

## DEVELOPER WAS INFORMED OF DENSITY LIMITS AT FIRST PRE-SUBMITTAL MEETING.

1. Copy of Zoning Worksheet given to Charles Morgan, Architect, December 3, 2009  
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## ZONING WORKSHEET

Date: December 3, 2009

Planner: Désirée Goble, AICP, Planner

Case #: PRE09-00072

Property Address: SE corner of Lake Street South and 10<sup>th</sup> Avenue South

Persons requesting meeting: Charles Morgan, Architect

Applicants' description: "Mixed Use Retail and Apartments"

Tax Assessor's Parcel Number: 935490-0220, 935490-0240 and 082505-9233

Lot Size (according to the Assessor's Records): 52,600 square feet (1.2 acres)

Zone: Neighborhood Business (BN)

Shoreline Master Program: Urban Residential 1 (UR 1). Within this environment the following uses are allowed: Residential, Restaurant/Tavern. A Retail/Office use is **NOT** allowed within this environment at this time.

The property is located within the Moss Bay Neighborhood. Attached is a copy of the Neighborhood plan that specifically applies to the subject property

### Applicant Questions:

1. What are the side and rear setbacks?

*Answer: North and West property lines are regulated as front yards. East and south property lines are regulated as side yards.*

2. Can parking be in front yard setback?

*Answer: No. This area is within shorelines jurisdiction. Once you are out of shoreline jurisdiction*

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**XV.D. MOSS BAY NEIGHBORHOOD**  
**4. PERIMETER AREAS**

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setbacks from the ravine on the north side of these lots.

- (5) No vehicular connection should be established between State Street and 5th Place South or 6th Street South from 2nd or 3rd Avenue South.
- (6) No vehicular connection should be established between 2nd and 3rd Avenue South.
- (7) Pedestrian connection should be provided in lieu of vehicular connection.
- (8) A maximum Floor Area Ratio of 65 percent should be allowed in order to encourage smaller and presumably less expensive homes.

A density of 12 dwelling units per acre is also designated for properties along State Street, south of Planned Area 6 (Figure MB-2). This designation is consistent with densities of existing development as well as with densities permitted along State Street to the north and south. Lands on the east side of Lake Washington Boulevard, south of 7th Avenue South and west of the midblock between First and Second Streets South, are also appropriate for multifamily uses at a density of 12 dwelling units per acre. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard.

The area situated east of the midblock between First and Second Streets South, west of the midblock between State Street and Second Place South, and south of 7th Avenue South, contains a well-established enclave of single-family homes. Existing development in this area should be preserved.

As discussed in the Shoreline Master Program, residential uses should continue to be permitted along the shoreline at medium densities (12 dwelling units per acre). This is consistent with the density of development along the shoreline to the south and on many properties on the east side of Lake Street South.

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***Development along the shoreline is discussed.***

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As specified in the Shoreline Master Program, new residential structures constructed waterward of the high water line are not permitted. Additional standards governing new multifamily development can be found in the Shoreline Master Program.

## **B. ECONOMIC ACTIVITIES**

Economic Activities in the Moss Bay Neighborhood occur primarily in the Downtown area, and in Planned Areas 5 and 6. The boundaries of these three major activity areas are shown in Figure MB-2.

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***Economic Activities in Planned Area 5 are discussed.***

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While Planned Area 5 has been developed largely in multifamily uses, several offices – including the United States Post Office – serving the Greater Kirkland area, are located in this planned area. Land use in Planned Area 5 is discussed in greater detail in the Living Environment section of this chapter.

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***Limited economic activities presently exist in State Street area.***

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Although the character of Planned Area 6 is predominantly residential, several economic activities are presently located in the area. Small offices and some commercial uses exist along Lake Street South and along State Street, and industrial development has occurred near the railroad. The Living Environment Section of this chapter contains a more in-depth discussion of land use in Planned Area 6.

3. Zoning Worksheet, page 2 of 157, informing developer of the "Conflict of Provisions" rule in the Kirkland Municipal Code

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Answer: You will need to provide

- 2.2 parking spaces per dwelling unit (1.7 per unit plus 0.5 per unit for guest parking)
- If a medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.
- Retail 1 per each 300 sq. ft. of gross floor area.
- Restaurant/Taverns 1 per each 100 sq. ft. of gross floor area.

Potential Issues/Code Requirements:

1. The subject property is partially located within shoreline jurisdiction. Any part of the property that is located within 200 feet of Lake Washington falls under shoreline jurisdiction. See the attached map for a highly generalized idea of the limits of shoreline jurisdiction. Any feature located within this area must comply with the adopted [shoreline master program](#) (SMP). This plan is currently going through an update process. Here is a link to the [Shoreline Master Program Update](#) web page that was set up to keep people informed. The SMP Update has been approved by the City Council, is going to Houghton Community Council and then will have to be reviewed and approved by Department of Ecology before it goes into effect. We hope to have this update approved and in effect before the middle of next year.
2. Parking within shoreline jurisdiction is regulated KMC 24.05.130(c) states the following: Design and Layout. Parking layouts must be designed efficiently to use the minimum amount of space necessary to provide the required parking and safe and reasonable access. Wherever possible, parking should be located out of the shoreline area and should not be located between the building or buildings on the subject property and Lake Washington. Exterior parking areas, other than for detached dwelling units, must be attractively landscaped with vegetation that will not obstruct views of the lake from the public right-of-way. (Ord. 3153 § 1 (part), 1989; Ord. 2938 § 1 (part), 1986)
3. [KMC 24.05.155](#) regulates restaurant/tavern uses within shoreline jurisdiction.
4. You will need to keep in mind when ever there is a conflict between regulations the [most restrictive provision applies](#).

NOTE: Here is the actual language from the Kirkland Municipal Code referenced in point 4 above:

**Kirkland Municipal Code 170.50 (it was 170.70 in pre-2010 version): Conflict of Provisions**

*"The standards, procedures, and requirements of the code are the minimum necessary to promote the health, safety, and welfare of the residents of Kirkland. The City is free to adopt more rigorous or different standards, procedures, and requirements whenever this becomes necessary. If the provisions of this code conflict one with another, or if a provision of this code conflicts with the provision of another ordinance of the City, **the most restrictive provision or the provision imposing the highest standard prevails.**"*

