

## Memorandum

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Date: July 14, 2008

To: Debbie Bent, Community Development Director, City of Kenmore

cc: Andrew Bauer, Associate Planner  
Kevin Gifford, Urban Planner

From: Gil Cerise, Senior Planner

Subject: **Community Business (CB) Zone Height and Public View Protection Revised Draft Proposal #6**

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## Background

The Task Force reviewed the materials provided for draft Proposal #6 that was discussed at the June 25<sup>th</sup> Task Force meeting as well as the two sets of elevations. A majority of the Task Force agreed to move draft Proposal #6 forward with the following changes focused around what exceptions to the 35 foot base height should be allowed:

- The base height in the CB zone shall also be exempted from the exceptions to height limitations contained in Kenmore's zoning code (KMC 18.30.180) due to concerns about extremely tall and large features of buildings being added for developments that did not meet the requirements for the maximum height (i.e., was not mixed-use and did not include structured parking). Exceptions to the 35 foot base height limit are as follows:
  - A. Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operations and maintenance, or for communication transmission and receiving structures may extend up to 10 feet above the 35 foot base height for a maximum of 25% of the average lot width.
  - B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, utility line towers and poles, and similar structures may extend up to 3 feet above the maximum base height of 35 feet.

The Task Force also asked that staff revise the draft elevations to illustrate the allowed height and location of exceptions to the 35 foot base height, in preparation for a July 23<sup>rd</sup> Task Force public open house.

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See Attachment A for the revised Proposal #6 resulting from July 9<sup>th</sup> meeting. See Attachment B for comparison of revised Proposal #6 with existing CB zone. A more detailed summary of the July 9<sup>th</sup> meeting is contained in Attachment C to this memo.

## Schedule

As shown on the schedule shared at the July 9<sup>th</sup> meeting, the Task Force will check-in with the City Council on July 21<sup>st</sup> and hold a public open house on July 23<sup>rd</sup>. The Task Force will need to decide on any final changes to the proposal based upon Council and public feedback prior to preparation of a non-project SEPA and state review of the proposal scheduled for August. The Task Force's final opportunity for a revised recommendation will occur following a public hearing in September.

Date	Task
June 11	Study Session on Draft CB Height Upper Story Bulk provisions (FAR)
June 25	Study Session on Draft CB Height Proposal
July 9	CB Zone Height - Check in on preparation for Public Open House <ul style="list-style-type: none"><li>• Review proposal #6 and related materials</li><li>• Decide whether ready for public open house</li></ul> TOD Study Session #2 – follow up on Hallenback presentation <ul style="list-style-type: none"><li>• Discuss factors to consider for TOD overlay (density, parking, etc.)</li><li>• Discuss geographic extent of TOD overlay</li></ul>
July 21	Check-in meeting with City Council <ul style="list-style-type: none"><li>• Council receives update on results of public open house and Task Force review of this issue</li></ul>
July 23	Public Open House on CB height proposal Task Force discuss any potential changes that would need to be made
August	Staff prepares a non-project SEPA and 60-day notice for 2008 annual docket, including CB height proposal.
September 10	2008 Annual Docket Public Hearing <ul style="list-style-type: none"><li>• For Task Force, this would be hearing date for CB zone height/public view across CB zone</li></ul>
September 24	Task Force Deliberation 2008 Comp Plan Docket
October 8	TOD Study Session #3 – Options Memo based on July 9 meeting
October 22	TOD Study Session #4 – Follow up on options based on October 8 <sup>th</sup> feedback
November 12	TOD Study Session #5 – Obtain Task Force feedback to prepare a draft proposal for review in 2009 Docket
November 19	TOD Study Session #6 – Present a draft proposal to be submitted for 2009 Docket. Obtain Task Force feedback on changes prior to December 1 <sup>st</sup> submittal.

<b>Date</b>	<b>Task</b>
December 1	Deadline for 2009 Docket Submittal

After the Task Force sends its recommendation on CB zone height to the City Council, the current public participation plan says that the City Council will consider CB zone height along with other 2008 Docket items on the following schedule:

October 20 – Study Session on 2008 Annual Docket

October 27 – Public Hearing on 2008 Annual Docket

November 10 – Possible City Council Action on 2008 Annual Docket

November 24 – Possible Alternate date for Council Action on 2008 Annual Docket

# ATTACHMENT A

## NE 181st Street Proposed Amendments to Zoning Regulations for Proposal #6

### Proposed Amendments to Zoning Code

Amend zoning code as shown below in strike-through and underline format.

*Amendment to Community Business Zone*

### Amend Chapter KMC 18.29, Community Business, as follows:

#### Community Business Zone

##### Sections:

- 18.29.010 Intent
- 18.29.020 Use allowances
- 18.29.030 Accessory uses
- 18.29.040 Zoning standards
- 18.29.050 Conflicts

#### **18.29.040 Zoning standards**

The following zone-specific development standards in Table B apply in the Community Business zone:

STANDARD	REQUIREMENT
Base Density: Dwelling Units/Gross Acre	24
Minimum Density: Dwelling Units/Gross Acre	18
Maximum Density: Dwelling Units/Gross Acre	36 for mixed-use development
Minimum Street Setback: <del>(1)</del>	10 feet, or 0 feet for a mixed-use building with commercial on the ground floor or for any building with structured parking.
Minimum Interior Setback: <del>(1)</del>	0 feet for commercial or mixed-use development except for interior lot lines adjoining property zoned R-1 to R-8. 5 feet landscaped setback for residential except for interior lot lines adjoining property zoned R-1 to R-8. For all interior lot lines adjoining a property zoned R-1 to R-8 zone a 15 foot landscaped setback is required.
Base Height: <del>(2)</del>	35 feet

STANDARD	REQUIREMENT
Maximum Height: <del>(3)</del>	60 feet allowed only for any mixed-use development that includes ground-level commercial development <del>and</del> structured parking.
Maximum Impervious Surface: Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards
<u>View Corridor Preservation:</u>	<u>25% of the average lot width above 35 feet in height shall be dedicated as a view corridor to Lake Washington.</u>

**Deleted:** or any development that provides

(1) Any portion of development that occurs underground is exempt from property line setback requirements of this code section.

(2) The exceptions to height limits listed in KMC 18.30.180 do not apply to the Base Height allowed in the CB zone.

Exceptions to height limitations for the base height in the CB zone shall be:

A. Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operations and maintenance, or for communication transmission and receiving structures may extend up to 10 feet above the 35 foot base height for a maximum of 25% of the average lot width.

B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, utility line towers and poles, and similar structures may extend up to 3 feet above the maximum base height of 35 feet.

(3) The exceptions to height limits listed in KMC 18.30.180 do not apply to the Maximum Height allowed in the CB zone. There shall be no exception to the maximum height limit of the CB zone.

**18.30.180 Height – Exceptions to limits.**

The following structures may be erected above the height limits of KMC 18.30.030 through 18.30.050:

A. Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and

B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, communication transmission and receiving structures, utility line towers and poles, and similar structures. [Ord. 98-0026 §§ 1, 2 (KCC 21A.12.180).]

Development in the CB zone (see KMC 18.29.040) is specifically excluded from the exceptions to height limitations of this code section. All height provisions and exception to height limitations are found in KMC 18.29.040.

## ATTACHMENT C

### Comparison of 2008 Draft Proposal for CB Zone with CB Zone per Ordinance No. 07-0275

This is a comparative analysis of the differences between the Community Business (CB) zone as approved by City Council in Ordinance No. 07-0275 in December 2007, and the 2008 Draft Proposal developed by the Downtown Task Force on June 25, 2008.

#### Summary of CB Zone Not Changed by 2008 Draft Proposal

The Downtown Task Force proposal does not change any of the following features contained in Ordinance No. 07-0275:

Comprehensive Plan purpose statement contained in Policy LU-2.1.2 of the Comprehensive Plan.

Zoning Code Intent Statement (KMC 18.29.010) which reflects the purpose statement from the Comprehensive Plan.

Use Allowances (KMC 18.29.020) which states which uses are permitted, conditionally permitted, and prohibited in the CB zone.

Accessory uses (KMC 18.29.030) includes general regulation of accessory uses as defined in Kenmore Zoning Code.

The following features of CB zone Zoning Standards (KMC 18.29.040) remain unchanged:

- ❑ Density provisions;
- ❑ Maximum Impervious Surface Coverage; and
- ❑ Pedestrian Connection requirement.

Landscaping requirements (KMC 18.40.050 and 18.40.060) which exempts the CB zone from on-site landscape screening standards for street fronts due to the minimal street front setback allowances of the zone. But these regulations require Type II landscaping where building setbacks are provided and/or required. This is similar to Downtown area landscaping regulations for street frontages.

Design Standards (KMC 18.52) which applies most of the downtown design guidelines to the CB zone. The amendment from Ordinance No. 07-0275 did not materially change any specific design standard, but applied most of them to the CB zone. Design standards govern subjects such as:

- ❑ Building mass and bulk;

- ❑ Upper Story mass and bulk;
- ❑ Pedestrian environment;
- ❑ Treatment/location of parking; and
- ❑ Roof forms, among other things.

**Summary of Changes to Zoning Standards (KMC 18.29.040) and KMC 18.30.180**

The 2008 Draft Proposal developed by the Downtown Task Force includes several specific changes from the CB zone passed by Ordinance No. 07-0275 in December 2007. The following is an outline of each change with a brief summary analysis of the potential effect of each change.

Standard	Ordinance 07-0275 (Existing)	2008 Draft Proposal
Minimum Street Setback	10 feet, or 0 feet for a mixed-use building with commercial on the ground floor or for any building with structured parking.	10 feet, or 0 feet for a mixed-use building with commercial on the ground floor or for any building with structured parking. <b>New Development Condition: (1)</b> <u>Any portion of development that occurs underground is exempt from property line setback requirements of this code section.</u> <i>Adds note to standard that specifies that any development occurring underground is exempt from building setback standards.</i>
Minimum Interior Setback	0 feet for commercial or mixed-use development except for interior lot lines adjoining property zoned R-1 to R-8. 5 feet landscaped setback for residential except for interior lot lines adjoining property zoned R-1 to R-8. For all interior lot lines adjoining a property zoned R-1 to R-8 zone a 15 foot landscaped setback is required.	0 feet for commercial or mixed-use development except for interior lot lines adjoining property zoned R-1 to R-8. 5 feet landscaped setback for residential except for interior lot lines adjoining property zoned R-1 to R-8. For all interior lot lines adjoining a property zoned R-1 to R-8 zone a 15 foot landscaped setback is required. <b>New Development Condition: (1)</b> <u>Any portion of development that occurs underground is exempt from property line setback requirements of this code section.</u> <i>Adds note to standard that specifies that any development occurring underground is exempt from building setback standards.</i>

Standard	Ordinance 07-0275 (Existing)	2008 Draft Proposal
Base Height	Allows development of uses allowed within the zone up to base height of 35 feet without restriction. The exceptions to height allowed in KMC 18.30.180 are allowed under the current ordinance.	<p><i>Adds note to standard that what allowances for heights above 35 feet are allowed for development utilizing the base height provisions. The revision noted below limits certain exceptions to the 35 foot base height to up to 45 feet in height for no more than 25% of the average lot width, and no more than 38 feet in height with no width restrictions for other features of buildings listed.</i></p> <p><u>(2) The exceptions to height limits listed in KMC 18.30.180 do not apply to the Base Height allowed in the CB zone.</u></p> <p><u>Exceptions to height limitations for the base height in the CB zone shall be:</u></p> <p><u>A. Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operations and maintenance, or for communication transmission and receiving structures may extend up to 10 feet above the 35 foot base height for a maximum of 25% of the average lot width.</u></p> <p><u>B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, utility line towers and poles, and similar structures may extend up to 3 feet above the maximum base height of 35 feet.</u></p>
Maximum Height	60 feet allowed only for any mixed-use development that includes ground-level commercial development or any development that provides structured parking.	<p>60 feet allowed only for any mixed-use development that includes ground-level commercial development <del>and</del> structured parking.</p> <p><b>New Development Condition:</b></p> <p><u>(3) The exceptions to height limits listed in KMC 18.30.180 do not apply to the Maximum Height allowed in the CB zone. There shall be no exception to the maximum height limit of the CB zone.</u></p> <p><i>Adds note to standard that states citywide exception to height limit standard does not apply to the CB</i></p>

**Deleted:** or any development that provides

Standard	Ordinance 07-0275 (Existing)	2008 Draft Proposal
		<i>zone.</i>
View Corridor Preservation	NA	<u>25% of the average lot width above 35 feet in height shall be dedicated as a view corridor to Lake Washington.</u>
KMC 18.30.180	NA	<u>Development in the CB zone (see KMC 18.29.040) is specifically excluded from the exceptions to height limitations of this code section. All height provisions and exception to height limitations are found in KMC 18.29.040.</u>  <i>Adds a cross reference in citywide development standards for height that exempts development in the CB zone from this section of code governing exceptions to height.</i>

**Analysis of Effect of 2008 Proposed Amendment**

**Minimum Street and Interior Setback**

The proposed amendment would allow a developer or property owner to encroach into required building setbacks on their own property so long as the development was underground. This amendment is intended to encourage developers to place parking in underground structures. The Downtown Task Force found that individual parcel sizes and dimensions make provision of parking in structures difficult – even when one or two additional parcels are consolidated to make a redevelopment opportunity. Therefore, the ability for a developer to maximize use of the lot underground should make design of internal parking structures more feasible. This provision encourages parking to be developed where it will not affect aesthetics and will help keep the overall size of structures lower.

**Base Height Exceptions**

The proposed amendment would limit what accessory features of a building that may exceed the base height limit of 35 feet. The proposed amendment specifically outlines which exceptions to height limitations shown in KMC 18.30.180 may exceed the 35 foot base height by 10 feet, and limits the area that may exceed that height limit to no more than 25% of the average lot width. In addition, other features listed in KMC 18.30.180 are specifically listed that may not exceed the base height by more than 3 feet anywhere on the lot. This part of the proposal is intended to prevent tall and large accessories to structures that meet the provisions for the CB zone’s base height, but not the provisions for the maximum height.

**Maximum Height**

The 2008 Draft Proposal retains a maximum height in the CB zone of 60 feet. However, it changes two aspects of this development standard:

1. **Eligibility for Maximum Height:** The proposal requires a developer who wants to construct a building that exceeds the base height of 35 feet to include mixed-use development with ground-level commercial development and structured parking. Under the existing CB zone, a development could be built above the 35 foot base height if it was an entirely residential development with structured parking, an entirely commercial development with structured parking, or a mixed-use development with ground-floor commercial that did not have structured parking included in the development. Since it is unlikely that mixed-use would occur with surface parking anyway, the proposal adds further incentive for mixed-use development with ground-floor commercial in the CB zone. It also makes it more likely that the ground floor of the development will have a higher floor-to-ceiling height since it will be designed for commercial use. This provision also reduces the potential development options for a property owner that wants to develop above 35 feet. However, these development options are available at or below 35 feet in height.
2. **Exceptions to Height do not Apply to CB Zone Maximum Height:** The proposal does not allow the CB zone maximum height to utilize the City's exceptions to height standards contained in KMC 18.30.180. The 2008 Draft Proposal includes a cross-reference to this exception in KMC 18.30.180. The effect of this portion of the 2008 Draft Proposal is to effectively cap building heights to a floor below the 60 foot height limit. Although the Task Force heard of varying floor heights developers may utilize over the course of the last few months, it seemed consistent that the CB zone would not be able to achieve a building greater than 1-story of commercial with 3 stories above with a maximum height of 60 feet (with no exceptions to height limits). This provision of the proposal requires that a developer who incorporates features such as pitched roofs and other architectural elements (that would likely be needed to comply with design standards) includes those below the 60 foot height limit. Similarly, if the developer wanted to include an elevator housing, stairwell to a roof deck/garden, flagpole, or any other feature mentioned in KMC 18.30.180, then that would also need to be included below the 60 foot maximum height limit.

#### **View Corridor Preservation**

The proposal adds a provision similar to that found in City of Kirkland and other codes regulating view corridors. The provision requires 25% of the average lot width to be preserved for view corridors to Lake Washington. This provision differs from most in that it requires the view corridor to be preserved only above the 35 foot height level; and in that it does not identify a specific public view point. However, it does specify that views are to Lake Washington, providing some discretionary guidance when designing and reviewing building mass above 35 feet in height.

The effect of the view corridor preservation feature is to create upper story setbacks from side lot lines (to the west and/or east) on each lot that redevelops above 35 feet. Design standards in place already include provisions for upper story setbacks above the 2<sup>nd</sup> story from street fronts. Because this provision of the draft proposal only applies over 35 feet in height, a development that does not utilize the maximum height provision of this zone would not need to consider the view corridor preservation feature.

## Summary

The provisions of the 2008 Draft Proposal continues to allow flexibility of development below 35 feet in height. Property owners are able to develop purely residential or commercial developments, and provide parking in surface parking lots (so long as they meet parking and design standards).

The proposal includes additional incentives for development of mixed-use with ground floor commercial and placement of parking within structures, all of which tends to require taller height limits.

If both mixed-use development with ground-floor commercial and structured parking area present in the proposed development, then the developer is able to add some additional stories to the development in order to achieve a development that is less than 60 feet (including pitched rooflines, flagpoles, stairwells, etc.).

The developer is able to maximize use of the subsurface lot area for structured parking by including underground parking within required setbacks. This reinforces the incentive for structured parking and makes design of a parking structure less difficult to achieve.

The Downtown Task Force found that they did not need to include Floor Area Ratio (or Floor-to-Lot ratio) for governing upper story building mass because the design standards, view corridor preservation include provisions governing upper story mass. Concerns about height and views are accommodated as follows:

The uncertainty that many had about what a true maximum height could be was eliminated with the absolute maximum of 60 feet with no exceptions.

Development above 35 feet in height will need to comply with existing design standards that govern upper story mass and bulk, as well as the newly proposed view corridor preservation regulations which requires that 25% of the average lot width above 35 feet in height be preserved for views to Lake Washington from nearby properties.

The requirement that taller buildings include both mixed-use with ground floor commercial and structured parking acts as additional insurance that the first story will be taller floor-to-ceiling height than other stories.

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## Summary of Discussion on CB Zone Height and Public Views

### March 12th Meeting Input Into Viewshed Analysis

The Downtown Task Force provided input on the subject of the viewshed analysis to be provided at the March 26<sup>th</sup> meeting. Based upon a review of comments provided, staff prepared a viewshed analysis that uses views to/from Lake Washington as the basis of the viewshed analysis.

Some Task Force members also mentioned that they were interested in views other than Lake Washington. Other views that were mentioned included:

View of the hillside where the Community Business zone is located from various vantage points, and how the view would be altered with new development. A particular vantage point for the view up the hill was from Bothell Way near the intersection with 61st Avenue NE.

Views of the horizon to the west and southwest

Views of Lake Washington from Bothell Way.

Views of the Downtown from the CB zone.

Views from 4-5 story condominium and/or from a homeowner's perspective.

### **March 26th Meeting Input Into Height/Bulk Simulations**

The Downtown Task Force reviewed a viewshed analysis prepared by ICF Jones & Stokes staff which showed an area that, barring structures or vegetation, would have a view to Lake Washington. In addition, a series of photos were presented that showed actual views from various points in the viewshed analysis. The viewshed analysis and related photos showed:

There are views to Lake Washington from several intersections north of the CB zone, with the most dramatic views in places near 64th Avenue NE.

Views from NE 185th Street to the lake appear too high and at an angle that would not appear to show much if any development in the CB and RB zones with existing maximum heights in place.

Views up the hill from Bothell Way showed a mix of commercial development along Bothell Way in the foreground, and a wooded hillside with a varying types of residential development mixed in the mid- to background area.

The photo "ground-truthing" of the viewshed analysis showed some areas that were identified as having views, actually being obscured by buildings and vegetation. Much of this area was northeast of the study area, near 65th/66th Avenue NE and east of that area.

Based upon the review of available photos, the Task Force expressed an interest in seeing the viewpoint (shown as #10 on the display) at 64th Avenue NE and NE 182nd Street looking southwest towards Lake Washington, as one of the height/bulk simulations. The Task Force asked that this simulation show both an R-6 redevelopment and a CB redevelopment.

The Task Force had a variety of ideas for what the second viewpoint that would be analyzed as a height/bulk simulation should be. A number of Task Force members wanted to see a height/bulk simulation of a view looking up the hill towards the CB zone. After discussing the various photos taken from Bothell Way, it was decided that none of them captured the views that the Task Force thought would be most important looking up the hill. Task Force members expressed a desire to see the scale of potential new buildings on the wooded hillside from Bothell Way or

some other point looking up the hill.

After much discussion, the Task Force asked that a photo be taken up to the CB zone from the end of the dock at Logboom Park. This is a well-known location for Kenmore residents and visitors to Logboom Park. Since this view was not shown, staff asked for a secondary preference of a view be provided in case the first one did not work. The Task Force decided on a view looking up the hill towards the CB zone from near the intersection with Bothell Way and 68th Avenue NE as a secondary alternative. This latter view point would represent a view that many drivers and pedestrians see at this busy intersection in central Kenmore. For the second height/bulk analysis, the Task Force asked that a CB zoned building and an RB zoned building be provided.

Once the two viewpoints were decided upon, the Task Force discussed potential heights to be modeled in the height/bulk analysis. The consensus was to review both the base (35 feet) and the existing maximum (60 feet) in the CB zone. The Task Force asked that the base (35 feet) and maximum height (65 feet) be reviewed for the RB zone. The mid-point height that was chosen for the CB and RB zones was 45 feet. The height being reviewed for the R-6 zone will be 35 feet (maximum height of the R-6 zone).

Staff mentioned that the height/bulk simulation will show a box that represented maximized theoretical redevelopment potential – including setbacks. Task Force members discussed how this did not represent a true redevelopment of properties – which would not maximize setbacks on upper stories in order to allow the residents a view of the lake. The Task Force asked for some means of identifying possible building setbacks above 15 feet in building height. After discussion about what potential setbacks to show, it was decided that the height/bulk analysis would show parcel lines in order to provide some sense of horizontal distance for the redevelopment sites.

#### **May 7, 2007 Meeting on Height/Bulk Simulations**

Height and bulk simulations from view corridor #1 and view corridor #2 were presented at the May 7<sup>th</sup> meeting. In addition, staff provided a summary of various public view corridor regulations in place in western Washington communities. Staff asked for direction on the Task Force's recommendation with respect to amendment to the CB zone height, and discussed other possible outcomes that may include Comprehensive Plan amendments, or more extensive amendments that would likely need to be addressed as a recommended work program item for 2009.

#### **Comments Related to Height/Bulk Simulations**

A Task Force member indicated that the RB zone seems to control views to the lake and beyond for neighbors living north of the study area.

Some Task Force members commented that the height/bulk simulations indicated that the R-6 zone itself could block views from other R-6 properties up the hill if property owners decided to redevelop to the maximum heights allowed of 35 feet in the R-6 zone.

One suggestion based upon review of the height/bulk simulations was for the neighborhood to

pursue creating self-regulating covenants for controlling height within the study area and the area to the north and south.

Some Task Force members had hoped that the second view corridor would be taken farther to the east than what was shown.

A Task Force member indicated that he hoped view corridor #1 would have had a photo shot from further up the hill – perhaps the north side of the intersection.

Several Task Force members mentioned that the height/bulk simulations showed them that bulk of the buildings was as important as height allowed.

One Task Force member indicated that a 45 foot height in view corridor #1 would provide some view to the lake from that location – particularly if a person was standing further back from where the photo was taken.

### **Public View Regulations**

Task Force comments on public view regulations included the following:

A Task Force member expressed interest in a public view regulation that preserved 25% of the lot width and allowed the view corridor to be broken up into 2 pieces.

There was an interest in knowing why City of Edmonds repealed its public view corridor regulations.

One Task Force member asked who would recommend what type of public view policy/regulations for the City to implement.

It was pointed out that several of the communities that have public view protection regulations also have design review boards that probably review development proposals for compliance with those regulations.

Some Task Force members indicated that they liked the transition in zones within the City of Kirkland where zones directly abutting the lake generally have very low maximum heights, and heights are increasingly taller the farther east into Downtown a person goes.

Some Task Force members indicated an interest in improving the transition between zones. Specifically, a transition from 35 feet to 60 feet did not seem like an adequate transition.

A Task Force member indicated that much of the increase in height resulted from changes to King County zoning pre-incorporation, and that now is the time for Kenmore to make its zoning its own.

Some Task Force members expressed that this area is a unique area in Kenmore. There was an interest in reviewing an area that crossed zoning boundaries – perhaps an overlay for various zones.

## **May 14, 2008 Meeting – Continuation of Discussion on Potential Heights and Views**

The Task Force continued its discussion on possible CB height and public view proposals that they could develop for public review and a possible public hearing. Task Force discussion included the following:

Interest in looking at the issue of height and public views in a holistic manner. This is an issue that affects more than the CB zone.

Height should only be limited if the height limitations are fair and effective in achieving their purpose.

Continued discomfort with the transition of height from 35 feet in single-family zones to 60 feet in this Community Business zone which serves as a transition between single-family and the largely commercial SR-522 corridor.

Some expressed an interest in a visual simulation of what the entire area would look like with varying building heights – not just a single view point with selected parcels redeveloping.

Some expressed discomfort with the mixed-use designation being applied to NE 181<sup>st</sup> Street – even if its lower intensity than Regional Business or Downtown Commercial.

Some discussed their discomfort with lowering the 60 foot maximum height along NE 181<sup>st</sup> Street when the prior zoning along this street allowed a 60 foot maximum height prior to development of the Community Business zone.

There was an interest expressed in providing incentives for developing at lower heights rather than removing the maximum 60 foot height.

There was an interest among Task Force members in sending a recommendation to the City Council for a design review committee to review projects as they come in for land use application.

There were comments that the Kenmore Village project was originally a more intense project that has been reduced to a scale that Kenmore residents are more comfortable with. The CB zone should do the same – maybe a lower height is more appropriate.

The Task Force decided to focus its discussion on a maximum height in the CB zone and to not discuss possible public view protections. Task Force members felt that it would be hard enough to come to a consensus on the maximum height issue without going into public views.

The Task Force provided staff feedback asking them to develop two possible methods of amending the maximum height limits of the Community Business (CB) zone. The Task Force asked that the draft proposals be prepared and provided to the Task Force for discussion at its May 28<sup>th</sup> meeting.

The draft proposals are as follows:

Create a transition between the single-family zones and the taller buildings in the Community Business zone by designating a maximum height of 35 feet on the northern edge of the CB zone, and allow a maximum height of 45 feet on the southern edge of the CB zone.

Re-visit the “barbell” scenario discussed last year by allowing taller buildings in the western and eastern edges of the study area as shown in the “barbell” scenario developed in 2007. This proposal has two subsets – one allows a maximum height of 60 feet in the western and eastern edges, while the second allows a maximum of 45 feet in the western and eastern edges. The center area would only allow 35 feet under both scenarios.

In addition to the above, the Task Force requested that staff provide additional information in two areas:

Standard heights for each type of floor space (i.e., residential, office, commercial/retail); and

Obtain developer feedback on the draft proposals that the Task Force is considering for maximum height.

### **May 28, 2008 Task Force Meeting**

At its May 28, 2008 meeting, the Task Force provided staff feedback on the draft proposals developed at the May 14<sup>th</sup> meeting and the draft public view protection proposal that staff prepared.

Overall feedback from the Task Force was that they did not like either of the two draft CB zone height proposals presented in the May 21<sup>st</sup> memorandum. Criticisms of the two proposals included:

“Barbell approach” may be open to charges of arbitrary “spot zoning”, and creates a 35 foot-65 foot transition where the central part of the CB abuts the RB zone on the south side of NE 181<sup>st</sup> Street.

Thirty-five to 45 foot heights allowed under the two proposals may discourage the type of mixed-use development and space for small offices and businesses that was envisioned when the CB zone was created in 2007. Fear that these lower heights may make this type of development economically unfeasible.

Discomfort with a transition of 60 feet to 35 feet, whether between CB and R-6, or between RB and CB.

Discomfort with the possibility of taller buildings being massive and bulky on upper stories. The two proposals do not address this issue.

There was a sense that the CB zone is being singled out for lower maximum heights when heights in the RB, and even redevelopment in the R-6 could affect public and private views and sense of scale and massing from nearby properties. Some mentioned that the 35 foot height,

which is the same as maximum height allowed in single-family zones was too low for a mixed-use area where additional height is needed for structured parking and stacked uses.

Others commented that they reviewed a variety of zoning codes in a variety of King County jurisdictions and 60 foot heights are limited in areas in some jurisdictions and taller than maximum allowed heights in others.

Staff also reviewed a draft public view amendment. This would amend both the Comprehensive Plan and Zoning Code to provide a method of protecting specifically identified public views from being blocked by new development. This approach would not allow the Task Force to act more quickly to address the interim zoning control, since an amendment to the Comprehensive Plan would need to be considered concurrently with other Comprehensive Plan amendments being considered by the Planning Commission.

In order to pursue public view protection policies and regulations, the Task Force would need to identify specific public view points and the object of the view from each in order to identify the areas that would be subject to public view protection regulations. The public view protection amendments would likely affect more than the CB zone.

Overall, the Task Force expressed some interest in exploring a public view protection approach, most likely in conjunction with amendment to the zoning code to address CB zone height. Comments on the public view protection proposal included the following:

Some liked the idea of applying a public view protection because it involved more than one zone in achieving a specified result.

Others pointed out that it would not provide a uniform requirement to produce a visual analysis – only in areas between a specified view point and the object of the view.

There was some concern about the complexity of the amendments proposed and whether or not the Task Force could accomplish this within the current annual docket cycle.

There were questions about where the specified view point or view points would be. Some wanted to designate an entire street, while others talked about using only the single view point at 64<sup>th</sup> Avenue NE/NE 182<sup>nd</sup> Street.

Overall discussion focused on how to address the horizontal dimension of taller buildings that would be developed in the CB zone. The Task Force gave direction to staff to consider some possible code amendments that would address this aspect. In addition, the Task Force asked staff to continue efforts to try to obtain developer feedback on what the appropriate height would be for the CB zone in order to achieve economically viable mixed-use development or other economically viable development that is allowed under the CB zone regulations.

### **June 11, 2008 Task Force Meeting**

At its June 11, 2008 meeting, a majority of the Task Force stated that they thought that they could prepare a proposal that they could take to the public for review as part of the 2008 Docket,

rather than sending the subject back to the City Council for direction.

The Task Force discussed the two potential methods of reducing upper story bulk in the CB zone, and a majority expressed an interest in utilizing floor area ratio (FAR) in some form. Concern was expressed over what FAR to allow with the thought that if the FAR was too low, then it would stymie development in the area.

Task Force members decided to come up with a composite proposal (Proposal #5) which they wanted staff to draft up with some additional background materials and provide to the Task Force for review at the June 25<sup>th</sup> Task Force meeting. Proposal #5 consists of the following components:

- Utilize an FAR to reduce upper story bulk. The exact FAR to be used will be discussed at the June 25<sup>th</sup> meeting in conjunction with a theoretical development proposal.
- Make sure that anything below 5 feet below average grade is not counted as part of the FAR.
- Above 35 feet in height, each parcel shall dedicate a minimum of 25% of the average parcel width as view corridor.
- Retain a maximum of 60 feet under the existing conditions listed in the CB zone of mixed-use with ground floor commercial or structured parking.
- The maximum height in the CB zone be exempted from the exceptions to height limitations contained in Kenmore's zoning code.
- Add a definition of "structured parking" to be discussed further at the June 25<sup>th</sup> Task Force meeting.

The Task Force also asked that staff explore the following for the June 25<sup>th</sup> Task Force meeting:

- Prepare a theoretical development example that illustrates how parking, FAR, lot dimensions, and uses work together on a specified parcel. The Task Force members asked that 2 adjacent parcels in the area (north of NE 181<sup>st</sup> Street and east of 64<sup>th</sup> Ave NE) be used for the theoretical example's lot dimensions, with assumptions of structured parking, mixed uses of commercial and residential within the FAR, height, and setback limits of draft proposal #5.
- Staff contact other cities that utilize FAR in their zoning to see what their experiences have been with its use.
- Developers be contacted in hopes of obtaining developer feedback on draft proposal #5 and what would allow economically viable development within the CB zone. Task Force members asked that staff survey applicants at the development counter and/or ask Urban Partners (developers of Kenmore Village) for feedback.

In terms of schedule, the staff will revise the proposed schedule again to see how taking an additional two weeks on preparing a proposal affects the ability to keep the CB height subject in the 2008 Docket cycle. Debbie emphasized that the schedule shown in the staff report for June 11<sup>th</sup> was only there to show how staff thought that this CB height proposal could be moved forward in the current cycle.

### **June 25, 2008**

The Downtown Task Force reviewed comments received from Jill Norling of the Task Force who was unable to attend, as well as Dan Rosenfeld of Urban Partners, and Doug Larson of Heartland. Garrett Huffman of the Master Builders Association also provided some general developer input on subjects such as Floor Area Ratio (FAR), mixed-use development, etc. Many Task Force members expressed appreciation for the developer input as a means of understanding the economic realities of development, and what may or may not be financially feasible for development in the area.

Staff clarified that since the last meeting, the method of FAR measurement was adjusted for consistency with the FAR measurement methods in other Kenmore zones, such as the Regional Business (RB) zone. Some Task Force members expressed concern with this change and suggested that if FAR was used, that it be reduced to account for use of gross lot area rather than net lot area, and for exclusion of all structured parking rather than only parking located below 5 feet of average building elevation.

Some Task Force members still talked about asking the City Council for a more holistic review of heights and views in Kenmore, rather than trying to resolve this issue for a single zone. However, most Task Force members continued to express an interest in preparing a proposal that they could take to the public for review at an open house.

The Task Force agreed to a draft proposal that they thought they would be able to take to the public. Key components of this draft proposal included:

- Removing Floor Area Ratio (FAR) from the proposal.
- Retain the requirements for design guidelines, setbacks, and density in the existing CB zone.
- Allow underground parking to encroach into setbacks.
- Retaining the base height of 35 feet.
- Retain a maximum of 60 feet under the revised conditions in the CB zone of mixed-use with ground floor commercial and structured parking.
- Above 35 feet in height, each parcel shall dedicate a minimum of 25% of the average lot width as view corridor.
- The maximum height in the CB zone shall be exempted from the exceptions to height

limitations contained in Kenmore's zoning code. None of the exemptions to maximum height listed in KMC 18.30.180 are allowed above 60 feet in the CB zone.

Task Force discussions that led to draft proposal #6 included discussion about what could really be developed in an area that has so many smaller sized lots; the importance that required parking plays in shaping and/or limiting development on a site; and the importance of encouraging development in the area that complements Downtown yet limits any impact on adjacent single-family neighborhoods. Many Task Force members agreed that allowing 3-4 story buildings would be acceptable. When considering the area necessary for stairwells accessing roof decks/gardens, pitched roofs and other architectural treatments for aesthetically-pleasing development, many seemed to agree that allowance for these types of things should be made above the 3<sup>rd</sup> to 4<sup>th</sup> story. Task Force members agreed, however, that keeping the height in feet allowed more flexibility for property owners and developers. The regulation that exempts the CB zone's 60-foot maximum height from exceptions to height listed in the zoning code would ensure that no portion of the building or any related features (including such things as flagpoles) would be able to exceed the 60 foot limit and would necessarily limit the overall height of the building as developers comply with design requirements of the zone that discourage flat roofs. FAR was deemed unnecessary when there are existing design guidelines governing development in the area, and with the proposal to dedicate a minimum 25% of the area above 35 feet in height to view corridors.

The Task Force had more disagreement over whether to require that development over 35 feet in height have both mixed-use with ground level commercial and structured parking, or to require one or the other, as is currently within the regulations. Some felt that the "either/or" provision for mixed-use/structured parking was a compromise offered to the community as part of the 2007 docket proposal based upon public feedback from that process. They felt that this feedback and the compromise should be honored by retaining that level of flexibility. However, a majority of the Task Force felt that the requirement for both mixed-use and structured parking would provide the community with development that was more in keeping with the vision and purpose statement of the Community Business zone.

The Task Force also asked that staff explore the following for the July 9<sup>th</sup> Task Force meeting as a step to confirming that the Task Force is comfortable with taking this new proposal out to a public open house:

- Draft code amendment for this new proposal;
- A text summary of the differences between the new proposal and the existing CB zone;
- An updated chronology of the Task Force's discussions on the CB zone height and view issue; and
- Draft elevations that compare a maxed-out building under the new proposal and a maxed-out building under the existing CB zone. The Task Force specifically requested that two sets of comparative elevations be prepared: 1) comparing commercial, and 2) comparing residential.

**July 9, 2008**

The Task Force reviewed the materials provided for draft Proposal #6 that was discussed at the June 25<sup>th</sup> Task Force meeting as well as the two sets of elevations. A majority of the Task Force agreed to move draft Proposal #6 forward with the following changes focused around what exceptions to the 35 foot base height should be allowed:

- The base height in the CB zone shall also be exempted from the exceptions to height limitations contained in Kenmore's zoning code (KMC 18.30.180) due to concerns about extremely tall and large features of buildings being added for developments that did not meet the requirements for the maximum height (i.e., was not mixed-use and did not include structured parking). Exceptions to the 35 foot base height limit are as follows:
  - A. Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operations and maintenance, or for communication transmission and receiving structures may extend up to 10 feet above the 35 foot base height for a maximum of 25% of the average lot width.
  - B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, utility line towers and poles, and similar structures may extend up to 3 feet above the maximum base height of 35 feet.

The Task Force also asked that staff revise the draft elevations to illustrate the allowed height and location of exceptions to the 35 foot base height, in preparation for a July 23<sup>rd</sup> Task Force public open house.

# Commercial Development Prototypes

Current CB Code

Proposed Code Amendments

Rooftop mechanical elements exempt from 60' height limit.

No rooftop mechanical elements allowed above 60'.

No structured parking required to achieve 60' height if ground-floor commercial is provided.

Ground-level commercial **and** structured parking required for 60' height.

25% of lot width above 35' reserved for view corridor protection.



# Residential Development Prototypes

Current CB Code

Proposed Code Amendments

No view corridor preservation.

Type A height exceptions allowed up to 45', but must be confined to 25% of lot width .

Type B height exceptions allowed up to 38'.

No ground-level commercial required to achieve 60' height if structured parking is provided.

No ground-level commercial. Even with structured parking, height is limited to 35'.

5' landscaped buffer required between residential uses.

