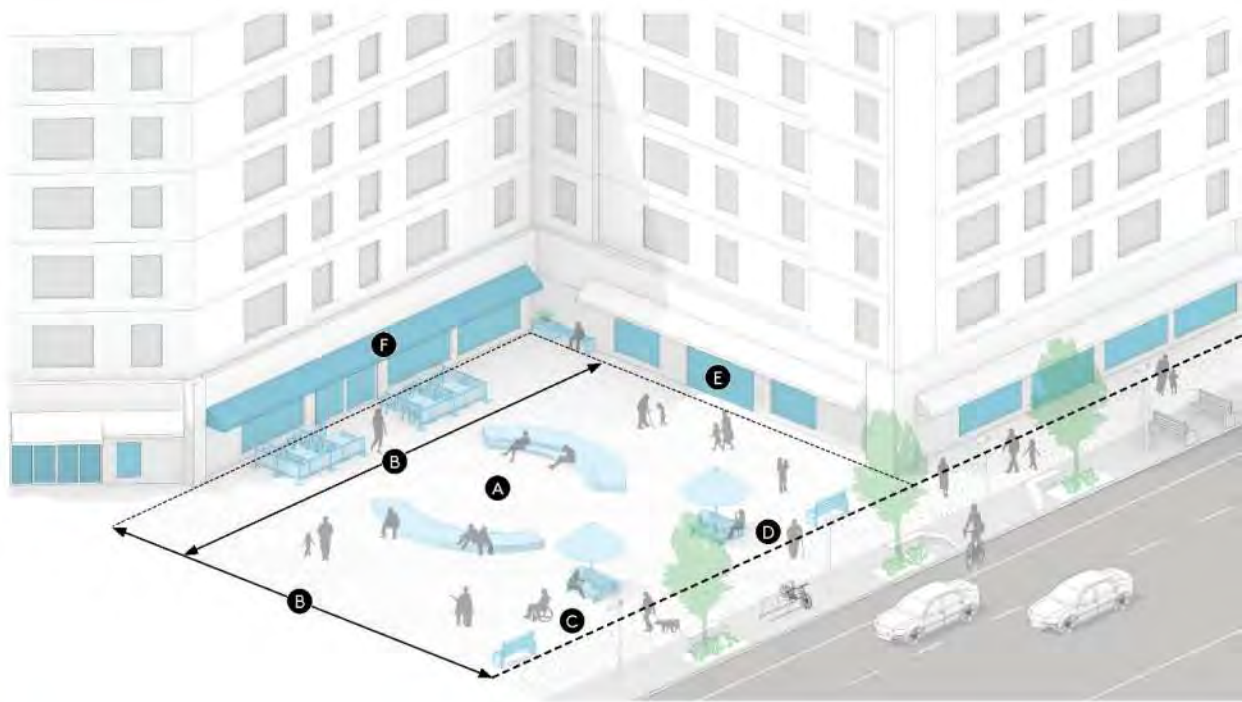


PUBLIC SPACE SIZE	
Dimensions	
A Minimum Area	Min 2,000 SF, 75% occupiable by pedestrians
B Minimum Dimension	Average 30'

RELATIONSHIP TO SIDEWALKS AND BUILDINGS	
Relationship to Sidewalks	
C Access	ADA Accessible for pedestrians from adjacent sidewalk
D Visibility	Minimum 2,000 sq.ft of plaza must be visible from frontage sidewalk
Relationship to Buildings	
E Building Frontage	Buildings should match standards for other allowed frontages and be oriented towards public space

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



PUBLIC SPACE SIZE

Dimensions

A Minimum Area	Min 2,000 SF, 75% occupiable by pedestrians
B Minimum Dimension	Average 30'

RELATIONSHIP TO SIDEWALKS AND BUILDINGS

Relationship to Sidewalks

C Access	ADA Accessible for pedestrians from adjacent sidewalk
D Visibility	Minimum 2,000 sq.ft of plaza must be visible from frontage sidewalk

Relationship to Buildings

E Building Frontage	Buildings should match standards for other allowed frontages and be oriented towards public space
F Overhead Weather Protection	Required for a minimum of 70% for all street-facing facades. See frontage type additional standards for specific requirements

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

Plaza/Open Space Additional Standards

DIMENSIONS

- **Minimum Area:** Plazas must be a minimum area of ~~1,500~~ 2,000 square feet. 75% of this must be occupiable by pedestrians.
- **Minimum Dimension:** Plazas must maintain either a 30' minimum average width measured along the property boundary or a 30' minimum average depth measured perpendicular to the property boundary.

RELATIONSHIP TO SIDEWALK

- **Access:** Plazas must be accessible to pedestrians from adjacent sidewalks, either by maintaining an at sidewalk grade transition to frontage grade or by providing a combination of steps, ramps, or other ADA Accessible means of moving easily from sidewalk to plaza. At least 30% of the plaza frontage must be free of barriers or other obstructions to pedestrians access.
- **Visibility:** At least 2,000 square feet of the plaza must be visible (e.g. free from obstructions such as walls, hedges or other dense vegetation, furniture, etc.) from the adjacent sidewalk to each plaza frontage.

RELATIONSHIP TO BUILDINGS

- **Orientation:** Building walls that are adjacent to plazas must orient windows, entrances, and other frontage elements towards the plaza.
- **Frontage Type:** Building facades with more than 20' of linear frontage along a plaza must identify a frontage type which is permitted for the relevant street type, and design to the standards of that frontage type. Examples of other frontages would include urban street, retail and active uses, or residential porch/stoop.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.~~1520~~.04.05 Private Yard

INTENT AND CHARACTER

This frontage type is intended to establish a streetscape with landscaped front yards, a visual connection to primary buildings from the sidewalk, and street wall edges maintained with elements like low fences, low walls and low height vegetation.

FIGURE ~~122~~: CHARACTER EXAMPLES FOR PRIVATE YARD FRONTAGE TYPE



KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 423: PRIVATE YARD FRONTAGE STANDARDS



GROUND FLOOR DESIGN AND ENTRY

Ground Floor Design	
A Max Street Level Facade Width	35'
Entrances	
Location	Required at frontage
B Porch Height	Maximum 4'

PUBLIC REALM

Public Realm	
C Front Setbacks (Min, Max)	10', 20'
D Allowed Encroachment	Maximum 5'
E Low wall	Maximum 3'

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

Private Yard Additional Standards

ALLOWANCES WITHIN FRONT SETBACKS

- Porches and stairs connected to building entrances are allowed to extend up to 5' into the front setback area. For structures less than 18" above finished grade, refer to KZC Ch 115.115.
- Porches must meet the following requirements:
 - The finished floor of the porch is no more than four (4) feet above finished grade
 - Three (3) sides of the porch are open
 - The porch roof form is architecturally compatible with the roof form of the dwelling unit to which it is attached
 - ~~No deck, balcony, or living area is placed on the roof of the porch within the required front yard~~
 - If the porch is covered, is no higher than one (1) story
- Low walls are allowed within the front setback, provided they are no taller than 3'.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.20.04.06 Additional Standards for all Frontage Types

OVERHEAD WEATHER PROTECTION

Frontage types that require overhead weather protection shall meet the following standards:

- Overhead weather protection is required for all street-facing facades, with the following exceptions:
 - Where the building facade is more than 10 feet from the required back of sidewalk
- Overhead weather protection should cover a minimum of 5 feet of the pedestrian clear zone on the nearest sidewalk, measured horizontally from the required back of sidewalk.
- Where possible, overhead weather protection should be located and designed to avoid water runoff into the pedestrian clear zone.
- Overhead weather protection must be a minimum of 10 feet and a maximum of 15 feet above required back of sidewalk grade

~~57.20 STREET TYPES~~

~~57.20.01 Purpose~~

~~Street types are intended to translate the vision and goals documented in the NE 85th Station Area Plan into standards that provide direction for improvements to public and private right of way. These street types specify typical dimensions, transportation mode considerations for appropriate facilities, and guidance on how public rights of way and private and frontage improvements can work together to create a cohesive, pleasant public realm.~~

~~57.20.02 Applicability~~

~~Street Types apply to areas shown in the Street Types Map, in Figure 14. They consist of the following types:~~

- ~~**Major Thoroughfares** connect regional centers or run through central commercial corridors. Many of these streets have significant traffic volumes at peak hours and are important places for high-capacity transit routes and auto-separated bike facilities.~~
- ~~**Main Streets** are special streets that concentrate ground-floor retail and active uses, often with generous public realm designed to prioritize pedestrian activity and support transit.~~
- ~~**Neighborhood Mixed Use** streets are neighborhood streets serving low to mid-intensity commercial and midrise residential and occasional ground-floor retail. They are generally lower vehicular traffic volume than major thoroughfares, and some may contain separated bike facilities and transit service.~~
- ~~**Neighborhood Residential** streets are residentially focused with low vehicular traffic volumes, which can accommodate shared bike facilities.~~
- ~~**Green Mid-Block Connections** provide important network connections for cyclists and pedestrians through and across long blocks and are typically found within larger commercial or residential developments or between~~

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

existing parcels. In addition to providing bike and pedestrian access, they can also include on-site green stormwater infrastructure as part of their design, or where accommodating vehicle access, provide delivery and back-of-house access to parcels.

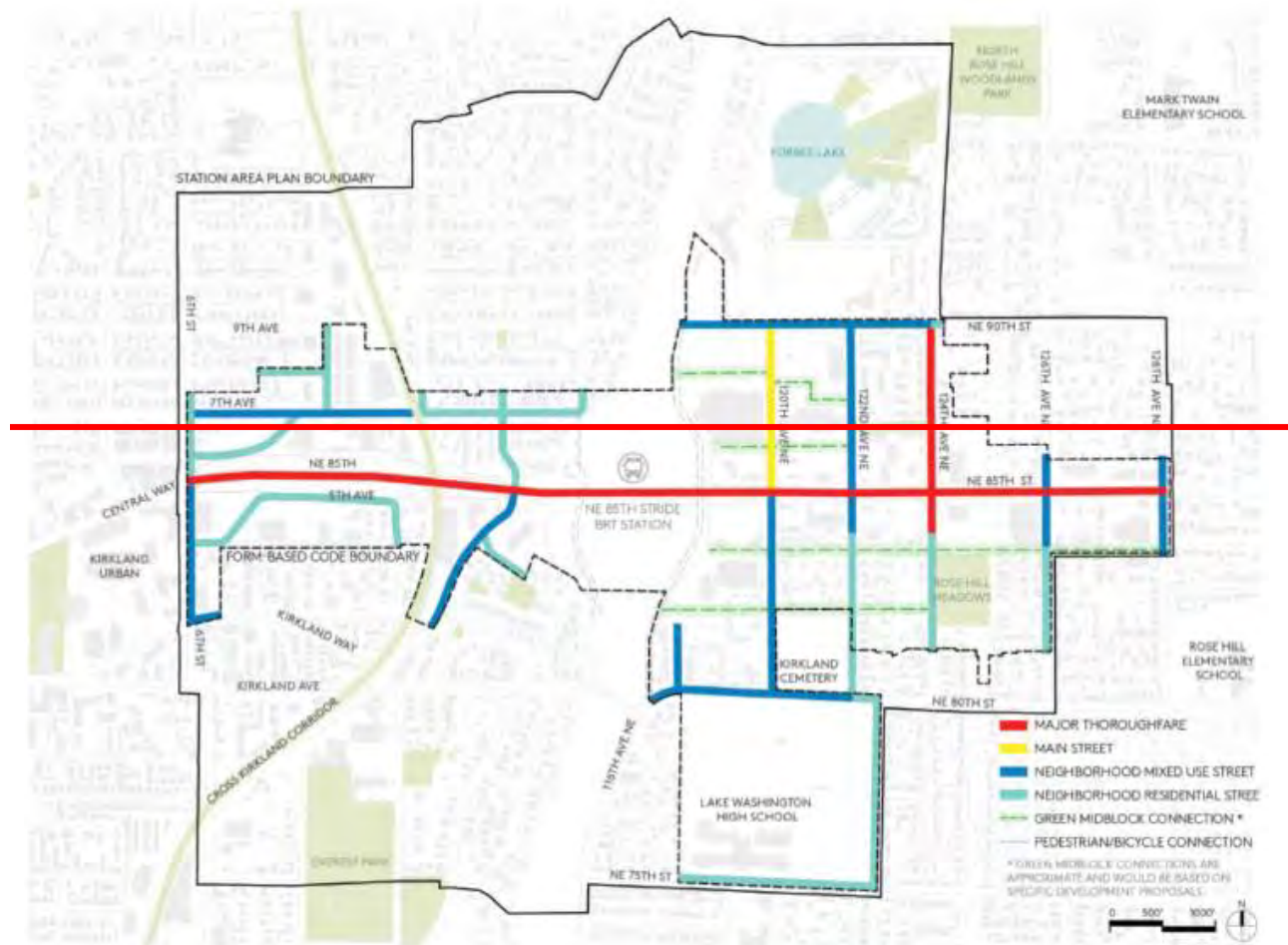
57.20.03 Street Types Map

The Street Types Map shows the designated street type classification for each street segment within the Regulating Districts.

FIGURE 14: STREET TYPES MAP

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



57.20.04 Using Street Types

Individual Treatments

These street types reflect the general intent for improvements of the public right of way, and guidance for development of private rights of way within private parcels. Specific designs for each street are subject to change based on site conditions or right of way constraints. In these cases, the Public Works Official shall determine how the proposed design meets the urban design and mobility intent of the designated street type.

Street Type Elements

Street types are comprised of the following elements:

- **Pedestrian Clear Zone:** the primary, accessible portion of the sidewalk that runs parallel to the street. This zone must be clear of obstructions and elements that could impede pedestrian travel.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

- **Furnishing Zone:** the section of the sidewalk between the curb and the pedestrian clear zone in which street furniture and amenities, such as lighting, benches, utility poles, tree pits, and green infrastructure are provided.
- **Bikeway:** the portion of the right-of-way dedicated to bicycle travel. This can include a variety of facilities, including separate paths within the roadway, raised paths between the curb and sidewalk, or shared facilities within the roadway.
- **Roadway/Travel Lanes:** the area between curbs, which can include travel lanes, on-street parking, and bikeways.

Minimum and Preferred Dimensions

The street types show dimensions that reflect the desired space allocation for each portion of the right of way. The table below shows minimum and preferred dimensions for each street type. Preferred dimensions should be constructed, except where the Public Works Official determines allowed deviations from these dimensions pursuant to modification procedures in KZC 110.70.

Table 2: Minimum and Preferred Dimensions for Street Type Elements

	Pedestrian Clear Zone	Bikeway	Furnishing Zone	Travel Lane Width	Number of Travel Lanes (Typical)	On-Street Parking Permitted (Typical)
Major Thoroughfare	8'/10'	6'*	8'/10'	10'	5	No
Main Street	8'/15'	N/A	5'/10'	10'	3	Yes

KIRKLAND ZONING CODE CHAPTER 57

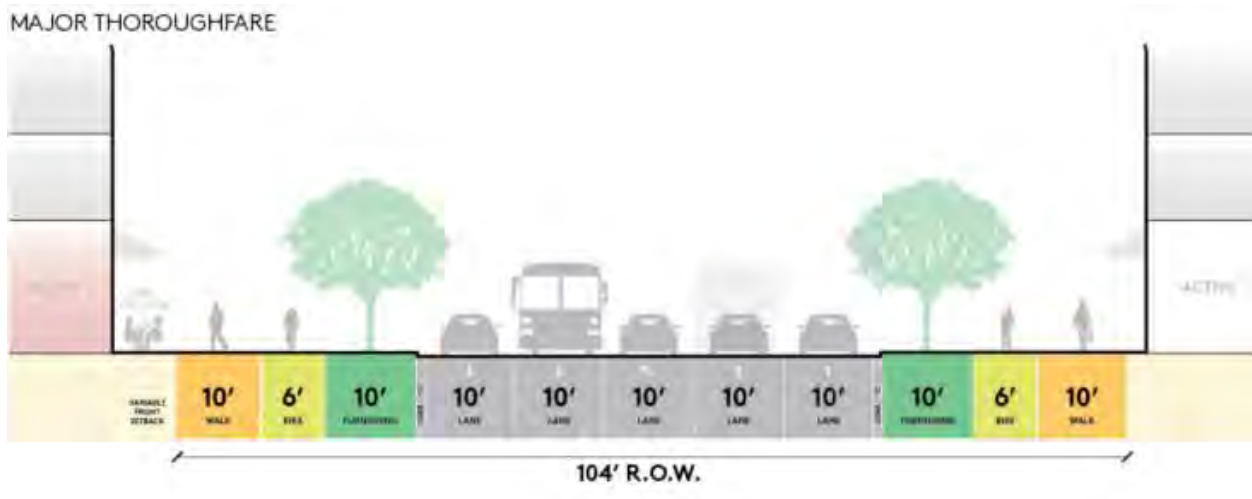
FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

Neighborhood Mixed-Use	6'/8'	5' bike-lane/ 7' buffered-bike lane	5'/6'	10'	2	Yes
Neighborhood Residential	5'/6'	5' bike-lane/ 7' buffered-bike lane	5'/6'	10'	2	Type 1: No Type 2: Yes
Green-Mid-Block**	6'/10'	5' bike-lane/ 12' bidirectional trail	2'/6'	10'	2	No

*includes 1' separation between pedestrian and bike zones

** This configuration shows Vehicular/Bike/Pedestrian Shared version.

See Green-Mid-Block-Connection-section for alternative configurations.



DESCRIPTION

Major Thoroughfares are streets that connect regional centers or pass through central commercial corridors. Many of these streets have significant traffic volumes at peak hours, and are key places for high-capacity transit routes, separated bike facilities, and wider sidewalks.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Not Permitted	Permitted	Not Permitted

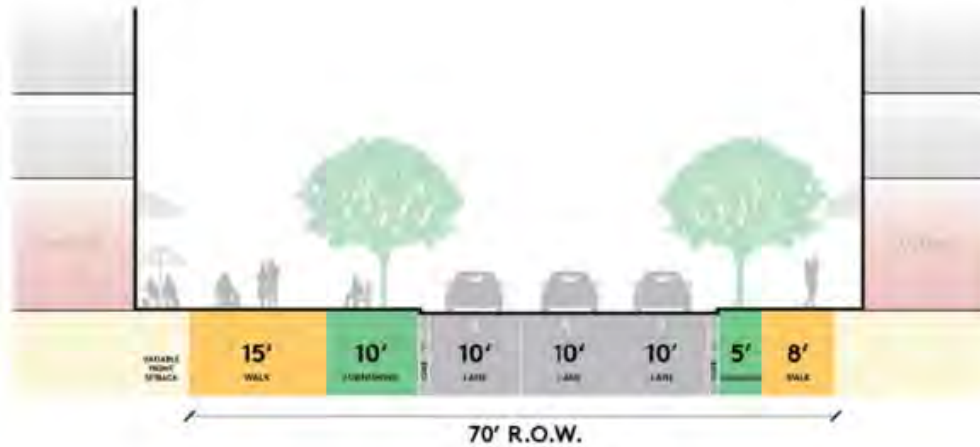
FUNCTIONAL CLASSES Principal Arterial

ADJACENT LAND USES High intensity commercial, residential, and active ground-level uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

MAIN STREET



DESCRIPTION

Main Streets are primary pedestrian corridors with active uses and generous sidewalks. They feature high quality streetscapes with linear open space, decorative paving, and tree canopy. These are often important corridors for transit or supported with transit nearby. Wide furnishing zone may include pockets for on-street parking.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Not Permitted	Permitted	Not Permitted

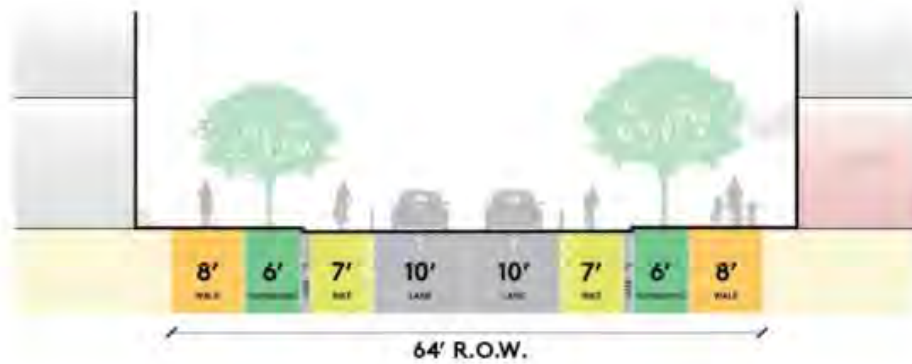
FUNCTIONAL CLASSES Minor Arterial, Collector

ADJACENT LAND USES Mid to high intensity commercial, residential, and ground-level retail uses.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

NEIGHBORHOOD MIXED USE STREET



DESCRIPTION

Neighborhood mixed use streets have low to mid-intensity commercial and residential, occasional active ground floors. With generally lower vehicular volume than major thoroughfares, these streets require careful balancing among modes and should include wider sidewalks, buffered bike facilities, transit routes, and narrower travel lanes. On-street parking considered on a contextual basis and is subject to approval by Public Works Official.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/ PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Permitted	Permitted	Permitted

FUNCTIONAL CLASSES

Minor Arterial, Collector, Neighborhood Access

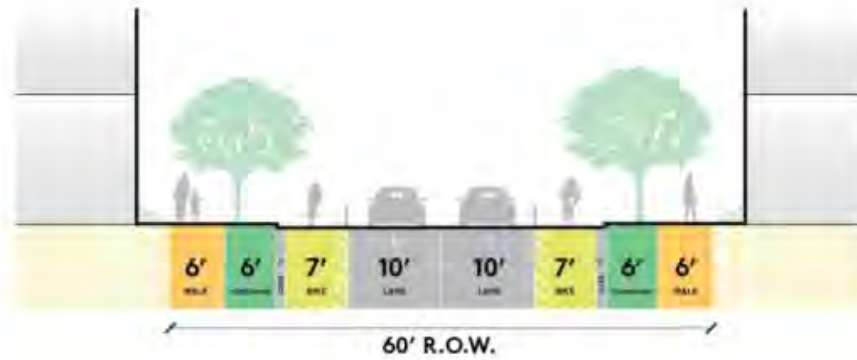
ADJACENT LAND USES

Low to mid-intensity commercial, residential, and occasional active ground-level uses, civic and urban flex uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

NEIGHBORHOOD RESIDENTIAL STREET TYPE 1



DESCRIPTION

Neighborhood residential streets are low vehicular traffic volume streets that have primarily residential frontages and dedicated bicycle facilities.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/ PUBLIC SPACE	PRIVATE YARD
Not Permitted	Not Permitted	Permitted	Permitted	Permitted

FUNCTIONAL CLASSES

Collector, Neighborhood Access

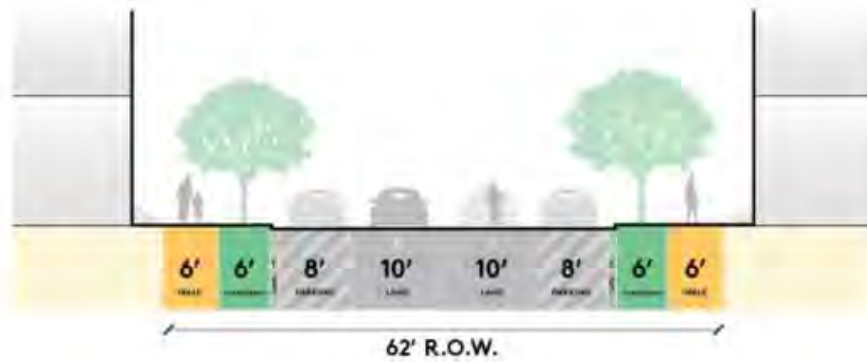
ADJACENT LAND USES

Predominantly low to medium intensity residential uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

NEIGHBORHOOD RESIDENTIAL STREET TYPE 2



DESCRIPTION

Residential-focused streets with low vehicular traffic volumes, which can accommodate shared bike facilities.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/ PUBLIC SPACE	PRIVATE YARD
Not Permitted	Not Permitted	Permitted	Permitted	Permitted

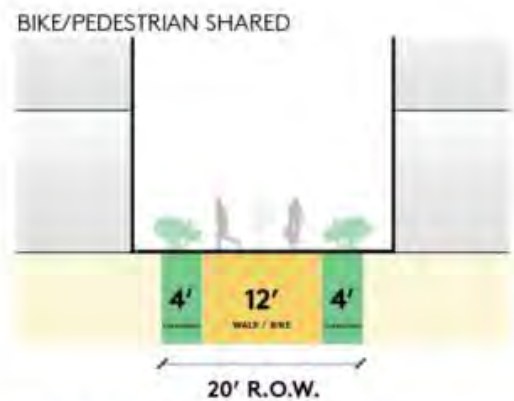
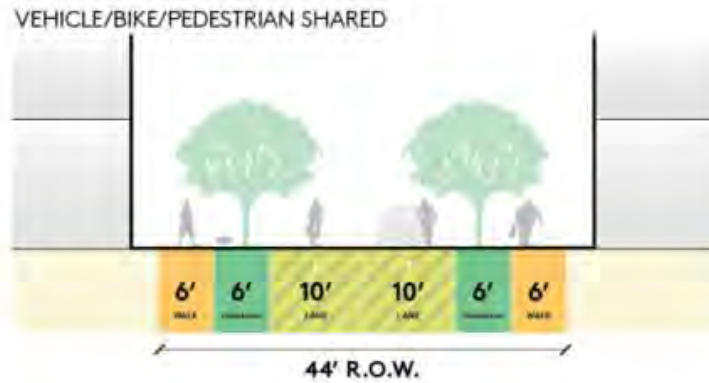
FUNCTIONAL CLASSES Neighborhood Access

ADJACENT LAND USES Predominantly low to medium intensity residential uses

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

GREEN MID-BLOCK CONNECTION



DESCRIPTION

These streets are generously landscaped mid-block connections typically as part of larger developments. May include required green infrastructure. Does not include public R.O.W. improvements to “green” an existing street. Mid-block connections may be used for emergency access, and may also be used for access to loading zones, parking entrances, or other “back of house” functions.

PERMITTED FRONTAGE TYPES

URBAN STREET EDGE	RETAIL & ACTIVE USES	RESIDENTIAL STOOP/PORCH	PLAZA/ PUBLIC SPACE	PRIVATE YARD
Permitted	Permitted	Permitted	Permitted	Permitted

FUNCTIONAL CLASSES Neighborhood Access, Trail

ADJACENT LAND USES

Low to high intensity commercial or residential uses, typically within larger developments. May have active ground-level uses, depending on site design

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.25 DISTRICTWIDE STANDARDS

57.25.01 Purpose

The following standards are intended to support the vision and objectives of the NE 85th St Station Area Plan. They are comprised of standards that are consistent throughout the Regulating Districts as shown in Figure 2, including transitions, parking, landscaping requirements, and public space requirements.

57.25.02 Applicability

Districtwide Standards apply to all areas within the Regulating Districts as shown in Figure 2, regardless of regulating district, frontage type, or street type designation.

57.25.03 Rooftop Appurtenances, Amenities, and Structures

GENERAL PROVISIONS

1. Rooftop Amenities must be designed to be consistent with KZC 115.122, and green roof systems otherwise allowed by administrative review in the [Green Innovation Sustainability Standards](#) section of this chapter are considered rooftop amenities. Rooftop amenities are allowed in all regulating districts.
2. Rooftop appurtenances may exceed the maximum allowed height of the structure pursuant to KZC 115.120, and renewable energy generation systems otherwise allowed by administrative review in the [Green Innovation Sustainability Standards](#) section are considered Rooftop appurtenances and exemptions as defined in KZC 115.120.3.d.

57.25.04 Landscaping, Green Infrastructure, and Environmental Features

GENERAL PROVISIONS

1. **Landscaping Standards:** Unless specified otherwise in this chapter, all landscaping must be consistent with KZC Ch 95.
2. **Green Infrastructure:** Development shall implement the [Green Innovation Sustainability Standards](#) section of this chapter.
3. **Bird-safe Standards:** All developments shall design, build, and maintain building façade and site design strategies to make the building and site structures visible as physical barriers to birds. The standards are applicable per façade when the façade has 30% or more glazing within the first 60 feet measured from the grade adjacent to the façade. For low density residential buildings less than 45 feet in height, standards apply per façade when the façade has 50% or more glazing.
 - a. At least 90% of the windows and glazing shall meet Bird Safe Glazing Standards.
 - i. Windows and glazing, including glazed balcony railing, located within the first 60 feet of the building measures from the grade adjacent to the façade;
 - ii. Windows and glazing located within the first 15 feet of building above an adjacent green roof, roof garden, or other vegetated or landscaped roof area; and
 - iii. The glazed portions of sky bridges or fences.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

b. Bird Safe Glazing Standards: Bird-safe glazing may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing, or UV patterns visible to birds. To qualify as Bird-Safe Glazing Treatment, vertical elements of window patterns shall be at least 1/ inch wide at a minimum spacing of 4 inches or horizontal elements at least 1/8 inch wide at a maximum spacing of 2 inches.

~~c. All developments shall prepare and submit a post-construction monitoring plan to review effectiveness of the building and site design in preventing bird collisions for three years.~~

4. Dark Sky Fixtures: All developments shall meet upright and light trespass requirements for all exterior luminaires located inside the development boundary to support a nighttime habitat friendly environment.

a. Lighting controls for all exterior lighting shall comply with section 9.4.1.3 of ANSI/ASHRAE/IESNA Standard 90.1-2007, without amendments.

b. Design exterior lighting so that all site and building-mounted luminaires produce a maximum initial illuminance value no greater than 0.20 horizontal and vertical footcandles (2.0 horizontal and vertical lux) at the development boundary and no greater than 0.01 horizontal footcandles (0.1 horizontal lux) 15 feet (4.5 meters) beyond the development boundary. Document that no more than 5% of the total initial designed fixture lumens (sum total of all fixtures on site) are emitted at an angle of 90 degrees or higher from nadir (straight down).

~~c. Illuminance generated from a single luminaire placed at the intersection of a private vehicular driveway and public roadway accessing the site is allowed to use the centerline of the public roadway as the development boundary for a length of 2 times the driveway width centered at the centerline of the driveway.~~

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.25.05 Transitions

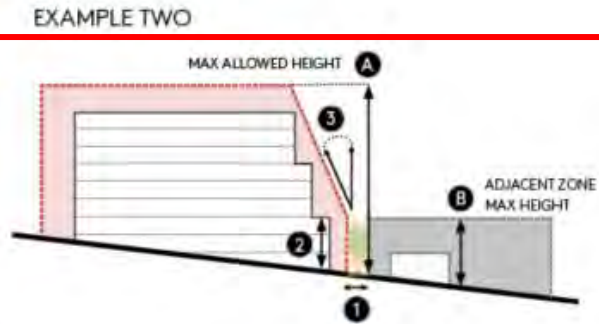
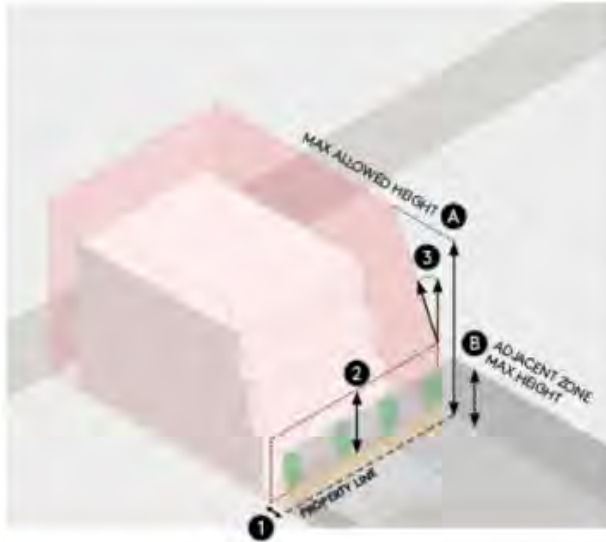
GENERAL PROVISIONS

1. **Intent:** Transitions are intended to ensure that new development is consistent with the vision of the NE 85th Street Station Area Plan to provide appropriate transitions of development intensity, height, and bulk ~~between different across~~ zones.
2. **Applicability:** Transitions are required where the difference between the maximum ~~allowed~~ height of a ~~zoning district proposed for a subject property~~ is ~~at least more than~~ 30' higher than the maximum allowed height of an ~~abutting parcel adjacent zoning district~~. These transitions may be applied to side or rear lot lines. Front parcel transitions are addressed through upper story setbacks requirements for each regulating district. No portion of the structure shall extend into this Sky ~~Plane~~ Exposure ~~Plane~~.
3. **Transition Requirements:** Where transitions are applicable, they shall consist of a required Landscape Buffer and a Sky ~~Plane~~ Exposure ~~Plane~~.
4. **Landscape Buffer:** A minimum 15-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall planted consistent with Buffering Standard 1 of KZC Ch 95.
5. **Sky ~~Plane~~ Exposure ~~Plane~~:** Transitions are established using a sky ~~plane~~ exposure plane that sets the maximum envelope for massing within the subject property. The sky exposure plane is measured at an angle from a vertical line. To calculate the sky exposure plane, use the following steps:
 - ~~i. Establish a transition starting elevation by determining the existing grade at the subject property's midpoint elevation along the abutting common lot line.~~
 - ii. Create a vertical plane 15' set back from and parallel to the common lot line.
 - ~~iii. Establish a maximum height of the vertical plane by determining the average elevation of the common property line between zoning districts, that is equal to the midpoint grade elevation plus the maximum allowed height of the adjacent for the zone of the adjoining property (see Figure 23).~~
 - iiiiv. From the top of this vertical plane, extend ~~a the required~~ sky exposure plane ~~at an~~ angle ~~of~~ 25 degrees to the maximum allowed height of the subject property ~~zone~~. ~~Where the maximum height between zoning districts is 50' or higher extend the required sky exposure plane at an angle 30 degrees to the maximum allowed height of the subject property.~~

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 1524: DISTRICTWIDE STANDARDS TRANSITION REQUIREMENT

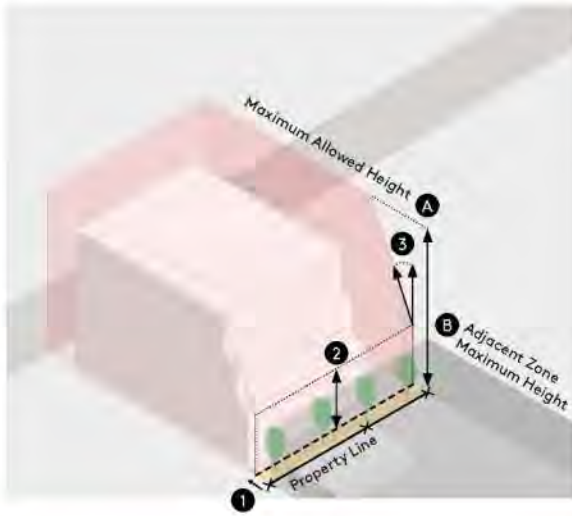


TRANSITIONS

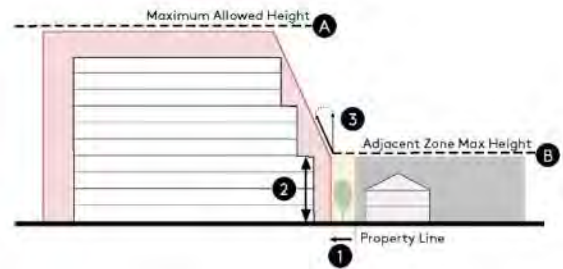
Applicability	<p>A Transitions are required if the allowed maximum height for the subject parcel is greater than 30' above the maximum allowed height for any adjacent parcel.</p> <p>B</p>
Requirement	<p>1 Create a vertical plane 15' away from and parallel to the common lot line.</p> <p>2 Establish a maximum height of the vertical plane that is equal to the midpoint grade elevation plus the maximum allowed height for the zone of the adjoining property.</p> <p>3 From the top of this vertical plane, extend a sky exposure plane at an angle of 25 degrees to the maximum allowed height of the subject property zone.</p>

KIRKLAND ZONING CODE CHAPTER 57

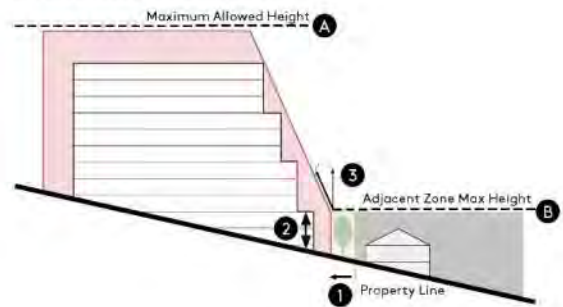
FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN



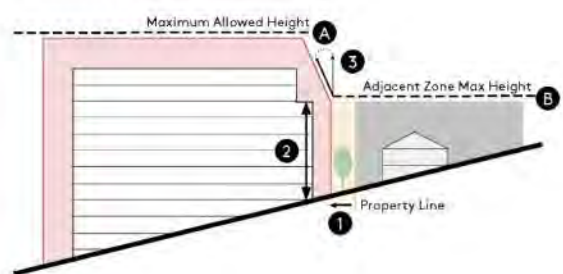
MINIMUM TOPOGRAPHY EXAMPLE



UPHILL DEVELOPMENT EXAMPLE



DOWNHILL DEVELOPMENT EXAMPLE



TRANSITIONS

Applicability

- A Transitions are required if the allowed maximum height for the subject parcel is greater than 30' above the maximum allowed height for any adjacent parcel.
- B

Requirement

- 1 Create a vertical plane 15' set back from and parallel to the common lot line.
- 2 Establish a maximum height of the vertical plane by determining the average elevation of the common property line between zoning districts, plus the maximum allowed height of the adjacent for the zone of the adjoining property.
- 3 From the top of this vertical plane, extend the required sky exposure plane at an angle of 25 degrees to the maximum allowed height of the subject property. Where the maximum height between zoning districts is 50' or higher extend the required sky exposure plane at an angle 30 degrees to the maximum allowed height of the subject property.

57.25.06 Parking

GENERAL PROVISIONS

1. Off-Street Parking:

- a. **Required Parking:** The following off-street parking requirements apply to uses in the regulating districts as shown in Table 36.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

TABLE 36: OFF-STREET PARKING REQUIREMENTS

Land Use	Minimum Required Parking
Residential: <u>Detached Dwelling Unit</u>	<u>Reserved</u> <u>2/unit</u>
Residential: <u>Residential Suites, Attached or Stacked Dwelling Units</u>	<u>0.5/affordable studio unit or residential suite</u> <u>0.75/affordable one-bedroom units</u> <u>0.75/studio unit or residential suite^{i,t}</u> <u>1/one-bedroom unit</u> <u>1.25/two-bedroom unit</u> <u>1.5/three- or more bedroom unit</u>
Residential: <u>Assisted Living Facility</u>	<u>0.5/unit</u>
Residential: <u>Convalescent Center</u>	<u>0.5/bed</u>
Commercial	2/1000 SF GFA
Industrial	<u>Reserved</u> <u>1/1000 SF GFA</u> <u>Breweries, wineries or distilleries shall apply the minimum required industrial parking rate only for the portion of the building engaged in industrial uses. Tasting rooms for breweries, wineries, or distilleries shall provide parking at 2/1000 SF GFA.</u>
Institutional	Set by <u>the City Transportation Traffic Engineer</u> under KZC 105.25

- i. Residential suite parking may be reduced to 0.5/suite if the following transportation demand management strategies are implemented in addition to the required transportation demand management strategies identified in KZC 57.25.07:
 - a. Provide a bus pass or equivalent alternative transportation mode subsidies for tenants who do not have cars.
 - b. Include lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off site to avoid parking charges.

b. **Shared Parking Reduction:** Shared parking is allowed in accordance with the provisions in KZC 105.45.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

c. **Modification to Minimum Required Parking:** For a modification to ~~subsection~~ ~~sub-section~~ 1.a, a decrease in the required number of spaces may be granted by the Planning Official if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to be sufficient to fully serve the use. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the proposed use which justify a parking reduction. The scope of the study shall be proposed by the applicant's licensed transportation engineer or other qualified professional and approved by the City Transportation Engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City Transportation Engineer. Approval of a parking reduction shall be solely at the discretion of the City. A decrease in the minimum required number of spaces may be based in whole or part on the provision of nationally accepted TDM (Transportation Demand Management) measures. Data supporting the effectiveness of the TDM measures should be provided as part of the parking demand and utilization study and approved by the City Transportation Engineer.

d. **Parking Space Reductions Near Transit:** For senior citizen households or housing units specifically for people with disabilities that are located within one-quarter mile of a transit stop that receives transit service at least four (4) times per hour for 12 or more hours per day, minimum parking space requirements are eliminated for residents. Parking requirements for staff and visitors of such housing units will be established pursuant to KZC 105.25. The City will require an applicant to record a covenant that prohibits the rental or sale of a unit subject to this parking restriction for any purpose other than providing for senior citizen households or housing for people with disabilities.

e. **Guest Parking:** Refer to KZC Ch 105.

2. **Parking Location:** Refer to KZC Ch 105.

3. **Parking Area Design:** Refer to KZC Ch 105, as well as the Green-Innovation Sustainability Standards section of this chapter for relevant requirements and incentives.

4. **Parking Dimensional Standards:** Refer to KZC Ch 105.

5. **Bike Parking:** Bicycle parking spaces shall be provided in all new development to encourage the use of bicycles as a form of transportation by providing safe and convenient places to park bicycles. Both short-term and long-term bicycle parking shall be provided. Short-term bicycle parking is intended to serve visitors or business patrons who visit the project site for a short time period, around 4 hours or less. Short-term bicycle parking is located near the site entrance in a visible location that makes it easy to find for visitors. Long-term bicycle parking is intended to serve residents or employees who may need to store bikes on site during a typical workday or overnight. Long-term bicycle parking is secured and weatherproof to provide a safe and comfortable storage place for longer periods.

General bicycle parking standards:

- Short and long-term bicycle parking shall be provided based on the following rates:

TABLE 47: BICYCLE PARKING RATES

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

Use	Short-Term Bicycle Parking Rate (spaces per <u>suite/unit/bed or per 1,000-sq.ft. of gross floor area</u>)	Long-Term Bicycle Parking Rate (spaces per <u>suite/unit/bed or per 1,000-sq.ft. of gross floor area</u>)
Residential: Detached Dwelling Unit	Not required	Not required
Residential: <u>Residential Suites</u> , Attached or Stacked Dwelling Units	0.05/ <u>suite or</u> unit	1/ <u>suite or</u> unit
Residential: Assisted Living Facility	0.05/unit	0.08/unit
Residential: Convalescent Center	0.050/bed <u>1000-SF-GFA</u>	0.08 33/1000/bed <u>SF-GFA</u>
General-Commercial: General	0.50/ <u>1000 SF GFA</u>	0.33/ <u>1000 SF GFA</u>
<u>Commercial</u> : Office Uses	0.07/ <u>1000 SF GFA</u>	0.33/ <u>1000 SF GFA</u>
<u>Industrial</u>	<u>0.01/1000 SF GFA</u> <u>Breweries, wineries or distilleries shall apply the minimum required industrial parking rate only for the portion of the building engaged in industrial uses. Tasting rooms for breweries, wineries, or distilleries shall provide parking at 0.50/1000 SF GFA.</u>	<u>0.08/1000 SF GFA</u> <u>Breweries, wineries or distilleries shall apply the minimum required industrial parking rate only for the portion of the building engaged in industrial uses. Tasting rooms for breweries, wineries, or distilleries shall provide parking at 0.33/1000 SF GFA.</u>
Institutional Uses	As determined by City Transportation Engineer under KZC 105.25	As determined by City Transportation Engineer under KZC 105.25

- Commercial development, both general commercial and office uses, and institutional development required to provide 25 or more long-term bike parking spaces shall also provide at least 1 shower for commuters. Shower facilities shall be provided at a rate of 1 shower per 25 required long-term bike parking spaces. Showers should be provided adjacent to bike parking although showers provided on-site as part of other facilities may satisfy this requirement provided that wayfinding signage is included.

-The required number of short-term bicycle parking spaces shall be rounded up to the nearest even number.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

- The required number of long-term bicycle parking spaces shall be rounded up to the nearest whole number.
- The Planning Official may modify the required amount of bicycle parking according to size of development and anticipated pedestrian and bicycle activity as determined by the City Transportation Engineer. Lack of existing bicycle and pedestrian activity shall not be considered as sufficient criteria to provide less than the minimum required amount of bicycle parking.
- Design of bike parking is subject to approval by Public Works Official.

6. Loading and Driveways: Refer to KZC 115.47. Additionally, the following standards apply in the regulating districts:

- a. Wherever practical, vehicular access for loading or parking should not be provided along the following street types: Main Street, Major Thoroughfare.
- b. Refer to Public Works Policy R-4 for driveway location standards, subject to approval by the Public Works Official.

7. Special Regulations for Institutional Uses:

For school and/or childcare uses greater than 5,000 GSF, an on-site passenger loading area must be provided, unless otherwise approved by the Public Works Official. The Public Works Official 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 the network.

57.25.07 Transportation Demand Management

GENERAL PROVISIONS

1. **Required Transportation Management Plan:** all new commercial development and all new residential development greater than 15 units within the station area shall prepare and implement a transportation management plan that identifies their proposed transportation demand management strategies.
2. **Transportation Management Plan Administration:**
 - a. Each Transportation Management Plan (TMP) shall be in a form approved by the City and recorded with King County. The TMP shall acknowledge that it is a violation of the KZC to deviate from the required transportation demand management strategies.
 - b. Each development shall designate a Transportation Coordinator to manage the TMP, provide commute information to residents or employees, and be a point of contact for the City.
 - c. 1. Each development shall participate in a biannual survey of residents in a form approved by the City to document transportation mode share, parking utilization, and potential spillover parking.
3. **2- Required Transportation Demand Management Strategies:**
 - a. The costs to provide parking shall be unbundled from the total property cost rental costs.
 - b. New developments shall charge for off-street parking.
 - c. New developments shall monitor the demand for parking and manage the provided parking supply to reduce the risk of spillover parking.
 - d. New developments shall provide full transit pass subsidies for all employees.
 - e. New developments shall actively participate in City and development transportation demand management efforts by partnering on the development, distribution, and promotion of commuter marketing programs.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

- f. New developments shall provide an emergency ride home program for employees.
- g. New developments shall provide bicycle parking and other facilities as required in KZC 57.25.06.05.
- h. New developments shall support carpooling by developing a ridematch program for employees.

57.25.078 GREEN INNOVATION SUSTAINABILITY STANDARDS

Relationship to other regulations

Reserved.

General Provisions

1. **Intent:** The ~~Green Innovation Sustainability Standards~~ code is intended to ensure that new development is consistent with the vision of the NE 85th Street Station Area Plan Sustainability Framework as well as aligned with the Sustainability Master Plan.

2. **Requirements:** As part of any development permit submittal, all projects shall complete a form provided by the City of Kirkland indicating their review of the

NE 85th Street Station Area Plan Chapter 10.0, Sustainability Framework, and how the development is aligned with those goals and opportunities. All new developments and major renovations requiring Design Board Review per KZC 142.15 shall be designed, built, and certified to achieve or exceed requirements in three categories: High Performance Buildings; Energy and Decarbonization; and Ecosystems and Green Infrastructure.

i. High Performance Buildings:

All new developments and major renovations shall be designed, built, and certified to achieve or exceed the High Performance Building Standards described in KZC 115.62. For commercial developments that are building Core and Shell only, they may be designed, built, and certified to achieve LEED v4 Core and Shell Gold as an alternative certification to meet requirements of KZC 115.62.2.b. Some third-party protocol certifications may be eligible for the Incentive Program, refer to KZC Ch 57.30.

ii. Energy and Decarbonization

(a) All new developments larger than 5,000 sf shall include a renewable energy generation system with production at a rate of 0.60 W/sf of all conditioned area. Renewable energy shall be produced on-site, or off-site including the following compliance options in 2021 Washington State Energy Code section C411.2.1.

(b) All new developments and major renovations less than twenty stories shall include solar readiness, per 2021 Washington State Energy Code standards, Section C411.3.

iii. Ecosystems and Green Infrastructure

(a) All new developments and major renovations shall be designed, built, and certified to achieve or exceed a Green Factor score of 0.4.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

The Green Factor sets criteria for landscape and site-based sustainability measures. The landscape elements listed will contribute to larger district sustainability goals focused on the natural environment, ecosystems, and stormwater. The elements that contribute more significantly to supporting the citywide Sustainability Master Plan's goals related to Sustainable Urban Waterways, Conservation and Stewardship, Access to Parks and Open Space, and Sustainable Urban Forestry have been weighted higher in this Green Factor.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

FIGURE 4725: GREEN FACTOR CRITERIA



1 LANDSCAPE ELEMENTS	2 GREEN ROOFS	4 LANDSCAPE BENEFITS
A. Bioretention facilities and/or soil cells	A. Area planted with soil of least 3" but less than 6" of soil	A. Landscaped areas in food cultivation
B. Structural soil systems	B. Area planted with soil of least 6" but less than 8" of soil	B. Landscape areas with native or drought tolerant plants
C. Landscape areas with soil depth less than 24"	C. Area planted with soil of least 8" but less than 30" of soil	C. Landscape areas at sidewalk grade where the majority of the area is covered with vegetation that is native or drought tolerant, and/or provides habitat for urban wildlife and pollinators.
D. Landscape areas with soil depth of 24" or more	D. Area planted with trees and/or 30" of soil	D. Rainwater harvesting
E. Preservation of existing trees		E. Planting that provides food, forage and refuge for a diversity of species and/or inclusion of habitat elements such as woody debris, gravel/cobble, nesting materials, etc.
F. Preservation of Landmark trees bonus		
G. Preservation of existing evergreen trees bonus		
H. Groundcovers or other low plants		
I. Medium shrubs or perennials		
J. Large shrubs or perennials		
K. Small trees with 500 ft ³ soil volume		
L. Medium trees with 1000 ft ³ soil volume		
M. Large trees with 1500 ft ³ soil volume		
	3 GREEN WALLS	
	A. Facade or wall surface obstructed with vines	
	B. Facade or wall surface planted with a green wall system	
		5 PERMEABLE PAVING
		A. Permeable paving over 6"-24" soil or gravel
		B. Permeable paving over at least 24" of soil or gravel

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

Green Factor

The Green Factor score shall be calculated as follows:

1. Identify all proposed elements in Table 58.
2. Multiply the square feet, or equivalent unit of measurement where applicable, of each landscape element by the multiplier provided for that element in Table 58 according to the following provisions:
 - a. If multiple elements listed in Table 58 occupy the same physical area, they may all be counted.
 - b. Landscaping elements and other frontage improvements in the right-of-way between the lot line and the roadway may only be counted if the enhancements in the right-of-way contribute to district sustainability goals including habitat connectivity, tree canopy, or stormwater goals and a commitment is made to ongoing maintenance and management of the landscape areas. Subject to approval by the City of Kirkland.
 - c. Unless otherwise noted, elements shall be measured in square feet.
 - d. For trees, large and medium shrubs and perennials, use the equivalent square footage of each tree or shrub provided in Table 58.
 - e. For green wall systems, use the square footage of the portion of the wall that will be covered by vegetation at three years. Green wall systems shall include year-round irrigation and a submitted maintenance plan shall be included as an element in the calculation for a project's Green Factor Score.
 - f. All vegetated structures, including fences counted as vegetated walls shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage. Vegetated walls shall include year-round irrigation and a submitted maintenance plan shall be included as an element in the calculation for a project's Green Factor Score.
 - g. For all elements other than trees, large shrubs, large perennials, green walls, structural soil systems and soil cell system volume; square footage is determined by the area of the portion of the horizontal plane that lies over or under the element.
 - h. All permeable paving and structural soil credits may not count for more than one-third of a project's Green Factor Score.
 - i. An Innovation credit may be awarded at the discretion of the Planning Official. This credit can be awarded if a development seeks to exceed the minimum requirements in supporting larger district sustainability goals. The multiplier may range from 0.2-.5 depending on the development proposal.
3. Add together all the products calculated in Table 58 to determine the Green Factor numerator.
4. Divide the Green Factor numerator by the parcel area to determine the Green Factor score. A development shall achieve a minimum score of 0.4.
5. The City of Kirkland reviewer has the final authority in determining the accuracy of the calculation of the Green Factor score.

TABLE 58: GREEN FACTOR

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

1. Landscape Elements		Multiplier
A.	Bioretention facilities and/or soil cells	1.5
B.	*Structural soil systems	0.2
C.	Landscaped areas with soil depth less than 24"	0.1
D.	Landscaped areas with soil depth of 24" or more	0.6
E.	Preservation of existing trees - calculated at 20 sq ft per inch dbh (Trees must have a minimum diameter of 6" at dbh.)	1.0
F.	Preservation of Landmark Trees bonus - calculated at 20 sq ft per inch dbh (Trees must meet City of Kirkland's definition of Landmark Trees)	0.1
G.	Preservation of existing evergreen trees bonus - calculated at 20 sq ft per inch dbh (Preserved evergreen trees must have a minimum diameter of 6" at dbh)	0.1
H.	Ground covers or other low plants (less than or equal to 2' tall at maturity)	0.1
I.	Medium Shrubs or perennials - calculated at 9 sq ft per plant (2'-4' tall at maturity)	0.3
J.	Large Shrubs or perennials - calculated at 36 sq ft per plant (greater than 4' tall at maturity)	0.4
K.	**Small Trees or equivalent with calculated soil volume that meets or exceeds 500ft ³ per tree - calculated at 90 sq ft per tree (canopy spread 10' to 15' at maturity)	0.3
L.	**Medium Trees or equivalent with calculated soil volume that meets or exceeds 1000 ft ³ per tree - calculated at 230 sq ft per tree (canopy spread 16' to 24' at maturity)	0.5
M.	**Large Trees with calculated soil volume that meets or exceeds 1500 ft ³ per tree - calculated at 350 sq ft per tree (canopy spread 25' and greater at maturity)	0.7
2. Green Roofs		
A.	Area planted with at least 2" of growth medium but less than 4" of soil	0.4

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

B.	Area planted with at least 4" but less than 8" of soil	0.7
C.	Area planted with at least 8" of but less than 30" of soil	1.0
D.	Area planted with tree(s) and at least 30" of soil	1.5
3. Green Walls		
A.	Façade or wall surface obstructed with vines (calculate at 3 years of growth)	0.1
B.	Façade or wall surface planted with a green wall system (must have year-round irrigation and maintenance plan)	0.2
4. Landscape Benefits		
A.	***Landscaped areas in food cultivation	0.2
B.	Landscaped areas planted with native or drought tolerant plants	0.1
C.	Landscaped areas at sidewalk grade where the majority of the area is covered with vegetation that is native or drought tolerant, and/or provides habitat for urban wildlife and pollinators	0.1
D.	Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater	0.2
E.	****Planting that provides food, forage and refuge for a diversity of species (native insects, pollinators, birds, and other urban wildlife) and/or inclusion of habitat elements such as woody debris, gravel/cobble, nesting materials, etc.	0.2
5. Permeable Paving		Multiplier
A.	Permeable paving over a minimum 6" and less than 24" of soil or gravel	0.2
B.	Permeable paving over at least 24" of soil or gravel	0.5
6. Innovation		
A.	Contributes to district sustainability goals including habitat connectivity, tree canopy, or stormwater goals beyond the site boundary.	0.2-0.5

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

	<p>(i.e. Treating stormwater from public ROW on project site, daylighting piped streams, enhanced tree canopy and habitat connecting larger patches/corridors, enhance and maintain landscaping in ROW, enhanced stormwater treatment for water quality pollutants including metals, 6PPD Quinone, and phosphorus, landscape plan that demonstrates a commitment to minimal pesticide and fertilizer inputs, adaptive management plans) Scoring to be awarded at the discretion of the City of Kirkland.</p>	
--	--	--

* Structural soil system means a soil mix or equivalent structure that is engineered to support pavement while allowing healthy root growth.

** For purposes of determining the size category of a tree species, the tree must have a mature canopy spread of the following:

Small Trees - 8 feet to 16 feet

Medium Trees - 16 feet to 26 feet

Large Trees - 26 feet or more

*** Landscape areas in food cultivation are defined as a use in which land is used to grow plants and harvest food or ornamental crops for donation or for use by those cultivating the land and their households. Examples include Pea Patch community gardens.

**** Refer to the Green Factor Scoresheet Reference Pollinator Plant List tab and City Pollinator Plant List for reference plant species.

57.30 INCENTIVE ZONING PROGRAM

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

57.30.01 PURPOSE

The purpose of the Incentive Zoning Program within the Subarea is to provide additional development capacity for commercial uses above the allowed base height zoning in exchange for providing amenities with a clear public benefit while addressing the impacts that this additional development might have on the community. This incentive zoning program is to be used in conjunction with the affordable housing requirements for residential uses in the station area pursuant to chapter 112 KZC.

57.30.02 GENERAL Provisions

The incentive zoning program may be utilized to achieve development of commercial uses up to the bonus maximum allowed height where the regulating district map (Fig. 2 of this chapter) identifies both a base and maximum allowed height (e.g., CMU 85'/150'). Where a regulating district identifies only a base maximum height, that property is not eligible to receive incentive development capacity (e.g., CMU 60). In no case may the incentive zoning allow development that exceeds the maximum building height as allowed in Figure 2. Requirements for residential uses to achieve the bonus maximum allowed height are set forth in Chapter 112 KZC.

57.30.03 REQUIRED REVIEW

The Planning and Building Director may approve an application for commercial use incentive zoning that complies with Table 69 if the Director finds that:

1. The design and/or extent of the amenity meets the standards established in Table 69 and table 710 criteria; and
2. Where amenities are to be provided on the subject property, the public benefits provided, described in Table 69 for each amenity type, will be derived from the development of the proposed amenity in the proposed location.
3. Covenants, easements, and agreements are established to ensure the provision of the proposed amenities in perpetuity.

An application for incentive zoning shall be made on the forms provided by the City and submitted with the established application fee.

An applicant may propose flexible amenity options as identified in Table 59 through a Development Agreement subject to the provisions of Section 57.05.03 of this chapter provided that the City finds that the flexible amenity options clearly meet or exceed the public benefit that would result from the standard incentive amenities.

57.30.04 INCENTIVE AMENITIES AND EXCHANGE RATES FOR INCENTIVE CAPACITY

Tables 69 and 710 describe the incentive amenities that may be provided to receive commercial incentive capacity and the exchange rate at which commercial incentive capacity will be granted for each unit of amenity provided. Measurements shall be in square feet (indicated as sf in Tables).

PROVIDED AMENITY STRUCTURE

1. An applicant must provide incentive amenities from at least two different categories in Table 69 in order to receive incentive capacity. No more than 75% of the requested incentive capacity may be achieved through provision of amenities in a single category. Applicants may choose to provide amenities from more than two amenity categories.

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

2. Modification of amenity structure requirements. The Planning **&and** Building Director may grant a modification to allow an applicant to achieve more than 75% of their incentive capacity through provision of amenities from a single category in instances where it is determined the proposed amenity structure:

- a. Provides an exceptional community benefit in the chosen amenity category such that the benefit is demonstrably superior to what could be provided through the required diversification of amenities; or,
- b. The subject property has a unique condition that precludes the ability to provide the diversity of amenities.

TABLE 69: INCENTIVE AMENITIES

Proposed List of Eligible Amenities	Public Benefit Provided
AFFORDABLE HOUSING	
Commercial Development: Affordable housing contribution (fee-in-lieu)	Fee revenue for affordable housing
MOBILITY / TRANSPORTATION	
Enhanced Mid-block Green Connections: Enhancement to an active transportation connection through a property that provides a route alternative to the vehicular road network, established through either a public easement, or right-of-way dedication.	Square feet of enhanced mid-block green connections
PARKS / OPEN SPACE	
Public Open Space (outdoor): Outdoor spaces available for public use such as plazas, pocket parks, linear parks, rooftops, etc.	Square feet of improved public outdoor park-like space
Public Community Space (indoor): Spaces available for civic or community uses such as arts or performance spaces, after-school programming, recreation, event space, etc.	Square feet of improved public indoor community space
SUSTAINABILITY	

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

<p>Enhanced Performance Buildings: Design, build and certify to achieve Living Building Challenge v4 Carbon Certification or Living Building Challenge v4 Petal Certification</p>	<p>New buildings that exceed Kirkland High Performance Building Code</p>
<p>Ecology and Habitat: Achieve a Green Factor Score of at least 0.75 - (as-of-right requires projects to demonstrate a score of at least 0.4)</p>	<p>SF of land, enhanced ecology / habitat</p>
<p>Innovation Investments: Design, build and operate innovative energy and/or decarbonization systems (on-site or within SAP)</p>	<p>New and innovative sustainability infrastructure in the Station Area</p>
<p>SCHOOLS, EDUCATION, AND CHILDCARE</p>	
<p>ECE/Day Care Operation Space: Floor area dedicated to childcare, or preschool learning space, as defined in KZC 5.10.194</p> <p><u>Design Criteria:</u></p> <ol style="list-style-type: none"> 1. <u>Bonus preschool space must provide a minimum of 4 classrooms, with a minimum of 900 SF per classroom.</u> 2. <u>Space shall be used in manner described for the life of the project.</u> 3. <u>Documentation of required licensing for day care operation shall be provided.</u> 	<p>Long-term dedication of building space for non-profit childcare use</p>
<p>School Operation Space: Floor area dedicated to school operation as defined in KZC 5.10.825</p> <p><u>Design Criteria:</u></p> <ol style="list-style-type: none"> 1. <u>Bonus school space must provide a minimum of 4 classrooms, with a minimum of 900 SF per classroom.</u> 2. <u>Space shall be used in manner described for the life of the project.</u> 3. <u>Documentation of required licensing for school operation shall be provided.</u> 	<p>Long-term dedication of building space for education use</p>

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

GROCERY STORE	
<p><u>Grocery Store: Floor area of at least 20,000 SF dedicated to a full-service grocery store. This amenity may only be used to achieve incentive capacity when there are no other grocery stores within one-half mile of the proposed location.</u></p>	<p><u>Long-term dedication of building space for neighborhood grocery use</u></p>
OTHER APPLICANT PROPOSED AMENITIES	
<p>Flexible Amenity Options: Applicant may propose amenities not on this list (on a case-by-case basis). Amenities must have a clear public benefit and will be subject to approval by the City and formalized in a development agreement.</p>	<p>TBD</p>

TABLE 710: EXCHANGE RATES FOR INCENTIVE CAPACITY

List of Eligible Amenities	Measure of Exchange Rate	Policy Weighted Bonus Ratio			Amenity Provided per 20,000 sf of IZ bonus space
		Priority Rank	Priority Weight	Bonus Ratio (priority)	Bonus Ratio (priority)
AFFORDABLE HOUSING					
Commercial Development Contribution	Voluntary fee per SF of incentive bonus space	1	1.50	\$16.67	\$333,333
MOBILITY / TRANSPORTATION					
Enhanced Mid-block Green Connections	Bonus SF per SF of enhanced connections	3	1.00	5.0	4,000 sf
PARKS / OPEN SPACE					

KIRKLAND ZONING CODE CHAPTER 57

FORM-BASED CODE FOR THE NE 85TH STREET STATION AREA PLAN

Public Open Space (outdoor)	Bonus SF for each SF of improved public space	2	1.25	7.5	2,667 sf
Public Community Space (indoor)	Bonus SF for each SF of improved public space	2	1.25	8.8	2,286 sf
SUSTAINABILITY					
Enhanced Performance Buildings	Bonus SF per \$1,000 invested	3	1.00	40.00	\$500,000
Ecology and Habitat (GF score above 0.75)	Bonus SF for each SF of enhanced ecology /habitat land	3	1.00	1.4	14,286 sf
Innovation Investments: Energy and Decarbonization	Bonus SF per \$1,000 invested	3	1.00	40.0	\$500,000
SCHOOLS, EDUCATION, AND CHILDCARE					
ECE/Day Care Operation Space	Bonus SF for each SF of ECE/Day Care space	2	1.25	12.5	1,600 sf
School Operation Space	Bonus SF for each SF of school space	2	1.25	12.5	1,600 sf
GROCERY STORES					
<u>Grocery Store Space</u>	<u>Bonus SF for each SF of grocery space</u>	<u>3</u>	<u>1</u>	<u>5</u>	<u>4,000 sf</u>
OTHER APPLICANT PROPOSED AMENITIES					
Flexible Amenity Options	TBD	3	1.00	40.0	\$500,000

**NE 85TH ST STATION AREA PLAN PHASE 2 –
MISCELLANEOUS KIRKLAND ZONING CODE (KZC) AMENDMENTS**

The following are amendments to various sections of the KZC. **Added text is shown as underlined and bold.** ~~Removed text is shown as strikethrough.~~

*Note, where chapter sub-sections are removed, impacted sub-sections will be re-numbered administratively. For streamlining purposes, the sections shown below are limited to those with text edits, and do not include sections when the only edit is re-numbering.

• **KZC 5 – DEFINITIONS**

5.10.023 - Affordable Housing Unit

1. An owner-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed the following percent of the King County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30 percent of the monthly household income is paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowners' dues):

- a. Eighty percent in the CBD 5A, RH~~8~~, TL, HENC 2, and PLA 5C, **NMU, CVU, and UF** zoning districts and for Transit Oriented Development in the PR 1.8 zone; or
- b. One hundred percent in density limited zoning districts.

2. A renter-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 50 percent of the King County median household income, adjusted for household size, as determined by HUD, and no more than 30 percent of the monthly household income is paid for monthly housing expenses (rent and an appropriate utility allowance).

In the event that HUD no longer publishes median income figures for King County, the City may use any other method for determining the King County median income, adjusted for household size. (Ord. 4733 § 1, 2020; Ord. 4637 § 3, 2018; Ord. 4474 § 1, 2015; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

5.10.145 - Commercial Zones

145. The following zones: BN; BNA; BC 1; BC 2; BCX; CBD; FHNC; HENC 1; HENC 3; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; MSC 2; MSC 3; NRH 1A; NRH 1B; NRH 4; RH 1A; RH 1B; RH 2A; RH 2B; RH 2C; RH 3; RH 5A; RH 5B; RH 5C; RH 7; TL 2; TL 4A; TL 4B; TL 4C; TL 5; TL 6A; TL 6B; TL 8; YBD 2; YBD 3. (Ord. 4749 § 1, 2021; Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4357 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4196 § 1, 2009; Ord. 4193 § 1, 2009; Ord. 4121 § 1, 2008; Ord. 4051 § 1, 2006; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3814 § 1, 2001)

5.10.595 - Office Zones

595. The following zones: PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PR 1.8; PRA 1.8; JBD 3; PLA 5B, C; PLA 6B; PLA 15A; PLA 17A; MSC 1; MSC 4; NRH 2; NRH 3; NRH 5; NRH 6; RH 4; RH 8; TL 1A; TL 10A, TL 10B, TL 10C, TL 10D and TL 10E. (Ord. 4333 § 1, 2011; Ord. 4196 § 1, 2009; Ord. 4121 § 1, 2008; Ord. 4051 § 1, 2006; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3972 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3814 § 1, 2001)

5.10.930.6 - Transit-Oriented Development (TOD) Zone

.930.6. The following zones: **CMU, CVU, NMU, UF, and** YBD-1. (Ord. 4450 § 1, 2014)

- **KZC 10.25 – ZONING CATEGORIES ADOPTED**

10.25. The City is divided into the following zoning categories:

	Zoning Category	Symbol
1.	Low-Density Single-Family Residential Zones	RS, RSA and RSX (followed by a designation indicating minimum <u>lot size per dwelling unit</u> or units per acre)
2.	Multifamily Residential Zones	RM and RMA (followed by a designation indicating minimum <u>lot size per dwelling unit</u>)
3.	Professional Office/Residential Zones	PR and PRA (followed by a designation indicating minimum <u>lot size per dwelling unit</u>)
4.	Professional Office Zones	PO
5.	Waterfront Districts	WD (followed by a designation indicating which Waterfront District)
6.	Yarrow Bay Business District	YBD (followed by a designation indicating which sub-zone within the Yarrow Bay Business District)
7.	Neighborhood Business	BN and BNA
8.	Community Business	BC 1, BC 2 and BCX
9.	Central Business District	CBD (followed by a designation indicating which sub-zone within the Central Business District)
9.5	Houghton Everest Neighborhood Center	HENC (followed by a designation indicating which sub-zone within the Houghton Everest Neighborhood Center)

10.	Juanita Business District	JBD (followed by a designation indicating which sub-zone within the Juanita Business District)
11.	Market Street Corridor	MSC (followed by a designation indicating which sub-zone within the Market Street Corridor)
12.	North Rose Hill Business District	NRH (followed by a designation indicating which sub-zone within the North Rose Hill Business District)
13.	Rose Hill Business District	RH (followed by a designation indicating which sub-zone within the Rose Hill Business District)
14.	Business District Core (BDC) and Totem Lake Business District (TLBD)	TL (followed by a designation indicating which sub-zone within Business District Core (BDC) or the Totem Lake Business District)
15.	Light Industrial Zones	LIT, TL 7B
16.	Planned Areas	PLA (followed by a designation indicating which Planned Area, and in some cases, which sub-zone within a Planned Area)
17.	Park/Public Use Zones	P
18.	Finn Hill Neighborhood Center	FHNC
19.	Station Area Commercial Mixed-Use	SAP-CMU (followed by a height subdistrict with base/bonus heights)
<u>20.</u>	<u>Station Area Civic Mixed-Use</u>	<u>CVU (followed by a height subdistrict)</u>
<u>21.</u>	<u>Station Area Neighborhood Mixed-Use</u>	<u>NMU (followed by a height subdistrict with base/bonus heights)</u>
<u>22.</u>	<u>Station Area Urban Flex</u>	<u>UF</u>

- **KZC 20.10 – MEDIUM DENSITY RESIDENTIAL ZONES, GENERAL REGULATIONS**

- **20.10.020.4 - RM, RMA Zones**

4. ~~If the property is located in the Rose Hill Business District (RHBD), the following shall apply:~~

a. ~~If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.~~

b. ~~If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19 to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).~~

- **KZC 25.10.020 - HIGH DENSITY RESIDENTIAL ZONES, GENERAL REGULATIONS**

- **25.10.020.4 – RM, RMA Zones**

4. ~~If the property is located in the Rose Hill Business District (RHBD), the following shall apply:~~

a. ~~If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.~~

b. ~~If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19 to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).~~

- **KZC 30.20 – OFFICE ZONES, PERMITTED USES (PU) SPECIAL REGULATIONS**

PU-1: ~~Within the Rose Hill Business District (RHBD), D.R., Chapter 142 KZC. Reserved.~~

PU-12: ~~Within the Rose Hill Business District (RHBD) and Yarrow Bay Business District, D.R., Chapter 142 KZC.~~

PU-21: ~~Primary vehicular access must be directly from 6th Street or 4th Avenue. Reserved.~~

- **KZC 40 – INDUSTRIAL ZONES**

- **KZC 40.10.010 – General Regulations, LIT Zones**

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

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

KZC 40.20 – Industrial Zones, Permitted Uses (PU) Special Regulations

PU-7. ~~Within the Rose Hill Business District (RHBD), D.R., Chapter 142 KZC.~~ **Reserved.**

- **KZC 53 – ROSE HILL BUSINESS DISTRICT (RHBD) ZONES**

Repeal Rose Hill Business District zones RH 1B (KZC 53.08, 53.10, and 53.12), RH 3 (KZC 53.30, 53.32, and 53.34), RH 4 (KZC 53.40, 53.42, and 53.44), RH 5A and 5B (KZC 53.50, 53.52, and 53.54), RH 5C (KZC 53.55, 53.57, and 53.59), and RH 7 (KZC 53.70, 53.72, and 53.74).

- **KZC 92 – DESIGN REGULATIONS**

92.05 - Introduction

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Finn Hill Neighborhood Center (FHNC), Market Street Corridor (MSC), Neighborhood Business Districts (BN, BNA), Bridle Trails Neighborhood Center (BCX zone), Houghton/Everest Neighborhood Center (HENC), Juanita Business District (JBD), ~~Rose Hill Business District (RHBD)~~ **NE 85th St. Station Area**, Totem Lake Business District (TLBD), North Rose Hill Business District (NRHBD), Business District Core (BDC), Yarrow Bay Business District (YBD) and in PLA 5C.

Special provisions that apply to a particular Design District are noted in the section headings of the chapter.

2. Applicability – The provisions of this chapter apply to all new development, with the exception of development in the TL 7 zone. The provisions of Chapters 142 and 162 KZC regarding Design Review and nonconformance establish which of the regulations of this chapter apply to developed sites. Where provisions of this chapter conflict with provisions in any other section of the code, this chapter prevails. For more information on each Design District refer to the Design Guidelines applicable to that Design District adopted by reference in Chapter 3.30 KMC.
3. Design Review Procedures – The City will use Chapter 142 KZC to apply the regulations of this chapter to development activities that require Design Review approval.
4. Relationship to Other Regulations – Refer to the following chapters of the Zoning Code for additional requirements related to new development on or adjacent to the subject property.
 - a. Landscaping – Chapter 95 KZC describes the installation and maintenance of landscaping requirements on the subject property.

- b. Installation of Sidewalks, Public Pedestrian Pathways and Public Improvements – Chapter 110 KZC describes the regulations for the installation of public sidewalks, major pedestrian sidewalks, pedestrian-oriented sidewalks, or other public improvements on or adjacent to the subject property in zones subject to Design Review. Plate 34 in Chapter 180 KZC provides the location and designation of the sidewalk, pedestrian walkways, pathways or other required public improvements within each Design District.
 - c. Pedestrian Access to Buildings, Installation of Pedestrian Pathways, Pedestrian Weather Protection – Chapter 105 KZC describes the requirements for pedestrian access to buildings and between properties, through parking areas and requirements for pedestrian weather protection. See also Plate 34 in Chapter 180 KZC.
 - d. Parking Area Location and Design, Pedestrian and Vehicular Access – Chapter 105 KZC describes the requirements for parking lot design, number of driveways, or pedestrian and vehicular access through parking areas.
 - e. Screening of Loading Areas, Outdoor Storage Areas and Garbage Receptacles – Chapter 95 KZC describes the location and screening requirements of outdoor storage. Chapter 115 KZC describes the screening of loading areas, waste storage and garbage disposal facilities.
5. Dedication – The City may require the applicant to dedicate development rights, air space, or an easement to the City to ensure compliance with any of the requirements of this chapter.
- ~~6. Design Districts in Rose Hill Business District – Various places in this chapter refer to the three (3) Design Districts in the Rose Hill Business District: Regional Center, Neighborhood Center and East End. Figure 92.05.A below describes where these are located. For a more detailed description of each area, see the Design Guidelines for the Rose Hill Business District adopted by reference in Chapter 3.30 KMC.~~

~~Design Districts within the Rose Hill Business District~~

Staff Note: Amendment removes Figure 92.05.A



FIGURE 92.05.A

67. Design Districts in the Totem Lake Business District – Various places in this chapter refer to either the Business District Core (BDC) Design District or the larger Totem Lake Business District (TLBD). Figure 92.05.B below describes where the Business District Core Design District is located within the larger Totem Lake Business District. For more information on the design guidelines for each area see the Totem Lake Business District Design Guidelines and the Guidelines for Pedestrian-Oriented Business Districts that apply in the Business District Core adopted by reference in Chapter 3.30 KMC.

92.10 – Site Design, Building Placement and Pedestrian-Oriented Facades

This section contains regulations which establish the location of a building on the site in relationship to the adjacent sidewalk, pedestrian pathway or pedestrian-oriented elements on or adjacent to the subject property.

1. Building Placement in JBD – All buildings must front on a right-of-way or through-block pathway (see Plate 34).
2. Pedestrian-Oriented Facades Defined for RHBD⁸ and TLBD – To meet the definition of a pedestrian-oriented facade (see Figure 92.10.A):
 - a. The building’s primary entrance must be located on this facade and facing the street. For purposes of this chapter, “primary entrance” shall be defined as the primary or principal pedestrian entrance of all buildings along that street. The primary entrance is the entrance designed for access by pedestrians from the sidewalk. This is the principal architectural entrance even though customers or residents may use a secondary entrance associated with a garage, parking area, driveway or other vehicular use area more frequently.
 - b. Transparent windows and/or doors must occupy at least 75 percent of the facade area between two (2) and seven (7) feet above the sidewalk.

- c. Weather protection feature(s) at least five (5) feet wide must be provided over at least 75 percent of the facade. This could include awnings, canopies, marquees, or other permitted treatments that provide functional weather protection.
3. Building Placement in RHBD~~8~~, TLBD and YBD
- a. Building Location Featuring Pedestrian-Oriented Facades in RHBD~~8~~, TLBD and YBD Zones – Buildings may be located adjacent to the sidewalk of any street (except west of 124th Avenue NE in the TLBD) and in YBD (except for Lake Washington Boulevard and Northup Way), if they contain a pedestrian-oriented facade along that street frontage pursuant to the standards in subsection (2) of this section. As part of the Design Review process, required yards, setbacks or other development standards may be modified along the street frontage. Buildings not featuring a pedestrian-oriented facade along a street must provide a building setback of at least 10 feet from any public street (except areas used for pedestrian or vehicular access) landscaped with a combination of trees, shrubs, and groundcover per the requirements of supplemental landscape standards of KZC 95.41(2).

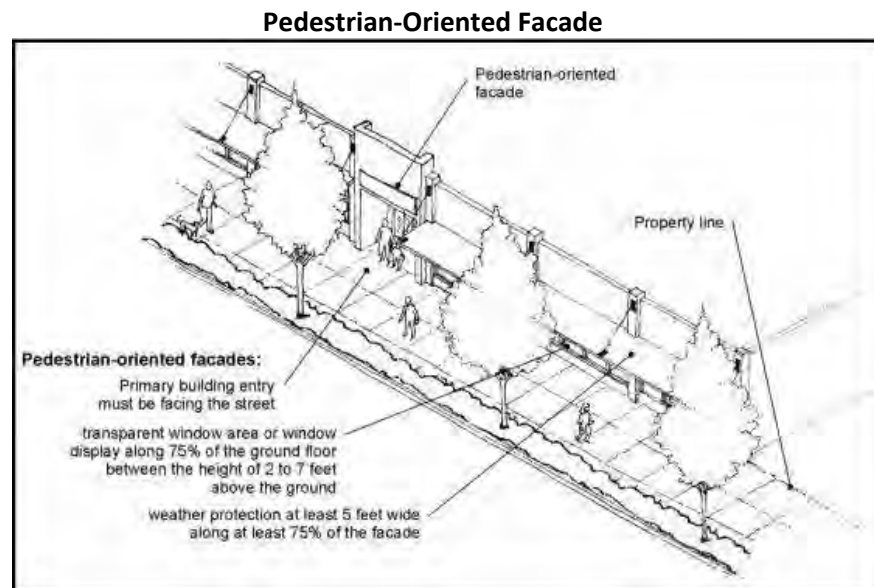


FIGURE 92.10.A

- b. For All Other Building Facades in RHBD~~8~~ and TLBD Zones (Non-Pedestrian-Oriented Facade) – Building facades not featuring a pedestrian-oriented facade described in subsection (2) of this section must provide at least three (3) feet of landscaping between any vehicular access area or walkway and the building. (See Figure 92.10.B.)

Exceptions:

- 1) Alleys and other areas generally not visible to the public, as determined by the City;
- 2) Other design options may be considered through the Design Review process, provided they meet the intent of the guidelines.

Interior Pedestrian Pathway Shall Be Separated from Non-Pedestrian-Oriented Facades by Landscaping

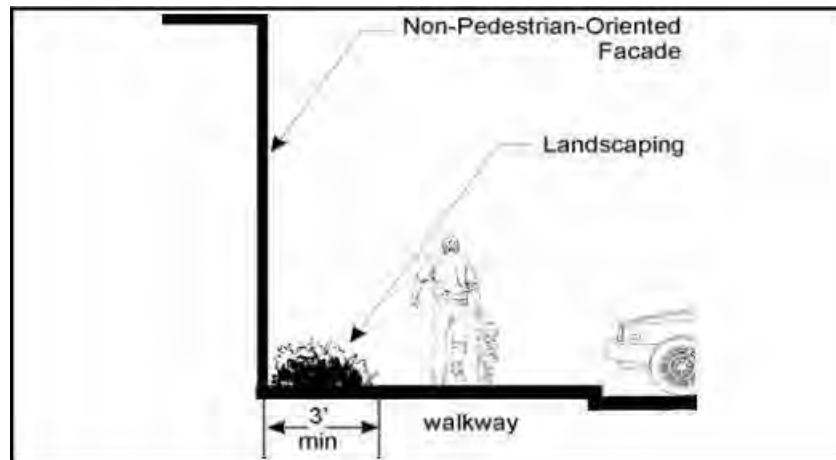


FIGURE 92.10.B

- c. ~~Neighborhood Center Frontage~~—At least 50 percent of the NE 85th Street property frontage must contain pedestrian-oriented facades located directly on the sidewalk. Vehicle sales uses are exempt as long as their showroom faces the street and is sited within 10 feet of the sidewalk.
- d. Vehicle Sales Showrooms in RHBD and TLBD Zones – Vehicle sales uses are encouraged to locate their showrooms toward the street (and toward NE 85th Street in RHBD) with parking to the side or rear.
- e. **Properties in RHBD**~~East End~~— NE 85th Street Building Frontage Options and Preferences
- 1) Preferred Option: Buildings may be located adjacent to the sidewalk on NE 85th Street if they contain a pedestrian-oriented facade (see Figure 92.10.A);
 - 2) Second Option: Locate and orient building towards the sidewalk on NE 85th Street. In this option, the development features a 10-foot minimum landscaped front yard, a clear pathway between the sidewalk and the building, and a building entry and windows facing the street.
 - 3) Least Preferred Option: Locate the building at the rear of the property with parking between NE 85th Street and the building as long as the following standards are applied:
 - a) Provide a perimeter parking landscape buffer between the sidewalk and parking area per Chapter 95 KZC.
 - b) Provide clear pedestrian access from the sidewalk to the building entry.
 - c) Provide a walkway along the building facade meeting through-block pathway standards as described in KZC 105.19.

- f. **Properties in RHBDD East End** – Rear Yard Building Placement – Pursuant to KZC 95.40 through 95.45, in most cases, commercial uses shall install a required landscaped buffer adjacent to single-family properties. By requesting a modification to these provisions, the property owners may negotiate an agreement to reduce the landscape buffer/setback in a way that can benefit both parties.

Where buildings are sited towards the rear of the property, the applicant must utilize one (1) of the following standards to minimize impacts to adjacent residential areas (see Figure 92.10.C and options below):

- 1) Meet the required landscape buffer pursuant to KZC 95.42.
- 2) Provide a blank wall no taller than 15 feet in height with no openings placed at the rear property line (building itself serves as a wall, uses are inside the building, shielded from adjacent residential uses). To qualify for this method, the treatment must be agreed to by the adjoining property owners per the modifications section of Chapter 95 KZC.
- 3) Provide a combination of both methods above. For example, provide a blank wall no taller than 15 feet in height between zero and 15 feet from the property line and landscape the applicable area between the building and the property line. In addition, an unfenced design option would effectively enlarge the adjacent homeowners' rear yard (a mutually beneficial arrangement). To qualify for these methods, the treatment must be agreed to by the adjoining property owners per the landscape buffer modifications section of Chapter 95 KZC.

Rear Yard Building Placement Options in the RHBD~~8~~

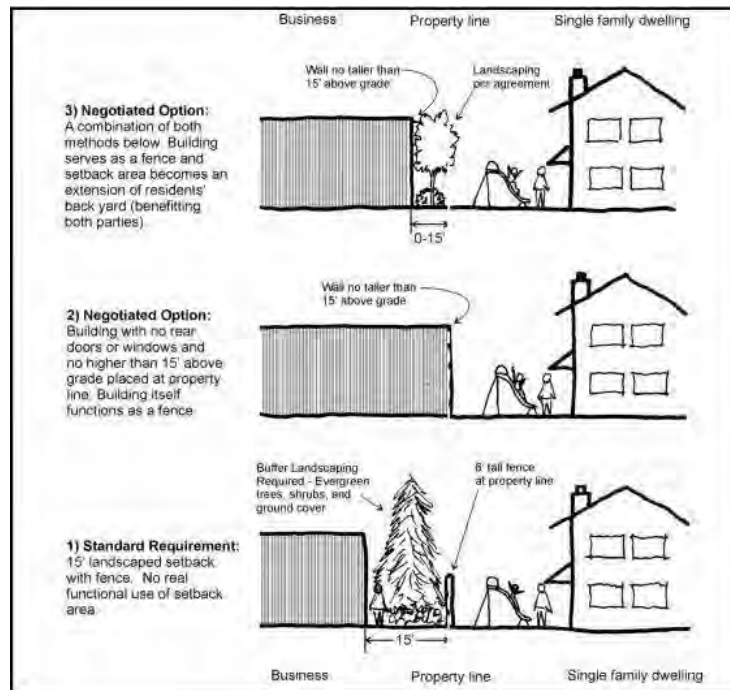


FIGURE 92.10.C

4. Multi-Story Buildings on Sites Adjacent to a Low Density Zone in RHBD~~8~~ and TLBD – Multi-story buildings on sites adjacent to a low density zone in RHBD~~8~~ and TLBD shall be configured and designed to minimize privacy impacts on adjacent low density uses. For example, a development may meet this requirement by orienting upper floors towards the street and/or towards interior courtyards.
5. Multifamily Buildings Located in TLBD – Multifamily buildings located in TLBD adjacent to NE 120th Street must be oriented toward this street. To meet this requirement, common and/or individual unit entries must face the street. The building must include windows that face the street. Parking areas between the building and the street are prohibited. Alternative configurations may be considered in the Design Review process.
6. Building Location at Street Corners in the RHBD~~8~~ and TLBD Zones
 - a. General Standards – For development at street corner sites, the applicant must incorporate one (1) or more of the following site treatments:
 - 1) Locate and orient the building towards the street corner (within 10 feet of corner property line). To qualify for this option, the building must have direct pedestrian access from the street corner. Exception: Properties in the RHBD Regional Center must provide a 10-foot minimum setback between NE 85th Street and any building.
 - 2) Provide an architectural feature that adds identity or demarcation of the area. Such an architectural element may have a sign incorporated into it (as long as such sign does not identify an individual business or businesses) (see Figure 92.10.D).

- 3) Provide a “pedestrian-oriented space” at the corner leading directly to a building entry or entries (see KZC 92.15 and Figure 92.10.D).
 - 4) Install substantial landscaping (at least 30-foot by 30-foot or 900 square feet of ground surface area with trees, shrubs, and/or ground cover).
- b. ~~RHBD8~~ Properties Located at the ~~124th, 126th, and~~ 128th Avenue NE Intersections – **For properties located east of 128th Avenue NE**, buildings must be located at the street corner and provide pedestrian-oriented facades along both streets. Exceptions:
- 1) Setbacks will be allowed only where the space between the sidewalk and the building meets the definition of a pedestrian-oriented space. An example is shown in Figure 92.10.D.
 - 2) ~~Vehicle sales and properties on the west side of the 124th Avenue NE are exempt from this standard because of transmission line easement limitations.~~

92.15.2 – Pedestrian Oriented Space and Plazas

2. Pedestrian-Oriented Space and Plazas in BDC, CBD, BN, BNA, BCX, MSC 2, FHNC, HENC 1, HENC 3, NRHBD, ~~RHBD8~~ and TLBD Zones
 - a. In the CBD, BN, BNA, BCX, MSC 2, FHNC, HENC 1, HENC 3 or in BDC – If the subject property abuts a pedestrian-oriented street (see Plate 34 in Chapter 180 KZC) or public park, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:
 - 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
 - 2) Contain paved walking surface of either concrete or approved unit pavers.
 - 3) Contain on-site or building-mounted lighting which provides adequate illumination.
 - 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
 - 5) Contain landscaping such as trees, shrubs, trellises, or potted plants.
 - 6) It may not include asphalt or gravel pavement or be adjacent to an unscreened parking area, a chain link fence or a blank wall which does not comply with the requirements of subsection (3) of this section, Blank Wall Treatment.
 - 7) An alternative solution for the pedestrian-oriented space may be established through a Conceptual Master Plan in TL 2.
 - b. In the NRHBD Zones – If the subject property abuts a major pedestrian sidewalk on the southwest corner of NE 116th Street and 124th Avenue NE (see Plate 34 in Chapter 180 KZC), the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

- 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
 - 2) Contain paved walking surface of either concrete or approved unit pavers.
 - 3) Contain on-site or building-mounted lighting which provides adequate illumination.
 - 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
 - 5) Contain landscaping, such as trees, shrubs, trellises, or potted plants.
 - 6) In the alternative, the pedestrian-oriented space can be integrated with a pedestrian connection linking Slater Avenue NE and NE 116th Street, anywhere on the subject property, consistent with the criteria in subsections (2)(b)(1) through (5) of this section.
- c. In the RHBD~~8~~ and TLBD Zones – All nonresidential uses must provide pedestrian-oriented space in conjunction with new development according to the formula below. For the purposes of this section, required pathways shall not count as pedestrian-oriented space. However, as part of the Design Review, the City may allow those portions of pathways widened beyond minimum requirements to count towards the required pedestrian-oriented space as long as such space meets the definition of pedestrian-oriented space.
- 1) Size: One (1) percent of the applicable lot area plus one (1) percent of the nonresidential building gross floor area. (See Figure 92.15.A).
 - a) The City may exempt uses that are likely to generate very little customer/pedestrian activity and have few or no employees. These may include warehouse, storage, industrial, and other similar uses.

92.15.4.c – Parking Garages, RH8 and TLBD Zones

- c. RHBD~~8~~ and TLBD Zones – Structures containing parking on the ground floor:
- 1) Parking structures on designated pedestrian-oriented streets shall provide space for ground-floor commercial uses along street frontages at a minimum of 75 percent of the frontage width. The entire facade facing a pedestrian-oriented street must feature a pedestrian-oriented facade.
 - 2) Parking structures adjacent to non-pedestrian-oriented streets may be located adjacent to a sidewalk where they provide space for ground-floor commercial uses along street frontages at a minimum of 75 percent of the frontage width and include a pedestrian-oriented facade along the applicable frontage.
 - 3) Parking structures adjacent to non-pedestrian-oriented streets and not featuring a pedestrian-oriented facade shall be set back at least 10 feet from the sidewalk and feature substantial landscaping between the sidewalk and the structure. This includes a combination of evergreen and deciduous trees (one (1) per 20 lineal feet), shrubs (one (1) per 20 square feet), and ground cover (sufficient to cover 90 percent of the area

within three (3) years). Other treatments will be considered in the Design Review process.

- 4) Parking garage entries shall be designed and sited to complement, not subordinate, the pedestrian entry. If possible, locate the parking entry away from the primary street, to either the side or rear of the building.
- 5) The design of structured parking at finished grade under a building shall minimize the apparent width of garage entries.
- 6) Parking within the building shall be enclosed or screened through any combination of walls, decorative grilles, or trellis work with landscaping.
- 7) Parking garages shall be designed to be complementary with adjacent buildings. Use similar forms, materials, and/or details to enhance garages.
- 8) Parking structure service and storage functions shall be located away from the street edge and generally not be visible from the street or sidewalks.

92.30.3 – Techniques to Moderate Bulk and Mass

3. Techniques To Moderate Bulk and Mass in the RHBD~~8~~ and TLBD Zones

- a. Along all streets, through-block pathways, and public open spaces, the maximum length of a facade is 120 feet. Any facade that exceeds 120 feet along the right-of-way shall comply with the following requirements (see Figure 92.30.A):
 - 1) Shall be divided by a 30-foot-wide modulation of the exterior wall so the maximum length of the facade is 120 feet without this modulation.
 - 2) The modulation shall be 20 feet in depth and shall start at finished grade and extend through all floors.
 - 3) Decks and roof overhangs may encroach up to three (3) feet (per side) into the modulation.

92.30.5 – Techniques to Achieve Architectural Scale

5. Techniques To Achieve Architectural Scale in the RHBD~~8~~ and the TLBD Zones

- a. The following standards supplement the required techniques described in subsection (4) of this section. Where there are similar techniques, the standards in this section shall apply. All buildings in the RHBD~~8~~ and TLBD zones shall include at least three (3) of the following modulation techniques at the articulation intervals described in subsection (5)(b) of this section along all facades containing the primary building entries (alley facades are exempt):
 - 1) Repeating distinctive window patterns at intervals less than the articulation interval;
 - 2) Horizontal Building Modulation – Minimum depth of modulation is two (2) feet and minimum width for each modulation is four (4) feet if tied to a change in color or building material and roof line modulation as defined below. Otherwise, minimum

depth of modulation is 10 feet (except balconies) and minimum width for each modulation is 15 feet;

- 3) Providing a separate covered entry or separate weather protection feature for each articulation interval;
 - 4) Change of Roofline – To qualify for this measure, the maximum length of any continuous roofline shall not be less than the articulation interval and comply with the treatments below (see Figure 92.30.E):
 - a) For segments less than 50 feet in horizontal width, the height of visible roofline must change at least four (4) feet if tied to horizontal building modulation and at least eight (8) feet in other cases.
 - b) For segments more than 50 feet in horizontal width, the height of visible roofline must change at least six (6) feet if tied to horizontal building modulation and at least 12 feet in other cases.
 - c) The length of sloped or gabled roof line segments must be at least 20 feet. The minimum slope of the roof segment is three (3) feet vertical to 12 feet horizontal;
 - 5) Change in building material or siding style coordinated with horizontal building modulation and/or change in building color where appropriate;
 - 6) Providing lighting fixtures, trellis, tree, or other landscape feature within each interval;
 - 7) Alternative methods that achieve the desired architectural scale as approved by the City.
- b. Articulation Intervals – Modulation and/or articulation shall be provided at the following intervals:
- 1) No more than 30 feet for buildings containing residential uses on all floors above the ground floor;
 - 2) No more than 70 feet for nonresidential buildings (within RHBD, this applies to the Regional Center);
 - 3) ~~RHBD~~ – No more than 50 feet for nonresidential buildings in the Neighborhood Center;
 - 4) ~~RHBD~~ – No more than 30 feet for nonresidential buildings in the East End.

Building Articulation and Modulation Techniques

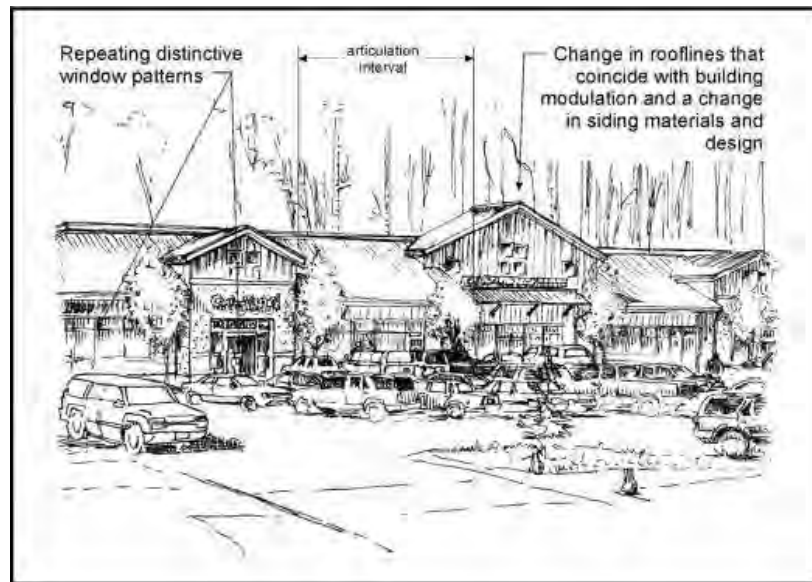


FIGURE 92.30.E

- c. Techniques To Achieve Architectural Scale for Office Buildings in the RHBD⁸ and in the TLBD Outside of Business District Core
- 1) Office Building Design Standards for the TLBD and the RHBD⁸ Regional Center – These standards are intended to supplement other building design standards that apply to the Totem Lake Business District and to the Regional Center. Where there is a conflict between standards, these standards shall apply as they are specific to office buildings.
 - a) Buildings must use design techniques to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Specifically, any building facade longer than 120 feet in width must employ design techniques to limit the length of individual facades. To meet this requirement, buildings must utilize a combination of horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or a change in fenestration technique (see Figure 92.30.F).

This building uses an angled window wall over the primary building entry to break up the width of the facade:



FIGURE 92.30.F

b) Buildings must employ design techniques to divide windows into units that give the building an identifiable scale (see Figure 92.30.G). Specifically:

- 1) Windows must be broken into units of 35 square feet or less with each window unit separated by a visible mullion or other element.
- 2) Multi-paned windows separated by mullions shall not exceed 20 feet in width and shall not exceed the height of individual floors.
- 3) Horizontal groupings of windows shall not exceed 30 feet in width. At least one (1) vertical architectural feature at least six (6) inches wide shall be used within the grouping to break up individual multi-paned windows. Architectural features at least two (2) feet in width shall separate such horizontal groupings of windows.
- 4) Siding material at least two (2) feet in height shall separate windows on each floor.
- 5) Building facades shall employ techniques to recess or project windows at least two (2) inches from the facade (see Figure 92.30.H).

Standards to divide windows into units that will give buildings an identifiable sense of scale.

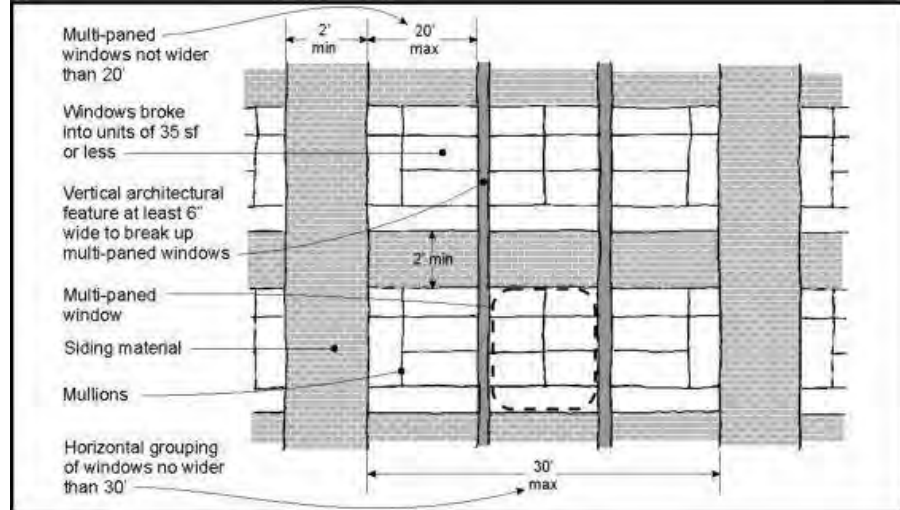


FIGURE 92.30.G

Some or all of these standards may be relaxed through the Design Review process where other methods can be effectively used to divide windows into units and give the building an identifiable scale.

- c) Continuous window walls are prohibited, except where used as an accent facade element to break up long continuous building walls and/or emphasize a building entry. Such window walls should be modulated horizontally, by at least two (2) feet, and should not exceed 20 feet in width.
- d) Mirrored glass and other highly reflective materials are prohibited (see Figure 92.30.I)

Recessed windows, mullions and trim



FIGURE 92.30.H

Continuous window walls are prohibited unless used as an accent, such as in this building:



FIGURE 92.30.I

.6. Achieving Human Scale in All Zones

- a. General

- 1) CBD – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least two (2) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a building facing a street or public park.
- 2) BN, JBD, NRHBD, RHBDD~~8~~, MSC, BDC, YBD and TLBD – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least one (1) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a 1-story building facing a street or through-block pathway, and at least two (2) of the elements or techniques for a 2-story building facing a street or through-block pathway (see Plate 34 in Chapter 180 KZC).
- 3) All Zones – The applicant shall use at least three (3) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of any facade of a building facing a street, through-block pathway or public park, if:
 - a) The facade has a height of three (3) or more stories; or
 - b) The facade is more than 100 feet long.
- b. Techniques To Achieve Human Scale in All Zones – The techniques to be used in the design and construction of building facades under subsection (6)(a) of this section are listed below. As an alternative, the applicant may propose other techniques, elements or methods which provide human scale to the building and are consistent with the applicable design guidelines and the Comprehensive Plan.
 - 1) On each story above the ground floor, provide balconies or decks, at least six (6) feet wide and six (6) feet deep.
 - 2) On each story above the ground floor, provide bay windows that extend out at least one (1) foot, measured horizontally, from each facade of the building.
 - 3) Provide at least 150 square feet of pedestrian-oriented space in front of each facade (see KZC 92.15(2)(c)(2)).
 - 4) Provide at least one-half (1/2) of the window area above the ground floor of each facade consistent with all of the following criteria (see Figure 92.30.J):
 - a) The windows must have glazed areas with dimensions less than five (5) feet by seven (7) feet.
 - b) The windows must be surrounded by trim, molding and/or sill at least two (2) inches wide.
 - c) Individual window units must be separated from adjacent window units by at least six (6) inches of siding or other exterior finish material of the building.
 - 5) Provide at least one-half (1/2) of the window area above the ground floor of each facade facing a street or public park in panes with dimensions less than two (2)

feet by three (3) feet and with individual panes separated by window mullions (see Figure 92.30.K).

Individual Windows Option

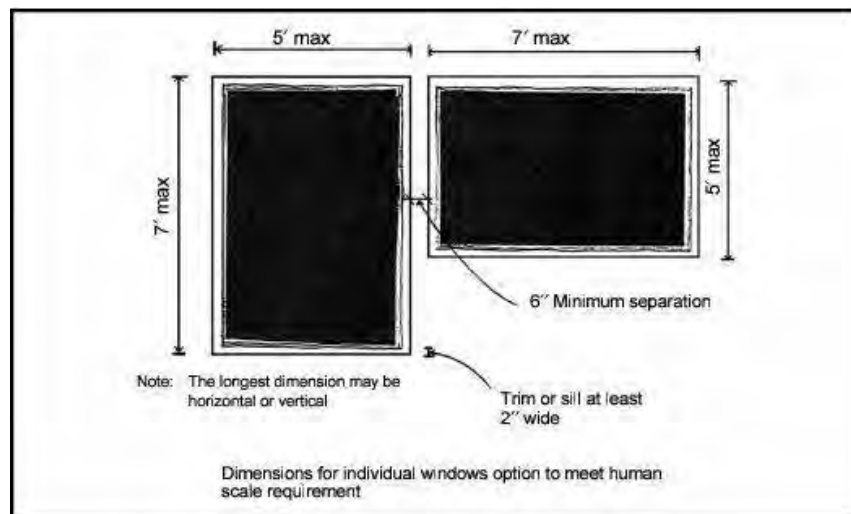


FIGURE 92.30.J

Multiple-Paned Fenestration Option

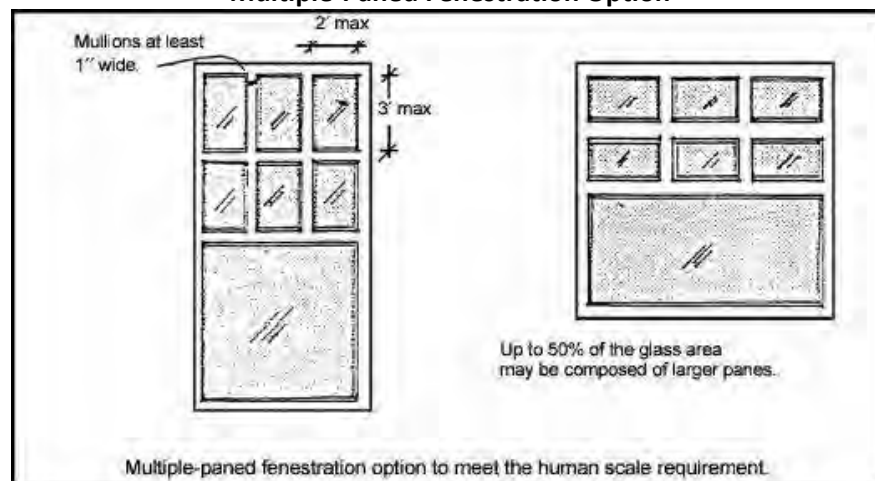


FIGURE 92.30.K

- 6) Provide a hipped or gable roof which covers at least one-half (1/2) of the building footprint and has a slope equal to or greater than three (3) feet vertical to 12 feet horizontal. To meet this requirement, the ridge width of a continuous roofline shall not extend more than 100 feet without modulation. This includes a gabled or other sloped roofline segment at least 20 feet in width.
- 7) If the main entrance of the building is on the facade of the building facing a street, through-block pathway, or public park, provide a covered porch or entry on the subject property at the building's main entrance. Pedestrian weather protection required under KZC 105.18 may not be used to meet this requirement unless the required pedestrian weather protection covers an area

at least 15 feet long by 15 feet wide and is available for outdoor display or outdoor vendors or contains pedestrian-oriented improvements or amenities beyond what is otherwise required.

- 8) Provide one (1) or more stories above the ground floor setback at least six (6) feet from the ground floor facade facing the street, through-block pathway, or a public park.
 - 9) Compose smaller building elements near the entry of a large building (see Figure 92.30.L).
- c. Techniques To Achieve Human Scale in RHBD~~8~~ and TLBD – In addition to the requirements of subsection (6)(b) of this section, Techniques to Achieve Human Scale in All Zones, nonresidential uses (office, retail, industrial, etc.) in the RHBD~~8~~ and TLBD with over 40,000 square feet of floor area shall incorporate the following human scale features on the facade featuring the primary building entry:
- 1) Provide pedestrian-oriented space near the building entry. The minimum size of the area shall be no less than one (1) percent of the floor area of the use (see Figure 92.15.A). This must include a covered area at least 15 feet long by 15 feet wide and is available for outdoor display or outdoor vendors; and
 - 2) Compose smaller building elements near the entry (see Figure 92.30.L).
 - 3) As an alternative, the applicant may propose other mechanisms for providing human scale to such buildings, consistent with the design guidelines.

- **KZC 95.45 - PERIMETER LANDSCAPE BUFFERING FOR DRIVING AND PARKING AREAS**

- **95.45.3 – Design Districts**

- a. By providing a landscape strip at least five feet wide planted consistent with subsection (1) of this section, or in combination with the following. ~~In the RHBD Regional Center (see KZC Figure 92.05.A) a 10-foot perimeter landscape strip along NE 85th Street is required to be planted consistent with subsection (1) of this section.~~

- **KZC 105.58 – LOCATION OF PARKING AREAS SPECIFIC TO DESIGN DISTRICTS**

- **105.58.3 – Location of Parking Areas in Certain TLBD and RHBD Zones**

3. Location of Parking Areas in Certain TLBD and RHBD Zones – Parking areas and vehicular access may not occupy more than 50 percent of the street frontage in the following zones (see Figure 105.58.A):
 - a. TL 4, only properties fronting on 120th Avenue NE;
 - b. TL 5;
 - c. TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;
 - d. TL 6B, only properties fronting on NE 124th Street;
 - e. TL 10E.

Alternative configurations may be considered through the Design Review process, if the project meets the objectives of the KMC Design Guidelines for the Totem Lake Business District.

- f. In the Regional Center (RH 1A, RH 2A, RH 3 and RH 5A zones west of 124th Avenue). For parcels over two (2) acres in size, parking lots and vehicular access areas may not occupy more than 50 percent of the NE 85th Street property frontage (see Figure 105.58.A). Alternative configurations will be considered through the Design Review process, if the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.

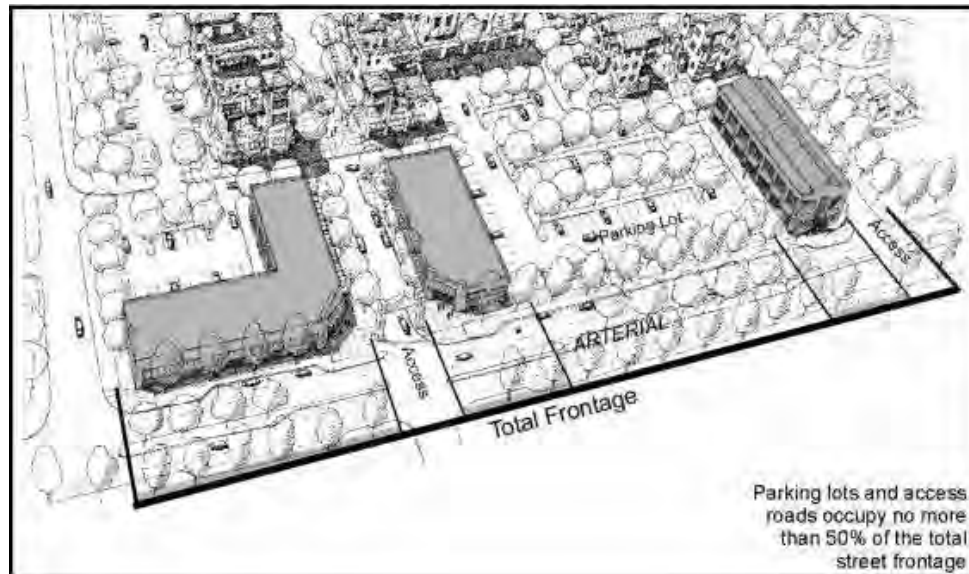


FIGURE 105.58.A

- **KZC 110.52 – SIDEWALKS AND OTHER PUBLIC IMPROVEMENTS IN DESIGN DISTRICTS**

110.52.5 – NE 85th Street Sidewalk Standards

5. NE 85th Street Sidewalk Standards **for Properties in the RH 8 zone** – If the a subject property **in the RH 8 zone** abuts NE 85th Street, the applicant shall install a minimum 6.5-foot-wide landscape strip planted with street trees located adjacent to the curb and a minimum 7-foot-wide sidewalk along the property frontage. Where the public right-of-way lacks adequate width to meet the previous standard, a 10-foot-wide sidewalk with street trees in tree grates may be permitted or in an easement established over private property.

- **KZC 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY**

112.05 User Guide

This chapter offers dimensional standard flexibility and density and economic incentives to encourage construction of affordable housing units in commercial zones, high density residential zones, medium density zones, and office zones, **and transit-oriented development zones.**

If you are interested in proposing four (4) or more residential units in commercial zones, high density residential zones, medium density zones, or office zones, **or transit-oriented**

development zones or you wish to participate in the City’s decision on such a project, you should read this chapter.

112.10 Purpose

There is a limited stock of land within the City zoned and available for residential development and there is a demonstrated need in the City for housing which is affordable to persons of low and moderate income. Therefore, this chapter provides development incentives in exchange for the public benefit of providing affordable housing units in commercial zones, high density residential zones, medium density zones, and office zones, **and transit-oriented development zones.**

112.15 Affordable Housing Requirement

1. Applicability –

a. Minimum Requirements

1) All developments creating four or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations or the Special Regulations for the specific use in Chapters 20 through 56 KZC. -For Transit Oriented Development in the PR 1.8 zone, see the permitted uses for the minimum amount of affordable housing to be provided and other requirements of this chapter that do not apply.

2) All projects creating four or more new dwelling units in the Neighborhood Mixed Use (NMU), Civic Mixed Use (CMU), or Urban Flex (UF) zones regulated in Chapter 57 KZC shall set aside the following certain minimum percentage of their residential units as affordable units, based on the maximum allowed height for each zone shown in the NE 85th St Station Area Regulating Plan in Figure 2, KZC 57.10.030:

<u>Maximum Allowed Zone Height</u>	<u>Minimum Percent of Affordable Housing Units</u>
<u>Less than 65'</u>	<u>10% - 15%</u>
<u>65' to 85'</u>	<u>20% - 25%</u>
<u>Above 85'</u>	<u>20% - 25%</u>

Note, the minimum requirements for affordable housing units are applicable to the full development, including any units provided within the base height or capacity allowed for the zone.

b. Voluntary Use – All other provisions of this chapter are available for use in developments where the minimum requirement does not apply; provided, however, the provisions of this chapter are not available for use in developments located within the BN zone.

2. Calculation in Density-Limited Zones – For developments in density-limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC 112.20.
3. Calculation in CBD 5A, RH **8**, HENC 2, TL, Transit Oriented Development in PR 1.8, FHNC, BCX, and **NMU, CMU, UF, and** PLA 5C Zones – For developments in the CBD 5A, RH **8**, TL, FHNC, BCX, TOD in PR 1.8, HENC 2, **NMU, CMU, UF,** and PLA 5C zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.
4. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66. KZC 112.30 establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

112.20 Basic Affordable Housing Incentives

1. Approval Process – The City will use the underlying permit process to review and decide upon an application utilizing the affordable housing incentives identified in this section.
2. Bonus –
 - a. Height Bonus – In RH **8**, PLA 5C, FHNC, and TL use zones where there is no minimum lot size per dwelling unit, and for Transit Oriented Development in the PR 1.8 zone, additional building height has been granted in exchange for affordable housing, as reflected in each Use Zone Chart for the RH **8**, FHNC and TL zones and tables for the PLA 5C and PR 1.8 zones.
 - b. Development Capacity Bonus – On lots or portions of lots in the RH 8 use zone located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and parcels abutting 131st Avenue NE, in the HENC 2 use zone, and in the CBD 5A use zone, where there is no minimum lot size per dwelling unit, additional residential development capacity has been granted in exchange for affordable housing as reflected in the Use Zone Chart. **On lots in the NE 85th St Station Area- NMU, CVU, and UF zones, additional residential development capacity and reduced parking requirements have been granted in exchange for affordable housing as reflected in Chapter 57 KZC.**
 - c. Bonus Units – For uses in zones where the number of dwelling units allowed on the subject property is determined by dividing the lot size by the required minimum lot area per unit, two (2) additional units (“bonus units”) may be constructed for each affordable housing unit provided. (See Plate 32 for example of bonus unit calculations.)
 - d. Maximum Unit Bonuses – The maximum number of bonus units achieved through a basic affordable housing incentive shall be 25 percent of the number of units allowed based on the underlying zone of the subject property.
 - e. Density Bonus for Assisted Living Facilities – The affordable housing density bonus may be used for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25 percent of the base density of the underlying zone of the subject property.

3. Alternative Affordability Levels – An applicant may propose affordability levels different from those defined in Chapter 5 KZC for the affordable housing units.
- a. In use zones where a density bonus is provided in exchange for affordable housing units, the ratio of bonus units per affordable housing unit for alternative affordability levels will be as follows:

Affordability Level	Bonus Unit to Affordable Unit Ratio
<i>Renter-Occupied Housing</i>	
60% of median income	1.9 to 1
70% of median income	1.8 to 1
<i>Owner-Occupied Housing</i>	
90% of median income	2.1 to 1
80% of median income	2.2 to 1

- b. In the CBD 5A, HENC 2, RH **8**, TL and PLA 5C use zones, the percent of affordable units required for alternative affordability levels will be as follows:

Affordability Level	% of Project Units Required to Be Affordable
<i>Renter-Occupied Housing</i>	
60% of median income	13%
70% of median income	17%
<i>Owner-Occupied Housing</i>	
70% of median income	8%
90% of median income	13%
100% of median income	21%

- c. In the NMU, CVU, and UF zones regulated in Chapter 57 KZC, the percent of affordable units required for alternative affordability levels will be as follows:**

<u>Maximum Allowed Height for Zone</u>	<u>Affordability Level</u>	<u>% of Project Units Required to Be Affordable</u>
<u>Less than 65'</u>	<u>Reserved</u>	<u>Reserved</u>
<u>65' to 85'</u>	<u>Reserved</u>	<u>Reserved</u>
<u>Above 85'</u>	<u>Reserved</u>	<u>Reserved</u>

ed. To encourage “pioneer developments” in the ~~Rose Hill~~ and Totem Lake business districts, the definition of affordable housing for projects in the ~~RH~~ and TL zones shall be as provided in the following table. This subsection shall apply only to those projects which meet the affordability requirements on site or off site. This subsection shall not apply to those projects which elect to use a payment in lieu of constructing affordable units as authorized in KZC 112.30(4).

The affordable housing requirements for projects vested on or after the effective date of the ordinance codified in this section must be targeted for households whose incomes do not exceed the following:

Number of Total Units		Affordability Level	
<i>RH Zones</i>	<i>TL Zones</i>	<i>Renter-Occupied</i>	<i>Owner-Occupied</i>
First 50 units	First 150 units	70% of median income	100% of median income
Second 50 units	Second 150 units	60% of median income	90% of median income
All subsequent units	All subsequent units	50% of median income	80% of median income

“Number of total units” shall mean the total number of housing units (affordable and otherwise) permitted to be constructed within the ~~RH~~ and TL zones where affordable housing units are required and which have not received funding from public sources.

de. Depending on the level of affordability provided, the affordable housing units may not be eligible for the impact fee waivers described in subsections (5)(a) and (5)(b) of this section.

4. Dimensional Standards Modification – To the extent necessary to accommodate the bonus units allowed under subsection (2)(c) of this section on site, the following requirements of the Kirkland Zoning Code may be modified through the procedures outlined in this subsection. These modifications may not be used to accommodate the units resulting from the base density calculation.
 - a. Maximum Lot Coverage – The maximum lot coverage may be increased by up to five (5) percentage points over the maximum lot coverage permitted by the underlying use zone. Maximum lot coverage may not be modified through this provision on properties

with streams, wetlands, minor lakes or their buffers. In addition, this modification would require a shoreline variance as set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

- b. Parking Requirement – The required parking may be reduced to 1.0 space per affordable housing unit. No additional guest parking is required for affordable housing units. If parking is reduced through this provision, the owner of the affordable housing unit shall sign a covenant, in a form acceptable to the City Attorney, restricting the occupants of each affordable housing unit to a maximum of one (1) automobile.
 - c. Structure Height – Maximum height for structures containing affordable housing units may be increased by up to six (6) feet for those portions of the structure(s) that are at least 20 feet from all property lines. Maximum structure height may not be modified through this provision for any portion of a structure that is adjoining a low density zone. This modification may be permitted or may require a shoreline variance as set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.
 - d. Required Yards – Structures containing affordable housing units may encroach up to five (5) feet into any required yard except that in no case shall a remaining required yard be less than five (5) feet. A modification to the shoreline setback would require a shoreline variance set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.
 - e. Common Recreational Space – Common recreational open space per unit, when required, may be reduced by 50 square feet per affordable housing unit.
5. Impact Fee and Permit Fee Calculation –
- a. Applicants providing a greater number of affordable housing units or a greater level of affordability than is required by this code may request an exemption from payment of:
 - 1) Road impact fees as established by KMC 27.04.050; and
 - 2) Park impact fees as established by KMC 27.06.050.

The allowed exemption shall only apply to those units in excess of the minimum required by code unless the development will be utilizing public assistance targeted for low-income housing.
 - b. Applicants providing affordable housing units may request an exemption from payment of school impact fees as established by KMC 27.08.050.
 - c. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the bonus units allowed under subsection (2)(c) of this section as established in KMC 5.74.070 and KMC Title 21.
6. Property Tax Exemption – A property providing affordable housing units may be eligible for a property tax exemption as established in Chapter 5.88 KMC.

- **KZC 142 – DESIGN REVIEW**

- **142.25.1 – Authority**

1. Authority – The Planning Official shall conduct A.D.R. in conjunction with a related development permit pursuant to this section.
The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC, or in zones where so specified, with the applicable design guidelines adopted by KMC 3.30.040. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:
 - a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
 - b. Design guidelines for the NE 85th Street Station Area, the Totem Lake Business District (TLBD) and Yarrow Bay Business District (YBD) as adopted in KMC 3.30.040.
 - c. For review of attached or stacked dwelling units within ~~the Rose Hill Business District (RHBD), the PLA 5C zone,~~ the Houghton/Everest Neighborhood Center, and the Market Street Corridor, Design Guidelines for Residential Development as adopted in KMC 3.30.040.

- **142.35 – Design Review Board (DBR) Process**

- 142.35.9 – Design Response Conference

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, email address, 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.~~

142.35.10 – Approval

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.

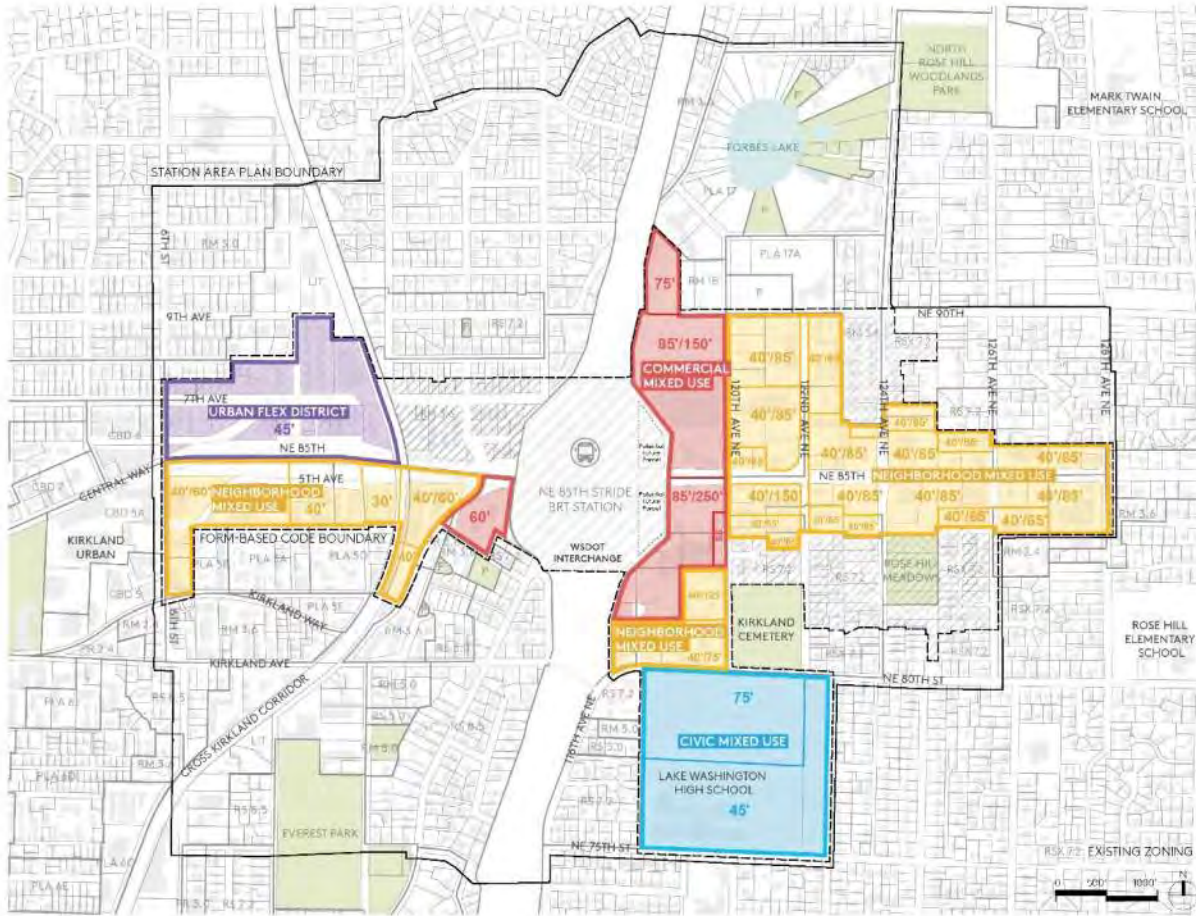
~~Additional Approval Provision for TL 2 and TL 5 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a CMP in TL 2 or TL 5. The Notice of Approval shall also include a phasing plan for all improvements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

142.37 – Design Departure and Minor Variations

- 142.37.4. 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 (45) of this section.

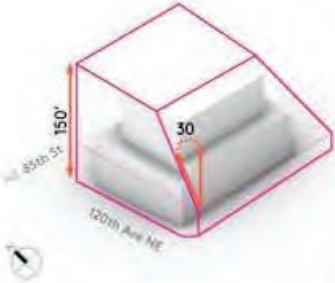
Regulating Plan: Figure 2 Alternative



Includes rezoning parcels 742000-0000, 742750-0000, 123310-0270, -0271, -0275, -0276 from RM 3.6 to NMU.

Updated Standard (Transition Type B): 30 degree angle where zoned maximum height is over 50' greater

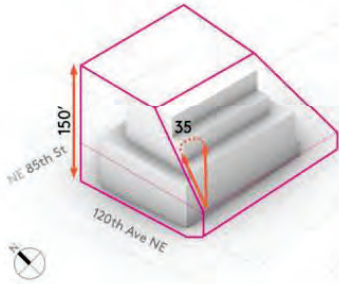
Code-Compliant Building Massing with 30 degree Transition Angle



Updated Standard (Transition Type B): **35 degree** angle where zoned maximum height is **over 50' greater**

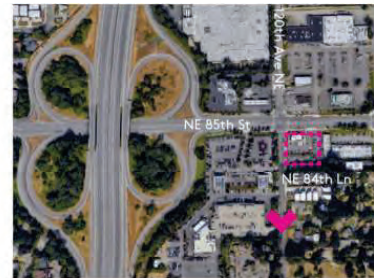
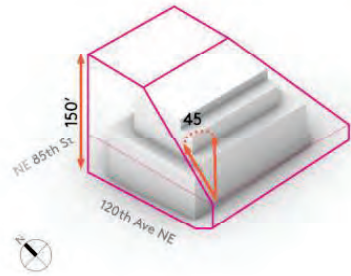
Code-Compliant Building Massing with 35 degree Transition Angle

This example offers little massing relief and results in a more complicated and costly building form on the upper floors.



Alt. Standard (Transition Type C): **45 degree** angle where zoned maximum height is **over 50' greater**

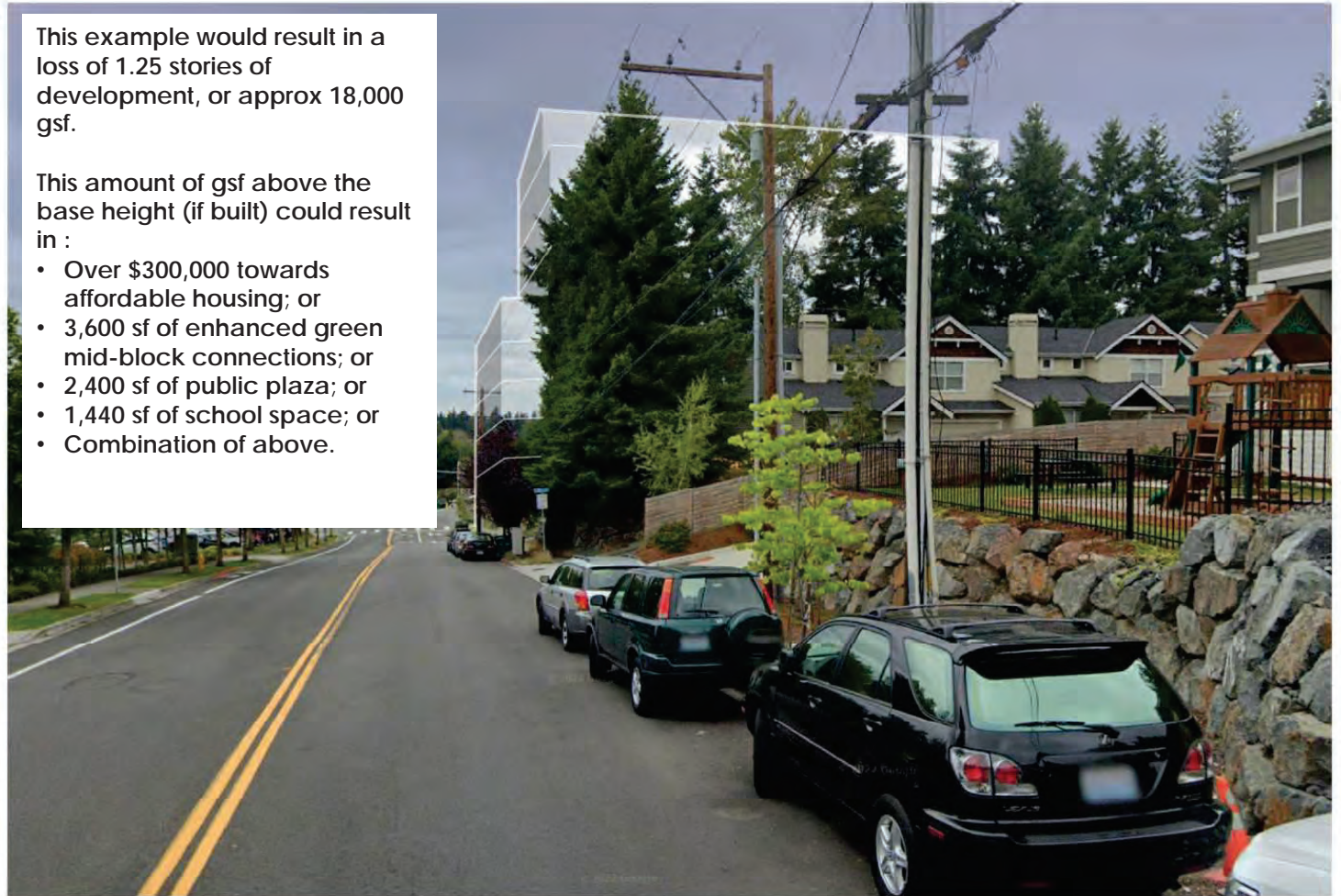
Code-Compliant Building Massing with 45 degree Transition Angle



This example would result in a loss of 1.25 stories of development, or approx 18,000 gsf.

This amount of gsf above the base height (if built) could result in :

- Over \$300,000 towards affordable housing; or
- 3,600 sf of enhanced green mid-block connections; or
- 2,400 sf of public plaza; or
- 1,440 sf of school space; or
- Combination of above.





DRAFT
MEMORANDUM

To: Adam Weinstein, Planning and Building Director, City of Kirkland
Allison Zike, Deputy Director, City of Kirkland
Scott Guter, Senior Planner, City of Kirkland

From: Lindsay Masters, Executive Director
Mike Stanger, Senior Planner

Subject: 85th Street Station Area inclusionary zoning

Date: February 16, 2023

Recommendation

Staff recommends the Planning Commission consider code amendments, in conjunction with those proposed to raise height limits and reduce parking minimums, that would revise housing affordability requirements, for new development of four or more dwelling units, to the following:

(“MFTE” stands for multifamily tax exemption, and “set-aside” means dwelling units reserved as affordable housing as a percentage of total units in a development.)

Urban Flex zones and Neighborhood Mixed-Use zones with maximum heights less than 65 feet

Mandatory for the life of residential use (eligible for 8-year MFTE):

	Renter-occupancy		Owner-occupancy	
	Set-aside	Affordability Level	Set-aside	Affordability Level
Standard	10%	50% of median income	10%	80% of median income

ARCH MEMBERS

BEAUX ARTS VILLAGE ♦ BELLEVUE ♦ BOTHELL ♦ CLYDE HILL ♦ HUNTS POINT ♦
ISSAQUAH ♦ KENMORE ♦ KIRKLAND ♦ MEDINA ♦ MERCER ISLAND ♦ NEWCASTLE ♦
REDMOND ♦ SAMMAMISH ♦ WOODINVILLE ♦ YARROW POINT ♦ KING COUNTY

85th Street Station Area inclusionary zoning
February 16, 2023

Optional (eligible for 12-year MFTE):

	Renter-occupancy		Owner-occupancy	
	Set-aside	Affordability Level	Set-aside	Affordability Level
Standard	10% plus 10%	50% of median income 80% of median income	10% plus 10%	80% of median income 110% of median income

Neighborhood Mixed-Use zones with maximum heights 65 feet or greater

Mandatory for the life of residential use (eligible for 12-year MFTE):

	Renter-occupancy		Owner-occupancy	
	Set-aside	Affordability Level	Set-aside	Affordability Level
Standard	20% - 25%	50% of median income	20% - 25%	80% of median income

Background

State law authorizes cities planning under the Growth Management Act to establish incentives or requirements for affordable housing where they increase residential capacity, reduce parking, waive or exempt development fees, expedite permitting, or provide other benefits for residential, commercial, industrial, or mixed-use development (RCW 36.70A.540). The City of Kirkland has successfully utilized this statute for many years through its mandatory inclusionary program, which is codified in Chapter 5.88 KMC.

The City has also adopted Comprehensive Plan Policy H-3.2, which states that the city will “require affordable housing when increases to development capacity are considered.” Text accompanying the policy explains: *Rezoning, height and bulk modifications, and similar actions ... can add significant value for property owners and an opportunity to create affordable housing with minimal (if any additional) cost to the owner. When the City considers amendments to the Comprehensive Plan, Zoning Code, or other regulations, the City should compare the economic value of the increased capacity to the economic cost of providing affordable units and decide whether to require affordable housing in return.*

Existing city code requires the following in areas presently under consideration for reclassification to Neighborhood Mixed-Use:

- 10% of dwelling units must be affordable at 50 percent of King County’s area median family income for renter-occupied housing
- 10% of dwelling units must be affordable at 80 percent of median income for owner-occupied housing
- Developments of less than 4 units are exempt

These requirements were adopted in 2009. These requirements also satisfy the same requirements for an eight-year exemption from taxation on the residential improvement values of a project (Chapter 5.88 KMC). This MFTE program has an optional 12-year exemption that requires projects to set aside an additional 10 percent of their units for affordability at 80 percent of median income. The city adopted the current MFTE program in 2008. (State law authorizes MFTE under Chapter 84.14 RCW.)

85th Street Station Area inclusionary zoning
February 16, 2023

The zoning districts considered for reclassification to Urban Flex do not currently permit residential use and have no affordable housing requirement.

The King County Growth Management Planning Council (GMPC) is considering Countywide Planning Policy amendments that would require the city to “plan for and accommodate” an increase in housing units by 2044 having affordability levels as follows:

Proposed Affordable Housing Needs, 2019-2044

Affordability level (Pct of median income)	Net new permanent housing units
0% - 30%	4,797 not “permanent supportive housing” 2,893 “permanent supportive housing”
31% - 50%	3,057
51% - 80%	975
81% - 100%	197
101% to 120%	220

The city’s intent to up-zone parts of the 85th Street Station Area to increase height limits and allow more residential development now provides a major opportunity to capture greater affordability in future development in the area. The following analysis describes how staff arrived at recommended provisions for Neighborhood Mixed and Urban Flex zones.

Analysis

To determine how much affordability could be achieved through the proposed up-zone, ARCH staff modeled the economic values created for landowners and developers, by increasing housing capacity, reducing parking, and abating property taxes, in comparison to the economic cost (or public value) of providing affordable units. The model is designed only to measure the impacts of regulatory changes, not to evaluate the feasibility of a given type of development. Prior analysis by the city’s consultants has supported the feasibility of residential development in a variety of scenarios.

Methodology

In a previous stage of this subarea rezoning project, the city’s consultants presented several prototype developments as potentially viable under the proposed regulations. Staff modeled each of these prototypes and followed the consultants’ parameters regarding market rents, unit sizes, and mixtures of unit types. We collected additional data on comparable properties to estimate land and improvement values.

In this analysis, staff estimated the increased land value created by additional market rate units allowed with increased height. Based on data of developable land sales in and around the Station Area, we assigned a value of \$65,000 to each additional market-rate unit in residential mid-rise prototypes and \$40,000 per unit in residential high-rise prototypes.

85th Street Station Area inclusionary zoning
February 16, 2023

The value of parking reductions was measured by the construction cost savings of the parking stalls saved for each new affordable unit. For structured, above-ground parking in mid-rise prototypes, the model assumes a cost savings of \$40,000 per stall. For the combination above- and below-ground parking in the high-rise prototype, the model uses \$60,000 per stall. The model adds no value for the increased residential capacity that would accrue from parking reductions.

The analysis also assumes developments will be eligible for the MFTE program, which increases value by abating property taxes on all residential improvements over a period of eight or twelve years. Based on the improvement values exempted in other Kirkland MFTE projects, the model exempts \$380,000 per unit in mid-rise prototypes and \$420,000 per unit in high-rise prototypes. In a scenario which increases set-asides to 20 percent, projects could be eligible for a 12-year exemption.

The public benefit value of affordable housing requirements are determined by the gap between market rents and affordable rents beyond what is already required in existing code. To estimate the value of rent gaps for the life of a project, the model applies a 5.0 percent capitalization rate.

Taken altogether, staff calculated affordability levels for the consultant's prototypes that would yield the most potential affordability while also providing developers a significant benefit. The ratio of private to public benefit is referred to as a "benefit ratio." To allow some margin for error in our estimates, staff generally recommend ratios to equal or exceed 1.2. On the other end, to ensure that the city maximizes the affordable housing value for the public, we typically cap desirable ratios at 1.8 to 2.0 (under mandatory systems; voluntary systems usually require values much more in a developer's favor, which reduces the potential value of affordable housing).

Overall, staff strived for a common set of requirements (set-aside and affordability level) that could apply as broadly as possible. This was to reduce the complexity, for developers and staff, of administering several variations or a "patchwork" of regulations. We did, however, explore and prepare recommendations for alternative set-asides and affordability levels to each set of "standard" recommendations.

Findings

Urban Flex district

Staff recommend instituting the baseline inclusionary requirement of 10 percent requirement at 50 AMI for renter-occupied housing and 80 AMI for owner-occupied housing in this zone. The model assumes one new story of residential development and very modest parking reductions, together with an 8-year tax exemption, would produce a benefit ratio of 1.0. Given its location adjacent to the city center and multi-modal transportation options, there is reason to believe that this area will be attractive for residential development.

85th Street Station Area inclusionary zoning
February 16, 2023

An optional 12-year MFTE (20 percent set-aside) does not appear to be a promising alternative. Even if all the affordable units were set at 80 AMI, the benefit ratio only reaches 1.1.

Neighborhood Mixed-Use (NMU) zones

The analysis indicates that smaller buildings would benefit as long as the set-aside was ___ percent or less, but taller buildings would benefit more even at higher set-asides. The benefit ratios for adding capacities of one story, two stories, and three stories, with a ___ percent set-aside are __, __, and __, respectively.

Options to satisfy inclusionary requirements with deeper affordability and lower set-asides are also feasible, according to the analysis. Requiring ___% at ___ AMI produces a benefit ratio at ___% in a Midrise prototype.

Conclusions

Roughly twelve years ago, Kirkland raised height limits in multifamily zones of Rose Hill and Totem Lake along with mandatory affordable housing of 10 percent of new units at 50 AMI with eligibility for an eight-year MFTE. That program appears to have been successful, having produced 117 affordable units in seven projects, all in the past five years. Up-zoning the 85th Street Station Area provides an opportunity to build on this success.

Having used very similar methods in Kirkland and other ARCH communities for over twenty years, staff believes the analysis reported here is reliable but (like most in this field) is not an exact science and cannot promise any particular outcomes. Notwithstanding, should the City Council adopt staff's recommendations, and using the consultants' projected 6,243 housing units, the 85th Street Station Area would be able to "plan for and accommodate" ___ percent of the units that new CPPs would require in Kirkland's comprehensive plan update for incomes between 30 AMI and 50 AMI.

TABLE 69: INCENTIVE AMENITIES

Proposed List of Eligible Amenities	Public Benefit Provided
AFFORDABLE HOUSING	
Commercial Development: Affordable housing contribution (fee-in-lieu)	Fee revenue for affordable housing
MOBILITY / TRANSPORTATION	
Enhanced Mid-block Green Connections: Enhancement to an active transportation connection through a property that provides a route alternative to the vehicular road network, established through either a public easement, or right-of-way dedication.	Square feet of enhanced mid-block green connections
PARKS / OPEN SPACE	
Public Open Space (outdoor): Outdoor spaces available for public use such as plazas, pocket parks, linear parks, rooftops, etc.	Square feet of improved public outdoor park-like space
Public Community Space (indoor): Spaces available for civic or community uses such as arts or performance spaces, after-school programming, recreation, event space, etc.	Square feet of improved public indoor community space
SUSTAINABILITY	
Enhanced Performance Buildings: Design, build and certify to achieve Living Building Challenge v4 Carbon Certification or Living Building Challenge v4 Petal Certification	New buildings that exceed Kirkland High Performance Building Code
Ecology and Habitat: Achieve a Green Factor Score of at least 0.75 - (as-of-right requires projects to demonstrate a score of at least 0.4)	SF of land, enhanced ecology / habitat

<p>Innovation Investments: Design, build and operate innovative energy and/or decarbonization systems (on-site or within SAP)</p>	<p>New and innovative sustainability infrastructure in the Station Area</p>
<p>SCHOOLS, EDUCATION, AND CHILDCARE</p>	
<p>ECE/Day Care Operation Space: Floor area dedicated to childcare, or preschool learning space, as defined in KZC 5.10.194</p> <p><u>Design Criteria:</u></p> <ol style="list-style-type: none"> 1. <u>Bonus preschool space must provide a minimum of 4 classrooms, with a minimum of 900 SF per classroom.</u> 2. <u>Space shall be used in manner described for the life of the project.</u> 3. <u>Documentation of required licensing for day care operation shall be provided.</u> 	<p>Long-term dedication of building space for non-profit childcare use</p>
<p>School Operation Space: Floor area dedicated to school operation as defined in KZC 5.10.825</p> <p><u>Design Criteria:</u></p> <ol style="list-style-type: none"> 1. <u>Bonus school space must provide a minimum of 4 classrooms, with a minimum of 900 SF per classroom.</u> 2. <u>Space shall be used in manner described for the life of the project.</u> 3. <u>Documentation of required licensing for school operation shall be provided.</u> 	<p>Long-term dedication of building space for education use</p>
<p><u>GROCERY STORE</u></p>	
<p><u>Grocery Store:</u> Floor area of at least 20,000 SF dedicated to a full-service grocery store. This amenity may only be used to achieve incentive capacity when there are no other grocery stores within one-half mile of the proposed location.</p>	<p><u>Long-term dedication of building space for neighborhood grocery use</u></p>
<p>OTHER APPLICANT PROPOSED AMENITIES</p>	
<p>Flexible Amenity Options: Applicant may propose amenities not on this list (on a case-by-case basis).</p>	<p>TBD</p>

Amenities must have a clear public benefit and will be subject to approval by the City and formalized in a development agreement.	
---	--

TABLE 710: EXCHANGE RATES FOR INCENTIVE CAPACITY

List of Eligible Amenities	Measure of Exchange Rate	Policy Weighted Bonus Ratio			Amenity Provided per 20,000 sf of IZ bonus space
		Priority Rank	Priority Weight	Bonus Ratio (priority)	Bonus Ratio (priority)
AFFORDABLE HOUSING					
Commercial Development Contribution	Voluntary fee per SF of incentive bonus space	1	1.50	\$16.67	\$333,333
MOBILITY / TRANSPORTATION					
Enhanced Mid-block Green Connections	Bonus SF per SF of enhanced connections	3	1.00	5.0	4,000 sf
PARKS / OPEN SPACE					
Public Open Space (outdoor)	Bonus SF for each SF of improved public space	2	1.25	7.5	2,667 sf
Public Community Space (indoor)	Bonus SF for each SF of improved public space	2	1.25	8.8	2,286 sf
SUSTAINABILITY					
Enhanced Performance Buildings	Bonus SF per \$1,000 invested	3	1.00	40.00	\$500,000
Ecology and Habitat (GF score above 0.75)	Bonus SF for each SF of enhanced ecology /habitat land	3	1.00	1.4	14,286 sf

Innovation Investments: Energy and Decarbonization	Bonus SF per \$1,000 invested	3	1.00	40.0	\$500,000
SCHOOLS, EDUCATION, AND CHILDCARE					
ECE/Day Care Operation Space	Bonus SF for each SF of ECE/Day Care space	2	1.25	12.5	1,600 sf
School Operation Space	Bonus SF for each SF of school space	2	1.25	12.5	1,600 sf
<u>GROCERY STORES</u>					
<u>Grocery Store Space</u>	<u>Bonus SF for each SF of grocery space</u>	<u>3</u>	<u>1</u>	<u>5</u>	<u>4,000 sf</u>
OTHER APPLICANT PROPOSED AMENITIES					
Flexible Amenity Options	TBD	3	1.00	40.0	\$500,000

CHAPTER 5 – DEFINITIONS

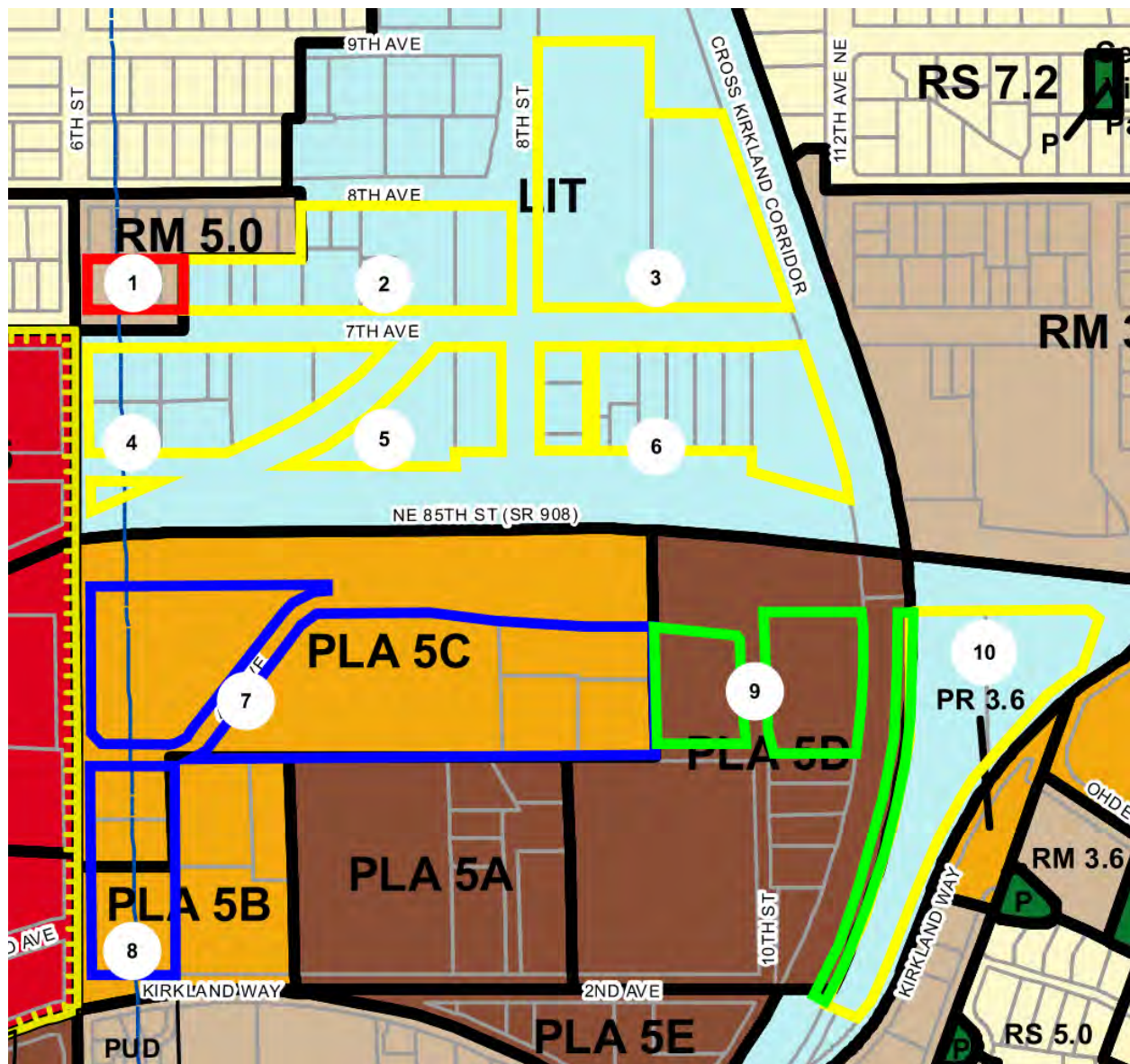
5.10 Definitions

.336 Grocery Store

A 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.

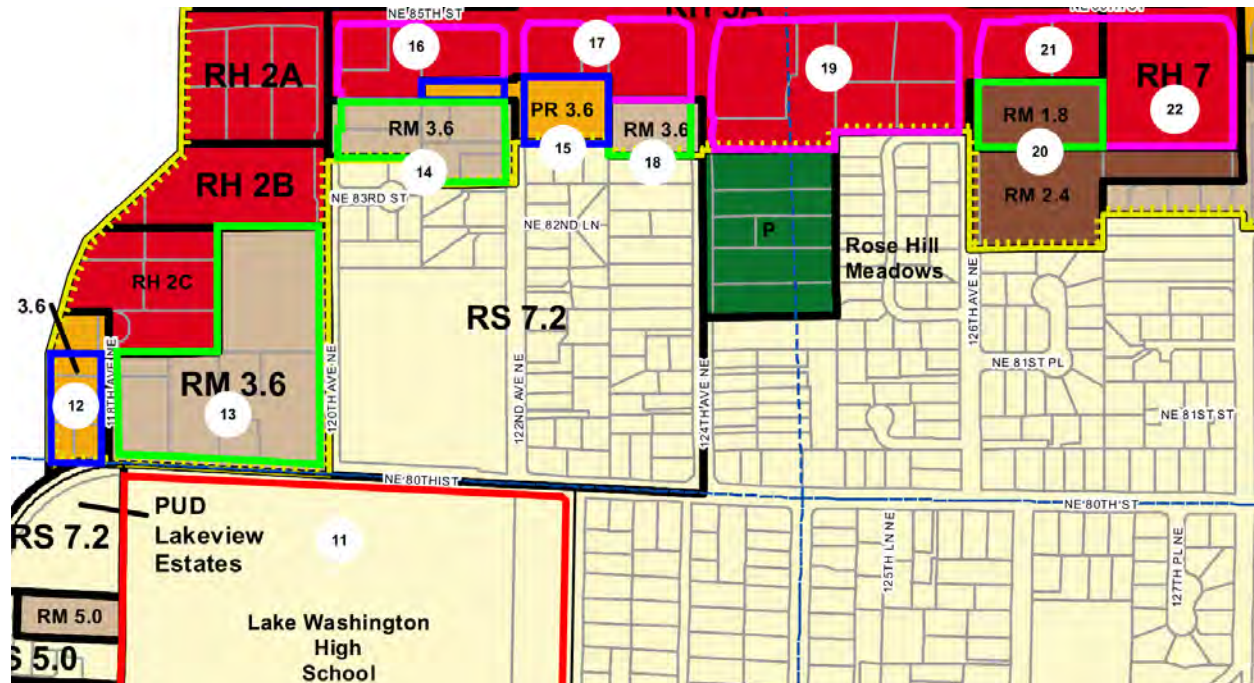
PHASE 2 PROPOSED LEGISLATIVE REZONES

Parcel Rezone Maps

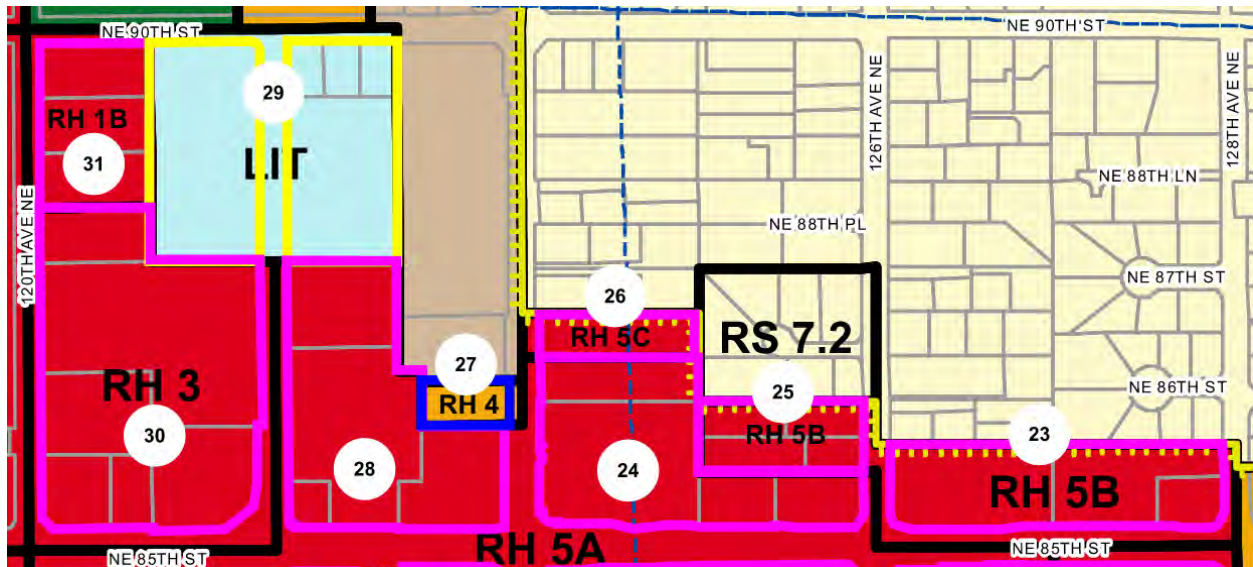


1. Rezone Parcels 388580-7370, -7375, -7380, -7381 from RM 5.0 to UF
2. Rezone Parcels 388580-7425, -7435, -7440, -7443, -7445, -7450, -7460, -7305, 388690-1400 from LIT to UF
3. Rezone Parcels 388690-2185, -1425 from LIT to UF
4. Rezone Parcels 388580-7470, -7481, -7500, -7505, -7515, -7530, -7545 from LIT to UF
5. Rezone Parcels 388690-1325, -1360 from LIT to UF
6. Rezone Parcels 388690-1150, -1160, -1170, -1180, -1190, 1205, -1210, -1215, -1217, -1220, -1295 from LIT to UF
7. Rezone Parcels 517270-0010, -0030, 052505-9064, -9069, -9070, 123890-0110, -0115 from PLA 5C to NMU

8. Rezone Parcel 123890-0090 from PLA 5B to NMU
9. Rezone Parcels 389460-0000, 390200-0000, 052505-9072 from PLA 5D to NMU
10. Rezone Parcels 123510-0024, -0025 from PR 3.6 to NMU



11. Rezone Parcels 022510-0005, 092505-9012 from RSX 7.2 to CVU
12. Rezone Parcels 123310-0064, -0065, -0066, -0067, -0068, -0069 from PR 3.6 to NMU
13. Rezone Parcels 123310-0161 -0170, -0171, -0172, -0185, 414679-0000, 645360-0000, from RM 3.6 to NMU
14. Rezone Parcels 742000-0000, 742750-0000, 123310-0270, -0271, -0275, -0276 from RM 3.6 to NMU ***Note- this boundary is inclusive of the parcels that would be rezoned if PC recommends the alternate regulating plan with expanded NMU district boundary.**
15. Rezone Parcels 123310-0282, -0300 from PR 3.6 to NMU
16. Rezone Parcels 123310-0215, -0216, -0281 from RH 5A to NMU
17. Rezone Parcels 123310-0290, -0291, -0400 from RH 5A to NMU
18. Rezone Parcel 8555915-0000 from RM 3.6 to NMU
19. Rezone Parcels 123310-0530, -0535, -0540, -0545, -0402, -0405 from RH 5A to NMU
20. Rezone Parcel 894407-0000 from RM 1.8 to NMU
21. Rezone Parcels 12310-0550, -0555 from RH 5A to NMU
22. Rezone Parcel 12310 -0680 from RH 7 to NMU



23. Rezone 123310-0750, -0760, -0765 from RH 5B to NMU
24. Rezone Parcels 123310-0850, -0855, -0871, -0872 from RH 5A to NMU
25. Rezone Parcels 123310-0873, -0875, -0877, -0879 from RH 5B to NMU
26. Rezone Parcel 123310-0845 from RH 5C to NMU
27. Rezone Parcel 123850-0245 from RH 4 to NMU
28. Rezone Parcels 123850-0210, -0214, -0215, 0235 from RH 5A to NMU
29. Rezone Parcels 123850-0165, -0185, -0186, -0187, -0195 from LIT to NMU
30. Rezone Parcels 123850-0110, 0115, -0125, -0132, -0135, -0140 from RH 3 to NMU
31. Rezone Parcels 123850-0095, -0100, -0105 form RH 1B to NMU

**NE 85TH ST STATION AREA PLAN PHASE 2 –
KIRKLAND MUNICIPAL CODE (KMC) AMENDMENTS**

The following are proposed amendments to the KMC. **Added text/exhibits are shown as underlined and bold,** or otherwise indicated by staff notes. ~~Removed text/exhibits are shown as strikethrough.~~

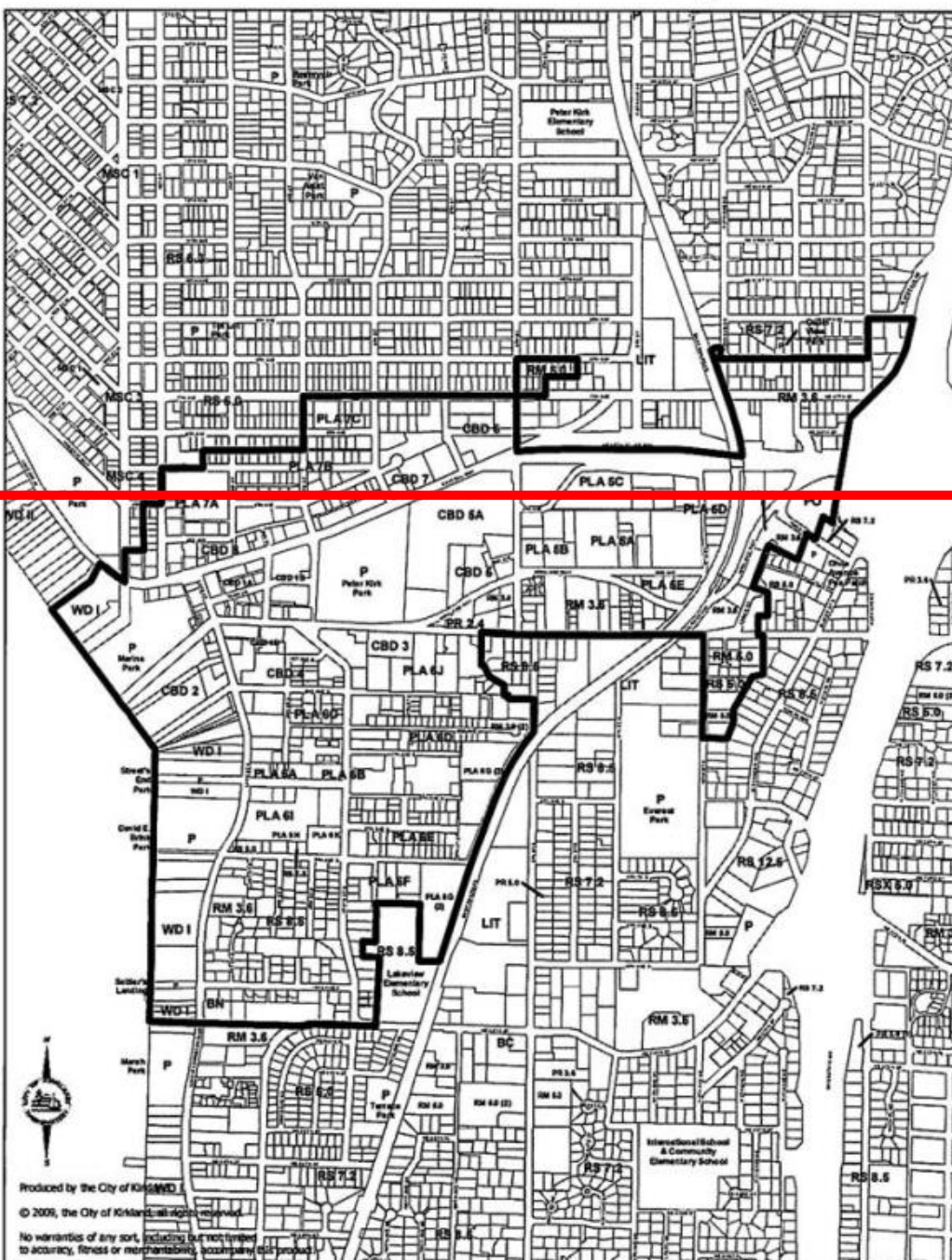
**Note: for streamlining purposes, the sections shown below are limited to those with text/exhibit edits, and do not include full chapters.*

KMC 5.88.030 Residential targeted areas—Criteria—Designation—Rescission.

- (a) Following notice and public hearing as prescribed in RCW 84.14.040, the city council may designate one or more residential targeted areas, in addition to the areas stated in subsection (d) of this section, upon a finding by the city council in its sole discretion that the residential targeted area meets the following criteria:
- (1) The residential targeted area is within an urban center as defined by Chapter 84.14 RCW;
 - (2) The residential targeted area lacks sufficient available, desirable and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center if the affordable, desirable, attractive and livable residences were available; and
 - (3) Providing additional housing opportunity in the residential targeted area will assist in achieving one or more of the following purposes:
 - (A) Encourage increased residential opportunities within the city; or
 - (B) Stimulate the construction of new affordable multifamily housing; or
 - (C) Encourage the rehabilitation of existing vacant and underutilized buildings for multifamily housing.
- (b) In designating a residential targeted area, the city council may also consider other factors, including:
- (1) Whether additional housing in the residential targeted area will attract and maintain an increase in the number of permanent residents;
 - (2) Whether providing additional housing opportunities for low and moderate income households would meet the needs of citizens likely to live in the area if affordable residences were available;
 - (3) Whether an increased permanent residential population in the residential targeted area will help to achieve the planning goals mandated by the Growth Management Act under Chapter 36.70A RCW, as implemented through the city's comprehensive plan; or
 - (4) Whether encouraging additional housing in the residential targeted area supports plans for significant public investment in public transit or a better jobs and housing balance.
- (c) At any time, the city council may, by ordinance, in its sole discretion, amend or rescind the designation of a residential targeted area pursuant to the same procedural requirements as set forth in this chapter for original designation.
- (d) The following areas, as shown in Maps 1 through 11 in this section, meet the criteria of this chapter for residential targeted areas and are designated as such:
- (1) Central Kirkland;
 - (2) Totem Lake and North Rose Hill;
 - (3) Juanita;
 - (4) NE 85th Street;
 - (5) Houghton/Everest;
 - (6) Bridle Trails;
 - (7) Lakeview;

- (8) Market Street Corridor;
 - (9) Finn Hill North;
 - (10) Finn Hill South; and
 - (11) Kingsgate.
- (e) If a part of any legal lot is within a residential targeted area as shown in Maps 1 through 11 in this section, then the entire lot shall be deemed to lie within such residential targeted area.

Central Kirkland Residential Targeted Areas



MAP 1

From: Scott Guter
Sent: Monday, November 14, 2022 8:31 AM
To: Colleen Clement; Allison Zike
Subject: Re: TIMELY REQUEST: Clarification on the 85th St SAP : Phase 2/PAO from PCA Kirkland (in time for the Nov 15th Public Hearing)

Colleen,

Building permits received and deemed complete will be vested to the Washington State building code in effect at the time of completion. That said, all development projects within the SAP are subject to [KZC 57.25.070](#) high performing building standards and energy and decarbonization requirements specified in this section related to the 2021 Washington State Energy Code.

Sincerely,

Scott Guter, AICP | LEED AP

Senior Planner | City of Kirkland | Planning and Building Department

425-587-3247 | sguter@kirklandwa.gov | <http://www.kirklandwa.gov>

From: Colleen Clement <cjconnect01@gmail.com>
Sent: Thursday, November 10, 2022 7:43 PM
To: Scott Guter <SGuter@kirklandwa.gov>; Allison Zike <AZike@kirklandwa.gov>
Subject: RE: TIMELY REQUEST: Clarification on the 85th St SAP : Phase 2/PAO from PCA Kirkland (in time for the Nov 15th Public Hearing)

Scott,

Thank you so much for getting back to me with a rapid and thorough response to my questions below.

I do have one further question regarding the timing of the SAP project and the July 1, 2023 effectivity date of the new WA State Energy Codes. Given that date, does that mean that all permits and development within the scope of the SAP will fall under the new codes requirements?

Thank you,
 Colleen

From: Scott Guter <SGuter@kirklandwa.gov>
Sent: Thursday, November 10, 2022 5:07 PM
To: Colleen Clement <cjconnect01@gmail.com>; Allison Zike <AZike@kirklandwa.gov>
Subject: Re: TIMELY REQUEST: Clarification on the 85th St SAP : Phase 2/PAO from PCA Kirkland (in time for the Nov 15th Public Hearing)

Colleen,

Thank you for your comments and question. Below is staff's response. Your comments are related to draft zoning amendments that are before the Planning Commission. The Planning Commission is having a study session tonight on the proposed zoning for Phase 2 of the Station Area. The City has also tentatively scheduled a public hearing with the Planning Commission on December 8, 2022. Public comment and in-person testimony is encouraged at these meetings. To find out more about how to participate in Planning Commission meetings, please visit their [webpage](#).

1. *Our goal is to have the same baseline requirement of all electric buildings that was approved for Phase 1 also apply to Phase 2.*
2. Staff Response: The sustainability standards adopted in Phase 1 also apply to the Draft Phase 2 zoning amendments.
- 3.
4. *We also want Sustainability to remain as a key incentive benefit option.*
5. Staff Response: There will be no readjustments to the sustainability incentive benefits in the Draft Phase 2 zoning amendments.
- 6.
7. *And we are asking if the recently approved State Building Codes for Commercial and Residential requirements will be in place and enforced for all development under the SAP?*
8. Staff Response: Per Kirkland Municipal Code (KMC) Section 21.37.010 the City adopts the Washington State Energy Code and its amendments. The most recent amendments to the energy code will go into effect after July 1, 2023 (see WAC 51-11C).

Please let me know if you have any further questions.

Sincerely,

Scott Guter, AICP | LEED AP

Senior Planner | City of Kirkland | Planning and Building Department
425-587-3247 | sguter@kirklandwa.gov | <http://www.kirklandwa.gov>

From: Colleen Clement <cjconnect01@gmail.com>

Sent: Thursday, November 10, 2022 12:44 PM

To: Allison Zike <AZike@kirklandwa.gov>; Scott Guter <SGuter@kirklandwa.gov>

Subject: TIMELY REQUEST: Clarification on the 85th St SAP : Phase 2/PAO from PCA Kirkland (in time for the Nov 15th Public Hearing)

CAUTION/EXTERNAL: This email originated from outside the City Of Kirkland. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Allison and Scott,

Hope all is going well.

I am reaching out on behalf of PCA Kirkland, to get clarification on below, as we move into the final approvals for the 85th St SAP and before the Nov 15th City Council Public Hearing.

With the pending finalization of the Form Based Code for Phase 2 and the Planned Action Ordinance for the entire project, we want to confirm how best to place our input.

We are not sure if it applies to the Form Based Code or the Planned Action Ordinance or some other documentation.

1. Our goal is to have the same baseline requirement of all electric buildings that was approved for Phase 1 also apply to Phase 2.
2. We also want Sustainability to remain as a key incentive benefit option.
3. And we are asking if the recently approved State Building Codes for Commercial and Residential requirements will be in place and enforced for all development under the SAP?

Sorry to get this to you with such short notice but thank you in advance for your response.

Colleen Clement
PCA Kirkland Steering Committee/ ETAG

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

Scott Guter

From: Allison Zike
Sent: Monday, November 21, 2022 3:27 PM
To: Scott Guter
Subject: FW: A new Service Request has been created [Request ID #22619] (85th Station Area Plan) -

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hey Scott- can you please log as public comment. I already responded in QAlert.

Thanks,

Allison Zike, AICP | Deputy Director
 City of Kirkland | Planning & Building Department
 azike@kirklandwa.gov | 425.587.3259

From: OUR Kirkland <noreply-kirkland@qscend.com>
Sent: Wednesday, November 16, 2022 8:27 AM
To: Allison Zike <AZike@kirklandwa.gov>
Subject: A new Service Request has been created [Request ID #22619] (85th Station Area Plan) -

CAUTION/EXTERNAL: This email originated from outside the City Of Kirkland. Do not click links or open attachments unless you recognize the sender and know the content is safe.

A new service request has been submitted and action needs taken.

Service Request Details	
ID	22619
Date/Time	11/16/2022 8:26 AM
Type	85th Station Area Plan
Address	8113 NE 110th Pl, Kirkland
Origin	Call Center
Comments	Dear City Council of Kirkland, I did not have the opportunity to make a statement regarding the 85th Street Planned Development including Google and all the Adjacent Properties that was presented at the Nov 15 meeting.

I did watch the presentation and Council Members' comments were very few except for John Pascal.

I strongly agree with Council Member Jon Pascal regarding the development of the Mixed-Use area- Residential and Retail.

Many of us in Kirkland are patrons to all those existing small retail stores, restaurants, and services along 85th. WE DO NOT NEED ANOTHER TOTEM LAKE. WE DO NOT WANT A CARBON COPY OR A RELATED SIBLING. This is NOT DIVERSITY, EQUITY, AND INCLUSIVENESS.

Many surveys and discussions regarding The Totem Lake Development and its LACK OF inclusiveness, affordability, and ease of access have all been examined.

What does the City of Kirkland plan to learn from the mistakes of the Totem Lake Development?

The Totem Lake Development was designed for a particular market sector and target demographic.

As Council Member Jon Pascal mentioned at the meeting on Nov 15, we do not want retail that is empty for long periods of time, we do not want "fancy" stores for the affluent.

I have been to Totem Lake many times ONLY for the movie theater and for repeated physical therapy sessions at Vida Integrated Health. Every time I have been there, is all I see is retail stores with no customers or very slow movement. I have tried almost every restaurant once and I have been very disappointed with most of them so far. Average food made to be "fancy" and over priced.

The 85th Street Corridor is where Kirkland goes for everyday service retail, some fast food, ethnic food, diverse retail that serves a REAL PURPOSE.

Also, many of us in Kirkland, Redmond, Bothell, and Woodinville are NOT HAPPY with the Google Expansion on 85th and its lines of dominoes. What we do in Kirkland affects our neighboring Cities; our borders are very

intertwined and we all flow amongst ourselves for retail, services, food, medical, entertainment. etc.

Once I heard the rumors regarding 85th and I saw the Proposed Land Use Signs; I thought Oh NO, here we go again with Google and there goes (demolished) all the useful retail for "us ordinary folks".

First it was The Campus in Houghton, then the expansion of that Campus, then expanded again.

Then, Kirkland Urban which was supposed to be "for the people of Kirkland". Then, Google took over the Entire Property including the retail.

Then, Totem Lake was supposed to be a "new model" for residential and retail. It became a "new model" for the affluent to live and shop.

Interesting, Kirkland Urban and Totem Lake have no Drugstore, Shoe repair, Hair salon, Barber Shop, Petco, The Dollar Store, The Lime, Teriyaki Restaurant, etc. that "ordinary folks" like, want, and need.

Thank you for your time and consideration.

Lisa Berenson, LEED AP
lisab8186@gmail.com
206-409-3958

Submitter Berenson, Lisa
8113 NE 110th Place
Kirkland, WA 98034
206-409-3958
lisab8186@gmail.com

[View in QAlert](#)

RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

Scott Guter

From: Allison Zike
Sent: Monday, November 21, 2022 11:16 AM
To: Scott Guter
Subject: FW: planning commission

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Scott-

Can you please log below as public comment and send Margaret acknowledgement of her email?

Thanks,

Allison Zike, AICP | Deputy Director
 City of Kirkland | Planning & Building Department
 azike@kirklandwa.gov | 425.587.3259

From: Margaret Bull <wisteriouswoman@gmail.com>
Sent: Sunday, November 20, 2022 3:34 PM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Cc: Allison Zike <AZike@kirklandwa.gov>
Subject: FW: planning commission

CAUTION/EXTERNAL: This email originated from outside the City Of Kirkland. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commissioners,

I listened to the last Planning Commission meeting and have a few comments that I would like to share again. The meetings seem repetitive and I don't feel it is going to make much difference if City Council ignores the Planning Commissions recommendations.

1. You can never require a particular business to be situated on any particular lot in the long term. As many of you might remember, during the last big recession many grocery stores across the country closed their doors. This affected the Eastside as well as other places in the state. Some of the stores that were closed were not replaced by another grocery store. Value Village needed big spaces and took over grocery store properties in the Finn Hill area and in downtown Woodinville. These stores are an asset to the area as many people are affected by inflation and the high cost of living. In this area, grocery stores have changed character providing lower cost goods (Dollar Tree and Grocery Outlet) or high-end goods (Met Market) which might not be as appropriate for the locals that live close enough to walk to.

There are many businesses that make a neighborhood shopping area desirable but cannot be guaranteed as the economy shifts and big companies make decisions that have nothing to do with the Kirkland resident's needs (or any plans the City Council might think up for the future). When I moved to Houghton there were three gas station/garages at the intersection of 68th and 108th/6th Street. Eventually only one survived sans garage

services. It has remained in high demand because it is close to the freeway and a convenience to the neighborhood. It would be unfortunate if it was forced out because of development since gas powered cars will be around for a long time. But I haven't heard anyone say how important having a gas station near the 85th freeway exchange is. Not everyone going along the freeway has a Costco card and there is no guarantee that Costco will stay at that location. I always thought it was questionable to put a gas station next to a wetland.

We want small businesses to survive in the developments you envision for the future but there is nothing the planning department can do to make sure we have a variety of neighborhood services available. There are too many other determining factors than what might be considered desirable by city planners. Large companies like Walmart, Right Aid, Costco or Starbucks force other smaller local shops to close down because of competition. Development may affect the parking situation or driveway location of current small shops resulting in hardship if access to their services is curtailed. I'll drive to a shopping center that has surface parking if a business only has a crowded garage with compact spots. One thing we have also seen is that businesses with drive-up facilities can be disruptive of local traffic patterns. For example, people trying to get into Starbucks at 122nd Ave NE to use the drive-up window sometimes totally block the street for through traffic. The City can change the code to disallow this use but as we saw with the pandemic they became essential. Who would have imagined that? And older citizens with limited walking ability really appreciate not having to get out of the car.

2. In your conversations about the 85th Street area, I don't believe you think about the retirement age population and their mobility challenges enough. Most of my aqua-exercise buddies are between 50 and 95. Many of them have trouble walking any distance or standing for a long time. Those that walk with a cane or walker cannot walk long distances. When crossing a wide street with many lanes they find it hard to make it across before the 'don't walk' sign flashes or people turning right on a red cut them off. Just watch a pedestrian trying to get across 85th Street at 124th Ave NE when people are in a hurry trying to get to the freeway or leave Costco. The danger to pedestrians is compounded at certain times during the year when the sun is glaringly bright in the morning or late afternoon when it is rising or setting. You see a future where people are biking and walking on a regular basis in this 85th Street area. Not everyone can bike especially when it is raining, or dark, or traffic is heavy, no matter what their age. (I don't see a lot of teenagers biking to the high school even now. Really, I wonder if you know what the percentage is.) My friends are not all able to use a bus to get to the Y where I exercise. They may not be able to get to this great development either because the buses don't frequent many areas where people actually live or a bus stop is not in easy walking distance. Walking with a cane or walker is slow going and often there are not enough benches along the way to rest. Just getting inside a building even with designated parking stalls available can be difficult. As the pandemic clearly showed, street front entrances often do not have parking in front but rather on the side or back of a building. If the only entrance open was the front entrance for screening purposes everyone had to walk around the building, even those with limited walking ability. ADA requirements are mostly geared for people with wheelchairs that can be pushed from a ADA parking stall no matter where it is located. They don't take into consideration all of the people that use canes or walkers. I really wonder how many of you saw the simulation video of the transit station. It might be a different plan now, but when I saw it the walking time from the street level to the bus stop took a long time and people were required to walk across the roundabout in order to transfer buses. And I can imagine there is going to be a lot of standing while waiting for a bus once you get there. So I hear your rosy outlook on the future of Kirkland being a city of walkers and bikers and I really question it. What will happen if the buildings go up in the 85th Street Corridor 10 years before the bus transfer station is completed?
3. It was also mentioned at the meeting the city code requires bike parking facilities in development plans. I hope the code specifies that this parking is in a secure location within the garage. No one wants to ride home on a bike that has been out sitting in the rain. Or get out of work and find their bike is missing a front wheel. I think developers should consider having a shower and dressing facility at parking garage level so that people arriving by bicycle can change. It is hard to ride a bike in a pencil skirt and high heels. I have seen this type of shower/locker room at the Microsoft building near the Bellevue transit station. Maybe that is something that can be required. The idea of sitting around at work in sodden clothes would keep many people from deciding to ride a bicycle to work.

4. Parking stalls are expensive so I understand why you might want to require less parking for affordable housing. The problem I see with that is whether or not people in affordable housing need a car less than anyone else. People in the service industry or trades like housekeepers and gardeners need a car to go to various works sites many of which will be in suburban areas without transit. Or they might be hospital workers working odd shifts when bus service is less frequent. Or perhaps they are teachers who can only get a job in a school district in a different county not served by Metro. There is no way to give affordable housing solely to people working at the businesses that will be in the 85th Street project.

5. Lastly, I want to again point something out that is happening in Redmond and other cities with new development. The city planners can outline requirements for so many guests parking spots and so many retail parking spots but have no way to enforce it. There is no assurance as to what type of retail, if any, will lease a building in the future that is under development currently. Maybe the retail only has 5 clients in two hours or 20 clients in 30 minutes or just walkup clients. Who can guess what the right amount of parking that will be needed? If a new out-of-state management company comes in they will make decisions that disregard what the planners envisioned. They may rent out all the parking stalls including guests spots and retail spots and EV charging spots to residents if there is a demand for more resident parking. You can make requirements for developers but it doesn't transfer down the line to those managing the buildings.

Sincerely,
Margaret Bull

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

Scott Guter

From: Allison Zike
Sent: Friday, December 2, 2022 3:02 PM
To: Scott Guter
Subject: FW: Some questions about the 120th Ave study
Attachments: Questions 120 Ave SAP.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Scott-

Forwarding the below just to log as public comment for SAP. Joel and Victoria have already received this and I asked them to respond to Lisa.

Thanks,

Allison Zike, AICP | Deputy Director
 City of Kirkland | Planning & Building Department
 azike@kirklandwa.gov | 425.587.3259

From: Lisa McConnell <mclacksmercy@gmail.com>
Sent: Friday, December 2, 2022 12:08 PM
To: Allison Zike <AZike@kirklandwa.gov>
Cc: Joel Pfundt <JPfundt@kirklandwa.gov>
Subject: Some questions about the 120th Ave study

CAUTION/EXTERNAL: This email originated from outside the City Of Kirkland. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Allison Zike,

I have some questions regarding the 120th Ave study I am hoping you can answer for me. I have included them below as well as in the attached document. I am preparing a statement for the Planning Commission's Public Hearing on SAP Phase 2 Code as well as for Council prior to adoption. Answers to these would be most helpful in making an informed statement.

Thank you for your time,
 Lisa McConnell

I am confused as to how many lanes are going to be on 85th from Station eastward. The June 28th Council packet shows the intersection of 85th below

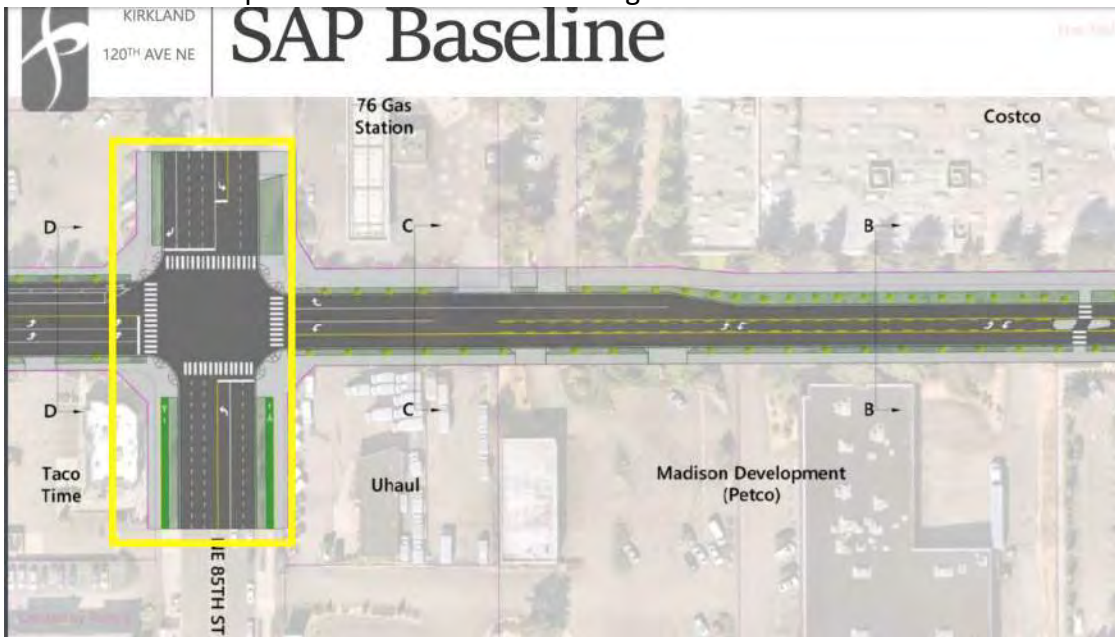


Source: Fehr & Peers

Representative:
NE 85th Street and 120th Avenue NE Improvements



The October Transportation Commission briefing shows a full 3 lanes eastbound on 85th AND a right turn lane:



Which of these two presentations is correct? How far east does the third lane go? 124th or the entire Station Area?

Who is paying for and constructing the extra eastbound lane on 85th? Sound Transit Station Construction, the City of Kirkland or Google? When is the time frame for this addition?

Is Google paying for/constructing the 2 left turn lanes (westbound to 85th)?

Is Google paying for/constructing the new intersection at 83rd?

Is 120th Avenue NE the only access point for the property west of the 76 Gas Station (8525 120th Av NE, Avio Support, The Goddard School) ? Will they have new access/exit on 85th in future?

Future Green Midblock Connection @ Sophia Way Women's Shelter, in particular, and Kirkwood Terrace. What are the plans for providing security at this vulnerable location but also allow access for these residents? Is City of Kirkland building this Connection or is this only when redevelopment occurs?

In the Alternative Plan for 120th Ave, it shows a possible parking/loading area between the Salt Church and Kirkwood Terrace. Who is this parking intended to serve? Is it time limited? Are there other restrictions such as permit only?

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

I am confused as to how many lanes are going to be on 85th from Station eastward. The June 28th Council packet shows the intersection of 85th below:

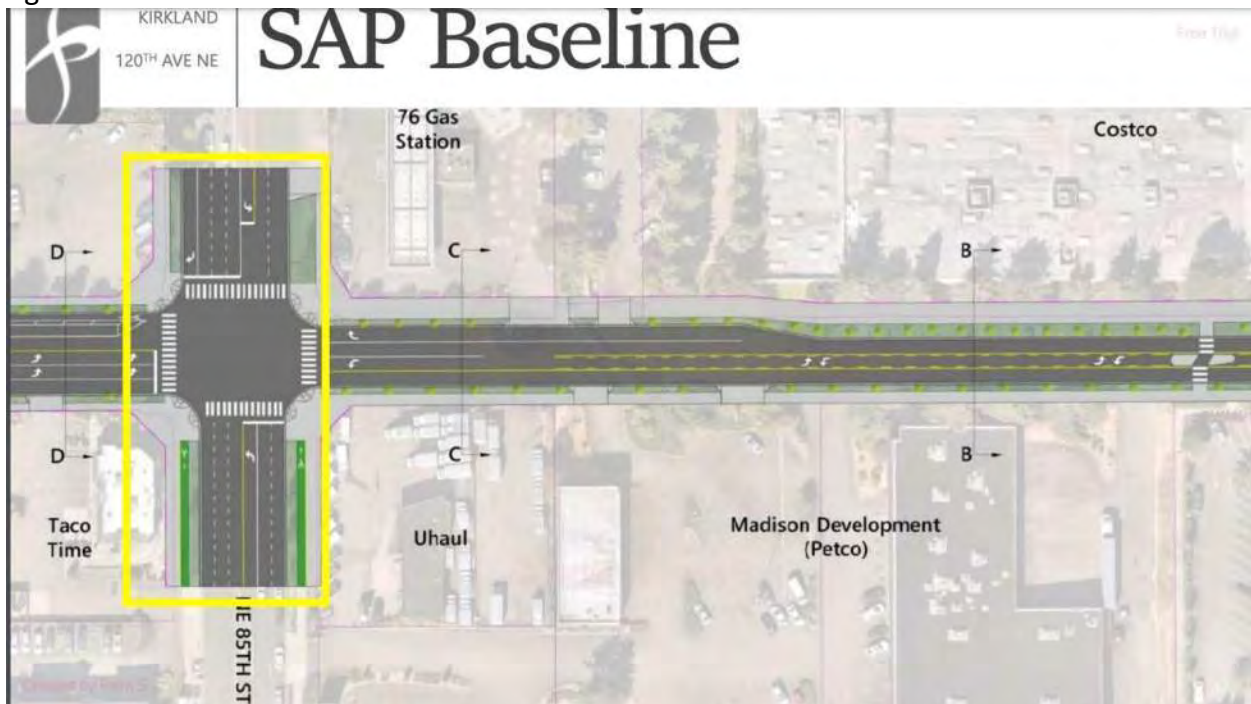


Source: Fehr & Peers

Representative:
NE 85th Street and 120th Avenue NE Improvements



The October Transportation Commission briefing shows a full 3 lanes eastbound on 85th AND a right turn lane:



Which of these two presentations is correct? How far east does the third lane go? 124th or the entire Station Area?

Who is paying for and constructing the extra eastbound lane on 85th? Sound Transit Station Construction, the City of Kirkland or Google? When is the time frame for this addition?

Is Google paying for/constructing the 2 left turn lanes (westbound to 85th)?

Is Google paying for/constructing the new intersection at 83rd?

Is 120th Avenue NE the only access point for the property west of the 76 Gas Station (8525 120th Av NE, Avio Support, The Goddard School) ? Will they have new access/exit on 85th in future?

Future Green Midblock Connection @ Sophia Way Women's Shelter, in particular, and Kirkwood Terrace. What are the plans for providing security at this vulnerable location but also allow access for these residents? Is City of Kirkland building this Connection or is this only when redevelopment occurs?

In the Alternative Plan for 120th Ave, it shows a possible parking/loading area between the Salt Church and Kirkwood Terrace. Who is this parking intended to serve? Is it time limited? Are there other restrictions such as permit only?

December 11, 2022

City of Kirkland
Attn: Council Members

RE: Zoning of the neighborhood adjacent to the NE 85th Street Station Area

Dear City of Kirkland Council Members,

I would like to address the zoning of the neighborhood surrounding the NE 85th Street Station Area.

Now that there is a clear boundary for the NE 85th Street Station Area, I can't help but notice the extreme height difference between the Station Area boundary building height and that of the neighborhood residential height limit of 25-30 feet; specifically the properties on the South boundary between 122nd Avenue NE and 120th Avenue NE to the West.

There are four parcels located in this area commonly known as 8241, 8245, 8249, and 8251 122nd Avenue NE. These four property owners do not understand why there is such a drastic difference in height from 150 feet on the South Station Area Plan Boundary to 25 feet height on the two most southerly parcels of 8241 and 8245. There should be some sort of step down transition of height in this neighborhood residential zone.

While looking at the discrepancy, it would make sense to bring these parcels of 8241, 8245, 8249, and 8251 into the boundary of the NE 85th Street Station Area and provide zoning that is a logical transition within the boundary area.

Thank you for your time and consideration.

Respectfully,
Martin and Sharon Morgan

From: Allison Zike
Sent: Tuesday, February 7, 2023 8:02 PM
To: Scott Guter
Subject: FW: Testimony regarding the Station Area Plan

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Please log.

From: Joan Lindell Olsen <joanlouise@outlook.com>
Sent: Tuesday, February 7, 2023 5:52 PM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: Testimony regarding the Station Area Plan

CAUTION/EXTERNAL: This email originated from outside the City Of Kirkland. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This testimony is to request that the Planning Commissioners reevaluate the Station Area Plan, including the scope and timing, in light with the current economic situation and the fact that Google has terminated its contract to purchase the Lee Johnson Property. Until there is an anchor tenant, it seems that the Station Area Project should be delayed. Or maybe significantly minimized in scope.

This testimony is also to express my sincere happiness that Google is not buying the Lee Johnson Property, as the Kirkland Mayor and City Council were only concerned with an increase in tax dollars and ignored the impact to Lake Washington High School students and staff, traffic, and other concerns expressed by Kirkland residents which the Kirkland Mayor and City Council ignored. This was a complete breach of their fiduciary duties to represent the Kirkland residents and not the interests of corporations like Google and developers. With all the fake virtue signaling by Penny Sweet that she is for those who are in need, she seems to only want more tax dollars. I am happy that her greed was not rewarded here.

Joan

Joan Lindell Olsen
Kirkland resident since 1977

