

ORDINANCE O-4920

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE RELATED TO THE JUANITA BUSINESS DISTRICT (JBD) 4 ZONE AND THE BUSINESS COMMERCIAL (BC) 1 ZONE, INCLUDING CREATING A NEW DESIGN DISTRICT ENTITLED THE NORTH JUANITA NEIGHBORHOOD CENTER, AND AMENDING THE CITY OF KIRKLAND ZONING CODE, INCLUDING CHAPTERS 5, 35, 52, 92, 105, 112, AND 180; FILE NO. CAM20-00676 AND FILE NO. CAM24-00910.

1 WHEREAS, the City of Kirkland adopted the Kirkland 2044 Comprehensive Plan on
2 December 10, 2024, which establishes updated land use, housing, transportation and
3 economic development policies to guide growth through the year 2044; and
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5 WHEREAS, the Kirkland 2044 Comprehensive Plan identifies Neighborhood Centers
6 as preferred locations to focus increased residential and mixed-use intensity to expand
7 housing opportunities, support local-serving commercial uses, improve walkability, and
8 advance the City's vision for 10-minute neighborhoods; and
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10 WHEREAS, through the 2044 Comprehensive Plan update adopted on December 10,
11 2024, the City added updated Juanita Neighborhood Plan policies, including Policy J-16 and
12 Policy J-20, which specifically direct the City to initiate zoning code amendments for portions
13 of the Juanita and North Juanita Neighborhood Centers to increase capacity and secure
14 desired public benefits and community outcomes; and
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16 WHEREAS, the Washington State Legislature has enacted significant updates to the
17 Growth Management Act (GMA) requiring cities to plan for and accommodate substantially
18 higher housing targets, including the provision of additional mid-rise and high-intensity housing
19 types to meet mandated housing targets for affordable housing types; and
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21 WHEREAS, the City Council has received a recommendation from the Kirkland
22 Planning Commission to amend certain sections of the Kirkland Municipal Code, Kirkland
23 Zoning Code, and Kirkland Zoning Map as set forth in the reports dated July 15, 2025,
24 September 2, 2025, November 5 2025, and November 18, 2025, and bearing Kirkland
25 Planning and Building Department File Nos. CAM20-00676 and File No. CAM24-00910; and
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27 WHEREAS, prior to making the recommendation, the Kirkland Planning Commission,
28 following notice as required by RCW 36.70A.035, on June 12, 2025, held a public hearing on
29 the amendment proposals and considered the comments received prior to and at the hearing
30 to evaluate zoning concepts for the subject areas, and subsequently recommended zoning
31 amendments intended to remove barriers to housing, support mixed-use redevelopment, and
32 provide key public benefits such as pedestrian connections, commercial activation, and
33 affordable housing options; and
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35 WHEREAS, the City Council reviewed the Planning Commission's recommendations
36 throughout 2025 and identified additional refinements to ensure that increased development
37 capacity is aligned with community priorities and formally tied to public benefits including
38 pedestrian and bicycle circulation improvements, affordable housing, sustainable building
39 performance, and vibrant commercial spaces; and
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41 WHEREAS, the City Council has determined that increasing allowed height and
42 development intensity in the JBD 4 and BC 1 zones should be paired with other public benefit
43 requirements and that this increase is necessary to implement the Comprehensive Plan, meet
44 mandated housing obligations, and promote equitable and sustainable neighborhoods; and
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46 WHEREAS, currently townhome developments are not permitted in the BC-1 zone
47 because higher density mixed-use developments are more effective at helping the City achieve
48 its housing targets and obligations under state law and its goals under the City's
49 Comprehensive Plan, including activating neighborhood centers; and
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51 WHEREAS, the development community has indicated that higher density mixed-use
52 development alone is currently financially infeasible but that authorizing townhomes in the BC-
53 1 zone would facilitate their construction of subsequent higher density mixed-use development,
54 and the City Council finds that allowing townhomes in the BC-1 zone provides a financial
55 benefit to developer; and
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57 WHEREAS, to ensure that the City's development expectations and needs around
58 higher density mixed-use development are met, the City Council is authorizing townhome
59 development only to the extent such lower-density residential use guarantees subsequent,
60 near-term mixed-use development, including penalties in the event of non-performance; and
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62 WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has been a
63 SEPA Addendum to the City of Kirkland 2015 Comprehensive Plan Update Draft and Totem
64 Lake Planned Action Ordinance Final Environmental Impact Statement (EIS), the NE 85th
65 Street Station Area Planned Action Final Supplemental EIS, and the 2044 Comprehensive
66 Plan Update Final Supplemental EIS, that was issued by the responsible official pursuant to
67 WAC 197-11-625 on June 9, 2025 (File No. SEP25-00365); and
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69 NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:
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71 Section 1. KZC 5.10.023 is hereby amended as follows, with the new text shown in
72 underline, deletions shown in ~~strikethrough~~, and the intentional omission of unchanged
73 sections or parts of tables indicated with three asterisks (***) ; all other provisions of these
74 sections remain unchanged and in full force, and these provisions for identifying changes apply
75 throughout this ordinance:
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77 **.023 Affordable Housing Unit**

78 1. An owner-occupied dwelling unit reserved for occupancy by eligible households and
79 affordable to households whose household annual income does not exceed the following
80 percent of the King County median household income, adjusted for household size, as
81 determined by the United States Department of Housing and Urban Development (HUD), and
82 no more than 30 percent of the monthly household income is paid for monthly housing
83 expenses (mortgage and mortgage insurance, property taxes, property insurance and
84 homeowners' dues):
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- 86 a. Eighty percent in the CBD 5A, RH8, TL, HENC 2, PLA 5C, NMU, CVU, and UF zoning
87 districts and for Transit Oriented Development in the PR 1.8 zone; or
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- 89 b. One hundred percent in the BC 1, JBD 4, and density limited zoning districts.
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91 2. A renter-occupied dwelling unit reserved for occupancy by eligible households and
92 affordable to households whose household annual income does not exceed 50 percent of the

93 King County median household income, adjusted for household size, as determined by HUD,
 94 and no more than 30 percent of the monthly household income is paid for monthly housing
 95 expenses (rent and an appropriate utility allowance).
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97 In the event that HUD no longer publishes median income figures for King County, the City
 98 may use any other method for determining the King County median income, adjusted for
 99 household size (Ord. 4855 § 1, 2023; Ord. 4733 § 1, 2020; Ord. 4637 § 3, 2018; Ord. 4474 §
 100 1, 2015; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)
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102 Section 2. KZC 35.10.030 is hereby amended to read as follows:
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104 **.030 BC 1, BC 2 Zones**

105 1. In the BC 1 and BC 2 zones, the following requirements shall apply to all development
 106 that includes residential or assisted living uses, and where the maximum allowed height of the
 107 structure is 35 feet above average building elevation:

- 108 a. The development must include commercial use(s) with gross floor area on the ground
 109 floor equal to or greater than 25 percent of the parcel size for the subject property.
 110 Commercial floor area shall be one or more of the following uses: Retail; Restaurant
 111 or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
- 112 b. The commercial floor shall be a minimum of 13 feet in height.
- 113 c. Commercial uses shall be oriented to adjoining arterials.
- 114 d. Residential uses, assisted living uses, and parking for those uses shall not be located
 115 on the street level floor unless an intervening commercial frontage is provided between
 116 the street and those other uses or parking subject to the standards above. The
 117 intervening commercial frontage shall be a minimum of 20 feet in depth. The Planning
 118 and Building Director may approve a minor reduction in the depth requirements if the
 119 applicant demonstrates that the requirement is not feasible given the configuration of
 120 existing or proposed improvements and that the design of the commercial frontage will
 121 maximize visual interest. Lobbies for residential or assisted living uses may be allowed
 122 within the commercial frontage provided they do not exceed 20 percent of the
 123 building's linear commercial frontage along the street.

124 2. In BC 1 and BC 2 zones, developments creating four or more new dwelling units shall
 125 provide at least 10 percent of the units as affordable housing units as defined in Chapter 5
 126 KZC. Two additional units may be constructed for each affordable housing unit provided. See
 127 Chapter 112 KZC for additional affordable housing incentives and requirements.

128 3. In the BC 1 and BC 2 zones, side and rear yards abutting a residential zone shall be 20
 129 feet. Does not apply to development subject to KZC 35.10.030(7).

130 4. In the BC 1 and BC 2 zones, all required yards for any portion of a structure must be
 131 increased one foot for each foot that any portion of the structure exceeds 35 feet above
 132 average building elevation (does not apply to Public Park uses). Does not apply to
 133 development subject to KZC 35.10.030(7).

134 5. ~~Reserved.~~ Attached Dwelling Units are not allowed within the BC 1 zone, except Attached
 135 Dwelling Units may be allowed under the following conditions:

- 136 a. Subject property is at least 60,000 square feet and is located west of 100th Avenue
 137 NE; and
- 138 b. Attached Dwelling Units are no closer than 200 feet away from any portion of 100th
 139 Avenue NE; and

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c. A mixed-use development including at least 300 stacked dwelling units on, or adjacent to, the subject property is either:

1) certified for occupancy before the submission of any development permits including Attached Dwelling Units; or proposed for correlated development as follows: prior to issuance of any construction permits for Attached Dwelling Units, the applicant executes and records with the King County Recorder's Office a covenant, approved by the City Attorney, guaranteeing that a mixed-use development including at least 300 stacked dwelling units will be completed on, or adjacent to, the subject property.

The covenant must identify a date by which a complete mixed-use development permit application must be vested, which must be no more than three years following the issuance of the first Attached Dwelling Unit certificate of occupancy, and a date by which construction of the mixed-use development must begin. The covenant must also include the following condition: All public improvements for pedestrian-oriented streets required by Chapter 110 KZC must be fully constructed for all property considered in the covenant as part of the first phase of development. A certificate of occupancy shall not be issued for any first-phase building until these improvements are installed and approved by the City.

The covenant must also provide a remedy in the event the deadlines for the mixed-use development are not met, including but not limited to that the current owner or owner(s) shall pay to the City an amount of \$2 million dollars. The covenant must be accompanied by a bond guaranteeing full payment if the applicant and/or owner defaults on their financial obligations under the covenant, with the payment bond subject to terms and conditions similar to those for maintenance and performance bonds provided under chapter 175 KZC as appropriate, or, in lieu of a payment bond, the covenant can be accompanied by an equivalent guaranty acceptable to the City Attorney and Director of Planning and Building.

6. In the BC 1 zone, Attached Dwelling Units and Assisted Living Facilities located at the street level floor along NE 132nd Street shall have a minimum five-foot required yard.

7. In the BC 1 zone, the following requirements shall apply to all development that includes attached dwelling units, or where the maximum allowed height of the structure is 75 feet above average building elevation:

a. The development must include commercial use(s) along a minimum of 70 percent of the aggregate linear frontage of all buildings fronting 100th Avenue NE. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.

b. The ground floor of all mixed-use structures with frontage on a pedestrian-oriented street shall be a minimum of 15 feet in height (see Plate 34 R, Chapter 180 KZC).

c. Commercial frontage shall be a minimum of 20 feet in depth with an average depth of 25 feet. The Planning and Building Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest.

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- d. Lobbies, leasing offices, and amenity space for residential or assisted living uses may be allowed within the frontage along 100th Avenue NE provided they do not exceed 20 percent of the aggregate linear frontage of all buildings. The Design Review Board (or Planning and Building Director if not subject to Design Board Review) may approve a minor increase to ground floor residential lobbies and amenities if they are connected to retail use and the design of the ground floor frontage will maximize visual interest.
- e. Development shall provide a transition along the portion of the property line abutting a low-density residential zone. Transitions shall be established using a sky exposure plane that sets the maximum envelope for massing within the subject property. The sky exposure plane shall be measured at a 45-degree angle from the common lot line to the maximum allowed height of the subject property. No portion of the structure shall extend into this sky plane exposure.
- f. Where public improvements are required by Chapter 110 KZC, minimum 16-foot-wide sidewalks are required along all pedestrian-oriented streets on the side of the right-of-way that abuts BC 1. The 16 feet will allow for street trees in 4 ft x 6 ft tree wells and 12 feet for unobstructed pedestrian movement.
- g. Development shall comply with the following requirements for short-term and long-term bicycle parking:

<u>Use</u>	<u>Short-Term Bicycle Parking Rate (spaces per suite/unit/bed or per sq. ft. of gross floor area)</u>	<u>Long-Term Bicycle Parking Rate (spaces per suite/unit/bed or per sq. ft. of gross floor area)</u>
<u>Residential: Residential Suites, Attached or Stacked Dwelling Units</u>	<u>0.25/suite or unit</u>	<u>1/suite or unit</u>
<u>Residential: Assisted Living Facility</u>	<u>0.25/unit</u>	<u>0.08/unit</u>
<u>Residential: Convalescent Center</u>	<u>0.25/bed</u>	<u>0.08/bed</u>
<u>Commercial: General</u>	<u>0.50/1,000 SF GFA</u>	<u>0.33/1,000 SF GFA</u>
<u>Commercial: Office</u>	<u>0.07/1,000 SF GFA</u>	<u>0.33/1,000 SF GFA</u>
<u>Institutional</u>	<u>As determined by City Transportation Engineer under KZC 105.25</u>	<u>As determined by City Transportation Engineer under KZC 105.25</u>

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- 1) The required number of bicycle parking spaces shall be rounded up to the nearest whole number.
- 2) The Planning Official may modify the required amount of bicycle parking according to size of development and anticipated pedestrian and bicycle activity as determined by the City Transportation Engineer. Lack of existing bicycle and pedestrian activity shall not be considered sufficient criteria to provide less than the minimum required amount of bicycle parking.
- 3) Developments providing 10 or more long-term bicycle parking spaces shall install wayfinding signage identifying the direction and distance to the nearest public bicycle route, greenway, transit stop, and on-site bicycle parking areas. Signage shall be located at primary bicycle access points and key decision points within the site (e.g., at site entrances, path

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intersections, or parking areas). Signage shall be designed to be visible and durable, and must comply with Chapter 100 KZC.

- 4) Bicycle parking facilities shall be consistent with building design and materials (e.g., matching building accent colors, unique design that mimics building patterns) and reviewed during Design Review.
- 5) Final design and location of bike parking is subject to approval by the Public Works Official.

h. If a proposed use or development will contain four (4) or more units, then it must contain the following amount of common recreational open space usable for many activities:

<u>Unit Range</u>	<u>Required Open Space (sf/unit)</u>	<u>Minimum Dimension of Any Space</u>
<u>First 50 units</u>	<u>50 sf per unit</u>	<u>30' x 30'</u>
<u>Units 51-200</u>	<u>40 sf per unit</u>	<u>35' x 35'</u>
<u>Units 201-400</u>	<u>32 sf per unit</u>	<u>45' x 45'</u>
<u>Units 401+</u>	<u>25 sf per unit</u>	<u>50' x 50'</u>

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- i. If a development is creating 500 units or more, a minimum of two (2) consolidated spaces with the minimum dimensions of 40' x 40' shall be provided.
- j. A minimum of 50% of the required common recreational open space usable for many activities shall be publicly accessible during traditional business hours as set forth in a covenant in a form acceptable to the City Attorney. The covenant must be filed by the property owner with the City for recording with the King County Recorder's Office to indicate the presence of the publicly accessible open space, and reference to other standards outlined in this section. The covenant shall run with the land as long as the residential development is maintained on the property.
- k. Publicly accessible open space shall have direct, visible pedestrian access and clear signage from a public right-of-way or pedestrian pathway.
- l. Required Public Amenities – The development shall provide a minimum number of publicly oriented placemaking amenities within required common open space based on the total number of dwelling units:

<u>Project Size (Dwelling Units)</u>	<u>Minimum Open Space Public Amenities Required</u>
<u>4-50 units</u>	<u>2 amenities</u>
<u>51-200 units</u>	<u>3 amenities</u>
<u>201+ units</u>	<u>4 amenities</u>

- 1) For the purposes of this section, the following features qualify as public amenities:
 - i. Furnishings, including but not limited to:
 - a) Seating – Fixed benches, seat walls, or movable chairs and tables providing at least 1 seat per 50 sf of common open space.

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- b) Weather Protection – Canopies, shade structures, or umbrellas covering at least 10% of publicly accessible open space.
 - c) Pedestrian-scale Lighting – Lighting fixtures no taller than 14 feet, spaced to illuminate pathways and gathering areas.
 - ii. Public Art Installation – Includes murals, sculptures, or interactive pieces.
 - iii. Games, Interactive, or Play Feature – Includes small-scale play equipment, natural climbing elements, or interactive installations. May also include table or ground-mounted games such as ping-pong, chess, or similar.
 - iv. Native or Functional Gardening Area – A landscaped area with a minimum of 50% native or pollinator-friendly plants, approved by the Planning Official, with pedestrian access; or a usable gardening space for residents.
 - v. Public Hydration Station – Drinking fountains or bottle-filling stations accessible to the general public.
 - vi. Community message board or display space.
 - vii. Alternative public amenities proposed by an applicant and approved by the Planning Official which aligns with Comprehensive Plan and Juanita Neighborhood Plan objectives. No more than one (1) alternative public amenity shall be approved.
 - 2) Amenity features shall be permanently installed and maintained by the property owner.
 - m. Developments shall be designed, built and certified to achieve or exceed the high performing building standards described in KZC 115.62. This provision does not apply to development permits vested on or before December 31, 2029.
 - n. Development shall provide a gateway feature, such as public art. The gateway feature shall be established at the corner of NE 132nd Street and 100th Avenue. The Planning Official shall determine the specific location of the required gateway feature. The gateway feature shall be reviewed and approved based on applicable design guidelines.
68. Maximum height of structure is as follows:
- a. In the BC 1 zone, 35 feet above average building elevation.
 - b. In the BC 1 zone, 75 feet above average building elevation if:
 - 1) Development contains residential uses and one or more commercial uses; and
 - 2) Subject property is at least 60,000 square feet and is located west of 100th Avenue NE.
 - bc. In the BC 2 zone, 35 feet above average building elevation. Structure height may be increased to 60 feet in height if:
 - 1) At least 50 percent of the floor area is residential;
 - 2) Parking is located away from the street by placing it behind buildings, to the side of buildings, or in a parking structure;

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

Section 3: KZC 35.20 is hereby amended to read as follows:

**Permitted Uses Table – Commercial Zones
(BN, BNA, FHNC, BC 1, BC 2, BCX, HENC 1, HENC 3)**

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

Use	Required Review Process:							
	I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC				DR = Design Review, Chapter 142 KZC None = No Required Review Process			
	NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)							
	BN, BNA	FHNC	BC 1	BC-1, BC 2	BCX	HENC 1, HENC 3		
35.20.010	Assisted Living Facility	DR 1, 2, 3	DR 1, 2, 3	<u>None</u> <u>1,2,4</u>	None 1, 2, 4	DR 1, 2, 5	DR 1, 2, 4	
35.20.020	Attached or Stacked Dwelling Units*	DR 3	DR 3	<u>None</u> <u>4</u>	None 4	DR 5	DR 4	
35.20.030*	Reserved							
35.20.040	Church	DR 10	DR 10	<u>None</u> <u>10</u>	None 10	DR 10	DR 10	
35.20.050	Community Facility	DR	DR	<u>None</u>	None	DR	DR	
35.20.060	Convalescent Center	DR	DR	<u>None</u> <u>2</u>	None 2	DR	DR 2	
35.20.070	Entertainment, Cultural and/or Recreational Facility	DR 11, 12, 13, 14	DR 11, 12, 13, 14	<u>None</u>	None	DR 14	DR	
35.20.080	Government Facility	DR	DR	<u>None</u>	None	DR	DR	
35.20.090	Hotel or Motel	NP	DR 15	<u>None</u> <u>15</u>	None 15	DR 15	DR 15	
35.20.100	Mini-School or Mini-Day-Care Center	DR 10, 16, 17	DR 10, 16, 17	<u>None</u> <u>10, 16, 17</u>	None 10, 16, 17	DR 10, 16, 17	DR 10, 16, 17	
35.20.110	Nursing Home	DR	DR	<u>None</u> <u>2</u>	None 2	DR	DR 2	
35.20.120	Office Use	DR 18, 19, 21	DR 18, 19, 21	<u>None</u> <u>18, 19</u>	None 18, 19	DR 18, 19	DR 18, 19	
35.20.130	Private Lodge or Club	DR	DR	<u>None</u>	None	DR	DR	
35.20.140	Public Park	See KZC 45.50 for required review process.						
35.20.150	Public Utility	IIA	IIA	<u>None</u>	None	DR	DR	

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Use		Required Review Process:					
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC				DR = Design Review, Chapter 142 KZC None = No Required Review Process	
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)					
		BN, BNA	FHNC	BC 1	BC-1, BC 2	BCX	HENC 1, HENC 3
35.20.160	Restaurant or Tavern	DR 11, 12, 13	DR 11, 12, 13	None <u>11, 13, 32</u>	None 11, 13	DR 11, 13	DR 11
35.20.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	NP	DR 12, 23	None <u>11, 12, 23, 30, 32</u>	None 11, 12, 23, 30	DR 11, 12, 23	DR 11, 12, 23, 30
35.20.180*	Retail Establishment providing banking and related financial services	DR 11	DR 11	None <u>11, 32</u>	None 11	DR 11	DR 11
35.20.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	DR 11, 12, 13	DR 11, 12, 13	None <u>11, 12, 32</u>	None 11, 12	DR 11, 12	DR 11, 12
35.20.200	Retail Establishment providing storage services	NP	NP	None. <u>32</u>	NP	NP	DR 25, 26, 31
35.20.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	NP	NP	None <u>27, 32</u>	None 27	NP	NP
35.20.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	DR 11, 23, 30	DR 11, 23, 30	None <u>11, 12, 23, 30, 32</u>	None 11, 12, 23, 30	DR 11, 12	DR 11, 12, 23, 30
35.20.230*	Retail Establishment selling groceries and related items	DR 11, 23	DR 11, 23	None <u>11, 12, 23, 30, 32</u>	None 11, 12, 23, 30	DR 11, 12	DR 11, 12, 23, 30
35.20.240*	Retail Variety or Department Store	DR 11, 23	DR 11, 23	None <u>11, 12, 23, 30, 32</u>	None 11, 12, 23, 30	DR 11, 12	DR 11, 12, 23, 30
35.20.250	School or Day-Care Center	DR 10, 16, 17	DR 10, 16, 17	None <u>10, 16, 17</u>	None 10, 16, 17	DR 10, 16, 17	DR 10, 16, 17
35.20.260*	Reserved						

		Required Review Process:					
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC			DR = Design Review, Chapter 142 KZC None = No Required Review Process		
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)					
Use		BN, BNA	FHNC	BC 1	BC-1, BC 2	BCX	HENC 1, HENC 3
35.20.270	Vehicle Service Station	DR 17, 28, 29	DR 17, 28, 29	I 28	I 28	DR 28	DR 28

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Permitted Uses (PU) Special Regulations:

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PU-1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.

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PU-2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.

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PU-3. This use is only allowed on the street level floor subject to the provisions of KZC 35.10.020(1) or 35.10.050.

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PU-4*. Attached Dwelling Units are not allowed in the BC-1 and BC 2 zones. In the HENC 1 and HENC 3 zones, this use, with the exception of a lobby, may not be located on the ground floor of a structure. In the BC 1 and BC 2 zones, this use is only allowed subject to the applicable provisions of KZC 35.10.030(2).

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PU-5*. Attached or Stacked Dwelling Units and Assisted Living Facilities are allowed in BCX subject to the provision of KZC 35.10.040.

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PU-6*. This use specifically excludes new or used vehicle or boat sales or rentals, except motorcycle sales, service, or rental is permitted if conducted indoors.

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PU-7. ~~Reserved. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining to any residentially zoned property. Windows are permitted if they are triple paned and unable to be opened.~~

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PU-8. Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.

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PU-9. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.

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PU-10. May include accessory living facilities for staff persons.

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PU-11. Uses with drive-in and drive-through facilities are prohibited in the BN zone. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

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PU-12. Ancillary assembly and manufactured goods on the premises of this use are permitted only if:

- 343 a. The assembled or manufactured goods are directly related to and are
 344 dependent upon this use, and are available for purchase and removal from the
 345 premises.
- 346 b. The outward appearance and impacts of this use with ancillary assembly or
 347 manufacturing activities must be no different from other retail uses.
- 348 PU-13. For restaurants with drive-in or drive-through facilities, one outdoor waste receptacle
 349 shall be provided for every eight parking stalls.
- 350 PU-14. Entertainment, cultural and/or recreational facilities are only allowed in BCX, BNA and
 351 FHNC zones.
- 352 PU-15. May include ancillary meeting and convention facilities.
- 353 PU-16. A six-foot-high fence is required along the property lines adjacent to the outside play
 354 areas.
- 355 PU-17. Hours of operation may be limited by the City to reduce impacts on nearby residential
 356 uses.
- 357 PU-18. The following regulations apply to veterinary offices only:
- 358 a. May only treat small animals on the subject property.
- 359 b. Outside runs and other outside facilities for the animals are not permitted.
- 360 c. Site must be designed so that noise from this use will not be audible off the
 361 subject property. A certification to this effect, signed by an acoustical engineer,
 362 must be submitted with the development permit application.
- 363 PU-19. Ancillary assembly and manufacture of goods on the premises of this use are permitted
 364 only if:
- 365 a. The ancillary assembled or manufactured goods are subordinate to and
 366 dependent on this use.
- 367 b. The outward appearance and impacts of this use with ancillary assembly or
 368 manufacturing activities must be no different from other office uses.
- 369 PU-20. Reserved.
- 370 PU-21. For properties located within the Moss Bay neighborhood, this use not allowed above
 371 the street level floor of any structure.
- 372 PU-22. Reserved.
- 373 PU-23. A delicatessen, bakery, or other similar use may include, as part of the use, accessory
 374 seating if:
- 375 a. The seating and associated circulation area does not exceed more than 10
 376 percent of the gross floor area of the use; and
- 377 b. It can be demonstrated to the City that the floor plan is designed to preclude the
 378 seating area from being expanded.
- 379 PU-24. Reserved.
- 380 PU-25. May include accessory living facilities for resident security manager.
- 381 PU-26. This use not permitted if any portion of the property is located within 150 feet of the
 382 Cross Kirkland Corridor.
- 383 PU-27. Vehicle and boat rental are allowed as part of this use.
- 384 PU-28. May not be more than two vehicle service stations at any intersection.

- 385 PU-29. This use is not allowed in the BN zone.
- 386 PU-30. Retail establishments selling marijuana or products containing marijuana are not
- 387 permitted on properties abutting the school walk routes shown on Plate 46.
- 388 PU-31. This use not permitted unless accessory to another permitted use.
- 389 PU-32. In BC 1, any proposed development subject to KZC 35.10.030(7) shall be reviewed
- 390 pursuant to KZC 142.
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Section 4. KZC 35.30 is hereby amended to read as follows:

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

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

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
35.30.010	Assisted Living Facility	BN: None ³ BNA: None ^{2,3} FHNC: None ² BC 1, BC 2, HENC 1, HENC 3: None ¹ BCX: None	BN, BNA: ⁴ FHNC: ^{4, 4B, 1B} BC 1, BC 2: ^{4, 5, 8} BCX: ^{6, 7} HENC 1, HENC 3: ^{4, 20}				
35.30.020*	Attached or Stacked Dwelling Units	BN, BNA: None ^{2, 7, 8} FHNC: None ² BCX, HENC 1, HENC 3: None BC 1, BC 2: None ¹⁶⁻¹⁷	BN, BNA, BC 1, BC 2: ^{4, 12, 24} FHNC: ^{4, 10, 1B} HENC 1, HENC 3: ^{4, 20, 21} BCX: ^{6, 7}				
35.30.030*	Reserved						
35.30.040	Church	None	10' BN: 20' BC 1: 10' ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9, 23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9, 23} BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9-10, 11} BNA: 35' above ABE. ^{9-10, 11} FHNC: ¹⁶⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{6, 7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.050	Community Facility	None	10' BN: 20' BC 1: 10' ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9, 23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9, 23} BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9-10, 11} BNA: 35' above ABE. ^{9-10, 11} FHNC: ¹⁶⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{6, 7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹

USE		Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
35.30.060	Convalescent Center	None	10' BN: 20' <u>BC 1: 10'</u> ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80%	BNA: 35' above ABE. ^{9-10,11} BC 1, BC 2: ⁺⁺¹² FHNC: ⁺⁺²⁰ BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ^{20,21}
35.30.070	Entertainment, Cultural and/or Recreational Facility	None BN, BNA: None ^{8,9,12}	10' BCX: 0' <u>BC 1: 10'</u> ²³	BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80% ^{21,22}	BN: 30' above ABE. ^{9-10,11} BNA: 35' above ABE. ^{9-10,11} FHNC: ⁺⁺²⁰ BC 1, BC 2: ⁺⁺¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ^{20,21}

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35.30.080	Government Facility	None	10' BN: 20' <u>BC 1: 10'</u> ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9-10,11} BNA: 35' above ABE. ^{9-10,11} FHNC: ⁺⁺²⁰ BC 1: 50' above ABE. BC 2: ⁺⁺¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ^{20,21}
35.30.090	Hotel or Motel	None	10' ²³	BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0' FHNC: 10'	BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0' FHNC: 10'	80%	FHNC: ⁺⁺²⁰ BC 1, BC 2: ⁺⁺¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ^{20,21}
35.30.100	Mini-School or Mini-Day-Care Center	None	10' BN: 0' <u>BC 1: 10'</u> ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9-10,11} BNA: 35' above ABE. ^{9-10,11} FHNC: ⁺⁺²⁰ BC 1, BC 2: ⁺⁺¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ^{20,21}
35.30.110	Nursing Home	None	10' BN: 20' <u>BC 1: 10'</u> ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9-10,11} BNA: 35' above ABE. ^{9-10,11} FHNC: ⁺⁺²⁰ BC 1, BC 2: ⁺⁺¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ^{20,21}
35.30.120	Office Use	None	10' BN: 0' <u>BC 1: 10'</u> ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23}	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23}	80%	BN: 30' above ABE. ^{9-10,11} BNA: 35' above ABE. ^{9-10,11} FHNC: ⁺⁺²⁰

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				BCX, HENC 1, HENC 3: 0'	BCX, HENC 1, HENC 3: 0'		BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.130	Private Lodge or Club	None	10' BN: 20' <u>BC 1: 10'</u> ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9-10,11} BNA: 35' above ABE. ^{9,10,11} FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹

35.30.140	Public Park	Development standards will be determined on a case-by-case basis.					
35.30.150	Public Utility	None	10' BN: 20' <u>BC 1: 10'</u> ²³	BN, BNA, FHNC: 20' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 20' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9,10,11} BNA: 35' above ABE. ^{9,10,11} FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.160	Restaurant or Tavern	None BN, BNA, HENC 1, HENC 3: None ¹²	10' BN, HENC 1, HENC 3: 0' BCX: 20' <u>BC 1: 10'</u> ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80% ^{21,22}	BN: 30' above ABE. ^{9,10,11} BNA: 35' above ABE. ^{9,10,11} FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	None	BCX: 20' FHNC, BC 1, BC 2: 10' ²³ HENC 1, HENC 3: 0'	BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0' FHNC: 10'	BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0' FHNC: 10'	80% ^{21,22}	FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.180*	Retail Establishment providing banking and related financial services	None BN, BNA, HENC 1, HENC 3: None ¹²	BN, HENC 1, HENC 3: 0' BCX: 20' BNA, FHNC, BC 1, BC 2: 10' ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80% ^{21,22}	BN: 30' above ABE. ^{9,10,11} BNA: 35' above ABE. ^{9,10,11} FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	None BN, BNA, HENC 1, HENC 3: None ¹²	BN, HENC 1, HENC 3: 0' BCX: 0' BNA, FHNC, BC 1, BC 2: 10' ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80% ^{21,22}	BN: 30' above ABE. ^{9,10,11} BNA: 35' above ABE. ^{9,10,11} FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{6,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹

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35.30.200	Retail Establishment providing storage services	None	HENC 1, HENC 3: 10'	HENC 1, HENC 3: 0'	HENC 1, HENC 3: 0'	80%	HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	None	BC 1, BC 2: 10' ²³	BC 1, BC 2: 0' ^{8-9,23}	BC 1, BC 2: 0' ^{8-9,23}	80%	BC 1, BC 2: ¹¹⁻¹²
35.30.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	None BN, BNA: None ¹⁴	BN, HENC 1, HENC 3: 0' BCX: 0' BNA, FHNC, BC 1, BC 2: 10' ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80% ²¹⁻²²	BN: 30' above ABE. ^{9-10,11} BNA: 35' above ABE. ^{9-10,11} FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{9,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.230*	Retail Establishment selling groceries and related items	None BN, BNA: None ¹⁴	BN, HENC 1, HENC 3: 0' BCX: 0' BNA, FHNC, BC 1, BC 2: 10' ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80% ²¹⁻²²	BN: 30' above ABE. ^{9-10,11} BNA: 35' above ABE. ^{9-10,11} FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{9,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.240*	Retail Variety or Department Store	None BN, BNA: None ¹⁴	BN, HENC 1, HENC 3: 0' BCX: 0' BNA, FHNC, BC 1, BC 2: 10' ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80% ²¹⁻²²	BN: 30' above ABE. ^{9-10,11} BNA: 35' above ABE. ^{9-10,11} FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{9,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.250	School or Day-Care Center	None	BN: 0' BNA, FHNC, BC 1, BC 2, BCX, HENC 1, HENC 3: 10' ²³	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^{8-9,23} BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9-10,11} BNA: 35' above ABE. ^{9-10,11} FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{9,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹
35.30.260*	Reserved						
35.30.270	Vehicle Service Station	22,500 sq. ft.	40'	15'	15'	80%	BNA: 35' above ABE. ⁹⁻¹⁰ FHNC: ¹⁹⁻²⁰ BC 1, BC 2: ¹¹⁻¹² BCX: 30' above ABE. ^{9,7} HENC 1, HENC 3: 30' above ABE. ²⁰⁻²¹

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

- 403 DD-1. In BC 1, BC 2 and HENC 1, subject to density limits listed for attached and
 404 stacked dwelling units. For density purposes, two assisted living units constitute
 405 one dwelling unit.
- 406 DD-2. In the BNA zone and in the FHNC zone for properties containing less than five
 407 acres, the gross floor area of this use shall not exceed 50 percent of the total
 408 gross floor area on the subject property.
- 409 DD-3. For density purposes, two assisted living units shall constitute one dwelling unit.
 410 Total dwelling units may not exceed the number of stacked dwelling units
 411 allowed on the subject property.
- 412 DD-4. Same as the regulations for the ground floor use.
- 413 DD-5. See KZC 35.10.030(2) for applicable inclusionary zoning requirements.
- 414 DD-6. See KZC 35.10.030(7) for applicable development standards for mixed-use
 415 development in the BC 1 zone.
- 416 ~~DD-67.~~ See KZC 35.10.040.
- 417 ~~DD-78.~~ The minimum amount of lot area per dwelling unit is as follows:
 418 a. In the BN zone, 900 square feet.
 419 b. In the BNA zone:
 420 i. North of NE 140th Street, 1,800 square feet.
 421 ii. South of NE 124th Street, 2,400 square feet.
- 422 DD-89. See KZC 35.10.030(4).
- 423 DD-910. If adjoining a low-density zone other than RSX or RSA, then 25 feet above ABE.
- 424 ~~DD-4011.~~ See KZC 35.10.020(1)(b).
- 425 DD-4412. In BC 1, maximum building height is 75 feet above ABE for mixed-use
 426 development if requirements of KZC 35.10.030(8) are met. Development shall
 427 be subject to the provisions of KZC 35.10.030(2) and KZC 35.10.030(7). See
 428 KZC 35.10.030(6).
- 429 DD-4213. Gross floor area for this use may not exceed 10,000 square feet, except in the
 430 BN zone the limit shall be 4,000 square feet.
- 431 ~~DD-4314.~~ Reserved.
- 432 DD-4415. The gross floor area for this use may not exceed 10,000 square feet. Exceptions:
 433 a. Retail establishments selling groceries and related items in the BNA zone
 434 are not subject to this limit.
 435 b. In the BN zone, the limit shall be 4,000 square feet.
- 436 DD-4516. For school use, structure height may be increased, up to 35 feet, if:
 437 a. The school can accommodate 200 or more students; and
 438 b. The required side and rear yards for the portions of the structure
 439 exceeding the basic maximum structure height are increased by one foot
 440 for each additional one foot of structure height; and

- 441 c. The increased height is not specifically inconsistent with the applicable
- 442 neighborhood plan provisions of the Comprehensive Plan.
- 443 d. The increased height will not result in a structure that is incompatible with
- 444 surrounding uses or improvements.
- 445 DD-1617. Nine hundred square feet per unit in BC 1 and BC 2. Does not apply to
- 446 development subject to KZC 35.10.030(7).
- 447 DD-1718. Gas pump islands may extend 20 feet into the front yard. Canopies or covers
- 448 over gas pump islands may not be closer than 10 feet to any property line.
- 449 Outdoor parking and service areas may not be closer than 10 feet to any
- 450 property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further
- 451 regulations.
- 452 DD-4819. See KZC 35.10.050(2).
- 453 DD-4920. See KZC 35.10.050.
- 454 DD-2021. See KZC 35.10.060.
- 455 DD-2122. In the BCX and BC 1 zones, where this use is the ground floor of a mixed-use
- 456 development, 100 percent lot coverage applies to the entire development.
- 457 DD-23. In the BC 1 zone, where this use is the ground floor of a mixed-use
- 458 development that is subject to KZC 35.10.030(7), all required yards are
- 459 reduced to 0'.
- 460 DD-24. See KZC 35.10.030(6)

Section 5. KZC 35.40 is hereby amended to read as follows:

**Development Standards Table – Commercial Zones
(BN, BNA, FHNC, BC 1, BC 2, BCX, HENC 1, HENC 3)**

(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.010	Assisted Living Facility	1	A ¹⁴ 1.7 per independent unit. 1 per assisted living unit. ¹⁸
35.40.020	Attached or Stacked Dwelling Units	1	A ¹⁴ 1.2 per studio unit. ¹⁸ 1.3 per 1 bedroom unit. ¹⁸ 1.6 per 2 bedroom unit. ¹⁸ 1.8 per 3 or more bedroom unit. ¹⁸ See KZC 105.20 for visitor parking requirements. See DS-2. ¹⁸
35.40.030*	Reserved		
35.40.040	Church	C	B ¹⁴ 1 for every four people based on maximum occupancy load of any area of worship. ³
35.40.050	Community Facility	C ⁴	B ¹⁴ BN, BNA: B ⁵ See KZC 105.25.
35.40.060	Convalescent Center	C BN, BNA: B ⁵	B ¹⁴ 1 for each bed.

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.070	Entertainment, Cultural and/or Recreational Facility	B BNA: B ⁶	E ¹⁴ BNA: D	See KZC 105.25.
35.40.080	Government Facility	C ⁴	B ¹⁴ BN, BNA: B ⁵	See KZC 105.25.
35.40.090	Hotel or Motel	B	E ¹⁴	1 per each room. ⁷
35.40.100	Mini-School or Mini-Day-Care Center	D BN, BNA: B ⁵	B ¹⁴	See KZC 105.25. ^{8, 9, 18}
35.40.110	Nursing Home	C BN, BNA: B ⁵	B ¹⁴	1 for each bed. ¹⁸
35.40.120	Office Use	BN, BNA: B ⁵ HENC 1, HENC 3, BC 1, BC 2: C FHNC, BCX: B	D ¹⁴	1 per each 300 sq. ft. of gross floor area. ¹³
35.40.130	Private Lodge or Club	C BN, BNA: B ⁵	B ¹⁴	1 per each 300 sq. ft. of gross floor area.
35.40.140	Public Park	Development standards will be determined on a case-by-case basis.		
35.40.150	Public Utility	A ⁴	B ¹⁴ BN, BNA: B ⁵	See KZC 105.25.
35.40.160	Restaurant or Tavern	BN, BNA: B ⁵ FHNC, BC 1, BC 2, BCX: B ¹⁰ HENC 1, HENC 2: B	E ¹⁴ BN, BNA: D	1 per each 100 sq. ft. of gross floor area. ^{15, 18}
35.40.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	B	E ¹⁴	1 per each 300 sq. ft. of gross floor area. ¹⁸
35.40.180*	Retail Establishment providing banking and related financial services	B ⁶	E ¹⁴ BN, BNA: D	1 per each 300 sq. ft. of gross floor area. ¹⁸
35.40.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	B ⁶	E ¹⁴ BN, BNA: D	1 per each 300 sq. ft. of gross floor area. ¹⁸
35.40.200	Retail Establishment providing storage services	A	E	See KZC 105.25.
35.40.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	A	E	BC 1, BC 2: See KZC 105.25. ^{11, 18}
35.40.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	B ⁶	E ¹⁴ BN, BNA: D	1 per each 300 sq. ft. of gross floor area. ¹⁸
35.40.230*	Retail Establishment selling groceries and related items	B ⁶	E ¹⁴ BN, BNA: D	1 per each 300 sq. ft. of gross floor area. ¹⁸

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.240*	Retail Variety or Department Store	B ⁶	E ¹⁴ BN, BNA: D	1 per each 300 sq. ft. of gross floor area. ¹⁸
35.40.250	School or Day-Care Center	D BN, BNA: B ⁶	B ¹⁴	See KZC 105.25. ^{9, 12}
35.40.260*	Reserved			
35.40.270	Vehicle Service Station	A	E ¹⁴ BNA: D	See KZC 105.25.

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Development Standards (DS) Special Regulations:

- DS-1. Same as the regulations for the ground floor use. Landscape Category E for street level floor residential uses, otherwise same as the regulations for the street level floor use.
- DS-2. Within the BCX zone a parking modification to decrease the required number of spaces for attached or stacked dwelling units is not required to increase the parking supply 15 percent over demand per KZC 105.103(3).
- DS-3. No parking is required for day-care or school ancillary to this use.
- DS-4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
- DS-5. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
 - a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
 - b. The electronic readerboard is no more than 50 percent of the sign area;
 - c. Moving graphics and text or video are not part of the sign;
 - d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
 - e. The electronic readerboard displays messages regarding public service announcements or City events only;
 - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
 - g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
 - h. It is located to have the least impact on surrounding residential properties.

If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning and Building Director may impose additional conditions.
- DS-6. See KZC 35.10.020(2).

- 501 DS-7. Excludes parking requirements for ancillary meeting and convention facilities.
502 Additional parking requirement for these ancillary uses shall be determined on a case-
503 by-case basis.
- 504 DS-8. An on-site passenger loading area may be required depending on the number of
505 attendees and the extent of the abutting right-of-way improvements.
- 506 DS-9. The location of parking and passenger loading areas shall be designed to reduce
507 impacts on nearby residential uses.
- 508 DS-10. For restaurants with drive-in or drive-through facilities Landscape Category A shall
509 apply.
- 510 DS-11. Outdoor vehicle or boat parking or storage areas must be buffered as required for a
511 parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for
512 further regulations.
- 513 DS-12. An on-site passenger loading area must be provided. The City shall determine the
514 appropriate size of the loading areas on a case-by-case basis, depending on the
515 number of attendees and the extent of the abutting right-of-way improvements.
516 Carpooling, staggered loading/unloading time, right-of-way improvements or other
517 means may be required to reduce traffic impacts on nearby residential uses.
- 518 DS-13. If a medical, dental or veterinary office, then one per each 200 square feet of gross
519 floor area.
- 520 DS-14. Signs for a development within the BCX zone must be proposed within a master sign
521 plan application (KZC 100.80). In addition to the approval criteria of KZC 100.80(4) a
522 master sign plan application shall show how signs on the subject property will not be
523 visually disruptive to the adjoining residential neighborhood.
- 524 DS-15. Within the BCX zone the required parking for Restaurants and Taverns uses is one
525 per each 300 square feet of gross floor area.
- 526 DS-16. For developments within BC 1 including attached dwelling units, or where the
527 maximum allowed height of the structure is 75 feet above average building elevation,
528 the required parking spaces are as follows:
- 529 a. For residential units under 1,200 sq. ft. of gross floor area: None
530 b. For affordable housing units, as defined in Chapter 5 KZC: None
531 c. For nonresidential ground floor uses in mixed-use buildings: None
532 d. For residential units with at least 1,200 sq. ft. of gross floor area: .5 per unit
533 e. For standalone commercial uses with at least 3,000 sq. ft. of gross floor area: 1
534 per each 500 sq. ft. of gross floor area.
535

Section 6. KZC 52.25 is hereby amended to read as follows:

Section 52.25

Zone
JBD-4

Section 52.25 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

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

2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.

3. Must provide public pedestrian access as required under Chapter 83 KZC.

4. Developments creating new mixed-use buildings must provide a public pedestrian easement at least 10 feet in width and construct pathway improvements for connection between Juanita Bay Park and Juanita Beach Park. The intent of this required public pedestrian easement and pathway improvement is to provide a safe, accessible, and functional nonmotorized connection between Juanita Bay Park and Juanita Beach Park, constructed to a standard suitable for its intended public use, as determined by the Planning and Building Director or their designee. No more than one complete connection shall be required. The required public pedestrian connection may be approved within a critical area or an associated buffer if adequate mitigation is reviewed and approved pursuant to the standards for private and public nonmotorized trails within Chapter 90 KZC. Final location, configuration and pathway improvement specifications of the required connection on the subject property shall be determined by the Planning Official in conjunction with Parks and Community Services Director, who will take adjoining property characteristics and improvements into account. All public pedestrian easements shall be provided in a form acceptable to the City Attorney, and recorded with the King County Recorder's Office. Land survey information shall be provided by the applicant for this purpose in a format approved by the Planning Official.

a) This subsection 4 does not prevent the City from requiring provision of a public pedestrian easement and construction of pathway improvements upon redevelopment of any use, when such requirement is supported under RCW 82.02.020 and any other applicable law or regulation.

5. Where public improvements are required by Chapter 110 KZC, sidewalks on pedestrian-oriented streets within JBD 4 shall be a minimum 17 feet wide along 98th Avenue NE and NE Juanita Drive on the side of the

	<p><u>right-of-way that abuts JBD 4. The 17 feet will allow for street trees in 4 ft x 6 ft tree wells and 13 feet for a mixed-use sidewalk and bike facility clear of obstructions.</u></p> <p>45. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.</p> <p>56. May also be regulated under the Shoreline Master Program; refer to Chapter 83 KZC.</p>
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Section 7. A new section on "Development containing attached or stacked dwelling units and one or more of the following uses:" is added to the section table in KZC 52.27, which shall be codified as KZC 52.27.130, to read as follows, and the remaining sections of KZC 52.27 are to be consecutively renumbered as .140 (Assisted Living Facility), .150 (Convalescent Center or Nursing Home), .160 (Public Utility, Government Facility, and Community Facility), and .170 (Public Parks), such that the table will read as follows:

Code Section	Use	Required Review Process	Minimums				Maximums		Landscape Category	Sign Category	Required Parking Spaces	Special Regulations
			Lot Size	Required Yards			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.130	<p>Development containing attached or stacked dwelling units and one or more of the following uses:</p> <ul style="list-style-type: none"> - Retail Establishments, including Restaurants and Taverns - Office Uses <p>See Special Regulations 1, 2, 3 and 5.</p>	D.R. See Special Regulation 1.	None	0'	0'	0'	100%	75' above average building elevation.	E	E	<p>For residential units under 1,200 sq. ft. of gross floor area: None.</p> <p>For affordable housing units as defined in Chapter 5 KZC: None.</p> <p>For nonresidential ground floor uses in mixed-use buildings: None.</p> <p>For residential units with at least 1,200 sq. ft. of gross floor area: 5 per unit.</p>	<ol style="list-style-type: none"> A development which includes two or more of the uses specifically listed in this "use" column may also include one or more of the other uses allowed in this zone. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Retail establishments providing storage services unless accessible to another permitted use. Automobile sales and/or rental facilities. Outdoor storage of bulk commodities. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. Drive-in and drive-through facilities. Restaurants, taverns, retail establishments selling goods and services, and entertainment, cultural, and/or recreational facilities shall occupy at least 75 percent of street level frontage along 98th Avenue NE and NE Juana Drive. The ground floor shall be a minimum of 13 feet in height. Commercial use frontage shall be a minimum of 20 feet in depth. The Planning and Building Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Residential and assisted living uses, along with associated lobbies and amenity spaces, are permitted on the ground floor of portions of the structure that do not front NE Juana Drive. Developments containing this use that are subject to Design Review shall be reviewed pursuant to KZC 142. Development shall be designed, built, and certified to achieve or exceed the high performing building standards described in KZC 115.02. This provision does not apply to development permits vested on or before December 31, 2022.
Section 52.27	USE REGULATION	Required Review Process	MINIMUMS REQUIRED YARDS (See Ch. 115)			MAXIMUMS		Landscape Category (See Ch. 56)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
.140	Assisted Living Facility	D.R., Chapter 142 KZC.	3,600 sq. ft.	0'	0'	0'	80%	25' above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 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. 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 KZC, 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: <ol style="list-style-type: none"> Project is of superior design, and Project will not create impacts that are substantially different than would be created by a permitted multifamily development. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.150	Convalescent Center or Nursing Home	None						25' above average building elevation.	C	B	1 for each bed.	<ol style="list-style-type: none"> 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.
.160	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1.		See KZC 105.25.	<ol style="list-style-type: none"> Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.170	Public Parks	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

543
544 Section 8. KZC 92.05 is hereby amended to read as follows:
545

546 **92.05 Introduction**

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

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555 * * *

556 Section 9. KZC 92.10 is hereby amended to read as follows:
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558 **92.10 Site Design, Building Placement and Pedestrian-Oriented Facades**

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562 7. Building Location at Street Corners in CBD, JBD 4, HENC 1 and HENC 3

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564 a. Building Corners in the CBD, JBD 4, HENC 1 and HENC 3 – If the subject property is
565 adjacent to the intersection of two (2) streets, at least one (1) of which is a pedestrian-
566 oriented street, the applicant shall use one (1) or more of the following elements or
567 treatments in the design and construction of the corner of the building facing the
568 intersection of the streets which includes the pedestrian-oriented street. As an
569 alternative, the applicant may propose other techniques, elements or treatments in the
570 design of the corner which are consistent with the design guidelines and the provisions
571 of the Comprehensive Plan.

572 1) Provide at least 100 square feet of sidewalk area or pedestrian-oriented open
573 space in addition to the area required to produce a 10-foot-wide sidewalk as required
574 under KZC 110.52, pedestrian-oriented street (see Figure 92.10.E).

575 2) Provide an entranceway to a store, building atrium or lobby, exterior courtyard or
576 pedestrian-oriented open space (see Figure 92.10.F).

577 3) Provide a pedestrian pathway, at least eight (8) feet in width, that connects to
578 another street, public feature or building (see Figure 92.10.F).

579 4) Provide one (1) or more of the elements listed below on both sides of an axis
580 running diagonally through the corner of the building and bisecting the angle formed by
581 the two (2) building facades (see Figure 92.10.G):

582 a) A bay window or turret.

583 b) A roof deck.

584 c) Balconies above the ground floor.

585 d) A building corner setback notch or curved facade surface.

586 e) Sculpture or artwork, either bas-relief or figurative.

587 f) Distinctive use of facade materials.

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- 5) Provide special or unique treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building.

Options for Corner Setback Configurations

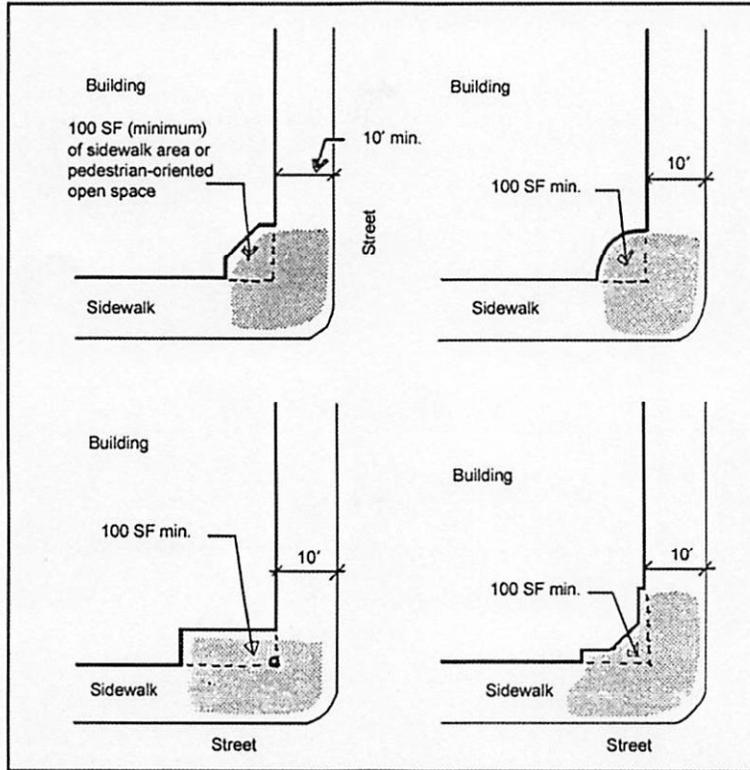


FIGURE 92.10.E

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Options for Corner Entry Elements

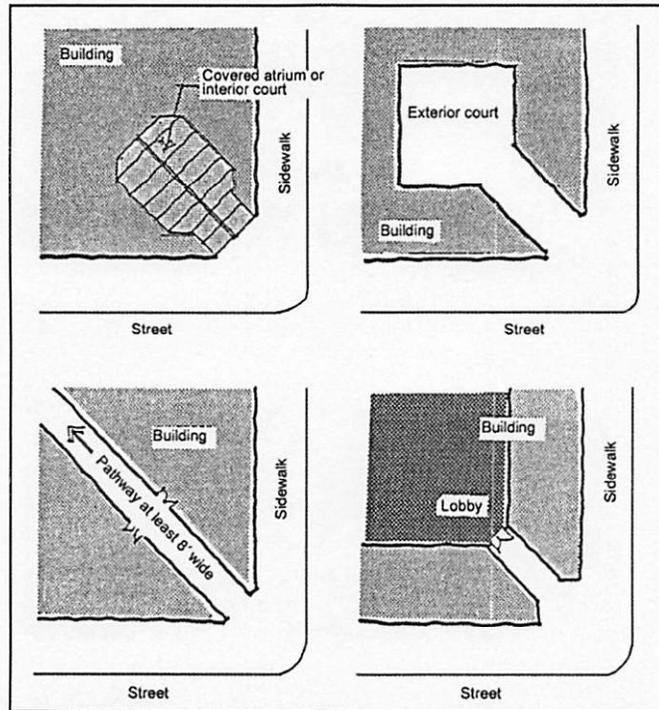


FIGURE 92.10.F

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Architectural Elements for Corners

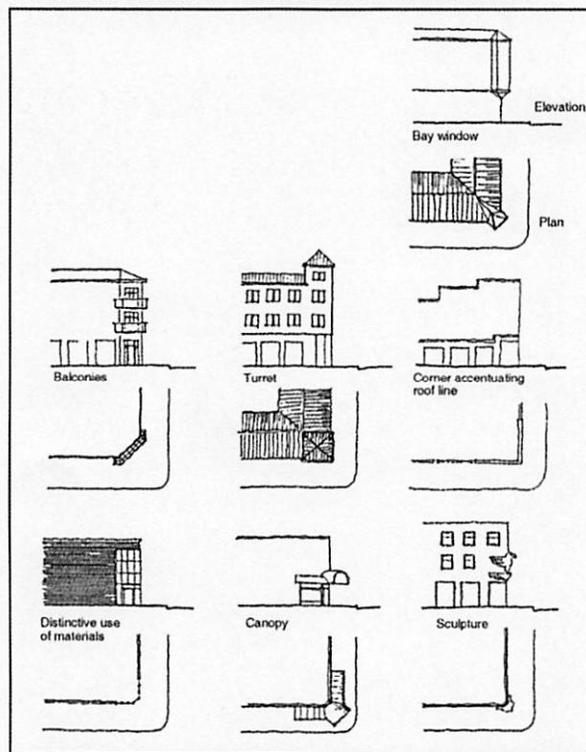


FIGURE 92.10.G

Section 10. KZC 92.15 is hereby amended to read as follows:

92.15 Pedestrian-Oriented Improvements on or Adjacent to the Subject Property

2. Pedestrian-Oriented Space and Plazas in BDC, CBD, JBD 4, BN, BNA, BCX, MSC 2, FHNC, HENC 1, HENC 3, NRHBD, RH8 and TLBD Zones

a. In the CBD, JBD 4, BN, BNA, BCX, MSC 2, FHNC, HENC 1, HENC 3 or in BDC – If the subject property abuts a pedestrian-oriented street (see Plate 34 in Chapter 180 KZC) or public park, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

- 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
- 2) Contain paved walking surface of either concrete or approved unit pavers.
- 3) Contain on-site or building-mounted lighting which provides adequate illumination.
- 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
- 5) Contain landscaping such as trees, shrubs, trellises, or potted plants.
- 6) It may not include asphalt or gravel pavement or be adjacent to an unscreened parking area, a chain link fence or a blank wall which does not comply with the requirements of subsection (3) of this section, Blank Wall Treatment.
- 7) An alternative solution for the pedestrian-oriented space may be established through a Conceptual Master Plan in TL 2.

b. In the NRHBD Zones – If the subject property abuts a major pedestrian sidewalk on the southwest corner of NE 116th Street and 124th Avenue NE (see Plate 34 in Chapter 180 KZC), the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

- 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
- 2) Contain paved walking surface of either concrete or approved unit pavers.
- 3) Contain on-site or building-mounted lighting which provides adequate illumination.
- 4) Contain two linear feet of seating area or one individual seat per 65 square feet of area between the sidewalk and the building.
- 5) Contain landscaping, such as trees, shrubs, trellises, or potted plants.
- 6) In the alternative, the pedestrian-oriented space can be integrated with a pedestrian connection linking Slater Avenue NE and NE 116th Street, anywhere on the subject property, consistent with the criteria in subsections (2)(b)(1) through (5) of this section.

Section 11. KZC 92.30 is hereby amended to read as follows:

92.30 Architectural and Human Scale

* * *

6. Achieving Human Scale in All Zones

a. General

1) CBD – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least two of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a building facing a street or public park.

2) BN, BC 1, JBD, NRHBD, RH8, MSC, BDC, YBD and TLBD – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least one (1) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a one-story building facing a street or through-block pathway, and at least two of the elements or techniques for a two-story building facing a street or through-block pathway (see Plate 34 in Chapter 180 KZC).

3) All Zones – The applicant shall use at least three of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of any facade of a building facing a street, through-block pathway or public park, if:

- a) The facade has a height of three or more stories; or
- b) The facade is more than 100 feet long.

b. Techniques To Achieve Human Scale in All Zones – The techniques to be used in the design and construction of building facades under subsection (6)(a) of this section are listed below. As an alternative, the applicant may propose other techniques, elements or methods which provide human scale to the building and are consistent with the applicable design guidelines and the Comprehensive Plan.

1) On each story above the ground floor, provide balconies or decks, at least six feet wide and six feet deep.

2) On each story above the ground floor, provide bay windows that extend out at least one foot, measured horizontally, from each facade of the building.

3) Provide at least 150 square feet of pedestrian-oriented space in front of each facade (see KZC 92.15(2)(c)(2)).

4) Provide at least one-half of the window area above the ground floor of each facade consistent with all of the following criteria (see Figure 92.30.J):

- a) The windows must have glazed areas with dimensions less than five feet by seven feet.
- b) The windows must be surrounded by trim, molding and/or sill at least two inches wide.
- c) Individual window units must be separated from adjacent window units by at least six inches of siding or other exterior finish material of the building.

5) Provide at least one-half of the window area above the ground floor of each facade facing a street or public park in panes with dimensions less than two feet by three feet and with individual panes separated by window mullions (see Figure 92.30.K).

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Individual Windows Option

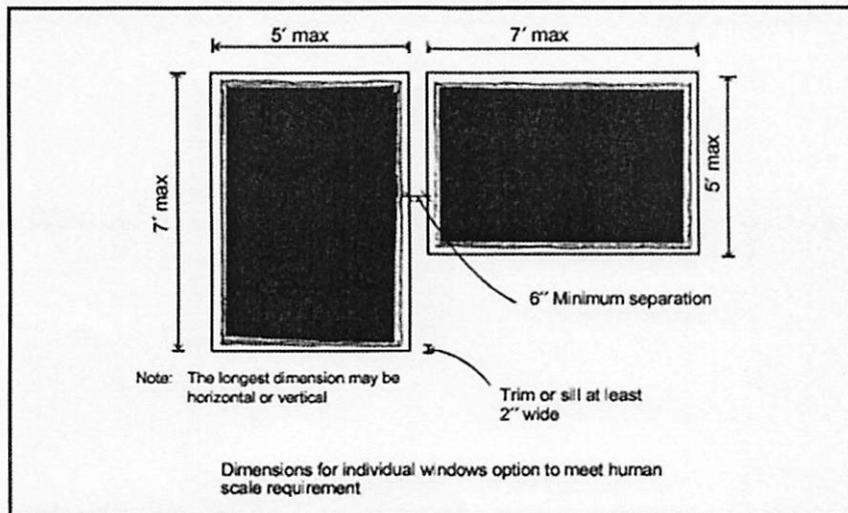


FIGURE 92.30.J

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Multiple-Paned Fenestration Option

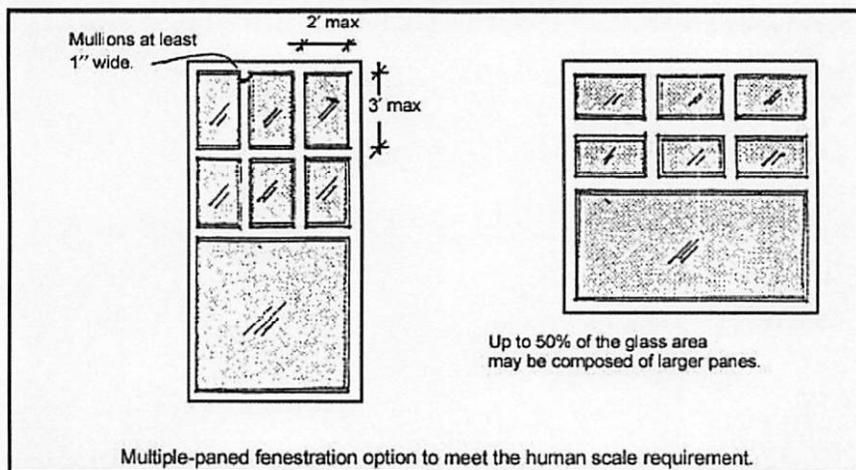


FIGURE 92.30.K

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6) Provide a hipped or gable roof which covers at least one-half of the building footprint and has a slope equal to or greater than three feet vertical to 12 feet horizontal. To meet this requirement, the ridge width of a continuous roofline shall not extend more than 100 feet without modulation. This includes a gabled or other sloped roofline segment at least 20 feet in width.

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7) If the main entrance of the building is on the facade of the building facing a street, through-block pathway, or public park, provide a covered porch or entry on the subject property at the building's main entrance. Pedestrian weather protection required under KZC 105.18 may not be used to meet this requirement unless the required pedestrian weather protection covers an area at least 15 feet long by 15 feet wide and is available for outdoor display or outdoor vendors or contains pedestrian-oriented improvements or amenities beyond what is otherwise required.

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8) Provide one (1) or more stories above the ground floor setback at least six feet from the ground floor facade facing the street, through-block pathway, or a public park.

9) Compose smaller building elements near the entry of a large building (see Figure 92.30.L).

Section 12. KZC 105.18 is hereby amended to read as follows:

105.18 Pedestrian Access

3. Pedestrian Access – Required Improvements

a. Pedestrian Walkway Standards – General – The applicant shall install pedestrian walkways pursuant to the following standards:

- 1) Must be at least five feet wide;
- 2) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;
- 3) Must have adequate lighting for security and safety. Lights must be nonglare and mounted no more than 20 feet above the ground;
- 4) Must be centrally located on the subject property;
- 5) Must be accessible;
- 6) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;
- 7) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.

b. Overhead Weather Protection – Location – The applicant shall provide pedestrian overhead weather protection in the following locations:

- 1) Along any portion of the building which is adjacent to a pedestrian walkway or sidewalk;
- 2) Over the primary exterior entrance to all buildings including residential units.
- 3) Exceptions in Design Districts:

In CBD Zones: Along at least 80 percent of the frontage of the subject property on each pedestrian-oriented street.

In RHBD, BN, BNA, BCX, BC 1, MSC 2, FHNC, HENC 1, HENC 3 and TLBD Zones: Along at least 75 percent of a pedestrian-oriented building facade.

In JBD Zones: Along 100 percent of a building facade abutting a street or through-block pathway.

For more information regarding designated pedestrian-oriented streets see Plate 34 in Chapter 180 KZC, and pedestrian-oriented facades in Chapter 92 KZC.

745 Section 13. KZC 105.58 is hereby amended to read as follows:
746

747 **105.58 Location of Parking Areas Specific to Design Districts**

748 If the subject property is located in a Design District, the applicant shall locate parking areas on
749 the subject property according to the following requirements:

- 750 1. Location of Parking Areas in the CBD, BCX, BC 1, HENC, BDC (TL 1, TL 2, TL 3) Zones
- 751 a. Parking areas shall not be located between a pedestrian-oriented street and a
752 building unless specified in a Conceptual Master Plan in TL 2. (See Plate 34 in
753 Chapter 180 KZC and Chapters 92 and 110 KZC for additional requirements
754 regarding pedestrian-oriented streets).
- 755 b. On all other streets, parking lots shall not be located between the street and the
756 building on the subject property unless no other feasible alternative exists.

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759 Section 14. KZC 112.15 is hereby amended to read as follows:
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761 **112.15 Affordable Housing Requirement**

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764 2. Calculation in Density-Limited Zones – For developments in density-limited zones, the
765 required amount of affordable housing shall be calculated based on the number of dwelling
766 units proposed prior to the addition of any bonus units allowed pursuant to KZC 112.20.
767

768 3. Calculation in CBD 5A, RH8, HENC 2, TL, Transit Oriented Development in PR 1.8, FHNC,
769 BCX, BC 1, JBD 4, NMU, CMU, UF, and PLA 5C Zones – For developments in the CBD 5A,
770 RH8, TL, FHNC, BCX, TOD in PR 1.8, HENC 2, NMU, CMU, UF, and PLA 5C zones, and for
771 mixed-use development in the BC 1 and JBD 4 zones, the required amount of affordable
772 housing shall be calculated based on the total number of dwelling units proposed.
773

774 4. Rounding and Alternative Compliance – In all zones, the number of affordable housing
775 units required is determined by rounding up to the next whole number of units if the fraction of
776 the whole number is at least 0.66. KZC 112.30 establishes methods for alternative compliance,
777 including payment in lieu of construction for portions of required affordable housing units that
778 are less than 0.66 units.
779

780 Section 15. KZC 112.20 is hereby amended to read as follows:
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782 **112.20 Basic Affordable Housing Incentives**

783 ***
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785 3. Alternative Affordability Levels – An applicant may propose affordability levels different
786 from those defined in Chapter 5 KZC for the affordable housing units.
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- 788 a. In use zones where a density bonus is provided in exchange for affordable housing
789 units, the ratio of bonus units per affordable housing unit for alternative affordability
790 levels will be as follows:
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Affordability Level	Bonus Unit to Affordable Unit Ratio
<i>Renter-Occupied Housing</i>	
60% of median income	1.9 to 1
70% of median income	1.8 to 1
<i>Owner-Occupied Housing</i>	
90% of median income	2.1 to 1
80% of median income	2.2 to 1

- b. In the CBD 5A, HENC 2, RH8, TL and PLA 5C use zones, the percent of affordable units required for alternative affordability levels will be as follows:

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

- c. In the Station Area NMU, UF, and CVU use zones, the first 10 percent of total units in a development must be provided at the base required affordability level set forth in KZC 112.15(1)(a)(2), and the remainder of required units to reach the minimum set-aside established in that section may be provided at the equivalency ratios shown below:

Affordability Level	Exchange Ratio (50% AMI Unit: Equivalent AMI Unit)
<i>Renter-Occupied Housing</i>	
60% of median income	1:1.3
70% of median income	1:1.7
80% of median income	1:2.0
<i>Owner-Occupied Housing</i>	
90% of median income	1:1.3
100% of median income	1:2.1

When calculating the number of affordable units required for any of the alternate affordability levels, any fraction of a unit shall be rounded up to the next whole number.

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Example Alternative Compliance Calculation

1. Calculate how many total affordable units are required under fixed base requirement.

Example: A 100-unit rental development (in a zone allowing heights at 65 feet or above) requires 15 units at 50 percent AMI (base requirement).

2. At least 10 percent of (total) units must be provided at 50 percent AMI = 10 units at 50 percent AMI.
3. Remainder of units (five units per the base requirement) may be provided at the equivalency of a 50 percent AMI unit. For each 50 percent AMI unit not provided, the exchange ratio will be used to determine how many equivalent units (based on chosen affordability level) must be provided.

Example: Any of the below options could be used to fulfill remainder of affordable housing requirement:

- 5 units at 50% AMI = 7 units at 60% AMI (rounded up from 6.5); or
- 5 units at 50% AMI = 9 units at 70% AMI (rounded up from 8.5); or
- 5 units at 50% AMI = 10 units at 80% AMI.

- d. To encourage "pioneer residential development" in the Station Area NMU, UF, and CVU use zones with allowed heights 65 feet or higher, the below base (or fixed) pioneer provisions shall be utilized to calculate the minimum affordable housing units required for the indicated total number of units constructed in projects vested on or after the effective date of the ordinance codified in this section:

Number of Total Units in NMU, UF, and CVU Zones	Renter-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements	Owner-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements
Units with vested applications before December 31, 2025, or first 624 units (whichever is later)	10% at 50% AMI, or the alternative affordability level options in KZC 112.20(3)(c) with at least 5% of units required to be provided at 50% AMI	10% at 80% AMI, or the alternative affordability level options in KZC 112.20(3)(c)
All subsequent units	Base requirements in KZC 112.15(1)(a)(2)	Base requirements in KZC 112.15(1)(a)(2)

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"Number of total units" shall mean the total number of housing units (affordable and otherwise) with vested applications within the NMU, UF, and CVU use zones where affordable housing units are required and which have not received funding from public sources.

- e. To encourage catalyst mixed-use residential development in the JBD 4 and BC 1 use zones with allowed maximum height of structure of 75 feet, developments shall comply with the following:

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<u>Units in JBD 4 or BC 1 Zone</u>	<u>Unit Size (By Number of Bedrooms)</u>	<u>Renter-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements</u>	<u>Owner-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements</u>
<u>Units with vested applications on or before December 31, 2029</u>	<u>Studio and One-bedroom units</u>	<u>10% at 50% AMI, or 13% at 60% AMI, or 17% at 70% AMI, or 20% at 80% AMI</u>	<u>10% at 100% AMI</u>
	<u>Two + bedroom units</u>	<u>10% at 80% AMI</u>	<u>10% at 100% AMI</u>
<u>All subsequent units</u>	<u>Any unit size</u>	<u>Base requirements in KZC 112.15(1)(a)(2)</u>	<u>Base requirements in KZC 112.15(1)(a)(2)</u>

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When calculating the number of affordable units required for studio and one-bedroom renter-occupied units, 60% AMI, 70% AMI, and 80% AMI thresholds are considered alternative levels of affordability; therefore any fraction of a unit shall be rounded up to the next whole number.

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

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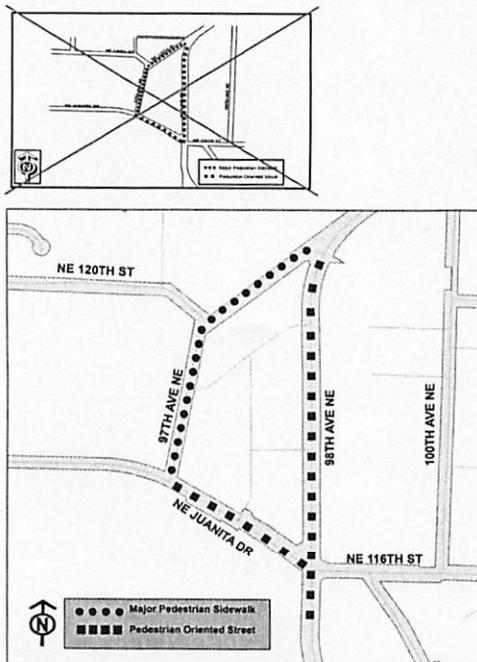
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Section 16. Plate 34 I in Chapter 180 KZC ("Plates") is hereby amended, with the plate replaced as follows:

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Plate 34 I Pedestrian Circulation in the JBD

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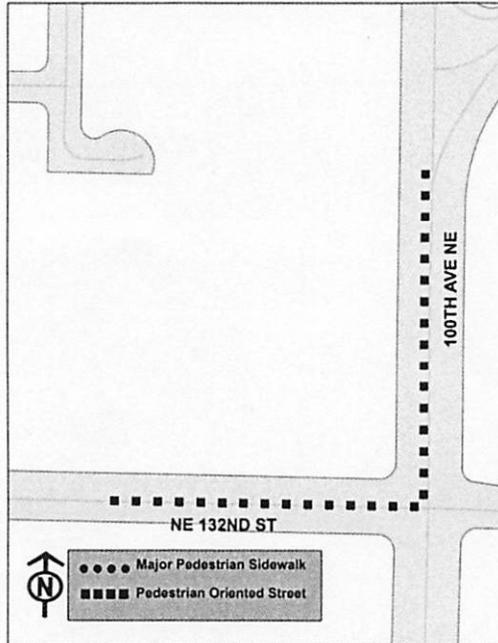


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Section 17. A new plate entitled "Plate 34 R: Pedestrian Circulation in the BC 1" is hereby adopted, to be added to Chapter 180 KZC ("Plates") depicted as follows:

Plate 34R Pedestrian Circulation in the BC 1



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Section 18. The Design Guidelines for Pedestrian-Oriented Business Districts adopted by the Kirkland City Council are hereby amended as set forth in **Exhibit A** attached to this ordinance and incorporated herein by reference, and, to recognize these amendments, Section 3.30.040 of the Kirkland Municipal Code (KMC) is amended accordingly to read as follows:

3.30.040 Design guidelines adopted by reference.

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The design review board in combination with the authority set forth in Chapter 142 KZC shall use the following design guidelines documents to review development permits:

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(1) The document entitled "Design Guidelines for Pedestrian Oriented Business Districts" bearing the signatures of the mayor and the director of the department of planning and community development, dated August 3, 2004, and amended by Ordinance 4106, passed July 3, 2007, Ordinance 4636 to add Finn Hill Neighborhood Center design guidelines, passed January 26, 2018, Ordinance 4785, passed March 15, 2022, and by Ordinance 4803, passed June 28, 2022, and Ordinance O-4920, passed December 9, 2025, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

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Section 19. The official City of Kirkland Zoning Map shall be amended in accordance with the legislative rezones identified in **Exhibit B** attached to this ordinance and incorporated by reference, to be consistent with the Comprehensive Plan Land Use Map BC-1 by designating the subject properties depicted in Exhibit B as a new design district within Parcel BC 1, entitled "North Juanita Neighborhood Center."

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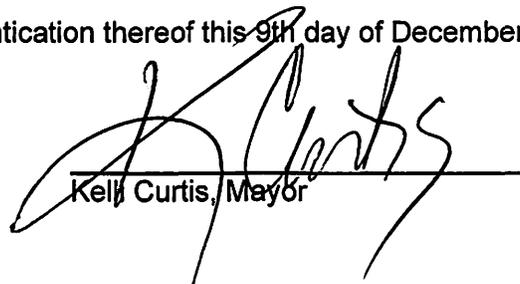
Section 20. The Director of the Planning and Building Department is directed to amend the official City of Kirkland Zoning Map to conform with this ordinance, indicating thereon the date of the ordinance's passage.

Section 21. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 22. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication in the summary form attached to this ordinance, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 9th day of December, 2025.

Signed in authentication thereof this 9th day of December, 2025.



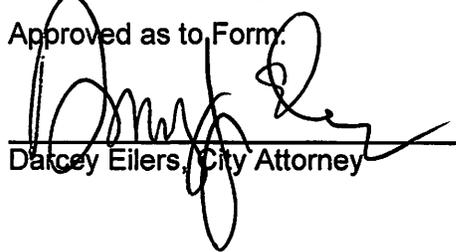
Kelly Curtis, Mayor

Attest:



Anastasiya Warhol, City Clerk

Approved as to Form:



Darcey Eilers, City Attorney

Publication Date:
01/29/2026

PUBLICATION SUMMARY
OF ORDINANCE NO. 4920

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE RELATED TO THE JUANITA BUSINESS DISTRICT (JBD) 4 ZONE AND THE BUSINESS COMMERCIAL (BC) 1 ZONE, INCLUDING CREATING A NEW DESIGN DISTRICT ENTITLED THE NORTH JUANITA NEIGHBORHOOD CENTER, AND AMENDING THE CITY OF KIRKLAND ZONING CODE, INCLUDING CHAPTERS 5, 35, 52, 92, 105, 112, AND 180; FILE NO. CAM20-00676 AND FILE NO. CAM24-00910.

1 SECTION 1. Amends Chapter 5 of the Kirkland Zoning Code (KZC) amending
2 definitions for the zoning code.

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4 SECTIONS 2-5. Amends Chapter 35 KZC amending commercial zones use and
5 development standards for the BC-1 zone.

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7 SECTIONS 6-7. Amends Chapter 52 KZC amending Juanita Business District
8 Zone 4 (JBD-4) regulations regarding public pedestrian easements and pathway
9 improvements.

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11 SECTIONS 8-11. Amends Chapter 92 of the Kirkland Zoning Code (KZC) to
12 include BC-1 and JBD-4 zones in various design regulations for Neighborhood Business
13 Districts.

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15 SECTIONS 12-13. Amends Chapter 105 KZC adding regulations for the BC-1 zone
16 related to the Pedestrian Access and Parking Areas.

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18 SECTIONS 14-15. Amends Chapter 112 of KZC to adjust the Affordable Housing
19 regulations applied in the BC-1 and JBD-4 zones.

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21 SECTIONS 16-17. Amends Chapter 180 of the KZC amending the Pedestrian
22 Circulation Plates for the JBD and BC-1 zones.

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24 SECTION 18. Amends the Design Guidelines for Pedestrian-Oriented Business
25 Districts, and updates the reference to those design guidelines in Section 3.30.040(1) of the
26 Kirkland Municipal Code.

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28 SECTION 19. Amends the City of Kirkland Zoning Map by designating a new design
29 district within the BC 1 zone, entitled "North Juanita Neighborhood Center."

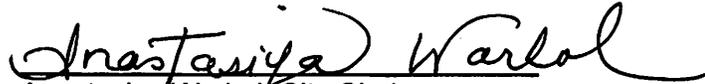
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31 SECTION 20. Directs the Director of the Planning and Building Department to amend
32 the official City of Kirkland Zoning Map to conform with this ordinance.

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34 SECTION 21. Provides a severability clause for the ordinance.

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36 SECTION 22. Authorizes publication of the ordinance by summary and establishes the
37 effective date as five days after publication of summary.

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39 The full text of this Ordinance will be mailed without charge to any person upon request
40 made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City
41 Council at its meeting on the 9th day of December, 2025.
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1 I certify that the foregoing is a summary of Ordinance No. 4920 approved by the
2 Kirkland City Council for summary publication.


Anastasiya Warhol, City Clerk