

ORDINANCE NO. 3662

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, LAND USE AND ASSISTED LIVING FACILITIES; AMENDING THE USE ZONE CHARTS OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) TO PROVIDE FOR AN ASSISTED LIVING FACILITY USE IN THE RM, PR, WDI, WDIII, BN, BC, BCX, PLA6A, PLA6B, PLA6F, PLA6D, PLA7A, PLA7B, PLA7C, PLA8, PLA13A, PLA13B, PLA17A, CBD1, CBD2, CBD3, CBD4, CBD5, CBD6, CBD7, CBD8, JBD1, JBD2, JBD3, JBD4, JBD5, JBD6, PLA3B, PLA5A, PLA5B, PLA5C, PLA5D, PLA5E, PLA6G, PLA6H, PLA6I, PLA6J, AND PLA6K ZONES; AND ADDING NEW SECTIONS TO CHAPTER 5, AND AMENDING SECTIONS 50.60.2, 115.115.5 AND 125.30 OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) (FILE NO. IV-98-19).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Municipal Code, all as set forth in that certain report of the Planning Commission dated August 21, 1998, and bearing Kirkland Department of Planning and Community Development File No. IV-98-19; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on May 28, 1998, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of nonsignificance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the RM Use Zone Chart in accordance with Appendix A.

Section 2. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PR Use Zone Chart in accordance with Appendix B.

Section 3. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the WDI Use Zone Chart in accordance with Appendix C.

Section 4. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the WDIII Use Zone Chart in accordance with Appendix D.

Section 5. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the BN Use Zone Chart in accordance with Appendix E.

Section 6. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the BC Use Zone Chart in accordance with Appendix F.

Section 7. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the BCX Use Zone Chart in accordance with Appendix G.

Section 8. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA6A Use Zone Chart in accordance with Appendix H.

Section 9. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA6B Use Zone Chart in accordance with Appendix I.

Section 10. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA6F Use Zone Chart in accordance with Appendix J.

Section 11. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA6D Use Zone Chart in accordance with Appendix K.

Section 12. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA7A Use Zone Chart in accordance with Appendix L.

Section 13. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA7B Use Zone Chart in accordance with Appendix M.

Section 14. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA7C Use Zone Chart in accordance with Appendix N.

Section 15. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA8 Use Zone Chart in accordance with Appendix O.

Section 16. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA13A Use Zone Chart in accordance with Appendix P.

Section 17. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA13B Use Zone Chart in accordance with Appendix Q.

Section 18. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA17A Use Zone Chart in accordance with Appendix R.

Section 19. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the CBD1 Use Zone Chart in accordance with Appendix S.

Section 20. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the CBD2 Use Zone Chart in accordance with Appendix T.

Section 21. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the CBD3 Use Zone Chart in accordance with Appendix U.

Section 22. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the CBD4 Use Zone Chart in accordance with Appendix V.

Section 23. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the CBD5 Use Zone Chart in accordance with Appendix W.

Section 24. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the CBD6 Use Zone Chart in accordance with Appendix X.

Section 25. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the CBD7 Use Zone Chart in accordance with Appendix Y.

Section 26. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the CBD8 Use Zone Chart in accordance with Appendix Z.

Section 27. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the JBD1 Use Zone Chart in accordance with Appendix AA.

Section 28. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the JBD2 Use Zone Chart in accordance with Appendix BB.

Section 29. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the JBD3 Use Zone Chart in accordance with Appendix CC.

Section 30. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the JBD4 Use Zone Chart in accordance with Appendix DD.

Section 31. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the JBD5 Use Zone Chart in accordance with Appendix EE.

Section 32. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the JBD6 Use Zone Chart in accordance with Appendix FF.

Section 33. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA3B Use Zone Chart in accordance with Appendix GG.

Section 34. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA5A Use Zone Chart in accordance with Appendix HH.

Section 35. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA5B Use Zone Chart in accordance with Appendix II.

Section 36. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA5C Use Zone Chart in accordance with Appendix JJ.

Section 37. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA5D Use Zone Chart in accordance with Appendix KK.

Section 38. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA5E Use Zone Chart in accordance with Appendix LL.

Section 39. Municipal Code amended: A new use entitled "Assisted Living Facility" is added as Section 60.35.125 to the PLA6G Use Zone Chart in accordance with Appendix MM.

Section 40. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA6H Use Zone Chart in accordance with Appendix NN.

Section 41. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA6I Use Zone Chart in accordance with Appendix OO.

Section 42. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA6J Use Zone Chart in accordance with Appendix PP.

Section 43. Municipal Code amended: A new use entitled "Assisted Living Facility" is added to the PLA6K Use Zone Chart in accordance with Appendix QQ.

Section 44. Municipal Code amended: A new definition for assisted living facility is added to Chapter 5 in accordance with Appendix RR.

Section 45. Municipal Code amended: A new definition for assisted living unit is added to Chapter 5 in accordance with Appendix SS.

Section 46. Municipal Code amended: Section 50.60.2 is revised in accordance with Appendix TT.

Section 47. Municipal Code amended: Section 115.115.5 is revised in accordance with Appendix UU.

Section 48. Municipal Code amended: Section 125.30 is revised in accordance with Appendix VV.

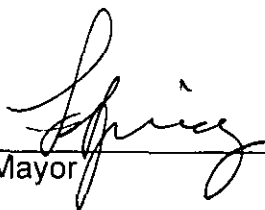
Section 49. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 50. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 51. Except as provided in Section 50, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of November, 1998.


SIGNED IN AUTHENTICATION thereof this 3rd day of
November, 1998.


Deputy Mayor

Attest:


City Clerk

Approved as to Form:


City Attorney

APPENDIX A

TEXT TO BE INCORPORATED INTO THE RM USE ZONE CHART

New Use:	Assisted Living Facility Not permitted in RM 5.0
Required Review Process:	None
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. Any required yard abutting Lake Washington Boulevard at Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation.

8. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

9. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:

a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this Chapter, this provision shall govern.

b. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.

c. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.

10. If the subject property is located east of JBD2 and west of 100th Avenue NE, the following regulation applies:

Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.

APPENDIX B

TEXT TO BE INCORPORATED INTO THE PR USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	70%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process II.B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation.
8. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX C

TEXT TO BE INCORPORATED INTO THE WDI USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	Process I, Chapter 145
Minimums	
Lot Size	3,600 sq. ft.
Required Yards	The minimum dimension of any yard other than those listed is 5'.
Front	30'. See also Spec. Reg. #6.
North Property Line	The greater of—a. 15', or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'
South Property Line	10'
High Water Line	The greater of a. 15', or b. 15% of the average parcel depth
Maximums	
Lot Coverage	80%
Height of Structure	30' above average building elevation. See also Spec. Reg. #8.
Landscape Category	D
Sign Category	A
Required Parking Spaces	2.0 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process II, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorage and public access piers, see the specific listings in this zone.
5. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public uses areas.

6. The required 30' front yard may be reduced 1' for each 1' of this yard that is developed as a public use area if--
 - a. Within 30' of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
 - b. Substantially the entire width of this yard, from north to south property lines, is developed as a public use area; and
 - c. The design of the public use area is specifically approved by the City.
7. A view corridor must be maintained across 30% of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.
8. Structure height may be increased to 35' above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
 - a. The increase is offset by a view corridor that is superior to that required by special regulation #7; or
 - b. The increase is offset by maintaining comparable portions of the structure lower than 30' above average building elevation.
9. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.
10. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
11. See Section 11 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX D

TEXT TO BE INCORPORATED INTO THE WDJII USE ZONE CHART

New Use: Assisted Living Facility

Required Review Process: Process I, Chapter 145

Minimums

Lot Size	3,600 sq. ft.
Required Yards	The minimum dimension of any yard, other than those listed, is 5'.
Front	30'. See also Spec. Reg. #6.
North Property Line	The greater of-- a. 15', or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.
South Property Line	10'
High Water Line	The greater of-- a. 15', or b. 15% of the average parcel depth

Maximums

Lot Coverage	80%
Height of Structure	30' above average building elevation. See also Spec. Reg. #8.
Landscape Category	D
Sign Category	A
Required Parking Spaces	2.0 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorages and public access piers, see the specific listings in this zone.
5. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public uses areas.

6. The required 30-foot front yard may be reduced 1 foot for each 1 foot of this yard that is developed as a public use area if--
 - a. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
 - b. Substantially the entire width of this yard, from north to south property lines, is developed as a public use area; and
 - c. The design of the public use area is specifically approved by the City.
7. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.
8. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
 - a. The increase is offset by a view corridor that is superior to that required by Special Regulation #7; or
 - b. The increase is offset by maintaining comparable portions of the structure lower than 30' above average building elevation.
9. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.
10. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
11. See Section 21 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX E

TEXT TO BE INCORPORATED INTO THE BN USE ZONE CHART

New Use:	Assisted Living Facility See Spec. Reg. #4
Required Review Process:	None
Minimums	
Lot Size	None
Required Yards	Same as these Regulations for the ground floor use. See Spec. Reg. #4.
Front	
Side	
Rear	
Maximums	
Lot Coverage	Same as these Regulations for the ground floor use. See Spec. Reg. #4.
Height of Structure	Same as these Regulations for the ground floor use. See Spec. Reg. #4.
Landscape Category	Same as these Regulations for the ground floor use. See Spec. Reg. #4.
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. This use may not be located on the ground floor of a structure.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 13 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation.

8. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX F

TEXT TO BE INCORPORATED INTO THE BC USE ZONE CHART

New Use:	Assisted Living Facility See Spec. Reg. #4
Required Review Process:	None
Minimums	
Lot Size	None
Required Yards	Same as these regulations for the ground floor use. See Spec. Reg. #4.
Front	
Side	
Rear	
Maximums	
Lot Coverage	Same as these regulations for the ground floor use. See Spec. Reg. #4.
Height of Structure	Same as these regulations for the ground floor use. See Spec. Reg. #4.
Landscape Category	Same as these regulations for the ground floor use. See Spec. Reg. #4.
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process II, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. This use may not be located on the ground floor of a structure.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX G

TEXT TO BE INCORPORATED INTO THE BCX USE ZONE CHART

New Use:	Assisted Living Facility See Spec. Reg. #4
Required Review Process:	None
Minimums	
Lot Size	None
Required Yards	Same as these regulations for the ground floor use. See Spec. Reg. #4.
Front	
Side	
Rear	
Maximums	
Lot Coverage	Same as these regulations for the ground floor use. See Spec. Reg. #4.
Height of Structure	Same as these regulations for the ground floor use. See Spec. Reg. #4.
Landscape Category	Same as these regulations for the ground floor use. See Spec. Reg. #4.
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process 11B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. This use may not be located on the ground floor of a structure.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

8. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:

a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this Chapter, this provision shall govern.

b. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if the public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the Public Pedestrian Access and Public Use areas.

c. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.

APPENDIX H

TEXT TO BE INCORPORATED INTO THE PLA6A USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above building elevation.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased 2 feet for each 1 foot that structure exceeds 25 feet above average building elevation.
8. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX I

TEXT TO BE INCORPORATED INTO THE PLA6B USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq. ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	70%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process II.B. Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX J

TEXT TO BE INCORPORATED INTO THE PLA6F USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process II.B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX K

TEXT TO BE INCORPORATED INTO THE PLA6D USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	If between 1,800 and 3,600 sq. ft. of lot area per unit, then Process I, Chapter 145. If 3,600 sq. ft. of lot area per unit or more, then None. See Special Regulation #8.
Minimums	
Lot Size	3,600 sq. ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
6. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
7. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

8. If proposed development contains less than 3,600 sq. ft. of lot area per unit, the following right-of-way improvements shall be required on rights-of-way which serve the subject property. The improvements shall extend from State Street to the eastern boundary of the subject property/frontage on the right-of-way.

- a. On 2nd Avenue South, 3rd Avenue South, and 5th Avenue South: 20 feet of paved surface, 6 inch vertical curb on each side, 5 foot sidewalk on north side adjacent to curb and 2 foot utility strip on each side. In addition, right-of-way dedication on 5th Avenue South will be required as necessary to install these improvements.
- b. On 4th Avenue South: 24 feet of paved surface, 6 inch vertical curb on each side, 5 foot sidewalk on north side adjacent to curb and 5 foot 6 inch utility strip on each side.

APPENDIX I.

TEXT TO BE INCORPORATED INTO THE PLA7A USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	If development will result in a low density use being bordered on two sides by higher density uses, then Process I, Chapter 145. Otherwise, none.
Minimums	
Lot Size	3,600 sq. ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process III, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. Development on the subject property must be designed to minimize view obstruction from the north.

8. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

9. Refer to Chapter 3 to determine what other provision of this Code may apply to the subject property.

APPENDIX M

TEXT TO BE INCORPORATED INTO THE PLA7B USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	If development will result in a low density use being bordered on two sides by higher density uses, then Process I, Chapter 145. Otherwise, none.
Minimums	
Lot Size	3,600 sq. ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	If adjoining a low density zone other than RSX or detached dwelling unit in Planned Area 7C, then 25' above average building elevation. Otherwise, 30' above average building elevation.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
 3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
 4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
 5. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.
 6. If any portion of a structure is adjoining a low density zone or detached dwelling unit in Planned Area 7C, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone or detached dwelling unit shall not exceed 50 feet in width.
- See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.

7. Development on the subject property must be designed to minimize view obstruction from the north.
8. May not access directly onto 2nd, 3rd, 4th, 5th, or 6th Streets unless no other access is available.
9. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
10. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX N

TEXT TO BE INCORPORATED INTO THE PLA7C USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	If development will result in a low density use being bordered on two sides by higher density uses, then Process I, Chapter 145. Otherwise, none.
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	If adjoining a low density zone other than RSX or detached dwelling unit in Planned Area 7C, then 25' above average building elevation. Otherwise, 30' above average building elevation
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
 3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
 4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
 5. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.
 6. If any portion of a structure is adjoining a low density zone or detached dwelling unit in Planned Area 7C, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone or detached dwelling unit shall not exceed 50 feet in width.
- See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.

7. Development on the subject property must be designed to minimize view obstruction from the north.
8. May not access directly onto 2nd, 3rd, 4th, 5th, or 6th Streets unless no other access is available.
9. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
10. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX O

TEXT TO BE INCORPORATED INTO THE PLA8 USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq. ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	70%
Height of Structure	30' above average building elevation
Landscape Category	D
	See also Spec. Reg. #8.
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process HB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. Development must emphasize Totem Lake as the focal point of this zone.
5. No grading, filling or other development activity may occur below the 120 foot contour line, based on the King County datum point.
6. Refer to Chapter 90 regarding restriction on development around Totem Lake and wetland areas.
7. Shared access points must be used to the maximum extent possible. Curb cuts must be limited to minimize traffic congestion.
8. Must install a landscape berm on the subject property adjacent to 120th Avenue N.E. and Totem Lake Way consistent with existing landscaped berms along these rights-of-way.
9. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
10. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX P

TEXT TO BE INCORPORATED INTO THE PLA13A USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
	See Special Reg. #5.
Rear	10'
Maximums	
Lot Coverage	70%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation
Landscape Category	C
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process 11B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. If the subject property adjoins a low density use, the minimum setback of any structure from the lot containing that low density use is equal to the height of that structure, as measured on the side of that structure closest to the low density use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Façade Regulation" for further details.
7. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

8. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

APPENDIX Q

TEXT TO BE INCORPORATED INTO THE PLA13B USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
	See Special Regulation #5.
Rear	10'
Maximums	
Lot Coverage	70%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation
Landscape Category	C
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process II.B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. If the subject property adjoins a low density use, the minimum setback of any structure from the lot containing that low density use is equal to the height of that structure, as measured on the side of that structure closest to the low density use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

8. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX R

TEXT TO BE INCORPORATED INTO THE PLA17A USE ZONE CHART

New Use: Assisted Living Facility

Required Review Process: Process IIA, Chapter 150

Minimums

Lot Size 2 acres

Required Yards

 Front 20'

 Side 5'

 Rear 10'

Maximums

Lot Coverage 60%

Height of Structure 30' above average building elevation

Landscape Category D

Sign Category A

Required Parking Spaces 1.7 per independent unit
1 per assisted living unit
(See Special Regulation #16)

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone or low density use in PLA 17A, then:
 - a. A building bulk maximum will apply as follows--either:
 - (1) The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - (2) The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 - b. A significant buffer shall be required around all proposed structures and parking areas. This buffer should take the form of up to a 25-foot-wide landscaped area OR a lesser dimensioned area furnished with screening walls, fences, berms, or dense stands of trees, but in no case be less than 10 feet.
 - c. A solid screening wall or fence shall be required between any portion of a parking area which is closer than 40 feet to a low density use, low density zone, or the right-of-way of NE 97th Street. Such wall or fence shall be in addition to the landscape materials required by Chapter 95 of this Code.

See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.

7. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.
8. Building placement and landscape plans should provide views of Forbes Lake from adjacent rights-of-way, particularly 124th Avenue NE and I-405.
9. *West of Forbes Lake, site design should provide for the continuation of a bicycle and pedestrian path which generally follows the alignment of Slater Avenue NE and NE 92nd Street and connects to NE 90th Street.*
10. Adjacent to Forbes Lake, new development should provide for public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints.
11. No vehicular connection through this subarea to NE 90th Street is permitted.
12. Adjacent to I-405, on-site improvements, such as berms, landscaping, acoustic walls, and/or other improvements to minimize visual and noise impacts should be included in site design.
13. During and after construction, substantial setbacks and protective measures should be provided around streams and wetlands.
14. Viewpoints and interpretive information around streams and wetlands should be provided where possible. These features shall be permitted only where protection of natural features can be reasonably assured.
15. Lands upland of the ordinary high waterline only may be included in the calculation of lot area.
16. The parking area shall also include a designated location and facilities to serve on-site residents as they wash or otherwise service their personal vehicles. These facilities shall be so located, improved, and furnished to prevent surface water contaminants, such as detergents, oils, and debris, from entering the lake or wetlands.
17. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX S

TEXT TO BE INCORPORATED INTO THE CBD1 USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	If the structure exceeds 2 stories above the elevation of the abutting right-of-way then Process IIB, Chapter 152. Otherwise, A.D.R. Chapter 142

Minimums

Lot Size	None
Required Yards	
Front	0
Side	0
Rear	0

Maximums

Lot Coverage	100%
Height of Structure	2-4 stories above each abutting right-of-way. See Special Regulation #6.

Landscape Category

D

Sign Category

A

Required Parking Spaces

1.7 per independent unit
 1 per assisted living unit
 See Section 60 of this Chapter.

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
3. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.
4. This use may be located on the street level floor of a building only if there is an intervening retail store front between this use and the abutting right-of-way.
5. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
6. Height measured at the midpoint of the frontage of the subject property on the abutting right-of-way, excluding First Avenue South. Buildings exceeding two stories must demonstrate compliance with the design regulations of Section 50.65 and all provisions contained in the Downtown Plan. The City will determine compliance with these requirements through Process IIB.

APPENDIX T

TEXT TO BE INCORPORATED INTO THE CBD2 USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	A.D.R. Chapter 142. See Spec. Reg. #9.
Minimums	
Lot Size	None
Required Yards	
Front	0
Side	0
Rear	0
Maximums	
Lot Coverage	100%
Height of Structure	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way. See Special Regulations 9, 10, 11, and 12.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit See Section 60 of this Chapter.

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
3. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.
4. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington:
 - a. A high waterline yard equal in depth to the greater of 15 ft. or 15 percent of the average parcel depth is hereby established on the subject property.
 - b. Balconies that are at least 15 feet above finished grade may extend up to 4 feet into the high waterline yard.
 - c. No structure, other than moored structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone.
 - d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.
5. This use may be located on the street level floor of a building only if there is an intervening retail store front between this use and the abutting right-of-way.

6. See Section 18 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
7. This development may also be regulated under the City's Shoreline Master Program; consult that document.
8. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.
9. Along Lake Street South, north of Kirkland Avenue, buildings exceeding one story above Lake Street South shall be reviewed through Process IIB. Buildings exceeding one story shall demonstrate compliance with the Design Regulations of Section 50.65 and all provisions of the Downtown Plan. Through Process IIB the City shall find that any allowance for additional height is clearly outweighed by identified public benefits such as through-block public pedestrian access or through-block view corridors.
10. In no case shall the height exceptions identified in Section 50.62 and 115.60.2.d result in a structure which exceeds 28 feet above the abutting right-of-way.
11. For purposes of measuring building height, if the subject property abuts more than one right-of-way, the applicant may choose which right-of-way shall be used to measure the allowed height of structure.
12. South of Second Avenue South, maximum height of structure is three stories above Lake Street South as measured at the midpoint of the frontage of the subject property on Lake Street South. Buildings exceeding two stories shall be reviewed through Process IIB and shall demonstrate compliance with the design regulations of Section 50.65 and all provisions of the Downtown Plan.

APPENDIX U

TEXT TO BE INCORPORATED INTO THE CBD3 USE ZONE CHART

New Use:	Assisted Living Facility See Special Regulation #7.
Required Review Process:	A.D.R. Chapter 142
Minimums	
Lot Size	None
Required Yards	
Front	20'. See Spec. Reg. #8.
Side	0
Rear	0
Maximums	
Lot Coverage	80%
Height of Structure	3 stories above average building elevation. See Special Regulation #4.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
3. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.
4. No portion of a structure within 100 feet of the southern boundary of Second Avenue South abutting Planned Area 6C may exceed 25 feet above average building elevation.
5. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
6. Site and building design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan.
7. This use may be located on the Kirkland Avenue level of a building only if there is an intervening retail storefront between this use and the right-of-way.
8. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.

APPENDIX V

TEXT TO BE INCORPORATED INTO THE CBD-4 USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	A.D.R. Chapter 142
Minimums	
Lot Size	None
Required Yards	
Front	10'. See Spec. Regs 4 and 5.
Side	0
Rear	0
Maximums	
Lot Coverage	100%
Height of Structure	4 stories above average building elevation or existing grade. See Special Regulations 6 and 7.
Landscape Category	D. See Special Reg. 10.
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
3. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.
4. Structures east of Second Street South shall be set back 20 feet from Second Avenue South.
5. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.
6. Maximum height of structure is 55.4 feet above average building elevation west of Second Street South, including any adjacent structure in CBD-1 west of 2nd Street South developed with a structure in this zone.
7. No portion of a structure within 100 feet of the southerly boundary of Second Avenue South abutting Planned Area 6C shall exceed 25 feet. No portion of a structure within 40' of 1st Avenue S. shall exceed 3 stories.
8. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
9. Development shall not isolate any existing detached dwelling unit in this zone.

10. Landscape Category C is required if subject property is adjacent to Planned Areas 6C.

11. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

APPENDIX W

TEXT TO BE INCORPORATED INTO THE CBD5 USE ZONE CHART

New Use:	Assisted Living Facility See Special Regulation 11.
Required Review Process:	If structure exceeds 2 stories above average building elevation, then Process IIB, Chapter 152. Otherwise, A.D.R., Chapter 142
Minimums	
Lot Size	None
Required Yards	See Special Regulations 4 and 12.
Front	20'
Side	0
Rear	0
Maximums	
Lot Coverage	80%
Height of Structure	3-5 stories above average building elevation. See Special Regulations 5, 6 and 13.
Landscape Category	D. See Special Regulation 9.
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
3. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.
4. The minimum required yard abutting Peter Kirk Park is 10 feet.
5. No portion of a structure within 100 feet of Peter Kirk Park shall exceed 3 stories above average building elevation.
6. No portion of a structure above the elevation of Kirkland Way as measured at the midpoint of the frontage of the subject property on Kirkland Way may exceed the following:
 - a. Within 20 feet of Kirkland Way, 3 stories
 - b. Within 40 feet of Kirkland Way, 4 stories
 - c. Within 50 feet of Kirkland Way, 5 stories
7. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

APPENDIX X

TEXT TO BE INCORPORATED INTO THE CBD6 USE ZONE CHART

New Use: Assisted Living Facility
See Special Regulation 4.

Required Review Process: A.D.R. Chapter 142

Minimums

Lot Size	None
Required Yards	See Special Regulations 5, 6 and 12
Front	20'
Side	10'
Rear	10'

Maximums

Lot Coverage	80%
Height of Structure	4 stories above average building elevation. See also Special Regulations 6 and 7.

Landscape Category: D. See Special Regulation 10.

Sign Category: A

Required Parking Spaces: 1.7 per independent unit
1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
3. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.
4. Along Central Way, this use is only permitted above the ground floor.
5. For any portion of a structure on the subject property within 40 feet of Seventh Avenue or Fifth Street north of Sixth Avenue that does not exceed 30 feet in height above average building elevation, the minimum required side yards are 5 feet but 2 side yards must equal at least 15 feet.
6. The development shall provide significant openness adjacent to Sixth Street.
7. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street, as measured at the midpoint of the frontage of the subject property on Fifth Street.
8. The entire zone must be physically integrated both in site and building design. In addition, the design and development of the subject property must provide pedestrian linkage through this zone and between Central Way and areas to the north of this zone, consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan.

9. The City may require that areas of the northeastern and southeastern portions of the subject property be developed with pedestrian scale amenities and landscaping to enhance the entryway into the Central Business District.
10. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.
11. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
12. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.
13. Along Seventh Avenue, buildings shall be designed with predominantly sloped roof forms.
14. Within 40' of Seventh Avenue, the maximum length of any facade is 50' and a minimum 50% of this area shall be open space.

APPENDIX Y

TEXT TO BE INCORPORATED INTO THE CBD7 USE ZONE CHART

New Use: Assisted Living Facility
See Special Regulation 7.

Required Review Process: A.D.R. Chapter 142

Minimums

Lot Size	None
Required Yards	See Special Regulation 4
Front	20'
Side	0'
Rear	0'

Maximums

Lot Coverage	80%
Height of Structure	3 stories above average building elevation.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
3. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.
4. No setback is required adjacent to Third Street.
5. Site design must include installation of pedestrian linkages between public sidewalks and building entrances and between walkways on the subject property and existing or planned walkways on abutting properties consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan.
6. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
7. This use may be located on the Central Way level of a building only if there is an intervening retail storefront between this use and the right-of-way.

APPENDIX Z

TEXT TO BE INCORPORATED INTO THE CBD8 USE ZONE CHART

New Use:	Assisted Living Facility See Special Regulation 9.
Required Review Process:	A.D.R. Chapter 142
Minimums	
Lot Size	None
Required Yards	See Special Regulations 4, 5, and 14
Front	10'
Side	0'
Rear	0'
Maximums	
Lot Coverage	100%
Height of Structure	30 feet above the elevation of 3rd Avenue or 4th Avenue as measured at the projected midpoint of the frontage of the subject property on the nearest applicable right-of-way. See Special Regulations 6, 7 and 8
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit See Section 60 of this Chapter.

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. *If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:*
 - a. 1 parking stall shall be provided for each bed
3. The development of the subject property or adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.
4. A minimum 20-foot front yard setback is required adjacent to:
 - a. Fourth Avenue between 2nd Street and 3rd Street;
 - b. Third Street, between 3rd Avenue and 4th Avenue;
 - c. Market Street.
5. The minimum required side and/or rear yard abutting the PR 3.6 and PLA 7A zones is 5 feet.
6. No portion of a structure shall exceed the height established by a 3:1 angle starting at a point 41' above the elevation of Central Way as measured at the projected midpoint of the subject property on Central Way and continuing to a point which intersects the established 30' height limit above 3rd Avenue or 4th Avenue.
7. For properties on the west side of 1st Street, the 30' height limit shall be measured above the midpoint of the intersection of 1st Street and 3rd Avenue. For properties with frontage on Market Street, the 30' height limit shall be measured above the midpoint of the subject property bordering the PR zone to the north.

8. The maximum height of a facade along Central Way is 3 stories above the elevation of Central Way as measured above the midpoint of the frontage of the subject property on Central Way.

9. This use may be located on the Central Way level of a building only if there is an intervening retail store front between this use and the right-of-way.

10. This use is not permitted on the street level floor adjacent to Central Way.

11. If the subject property abuts Third Avenue between First Street and Second Street, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue.

12. Site design must include installation of pedestrian linkages between public sidewalks and building entrances and between walkways on the subject property and existing or planned walkways on abutting properties consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan.

13. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

14. Ground floor porches and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25% of the length of the facade of the structure.

APPENDIX AA

TEXT TO BE INCORPORATED INTO THE JBDDI USE ZONE CHART

New Use: Assisted Living Facility
See Special Regulation 5.

Required Review Process: A.D.R. Chapter 142

Minimums

Lot Size None

Required Yards

Front 0'

Side 0'

Rear 0'

Maximums

Lot Coverage 80%

Height of Structure 30' above average building elevation

Landscape Category D

Sign Category A

See Special Regulation 9

Required Parking Spaces 1.7 per independent unit

1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process 11B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 50 of this Chapter.
5. This use may not be located on the ground floor of a structure within 120 feet of 98th Avenue NE, NE 120th Place, or Juanita Drive NE.
6. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property.
7. Building height and placement and other site design features should seek to provide for a view corridor from 98th Avenue NE through the subject property towards Lake Washington.
8. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
9. See Chapters 100 and 162 for information about non-conforming signs. Section 162.35 describes when non-conforming signs must be brought into conformance or removed.

10. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

APPENDIX BB

TEXT TO BE INCORPORATED INTO THE JBD2 USE ZONE CHART

New Use:	Assisted Living Facility See Special Regulation 5.
Required Review Process:	A.D.R. Chapter 142 (See Special Regulation #7)
Minimums	
Lot Size	None
Required Yards	
Front	0'
Side	0'
Rear	0'
Maximums	
Lot Coverage	80%
Height of Structure	26' above average building elevation (See Special Regulation #7)
Landscape Category	D
Sign Category	A
Required Parking Spaces	See Special Regulation #10 1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both *independent dwelling units* and *assisted living units* shall be processed as an *assisted living facility*.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 50 of this Chapter.
5. This use may be located on the street level floor of a building only if there is an intervening retail storefront or office between this use and the abutting right-of-way.
6. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property.
7. The maximum height of structures on the subject property may be increased by up to 13 feet if:
 - a. A view corridor is maintained across 30% of the average parcel width for the portion of the building above 26 feet; and
 - b. The proposal is reviewed and decided upon through Process I, Chapter 145.
The corridor will be located to provide the widest view given development on adjacent properties.

8. See Chapters 100 and 162 for information about non-conforming signs. Section 162.35 describes when non-conforming signs must be brought into conformance or removed.
9. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

APPENDIX CC

TEXT TO BE INCORPORATED INTO THE JBD3 USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	A.D.R. Chapter 142 (See Special Regulation #5)
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	0'
Side	0'
Rear	0'
Maximums	
Lot Coverage	80%
Height of Structure	26' above average building elevation (See Special Regulation #5)
Landscape Category	D See Special Regulation #6
Sign Category	A See Special Regulation #8
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process 11B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 50 of this Chapter.
5. The maximum height of structures on the subject property may be increased by up to 13 feet if:
 - a. A view corridor is maintained across 30% of the average parcel width for the portion of the building above 26 feet; and
 - b. The proposal is reviewed and decided upon through Process I, Chapter 145.
The corridor will be located to provide the widest view given development on adjacent properties.
6. A 10-foot landscape buffer shall be provided along 98th Avenue NE. Alternative techniques for framing this entryway to the business district may be proposed by the applicant as part of A.D.R.
7. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

8. Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.

9. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

10. See Chapters 100 and 162 for information about non-conforming signs. Section 162.35 describes when non-conforming signs must be brought into conformance or removed.

11. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

APPENDIX DD

TEXT TO BE INCORPORATED INTO THE JBD4 USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	A.D.R. Chapter 142
Minimums	
Lot Size	3,600 sq. ft.
Required Yards	
Front	0'
Side	0'
Rear	0'
Maximums	
Lot Coverage	80%
Height of Structure	26' above average building elevation
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process II B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 50 of this Chapter.
5. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.
6. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor, given development on adjacent properties.
7. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
8. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

APPENDIX EE

TEXT TO BE INCORPORATED INTO THE JBD5 USE ZONE CHART

New Use: Assisted Living Facility

Required Review Process: A.D.R. Chapter 142

Minimums

Lot Size 3,600 sq.ft.

Required Yards

Front 0'

Side 0'

Rear 0'

Maximums

Lot Coverage 80%

Height of Structure 26' above average building elevation

Landscape Category D

Sign Category A

Required Parking Spaces 1.7 per independent unit
1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 50 of this Chapter.
5. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.
6. Must provide a required yard of 15 feet or 15 percent of average parcel depth, whichever is greater, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this Chapter, this provision shall govern.
7. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.
8. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

9. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

APPENDIX FF

TEXT TO BE INCORPORATED INTO THE JBD6 USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	A.D.R. Chapter 142 (See Spec. Reg. #5)
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	0'
Side	0'
Rear	0'
Maximums	
Lot Coverage	80%
Height of Structure	26' above average building elevation (See Spec. Reg. #5)
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process 11B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 50 of this Chapter.
5. The maximum height of structures on the subject property may be increased by up to 13 feet if the proposal is reviewed and decided upon through Process I, Chapter 145.
6. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
7. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

APPENDIX GG

TEXT TO BE INCORPORATED INTO THE PLA3B USE ZONE CHART

New Use: Assisted Living Facility

Required Review Process: Process IIB, Chapter 152

Minimums

Lot Size	3,600 sq. ft.
Required Yards	The minimum dimension of any yard, other than those listed, is 5 feet
Front	30' See also Spec. Reg. #6.
North Property Line	The greater of-- a. 15', or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.
South Property Line	10'
High Water Line	The greater of-- a. 15', or b. 15% of the average parcel depth.

Maximums

Lot Coverage	80%
Height of Structure	30' above average building elevation. See also Spec. Reg. #8
Landscape Category	D
Sign Category	A
Required Parking Spaces	2.0 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
3. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
4. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorages and public access piers, see the specific listings in this zone.
5. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public use areas.

6. The required 30 foot front yard may be reduced 1 foot for each 1 foot of this yard that is developed as a public use area if--
 - a. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
 - b. Substantially the entire width of this yard, from north to south property lines, is developed as a public use area; and
 - c. The design of the public use area is specifically approved by the City.
7. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Blvd. to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.
8. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
 - a. The increase is offset by a view corridor that is superior to that required by Special Regulation #7; or
 - b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.
9. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.
10. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
11. See Section 21 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

APPENDIX III

TEXT TO BE INCORPORATED INTO THE PLA5A USE ZONE CHART

New Use: Assisted Living Facility

Required Review Process: None

Minimums

Lot Size	3,600 sq.ft.
Required Yards	The required yard of any structure abutting a lot containing a low density use within PLA 5 must be increased 1' for each 1' that structure exceeds 20' above average building elevation. See also Special Regulation #5.
Front	20'
Side	5', but 2 side yards must equal at least 15'.
Rear	10'

Maximums

Lot Coverage	60%
Height of Structure	30' above average building elevation.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
 - b. Any required yard of the subject property abutting the 4th Avenue right-of-way will be regulated as a front yard.
 - c. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.
6. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or

b. The horizontal length of any facade of that portion of the structure which is within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet. See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.

7. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

8. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX II

TEXT TO BE INCORPORATED INTO THE PLA5B USE ZONE CHART

New Use: Assisted Living Facility

Required Review Process: None

Minimums

Lot Size	3,600 sq.ft.
Required Yards	The required yard of any structure abutting a lot containing a low density use within PLA 5A must be increased 1' for each 1' that structure exceeds 20' above average building elevation. See also Special Regulation #5.
Front	20'
Side	5', but 2 side yards must equal at least 15'.
Rear	10'

Maximums

Lot Coverage	70%
Height of Structure	30' above average building elevation
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process II.B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
 - b. Any required yard of the subject property abutting the 4th Avenue right-of-way will be regulated as a front yard.
 - c. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.
6. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.
7. If any portion of a structure is adjoining a low density use within PLA 5A, then either:

- a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.
- See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.

8. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

9. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX JJ

TEXT TO BE INCORPORATED INTO THE PLA5C USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	See Special Regulations #5, #7 and #8.
Front	20'
Side	5', but 2 side yards must equal at least 15'.
Rear	10'
Maximums	
Lot Coverage	70%
Height of Structure	If the development contains at least 1 acre, then the lower of -6 stories or 60' above average building elevation. Otherwise, 30' above average building elevation.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process II.B. Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
 - b. Any required yard of the subject property abutting the 4th Avenue right-of-way will be regulated as a front yard.
 - c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
 - d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.
6. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or

b. The horizontal length of any facade of that portion of the structure which is within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.
See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.

7. Any portion of a structure that exceeds 30 feet above average building elevation must be set back from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation.

8. The minimum setback from a lot containing a low density use within PLA5A of any structure that exceeds 30 feet above average building elevation is twice the height of that structure as measured on the side of the structure closest to the lot containing a low density use within PLA 5A.

9. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.

10. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

11. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX KK

TEXT TO BE INCORPORATED INTO THE PLA5D USE ZONE CHART

New Use: Assisted Living Facility

Required Review Process: None

Minimums

Lot Size	3,600 sq.ft.
Required Yards	See also Special Regulations #5, #7 and #8.
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'

Maximums

Lot Coverage	60%
Height of Structure	If the development contains at least one acre, then the lower of--4 stories or 40' above average building elevation. Otherwise, 30' above average building elevation.

Landscape Category D

Sign Category A

Required Parking Spaces
1.7 per independent unit
1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
 - b. Any required yard of the subject property abutting the 4th Avenue right-of-way will be regulated as a front yard.
 - c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
 - d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.
6. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or

b. The horizontal length of any facade of that portion of the structure which is within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.
See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.

7. Any portion of a structure that exceeds 30 feet above average building elevation must be set back from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation.

8. The minimum setback from a lot containing a low density use within PLA5A of any structure that exceeds 30 feet above average building elevation is twice the height of that structure as measured on the side of the structure closest to the lot containing a low density use within PLA 5A.

9. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

10. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX LL

TEXT TO BE INCORPORATED INTO THE PLASE USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq. ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	30' above average building elevation
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
6. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. Primary vehicular access must be directly from 2nd Street unless this is not possible.
8. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX MM

NEW SECTION 60.35.125 TO BE ADDED TO THE PLA6G USE ZONE CHART

New Use:	Assisted Living Facility (See Special Regulation 9)
Required Review Process:	None
Minimums	
Lot Size	3,600 sq. ft.
Required Yard	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
 2. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
 3. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility:
 - a. 1 parking stall shall be provided for each bed
 4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
 5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
 6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
- See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.

7. Site design must provide for a bicycle and pedestrian path connection to Lakeview Elementary School and be available for public use.

8. All vehicular access shall be from 7th Avenue So. Access from 5th Place South is prohibited.

9. This use is only permitted south of 7th Avenue South and only if the entire PLA 6G zone south of 7th Avenue South is included.

APPENDIX NN

TEXT TO BE INCORPORATED INTO THE PLA6H USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	Process IIA, Chapter 150
Minimums	
Lot Size	2 acres
Required Yards	See also Special Regulation #5
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	25' above average building elevation
Landscape Category	D. See also Spec. Reg. #6
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Buildings may not be closer than 40 feet to any low density zone.
6. Must provide the buffer described in Buffering Standard 2 in Chapter 95 where the subject property adjoins a low density zone.
7. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
8. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
9. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX OO

TEXT TO BE INCORPORATED INTO THE PLA6I USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	30' above average building elevation
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased 2 feet for each foot that structure exceeds 25 feet above average building elevation.
7. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
8. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.

APPENDIX PP

TEXT TO BE INCORPORATED INTO THE PLA6J USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq.ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX QQ

TEXT TO BE INCORPORATED INTO THE PLA6K USE ZONE CHART

New Use:	Assisted Living Facility
Required Review Process:	None
Minimums	
Lot Size	3,600 sq. ft.
Required Yards	
Front	20'
Side	5', but 2 side yards must equal at least 15'
Rear	10'
Maximums	
Lot Coverage	60%
Height of Structure	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation
Landscape Category	D
Sign Category	A
Required Parking Spaces	1.7 per independent unit 1 per assisted living unit

Special Regulations:

1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of Stacked Dwelling Units allowed on the subject property. Through Process II.B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met:
 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside.
5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
6. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
 See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.
7. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

APPENDIX RR

TEXT TO BE ADDED TO CHAPTER 5 AS SECTION 5.10.41

5.10.41 Assisted Living Facility - A state-licensed multi-unit establishment which provides living quarters and a variety of limited personal care and at least a minimal amount of supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent center or nursing home. Supportive health care may include health care monitoring, such as assistance with medication, but is limited to health care services which may be provided by a boarding home licensed under RCW 18.20. These facilities may consist of individual dwelling units with a full kitchen, partial kitchen or no kitchen. In addition, these facilities may have a communal dining area, recreational facilities (library, lounge, game room, open space), and/or laundry facilities. Assisted living facilities do not include adult family homes, as defined in RCW 70.128.

APPENDIX SS

TEXT TO BE ADDED TO CHAPTER 5 AS SECTION 5.10.42

5.10.42 Assisted Living Unit - a living unit in which a resident receives medical or health care services. A bedroom is the equivalent of a unit for the purpose of calculating the number of assisted living units.

APPENDIX TT
REVISION TO SECTION 50.60.2
(new text is underlined)

50.60.2 Number of Spaces

To the extent that paragraphs 3 and 4 of this Section require that uses in the CBD 1, 2, and 8 zones provide parking, the following establishes the number of spaces required:

- a. Residential uses must provide 1.7 parking spaces for each dwelling unit and 1 parking space for each assisted living unit.
- b. Restaurants and taverns must provide one parking space for each 125 square feet of gross floor area.
- c. All other uses must provide one parking space for each 350 square feet of gross floor area.

APPENDIX UU

REVISION TO SECTION 115.115.5
(new text is underlined)

115.115.5

b. Attached and Stacked Dwelling Units and Assisted Living Facilities in Residential Zones -

- 1) Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for that use. Vehicle parking areas for schools and day care centers greater than 12 students shall have a minimum 20-foot setback from all property lines.
- 2) Driveways shall have a minimum 5' setback from all property lines, except for the portion of any driveway which connects with an adjacent street.

APPENDIX VV

REVISION TO SECTION 125.30
 (deleted text is crossed out; new text is underlined)

125.30 Decision on the PUD - Density

The maximum residential densities that the City may approve in a PUD are as follows:

1. Except as allowed under paragraphs 2 and 3 of this section, the maximum permitted residential density is the greater of that recommended by the ~~Land Use Policies~~ Comprehensive Plan or 110% of that permitted in the zone in which the PUD is located.
2. If the PUD is designed, developed and maintained as "Special Needs Housing," additional density may be permitted on the following basis:
 - a) Housing for senior citizens households, or for mentally, physically or emotionally impaired persons, except for assisted living facilities, may be permitted a maximum density of up to 1.5 times the maximum density recommended by the ~~Land Use Policies~~ Comprehensive Plan, provided that traffic impacts, impacts to public services and utilities, and impacts to adjacent properties are comparable to the impacts of the project if it were not providing special needs housing and if it were developed at the maximum density permitted in the zone in which the project is located.
 - b) Housing for low income households may be permitted a maximum density above the density permitted under paragraphs 1 and 2.a. of this Section based upon the percentage of dwelling units which are low income units, using the following multipliers:

Density	=	Multiplier
% of "Low Income Units"	=	
5-9%	=	1.1
10 - 14%	=	1.2
15 - 19%	=	1.3
20 - 24%	=	1.4
25% +	=	1.5

See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.

8. The entire zone must be physically integrated both in site and building design. Also, site design must include installation of pedestrian linkages contained with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan, between public sidewalks and building entrances, and between walkways on the subject property and existing or planned walkways on abutting properties.
9. Landscape Category C is required if the subject property is adjacent to 6th Street or Kirkland Avenue.
10. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
11. This use only allowed on properties with frontage on Second Avenue.
12. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.
13. Buildings exceeding 2 stories above average building elevation shall demonstrate compliance with the design regulations of Section 50.65 and the provisions of the Downtown Plan Chapter of the Comprehensive Plan. The City will use Process IIB to determine compliance.

PUBLICATION SUMMARY
OF ORDINANCE NO. 3662

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, LAND USE AND ASSISTED LIVING FACILITIES; AMENDING THE USE ZONE CHARTS OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) TO PROVIDE FOR AN ASSISTED LIVING FACILITY USE IN THE RM, PR, WDI, WDIII, BN, BC, BCX, PLA6A, PLA6B, PLA6F, PLA6D, PLA7A, PLA7B, PLA7C, PLA8, PLA13A, PLA13B, PLA17A, CBD1, CBD2, CBD3, CBD4, CBD5, CBD6, CBD7, CBD8, JBD1, JBD2, JBD3, JBD4, JBD5, JBD6, PLA3B, PLA5A, PLA5B, PLA5C, PLA5D, PLA5E, PLA6G, PLA6H, PLA6I, PLA6J, AND PLA6K ZONES; AND ADDING NEW SECTIONS TO CHAPTER 5, AND AMENDING SECTIONS 50.60.2, 115.115.5 AND 125.30 OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) (FILE NO. IV-98-19).

SECTIONS 1-43. Add a new use entitled "Assisted Living Facility" to the Use Zone Charts for the RM, PR, WDI, WDIII, BN, BC, BCX, PLA6A, PLA6B, PLA6F, PLA6D, PLA7A, PLA7B, PLA7C, PLA8, PLA13A, PLA13B, PLA17A, CBD1, CBD2, CBD3, CBD4, CBD5, CBD6, CBD7, CBD8, JBD1, JBD2, JBD3, JBD4, JBD5, JBD6, PLA3B, PLA5A, PLA5B, PLA5C, PLA5D, PLA5E, PLA6G, PLA6H, PLA6I, PLA6J, AND PLA6K zones.

SECTION 44. Adds the definition of assisted living facility to Chapter 5.

SECTION 45. Adds the definition of assisted living unit to Chapter 5.

SECTION 46. Amends Section 50.60.2.

SECTION 47. Amends Section 115.115.5.

SECTION 48. Amends Section 125.30.

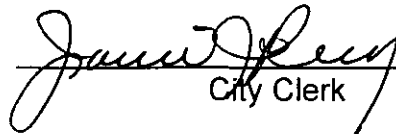
SECTION 49. Provides a severability clause for the ordinance.

SECTION 50. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 51. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 3rd day of November, 1998.

I certify that the foregoing is a summary of Ordinance 0-3662 approved by the Kirkland City Council for summary publication.



City Clerk